

The Alabama Municipal JOURNAL

October 2008

Volume 66, Number 4

See page 10
for details.

YEAR OF ALABAMA
SMALL TOWNS
&
DOWNTOWNS

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SMALL

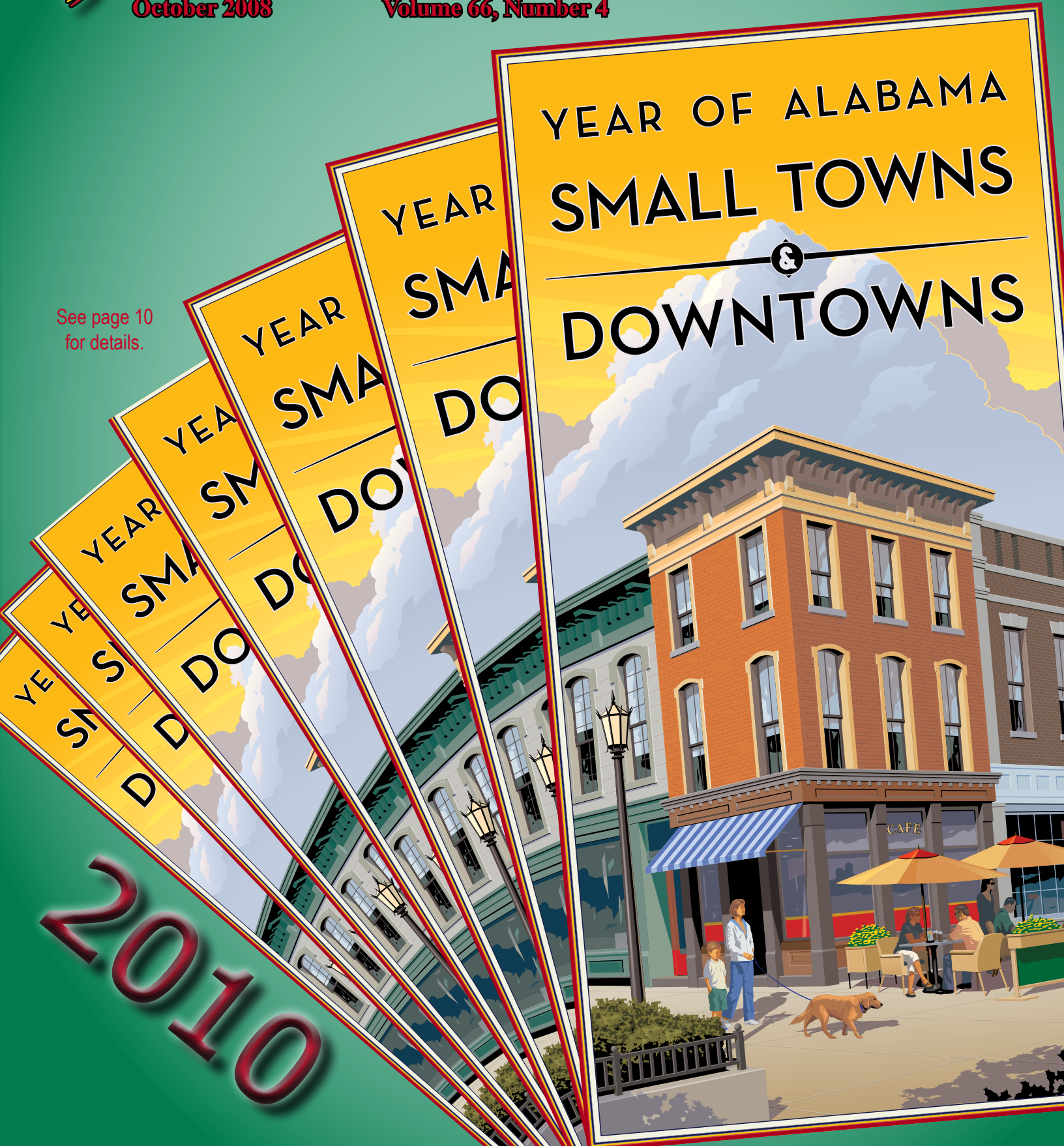
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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

October 2008 • Volume 66, Number 4

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A Message from the Editor



Chocolate! Yes, I'm an aficionado of most things chocolate – a devotion that's becoming increasingly evident across my midsection as I charge full speed into my fourth decade. I'm also afflicted with the fluffy gene; therefore, I endeavor to (loosely) monitor such fetishes through structured exercise, although I'm finding it requires *way* more output for far less input than it did, say, 15 years ago. Welcome to reality. And, yet, I remain undeterred. Why? Chocolate does not discriminate. Regardless of age, gender, race or political affiliation, chocolate has a universal appeal. It even builds bridges between vegans and omnivores. In late August I met a college girlfriend for a weekend trip in NYC designed to celebrate our 20-year friendship. This particular friend has been a strict vegan for nearly 10 years (don't ask; it is what it is), which means we ate at some *very* specialized restaurants, thus the decision to meet in the Big Apple. Since I'm generally amenable to most food experiences, a vegan menu wasn't a deal breaker for me. And the food *was* tolerable, even tasty, though I won't be giving up my omnivorous lifestyle anytime soon. The picture above was taken at Candle 79, a vegan restaurant with a plethora of fancy meat substitutes (fyi – "fancy" does *not* mean comparable). However, the chocolate dessert, which we both ordered, was *outstanding*. See? Universal appeal. Chocolate builds bridges. Perhaps we should all try that approach more often!

Hopefully you noticed this month's magazine cover is dedicated to Alabama Tourism's Year of Small Towns & Downtowns campaign set for 2010. (If not, flip back and take note.) Additionally, a brochure about the program was mailed to all municipal clerks last month. You can download that same brochure from our website at www.alalm.org. Please take the time to fill out the necessary forms to participate in this *one-time program* and receive your *free historical marker*. Yes – FREE. The deadline to be included is **DECEMBER 1, 2008** – less than two months away. Additional information is on page 10 of this publication, but the important thing to know is that the form for submitting both your marker information and 2010 Homecoming Weekend is now available on the Alabama Tourism Department's website at www.alabama.travel. Follow the "Year of Small Towns & Downtowns" link to fill out the form completely and submit it online. This is a fantastic opportunity to invite folks back "home" while participating in a unique state-wide tourism campaign. Don't miss your chance because you missed the deadline!

Have you compiled your submission for the League's **2009 Municipal Quality of Life Awards**? No? Brochures and applications have been mailed to mayors and clerks but you can also download the information from our website. The deadline is **December 1, 2008**. Another important deadline is also fast approaching – **NOVEMBER 14** is your last opportunity to enter the League's **2009 Municipal Photo Contest**. And since we've received a grand total of *zero* entries as of this writing, I know for a fact you've not yet submitted a photo from your municipality. Please turn to page 34 and get your cameras ready! The winning entry will be featured on the cover of the *2009 Annual Directory & Vendor Listings*. Again, the deadline for photo entries is **NOVEMBER 14!!**

If I could write a standing ovation, that's how I'd close this month's editorial – with earnest applause for several outgoing elected officials: Councilmember Cynthia McCollum of Madison; Mayor George Roy of Calera; Mayor Bobby Payne of Tallassee; Mayor Bobby Hayes of Pelham and Councilmember Charles Woods of Childersburg. It's been my good fortune to have worked closely with each of these outstanding leaders during my 11 years with the League. They're all stand-out individuals who put people before politics and have been instrumental in shaping the League's future – serving in key leadership positions on boards, participating in policy development, advancing their municipal knowledge through CMO training ... always working to further their communities as well as the mission of the League. *Thank you* for your many contributions! Thank you for guidance! Godspeed and God bless!

Carrie

The President's Report



Melvin Duran
Mayor of Priceville

Four Out-going Officials Leave Lasting Legacy

I realize that for some of us, the election cycle is still swirling as preparations are made for the October 7 run-offs. For others, however, the decision to further serve our communities through elected office was made on August 26 or before. That being said, I'd like to take a moment to salute four out-going elected officials for exceptional service to both their communities and the League: Mayor Bobby Hayes of Pelham; Mayor George Roy of Calera; Mayor Bobby Payne of Tallassee; and Councilmember Charles Woods of Childersburg. All have been outstanding leaders, and I'm proud to call each a personal friend.

Mayor Bobby Hayes was first elected to office in 1984 and is finishing his sixth term as mayor. During his tenure, the City of Pelham experienced unprecedented growth. Bobby was League President in 2005-2006 and has served on both the League's Executive Board and Committee on State and Federal Legislation. He earned his Advanced Certified Municipal Official (CMO) certification through the League and, like most elected officials, has never been at a loss for words.

Mayor George Roy has served the City of Calera for over 35 years – a community whose population has more than doubled since 2000. George is a past president of the League, serving from 2002-2003. In addition to his service on the Executive Committee and various other League committees, he has also served on the board of the Municipal Workers Compensation Fund (MWCF) for several years. He also earned his Advanced CMO certification through the League.

Mayor Bobby Payne closes out a 32-year political career at the end of this month in which he's served as Mayor of the City of Tallassee since 1988. Like Mayors

Hayes and Roy, Bobby earned his Advanced CMO with the League and served as League president from 1996-1997. He has also been a member of the League's Executive Committee for many years and is a long-time member of the Alabama Municipal Insurance Corporation (AMIC) board of directors, serving as Chair for the past four years. I, too, am a member of the AMIC board and it has, indeed, been an honor to serve with Bobby.

Councilmember Charles Woods of Childersburg received his 20-year Distinguished Service Award at the League's annual convention in Birmingham this past May. Charles, who has also earned his Advanced CMO and has served on the League's Executive Committee, has been the Vice Chair and Chair of the League's Committee on State and Federal Legislation. He is the current president of the Alabama Black Caucus of Local Elected Officials and was a founding board member of the Alabama Municipal Funding Corporation (AMFund), serving as the Vice Chair this past year.

