

The Alabama Municipal JOURNAL

October 2012

Volume 70, Number 4

2013 Municipal Quality of Life Awards

See page 27 for details



*Fall Walk, Eclectic, AL
Photo by: Sania Taylor*

DEADLINE FOR ENTRIES: November 2, 2012

Insuring the Future of Local Government



Is *YOUR* Future Covered?

Rated B++ by A.M. Best

Steve Wells, President
334-386-3863

www.amicentral.org

Jim Chamblee, Sales Manager
866-239-AMIC (2642)

The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

October 2012 • Volume 70, Number 4

OFFICERS

DAVID BRADFORD, Mayor, Muscle Shoals, President

WALT MADDOX, Mayor, Tuscaloosa, Vice President

KEN SMITH, Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

SADIE BRITT, Councilmember, Lincoln, Chair

DONALD MYERS, Councilmember, Guntersville, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

DAVID HOOKS, Councilmember, Homewood, Chair

ADAM BOURNE, Councilmember, Chickasaw, Vice Chair

Committee on Energy, Environment and Natural Resources

RUSTY JESSUP, Mayor, Riverside, Chair

OMAR NEAL, Mayor, Tuskegee, Vice Chair

Committee on Community and Economic Development

NEWTON CROMER, Councilmember, Saraland, Chair

CAROLYN DOUGHTY, Councilmember, Gulf Shores, Vice Chair

Committee on Transportation, Public Safety and Communication

GARY LIVINGSTON, Mayor, Eva, Chair

VICTOR LONG, Councilmember, Millbrook, Vice Chair

Committee on Human Development

LEWIS WASHINGTON, Councilmember, Wetumpka, Chair

LaFAYE DELLINGER, Mayor, Smiths Station, Vice Chair

The Alabama Municipal Journal is published 10 times a year by the Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104.

Telephone (334) 262-2566. Website: www.alalm.org.

Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Editor: CARRIE BANKS

Staff Writers: LORI LEIN, TRACY L. ROBERTS, ROB JOHNSTON, KRYSTLE BELL

Graphic Design: KARL FRANKLIN

For a complete list of the ALM staff, visit www.alalm.org.

Table of Contents

<i>A Message from the Editor</i>	4
<i>The President's Report</i>	5
Orientation Conferences Scheduled	
<i>Municipal Overview</i>	7
A Time to Reflect and Prepare	
<i>The Legal Viewpoint</i>	9
Working with Municipal Boards	
HD Committee Minutes.....	13
<i>Legal FAQ</i>	15
<i>Legal Clearinghouse</i>	16
FAIR Committee Minutes.....	19
TPSC Committee Minutes.....	21
EENR Committee Minutes.....	23
CED Committee Minutes.....	25
<i>2012 Quality of Life Awards</i>	
Intro, Rules and Instructions; Entry Form.....	27-29
<i>ALM Welcomes Accounting/Member Services Assistant</i>	31

On the Cover:

ALM encourages you to enter your municipality in our 2013 Quality of Life Awards program. See pages 27-29 for details and entry form. **The deadline is November 2, 2012!** Cover photo: "Fall Walk, Eclectic, Alabama" by Sania Taylor.

Active Members (447)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Ariton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Baileytown, Babbie, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florala, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Fredonia, Frisco City, Fruithurst, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grimes, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, LaFayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, Madison, Madrid, Magnolia Springs, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mulga, Mumfords, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orrville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Perdido Beach, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pinson, Pisgah, Pleasant Grove, Pleasant Grove, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, Sheffield, Shiloh, Silas, Silverhill, Sipsey, Skyline, Slocumb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Summiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Talladega Springs, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York



A Message from the Editor

Carrie Banks
Communications
Director

2013 Quality of Life Awards Deadline November 2

It's time to start compiling your entries for the League's 2013 Quality of Life Awards. **The deadline is November 2nd.** The rules and an entry form are included on pages 27-29 of this issue of the *Journal* and a Call for Entries is posted on the League's website at www.alalm.org. Simply click on the link from the homepage (you can't miss it) and print the information.

The Quality of Life Awards program was designed to recognize successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. Winners for the three population categories will be featured in a video shown at the League's 2013 annual convention in Montgomery this May. Municipalities that have won a Quality of Life Award in the past three years are not eligible for entry. (This does not apply to Honorable Mentions.) All other League member municipalities are eligible to enter. Start putting your entries together now! If you have questions about this program, please feel free to contact me at carrieb@alalm.org.

Orientation Conferences for Elected Officials and Municipal Personnel

Every four years, the League offers Orientation Conferences for elected officials and municipal personnel. Choose from one of four locations: Montgomery on October 31, Mobile on November 8, Birmingham on November 14 or Huntsville on November 15. For more information on these conferences, read "The President's Report" on page 5. To download a registration form or an agenda, visit our website at www.alalm.org and click on the "So, you've been elected! Now what?" link in the middle tapestry of the home page. Not only are the conferences an outstanding learning platform for both new and veteran officials, they provide an excellent opportunity for you to meet League staff, learn about League programs and start the process of becoming a Certified Municipal Official (CMO). The cost is \$125 per person and includes lunch and all materials. Registrants must be prepaid and space is limited so don't put off registering. Four years ago more than 1,200 people attended!

Do you know what's happening *This Week*?

We do. Stay informed by subscribing to *This Week*, the League's weekly e-newsletter, which is emailed every Tuesday morning. Subscriptions are **free**. To subscribe, simply visit www.alalm.org, click on the link at the top of the home page and complete the form. You will also receive the League's weekly legislative e-newsletters, *State House Advocate* and *Legislative Bulletin*, when the Legislature is in session.

One more thing ...

For those officials who will not be returning to elected office in November, *thank you* for your service to your communities and your involvement in the League. For me, personally, this election cycle has been bittersweet as several of my mentors made the difficult decision to retire from public office. I am especially grateful to League past presidents Mayor Ted Jennings of Brewton, Mayor Lew Watson of Lincoln, Mayor Roy Dobbs of Berry and Councilmember Thomas Moore of Demopolis. For many years, they served on League boards and supported League initiatives, and I'm very fortunate I had the opportunity to work closely with each of them during their tenure as League President. Thank you!

Carrie

The President's Report

Mayor David Bradford • Muscle Shoals



Orientation Conferences Scheduled

According to the Code of Alabama, newly-elected municipal councils assemble and organize on the first Monday in November following state-wide municipal elections, which is November 5th this year. For those of you who are about to begin your journey in municipal government, congratulations and welcome! To our outgoing municipal officials, I sincerely thank each of you for your many contributions to your communities over the past four years. Serving in elected office is often quite challenging, especially when your constituents have access to you on a nearly 24/7 basis. It truly is a position of *service* and can be an extremely humbling experience. Please know your time and energy was appreciated, even if you rarely heard “thank you” for your efforts.

Several of my municipal colleagues who served multiple terms chose not to seek reelection this year. Nearly all of them were extremely active in the League and are people I now count as close friends. Some mentored me when I was a newly elected official. I am a better leader because of these relationships and humbly thank them, not only for their friendship, but for their willingness to serve in leadership roles with the League. Networking and mentoring – face-to-face interaction between each other as well as with League staff – are what make our organization a successful advocate for local government, as well as a true stand-out among associations. Over the years, the League has forged many important relationships – with the Legislature and other agencies – that can only happen through active member participation and effective member communication.

Speaking of participation and communication, I want to encourage each of you – newly elected *and* veteran officials – to attend one of the League’s upcoming Orientation Conferences for Elected Officials and Municipal Personnel. These sessions are presented every four years in various locations throughout the state. The first will take place October 31 in Montgomery. We will then hold sessions in Mobile on November 8, Birmingham on November 14 and Huntsville on November 15. Approximately 30 percent of the mayors and councilmembers who will begin four-year terms this November have never held public office; therefore, the quadrennial orientation conferences are extremely important. However, even if you are a seasoned official and have attended an orientation conference in the past, these sessions will

provide you with the latest information and guidance for best practices, including presentations from the Alabama Ethics Commission, as well as an opportunity to meet and network with colleagues in your area. It’s also an excellent opportunity to meet key League staff members as well as representatives from several League-sponsored programs such as the Alabama Municipal Insurance Corporation (AMIC), the Municipal Workers Compensation Fund (MWCF) and the Alabama Municipal Funding Corporation (AMFund).

Speakers scheduled for the upcoming conferences represent the top legal and administrative authorities on municipal government in Alabama and will cover topics such as: the statutory and administrative requirements during the municipal year ahead; the legal status and powers of municipalities; the office of the mayor; council meeting procedure; the organizational duties of the council; conflicts of interest and ethics; appropriation powers of municipalities; borrowing powers; and budgeting, auditing and fiscal reporting. The role of the League in local government as well as special programs offered through the League will also be discussed.

You may download a registration form as well as an agenda for each location by visiting the League’s website at www.alalm.org and clicking on the “**So, you’ve been elected! Now what?**” link from the middle tapestry of the homepage. Seating is limited so please don’t wait until the last minute to register.

Attending an orientation conference is also an excellent way for newly-elected municipal officials to enroll in the League’s extremely popular Certified Municipal Officials (CMO) program. Conference attendees will immediately begin earning credit hours towards their CMO certification. For more information on the League’s CMO program, visit the League’s website and click on “CMO Program” under the “Training and Resources” tab at the top of the page.

I look forward to meeting you at one of the conferences over the next few weeks! Remember: effective local government does not happen in a vacuum. Attend an orientation conference and let the League help you become an informed (and certified) municipal official. ■



Judicial Correction Services

Case Supervision for Misdemeanor Courts

Collect & Successfully Close Twice As Many
Partial Payment Cases

Benefiting the Court...

"...(JCS's) service has decreased my magistrates' probation workload and court sessions by 65%...collections are at an all time high..."

- 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

Judicial Correction Services

888-527-3911 Hoover, Alabama & Locations Throughout Alabama

Municipal Overview

Ken Smith • Executive Director



A Time to Reflect and Prepare

Municipal elections were held across Alabama on August 28, 2012, and I wanted to take a moment to congratulate all those who won races and will soon take office to serve their municipalities. From afar, it might seem that serving on a city council, or as mayor, would be a fairly simple way to become involved in your community. After all, the council only meets once or twice a month, and the mayor simply has to keep the lights on and services running.

Right?

Sorry. Chances are you won't get off that easily. Those who have served in the past will attest that there is much more to it than that. From interruptions while shopping at the grocery store to late night phone calls, new officials can expect to find many more demands on their time than they might anticipate. This will probably prove especially true for those officials who also have other jobs.

You will quickly find that just attending council meetings is not going to be enough time to adequately do your job as an elected official. In addition, you are likely to face more frustration than you expected. Often, this frustration will result from what you may perceive as deliberate attempts at sabotage by other officials, whether from the state, county or within your own municipality.

Let me tell you now, though, that working together is the greatest gift municipal officials can give their citizens. You have to realize that you are not in charge of everything. Other officials have their own duties to perform. If you are a councilmember, you can't perform the mayor's duties. Your voice is one voice in a group of officials. Others in the group will have their own opinions and ideas. Listen, learn and be patient. Deal with people as if you will have to deal with them again. Because you will.

State officials – whether legislators, the Governor or appointed administrators – can have a tremendous impact on your effectiveness within your municipality. Often, rules and regulations they throw at you won't make sense and may even seem counterproductive. You're going to have to learn when to challenge those regulations and when compliance is needed.

