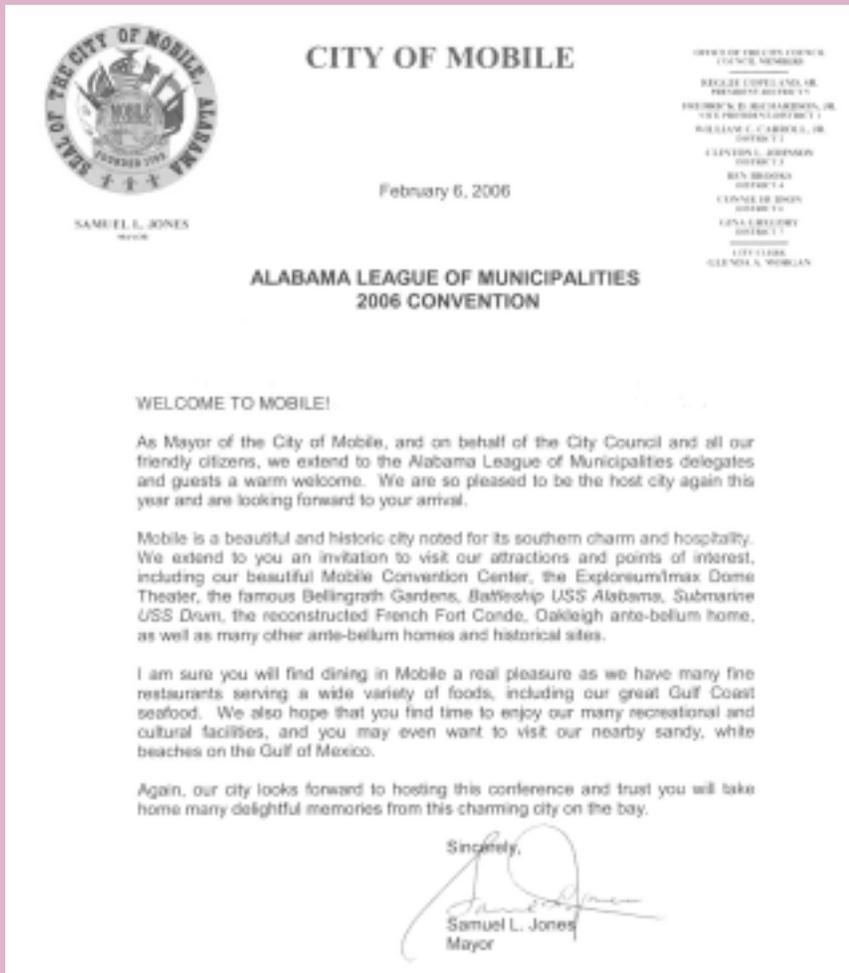


THE ALABAMA MUNICIPAL JOURNAL

April 2006

Volume 63, Number 10

2006 Convention Preview



Mayor Samuel L. Jones

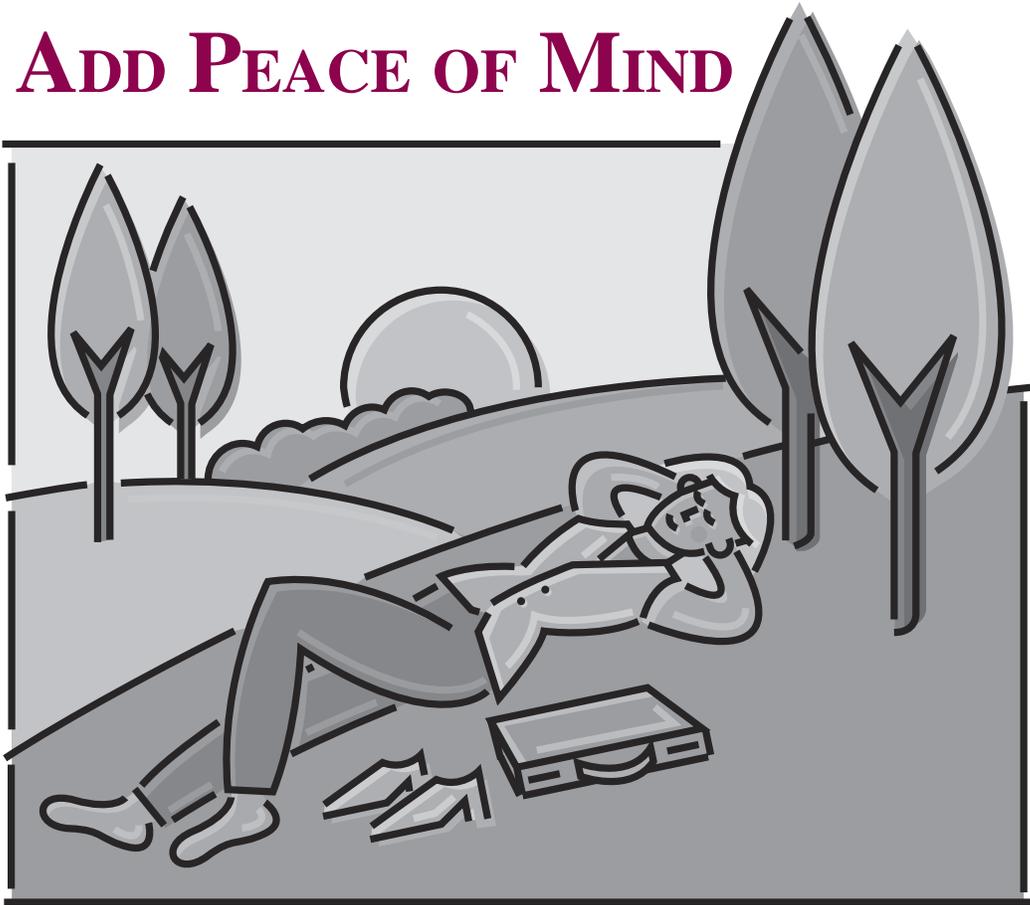
Inside:

- Quick Guide to the Convention
- Concurrent Sessions
- Convention Entertainment
- Liability for Police Operations, Part I

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102
CHANGE SERVICE REQUESTED

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

ADD PEACE OF MIND



By joining our Municipal Workers Compensation Fund!

- Discounts Available
- Accident Analysis
- Personalized Service
- Monthly Status Reports
- Directed by Veteran Municipal Officials from Alabama
- Over 550 Municipal Entities Participating

Write or Call TODAY:

Steve Martin
Municipal Workers
Compensation Fund, Inc.
P.O. Box 1270
Montgomery, AL 36102
334-262-2566



Millennium Risk Managers
P.O. Box 26159
Birmingham, AL 35260
1-888-736-0210

THE ALABAMA MUNICIPAL JOURNAL

Official Publication, Alabama League of Municipalities

April 2006 • Volume 63, Number 10

OFFICERS

BOBBY HAYES, Mayor, Pelham, President
CARROLL L. WATSON, Mayor, Lincoln, Vice President
PERRY C. ROQUEMORE, JR., Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

BOB BUNTING, Mayor, Ozark, Chair
CHARLES WOODS, Councilmember, Childersburg, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

JAY JAXON, Mayor, Eufaula, Chair
DEBBIE QUINN, Councilmember, Fairhope, Vice Chair

Committee on Energy, Environment and Natural Resources

BILL STEWART, Councilmember, Gadsden, Chair
RON DAVIS, Mayor, Prichard, Vice Chair

Committee on Community and Economic Development

LEE GARRISON, Councilmember, Tuscaloosa, Chair
THOMAS O. MOORE, Councilmember, Demopolis, Vice Chair

Committee on Transportation, Public Safety and Communication

TIM KANT, Mayor, Fairhope, Chair
BOBBY PHILLIPS, Councilmember, Calera, Vice Chair

Committee on Human Development

RANDALL SHEDD, Mayor, Fairview, Chair
ISABELL BOYD, Councilmember, Brundidge, Vice Chair

THE STAFF

PERRY C. ROQUEMORE, JR., Executive Director, perryr@alalm.org
J. KENNETH SMITH, Deputy Director/Chief Counsel, kens@alalm.org
STEPHEN S. MARTIN, Finance Director, stevem@alalm.org
ROBERT C. BLACK, General Counsel
CARRIE A. BANKS, Communications Director, carrieb@alalm.org
NIKO CORLEY, Communications Coordinator, nikoc@alalm.org
LAURA ANNE WHATLEY, Communications Assistant, lauraw@alalm.org
GREGORY D. COCHRAN, Director, Intergovernmental Relations, gregc@alalm.org
EDYE GOERTZ, Member Services Director, edyeg@alalm.org
LORELEI A. LEIN, Staff Attorney, loril@alalm.org
MARY ELLEN WYATT, Staff Attorney, marye@alalm.org
SHARON CARR, Administrative/Legal Assistant, sharonc@alalm.org
FAITH ANN GUNN, Accounting Manager, faitha@alalm.org
THERESA LLOYD, CMO Program Administrator, theresal@alalm.org
RACHEL WAGNER, Librarian, rachelw@alalm.org
MONTY PAGGEOT, IT Manager, montyp@alalm.org
TWANNA WALTON, Legal Research, twannaw@alalm.org
STEVE WELLS, President, AMIC, stevew@AMICentral.org

ACTIVE MEMBERS (442)

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

Published monthly by The Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104, telephone (334) 262-2566. Web address: www.alalm.org. Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Contents

2006 Convention Preview	4
Quick Guide to the Convention	5
Concurrent Sessions	6
Municipal Clerks Program	6
Entertainment	7,8
The Temptations Review to Perform Monday Night Bo Bice to Perform Following Tuesday Evening Banquet	
President's Report	9
Survey Shows Mounting City Concerns	
2006 Expo Participants	10
Municipal Overview	11
Effective Strategies for Preventing Youth Violence	
Environmental Outlook	13
2006 National Smart Growth Achievement Award	
Public Personnel Administrators' Program	14
Vendor Profile	14
Alabama One Call	
The Legal Viewpoint	15
Liability for Police Operations, Part I	
Legal Notes	21
Federal Legislative and Regulatory Issues	23
Municipal News Briefs	26
Speaking of Retirement	30

2006 CONVENTION PREVIEW



Welcome to Mobile!

Mayor Samuel Jones and the Mobile City Council extend a warm welcome to all delegates and spouses to the 2006 League Convention. They hope your stay in the Port City will be both pleasant and productive. The League staff would like to thank Mayor Jones and his staff; the Mobile City Council; and the dedicated municipal personnel who have put in the extra time to make this convention possible.

Name badges must be worn to all events for admittance.

Please take a moment to review the “Quick Guide to the Convention” segment on the next page for a brief overview of convention proceedings. In addition, the following pages provide program highlights which have been developed for each component of our municipal family. For the concurrent sessions, we urge each municipality to assign at least one member to each session so your municipality can benefit from all of the information presented. In addition to the concurrent sessions, we want to emphasize the importance of the following events:

- **Resolutions Committee meeting on Saturday, May 6 at 4:00 p.m.**
- **Opening Session on Monday, May 8 at 9:00 a.m.**
- **Preparing for the 2006 Hurricane Season, Monday, May 8 following the Opening Session**
- **Ask Your Attorney/Roundtable Discussions on Tuesday, May 9 at 9:00 a.m.**
- **General Business Session on Tuesday afternoon at 2:00 p.m.**

We encourage each delegate to attend these sessions and to participate fully in convention proceedings. The League staff hopes your attendance of the 2006 convention is both beneficial and informative to you as municipal officials and to the continued progress of your communities. If we can assist you in any way, please don't hesitate to ask.

