

THE ALABAMA MUNICIPAL JOURNAL

November 2002

Volume 60, Number 5



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Staff!*

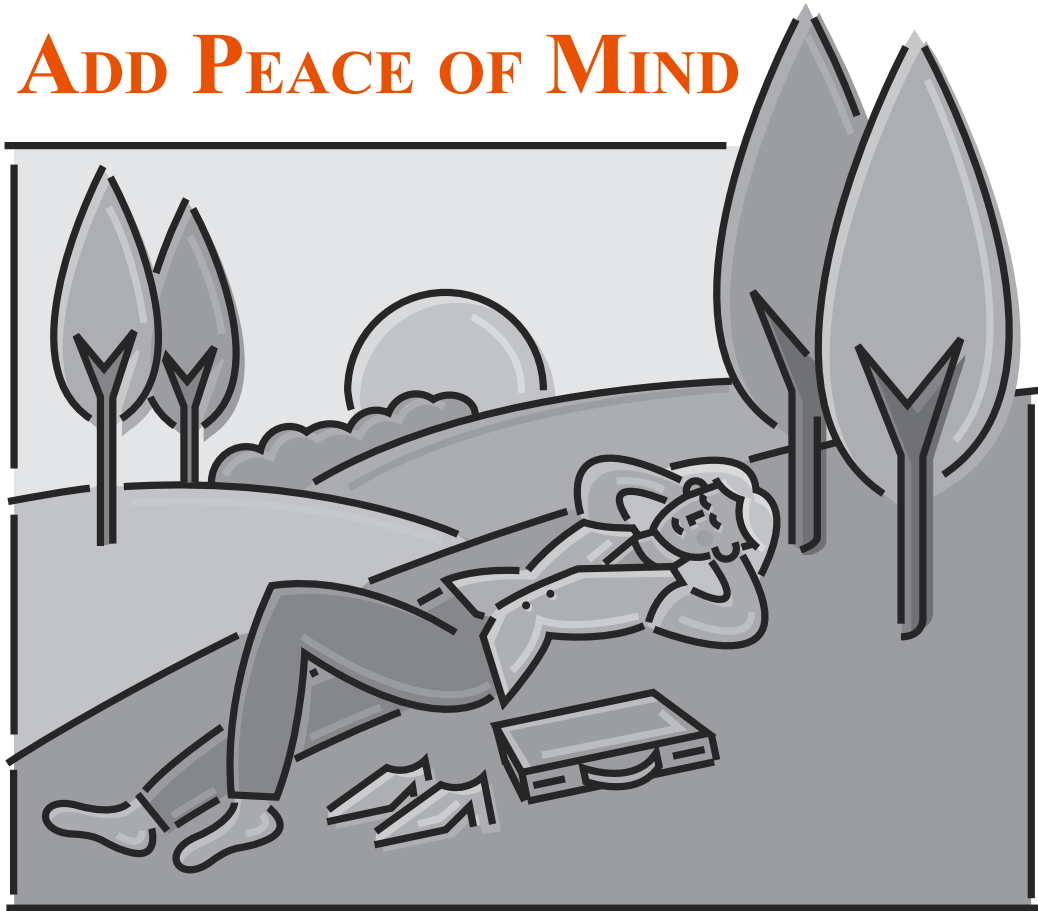
Inside:

- Year-End Meeting of the Executive Committee
- Municipal Revenues and Expenditures
- Proposed Policies and Goals for 2003

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Official Publication, Alabama League of Municipalities

November 2002 • Volume 60, Number 5

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Published monthly by The Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104, telephone (334) 262-2566. Web address: 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.

Contents

<i>Perspectives</i>	4
<i>President's Report</i>	5
NLC Announces Additional Speakers for Congress of Cities	
<i>Municipal Overview</i>	7
Year-End Meeting of the Executive Committee	
<i>Environmental Outlook</i>	9
Protecting Municipal Drinking Water Supplies	
<i>The Legal Viewpoint</i>	11
Municipal Revenues and Expenditures	
<i>Legal Notes</i>	15
<i>Finance, Administration & Intergovernmental Relations</i> ...	17
Proposed Policies and Goals for 2003	
<i>Energy, Environment & Natural Resources</i>	25
Proposed Policies and Goals for 2003	
<i>Transportation, Communication & Public Safety</i>	34
Proposed Policies and Goals for 2003	
<i>Human Development</i>	41
Proposed Policies and Goals for 2003	
<i>Community & Economic Development</i>	45
Proposed Policies and Goals for 2003	
<i>Speaking of Retirement</i>	49
<i>Obituaries</i>	50

The League Welcomes New Staff Attorney Mary Ellen Harrison

Mary Ellen Harrison, a Clanton, Alabama native, joined the League's workforce as a staff attorney this past September. She received her B.A. in Political Science from the University of Alabama in 1999, where she was an active member of Pi Beta Phi Social Sorority. She received her J.D. from the University of Alabama School of Law in 2002, where she served as Lead Articles Editor of the *Law and Psychology Review*, as well as



secretary of Phi Delta Phi. She is currently a member of the Alabama State Bar; the American Bar Association (ABA); the International Municipal Lawyers Association (IMLA); and the Alabama Association of Municipal Attorneys (AAMA).

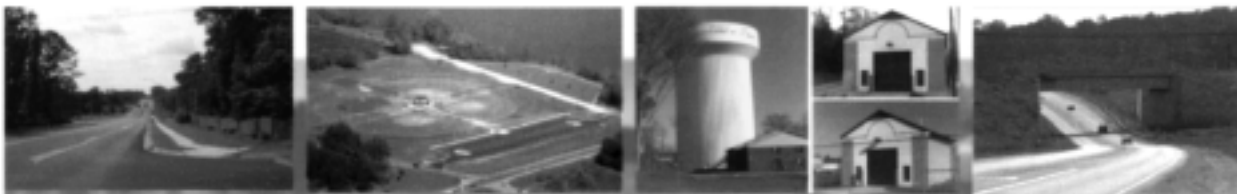
Mary Ellen is married to Brian Nichols Harrison of Marion, Alabama. Brian is a certified public accountant with Wilson, Price, Barranco, Blankenship & Billingsley, P.C. of Montgomery. ■

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The President's Report

George W. Roy
Mayor of Calera

NLC Announces Additional Speakers for Congress of Cities December 3-7, Salt Lake City

ABC News White House Correspondent Ann Compton has joined the Congress of Cities line up for a general session examining the impact of the economy on America's cities and towns. The session will be held on Saturday morning, December 7.

The Congress of Cities begins in Salt Lake City on Tuesday, December 3, with Leadership Training Institute seminars and concludes on Saturday, December 7, with election of NLC leaders followed by a gala closing celebration hosted by the Salt Lake City.

Compton is a seasoned national journalist who is now covering her sixth President for ABC news in a career that has taken her to the White House, Capitol Hill, and through seven presidential campaigns from the height of the Cold War to the Internet revolution.

On September 11, 2001, she was the only broadcast reporter allowed to remain with President Bush on board Air Force One when he was unable to return to Washington after the terrorist attacks.

Compton will lead a talk show style dialogue on how the national economy and the aftermath of the terrorist attacks have affected revenue and expenditures in cities and towns. The panel will feature experienced state and local leaders and economic experts who will explore fiscal challenges in states and cities and what action is needed to help cities weather the economic downturn and maintain high quality municipal services.

Compton joins leadership expert Dr. Stephen Covey who will address the delegates at the Friday, December 6,

general session. Covey is the author of *The Seven Habits of Highly Effective People* and is co-founder and vice chairman of Franklin Covey, a leading global services firm.

His presentation will explore how to apply his philosophy of principle centered leadership and principle centered living to the challenges local elected officials face in their communities today.

Combined these two general sessions will offer city officials innovative perspectives on both the substantive issues and leadership skills needed to lead during these challenging times.

The Congress of Cities will also feature nearly 50 substantive workshops on Thursday, Friday and Saturday focusing on a wide range of issues including municipal finance, hometown security, economic development strategies, approaches to building quality communities, leadership challenges in today's world, ensuring race equality and successful early childhood. The sessions are designed to meet the needs and concerns of elected leaders from cities and towns of all sizes.

In addition, the Salt Lake City host committee has assembled an impressive schedule of mobile workshops providing real life case studies of successful – and transferable – municipal programs.

Visit the NLC web site at www.nlc.org and click on the yellow 2002 Congress of Cities button for up to date program information.

Another note of interest regarding the Congress of Cities is the elections for NLC Board of Directors. This year, the Alabama League is fortunate to have two candidates running for positions on NLC's board: Councilmember Cynthia McCollum of Madison and Mayor Ted Jennings of Brewton. Cynthia and Ted are extremely active with our League and the National League of Cities. They both currently serve on the League's Executive Committee as well as the board of directors for The Municipal Worker's Compensation Fund, Inc. Ted is a past president of the League and Cynthia is currently serving as president of the National Black Caucus of Local Elected Officials (NBC-LEO). Please remember to support these two highly qualified officials when you are in Salt Lake City for the Congress of Cities. ■



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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Year-End Meeting of the Executive Committee Held October 17, 2002

The Year-End Meeting of the Executive Committee of the Alabama League of Municipalities was called to order at 10:00 am on Thursday, October 17, 2002, by Mayor George Roy of Calera, League President. The invocation was given by Mayor Bobby Payne of Tallassee.

President Roy welcomed those present and thanked members for coming to the meeting. President Roy called upon Marc Reynolds of the Employees Retirement System of Alabama (ERS). Mr. Reynolds had been invited to address the Committee to answer recent questions members had concerning the ERS. Mr. Reynolds gave members some general information on the current status of the system as well as information on how employer contributions are determined. He explained that every member entity has agreed to pay its share of the cost of providing the system to the entity's employees. Actuaries determine annually the amount needed as the employer share. In recent years, the employer share has gone down. However, this year employers saw their amount of contribution increase. Whether or not to provide separate cost-of-living increases, when approved by the State Legislature, is up to each municipal employer. If the entity agrees to the cost-of-living increase for its retirees, the cost will be borne by the employing entity.

The President then called on Max McMullen of Benefits for America, L.L.C. Mr. McMullen made a short presentation in which he asked the League's Executive Committee to endorse his company's critical illness insurance plan. The Executive Committee endorsed the plan and authorized the League Director to negotiate an agreement with Benefits for America, L.L.C. for this purpose.

In my report, I informed the Executive Committee that five cities held city elections in August and September and the results were as follows: Auburn reelected Mayor Bill Ham, Jr., and five new councilmembers to its eight-member council; Bessemer elected Edward E. May as its new mayor and three new councilmembers to its seven-member council; Gadsden reelected Mayor Steve Means and five new councilmembers to its seven-member council; Huntsville elected one new councilmember and reelected two councilmembers; and

Scottsboro elected three new councilmembers.

Dues notices for our September 1, 2002 – August 31, 2003 League Fiscal Year were mailed in August. The League has 437 member cities and towns out of the 459 municipalities in the state. Officials from League member municipalities were urged to contact any non-members in their area and recommend that they join the League.

The League had a very successful Committee Day on September 5, 2002 with a large crowd attending the sessions. The policy statements adopted have been placed in our *PROPOSED POLICIES AND GOALS for 2002-2003* and are contained in this issue of the *Alabama Municipal Journal*. Summaries of information provided by resource advisors were printed in the October issue of the *Journal*. The final report will be used by the Committee on State and Federal Legislation and given final approval during the business session of the Annual Convention next April in Huntsville.

The National League of Cities' Congress of Cities will be held in Salt Lake City, Utah, on December 3-7, 2002. Registration materials have been distributed to all officials. The League President, Director and staff will be staying at the Grand America Hotel. A reception for all Alabama delegates will be held on Friday, December 6 at the Grand America Hotel from 5:30 to 6:30 pm. The reception is being sponsored by: AMEA, Electric Cities, TVA and Alabama Electric Cooperatives. Our League has endorsed Mayor Ted Jennings of Brewton and Councilmember Cynthia McCollum of Madison for seats on the NLC Board. The election will take place in Salt Lake City. All Alabama delegates are urged to help in this election effort.

The League staff recently made a site visit to Huntsville to prepare for the 2003 Annual Convention in that city. The Convention will be held on April 26-29, 2003. Registration materials will be sent to all officials in December or January. The annual League of Municipalities convention brings together municipal representatives from across Alabama to discuss common interests and share solutions to common problems. The Convention provides instruction for elected officials, clerks, attorneys, judges and others. The League Convention has grown into one of the largest in the state. We need approximately 750 hotel rooms to accommodate our attendees at the convention. As was the case in the past, delegates can get their own rooms at any hotel of their choosing. To facilitate this process, at the Business Session in Mobile, we distributed to attendees a list of hotels that are holding room blocks for the League Convention in Huntsville. A letter with this information was also mailed to all mayors and clerks following the convention. The hotels began taking reservations on June 1, 2002.

The League continues to offer two League Computer Programs. The Municipal Law on Disc program contains summaries of Attorney General Opinions, Court Decisions and Ethics Opinions published in the League Newsletters over the

continued next page

past 40+ years. We currently have 45 subscribers. A subscription lasts for one year and the program is updated quarterly.

Our second program is ALM Library. This program contains the complete text, searchable by word, of the *Selected Readings for the Municipal Official; Handbook for Mayors and Councilmembers; Municipal Clerk's Manual, Municipal Public Improvement Cost Assessments; Methods of Extending Municipal Corporate Limits; Labor Laws Affecting Municipalities; and Incorporating a Community*. The League has sold 134 copies of this program – 41 since October 17, 2001.

We are currently doing a complete overhaul of the League website to make it more user friendly. The web page is on the internet at www.alalm.org.

The League recently completed a *Utility Services Survey*. Survey results will be distributed in the near future. The latest edition of the League's *Municipal Salary Survey for Cities Over 2,000* has just arrived and will be posted to the League website in the near future. Greg Cochran and Carrie Banks are currently working hard on our next edition of the *Annual Directory & Vendor Yellow Pages*.

The total enrollment in the League Certified Municipal Officials Program since inception is 2041 officials. Active officials enrolled are 1224 – up 52 since the July board meeting. There have been 500 Basic CMO graduates to date. They can be broken out as follows: 1996 – 48; 1997 – 84; 1998 – 84; 1999 – 103; 2000 – 73; 2001 – 29; 2002 – 65; and 2003 – 13.

There have been 149 Advanced CMO Graduates that can be broken out as follows: 1999 – 23; 2000 – 50; 2001 – 41; 2002 – 31; and 2003 – 4.

On November 21, 2002, the League will hold a course on Community and Economic Development in Montgomery at the Civic Center for Advanced, Basic and Continuing CMO credits. Although the course is primarily designed as an Advanced Course, all municipal officials are welcome.

A Model Business License Ordinance has been developed for Alabama municipalities and is now available. I expect the legislative effort to modernize the state law relating to municipal business licenses to resume during the 2003 Regular Session. We continue to work on issues relating to the Streamlined Sales Tax Project.

The Southern Municipal Conference (SMC) Board of Directors held a meeting in late August in Key West, Florida. Our state was represented by League President George Roy of Calera; Mayor Bobby Payne of Tallassee; Ken Smith of the League staff; and myself. A lot of worthwhile information was provided on the top three issues in each of the southern states. I am also happy to report that the GovDeals program continues to grow. The Executive Committee approved a resolution authorizing the League to begin accepting credit card payments for convention registrations and other items sold by the League.

Important dates of future events were announced:

- **Election Day** – Nov. 5
- **Committee on State & Federal Legislation** – Nov. 7
- **CMO Program on Smart Growth** – Nov. 21, MCC
- **NLC Congress of Cities** – Dec. 4-7 – Salt Lake City, UT
- **First Day Organizational Session of Leg.** – Jan. 14, 2003
- **MWCF Board Meeting** – January 15, 2003
- **Legislative Reception** – January 15, 2003
- **Mid-Winter Executive Committee** – January 16, 2003
- **AMIC Board Meeting** – January 16, 2003
- **First Day of Regular Session** – March 4, 2003
- **NLC Congressional-City Conference** – March 7-11, 2003, Washington, D.C.
- **SMC Leadership Conference** – April 9-12, 2003, Richmond, VA
- **ALM Convention** – April 26-29, 2003, Huntsville
- **Last Day of Regular Session** – June 16, 2003

The League Director and League Legislative Liaison provided a state legislative report. Mr. Bloom urged members to get commitments from legislative candidates on municipal issues. The possible organization of the new House and Senate was also discussed.

The League has received numerous calls on the State Financial Institution Excise Tax (FIET) payments recently received by our member municipalities. A number of municipalities received substantially less than in previous years. The League has contacted the Alabama Department of Revenue and other sources to determine the cause of these decreases. It appears that the amount of FIET revenue received by a municipality is totally dependent upon the FIET return filed by banks and other financial institutions located within the municipality. Several factors can cause the amount of FIET paid to decrease: timing of payments and refunds; the 2-year net operating loss carrybacks and carryforwards; purchases of small banks by larger multi-state banks; and tax free investments in Real Estate Investment Trusts. Municipalities that experienced large decreases should contact their local banks and financial institutions to determine what happened locally to cause lower tax receipts.

The FY2002-2003 League Budget was brought up-to-date now that the final figures for the FY2001-2002 year are available. The Executive Committee approved several amendments to the budget adopted at the July meeting. Ms. Phyllis Ingram of Carr, Riggs and Ingram presented the annual audit report of the League's finances. Ms. Ingram stated that the League was in excellent financial shape.

Mayor Sue Glidewell, Chair of the Alabama Municipal Insurance Corporation, and Mayor Leon Smith, President of the Municipal Workers' Compensation Fund, presented the reports on the activity of their respective programs

League Deputy Director and Counsel Ken Smith discussed several recent legal opinions relating to adequate counsel of persons appearing before municipal courts who plead guilty, religious solicitation and weed control ordinances. ■



ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, State and Federal Relations

Protecting Municipal Drinking Water Supplies

Drinking water protection should be a community-wide effort, beginning with protecting the source of the local water supply, and including education, funding, awareness, pollution prevention and conservation. Here are some practical things you can do to ensure that your community's drinking water supply is of the highest possible quality.

Understand Where Drinking Water Comes From

One of the most important first steps is to understand where drinking water comes from. Water sources vary even within communities. Nationwide, approximately 53 percent of all drinking water comes from groundwater sources (wells that pump water from underground aquifers), with the remaining 47 percent coming from surface water sources (rivers, lakes and reservoirs). The types of contamination that can occur in drinking water will vary according to the source of the water; the geographic region of the country; the type and amount of pollution entering the source waters; and other factors.

A critical concept for understanding drinking water quality is the link between tap water and the "watershed" from which drinking water is drawn. Each Consumer Confidence Report is required to identify the source of local drinking water and possible sources of contamination in the watershed. Understanding the concept of a watershed can help people better understand the root causes of pollution and environmental degradation, and how they personally or in the community affect the watershed and the people downstream from them.

What is a watershed? It is the area of land that catches rain or snow and drains into a marsh, stream, river, lake or to groundwater. Because watersheds are nature's boundaries, they represent the most logical, holistic approach to water resource management. The key is to think about how land is formed or configured. Visit EPA's "Surf Your Watershed" website at www.epa.gov/surf for information on your local watershed.

Follow Household Hints

Here are some common household tips for protecting the drinking water supply:

Reduce the amount of fertilizers, pesticides or other hazardous chemicals that you use. Buy only what you need so that you don't have to dispose of leftovers. Read all the labels and follow directions. For tips on good fertilizing and watering practices, check out USDA's tips on Lawn and Garden Care, at www.nrcg.usda.gov/lawn.html.

Use organic lawn and garden alternatives that do not contain synthetic chemical poisons. Reduce use of products that contain any of the following words on their labels: caution, warning, danger, poison, flammable, volatile, caustic or corrosive.

Recycle used oil, automotive fluids, batteries and other products. Don't dispose of hazardous products in toilets, storm drains, wastewater systems, creeks, alleys or the ground. This pollutes the water supply. Bring leftover paints, cleaners and other products to household hazardous waste collection stations in your community.

Conserve water indoors through low-flow showerheads, low-flush toilets and washing only full loads in dishwashers and washing machines.

Conserve water outdoors by using principles of xeriscape to plant native, drought-tolerant plants in your yard, reduce watering of lawns and watering only in the morning, when evaporation rates are at their lowest.

Get Involved in Protecting the Community's Water Source

Consumer Confidence Reports are a good starting point for getting involved in protecting your community's water source, and in encouraging others to do so as well. A first step might be building a working relationship with your public water system. Ask questions, give feedback on the CCR, and convey your concerns about water quality. Ask your water system if they have done a source water assessment, a sanitary survey or any other review of potential sources of pollution. Learn more about pollution sources, and find out about the water system's infrastructure needs and improvement plans.

There are many other ways to get involved with drinking

continued next page

water issues and environmental issues in general. Many communities have already established source water protection programs. A call to your local water supplier can help determine if your community participates. Preventing pollution of source water is the most efficient and sustainable approach to ensuring safe drinking water for the future. Find out what is going on in your community to protect drinking water. There are many ways this can be done, including citizen campaigns, political action and working with local farms and businesses. Through the local political process, citizens may have opportunities to support improvements in the operation, maintenance and construction of water treatment processes. To learn more about protecting drinking water sources, go to EPA's website at www.epa.gov/safewater/protect.html.