So, before the heavy work starts and time becomes short, now is an excellent opportunity to reflect on your accomplishments and take a deep breath. Before long, you will be expected to hit the ground running.

Now is also a good time to start learning. There are many laws on the books that control municipal functions. In fact, probably more of the Code of Alabama deals with local government issues than with any other single subject.

Thank you for your service!

As always happens, this year's municipal election has brought with it changes in the leadership of the League. I'd like to take a moment to recognize four individuals who made the difficult decision not to run for reelection and thank them for everything they've done for the League and its membership over the years. Those four persons are, in the order of their service:

- Ted Jennings, Mayor, Brewton, President 1998 – 1999
- Lew Watson, Mayor, Lincoln, President, 2006 – 2007
- Roy Dobbs, Mayor, Berry, President, 2009 – 2010
- Thomas Moore, Councilmember, Demopolis, President, 2011 – 2012

These gentlemen served a year as President of the League. The decision not to continue in office could not have been easy for them. I hope the League membership will join me in recognizing the contributions they made to the continued success of the League. They each worked tirelessly to help make the League better for other municipal officials and they will be missed. We wish them and their families the best in the future.

I have had the privilege to know these four men well, and I am proud to count them as friends, not just
continued on next page in the sidebar

Thank you

(continued)

friends of mine, but of municipal governments everywhere.

I know that they all have a continuing sense of pride that they were elected by their peers to serve as President. Being chosen as President of the League is a tremendous accomplishment, and it is not an honor that should be taken lightly. It is recognition by other elected municipal officials of the deep commitment these municipal leaders have shown to their communities and to an idea that is the League of Municipalities.

They each paid their dues on the League before being nominated, serving on policy committees, appearing before legislative committees, and contributing their own, unique views to the unified voice of the League. Mayor Jennings and Councilmember Moore served for several years on the board of the Municipal Workers Compensation Board, while Mayor Dobbs was instrumental in the creation of the Alabama Municipal Funding Corporation (AMFund) and served as Chairman of the board after it formed. All four have been vocal supporters of the League and of municipal interests.

Of course, these four individuals are merely representative of the much larger group of officials who have decided – or had the decision made for them – to step aside this year. Several members of the Executive Committee and others who served on the League’s five standing committees will not be back in office next term. Their contributions to the League’s success should not be overlooked.

I encourage all newly elected officials – and other officials who have never been active in the League before – to participate in the League. Join the Certified Municipal Officials (CMO) training program, attend training sessions, serve on one of our standing committees – and maybe even have the opportunity to run for President yourself one day. The League depends upon our members and we are only as successful as our members make us.

This is your League. We are truly blessed with dedicated officials. For more than 75 years, individuals from large cities and small towns from all parts of Alabama have worked together for the common good of municipal government in Alabama. Our ability to produce positive results for our members depends upon the involvement and teamwork of our municipal officials. We look forward to working with each of you. ■

Three volumes of the Code are dedicated to the operation of local governments, and numerous other provisions scattered throughout the Code directly impact municipalities and their officials.

While no one expects you to become an expert on these laws, you need to understand that there are limitations and procedures you must follow. Keeping this in mind can help you avoid inadvertent mistakes that can cost money, or may even violate criminal laws.

Review your local rules, procedures, policies and ordinances as well. You need to become familiar with existing local restrictions before you act. You may be able to change those policies if you don’t like them, but as long as they remain in place, you are subject to their provisions.

You are part of the closest level of government to the people. Few citizens will ever watch Congress in session, or even meet with their Congressmen or Senators. A few more may spend time with state legislators or visit the Capital. But local citizens are your neighbors. They see you at high school football games. They observe you at church, or at work. And as a municipal official, they often consider your time their time. These citizens share your concerns about your community, and want to see it improve. They are likely to share these thoughts with you now, and ask for your thoughts.

Recognize that you are no longer just a private citizen. You are now a member of representational government. Your comments will carry more weight – and be subject to more criticism – than you have likely ever faced before. Take the time to think and study before responding. Even comments made before taking office can come back to haunt you.

Like county government, you are considered part of local government, although there are distinct differences between municipal and county governments. The full service, urban county is a relatively recent occurrence and is still rare in Alabama. Historically, county governments have served as a local extension of state government. Counties traditionally have been considered subdivisions of the state, created by the sovereign power of the state of its own sovereign will, without the consent of the people who live there. The state creates the county as an administrative arm to aid it in the administration of state business and not as an institution of local residents’ request.

Thus, counties exist largely to enable the state to provide services on a local basis. The state creates and defines the boundaries of counties. Because of this, and because the counties were generally more rural than municipalities, the powers conferred on counties were usually more limited than those of municipalities and more subject to state control.

Counties, of course, provide important services. They operate courts to enforce state laws and keep the roads safe for citizens to travel on. They provide other vital services.

continued on page 32



The Legal Viewpoint

By Lori Lein
General Counsel



Working with Municipal Boards

As municipalities grow to serve the needs of their residents, it becomes difficult, if not impossible, for a municipal official to stay abreast of developments affecting all municipal departments and agencies. Some municipalities have created council committees which function as an arm of the council. Council committees, usually composed of members of the council, observe the work of the various municipal departments and report back to the council regarding implementation of needed changes. The formation of committees enables council members to split the workload and concentrate their efforts toward improving specific areas.

Often, though, a service becomes so complicated that the council no longer feels qualified to deal with it themselves. The solution is often the creation of a separate board.

What is a Board?

Black's Law Dictionary, Ninth Edition, defines a board as "[A] committee of persons organized under authority of law in order to exercise certain authorities, have oversight or control of certain matters, or discharge certain functions of a magisterial, representative, or fiduciary character." In other words, a board functions in a representative capacity. The council may elect to delegate its power over a municipal function to a board which is created for a single purpose.

Municipalities in Alabama have the authority to create numerous types of boards. Some of the more common types include utility boards (water, sewer, electric and gas), library boards, industrial development boards, zoning boards and planning commissions. These boards exercise only the authority granted them by the legislature.

Categories of Boards

It is important to remember that Alabama municipalities operate under the Dillon Rule, which provides that municipalities, being creations of the state legislature, can exercise only the powers the legislature chooses to delegate

to them. So, in order to create a board and vest it with specific powers and duties, there must be legislative authority for the board. Under Alabama law, all municipal boards fall into one of three distinct categories, depending upon legislative authority and the means of creation. There are incorporated boards, unincorporated boards and advisory boards.

Alabama law specifically provides for the creation of incorporated boards and unincorporated boards. An incorporated board is a totally separate entity from the municipality. Once it is created, an incorporated board has plenary power to act within its sphere of power, unfettered by the municipal governing body. Board members cannot be removed by the council. Generally speaking, board members serving on separately incorporated boards can only be removed by impeachment. AGO 1997-276.

Incorporated boards generally cannot be dissolved by the municipality except as provided for by law. For example, with regard to a water works board organized pursuant to Section 11-50-310 of the Code of Alabama 1975, the city council of the municipality which authorized the incorporation of the board may offer to pay the debt of the corporation, which if accepted by the board, would result in either the dissolution of the corporation or the corporation's dissolution by a resolution of the board, but only if it does not have outstanding bonded debt. AGO 2002-104; see also *Water Works Bd. Town of Bear Creek v. Town of Bear Creek*, 70 So.3d 1186 (Ala. 2011)

Unincorporated boards are less autonomous. They still have the power to act without interference from the governing body and the positions of the board members are secure. They cannot be removed other than according to the statutes governing them. However, unless otherwise provided by law, the council has the power to dissolve an unincorporated board and assume its duties or create a new board to perform those functions. AGO 1985-264 (to Hon. Anthony Miele, March 18, 1985).

Municipal boards may only exercise powers authorized by law. Unincorporated boards and incorporated boards are both created pursuant to statutory authority. The powers of these boards are outlined in the statutes under which they are created. Therefore, in order to determine who is eligible to serve on a board, whether they can be paid or what powers the board has, it is crucial to know the board's statutory authority.

The statutory authority for an incorporated board will be found in the board's articles of incorporation or in the ordinance the council adopted authorizing the incorporation of the board. The code sections which govern an unincorporated board will be found in the ordinance the council adopted creating the board. Often, the statutory authorization for a board can also be found in the board's bylaws or other controlling documents. Once the statutory authority for the board is determined, it is a simple matter of checking the Code of Alabama to learn the board's powers and duties.

What if the articles of incorporation and bylaws are silent regarding the statutory authority for the creation of the board? This probably means that the board falls into the third category mentioned above and it is an advisory board.

Nothing in Alabama law specifically allows municipalities to create advisory boards. A municipality wishing to create a board for which no statutory authority exists should exercise caution in granting powers to the board. Legislative powers,

or those exercised by the council as a public agency, cannot be delegated. McQuillin, *Municipal Corporations*, 3rd Ed., Section 12.38. Where the legislature has granted exclusive authority to the council to act, the council cannot delegate that power to a board. However, advisory boards, while they cannot act for the council, provide several benefits.

Like council committees, an advisory board enables the council to stay informed about the multiple activities of the city or town. The board can process information submitted by citizens to ensure that the council receives only pertinent data for decision making. Advisory boards are like subcommittees. They are responsible for seeing that the council is fully informed on matters within their authority.

Also, an advisory board can buffer the council's actions. Rather than the council acting alone, they are somewhat insulated by recommendations made by a board which was able to devote much of its time to the full study of an issue.

Because the Code is silent on the subject of advisory boards, the council can decide for itself who is eligible to serve. Membership requirements and an appointment procedure should be stated clearly in the ordinance creating the board. Many councils want a councilmember or the mayor to serve on all boards. As long as the board is advisory (and not created pursuant to statute), nothing prohibits elected officials from serving. Council members, however, may remain liable for the actions of advisory boards. Therefore, it is crucial that the council not exceed



When it comes to your accountant,
DON'T EXPERIMENT –
CHOOSE OUR FRESH PERSPECTIVE.



Birmingham
(205) 933-7822

Enterprise
(334) 347-0088

Montgomery
(334) 271-6678

Everything you require in
a governmental auditor.

CRIcpa.com | blog.cricpa.com

ALABAMA | FLORIDA | GEORGIA | KENTUCKY | LOUISIANA | MISSISSIPPI | TENNESSEE | TEXAS

its authority to empower the board and board members fully understand the nature and limitations of their roles.

Why Create a Board?

The simple answer to this question is that the municipal council may feel that the public is better served by the creation of an entity solely devoted to the performance of a single function. But the board may also have broader powers than the municipality itself, which allows them to do certain things the city is unable to do.

For example, municipalities are subject to Sections 68 and 94 of the Alabama Constitution, 1901. Section 68 states that no municipal employee may be paid for work which he or she has already performed. That is, retroactive raises are prohibited. Section 94 prohibits municipalities from giving anything of value to any private individual or group. Separately incorporated boards are not restricted by these sections of the constitution. In *Opinion of the Justices, No. 120*, 49 So.2d 175 (Ala. 1950), Gov. Jim Folsom requested an opinion on the authority of incorporated industrial development boards to spend funds to promote private industry. The court determined that these expenditures did not violate Section 94, holding that it is “clear that (the act authorizing the creation of industrial development boards) involves no expenditure of public money and the incurring of no liability that must or can be taken care of by taxation.”