Annual Golf Tournament

The 38th Annual Municipal Officials Golf Tournament will be held at the Quail Creek Golf Course in Fairhope on Sunday, May 7, 2006 beginning at 7:30 a.m. All golfers should arrive 30 minutes before the start of the tournament. Breakfast will be served prior to the tournament. **It is imperative that participants be on time for the shotgun start at 7:30 a.m.** If you are not pre-registered to play, you may register the day of the tournament. The format for this year's tournament is a **Four-Player Scramble** with a shotgun start. Each member of the team must hit a tee shot on every hole. The team then selects one of the tee shots from which to play. All members of the team must then hit from that position. This procedure is repeated until the ball is holed. Each team member's shot must be used at least two times during the 18-hole round.



QUICK GUIDE TO THE CONVENTION

Most meetings and activities will take place in the Arthur R. Outlaw Convention Center unless otherwise noted. Casual dress is appropriate for all meetings. Business attire is appropriate for the Monday and Tuesday evening banquets. **Name badges must be worn to all events for admittance.**

Certified Municipal Officials Training Program

Attendees may earn basic, advanced or continuing CMO credits by attending certain designated programs at the Convention. The Convention program will contain the amount of credit hours that can be earned.

Saturday, May 6

1:00 p.m.- 5:00 p.m. Registration for full Convention – Arthur R. Outlaw Convention Center
3:00 p.m. Alabama Municipal Insurance Corporation (AMIC) Membership Meeting
4:00 p.m. Resolution Committee Meeting – Riverview Plaza Hotel
6:00 p.m. League Welcome Party, Government Plaza Atrium, downtown Mobile
(Shuttle service will be provided.)

Sunday, May 7

7:00 a.m. Annual Municipal Golf Tournament – Quail Creek Golf Course, Fairhope
1:00 p.m.- 5:00 p.m. Convention Registration
4:00 p.m.- 6:00 p.m. ABC-LEO Reception
Evening is free. No convention activities are scheduled.

Monday, May 8

8:00 a.m.- 5:00 p.m. Registration
9:00 a.m.- 10:30 a.m. Opening Session
9:00 a.m.- 5:00 p.m. Clerks Meeting
9:00 a.m.- 5:00 p.m. Alabama Association of Public Personnel Administrators
9:00 a.m. Spouses' Breakfast – Riverview Plaza Hotel
10:00 a.m. - 5:00 p.m. Exhibits Open
10:45 a.m.-12:15 p.m. Preparing for the 2006 Hurricane Season
12:30 p.m. Luncheon
2:00 p.m.- 5:15 p.m. Concurrent Workshop Sessions (see page 6 for topics and speakers)
6:00 p.m. Exhibits Open
6:00 p.m. Reception
7:15 p.m. Banquet
Entertainment: The Temptations Review Featuring Dennis Edwards

Tuesday, May 9

8:00 a.m.- 3:00 p.m. Registration
8:00 a.m.- 11:30 a.m. Exhibits Open with Continental Breakfast
9:00 a.m. Ask Your Attorney and Roundtable Discussions
10:00 a.m. Spouses' Program (Tentative)
12:45 p.m. Delegates' Luncheon
2:00 p.m. Annual Business Session – Riverview Plaza Hotel
6:00 p.m. Reception
7:15 p.m. President's Banquet: Distinguished Service Awards; CMO Classes of 2006;
Installation of Officers
Entertainment: Bo Bice

Concurrent Sessions

Name badges must be worn to all events for admittance.

Following the Opening Session of the Convention on Monday, there will be an hour-long presentation on **Preparing for the 2006 Hurricane Season**. The 2004 and 2005 hurricane seasons did record damage to Alabama, and experts say the 2006 season could be just as devastating. Alabama EMA Director Bruce Baughman will share tips and strategies to help the state's municipalities prepare for the coming hurricane season.

2:00 p.m. – 3:30 p.m. (choose from the following)

2006 Regular Session – An Analysis

A full report on the 2006 Regular Session of the Alabama Legislature. Learn which bills passed and which didn't and get highlights of some issues of importance to municipalities.

Speakers: Perry Roquemore, Executive Director, ALM
Ken Smith, Deputy Director, ALM
Lori Lein, Staff Attorney, ALM

Physician Manpower in Alabama – Growing Your Own

Dr. Wil Baker explains how the Alabama Medical Education Consortium's medical training program is making sure rural and other medically-underserved areas of Alabama have an adequate supply of physicians for the future. Attend this session to learn how your municipality can take part.

Speaker: Dr. Wil Baker, Alabama Medical Education Consortium

Economic Development

Learn the nuts and bolts of economic development at the municipal level, including a discussion of cooperative improvement districts, tax increment districts and similar tools. Regional economic development approaches will also be examined.

Speaker: Frank D. McPhillips, Maynard, Cooper & Gale, P.C., Birmingham

Municipal Clerks Program Scheduled for Monday, May 8 and Tuesday, May 9

The program for municipal clerks will begin at 8:00 a.m. on Monday, May 8 with the breakfast and business meeting of the Alabama Association of Municipal Clerks and Administrators (AAMCA). Topics for Monday and Tuesday workshops are still being developed but will definitely include a session on Attorney General Opinions and one on Legislative and Legal Updates.

Municipal clerks also have the option to participate in the "Ask Your Attorney" round table discussions Tuesday morning.

3:45 p.m. – 5:15 p.m. (choose from the following)

Financing Options for the 21st Century

Considering a new project to benefit your citizens? Confused about your financing options? Should you look into fixed-rate or variable-rate debt? This session will explain the benefits and drawbacks of the various alternative funding methods municipalities use, including bank loans, bonds, loans and leases. This session will also cover recommended municipal debt management practices.

Speakers: Leo Lawrenson, President, Lawrenson Services, Inc.; Ken Smith, Deputy Director, ALM

Panel Discussion:

Reserve Police Officers – Good Idea/Bad Idea

Thinking of adding reserve officers to your municipal police force or already employ reserve officers in your department? Whichever is the case, assessing the best uses for these officers and understanding the legal issues that can develop as a result of their misuse are crucial to a police department's longevity and freedom from lawsuits.

Speaker: Roger Owens, Law Enforcement Loss Control Specialist, MWCF/AMIC

Legal Issues of Secondary Police Employment

If your municipality allows its police officers to work secondary jobs, they may put themselves, the department and the municipality at risk of lawsuits. Learn the steps that can be taken to avoid lawsuits stemming from police officers' secondary employment.

Speaker: Chief Thomas Mangham, Opelika Police Dept.

Panel Discussion:

Municipal Appropriation Powers

From time to time, municipalities must purchase items and appropriate funding for projects, developments, etc. Learn the extent and range of municipal spending for purchases, projects and similar matters.

Speaker: Perry Roquemore, Executive Director, ALM

General Powers of Municipalities

Municipal officials must understand the authority their positions allow them in order to carry out municipal business efficiently. Learn the basic tools to keep your municipality running smoothly and avoid confusion down the road.

Speaker: Lori Lein, Staff Attorney, ALM

The Temptations Review Featuring Dennis Edwards to Perform Monday Night



The Temptations Review featuring Dennis Edwards knows how to generate wonderful “Memories” as they entertain audiences around the globe. For more than 33 years, Mr. Edwards, one of the last surviving members of the legendary group The Temptations, has been making music.

Born in Birmingham, AL to Rev. and Mrs. Dennis Edwards Sr., he began singing as a toddler, just two years old, in his fathers’ church. By 1961 he had organized his own group, Dennis Edwards and the Fireballs. Five years later, he joined the recording group The Contours. His Temptations career began in 1968 when he was selected as the replacement for lead singer Mr. David Ruffin. With the presence of Mr. Edwards, The Temptations enjoyed some of their most remarkable achievements, including a long string of number one hit records, such as “Papa Was a Rollin’ Stone,” “Memories,” “Psychedelic Shack,” “Ball of Confusion,” “Cloud Nine,” “Can’t Get Next to You” and many, many more. Then the first Grammy award, which

was also the first for MOTOWN Records, was won by The Temptations with Dennis Edwards as lead singer. That first award launched a succession of awards that culminated in 14 Gold Albums, seven Grammy Nominations and five Grammy Awards.

Utilizing his unique style and smooth delivery, Mr. Edwards is known as one of the most influential singers in the history of pop music. His 1989 induction into the Rock and Roll Hall of Fame and his 1999 induction into the Alabama Hall of Fame confirm this fact. The sales of over 100 million recordings move audiences across the generations, from preteens to mature citizens.

Television credits include “The Tonight Show with Johnny Carson,” “The Ed Sullivan Show,” “Soul Train,” “The Merv Griffin Show,” “Black Entertainment Television,” “Motown’s 25th Anniversary,” “The Jenny Jones Show,” “The Kathleen Ivory Wayans Show,” “The Oprah Winfrey Show” and many television specials, as well as local network affiliate appearances.

Huntsville Native and “American Idol” Runner-Up Bo Bice to Perform Following Tuesday Evening President’s Banquet

Bo Bice doesn’t remember life without music. “My father played guitar, banjo and mandolin. My mother and her three cousins were in a group called the Singing Jays, and my mom sang at the Grand Ole Opry. I guess that’s why I always took music for granted. I remember how weird it was the first time I realized not everybody could sing.”

The world knows him as Bo, but he was born Harold Bice in Huntsville, AL on Nov. 1, 1975. He was raised in Atlanta and moved around throughout the South, living mostly in Georgia and Florida before the family moved to London.

His parents had extensive record collections, and Bo started buying his own 45s at garage sales, starting with “Monster Mash” and “Time in a Bottle.” He was five when he bought his first album, one by Steve Miller. Soon, he was adding Boston, the Rolling Stones and the James Gang to his pile of albums.

Bo listened to the radio a lot while he was growing up. “My mother loved gospel and country and my dad really loved rock and I’m an avid talk radio listener.” He had a toy guitar at age two, and on his ninth birthday, Bo’s parents gave him his first real guitar, an electric Squire Telecaster. “That’s not a little thing for a nine-year-old,” Bo laughs. “It cost \$500 and that was a lot of money for my parents. I had that guitar around my neck all the time.” That same year, Bo performed in public for the first time, singing “God Bless the U.S.A.” in a talent contest at the Atlanta Civic Center.

Bo was 13 when his father’s work took the family to England. Bo attended an American school on an Air Force base where he met other students who played guitar. Bo’s first band, Spinning Jenny, played local pubs. Over the next four years Bo played with other bands in England, but when he turned 17 he decided it was time to move back to America. He lived with relatives, completed his high school education and enrolled at Calhoun College, where he joined a new group, Purge. While studying music at the University of North Alabama, Bo moved on to a new band, Blue Suede Nickel, and then formed a trio called SugarMoney with fellow Purge members John Cooper (bass) and Shane Sexton (drums).