Following are just a few of the many ways of getting involved:

- Find out who's doing what in your community. The National Environmental Directory lists more than 13,000 organizations in the United States concerned with environmental issues and environmental education. This information is available on the Internet at www.environmentaldirectory.net. Another Web source is VolunteerMatch (www.volunteermatch.org) which can match you up with groups in your community. Clean Water Network (www.cwn.org) is a clearinghouse of groups working to protect surface area drinking water.

- Help monitor your watershed. Volunteer monitors keep a close watch on watersheds to spot pollution problems. EPA's National Directory of Citizen Volunteer Monitoring Programs lists hundreds of citizen volunteer monitoring programs around the country, arranged by state. Key information, including a contact name, address, and type of waters monitored, is also provided. Go to: <http://yosemite.epa.gov/water/volmon.nsf>.

- Make sure cases of waterborne illness are reported. If you suspect or hear of waterborne illness, report the information to your local or state health department.

- Get kids involved through education. Among the many resources and educational opportunities available for young people is Give Water A Hand, a national watershed education program designed to involve young people in local environmental service projects through youth groups or school classes (www.uwex.edu/erc).

- Consider starting a Home*A*Syst program in your community, or joining an existing program. Home*A*Syst is a nationally-based effort designed to aid homeowners and renters in understanding environmental risks in and around their home (www.uwex.edu/homeasyst). It can also guide you in making voluntary changes that prevent pollution, and in working in coordination with efforts by agriculture, industry, and government.

- Get your community involved. The Groundwater Foundation offers a community-based program called Groundwater Guardian that supports and connects communities taking voluntary steps to protect groundwater.

Visit the Foundation's website at www.groundwater.org to learn more. A training module is also available for offering workshops on drinking water assessments and protection.

Become Involved in State and Federal Decision-making

There are numerous opportunities to become involved in water-related decisions, both at the state and federal levels. Here are some key decision points, information sources and opportunities for public input:

Annual Reports. By January of each year, every state must produce an annual report on whether water systems within the state are meeting drinking water standards. These reports are available through your state drinking water program. Call the Safe Drinking Water Hotline at **800-426-4791** to find out how to contact your state's drinking water program.

State Assessments. Between now and 2003, states will also be examining each of the nation's drinking water sources (rivers, lakes, groundwater, etc.) to determine how susceptible they are to contamination. States must make the results of these detailed assessments available to the public when they are completed, and a summary of the assessment must be included in the Consumer Confidence Report. Call your state drinking water office to obtain an assessment or to see if there are ways to help in the assessment, such as by inventorying potential pollution threats.

Revolving Grant Funds. Each year, states decide on who should receive grants from the Drinking Water State Revolving Fund. The state's "intended use plan" lists the water systems that will be receiving grant funds to upgrade their treatment facilities. Your state is required to seek public input in developing its intended use plan.

EPA Meetings: EPA holds many public meetings on issues related to drinking water regulations. You can also comment on proposed regulations. A list of public meetings and regulations that are open for comment can be found on EPA's drinking water web site at www.epa.gov/safewater/pubinput.html or call the Safe Drinking Water Hotline at **800-426-4791**. ■

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THE LEGAL VIEWPOINT

By Lori Lein
League Counsel

Municipal Revenues and Expenditures: What Requires a Separate Account and How Can the Money be Spent?

Introduction

The League frequently receives calls from its member municipalities wanting to know what revenues must be kept in separate accounts and what, if any, restrictions are placed on how those funds may be spent. This article attempts to summarize what funds must be maintained in separate accounts and how those funds may be utilized by municipalities.

The primary funds which must be maintained in accounts separate and apart from the municipal general fund account are: Gasoline Taxes (including the 4, 5 and 7 cent gasoline taxes as well as the 2 cent motor fuel inspection fee); the Municipal Government Capital Improvement Funds (sometimes referred to as the Oil Production Privilege Tax); and, for those municipalities operating municipal courts, the Corrections Fund and all cash bond money. Additionally, garbage collection fees and drug forfeiture funds, while deposited into the general fund, must be spent for particular purposes.

Gasoline Taxes

The State of Alabama has three gasoline taxes and one motor fuel inspection fee. There is a gasoline tax of 7 cents per gallon and 5 cents per gallon on gasoline used in internal combustion engines and an additional tax of 4 cents per gallon on gasoline and lubricating oil. Additionally, there is an inspection fee of 2 cents per gallon on gasoline and diesel fuel, with varying amounts for other fuels and lubricating oil. The revenues derived from these taxes and fees are shared with counties and municipalities.

The gasoline taxes discussed here do not include the "gas tax" municipalities are authorized to levy on the sale

and delivery of gasoline under a municipality's licensing authority pursuant to Section 11-51-90 of the Code of Alabama 1975. This tax is a license tax rather than a true gasoline tax and therefore is considered general fund money and does not have to be maintained in a separate account.

State gasoline tax funds are distributed by the state treasurer on a monthly basis. Under the law, cities may only use these funds for street and highway purposes and they must be kept in separate accounts.

In a nutshell, the 4 and 5 cent gasoline taxes may be deposited together into a separate account and the money from that account used for the same purposes. The 7 cent gasoline tax and the State Inspection Fee on Motor Fuels and Motor Oil (sometimes referred to as the 2 cent Gasoline Tax) may be deposited together into a separate account and the money from that account used for the same purposes.

With regard to maintaining separate accounts for gasoline taxes, it is important to note that it is not sufficient for a municipality to merely utilize accounting and bookkeeping methods which accurately reflect the amount of gasoline tax funds on hand and the purposes for which disbursements are made. These funds must be maintained in separate bank accounts.

Both constitutional and statutory limitations have been placed on municipal use of gasoline tax funds. Again, under the law, cities may use these funds *only for street and highway purposes*. Generally speaking, the use of the 4 and 5 cent gasoline tax funds is more restrictive than the use of the 7 and 2 cent gasoline tax funds. For a detailed discussion of specifically what the funds may be used for and how the gasoline tax monies are distributed to

continued next page

municipalities see the article titled “Municipalities and State-Shared Gasoline Taxes and Inspection Fees” beginning on page 190 of the *Selected Readings for the Municipal Official* (2000 edition) published by the Alabama League of Municipalities.

State 4 and 5 Cent Gasoline Taxes – Sections 40-17-220 through 40-17-225, of the Code of Alabama, 1975, as amended, levy a tax of 4 cents per gallon on all gasoline and lubricating oil sold in the state. Section 40-17-31 of the Code of Alabama, 1975, levies a supplemental gasoline excise tax of 5 cents per gallon on the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use.

Use of the funds from the 4 and 5 cent gasoline taxes, as with all gasoline taxes, are limited to the construction, reconstruction, maintenance and repair of public highways and bridges. See Amendment 93, as further amended by Amendment 354, Constitution of Alabama of 1901. Section 40-17-224, Code of Alabama, 1975, as amended, imposes further limitations on the municipal use of state-shared revenue from the 4 cent gasoline tax. Specifically, this section provides the following:

“Where the use if by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality.”

A municipality’s share of the proceeds from the 5 cent tax shall be used for the same purposes and deposited in the same municipal fund as the 4 cent per gallon gasoline tax. These funds must not be commingled with any other municipal funds.

State 7 Cent Gasoline Tax and the State Inspection Fee on Motor Fuels and Motor Oil (also known as the 2 Cent Gasoline Tax) – Sections 40-17-70 through 40-17-82, Code of Alabama 1975, as amended, provide for the distribution and use of the 7 cent state gasoline tax.

The legislative limitation on the expenditure of 7 cent gasoline tax funds is found at Section 40-17-78(3) of the Code of Alabama 1975, and reads, in pertinent part, as follows:

“Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the net tax proceeds referred to in this section shall be expended

contrary to the provisions of the Constitution.”

It is important to note that funds derived from the 7 cent gasoline excise tax on the sale of marine gasoline must be used to improve boating and boating facilities, seafood, and salt water sport fishing whereas the funds derived from the 7 cent tax on the sale of highway gasoline can only be used for the construction, improvement, maintenance and supervision of highways, bridges and streets, including the retirement of bonds for the payment of which such revenues are pledged.

Section 8-17-87, Code of Alabama, 1975, as amended, imposes an inspection fee which shall be collected on petroleum products sold, offered for sale, stored or used in the state. The fee is 2 cents per gallon on gasoline and diesel fuel with varying amounts for other fuels and lubricating oil. It shall be the duty of the person first selling, storing or using any petroleum product in the state to pay such inspection fee. The inspection fee shall be paid to the Commissioner of Agriculture and Industries on or before the 20th day of each month on all petroleum products sold, stored or used in the state during the preceding month.

Section 8-17-91, Code of Alabama, 1975, as amended, provides that the proceeds from the permit fees, inspection fees, and penalties, if any, collected by the Commissioner of Agriculture and Industries shall be paid into the state treasury and distributed on a monthly basis.

A municipality must use its share of the inspection fee revenues for transportation planning or for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal and interest of any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged.

Section 40-17-78(3) of the Code of Alabama specifically requires municipalities to keep their share of the 7 cent per gallon state gasoline excise tax in a special fund and specifically prohibits the commingling of these tax funds with other funds of the municipality, except the 2 cent state inspection fee with which it may be commingled.

In summary, when it comes to gasoline taxes, municipalities must, at a minimum, have two separate accounts; one for the 4 and 5 cent gasoline taxes and another for the 7 cent gasoline tax and the 2 cent inspection fee.

Municipal Government Capital Improvement Fund

Sections 11-66-1 through 11-66-7, Code of Alabama 1975, give municipalities in Alabama 10 percent of the interest derived from the investment of the Alabama Trust Fund, Amendment No. 450, Alabama Constitution of 1901, in any fiscal year in which the interest equals or exceeds \$60 million. Sometimes this money is referred to as the Oil Production

Privilege Tax.

This money may only be used for capital improvement purposes and must be maintained in a separate account. Based upon the legislative findings found in Section 11-66-2, Code of Alabama 1975, capital improvement would include “the restoration and improvement of municipal government buildings, road, and streets and other facilities” to “to promote the health, safety and public welfare of the citizens of the state.”

Corrections Fund

Section 11-47-7.1, Code of Alabama 1975, provides for a municipal corrections fund. This Section authorizes the municipal council to assess in addition to any court costs and fees now existing, individually or jointly by contract with one or more municipalities in the county, additional court costs and fees up to an amount not to exceed the court costs and fees in the district court of the county for a similar case on each case hereafter filed in any municipal court of the municipality or municipalities. The cost or fee shall not be waived by any court unless all other costs, fees, assessments, fines or charges associated with the case are waived.

The costs and fees when collected shall be paid into a special municipal fund designated as the “corrections fund.” The affected governing body shall allocate the funds exclusively for the operation and maintenance of the municipal jail or jails, other correctional facilities, if any, any juvenile detention center or any court complex.

Municipal Court Cash Bonds

Municipal courts are required to follow the Alabama Rules of Judicial Administration (ARJA). On June 24, 2002, the Alabama Supreme Court adopted Rule 43, AJRA, which relates to the minimum accounting requirements for Municipal Courts. Rule 43 became effective on October 1, 2002.

Section A(8) of Rule 43 provides that relates to cash bonds and provides the following:

“All cash bonds must be receipted and posted to a cash-bond-transaction register that shows the date of the bond, the case number, the person or entity received from, and the bond account. A copy of this receipt must go into the case file. The register will also show the date, the amount, and the check number of all dispositions. *Cash bonds should be deposited into a separate bank account.* This account must be reconciled monthly with an analysis of all funds on hand.” (emphasis added).

A complete copy of Rule 43, ARJA, “Minimum Accounting Requirements for Municipal Courts,” can be obtained from the Administrative Office of Courts.

Garbage Collection Fees

Sections 11-47-135 and 22-27-1, et seq., of the Code of Alabama 1975, relate to the collection of garbage and garbage fees by municipalities. The Alabama Supreme Court has held that garbage fees collected by municipalities are “taxes” and therefore a municipality must relate the cost of garbage service to monies generated by garbage fees. *Town of Eclectic v. Mays*, 547 So.2d 96 (Ala. 1989). In other words, garbage collection fees, while deposited into the general fund, must relate to and be used for garbage collection purposes and not to raise revenue for a municipality.

Drug Forfeiture Funds

Section 20-2-93 of the Code of Alabama 1975 provides for the seizure and forfeiture of property used or intended for use in violation of the state’s controlled substances law. While any funds generated under this section are placed into a municipality’s general fund, the money may only be spent for law enforcement purposes. See Opinion of the Attorney General, 91-0399.

Conclusion

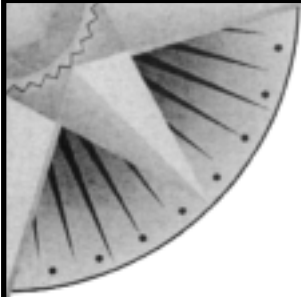
With the exception of garbage collection fees, the above outlined funds all require accounts separate and apart from the municipal general fund. The gasoline taxes, capital improvement fund money and corrections fund money all have statutory or constitutional restrictions on how the money in those accounts may be spent by a municipality.

For a complete description of these and other revenue options that are available to municipalities, please see the article titled “Sources of Revenue for Alabama Cities and Towns” beginning on page 179 of the *Selected Readings for the Municipal Official* (2000 edition) published by the Alabama League of Municipalities. ■

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Legal Notes

By Lori Lein
League Counsel

COURT DECISIONS

Liability: The municipality, through its mayor, had the power to delegate to a private investigator the duty to conduct surveillance of a city employee on behalf of the city. The private investigator was an independent contractor, and thus the city was not liable to the city employee for any negligence on the part of the investigator. Further, the city was properly substituted for the mayor in this action for negligence and other claims because when the mayor is an agent of the city acting in his or her official capacity, and therefore, suing the mayor in his or her official capacity is simply another way of suing the city directly. *Dickinson v. City of Huntsville*, 822 So.2d 411 (Ala. 2001).

Planning and Zoning: On remand from a decision of the Court of Civil Appeals finding that all surface water should be allowed to drain through an easement held by a developer, the trial court erred in ordering the city to grant final approval to development plans, based on findings that the subdivision's storm-water management system are adequate, as that issue was for the city and its planning commission to consider in light of the Court of Civil Appeals prior decision in this case. *City of Dothan v. Eighty-Four West, Inc.*, 822 So.2d 1227 (Ala. Civ. App. 2001). NOTE: See the Court's prior decision at *City of Dothan v. Eighty-Four West, Inc.*, 738 So.2d 903 (Ala. Civ. App. 1999).

ATTORNEY GENERAL OPINIONS

Industrial Development: If a municipal industrial development board determines that the sale, lease, or donation of portions of its property to a non-profit corporation furthers the purpose for which the industrial development board was created, then the board can make the donation. The same analysis would apply to the long term lease of the property. 2002-334.

Public Records: A city may publish, in a newspaper of local circulation, the names of those individuals with outstanding warrants for unpaid fines and the amount of those fines. 2002-236.

Prisons & Prisoners: A city is responsible for the medical expenses of city inmates housed in the county jail if it has contractually agreed to pay for such medical expenses. 2002-348.

Incorporation: A court would probably apply the definition of contiguous as used in annexation cases to incorporation cases under Section 11-41-1 of the Code of Alabama 1975. In general, property is considered contiguous if it touches at some point. Although noncontiguous property may be annexed through local legislative act, property to be incorporated under Section 11-41-1 must be contiguous. 2002-337.

Conflicts of Interest: A city can enter into a contract with a member of the city's civil service board to provide auditing services so long as the member discloses any potential conflict of interest as required by Section 13A-10-62 of the Code of Alabama 1975. 2002-338. NOTE: This opinion specifically relates to the Civil Service Board created for the City of Muscle Shoals pursuant to Act No. 78-494, as amended. Further, any similar questions should be presented to the State Ethics Commission for a determination of any possible violations of the State Ethics Law.

Utilities: A town operating its own water and sewer system may legally require, by resolution, the payment of water bills and related services by property owners and/or renters and may also legally require delinquent owners and/or renters to make such payments or suffer discontinuance and disconnection of water service. 2002-340.

continued next page

Legal Notes cont.

Utility Boards: A water works board incorporated pursuant to Section 11-50-310 et. seq. of the Code of Alabama 1975, may purchase the assets and assume the liabilities of a water district created pursuant to Section 11-89-1 et. seq. of the Code, provided the water board obtains permission from the creditors of the water district to assume the liabilities of the district. 2002-344.

Police Jurisdiction: While a police officer of one municipality may arrest a person committing an offense in the corporate limits of another municipality within the county, jurisdiction over the offense lies with either the municipal court where the offense occurred or in the district court of the county. The municipal court of the municipality by which the officer is employed would not have subject matter jurisdiction over the offense and the actions of the court under such circumstances would be void. Further, no state agency has supervisory authority over disputes between municipal governments. 2002-345.

Elections: A town that has not held elections or provided notice of elections for many years may not hold a special election to elect the offices of mayor and town council but must comply with Section 11-46-21 of the Code of Alabama 1975, and wait to hold an election at the next regular election. 2002-346.

Employees: The Poarch Band of Creek Indians is a federally recognized Indian Tribe, but it is not an entity that would be entitled to receive reimbursement for the training of one of its police officers who is ultimately hired by another governmental entity within 24 months of the officer completing his or her training as provided by Section 36-21-7 of the Code of Alabama 1975.

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Finance, Administration and Intergovernmental Relations

Recommendations presented in this article were adopted by the League's FAIR Committee during the 2002 Committee Day on September 5, 2002. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2003 League Convention in Huntsville, April 26-29, 2003.

F-1. Finance: Federal and State Revenues

F-1.1. That the League urge the Alabama Congressional Delegation to oppose any Federal legislation which would impose an unfunded mandate on municipal governments.

F-1.2. That the League should support legislation to amend the law which limits municipal license taxes on banks so as to establish a new taxing structure which would be equitable to all municipalities that have banks located or doing business within their jurisdictions.

F-1.3. That legislation be adopted to give municipalities authority to levy a license tax on telephone companies at the same rate of 3% of gross receipts being levied presently on other public utilities.

F-1.4. Preserve authority of municipalities to levy reasonable license taxes on gasoline.

F-1.5. That the League seek authority for cities and towns to collect taxes or payments in lieu of taxes from contractors undertaking projects on property owned by federal, state or county agencies located within the municipality. That the League and its membership urge Alabama's Congressional delegation to support legislation needed to provide equitable payments in lieu of taxes on federal properties located in our cities and towns.

F-1.6. That the Committee keep under surveillance the distribution of state financial institution excise tax revenues, and should the federal government deregulate the banking industry, there should be a conference of representatives from the League, the banking industry, and the State Revenue Department to consider changes that might be needed in the taxation of financial institutions to protect both the industry and the revenue structure of the state and local governments.

F-1.7. That all state-shared revenues be preserved with particular emphasis placed on preserving the municipal share of state gasoline taxes and ending diversion of state-shared ABC profits.

F-1.8. That the League is directed to seek the establishment by the State of Alabama of a fund to provide loans of reasonable interest and duration to counties and municipalities for use as matching moneys for federal agency grants to disaster relief.

F-1.9. That the League carefully monitor any proposed legislation or constitutional amendments relating to state taxes to make sure municipal interests are protected.

F-1.10. That the Alabama Congressional delegation be urged to actively oppose any legislation which would require state and local governments to pay federal gasoline taxes and user fees on government-owned vehicles. Further, the Alabama Congressional delegation is urged to support legislation to eliminate the requirement that municipalities pay the federal gasoline tax and then apply for a refund of such taxes.

F-1.11. That the Alabama Congressional delegation be urged to support legislation to allow the levying and collection of state and local taxes on mail order and internet sales across state lines.

F-1.12. That the legislature recognize the importance of municipal government to the overall government structure of the state by allocating a portion of the state revenues generated by any future state lottery and/or casino gambling operations to all municipalities in the state.

F-1.13. That the League oppose the repeal of the Financial Institutions Excise Tax unless revenues lost by municipalities as a result of the repeal of this law are replaced.

F-1.14. That the League sponsor legislation to require actual purchase prices be placed on all deeds in the state.

F-1.15. That the League support deficit reduction efforts at the federal government level and urge the Congressional leadership to make representatives of municipal government equal partners in all discussions related to the federal budget and delivery of federal programs.

F-1.16. That the League urges the Alabama Congressional delegation to support legislation which would authorize the state legislature to establish a uniform state sales and use tax rate for interstate transactions to be shared with local governments, provided such legislation applies only to transactions conducted through the Internet or U.S. mails. Further, the League urges the Alabama Congressional delegation to oppose legislation which would apply such a statewide tax rate to purely intrastate transactions.

F-1.17. That the League urges the State Legislature to undertake meaningful state tax reform.