These four leaders have provided outstanding guidance to their communities over their many years of service. In addition, they've each played a vital role in the growth and direction of the League, helping to establish new membership programs and never failing to serve on a committee or in a leadership role when asked. They've all attended countless state and national conferences in an effort to become better municipal officials and they will surely be missed at future meetings. However, they've each left an applaudable legacy – both in their municipalities and through the League. My thanks go out to each of them and I, along with the League staff, wish them well in all their future endeavors. ■

\$10 Million Dollars



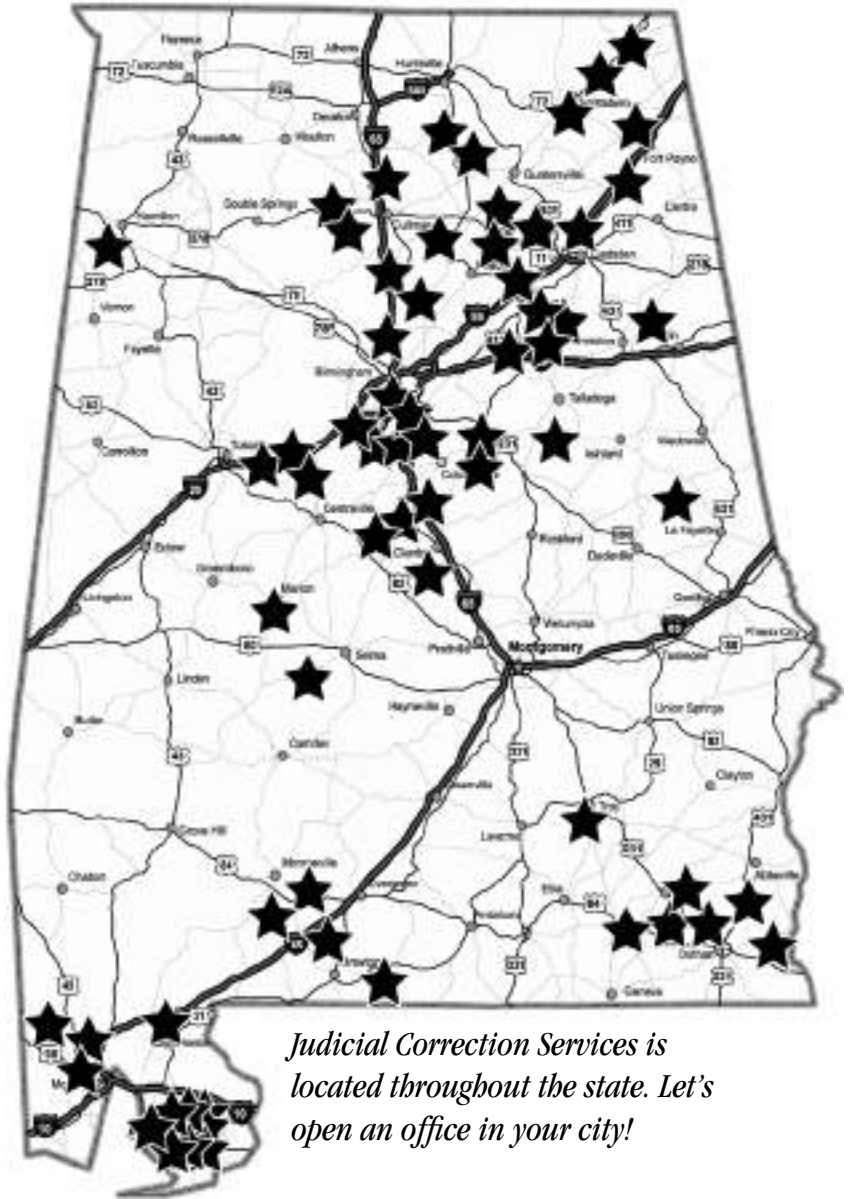
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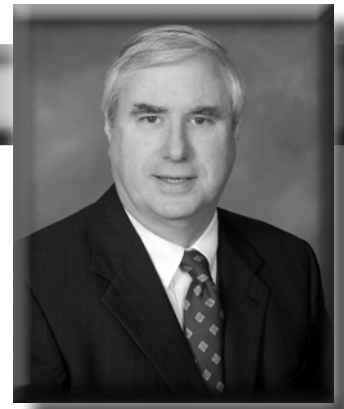


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Municipal Overview



Perry C. Roquemore, Jr.
Executive Director

The League Salutes Out-going Councilmember and NLC President Cynthia McCollum

I've worked with many gifted leaders throughout my 34 years with the League – visionary individuals who forgo much of their personal and family time in order to focus on their communities and improving the quality of life for the people they were elected to serve. Outgoing Councilmember Cynthia McCollum is one of those leaders – an accomplished woman with whom I've had the privilege to closely collaborate during her 21 years of service to the citizens of Madison and, ultimately, the people of Alabama. She's someone whose energy, enthusiasm and integrity I admire and respect and whose insights I will sorely miss.

Cynthia's political career began in 1987 when, within nine months of moving to Madison from her home city of Huntsville, she was appointed to fill a new judicially created three-year seat on the Madison City Council. She ran successful campaigns in 1992 and 1996 and was unopposed in the 2000 municipal elections. Throughout her elected tenure, she has been very active with the League,



attending conferences, sitting on committees, earning her Basic and Advanced CMO designations and, for more than a decade, serving a critical leadership role as Vice Chair of the Municipal Workers Compensation Fund, Inc. In addition, she's been a significant voice on the League's Executive Committee for many years. Yes, Cynthia will be missed; however, the League is a stronger, healthier organization thanks to her wisdom and guidance.

Not only has Cynthia served her city and state, she has been an icon on the national scene, serving on the National League of Cities (NLC) Board of Directors from 2002 to 2004 as well as the NLC Advisory Council. She is the past president of NLC's National Black Caucus of Local Elected Officials constituency group and the only municipal official from Alabama to be elected Second Vice President, First Vice President and then President of NLC, a position she will abdicate two weeks early as a result of not being re-elected to Madison's Council this past August. The election of NLC officers takes place each year during the Annual Business Meeting at the Congress of Cities and Exposition, which will be in Orlando, Fla., November 11-15. She will be recognized for her service during the conference.

Regarding Cynthia's departure from elected office, NLC Executive Director Don Borut said last month, "It is truly a loss that we will not have Cynthia in an official role at NLC in the years to come. But she is taking this unexpected defeat with great poise and a healthy perspective. She is already back at work this week on behalf of NLC and the nation's cities and is beginning to think about her next adventure and new ways to serve her community and the country."

I know the League family joins me in thanking Cynthia for her many contributions to municipal government. There's no doubt she'll continue to touch lives as she finds new opportunities through which to serve. *Well done*, Cynthia. You have, indeed, made us proud. ■



Municipal and Public Finance Group

(Left to Right)
Haskins Jones
Alston Ray
Willis Meriwether, IV
Russell Irby, III

Johnston Barton

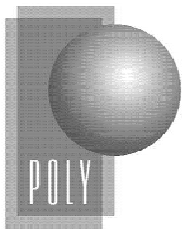
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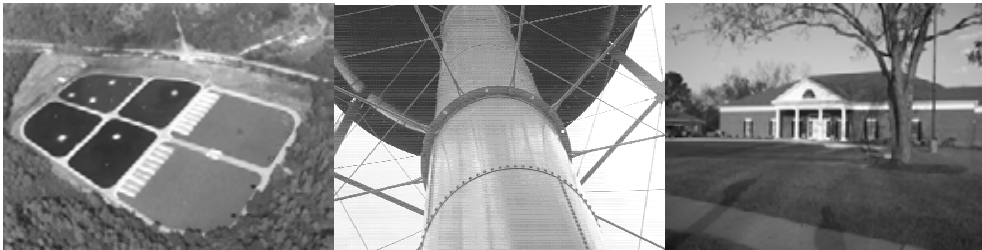
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The Legal Viewpoint

By Ken Smith
Deputy Director/General Counsel



Sale or Lease of Unneeded Municipal Property

The League receives numerous inquiries from municipal officials and employees concerning the procedures for the sale or lease of unneeded municipal property. This article explains the state laws governing such sales and leases. Sample ordinances and resolutions for a governing body to adopt when authorizing sales and leases are included.

Sale of Unneeded Real Property

The Alabama Legislature has adopted a simple method for municipalities to dispose of real property not needed for public or municipal purposes. This can be found in Section 11-47-20, Code of Alabama 1975, which reads as follows:

“The governing body of any city or town in this state may, by ordinance to be entered on its minutes, direct the disposal of any real property not needed for public or municipal purposes and direct the mayor to make title thereto, and a conveyance made by the mayor in accordance with such ordinances invests the grantee with the title of the municipality.”

In enacting this statute, the legislature did not intend to authorize the sale of property held by a city in trust, such as property subject to a common law dedication for use by the public as a park. The intent was to authorize Alabama cities and towns to dispose of property which is not dedicated. *Moore v. Fairhope*, 171 So.2d 86 (Ala. 1965). A municipality has no implied power to dispose of property **dedicated** to public use, but ordinarily its property abandoned from public use or not devoted thereto may be disposed of by the managing authorities when acting in good faith and without fraud. *O’Rorke v. Homewood*, 237 So.2d 487 (Ala. 1970).

Before real property may be sold, Section 11-47-20, Code of Alabama 1975, requires an ordinance finding that the property is no longer needed for public purposes. *Jones v. Dothan*, 375 So.2d 462 (Ala. 1979). However, the fact that a city adopts an ordinance to the effect that a certain piece of property is no longer needed for public purposes will be of no avail as long as the property is being used for public purposes.

For example, Section 11-47-20 of the Code does not give a municipal governing body the authority to declare property used for a public cemetery to be unneeded municipal property subject to being sold for industrial expansion. *Anderson v. Adams*, 283 So.2d 416 (Ala. 1973). In *Tuskegee v. Sharpe*, 288 So.2d 122 (Ala. 1973), the Alabama Supreme Court held that Section 11-

47-20 does not give a municipality the power to grant an option to purchase real estate owned by the municipality. Property must be **declared** surplus even when it is being transferred to another public entity. *Vestavia Hills Board of Education v. Utz*, 530 So.2d 1378 (Ala. 1988).

The ordinance adopted by the municipal governing body should:

- describe the property to be sold;
- recite that in the opinion of the governing body of the municipality the property is not needed for public or municipal purposes; and
- direct the mayor to execute a deed to the purchaser.

The Alabama Supreme Court held that neither Section 11-47-20 nor Section 11-47-21, Code of Alabama 1975, requires that the ordinance contain a detailed recitation of facts supporting the statement that the land is no longer used for public purposes. *Dothan Area Chamber of Commerce, Inc. v. Shealy*, 561 So.2d 515 (Ala. 1990)

In directing the mayor to make title to the property, the ordinance should recite the circumstances under which the mayor is to execute the deed – whether it is to a particular individual, after the ordinance becomes permanent or whether he or she should execute a deed to the highest bidder in the event bids are called for.

The required ordinance is one of general and permanent nature and must be adopted in the same manner as any other ordinance of general and permanent operation pursuant to the requirements of Section 11-45-2, Code of Alabama 1975. Before such ordinance can become effective, it must be published as required by Section 11-45-8 of the Code of Alabama 1975.

The law does not require a municipality to advertise for bids on the property before it can be sold, yet there is no prohibition against receiving bids. The governing body may determine the manner in which the property may be disposed of, bearing in mind the interest of the municipality. A municipality cannot sell any property owned by it for less than adequate consideration. Nominal consideration will not suffice. However, a city may sell real estate for less than adequate consideration to a private entity only if the city determines that a public purpose is served. AGO 2003-008.

continued next page

2010: Year of Alabama Small Towns and Downtowns

DEADLINE to participate: December 1, 2008

Governor Bob Riley invites you to celebrate your town in 2010 by participating in the statewide promotion of The Year of Alabama Small Towns & Downtowns.