The court reaffirmed this holding in *Alabama Hospital Association v. Dillard*, 388 So.2d 903 (Ala. 1980). In this case, the Department of Examiners of Public Accounts had determined that several expenditures by hospital boards, including flowers for hospitalized employees and for special events, payment of awards for employees and Christmas bonuses, violated Sections 68 and 94 of the Alabama Constitution. The department contended that hospital boards, although separately incorporated, remain political subdivisions of the county or municipality which created them. The Alabama Supreme Court disagreed, ruling that “a public corporation is a separate entity from the state and from any local political subdivision, including a city or county within which it is organized.” The only limitation on expenditures by these boards, according to the court, is that funds may only be spent to further legitimate powers of the board.

Bear in mind this does not authorize the council to use an incorporated board to accomplish things the municipality cannot do itself. For instance, funds the municipality gives to a board, generally speaking, remain subject to Sections 68 and 94. Additionally, a municipality gives up its right to control a function by creating a board. As the court pointed out in *Opinion of the Justices* cited above, the only connections between an industrial development board and the municipality which created it are: 1) approval of the

formation of the corporation; 2) approval of amendments to the certificate of incorporation; 3) appointment of board members; and 4) absorption of the board’s property upon dissolution of the board. Other incorporated boards are similarly protected from interference by elected municipal officials.

While the extent of council participation in the activities of a separate board varies depending on the statutes, as a general rule the council is completely excluded from the board’s decision-making process. This can become frustrating for municipal officials who want to see the board take some particular action.

In *Water Works Board of the City of Leeds v. Huffstutler*, 299 So.2d 268 (Ala. 1974), the city of Leeds sought to unilaterally increase the number of members serving on its water board from three to five, despite a contrary provision in the board’s articles of incorporation. The statutes governing the board were silent regarding the means for amending the articles. The court rejected this attempt, holding that a legislative amendment which authorized the increase could only be implemented “if the directors of the water board and the governing body of the city agree that more effective representation of the community interest will result from such an increase.” The court felt this was necessary to protect the independence of incorporated boards. *See also*, AGO 1996-174 and *Water Works of Wetumpka v. Wetumpka*, 773 So.2d 466 (Ala. 2000).

At least one court has held a separately incorporated utility board was acting merely as an agent of the municipality rather than as an autonomous body, thus making the board subject to restrictions that ordinarily would not apply. In *Wetumpka v. Central Elmore Water Authority*, 703 So.2d 907 (1997), the Alabama Supreme Court held that in this instance, a separately incorporated utility board was actually acting as an agent of the municipality, and therefore, was restricted by Section 11-88-19, Code of Alabama 1975, from duplicating the lines of an existing rural water authority. The court also held that 7 U.S.C. Section 1926(b) protected the rural water authority from encroachment by the municipal water board.

In addition, in *The Water Works & Sewer Bd. of Talladega v. Consolidated Publishing, Inc.* 892 So.2d 859 (2004), the Alabama Supreme Court held that because the separately incorporated water board had the qualities of an agency of the city of Talladega, its employees are public officers and servants of the city for purposes of the Open Records Act. This case has far reaching implications for both cities and separately incorporated boards. As a result, in 2006, the Alabama Legislature, at the request of the League, passed Act 2006-548, now codified as Section 11-40-24 of the Code of Alabama 1975, which specifically provides that employees of a separately incorporated public corporation

are not employees of the municipality which authorized the creation of the public corporation.

Limitations on Board Power

It is always important to remember that incorporated boards are created for specifically enumerated purposes. Although in many cases the powers of these boards are broad and these boards are frequently not subject to many of the constitutional restrictions applicable to cities and towns, the Attorney General has held that boards may expend funds only within their corporate powers and to further the purposes for which the board was created. *See, e.g.*, AGO 2001-238. Expenditures by separately incorporated municipal boards must be necessary, appropriate and consistent with the purpose for which the board was created. AGO 1998-018.

Open Meetings Law

The Alabama Supreme Court, in 2002, issued a decision indicating that the Alabama Sunshine Law did not apply to a public corporation organized under Sections 11-50-310 of the Code of Alabama 1975. *See, Water Works & Sewer Bd. Of Selma v. Randolph*, 833 So.2d 604 (2002). However, in 2005, the Alabama Legislature repealed the Sunshine Law and passed the Alabama Open Meetings Law which is codified at Section 36-25A-1, *et seq.* of the Code of Alabama 1975. The Open Meetings Law specifically applies to “all corporations and other instrumentalities whose governing boards are

comprised of a majority of members who are appointed or elected by the state or its political subdivisions, counties or municipalities ...”. Section 36-25A-2, Code of Alabama 1975. All boards, whether incorporated or otherwise, are required to comply with the Open Meetings Law.

Conclusion

Municipalities desiring to delegate the responsibility and duties of overseeing municipal functions to a board should first be sure of their statutory authority. This authority should be clearly spelled out in the ordinance which created the board. If no statutory authority exists and the council does not want to seek legislative authority, the only type of board which can be created is an advisory board. In this case, the council must clearly spell out the board’s powers and limitations in the creating ordinance. Also, the ordinance should specify who is eligible to be a member of the board and how members are appointed. Once appointed, board members must fully understand the nature of their position.

The League maintains a list of the various types of boards that are allowed to be created under Alabama law. In addition, the League maintains a list of Attorney General Opinions and Alabama case law relating to all aspects of boards. These lists are available in the League’s publication “Selected Readings for the Municipal Official” or by contacting the League. ■

You’ve been elected! Now what? Let us help.



Register to attend the League's Orientation Conference for Elected Officials and Municipal Personnel. Choose from one of four locations/dates:

- **Montgomery, October 31**
- **Mobile, November 8**
- **Birmingham, November 14**
- **Huntsville, November 15**

Contact Cindy Price at cindyp@alalm.org for more information or visit: www.alalm.org/CMOPage.html

HD Committee Minutes • August 7

By: Krystle Bell, Member Services Assistant Director, ALM

The Committee on Human Development met on Tuesday, August 7, 2012, at the League Headquarters in Montgomery, Alabama. Councilmember Lewis Washington, Chair, called the meeting to order at 9:35 a.m., and Secretary Twanna Walton administered the roll call.

The following committee members were present: Councilmember Lewis Washington, Wetumpka, Chair; Mayor LaFaye Dellinger, Smiths Station, Vice Chair; Councilmember Lisa Hansen, Dauphin Island; Councilmember Jimmy Young, Pinckard; Councilmember Sadie Britt, Lincoln; Councilmember Wayne Sellers, Guntersville; Councilmember Sally Alexander, Hanceville; Councilmember Larry Keenum, Rainbow City; Councilmember Tayna Rains, Dutton; Councilmember Mary Stevens, Sheffield; Mayor Tom Henderson, Center Point; Councilmember Bridgette Jordan Smith, Vincent; and Mayor George Evans, Selma.

Resource advisors present were Jamey Durham, Alabama Department of Public Health; Walter Wood, Alabama Department of Youth Services; Dennis Coe, Alabama Department of Education; and Ken Hollingsworth, Alabama Department of Economic and Community Affairs.

Also present were Ken Smith, Tracy Roberts, Greg Cochran, Twanna Walton and Krystle Bell of the Alabama League of Municipalities.

Chair Washington and Vice Chair Dellinger gave their opening remarks, and Executive Director Ken Smith thanked everyone for coming and informed the committee about the possibility of a new streamlined policy process.

Reports of the Resource Advisors:

Jamey Durham with the Alabama Department of Public Health (ADPH) first informed the committee about the J-1 Visa Program. Next, he spoke on the Health Professional Shortage Area Designators (HPSA) program. The HPSA program brings physicians to communities in order to provide health care. He provided each committee member a reference/referral list of points of contact of HIV/AIDS coordinators, AIDS Service Organizations and Clinics. These services cost nothing and facilities are located in various areas throughout the state. Mr. Durham then spoke on the six week chronic disease self-management program for the elderly. He spoke on the Kids-Walk-to-School Program, and he discussed the Safe Routes to School Program. The Safe Routes to School Program grant is administered through the Alabama Department of Transportation, and a municipality can receive up to \$150,000 per project. The deadline to apply is normally in mid March. Another program he discussed was the Alabama Action for Healthy Kids: Guide to Healthy Vending Machines and School Stores. Next, Mr. Durham provided information related to mosquito health defense and informed the committee about an upcoming meeting of the

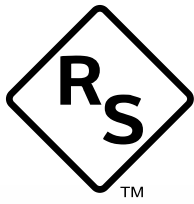
Alabama Vector Management Society which will focus on mosquito spraying. The meeting will take place March 6-8, 2013. Mr. Durham closed with an update on drug diversion and how ADPH wants to address this problem. He suggested the committee add a prescription drug policy statement to the Policies and Goals.

Walter Wood with the Alabama Department of Youth Services (DYS) informed the committee that DHS currently receives 60% less from the state for juvenile and youth programs and discussed the importance of the September 18th (2012) constitutional amendment, which would address the funding issue. He also thanked the committee for its long standing support of DHS. Mr. Wood then spoke about arts support for youth. One program gaining nation-wide attention is the Writing Our Stories project – a joint program with the Alabama Arts Council through which stories will be published in an anthology. Mr. Wood also informed the committee that DHS is accredited by SACS and CEA, and Alabama was recently recognized as having the best practices sex offender treatment program in the United States. He said it is not necessary to send non-criminal low risk juveniles to DHS. Instead, multi-systemic therapy and family therapy are ways to handle non-criminal juveniles. Currently, there are less than 500 juveniles in DHS. He also mentioned that the Casey Foundation stated that Alabama juvenile justice reform is “government done right”. Mr. Wood suggested the committee amend H-8.4. of the Policies and Goals to add language concerning DHS’s transition to community programs.

Dennis Coe with the Alabama Department of Education began by explaining the September 18th (2012) constitutional amendment. Approximately \$145 million per year for three years will be transferred from the Oil & Gas Alabama Trust Fund to the Alabama General Fund to avoid proration or a cut in state services. Mr. Coe then addressed the Policies and Goals that relate to the Department of Education. He also informed the committee that the Department of Education is writing a waiver to get out of the majority of the regulations of No Child Left Behind (NCLB). The Department wants to freeze sanctions of NCLB, and unfunded mandates will be written into the waiver as well. Mr. Coe also mentioned the Summer Food Service Program through which low income students are able to receive food at no cost. The USDA sponsors this program, which is available to public/private schools, colleges, state/federal government and nonprofit organizations. The program incorporates healthy vending machines as well.

