

THE ALABAMA MUNICIPAL **JOURNAL**

October 2004

Volume 62, Number 4

League Legal Staff Answers Thousands of Elections Calls



The League's legal staff answered thousands of elections-related phone calls and e-mails this election cycle. See page 4 for complete story.

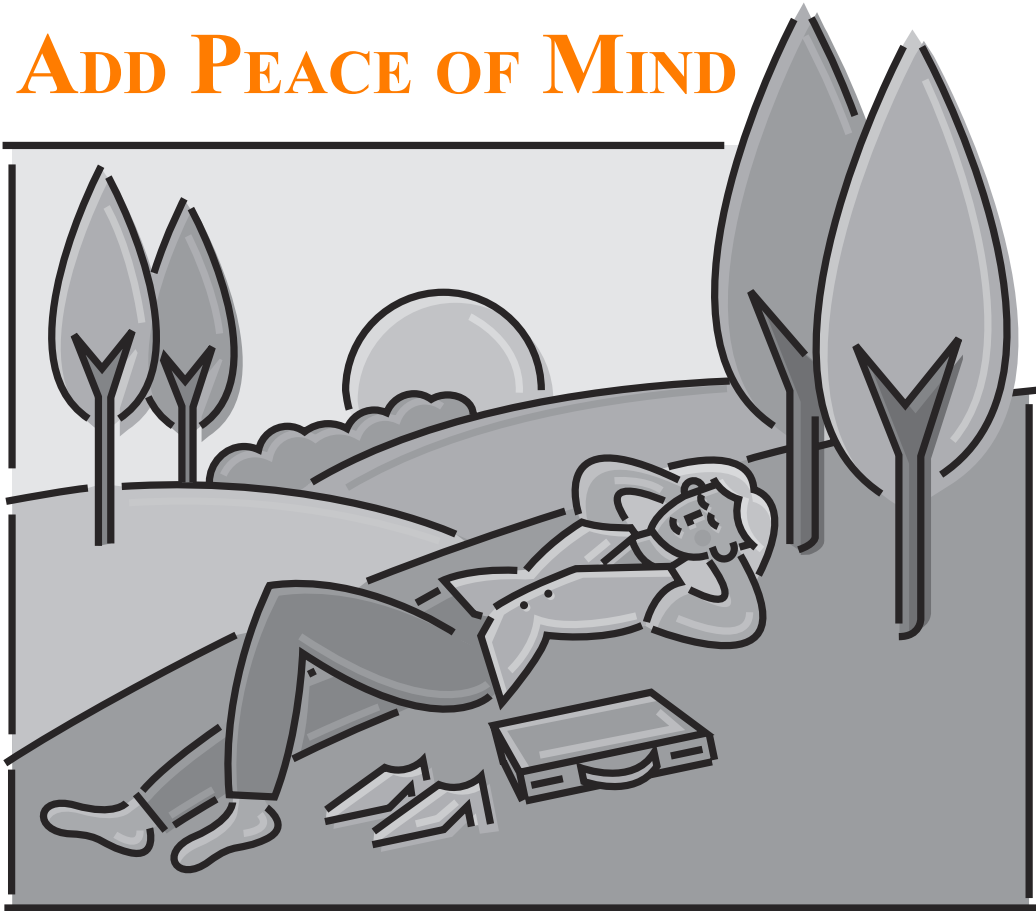
Inside:

- **Welcome Back or Welcome Aboard**
- **Duties of the Mayor and Council**
- **Proposed Policies and Goals for 2005**

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League Legal Staff Answers Thousands of Elections Calls

By: Ken Smith, Deputy Director/Chief Counsel

The League's legal department answered a total of 4,154 legal inquiries from July 6 (notice of election day) to September 15 (the day after the run-off elections). This covers the period from the first day to post the notice of election until the day after the run-off elections. Of course, we had a number of inquiries related to elections before July 6, and calls continue to come in as there are several election contests still pending and run-offs that need to be held in several South Alabama municipalities thanks to Hurricane Ivan.

The calls ranged from simple questions about the date for taking a specific action to more complicated issues for which there was no ready answer. For example, when Hurricane Ivan took aim at Alabama, we had to quickly find authority for municipalities to postpone their elections despite the absence of any clear law on the subject. In addition, we had new laws such as Voter ID and HAVA to contend with. And having a large number of voters absent while serving in the military in Iraq, Afghanistan and elsewhere presented many complicated situations that had to be resolved quickly.

For my part, as the supervisor of the legal department, I'd like to thank all of our attorneys, Lori Lein, Mary Ellen Harrison and our Executive Director, Perry Roquemore, for their hard work. This was my fifth municipal election and I don't think I've experienced one that presented more questions

and difficult situations. I'm proud and happy to have a legal team assembled like the one we have here. I'm prejudiced, of course, but I think we have the best legal department of any League in the country.

I would also be remiss if I didn't recognize the folks here in our office who answer our telephones. Sharon Carr, Laura Anne Whatley, Theresa Lloyd and others who filled in during peak hours did a fantastic job fielding elections calls while handling their own daily duties. In addition to the legal calls, they had to handle every other call that came into the office, often jumping from one call to the other in a steady stream. At times it resembled a ballet, the way they had to juggle the various lines and keep straight who was holding for whom while trying to track down attorneys (and others) who weren't always sitting behind their desks.

In some cases, they had to remain professional and polite when callers were not treating them with the same respect. These staff members do a great job, and so I applaud them and thank them for their efforts.

And finally, a special thanks goes to the municipal clerks and others who conducted the municipal elections throughout the state. They were the ones who had to implement the elections laws while dealing face-to-face with the public and candidates. Outstanding job to each of you! ■



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The President's Report

Jim Byard, Jr.
Mayor of Prattville

Welcome Back or Welcome Aboard!

The campaign is over! Feet made sore by countless miles of trekking door-to-door, and hands crushed by hearty handshakes have healed. The relief of a winning ticket or the euphoria of unopposed election has calmed. Its time now to roll up our sleeves and get to work at the task we have been selected to do – serve the citizens.

For those of you who are returning as re-elected officials, it's a matter of continuing things started or planning for the future. To those newly-elected officials, the needs and responsibilities can be overwhelming. The future of your town or city now sits squarely upon the shoulders of you and your fellow elected officials. Yes, the campaign is over and we all us must "hit the ground running."

Although all municipalities have unique problems and goals, we share common bonds. We are faced with economic problems, personnel issues, insurance and benefits, aging infrastructure needs, economic development and growth-related problems. We all want to provide good government in an economically sound way which will benefit those who have shown trust in us through their vote.

The Alabama League of Municipalities is in a position to help us understand and move forward. They provide legal information to help us stay on course. They provide attorney general's decisions which will guide us through what can be done in our own situations. The League also provides training and a variety of workshops which will inspire and educate you. The Certified Municipal Official (CMO) program is excellent and all elected officials should take advantage of this and the advanced training offered

through the League. Through special committees, problems can be addressed and possible solutions thought through. Attendance at the annual League convention provides time to come together, time to discuss issues and problems and, hopefully, find answers. Thankfully, most of us have come to find that it is not necessary to keep re-inventing the wheel. Other municipalities have found ways to address needs and problems and are happy to share this information and success for others to use.

Strong relationships are formed through involvement in the Alabama League of Municipalities and the National League of Cities. Names become faces and acquaintances become friends. Friendly rivalries between football teams, school systems, economic development and good old-fashioned community pride are put in perspective as we all work toward making our cities great.

Through the League, we find that we are not alone in facing the problems of government. The Alabama League of Municipalities is dedicated to providing service and information to its 443 member cities.

I urge you to become involved in our League. Attend the newly-elected officials training programs, serve on committees when asked, and if not asked – volunteer! To those returning officials, I say congratulations! To those newly-elected officials, I also say congratulations. I look forward to meeting you and welcoming you into our League of Municipalities family. ■

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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

After Storms, Downed Trees Are Dangerous!