- Invite former residents back for a special Homecoming Weekend.
- Unveil a locally written historic marker on the history of the town.
- Lead a walking tour of the historic area.
- Dedicate a completed civic project, such as a new park or restored landmark building or other needed public project.

The Alabama Tourism Department will publish an attractive book that features photographs and a brief history of each participating municipality. The books will be sold in stores all over Alabama. Each participating municipality will also receive a free, custom historic marker. **Submit your 2010 celebration date by the deadline of December 1, 2008 to be certified as an official “Year of Small Towns and Downtowns” participant.**

The Homecoming Weekend: If you have a popular annual event, declare that date in 2010 to be your community’s Homecoming Weekend and make it even bigger. If your city or town doesn’t have an annual event, you need one and this is the perfect way to start. When your committee does the event once, you’ll discover how easy it is to repeat the following year.

Who is sponsoring The Year of Small Towns and Downtowns? The Office of the Governor, The Alabama League of Municipalities, The Alabama State Chambers of Commerce and the Alabama Tourism Department.

What will it cost us to participate? Nothing. There is no administrative fee. The primary costs would be for a civic project of your choosing.

Do we absolutely have to do “a civic project”? No.

Does this require a local committee or can this project be done through the mayor’s office? That decision is up to the town government.

What action is expected of the council or the chamber? Approve a resolution **before Dec. 1, 2008**, declaring that the municipality (or chamber) will host a homecoming celebration on a particular date in 2010 inviting previous residents to return home.

Who is responsible for the free historic marker? Alabama Tourism will order it and pay for it. Your committee will write the text. Approximately 150-175 words per side is suggested. The second side can be a continuation of the first side, or it can be a completely different subject. **The text for the marker is due on or before December 1, 2008.** The completed marker will be shipped from the factory to the mayor. The form for submitting your Marker information and 2010 Homecoming Weekend is now available on the Alabama Tourism Department’s website at www.alabama.travel. Follow the “Year of Small Towns & Downtowns” link to fill out the form completely and submit it online.

Why does this have to be done by December 1, so far in advance? The preparation of the book and manufacture of a large number of historic markers will take a full year.

What is the deadline for sending the words for the marker to the Alabama Tourism Department? **December 1, 2008**

Who do we contact? Where do we send our text to for the historic marker? Email the name of your committee chair, the contact’s personal email address and send questions to Brian Jones at the Alabama Tourism Department in Montgomery. Contact: Brian.Jones@tourism.alabama.gov or call 1-334-242-4169. As we receive questions, we will send the answers to EVERYBODY on our list to share the answers.

To download brochure, visit www.alalm.org.

Free Historic Marker to Participating Municipalities

The Land Sales Act, codified at Sections 9-15-70, *et seq.*, of the Code of Alabama, provides for the competitive bidding process for sales of state (not municipally-owned) land. Section 9-15-70 to 9-15-84, Code of Alabama 1975. The act excepts a transfer to a municipal governing body on the condition that a subsequent transfer to a "private person, firm or corporation" must be competitively bid. Section 9-15-82, Code of Alabama 1975. Pursuant to Section 11-54-186 of the Code of Alabama, the transfer from a municipality to a commercial development authority, of land acquired from the state, and the subsequent transfer of the land by the authority, is exempt from the competitive bid requirements of the Land Sales Act, codified at Section 9-15-70 *et seq.* AGO 2007-131.

Sample Ordinance

A sample ordinance dealing with the sale of unneeded real property is printed below.

AN ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____, ALABAMA, AS FOLLOWS:

SECTION 1. It is hereby established and declared that the following described real property of the City of _____, Alabama, is no longer needed for public or municipal purposes, to-wit:

[HERE DESCRIBE THE PROPERTY]

SECTION 2. That the mayor and the city clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the city of _____, Alabama, a warranty deed, a copy of which is on file in the office of the city clerk, whereby the city of _____, Alabama, does convey the premises described in Section 1, hereof to _____ for and in consideration of the sum of _____ dollars (\$_____).

ADOPTED AND APPROVED THIS THE ___ DAY OF _____, 20__.

_____ Presiding Officer

ATTEST:

_____ City Clerk

Lease of Unneeded Real Property

Section 11-47-21, Code of Alabama 1975, which deals with the leasing of unneeded real property states:

"The governing body of any city or town in this state may, by ordinance to be entered on its minutes, lease any of its real property not needed for public or municipal purposes, and a lease made by the mayor in accordance with such ordinance shall be binding for the term specified in the lease, not to exceed a period of 99 years; provided, that in counties having a population of not less than 225,000 and not more than 400,000 inhabitants according to the most recent federal decennial census, such limitation of the term to a period of 99 years shall

not apply to any oil, gas or mineral lease made in accordance with such ordinance."

Such ordinances should be adopted and published in the same manner as other ordinances. Except for land obtained from the state there is no requirement that bids be taken before the municipality allows such property to be leased. However, the consideration for the lease must be adequate and not nominal. The Land Sales Act excepts a transfer to a municipal governing body on the condition that a subsequent lease to a "private person, firm or corporation" must be competitively bid. Section 9-15-82, Code of Alabama 1975.

Sample Ordinance

A sample ordinance for the leasing of unneeded municipal real estate is printed below.

AN ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____, ALABAMA, AS FOLLOWS:

SECTION 1. It is hereby established and declared that the following described real property of the city of _____, Alabama, is no longer needed for public or municipal purposes, to-wit:

[HERE DESCRIBE THE PROPERTY]

SECTION 2. The city of _____, Alabama, having received an offer from _____ to lease that real property described in Section 1, above, it is hereby declared to be in the best interest of the public and the city of _____, Alabama, to lease said real property to _____ under the following terms and conditions, to-wit:

[HERE SET OUT THE TERMS OF THE LEASE, NOT EXCEEDING 99 YEARS, THE _____ CONSIDERATION OR RENTAL AND ANY SPECIAL CONDITIONS DEEMED BEST.]

SECTION 3. Pursuant to the authority granted by Section 11-47-21 of the Code of Alabama of 1975, the mayor of the city of _____, Alabama, is hereby directed to execute said lease agreement in the name of the city of _____, Alabama.

SECTION 4. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS THE ___ DAY OF _____, 20__.

_____ Presiding Officer

ATTEST:

_____ City Clerk

continued on page 32

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FAIR Committee Minutes

By: Perry C. Roquemore, Jr., ALM

The Committee on Finance, Administration and Intergovernmental Relations of the Alabama League of Municipalities met on Wednesday, August 13, 2008, at League Headquarters. Councilmember Debbie Quinn of Fairhope, Chair, called the meeting to order at 9 a.m. She welcomed those in attendance and thanked members for coming to this important meeting and thanked the resource advisors for taking time to attend the meeting to keep our members informed as to activities of state agencies. Mayor Gary Fuller of Opelika, Committee Vice Chair, also thanked members for their attendance.

The League Director was asked to call the roll. Those members present were: Councilmember Debbie Quinn, Fairhope, Chair; Mayor Gary Fuller, Opelika, Vice Chair; Councilmember Henry E. Uptagrafft, Brewton; Mayor Charles Murphy, Robertsdale; Mayor Frank Houston, Coosada; Mayor Lomax Smith, Cottonwood; Mayor Fred McNab, Pinckard; Councilmember H.H. Kuykendall, Lincoln; Councilmember Jean B. Burk, Lincoln; Mayor Carroll L. Watson, Lincoln; Councilmember Robert Avery, Gadsden; Councilmember Elaine W. Junkin, Guin; Councilmember Donald "Dink" Myers, Guntersville; Councilmember Martha Smith, Tuscumbia; Councilmember Katherine E. Ennis, Helena; Councilmember Charles Allen, Thomasville; and Councilmember Karyl Rice, Pelham. Resource advisors present were: Mr. Ashton Stuckey of the Frazer Lanier Company; Ms. Debbie Lee, Sales, Use and Business Tax Division, Alabama Department of Revenue; Pettus Strong, Jr., Manager of Field Operations, Alabama Department of Revenue; James R. Mayberry, Local Tax Unit Manager, Alabama Department of Revenue; Kenneth King, Property Tax Division, Alabama Department of Revenue; Mr. Bob Hill, General Counsel, Alabama Alcoholic Beverage Control Board; Mr. Angelo Trimble, Alabama Coalition Against Domestic Violence; and Mr. Michael Gregory, Administrative Office of Courts. Also present was League Director Perry C. Roquemore, Jr. and Ken Gabehart, League Information Systems Technician/Video Production.

Ashton Stuckey of the Frazer Lanier Company was called upon for his presentation. Mr. Stuckey stated that at the time of his presentation in August of 2007, the subprime crisis had just begun. Today, the rates for treasuries and for municipal bonds are very similar, which is very unusual. Usually the rates are not that close together. The Federal Fund rates are the rates banks use to borrow from each other. In 2007, this rate was 5 ¼%. Today, the rate is around 2%. The rate is significantly down and will likely stay that way

for awhile. The interest rate on short term treasuries came down dramatically. Long term rates came down also, but not as much as short term rates. As far as the municipal tax exempt market is concerned, the short term interest rates are down. Long term rates went up.

What caused this situation? Mr. Stuckey said the subprime crisis affected bond insurers. Many bond insurers were downgraded and a lot of people started dumping their bonds when they didn't meet the rating requirements of their investment policies. Hedge funds couldn't make any money and they were dropped. Liquidity of bonds became an issue and auctions failed because of the lack of buyers. Many investors were left with short term paper that acted like long term bonds.

Mr. Stuckey stated that in 1980 only three percent of new bond issues were insured. In the early 1980s, there were two big defaults. In both instances, both had insured and uninsured bonds outstanding. The holders of insured bonds were paid off and the holders of noninsured bonds did not get full value. As a result, many more buyers began looking at bond insurance. Shortly thereafter, approximately 50% of all bonds were insured. As the number of bond insurers increased, the price came down. The bond insurance companies looked for ways to increase profits. They bought mortgages and since many of the mortgages were subprime, they lost. He stated that Assured Guaranty Corporation and Finance Security Assurance, Inc. are the only AAA rated bond insurers today and Moody's is now watching them.

AMBAC is looking at creating a separate company to do nothing but insure municipal bonds. According to Mr. Stuckey, the credibility of bond insurers is very low and will take a long time to build back to where the industry was prior to the current situation. Investors will examine municipal bonds much closer in the future due to the lack of bond insurance.

Mr. Stuckey predicts that Alabama issuers will do very well in the markets going forward. He was of the opinion that rates will increase over the next year. He felt that the housing market will bottom out in the next few months and start coming back. He noted that oil prices had begun to decline due to the dollar having its best gain in over six years. Also, there is a growing realization that the United States may finally develop a real energy policy that allows more drilling and moving toward new sources of energy. For the first time, consumer use of oil has declined in this country. Mass transit use is also up.