Ken Hollingsworth with the Alabama Department of Economic and Community Affairs (ADECA) began his presentation by thanking the League for their efforts in getting the word out about a grant that was available to municipalities who were affected by the April 27th (2011) tornadoes. ADECA was able to send 700 people throughout the state to assist in the cleanup efforts after the tornadoes. Mr.

continued on page 15



RICE SIGNS

Your Leader In Transportation Safety

- Traffic Signs
- Roll-Up Construction Signs
- Sign Stands
- Traffic Cones & Barricades
- Custom Street Name Signs
- Sign Posts & Hardware



Free Traffic Sign Catalog:

Call 888-728-7665

- or -

Visit www.RiceSigns.com

Contact Us / Bids / Quotes:

Toll-Free: 888-728-7665

Fax: 877-546-6165

Email: sales@RiceSigns.com

Web: www.RiceSigns.com

RICE SIGNS LLC

P.O. DRAWER 3170

AUBURN, AL 36831-3170

Hollingsworth then discussed workforce development and its importance. He referenced an article entitled “Alabama’s Economy Creating Wrong Kind of Jobs”. These jobs require low levels of education and skills which, in turn, leads to low levels of pay. In order to remedy this problem, Alabama needs to focus on workforce development, education and training. He provided the committee with a handout about the Alabama Community Area Network (CAN) Partnership, which incorporates education/skills training with workforce investment approaches. Mr. Hollingsworth then discussed the Crossroads Career Network, a faith-based initiative through which faith-based and nonprofit organizations can offer programs to help train for workforce development. Mr. Hollingsworth also asked the committee to support Mentor Alabama and the Alabama Literacy Council, and he updated the committee on the Character Council, which has moved into the two and four year college systems as well as the prisons and is designed to make better workers and team players. The last point he spoke on was Project Learn, a program that offers unemployed individuals the opportunity to start their own business. Mr. Hollingsworth suggested the Committee amend H-2.16. of the Policies and Goals by removing the “administered by ADECA” portion of the statement, and he also wanted the committee to consider amending H-5.1.(b)

After the presentations from the resource advisors, the chair opened the floor for discussion of additions, deletions,

or changes to the Policies and Goals.

Proposed Policy Changes

1. H-2.16. That the League supports the Food Bank Program ~~administered by ADECA.~~ (August 2012) Motion: Councilmember Tayna Rains, Dutton. Second: Councilmember Wayne Sellers, Guntersville.

2. (b) In order to provide a quality workforce, local municipalities are urged to encourage individuals to ~~enter obtain training education and seek educational opportunities and careers in the social and health fields~~ **higher wage and higher demand occupational areas.** (September 2002)(August 2012) Motion: Mayor Tom Henderson, Center Point. Second: Councilmember Sally Alexander, Hanceville.

3. H-8.4. That the League supports the full funding and full operation of the State Department of Youth Services **and the continued transition to community programs.** (August 2012) Motion: Councilmember Wayne Sellers, Guntersville: Second: Councilmember Sally Alexander, Hanceville.

4. H-9.2. (fourth bullet) encourage greater dialogue between Head Start and other ~~daycare~~ **childcare** providers and public kindergartens; (August 2012) Motion: Councilmember Bridgette Jordan Smith, Vincent. Second: Mayor George Evans, Selma.

There being no further business, the meeting adjourned at 12:42 p.m. A copy of the Proposed Policies and Goals can be found on the League’s website at www.alalm.org. ■

F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Rob Johnston

Open Meetings Act

What is the procedure for entering into an executive session?

The Alabama Open Meetings Act (“OMA”) specifically states that executive or closed sessions are not required for any reason. However, the OMA does permit the body to enter into an executive session for any of nine specified reasons. See, Section 36-25A-7, Code of Alabama 1975.

The OMA spells out a specific procedure for entering into an executive session. First, a quorum of the governmental body must first convene a meeting as defined in the Act. Second, a majority of the members of the governmental body present must adopt, by recorded vote, a motion calling for the executive session. If the stated reason requires an oral or written declaration to justify the executive session as required by the OMA, the oral or written declaration must be made prior to the vote. Third, the vote of each member, as well as the written or oral declaration, shall be recorded in the minutes. Finally, prior to calling the executive session to order, the presiding officer shall state whether the governmental body will reconvene after the executive session and, if so, the approximate time the body expects to reconvene. See, Section 36-25A-7, Code of Alabama 1975, for more details. ■



LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Alcoholic Beverages: A City's decision to deny an application for a special retail liquor license for a bed-and-breakfast facility was not arbitrary or capricious. Although the applicants' property was not in close proximity to a school or child care facility, it was directly across the street from a public park and next door to public basketball court, both places that children were likely to be found, and the city could have reasonably determined that granting of a liquor license to the applicants could create a nuisance or otherwise adversely affect public health, safety and welfare of the adjacent residential neighborhoods. *Biggs v. City of Birmingham*, 91 So.3d 708 (Ala.Civ.App.2012)

Courts: There are three prerequisites to the trial court's use of the contempt power to protect its proceedings from interference: (1) jurisdiction over an underlying legal proceeding; (2) jurisdiction over the subject matter; and (3) jurisdiction over the person. If there is an absence of jurisdiction over either the person or the subject matter, a court has no power to act, and jurisdiction over the subject matter cannot be created by waiver or consent. A violation of a statute, without more, would not be a proper ground for a finding of contempt. *AltaPointe Health Systems, Inc. v. Davis*, 90 So.3d 139 (Ala.2012)

Courts: The furtherance-of-crime exception to the husband-wife marital privilege applied to voluntary incriminating testimony of the defendant's ex-wife, where the ex-wife testified to communications between her and her husband during the time of their marriage that related to covering up a crime in which they were jointly participating when the communications occurred. *Craft v. State*, 90 So.3d 197 (Ala.Crim.App.2011)

Forfeiture: The statute allowing for the sale of forfeited property to pay for storage fees associated with the property did not apply to a situation in which the impounded property was not forfeited. *B & B Wrecker Service, Inc. v. City of Citronelle*, 90 So.3d 743 (Ala.Civ.App.2011)

Searches and Seizures: Parol (oral) evidence may be used to establish the contents of a lost search warrant and affidavit. A defendant's ability to challenge the contents of missing search warrant and its accompanying affidavit and the manner in which the warrant was issued and executed was not compromised by State's failure to effectuate a return, where the State sufficiently proved the contents of the warrant and affidavit through testimony of the judge who issued the warrant and the police officer who applied for it. A verbatim, word-for-word recitation of the contents of a lost document is generally not required for its admission. Evidence substantially establishing the contents of a missing document is all that is necessary for its admission. *C.B.D. v. State*, 90 So.3d 227 (Ala.Crim.App.2011)

Sex Offenders: As applied to indigent homeless sex offenders, the requirement in the prior version of the Community Notification Act that sex offenders provide an actual address at which they would reside following their release from incarceration violated the Equal Protection Clause. *State v. Adams*, 91 So.3d 724 (Ala.Crim.App.2010)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Immigration: Federal law did not facially preempt the criminal provision of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act that prohibited an unlawfully present alien from applying for or renewing vehicle license plates, driver's licenses, identification cards, business licenses, commercial licenses and professional licenses. Federal law, either expressly or implicitly, approved of states' withholding from unlawfully present aliens of each of the licenses within the purview of the Act. *U.S. v. Alabama*, --- F.3d ---, 2012 WL 3553503 (11th Cir.2012)

Immigration: States enjoy no power with respect to the classification of aliens. *Hispanic Interest Coalition of Alabama v. Governor of Alabama*, --- F.3d ---, 2012 WL 3553613 (11th Cir.2012)

Immigration: "Field preemption" occurs when a congressional legislative scheme is so pervasive as to make the reasonable inference that Congress left no room for the states to supplement it. In determining the extent to which federal statutes preempt state law, the Court of Appeals is guided by two cornerstones, in that, first, the purpose of Congress is the ultimate touchstone in every pre-emption case, and, second, the Court presumes that the historic police



powers of the states were not to be superseded by the federal act unless that was the clear and manifest purpose of Congress. *Georgia Latino Alliance for Human Rights v. Governor of Georgia*, --- F.3d ----, 2012 WL 3553612 (11th Cir.2012)

Mo. --- F.3d ----, 2012 WL 3155995 (8th Cir.2012)

DECISIONS FROM OTHER JURISDICTIONS

First Amendment: If a piece of government property is not by tradition or designation a forum for public communication, the state may reserve the forum for its intended purpose. In such a non public forum, the government can exclude speakers on the basis of their subject matter, so long as the distinctions drawn are viewpoint neutral and reasonable in light of the purpose served by the forum. The government must treat a designated public forum, i.e., public property which has been opened for use by the public, as a place for expressive activity, like a traditional public forum until it closes its doors again. Thus, during the time that a designated public forum is open to the public, reasonable time, place and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest. *Satawa v. Macomb County Road Com'n*, --- F.3d ----, 2012 WL 3104511 (6th Cir.2012)

First Amendment: The First Amendment does not guarantee protesters access to every, or even the best channels or locations for their expression. Time, place or manner regulation is “narrowly tailored,” for First Amendment purposes, so long as it promotes a substantial government interest that would be achieved less effectively absent regulation, and is not substantially broader than necessary to achieve the government’s interest. *Marcavage v. City of New York*, --- F.3d ----, 2012 WL 3125225 (2nd Cir.2012)

Ordinances: A city ordinance prohibiting conduct, including participation in demonstrations and selling of merchandise on any street or abutting premises, that has the consequence of impeding pedestrians or vehicular traffic, violated due process for failure to provide fair notice of what was forbidden. The ordinance did not provide potential violators with notice of when their actions were likely to become unlawful, and it lacked a mens rea (criminal intent) requirement, instead hinging on the reaction of third parties to alleged violators’ conduct. *Stahl v. City of St. Louis*,

ATTORNEY GENERAL’S OPINIONS

Ad Valorem Taxes: Additional legislative approval is not required to propose ad valorem tax increases pursuant to Amendment 202 and Amendment 382 of the Constitution of Alabama. AGO 2012-070

E-911: The County E-911 Board should honor a request made by resolution from a municipality to dispatch, within the corporate limits, the ambulance service provider that the municipality requests to be dispatched. Any private ambulance service provider that is selected by a municipality as the exclusive provider within the municipality, must be selected in compliance with the Competitive Bid Law. AGO 2012-077

Elections: Nothing in federal or state law authorizes a board of registrars or a probate judge to mail official election notices to any address other than the one appearing on the official voter registration list from the board of registrars. Nothing in federal or state law authorizes a board of registrars or a probate judge to update the voter’s address using the National Change of Address program. Because the voting provisions of the National Voter Registration Act (“NVRA”) and the Help America Vote Act (“HAVA”) statutes work together, when a voter’s name appears on the precinct voter registration list, but the voter has moved to a “new” precinct in the county and has not updated his or her voter registration records with the board of registrars, the voter may use the “fail-safe voting provision” to cast a regular ballot at his or her former (“old”) polling place and update the voting record for future elections or a voter may use the provisional ballot process to vote at his or her current (“new”) polling place. Responsibility for answering poll worker questions on Election Day regarding a voter’s status is vested in the local board of registrars or a member of the appointing authority, which includes the probate judge. AGO 2012-071

Elections: A municipality should allow the name of a deceased candidate, who properly qualified, to remain on the general election ballot. In a Class 7 or Class 8 municipality, if the deceased candidate receives a majority of the votes cast, the position should be declared vacant and filled pursuant to section 11-44G-1 of the Code. The city council does not have the authority under section 11-43-41, or under any other

Code provision, to order a special election to fill a vacant council seat. AGO 2012-073

Health Care Authorities: A County Health Care Authority and a Municipal Health Care Authority, each established under §22-21-310 through §22-21-344 of the Code of Alabama, may enter into a proposed lease without the approval of the County Commission and City Council if: (1) the contracts, cash, medical records, inventory, and accounts receivable that are being conveyed under the lease do not constitute substantially all of the assets of the County HCA, the disposition of which would not materially and significantly reduce or impair the level of hospital or health care services rendered by the authority, and (2) the amount to be paid by the Municipal HCA for the County HCA's interest in the health care system at the end of the lease is not nominal consideration. The County HCA may not sell its interest in the health care system at the end of the lease under the terms of the lease agreement without the approval of the County Commission and City Council. AGO 2012-080

Manufactured Housing: Under section 24-6-4 of the Code of Alabama, the Fire Marshal Division of the Insurance Department ("Fire Marshal") does not retain administrative authority to manage, supervise, or evaluate the administrator of the Alabama Manufactured Housing Commission. AGO 2012-083

Retirement System: Discussion of member contributions to the Tuscaloosa Police Officers and Firefighters retirement under Act 2012-450. The language "any member who elects DROP" in section 7.14(c) of Act 2012-450 includes only any "new" member electing DROP after the effective date of Act 2012-450. Members who enter the Deferred Retirement Option Plan ("DROP") once Act 2001-900 became effective, and who have less than five years left, may continue or may leave, as long as those members serve no more than five years as set out in Act 2001-900. AGO 2012-072

Water Rights: The prescriptive period for obtaining water rights in Alabama is ten years. AGO 2012-079 ■

"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."

www.thompsontractor.com www.govbidspec.com

The National Institute of Governmental Purchasing (NIGP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.



