

# The Alabama Municipal JOURNAL

June 2011

Volume 68, Number 12

April 27, 2011:

# Monsters from the Sky



Wednesday, April 27<sup>th</sup>, became the most prolific and catastrophic tornado outbreak in United States history when more than 200 monsters from the sky ravaged the South, obliterating homes, businesses and lifestyles; claiming hundreds of lives in six states; and becoming one of the deadliest tornado events on record. In Alabama, where there were 30 confirmed tornadoes, the devastation was beyond unprecedented; it was epic. In Tuscaloosa, more than 5,000 structures were either severely damaged or destroyed, including the city's Curry Building (pictured), which housed its emergency management agency and environmental services division. Damages to municipal property alone could exceed \$25 million. (See "Monsters from the Sky", page 4.)

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## On the Cover:

What's left of Tuscaloosa's Richard A. Curry facility, which housed its emergency management agency and environmental services division, after an EF-4 tornado destroyed more than 5,000 structures in the city on April 27, 2011. (Photos by Carrie Banks taken May 6, 2011.)

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# Monsters from the Sky

Carrie Banks • Communications Director • ALM



At 5:13 p.m. on Wednesday, April 27th, Tuscaloosa Mayor Walt Maddox was huddled with several employees in a basement room of City Hall in front of a small television monitor watching in silent horror as an EF-4 tornado obliterated parts of 15th Street. Within minutes, this monster from the sky pulverized a 5.9-mile long, 1.5-mile wide area, rendering thousands homeless, killing 41, injuring hundreds and destroying more than 5,000 structures.

Not only were neighborhoods wiped from the map, Tuscaloosa, a city of 93,000 people, took a tremendous hit to its municipal resources when the 345,000-square-foot Richard A. Curry facility that housed its EMA and Environmental Services division was leveled. “We’ve got a huge logistical effort going on here which we’ve had to do with two hands tied behind our back because we’ve lost so much internal infrastructure,” Maddox said. “It’s been very difficult because the tornado took out our Curry facility. We lost nearly every truck – 60 trucks: gone. We lost our main communication tower. We lost our east police precinct. We lost our Fire Station 4. Our sewage treatment/water treatment plant was damaged. We lost water pressure for the first 12 hours in East Tuscaloosa from two water tanks. What we faced was unbelievable. The extent of the damage was vast.”



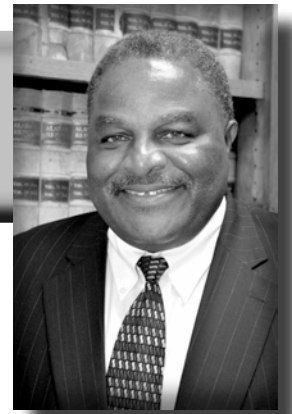
Tuscaloosa on April 28, 2011. Photo by David Bundy ([www.davebundy.com](http://www.davebundy.com))

Vast may well be an understatement. More than 200 tornadoes – the most ever confirmed in a 24-hour period – ravaged the South on April 27th, annihilating homes, businesses and lifestyles; claiming hundreds of lives across six states; and setting a record as the most prolific and destructive tornado outbreak in United States history. Alabama made international headlines for the unprecedented devastation caused by multiple vicious tornadoes that affected more than 40 counties and took over 230 lives. The National Weather Service confirmed the

*continued page 12*

# The President's Report

Councilmember Thomas O. Moore • Demopolis



## Executive Committee Held Special May Meeting to Name Interim Executive Director

**A**pril 27, 2011, will be a day long remembered throughout our state. Six weeks after this unprecedented weather event that brought 30 tornadoes to Alabama, many of our municipalities are still in the critical stages of removing debris and salvaging their communities. Forty-two counties qualified for federal disaster assistance and several small, rural towns, such as Phil Campbell and Hackleburg, may never be the same. The outpouring of municipal resources to our suffering communities has been both commendable and inspiring. Many cities and towns sent search and rescue crews, as well as emergency personnel and equipment, to affected areas within hours following the devastating storms. Governor Bentley pledged and provided immediate assistance and the state and county EMAs have been working nonstop since April 27th.

The League has also been providing assistance – answering numerous legal questions; sitting in on conference calls with the Governor and mayors from the affected areas; and sending multiple daily blast emails to the membership with updates from FEMA and EMA as well as any other information pertinent to this crisis. The League's Communications Director, Carrie Banks, traveled to Tuscaloosa after an EF-4 tornado not only leveled a six-mile path through the city, but severely hindered the city's municipal resources when it destroyed Tuscaloosa's emergency management facility. Her article, "Monsters from the Sky" is featured in this issue of the *Journal*. In addition, several League employees took personal leave time to volunteer in some of the heavily damaged communities.

Because Huntsville was without power for several days following the storms, the League had to postpone its annual convention – originally scheduled to be held at the Von Braun Center April 30-May 3 – to later this month. The new convention dates are June 25-28 and the schedule is essentially the same and will follow a Saturday through Tuesday morning format with the Opening Session from 3 p.m. to 5 p.m. on Saturday afternoon during which the League's Quality of Life Award winners will be recognized.

The annual Business Session will take place on Monday afternoon. We will also have a special retirement reception honoring Perry Roquemore for his 37 years of service to the League immediately following the Monday evening President's Banquet. Tuesday morning will still feature a general session on the new Ethic's Law – at which you will receive the required ethics training mandated by the new law – followed by the "Ask Your Attorney" panel. Convention will adjourn immediately following this session. (See page 22 for a Convention Quick Guide.)

Because the annual convention had to be postponed – something that has only happened one other time in ALM's history when the League's first executive director, Ed Reid, died just prior to convention in 1965 – the League's Executive Committee held a special meeting on May 26, 2011, to name Deputy Director/General Counsel Ken Smith interim executive director following Perry Roquemore's retirement on May 31st. The membership will vote to hire Ken via a yearly contract as executive director during the convention at the rescheduled annual business meeting on June 27th.

Also during the Executive Committee meeting, League President Charles Murphy of Robertsdale resigned his position and I was moved from League Vice President to Interim President upon his resignation. This was a generous, selfless decision by Mayor Murphy who said he did not want me to lose any time as President since the League's convention had to be postponed by more than a month. I truly appreciate his thoughtfulness. The membership will also vote to elect officers at the rescheduled annual business meeting.

These past few weeks have, indeed, been a difficult time for many of our municipalities, and I pledge to you that the League will continue to support their efforts to regroup and rebuild. Since 1935 our organization has existed to serve Alabama's cities and towns. The Alabama Municipal Insurance Corporation (AMIC), a League-created entity, was on the ground within 24 hours of the storms providing direct assistance to its members. It will take time and teamwork, but our communities will prevail. ■



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- Danny B., Defendant  
Marshall County, Alabama

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- Craig A., Defendant  
Foley, Alabama

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# Municipal Overview

Ken Smith • Interim Executive Director



## ALM Provides Many Member Services

Sometimes it's difficult for me to believe that I've now been a League staff member for 25 years. It just doesn't seem that I've been here that long.

I was hired in June of 1986 as the Staff Attorney. The functions I performed in this role have evolved to meet the changing times and needs of our members. Ultimately, I was appointed as Deputy Director and General Counsel. Now, upon the retirement of Perry Roquemore, the membership of the League has honored me by asking me to serve as the League's fourth Executive Director.

My time with the League has allowed me to fully appreciate the services the League provides to its members. I believe that there is no higher calling than public service, so I have a great deal of respect for the officials and employees who serve the League's member municipalities. They give freely of their time, often for little or no money, all in the effort to make their city or town the best it can be. And I believe that the function of the League is to help them achieve that goal.