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TSPC Committee Minutes

By: Tracey Roberts, ALM

The League's Committee on Transportation, Public Safety and Communication met at 9:00 a.m. on August 6, 2008, at League of Municipalities' office in Montgomery, Alabama, with Chair, Mayor Cecil Williamson of Demopolis, presiding.

Also present were Vice Chair, Councilmember Marva Gipson of Aliceville, Secretary Tracy Roberts, Assistant General Counsel for the Alabama League of Municipalities. Committee members present were Councilmember Christopher Norman of Bay Minette, Mayor Ken Williams of Saraland, Mayor Wess Etheredge of Daleville, Councilmember Jeddo Bell of Greenville, Councilmember Charlie Johnson of Luverne, Council Member Davy Lindsey of Opp, Councilmember Ben Little of Anniston, Mayor Joseph Roberson of Ohatchee, Councilmember John Hatley of Southside, Mayor Charles O'Rear of Attalla, Mayor Gary L. Livingston of Eva, Mayor Melvin Duran of Priceville, Councilmember Wayne Dunkin of Priceville, Mayor Kenneth Brand of Sardis City, Councilmember George E. Johnson, Sr., of Tuscumbia, Councilmember Carol Duncan of Birmingham, Councilmember Bobby Phillips of Calera, Councilmember Jeffrey Denton of Chelsea, Mayor Billy Joe Driver of Clanton, Councilmember Willard Payne of Pelham, Councilmember Johnnie Davis, Greensboro, and Mayor Harry Mason of Pine Hill.

Resource advisors present were Stephanie Blankenship of the Aviation Council, Phil Perry of the Aviation Council, Becki Goggins of the Alabama Criminal Justice Information Center (ACJIC), Mark Fowler of the Alabama Cable Telecommunications Association, Cecil Colson of the Alabama Department of Transportation, Allen Benefield of the Alabama Peace Officers Standards & Training Commission, Ed Paulk the State Fire Marshal and Yasamie Richardson of the Alabama Department of Emergency Management.

Mayor Williamson called the meeting to order and welcomed those present. She called attention to the Policies and Goals and encouraged participation. She then called on Stephanie Blankenship and Phil Perry to make their presentation.

Stephanie Blankenship discussed the critical issues of the Aviation Council. The issues discussed included (1) Funding of Councils Visions (2) Reauthorization (3) User Fees and (4) Airspace Safety legislation. She then turned the platform over to Phil Perry who discussed the general plight of the airline industry. He informed the group that Continental Airlines will be pulling out of Montgomery and 14 other cities. There will soon be reductions to operations in

Huntsville, Dothan and Muscle Shoals Airports. Fuel costs are having a snowball effect on the industry.

Becki Goggins from the Alabama Criminal Justice Information Center (ACJIC) presented an overview of the agency's new Alabama Background Check System using a PowerPoint presentation. She gave the website for the program as www.background.alabama.gov and requested support for legislation to allow ACJIC to apply subscription to the background check system toward current ACJIC fees.

Mark Fowler of the Alabama Cable Telecommunications Association spoke on the effects of fuel on pricing of, pole attachments, programming and other services. Free TV broadcasters are increasing their demands for payment for cable broadcasts of their stations. He also gave a discussion of the AT&T franchise agreements.

Cecil Colson with the State Transportation Department gave a PowerPoint presentation of the Bureau of Tourism suggested sites to visit. He covered Hidden Transportation Treasures of Alabama; Historic Bridges; Historic Taverns; Stagecoach Stops; Historic Railroad Depots; Forts; Lighthouses; and Ferries.

Allen Benefield with APOSTC discussed the Standards of Officer certification, background checks on law enforcement officers, continuing education requirements and E-Post.

Ed Paulk, the State Fire Marshal, gave a brief overview of the services of the Fire Marshall's office including licensing of sprinklers and the fireworks industry. He talked about fire code enforcement, explosives and building codes. He discussed building designs and fire codes and how violations put lives at risk. He emphasized that churches must comply with the same regulations and he gave the fire marshal website as www.aldoi.gov.

Jasamie Richardson with the Alabama Department of Emergency Management had a slide presentation and informed the committee of AEMA's new Director, Russ Long. She discussed the new enhancements at AEMA including new buildings, a new media center and new website. She talked of EMAP accreditation and discussed the AEMA mission statement and operational priorities. She also gave an overview of AEMA shelters, supplies and communications.

Mayor Williamson thanked the resource advisors for their valuable contributions. The Committee then discussed needed additions and deletions to the League policy statement and approved the following recommended changes

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EENR Committee Minutes

By: Greg Cochran, ALM

The League's Committee on Energy, Environment and Natural Resources met at 9:00 a.m. on Tuesday, August 12, 2008, with Councilmember Dean Agro of Prattville, Committee Vice Chair person, presiding. Other committee members present were, Councilmember Joe Outlaw, Ozark; Councilmember Bobby Howard, Tuscaloosa; Councilmember Allyn Holladay, Homewood;; Councilmember Billy Pearson, Lincoln; Councilmember Bill Stewart, Gadsden; and Councilmember Ralph Hellmich, Foley. Resource advisors present were Dale Hurst, ADEM, Air Division; James Dailey, ADEM, SRF Program; Glenda Dean and Daphne Smart, ADEM, Clean Water Division; Dennis Harrison, ADEM, Drinking Water Division; and Phil Davis, ADEM Land Division. Also present was Gregory D. Cochran CAE, Director of Intergovernmental Relations, Alabama League of Municipalities.

The Chair called on Dale Hurst, ADEM Air Division Director. Mr. Hurst discussed the EPA standards of Ozone and Particulate Matter (2.5PMFine) and the attainment status. He said a community that is non-compliant must consider

changes in its transportation and economic growth factors in determining corrective actions to become compliant and that EPA has revised the 8-hour standards to 75ppb. In March, Alabama had 7 non-attainment areas under this new standard. ADEM must file its report to EPA by March 2009 (based on 2007 and 2008 data) to receive a final designation by 2010 and a plan for attainment by 2012.

The Chair called on Daphne Smart, ADEM Municipal Permits Division Chief. Ms. Smart said ADEM has spent the last year under re-organization and realignment of personnel in the Permits Division to streamline processes and improve effectiveness. She emphasized that municipalities must submit their renewal permits in a timely manner before they lapse. Storm water monitoring reports are due quarterly and groundwater monitoring semi-annually.

Ms. Smart reported that the Phase II Storm Water Regulations were in their initial development stage and should be approved by 2010. In-stream monitoring for TMDL 303d streams would be included in the proposed

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HD Committee Minutes

By: Twanna Walton, ALM

The Committee on Human Development of the Alabama League of Municipalities met at the League headquarters in Montgomery, Alabama, on Friday, July 25, 2008. Council President George Evans of Selma, Committee Chair, called the meeting to order at 9:10 a.m. He began by welcoming all those present and introduced the Committee's Vice Chair, Mayor Vanessa Hill of Greensboro, and the Human Development Committee Acting Secretary, Twanna Walton. Vice Chair, Vanessa Hill also gave opening remarks; the Secretary called the roll.

The following persons were present: Council President George Evans, Selma, Chair; Mayor Vanessa Hill, Greensboro, Vice Chair; Council Member Wayne Sellers, Guntersville; Council Member Tayna Rains, Dutton; Council Member Richie Sparkman, Trinity; Mayor Tom Henderson, Center Point; Mayor Charles W. Penhale, Helena; Mayor Keith Mahaffey, Vance; Council Member Edward Scott, Adamsville; Council Member Alberta Dixon, Thomasville; Council Member James Harris, Wedowee; Mayor Gordon Stone, Pike Road.

Also present were state agency resource advisors: Ms. Rebecca Mitchell, Alabama Public Library Service; Ms. Kathleen Sauer, Governor's Task Force to Strengthen Alabama Families; Ms. Terri Reid, Alabama Department of Human Resources; Ms. Frances Kennamer, Alabama Department of Public Health; Ms. Acquanetta Knight, Alabama Department of Mental Health and Retardation.

Ms. Kathleen Sauer, from the Governor's Task Force to Strengthen Alabama Families was the first speaker. She began by sharing with the Committee that the Task Force was established in part by the Annie E. Casey Foundation Grant, parent company of the UPS Package Delivery Company and a statewide grant. The Task Force's purpose is to create a family resource center in every county, with a community board accompanying each center. She also stated that she could let each committee member know exactly who was setting up a family resource center in their area. There are currently family resource centers in Walker, Winston and Blount counties.

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LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Condemnation: The Alabama statute regarding interest on compensation in eminent domain actions, rather than the statute regarding interest on money judgments, controls the rate of post-judgment interest in eminent domain cases. *Alabama Department of Transportation v. Williams*, 984 So.2d 1092 (Ala.2007)

Courts: Section 41-9-646, Code of Alabama 1975, requires that the correction of court records that are found to be inaccurate, incomplete or misleading be recorded on every copy of the record and that the Alabama Criminal Justice Information Center Commission be notified. Expunging court records that are not inaccurate, incomplete or misleading is not authorized. *State v. Blane*, 985 So.2d 384 (Ala.2007)

Education – Employees: A hearing officer's failure to apply the amended Teacher Tenure Act, Section 6-24-1 et seq., Code of Alabama 1975, and cases interpreting it, rendered his decision arbitrary and capricious. *Ex parte Wilson*, 984 So.2d 1161 (Ala.2007)

Employees: The Birmingham Mayor's authority over salaries and compensation under the Mayor-Council Act was qualified by a provision of the Civil Service Act allowing the governing body, by resolution, to initiate changes in salary schedule of less than all classes of civil service employees. *Willis v. Kincaid*, 983 So.2d 1100 (Ala.2007). **Note:** The Mayor-Council Act applies to the City of Birmingham only.