Bo was playing gigs with SugarMoney and managing a guitar store in Pelham, Alabama, when he decided to audition for “American Idol.” He drove to Atlanta and picked up his mother and together they made the road trip to Orlando. They arrived at the Convention Center at 1 a.m., where security told them it was too early get in line.



By the time auditions started, there were 17,000 hopefuls and Bo was somewhere in the first 500. “It was an incredible experience, sleeping head-to-foot on the floor with thousands of other people,” he remembers.

In the first round of auditions, Bo sang Badlands’ “In a Dream” for a producer and she asked if he knew any Motown. He sang the Temptations’ “My Girl” and she told him to sing that in the next round. When Bo came face to face with the executive producer, he followed the advice and sang “My Girl,” but then offered “In a Dream.” Nigel sent him through to judges Simon Cowell, Randy Jackson and Paula Abdul, who sent him to Hollywood. It was all good news, with one hitch – the guitar store in Pelham fired Bo because he was going to miss their annual sale.

The rest of the “American Idol” story you know. Bo made it into the top 24, then the top 12, and as the weeks went by and others were voted off, Bo remained. On the final episode, Bo was named runner-up to Carrie Underwood. He was signed to RCA Records and his first single, “Inside Your Heaven”/“Vehicle” debuted at No. 1 on Billboard’s Hot Singles Sales chart.

“So many things have come into my life because of ‘Idol,’” says Bo. “I got to sing Van Halen’s ‘Panama’ with Trey (Anastasio, of Phish) at Bonaroo, and got to play with Willie Nelson, Richie Sambora (who is featured on Bo’s remake of “Vehicle”) and Lynyrd Skynyrd. I was able to meet George Benson, Kenny Wayne Shepherd, Kenny G, Billy Preston and the guys from Anthrax. I’m very grateful!”



The President's Report

Bobby Hayes
Mayor of Pelham

Survey Shows Mounting City Concerns

America's municipal officials are feeling increasingly optimistic about their cities' fiscal health but are concerned about mounting health care costs, increasing traffic and a shortage of affordable housing. Released by the National League of Cities at the Congressional City Conference in Washington, D.C., the annual State of America's Cities Survey found that nearly 80 percent of cities were affected in some way by hurricanes Katrina and Rita, while 41 percent report an increasing need for survival services for their residents.

"We are seeing greater optimism from our city leaders," NLC First Vice President Bart Peterson, mayor of Indianapolis, said. "But, we are seeing continued and mounting concern over actions being considered at the state and federal levels that would seriously threaten their financial stability."

Peterson said efforts to limit cities' abilities to levy telecommunications franchise fees, proposed cuts to the Community Development Block Grant (CDBG) program and greater needs for food, shelter, heating, clothing and health care would pose significant problems for cities in the coming year.

Four in 10 cities that receive CDBG funds reported ongoing funding cuts are affecting their ability to provide affordable housing. Peterson said the survey showed these cuts are affecting the rehabilitation of homes and buildings, construction and improvement of public facilities and their ability to carry out economic development as well as job creation and retention activities.

Thirty-five percent of municipal officials reported the availability of quality affordable housing has worsened since last year.

"This survey was conducted before we knew the extent of the cuts proposed for the fiscal year 2007 by the [Bush] Administration. Cutting funding an additional 25 percent will only exacerbate the affordable housing challenge facing our cities and towns," Peterson said.

Significant Challenges Facing Cities and Towns

- Although 43 percent of municipal officials reported improved fiscal conditions, 19 percent indicate they have experienced worsening fiscal conditions since last year. Nearly one in three city officials indicated that unless city tax rates and fees are increased, city service levels will decline.

- Traffic congestion tops the list (34 percent) when city officials are asked which conditions deteriorated most in their communities during the past five years. Traffic congestion has been the most widely reported response to this question since this condition was first included in the survey in 2001. Fifty-one percent of city officials believe traffic congestion has worsened since last year.

- City officials indicated that unfunded mandates and preemption of local authority are having a negative impact on the economic and fiscal health of their city. Fifty-five percent of city officials say that impacts of unfunded mandates and preemption of local authority have worsened since last year. Seven in 10 city officials say that federal legislation limiting the use of franchise fees would affect their city's budget.

- Overall, city officials are about split on their feelings about the general direction in which the country is heading. Forty-six percent of city officials report feeling pessimistic about the general direction of the country and 52 percent report feeling optimistic.

Effects of Hurricanes Katrina and Rita and Municipal Emergency Planning

Nearly 80 percent of city officials reported being affected in some way by hurricanes Katrina and Rita. Although only four percent of cities polled were directly hit by the hurricanes, another half reported their cities provided supplies and other forms of aid, and four in 10 reported their cities received displaced residents from cities devastated by hurricanes.

Additionally, in direct response to the disasters, more than half of city officials revisited their city's disaster plans and 26 percent report reconsidering their city's disaster planning as it relates to underserved populations. ■

2006 EXPO PARTICIPANTS

The Exhibit Hall will be open Monday, May 8 from **10:00 a.m. to 5:00 p.m.** and from **6:00 p.m. to 7:00 p.m.** On Tuesday, May 9, the Hall will be open from 8:00 a.m. with a Continental breakfast and close at 11:30. The League has created several quality times for interaction between the exhibitors and officials by scheduling the Monday evening reception and the Tuesday morning breakfast in the Exhibit Hall. Holding these activities in the Exhibit Hall affords mayors, councilmembers and municipal employees more opportunities to visit with exhibitors during the convention. Listed below are the names of Expo participants that had signed up at the time this publication went to print. For a complete list of vendors participating in this year's Expo, visit our website at www.alalm.org.

ALABAMA CABLE TELECOMMUNICATIONS ASSOC.
ALABAMA CITY/COUNTY MANAGEMENT ASSOCIATION
ALABAMA CORRECTIONAL INDUSTRIES
ALABAMA CORRECTIONAL INDUSTRIES
ALABAMA CORRECTIONAL INDUSTRIES
ALABAMA CORRECTIONAL INDUSTRIES
ALABAMA MAUNUFACTURING HOUSING INSTITUTE
ALABAMA MUNICIPAL ELECTRIC AUTHORITY
ALABAMA MUNICIPAL INSURANCE CORPORATION
ALABAMA MUNICIPAL REVENUE OFFICERS ASSN
ALABAMA ONE CALL
ALATAX REVENUE DISCOVERY SYSTEMS
ALLIED WASTE INDUSTRIES
AME ENGINEERS, INC.
AMFUND
ARROW DISPOSAL SERVICE
ASPHALT ZIPPER INC.
AUM CENTER FOR GOVERNMENT
AVIATION COUNCIL OF ALABAMA
BAY BENEFITS GROUP
BRIDGE & SLAUGHTER
CDG ENGINEERS & ASSOCIATES, INC.
CGI COMMUNICATIONS
CITY OF HUNTSVILLE
CITY OF SARALAND
CONTINENTAL UTILITY SOLUTIONS, INC.
DIXIE DECORATIONS, INC.
DMD ENGINEERS
EMPIRE PIPE & SUPPLY
GOVDEALS
HADCO
HANKCOCK BANK
HOLIDAY DESIGNS
INGENUITY, INC.
INGRAM EQUIPMENT COMPANY
J.A. DAWSON & CO. INS.
JUDICIAL CORRECTION SERVICES
JUNIOR DAVIS & ASSOCIATES
LOCAL GOVERNMENT CORPORATION
LOCAL GOVERNMENT SERVICES
MUNICIPAL CODE CORPORATION
MUNICIPAL WORKER'S COMPENSATION FUND

NAFECO
ONYX WASTE SERVICES
PAC-MAC
POLYENGINEERING
REDFLEX TRAFFIC SYSTEMS
RUBBER WHOLESALERS
SAIN ASSOCIATES
SANSOM EQUIPMENT CO., INC.
SOUTHERN PLAYGROUNDS, INC.
SOUTHERN PLAYGROUNDS, INC.
ST. PAUL TRAVELORS INSURANCE
STAPLES BUSINESS ADVANTAGE
SUNBELT FIRE
TANK PRO, INC.
TENNANT COMPANY
THE VERDIN COMPANY
THOMPSON TRACTOR
UTILITY SERVICE CO.
VOLKERT & ASSOCIATES, INC.

STATE AGENCIES

AGRICULTURE & INDUSTRIES
AL DEPT. OF PUBLIC HEALTH - ALL KIDS
ALABAMA COOPERATIVE EXTENSION SYSTEM
ALABAMA DEPARTMENT OF ECONOMIC AND
COMMUNITY AFFAIRS
ALABAMA DEPARTMENT OF REVENUE
ALABAMA DEPARTMENT OF TRANSPORTATION
CENTER FOR ECONOMIC DEVELOPMENT,
JACKSONVILLE STATE UNIVERSITY
CENTER FOR GOVERNMENTAL SERVICES
AUBURN UNIVERSITY
DEPARTMENT OF REVENUE
EMPLOYEES RETIREMENT SYSTEM
GOVERNOR'S OFFICE OF FAITH-BASED &
COMMUNITY INITIATIVES
MUNICIPAL REVENUE SERVICES
NATIONAL LEAGUE OF CITIES
U.S DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT



Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Effective Strategies for Preventing Youth Violence

Michael Karpman recently wrote an excellent article for the NLC's *Nation's Cities* relating to strategies for preventing youth violence. The article is reprinted in this month's column.

Cities and towns can reduce crime and increase youth engagement by implementing five effective strategies isolated by NLC's Institute for Youth, Education, and Families (YEF Institute), according to institute consultant John Calhoun. Calhoun, former Commissioner of the U.S. Administration on Children, Youth and Families, recently retired as founding president and CEO of the National Crime Prevention Council (NCPC), which he led for 21 years. Testifying at a public roundtable of the Washington, D.C., City Council's Special Committee on the Prevention of Youth Violence in December of 2005, Calhoun outlined ways in which cities have achieved dramatic results in lowering incidences of juvenile delinquency.

"Single policy and single program innovations will make a dent in reengaging vulnerable youth, but only a total commitment from the entire city – parents, government, civic entities, community and faith based-organizations – will make a significant and enduring difference in the lives of potential victims, victimizers and frightened community members," said Calhoun. "This type of comprehensive effort requires not just a couple of policies or programs, but a wide-scale campaign and a changed way of doing business," he said.

Ingredients for Success

Calhoun noted how gang prevention efforts in San Jose, Calif., and the "Reclaiming Our Youth" initiative in San Diego produced significant drops in crime, violence and commitments of youth to the juvenile justice system. San Diego reduced the Juvenile Hall population by one third and juvenile court activity by one half.

What are the keys to success in making cities safer for youth? NCPC's work with the U.S. Department of Justice to reduce crime in 23 cities offered some clues. According to Calhoun, three ingredients stand out as essential elements for progress:

- A city and community-wide task force chaired by the mayor and police chief;

- Development of specific, measurable commitments (e.g. instituting afterschool programs, or police opening precincts in public housing units); and
- Monthly meetings to ensure accountability, measure progress and maintain momentum.