F-1.18. That the League encourages all municipalities to promptly send amended or new tax rates to the Alabama Department of Revenue as required by law.

continued next page

F-2. Finance: Municipal Revenue-Raising Powers

F-2.1. That the committee urges the members of the Alabama Congressional delegation to oppose any legislation to further limit the deductibility of state and local income and property taxes in the computation of federal income taxes. Further, that the committee urges the reinstatement of the law allowing deductibility of state and local sales taxes.

F-2.2. That the members of the Alabama Legislature be urged to oppose any legislation which would establish a uniform statewide tax and prohibit municipalities from levying the tax on such products by ordinance.

F-2.3. That the League sponsor legislation to amend the state license limitation statute applicable to "Insurance Companies Other Than Fire and Marine" to provide that the 1% limitations shall be applicable to the full first year premium less return premiums, thereby removing the tax avoidance feature of issuing policies and collecting only a partial year premium during the license year. Further, that the League sponsor legislation to amend our statutes relating to municipal licenses on insurance companies so that licenses shall be computed on total premiums less return premiums collected during the preceding year without the qualification of when the policies are issued.

F-2.4. That the League study the use of impact fees by local governments in other states and to determine if use of impact fees by Alabama municipalities is feasible.

F-2.5. That the Alabama Congressional Delegation be urged to support passage of legislation, which provides that before the Bureau of Indian Affairs grants "protected trust" status to any new lands for an Indian tribe, the tribe must reach a binding agreement to collect and remit fuel taxes, sales taxes and excise taxes on sales to non-Indians on that land.

F-2.6. That the League seek legislation to provide that in all instances where a municipality is required to collect fines, fees or taxes on behalf of a state agency, the municipality shall be entitled to deduct a 2-5% administrative fee before remittance to the proper state agency.

F-2.7. That the League urges the Alabama Congressional delegation to repeal that portion of the 1986 Tax Act which limits advance refundings by municipalities to one.

F-2.8. That municipalities in need of additional revenue be made aware of their authority to levy municipal rental or leasing taxes on the rental or leasing of personal property and of the fact that the Alabama Department of Revenue will collect these taxes for municipalities.

F-3. Finance: Revenue Protection

F-3.1. That the League and its member municipalities cooperate with the Electric Cities of Alabama, the Public Gas Association of Alabama, and any other municipal utility organizations in opposing laws and regulations which would restrict the right of these utilities to serve customers within their municipal boundaries.

F-3.2. That the League Committee on Legislation strongly oppose any amendment to the state sales tax which would exempt state institutions from paying local sales taxes.

F-3.3. That municipal taxation and municipal charges for public services be totally exempt from price controls established by federal and state regulations.

F-3.4. That the League urge the members of the Alabama Congressional delegation to push for reinstatement of full immunity for municipal bond interest.

F-3.5. That legislation be supported which would make leasehold interest on property owned by tax exempt organizations taxable to the owner of the leasehold when such property is used for purposes other than that of the tax exempt owner.

F-3.6. That the League be in opposition to special tax exemptions, recognizing that such exemptions provide expensive revenue losses, discrimination, and costs of administration.

F-3.7. That the League strongly pursue legislation to totally exempt municipal corporations from the application of all state utility taxes.

F-3.8. That the exemption of food from municipal sales tax would drastically reduce the principal source of municipal revenues and cause a crisis in municipal revenue structures statewide. That the League strongly oppose all legislative proposals to this effect and that members advise the legislature and the governor of the perilous results which such legislation would cause for municipal government in Alabama.

F-3.9. That the League opposes all legislation which would place a burden of "double taxation" on the municipal citizen.

F-3.10. That the League opposes any legislation which would restrict the authority of municipalities to tax licensees of liquor and wine both within the corporate limits and police jurisdictions of Alabama municipalities.

F-3.11. That the League urges all municipalities to prepare a long range financial forecast.

F-3.12. That the League oppose the establishment of a federal sales tax, or a federal tax similar to a sales tax by whatever name applied to it. Further, that the League urge Alabama's Congressional delegation to support federal deficit correction through revision of the federal income tax laws and oppose any proposed new federal taxes such as sales taxes, flat taxes, and value-added taxes if unfavorable to municipal interests.

F-3.13. That the League recognizes the loss of sales and use tax revenues caused by increasing mail order and internet sales and supports efforts being made to find a mechanism by which state and local taxes on such sales may be collected. The League recognizes that the Streamlined Sales and Use Tax Project may provide a solution to the current situation and endorses the participation of the Alabama Department of Revenue in the Streamlined Sales and Use Tax meetings. However, the League opposes any solution which would require collection of all sales and use taxes by the Alabama Department of Revenue.

F-3.14. That the League calls for more stringent enforcement of the Federal Regulatory Flexibility Act of 1980, which directs federal agencies to scale regulations to the governmental jurisdictions which must follow them.

F-3.15. That the League opposes any pass-through provisions in that portion of the state general fund budget affecting the ABC Board if such pass-throughs would result in a loss of revenue to the municipalities of the state.

F-3.16. That the League oppose any legislation that would

limit the ability of municipalities to establish sales and use tax rates or any other tax rates.

F-3.17. That the League opposes any reduction in the State General Fund which would reduce the amount of funds available to match federal funds allocated for projects in Alabama municipalities.

F-3.18. That the League urges the members of the Alabama Congressional delegation to make sure that municipal interests are protected in any pending legislation involving the so-called "Information Superhighway."

F-3.19. That the current law which exempts persons whose sole income is derived from federal Social Security from paying local garbage collection fees be amended to add the additional requirement that beneficiaries of the exemption must also be eligible to apply for food stamps.

F-3.20. That the legislature enact legislation to remove the ABC Board's authority to sell alcoholic beverages at retail. All wholesale sales of liquor and enforcement of the ABC laws should continue to be a function of the ABC Board. In order to adequately protect municipal revenues, any termination of state ABC stores should be accompanied by a state tax on liquor designed to produce the same amount of revenue as ABC Board profits generated in the FYE 1990. Revenue generated by this tax should be distributed to entities that currently receive distribution of ABC profits in the same manner as the current distribution formula.

F-3.21. That the League seek legislation to amend Act 2000-684, which relates to an exemption from sales and use and taxes for materials used by contractors on government projects, so as to provide for an adequate auditing of the exemption.

F-3.22. Current law provides that disaster assistance is to be provided as follows: 75% by the federal government, 10% by the state government and 15% by the local government. The League urges the state legislature to amend current law to provide that the local government share in any one fiscal year shall be either 15% or \$50,000, whichever is lower.

F-3.23. That the League supports the efforts of the Department of Revenue to implement a Statewide Geographic Information System (GIS) and encourage all state agencies and local governments to participate in this effort.

F-3.24. That the League commends the State Department of Revenue for allowing all municipalities to enter the Exchange of Information Agreements and that the League encourages its members to take advantage of this opportunity to improve revenue collection programs.

F-4. Finance: Industrial Financing

F-4.1. That the League strongly oppose federal regulation of industrial revenue financing that is not uniformly applicable to all issuing authorities nationwide. That the federal government should not use the unequal regulation of industrial financing as a vehicle to favor industrial growth in one region over another.

F-4.2. That the League sponsor an amendment to the Cater Act to prevent the use of industrial development financing to remove existing taxable industrial property from the tax rolls.

F-4.3. That the League strongly support the principle that

disclosure requirements for the issuance of public securities be left to state and local control.

F-4.4. That the League support legislation to limit the use of IDBs to industrial projects only.

F-5. Administration: General

F-5.1. The adoption of legislation directing liberal construction of municipal enabling legislation.

F-5.2. To encourage the elimination of duplication of governmental services by joint effort.

F-5.3. That policy decisions relating to all programs at the local level be made by elected local officials.

F-5.4. That the League work to preserve the right of municipal governing bodies to provide additional compensation for officers and employees who are required to perform added duties and responsibilities.

F-5.5. That all municipal officials are encouraged to read the legal notices containing advertisements for local bills proposed for introduction in the state legislature.

F-5.6. That the League introduce legislation to amend the Alabama Open Meetings laws so as to codify the Supreme Court decision allowing municipal governing body discussions of pending litigation with legal counsel to be closed to the public. Such legislation should also provide an exemption for council discussions relating to the sale or purchase of real property and council committee meetings when the committee's members is less than a quorum of the council.

F-5.7. That the League support legislation to increase the preference allowed local bidders under the provisions of the competitive bid law from 3 percent to 5 percent.

F-5.8. That the League seek passage of legislation to amend the state public records laws so as to adequately cover electronic data.

F-5.9. That the League seek legislation to provide that persons acting as mayor during a lengthy absence from duty of the mayor shall receive the compensation established for the holder of the position of mayor during his or her time of service as acting mayor.

F-5.10. That the Alabama Constitution be amended to allow full-time municipal officials to participate in the Employees Retirement System of Alabama.

F-5.11. That the League urges all municipalities to enter into a written contract with their auditor for the annual audit. Further such contract should contain a deadline for completion of the audit and provide a penalty for failure to complete the audit by the date specified in the contract.

F-5.12. That Section 41-16-51, Code of Ala. 1975, which provides that the purchase of dirt, sand and gravel by county governing bodies from any county property owners in order to supply a county road or bridge project may be purchased without the necessity of bidding, so as to give a similar exemption to municipalities.

F-5.13. That Section 11-44G-2, Code of Ala. 1975, which relates to the filling of vacancies in the office of mayor in Class 7 or 8 municipalities, be amended to allow the council president to fill

continued next page

the vacancy in cities of 12,000 or more population.

F-6. Administration: Labor Relations

F-6.1. That all municipalities, regardless of size, establish an ongoing personnel system to insure compliance with laws and regulations affecting municipal employer-employee relations, and also to document important information affecting such relations.

F-6.2. That the League continues to favor fair, uniform and equal treatment of all public employees and inasmuch as the public policy of this state, since its admission to the Union in 1819, with respect to collective bargaining has remained firm and unchanged, any legislation changing this policy should first be submitted to a vote of the people of this state. The League continues its opposition to any legislation which would give any group of public employees special or favored treatment, the effect of which treatment would be to discriminate against other employees. Further, that the League disfavors the withholding of employee union dues at the local level of government.

F-6.3. That legislation imposing restrictions on municipal employer-employee relations or providing special treatment for particular groups must be discouraged and opposed.

F-6.4. That legislation be introduced which would prohibit picketing in a manner which would impede the use of public safety vehicles with provision that any public employee engaging in such activities must be terminated from their public employment.

F-6.5. That the League strongly oppose the imposition of federal regulation of state and local government pension systems under ERISA. That the League recommend that local pension systems provide for realistic and equitable levels of retirement, survival and disability benefits; provide appropriate and timely reporting of the pension systems financial condition to plan participants, elected officials, taxpayers and other interested parties; establish a financing plan to assure adequate funding of future benefits and obligations as they are earned and accrued to amortize any accrued or unfunded liability; and establish fiduciary standards for plan.

F-6.6. That the League staff research and prepare recommended grievance procedures to be followed by member cities and towns in dealing with their personnel.

F-6.7. That the League staff advise with members on labor problems and act as a clearinghouse on information relating to labor developments in municipal government in Alabama.

F-6.8. That the League give its full support to efforts for the repeal of the Davis-Bacon Act and that the League's position on this issue be made known to Alabama's Congressional delegation.

F-6.9. That the League strongly oppose any state legislation which would mandate overtime pay, hours or working conditions of municipal employees.

F-6.10. That the League oppose the reenactment of legislation that would mandate the payment of prevailing wage rates on public improvement projects financed by state or local funds.

F-6.11. That the Alabama Congressional delegation oppose all legislation which would require Alabama municipalities to come under OSHA regulations and all legislation which would establish a so-call "Police Officers' Bill of Rights."

F-6.12. That the Alabama Legislature be urged to oppose any legislation proposing a so-called "Police Officers' Bill of Rights.

F-6.13. That the League urges every municipality to adopt a written policy prohibiting sexual harassment in the workplace. The League also encourages every municipality to provide instruction to all officers and employees of the municipality on the subject of sexual harassment.

F-7. Administration: Training

F-7.1. That all municipalities be strongly urged to establish municipal safety programs.

F-7.2. That all municipal governing bodies be urged to establish ongoing productivity programs to better monitor the costs of providing essential services to the people. That all municipalities be urged to implement the accounting, reporting and management procedures recommended in the revised *Alabama Municipal Finance Manual* prepared by the Office of Public Service and Research of Auburn University with cooperation of the League and the Alabama Society of CPAs.

F-7.3. That the League support the inclusion of additional instruction on court procedures in the training standards established by the Peace Officers Standards and Training Commission.

F-8. Administration: Annexation and Incorporation

F-8.1. That restrictions be enacted to prevent incorporation of new municipalities within the police jurisdiction of an existing municipality.

F-8.2. That the Legislature be requested to give priority attention to the need for a reasonable and adequate municipal annexation procedure for Alabama cities and towns regardless of the population or geographical size of the existing city.

F-8.3. That legislation be sponsored to provide a special procedure for the annexation of unincorporated territory used for non-farm or non-residential purposes when such property has been completely surrounded by the incorporated area of a municipality for 5 or more years.

F-8.4. That the League and its membership seek federal legislation amending the Voting Rights Act of 1965 to provide for adjudication of issues arising therefrom in the federal district court of the local government affected rather than the District Court in the District of Columbia.

F-8.5. That the League opposes any federal statute which would limit the authority of municipalities to annex property.

F-8.6. That the League support legislation to remove annexed areas from special districts such as fire districts and park districts.

F-8.7. That the League opposes legislative annexation and de-annexation of property located within the limits of a municipality without the consent of the governing body of the affected municipality.

F-8.8. That members of the Alabama Congressional Delegation support amendment of Title 7 U.S.C. Section 1926 to allow a municipal government to assume the assets and liabilities of a rural association providing water and sewer to rural residents when the service area of the association is annexed into a municipality.

F-8.9. That the League sponsor legislation to provide that where two entities are competing to annex similar parcels of unincorporated territory, the entity which begins the annexation process first shall have exclusive jurisdiction over annexation of the subject property until such time as the annexation effort is either successful or until the effort fails.

F-8.10. That the League does hereby urge all municipalities upon the completion of an annexation to immediately notify their county taxing officials of the new municipal boundaries so that the proper taxes can be collected from the new municipal residents. (September 2002)

F-8.11. That the League seek legislation to require insurance companies doing business in Alabama to use ISO ratings to determine rates for fire insurance sold to property owners within the state. (September 2002)

F-9. Administration: Liability, Workmen's Compensation, Unemployment Compensation

F-9.1. That Congress be petitioned to refrain from imposing liability on local officials and officers through federal legislation and endeavor to reduce potential exposure of local officials and officers to tort liability as a result of existing legislation. In particular the League urges the Alabama Congressional delegation to support "good faith" as a defense for municipal corporations.

F-9.2. That the League sponsor legislation to protect reimbursement unemployment compensation employers from payment of unemployment compensation to employees who leave their service and are later dismissed by a subsequent employer for a disqualifying cause.

F-9.3. That the League oppose legislation which would abolish the defense of contributory negligence and provide for comparative negligence in civil liability actions in Alabama.

F-9.4. That the League oppose amendments to the Workmen's Compensation Law which would increase the allowance for attorneys' fees in contested cases, establish presumptions relating to service-connected illnesses, or make inordinate changes in the schedule of benefits provided by the Act.

F-9.5. The alarming increase in liability insurance costs for public entities prompts the League to recommend that all municipalities actively engage in the establishment of safe operating procedures to avoid liability and claims against the municipality.

F-9.6. That the League support legislation to amend Act 87-233, which exempts certain officers and directors from civil liability, so as to add housing authority directors to the list of covered officials.

F-9.7. Attorney General Opinion 2002-138 advised that jail personnel who are not physicians, pharmacists or registered or licensed practical nurses may not administer or dispense medications in jails. This opinion has created financial hardships for many smaller municipalities. The League is urged to seek legislation to amend the law on which this opinion was based so as to provide that jail personnel and school personnel may administer medications under limited circumstances.

(September 2002)

F-10. Administration: Courts

F-10.1. That the League supports the separation of powers concept and therefore supports the proposition that the power to be exercised by a municipality should be determined by the legislative branch of government rather than the judicial branch.

F-10.2. That all municipalities support the educational programs of the Alabama Judicial College, a division of the Administrative Office of Courts, by encouraging annual attendance of judges, court clerks and magistrates, and other interested municipal officials, including police administrative officials, at judicial seminars. It is recognized that continuing education is vital to further improvement of the criminal justice system and to the stabilization of liability insurance rates for municipalities.

F-10.3. That all municipalities which have a municipal court, regardless of size, recognize that the court represents the judicial branch of government and as such serves a separate and distinct function from that of the law enforcement agency. Further, that each municipality adopt policies to ensure compliance with laws, rules and regulations effecting neutrality and independence of the municipal court and that the municipal court be budgeted as a separate department. Municipal governing officials and judicial officials are encouraged to study magistrates' work situations to ensure that they are free to exercise independent judgment in making probable cause determinations in the warrant-issuing process.

F-10.4. That municipalities review Alabama County 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.

F-10.5. That municipalities seek the assistance of the Administrative Office of Courts staff in updating administrative and recordkeeping procedures of the court to increase the effectiveness and efficiency of their courts and to satisfy legal requirements of court administration. Several forms included in this model system are mandatory forms.

F-10.6. That the League explore the possibility and feasibility of establishing circuit rider defenders, prosecutors and judges for municipal courts.

F-10.7. That all municipal governing bodies are hereby urged to promptly inform the League's staff of all court cases brought by or against their cities in state circuit courts and in federal district courts.

F-10.8. That all municipal courts, regardless of caseload, utilize a prosecutor as an officer of the court to insure the consistent and competent enforcement of municipal ordinances. The prosecutor should be available when needed.

F-10.9. That each municipality monitor the appointment of judges to assure that a vacancy does not occur due to the expiration of the terms of office. The term of office is two years for part-time judges and four years for full-time judges. The judge's term continues until a successor has been appointed and

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qualified. The judge should take the Oath of Office at the beginning of each successive term.

F-10.10. That each municipality review Rule 18, Alabama Rules of Judicial Administration, to determine if its warrant-issuing officials, known as magistrates, have been properly appointed and sworn in. Further that each magistrate, including the court clerk, complies with the provisions of Rule 18.1(B)(3) and (4) by enrolling in the mandatory Orientation and Certification Program within six months from the date of appointment and completing the certification program and certification maintenance in accordance with the guidelines established by the Administrative Office of Courts.

F-10.11. That the League encourage continuing education of governing officials regarding the judicial branch of municipal government and include such education as a part of its Education Program for Municipal Officials, as well as its annual conference. This would ensure that all officials have both a basic working knowledge and an opportunity to develop an in-depth understanding of the legal and procedural requirements of the judicial system at the local and state level.

F-10.12. That each municipal court support and utilize the Court Referral Program network by having alcohol and drug defendants assessed to determine the extent of any existing problems and referring such defendants to the appropriate community resources for education and treatment. Courts should utilize court referral officers to assess and monitor defendants to ensure that court orders are strictly followed.

F-10.13. That municipal courts and police departments be encouraged to make a special effort to reduce the number of inactive pending cases resulting from defendants' failing to appear in court to answer charges against them or failing to pay court-ordered fines and court costs and restitution. This should be a part of a statewide effort to collect delinquent court fees and should be coordinated with the efforts of the Department of Public Safety, Administrative Office of Courts and other appropriate agencies.

F-10.14. That the League recognize and support the efforts of the Alabama Municipal Court Clerks and Magistrates Association. The Association has identified as one of its primary goals to raise the level of competence of municipal court clerks and magistrates through education. Further, the League encourages 100 percent participation in the mandatory training and education for municipal court clerks and magistrates.

F-10.15. That the League study the feasibility of legislation allowing municipalities the option to authorize the municipal court clerk to maintain a separate checking account for the purpose of receipting, maintaining and distributing cash bonds, restitution payments and other funds held in escrow other than statutory court costs which are distributed on a monthly basis by the municipal court clerk or treasurer. If determined to be feasible, it is recommended that the League prepare legislation and give priority support for such legislation.

F-10.16. That the League encourage each municipality to ensure that all funds paid as the result of a court order are properly distributed on a timely basis by the 10th day of the following month. Municipal officials desiring to determine if their courts are collecting and distributing proper amounts may contact the

Administrative Office of Courts to request technical assistance.

F-10.17. That each municipality take necessary steps to ensure that juvenile offenders are properly identified and, where required by law, see that they are immediately transferred to the juvenile court. All records identifying juvenile offenders in the court and police departments must be treated as confidential.

F-10.18. That the Municipal Government Committee of the Legislature be asked to study the feasibility of establishing a system of mandatory training for jailers.

F-10.19. That municipalities recognize the severity of problems related to incarceration of prisoners and support state and local judicial efforts in working with other agencies to develop community-based alternatives to incarceration for nonviolent property offenders.

F-10.20. That each municipality planning and implementing automation in its court consult the Administrative Office of Courts to determine standardized features which facilitate communication with other courts and with state agencies, including reporting to the Department of Public Safety and the Criminal Justice Information System. The standardization of data elements and other computer features ensures fast and accurate reporting and retrieval of information for local court and law enforcement purposes. Further, the League encourages municipalities to automate their court records systems.