Municipal officials and employees have the duty to provide their best efforts whether times are good or bad, as we've seen from the tornados that struck our state during April. Those serving the affected municipalities continue to work tirelessly to restore the way of life their citizens enjoyed before these disasters struck and the League's role is to assist them in that effort.

I've been asked many times what my vision is for the League. I'm not particularly fond of making vision statements. To me a vision statement, by definition, assumes an end result and attempts to predict the steps necessary to reach that end. It seems to me that vision statements are somewhat limiting as you try to achieve each step on the ladder. Not reaching the next rung can be seen as a failure, even though the reason you may not reach that rung is because you've determined the step wasn't necessary after all. I prefer to think in terms of a mission statement. A mission statement seems broader to

me, as you aren't trying to predict an end – instead, you are making a statement as to the on-going purpose for the organization. What steps you take to accomplish that mission are constantly shifting to meet new developments, technologies and functions.

I often tell people that if the League of Municipalities didn't exist, someone would have to create it, and I truly believe that to be true. The League has taken on the responsibility of providing many services to its members that otherwise either wouldn't get done or just may not be done in as effective a manner. My dual role as General Counsel and Deputy Director here at the League has provided me with ample opportunity to observe just how effective the League is in serving its role of supporting and promoting the municipalities of Alabama.

When I was first hired back in 1986, I was told that one of the League's primary roles was to serve as the clearinghouse of information for municipalities in Alabama. In this capacity, we sort through information available nationally, sift it for relevance to our members and report and interpret it for the members.

The League still has this vital role.

The League has the duty and privilege of serving the needs of some 460 member municipalities. Each of these municipalities is made up of – surprise – people. These include mayors, councilmembers, clerks, attorneys, managers and administrators, revenue officers, members of boards, zoning officials, police and fire officials, court personnel ... The list is virtually endless, meaning that there are literally thousands of persons around the state who can call on the services of the League.

All these local people share a common goal – making their municipality the best in Alabama; and being the best in Alabama means providing for the needs of their local citizens. The League's purpose – at least in my mind – is to help each of these individuals accomplish that goal.

I mention them both as individuals and as a group for a very specific purpose. While the League offers direct advice and assistance to local individuals, our services also benefit member municipalities as a group. The League's services fall generally into three distinct, yet overlapping, functions – assistance, advocacy and education.

Assistance from the League takes many forms – legal advice, communications – including our outstanding website – convention and meeting planning, insurance – both worker's comp and liability – financial help through AMFund as well as many others. We have also partnered with other groups we think can provide additional important assistance to municipalities, such as Municipal Revenue Services for delinquent insurance license collection and others. I won't run through an entire list here (you can find a list on our webpage), but these are examples of how, by working with these other entities, the League is able to expand the number of services we can make available to our members.

Advocacy is performed on both state and federal levels through the League itself and by our participation in groups like the National League of Cities and the International Municipal Lawyers Association. Advocacy includes the lobbying of the Legislature and Congress, as well as filing amicus briefs in state and federal courts. Participation by local officials and employees is crucial to enable the League to fulfill this role. For this purpose, we have numerous policy committees that help us determine the stance of our members in many key areas. We also frequently call on local individuals both to provide us with notice of important local issues and to directly contact their legislators and others to get the position of our members across.

Finally, although certainly not least, is education. Our Certified Municipal Official program has been extremely successful in training municipal elected officials. The League's Legal Department offers several programs each year for attorneys, prosecutors and judges. Our staff members frequently speak to groups around the state at seminars offered by other groups.

This list of services is certainly not meant to be exhaustive, but rather to give you an idea of the type services available from the League and how these services work together.

The League did not get where it is overnight. From a humble start in 1935, the League has developed into the service organization it is today. We can never forget the work done by those who came before us. But while it is important to acknowledge their hard work, we cannot rest on our laurels. We have to build on their efforts, just as

they built on the contributions of those who came before them. We have to continue to meet the changing times and needs of our members as they arise. That's how the League reached its current level, and that's how we will continue to grow in the future.

The League has provided me with a very strong foundation to my working career. I am proud to have been a part of this organization for as many years as I have and look forward to many more years of service here. I take this new position very seriously and pledge to continue to work to improve the League's services and the assistance we provide our members.

As a former musician, song titles or lyrics often spring to mind to describe major events in my life. With 25 years experience behind me, I have to echo many of the questions I've been asked about the future of the League since my nomination – will it be like David Bowie, and there will be many "Changes" or more like Led Zeppelin – "The Song Remains the Same." I prefer to think of it more like Chicago: "This is only the "Beginning."

We will continue to innovate and seek new ways to efficiently and effectively meet the needs of cities and towns while recognizing and building on the work of those who came before us. Thank you for providing me with this tremendous opportunity to serve you. ■

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# The Legal Viewpoint

By Lori Lein  
General Counsel



## After the Storm: Managing Volunteers and Dealing with Temporary Housing Issues

Last month's legal article outlined many of the critical issues municipalities should be prepared for in the event of a natural disaster. This month we explore two aftermath issues that are sure to present themselves once the initial crisis has been contained and the recovery begins: the use of volunteers and the placement of temporary housing for those families displaced by a natural disaster.

### Volunteers

Municipalities have long relied on volunteers to provide extra services or to supplement existing services, especially in the aftermath of a natural disaster. The use of volunteers opens municipalities up to three large areas of potential liability. First is the dangers presented to the volunteers themselves. The other two liability issues are related. One is the concern about liability of the municipality for potential injuries to third parties. The other is the potential liability of the volunteers themselves, and the deterrence effect this has on volunteerism.

It goes without saying that municipalities should take steps to reduce the possibility of injury to volunteers. Just as with paid employees, municipalities must maintain a safe work environment for volunteers. Municipalities should also determine if paid employees should perform certain functions as well as limit the scope of a volunteer's duties so her or she is not engaging in hazardous activities. *Precaution is the key.* It may be a good idea to purchase some type of insurance to cover volunteers. Volunteers should also be required to sign a waiver of liability form. While this will not protect the municipality in all cases, it will indicate that the volunteer understood the risks and assumed them.

With regard to liability for the potential injury to others by a volunteer, in 1991, the Alabama Legislature protected volunteers from personal liability when it enacted the

Volunteer Service Act. This Act is codified at Section 6-5-336, Code of Alabama 1975. The law provides that volunteers are immune from civil liability in any action on the basis of any act or omission of a volunteer resulting in damage or injury if:

- (1) The volunteer was acting in good faith within the scope of such volunteer's official functions and duties for a nonprofit organization, a nonprofit corporation, hospital or a governmental entity; and
- (2) The damage or injury was not caused by willful or wanton misconduct by such volunteer.

However, the law also makes it clear that it does not necessarily insulate a municipality from a lawsuit. Specifically, it provides that in any suit based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the responsibility of the organization using the volunteer under the doctrine of "respondeat superior". Therefore, a municipality must take measures to guard against the tortious actions of its volunteers.

Municipalities should start by assessing operations to determine where volunteers would make the most positive impact. As part of this assessment, a municipality should take into account the dangers associated with various duties volunteers will be expected to perform. Municipalities must weigh the benefits provided by volunteers against the potential liabilities. In many cases, the best answer is to simply refuse to assign volunteers in certain areas, or to define their duties to eliminate the hazardous activity. If volunteers must be used, the municipality should develop written job descriptions for volunteers. Further, municipalities should develop an application procedure. The supervisor or manager of the volunteers, if there is one, should participate actively in this process and in the decision of which persons should be used. Municipalities should examine volunteers to see who best fits their needs.