NOTE: This information is provided by the National Arborist Association.

Hurricane and winter storm season is upon us again, and that spells danger to our urban forest. High winds, ice and snow put tremendous pressures on trees growing near houses or power lines. In their wake, property owners face the task of clearing trees and downed limbs.

“Storm cleanup is often when many property owners crank up their first chain saw,” notes Robert Rouse, staff arborist for the National Arborist Association. “And, not surprisingly, they injure themselves. It is also the time when ‘ambulance chasing’ tree care operators arrive in town looking for work. Some charge exorbitant amounts for their work.”

The National Arborist Association, the trade organization for owners and operators of tree care businesses, offers these safety tips to help avoid personal injury or damage to property during storm clean-up, and to ensure that you hire an ethical tree service professional. For those homeowners who do attempt this work – which is not recommended – here’s a primer on safe tree and brush removal.

If a utility line is down:

- Call the utility company immediately.
- Assume any downed line is energized.
- Don’t touch a tree or anything touching the downed line.
- Make sure that nobody else, including children and pets, goes near it. Contact with energized lines can result in electrocution.

When removing a tree:

- Note the location of other people in the area and plan an escape route from the falling tree before cutting.
- Carefully inspect the tree and the surrounding area for anything – utility lines, property, vehicles, etc. – that might get hit or interfere with the tree felling or removal.

- Examine the shape and lean of the tree. Inspect the trunk for decay, weak spots or hanging limbs, and for any metal or concrete in or around the tree. If so, the tree is unstable, take extra precaution while removing that tree.
- Even small trees bent under tension can be extremely hazardous.

Do not use a chain saw for tree removal unless you have years of experience handling one. Even professional tree care personnel face risk of injury using chain saws. Tree removals are very unpredictable. Don’t take unnecessary chances!

What can you do? Hire a Tree Care Professional: The best advice is to hire a tree care professional with the experience, expertise and equipment to safely take down or prune damaged trees. Require proof of liability insurance and check to see if the cost of the work is covered by your insurance company.

Hiring a company that says it does tree work has never been a problem for homeowners. Simply look through the yellow pages, make a few calls, and you have a company who says they can do the job at a low price. For the time being, you are happy. They send a crew to do the job and while removing a limb from the tree, they drop it on your car. Who should pay for the damage? Ideally, the tree care company. But they do not carry insurance, nor can they be reached by phone. You are upset and do not know what to do. You call your auto insurance agent. They instruct you to pay your deductible and the car will be fixed. Then you go to the small claims court to get your deductible back, and if you are very lucky, you succeed.

The scene would be different if you had just asked for proof of insurance from the company you hired. Beware of the fly-by-night “individuals” who call themselves arborists. “With hundreds and possibly thousands of dollars at stake, not to mention the integrity and appearance of your property and your personal safety, make sure you that you take your time in deciding which company you should hire,” warns Peter Gerstenberger, director of safety and education for the National Arborist Association. “Disreputable companies are renowned for ripping gutters off, breaking fences and bird baths, and even dropping trees on houses. Then they typically fold up and leave, never to be seen again,” adds Gerstenberger. Disreputable companies tend to:

- Solicit work door-to-door.
- Demand payment in advance.
- Advertise topping and low prices in yellow pages.
- Sell jobs without producing a written estimate or work order.

Check for the following before you hire a company, advises Gerstenberger:

1. Ask for copies of current, valid certificates of insurance.

continued next page

2. Local references allow you to measure the company's abilities and professionalism.
3. Get a detailed written estimate of the work needed and the cost.
4. Verify professional affiliations the company might have, such as membership in the National Arborist Association (800-733-2622) or International Society of Arboriculture (ISA).
5. Get a second opinion if it will add to your comfort level.

Make sure that a complete diagnosis of the potential for tree failure is performed before a tree is removed. For information on the care of trees or to search for an arborist in your local area visit the NAA's website: WWW.NATLARB.COM. The NAA is a 60-year-old public and professional resource on trees and arboriculture. ■

Assessing storm damage to your trees? Here are some simple do's and don'ts:

DO: Call utility company immediately if a line is down.

DON'T: Touch anything near a downed powerline.

DO: Carefully inspect the area around a fallen tree.

DON'T: Fire up the chain saw to remove a fallen tree.

DO: Find a qualified arborist to take care of major tree hazards following storms.

**National Arborist Association
Contact: Robert Rouse
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Rouse@natlarb.com**

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ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, Intergovernmental Relations

Traffic Congestion in the United States and in Alabama

The Texas Transportation Institute has released the 2004 Urban Mobility Study which reports on the ever increasing traffic congestion problems that are occurring in the U.S. Birmingham was the only city in Alabama included in the study. The following are some of the Birmingham and national results.

Birmingham's number of "Rush Hours" (time when a system might have congestion) was 5.0 hours in 1996. In 2002 it was 6.2 hours. Annual excess fuel consumed in 1996 was 11 million gallons. In 2002 it was 16 million gallons. In 1996 Birmingham's congestion costs were \$104 million. In 2002 the congestion costs were \$168 million. The annual cost per peak traveler in 1996 was \$324. In 2002 it was \$468.

National Figures

- Annual delay per peak period (rush hour) traveler has grown from 16 hours to 46 hours since 1982.
- Annual financial cost of traffic congestion has ballooned from \$14 billion to more than \$63 billion since 1982 (as expressed in 2002 dollars).
- 5.6 billion gallons of fuel was lost to engines idling in traffic jams.

To access the entire study, go to <http://ti.tamu.edu/>

IPSCO Turns Scrap Tires Into Education Dollars

IPSCO, a company located in Mobile County, has announced that it will contribute more than \$100,000 in supportive education funding in North Mobile as a result of a program that will recycle up to one million scrap tires per year. The contribution comes from a direct result of savings generated by the company by substituting scrap tires for carbon in the steel manufacturing process. IPSCO will use a significant portion of the money it is saving from this new

and improved steel making process to underwrite the education program. The recycling of the estimated one million scrap tires by IPSCO will put a major dent into the more than four million scrap tire Alabamians generate per year.

U.S. Cities Are Mired in Fiscal Woes

While economists have said the U.S. recession ended in late 2001, a fiscal recession continues in America's cities, according to the latest annual survey by the National League of Cities.

The survey of finance directors from 288 cities found that 63 percent said their cities were less able to meet financial needs during their fiscal 2004 than in the previous year. Looking ahead, 61 percent said their cities will be less able to meet financial needs in 2005 than in 2004. (Fiscal years start in January, July or October depending on the city.)

The financial officers blamed rising costs for employee health benefits, wages, public safety, increased infrastructure needs and employee pensions. The cities' revenues aren't keeping pace with their increased expenses. Cities' 2004 budgets predicted general-fund revenue increasing 2.6 percent from 2003, with general-fund expenditures expected to rise 3.6 percent.

Cities also cited the weak economy and insufficient state aid, reflecting the financial havoc wreaked upon states and, in turn, cities, during the economic downturn. There was a huge income-tax revenue burst for cities and states in the late 1990s and it disappeared with the bursting of the stock-market bubble and business capital-investment bubble. As a result, most states have been in a fiscal crisis, so they have cut back or not been able to increase state aid to cities.

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The percentage of cities that said they were less able to meet needs in their fiscal 2004 did decline this year. In the 2003 survey, 81 percent of respondents said they were less able to meet financial needs in their fiscal 2003 than in the previous year. The decline is in part the result of revenue-raising actions taken by cities. Rising property values, for example, proved to be a pillar for city finances, with property-tax revenue expected to rise 5.5 percent in 2004, compared with sales-tax revenue growth of 2.3 percent and income-tax revenue growth of 1.8 percent. The survey found that roughly 25 percent of cities increased property taxes in 2004 to help cope, up from 17 percent in 2003.