F-10.21. That each municipality encourage its judge(s) to implement the provisions of Section 14-6-22, Code of Alabama, 1975, by ordering defendants to repay the cost of incarceration upon conviction. The costs of housing should be determined by the proper municipal officials and may be assessed along with the actual cost of medical expenses.

F-10.22. That the League of Municipalities oppose any legislation which establishes or increases any court costs, penalty or assessment that does not go directly into municipal or state general funds, or that may be used directly for court improvement, or used to the benefit of Alabama's Fair Trial Tax Fund. It is recognized that millions of dollars are collected by municipal and state courts that are paid directly to and expended by numerous agencies and organizations that are not funded, or accounted for, through the general fund budgeting process of any local or state governing body.

F-10.23. That the Alabama League of Municipalities commend the Chief Justice and the Administrative Director of Courts for increasing the involvement of municipal court officials in the planning and implementation of policies and guidelines for administration of the Unified Judicial System and further encourage the continued utilization of municipal representatives in all decision-making processes involving municipal courts.

F-10.24. That the Alabama League of Municipalities express appreciation to the Alabama Supreme Court for its action to improve the administration of justice in municipal courts through the adoption of mandatory certification of all municipal court clerks and magistrates. Further that the League and the Administrative Office of Courts seek ways to provide financial assistance to municipalities that may experience financial hardship in complying with the Supreme Court Order to ensure equitable access to the certification program by all municipalities.

F-10.25. That the mayor and council of every municipality are

encouraged to monitor their municipal court for compliance with constitutional and statutory requirements for the court, by requiring regular reporting to the governing body by the court on its activities and through improved auditing requirements for compliance. Further each municipal governing body is encouraged to ensure that its court files timely reports as required by statute and by the Administrative Office of Courts.

F-10.26. That the League actively support passage of legislation creating and funding a Judicial Education Trust Fund and the use of such funds to support orientation and continuing education programs for municipal court judges, clerks, and magistrates.

F-10.27. That each municipality require its municipal judge(s) to attend education programs designed specifically to deal with issues relating to municipal courts and the judge's duties. Municipalities are encouraged to cover the cost of judges' attendance at such programs.

F-10.28. That the League assist the Administrative Office of Courts to develop amendments to the Alabama Bail Bond Act, or other current laws, so that municipalities are not negatively impacted by these laws.

F-10.29. That the League encourage education of judges, magistrates, prosecutors and police officers to ensure that police and victims are protected in family violence incidents and that victims are not subjected to a new hostility due simply to the frequency of their requests for assistance or their filings of complaints in court.

F-10.30. That municipalities encourage the use of volunteers in courts to assist in the efficient operation of courts. One such use could be in the location and management of defendants in delinquent cases. Volunteers may be considered for use to reduce the backlog of cases which regular staff cannot work through.

F-10.31. That all municipalities study the feasibility of instituting or supporting a community-based detention and community corrections program in their city or town.

F-10.32. That each municipality take measures to see that all court orders are enforced and consider utilizing Rule 38, Alabama Rules of Judicial Administration, which authorizes the Administrative Director of Courts to contract with any collection agent or agencies for the collection of delinquent assessments, costs, fees, fines or forfeitures that are due to be paid to the state, county or municipal government.

F-10.33. That each municipality take notice of Rule 4.11, Alabama Rules of Judicial Administration, establishing the duties of the municipal court clerk and ensure that its clerk is operating in accordance with the provisions of the Rule.

F-10.34. That the League support legislation to remove the restrictions on municipal enforcement of speed limit laws.

F-10.35. That the League actively oppose any legislation that diverts fines, penalties or forfeitures from municipalities to other agencies.

F-10.36. That the League support the development of auditing guidelines similar to those used by the State Examiner of Public Accounts for use by city auditors when auditing municipal courts. Further, a complete audit of all public funds collected by municipal courts should be conducted on an annual basis.

F-10.37. That the League support the development of automation guidelines for municipal court software programs recommended by a municipal court automation committee under the auspices of the Administrative Office of Courts.

F-10.38 That the League encourage municipalities to adopt an ordinance establishing a Correction Fund pursuant to Section 11-47-7.1, Code of Alabama 1975, which provides for the operation and maintenance of a jail facility, court complex or other juvenile facility. Further, the Correction Fund may be used for court personnel salaries, equipment and supplies required to maintain the court or jail.

F-10.39. That the League encourages municipalities to review the security of the courtroom to provide protection for citizens, officials and other personnel conducting official business after five p.m.

F-10.40. That the League encourages the establishment of a Domestic Violence Task Force in each community consisting of municipal and county officials to address how to deal with the rising occurrence of domestic violence in our neighborhoods and communities.

F-10.41. That the League support the Investment in Justice Act which is an additional court cost that includes designation of costs for education, training, advanced technology and data exchange. These funds will be available for court officials to receive training without burdening the municipality. Municipal judges should be strongly encouraged to pursue continuing legal education in the area of judicial administration.

F-10.42. That the League encourage the use of alternative sentencing to reduce the problem of jail overcrowding. Supervised probation is a growing trend that may assist the municipal courts in monitoring compliance of court orders. Further, this should strengthen the collection of court costs, restitution and fines for the municipality.

F-10.43. That the League urges municipal court participation in utilizing the State Judicial Information System as a centralized repository for statistical data relating to courts within the Unified Judicial System. Further, the League encourages use of shared information between intergovernmental entities.

F-10.44. That the League supports the efforts of the Alabama Municipal Judges' Association to seek a Supreme Court Rule change to require mandatory judicial training for Continuing Legal Education for all municipal judges sitting on the bench.

F-10.45. That the League urges each municipality which operates a jail and houses county inmates to have a written contract for the provision of such services. The contract should expressly provide responsibilities for the municipality and the county. It is also recommended that a similar contract be written when a municipality uses a county facility to house municipal prisoners.

F-10.46. That the League urges each municipality to have an audit conducted in the municipal court upon the expiration of the term of office of the municipal court clerk.

F-10.47 That the League seek legislation to amend Section 11-45-9, Code of Ala. 1975, which provides for the maximum fine for violation of municipal ordinances, so as to allow municipal fines to be the same as the maximum allowed by state law.

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F-10.48. That the League recognize the need and support the use of court interpreters in all aspects of criminal proceedings at the municipal level.

F-10.49. That the League recognizes the need for expanding certain duties of municipal court magistrates.

F-11. Administrative: Elections

F-11.1. That the Fair Campaign Practices Act be amended so as to provide a more workable law.

F-11.2 That the League hold meetings with representatives of the Attorney General and the Secretary of State for the purpose of developing and passing legislation to improve the municipal election laws. At a minimum, the following changes should be made: (1) Amend Section 11-46-22, Code of Ala. 1975, relating to the notice of election; (2) allow adjustments to be made as to the number of voting machines or counters to be used in runoff elections; (3) establish separate absentee ballot laws and electronic voting laws for municipal elections; (4) eliminate the need to publish at the court house the list of people who have voted absentee; and (5) rewrite numerous other provisions that are ambiguous and vague.

F-12. Intergovernmental Relations

F-12.1. To oppose the passage of the Federal Interstate Taxation Act which would restrict the power of states and municipalities to collect licenses from businesses in interstate commerce.

F-12.2. That the League encourage continuing liaison between municipal and county governing bodies serving the same general area.

F-12.3. That the League supports the continued funding of state departments that are involved with programs at the local level to provide training and technical assistance to municipal employees and administrators.

F-12.4. That a preference for municipal government in the purchase of surplus state and federal property be sought.

F-12.5. That the work of regional planning commissions should provide local and areawide technical planning assistance which must be subject to the decisions of locally-elected officials serving on such planning commissions, that the policy decisions of such planning commissions must be restricted to the planning functions; and the membership on such planning commissions must remain voluntary and such membership shall not be a condition precedent to the right of any municipality to participate in federal programs.

F-12.6. That all members of the legislature and the governor be advised and petitioned to include representatives from municipal government on all boards and commissions created by the legislature which regulate or control programs affecting urban citizens, and further that the legislature refrain from the adoption of laws, rules and regulations which impose financial burdens on municipal governments without providing state funds to cover the cost of such regulations and controls.

F-12.7. That the League continue and increase its assistance in the promotion of intermunicipal cooperation and assistance, especially in the area of training of municipal officers and

personnel.

F-12.8. That the Committee endorses the A-95 review process and encourages all municipalities to participate in and support the process.

F-12.9. That the League sponsor annual joint meetings with the leaders of substate planning districts for the promotion of cooperation wherever possible.

F-12.10. That the League support state or federal regulation and funding of a hazardous waste removal program.

F-12.11. That the legislature remove statutory provisions which conflict with local code enforcement ordinances to the extent of such conflicts.

F-12.12. That the League urge members of the legislature to seek approval of local governing bodies before local legislation affecting the local unit of government may be introduced in the legislature.

F-12.13. That the League and its membership recognize Section 220 of the Alabama Constitution as construed by long-standing decisions of the Alabama Supreme Court to be essential to municipal administration, protection of the public interest, the orderly use of municipal streets and public ways, and to the economy of our cities and towns. Every effort must be made by the League and its membership to protect and preserve Section 220 and to strenuously oppose any and all efforts made to erode the underlying purpose of Section 220 as heretofore construed by the Alabama Supreme Court to the effect that Section 220 is a bill of rights granted to cities and towns to protect the use of their public ways.

F-12.14. That the federal and state governments should take no action which abridges the right of a municipality to franchise, regulate, or control any person or enterprise that provides services within that municipality. The League does, however, recognize that there may be certain limited circumstances in which Congress and the State Legislature may legislate in this area. When such legislation is enacted, it should be drafted in such a way as to leave municipalities the greatest possible autonomy.

F-12.15. That all members of the Alabama Legislature are urged to refrain from introducing and to adamantly oppose legislation which would restrict or interfere with municipal operations and actions whether governmental or proprietary.

F-12.16. That the members of the Alabama Congressional Delegation be petitioned to vigorously oppose any cuts in the Alabama Army and Air Force National Guard or in the Naval Reserve or any other reserve military units.

F-12.17. That the ABC Board adopt regulations to require that all alcoholic beverage license applicants file their applications initially with the appropriate office of the local jurisdiction in which the business is to be located. ■

*Happy Thanksgiving
from the League Officers
and Staff!*

Energy, Environment and Natural Resources

Recommendations presented in this article were adopted by the League's EENR Committee during the 2002 Committee Day on September 5, 2002. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2003 League Convention in Huntsville, April 26-29, 2003.

E-1. Federal Aid/Mandates

E-1.1. (a) That any federal legislation directing the pass back of control of environmental problems to the states retain some degree of federal oversight to assure uniform national protection of the environment.

(b) That continued federal funding of at least half of environmental protection projects is essential in view of the federal government's mutual responsibility, along with that of state and local governments, over the environment.

(c) That the League urges the Alabama Congressional delegation to continue to monitor and support legislation which would require the federal government to reimburse state and local governments for the additional direct costs of complying with federal mandates imposed after the effective date of the act and prohibit federal agencies and courts from enforcing federal regulations which mandate additional costs unless Congress appropriates the necessary funds to reimburse state and local governments for the cost of implementation.

(d) That agencies of the federal government be mandated by the Congress to uniformly follow the Regulatory Flexibility Act of 1980 which directs federal agencies to scale rules and regulations to the size of the governments that must follow those rules and regulations and which requires a fiscal impact analysis of the rules and regulations proposed by federal agencies. Further, that the Congress is urged to close the loophole in the Act which allows heads of federal agencies to certify, without substantiation, that a proposed rule has no substantial impact on a significant number of small entities.

E-1.2. That the governor is urgently petitioned to consult with representatives of municipal government before implementing any program from the federal level which passes down any responsibility and/or funding in the field of environmental protection.

E-1.3. (a) That the Alabama League of Municipalities express to its U.S. Senators and Congressmen its concern over problems relating to understanding and construction of federal regulations relating to air, water, and solid and hazardous wastes control which pose delays and confusion.

(b) That the League work with members of the state legislature to create a better understanding by the members as to reasonable air, water, and solid and hazardous wastes disposal programs as they affect the industry and future industry of our state.

(c) That the League generally support programs to protect the

urban environment.

E-1.4. The Alabama League of Municipalities requests that Congress and the National League of Cities study the feasibility of a federally-supported revolving loan fund to help finance solid waste disposal. The revolving loan fund should be similar in operation to the program enacted for wastewater treatment.

E-1.5. That the League seek an exemption from all ADEM fees for municipalities and municipal entities. Further, that the League opposes the proposal by ADEM to increase permit renewal fees for landfills and instructs the Executive Director of the League to write a letter to ADEM stating the League's opposition.

E-1.6 The League urges the Governor, State Legislature and the Alabama Congressional delegation to appropriate funding for a statewide Geological Inventory Survey (GIS).

E-2. Pollution

E-2.1. That the League thank the Governor and the legislature for enacting legislation to create the Alabama Drinking Water Finance Authority. Further, the League urges the Governor and the legislature to fully fund the State Revolving Loan Program for drinking water established by this law. Many Alabama municipalities are confronted with the enormous costs of meeting federal Clean Water Act standards and federal grant assistance to meet these deadlines will, at best, be phased out over the next few years. It is imperative that the Governor and the legislature recognize that our state government is seriously deficient in failing to adequately assist local governments in our mutual responsibility of protecting the environment.

E-2.2. (a) That the Environmental Protection Agency and Congress are petitioned to re-examine the impact of the Clean Water Act requirements and the EPA's national municipal compliance policy in relation to the termination of the EPA Construction Grants Program and reduction in state revolving fund (SRF) capitalization appropriations. It should be further noted that the problem is not unique in Alabama but is typical of a condition that exists throughout the country.

(b) That clean water is as much in the national interest as in state and local interest and therefore the federal role in the federal/state/local wastewater treatment partnership must not be abandoned. Further progress toward clean water will depend upon the continued availability of federal funds and state matching funds. Title VI of the Clean Water Act should be funded

continued next page

at the maximum authorized.

(c) The Environmental Protection Agency's compliance policy should be modified so that municipal wastewater treatment compliance plans can be structured to achieve the level of compliance that is consistent with available federal and local financial assistance.

(d) Congress should restore the federal tax incentives for private financing of wastewater treatment facilities since such financing arrangements may reduce capital costs and expedite project construction.

(e) That the League and its member municipalities support the Municipal Water Pollution Prevention Program (MWPP) to protect the investments in municipal wastewater collection and treatment facilities. All municipalities are encouraged to complete and transmit a copy of the annual MWPP report to ADEM with the appropriate resolutions.

E-2.3. (a) That the League staff work closely with the staff of the Air Division, ADEM, in problems involving air pollution control in municipalities.

(b) That the League petitions the governor to appoint a representative of the League to the Environmental Management Commission when the appropriate vacancy on the Commission occurs.

E-2.4. (a) That the League staff maintain close contact with the Alabama Department of Environmental Management's Land Division in its implementation of federal laws and regulations, as well as state laws, governing solid and hazardous waste.

(b) That all municipal governments are urged to review and become familiar with the solid waste management plans under which their communities operate. Due to the increased cost of developing disposal sites, municipal officials should consider joint or consolidated operations in the planning process.

(c) That all municipal officials are urged to make the hard decision to charge collection and disposal fees adequate to fund their increasingly expensive waste management programs.

(d) That municipal officials are urged by the Land Division of ADEM to exercise caution before engaging a private contractor to make sure that such contractor is competent to handle their solid waste needs, and undertaking a cost study analysis of the present operation before entering into a contract with a private contractor. Local units of government should exercise caution in entering into contracts to ensure they do not lose local control and that long-term capacity is assured for disposal.

(e) Any contracts should require that price increases be based on economic indicators such as the Producer Price Index. Contractors should also be required to provide an audit made by an independent firm in requesting a price increase for collection and/or disposal. The League further recommends that all contracts between a municipal government and private solid waste contractors be reviewed by League attorneys and the Alabama Department of Environmental Management before those contracts are executed.

(f) That in most areas, there is a strong need for continued city-county cooperation in solid waste management.

(g) That municipal officials are urged to investigate the advantages of using rollout containers and other methods of curbside pickup in their solid waste collection efforts.

E-2.5. (a) That Congress is strongly urged to fully fund the annual authorizations for the Superfund and underground storage tank clean-up programs contained in the Superfund reauthorization legislation enacted by the 99th Congress and signed into law by the president.

(b) That overlapping and conflicting federal hazardous materials regulatory policies should be eliminated and federal agencies involved in the regulation of hazardous materials (such as DOT, EPA, DOE, FEMA and NRC) should coordinate their programs much more closely. As a first step, the Department of Transportation, the Environmental Protection Agency and other appropriate federal agencies should consolidate their lists of hazardous materials, wastes and substances into a single comprehensive listing. In those instances where more than one federal agency regulates a hazardous material, waste or substance, the appropriate agencies should examine existing regulations and take steps to eliminate conflicting or inconsistent policies.

(c) The federal government should set stricter standards for hazardous wastes, hazardous materials and radioactive materials containers. A standardized hazardous materials and waste numbering system should be developed by the federal government.

(d) Shippers should be required to pre-notify all cities along a prospective route for shipments of extremely hazardous materials (including large quantity or Type B radioactive materials) or infrequently-shipped hazardous materials which would require special anticipatory emergency response preparation. For those hazardous materials which do not require special local preparations, information should simply be made available to the local communities along the potential route. Furthermore, federal, state, regional, and local governments should cooperate more closely in the development of a unified pre-notification system (such as a single manifest system) and in the exchange of shipment-related information. To improve the safety of truck transportation of hazardous materials, the federal government should create uniform national truck operation standards for drivers of vehicles transporting hazardous materials. Such standards should be issued by the Department of Transportation and administered by the state.

(e) Emergency response should continue to be the primary responsibility of state and local governments. State and local governments should participate, with the assistance of industry and the federal government, in education and training efforts. All municipal officials are urged to actively participate in the Local Emergency Planning Committee to make maximum use of resources provided by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) which provides grants to local governments for emergency planning and training for hazardous material incidents.

(f) In regard to high-level radioactive waste, the League recommends:

(1) local governments should be consulted in the designation of routes for the transportation of high-level radioactive waste and spent fuel through their jurisdictions. Where state governments seek the designation of alternative routing to the


continued page 29

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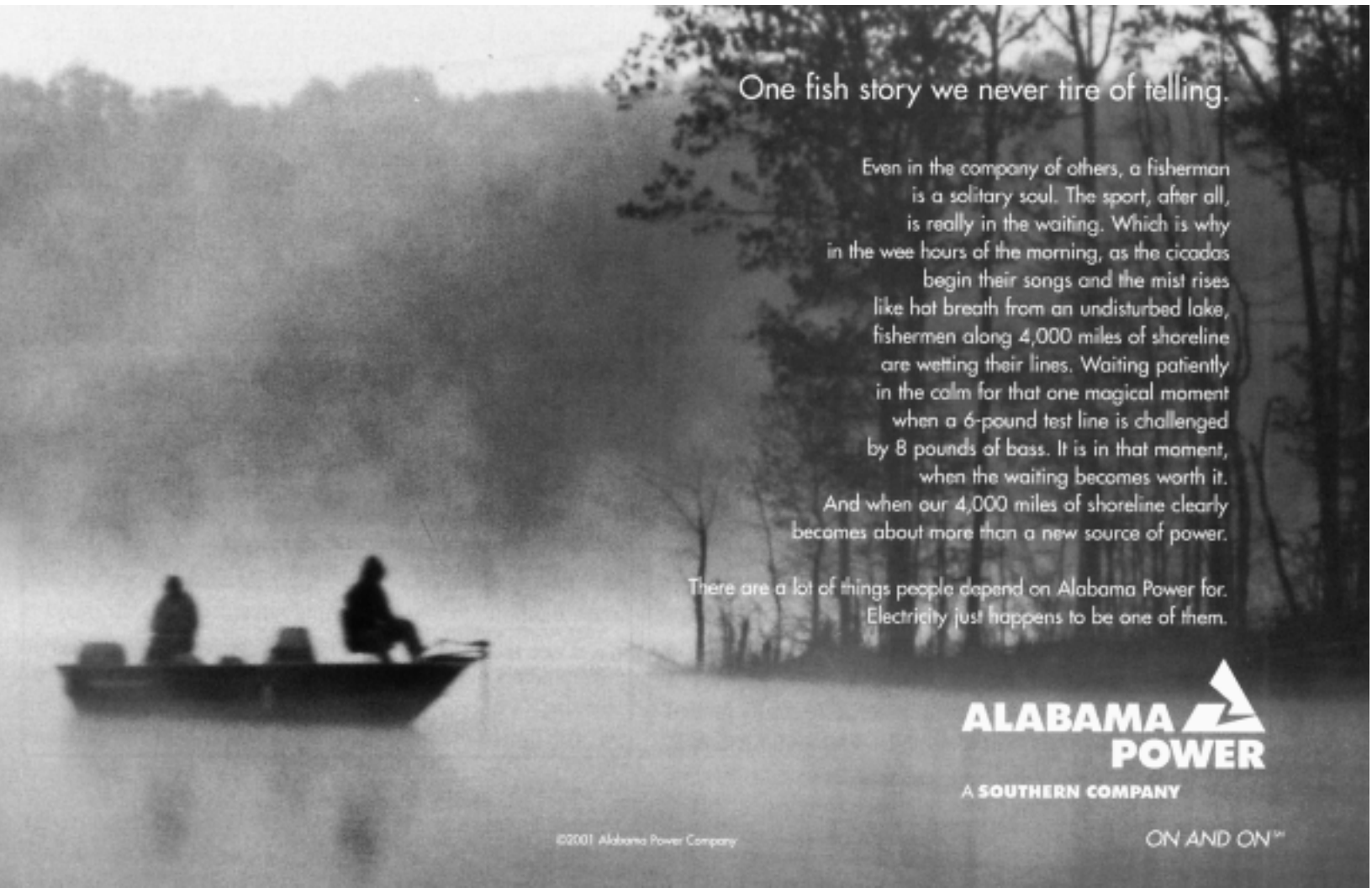
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interstate system, they should be required by federal law to create a review and comment process that provides affected local jurisdictions with the opportunity to participate in the alternative routing decision. Guidelines for the routing of high-level radioactive waste, such as are contained in HM-164 for truck transportation, should also be established for the movement of such waste by barge and rail. The guidelines should include requirements that local governments be consulted in the designation of barge and rail routes through their jurisdictions. The federal government should be required to give general, not shipment by shipment, notification to affected local governments of the routes used and approximate frequency of shipments of high-level radioactive waste through their jurisdictions.