Volunteers should be instructed on their duties and warned about straying from their assignments. Before they begin, a municipality should provide all volunteers with a written list of what is expected of them so there can be no doubt concerning the limits of their powers. Too often volunteers are given assignments with little or no instruction or supervision. This leads to confusion, delay, frustration and the possibility of improper or illegal actions. Although direct supervision may not always be possible, volunteers must have someone available to answer questions at any time. This may be a city employee, a third person or even another volunteer. Whoever performs this function must understand the duties the volunteers are performing. He or she must be able to give explanations clearly and understandably. This person should listen if the volunteer suggests a different approach and be able to determine if there are any potential hazards. This person should also follow up to ensure that the instructions were both understood and performed properly.

One area that is important not only from a liability standpoint but also from a disaster reimbursement standpoint is the importance of record keeping. Municipalities must keep records of the work performed by volunteers. These records may prove vital if there is a conflict regarding duties or concerning services provided

by the municipality and also for reimbursement purposes.

Municipalities must also be willing to discipline volunteers when needed. If a volunteer is not performing up to expectations, the municipality must be willing to correct the problem, either through warnings or dismissal. While volunteers are a valuable commodity, in many respects they should be treated like any employee. The municipality is just as liable for their actions.

Finally, municipalities must be aware that the activities of certain types of volunteers are governed by statutes, which must be followed. For instance, the duties and powers of reserve police officers are limited by Section 11-43-210, Code of Alabama 1975. The use of children as volunteers is governed by both state and federal law. Failure to comply with a statutory requirement may result in fines and the potential expansion of liability for the municipality. Not following a statute may be a showing of negligence per se, meaning that the municipality becomes liable merely by a failure to comply with the statute.

#### **Volunteer Status under the FLSA**

The Fair Labor Standards Act (FLSA) recognizes the generosity and public benefits of volunteering, and does not seek to pose unnecessary obstacles to *bona fide* volunteer efforts for charitable and public purposes. In this

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spirit, in enacting the 1985 FLSA Amendments, Congress sought to ensure that true volunteer activities are neither impeded nor discouraged. Congress, however, also wanted to minimize the potential for abuse or manipulation of the FLSA's minimum wage and overtime requirements in "volunteer" situations. Section 3(e)(4)(A) of the FLSA and 29 C.F.R. §§ 553.101 and 553.103 indicate that an individual is a volunteer, not an employee of a public agency, when the individual meets the following criteria:

- (1) Performs hours of service for a public agency for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Although a volunteer can receive no compensation, a volunteer can be paid expenses, reasonable benefits or a nominal fee to perform such services;
- (2) Offers services freely and without pressure or coercion, direct or implied, from an employer; and
- (3) Is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

When a public agency employee volunteers, the Department of Labor will presume the fee paid is nominal as long as the fee does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time employee for the same services. This 20 percent rule is derived from the FLSA and implementing regulations. *See, Wage and Hour Opinion Letter FLSA2005-51.* A willingness to volunteer for 20 percent of the prevailing wage for the job is also a likely indication of the spirit of volunteerism contemplated by the 1985 amendments to the FLSA. *See, Wage and Hour Opinion Letter FLSA2006-28.*

### Temporary Structures

In the aftermath of any natural disaster, such as the tornados that occurred in Alabama in April, many municipal residents find themselves homeless and their neighborhoods gone. For many, it could be months, and even years, before they can repair and rebuild. Housing, even if temporary in nature, is the primary factor in helping a family re-establish a sense of normalcy in their lives in the chaotic and un-predictable post disaster situation.

From a municipal standpoint, providing for temporary housing is a priority for public health, safety and welfare. However, oftentimes the temporary housing options available to residents run afoul with local zoning ordinances and history has shown us that the long-term outcomes of temporary housing projects have been problematic for local government – so what can be a valuable resource in the aftermath of a disaster often

becomes a headache when the temporary nature of the situation moves into a seemingly permanent "problem." Municipalities must look for ways to balance the needs of their residents with the plans and requirements of municipal zoning ordinances.

The state Emergency Management Agency has expressed concern to the League about problems that may result from attempts to locate temporary structures such as travel trailers and mobile homes in municipalities that prohibit them or restrict them from certain areas through zoning ordinances. The League recommends working with your local attorney to determine the best method for how to handle the temporary location of these structures if they conflict with your zoning laws. Some options to look at may include limited variances through the Board of Zoning Adjustment or an amendment to your local ordinances.

Many municipalities across the southeast dealt with this issue in the aftermath of Hurricane Katrina. Here is a link to one approach that was taken by a municipality following that destructive event: [www.oceansprings.org/Housing%20Policy.html](http://www.oceansprings.org/Housing%20Policy.html). Here is the language used by another municipality in their zoning ordinance:

"Sec. 130-447. Temporary placement of mobile home for residential quarters.

*continued page 21*



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# Monsters from the Sky \_\_\_\_\_ continued from page 4

severe weather came in two waves: early morning storms with powerful straight-line winds and isolated tornadoes followed by afternoon and evening supercell thunderstorms that generated massive, long-lived tornadoes which were the primary killers. Storm surveys were still ongoing as of late May, but the National Weather Service confirmed 30 tornadoes struck the northern two-thirds of central Alabama resulting in widespread and catastrophic damage, including five EF-4 monsters and an EF-5 colossus with 200+ mile-per-hour winds that destroyed nearly all of the rural town of Hackleburg in Marion County. And yet, immediately following these epic storms – while pictures and video of the decimation and despair were circling the globe – Alabama’s municipal officials and employees began regrouping and doing the only thing they could: rescuing their communities.

## **Beyond Belief**

On May 6, nine days later, Tuscaloosa’s Incident Command room was a cacophony of human activity – people moving quickly around the room, talking purposefully on cell phones, hovering over laptops, answering crackling radios. The energy was high; the focus was intense. Pictures had been removed from one wall and replaced with a makeshift city map featuring hand-drawn grids denoting the affected areas.

“This is now the nerve center of the city,” said 38-year-old Maddox. “This is what we were trained on by FEMA two years ago. From that, we developed the principals of incident command so it’s helped us manage a disaster – as best you can – that’s six miles long and a mile and a half wide. We actually activated Incident Command at Noon on April 27th, so we were gearing up well before the tornado struck. In here, we have different city department heads and their respective staffs – it’s enormous in scale. Everything we do with this process is coordinated so we’re all on the same page; we all know what each spoke on the wheel is doing and I believe it’s through this process with the employees that we’ve been able to relay to our citizens that, although this event was devastating, we can overcome.

“Ultimately I’m head of command. I was meeting with the command staff three times a day, now it’s twice a day. When I’m not in the room, it shifts to command leaders who are actually not department heads – and that’s on purpose. Our Fire Marshall and our Legal Affairs Administrator lead the team. Everything that each department is working on is fed through Incident Command. There’s actually a computer program that logs all our efforts so everybody knows what everyone is doing. I come in periodically throughout the day for updates or I call into Command Center to find out what’s going on. Or if a constituent call us, we process it through Command Center.”



*Tuscaloosa’s Incident Command Room on May 6, 2011.*



*A commercial area on 15th Street in Tuscaloosa was reduced to rubble by the April 27th tornado.*

The Automated Incident Management Software (AIMS) used by Tuscaloosa for Incident Command is a direct result of the Community Specific Incident Management Training that 60 city employees completed two years ago through a FEMA grant at the Emergency Management Institute in Maryland. To support the process attained from the incident management training, Tuscaloosa received a Federal Assistance to Firefighters Grant allowing the city to purchase AIMS.

“Right now, we’re to the point that we try to make our strategic decisions at our briefing meetings,” Maddox said. “Also, when an issue comes up that requires a decision, an operational team is formed, we meet, we work through the issue and then we come up with a recommendation through Incident Command.”