Environmental Law: The city had a common-law duty to maintain a landfill it owned after its closure. Although the landfill was "closed," the city continued to own the property for a public purpose, a place to store previously deposited waste materials, and it was undisputed that the city was aware of the fact that previously deposited waste materials at the site were not in a passive state but constantly continued to decompose, causing the emission of methane every day. *Baugus v. City of Florence*, 985 So.2d 413 (Ala.2007)

Licenses: A homebuilder who was not licensed in the State of Alabama could not bring a breach of contract action against homeowners. *Hollinger v. Wells*, --- So.2d ---, 2008 WL 2942090, (Ala.Civ.App.2008)

Public Records: The discovery rule obligating prosecutors, upon written request, to permit a defendant to analyze, inspect, and copy documents material to the defense and in State's possession did not impose upon the prosecutor the obligation to obtain, from the Department of Forensic Sciences, documents relating to history of malfunctions and repairs of breath-alcohol testing machines, in a prosecution for a DUI. The prosecutor's discovery rule obligation was satisfied by making the documents available for inspection and copying under the Open Records Act, and there was no indication that the defendant had attempted to avail himself of the right to inspect and copy documents and had been refused. The Open Records Act provided defendant with the right to inspect, analyze, and copy documents without assistance of the State. *State v. Isbell*, 985 So.2d 446 (Ala.2007)

Zoning: Town officers who enacted zoning ordinances were entitled to absolute legislative immunity for any damages in association with the passage of the ordinances, even if the officers had impure motives in enacting the ordinance. *Peebles v. Mooresville Town Council*, 985 So.2d 388 (Ala.2007)

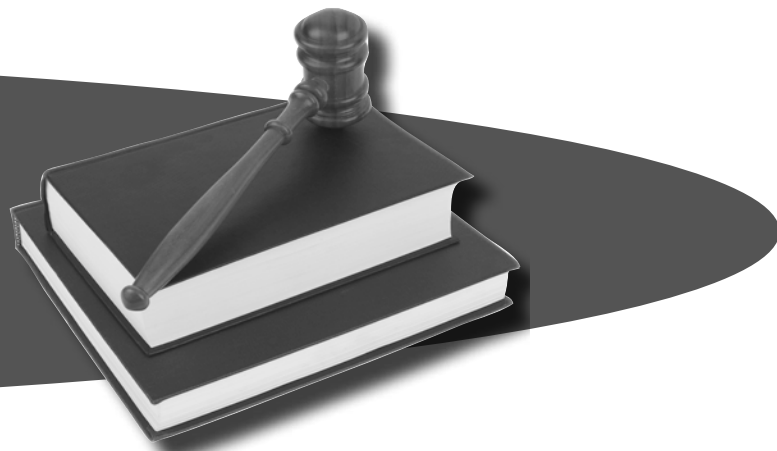
UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Indigent Defense: The U.S. Supreme Court ruled that a defendant's Sixth Amendment right to counsel attaches at the defendant's first appearance before a judicial officer, whether or not the prosecutor is also on hand. *Rothgery v. Gillespie County, Texas*, 128 S.Ct. 2578 (U.S. 2008).

DECISIONS FROM OTHER JURISDICTIONS

Sign Ordinance: A city ordinance banning signs that displayed electronically-changeable messages that continuously scrolled or flashed was upheld because it was a content-neutral regulation, served substantial government interests, was narrowly tailored and left open reasonable alternative channels of communication. *Naser Jewelers, Inc., v. City of Concord, New Hampshire*, --- F.3d ---, 2008 WL 3306660 (1st Cir.2008).

Tracy L. Roberts
Assistant General Counsel



ATTORNEY GENERAL'S OPINIONS

Appropriations: A Health Care Authority (“Authority”) can contract with the governmental entity responsible for maintaining the public road between a Hospital and a Medical Park to widen the road if the Authority’s board of directors determines the improvement would accomplish a purpose of the Authority. The Authority can donate property to be used as the location of a senior citizens facility to the City if the property does not constitute a material part of the assets of the Authority and the disposition will not significantly reduce or impair the level of health care services. AGO 2008-115

Elections: The governing body of a municipality does not have the authority to appoint an individual as “Elections Manager” to perform all of the duties related to conducting a municipal election for the city. If the mayor is a candidate in the election, the city council is authorized to appoint a person to perform only the duties of the mayor in preparing and filing the voter’s list as required under Section 11-46-36 Code of Alabama. AGO 2008-117

Retirement: A participant in the Deferred Retirement Option Plan (“DROP”) continues to earn and may take sick leave during DROP and after DROP if the participant continues to work. DROP participants entitled to receive payment for sick leave at retirement, that retire at the end of the DROP period or after continuing to work after DROP, are entitled to receive payment based on their sick leave balance at the time of entry into DROP, or at the time of retirement, whichever is less. Under Section 36-27-170(j) Code of Alabama 1975, state merit system employees are exempt from this requirement. State merit system employees who participate in DROP, and retire at the end of the DROP period or after continuing to work after DROP, are entitled to receive payment for 50 percent of their accrued and unused sick leave up to 600 hours at the time of retirement pursuant to Section 36-26-36(a) Code of Alabama 1975. This opinion is to be applied prospectively. AGO 2008-112, AGO 2008-113 and AGO 2008-114

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2008-15, AO No. 2008-16 and AO No. 2008-17: Hospitality, where the expenditure is made to, or on behalf of a 501(c) (3) organization to which a federal income tax deduction is permitted under Section 170 of the Internal Revenue Code of 1986, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, does not have to be reported under the reporting requirements of Section 36-25-1(31)(b)(3), Code of Alabama 1975 if the public official or public employee does not receive any direct financial benefit, and the expenditure is legitimately made to, or on behalf of, the charitable organization. While the hospitality provided under this Section is exempt from the reporting requirements of the Ethics Law, it may not last longer than three days and may not otherwise be continuous in nature.

AO No. 2008-18: All governmental agency heads at the state, county and municipal levels of government, are required to report within ten (10) days matters that come to their attention in their official capacity which constitute a violation of the Ethics Law.

AO No. 2008-19: A copy of a contract to provide services entered into by a public official, public employee, member of the household of the public official/public employee or a business with that person is associated, which is to be paid in whole or in part out of state, county or municipal funds must be filed with the Ethics Commission within ten (10) days after the contract has been entered into, regardless of the amount of that contract, or whether or not the contract was obtained through competitive bid.

AO No. 2008-24: A company owned in part by a former member of the Birmingham Water Works and Sewer Board may merge with a company under contract with the BWWSB without violating the Ethics Law if the member did not vote on any contracts being awarded to the other company during negotiations regarding the merger. The merged business may continue to do work for the BWWSB. However, for a period of two years after his resignation, the former member of the Board may not represent his company or otherwise interact with the BWWSB on any contracts between his company and the BWWSB. The merged business may serve as subcontractor on projects with the BWWSB, and the former member of the Board may interact with the primary contractor on the project, but may not interact with the BWWSB for a period of two years.

AO No. 2008-25: An incumbent, a public official or a public employee, who has a current Statement of Economic Interest form on file with the Ethics Commission, is not required to file a second form, when qualifying as a candidate for office. The five-day period in which an election official is required to forward the Statement of Economic Interest forms to the Ethics Commission applies only to business days, and does not include weekends or holidays.

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CED Committee Minutes

By: Lori Lein, ALM

The Community and Economic Development Committee convened at 9:00 a.m. on Tuesday, September 9, 2008, at the offices of the Alabama League of Municipalities in Montgomery, Alabama, with Chairperson Dan Deason, Mayor from the City of Scottsboro, presiding. Present at the meeting were: Committee Vice-Chair Council President Ben Reed, Gadsden; Council member Carolyn M. Doughty, Gulf Shores; Council member Edward H. Carroll, Sr., Orange Beach; Council member Brentley Kendrick, Robertsedale; Council member Winston T. Jackson, Ozark; Council member Gary Moore, Tallassee; Council member Charles Gilchrist, Glencoe; Council member Dianne Prestridge, Arab; Mayor Roy Dobbs, Berry; Council member Jimmy Madison, Berry; Mayor Phil Segraves, Guin; and Council member Roberta Jordan, Pine Hill.

Resource advisors present included: Mary Shell from the Alabama Historical Commission; David Echols from the Alabama Development Office (ADO); Beverly Helton from USDA Rural Development; Lee Sentell from the Alabama Tourism Department and Shabir Olia from the Alabama Department of Economic and Community Affairs (ADECA).

Also present was City Manager, Sam Gaston of Mountain Brook, technical advisor of the committee and Lori Lein, Deputy General Counsel for the Alabama League of Municipalities, secretary of the committee.

Mary Shell from the Alabama Historical Commission was the first to address the committee. Ms. Shell made a PowerPoint presentation outlining the various programs provided by and available from the Alabama Historical Commission. She provided handouts to the committee on the Certified Local Government program and how to set up a Local Historic Preservation Commission. She stated that the benefits of becoming a Certified Local Government include the ability to participate in a special pool of competitive grant funds and the ability to provide local control over the development of areas of historical significance in a municipality. In addition, she provided a handout outlining the historic preservation tax incentives available in Alabama. As to the programs operated by the Historical Commission, Ms. Shell pointed out that they currently do not have a Main Street Program coordinator and that funding of the program remains problematic. The commission is currently working on funding for an interim director and working on reorganizing the program. Ms. Shell acknowledged changes that had been made to the policies and goals last year on her recommendation and recommended no changes for this year.

She encouraged committee members to contact her if they needed further information on any of the programs offered by the Commission.

David Echols from the Alabama Development Office (ADO) addressed the committee next. Mr. Echols made a PowerPoint presentation and provided a copy of his presentation to the committee members. Mr. Echols went over the current trends, opportunities and strategies for economic development. He wanted the committee to appreciate how well Alabama is doing even in the current economic environment. He pointed out that Alabama is the 23rd most populated state with 12 metropolitan areas and 450 communities representing the 25th largest economy with approximately 100,000 businesses statewide. As with previous years, he emphasized the importance of local coordination for economic development and the importance of a single point of contact for economic development. In his words, "every team needs a quarterback." From an opportunity standpoint, Mr. Echols provided statistical information regarding how companies move products and services throughout the state, the rest of the country and the world. He stated that 80% of all Alabama made products are trucked out of Alabama while 10% leave the state by rail. The remaining 10% leave the state by water or air. He also discussed the international nature of Alabama's economy with 250+ manufacturing facilities around the state representing 28 countries. Mr. Echols concluded his comments by praising the committee and the League for its work. With regard to policies and goals, Mr. Echols made some language suggestions for policy and goal C-1.14 and C 2.2. Specifically, he pointed out that the Prepared Cities Program is now covered by the Alabama Communities of Excellence Program and he is not aware of the Crescent Authority discussed in C 2.2.

Beverly Helton from USDA Rural Development addressed the committee next. Ms. Helton made a presentation to the committee highlighting some of the municipalities and local communities around the state who have been assisted by USDA Rural Development's loan guarantee and grant programs in 2008. Ms. Helton discussed the various programs available through USDA Rural Development including their Housing and Community Program which is their only program available to individuals that assists with providing home buying. She then went through all of the programs that are available to governmental
continued next page

entities, including entities such as separately incorporated utility boards and volunteer fire departments. The programs include the Community Facilities Program, the Business Program, the Energy Program, the Business and Industry Program, and other business programs including the Rural Business Enterprise Grants, Rural Business Opportunity Grants, Rural Economic Development Loans and Grants, and the Intermediary Re-lending Program. USDA Rural Development made no specific recommendations to the committee for its policies and goals.

At 11:00 a.m. Council Member Deason recommended the committee take a short recess.