(2) Inspection of vehicles carrying high-level radioactive wastes and enforcement of high-level radioactive waste regulations should continue to be the primary responsibility of state governments. However, local governments should be allowed to assist in enforcement efforts where they have the capacity and resources to do so.

(3) Local governments bear the major burden of the initial response to an accident involving high-level radioactive waste. However, ensuring that local governments have the resources and capacity to respond to such an accident is the responsibility of the federal government. To assist local governments in emergency response preparedness, the federal government should publish and distribute written materials providing both general and technical information for use by local government officials, offer emergency response training and technical assistance for local officials, require state governments to specify a clear definition of local government roles in emergency response under the state plan, assume primary responsibility for public education regarding accidents involving radioactive waste, provide local governments with appropriate emergency response equipment as necessary, and make federal financial assistance available to local governments for emergency response planning and program development.

(4) The total financial pool which provides compensation for losses in case of a nuclear accident must be increased by increasing the ceiling on each nuclear power plant's liability. Furthermore, the Congress should guarantee that compensation will be provided by the federal government if costs to victims exceed the available financial pool. Compensation for losses resulting from accidents at nuclear waste repositories and those involving the transportation of nuclear waste should be provided in a manner similar to compensation for losses at nuclear power generation facilities. Furthermore, state and local governments should be compensated for the costs which they incur in preparing for and responding to a nuclear accident. In order to encourage state and local participation in emergency response efforts, and to minimize the potential for lawsuits against these governments, state and local governmental liability should, under the Price-Anderson Act, be explicitly waived in the event of a nuclear accident. Further, Congress should give consideration to amending the Price-Anderson Act so as to create a federal tort system for nuclear accidents.

(g) That all municipalities are urged to actively participate in the emergency planning and training available through their City-

County Emergency Management Agency. Municipalities should assure that available special training concerning emergency response to radioactive materials and other hazardous materials is obtained by workers and emergency responders. The Hazardous Materials Transportation Uniform Safety Act (HMTUSA) now provides funding to the Local Emergency Planning Committee for emergency planning and training to emergency response organizations.

E-2.6. (a) That the League continue to promote education programs on the need for local beautification and litter prevention, and that all municipalities be urged to explore the possibility of forming local historic preservation and beautification committees.

(b) That all municipalities are urged to consider adoption of an ordinance which provides that upon a finding that litter detrimental to public health on land within the municipal boundaries, to order the owner or other person in charge of such land to remove the litter.

(c) That municipal officials urge their county governing bodies to assist in controlling the practice of dumping abandoned junk vehicles, household goods, furniture and appliances in rural areas. Further, that the legislature is urged to enact an enforceable law controlling non-permitted dumps.

(d) The League strongly supports legislation enacting mandatory statewide residential garbage/trash pickup. If the state does impose a statewide tipping fee, the fee money collected must be redistributed to the local entity or agency that is responsible for local garbage/trash collection and disposal. In the case of a private landfill, fees should be returned, on a per capita basis, to the city or county served by the private contractor.

E-2.7. (a) That the Committee supports enactment of a federal and/or state law to regulate use of non-returnable beverage containers.

(b) That the statutes of the State of Michigan and other states regulating non-returnable beverage containers be used as model legislation for League support in the Alabama Legislature as an Alabama law.

E-2.8. That the Committee strongly recommends the adoption of state legislation providing positive regulation of maximum allowable noise produced by motor vehicles or radios and sound systems and that the regulations be enforced. Municipalities are also urged to enact local noise abatement ordinances which contain provisions for enforcement.

E-2.9. That the League recognizes the problems associated with septage and grease disposal from residential and commercial septic tank systems, and urges all municipalities to explore feasible solutions for proper disposal in conjunction with local utilities, county governments, ADEM and county and state health departments.

E-2.10. That the League urges the state legislature to adopt stringent anti-litter legislation modeled after successful legislation passed by states such as Colorado, Michigan and Texas. The League further urges that any anti-litter legislation passed carry strict penalties designed to stop the act of littering in the state.

E-2.11. That the League urge EPA to consider the cost of proposed rules on non-methane emissions from landfills and the

continued next page

detrimental effect of these proposals on municipal budgets.

E-2.12. That the League urge the Alabama Legislature to oppose any legislation mandating a municipality to purchase any stormwater, sewer, lagoon or other water system from a developer unless the water system meets the written and published standards of that municipality.

E-2.13. The League supports regulations requiring all privately owned wastewater, drinking water and storm-water systems to be constructed to the same requirements as those mandated on municipal governments.

E-3. Drinking Water

E-3.1. That the League urge the governor, the state legislature and the Community Development Division, Department of Economic and Community Affairs, to give priority to environmental-type projects in awarding discretionary and economic development grants under the Small City Community Development Block Grant Program.

E-3.2. That the Committee supports the NLC's National Municipal Policy Statement on Energy, Environment and Natural Resources, Section 2.05F8, entitled "Water Supply: Water Conservation," which states in part as follows:

6. *Water Conservation. Conservation should be made the cornerstone of federal policies and programs for water. In the future, all federal decisions to expand water supplies should start with the recognition that there are limitations on water resources. Federal feasibility studies should include rigorously-developed demand forecasts and consider, as precisely as possible, all environmental costs. Wherever possible, less costly, non-traditional alternatives, especially conservation measures, should be fully evaluated as options. Federal water projects funds should support and encourage water management, conservation and pollution control programs in all types of water use.*

8. *Municipal Water Uses. Federal programs to promote conservation in municipal water use should recognize the conservational value of improving and rehabilitating existing municipal delivery and storage systems and the differences in conservation strategies for local and regional situations. The federal government should not adopt uniform conservation requirements, but should promote and cooperate with state and local water conservation programs and authorities.*

Where national objectives are sought through local governments, any additional costs of federal mandates should be met with federal funds. Where local governments seek to develop new and/or innovative conservation programs in keeping with national interests and objectives, the federal government should make available an appropriate combination of technical and financial assistance for environmentally sound and safe local solutions.

E-3.3. That members of the Alabama Congressional delegation are petitioned to support legislation to enable the USDA Rural Development to expand its grant program and to liberalize the interest rates on its loan program to fund water systems for eligible municipalities.

E-3.4. That all cities and towns should take steps now to

prepare themselves for potential water emergencies. Cities and towns should prepare an emergency plan which addresses contamination and interruption of water service due to droughts, floods or any other disaster.

E-3.5. Municipal officials should delineate wellhead protection areas and provide appropriate safeguards for groundwater resources through zoning or other measures.

E-3.6. Municipalities should be encouraged to actively seek out abandoned wells and work with landowners to properly treat, fill and cap private wells with assistance from and under guidelines prescribed by ADEM. A federal grant program is being developed to provide financial assistance.

E-3.7. Municipal officials should monitor regulatory changes proposed by EPA or ADEM and provide input reflecting the position of the provider of services.

E-4. Energy

E-4.1. (a) Municipal governments should take a primary role in implementing energy conservation and energy management, serving as an example for local industries and businesses and citizenry as a whole, should demonstrate the need for development of comprehensive energy conservation plans and the value in the reduction of an overall energy consumption.

(b) All municipalities are urged to take advantage of financial and technical assistance available under programs administered by the Science, Technology and Energy Division of the Department of Economic and Community Affairs. The League should maintain close contact with the Science, Technology and Energy Division and should request that the Division offer financial assistance to municipalities.

(c) All municipalities are urged to adopt the most recent Southern Standard Building Code, specifically including the provisions relating to thermal and lighting efficiency and further consider adopting the revised code developed by the Science, Technology and Energy Division and the State Building Commission.

(d) All municipalities and counties are encouraged to explore the possibility of implementation of economically-feasible waste recovery and recycling systems but are further encouraged to exercise caution and to seek technical assistance from the Alabama Department of Environmental Management (ADEM) and the Science, Technology and Energy Division.

(e) Municipalities are further urged to help educate their citizens on waste management issues involving hazardous, radioactive and municipal wastes.

(f) Municipalities are encouraged to adopt energy efficient procurement practices and seek technical assistance from the State Purchasing Division and the Science, Technology and Energy Division.

E-4.2. Municipalities should cooperate with the emergency plans developed by the Science, Technology and Energy Division and in the event of any fuel shortage, priority be given in the distribution of fuels necessary for the operation of all health, emergency and other municipal functions which bear directly on the health, welfare, and safety of the citizens of our cities and towns.

E-4.3. (a) The governor and legislature are encouraged to develop and implement an aggressive energy resource development program that is designed to increase the utilization of Alabama's vast energy resources in an environmentally safe and efficient manner. The state should work with private industry to seek markets for the state's coal, oil and gas, lignite, unconventional gas and other resources.

(b) The governor and legislature are further encouraged to provide adequate political and financial support to insure that the state realize the benefits of increased use of its energy resources.

(c) Municipalities are urged to support, and where feasible, participate in the development and use of synthetic fuels, coals, natural and unconventional gas and waste including biomass.

(d) That federal and state funding be provided to investigate and develop potential energy sources in Alabama.

E-4.4. As the price of conventional energy supplies rises, low-income, disabled, and elderly households will be less able to purchase fuel to meet basic needs. The federal government should increase both weatherization and fuel assistance to low-income, disabled and elderly households to offset rising energy costs. The federal assistance program should satisfy the following criteria:

(1) Local governments should participate in the design and implementation of the fuel assistance and weatherization program.

(2) Fuel assistance payments should be made from the federal government directly to energy suppliers. However, cities should be eligible grantees of weatherization funding.

(3) Institutions such as senior citizens centers should be authorized to participate in the weatherization program.

(4) Fuel assistance payments should be based on the total energy impact including heating, medically-necessary cooling and transportation needs.

(5) Excess fuel assistance funds should be reallocated to individuals for the purpose of home weatherization and energy conservation and every effort should be made to use existing delivery systems where possible.

(6) Sufficient funds should be authorized and appropriated to fulfill the objectives of the programs.

(7) Weatherization funding may be permitted by census tract and/or by individual building or dwelling unit.

E-4.5. The nation and its cities must have sufficient suppliers of natural gas. As a positive step to meet our natural gas needs, Congress should give authority to FERC to:

- Reimpose natural gas price controls if necessary.
- Give pipelines limited authority to abrogate and renegotiate current contracts.
- Allow pipelines to carry gas on a contract basis at an incentive rate where producers can find buyers directly, there is available capacity, and existing pipeline customers are not penalized but require that all contract carriage requests be reviewed by the Public Service Commission.

E-4.6. Cities and towns should investigate the possibility of using alternatively-fueled vehicles in their municipal fleets. Further, municipalities are encouraged to purchase and operate alternatively-fueled vehicles in all departments of city government.

E-4.7. That the federal government should encourage and

support the development of hydroelectric power. The federal government should continue to own and operate the federal power marketing agencies and should not sell, transfer, exchange or otherwise dispose of them.

E-4.8. The League urges Congress to adopt legislation mandating only lateral drilling of gas wells within 15 miles of the shoreline.

E-5. Land Use

E-5.1. (a) That the Committee strongly endorses the establishment of state land use legislation which would preserve the authority of municipal control of land use within a municipality's corporate limits and planning jurisdictions, and cautions against federal land use legislation which would usurp vitally-important state and local controls.

(b) That municipal officials are urged to coordinate their planning and subdivision regulations with their county governing bodies proceeding under authority of Act No. 79-553, which authorizes counties to adopt subdivision regulations in those areas of the county beyond the control of municipal subdivision regulations. Further, that both municipal and county governments are urged to work with the State Department of Environmental Management in addressing the problem of uncontrolled rural subdivisions, and that all municipalities exercise their authority to create a planning commission and adopt subdivision regulations.

(c) That the USDA Rural Development be required to give priority to incorporated municipalities over unincorporated communities in the extension of water and sewer grants and loans. Further, that the assistance of the Alabama Congressional delegation be requested in bringing about review of FmHA regulations and revision wherever necessary to prevent uncontrolled suburban sprawl, which imposes a financial burden on counties which are financed principally through taxes paid by urban citizens and which also represents a heavy waste of energy.

(d) That the League should continue to express its concern over electric cooperatives which are contemplating or are presently engaged in the construction and operation of rural water supply systems. Further, that the League continue to question the wisdom of legislation granting this authority to electric cooperatives, especially as this affects the orderly growth and expansion of municipal corporate limits.

E-5.2. That environmental problems be given due consideration by all state agencies in the selection of sites for future state buildings, and by all school boards in the selection of sites for future school construction.

E-5.3. That the Surface Mining Control Act should be extended to include minerals other than coal.

E-5.4. That the federal government is urged to expand and speed up the procedure by which mineral rights to federal land are leased to commercial enterprises, while at the same time exercising due caution to insure protection of the environment.

E-5.5. (a) That this committee work with members of the League staff in developing recommendations and position statements directed at the numerous natural resources in

continued next page

Alabama.

(b) That the League support the Alabama Wilderness Coalition in its efforts to obtain permanent protection of Alabama's publicly-owned forest through their inclusion in the National Wilderness Preservation System.

E-5.6. The Alabama League of Municipalities urges the Alabama Congressional delegation to oppose any legislation which would preempt local land use controls within a municipality's corporate limits and planning jurisdiction.

E-5.7. The League supports the ~~current brownsfield immunity~~ **Brownsfield Tax Abatement and Alabama Land Recycling Finance Authority** legislation to promote polluted site cleanup and industrial recruitment to those properties. (September 2002)

E-6. Municipal Utilities

E-6.1. (a) That the League supports legislation to give every municipality and every incorporated municipal board operating an electric distribution system the right to serve all electrical customers within the present and future corporate limits of the municipality, with the provision of a fair and reasonable formula to compensate for the acquisition of customers presently served by other distribution systems.

(b) That the League most strongly impress upon the legislature the absolute importance of maintaining Section 220 of the Alabama Constitution of 1901, which protects the right of municipalities to require franchises for use of their streets for the construction or operation of any public utility or private enterprise.

E-6.2. That the League Committee on Legislation sponsor a bill to provide for an exemption from the state 4% utility tax for gas and electricity used for operating water and wastewater treatment facilities.

E-6.3. The League urges ADEM to notify any municipality of new and renewal water discharge permit request on stream segments that may affect the Total Maximum Daily Load (TMDL) of a municipal waste system on that same water segment in order to allow an affected municipality the opportunity to present information at a public hearing before the new or renewal permit is granted.

E-7. Training

E-7.1. (a) That the League urges ADEM and existing training organizations to maintain and fully fund the essential programs for municipal personnel in water and wastewater operator training. The League further urges that because of the many new standards and additional monitoring requirements imposed by the federal government, water and wastewater systems operators should remain up-to-date on current regulations and developments through continuing education. To aid in this regard, the League supports the concept of a central training facility in addition to maintaining and improving statewide training for water and wastewater personnel.

(b) That the Alabama Fire College continue an ongoing program for training municipal firefighters and other personnel on how to cope with hazardous chemical spills.

(c) That municipal officials are urged to encourage their certified operators of treatment plants to take advantage of further training periodically provided in the area by the staff of the Technical Assistance Programs.

E-7.2. That the Committee on Energy, Environment and Natural Resources call on the League staff to work with the Alabama Fire College in providing training for municipal emergency personnel to cope with hazardous chemical spills.

E-7.3. ADEM is urged to develop an open burning application to be used by Fire Marshals and Fire Stations. The application should outline controls for open burning and be signed by permittees before an open burn permit is issued.

E-8. Vector (Pest) Control

E-8.1. That the League support the appropriation of state funds to establish a strong mosquito control program in Alabama, with particular emphasis on eliminating the source of mosquitoes.

E-8.2. That all municipal officials and personnel concern themselves with heavy concentrations of birds which, over a period of time, could result in the spread of the disease known as histoplasmosis. The disease is communicated from spores developed from bird droppings. Officials in municipalities having suspect areas are urged to contact the Division of General Sanitation and Vector Control of the State Department of Public Health for analysis.

E-9. Infrastructure Needs

E-9.1. That the League joins with the National League of Cities in expressing its concern over the deteriorating condition of the infrastructure in our cities and towns, and calls for the following:

(a) Proposal for a new multi-year infrastructure grant-in-aid program by Congress.

(b) To begin with a federally-funded inventory so that individual municipalities can determine their particular infrastructure needs.

(c) Federal creation of a domestic capital investment budget.

(d) Federal grants-in-aid to implement the infrastructure needs of municipal governments as established by the inventory or, in the alternative, to provide for federal assistance to enable states to establish state infrastructure banks to fund such programs.

E-9.2. That the Alabama League of Municipalities urges its Congressional delegation to introduce and support national legislation which allows states and/or municipalities to adopt flow control ordinances. Flow control ordinances are designed to ensure adequate tonnage so regional and municipal entities can finance and operate solid waste disposal facilities.

E-10. Environmental Insurance

E-10.1. That the League support amendment of the federal Products Liability Risk Retention Act to facilitate the creation of risk-sharing pools.

E-10.2. Municipalities should educate citizens living in flood-prone areas to participate in low-cost flood insurance programs such as the National Flood Insurance Program.

E-11. Funding for State Revolving Loan Fund for Municipal Wastewater Treatment

E-11.1. That the League urge the Alabama Legislature to appropriate all of the required 20% state matching money to fund the State Revolving Loan Fund for Municipal Wastewater Treatment. The urgency of this request is underscored by the fact that if the 20% matching money is not appropriated, federal aid to the Alabama revolving loan fund for municipal wastewater treatment will forever be lost to the state.

E-11.2. The League urges the Congress to fully fund such revolving loan programs and allow the full funding to continue over a period of time sufficient to meet the needs of drinking water systems throughout the country. The League urges the Alabama Legislature to appropriate all of the required state matching money to meet the requirements of the federal government to fund this proposed state revolving loan fund for drinking water systems. That the League encourages EPA to expedite and adopt reasonable and enforceable rules to implement the drinking water revolving loan fund.

E-11.3. That the League urges the Congress to pass the current proposal to triple federal funding of the Drinking Water and Wastewater SRF programs. (September 2002)

E-12. Recycling

E-12.1. The League urges each municipality in the state to develop and implement a program to recycle at least 10 percent of the solid waste products generated by residents, commercial establishments and governmental agencies within their communities. Further, incentives should be developed to encourage businesses to use recycled products.

E-12.2. The League urges each municipality in the state to develop and implement a local yard waste composting program and to seek technical assistance on composting from their local Alabama Cooperative Extension Service office.

E-12.3. The League further encourages each municipal government within the state to purchase and use products which have been made from recycled materials.

E-13 Interstate Water Compact

E-13.1 The Alabama League of Municipalities supports the concepts and goals of the Interstate Water Compact and the creation of the Interstate Water Basin Commission to develop an equitable interstate water sharing policy for the states of Alabama, Georgia and Florida. ■

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Transportation, Public Safety and Communications

Recommendations presented in this article were adopted by the League's TPSC Committee during the 2002 Committee Day on September 5, 2002. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2003 League Convention in Huntsville, April 26-29, 2003.

T. Transportation and Communications

T-1. General Transportation

T-1.1. That the League urge all municipalities to adopt ordinances controlling signs and billboards on rights-of-way to conform to the requirements of the Alabama Transportation Department.

T-1.2. That the League strongly urges a full-speed-ahead policy for construction of the Coosa-Alabama Waterway. Further, that the League encourages continued development of Alabama's inland waterway system.

T-1.3. That the League urges the Alabama Legislature to adopt stronger laws to regulate the hauling of loose material (sand, gravel, etc.) on public roads and highways.

T-1.4. That the state legislature adopt legislation to provide for a uniform sticker that can be used statewide for handicapped parking.