Five Effective Strategies

Based on NCPC's efforts and case studies of eight cities conducted by the YEF Institute, Calhoun identified five proven strategies to reduce violence and increase youth engagement.

Frequent, intensive personal contact with the most troubled youth can help set limits while at the same time offering support and reducing isolation. The Boston Cease Fire project is one example in which community-oriented policing achieved results by establishing partnerships between police, probation officers and ministers, who patrolled city streets together and visited the homes of troubled youth.

"In some ways limit setting – law enforcement – is not hard," said Calhoun. "The provision of effective help is."

A second strategy involves applying a citywide scope with a focus on "hot spots" where crime, high school dropout rates and use of public assistance are high. Cities can use community mapping to identify geographic areas in which youth are more vulnerable.

Third, municipalities can foster the development of social norms. Research by the Harvard School of Public Health indicates that "collective efficacy," in which residents are civically involved with entities like schools and police, reduces crime rates regardless of the social or economic makeup of a neighborhood.

Engaging young people in transition is the fourth strategy noted by Calhoun.

"There is a need to have in place a solid plan and set of programs for young people re-entering from juvenile justice and foster care settings," said Calhoun. "Both groups need strategies that attend to 'multiple domains' – housing, school to work transition, work habits, financial management and relationships."

Finally, Calhoun recommended reducing the availability of instruments of violence.

"Our crime rates for non-lethal crimes — robbery, burglary, simple assault — are lower, in some cases much lower, than the West's major cities like Berlin, London, Paris and Amsterdam," Calhoun said. "For lethal crimes, however, we lead by a large margin."

Calhoun concluded his testimony by advocating for the inclusion of youth instead of viewing them as potential problems.

"Our policies for youth tend to cluster in two areas: control and repair, each of which, at some time, we may need," said Calhoun. "But the opposite of disconnection and isolation is passionate reconnection. We must ask youth to help, to be part of us, to invite them in as part of the solution."

continued page 14

**N
A
F
E
C
O**



**RECENT
DELIVERIES**

Attention:
Fire Chiefs, Deputies & Fire Equipment Purchasing Decision Makers

Fire Apparatus, We're Talking Delivery...



- ✓ 4 Door GMC 5500 4x4 Chassis Automatic Transmission
- ✓ Hale 500 GPM PTO Pump
- ✓ 300 Gallon Poly Tank
- ✓ 3/16" Aluminum Body
- ✓ Rescue Style Compartments with Painted Roll Up Doors
- ✓ Above Body Tool storage compartments on Each Side
- ✓ Code 3 LED Light Package



**...to the Verbena Fire Dept.
Congratulations!**

800-628-6233 • 256-353-7100 • Fax 256-355-0852 • www.nafeco.com



ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, Intergovernmental Relations

Call for Entries: 2006 National Smart Growth Achievement Award

The U.S. Environmental Protection Agency (EPA) is pleased to announce applications are now being accepted for the fifth annual National Award for Smart Growth Achievement. This competition is open to local and state governments and other public sector entities having implemented smart growth strategies to create better places.

Smart growth development serves the economy, the community and the environment. Smart growth approaches to development create clear environmental benefits, including improved air and water quality, preservation of critical habitat and open space and more cleanup and re-use of brownfield sites. This year, applications will be accepted in five categories: Built Projects, Policies and Regulations, Small Communities, Equitable Development and Overall Excellence in Smart Growth

Interested parties are encouraged to submit applications for smart growth activities that have shown significant activity between May 1, 2001, and May 1, 2006. Successful applicants will have incorporated the principles of smart growth to create places that respect community culture and the environment, foster economic development and enhance quality of life and public health.

Applications are due on May 1, 2006. Up to five winners will be recognized at a ceremony in Washington, D.C. in November. For more details about the National Award for Smart Growth Achievement or an application packet, visit www.epa.gov/smartgrowth/awards.htm.

EPA Diesel Emissions Grants

The EPA will provide local communities around the country with more than \$7 million in grants to reduce children's exposure to harmful exhaust from school buses. The grants will help fund the cleanup of more than 500 tons of diesel emissions from 4,000 school buses nationwide.

"Today's clean school bus grants mean that the only thing pouring out of school buses will be students – not diesel emissions," EPA Administrator Stephen L. Johnson said. "Pres. Bush and EPA are committed to making that black puff of diesel smoke from school buses something you only read about in history books."

EPA awarded 37 grants totaling \$7.5 million as part of the Clean School Bus USA program, which reduces children's

exposure to diesel exhaust. The initiative encourages policies and practices to eliminate unnecessary school bus idling, the installation of effective emission control systems on newer buses and the replacement of the oldest buses with cleaner diesel or compressed natural gas powered buses. Grant recipients are contributing an additional \$13 million in matching funds and in-kind services.

Johnson made the announcement in Arizona accompanied by local officials of the Tucson Unified School District. Tucson is matching its \$500,000 EPA grant with \$6.5 million it raised toward the purchase of more than 60 new compressed natural gas buses. The effort will improve the air quality for 67,000 students and school employees. The school district operates 308 buses that ferry 16,000 children to and from school. The buses travel 4.7 million miles annually.

For more information about the list of grantees visit www.epa.gov/cleanschoolbus/funding.htm. For more information about the Clean School Bus USA program visit www.epa.gov/cleanschoolbus.

ADEM Annual Report Numbers

The Alabama Department of Environmental Management (ADEM) recently released its Fiscal Year 2005 report. Below are some of the department's most important statistics. Permits issued - 7,327; facilities observed/inspected - 25,992; administrative orders - 127; administrative penalties - \$1.38 million; complaints investigated - 1,690; emergency responses - 406; air monitoring stations maintained - 233; water monitoring stations maintained - 1,057; and lab samples collected - 9,368. ADEM had 643 employees in 2005 and was awarded 79 federal grants for environmental protection from the EPA and U.S. Fish and Wildlife Service. To view the entire annual report, visit www.adem.state.al.us.

List of Impaired Rivers Released

In addition to its annual report, ADEM has also released its draft Section 303 (d) list of impaired waters for 2006. Presently, the department is asking for a public review and comments about the list. To review this document and learn how to make comments visit www.adem.state.al.us/WaterDivision/WQuality/303d/WQ303d.htm. ■

**Program for Alabama Association of Public Personnel Administrators Monday, May 8
8:30 to 4:00 p.m.**

Training and Development (6 hours). This course focuses on the importance of investing in employees by creating and offering Training and Development opportunities within the work place. Course objectives include conducting needs assessments, developing effective course objectives and lesson plans, and evaluating programs. Participants will analyze team-building exercises to assist them in understanding the development process. Discussion topics will also include; researching materials, creating lesson plans, different training styles and selecting teaching aids. Emphasis will be placed on identifying and understanding the special needs of the adult learner.

Instructor: Richard Stokes, PHR, IPMA-CP, Municipal Human Resources Management Consultant, The University of Tennessee - MTAS, Executive Director - TN Chapter IPMA, Executive Council Rep - State Government IPMA-HR.

Alabama One Call

2204 Lakeshore Drive, Suite 112
Birmingham, Alabama 35209
Phone: 205-414-1846
FAX: 205-414-1899
E-mail: mdory@al1call.com
Website: www.al1call.com
Contact: Michele Dory

Alabama One Call is a non-profit organization established to provide a centralized one call notification system as a means to safeguard against injury and loss of life, to protect public services and to prevent damage to underground facilities by providing for prior notification of excavation and demolition activities. Notification to underground facility owners is required by Alabama Act 94-487.

Vendor Profiles are included in the League's Gold and Platinum advertising packages. For more information on how your company can purchase a package, contact Greg Cochran at 334-262-2566 or gregc@alalm.org.

Preventing Youth Violence Continued from page 11

Details: To read the full testimony or to download a copy of the YEF Institute's Action Kit on Protecting the Safety of Children and Youth, visit www.nlc.org/iyef. For more information, contact Melissa Rogers at (202) 626-3006 or rogers@nlc.org.

Tactical Points Required for Implementing Youth Violence Prevention

- The mayor must lead, chair meetings and hold local officials accountable, while persuading business leaders, faith groups, parents, the media and other stakeholders to join the initiative. An executive-level "advisory group" and a staff-level "technical team" should be formed.
- Cross-system collaboration is a necessity. Education, though usually the toughest system to get aboard, is a must since that is where most of the kids and adults who know vulnerable youth are.
- A city department or designated organization must serve as an intermediary to bridge gaps, disseminate knowledge, staff the collaboration and help plan new initiatives.
- Good data systems, data sharing and tracking of progress are vital for success.
- The campaign must ensure that all groups, including parents, students and schools, are involved and held accountable in taking action to prevent violence.



FULL SERVICE MAINTENANCE PROGRAMS
GASB 34 Compliant
Interior and Exterior Painting, Repairs, Safety Accessories
Inspections, Washouts, Disinfections

WIRELESS COMMUNICATIONS SERVICES
Antenna Site Management • Antenna Installations
Design Reviews/Project Management

TAX EXEMPT FINANCING
Asset Acquisition and Infrastructure Growth
Extremely Competitive Rates
No "Red Tape"

NEW TANK SALES
Expedited Delivery
Any Style, Design, Capacity

Utility Service Co.

I N C O R P O R A T E D

CONTACT:
R. Michael Szabo, Jr.,
6529 Big Oak Court
Columbus, GA 31909
Phone: 706-575-1456
Fax: 706-563-4888
mszabo@utilityservice.com

CORPORATE OFFICE:
P.O. Box 1350
Perry, GA 31069
Phone: 800.223.3695
Fax: 478.987.2991

www.utilityservice.com



THE LEGAL VIEWPOINT

By Ken Smith
Deputy Director/Chief Counsel

Liability for Police Operations, Part I

Editor's Note: This is the first installment of "Liability for Police Operations;" Part II will be published next month.

Police protection is a vital service municipalities provide for their citizens. The preservation of peace has long been regarded as one of the most important duties of the state and its political subdivisions. *People v. Hurlbut*, 24 Mich. 44, 9 A.R. 103 (1871). In order to accomplish this goal, Section 11-43-55, Code of Alabama, 1975, gives municipalities the power to establish a police force and organize it under the general supervision of a chief of police. The power to appoint a chief of police is provided by Section 11-43-5, Code of Alabama, 1975.

A municipal police department has the duty to enforce not only the laws of the municipality where it is established but also the laws of the state. *Alexander v. State*, 274 Ala. 441, 150 So.2d 204 (1963). Under this authority, police officers may arrest individuals for both local ordinance violations and for the violation of state laws. This means a police department's prime responsibility is ensuring the peace and order of a municipality and the safety of its citizens.

The duty to enforce the law requires police officers to be available to citizens who require their services. In many cases, this means a police officer must actively patrol the street to be on hand if help is needed. While most municipal employees remain invisible to the public, police officers must deal with individuals on a daily basis. Patrolling, issuing tickets, making arrests – the public sees officers in action and this impacts their lives. This high visibility means citizens are more aware of police protection than almost any other municipal service and increases the likelihood of criticism from citizens who are dissatisfied with the service they receive.