Lee Sentell from the Alabama Tourism Department addressed the committee after the recess. Mr. Sentell provided a brief discussion of the Department as well as some statistical information regarding the economic impact tourism has on the state. He encouraged the committee to sign up for a free weekly newsletter by email by emailing brian.jones@tourism.al.gov. Mr. Sentell discussed the state's Welcome Centers and informed the committee that those welcome centers, along with the Tourism Department, helped locate hotel rooms and shelters for almost 150,000 evacuees over the Labor Day Weekend as a result of Hurricane Gustav. Next, Mr. Sentell briefly discussed Alabama's award winning "Year of" campaigns and placed significant emphasis on the 2010 "Year of Alabama's Small towns and Downtowns" campaign. He reminded the committee that the deadline for signing up to participate in the campaign utilizing the resources of the Tourism Department is December 1, 2008. This lead time will allow the department to prepare calendars and order signs and other promotional materials. Mr. Sentell concluded his remarks by encouraging the committee to continue to support tourism around the state. He made no recommendations for changes or additions to the committee's policies and goals.

Shabir Olia of the Alabama Department of Economic and Community Affairs (ADECA) was the final resource advisor to address the committee. Mr. Olia reminded the committee that funding for the CDBG program has continued to decline over the last 8 years and that they are only able to fund a very small amount of the requests they receive. He also informed the committee that ADECA was reviewing its scoring system for funding in an attempt to provide opportunities to some municipalities who often get overlooked by adherence to their old scoring system. Because the process is so competitive he encouraged municipalities to look carefully at what they can bring to the table when making a funding request. Mr. Olia encouraged municipal officials to participate in their workshops both for the application process and the compliance process for those municipalities who have been awarded money. Mr. Olia concluded his remarks by praising the committee for its policies and goals and the only recommendation he

made was with regard to Policy and Goal C-1.14. Mr. Olia agreed that this program was now covered by the Alabama Communities of Excellence program and was therefore no longer needed. He encouraged people to contact ADECA for further information.

At 12:00 p.m., Chair Deason thanked the resource advisors for their presentations. The committee next turned its discussion to the policies and goals. The committee made the following recommendations:

Delete Policy and Goal C-1.14 and renumber the remaining policies and goals under the heading C-1 Planning, accordingly.

Amend Policy and Goal C 2.2 as follows: **C-2.2:** That the League strongly recommends to our Congressional delegation that they actively pursue adequate funding for federal economic development programs including those of the Renewal Community Initiative, the U.S. Department of Housing and Urban Development, the USDA Rural Development, the Delta Regional Authority, ~~the Crescent Authority~~ and the Appalachian Regional Commission. (September 2002, amended September 2008)

The committee made no recommendations for new policies and goals. All the above changes were moved for approval by Council Member Ed Carroll of Orange Beach and seconded by Mayor Charles Gilchrist of Glencoe. The committee then unanimously approved the motion. Chair Deason thanked the committee members for their participation and adjourned the meeting at 12:15 p.m. ■

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He gave committee members a copy of an article prepared by Moody's Investor Services in March, 2004, titled "The Six Critical Components of Strong Municipal Management: Managerial Methods to Promote Credit Enhancement". The components are: (1) Conservative Budgeting Techniques, (2) Fund Balance Policies, (3) Debt Planning, (4) Succession and Contingency Planning, (5) Strategic Planning for Economic Development and (6) Timely Disclosure.

When asked about the Jefferson County sewer bond situation, he said that the situation will probably affect Alabama paper significantly. He hoped that the State Legislature would hold a special session and resolve this issue. According to Mr. Stuckey, bankruptcy is not the best answer for everyone else in the state. He said everyone may pay more for bonds after the Jefferson County situation. The chair thanked Mr. Stuckey for his presentation.

Debbie Lee, Sales, Use and Business Tax Division, Alabama Department of Revenue; Pettus Strong, Jr., Manager of Field Operations, Alabama Department of Revenue; and James R. Mayberry, Local Tax Unit Manager, Alabama Department of Revenue were called upon for their presentations. Ms. Lee stated that the Alabama Department of Revenue (ADOR) website contains a wealth of information. The website is located at www.revenue.alabama.gov. ADOR is required by state law to collect and publish various local tax rates on their website. The site contains new laws and annual reports for the last several years showing the amount of taxes collected. In her handout, she referred to Section 40-2A-10, Code of Alabama 1975, which requires the confidentiality of taxpayer information. Any local government can enter into an Exchange of Information Agreement with ADOR and be able to review taxpayer information for local revenue collection purposes provided they follow the confidentiality laws. She urged municipalities to update their Exchange of Information Agreement anytime the officials allowed to use the system change through elections or otherwise. She told the committee that for state sales taxes and sales taxes for local governments for whom they collect sales taxes, Alabama requires mandatory electronic filing of sales taxes and mandatory electronic payments when taxes owed exceed \$750.00. They currently process 94,000 returns with a 98% compliance rate. Mandatory electronic filing and remittals have enabled ADOR to save money by not having to mail out returns and by reducing check processing costs. Administrative costs have dropped significantly. They have also noticed a big reduction in form errors. Within the next year ADOR plans to allow electronic collection of fuel taxes, tobacco taxes and severance taxes.

Mr. Mayberry stated that the two taxes least used by municipalities are lodgings taxes and personal tangible property rental taxes. He stated that in addition to their

annual report, ADOR provides statistical abstracts monthly showing a comparison of collections from one year to the next. Sales tax collections have shown a marked decrease in the last six months. Overall collections for the year are up about 2% over last year. Mr. Mayberry stated that the amount of information available to cities and towns has increased dramatically since their new accounting system was implemented in June 2006. The availability of this additional information has helped cities to determine what is going on within their communities.

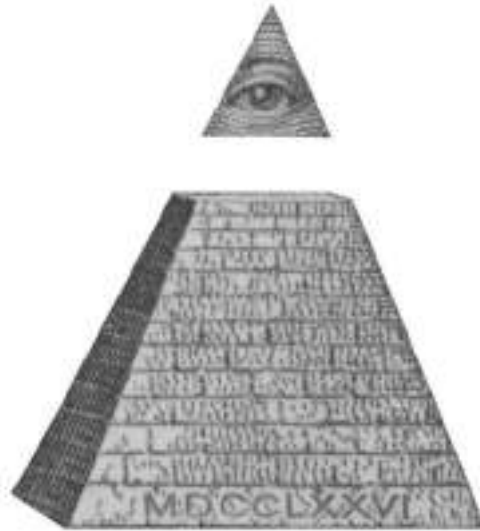
Mr. Strong encouraged cities to call his office and the ADOR local tax analysts for assistance. ADOR holds new business workshops to inform new business owners of their duties to comply with state and local sales tax laws. ADOR collects about 200 municipal and county taxes. The current charge is \$7.75 per account per month not to exceed two percent of the entity's total collections. He also stated that ADOR is trying to develop a new "nexus" rule to help in the collection of use taxes from out-of-state sellers. Ms. Lee, Mr. Mayberry and Mr. Strong were thanked for their presentations.

The Chair then called upon Kenneth King, Property Tax Division, Alabama Department of Revenue, for his presentation. He reported that his division continues to help counties assess and collect property taxes. They work to advise counties as to state law and valuation procedures. There were no new bills passed affecting ad valorem taxes during the 2008 legislative sessions. Legislation to provide a technical correction to the minimum 10 mil school tax levy and bills to end annual reappraisal of property failed to pass. He reported that all counties now have computer systems that can crank out new property values on newly sold property in a timely fashion. There was a nine percent increase in property taxes collected last year due to many huge construction projects in the state and as a result of equalization. Since the law requires collections in the arrears, figures for this year are not yet available. Further, since the real estate market is stalled and building has been slowed, he stated that it is very difficult to make projections as to ad valorem tax revenues. With these qualifications, Mr. King said that he anticipates an increase of approximately five percent this year. Mr. King was thanked by the chair for his report.

Bob Hill, General Counsel, ABC Board, was called upon for his presentation. He reported that more jurisdictions are getting authority for the selling of draft beer as a result of local legislation and use of the Civic Center Authority Act. Alabama currently has 23 "dry" counties. Within those counties are 17 "wet" cities in which alcoholic beverages may be sold. Under current law, a city in a dry county with a

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population of 7,000 inhabitants or more can hold a municipal wet-dry referendum. If one city in a “dry” county votes “wet”, any other city of 4,000 or more population located in the same county may hold a referendum on the issue. Although legislation has been introduced to allow smaller communities to hold a municipal wet-dry referendum, none have passed.

Mr. Hill encouraged city officials to become aware of the law before adopting any so-called “distance” ordinances that prohibit the sale of alcoholic beverages within a certain distance of a school or a church. Existing businesses located within the distance cannot be “grandfathered”.

The Board has issued approximately 14,000 ABC licenses. Applications for liquor licenses must be approved by the local governing body before the ABC Board will issue the state license. Except in Class 1, 2 and 4 cities, no local government consent is required for beer or table wine licenses. He concurred with League Policy F-12.18 which proposes to amend state law to require all alcoholic beverage license applicants begin the process at the local level.

The Board has a Responsible Vendor Program which benefits licensees and employees who sell and serve alcoholic beverages. The program focuses on training related to IDs, sales to minors and sales to intoxicated persons. A server of alcoholic beverages has to be 21 years of age unless the server has been trained in the Responsible Vendor Program. If they have received such training, they can serve alcoholic beverages at age 19. The program also makes presentations to school and civic groups. Mr. Hill was thanked for his presentation.

The chair called on Angelo Trimble, Alabama Coalition against Domestic Violence, and Mr. Michael Gregory, Administrative Office of Courts. Mr. Trimble suggested the deletion of Policy Position F-10.49 and the inclusion of the language in a revised Policy Position F-10.42. He encouraged all municipalities to work together and with the Administrative Office of Courts to share court information on the AOC Main Frame Computer System. According to Mr. Trimble, there is a lot of value to sharing information. For example, it will help in the domestic violence area to have better knowledge of when persons are under court orders from other jurisdictions. Mr. Gregory stated that AOC will be contacting municipalities in the near future to encourage their participation in this information sharing effort. This program will help in DUI cases and Protection from Abuse cases. He said that if someone shows up in a municipal court, the court should be aware of the person’s prior convictions in other jurisdictions. He stated that the site would be password protected and should cost very little. For further information, municipal officials may contact him at 1-866-954-9411 (Ext.507). His email address is michael.

gregory@alacourt.gov.

The Chair asked the committee to review the *Policies and Goals 2008*. Mr. Roquemore and members discussed the policy statement and several new and amended policy positions were added. There being no further business, the meeting was adjourned at 12:10 pm. The following changes should be made to the FAIR Policy Statement and the statement should be renumbered where appropriate:

1. That Policy Position F-1.14 be amended by deleting the word “sponsor” and by inserting in lieu thereof the word “support

2. That a new Policy Position F-3.27 be added to read as follows: “F-3.27. That all municipalities with an Exchange of Information Agreement with the Alabama Department of Revenue periodically check the agreement to make sure that the list of persons authorized to obtain information on the municipality’s behalf is up-to-date.”