Cities that rely on income taxes were more likely to report worsening conditions than those relying exclusively on property taxes or on a sales tax. The one bright spot is that in those cities relying on property-tax revenues, the continued strength of the real-estate and property markets have provided a lifeline for those city finances.

The survey found that 32 percent of cities reduced the size of their city work force, while 40 percent reported an increase in productivity of their workers, allowing them to do more with the same size staff.

The increased pessimism of the cities' finance officers was most pronounced in the West and Midwest, with 75 percent and 74 percent, respectively, reporting deteriorating conditions, compared with 59 percent in the Northeast and 43 percent in the South. Southerners, in fact, were the most optimistic about 2005, with 52 percent indicating they felt their cities' conditions would improve over 2004. That compared with 41 percent who felt that way in the Northeast, 33 percent in the West and 32 percent in the Midwest.

Critical Habitat Designated for Five Mussels

The U.S. Fish and Wildlife Service is designating approximately 550 river miles in Alabama, Mississippi, Tennessee, Virginia and Kentucky as critical habitat for five federally listed freshwater mussels. The mussel species include the endangered Cumberland elktoe, oyster mussel, Cumberlandian combshell, purple bean and rough rabbitsfoot mussels. There will be 13 river and stream segments designated as critical habitat. In Alabama, that segment is a section of Bear Creek in Colbert County, Alabama and Tishomingo County, Mississippi.

Critical habitat is a term in the Endangered Species Act identifying geographic areas that are essential for the conservation of a threatened or endangered species and may require special management considerations. For more information about this new designation, call Fish and Wildlife at 404-679-7291. ■

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By Ken Smith
Deputy Director/Chief Counsel

THE LEGAL VIEWPOINT

Duties of the Mayor and Council

One of the most misunderstood aspects of municipal government is the separation of powers between the mayor and the council. Like government on the state and federal levels, municipal government is divided into three separate but equal branches: executive, legislative and judicial. Each of these branches has distinct duties and powers and restrictions on how far it can intrude into the affairs of the other branches.

At the municipal level, the mayor serves as the head of the executive branch. As such, the mayor is responsible for overseeing the day-to-day operations of the municipality. He or she oversees municipal employees, makes sure that bills are paid on time, executes municipal contracts and, in general, performs many of the same functions as a CEO of a private corporation. Section 11-43-81, Code of Alabama, 1975.

In municipalities of less than 12,000 inhabitants, the mayor also presides over council meetings and serves as a member of the council. In these cities and towns, the mayor may vote on any issue before the council, introduce measures and participate in debates to the same extent as members of the council. Section 11-43-42, Code of Alabama, 1975.

In cities with populations of more than 12,000, the mayor is not a member of the council. However, he or she has a veto over any permanent action taken by the council. The council can override the veto by a two-thirds votes. Section 11-43-42, Code of Alabama, 1975.

The council is the legislative branch. Citizens and councilmembers must understand that individual councilmembers, acting alone, have no greater power or authority than any other citizen of the municipality. The council can only act as a body at a legally convened meeting.

The council has authority over the finances and property of the municipality. The council establishes policies, passes ordinances, sets tax levels, determines what sorts of services the municipality will offer and has authority over

all other legislative aspects of municipal government. Section 11-43-56, Code of Alabama, 1975.

It is clear, though, that the primary factor in the success of a municipal government lies in the working relationship between the mayor and the city council. Elected city officials must recognize that they have dedicated themselves for the next four years toward accomplishing a common goal – providing the city or town with the best municipal government possible. To achieve this goal, the mayor and the council must maintain a harmonious working relationship.

At times the mayor and the council will disagree over the best solution to a problem. Disagreement is not only inevitable, it can be healthy. Negotiating opposing viewpoints can often lead to unexpected solutions. City officials must learn that when an opposing view is taken by someone else in government, it is merely a different opinion on the best way to represent the citizens of the municipality.

The success of municipal government depends also upon the willingness of each individual councilmember to cooperate with other councilmembers in granting time, knowledge and experience toward representing the citizens of the municipality. Under the mayor-council form of government, the council is granted legislative powers to determine the policies that will be followed in the administration of the municipal government. In exercising these powers, the council determines the extent of the governmental and corporate functions of the municipal government.

Equally vital is the willingness of the mayor to properly administer the ordinances passed by the council. The mayor is charged with the general supervision and control of municipal departments, programs, and facilities. The advice, recommendations and viewpoints of the mayor generally reflect the thoughts of the voters who elected him or her and are worthy of careful consideration by the council.

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The laws of Alabama necessitate a close working relationship between the council and the mayor. Without that spirit of cooperation, a municipal government will not function properly. Open communications between the mayor and the council should be maintained at all times. Before acting on any proposal, the council should carefully consider the advice, views and recommendations of the mayor. Similarly, the mayor should also listen to council discussions in order to understand the reasoning behind council actions and the intent of the council as it passes ordinances and resolutions.

Powers of Appointment

Section 11-43-81, Code of Alabama, 1975, states that the mayor has the power to appoint all officers whose appointment is not otherwise provided for by law. The attorney general of Alabama has ruled that if the council has exercised its powers to appoint officers of the city or town by passing an ordinance, then the appointment would be “otherwise provided for by law,” thus removing the mayor’s power to make appointments. Attorney general’s opinions to Hon. John W. Maples, April 17, 1957. See, also Attorney General’s Opinions 95-00315 and 97-00166.

Further, a council may adopt an ordinance which gives the council exclusive authority to appoint a chief of police, all police officers and a superintendent of utilities. However, as CEO of the municipality, the mayor’s power to oversee

the daily activities of city officials cannot be removed by the council. Attorney general’s opinion to Hon. A. J. Cooper, Jr., May 6, 1977. This same opinion provides that the council cannot by motion, resolution or ordinance require the mayor to give written work orders whenever he or she instructs a city employee to perform a task nor may the council require employees and department heads to answer directly to the council for their actions and to receive their instructions at least in part directly from the council.

Where the Code of Alabama specifies that the council has exclusive appointing power, such as over the municipal clerk, the council cannot delegate its appointing power. If an appointment is left to the discretion of the council, then the council may delegate its authority by a properly-drafted ordinance.

If the Code is silent as to who makes an appointment, then the mayor has the authority unless the council has provided differently in a properly-drafted ordinance. In cities of less than 12,000 in population, the mayor is a member of the council and may vote on appointments made by the council.

In all municipalities, the council may provide for a tax assessor, tax collector, chief of police and a chief of the fire department. The council also has the duty to specifically designate the duties of each office. Section 11-43-5, Code of Alabama, 1975. In municipalities of less than 6,000 in

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Legal Notes

By Lorelei A. Lein
Staff Attorney

COURT DECISIONS

Tort Liability: At the summary judgment stage of proceedings, a city is not entitled to discretionary function immunity under the principal of respondeat superior where the city's police officer's entitlement to such immunity has yet to be determined. Further, a city is not entitled to immunity under Section 11-47-190 of the Code of Alabama 1975, for a nightclub patron's claims based upon proof of negligence for excessive use of force, false arrest, false imprisonment, and assault and battery, where all of the claims are based upon a city police officer's alleged neglect, carelessness, and unskillfulness in effectuating a warrantless arrest of the patron. *Borders v. City of Huntsville*, 875 So.2d 1168 (Ala. 2003).

DECISIONS FROM OTHER JURISDICTIONS

First Amendment: A city's lifetime ban of a convicted sex offender from its parks based on his admitted "cruising" of parks and unrealized thoughts about having sexual contact with children playing there does not impose punishment for any expressive conduct or other fundamental right, but rather is a civil measure that furthers the city's compelling interest in protecting children from predations, and thus does not violate the First Amendment's free speech clause or substantive due process. *Doe v. Lafayette, Ind.* 377 F.3d.757 (7th Cir. 2004) **NOTE:** This case reverses a previous ruling by the 7th Circuit in this case. *See Doe v. Lafayette, Ind.*, 334 F.3d 606 (7th Cir. 2003) *rehearing granted and opinion vacated* 377 F.3d 757 (7th Cir. 2004).