Attalla/Gadsden
121 Gilberts Ferry Rd. S.E.
Attalla, AL 35954
(256) 570-1100

Birmingham
2401 Pinson Highway
Birmingham, AL 35217
(205) 841-8601

Crestview
2106 3rd Ave.
Crestview, FL 32539
(850) 682-6510

Decatur
6969 US Highway 31
Tanner, AL 35671
(256) 353-7721

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



© 2010 Caterpillar. CAT, CATERPILLAR, their respective logos, "Caterpillar Yellow" and the "Power Edge" trade dress, as well as corporate and product identity used herein, are trademarks of Caterpillar and may not be used without permission.

FAIR Committee Minutes • August 10

By: Krystle Bell, Member Services Assistant Director, ALM

The Committee on Finance, Administration and Intergovernmental Relations met on Friday, August 10, 2012, at the League Headquarters in Montgomery, Alabama. Councilmember David Hooks, Chair, called the meeting to order at 9:36 a.m. Chair Hooks then asked everyone to introduce themselves.

The following committee members were present: Councilmember David Hooks, Homewood, Chair; Councilmember Adam Bourne, Chickasaw, Vice Chair; Councilmember Veronica Hudson, Saraland; Councilmember Bud Kitchen, Lincoln; Councilmember Jenny Folsom, Cullman; Councilmember Dink Myers, Guntersville; Councilmember Charles Black, Priceville; Councilmember Teresa Nichols, Pelham; and Councilmember N. Craig Sanderson, Irondale.

Resource advisors present were Bob Young, Frazier Lanier Company; Will Martin, Alabama Department of Revenue, Property Tax Division; Bob Hill, Alabama Alcoholic Beverage Control Board; Angelo Trimble, Alabama Coalition Against Domestic Violence; and James R. Mayberry, Alabama Department of Revenue, Sales, Use and Business Tax Division.

Also present were Ken Smith, Greg Cochran, Rob Johnston, Ken Gabehart and Krystle Bell of the Alabama League of Municipalities.

Chair Hooks and Vice Chair Bourne gave their opening remarks, and Executive Director Ken Smith thanked everyone for coming and informed the committee about the possibility of a new streamlined policy process.

Reports of the Resource Advisors:

Bob Young with Frazer Lanier Company began by saying that interest rates have been on the decline since January 2009, and rates are driven by the Federal Reserve policy. Long term rates are driven by inflation. Mr. Young said the economy is not good, and unemployment is at 8.3% even though it is likely much higher. Rating agencies give Alabama good ratings because the state is good about paying its bills. Mr. Young also said he is seeing a drop in fund balance among cities, and some buyers are not buying any Alabama bonds. There also have been a number of refundings due to low interest rates. Mr. Young commended the cities on a job well done during these tough times.

Will Martin with the Alabama Department of Revenue began by highlighting the Policies and Goals as it relates to property taxes. F-1.14. was accomplished at the last legislative session and can be removed from the Policies and Goals. It went into effect on 8/1/12. Mr. Martin stated

that municipalities need to be reminded about F-1.17. A suggestion came from the floor that a reminder needs to be sent to municipalities regarding this issue. Even though the League opposes special tax exemptions as it is listed in F-3.6., three new laws passed in the last legislative session that dealt with exemptions. These exemptions include coal mining, data processing centers and tourist destination locations. Under F-1.5., Mr. Martin reiterated the importance of having a decal on a manufactured home. The owner must pay property taxes on the value of the home and land. Mr. Martin also stated that the Alabama Manufactured Housing Association requires that each home is inspected, and an inspection report is submitted to the Alabama Department of Revenue. There should also be a county inspector for manufactured homes. Mr. Martin then discussed the exemption on property taxes. Individuals ages 65 or older are exempt from state property taxes. Total exemptions include individuals who are 65 years of age, those with a net taxable income of \$12,000 or less, and those who are retired due to permanent disability. Mr. Martin's last point was that total assessed values have fallen over the past few years, and values are dictated by the market.

Bob Hill with the Alabama Alcoholic Beverage Control (ABC) Board began by stating that wet municipalities in dry counties began in 1984. Previously, a municipality had to have a population of at least 7,000 people in order to become a wet municipality, but the population requirement has dropped to 1,000. There are currently 41 wet municipalities in dry counties. Clay, Randolph and Blount counties cannot have wet municipal option elections. Approximately 1/3 of Alabama municipalities are still dry. Mr. Hill then went on to explain the process of obtaining a license. The license application must first be approved by the city, and then the application goes to the ABC Board. If there is an issue, it will be settled in court. Beer licenses are not required to go through the municipality first, but the ABC Board will send those applications to the cities as a courtesy. Municipalities can also charge additional license fees to help with the administrative costs. Mr. Hill ended his presentation by speaking on entertainment districts. Entertainment districts are allowed in Class 1-5 municipalities and those with an incorporated Arts Council, Main Street Program and a downtown redevelopment entity.

Angelo Trimble with the Alabama Coalition Against Domestic Violence (ACADV) presented the committee with a report concerning domestic violence in Alabama. Mr. Trimble has worked with ACADV since 1998, and he has an interest in domestic violence and the court system. Mr.

Trimble stated there are good federal and state laws regarding domestic violence; however, there is a lack of technology capacity. He believes someone needs to take a strong role to make the information available to municipalities. Lastly, Mr. Trimble presented the committee with suggestions of changes to the Policies and Goals.

James R. Mayberry with the Alabama Department of Revenue had to leave so he did not give a report.

After the presentations from the resource advisors, the chair opened the floor for discussion of additions, deletions or changes to the Policies and Goals.

Proposed Policy Changes

1. Delete F-1.14. Motion: Councilmember N. Craig Sanderson, Irondale. Second: Councilmember Dink Myers, Guntersville.

2. F-10.4. That municipalities review ~~Alabama County National~~ Jail Standards, developed by the ~~Alabama Sheriffs Association~~, and consider adopting, revising or developing jail standards to serve as a guide toward prevention of legal actions surrounding incarceration. (August 2012) Motion: Councilmember N. Craig Sanderson, Irondale. Second: Councilmember Dink Myers, Guntersville.

3. Delete F-10.24. Motion: Councilmember Bud Kitchen, Lincoln. Second: Councilmember Charles Black, Priceville.

4. F-10.42. That the League urges municipalities to share municipal court information by utilizing ~~the State Judicial Information System~~ as a centralized repository. The League encourages municipalities to recognize the **challenge of municipal courts to implement statutory requirements to punish based on prior offenses due to a serious and severe lack of information available to law enforcement and the courts due to the lack of a central repository of data on pending and adjudicated cases.** Currently, defendants can have similar cases **or convictions** in two or more courts without either court's awareness of the other cases. Municipalities are encouraged to ~~work with their~~ **engage municipal** court automation services providers, and the Administrative Office of Courts (AOC), **Alabama Criminal Justice Information Center, and other appropriate agencies** to ensure that case information is electronically provided to ~~the AOC mainframe~~ **a centralized repository** on a regular basis so that historical information from all ~~municipal, district and circuit~~ courts may be electronically available to courts and law enforcement agencies. Advantages of such sharing of information can include improved collection of municipal court fines and costs, greater accountability ~~for~~ **by** offenders, and improved safety ~~of for~~ **of** victims and the public. (August 2012) Motion: Councilmember Charles Black, Priceville. Second: Councilmember Dink Myers, Guntersville.

5. (New Policy) F-10.43. **That the League urges municipal courts to recognize the importance of Conditions of Release in Domestic Violence Cases as a tool to ensure the safety of victims of abuse, the violation of which is a Class A misdemeanor. Conditions of release, which may be issued by judges or magistrates, are enforceable through arrests for violations in any municipality in the state. Courts should always provide copies of the Conditions of Release to both victims and law enforcement.** (August 2012) Motion: Councilmember N. Craig Sanderson, Irondale. Second: Councilmember Jenny Folsom, Cullman.

A motion was presented to the floor to renumber the Policies and Goals accordingly. Motion: Councilmember Teresa Nichols, Pelham. Second: Councilmember Dink Myers, Guntersville.

Also a discussion regarding F-11.1 ended in suggesting that the Legislative Committee take action on this policy. There being no further business, the meeting adjourned at 12:00 p.m.

A copy of the Proposed Policies and Goals can be found on the League's website at www.alalm.org. ■



Utility Service

America's Tank Maintenance Company!™

Utility Service is the premier provider of professional water tank services:

- Maintains thousands of potable water tanks under full service asset management programs
- Delivers true sustainable solutions and peace of mind
- Provides site management services for antennas on existing and new tanks

A water quality management tool... **WaterMix**
The Right Mix for Cleaner Water

- Minimize organics
- Stabilize disinfectant residuals
- Eliminate thermal water stratification
- Maximize filter media efficiency

Call your local Utility Service Representative today...

Michael Szabo • 706.575.1456
mszabo@utilityservice.com

www.utilityservice.com

TPSC Committee Minutes • August 14

By: Krystle Bell, Member Services Assistant Director, ALM

The Committee on Transportation, Public Safety and Communication met on Tuesday, August 14, 2012, at the League Headquarters in Montgomery, Alabama. Mayor Gary Livingston, Chair, called the meeting to order at 9:32 a.m., and Secretary Tracy Roberts administered the roll call.

The following committee members were present: Mayor Gary Livingston, Eva, Chair; Councilmember Victor Long, Millbrook, Vice Chair; Councilmember Roger Adkinson, Flomaton; Councilmember Sidney Butler, Saraland; Mayor Wess Etheredge, Daleville; Councilmember Jeddo Bell, Greenville; Councilmember Charlie Johnson, Luverne; Councilmember Michele Mizzell, Childersburg; Councilmember Ed Hanson, Piedmont; Mayor Allen Dunavant, Glen Allen; Mayor Melvin Duran, Priceville; Councilmember Tommy Perry, Priceville; Mayor Melton Potter, Scottsboro; Councilmember George E. Johnson, Sr., Tusculumbia; Mayor Paul D. Jennings, Argo; Councilmember Mike Denton, Chelsea; Mayor Billy Joe Driver, Clanton; Councilmember Jerry D. Pate, Helena; and Councilmember Marva Gipson, Aliceville.