3. That Policy Position F-10.42 be amended to read as follows: “F-10.42. That the League urges municipalities to share municipal court information by utilizing the State Judicial Information System as a centralized repository. The League encourages municipalities to recognize the serious and severe lack of information available to law enforcement and the courts due to the lack of a central repository of data on pending and adjudicated cases. Currently, defendants can have similar cases in two or more courts without either court’s awareness of the other cases. Municipalities are encouraged to work with their court automation services providers and the Administrative Office of Courts (AOC) to ensure that case information is electronically provided to the AOC mainframe on a regular basis so that historical information from all municipal, district and circuit courts may be electronically available to courts and law enforcement agencies. Advantages of such sharing of information can include improved collection of municipal court fines and costs, greater accountability for offenders, and improved safety of victims and the public.”

4. That Policy Position F-10.49 be deleted. ■

TPSC Committee Minutes continued from page 15

which will be considered at the business session during the 2009 League Convention in Montgomery:

1. Add **P-7.11** to read: **The League encourages legislation to adopt the 2006 International Building Code without amendments.**

2. Add **P-8.16** to read: **The League supports legislation to expand the use of the ACJIC ‘Alabama Background Check System’ to allow background checks on municipal volunteers.** ■

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EENR Committee Minutes *continued from page 16*

regulations. Phase II affects 63 municipal water systems, where, currently, 147 bodies of water – 199 stream segments, equaling 1727 miles of waterway – in Alabama are in non-attainment. She said ADEM is promoting the new Electronic Discharge Monitoring Report Program (e-DMR) which allows municipalities to file their monitoring report on-line.

The Chair called on Dennis Harrison, ADEM, Chief Drinking Water Program. Mr. Harrison said Alabama again ranks second in the nation behind Rhode Island in quality of drinking water delivered by municipal systems. Rhoda Island has only 75 public systems compared to Alabama's 750 public water systems. New monitoring of the chlorine levels in drinking water went into affect last year, with each level of compliance resulting in placement in one of four categories. Additional testing, monitoring and evaluating will depend on the category into which the municipality is placed by EPA. ADEM predicts that 95% of the ground water and 90% of the surface waters met the compliance standards. Mr. Harrison concluded that ADEM's hot issues in water quality are; vandalism/terrorism, drought, hurricanes, pharmaceuticals and personal care products and fluoride.

The Chair called on Phil Davis of the ADEM Land Division. Mr. Davis announced that the passage of the Solid Wastes & Recyclable Materials Management Act (SWRMMA) by the Legislature during the 2008 Regular Session will become effective on October 1, 2008. He explained that SWRMMA adds a \$1 per ton or 25-cent per cubic yard tipping fee on solid waste producers. This new fee should generate \$7.6 million for ADEM, with 25% of the fee going to fund the illegal dump remediation and 25% to recycling program grants to municipalities. Also, SWRMMA requires ADEM to set its goals of recycling 25% of solid waste within the next 18 months, implement a governing compost regulatory program and ban certain waste from landfills or incineration to promote recycling.

The Chair called on James Dailey, ADEM SRF Program Director. Mr. Dailey reported that the Clean Water SRF Program has issued 189 loans valued at \$868,864,700 since 1989 and has issued 101 loans valued at \$278,930,000 in the Drinking Water SRF Program since 1999. Congress provided Alabama's CWSRF with \$7,585,900 and the DWSRF \$8,146,000 in the FY08 budget. By Contrast, the FY07 budget, EPA provided Alabama's CWSRF with \$11,967,000 and the DWSRF with \$8,229,000. He concluded by saying in 2008, ADEM awarded five CWSRF projects with \$32,050,000 and seven DWSRF projects with \$26,112,000.

Policy Recommendations

Add E-3.8 The League urges each municipality to inventory their water resources, evaluate their local water

needs and develop a water conservation policy according to those needs. (August 2008)

Amend E-4.8 The League urges Congress to adopt legislation ~~mandating only lateral~~ restricting drilling of gas wells consistent with state guidelines within 15 miles of the shoreline.

Delete E-6.3

HD Committee Minutes *continued from page 17*

Ms. Sauer said the resource centers were to act as reference centers – giving Alabamians further information of the resources available to them and that the centers would bring churches and state agencies together to solve some of the challenges Alabama's citizens face. She informed the Committee that agencies such as the Alabama Workforce Development Office have been working in conjunction with her office to establish a one-time project to provide job referrals for Alabamians in need of employment. She also introduced the Committee to the Camellia Tool – a software application enabling individuals to apply for state information and assistance on an independent basis via computer. Accompanying Ms. Sauer was Mr. Buddy Jackson, Project Manager for the Alabama Department of Finance; Information Services Division. He informed the Committee that the Task Force was working to implement Camellia Tool II.

Ms. Terrie Reid from the Alabama Department of Human Resources (DHR) was the next resource advisor to speak. She said her agency works hard to support cities because that is where the activity happens. She commended Council Member Wayne Sellers who is on the Human Development Committee as he works with Ms. Reid as his county's HR director. Ms. Reid shared her agency's annual report and said DHR encourages all those who are able and willing to consider adopting and becoming foster parents. She also said that the agency emphasizes promoting fatherhood. To this extent, Ms. Reid said the Children's Trust Fund of Alabama has created two unique programs: the Fatherhood Program and the Healthy Marriage Program. She distributed pamphlets for each program.

According to Ms. Reid, DHR collected approximately \$299 million dollars last year in child support payments and \$600 million was given to Alabamians through the Food Stamp program. One challenge, Ms. Reid said, is the Food Stamp program does not everyone who is eligible. Therefore, DHR has established the Alabama Elderly Simplified Application Project (AESAP) to make it easier for senior citizens to apply for food assistance. The Alabama Elderly Simplified Application Project (AESAP) is being piloted in Clay, Calhoun and Jefferson counties with plans to extend

continued next page

the program statewide this October.

Ms. Rebecca Mitchell represented the Alabama Public Library Service. She began by saying libraries are no longer known as quiet places and have, instead, become “active and virtual” resource centers. She added that many state agencies encourage citizens to fill out their various applications online and that the every Alabama county currently has internet connections.

Ms. Mitchell said the Public Library Service is a state funded agency with revenue based on 1.18% per capita. Next year funding is scheduled to drop to 1.08% per capita. She also reported that the *World Book* is available in Spanish, French and English and she mentioned Homework Alabama – a free online tutorial which originated with federal funds designed to tutor children from kindergarten through high school. Beginning in October, the tutorial service will be offered to adults.

Ms. Mitchell also mentioned the Committee about Alabama Literacy Library – a five agency conglomerate which provides reference materials and that any municipality interested in starting a public library simply needs to let her know so she can get the municipality qualified. The Library Service staff services all libraries at least twice per year – to assist with answers to any questions. The Alabama Library Service has five IT employees who go out and troubleshoot computer systems in any public library in Alabama at no charge. Ninety-five percent of libraries serve senior communities as well.

One challenge Ms. Mitchell stated is in finding new sites. Some cities, however, have been innovative in their efforts to establish libraries; using double-wide trailers or storefronts built with ADECA funds. Marion High School becomes a library at 3:00 p.m. Another town has used the apartment next to the manager at some housing projects.

Ms. Francis Kennamer from the Alabama Department of Public Health was the next resource advisor to update the Committee. Ms. Kennamer provided an overview of her agency, beginning with the All Kids Program – Alabama’s low-cost children’s health insurance program. She said that while children of state employees are not eligible for the All Kids Program – children of city and county employees are eligible. 7,251 children were enrolled in the All Kids Program by the end of 2007. For more information Ms. Kennamer gave the Committee the website: www.adph.org.

Ms. Kennamer informed the Committee that there is a county health department in every county. She also mentioned the Scale Back Alabama program – the weight loss program that jump started approximately 4,000-5,000 youth in their efforts to lose weight. American Idols’ Rueben Studdard is the spokesperson. Alabama is ranked 2nd in the nation as to the number of obese children.

The last resource advisor to speak was Ms. Acquanetta Knight, who represented the Alabama Department of

Mental Health. She said her agency serves 67 counties. The Department of Mental Health is structured such that local offices are not in every city; however, town hall meetings take place in every city. The agency shares office space with the Department of Public Health and leverages resources with other state agencies. For example, the Department of Mental Health has partnered with the Department of Criminal Justice to form a task force. According to Ms. Knight, telemedics has been one area in particular that has been difficult to recruit, Ms. Knight said. She also informed the Committee that September is Substance Abuse Recovery and Suicide Prevention month.

The Chair thanked the resource advisors for their participation. After engaging in lengthy discussions about its policies and goals, the Human Development Committee made several policy changes to the Human Development Policy Statement.

There being no further business, the meeting adjourned at 12:24 P.M.

Policy Recommendations

H-2. Community Services and Welfare

That policy position **H-2.17** be amended by deleting the following after the word “the” on line 1: “statewide implementation”, and by adding the words: “**comprehensive 211 system and its’ continued expansion.**”

The Committee recommended the following new policy statement:

H-2.18. That the League encourages the Legislature to allow the Department of Human Resources to opt out of the federal law which restricts persons convicted of drug charges to be eligible to receive foods stamps or receive a driver’s license.

H-3. Education and Cultural Resources

That policy position H-3.6 be renumbered as H-3.6(a).

The Committee recommended the following new policy statement:

H-3.6(b). Also, the League urges the State of Alabama to provide increased opportunities and additional information in the provision of halfway houses for inmates released from prisons.

That policy position **H-3.13** be amending by adding the following after the word “communities” on line 3: “**including public libraries.**”

The Committee recommended the following new policy statement:

H-3.21. That the League urge the legislature to reinstate the requirement of a four-year program of physical education in high-schools. ■

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Another 3% discount is available to those members who establish and implement a *Medical Protocol*. This program is a great benefit to both the member and the claims management team. A sample protocol is included in the mailout for those members not yet having one on file. For further information regarding this discount, call Tom Roper or Matt Graham at Millennium Risk Managers at 1-888-736-0210.

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- A used aluminum can be recycled and back on the grocery shelf as a new can in as little as 60 days.
- Recycling aluminum saves 90-95% of the energy used to make aluminum from bauxite ore. It also saves 95% of the air and water pollution.
- You can make 20 recycled aluminum cans with the energy it takes to make one new aluminum can from bauxite ore.
- Replacing one wasted can requires the energy equivalent to light a 100-watt light bulb for 5 hours or to power the average laptop computer for 11 hours. The energy saved from recycling one aluminum can will operate a TV set for three hours.
- The energy needed to replace all the aluminum cans wasted each year is equivalent to 16 million barrels of oil – enough to keep a million American cars on the road for a year. Tossing away an aluminum can wastes as much energy as pouring out half of that can's volume in gasoline.
- Every minute of everyday, an average of 113,204 aluminum cans are recycled.