ATTORNEY GENERAL OPINIONS

Office of Profit: Water Authority Board members do not hold an office of profit. A board member who is also on the

Board of Education may remain on the water authority board. 2004-193.

Appropriations: Under Section 11-43C-31 of the Code of Alabama 1975, a city operating under the form of government provided for in Chapter 43C of Title 11 may hire an accountant who will supervise the accounting firm hired to perform the city's annual audit. The accountant must follow the rules of the Alabama Board of Public Accountancy in supervising the firm. 2004-195. **NOTE:** This opinion only applies to the City of Pritchard.

Jails: A municipality is not responsible for the medical expenses of indigent municipal prisoners housed in the county jail unless the municipality has contracted to provide for such costs. A county is not responsible for the medical costs of an indigent municipal prisoner simply because the county has agreed to house municipal prisoners. 2004-196.

Office of Profit: A member of the Macon County Racing Commission holds an office of profit and as such may not serve as a member of the commission and serve as the Mayor of Tuskegee simultaneously. 2004-199.

Elections: An obvious typographical error contained in the language of an act proposing a constitutional amendment may be corrected on the ballot to properly reflect the purpose and intent of the legislation. 2004-202.

Elections: State and local election officials in Alabama may not legally participate in the Interim Voting Assistance System that is being advocated by the United States Department of Defense and the Federal Voting Assistance Program. Military voters may apply for and receive absentee ballots by United States mail or hand delivery to the appropriate absentee election manager. 2004-209

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Federal Legislative and Regulatory Issues

Mary Ellen Wyatt Harrison
Staff Attorney

Senate Passes Homeland Security Spending Bill

The Senate passed House Bill 4567, a \$33.8 billion spending bill with a 93-0 vote, for the Department of Homeland Security for fiscal year 2005. On June 24, the House passed a \$33.1 billion fiscal year 2005 Homeland Security spending bill. The Senate appropriated only \$942 million of the \$1.7 billion proposed by the Administration. Similarly, the Senate provided only \$1.2 billion for the Urban Area Security Initiative (UASI) — a program offering funding to the 50 largest population centers that are high threat centers. The President requested \$1.45 billion for the UASI program.

The House spending bill was delayed by a lengthy debate over the distribution formula for the homeland security grants. The Senate debated and rejected more than a dozen amendments aimed at increasing funding for interoperability, high threat urban areas and port and rail security. The amendments would have added \$18 to \$20 billion to the spending bill which is currently \$896 million above the President's request. The House bill is five percent more than the Administration requested.

By voice vote the Senate did adopt amendments to add \$687 million to improve border security between the United States and Canada, \$100 million for fire department grants and an amendment by Sen. John Ensign (R-Nev.) to add \$75 million for airports that do not have automated baggage screening. The easy passage of the spending bill clears the path for consideration in the conference committee.

Surplus Federal Property Available for Homeless Services

When developing effective affordable housing programs, city leaders usually find it difficult to develop effective affordable housing programs. This task is even more daunting when the needs of the homeless are being considered. Fortunately, there is a significant resource available. Under Title V of the McKinney-Vento Homeless Assistance Act, federal agencies are required to make surplus federal property available to local governments or nonprofit organizations to provide services to homeless people. The property is provided at no cost through transfer or lease. To date, more than \$105 million worth of federal property has been used to provide services, such as daycare, job training centers, soup kitchens, food banks, health care facilities and transitional housing to

help homeless people. The first step is to find out what property may be available.

The Department of Housing and Urban Development (HUD) is required on a quarterly basis to canvas federal agencies for their excess or surplus property. HUD determines its suitability for serving homeless people. The available properties are then published in the Federal Register every Friday. Local governments or nonprofit organizations can monitor the Federal Register on a weekly basis to determine if surplus property is available in their area.

HUD also has a toll-free number to answer questions about property that might be available in a particular area. Once listed in the Federal Register, the property remains frozen for 60 days. During that period, the federal government cannot dispose of the property. Eligible parties interested in acquiring the property must send a "notice of interest" to the Department of Health and Human Services (HHS). HHS then provides an application, which must be filed with HHS within 90 days. The property remains frozen while the application is pending. The application requires the provider to demonstrate that it has the resources to carry out the program for which it plans to use the property. In theory, HHS will act on an application within 25 days of receipt. If HHS approves the application, HHS and the provider must negotiate the transfer of property, either by deed or long-term lease. If the provider attempts to sell the property or use it for purposes other than those stated in its application, the property reverts back to the federal government.

The Department of Defense will make a second source of surplus federal property available after the next round of base closings – scheduled for 2005 – under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Originally, surplus base property fell under the McKinney Act. The 1994 base closure law requires the Local Redevelopment Authority that the Department of Defense assigns to handle the redevelopment to take into account the needs of the homeless population. Working early with groups that represent homeless people allows the community to determine the best use of the property. Local governments that have acquired surplus federal property and set up services for their homeless populations, often working in partnership

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with local community organizations, include Miami, Fla., Redmond, Wash., Bangor, Maine, Prince William County, Va., and Monterey County, Calif.

- The Miami-Dade Homeless Trust uses the 84-acre former Homestead Air Force Base to provide emergency housing, transitional housing, health care, job training and day care for homeless individuals and families.

- Redmond, Wash., used a five-acre former Coast Guard housing site to provide transitional housing and job training.

- Bangor, Maine, acquired a 13-acre parcel with 60 housing units to create a transitional housing community that provides a range of on-site services.

- Prince William County, Va., renovated military housing to help homeless families transition to permanent housing.

- The Housing Authority of Monterey, Calif., used a portion of the former Fort Ord to create Pueblo del Mar, a community that provides transitional housing, sobriety, and family services to clients referred by social service agencies.

The National Law Center on Homelessness & Poverty (NLCHP), a national legal advocacy center addressing homelessness issues, has been involved with the McKinney-Vento Homeless Assistance Act from the beginning, and sued to enforce the Act when federal agencies were not complying with its requirements.

To learn more about the McKinney-Vento Homeless Assistance Act or the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the NLCHP at 202-638-2535. The Department of Housing and Urban Development can also be contacted, toll free, at 800-927-7588.

Land Pollution Grants Available

Nearly \$100 million is available to identify, clean and restore lands that have been tainted by – and deemed unusable because of – hazardous substances, pollutants and contaminants. Owners of such properties, or brownfields, are eligible for assessment, revolving loan fund and cleanup grants from the Environmental Protection Agency. Owners can include state and local governments, Indian tribes and redevelopment agencies. Nonprofit organizations are eligible for cleanup grants only.

Grants will be awarded for projects that are aimed at protecting human health and the environment, promoting economic development, and making properties safe for use as parks, greenways and other recreational or nonprofit purposes. Assessment grants may be used to inventory, characterize, assess and create cleanup and redevelopment plans for polluted sites – and to involve the community in activities related to brownfields. Two types of assessment grants are available: communitywide grants and site-specific grants. Communitywide assessment funds should be applied to classes or categories of sites – such as abandoned gas stations and sites in a designated redevelopment area – rather than specific brownfields. Applications for site-specific assessment funds should focus on a single site.

Both types of assessments are eligible for up to \$200,000 in federal assistance. In certain instances, however, a site-specific grant of up to \$350,000 may be awarded due to the level of contamination at, or size of, the brownfield. Assessment funds can support projects for two years. Revolving loan fund grants may be used to capitalize and implement a revolving loan fund, and to provide subgrants to carry out cleanup activities.