T-1.5. That the League supports the efforts of the Alabama Department of Transportation, regional planning agencies, transit agencies and the private sector in the establishment of ride share, carpool, vanpool, passenger rail, bicycle and pedestrian planning and implementation and other programs aimed at energy conservation and reduction of traffic congestion.

T-1.6. That the League encourages the federal and state governments to adopt regulations to strengthen the laws governing barge traffic on navigable waterways in Alabama.

T-1.7. The League strongly urges full-speed construction and completion of the Memphis to Atlanta Highway to go through North Alabama. The League also strongly urges the construction of a Montgomery to Meridian Highway using Highway 80 and Highway 14 to connect to I-85.

T-1.8. That the League supports efforts to create additional evacuation routes out of Pleasure Island in South Baldwin County.

T-1.9. That the League encourages municipal planning commissions to require subdivision developers to include pedestrian sidewalks in their developments.

T-1.10. That the League support legislation or a DOT regulation tying permitted vehicle weights on state roads to the weights established by the federal government for federal highways.

T-1.11. The League strongly supports the construction and

completion of all connecting link roads and bridges.

T-1.12. That the League oppose any legislation which would permit triple-trailer trucks on Alabama's streets and highways.

T-2. Federal Highway Aid and Regulation

T-2.1. Under the Transportation Equality Act for the 21st Century, smaller municipalities must meet traffic standards as set by the Alabama Transportation Department for such items as pavement markings, traffic flow, parking and similar requirements. The League encourages the Alabama Transportation Department to develop lenient standards appropriate to the circumstances where permitted by federal legislation. The League encourages the Alabama Congressional delegation to re-examine TEA-21 to allow states more flexibility in developing traffic standards.

T-2.2. The committee urges the members of the Alabama Congressional delegation to give serious consideration to the following programs and principles:

(a) That airport construction and operation and interstate, primary and secondary highway construction and maintenance are functions which impact the national defense and interstate commerce and, therefore, are responsibilities which must be shared by the federal as well as state and local governments.

(b) That our state and local governments cannot assume the full cost and responsibility for the funding and maintenance of our highway and airport systems. Further, the requirement that the states bear the costs of this responsibility creates an inequality which must be taken into account by the federal government if our nation is to have a viable transportation system.

T-2.3. The Committee urges the members of the Alabama Congressional delegation to remember that the development of an efficient and economical mass transit system for our nation is essential for the promotion of the nation's economy and for the conservation of energy. Local governments are unable to meet the capital requirements of establishing such systems alone. Serious thought should be given to the denial of funds for the establishment of mass transit systems that cannot be funded or operated with revenues derived from the system and such federal, state and local operating subsidies as might be available.

T-2.4. The Committee urges the members of the Alabama Congressional delegation to remember that:

(a) Local governments in our state in urbanized areas will be

seriously hurt if Federal Highway Act funding in such areas is terminated;

(b) That there is a serious need for assistance with secondary highway funding in our cities and towns of less than 5,000 population;

(c) That Davis-Bacon Act requirements relating to highway and mass transportation constitute unnecessary burdens, seriously reducing the productivity of funding for transportation systems.

T-2.5. The Committee urges the members of the Alabama Congressional delegation to remember that block grant funding to the states for transportation functions must include mandatory pass-throughs for the benefit of local governments where such funding has been available under past programs. Our cities and towns do not have the financial capacity to pick up the costs for such programs which have previously been funded with federal subsidies.

T-3. State Highway Aid and Regulations

T-3.1. That the League call on the Alabama Transportation Department to maintain the entire rights-of-way of state highways located within corporate limits of municipalities including the removal of debris and trash from such rights-of-way.

T-3.2. Continuation of state maintenance of federal-state primary routes through cities and towns where interstates parallel them.

T-3.3. That the League petitions the Alabama Transportation Department to interpret its duties under Section 23-1-100 through 23-1-113 of the Alabama Code of 1975, pertaining to the maintenance of municipal streets which serve as an alternate route in cases where an impediment along such connecting link roads makes it inaccessible to truck traffic.

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 TEA-21.

T-3.5. That the state legislature establish permanent weighing stations throughout the state.

T-3.6. That the League urges the Alabama Transportation Department to reconsider its recent decision to begin assessing municipalities fees for bridge inspections.

T-3.7. That the League oppose any state legislation which would interfere with the right of municipalities to manage and control the use of rights-of-way and the right to receive compensation for use of their rights-of-way.

T-4. Mass Transit

T-4.1. That the legislature is urged to adopt legislation to establish state financial and planning assistance for public transportation.

T-4.2. That the League urges Alabama's Congressional delegation and the U.S. Department of Labor to reconcile requirements of the Federal Mass Transportation Act with the realities confronting hard-pressed municipalities when they attempt to assume the additional burden of absorbing defunct

commercial transportation systems in order to meet the need for such service for their citizens.

T-4.3. That the League supports the statewide association of mass transit programs.

T-4.4. That the state legislature be urged to adopt legislation to exempt public transportation providers from non-safety regulations of the State Public Service Commission.

T-4.5. That the League support the efforts to obtain for local mass transit systems a portion of the funds paid by major oil companies to the state for fuel overcharges.

T-4.6. That the League supports efforts by the Alabama Transportation Department to obtain passage of statewide enabling legislation for mass transit systems.

T-4.7. That the League support legislation to coordinate activities among all state agencies involved in the mass transit field to provide transportation services in a cost-effective and coordinated manner.

T-4.8. That the League supports legislation that would permit municipalities to provide incentives to members of the private sector for funding mass transit systems.

T-4.9. The League encourages the Alabama Medicaid Agency to provide non-emergency transportation to Medicaid recipients at no cost to municipalities.

T-5. Railroads

T-5.1. The protection of the public at grade railway crossings and the construction of a minimum number of viaduct and subgrade crossings to insure access of emergency vehicles to all parts of the community.

(a) That the League urges the railroad industry to make every effort to keep from blocking traffic unnecessarily at railroad crossings.

(b) That the League express serious concern for the manner in which railroad tracks are maintained within municipal limits and invites legislative attention to making railroads subject to punitive damages where evidence shows negligence in maintenance of tracks.

T-5.2. That the League supports the efforts of the Southern Rapid Rail Transit Commission and urges strong consideration of other states' request to be included in the pact.

T-5.3. The League supports legislation requiring railroads to maintain rights-of-way within municipal limits.

T-5.4. That the League encourages railroad companies operating in Alabama to appoint a person to serve as liaison between municipal officials and the railroads.

T-5.5. The League supports legislation relative to efforts to improve rail/highway grade crossing safety.

T-5.6. The League supports legislation relative to efforts to prevent private individuals from trespassing on railroad rights-of-way.

T-5.7. That the League supports transportation by Amtrak throughout the state and encourages the reestablishment of the route from Huntsville to Mobile.

T-5.8. The League supports efforts to gate all railroad crossings.

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T-6. Airports

T-6.1. That all municipalities are reminded that Part 105 of FAA regulations provides that the owner or management of an airport has the authority to regulate parachute jumps at such airports. Further, if a municipality leases facilities to a fixed base operator, such lease should include restrictions on this matter.

T-6.2. That the League supports statewide legislation to increase funding for continued operation of our state airport assistance program by removing or increasing the cap placed upon the aviation gas tax revenues.

T-6.3. That the federal government should assume the responsibility of licensing and regulating ultralight aircraft. Further, the state legislature is urged to adopt legislation to provide for mandatory reporting of ultralight accidents to the State Aeronautics Department.

T-6.4. The League encourages all municipalities to regulate the height of towers and other incompatible land uses around airports through the application of their zoning laws, height regulations, other codes and the use of eminent domain.

T-6.5. That the League supports efforts to require all owner/operators of airports with 30 or more aircraft based on the premises to provide fire suppression response.

T-6.6. That the League support the efforts of the Aeronautics Department in developing a statewide heliport systems plan to include a network of all-weather hospital heliports in addition to establishing public-use downtown heliports in each of the major urban areas.

T-6.7. The League encourages Alabama's Congressional delegation to support efforts to enact a multi-year funding program for the Airport Improvement Program and to support an annual Airport Improvement Program funding level of \$3 billion or more.

T-7. Transportation Planning

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

T-7.2. That the state legislature introduce and adopt enabling legislation that allows municipalities to restrict development on rights-of-way for proposed or planned roadways or other transportation-related improvements and that developers be required to pay for any transportation improvements that are required directly or indirectly as a result of the development.

T-7.3. That the League supports efforts by municipalities to obtain county maintenance of all designated county roads which pass through municipalities.

T-7.4. That the League supports regular recurring, accurate inventories of highways, streets, roads, bridges and public ways with accurate reports relating to their condition, cost of repair, and what jurisdiction has responsibility for maintenance.

T-7.5. That the League supports a regular, accurate inventory of moneys available for highway, road and street construction and maintenance by jurisdiction.

T-7.6. That the League support coordination between Alabama Department of Transportation, county road building authorities, regional planning commissions, county planning commissions, and municipal planning commissions. The League urges the Alabama Department of Transportation and county agencies to notify municipalities of transportation improvements within municipal corporate limits.

T-7.7. That the developers of any major development (shopping center, office complex, etc.) be required by the city to conduct a traffic impact study identifying the effect of the development on existing roadways and intersections and that a professional traffic engineer approved by the city should be hired by the developer to make such a study.

T-7.8. That the League encourages local governments to work with private industries and businesses to help promote and pay for highway development and supports legislation providing municipalities more autonomy in this area.

T-8. Transportation Training

T-8.1. That the League commends the Alabama Transportation Department and its district offices, Auburn University, the University of Alabama, and the state technical schools and junior colleges for undertaking training programs for street construction and maintenance and the operation and maintenance of heavy equipment, and urges that such training programs be continued and expanded.

T-8.2. That the Committee join with the Committee on Energy, Environment and Natural Resources in calling on the League staff to work with the Alabama Fire College and other appropriate agencies in providing training for municipal emergency personnel to cope with hazardous chemical spills. The League encourages the State Fire College to provide weekend courses for the benefit of volunteer firefighters.

T-8.3. That the League urge the federal government to create uniform national truck operation standards for drivers of vehicles transporting hazardous materials. Such standards should be issued by the Department of Transportation and administered by the state.

T-9. Fuel Taxes

T-9.1. Preservation of the authority of municipalities to levy and collect local gasoline taxes and also preservation of the state-shared gasoline tax distribution to cities and towns in its present form.

T-9.2. That the Committee favors full retention of the federal tax on motor fuels placed in the Highway Trust Fund primarily for streets, roads, bridges, highways and mass transit. The Committee is opposed to efforts to transfer funds from the federal highway program when the federal interstate program is complete for any purpose other than highways and roads.

T-9.3. That the revenues derived from any county-wide fuel tax be distributed in a manner so as to ensure that fuel taxes collected from municipal citizens are spent within the corporate limits of the municipality in which collected.

T-9.4. That the League opposes the use or transfer of any

additional federal or state gasoline tax funds or the interest derived from the investment of such funds for any purpose other than mass transit, street, highway, road or bridge enhancement projects.

T-10. Utilities

T-10.1. That the League seek improvement of means of procuring rights to cross railroad rights-of-way with municipal utilities.

T-10.2. That the League strongly encourages utility companies to share duct runs for all new utility lines when the lines are installed.

T-10.3. That the League opposes regulation of cable television in the State of Alabama by the Alabama Public Service Commission.

T-10.4. That the League seek legislative remedies to improve procedures for the installation of county and municipal utilities on state and federal rights-of-way.

T-10.5. The League urges Congress and the courts to guarantee that telephone companies which provide cable services in the same manner as cable companies must meet the same criteria currently required of cable companies, particularly regarding municipal franchise rights.

T-10.6. That the League opposes federal government interference in local zoning decisions and attempts to control rights-of-way for telecommunications purposes. The League encourages telecommunications operators and municipalities to cooperate in the location of towers to promote fewer, jointly-shared, shorter towers. Municipalities should be provided an opportunity to locate local government services on the towers.

T-10.7. That the League encourages enforcement of laws which prohibit the theft of cable services.

T-10.8. That the definition of 'Person' in Section 37-15-2 of the Code of Alabama be amended to include counties in this definition. This would require counties to notify underground utility facility operators of their intent to perform an excavation or demolition.

P. Public Safety

P-1. General Public Safety

P-1.1. The Committee urges the members of the Alabama Congressional delegation to give serious consideration to the following programs and principles:

(a) That crime is a nationwide problem and crime control should be the responsibility of the federal as well as state and local governments.

(b) That safety on streets and highways is a national concern and the responsibility for such safety should not be placed strictly on state and local governments.

(c) The development of an efficient system to aid local communities in times of natural disasters is essential for the security and defense of the United States. State and local governments are unable to meet the monetary requirements of providing disaster aid alone.

P-1.2. Any withdrawal of services and taxes from the police jurisdiction should be made to coincide with the license tax year of the municipality. Any municipality which abolishes services in the police jurisdiction should notify ISO Inc., of Atlanta, Georgia, of such changes as soon as possible.

P-1.3. That the League recognizes the importance of the Department of Forensics in the investigation of crimes. That the State of Alabama be required to fund the Department of Forensic Sciences and that municipalities not be required to pay any portion of the Department's operating costs.

P-1.4. That the League continue to explore the tort liability situation so as to determine the possibility of further legislation in this area to provide immunity for particular functions.

P-1.5. That the League urges all members to use the Attorney General's Office of Consumer Protection.

P-1.6. That the League cooperate with the Alabama Fire Chiefs Association and the Alabama Police Chiefs Association.

P-1.7. The League supports legislative efforts at the federal level to prohibit the practice of hauling garbage or other contaminants in the same trucks used to transport meat, poultry, produce or other food products.

P-1.8. That the League encourages municipal fire departments to educate citizens on the prevention of fires.

P-1.9. The League encourages the Legislature to provide for the purchase of license tags for trailers used to haul items on public roadways which are not currently licensed under Alabama law.

P-2. Public Safety Training

P-2.1. The League recognizes the need for increased funding of the Alabama Peace Officers Standards and Training Commission.

P-2.2. That all municipalities are urged to undertake the upgrading of local law enforcement capability through increasing the size and capability of the local law enforcement departments and through in-service training and re-training of personnel to specifically include firearms re-qualification. The Committee feels that voluntary guides would be helpful to municipalities in establishing the size of the force, minimum equipment and capability of officers but emphasizes that such guides should be voluntary, not mandatory. Further, the state should insure continued operation of the police academies with funding.

P-2.3. That the League is urged to bring all interested parties together in an effort to draft and obtain passage of legislation regulating private security guards and private investigators acceptable to all parties.

P-2.4. That the League strongly recommend to all municipalities that they establish a strong program of public relations in the public safety area and that they recognize the importance of good public relations. Further, that all cities and towns be encouraged to strive for community involvement within the public safety function. Further, that public relations be made an important part of the curriculum at the training academies for law enforcement personnel and firefighters.

P-2.5. That all municipalities strongly consider using a

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contract as a condition of employment in hiring firemen and law enforcement officers before sending them to the training academies.

P-2.6. That the League urges all members to request their police officers to avoid high speed chases unless they are reasonably certain that a felony has been committed. Further, the League suggests that all municipalities require operators of municipal vehicles to complete the defensive driving course.

P-2.7. That the League continue to urge the Governor, in filling vacancies on the Alabama Peace Officers Standards and Training Commission and the Alabama Fire College and Personnel Standards Commission, to appoint elected municipal officials to represent municipal interests in establishing standards for municipal law enforcement and firefighting personnel.

P-2.8. The committee recommends a continuing planned statewide high school information program on law and all aspects of law enforcement, including the establishment of cadet police forces.

P-2.9. That the League supports state funding of the Alabama Fire College and Personnel Standards Commission to reimburse municipalities for training of recruits.

P-2.10. That the League supports the utilization of more state funds for training paid and volunteer firefighters to meet minimum standards through the Alabama State Fire College at Shelton State.

P-2.11. That the League urges the maintenance of future funding to fully implement the Peace Officers Standards and Training Act at the state level.

P-2.12. That the League encourages the state legislature to appropriate adequate funding to pay for training of volunteer firefighters if such training is ever mandated by state law.

P-2.13. The League opposes any effort to eliminate programs through which reserve police officers can obtain the full 480 hours of police training by attending training courses on weekends.

P-2.14. That the League recommends certification training for police and E911 dispatchers.

P-3. Safety Programs and Regulations

P-3.1. That the Committee on Legislation support passage of a state law which would require all common carriers carrying combustible materials to display a placard on the side of such common carrier naming the material carried, the person to contact in case of emergency, and directions for combatting uncontrolled burning of such materials, and prescribe safe procedures for carrying such materials, including driver training, and providing penalties for violation of such a law.

P-3.2. That the League encourages the initiation and fostering of a strong safety program in every municipality with safety education being a large part of such programs.

P-3.3. That the League supports the enforcement by the State Fire Marshal of regulations relating to all storage tanks for gasoline and other fuel as are necessary to insure the safety of the public.

P-3.4. That all municipalities be urged to adopt a strong anti-fireworks ordinance. The state legislature is urged to abolish legislation which authorizes the transportation, storage and sale

of fireworks within the state.

P-3.5. That municipalities in the State of Alabama require all operators of city-owned vehicles to demonstrate they are qualified to operate such vehicles.

P-3.6. That a strong gold and silver law be adopted by the state legislature.

P-3.7. That the League supports efforts to clarify the confusion concerning transportation of motor fuel to remote locations to refuel other vehicles. The state fire code permits this while state revenue laws prohibit it.

P-4. Emergency Management

P-4.1. That the League urges municipalities wishing to lend aid to sister municipalities during times of disaster contact the State Department of Emergency Management before sending materials or manpower to stricken areas.

P-4.2. That the League urges telephone companies with 911 service to monitor problems with such services and to correct such problems. Further, the League urges municipalities to actively improve their 911 services through the enhanced system (E911).

P-4.3. That all municipalities are urged to develop or revise their Emergency Operations Plans (EOPs) to focus on mitigation, preparedness, response and recovery actions for all major hazards in the community. Further, that the League encourages all jurisdictions to revise applicable ordinances and to be active members of the local emergency planning committee as required under Title III, Superfund Amendments and Reauthorization Act (SARA), generally known as the "Emergency Planning and Community Right-to-Know Act of 1986."

P-4.4. That the Alabama State Legislature be urged to adopt a dam safety act.

P-4.5. That the League cooperate with the Alabama Emergency Management Council (AEMC) to elevate the posture of emergency management activities in local jurisdictions.

P-4.6. That the State Legislature adopt legislation to increase funding for emergency management activities at the local and state levels to cope with growing natural and technological hazards.

P-4.7. That municipalities provide a share of the financial support and cooperation with counties in the development of joint city-county emergency management agencies to support a comprehensive emergency preparedness program for all jurisdictions including hazard mitigation, planning, emergency response and recovery from disasters.

P-4.8. That municipalities actively participate in emergency planning and training of emergency responders using grants to their Local Emergency Planning Committees under the Hazardous Material Transportation Uniform Transportation Act.

P-4.9. That all municipalities review and assure that local initiatives are established and maintained which focus on mitigation efforts to reduce or eliminate hazards in their communities. **Under the FEMA Disaster Mitigation Act of 2000 (Sec. 322), all communities must have an adopted mitigation plan to receive funds under the Hazard Mitigation Grant Program (HMPG) for disasters declared after November 1, 2003.**

(September 2002)

P-4.10. That all municipalities follow the procedures in the Alabama Emergency Operations Plan and assure that requests for activation of mutual aid agreements and/or requesting state assistance (equipment and services) during emergencies are processed through the local emergency management agencies to the Alabama Emergency Management Agency (AEMA). Further, when mutual aid is required from, or to be offered to, other states, the process must be coordinated through AEMA in accordance with the Southern Regional Emergency Assistance Compact.

~~P-4.11. The League encourages FEMA to increase the flexibility of hazard mitigation funding in order for state and local government to identify more projects to reduce the effects of future disasters.~~ **The League encourages FEMA to continue funding a combination of pre-disaster and post-disaster mitigation funding rather than implementing only a pre-disaster funding program. (September 2002)**

P-4.12. That municipalities actively participate with the city-county emergency management agency and broadcasters (TV, radio, and cable systems) to plan for and use the new Emergency Alert System (EAS), formerly the Emergency Broadcast System, during emergencies and disasters.

P-5. Drug and Alcoholic Problems

P-5.1. That all municipalities continue efforts to control drug abuse with special emphasis on cutting off the supply; that the League urge assistance for drug abuse programs in small communities, the establishment of drug abuse programs for correctional institutions, the linking of drug abuse programs with community-based programs, a regional concept for drug control, usage of the Department of Forensics in the investigation of drug-related crimes, and the utilization of all agencies including ABC officers.

P-5.2. That the League oppose any legislation which proposes to revise Title 28 of the Code of Alabama relative to alcoholic beverage control which would restrict municipal powers in this area.

P-5.3. That the League oppose any attempt by the federal government to restrict any assets that local governments now receive from the seizure of property used in drug operations.