Resource advisors present were Yasamie August, Alabama Emergency Management Agency; Chauncey D. Wood, Alabama Association of Volunteer Fire Departments; Cecil Colson, Alabama Department of Transportation; and Jason Swann, Office of Prosecution Services/Alabama District Attorneys Association.

Also present were Ken Smith, Greg Cochran, Rob Johnson, Ken Gabehart, Tracy Roberts and Krystle Bell of the Alabama League of Municipalities.

Chair Livingston and Vice Chair Long gave their opening remarks, and Executive Director Ken Smith thanked everyone for coming and informed the committee about the possibility of a new streamlined policy process.

Reports of the Resource Advisors:

Yasamie August with Alabama Emergency Management Agency (AEMA) began her presentation with an overview of the April 27th (2011) tornadoes. There were 62 tornadoes and 254 fatalities in 19 counties associated with the disaster. Ms. August also gave the committee an update on “safe rooms”. Individual safe rooms can hold 15 people, and community safe rooms can accommodate 300 people or less. Ms. August said community safe rooms save lives, and she encouraged constitutes to apply. These community safe rooms are open anytime a disaster occurs. AEMA received 4,464 individual safe room applications, and FEMA approved 3,405. AEMA received 250 community safe room applications, and FEMA

approved 64. She also mentioned pre-event debris contracts. She said it is important do them before a disaster occurs. In order to obtain pre-event debris contracts, municipalities need to contact Michael Johnson at michaelj@ema.alabama.gov. Ms. August made a recommendation to amend P-4.1. in the Policies and Goals in order to incorporate stronger language.

Chauncey Wood with the Alabama Association of Volunteer Fire Departments informed the committee that there are 1,018 volunteer fire departments and 105 rescue squads in the state of Alabama. On April 27, 2011, volunteer fire departments hit the ground running to protect their communities. Volunteer fire departments and rescue squads saved \$1 billion which would have to be paid to salaried departments. Both groups have a good rapport with the House and Senate Leadership, and 52 of their bills have passed in the Legislature. Mr. Wood then mentioned the Joint Fire Council, which has been around nearly 30 years, and plans legislation and coordinates Fire Service Day. He then made a plea to the committee to support the constitutional amendment on September 18th. Known as Keep Alabama Working, Mr. Wood stated that the amendment is important to the citizens of Alabama. If the amendment does not pass, the state will lose a lot of less fortunate volunteer fire departments. The Forestry Commission will also see a 17-20% cut which will put the burden on the volunteer fire departments.

Cecil Colson with the Alabama Department of Transportation began by discussing the MAP-21 Act which was originally known as SAFETEAU-LU. MAP-21 deals with transportation alternatives including transportation enhancements, safe routes to school, recreational trails and boulevards. The transportation alternatives receive dedicated money, and the initial cut was nearly 30%. Some definitions for transportation alternatives include walking and bicycling, safe routes for non-drivers and rails to trails. Mr. Colson also recommended the committee replace SAFETEAU-LU with MAP-21 everywhere it is listed in the Policies and Goals.

Jason Swann with the Office of Prosecution Services (OPS)/Alabama District Attorneys Association (ADAA) began by saying OPS provides assistance to municipalities. OPS also provides legislative support, prosecutes recusal cases and manages grants out of their office. In addition, OPS has a law school student loan repayment program through which full-time municipal prosecutors are eligible. Mr. Swann then discussed the National Computer Forensics Institute, which is a program that trains local law enforcement. He also mentioned the Alabama Computer

Forensics Lab based in Montgomery that specializes in digital forensics at no charge to local police departments. Mr. Swann then discussed the pretrial diversion bill which will create a standardized consensus in pretrial diversion. There is an amendment that will include local municipalities. Lastly, he mentioned municipal collections and the Bail Bond Bill. The DA Recovery Division will help to collect restitution in municipal courts, and the Bail Bond Bill will help municipalities because the fees will go to them.

After the presentations from the resource advisors, the chair opened the floor for discussion of additions, deletions or changes to the Policies and Goals.

Proposed Policy Changes

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

MAP-21 to allow states more flexibility in developing traffic standards. (August 2012)-Motion: Councilmember Marva Gipson, Aliceville. Second: Councilmember Mike Denton, Chelsea.

2. T-3.4. That the League opposes the use of highway funds or the interest derived from the investment of such funds for other than mass transit, street, highway, road, or bridge enhancement projects or other uses provided for under ~~SAFETEA-LU~~ **MAP-21**. (August 2012) Motion: Councilmember Ed Hanson, Piedmont. Second: Mayor Paul Jennings, Argo.

3. P-4.1. That the League **strongly** urges municipalities wishing to lend aid to sister municipalities during times of disaster contact their local Emergency Management Agency and then contact the State Emergency Management Agency before sending materials or manpower to stricken areas. **Failure to do so may affect your reimbursement.** (August 2012) Motion: Councilmember Mike Denton, Chelsea. Second: Councilmember Jerry Pate, Helena.

There being no further business, the meeting adjourned at 11:44 a.m. A copy of the Proposed Policies and Goals can be found on the League's website at www.alalm.org. ■



**Sweeping Corporation
of America, Inc.**

(800) 807-9337

WE'LL DO THE DIRTY WORK!



Maybe It's Time to Outsource to the Professionals.

Sweeping Corporation of America provides reliable, cost-effective service to cities, counties and state departments of transportation. Each month, we sweep more than **25,000 miles** of roadways across the Southeast.

The benefits of working with Sweeping Corporation of America go beyond **regulatory compliance** and environmental pollutant containment to flood mitigation, risk management, infrastructure maintenance and budgetary controls.

Most municipalities and transportation departments are **tired of managing the high costs** of new equipment, the labor and legacy costs, the maintenance, fuel and constant strain on an already tight budget.

Let's talk about how Sweeping Corporation of America can help you meet your service objectives, and we'll show you how **we can save you money** and help eliminate the headaches.

For more information, please call us at (800) 807-9337, or visit our website at www.sweepingcorp.com.

We sweep while you sleep!

EENR Committee Minutes • August 15

By: Krystle Bell, Member Services Assistant Director, ALM

The Committee on Energy, Environment and Natural Resources met on Wednesday, August 15, 2012, at the League Headquarters in Montgomery, Alabama. Mayor Rusty Jessup, Chair, called the meeting to order at 9:28 a.m., and Secretary Greg Cochran thanked everyone for coming and went over the committee packet. He then asked everyone to introduce themselves.

The following committee members were present: Mayor Rusty Jessup, Riverside, Chair; Mayor Omar Neal, Tuskegee, Vice Chair; Councilmember Ralph Hellmich, Foley; Councilmember Elliott Whitton, Columbia; Councilmember Billy Pearson, Lincoln; Councilmember Bill Stewart, Gadsden; Mayor Corey Harbison, Good Hope; Councilmember Hermon Graham, Florence; Councilmember Joe Pampinto, Muscle Shoals; Mayor Melton Potter, Scottsboro; Councilmember Jackie Hambrick, Clay; and Mayor Mary Fuseyamore, Pickensville.

Resource advisors present were Vernon Barnett, ADEM Executive Counsel; James Dailey, ADEM SRF Program Manager; Lisa Cole, ADEM Air Division; Scott Ramsey, ADEM Clean Water Division; Phillip Davis, ADEM Land Division, Solid Waste; and Dennis Harrison, ADEM Drinking Water Division.

Also present were Ken Smith, Lori Lein, Ken Gabehart, Greg Cochran and Krystle Bell of the Alabama League of Municipalities.

Reports of the Resource Advisors:

Vernon Barnett with ADEM discussed the need of ADEM to acquire additional funding since the Alabama Legislature and Congress are allocating less funding each year. Mr. Barnett said ADEM staff was considering a proposal to the Commission which would raise the permit fee by 50% to offset these funding reductions and that ADEM was working with MS4 Phase II permits in developing a model ordinance to make available for municipalities. In closing, Mr. Barnett said he hopes municipal officials understand the dire financial picture ADEM is heading toward and hopes they will assist ADEM in a remedy.

James Dailey with ADEM State Revolving Fund (SRF) Program discussed Clean Water (CWSRF) and Drinking Water (DWSRF) low interest loan programs intended to finance public infrastructure improvements in Alabama. The SRF program offered its 2012 loans to qualified applicants at 2.75% fixed rate for 20-year terms. The CWSRF has financed 215 loans totaling in excess of \$1 billion since 1987.

The DWSRF has financed 134 loans totaling \$331 million since 1999. Mr. Dailey stated the 2011 capitalization of the CWSRF program is \$15 million and the DWSRF program is \$11 million. Application time lines for new loans are as follows: pre-application is due by December 31, 2012, and full application is due by May 1, 2013 with selected loans closing in late summer and early fall of 2013. In closing, Mr. Dailey stated they expect federal and state funding cuts to the SRF programs in coming years and more emphasis placed on applications from disadvantaged communities in lieu of applications for green projects.

Lisa Cole with ADEM Clean Air Division discussed the attainment issues relating to revised Ozone and Fine Particle National Ambient Air Quality Standards (NAAQS). Ms. Cole stated EPA is proposing new NAAQS for 2012 which will lower the standard to between 70ppb – 60ppb. Under these proposed standards, 11 counties would fall in non-attainment status at 60ppb, while only four counties would be in non-attainment at 70ppb. Ms. Cole stated the EPA has proposed new standards for Particulate Matter (PM) at 12PM2.5. Only two counties, Jefferson and Shelby, would be in non-attainment under this proposed standard. In closing, Ms. Cole said Alabama communities have done an excellent job of reaching each and every new air quality standard imposed by EPA and ADEM. She also said ADEM provided grants totaling \$2.5 million for clean diesel technology in 2012 and encouraged municipal officials to seek funding for their clean diesel projects.

Scott Ramsey with ADEM Clean Water Division discussed the issue of decreased funding and its effects on the permitting division and said they have experienced a 57% decrease in funding since the FY08 budget. In closing he said the most common non-compliant issue with permitting is late filings and he encouraged municipal officials to have their staff comply with the filing deadlines.

Phillip Davis with ADEM Solid Waste Division discussed updates to the solid waste program which includes recycling and remediation programs. As of July 2012, ADEM has conducted 489 solid waste landfill inspections and 606 scrap tire facilities inspections. Mr. Davis said the recycling program has provided nearly \$7 million in grant funds for recycling programs since 2009 and the ADEM Scrap Tire Market Development program has provided funding for the use of recycled scrap tires. Mr. Davis encouraged municipal officials to partner with their county to participate in the Discarded Scrap Tire Remediation Program. Currently, 21 counties are not participating in the program. In closing, Mr. Davis said ADEM has contracted

with Auburn University to provide a study on landfill siting, development and regulation in Alabama and will have the study completed by 2013.

Dennis Harrison with ADEM Drinking Water Division discussed updates to the drinking water program. Currently, public water systems serve over four million Alabama citizens. Mr. Harrison discussed the proposed new rules for fluoride, hexavalent chromium, perchlorate and cross connection control. He also discussed the common enforcement problems experienced by ADEM, which are late Monthly Operation Reports (MOR's), late CCR's and incomplete bacteriological and chemical samples. He said Alabama has one of the best drinking water programs in the nation. In closing, Mr. Harrison recommend the committee delete E-1.5. from the Policies and Goals.

After the presentations from the resource advisors, the chair opened the floor for discussion of additions, deletions or changes to the Policies and Goals.