Applicants may request up to \$1 million under this grant category. Up to 60 percent of funds awarded may be used for activities related to a revolving loan fund. No more than 40 percent can support cleanup subgrants for nonprofit organizations and brownfield property owners. Activities funded with revolving loan fund grants can take place over the course of five years

Cleanup grants of up to \$200,000 per site also are available from EPA. Each applicant may request funding for a maximum of five sites through separate proposals. Sites eligible for cleanup funds, however, must have undergone an assessment prior to the time at which the request is made. With the \$100 million available in fiscal year 05 for the aforementioned activities, EPA plans to distribute a total of 200 grants. Recipients of revolving loan fund and cleanup grants must provide a 20 percent match. Assessment grants, however, require no matching funds. Grantees that are local governments may use up to 10 percent of their funds to monitor the health of populations exposed to one or more hazardous substances from a brownfield site and to certify that institutions are working to control exposures to such pollutants.

Additional guidelines on applying for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants can be downloaded from <http://www.epa.gov/brownfields/applicat.htm#pg>. Applicants have until Nov. 12, 2004, to submit proposals for funding. Applications should be mailed to Don West, Environmental Management Support Inc., 8601 Georgia Ave., Suite 500, Silver Spring, MD 20910. The phone number is (301) 589-5318. For more information on these grants, contact your regional brownfields coordinator. Alabama is in Region 4m and the Region 4 coordinator is Wanda Jenkins, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303. The phone number is (404) 562-8682. Her email is jennings.wanda@epa.gov. ■

Finance, Administration and Intergovernmental Relations

Recommendations presented in this article were adopted by the League's FAIR Committee during the 2004 Committee Day on August 9, 2004. 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 2005 League Convention in Huntsville, May 21-24, 2005.

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. (September 2003)

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 State Legislature to undertake meaningful state tax reform.

F-1.17. That the League encourages all municipalities to promptly send amended or new tax rates to the Alabama Department of Revenue as required by law.

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.

continued next page

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 provide that in all future 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. (September 2003)

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-2.9. That the League support legislation to amend current law relating to municipal wet-dry elections so as to authorize any municipality having 500 or more inhabitants and a municipal police department to conduct a wet-dry election if the other provisions of the law are met. (September 2003)

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 collecting and remitting local sales taxes on their retail sales. (September 2003)

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 both within the corporate limits and police jurisdictions of Alabama municipalities. (September 2003)

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 strongly encourages state and local revenue officials to diligently enforce existing laws governing the registration of mobile homes and the collection of taxes on mobile homes. (September 2003)

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 work with the Alabama Department of Revenue and other entities to develop legislation that would authorize joint taxpayer audits and the sharing of taxpayer information and tax entity resources. (September 2003)

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. 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. (September 2003)

F-3.21. 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-3.22. 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-3.23. 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-4.5. That the League support efforts at the Congressional level to increase the amount of tax-exempt industrial revenue bonds that may be issued by a company. (September 2003)

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 urges all municipalities to keep their records in order so that they can be prepared for the auditor to come in soon after the fiscal year ends. The League further urges all municipalities to require the auditor to complete the municipality's annual audit within 120 days. (September 2003)

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

F-5.14. That Section 11-43-160 of the Code of Alabama 1975 be amended to clearly provide that in municipalities with a population of under 12,000, the mayor is a voting member of the council whose vote may be included in the required two-thirds vote of the council needed to discipline or terminate employees. (August 2004)

continued next page

F-5.15. That the League actively pursue legislation to further clarify that employees of separately incorporated municipal boards are not employees of the city in which the board is incorporated. (August 2004)

F-5.16. That Section 32-13-3 of the Code of Alabama 1975 be amended to clearly provide that municipalities have the ability to sell abandoned motor vehicles at public auction pursuant to the Abandoned Motor Vehicle Act. In the alternative, that Section 11-47-116 of the Code of Alabama 1975, relating to the sale of abandoned and stolen property by municipalities, be amended to clearly provide that municipalities have the authority to sell abandoned motor vehicles free and clear of any liens and encumbrances. (August 2004)

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. (September 2003)

F-6.12 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 continue to monitor insurance companies doing business in Alabama as to their use of ISO ratings to determine rates for fire insurance sold to property owners within the state. (September 2003)

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. That Section 11-47-190 of the Code of Alabama 1975, limiting a city's aggregate liability to \$300,000 on any combination of judgments arising from a single occurrence, be amended to clearly provide that this limit on liability applies to property damage claims in addition to personal injury claims. (August 2004)

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,
continued next page

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 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.

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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.

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 seek legislation to amend Section 11-46-28(a), Code of Alabama 1975, relating to polling hours, so as to provide that all polling places located in municipalities operating on eastern time may open and close pursuant to eastern time. (August 2004)

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.

F-12.17 That the League seek legislation to provide that state and county buildings must meet municipal code requirements. (August 2004) ■

Energy, Environment and Natural Resources

Recommendations presented in this article were adopted by the League's EENR Committee during the 2004 Committee Day on August 9, 2004. 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 2005 League Convention in Huntsville, May 21-24, 2005.

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. (September 2003)

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-1.7. The League opposes ADEM legislation changing five-year solid waste landfill permitting renewal requirements to ~~30-~~**year life of service** permits without improved accountability and oversight of landfill management and operations. (~~September 2003~~) (**August 2004**)

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 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

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governments seek the designation of alternative routing to the 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

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 International 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. (September 2003)

(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.

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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 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 Brownfield 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.

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Transportation, Public Safety and Communications

Recommendations presented in this article were adopted by the League's TPSC Committee during the 2004 Committee Day on August 9, 2004. 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 2005 League Convention in Huntsville, May 21-24, 2005.

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.

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

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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-6.4.3. 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-6.5.4. 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-6.6.5. That the League support the efforts of the ~~Aeronautics Department~~ **Aeronautics Bureau of the Department of Transportation** 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. **(August 2004)**

T-6.7.6. 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-6.8.7. The League supports legislative efforts to provide a permanent source of funding for airports in Alabama. (September 2003)

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-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 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

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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-3.8. That the League encourage the state government to

provide municipalities with access to stored driver history records maintained by the state for the purpose of making employee background checks. (August 2004)

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 Emergency Management Assistance Compact. (September 2003)

P-4.11. 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 Office of Highway Traffic Safety funds. (September 2003)

P-6.6. That all municipalities be encouraged to take advantage of Office of Highway Traffic Safety programs when offered. (September 2003)

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-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 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.

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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~~ **Alabama 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. **(August 2004)**

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-8.8.7. 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-8.9.8. That the League supports efforts of the State Forensics Department to have all fire deaths examined by the Department.

~~**P-8.10.9.** 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-8.11.10.** 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-8.12.11.** That the League supports the DNA Felon Databank~~

~~**P-8.13.12.** That the League supports the Firearms Evidence Databank System.~~

~~**P-8.14.13.** The League supports federal funding for the Forensic Improvement Act for the creation of natural evidence testing standards.~~

~~**P-8.15.14.** The League supports efforts of the Forensics Department to develop an interstate compact for the shared testing of forensics evidence.~~

~~**P-8.16.15.** 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 supports efforts to alleviate the financial burden this imposes. (September 2003)

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

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Human Development

Recommendations presented in this article were adopted by the League's HD Committee during the 2004 Committee Day on August 9, 2004. 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 2005 League Convention in Huntsville, May 21-24, 2005.

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 the present benefits program which reduces benefits to recipients who find jobs. (September 2003)

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 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

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Cross to aid the elderly poor in paying their utility bills.