P-5.4. That the League encourages law enforcement officials to wait until after a defendant's first hearing to take controlled substances to the Forensics Department for analysis.

P-5.5. That the League supports the efforts of the Forensics Department to certify local officers to conduct misdemeanor marijuana analyses, provided the cost to municipalities is not unreasonable.

P-5.6. That the League encourages officers to obtain an analysis of only the most serious controlled substance in a case where a variety of drugs were confiscated and merely report that other drugs were present.

P-6. Highway Safety

P-6.1. That the state legislature is urged to amend its law which prohibits charitable roadblocks so as to eliminate all local

discretion in the matter. Further the legislature is encouraged to adopt laws to regulate all other solicitation of charitable donations.

P-6.2. That the League supports state legislation on:

- (a) vehicle inspection;
- (b) motorcycle headlight law;
- (c) a requirement for a complete drivers test upon each renewal of a driver's license after the age of 70;
- (d) classifications of drivers licenses and performance testing in the type vehicle for which the drivers license is issued;
- (e) control of jacked-up (elevated) rear ends in passenger cars;
- (f) to require certification, training and licensing of motorcycle operators;
- (g) to prohibit the operation of high-riders or jacked-up pickup trucks on public roads;
- (h) to require bicycle riders to wear helmets.

Further, that the League opposes any legislation which would repeal the law which requires motorcycle riders to wear helmets.

P-6.3. That the League supports continued state support for the drivers' education program.

P-6.4. That the League oppose any changes in the DUI laws which would lessen their effectiveness.

P-6.5. That the Alabama Congressional delegation be urged to oppose further efforts to expand earmarking of OHTS funds.

P-6.6. That all municipalities be encouraged to take advantage of OHTS programs when offered.

P-6.7. That the League oppose efforts to enact legislation which would permit sheriffs to designate vehicles as emergency vehicles.

P-6.8. The League encourages the state legislature to adequately fund the Forensics Department to maintain the latest state-of-the-art equipment and training to enable the Department to acquire accreditation and certification of the Department and its scientists. The League further encourages the legislature to authorize full use of this equipment.

~~P-7.1.~~ **P-6.9.** That the League support legislation to provide municipalities with the authority to photograph cars which fail to stop at red lights and send tickets to the vehicle's owner.

P-6.10. The League encourages the Legislature to reexamine the law prohibiting municipalities from issuing speeding tickets in the police jurisdiction. (September 2002)

P-7. Fire Protection

P-7.1. That emergency firefighting vehicles equipped to fight fires be required to be equipped with air horns or equivalent equipment.

P-7.2. That all municipalities should take steps to make their citizens aware of the regulations adopted by the State Fire Marshal requiring smoke detectors in all residences.

P-7.3. That all municipalities should adopt ordinances making it against the law to threaten to burn. The League supports legislation that would make it a violation of state law to threaten to burn.

P-7.4. That all municipalities are urged to establish fire prevention and electrical codes with adequate and regular

continued next page

inspections and that all inspectors and code enforcement officials should be required to have sufficient training.

P-7.5. That the League continues liaison with ISO Inc., of Atlanta, Georgia, with regard to fire insurance ratings. The League encourages the Insurance Department to work with insurance companies and ISO, Inc., to develop a more flexible standard for establishing fire insurance ratings.

P-7.6. That municipal officials and firefighter personnel be educated as to the need for working with other municipalities toward establishment of uniform fittings for all fire apparatus, including fire hydrants and pumper fittings.

P-7.7. That neighboring units of local government establish fire containment plans for mutual assistance in times of emergency with special effort being made to assure that all units are using compatible equipment, and that all municipalities maintain close coordination between firefighting units and utility departments and boards. That the League further supports the creation of a statewide fire network similar to that used by police officers.

P-7.8. That all municipalities are urged to encourage all members of public fire departments, both career and volunteer, to utilize the courses offered by the National Fire Academy in order to advance the professional development of fire service personnel engaged in fire prevention and control activities. The League supports these courses as a cost-effective way to enhance the ability of local agencies who want to enhance their personnel's ability to protect their local communities and citizens.

P-7.9. That all municipalities take steps to provide effective and efficient public fire protection services, operated on a sound basis to prevent fires and reduce risks to lives and property, to deal with actual incidents, and to be prepared for situations that may be anticipated to occur by utilizing NFPA 1201 Recommendations for Developing Fire Protection Services for the Public as published by the National Fire Protection Association.

P-7.10. The League supports state legislation prohibiting convicted arsonists from serving as firefighters in Alabama.

P-8. Criminal Justice

P-8.1. That the League strongly supports Congressional funding for criminal justice programs including the Edward Byrne Memorial Grant Program.

P-8.2. That the state legislature not adopt any further legislation calling for additional court costs.

P-8.3. That municipalities recognize the importance of the Criminal Justice Information System and promote a reasonable use of the programs, and that the League support use of CJIS funds to defray the cost of local compliance with this program. Further, that the League requests the governor and the legislature to appropriate sufficient funds for CJIS.

P-8.4. That all municipalities explore the possibility of implementing crime prevention programs such as "Neighborhood Watch," "Crimestoppers," and "Silent Witness."

P-8.5. That the League opposes the carte blanche release of sentenced prisoners throughout the criminal justice system.

P-8.6. That the League opposes any change to the habitual offender law.

P-8.7. That the League recommends to the state legislature that a law be adopted to prohibit prostitution within the state.

P-8.8. That the League supports efforts of the State Forensics Department to have local physicians assist coroners when investigating suspicious deaths. Funds for training local physicians should be provided by the state.

P-8.9. That the League supports efforts of the State Forensics Department to have all fire deaths examined by the Department.

P-8.10. That the Department of Forensics should continue to be responsible for transporting dead bodies, should be responsible for returning the body to the county of origination, and that the state should properly fund the Department to perform this function.

P-8.11. That the committee calls for rigid enforcement of the federal law making it an offense for a person to cross state lines for the purpose of inciting riots and civil disturbances.

P-8.12. That the League supports the DNA Felon Databank

P-8.13. That the League supports the Firearms Evidence Databank System.

P-8.14. The League supports federal funding for the Forensic Improvement Act for the creation of natural evidence testing standards.

P-8.15. The League supports efforts of the Forensics Department to develop an interstate compact for the shared testing of forensics evidence.

P-8.16. That Section 11-47-7.1 of the Alabama Code be amended to allow for more liberal uses of these funds. Particularly, municipalities should be permitted to use this money for the construction and operation of municipal jails, police departments and court complexes.

P-9. Juvenile Justice.

P-9.1. That the League strongly supports legislation to curb criminal acts by juveniles and to make parents responsible for such criminal acts in situations where the parents could have reasonably prevented them and to make parents responsible for any damages which result from such criminal acts.

P-10. Jails

P-10.1. That the municipal and county governments of Alabama, individually and through their state organizations, recognize the problems of jail conditions and cooperate in the adoption of proposed plans to improve the conditions.

P-10.2. That all municipalities adopt a policy of taking felons to the county jail rather than the municipal jail.

P-10.3. The Attorney General has ruled in Opinion 2002-138 that only physicians, pharmacists or licensed or registered practical nurses can dispense or administer medication in municipal jails. The League encourages the Legislature to reexamine this situation to help alleviate the financial burden this imposes. (September 2002)

continued page 48

Human Development

Recommendations presented in this article were adopted by the League's HD Committee during the 2002 Committee Day on September 5, 2002. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2003 League Convention in Huntsville, April 26-29, 2003.

H.1. Federal Programs

H-1.1. That Alabama's Congressional delegation be petitioned to consider the following positions of the League relating to this subject in reaching their conclusions on human resource development responsibilities and funding:

(a) That in the shift of federal welfare programs to the states, commensurate funding be made available also. Further, if cuts are to occur, the League urges Congress to consider a gradual decrease of monies for Food Stamps, TANF and other key welfare programs to allow state and local governments to absorb these programs on the local level without penalizing the truly needy.

(b) That the League strongly urges continued federal financial support for programs for the aged especially in the area of emergency funds to cover excessive fuel bills for the elderly poor.

(c) That the League urges Congress to take a close scrutiny of the Social Security system to find an equitable method of fulfilling the original purpose of the program. Further, that the League feels that the following programs are important enough to local communities to merit continued federal funding: ACTION, summer youth programs, the Library Services and Construction Act, child and adult day care centers, general health care, nutrition centers, and community action agencies.

(d) That the League endorses the National League of Cities' call for a unified federal approach to social service delivery to replace the currently fragmented and often underfunded programs and services.

(e) That the League supports the concept of the White House Conference on Libraries and Information Services.

(f) That the League strongly supports legislation to fund access to virtual libraries.

H-1.2. The League re-emphasizes its opposition to federal and state governments passing mandatory legislation without commensurate funding. Further, that the League urges that local governments be given the authority to deal with local problems locally.

H-1.3. That the League urge the State of Alabama to allocate a portion of any federal funds for dealing with the war on drugs to the municipalities.

H-2. Community Services and Welfare

H-2.1. That the League urges more strongly than ever that every municipal official become familiar with the human resource needs of his or her community and existing programs available to meet those needs.

H-2.2. That the League strongly supports the continuation of the Food Stamp Program, TANF and aid to low income senior citizens as not only valuable programs for the state's poor, but also as a source of local revenue. Further, that the League strongly supports the Director of the State Department of Human Services' program to prosecute abusers of the Food Stamp Program.

H-2.3. That the League strongly supports the involvement of municipal officials in as many human resource development programs as are financially possible, and the establishment of local human resource interagency councils for the evaluation and coordination of human resource development programs with strong participation by locally-elected officials.

H-2.4. That the League supports adequate state funding to maintain the Community Services Block Grant program in all 67 counties.

H-2.5. With respect to welfare, the League supports an integrated benefits program that decreases welfare benefits to recipients who find jobs by a sliding scale of reduction of benefits instead of the current system of immediate cutoff of benefits. Further, that the League strongly supports the fact that Social Security and Unemployment Compensation are not welfare programs and instructs Congress not to treat them as such.

H-2.6. That the League sees the following programs especially deserving of support: child care programs, senior care programs, health care centers, information centers, nutrition programs for those persons with mental retardation and mental disabilities, and special education programs.

H-2.7. That the League encourages every municipality to work closely with the State CSBG office to encourage pooling of administrative costs and cooperation between counties to counteract the expected cuts in funding and to comply with the state legislation without cutting off services to the needy.

H-2.8. In view of the excellent organization and delivery of services of Alabama municipalities from the new Community Services Division of the Department of Economic and Community Affairs, the League strongly recommends that the administration continue the program in its present form in the future.

H-2.9. That the League opposes any federal legislation which would make each state liable for all over-expenditures in the federally-funded welfare programs rather than the current system of penalizing those states which have high error rates.

H-2.10. That the League heartily endorses the Low Income Home Energy Assistance Program and encourages all

continued next page

municipalities to cooperate with state and county administrators of the program to find various free facilities from which to operate locally.

H-2.11. That the League urges all municipal utilities to begin an energy assistance program similar to the one now operated by Alabama Power Company, Alabama Gas Company and the Red Cross to aid the elderly poor in paying their utility bills.

H-2.12. A printed directory of assistance be prepared by the Human Resources Department and be made available in all public buildings, showing where assistance could be obtained.

H-2.13. That the League strongly urges county Human Resource Boards to set and maintain higher accountability standards for directors of the Department of Human Resources in each county.

H-2.14. That the League strongly urges the Department of Human Resources to continue to vigorously enforce the collection of child support from noncustodial parents.

H-2.15. That the League supports the Expanded Food Nutrition & Education Program (EFNEP) and its availability at every county extension center.

H-2.16. That the League supports the Food Bank Program administered by ADECA.

H-2.17. That the League strongly supports the statewide implementation of the 211 system. (September 2002)

H-3. Education and Cultural Resources

H-3.1. That the League urges the preservation of the authority of municipal governing bodies to appoint city boards of education.

H-3.2. That the League supports state legislation to appropriate sufficient funds to meet the goals established by the Governor's Conference on Libraries.

H-3.3. That the League supports the authority of local school boards to establish and administer school programs at the primary and secondary levels. Further, that the League re-emphasizes its opposition to federal and state mandates passed without commensurate funding.

H-3.4. (a) That the League urges local government encouragement of and participation in arts and cultural programs to promote a high sense of value of city life through such programs as crafts fairs, local theatre productions, and art exhibits.

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

(c) That municipal governments in Alabama are urged to recognize the arts as a vital and enriching service and make the arts available to all of their citizens, every municipality is encouraged to establish a public agency or body specifically concerned with promoting the arts; municipal governments working together with the public should help to effect a new state goal: That no Alabamian shall be deprived of the opportunity to experience the beauty of life through the arts by barrier of circumstances, income, background, remoteness, or race; that grassroots activity at the community level be recognized as a vital contribution which for many citizens is a key part of the

educational process; and that every city strive to provide adequate facilities for presenting the arts.

(d) That the League urges cooperative effort by schools, parent-teacher organizations, municipalities and appropriate state agencies to establish afterschool cultural activity programs and affordable extended daycare programs for students for furthering the child's cultural exposure and provide a deterrent from the danger of unsupervised activity.

H-3.5. (a) That the League urges the State of Alabama to support the efforts of local communities to provide adequate public library service with sufficient state funding for local public libraries.

(b) Furthermore, the League urges municipalities to encourage their citizens to fund and support access to virtual libraries.

H-3.6. That the League urges the State of Alabama to provide opportunities and for funding of GEDs and vocational training for inmates' education in state prisons.

H-3.7. That the League encourage their school systems to affiliate with the solid waste management programs including "Keep America Beautiful."

H-3.8. That the League encourage municipalities to become more aware of Act 95-313, which established an accountability plan for education overseen by the State Department of Education, and Act 95-314, which implemented a Foundation Program for the annual funding of public schools of the state to the extent necessary to provide educational opportunities according to the State Constitution for all students in every local school district. Further, the League encourages municipalities to do all that is necessary to assist in the implementation of these acts.

H-3.9. That the League urges the Legislature to raise the minimum age for dropping out of school from 16 to 18 years of age.

H-3.10. That the League urges ad valorem and other tax reforms to increase revenues for education.

H-3.11. School-based or linked services programs have been successfully demonstrated in two municipalities in Jefferson County. These programs link health and social services programs to education for adolescents. The League encourages municipalities to increase more programs in this area.

H-3.12. That the League encourages school boards to provide adequate training and accessibility of computers for all teachers.

H-3.13. That the League supports continual efforts to reduce the widespread increase in adult illiteracy by encouraging municipalities to participate in the establishment of group literacy programs in their communities.

H-3.14. That the League urges the State of Alabama to provide opportunities and funding for juveniles' education in youth detention centers and alternative schools.

H-4. Senior Citizens

H-4.1. That the state closely monitor compliance with state laws that license and regulate residential facilities for senior citizens.

H-4.2. That the State of Alabama should establish day care centers for the senior citizens.

H-4.3. That the League encourages cities to take a leading role

in the location of senior citizen independent care facilities in their communities.

H-4.4. There is a critical need for more certified beds in nursing homes and, therefore, we recommend additional funding for that purpose. We also recommend a review of the allocation formula for determining eligibility for the beds in each county.

H-4.5. That the League encourages more home and community based care.

H-4.6. That the League supports the Information and Referral Program that has been adopted by the Alabama Department of Senior Services.

H-4.7. That the League supports outreach group coalitions to inform the senior citizens of existing services.

H-4.8. That the League views with extreme concern the increase of elderly abuse cases reported in our state and nation and strongly encourages the appropriate local and state agencies to continue to make their full resources available to correct this growing problem.

H-4.9. That the League supports training programs for principle caregivers of senior citizens or senior citizens who are caregivers. Such programs should better enable the principle caregivers to confront the problems and frustrations as they care for the senior citizens. These programs should also decrease the number of senior care abuse cases and negligence within the family.

H-4.10. That the League supports the provision of tax incentives to private corporations in the construction industry when they are building housing for the senior citizens.

H-4.11. That the League encourages municipalities to support adult day care facilities **and transportation needs for disabled persons** in their communities. (September 2002)

H-4.12. **That the League urge municipalities to utilize the state's Insurance Information Service to assist the elderly and disabled citizens in making needed decisions regarding insurance, such as long term care insurance.** (September 2002)

H-4.13. **That the League encourage municipalities to take a leading role in developing elder-friendly communities, so as to accommodate the growing aging community.** (September 2002)

H-5. Employment and Training

H-5.1. (a.) That the League lends its full support to the system of industrial training and retraining programs designed to prepare employees for industries which either already exist or are willing to locate in or near the community. Further, that the League urges the expansion of high school career technical education to include industrial training as well as coordination of these programs with job placement agencies and local industrial development boards.

(b.) In order to provide a quality workforce, local municipalities are urged to encourage individuals to enter training, education and careers in the social and health fields. (September 2002)

H-5.2. That the League supports the concept of meaningful employment and re-emphasizes that the major human resource need in Alabama today is employment. Also, that the League recommends that existing industry work toward expansion and increased employment and that employment and training be even

more active to avert threatened increased unemployment.

H-5.3. That the League urges the State Department of Education to give greater emphasis and funding to its technical assistance programs, with particular emphasis on training of supervisory personnel and in safety programs for all government employees.

H-5.4. That the League endorses Equal Opportunity.

H-5.5. That the League supports passage of permissive legislation to allow municipalities the option to utilize part-time, flexi-time or four-day work weeks as economy measures.

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

H-5.7. That the League urges Congress and the Department of Labor to be made aware that Alabama needs to maintain their flexibility of the use of the federal funds under all titles pertaining to the Workforce Investment Act.

H-5.8. That the League supports the concept endorsed by NLC of tying unemployment benefits to job training programs, but only under certain conditions. First, that only the last weeks of unemployment compensation be tied to re-training programs, and second, that the expense of paying for such education cannot be mandated onto the unemployed worker nor the state or local government.

H-5.9. That the League urges all agencies concerned with the Workforce Investment Act to keep their local governments informed as to developments in this program.

H-5.10. That the League urges each municipality to provide information to all employees regarding issues related to family violence, with particular efforts to train their police departments.

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

H-6. Health Care

H-6.1. (a) That the League urges the Alabama Legislature and the Governor to continue to meet the state's commitment to fund the Medicaid Program and seriously to consider state legislation aimed at reducing the escalating costs of health care in Alabama.

(b) That the League encourages citizens to take a greater role in their own health maintenance.

(c) That the League urges all municipal officials to enter into an ongoing dialogue with the medical care personnel in their communities to formulate long-range health care plans. Further, that these plans be forwarded to the State Health Planning and Development Agency for inclusion in the statewide health care delivery plan.

H-6.2. (a) That the League strongly endorses and gives its full support to the physician placement plan for rural areas and small cities and towns undertaken by the College of Community Health Sciences of the University of Alabama and the Alabama Office of Rural Health and the League supports the coordination of all such programs by state medical schools and the Medical Association of the State of Alabama to bring maximum health services to the areas of greatest need.

continued next page

(b) That small municipalities are further urged to seek the assistance of the Alabama Office of Rural Health in their recruitment efforts and to investigate assistance under the Certified Clinic Program administered by the Department of Health and Human Services.

(c) That municipalities are encouraged to contact the Governor's Office or the Alabama Office of Rural Health for full information on its programs.

H-6.3. That the League encourages Alabama municipalities to provide AIDS education, physical fitness programs, drug and AIDS testing for all employees to pinpoint potential work-related health conditions and to combat the rising costs of workmen's compensation and sick leave.

H-6.4. That the League supports the use of preventive health maintenance to combat stress, illness, and accidents in the municipal workforce.

H-6.5. That the League urges strict licensing, supervision and inspection of boarding houses and other private ~~mental and~~ elderly facilities. (September 2002)

H-6.6. As employers, local governments should undertake training of the entire municipal workforce with attention to employees whose level of interaction with the public makes it important that they understand the dynamics of AIDS transmission.

H-6.7. That the League urges the Board of Education to maintain health education as a priority area of instruction.

H-6.8. (a.) **That the League strongly support the state Legislature to appropriate sufficient funds to control the West Nile virus in our municipalities**

(b.) That the League encourage municipalities to support awareness about bioterrorism. (September 2002)

H-7. Mental Health and Mental Retardation

H-7.1. That the League strongly urges the Alabama Legislature to meet the responsibilities of the state government to provide adequate funding for operation of Alabama's mental health system and specifically include funding for operation of regional mental health and mental retardation districts and mental health and mental retardation facilities.

H-7.2. (a) That the League urges the State Department of Mental Health and Mental Retardation to devote more time and effort to programs directed at the prevention of the problems arising from excessive use of addictive prescription drugs.

(b) That the League, recognizing the fact that television advertisements promoting drugs exert a strong influence on the impressionable minds of our youth, encourages stations to develop and show education programs on the dangers of drug abuse to balance other television presentation.

(c) That the League urges that a special emphasis be placed on prevention and education programs on alcohol and drug abuse and on the treatment of such abuse.

H-7.3. (a.) That the League urges all member municipalities to recognize that alcoholism on the part of employees can represent a tremendous drain on their productivity but that alcoholism is also a treatable disease and that all municipalities are urged to

follow the highly successful example set by several municipalities and major industries of Alabama in undertaking the Employee Assistance Program for the rehabilitation of alcoholic personnel.