One example of an immediate, critical issue was where to set up distribution points for volunteer aid. “Not only did the tornado take out our emergency management facility, which is responsible for volunteer coordination, The Salvation Army and The American Red Cross were destroyed,” Maddox said. “So, with the other two main volunteer organizations basically eliminated from being able to assist in these efforts, I hired a community activist who had worked in media with the University (of Alabama) as our volunteer coordinator and within 24 hours she’d coordinated a volunteer network and by Saturday (three days later) she’d organized five volunteer aid stations throughout the city.”

### **Help was Immediate**

From the Governor and state leaders to neighbors and residents in the affected areas, recovery efforts began in minutes. Contributions of supplies, money and peoplepower poured in from throughout Alabama and beyond as vigorously and as quickly as the tornadoes that hurled livelihoods into oblivion. As many as a million people were without power following the multiple tornado outbreaks, prompting Gov. Robert Bentley to immediately activate 2,000 National Guard troops to affected areas, and the state Emergency Management Agency began working nonstop coordinating relief efforts.

“I can say without any hesitation that the State has been unbelievable in its response,” Maddox said. “Gov. Bentley pledged to me a few minutes after the tornado came through that the State would put forth every resource available. We made over 20 requests (as of May 6) to the state EMA and every request has been granted. FEMA has also been excellent and the National Guard has been absolutely tremendous – not only in providing law and order but bringing in materials and supplies such as ice, MREs and tarps – things you’d never believed you’d be managing. The State is also providing us with 50 additional inspectors so we can go structure by structure to determine whether it’s condemned or whether it can be repaired. We’ve got a huge logistical effort going on here – which we’ve had to do with two hands tied behind our back because we’ve lost so much internal infrastructure.”

The Alabama Municipal Insurance Corporation (AMIC), founded by the League of Municipalities in 1989



*Tuscaloosa's Fire Station 4 was heavily damaged by the April 27th tornado.*

to provide property and casualty insurance to municipal entities, is the carrier for the City of Tuscaloosa. Adjustors were in Tuscaloosa surveying and photographing the decimation to municipal buildings and equipment within 24 hours and the first \$1 million check was issued on May 4th so the city could begin rebuilding its EMA and environmental services building.

A total dollar amount on the damage to structures insured through AMIC is yet to be determined, but it will no doubt be extremely high. According to AMIC President Steve Wells, a \$25 million tornado event is a 1-in-1,000-year occurrence and a \$50 million event is a 1-in-6,000-year occurrence. (AMIC had distributed nearly \$12 million to its members by May 23rd.) “Needless to say, AMIC’s looking at claims within a 1,000 and 6,000 year occurrence rate and will be working diligently to ensure structures are back to

where they were before the tornadoes struck – hopefully providing some relief to our municipal members,” Wells said.

Maddox said the operational issues associated with the tornadoes are ongoing, particularly financial issues as the city faces tens of millions in expenses. “The debris removal itself might cost \$100 million dollars,” Maddox said. “We’re going to require massive amounts of federal assistance, whether it’s FEMA, whether it’s HUD or whether it’s other federal agencies that provide some sort of direct assistance to get through this. There are issues we never thought about – just the city itself is providing 30,000 meals a day to displaced people. We’ve had over 7,000 individuals apply for FEMA assistance within Tuscaloosa County (nearly 10,000 as of May 13th) and a majority of that’s inside the

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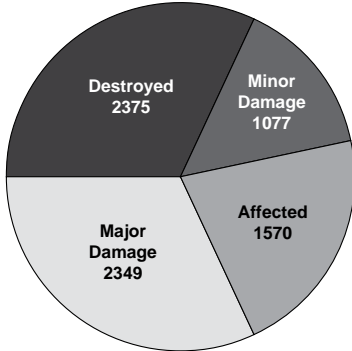
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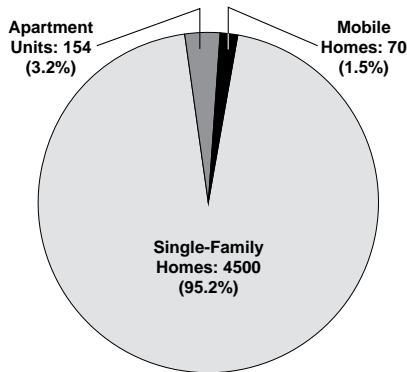
[www.al811.com](http://www.al811.com)

## Residential Damage in Tuscaloosa County from April 27th EF-4 Tornado

Total residential structures impacted:  
**7,371**



Types of housing that were destroyed or sustained major damage



Source: American Red Cross

to spend early morning and late afternoon on media with the middle of the day devoted to other needs.”

However, even when he wasn't being interviewed, Maddox was still in the national spotlight. On April 29th, he spent several hours with President Barack Obama and First Lady Michelle Obama, as well as Governor Robert Bentley and members of Alabama's congressional delegation, walking through the decimated areas of the city. The President told members of the press during the tour that he'd "never seen devastation like this ... obviously our biggest priority now is to help this community recover." President Obama also thanked Mayor Maddox "for his extraordinary leadership" and praised Governor Bentley for making sure the state's resources had been mobilized and sent to all the areas hit by the tornadoes. In addition, he pledged that FEMA would immediately provide the necessary disaster designations to ensure Alabama would receive the maximum federal aid

city – which is why we have incident command. They're doing all the heavy lifting. They're sorting through all these issues so we can come together in a collaborative fashion.”

On May 10th, the City Council voted to allocate \$5 million from its Reserve Fund for Future Improvement to begin paying expenses, such as overtime costs for city employees, associated with the response to the tornado. “The city has 1,300 employees and nearly every employee has been involved in the response effort,” Maddox said. “Many of our employees have been working long hours each day since the tornado. We've tried to be strategic in everything we've done.” In addition to the loss of municipal buildings, several uninsured vehicles were destroyed as were 150 traffic signals at 24 intersections across the city. AMIC will cover the losses of the equipment and facilities insured through its policies (for example, the Curry Building was insured for replacement cost, which will be a multi-million dollar figure), and the city also anticipates reimbursements through FEMA for many expenses.

### Unexpected Spotlight

Functioning on nearly no sleep, Maddox, who is in the middle of his second term as mayor, not only had to be the chief commander for the city's worst natural disaster, he was also the city's primary media spokesperson – an overwhelming and unexpected aspect to the aftermath. In addition to holding coordinated, scheduled press briefings for the first 10 days following the tornado, he had to add temporary employees to his office staff just to deal with media requests – which poured in from every major network and cable news outlet as well as *The New York Times* – and catapulted this young mayor into history.

“I'll tell any mayor,” he said, “that I don't think you can anticipate the type of media attention this has created. We've had to allocate three to four hours a day towards media. And you *have* to do it; you can't ignore it – it's important for us because as much as we can talk about Tuscaloosa, it ensures that we're not forgotten. I've been the only media spokesperson – which was done purposely so the city would have one voice. We've tried



Mayor Walt Maddox speaks with City Clerk Tracy Croom in the Incident Command Room on May 6, 2011.