Proposed Policy Changes

1. Delete E-1.5. Motion: Councilmember Bill Stewart, Gadsden. Second: Councilmember Ralph Hellmich, Foley.
2. E-3.7. The League encourages Congress and the

Alabama Legislature to provide **standards as well as additional funding, for implementing mandated training, awareness, and auditing** safeguards in for municipal drinking water and wastewater facilities. (August 2012) Motion: Councilmember Joe Pampinto, Muscle Shoals. Second: Mayor Omar Neal, Tuskegee.

3. (New Policy) E-3.9. **(a) The League encourages Congress and the Alabama Legislature to provide protection from civil liability lawsuits when drinking water system is compliant with federal and state regulations.(b) Also, allow municipalities to post public notifications and consumer confidence report electronically.** (August 2012) Motion: Councilmember Joe Pampinto, Muscle Shoals. Second: Councilmember Billy Pearson, Lincoln.

4. (New Policy) E-12.4. **The League urges municipalities to partner with and encourage their county to participate in the ADEM Discarded Scrap Tire Remediation Program.** (August 2012) Motion: Councilmember Ralph Hellmich, Foley. Second: Mayor Omar Neal, Tuskegee.

There being no further business, the meeting adjourned at 12:23 p.m. A copy of the Proposed Policies and Goals can be found on the League's website at www.alalm.org. ■



Celebrating 40 years of serving Alabama and the Southeast with Total Petroleum Management.

Lubes • Fuel • Gasoline • Fuelz Fleet Card • Hedging Contracts • Oil Recycling • Used Oil Collection
Equipment • Industrial Services • Engineering • Environmental Services

Contact Us: 888.802.7500 | 205.661.4400 | mcpersonoil.com | fuelzcard.com

FUELZ Fleet Card **ReNEW**

CED Committee Minutes • August 16

By: Krystle Bell, Member Services Assistant Director, ALM

The Committee on Community and Economic Development met on Thursday, August 16, 2012, at the League Headquarters in Montgomery, Alabama. Councilmember Newton Cromer, Chair, called the meeting to order at 9:00 a.m., and Secretary Lori Lein administered the roll call.

The following committee members were present: Councilmember Newton Cromer, Saraland, Chair; Councilmember Carolyn Doughty, Gulf Shores, Vice Chair; Councilmember Verdell Dees, Mount Vernon; Councilmember Edward H. Carroll, Sr., Gulf Shores; Councilmember Terry Powell, Andalusia; Mayor Robert Williamson, Florala; Mayor Charles C. Gilchrist, Glencoe; Councilmember June Land Reaves, Oxford; Councilmember Walter Jacobson, Sylacauga; Councilmember Ben Reed, Gadsden; Mayor Phil Segraves, Guin; Mayor Mike Grayson, Demopolis; Councilmember Thomas Moore, Demopolis; and Councilmember Roberta Jordan, Pine Hill.

Resource advisors present were Ronald Davis, USDA Rural Development; Michael German and Charles Franklin, U.S. Department of Housing and Urban Development; Shabbir Olia, Alabama Department of Economic and Community Affairs; Hollie Pegg, Alabama Department of Commerce; and Mary Shell, Alabama Historical Commission.

Also present were Ken Smith, Greg Cochran, Rob Johnston, Ken Gabehart and Krystle Bell of the Alabama League of Municipalities.

Chair Cromer and Vice Chair Doughty gave their opening remarks, and Executive Director Ken Smith thanked everyone for coming and informed the committee about the possibility of a new streamlined policy process.

Reports of the Resource Advisors:

Ronald Davis with USDA Rural Development updated the committee on the programs offered by USDA Rural Development. Most significantly, he indicated that the availability of grant money is rare, but that there are many loan programs offered by USDA Rural Development. He emphasized the importance of partnerships with other agencies when looking for funding and gave examples of projects involving USDA Rural Development funds in combination with ADEM and the Delta Regional Authority. After some questions, he gave examples of areas where loan money is available – such as the purchase of fire and police vehicles, the purchase of land and construction of schools, libraries and fire stations. He concluded his remarks by directing people to the USDA Rural Development webpage

for more information on the variety of funding opportunities available: www.rurdev.usda.gov.

Michael German and Charles Franklin with the U.S. Department of Housing and Urban Development (HUD) addressed the committee next. Mr. German, the Field Office Director for Alabama, briefly updated the committee on some of the funding initiatives for FY2011-2012. He specifically addressed funding for tornado recovery and stated that through joint efforts, meetings and many conference calls, the State of Alabama was awarded \$24,697,966 to support long term recovery efforts from the effects of the tornados and storms that devastated Alabama in the spring of 2011. Next he reviewed the committee's Policies and Goals and pointed out several Policies and Goals that were supported by HUD. He also encouraged members of the committee to continue dialogue with their congressional delegation regarding needs in their communities served by CDBG monies even though Congress has effectively done away with earmarked funds. He stressed the importance of keeping Alabama's congressional delegation informed of areas of need and concluded by expressing concern about policy C-3.1. with regard to local government involvement in approving the locations of housing by housing authorities within a municipality. He said the policy could pose a risk to housing authorities. After some discussion he introduced Charles Franklin, Community Planning Director for Alabama who briefly discussed CDBG and answered questions from the committee.

Shabbir Olia with the Alabama Department of Economic and Community Affairs informed the committee that ADECA would be awarding CDBG grants sometime in the next three weeks and they anticipated funding around 50 requested projects. He informed the committee, as he has in years past, that CDBG funding continues to shrink and that ADECA only had \$21 million to work with this year. As with other speakers, he emphasized to the committee the strong partnerships that ADECA has with all of the resource agencies represented at the committee meeting including ADO, USDA Rural Development, HUD and EDPA. He then briefly outlined the various programs administered by ADECA and specifically mentioned the economic development grants. Mr. Olia had no recommended policy changes for the committee.

Hollie Pegg with the Alabama Department of Commerce briefly discussed the change in the agency's name from the Alabama Development Office to the Alabama Department of Commerce. She discussed with the committee the five main functions of the Department of Commerce which include

business recruitment and retention, AIDT, international trade, small business advocacy and the film office. She pointed out to the committee that the film office was brought back under the Alabama Department of Commerce after having briefly being under the Department of Tourism during the Riley administration. According to Ms. Pegg, almost 17,000 jobs were created in Alabama last year and 75-80% of those jobs were created by existing businesses in Alabama. After several questions, she concluded her comments by encouraging municipalities to utilize the Economic Development Partnership of Alabama (EDPA) and to check out the resources available at www.edpa.org.

Mary Shell with the Alabama Historical Commission addressed the committee last by very briefly explaining to the committee the background of the Alabama Historical Commission. She reiterated the theme of partnership that was discussed by most of the resource advisors and said they were a “partner” with local government to protect historical resources. The Historical Commission doesn’t have much authority over local government with regard to historical preservation unless there are federal funds involved in which case municipalities must work through them in order to make sure historical properties are being preserved. Ms. Shell also mentioned the Certified Local Government Program which helps communities set up their own local government preservation commissions. She said historic preservation is sustainability because municipalities are saving downtowns and downtown residential areas. At the request of League staff, she discussed the now defunct “Main Street” program and said there is no longer any formal state program but they will work with municipalities seeking to establish one in order to get federal funding. She encouraged the committee to keep the policy statement supporting a main street type program. Ms. Shell concluded her presentation by recommending that policy C-2.8. be expanded to include language urging Congress to continue funding the Save America’s Treasures program and the Preserve America program.

After the presentations from the resource advisors, the chair opened the floor for discussion of additions, deletions or changes to the Policies and Goals. After some discussion from the committee regarding policy statement C-3.1. regarding housing authorities, a motion was made by Councilmember Charles Gilchrist, Glencoe and seconded by Councilmember Ben Reed, Gadsden that the committee take no action on the statement at this time and direct staff to look into this issue further and to bring recommendations to the committee at a future meeting. The motion passed with objection.

Proposed Policy Changes

1. Delete C-5.23.
2. C-2.8. **That the League urges Congress to continue funding for Save Americas Treasurers and Preserve America Program and That that the League encourage all municipalities to register for and become a part of the Preserve America Program.** (August 2012).

3. Remove any references to ADO in the existing policy statements and confirm that all references to the Alabama Film Office are referenced as being part of the Alabama Department of Commerce.

All the above additions, deletions or changes were moved for approval by Councilmember Charles Gilchrist, Glencoe and were seconded by Councilmember Carolyn Doughty, Gulf Shores. The committee then unanimously approved the motion. There being no further business, the meeting adjourned at 12:45 p.m.

A copy of the Proposed Policies and Goals can be found on the League’s website at www.alalm.org. ■

Did you miss something?

Subscribe to the *Journal*
to get all the news!



Only \$24 per year! Contact Cindy Price for subscription information: cindyp@alalm.org

2013 Municipal Quality of Life Awards

Purpose of Municipal Quality of Life Awards

This awards program has three main objectives:

1. To recognize successful, innovative projects that improve the quality of life for citizens.
2. To share those projects with other municipalities.
3. To demonstrate the value of cities and towns.

The three Winning Entries will enjoy statewide recognition at the League's 2013 Annual Convention in Montgomery. In addition, each winning municipality will:

- Be featured in a video shown at the 2013 Annual Convention
- Receive a specially designed plaque
- Be spotlighted on the League's Website – www.alalm.org
- Be featured in the Alabama Municipal Journal



The three Honorable Mentions will receive a certificate as well as recognition on the League's website and in the Alabama Municipal Journal.

NOTE: Municipalities that have won in the past three years are not eligible for entry. This stipulation does *not* apply to previous Honorable Mentions. Those not eligible for entry this year are: Piedmont, Tarrant, Auburn (2012); Union Springs, Muscle Shoals, Cullman (2011); Abbeville, Moody, Opelika (2010). *The League reserves the right not to name a winner in every category.*

Categories

ONE winning entry and **ONE** honorable mention will be chosen from each of the three population categories:

- under 5,000
- 5,001 – 12,000
- 12,001 and over

Entries for each population category should focus on one of four subject areas:

- Economic Development (community development and planning projects)
- Public Safety (includes emergency service projects)
- Public Works (includes infrastructure projects)
- Public Service (anything not covered in the three subject areas listed above)

2013 Municipal Quality of Life Awards

The three Winning Entries will enjoy statewide recognition at the League's 2012 Annual Convention. In addition, each winning municipality will:

- Be featured in a video shown at the 2012 Annual Convention
- Receive a specially designed plaque
- Be spotlighted on the League's Website – www.alalm.org
- Be featured in the *Alabama Municipal Journal*

The three Honorable Mentions will receive a certificate as well as recognition on the League's website and in the *Alabama Municipal Journal*.