(b.) That the League encourage municipalities to urge all citizens to seek alcohol and substance abuse treatment from service providers which is available. (September 2002)

H-7.4. That the League urges the state legislature to continue to support all of the programs operated by the State Department of Mental Health and Mental Retardation. Further, that the private sector and local governments coordinate with the Department of Mental Health and Mental Retardation to improve vocational training and employment opportunities for those persons with mental illness or mental retardation.

H-7.5. That the League urges municipalities to encourage local civic groups and citizens to support homes for those persons with mental illness and/or mental retardation.

H-7.6. That the League supports the need to educate the general public on mental health and retardation.

H-8. Youth

H-8.1. That the League endorses the Economic Education Program of the Council on Economic Education to educate young people in the basic principles of business and private enterprise.

H-8.2. That the League recommends that all municipal officials make even greater efforts to maintain communications with the youth of their communities. Further, that the League encourages municipalities to sponsor youth civic clubs as a means to this end.

H-8.3. That the League views with extreme concern the increase of child abuse cases in our state and nation and strongly encourages the appropriate local and state agencies to continue to make their full resources available to correct this growing problem. Further, that child neglect is viewed with equal concern and that the above-mentioned agencies address their resources to correcting the problems of child neglect as well as child abuse.

H-8.4. That the League supports the full funding and full operation of the State Department of Youth Services.

H-8.5. That the League recognize efforts made by the Coalition for Healthy Adolescents in Alabama (CHAA) to address evils that beset today's youth--in particular, teenage pregnancies, illegitimate births, and alcohol and drug abuse. The League strongly urges the Alabama Legislature to appropriate money to establish an educational program through whatever agencies it deems most fitting to prevent these problems.

H-8.6. That the state legislature is urged to provide funding for the Workforce Investment Program to be operated in all 67 counties.

H-9. Child Care

H-9.1. The League strongly urges local municipalities to take the lead in promoting and encouraging enrollment in the "All Kids" health program to those children who do qualify.

H-9.2. The League strongly supports involvement of business and industries in establishment of child care facilities, benefits and programs for employees.

H-9.3. The League encourages local governments to:

- review current ordinances, land use provisions and

continued page 48

Community and Economic Development

Recommendations presented in this article were adopted by the League's CED Committee during the 2002 Committee Day on September 5, 2002. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2003 League Convention in Huntsville, April 26-29, 2003.

C-1. Planning

C-1.1. That the League establish a strong on-going liaison with regional planning commissions for coordination of technical advice and assistance for local governments. The League offers strong support for increasing state funding of regional planning commissions to enable them to provide adequate planning assistance for local governments.

C-1.2. That municipalities be given permissive legislative authority to zone their police jurisdictions.

C-1.3. That a state statute be adopted to specifically authorize municipalities to control unzoned areas in newly-annexed territory pending the adoption of appropriate zoning for newly-annexed areas.

C-1.4. That every city establish minimum standards for public improvements that must be met before approval of subdivisions within their jurisdictions. Further, that subdividers planning subdivisions beyond municipal corporate limits of a city but within the planning jurisdiction of the city be urged to include restrictive covenants in their recorded plats for the protection of purchasers of their lots. Municipalities are urged to provide subdividers with model protective covenants for their consideration in the preparation of their plats.

C-1.5. That the League encourages every community to establish long-range plans for land use and capital improvements which include privatized capital improvements needs and estimated costs. Such plans will provide preparedness in the event special public works programs become available.

C-1.6. That the League urges municipalities to establish planning commissions and implement zoning ordinances and subdivision regulations.

C-1.7. That all municipalities be encouraged to establish standards to cover the location of mobile and manufactured or modular homes within their jurisdictions. We urge the League to assist in the development of these standards to assure that they meet legal challenges.

C-1.8. That the League strongly supports the continued efforts of the Alabama Planning Association's Planning Institute to train local officials, planning commissioners and zoning administrators.

C-1.9. That the League strongly supports efforts to educate the public as to the importance of zoning and subdivision controls through resources such as the regional planning commissions. Municipalities are urged to work with their County Commissions in the development of such controls.

C-1.10. That the League strongly encourages the Legislature to study municipal zoning and planning enabling laws and to make a recommendation for improvement of such laws.

C-1.11. That the League strongly encourages its members to consider historical areas in their local zoning and planning process.

C-1.12. That municipalities are encouraged to individually evaluate establishment of historic preservation authorities and commissions, to inventory local cultural and historic assets, and to initiate other locally-based historic preservation initiatives.

C-1.13. That the League propose legislation to make it clear that a municipal governing body may withdraw its planning jurisdiction to less than the five-mile limit currently established by state law.

C-1.14. **That the League encourages ADECA to reinstate the Prepared Cities Program. (September 2002)**

C-1.15. **That the League supports state legislation regulating private sewage providers and sewage systems and establishing standards for construction and continued operation of such providers. (September 2002)**

C.2. State and Federal Programs

C-2.1. That the League encourages efforts to standardize and clarify the application requirements of various federal program agencies, and the simplification of rules and regulations relating to civil rights, equal employment opportunity and requirements of private lending institution sign-offs as a condition of eligibility for loans from those agencies.

C-2.2. That the League strongly recommends to our Congressional delegation that they actively pursue adequate funding for federal economic development programs including those of the Renewal Community Initiative, the U.S. Department of Housing and Urban Development, the USDA Rural Development, the Delta Regional ~~Commission~~ Authority, **the Crescent Authority** and the Appalachian Regional Commission. (September 2002)

C-2.3. That the League urges the legislature of Alabama to be concerned with the federal phase-out of local government programs to the end that state funding be provided for local government programs affecting public health and welfare.

C-2.4. That the League recognizes that the condition of public facilities in Alabama and throughout the nation has become seriously deteriorated to an extent that it is not accurately

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known. It is urged that a federal program be funded to accurately tabulate the current needs for public facility rehabilitation nationwide according to uniform reasonable standards, and that provision be made to keep such tabulation current on a periodic basis. Further, that a multi-year federal infrastructure grant-in-aid program be established to assist state and local governments in the rehabilitation of their public facilities in accordance with the needs assessment program.

Further, the League supports the re-establishment of the Federal Public Facility Loan Fund and the idea of creating federal and state domestic capital investment budgets.

C-2.5. The League urges more federal assistance to state and local governments in promoting international business.

C-2.6. That the League applauds the Congress for its leadership in the field of historic preservation and urges the continuation of historic preservation programs both at the federal and state levels of government. Particularly, the League urges that tax incentives be made available for residential preservation as well as commercial preservation.

C-2.7. The League should educate its members as to the availability of the Your Town Program.

C-3. Housing

C-3.1. That the League is opposed to housing authorities that would establish housing in a municipality or its police jurisdiction without a resolution of approval by the local governing body involved.

C-3.2. That both the federal Congress and the state legislature be urged to consider all alternatives to take action to alleviate the difficulty in financing housing in Alabama and the nation. The League urges that the Home fund administered by the Alabama Housing Finance Authority distribute more money to be used to finance home ownership for single families.

C-3.3. That lenders throughout the state be urged to use the HUD 203(k) program for rehabilitation of existing homes.

C-3.4. That the Committee favors legislation which would allow municipalities to establish housing finance authorities.

C-3.5. That the League support the legislation which would establish a uniform state building code patterned after or identical to the Southern Standard Building Code.

C-3.6. That the Community and Economic Development Committee reiterates the recommendation of the Energy, Environment and Natural Resources Committee in strong opposition to federal land use planning legislation.

C-3.7. That the League encourages the Legislature to adopt required standards of certification for code enforcement officers. Furthermore, that the code enforcement officers be required to be certified three years after the enactment of such legislation or three years after the officers are hired.

C-3.8. That the League supports continuation of the public housing program as a separate program and strongly urges the continuation of federal public housing operating subsidies. The state and local governments in Alabama are not financially able to take over the responsibility of public housing construction and operation.

C-3.9. That the League go on record as continuing its strong

opposition to all efforts that would discontinue the allowance of home mortgage interest payments as deductions in the computation of individual state and federal income tax returns.

C-3.10. The Alabama Multifamily Housing Consortium is encouraged to expand its efforts to involve more financial institutions in its consortium so as to increase resources available to finance affordable housing in local communities. Further, that local municipalities are encouraged, where affordable housing is needed, to cooperate with housing sponsors and developers seeking financing from the Alabama Multifamily Housing Consortium by providing planning and zoning assistance, advice, local expertise and/or resources to increase the supply of quality rental housing.

C-3.11. That the League urges the Alabama Legislature to pass a state Fair Housing Law that is equivalent to the Federal Fair Housing Law in order to realize funding opportunities currently unavailable to the state.

C-3.12. That the League urges the state and local governments to pursue grants which will help address the abatement of lead based paint hazards in housing, as authorized by the Lead Based Paint Poisoning Prevention Act.

C-3.13. **That the League encourages HUD to establish specific policies concerning the upkeep, maintenance and responsibilities of Section 8 Housing and their presence in the community. (September 2002)**

C-4. Community Development

C-4.1. That the League encourages its members to work toward urban conservation, historic preservation and revitalization of its downtown area, and to seek technical assistance and advice from the Main Street Program and the Certified Local Government Program of the Alabama Historical Commission.

C-4.2. That close lines of communication be established between municipal and county governing bodies for joint efforts toward community development and fringe area services and that counties be encouraged to work more closely with municipalities in rural development.

C-4.3. That the League support the adoption of statutes authorizing municipalities to finance off-street parking facilities through revenue bond issues.

C-4.4. That the need for a viable annexation statute becomes more acute as time passes. The League strongly urges an all-out effort on the part of its members, the legislature and the state administration to produce a workable answer to this need at the earliest possible time. Furthermore, this committee urges the League Committee on State and Federal Legislation to make a viable annexation statute a top priority.

C-4.5. That every municipality is urged to work with and encourage the private sector to increase its efforts in the field of community development.

C-4.6. That the League pledges its cooperation and support of the efforts of the community development directors of the state toward better community development in Alabama's cities and towns.

C-4.7. Recognizing that construction costs have increased while Community Development Block Grant funding has been

reduced, the League strongly urges our Congressional delegation to allocate increased funding to Community Development Block Grants.

C-4.8. The League urges ADECA to ~~continue~~ **reinstate** giving bonus points to municipalities who are applying for CDBG grants but who have never received such a grant be continued. (September 2002)

C-4.9. The League encourages municipalities to provide recreational opportunities for low and moderate income areas.

C-4.10. That ADECA continue to recognize the essential need that municipalities have to use in-kind (personnel and equipment) as local match for CDBG projects.

C-4.11. The League encourages ADECA to return to the previous point rating required for downtown revitalization projects.

C-4.12. The League urges ADECA to consider a much larger funding level for the small and large city categories of the CDBG grants.

C-4.13. **That the League encourages Congress to increase funding to the State's Scenic Byway Program to promote tourism and economic development in areas along designated byways in Alabama. (September 2002)**

C-4.14. **That the League urges the Alabama Insurance Commission to require all insurance companies to adhere to ISO ratings. (September 2002)**

C-5. Economic Development

C-5.1. The League strongly encourages the Governor and the legislature to take necessary action to create a fund which can guarantee, or partially guarantee, loans for economic development to industries which need assistance and are deemed worthy because of the jobs and corporate taxes they will provide. The fund should be made available to both new industries moving into the state as well as for expansion of existing industries.

C-5.2. That the League continues to urge the repeal of state industrial park acts which threaten the orderly growth and development of our cities and towns.

C-5.3. The League offers its full support to assist The Alabama Development Office, The Alabama Department of Economic and Community Development, The U. S. Department of Housing and Urban Development, all institutions of higher education, the Alabama Association of Regional Councils and the Economic Development Association of Alabama in the continuation of a training program for industrial development representatives. Further, the League urges all municipal officials to assist the Alabama Development Office in its efforts to procure legislation that may be needed from time to time to improve our state attractiveness to potential businesses and industries.

C-5.4. That the League encourages every city and town to establish an Industrial Development Board.

C-5.5. Municipal governing bodies and their industrial development boards are encouraged to work more closely with their existing industries and to assist whenever possible in expanding such industries, and to create an economic development plan that defines the types of industries and industrial infrastructure a city needs.

C-5.6. That the League urges continued strong effort to bring

about industrial development and more jobs for the state and its people and continued interest in the development of small or minority businesses and industry.

C-5.7. The League urges the Alabama Legislature to **provide budget adequate** funding for the Alabama Department of Economic and Community Affairs program for the development of industrial parks (including speculative buildings) and the site preparation program. (September 2002)

C-5.8. The League urges the Alabama Department of Economic and Community Affairs to continue the allocation of economic development funds from the Community Development Block Grant program.

C-5.9. The League continues to urge the State of Alabama to take a leadership position concerning industrial development. Due to factors beyond their control, rural areas are at a tremendous disadvantage competing in this environment. The State should stress total economic development in all areas.

C-5.10. The League encourages promotion of the state through the Alabama Department of Tourism and Travel. Out-of-state visitors bring a significant amount of revenue into our local cities and towns.

C-5.11. That the League urge continued state support and funding for locally- and regionally-based economic development tools, such as business and industrial incubator programs, revolving loan funds and venture capital funds.

C-5.12. That the League urges the Legislature to put sufficient resources into the education and training of all Alabamians so as to assure their future in the workplace.

C-5.13. The League supports the on-going economic development planning process currently led by the Alabama Commerce Commission and the Alabama Association of Regional Councils. ■

FOR SALE

FORD PIERCE MINI PUMPER

Rainbow City has for sale: One (1) 1990 Ford Pierce Mini Pumper, 53,000 miles, Ford F-350 diesel one-ton automatic transmission, 4X4 with dual rear wheels, 400 GPM waterous fire pump, five storage compartments, 250 gallon water storage tank, electric hose reel with 200 feet 3/4 inch boosterline, 20 feet of 4 inch suction line with strainer, 14 foot aluminum extension ladder, 10 foot closet ladder, 4500 KW generator, 2 mounted tele lights. **Price: \$48,500.00. Call Gene Wimpee, Fire Chief, at 256-442-2511.**

TPSC Proposed Policies and Goals continued from page 40

P-11. Law Enforcement Personnel

P-11.1. That the Committee on Public Safety reiterate the League's standing policy in opposition to any legislation which would give any group of public employees special or favored treatment and thereby discriminate against other public employees. Further, that the League continue to go on record opposing legislation requiring uniform wages, salaries, and fringe benefits for policemen and firemen, but in event the legislature passes such legislation, the League must insist that state subsidies be provided to pay for such increased benefits.

P-11.2. That municipalities are urged to upgrade recruitment of law enforcement officers through improvements of salaries and working conditions and the use of affirmative action plans in recruitment and are strongly encouraged to run a background check for prior felony convictions on all applicants.

P-11.3. That the League support legislation to amend present state law to permit employees retired from the State Retirement System to accept employment with municipalities covered under the State Retirement System without giving up any of his **their** benefits. (September 2002)

P-11.4. That all municipalities should exercise caution in letting their police officers and fire inspectors and investigators work in other job-related activities, including work for private security agencies, during off-duty hours.

P-11.5. That the League opposes legislation to provide a bill of rights for police officers.

P-11.6. Stress is an unavoidable factor faced by many municipal employees. The League understands the need for treatment for medical conditions related to on-the-job stress. However, the League opposes legislation requiring municipalities to incur extra costs or grant additional leave time to employees above that currently provided for stress-related disorders.

P-11.7. The League encourages all municipalities with police departments composed of more than one officer to make sure that the top ranking officer in the department has satisfied the training and re-training requirements prescribed by state law for all police chiefs.

P-11.8. That the League encourages municipal police chiefs to utilize the Forensics Department's Violent Crime Response Unit. ■

HD Proposed Policies and Goals continued from page 44

regulations that could be a hindrance to the development of child care in local communities, and encourage new legislation to promote such development;

- develop a local policy on child care;
- develop a database to ensure that sufficient information is gathered on the child care needs of city residents;
- encourage greater dialogue between Head Start and other day-care providers and public kindergartens;
- begin dialogue with local school boards and appropriate local bodies for collaborative ventures in addressing local child care issues; and
- provide incentives to business and developers for tying in child care with their development activities.

H-9.4. That the League strongly urges flexibility as to the dates of payment of the various fees due from child caregivers.

H-10. Disabilities

H-10.1. That the League urges municipalities to support citizens with disabilities, including developmental disabilities, to live, work, learn and play in communities of their choice.

H-10.2. That the League encourage the state Legislature to provide funding in support of citizens with disabilities, including developmental disabilities, to assist them in adapting to the communities of their choice. (September 2002) ■

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Speaking of Retirement

*Prepared by the staff of the Retirement Systems of Alabama and edited by
Mike Pegues, Director of Communications.*

Frequently Asked Questions from Active Members

When is the best time to retire?

The best time for anyone to retire is when he or she is both financially and mentally ready to retire. Here are some questions to ask yourself if your financial situation and readiness to retire are in order. Are you prepared for the fact that your retirement could last a couple of decades or more? Will the money you have saved last the rest of your life? How will I spend my time? Will I be able to continue doing the things I did before retirement? Will I enjoy being around my spouse more often, every day? Will I need new hobbies and interests?

What is the best retirement option to choose for my retirement?

Every member's situation is different. Do not be swayed by what option other members are choosing. You need to determine with the help of your family or a professional advisor such as an attorney, financial planner, accountant, and/or insurance professional which option is best for you. The choices you have are the Maximum or one of the options. Consult your ERS Member Handbook for explanations to these or call the RSA at **1-800-214-2158, extension 399 for ERS**. ERS Member Handbooks were mailed to every active member. If you did not receive a handbook, contact the ERS.

What are the advantages and disadvantages of purchasing service credit?

Purchasing service credit can allow you to retire earlier and/or increase your retirement benefit. However, the cost to purchase service can be expensive. If you are interested in a cost estimate, contact the ERS. The types of service that can be purchased are in your ERS Member Handbook.

How far in advance may I apply for retirement?

To apply for retirement, request an Application for Retirement from the ERS or your employer. The Application for Retirement must be received by the ERS no less than 30 days nor more than 90 days prior to the effective date of

retirement. Members can only retire on the first day of a month.

Will my retirement benefit be taxed?

Most of your retirement benefit from the ERS is subject to federal income tax. The portion of your benefit based on previously taxed contributions, including payments made to purchase additional service credit using pre-taxed monies, is exempt from taxation. If you reside in Alabama, your retirement benefit is **not** subject to state of Alabama income tax. If you reside in another state, check with that state's revenue department to determine your tax status.

If I retire on disability, will I receive a reduced benefit?

No. Your disability benefit is calculated based on the same retirement formula as for service retirement. The formula for both annual retirement benefits is:

Average Final Salary X Years and Months of Service X
Benefit Factor (Currently .020125)

Will I receive a Cost of Living Adjustment (COLA) after I retire?

COLAs for retired state employees must be approved by the state legislature. Legislation providing COLAs for retirees of Section 12 agencies usually requires the approval of the governing body of the ERS agency, which must fund the COLA increase for persons retired from that agency. Generally, COLA's have been approved every other year, but are not guaranteed.

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

Obituaries

Former Montgomery Mayor Robinson Dies at 73

Jim Robinson, Montgomery's mayor from 1971 until 1977, died October 14, 2002 at age 73 from an apparent heart attack.

Robinson, who was a former Vice President of the League, changed the face of Montgomery city government. He came into Montgomery politics in 1971 as an upstart unknown who ran as an independent candidate for a city commission seat. It was a three-person body, and Robinson was elected its head. He often was outvoted on commission issues. That changed in 1975 when he helped lead a popular movement to begin a city council form of government. The local legislative delegation approved a bill allowing voters to change the form of city government from a three-person commission to a nine-member council. Voters approved the change.

Robinson also worked hard for equality. He was instrumental in naming Interstate 85 as the Martin Luther King Expressway.

In 1977, Robinson resigned during the Whitehurst police scandal, in which police fatally shot an unarmed black man and then placed a weapon on him. Robinson maintained he was not involved in the cover-up and passed a polygraph test he ordered to prove his innocence. He said he resigned because of false media reports which took a toll on his family. ■

H.L. Hollingsworth, Jr.

H.L. Hollingsworth, Jr., former mayor of Gurley, died August 25, 2002. He was 80.

Hollingsworth served as mayor for 12 years. He is survived by two daughters, one son, 10 grandchildren and 15 great-grandchildren. ■

Edna Mae Miller

Edna Mae Miller, former Courtland town councilmember and mother of William Miller, a current town councilmember, died September 5, 2002. She was 73.

Miller was the first black female member of the town council, where she served for several years. ■

Carl Shelly Drummond

Carl Shelly Drummond, serving his second term as mayor of Cordova, died October 4, 2002 after a battle with liver cancer. He was 65.

A life-long native of Cordova, Drummond worked for Vulcan Asphalt for nearly 40 years. He served one full term as a Cordova councilmember and was appointed to another term in 1994. He won the mayor's race in 1996. ■

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