*continued page 19*

# 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

**Courts:** The only factual basis required for a guilty plea is that which will satisfy the court that the defendant knows what he is pleading guilty to. A trial court in a guilty-plea proceeding need not make itself aware of evidence establishing the pleader's guilt beyond a reasonable doubt in order to satisfy itself subjectively that the pleader knows both what he has done and that those acts constitute the crime with which he is charged. *G.E.G. v. State*, 54 So.3d 949 (Ala.2010)

**Courts:** In a charge for receiving stolen property, the prosecution must prove that the accused actually knew that the property was stolen or that he had reasonable grounds to believe that it was stolen. Mere possession of stolen property is not enough. However, the requisite intent for the offense of receiving stolen property may be inferred if the person possesses property which has been recently stolen. *Ex parte Little*, 54 So.3d 960 (Ala.2010)

**Courts:** An inmate taking part in the community-corrections program may be charged with escape under the appropriate circumstances. *State v. Bethel*, 55 So.3d 377 (Ala.Crim.App.2010)

**Courts:** A hearing at which no testimony or evidence was presented was not sufficient to constitute a probation-revocation hearing in compliance with Alabama statute and rule. *Moore v. State*, 54 So.3d 442 (Ala.Crim.App.2010)

**Forfeitures:** Federal adoption of a state or local seizure cannot take place after a state court has already exercised valid in rem jurisdiction over the seized property. A claimant's circuit court action for release and return of seized money was essentially an "in rem" or "quasi in rem" proceeding with respect to the seized currency, for purposes of determining the circuit court's in rem jurisdiction. City police cannot avoid state forfeiture law merely by asserting its right to request federal adoption and forfeiture. *Green v. City of Montgomery*, 55 So.3d 256 (Ala.Civ.App.2009)

**Tort Liability:** There was substantial evidence that an employee was acting within the course and scope of his employment when the employee, in his personal truck, rear-ended a vehicle on his way home from work, thus permitting imposition of vicarious liability on the employer for the employee's alleged negligence under the doctrine of respondeat superior. The employer provided compensation for the employee's use of his personal truck, and it appeared that employee was taking the same

route home that he always did. *Cheshire v. Putman*, 54 So.3d 336 (Ala.2010)

**Tort Liability:** As a municipal police officer with responsibility for the city jail, a law-enforcement duty within the meaning of immunity statute, a police department major was within the umbrella of protection provided to peace officers by the immunity statute when she conducted a body search of a city correctional officer to determine if she had stolen an inmate's money, and, thus, the major was immune from tort liability in correctional officer's action against her. If a municipal peace officer is immune pursuant to immunity statute, then the city by which he is employed is also immune. *Ex parte Dixon*, 55 So.3d 1171 (Ala.2010)

**Tort Liability:** A prosecutor had absolute prosecutorial immunity from an inmate's claims of due process violations arising from the prosecution that led to his convictions, notwithstanding the inmate's allegation that the prosecutor acted outside the scope of her duties as prosecutor by knowingly allowing a witnesses against the inmate to testify falsely. *Walker v. Tillman*, 55 So.3d 1214 (Ala.Civ.App.2010)

**Worker's Compensation:** A workers' compensation claimant was not precluded from receiving all medical benefits as a result of failing to inform his employer of an injury-causing work accident within five days of accident but within the 90-day notice period. Section 25-5-78, Code of Alabama, explicitly provides that, if five days' notice is not given, an employee will not be entitled to medical benefits that "may have accrued" before the date of notice. *Equity Group-Alabama Div. v. Harris*, 55 So.3d 299 (Ala.Civ.App.2010)

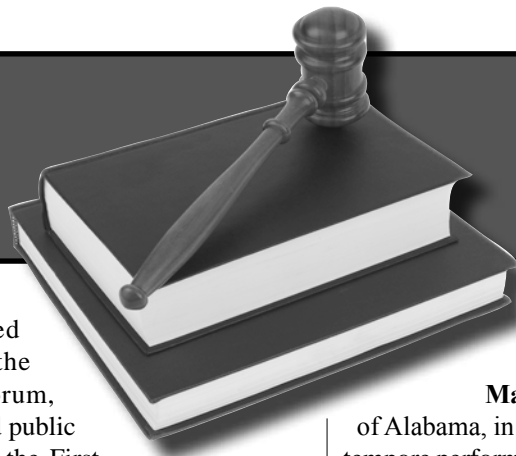
## UNITED STATES COURT DECISIONS AFFECTING ALABAMA

**First Amendment – Ordinances:** A city ordinance, which required anyone conducting a "large group feeding" within a downtown park district to obtain a permit first and which limited the maximum number of permits that a person or organization could obtain to two per year per park, was, as applied to an organization of political activists, a reasonable time, place, or manner restriction. The city neither attempted to ban large group feedings generally nor to ban them everywhere in the parks. The ordinance left open ample channels of communication, and furthered the city's substantial interest in managing its parks and spreading the burden of large group feedings. *First Vagabonds Church of God v. City of Orlando, Fla.*, --- F.3d ----, 2011 WL 1366778 (11<sup>th</sup> Cir.2011)

## DECISIONS FROM OTHER JURISDICTIONS

**First Amendment:** When a First Amendment free speech challenge arises from a restriction on speech on





government owned or controlled property, the classification of the forum as a traditional public forum, designated public forum, or limited public forum determines the contours of the First Amendment rights that a court recognizes when reviewing the challenged governmental action. A council meeting is generally a limited public forum for which regulation of speech is required only to be viewpoint-neutral and reasonable. Even if a limitation on speech in a limited public forum is a reasonable time, place, and manner restriction, there is a First Amendment violation if the defendant applied the restriction because of the speaker's viewpoint. *Galena v. Leone*, --- F.3d ----, 2011 WL 1378622 (3<sup>rd</sup> Cir.2011)

**Immigration:** Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act" required police officers to verify with federal government the immigration status of all arrestees before they were released, regardless of whether or not reasonable suspicion existed that the arrestee was an undocumented immigrant. The United States demonstrated likelihood of success on the merits of claims that federal law (1) preempted the verification requirement, (2) preempted provisions which made it a state crime for unauthorized aliens to violate federal registration laws, (3) preempted the provision which criminalized work by unauthorized aliens and (4) preempted the provision which permitted police officers to effect warrantless arrests based on probable cause of civil removability from the United States. *U.S. v. Arizona*, --- F.3d ----, 2011 WL 1346945 (9<sup>th</sup> Cir.2011)

#### ATTORNEY GENERAL'S OPINIONS

**Appropriations:** A municipality, for less than adequate consideration, may convey real property owned by the city to the industrial development board for the board's use for the promotion of industry within the city, if the city council complies with the conditions of section 94.01 (Amendment 772) of the Alabama Constitution, including a determination that a public purpose is served by the transfer. AGO 2011-051

**Garbage Collection:** A volunteer fire department is exempt from solid waste disposal fees under section 40-9-13 of the Code of Alabama. AGO 2011-054

**Jails:** Any surplus in the food service allowance for feeding prisoners in the county jail should be retained by the County Sheriff's Office unless the county commission has adopted a resolution directing that the allowance be paid into the county general fund. If the county adopts such a resolution, it assumes the duty to feed the prisoners. The sheriff should seek funds from all applicable sources as provided by law for feeding prisoners. The state, county, municipalities, and federal government should cooperate in obtaining and providing adequate funding to feed

prisoners from their jurisdictions which are housed in the county jail. AGO 2011-053

**Mayor:** Pursuant to section 11-44G-2 of the Code of Alabama, in any class 7 or class 8 municipality, the chair pro tempore performs the governmental functions of the mayor while the mayor is absent from the position. An absence occurs when the mayor is unable to perform the functions of the position and action needs to be taken. AGO 2011-055 ■

## F.A.Q.

### *What may Capital Improvement Fund money be spent on?*

The Municipal Government Capital Improvement Fund provided for in §11-66-1 et. seq., is authorized by Section 219.04 (Amendment 666), of the Alabama Constitution of 1901. Portions of the Municipal Government Capital Improvement Fund are distributed annually as provided for in §11-66-6, Code of Alabama. The share of each municipality must be expended solely for "capital improvements" and the renovation of capital improvements determined by the municipal governing body. The governing body of each municipality may use such share to finance bond or warrant issues for capital improvements and the renovation of capital improvements and may pledge such share to retire the principal and interest of such bonds or warrants.