When contact with citizens results in friction, every

potential error becomes magnified. People tend to expect perfection from police officers. Any perceived mistake – whether real or imagined – is likely to result in complaints, misunderstandings and confusion. Often the end result of these difficulties is the filing of a lawsuit.

Lawsuits frequently cannot be avoided. People sue at the drop of a hat these days, often for imagined slights. There are, however, steps that can be taken to reduce the potential of a successful suit. The first step in the process is education. This article is designed to inform elected municipal officials of the potential problems created through the operation of a police force. It first explores municipal liability in general and then examines more specifically municipal liability for the actions of police officers, discussing in detail the most likely areas for lawsuits.

What is a Tort?

Ballentine's Law Dictionary with Pronunciations (2nd ed. 1948) defines a tort as an "injury or wrong committed ... to the person or property of another." There are three basic types of torts – intentional torts, negligent torts and strict liability torts.

Strict liability torts rarely have any application to municipalities. Instead, municipal liability in state court is usually based on negligence, pursuant to Section 11-47-190, Code of Alabama, 1975. Essentially, this Code section establishes a negligence standard for municipalities. It states a municipality can be held liable for the torts of its officers and employees which are due to "neglect, carelessness or unskillfulness."

In its simplest terms, a negligent tort arises if the plaintiff can prove:

1. that the defendant owed (or assumed) a duty to the plaintiff to use due care;
2. that the defendant breached that duty by being

continued next page

negligent;

3. that the plaintiff was injured; and
4. that the defendant's negligence caused the plaintiff's injury.

All four elements must be satisfied for liability to arise. Liability for negligence may be founded upon either nonfeasance (failing to perform an assumed or required duty) or by misfeasance (improperly doing a lawful act).

Although Section 11-47-190 creates a negligence standard of care for municipalities, because of several court decisions discussed below, municipalities must also be concerned with intentional torts. An intentional tort is a willful tortious action taken by the defendant towards the plaintiff. Examples of intentional torts are assault, battery, false imprisonment, false arrest, trespassing on real and personal property, etc.

Punitive damages cannot be recovered against a municipality. Section 6-11-26, Code of Alabama, 1975. This section also applies to separately incorporated utility boards. *Carson v. City of Prichard*, 709 So.2d 1199 (Ala. 1998).

Statutory Limitations and Defenses

Municipal liability for state torts dates back to 1975, when the Alabama Supreme Court abolished the doctrine of municipal immunity in Alabama. *Jackson v. City of Florence*, 320 So.2d 68 (Ala. 1975). Fortunately, although the court held that municipalities may be liable for the negligent actions of their officers and employees, the court also noted it was within the power of the legislature to limit municipal liability in any manner it deemed necessary.

In response to *Jackson*, the legislature enacted several statutes limiting the tort liability of municipalities. These include:

- Section 11-93-2, Code of Alabama, 1975, limits the amount of damages awardable against a municipality to \$100,000 per person and \$300,000 per occurrence for claims based on personal injuries and \$100,000 for a property loss. This section protects municipalities from losses they incur either on their own or through indemnification of their officers or employees.

- Section 11-47-190, Code of Alabama, 1975, states that no recovery above the \$100,000/\$300,000 amount may be had against a municipality under any judgment or combination of judgments, whether direct or by way of indemnity arising out of a single occurrence. See, also, *Benson v. City of Birmingham*, 659 So.2d 82 (Ala. 1995).

- Section 11-47-23, Code of Alabama, 1975, states that in order for a plaintiff to recover damages against a municipality, he or she must file a claim with the municipality within six months. If he or she fails to do so, the claim is barred, unless the municipality waives the requirement in this section. *Downs v. City of Birmingham*, 240 Ala. 177,

198 So. 231 (1940). It is important to remember that a municipality must raise the plaintiff's failure to comply with this section as an affirmative defense, or the court will deem it waived. *Alexander City v. Continental Insurance Co.*, 262 Ala. 515, 80 So.2d 523 (1955).

- Closely related to Section 11-47-23 is Section 11-47-192, which states a person who has been injured by a municipality must file a sworn statement with the city clerk stating the manner in which the injury occurred, the day, time and place where the accident occurred and the damages claimed. *Waterworks and Sewer Board v. Brown*, 268 Ala. 96, 105 So.2d 71 (1958). In *Howell v. City of Dothan*, 234 Ala. 158, 174 So. 624 (1937), the Alabama Supreme Court stated that the six-month limitation period in Section 11-47-23 must be read into this section. Therefore, written notice must be given to a municipality within six months of the accrual of a claim for personal injuries or it is barred. ¹

- Section 6-3-11, Code of Alabama, 1975, restricts the venue of tort actions against municipalities to the county in which the municipality is located or the county where the cause of action accrued. Although originally held invalid, Section 6-3-11 was upheld in *Ex parte Alabama Power Co.*, 640 So.2d 921 (Ala. 1994). It was also applied favorably in *Ex parte Talladega County*, 28 ABR 1490 (Ala. 1994) and, most recently, in *Ex parte City of Greensboro*, 730 So.2d 157 (Ala. 1999).

- Section 6-5-338, Code of Alabama, 1975, extends "state-agent immunity" (qualified immunity) to police officers and the municipalities which employ them for actions taken in the line and scope of the officer's authority. It does not, however, protect an officer who exceeds the authority given in a particular case. *Newton v. Town of Columbia*, 695 So.2d 1213 (Ala. 1997).

- Section 6-5-336, Code of Alabama, 1975, grants immunity to municipal volunteers engaged in certain activities for governmental entities. However, this immunity does not protect the governmental entity from liability under the doctrine of respondeat superior.

General Tort Principles

When a person is injured by a police officer, there are generally two major causes of action against the municipality available to him or her in state court. First, a municipality may be held liable under the theory of respondent superior if:

- (1) the relation of master and servant exists between the municipality and the tortfeasor, and

- (2) the act was within the scope of the officer's or employee's duties and was not ultra vires (i.e. beyond the power of the municipality).

It is important to distinguish between the municipality's liability and the liability of the police officer as an individual.

Unless a statute expressly declares a municipality liable, municipalities are generally not liable for the completely personal torts of their officers, employees or agents. *McCarter v. Florence*, 112 So. 345. When an employee acts with the sanction or authority of the municipality, the municipality is liable for any torts he or she commits.

It should be noted that police work is a 24-hour-a-day job. Therefore, a court may consider an officer's action to have been committed in the course of his or her employment even if it occurred after a duty shift. Note, *Municipal Liability for Requiring Unfit Officers to Carry Guns*, 11 Ford. Urb L. J. 1001 (1983). A police officer is said to have departed from the scope of his or her employment when his or her conduct is too outrageous to be in the furtherance of the city's interest.

There is a presumption that police officers' actions are performed in an official capacity. McQuillin, *Municipal Corporations*, 3d Ed., Section 45.20. However, where circumstances indicate otherwise, a jury is justified in finding that an officer acted as an individual, but a municipality may be held liable if it later ratifies the officer's action.

It is important to point out that although Section 11-47-190, Code of Alabama, 1975, limits the liability of cities and towns to injuries suffered through "neglect, carelessness or unskillfulness," creating a negligence standard, courts have expanded the interpretation of this language.

In *City of Birmingham v. Thompson*, 404 So.2d 587 (Ala. 1981), the court was confronted with the issue of whether the words "neglect, carelessness and unskillfulness" in Section 11-47-190 meant that an action can be maintained against the municipality only for negligent acts of employees and not intentional acts. In that case, the plaintiff was allegedly beaten by police officers while he was incarcerated in the city jail. Plaintiff sued the city, claiming the officers committed a battery (which is ordinarily an intentional tort) against him and that the city was therefore liable under Section 11-47-190, Code of Alabama, 1975.

The majority opinion, however, narrowed the issue in the case to whether a battery could be considered a negligent tort. The majority held that if the battery occurred as a result of a lack of skill on the part of the employee, the city could be held liable. The case was remanded for a trial on this issue. Thus, under this decision, a municipality may be liable for the intentional torts of its officers and employees if the tort is committed due to a lack of skill on the part of the tortfeasor. This opens municipalities up to a wide range of torts which are not normally considered to be negligent torts. Only if a municipality can demonstrate that the act of its agent was completely intentional and due, in no way, to carelessness or unskillfulness, can the municipality avoid liability.

The second cause of action available against a municipality is for its own negligence. This usually arises from a failure in hiring, assigning or training a police officer. Or the municipality may be liable for retaining an employee in the face of evidence that he or she is incompetent. This might be shown by a failure to discipline the officer for his or her actions.

State Court Immunities

State law cloaks public officers and employees with two distinct types of immunity, the first being absolute immunity. Absolute immunity generally applies only to legislative and judicial acts by officers and employees. Absolute immunity is defined as the total protection from civil liability arising out of the discharge of judicial or legislative power.

Absolute immunity, though, is rarely applied. Instead, Alabama courts in the past have followed what used to be called discretionary function immunity. This was considered sufficient to protect public defendants. Under discretionary function immunity, the good faith of the defendant became relevant. Stated simply, discretionary function immunity protected police officers when they, in good faith, performed a discretionary act that was within the line and scope of their duties.

Recent decisions, though, have called into question reliance on discretionary function immunity. In a case that has just been released, *Blackwood v. City of Hanceville*, ___ So. 2d ___ (2006), 2006 WL 254071, the Alabama Supreme Court notes that Section 6-5-338 of the Code essentially replaced discretionary function immunity for municipal police officers with "state-agent" immunity. In *Ex parte Cranman*, 792 So.2d 392 (2000), the Alabama Supreme Court restated the rule governing state-agent immunity, stating:

"A State agent *shall* be immune from civil liability in his or her personal capacity when the conduct made the basis of the claim against the agent is based upon the agent's

- (1) formulating plans, policies, or designs; or
- (2) exercising his or her judgment in the administration of a department or agency of government, including, but not limited to, examples such as:
 - (a) making administrative adjudications;
 - (b) allocating resources;
 - (c) negotiating contracts;
 - (d) hiring, firing, transferring, assigning, or supervising personnel; or
- (3) discharging duties imposed on a department or agency by statute, rule, or regulation, insofar as the statute, rule, or regulation prescribes the manner for performing the

continued next page

duties and the State agent performs the duties in that manner; or

(4) exercising judgment in the enforcement of the criminal laws of the State, including, but not limited to, law-enforcement officers' arresting or attempting to arrest persons; or

(5) exercising judgment in the discharge of duties imposed by statute, rule, or regulation in releasing prisoners, counseling or releasing persons of unsound mind, or educating students.

Notwithstanding anything to the contrary in the foregoing statement of the rule, a State agent *shall not* be immune from civil liability in his or her personal capacity

(1) when the Constitution or laws of the United States, or the Constitution of this State, or laws, rules, or regulations of this State enacted or promulgated for the purpose of regulating the activities of a governmental agency require otherwise; or

(2) when the State agent acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.”

In *Blackwood*, the defendant police officer exceeded the speed limit in response to an emergency call involving a serious accident. In route, the officer's vehicle struck another vehicle, injuring the passenger.

The court gave the actions of the police officer an extremely narrow interpretation under the *Cranman* analysis, finding that driving to the scene of an accident does not fall within any of the listed *Cranman* categories. The closest, they stated, would be Category (4), listed above.