Rules and Instructions (for complete brochure, visit www.alalm.org)

1. Entering municipalities must be a member of the Alabama League of Municipalities. If you are not sure about your municipality's member status, call the League at 334-262-2566.
2. Only one entry may be submitted per municipality. Those municipalities that have won a Quality of Life Award in the past three years are not eligible. (Does not apply to Honorable Mentions.)
3. Each entry must include *all* required information (see "Entry Requirements" on previous page), such as the completed entry form, a concise 1,200 word or less description of the project, at least three pictures depicting the project and five (5) copies of the entry packet in addition to the original. **NOTE: Entries that do not include all required information, including the five additional copies and both the mayor and clerk's signatures, will automatically be disqualified. Entries received after the November 4 deadline, regardless of postdate, will be disqualified.**
4. Narratives should be typed, double-spaced on white 8.5" x 11" paper. No more than 1,200 words. Please include a word count.
5. Supportive material is limited to ten 8.5" x 11" pages (single-sided only). The entry must include at least three photographs depicting the project within the supporting materials.
6. Entries may combine several projects grouped under a common theme. An example of a common theme would be downtown revitalization – projects under that umbrella could include installing sidewalks and seating areas, providing incentives for businesses to remodel their exteriors, burying the power and telephone lines and organizing the merchants to promote downtown. These entries still must adhere to the written entry's space requirements of 1,200 words, three photographs and no more than 10 pages of supporting material.
7. Each entry submitted must be approved by the city council and certified by the city clerk (see entry form). The mayor's signature is also required on the entry form. The mayor's signature indicates his or her commitment to attend, or send a representative to attend, the League's Award Ceremony at the 2013 Annual Convention, should your municipality win an award. *The League reserve the right not to award a winner in every category.*
8. Entries should be sent **certified mail** and **must** be received by **November 2, 2012**. **Entries received after the deadline, regardless of postdate, will be disqualified.**

2013 Municipal Quality of Life Awards



DEADLINE: November 2, 2012

Population Category (select one) under 5,000 5,001-12,000 12,001 and over

Municipality

Address

Mayor's Signature*

Mayor's Printed Name

Clerk's Signature**

Clerk's Printed Name

Contact Person (main contact for any questions, as well as setting up the video shoot should the project win)

Contact's Telephone Number

Email Address

Title of Project

* *The mayor's signature indicates his/her commitment to attend or appoint a representative to attend the League's Municipal Award Ceremony during the 2013 League Convention in Montgomery should your municipality win an award.*

** *The clerk's signature is his/her certification that the entry submitted was approved by the city council.*

Remember to include:

- 1,200-word or less typed narrative, double-spaced on white 8.5"x 11" paper. (Include word count at the end).
- At least three (3) photos depicting the project in your supportive material (see next bullet).
- Up to 10 pages of supportive information such as newspaper clippings, photos, letters from constituents or other items that help document the program submitted on 8.5"x 11" paper, single-sided. Please **DO NOT** spiral bind your entries or use presentation folders.
- One original entry packet and five (5) copies (including supportive information). Include a copy of this form with each of the additional copies.

Entries should be sent ***certified mail*** and ***must*** reach the League office by **Friday, November 2, 2012**.

Hand-delivered entries must be received in the League's office by 4:00 p.m., Friday, November 2, 2012.

Entries received after November 2, regardless of postdate, will be deemed ineligible.

Mail Entries to:

Municipal Quality of Life Awards • Alabama League of Municipalities • PO Box 1270 • Montgomery, AL 36102

For more information, contact Carrie Banks at 334-262-2566 or via email at carrieb@alalm.org.



Fund Your Community's Dreams with RDS.

Revenue Enhancement Services for Your Local Government

With today's economy, it's important to know as much as possible about your revenue streams - the taxes and fees that help keep your municipality running and provide services to your citizens. Each year, RDS processes billions of dollars in business taxes, licenses, and fees, and simultaneously discovers and recovers millions in unpaid revenues for hundreds of jurisdictions. Revenue discovered through RDS gives jurisdictions the ability to grow their communities by providing funding for industrial parks, road paving, education, and so much more. See what RDS can do for you. Give us a call or email today.

Yolanda Watkins
334.272.9995
ywatkins@revds.com

Pete Yonce
205.423.4110
pyonce@revds.com

www.revds.com

RDS
revenue discovery systems

ALM Welcomes Accounting/Member Services Assistant



Last month, Melissa Chapman joined the League's staff as the Accounting/Member Services Assistant where she provides support for the Member Services and Finance departments. Born and raised in Selma, Melissa received a B.S. degree in Business Administration from Faulkner University in Montgomery in 1998. She worked in the banking industry for 15 years before staying home with her son a couple of years while working part-time for the League. She and her husband, Aaron, have one son, Tolan. They live in Millbrook and are active members of Coosada Baptist Church. As a family, they enjoy watching Alabama football, spending time with family, and of course, watching Tolan play sports.

PUT OUR EXPERIENCE TO WORK FOR YOU

The League's Employment Practices Hotline Offers Free 30-Minute Consultations on Personnel and Employment Practices.

**ALABAMA LEAGUE OF MUNICIPALITIES
EMPLOYMENT PRACTICES HOTLINE**

800-864-5324

Available to all AMIC and MWCF Members

Contact us today and let our proven professionals advise you efficiently and effectively.



But individual counties have to look to the state legislature for their specific powers. Usually, municipalities provide a broader range of services than those provided by cities.

Unlike a county, a municipality is a voluntary form of government. In fact, municipal government is the only voluntary form of government in Alabama. Only the citizens of a community can form an incorporated municipality. Not even the state legislature has the power to create a municipality. Individuals vote to create a municipality, thereby conferring the authority the state gives municipal governments on themselves. Local residents have no control over whether the county exists. And, a person can simply decide not to live in a municipality.

For these reasons, the legislature has seen fit to give municipalities more general authority than they have given counties. By and large, cities have a broader pool of powers they can exert without obtaining specific state authorization. Pursuant to these broader grants of power, elected municipal officials can determine what powers the local community needs to serve the needs of those who live there. If a citizen becomes disenchanted, he or she is free to move. In most cases, they can even live close enough to the city limits to keep their jobs and continue to take advantage of many opportunities the city provides. This is much more difficult to do if the person wants to leave the state or the county just because of the much larger geographical area involved.

Services provided by the city will, of course, sometimes overlap with the services provided by the county. Sometimes, this is seen as necessary by municipal officials in order to provide a higher level of services within the corporate limits. Sometimes, although the services seem to overlap, they actually do not. For example, although both municipalities and counties usually provide police protection, the county enforces state law. Only the municipality can enforce local ordinances.

But because of this overlap and because they serve the same citizens, newly elected municipal officials will have to learn to work with county officials to best serve their citizens. So, take the time to become familiar with other elected and appointed officials, including those who serve other municipalities. This gives you the best opportunity to learn and share. If something is affecting your municipality, chances are it will affect other nearby cities as well.

Make it a priority to meet your state legislators. Discuss issues with them and try to build a rapport. Knowing who you are, and that you represent the same constituents, can

often help pave the way to quicker communications during times your citizens need something specific accomplished.

Moving from the sidelines to the center of the action can come as shock as you learn what being an elected municipal official fully entails. Preparation can help ease the transition. I hope you will make time to participate in the Alabama League of Municipalities. Since 1935, we have represented municipal interests. The League offers numerous training opportunities throughout the year through our Certified Municipal Officials (CMO) Training Program, providing you with numerous opportunities to learn more about municipal government and how to be an effective leader. Your first opportunity is through one of four Orientation Conferences offered over the next few weeks. I strongly encourage you to attend as this is an excellent way to learn some very important basics about municipal government. Be sure to read Mayor David Bradford's column on page 5 for additional information. Of course, a registration form and copies of the agendas – as well as a great deal of municipal information – can be obtained through our website at www.alalm.org. ■

Would you put your safety in the hands of someone who wasn't prepared for it?



**Don't expect your citizens to settle either.
Become a Certified Municipal Official.
Visit www.alalm.org for details.**



Apparatus
Repair

Parts
Department

SCBA
Services

Rescue Tool
Services

Compressor
Services

See Events, Recent Deliveries & Specials on [Facebook.com/NAFECO](https://www.facebook.com/NAFECO)

DOTHAN CIVIC CENTER

Recent Delivery

KME Custom Pumper

Predator LFD

3/16" Aluminum Body

Hale Foam Logix 3.3
A and/or B Foam System

750 Gal. Water/
30 Gal. Foam



MaxxForce 13
475 HP Engine

Allison 4000 EVS Transmission



Officer's Side of Tank
Ladder Storage

Whelen LED
Emergency Lighting



Backboard Storage
on Rear of Cab



Hale QMax-150
1500 GPM Pump

©2012 On-Fire Marketing F091012_ALA020_KME050_RM

See More Products & Services at NAFECO.COM

Click to Follow Us On:



800-628-6233
256-353-7100

info@nafeco.com
www.nafeco.com



NAFECOcard
Gift Card Available
[Learn More](#)

**Do you know
what's happening
This Week?
We do.**

This Week

**From
the
League**



Stay informed by subscribing to *This Week*, the League's weekly e-newsletter, which is emailed every Tuesday morning.

Subscriptions are free – visit www.alalm.org, click on the link at the top of the home page and complete the form.

You will also receive the League's weekly legislative e-newsletters, *State House Advocate* and *Legislative Bulletin*, when the Legislature is in session.

Congratulations to the Town of Trinity for choosing AMFund to refinance their existing debt.



We appreciate the ease of working with AMFund on acquiring our refinancing. It was a painless experience, and we are grateful to have this opportunity to provide our town with the cost savings through the refinancing. – Mayor Vaughn Goodwin Councilmember Gordon Burden, Councilmember Chris Lemley, Councilmember Richard Fortson, Mayor Vaughn Goodwin, Councilmember Richard Sparkman and Councilmember Bruce Sparkman

The AMFund program is designed to assist municipalities with acquiring competitive, fixed rate financing for road, water and brick and mortar infrastructure, capital improvement projects, equipment leasing and debt refinancing. Visit www.amfund.com to view our application or contact us to learn more about how AMFund can be of assistance to your municipality.

Gregory D. Cochran CAE
President, AMFund
(334) 386-8130 Direct
(334) 546-9092 Cell
gregc@alalm.org

AMFund is administered by the Alabama League of Municipalities.

www.amfund.com

Municipal Revenue Service

The League's Municipal Revenue Service for collection of delinquent insurance license taxes has more than 50 years experience of responsible and aggressive collection of lost revenue, currently for over 300 communities in Alabama.

Contact us today and let our proven professionals get the job done efficiently and effectively.

Together our strength in numbers works for you.

ALABAMA LEAGUE OF MUNICIPALITIES

535 Adams Avenue Montgomery, AL 36104
334-262-2566 OR 888-255-0434

PUT OUR EXPERIENCE TO WORK FOR YOU.
Over 300 Alabama Municipalities Have.

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102

Presorted Std.
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

Add Peace of Mind

The Municipal Worker's Compensation Fund has been serving Alabama's Municipalities since 1976 and is the second oldest league insurance pool in the nation!



- Directed by veteran Municipal Officials from Alabama
- Over 625 Participating Municipal Entities
- New Member Discounts
- Dividends as Renewal Credit. Over the past 15 years, MWCF has returned \$36,000,000 to its members
- Loss Control Services, Including:
 - Skid Car Training Courses
 - Fire Arms Training System
- Personalized Service
- Accident Analysis
- Free Safety Video Library
- Monthly Status Reports
- Safety Discounts Available

Photo by Elinore DeVocht 2011 ©

Contact Us!
Quick Quotes
available online.
www.almwcf.org

Steve Martin
Operations Manager, MWCF
P.O. Box 1270
Montgomery, AL 36102
334-262-2566

Terry Young
Marketing Manager, MWCF
P.O. Box 43769
Birmingham, AL 35243
1-888-736-0210
email: terry@alalm.org