Section 219.04 (Amendment 666), of the Alabama Constitution of 1901, defines "Capital Improvements" as capital outlay projects that include the planning, designing, inspection, purchasing, construction, reconstruction, improvement, repair or renovation of permanent buildings, docks, structures and sites therefore for the executive, legislative or judicial branches of state government. The term "Capital Improvement" shall also mean the construction or improvement of roads and bridges in the highway system; payment of debt service on the bonded indebtedness issued by the State of Alabama or any public corporation or authority of the State of Alabama; funding economic development and industrial recruitment activities; and the procurement of technical equipment, including computer and telecommunications equipment, required for the operation of any governmental entity.



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available. “We are going to do everything we can to help these communities rebuild,” President Obama said.

### Picking up the Pieces

Alabama’s counties and municipalities are responsible for removing debris in their communities. Following the April 27th weather siege, a remarkable 42 out of 67 counties were approved for federal disaster assistance. In fact, according to the state EMA, the federal government will cover 90 percent (up from the standard 75 percent) of the cost of Operation Clean Sweep, a debris removal plan for counties that received catastrophic damage and rely on the U.S. Army Corps of Engineers (USACE) for cleanup. In an effort to jump-start the removal process, Gov. Bentley immediately pledged the State would pick up the costs for the remaining percent of the work for the first 30-day span.

Within 10 days of the tornado, the city of Tuscaloosa contracted with the USACE to handle the massive undertaking of debris removal – a process Maddox likened to “throwing rocks at a battleship.” By contracting with the Corps, the city was able to take advantage of FEMA’s Operation Clean Sweep and, thus, will not have to pay any of the estimated \$100 million cost of removing the nearly 2 million cubic yards (or six Bryant-Denny Football Stadiums worth) of debris. Using private contractors would have required the city to pay for the work up front and then await a 75 percent reimbursement from FEMA and a 25 percent payback from the state.

“The State has committed to pay the 10 percent share for the first 30 days after debris removal commenced,”

Maddox said. “After that, the State will re-evaluate, but we are hopeful of continued support considering the staggering cost of this project. With FEMA selecting the United States Army Corps of Engineers to oversee the project, the cost

share is 90/10. In addition, hiring the Corps means no liability, management/oversight/testing costs or cash-flowing the project while awaiting reimbursement.”

A May 7th declaration by city and county officials that search and recovery operations had ended enabled the debris removal process to begin. The USACE set up a Tuscaloosa County field office in downtown Tuscaloosa and began removing debris in earnest the week of May 16th. Through its contractors, the Corps also handled the regulatory and environmental steps required in removing the debris.

Initial efforts for federally approved debris removal only included public rights-of-way. Lori Lein, General Counsel for the Alabama League of Municipalities, said that state law, specifically Section 94 of the Alabama Constitution, prohibits municipalities from performing work



*National Guard units were stationed throughout the decimated areas of Tuscaloosa – city and county. (Photo taken May 6, 2011)*



*National Guard unit deployed to secure Curry facility. (Photo taken May 6, 2011)*

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on private property unless doing so serves a clear public purpose. “If the State declares that cleaning up private property is necessary due to health hazards, then a public purpose is being served,” Lein said. “However, until such time as that determination is made, there is no authority to spend public money on private property.”

As the State sought permission for the USACE to handle debris removal on private property, Tuscaloosa residents and business owners with insurance were told to begin moving their debris – which included everything from tree limbs and vegetative waste to household rubble and electronics – to within 10 feet of the curbside so contractors hired by the USACE could haul it away (see graphic on page 24). Even when permission to work on private property is granted, those efforts would not begin until the public property debris removal is completed.

On May 11th, Donald E. Williamson, M.D., State Health Officer with the Alabama Department of Public Health, sent FEMA an official declaration of a state public health nuisance as a consequence of the April 2011 tornados which stated: “... certain debris caused by the outbreaks is an immediate threat to the public’s health and safety. In this Declaration of Public Nuisance, I specifically refer to debris containing dead or infected animals or animals acting as vectors of disease; debris causing buildings, yards, premises or places to become menaces to the public health; debris containing insanitary clothing, bedding, furniture, vehicles, containers, receptacles, appliances and equipment; and debris containing unwholesome or decayed or infected meat, fish, fruits or other food or food stuffs, medicine, drugs, beverages or drinking water which are or are likely to become a menace to the public health. Wherever such debris exists, it constitutes a nuisance menacing public health and should be abated.”

*continued page 26*



*A flag flies defiantly atop the remains of a destroyed home in Tuscaloosa. (Photo taken May 6, 2011)*



# Annual Convention has been re-scheduled for June 25th - 28th



## 2011 Convention Quick Guide



### Saturday, June 25

10 a.m. - 5 p.m. Registration  
 11 a.m. Resolutions Committee Meeting  
 1 p.m. AMIC Annual Meeting  
 3:00 - 5:00 p.m. **OPENING SESSION**  
 6 p.m. City of Huntsville Welcome Party

### Sunday, June 26

7:30 a.m. Annual Municipal Golf Tournament  
 10 a.m. Prayer Service  
 1 - 5 p.m. Registration  
 1:30 - 4:30 p.m. Roundtable Discussions  
 4:30 - 6 p.m. ABC-LEO Reception  
 5:30 - 7 p.m. Exhibitors Showcase and Reception

### Monday, June 27

8 a.m. - 5 p.m. Registration  
 8:30 - 9:30 a.m. Clerks Breakfast and Business Meeting  
 8:30 a.m. - 5 p.m. Alabama Association of Public Personnel Administrators

9:30 a.m. - 5 p.m. Municipal Clerks Conference  
 9 a.m. - 10:30 a.m. **GENERAL SESSION**  
 10:30 a.m. - 4 p.m. Exhibits Open  
 11 a.m. - Noon Concurrent Sessions  
 12:15 p.m. - 1:45 p.m. Luncheon  
 1:45 p.m. - 2:15 p.m. Dessert in the Exhibit Hall  
 2:30 p.m. - 3:30 p.m. Concurrent Sessions  
 3:45 p.m. - 5:30 p.m. **ANNUAL BUSINESS SESSION**  
 6 p.m. Reception  
 7:15 p.m. - President's Banquet

*Retirement Reception honoring Perry C. Roquemore, Jr. immediately following the banquet.*

### Tuesday, June 28

8 a.m. - Noon Registration  
 8:30 - 10:30 a.m. **THE NEW ETHICS LAW**  
 10:30 a.m. - Noon Ask Your Attorney Panel  
 Noon Adjourn

### "We know we're making the right call when we buy Cat® equipment."

When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. "If there's a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical." Factoring in Life Cycle Costs when purchasing equipment is equally important to Mike. "It's in the county's best long-term interests to consider total costs. When we choose Cat® equipment, we can be confident we're getting a quality machine, backed by a strong company and dealer. We also know that when it's time to cycle it out, there will be value left in that equipment."