H-2.12. That the League encourages the Human Resources Department to make printed copies of their Directory of Assistance available in public buildings, showing where assistance may be obtained. A list of these resources is also available on-line. (September 2003)

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-3.15. That the League urges the State of Alabama to support legislation that would allow contiguous municipalities with total populations of at least 5,000 to band together to form their own school systems. (September 2003)

H-3.16. That the League encourages the Legislature to create a separate board governing public two-year colleges, and such board districts be selected in the same manner as the Alabama Congressional Districts. (September 2003)

H-3.17. **That the Human Development Committee supports the proposition that only the union of one man and one woman shall be recognized as a marriage. (August 2004)**

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 for building housing for the senior citizens. (September 2003)

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 Insurance Information Service (SHIP) to assist the elderly and disabled citizens in making needed decisions regarding insurance, such as long term care insurance. (September 2003)

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-4.14. That the League urges the State of Alabama to provide the Alabama Department of Senior Services (ADSS) with the necessary funding to meet the daily nutritional meals of the homebound elderly. (August 2004)

H-4.15. That the League encourages the State of Alabama to provide an increase in funding to the Alabama Department of Economic and Community Affairs (ADECA) for the purpose of providing grants to enable municipalities to build more senior centers for the elderly. (August 2004)

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
continued next page

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.

(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 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 urges 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~~ **persons with mental illness and mental retardation as they live in local communities. Further, that the League encourages municipalities to assist in the elimination of barriers that people with mental illness and mental retardation face in their need for affordable and adequate housing. (August 2004)**

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 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) ■

ADVERTISEMENT

Local Government Data Processing Corp.

A new software product, VISTA, delivers solutions for multiple government functions through a series of modules, according to Local Government Data Processing Corporation President Mike Kesler. Kesler, whose firm has teamed with Barge Waggoner Sumner & Cannon, Inc. (BWSC) recently announced a partnership to develop and promote geographic information systems (GIS) to Alabama's local governments.

The new software product integrates digital maps with other municipal and county information systems such as property maps, utilities, flood maps, zoning, emergency services, and other daily information needs. BWSC Regional Manager, Dick Parker, said that this application takes GIS technology to a new level in government management for localities of all sizes and acknowledged the potential for cost savings associated with the ease of evaluating alternatives for service deliveries by local government.

Kesler observed that the need for an affordable, user friendly, and easily supported GIS has long been recognized by local government officials. The engineering and GIS software expertise offered by BWSC, combined with the depth of technical and strategic support that LGDPC delivers, provide just such a solution.

The LGDPC / BWSC Team includes personnel with a wide range of technical expertise. LGDPC, founded in 1977 and headquartered in Columbia, TN has provided services to local government entities in locations throughout Alabama and Tennessee. The non-profit corporation has approximately 140 employees and has developed many software applications that are designed to function on a variety of operating systems. BWSC, founded in 1955, has four offices in Alabama and has long been associated with services to local government. BWSC has approximately 450 employees including GIS specialists along with engineers, architects and planners.

Kesler noted that interested parties should contact the LGDPC's Marketing Department today at (800) 381-4540 or e-mail marketing@lgdpc.com to request more information about how VISTA can work for you.

Community and Economic Development

Recommendations presented in this article were adopted by the League's CED Committee during the 2004 Committee Day on August 9, 2004. 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 2005 League Convention in Huntsville, May 21-24, 2005.

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-1.16. That the League strongly encourages the Alabama Legislature to authorize the creation of Central Business District Boards with the authority to protect the architectural integrity of downtown commercial buildings and ensure that their use promotes economic growth and prosperity. (September 2003)

C-1.17 ~~That the League urge the Alabama Legislature to continue to fund and support the Alabama Communities of Excellence Program.~~ (August 2004)

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 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 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 Alabama Legislature and 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. (September 2003)

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

C-2.8 That the League encourage all municipalities to register for and become a part of the Preserve America Program. (August 2004)

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.

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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 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. That the League urges ADECA to allow the use of inmates for consideration of in-kind services (personnel) as local match for ~~CDBG~~ all ADECA grants on the same rate scale allowed by federal law. ~~(September 2003)~~ **(August 2004)**

C-4.12. The League urges ADECA to continue to consider a much larger funding level for the small and large city categories of the CDBG grants. (September 2003)

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 ~~continue to monitor the use of~~ **urge the Alabama Legislature to require the use of** ISO ratings by insurance companies **where appropriate.** ~~(September 2003)~~ **(August 2004)**

C-4.15 That the League urges the Alabama Legislature to provide financial support for the Alabama Base Realignment and Closure Commission (BRAC). (September 2003)

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 or authority. (September 2003).

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 budget adequate funding for the State Industrial Development Board program for the development of industrial parks (including speculative buildings) and the industrial development grant program. (September 2003)

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.

C-5.14. That the League strongly encourages the Alabama Legislature to authorize incentive policies aimed at attracting commercial and retail growth. Furthermore, it supports legislation creating a state fund which can be used to assist in providing needed infrastructure for desirable commercial and retail businesses, based on the number of jobs and the amount of state and local taxes generated. (September 2003)

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Duties of the Mayor and Council ————— continued from page14

population, the council must elect a clerk and may determine by ordinance the other officers of the city or town. Section 11-43-4, Code of Alabama, 1975.

The council has the duty to establish the salary of all officers and employees whose compensation is not fixed by law. Sections 11-43-7 and 11-43-8, Code of Alabama, 1975. The council must fix by ordinance the terms of service of the officers of the municipality whose terms are not otherwise prescribed by law. Section 11-43-6, Code of Alabama, 1975. And the council must prescribe, by ordinance, the powers to be exercised and the duties to be performed by officers appointed or elected, unless otherwise provided by law. Section 11-43-47, Code of Alabama, 1975. The council is authorized to establish a police force under the general supervision of a police chief. Section 11-43-55, Code of Alabama, 1975. The council is authorized to appoint the city attorney. Attorney General's Opinion 90-00173. Additionally, members of municipal boards must be appointed by the mayor or council, pursuant to the statutory authority under which the board was created. See, Attorney General's Opinion 98-00077.

Powers of Dismissal

Section 11-43-160, Code of Alabama, 1975, states that any person appointed to an office in any city or town may, for cause, after a hearing, be removed by the officer making the appointment. Section 11-43-81 states that the mayor may remove, for good cause, any non-elected officer appointed by him or her and permanently fill the vacancy. However, in *State v. Thompson*, 100 So. 756 (AL 1924), the Alabama Supreme Court ruled that where the mayor has been given the power to make appointments solely on his or her own discretion and without the approval of the council, the mayor must grant a hearing to the appointee before the dismissal. Of course, the appointee may waive this right to a hearing.

The mayor may remove any officer for good cause, except those elected by the people, and permanently fill the vacancy if the officer was elected by the council or appointed with its consent. In either of these cases, the mayor must report the dismissal to the council and state the reasons for the action to the council at its next regular meeting. If the council sustains the mayor's act by a majority vote of those elected to the council, the vacancy must be filled as provided in Title 11 of the Code of Alabama. Again, Section 11-43-81 of the Code states that the appointee must be granted a hearing, which can be waived by the employee, before the dismissal becomes permanent.

In the League's opinion, the mayor can cast a vote on the issue of upholding his or her act of removal for the

purpose of documenting the mayor's position on the issue. However, the mayor's vote cannot be counted in determining whether a sufficient number of those elected to the council approved the officer's removal. See *Hammonds v. Town of Priceville*, 2003 WL 22929133 (2003). The mayor may not permanently remove the police chief or any other officials who were not appointed by him or her but the mayor may temporarily remove such officials pending a hearing on the question by the council. The mayor may fill the vacancy temporarily by the appointment of an acting successor who is entitled to pay for services rendered. Attorney general's opinion to Hon. Robert S. Glasgow, July 19, 1956.

The mayor of a city of 12,000 or more in population does not sit as a member of the council and, therefore, has no vote on questions of appointment or dismissal of officers or employees who come before the council. The mayor of a city of 12,000 or more in population does not have the power of veto over appointments made by the council.