Despite the fact that the court noted that this list is not intended to be exhaustive, but instead provides mere categories of immunity, the court applied a very narrow construction to the application of these categories. It noted that Category (4) applies only to the enforcement of criminal laws and driving to the scene of an accident does not implicate the criminal laws. Thus, the court stated that the officer had no immunity from suit based on Section 6-5-338.

Blackwood, in the League's opinion, is a disturbing decision. The clear implication of the court's opinion is that municipal police officers can no longer rely on the protection of discretionary function immunity when performing their discretionary act. Instead, the action must fit into one of the listed *Cranman* categories to entitle the officer to claim immunity. While the court left the door open to what it classified as a "reconciliation" of *Cranman* and the language of Section 6-5-338, the court's narrow construction of these categories to the functions of law enforcement officers is frightening. ■

(Footnotes)

¹ The six-month notice of claim statute does not act to bar contract actions. Nor does it apply to separately incorporated municipal boards. *Williams v. Water Works and Gas Board of the City of Ashville*, 519 So.2d 470 (Ala. 1987). The notice of claim statute does, however, apply to unincorporated municipal entities, such as the Von Braun Civic Center Authority. *Ex parte Von Braun Civic Center*, 32 ABR 1921 (Ala. 1998). Further, the notice of claim statute does not apply in Section 1983 cases. *Morrow v. Town of Littleville*, 576 So.2d 210 (Ala. 1991).

The Power To Save A Life Defibrillators to the Rescue

Each year Sudden Cardiac Arrest (SCA) strikes more than 250,000 persons ... less than 5% survive!!

Changes of survival from SCA are increased dramatically if an electric shock is delivered within the first few minutes.

That's why more and more municipalities are placing Automated External Defibrillators (AEDs) in their offices, vehicles, schools and parks.

Give your employees and citizens the power to save lives by selecting a dependable, easy-to-use and rugged AED.

Our friends at the Alabama Municipal Electric Authority have agreed to make Philips HeartStart FR2+ AEDs available to the League's member cities and towns at a significant discount.

For more information, call **Tom Bartels** at **AMEA 1-800-239-AMEA(2632)** to discuss your situation or arrange a demonstration.

ADVERTISEMENT FOR:

Carr & Associates Engineers, Inc. • 2052 Oak Mountain Drive • Pelham, AL 35124 • (205) 664-8498



CALERA'S GROWTH ENHANCED BY NEW TREATMENT PLANTS

The phenomenal growth of the City of Calera was assured of the necessary infrastructures to support the growth by the completion of two wastewater treatment plants. The project included doubling of the capacity of Calera's existing plant to a capacity of 1.5 MGD and a new plant rated at 3.5 MGD.

Carr & Associates Engineers, Inc. (CAE), under the project direction of Mr. Ben Carr, provided the engineering for the project from preliminary project concept through design, construction and startup. Those services included preparation of the two volumes of the Preliminary Engineering Report and Environmental Impact Report to qualify the City to receive a construction loan and grant totaling \$11,300,000 from the USDA.

The treatment plants utilize the Sequential Batch Reactor process with U.V. disinfection, and tertiary filtration to achieve consistent effluent quality, well below their permit limitations.

The Camp Branch Plant, located on five acres of a 20 acre wooded site, was designed by CAE with a compact, cost and space efficient arrangement to effectively utilize the site, and provide green space isolation for the plant.

The efficient site utilization and cost effectiveness of the plant has drawn the attention of engineers from throughout the state and many have visited the plant.

The project is the result of a long-term working relationship between Carr Engineers and the City's administration, characterized by long range planning and a willingness to study the latest in technology.

As a part of the planning process, CAE and the City's operating personnel visited plants in Alabama, Florida and Georgia to study the competing processes to determine the best process for Calera's plants.

Carr & Associates Engineers, Inc. has appreciated the opportunity to have provided the engineering to the City of Calera as a continuation of its long relationship with the City and takes pride in this accomplishment so vital to the City's healthy growth.

ADVERTISEMENT FOR:

Carr & Associates Engineers, Inc. • 2052 Oak Mountain Drive • Pelham, AL 35124 • (205) 664-8498

JohnstonBarton

SALUTES THE ALABAMA LEAGUE OF MUNICIPALITIES

PUBLIC FINANCE LEGAL SERVICES TO STATE AND LOCAL GOVERNMENTS

GOVERNMENT SERVICES	HOUSING
INFRASTRUCTURE	UTILITIES
RATE SWAPS AND DERIVATIVES	RESTRUCTURING
TRANSPORTATION	PRIVATIZATION
INDUSTRIAL DEVELOPMENT	EDUCATION
ECONOMIC DEVELOPMENT INCENTIVES	ARBITRAGE REBATE

JOHNSTON BARTON PROCTOR & POWELL LLP

2900 AMSOUTH HARBERT PLAZA 1901 SIXTH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
TELEPHONE (205) 458-9400 TELECOPIER (205) 458-9500

WWW.JOHNSTONBARTON.COM



MUNICIPAL AND PUBLIC FINANCE GROUP

E. ALSTON RAY CHAIRMAN

In accordance with the Alabama State Bar requirements, no representation is made that the quality of the legal services to be performed is greater than the quality of legal services provided by other lawyers.

Serving Alabama's Cities and Counties for More Than 20 Years

AlaTax
www.alatax.com

Increased revenue. . .

through an increased taxpayer base.
from interest accrued on multiple deposits.
from prompt compliance measures.
through our staff of fully certified and experienced auditors.

Increased control. . .

with detailed daily, weekly and monthly reporting.
through online access to your revenue and taxpayer reports.
through directly deposited funds into your account.
with our convenient 800 number - 800-556-7274.

AlaTax Public Sector Solutions

3001 Second Avenue South • Birmingham, Alabama 35233
Phone 205-324-0088 • Fax 205-324-1538
www.alatax.com



Legal Notes

By Lorelei A. Lein
Staff Attorney

COURT DECISIONS

Zoning: A city’s use of a building as a warehouse in a residentially zoned district was for a governmental function and, thus, the city was not subject to the zoning ordinance that prevented such use in a residential zone. *Cunningham v. City of Attalla*, 918 So.2d 119 (Ala. 2005).

DECISIONS FROM OTHER JURISDICTIONS

Condemnation: A city’s use of its eminent domain power to condemn private property for the purpose of conveying the property to a religious organization to build a private school violates the First Amendment’s establishment clause. *In re Redevelopment Authority of the City of Philadelphia.*, —A.2d—, 1006 WL 3734901 (Pa. Cmwlth. 2006).

ATTORNEY GENERAL OPINIONS

Jails: When a prisoner makes bond on the state charges for which he or she was initially arrested and a municipality has placed a hold on a prisoner based on outstanding municipal charges, the prisoner should be re-arrested on the municipal charges. Pursuant to Rule 4.3(a)(1)(iii) of the Alabama Rules of Criminal Procedure, from the time of re-arrest, a sheriff may hold a prisoner an additional 48 hours, at which time the prisoner must be released on an appearance bond in the minimum amount of \$100 as required for municipal ordinance violations pursuant to Rule 7.2(b) of the Alabama Rules of Judicial Administration. 2006-044.

Courts: Pursuant to Section 12-14-5 of the Code of Alabama 1975, the maximum bail authorized in municipal courts is \$1000. 2006-048.

E911: Both an E911 Board, established pursuant to Section 11-98-1 et seq. of the Code of Alabama 1975, and the governing body with jurisdiction over roadways, are jointly responsible for the installation and purchasing of street signs, and thus, participate in controlling the street signs. Therefore, both entities are jointly responsible for replacing street signs in need of replacement. 2006-051.

Conflicts of Interest: Neither Section 280 of Article XVII nor Sections 145 and 147 of Article VI of the Recompile Constitution of Alabama prohibit a municipal judge from also serving as a city council member. 2006-060. NOTE: This opinion specifically relates to a municipal judge in one municipality serving as a city council member in another municipality.

HENDON ENGINEERING ASSOCIATES

CONSULTING ENGINEERS

Quality, Full Service Engineering

Municipal, Civil, Environmental,
Natural Gas, and Electrical Engineering
Instrumentation and Controls



1025 MONTGOMERY HIGHWAY
P. O. BOX 660348
BIRMINGHAM, ALABAMA 35216

PHONE: (205) 823-7480
FAX: (205) 823-7483

e-mail: staff@hendongenineering.com

**The unique accounting
issues and financial
reporting laws can leave
your municipality in a
vulnerable position!**



price

Wilson Price & Associates Bankership & Billingsley

Certified Public Accountants and Consultants

**3815 Interstate Court
Montgomery, AL 36109
(334) 271-2200
www.wilsonprice.com**

**Many municipalities
rely on Wilson Price
to help them
come out on top.**

**Wilson Price is one of the largest providers
of audit, accounting, consulting and tax
services for government entities and not-for-
profits in Alabama.**

**Allow our specialized knowledge and
experience help implement solutions for
your organization.**



WHAT CAN A
CLASSIC CAR
TEACH US ABOUT
EXPERIENCE?

■
As its years increase, so does its value.

We know there are few elements more important to you than experience and a proven record of success. For nearly 125 years, we've helped government agencies and communities reach their goals. And, as one of the largest municipal bond trustees and bank holding companies in the nation, we understand there's nothing quite like the tried and true to bring comfort to any situation. Talk to us. Together, we can achieve uncommon results.



WACHOVIA
Uncommon Wisdom



Mary Ellen Wyatt
Staff Attorney

Federal Legislative and Regulatory Issues

First Responder Communication Tops List of Concerns for Local Officials

Local officials around the country are urging the federal government to recognize the importance of first responder funding. There is a real need for more streamlined and flexible funding, improved regional cooperation and faster delivery of the radio spectrum for emergency communications.

Congress is being urged to elevate the visibility of the Department of Homeland Security's project SAFECOM, to build on existing communications networks, to provide direct funding to local governments for communication systems and to train and accelerate the federal commitment to a date certain for the return of the analog spectrum.

CDBG Cuts in Administrations FY2007

The president's FY2007 budget proposal contains drastic cuts in the Community Development Block Grant (CDBG) program. The president's budget proposes cutting \$1 billion from the CDBG program, from \$4.178 billion last year to \$3.032 billion proposed for 2007. The proposed funding level is the lowest level of funding since 1990. The CDBG program is important for the growing needs of municipal governments around the nation, and it is important these drastic cuts do not take place.

National Endowment for the Humanities Grants

Local governments in Alabama are eligible for grant money to aid in securing long-term improvements in and support for their humanities programs and resources. The deadline is May 1, 2006. For more information, please contact Peter Scott at pscott@neh.gov or visit www.neh.gov/grants/guidelines/challenge.html.