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**Dothan**  
 118 Vulcan Way  
 Dothan, AL 36303  
 (334) 671-1040

**Huntsville**  
 3600 Governors Drive  
 Huntsville, AL 35805  
 (256) 532-1776

**Marianna**  
 3742 U.S. Hwy. 90 W.  
 Marianna, FL 32446  
 (850) 526-2241

**Mobile**  
 30950 State Hwy. 181  
 Spanish Fort, AL 36527  
 (251) 626-5100

**Montgomery**  
 10120 Hwy. 80 E.  
 Montgomery, AL 36117  
 (334) 215-5000

**Opelika/Auburn**  
 302 Fox Run Ave.  
 Opelika, AL 36801  
 (334) 749-3359

**Oxford/Anniston**  
 2300 Hwy. 21 S.  
 Oxford, AL 36203  
 (256) 831-4104

**Panama City**  
 4109 Cato Rd.  
 Panama City, FL 32404  
 (850) 785-4007

**Pensacola**  
 2650 West Nine Mile Rd.  
 Pensacola, FL 32534  
 (850) 471-6700

**Shelby County**  
 2070 Corporate Woods Dr.  
 Alabaster, AL 35007  
 (205) 664-4833

**Thomasville**  
 2501 Joe Davis Industrial Blvd.  
 Thomasville, AL 36784  
 (334) 636-0420

**Tuscaloosa**  
 3550 Joe Mallisham Pkwy.  
 Tuscaloosa, AL 35401  
 (205) 247-2800

**Tuscumbia**  
 1410 S. Hook St.  
 Tuscumbia, AL 35674  
 (256) 381-2771



A mobile home may be located in any area of the city on a temporary basis for the purpose of providing residential quarters for persons displaced from their normal place of residence because it is determined by the building official to be unfit for human habitation due to flood, fire, tornado, hail, ice, snow, storm, wind, rain or other act of nature after obtaining a permit from the building office of the planning department. The mobile home shall be located on the same lot as the damaged residence and shall be connected to approved water and sanitary sewer systems. The permit shall be valid for a period of 30 days, during which time the person shall apply to the board of adjustment for a special exception as provided for in this article. The permit may be renewed for one additional 30-day period, but no longer. The mobile home shall comply with all other applicable ordinances of the city.”

“Sec. 130-448. Temporary placement of mobile home or trailer for business or industrial quarters. A mobile home, travel trailer or mobile trailer may be located in any area of the city on a temporary basis zoned for business or industrial purposes

for the purpose of providing temporary office, business or professional quarters after obtaining a permit from the building office of the planning department. The permit will be valid for a period of 60 days and may be renewed for one additional 60-day period, but no longer. The mobile home, travel trailer or mobile trailer is not required to connect to a water or sanitary sewer system but must comply with all other applicable ordinances of the city.”

When looking at these short term solutions to temporary housing accommodations, it is important to keep in mind restrictions that are placed in the ordinance. For instance, the above example allows for mobile homes under permitted conditions up to 60 days with an extension for an additional 60 days “but no longer”. Depending on the circumstances, these time periods will need to be monitored closely and may eventually require an extension of the time. This is to say, municipalities will need to build in some flexibility to accommodate various circumstances which may arise when it comes to making sure their citizens, who have been rendered homeless by a natural disaster, have their housing needs met until they can rebuild. ■

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# PICKING UP THE PIECES

Following these specific guidelines when hauling tornado-related debris and household garbage to the curb will make for a speedier removal process.

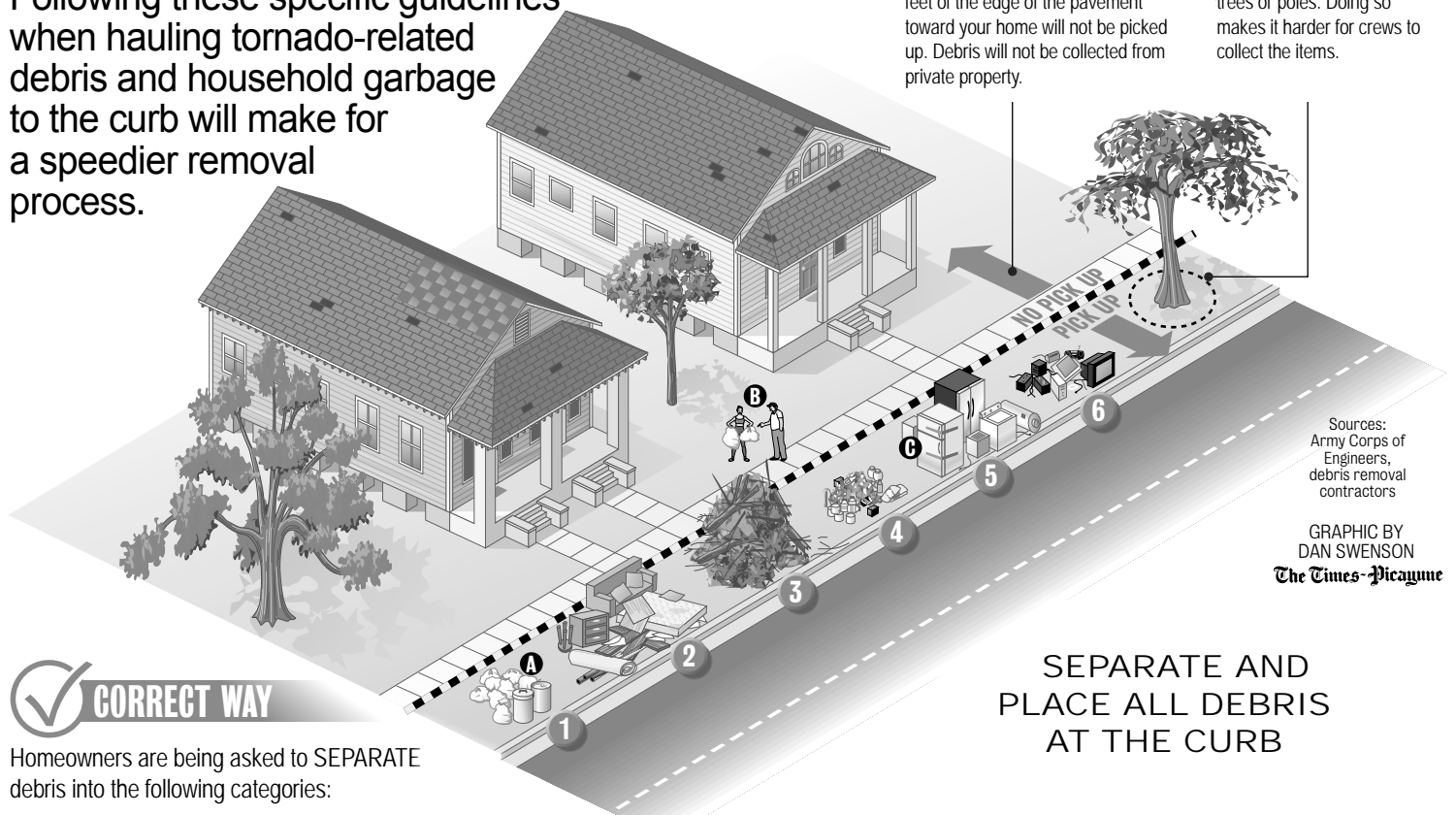
## WRONG WAY

### CROSSING THE LINE

Any debris placed further than 10 feet of the edge of the pavement toward your home will not be picked up. Debris will not be collected from private property.

### PROPPING UP

Do not set debris against trees or poles. Doing so makes it harder for crews to collect the items.