The fact that the mayor, who voted and participated in a personnel hearing before the council concerning an officer's dismissal, may have had prior and independent knowledge of the dispute would not, standing alone, be sufficient to support a finding that the officer was deprived of an opportunity for an impartial hearing. However, the Alabama Supreme Court has held if before the hearing, a mayor and a councilmember had decided to uphold the discharge of the officer before evidence was presented, participation of the mayor and councilmember in the council hearing denied the officer due process. See *Chandler v. City of Lanett*, 424 So.2d 1307 (1982); see also *Guinn v. City of Eufaula*, 437 So.2d 516 (1983); *Stallworth v. City of Evergreen*, 680 So.2d 229 (1996).

Municipal Finances

Section 11-43-84, Code of Alabama, 1975, requires the mayor, as chief executive officer, to present a written statement to the council at least once every six months showing the financial condition of the municipality and the steps the mayor proposes to take for the protection of the city or town. This section also states that the mayor shall require any officer of the city or town to make a report at such times as the mayor or the council directs. This authority is intended to facilitate supervision of the various municipal departments and officials and to assist the mayor in making reports to the council.

Section 11-43-85, Code of Alabama, 1975, requires the mayor to appoint an expert accountant to make a detailed

continued next page

examination of all books and accounts of the city and to make a full report in writing, under oath, to be submitted to the council at its first meeting after completion of the report. This report must be placed in the minutes of the council. Section 11-43-85 also authorizes the mayor to request the Examiners of Public Accounts to audit the municipality. Attorney General's Opinion 92-00322.

The council does not have authority to appoint its own accountant in lieu of the mayor's appointment. Further, the mayor is authorized to fix the accountant's fee without the approval of the council and the council is legally obligated to pay a reasonable amount for these services. If the council is not satisfied with the audit provided by the mayor's accountant, the council may order an additional audit to be made by an auditor of its choice.

The council is required to appropriate the sums necessary for the expenditures of city departments, and for interest on indebtedness, not exceeding in the aggregate 10 percent of its estimated receipts. In addition, the council cannot appropriate in the aggregate an amount in excess of its annual legally-authorized revenue. Section 11-43-57, Code of Alabama, 1975.

While a city is not required to adopt a budget, most municipalities do so to ensure that citizens obtain maximum service for each tax dollar. As chief executive officer, the mayor is in the best position to determine the requirements of the various municipal departments. While the mayor does not draft the final budget, he or she compiles estimates of revenues and expenses and presents those figures to the council along with recommendations for appropriations and for revenue-raising procedures, if necessary. The municipal budget is not considered permanent and, therefore, is not subject to the mayor's veto. Attorney General's Opinion 91-00180.

The mayor plays an important role in the disbursement of municipal funds. Warrants must be drawn by the clerk, approved by the mayor or such other person as the council designates and presented to the treasurer for payment. The Alabama Supreme Court held in *Edwards v. 1st National Bank of Brewton*, 377 So. 2d 966 (AL 1979), the council may, by ordinance, remove the mayor's authority to sign checks. See Attorney general's opinion 90-00284; see also Attorney General's Opinion 2001-260.

All expenditures of municipal funds must be specifically approved by the mayor or by some other person designated by the council. Section 11-43-120, Code of Alabama, 1975. However, the council may make a purchase over the objection of the mayor. Attorney general's opinion to Hon. Norman Plunkett, June 22, 1977.

Further, Section 11-43-120 provides that no warrant shall be drawn except by the authority of law or ordinance, and the treasurer shall allow no expenditure unless it is approved

by ordinance or by the mayor. If the mayor questions the legality of an expenditure, the clerk and treasurer and, if necessary, the city attorney, should be consulted about the matter. The mayor may be held responsible for unauthorized expenditures made on the basis of his or her approval. See, for instance, *Altmayer v. City of Daphne*, 613 So. 2d 366 (AL 1993). Additionally, the council should stress that only those with authority to authorize expenditures should do so, because in *Brannan and Guy, P.C. v. City of Montgomery*, 828 So.2d 914 (AL 2002), the Alabama Supreme Court held where the authority to set the compensation rates of contract attorneys rests solely with the mayor, a discussion of rates between the city attorney and the contract attorney at the request of the mayor does not create a unilateral contract that binds the city.

While it is unnecessary for the council to validate each disbursement individually, Section 11-43-120 requires that all claims, requisitions and demands against a municipality for goods purchased or debts incurred be presented to the council for approval, unless already provided by ordinance or resolution.

Municipal Contracts

Unless otherwise directed by state law or ordinance, the mayor is authorized by enter into and execute all municipal contracts in the name of the city or town. However, the mayor cannot change the price fixed by the council without authority from the council to do so. *Albany v. Spragins*, 93 So. 803 (AL 1922). All obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk. Section 11-47-5, Code of Alabama, 1975.

The mayor is required to see that all contracts with the municipality are faithfully performed or kept. The mayor is required to execute all deeds and contracts and bonds required in judicial proceedings for and on behalf of the city or town. No sureties shall be required on the bond. Section 11-43-83, Code of Alabama, 1975.

Section 11-47-20 of the code authorizes a municipality, by ordinance entered on the minutes of the council, to dispose of any real property not needed for public or municipal purposes. The council directs the mayor to make title thereto. The council may file a writ of mandamus against the mayor if the mayor refuses to execute a deed as required. Attorney General's Opinion 95-00113. A conveyance made by the mayor in accordance with this ordinance invests the grantee with the title of the municipality. Section 11-47-21 requires a municipality to follow the same procedure when it wishes to lease any of its real property. No similar requirement is made for personal property. See Section 11-43-56, Code of Alabama, 1975.

For further discussion on this topic, please see the article entitled "Sale of Lease of Unneeded Municipal Property."

If a public official, public employee, member of the household of the public official or employee, or business with which that person is associated, enters into a contract to provide goods or services and payment, in whole or part, for the contract with come out of state, county or municipal funds, must be filed within the Ethics Commission within ten days after the contract has been entered into, regardless of the amount of the contract or whether or not the contract has obtained through competitive bid. Attorney General's Opinion 2001-29.

Legislative and Judicial Powers of the Mayor

Section 11-45-1, Code of Alabama, 1975, gives municipalities the power to adopt ordinances and resolutions to carry into effect the powers and duties conferred on it by statute and to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of the citizens of the municipality. The council, as the legislative body of the municipality, is responsible for enacting these ordinances.

In municipalities of less than 12,000 in population, the mayor sits with, presides over and is considered a member of the municipal council. This provision entitles the mayor to vote for or against the adoption of ordinances that the council considers. It is unnecessary that an ordinance be approved by the mayor or authenticated by his or her signature. Section 11-43-42, Code of Alabama, 1975.

In cities with populations of 12,000 or more, the mayor does not sit as a member of the council. Therefore, the clerk must transmit all ordinances and resolutions intended to be of a permanent nature to the mayor within 48 hours after passage by the council. If the mayor disapproves of an ordinance or resolution transmitted by the clerk, he or she must, within 10 days of its passage by the council, return it to the clerk with the written objections. The clerk is to report these objections to the council at its next regular meeting. If the mayor fails to return the ordinance within 10 days, the clerk shall publish the ordinance as though the mayor had signed his or her approval. See Sections 11-45-4 and 11-45-5, Code of Alabama, 1975. The mayor has no authority to veto an ordinance which merely disposes of an administrative matter. Attorney general's opinion to Hon. Carl H. Kilgore, July 8, 1975. Therefore, nonpermanent ordinances are not subject to the mayor's veto. Attorney General's Opinion 91-00072.

The council has the power to pass an ordinance over the mayor's veto by two-thirds vote of the members elected to the council. The vote must be recorded on the minutes. Section 11-45-5, Code of Alabama, 1975.