Grants for Learning in the Arts for Children

Local governments are eligible for grant monies to provide opportunities for artists to create, refine, perform and exhibit their work. The application deadline is Aug. 14,

2006. For more information, visit www.grants.gov/search/search.do?mode=VIEW&oppld=7558.

Stabilizing Humanities Grants

Funds are available to assist local governments in helping museums, libraries, archives and historical organizations preserve their humanities collections through support for improved housing and storage, environmental conditions, security, lighting and fire protection. The application deadline is Oct. 2, 2006. For more information, contact Peter Scott at (202) 606-8446 or at pscott@neh.com. For information: www.grants.gov/search/search.do?mode=VIEW&oppld=3355.

North American Wetlands Conservation Act

Small, unrestricted grants are available to promote long-term conservation of North American wetland ecosystems and the wildlife that depends on such habitat. Keith Morehouse may be contacted for more information at (703) 358-1888. For additional information: www.grants.gov/search/search.do?mode=VIEW&oppld=7818. The application deadline is Dec. 1, 2006.

continued next page

ENGINEERING

Multi disciplined,
Nationally recognized,
Locally dedicated

STRAND
ASSOCIATES, INC.
ENGINEERS

www.strand.com | 251-343-7775

Coastal Grants

Local governments are eligible for grant monies to provide assessment and planning tools for identifying priority habits that should be protected and restored in coastal communities. For more information contact Sally Valdes at (703) 358-1734 or visit www.fws.gov/coastal/CoastalProgram. The application deadline is Sept. 30, 2006.

Injury Control Research Centers

Local governments' application deadline for grants to build the scientific base for the prevention and control of injuries and related disabilities and to integrate, into the national program, professionals to perform research to prevent and control injuries more effectively, is Sept. 1, 2006. More information is available from the Technical Information Management System at (770) 488-2700 or by visiting www.grants.gov/search/search.do?mode=VIEW&oppID=8043.

Preservation of Public Records Grants

State and local governments are eligible for grants to facilitate the use of historic records held by archives and other repositories and to assure their long-term preservation. The deadline is Oct. 1, 2006. For more information contact

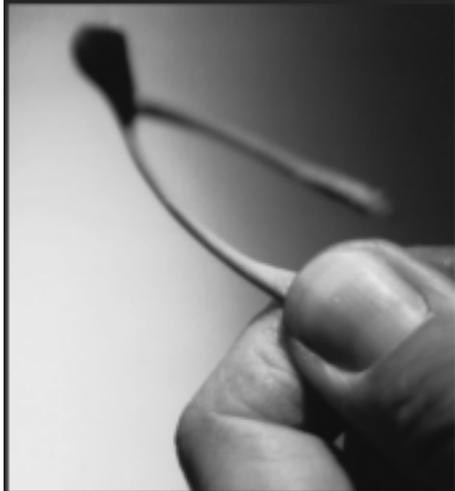
David Davis at (202) 357-5022 or visit www.grants.gov/search/search.do?mode=VIEW&oppld=8084.

Electronic Records Project Grant

Grant monies are available to local governments to establish sustainable electronic records programs within archival institutions, to establish and expand electronic records programs and to support electronic records-related professional education, conferences, consultancies and similar efforts. For more information contact David Davis at (202) 357-5022 or visit <http://grants.gov/search/search.do?mode=VIEW&oppld=7400>.

HIV/AIDS-Related Mental Health Services in Minority Communities

Grant money is available to all public entities for enhancing and expanding the provision of effective HIV/AIDS-related mental health services in minority communities for people living with HIV/AIDS and having a mental health need. For more information, contact Kimberly Pendleton at (240) 276-1421 or visit www.grants.gov/search/search.do?mode=VIEW&oppld=7918. The deadline is May 1, 2006.



Luck has nothing to do with it.

A retirement plan based on luck instead of proper planning is the gamble of your life. What you do today may determine what you do when you retire. So if your retirement role isn't assured yet, now's the time to start writing your script.

So call us. Today.
Jimmy Gauld
(205) 967-8974

Securities and investment advisory services are offered by VALIC Financial Advisors, Inc., member NASD, SIPC and an SEC-registered investment advisor.

AIG VALIC is a marketing unit comprising VALIC Financial Advisors, Inc., VALIC Retirement Services Company, and The Variable Annuity Life Insurance Company (VALIC), all members of American International Group, Inc.

Copyright © 2004, American International Group, Inc.
All rights reserved.
Houston, Texas
www.aigvalic.com
VL16330-B 08/2004

AIG VALIC
"Power Service"

You have exceeded our expectations in working with all departments, and the Mayor is delighted to be able to find things in my absence! Ginger Simpson, Town Clerk, Town of Dauphin Island

Let OAI help you conquer the clutter and increase efficiency.

ORGANIZING — ASSOCIATES, INC. —

- Records Management
- Space Management and Design
- Outlook and Paper Tiger Software Training
- Time Management
- Web Site Design and Hosting

1-888-308-3999

www.organizingassociates.com

Lee Donald of Organizing Associates has been wonderful! Things are going really well. We hope to expand services within our office as well as into other departments.

Denise Jernigan
City Clerk/Treasurer City of Saraland

This is a wonderful transformation for our offices. We can finally locate the correct information quickly!

Martha Walker
City Clerk of Oneonta

Two years later, we are still Paper Tiger advocates. We are able to retrieve documents in minutes that would have taken hours to find.

Christopher L. Lee, Executive Director of Administrative Services, City of Mobile

Municipal Code Corporation

M
C

Codification
Online Hosting
Supplement Service
Legal Review
Custom Publishing
Multi Code Search

Municode.com

MCCi

Document Imaging
Large Format Scanning
System & Data Conversion
Site Analysis
Education & Seminars

MuniAgenda
a paperless agenda solution

www.municode.com info@municode.com 1.800.262.2633

Municipal News Briefs

Compiled by Donna Morrill, Communications Intern, ALM

Decatur Launches City Marketing Project

Mayor Don Kyle of Decatur announced the city will be embarking on a marketing project to attract tourists and potential homeowners. The city council approved a \$150,000 contract with McWhorters Communications, Inc. of Decatur to promote the city. The first task will be to attract families relocating to the area as part of the Base Realignment and Closure Commission, which closes excess military installations around the country.

Spring Cleaning Hits Birmingham Alleys

Birmingham is launching a new initiative to clean up its alleyways. The city council approved spending \$550,000 for the "Dress Up Birmingham" project. Forty temporary workers and 10 temporary truck drivers will be hired at the cost of \$500,000 to aid the city's public works department in the clean-up. The remaining \$50,000 will be spent on equipment such as weed trimmers and chain saws.

The project, to be undertaken one community at a time, will begin once the city receives the necessary equipment. At the Birmingham Citizens Advisory Board meeting in January, community leaders drew ping pong balls numbered one through 23 to determine the order of work for the city's 23 communities.

Railroad Reservation Park Back on Track

Birmingham Mayor Bernard Kincaid and Friends of the Railroad Reservation District President Giles Perkins have agreed to work together on building the Railroad Reservation Park in downtown Birmingham. The plan includes a 14-acre site stretching from 14th to 18th Street South and from First Avenue South to Morris Avenue. Supporters of the project say it will create an attractive connection between northern and southern parts of the city. The city council approved spending \$17 million on the park and the development of a Wal-Mart at the former Eastwood Mall site. Kincaid said the money will be borrowed against a bond warrant he plans to introduce within 18 months. The money includes \$5 million for the first phase of the

railroad park, \$11 million for the Wal-Mart development and \$1 million for fees associated with the bond process. The approved \$5 million, along with another \$5 million secured by the city and county, will be enough to start the railroad park project. Groundbreaking is set for March.

City Council Looks into Municipal Reality Show

The Birmingham City Council is considering a new 30-minute weekly public affairs program about what goes on at their committee meetings. "A Closer Look" would feature meeting highlights and include news-style segments about city hall. The program would air on Bright House Networks public access, the same channel airing the city council's weekly Tuesday meetings. Supporters of the proposal hope it will better show the public how the committees work and interact.

Alexander City Implements Utility Improvement Fee

Alexander City will begin charging a fee on April 1 in order to fund increasing water utility growth and improvement costs. The water capital improvement fee will be a one-time charge applied to all new service connections to the city's water system. No resident or business currently connected to the city's water system will ever have to pay the fee. Engineering Service Associates, Inc. assisted the city in developing a capital improvement fee program and also helped calculate fair fees using the city's water system data. The fee will be based on the size of the requested

Local Government Corporation

Providing Hardware and Software to Local Governments for over 28 years!

Financial Management ~ Revenue Management ~
Document Management ~ City Court Management ~
GIS/Mapping Solutions ~ Hardware and Networking
Solutions ~ Software Support and Training Solutions



714 Armstrong Lane ~ Columbia, TN 38401

Phone: 800-381-4540 Fax: 931-381-0678

Email: marketing@lgdpc.com

www.localgovcorp.com

water meter. The typical meter for a single-family residence in Alexander City is a 1-inch turbine type meter. The fee for such a meter will be \$927, in addition to the city's existing water tap fee.

Hartselle Receives FAA Grant

The Federal Aviation Administration awarded Hartselle a \$142,500 grant to purchase land in the municipal airport's north runway glide path. According to Mayor Dwight Tankersley, four property owners agreed to sell eight acres to the city. The city council is obligated to provide a five percent grant match, in this case, \$7,500. Tankersley said Hartselle can apply with the state Aeronautics Bureau to be reimbursed half of that cost. Hartselle also applied for grants to construct hangars and replace the aging runway lighting system at Rountree Field. Those applications are pending.