Sources:  
Army Corps of  
Engineers,  
debris removal  
contractors

GRAPHIC BY  
DAN SWENSON  
*The Times-Picayune*

## CORRECT WAY

Homeowners are being asked to SEPARATE debris into the following categories:

## SEPARATE AND PLACE ALL DEBRIS AT THE CURB

- |   |  |   |  |  |  |
|---|--|---|--|--|--|
| <p><b>1 HOUSEHOLD GARBAGE</b></p> <ul style="list-style-type: none"> <li>▶ Bagged Garbage</li> <li>▶ Discarded Food (bagged)</li> <li>▶ Packaging, papers, etc. (bagged)</li> <li>▶ All garbage should be placed curbside the night before the scheduled pick-up day</li> </ul> | <p><b>2 CONSTRUCTION DEBRIS</b></p> <ul style="list-style-type: none"> <li>▶ Building materials</li> <li>▶ Drywall</li> <li>▶ Lumber</li> <li>▶ Carpet</li> <li>▶ Furniture</li> <li>▶ Mattresses</li> <li>▶ Plumbing</li> </ul> | <p><b>3 VEGETATION DEBRIS</b></p> <ul style="list-style-type: none"> <li>▶ Tree branches</li> <li>▶ Leaves</li> <li>▶ Logs</li> </ul> | <p><b>4 HOUSEHOLD HAZARDOUS WASTE</b></p> <ul style="list-style-type: none"> <li>▶ Oils</li> <li>▶ Batteries</li> <li>▶ Pesticides</li> <li>▶ Paints</li> <li>▶ Cleaning Supplies</li> <li>▶ Compressed Gas</li> </ul> | <p><b>5 'WHITE' GOODS</b></p> <ul style="list-style-type: none"> <li>▶ Refrigerators</li> <li>▶ Washers, Dryers</li> <li>▶ Freezers</li> <li>▶ Air Conditioners</li> <li>▶ Stoves</li> <li>▶ Water heaters</li> <li>▶ Dishwashers</li> </ul> | <p><b>6 ELECTRONICS</b></p> <ul style="list-style-type: none"> <li>▶ Televisions</li> <li>▶ Computers</li> <li>▶ Radios</li> <li>▶ Stereos</li> <li>▶ DVD Players</li> <li>▶ Telephones</li> </ul> |
|---|--|---|--|--|--|

### Helpful Hints

- Place all garbage carts and bags containing household garbage at the curbside away from all tornado-related debris for collection **A**
- Share piles with neighbors **B**
- Refrigerator and freezer doors must be secured with duct tape **C**
- Make sure that no debris blocks or protrudes into the road way
- Do not place debris on top of water meters, gas meters or fire hydrants
- Do not place debris directly around mail boxes, power poles, or other inanimate objects
- Do not place debris under power lines

**REPORT ALL TORNADO-RELATED STORM DAMAGE TO FEMA AND YOUR INSURANCE COMPANY.**

Register with FEMA one of the following ways

- 1) Call 1-800-621-FEMA (3362)
- 2) [www.FEMA.gov](http://www.FEMA.gov)
- 3) Visit a FEMA Disaster Recovery Center
  - American Legion Post: 3120 University Blvd
  - Annette-Shelby Park 15th St and Queen City Ave
  - McDonald Hughes Center MLK Jr Blvd

### OTHER ASSISTANCE OPTIONS

Internet access is available at all Tuscaloosa Public Library locations (205)345-5820

MAIN: 1801 Jack Warner Parkway, Tuscaloosa, AL 35401  
 BROWN: 300 Bobby Miller Parkway, Tuscaloosa, AL 35405  
 WEAVER BOLDEN: 2522 Lanier Avenue, Tuscaloosa, AL 35401  
 For assistance separating and moving debris to the curb call (205) 248- 5045  
 Visit [www.GiveTuscaloosa.com](http://www.GiveTuscaloosa.com)



Updated information at:  
 Tuscaloosa 311  
[www.Tuscaloosa.com](http://www.Tuscaloosa.com)  
[www.Facebook.com.Tuscaloosa.Alabama](http://www.Facebook.com.Tuscaloosa.Alabama)





# Individual Challenges Mutual Assistance

“KME and NAFECO meets the individual requirements of Union and Reeltown with the eye on compatible performance.”



“Adjoining smaller volunteer fire departments have specific requirements depending on terrain, roadway systems, water supply, available staffing, etc. The NAFECO staff and John Wilson worked with these two departments to ensure optimum truck design with the real issues of mutual aid with various departments included as a critical element of design. We train together and understand the strengths of individual design that compliment each other.”

*Union Fire Chief Tracey Johnson  
Reeltown Fire Chief Joe Gober  
Martin Hydro Plant, Lake Martin, Alabama*



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Following the Alabama State Health Officer's Declaration of Public Nuisance, the Alabama Attorney General's Office sent an official notice to FEMA on May 13th regarding "FEMA Assistance in Emergency Debris Removal from Private and Public Property" that stated: "... if the city, town, or county approves the removal of debris on private property to eliminate a health and safety hazard, such as in the present case, it can be removed by the USACE or its contractors without obtaining the private property owner's permission. Local officials should be cautious in the use of such power and take steps to document the condition of the property before removal (such as pictures or video tape)."

### Rebuilding Tuscaloosa

"Tuscaloosa is 71 square miles and we had 6.5 square miles of catastrophic damage," Maddox said. "Fifteen thousand people were in the path of the tornado and we were blessed to only have 41 fatalities. More than 5,000 homes and 600 business were destroyed or damaged. In five minutes, 7,000 people lost their jobs and our unemployment doubled."

By May 6th, Maddox had issued an executive order to form the Rebuild Tuscaloosa Task Force through which the infrastructure, planning and construction needs of the devastated areas in the city will be surveyed and a comprehensive plan for rebuilding developed. "This will include overlay zones and increasing building standards in terms of what types of materials can be used in those areas," Maddox said. "We must honor the people affected by this tornado by building Tuscaloosa back better than it was before."

Maddox was also quick to point out that it's a community of people – a team working together – that will enable the city to overcome impossible circumstances. "Mayors get too much credit and too much blame," he said. "Your heroes are your staff and your community."

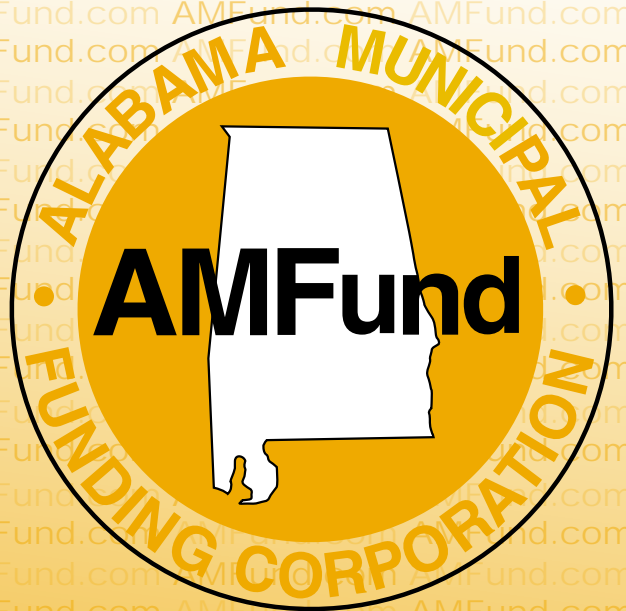
Remarkably, the monster from the sky that tried to tear Tuscaloosa apart on April 27th left something more than destruction and despair in its wake. "The resilient spirit of this city has awed me," Maddox said. "Any petty differences we might have had on April 26th are now obsolete because April 27th taught us that there's something greater than ourselves. We were a great community before, but we can take from this, build upon it and truly be a shining city on a hill." ■



**Author's note:** I interviewed Mayor Walt Maddox at Tuscaloosa City Hall on Friday, May 6th – nine days after the catastrophic tornadoes nearly rendered the northern third of Alabama helpless. Officer Chris James, a Tuscaloosa native and 10-year veteran of the Tuscaloosa Police Department, escorted me through the decimated areas of the city. At that time, no debris had been removed, only pushed off the streets. What I saw was beyond belief, and I will always struggle to find adequate words to describe the devastation. I commend Tuscaloosa's employees for putting forth a remarkable effort under **unimaginable** circumstances. I've no doubt similar efforts were being made in the tornado-ravaged communities I was unable to visit. I also have no doubt that Alabama's municipalities **will** overcome. They were bashed, battered and bombarded, but they were not beaten. Alabama's strength is its people. – C.B.

# Investing in Infrastructure

AMFund.com



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Contact Greg Cochran, AMFund President, at 334-386-8130 or [gregc@amfund.com](mailto:gregc@amfund.com).**

AMFund is administered by the Alabama League of Municipalities.

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