Under general law, in municipalities over 12,000 in population, Section 11-45-5 gives the mayor power to approve or veto in whole or in part all ordinances or resolutions fixing the salaries of officers and employees. At its next regular meeting, the council votes on whether it will override the mayor's veto. If it fails to override the veto, then it votes upon the approval of the ordinances as approved by the mayor.

Section 12-14-15, Code of Alabama, 1975, states that the mayor, under authority as chief executive officer, has the power to remit fines and costs imposed by the municipal judge or the court to which an appeal was taken for violation of a municipal ordinance. In addition, the mayor has the power to pardon those convicted and sentenced by the municipal judge for violations of municipal ordinances. However in an opinion to the city council of East Brewton, August 8, 1974, the attorney general ruled that a mayor has no authority to remit forfeitures levied against sureties on appearance bonds by the municipal judge. Attorney general's opinion to Hon. Richmond McClintock, July 17, 1957. Likewise, the mayor has no authority to approve or order the approval of any appearance bonds. Attorney General's Opinion 91-00374. Similarly, councilmembers may not sign as surety on bail bonds for persons arrested by municipal police officers. Attorney General's Opinion 90-00282.

Section 12-14-15 also requires the mayor to make a written report to the council at its first regular meeting each month, listing the fines and costs remitted, sentences commuted and pardons and paroles granted by the mayor during the preceding months and stating the reasons therefor.

The council may, by a properly-adopted ordinance, authorize the mayor to administer oaths on behalf of the municipality, pursuant to Section 11-43-5, Code of Alabama, 1975. Attorney General's Opinion 88-00397.

The mayor may serve as superintendent of the municipal utility system. The council has no authority to reduce the mayor's salary by the amount he or she receives for serving as superintendent. Attorney General's Opinion 89-00070.

Similarly, the council may not require the mayor to devote full time to his or her duties as mayor. Attorney general's opinion to Hon. William Willis, January 20, 1960. However, the Legislature may, by local act, require the mayor to serve in a full-time capacity. Attorney General's Opinion 88-00298.

Legislative Powers of the Council

The council as a body establishes municipal policy, and the mayor is charged with the duty of implementing that policy. For instance, in Attorney General's Opinion 89-00243, the issue was whether the mayor or the council had authority to establish the working conditions of a police dispatcher. The attorney general concluded that the mayor could require

continued next page

the dispatcher to work at city hall unless the council provided otherwise. The question of where the dispatcher performed her duties was a matter of policy, a decision for the council to resolve. Until the council acted, it was the mayor's decision. However, once the council acted, the mayor was required to implement that policy.

Another example of the legislative power of the council is found in Attorney General's Opinion 92-00289. It concluded that the council is responsible for establishing policies which will be followed by municipal departments. Department heads may not set policies unless the council has delegated the authority to them. A council may delegate authority to set policy to the mayor, who may authorize department heads to determine policies which their departments will follow. Where the council has not acted, department heads may set informal procedures to be followed until the council acts.

Other examples of the legislative power of the council to draft city policy include Attorney General's Opinion 95-00091, which concludes that the use of city-owned vehicles is under the control of the council, which should promulgate a policy regarding their use. This opinion also makes clear that the council has the power to decide how much to reimburse an individual for the use of a personal vehicle on municipal business.

Subpoena Power

A municipal council or a committee authorized by the council may, by resolution, issue subpoenas pursuant to Section 11-43-163 of the code. This does not require a permanent resolution. The council or committee may impose punishment pursuant to Section 11-43-163 for failure to comply with the subpoena. Attorney General's Opinion 99-00076.

Council Committees

While no law requires a council to establish committees, most councils set up committees to study the needs of the various departments of municipal government and to make recommendations regarding the operating policy of each department. Council committees should confer with the mayor for his or her views on the policies and programs under consideration since, as the chief executive, the mayor will be responsible for carrying them out.

When questions about council committees arise, they usually involve the desire of councilmembers to directly control the functions of city employees. It must be remembered that council committees are not administrative bodies and have no authority to exercise any executive power over the administrative branch of the municipal government. This means that the council cannot direct and supervise the work of

employees, even through the creation of a committee. Attorney general's opinion to Hon. Norman Plunkett, June 22, 1977; Attorney general's opinion 88-00262; and Attorney General's Opinion 91-00147. Council committees are advisory only and cannot supervise or give directions to city employees. Hon. H.T. Mathis, January 8, 1985.

The sole purpose of committees is to give detailed attention to the programs and policies concerning the departments entrusted to their study and to report their findings to the full council and the mayor so appropriate actions may be taken.

Generally, the presiding officer of the council makes appointments to the committees, which usually consist of three councilmembers each. However, in an opinion to Hon. Gwin Wells, June 4, 1981, the attorney general stated that council committees may be appointed by the mayor, or by the mayor and the council, depending on the internal rules of procedure established by the council. The mayor of a municipality of under 12,000 in population is a member of the municipal council and therefore may vote on and serve on these committees. ■

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Millard H. "Billy" Ready

Millard H. "Billy" Ready, former mayor of Cowarts, died July 6, 2004. He was 77. Ready served as mayor of Cowarts from 1964 to 1969. He was a veteran of World War II and was employed at Burlington Mills for several years and later was associated with Meadow Gold as well as Farley Nuclear Plant. He was a member of Cowarts Assembly of God Church. He is survived by three children, five grandchildren and one great-grandchild. ■

Bobby Higgins

Bobby Higgins, former mayor of Athens, died July 15, 2004. He was 72. Higgins served two terms as mayor from 1969 to 1976; worked as an engineer for Burgreen Contracting; was general manager of Julyn Corporation; and retired as superintendent of Athens Utilities. He was also a former employee of the Alabama State Highway Department. He is survived by his wife, two sons, two daughters and four grandchildren. ■

Legal Notes

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Annexation: The annexation of a tract of land where an order of annexation is erroneously recorded in the probate court following a failed vote by the town council for annexation is a valid annexation under Section 11-42-5 of the Code of Alabama 1975. 2004-212. NOTE: This opinion involves very specific facts and should be read in its entirety before relying on its conclusion.

Conflicts of Interest: A councilmember may be employed by a separately incorporated utility board if he or she does not hold a managerial position with the board. 2004-213.

Elections: The absentee election manager is required by Section 17-10-10 of the Code of Alabama 1975 to safely keep the absentee ballots. The city council does not have the authority to impose specific procedures for the safekeeping of the absentee ballots. 2004-214.

Ad Valorem Taxes: A grant of general legislative authority to a municipality to assess and levy taxes on property within its jurisdiction confers no express, implied, or inherent authority to exempt any property or any particular class of property from taxation. 2004-217.

Basil Clark

Basil Clark, former mayor of Clanton, died August 3, 2004. Clark served as mayor of Clanton for two terms from 1976 to 1984. He formed the Possum Growers and Breeders Association of America in Clanton in 1971. Among the members of the organization were Ronald Reagan, Jimmy Carter and George H.W. Bush. He was an Army veteran and a past president, secretary and treasurer for the Clanton Lions Club. Before becoming mayor, he managed the Clanton Drive-In Theatre. He is survived by his wife, two sons, one daughter and eight grandchildren. ■

The League extends its deepest sympathy to the families of our municipal colleagues.

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TPSC Proposed Policies and Goals

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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 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. 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-11.6. 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-11.7. That the League encourages municipal police chiefs to utilize the Forensics Department's Violent Crime Response Unit. ■

CED Proposed Policies and Goals

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C-5.15 That the League urge the Alabama Legislature to authorize the Alabama Development Office (ADO) to work with and provide assistance to municipalities to attract and develop commercial and retail businesses. (August 2004)

C-5.16 That the League encourage every municipality to provide for a full-time economic developer. (August 2004)

C-5.17 That the League encourage rural municipalities to actively seek out available funding to provide for excess water and sewer capacity so that they may work towards overcoming competitive disadvantages when seeking economic development opportunities. (August 2004) ■

EENR Proposed Policies and Goals

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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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