Lake Guntersville Park Implements Entrance Fee

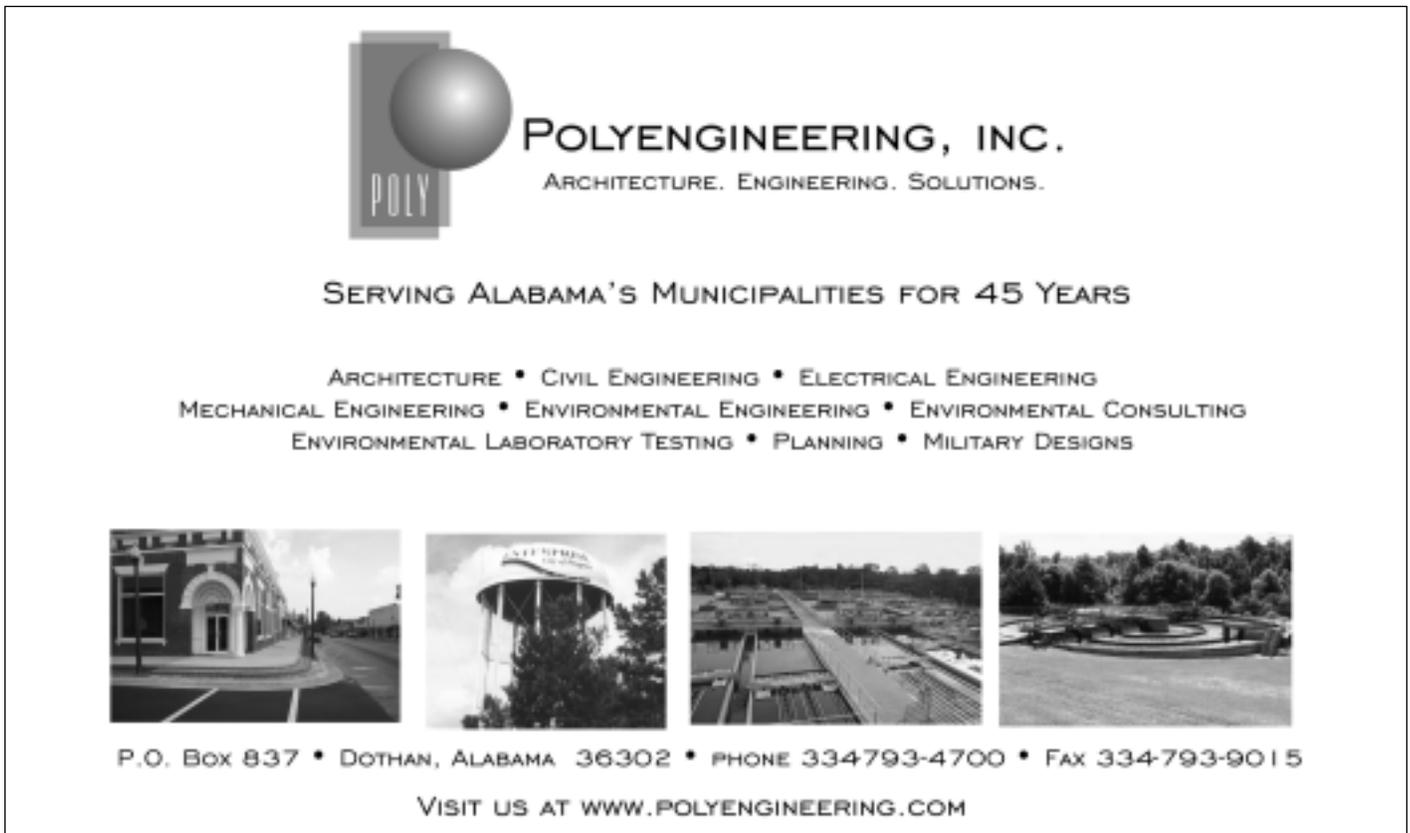
People using Lake Guntersville State Park will soon have to pay a day-use fee. The fee will be implemented once an entrance booth is completed and manned, and money collected will go toward funding park repairs and maintenance. The fee will be around \$3 for adults. Those

making frequent trips to the park for picnicking, hiking or using the beach will be hit the hardest by the fee, as they will have to pay the fee each time they enter the park. Visitors eating at the park's restaurant, staying at the lodge, camping or golfing will pay the fee the first time they enter the park and will then be given a ticket allowing them access for future trips.

Residents Help Create City Sidewalk Plan

Columbiana officials asked residents for assistance in coming up with a sidewalk rehabilitation plan for the city. According to Mayor Allan Lowe, many places in the center of the city do not have sidewalks to connect downtown to surrounding areas, and many of the existing sidewalks are in poor condition. Participants at the hearings highlighted proposed sidewalk locations on an aerial map. Columbiana Middle School and an apartment complex for residents 55 and older were among the proposed locations. The information from the hearings will be presented when the city applies for additional state and federal funding. U.S. Rep. Spencer Bachus has obtained \$100,000 for Columbiana to use for sidewalk work, and the city will request additional federal funding once the plan is finalized.

continued next page



POLYENGINEERING, INC.
ARCHITECTURE. ENGINEERING. SOLUTIONS.

SERVING ALABAMA'S MUNICIPALITIES FOR 45 YEARS

ARCHITECTURE • CIVIL ENGINEERING • ELECTRICAL ENGINEERING
MECHANICAL ENGINEERING • ENVIRONMENTAL ENGINEERING • ENVIRONMENTAL CONSULTING
ENVIRONMENTAL LABORATORY TESTING • PLANNING • MILITARY DESIGNS

P.O. Box 837 • DOTHAN, ALABAMA 36302 • PHONE 334-793-4700 • FAX 334-793-9015

VISIT US AT WWW.POLYENGINEERING.COM

Municipal News Briefs

Continued from page 27

Dauphin Island to Pay for Sand Wall

In February, the Dauphin Island Town Council voted to finance the construction of the island's second manmade tide-stopping sand wall in the west end. In a resolution that passed 5-1, the town will pay half of the \$600,000 required to match Federal Emergency Management Agency funds. FEMA would pay 75 percent of the \$4 million sand wall, also called a berm. The \$600,000 is a 15 percent local match required to receive the funding, and the state would pay the remaining 10 percent, or \$400,000. Two-million dollars will go toward replacing lost beach while the other \$2 million will be spent on a new, larger berm. The money was originally allotted for damages from Tropical Storm Isidore in 2002 but was rolled over as a post-Katrina project.

Annexed Property Creates Pike Road's First Retail District

Pike Road officials in February annexed property along Chantilly Parkway to create the town's first retail district. A portion of the property is located east of the new Home Depot on Chantilly Parkway and is owned by developers including Merrill Ingram. Mayor Gordon Stone said the move will bring in a wide range of businesses, which will provide the town with a tax base and help develop further plans. Town officials also voted to annex portions of several residential subdivisions, including Pecan Tree and Timber Lake. Stone estimates Pike Road annexed about 50 residents with that decision. ■

LONDON, YANCEY & ELLIOTT, LCC
MUNICIPAL LEGAL CONSULTANTS

- * Ordinances, Policies & Procedures
- * Sunshine Law & Disclosure of Records
- * Personnel Matters (FMLA, Title VII, ADA, Minimum Wage)
- * Investigations
- * Federal/State Statutory & Regulatory Compliance
- * Litigation in all State & Federal Courts

Initial consultations through your City Attorney at no charge

Thomas R. Elliott, Jr.
2001 Park Place North, Suite 430 Park Place Tower
Birmingham, AL 35203 - 205-380-3600

In accordance with the Alabama State Bar requirements, no representation is made that the quality of legal services to be performed is greater than the quality of legal services provided by other lawyers.

CARR & ASSOCIATES ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS

Municipal Engineering Services
 ↳
 Roads & Drainage Design
 ↳
 Land & Topographic Surveys
 ↳
 Utilities, Water, Gas, Sewage
 ↳
 Structural Engineering
 ↳
 Site Planning
 ↳
 Plans Review for Code Compliance

2052 Oak Mountain Drive
Pelham, Alabama 35124
205-664-8498 / FAX 205-664-9685

SAVE A MILLION \$\$\$\$\$
ON WORKMAN'S COMP

Schedule an appointment today to learn more and receive a **FREE** padfolio.

Our Visual Safety Incentive Program Advantages Are:

- No Start-Up Costs
- Customization
- Fixed Budget
- No Inventory
- Quality & Service
- Experience

OSHA Concerning Incentive Programs:
"By increasing awareness and rewarding behavior through incentive programs, employers have seen a reduction in all injury categories."

"Join the Winning Team"

jda
Junior Davis & Associates, Inc.

Junior Davis & Associates, Inc.
2041 Oak Mountain Drive
Pelham, Alabama 35124
205-620-9961 ext. 221
www.juniordavis.com

Proudly delivering
dependable, reliable
natural gas for
over 150 years
to almost 500,000
customers.



www.alagasco.com



Rachel was 4 when she learned to tie a shoe.

Rachel is just a child, but there are days when she has to act like a grown-up. Her mom has multiple sclerosis, a chronic, disabling disease of the central nervous system, which means that sometimes even the simplest tasks are virtually impossible to do.

Rachel is not alone. She is one of more than a million children in families living with the devastating impact of multiple sclerosis.

But there is help. We are the National MS Society, and we fund more MS research, offer more services for people with MS, and provide more professional education programs than any other MS organization in the world.

People with MS count on us. Can we count on you? For more information about MS, or to find out how you can help, call 1-800-FIGHT MS, or visit us online at nationalmssociety.org.

MS NATIONAL
MULTIPLE SCLEROSIS
SOCIETY

Speaking of Retirement

Secure a Better Tomorrow with RSA-1

One way for public employees in Alabama to increase their personal savings and add to their financial security is by investing in a 457 Deferred Compensation Plan like RSA-1. RSA-1 offers an easy and flexible way to save for retirement while providing tax relief today.

RSA-1 is a tremendous benefit offered to you by the Retirement Systems of Alabama. By contributing pre-tax dollars, a member lowers his or her taxable income and reduces the amount of taxes he or she pays. All RSA members are eligible to participate.

RSA-1 is payroll deductible which makes saving easy and convenient. There is no minimum amount one must contribute each month and the contributions may be increased, decreased or stopped as often as your payroll officer allows. Contributing to RSA-1 is strictly voluntary and absolutely **no** fees are charged to participants.

On the average, Social Security and a retirement pension will make up less than sixty percent of the total sources needed for a sound retirement income. This makes personal savings extremely important to help members maintain their standard of living once they retire.

An old adage states: “You should always pay yourself first!” This is true and RSA-1 makes it easier than ever before. Members can enroll in RSA-1 at anytime.

To receive more information about RSA-1 and how to enroll contact us by phone at 1-800-214-2158, press 2, then extension 1299; by Email at rsa1info@rsa.state.al.us; or visit our Web site at www.rsa.state.al.us.

On our Web site, please read the *Secure a Better Tomorrow with RSA-1* brochure as well as information on the advantages of joining RSA-1 such as the power of compounding and how to save on taxes. Information on how your RSA-1 funds are invested and how these funds may be distributed to you are also included. Any agency that would like for RSA-1 to make a presentation about this wonderful savings opportunity should contact Ada Griffin at 1-800-214-2158, extension 1769 or email her at adag@rsa.state.al.us.

Remember: Retirement & the Three-Legged Stool

We encourage you to think of your retirement in terms of a three-legged stool. Each leg of the stool represents a source of your retirement income. The first leg of your stool is your retirement benefit from your employer(s). Your pension benefit is calculated based on your years of service, a benefit factor, and your average final salary. The second leg of your stool is your Social Security benefit. You can begin receiving a reduced benefit from Social Security as early as age 62. The third leg of your stool is some type of a personal savings plan. Many retirees find that, with the growing concern over the future of Social Security, a personal savings program is the best way to take control of their future.

Let the RSA-1 Deferred Compensation Plan be the third leg of your retirement

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

PUT OUR EXPERIENCE TO WORK FOR YOU.

Over 300 Alabama Municipalities Have.

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

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

Together our strength in numbers works for you.

ALABAMA LEAGUE OF MUNICIPALITIES

535 Adams Avenue • Montgomery, AL 36104

334-262-2566 or 888-255-0434



**ADVERTISE WITH
THE LEAGUE!**

Call

334-262-2566

or visit our web site at

www.alalm.org

for more information.

**Visit the League
On-line**



www.alalm.org

Insuring the Future of Local Government



Rated A- by
A.M. Best

Is *YOUR* future covered?

**Visit AMIC's Booth at the
League's Annual Convention
in Mobile!**



The first 30 people to
bring this coupon by our
booth will receive a free
Emergency Road-Side Kit.

STEVE WELLS, PRESIDENT
334-386-3863

JIM CHAMBLEE, SALES MANAGER
334-386-3863

Toll Free at 866-239-AMIC(2642)

110 N. Ripley Street
Montgomery, AL 36104

www.AMICentral.org