Sources: www.earth911.org and www.ecocycle.org

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Mid-South Transportation & Parking Association Seeks Municipal Members

By: Chrissie Balding Tune, Marketing/Promotions Specialist, University of Kentucky,
Parking & Transportation Services and MSTPA Secretary

The Mid-South Parking Association was initially formed as a non-profit organization in February 1999 and consists of colleges, universities, cities and airports in the Mid-South region. In 2006, the organization reorganized as the Mid-South Transportation & Parking Association (MSTPA), in an effort to address more transit-related issues. Seminars at the 2008 conference covered a variety of topics, from increasing the bicycle friendliness of communities to preparing a disaster plan for transit systems.

The MSTPA's mission is to provide professional growth, development, and interaction among persons involved in the operation of transportation and parking programs within Alabama, Kentucky, Tennessee and adjacent states. This association of transportation and parking professionals is organized to identify issues, share information, identify and evaluate solutions to improve parking programs and stay updated of legislative changes that impact transportation and parking operations.

The benefits of MSTPA membership include advance notice of conferences, reduced conference fees and a quarterly newsletter. Additionally, members have built-in networking opportunities with members and vendors, and access to MSTPA resources, including an archive of presentations. The state of Alabama is well represented in the Association, with members including the City of Huntsville, the University of Alabama – host of the upcoming 2009 conference – and the University of Alabama-Birmingham.

MSTPA has three classes of membership: regular, affiliate, and associate. Regular members include municipalities, counties and other governmental bodies, as well as universities, hospital, and entertainment/civic centers. Affiliate members are corporations or individuals engaged in supplying goods, technical, management of professional services to the parking industry, including vendors, management companies, technical and management consultants and construction professionals. Associate members are defined as additional individuals who are associated with any regular or affiliate delegate in good standing. Annual dues are \$50 for regular members, \$100 for affiliate members, and \$30 for associate members.

When asked about the benefits of membership, Beverly Lowe, City of Huntsville Parking Activities & Special Event Coordinator, said: "An opportunity to network with other in the industry is invaluable. Conferences offer learning opportunities as well exchange of ideas and also conformation that the way your department runs isn't that different from others."

The 3rd Annual Mid-South Transportation & Parking Association (MSTPA) Conference is set for Tuesday, March 10 and Wednesday, March 11, 2009, and will be held at the Ferguson Center in Tuscaloosa, Alabama.

The MSTPA Board of Directors is hard at work on the agenda. One exciting item is the training session for front line personnel, taught by Kim Jackson, Director of Parking and Transportation at Princeton University. Ms. Jackson taught a session on conflict management at the 2008 conference, and feedback was overwhelmingly positive.

MSTPA strives to include a selection of sessions that will be of interest to attendees from varying backgrounds. Joanna Lynch Morris, Director of Grants and Contracts at Jefferson Community and Technical College, is a relative newcomer both to the world of parking and to MSTPA. She recalled: "One thing that impressed me was the willingness of the members to share information, contacts, and ideas of how to solve our particular problems. Who knew there was an entire language that surrounded parking and its related issues? I learned more in the first 2 hours of the first conference I attended in Huntsville than I have in other conferences I've attended on grant writing or other subjects."

Presentations are slated for March 10 and 11, attendees and vendors alike are encouraged to arrive on Monday, March 9 to take part in social activities and networking events. For attendees' convenience, a block of rooms has been reserved at the Hampton Inn. The conference rate is \$98; attendees should mention the code UAT when booking a room to ensure the conference rate.

For more information on membership or the 2009 conference, visit <http://mstpa.org>. ■

Legal Viewpoint *continued from page 11*

Sale of Unneeded Personal Property

Section 11-43-56, Code of Alabama 1975, has been interpreted as giving authority to a municipal governing body to dispose of personal property which is no longer needed for public purposes. Although not required by law, a resolution may be adopted by the governing body describing the property to be sold, reciting that the property is no longer needed for public purposes and directing the mayor to sell the property in the manner specified by the council. Bids are not required. However, a municipal governing body should set up procedures to ensure that the municipality receives a fair price for its unneeded personal property. A resolution of this type does not have to be published.

Sample Resolution – A sample resolution authorizing the sale of unneeded personal property belonging to the city is printed below.

A RESOLUTION

WHEREAS, the city of _____, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of

unneeded personal property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the city of _____, Alabama, is not needed for public or municipal purposes:

[DESCRIBE PERSONAL PROPERTY TO BE SOLD]

SECTION 2. That the mayor and city clerk be, and they hereby are, authorized and directed to dispose of the personal property owned by the city of _____, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS ____ DAY OF _____, 20__.

_____ Presiding Officer

ATTEST:

_____ City Clerk

OBITUARIES

Roy Pascal “Pat” Vice, Sr.

Roy Pascal “Pat” Vice, Sr., mayor of Linden, died June 17, 2008. He was 74. Vice was a veteran, having served 20 years in the U.S. Navy, including several tours in Vietnam. He was elected mayor of the Town of Linden in 1992 and was nearing the completion of his fourth term at the time of his death.

Walter O. “Jake” Lewis

Walter O. “Jake” Lewis, former Brewton councilmember passed away at the age of 83 in July. Lewis, a former police officer, was also a veteran of WW II, serving in the U.S. Army. He began his service on the city council in 1996 and retired for health reasons in 2006.

Bill R. Maddox

Bill R. Maddox, former Cullman city councilmember passed away in July. Maddox served a single term from 2000-2004.

Ronald Dale West

Ronald Dale West, former Crossville mayor and police chief has died. He was mayor of Crossville from 2000-2004, a police officer for 32 years and a member of the Crossville Fire Department for 35 years. He was also a founder of the Crossville Rescue Squad.

Renald “Renny” Breazeale

Renald “Renny” Breazeale, the City of Sheffield’s first full-time mayor, died at age 67. Breazeale served as mayor from 1986-1992.

Patsy Sumrall

Former Thomaston Mayor Patsy Sumrall passed away June 27. She served as mayor from 1984 until April 2002. Sumrall was instrumental in developing the Alabama Rural Heritage Center and was also chair of the Adopt-A-Mile program.

Mark Gilmore

Mark Gilmore, former Montgomery City Councilmember passed away in July. He was 68. He was elected in 1979 and served for 20 years on the Council.

James DeWitt Garrett

James DeWitt Garrett, 91, has passed away. Garret served on the Athens City Council and was elected mayor in 1976. He was a World War II veteran of the U.S. Army Air Corps. serving in the China-Burma-India Theater, and earned the American Service Medal, the Asiatic Pacific Service Medal with one Bronze Star and a WWII Victory Medal. On March 30, 1990, he was appointed honorary Secretary of State for Alabama.

John Herbert Beasley, Jr.

Former Eufaula City Councilmember John Herbert Beasley, Jr. passed away on August 3. He was 81. He served on the Council from 1968-1976, on the county commission and also was instrumental in establishing Old Creek Town Park.

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Showcase your Municipality



The Alabama League of Municipalities is holding a photo contest! The First Place winning photo will be featured on the cover of the **2009 Annual Directory!** Other honorable mention photos may be used in the *Alabama Municipal Journal*. **Entry form available online at www.alalm.org.**

2009 Municipal Photo Contest

INVOLVE YOUR COMMUNITY

Run a community wide contest, hold a contest at your community school, send the winners to us to compete statewide. Winners' name will be published with photograph along with photo description!

To Enter:

Photos must be taken of your municipality. Municipal buildings, parks, street scenes, downtowns, city festivals, etc. are all acceptable. Photos do not have to be taken by a professional photographer; however, all photos must be taken within the last 18 months. **ALL ENTRIES SHOULD BE VERTICAL.**

Photo Format:

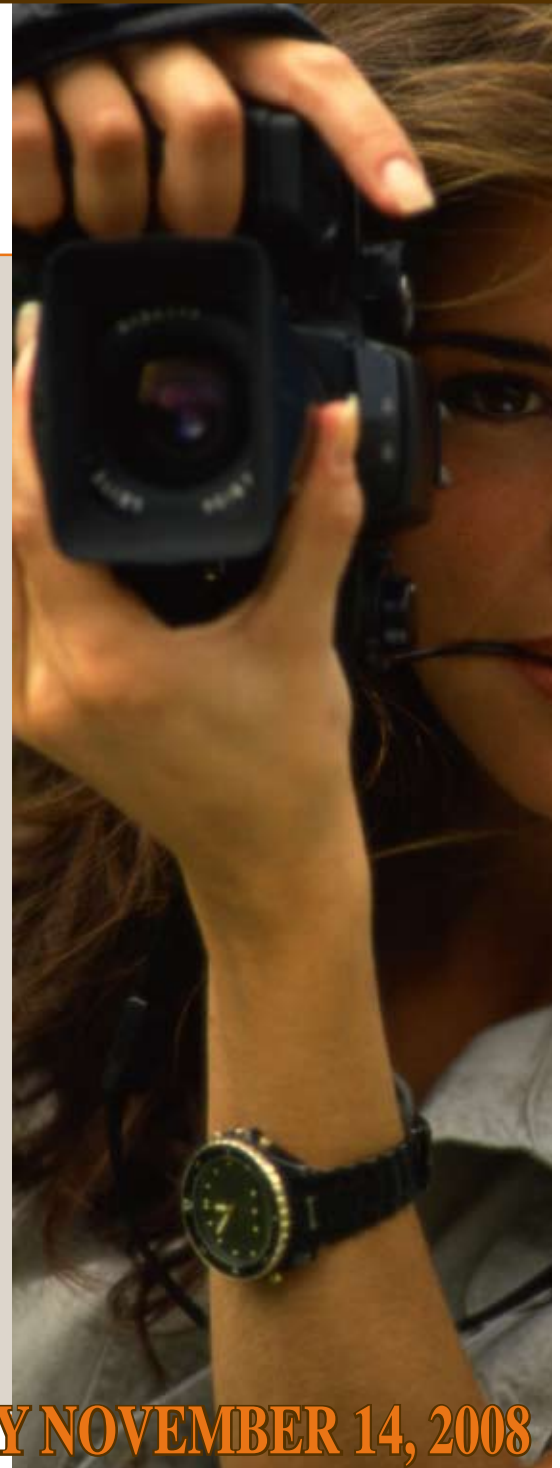
Entries should be vertical, color images and submitted in JPEG or TIFF format in a resolution high enough for print quality purposes. Photos must be submitted on a cd. The page size is about 8.5 x 11 and the image should be at least 150 dpi at this size (1,200 x 1,500 pixels), although 300 dpi (1800 x 1200 pixels) is preferred. **Submissions that are not print quality size or vertical will be disqualified.**

Return of Photos:

Photo files will not be returned. Please do not send your only file of a photo.

Ownership/Use Rights:

Photographers retain the copyright to their photographs. By entering the Alabama League of Municipalities (ALM) photo contest, photographers agree to have their submitted photograph displayed on any ALM publication as well as the ALM website without any fee or other form of compensation, and also agree that the photo may be used, with photo credit, on the website for the National League of Cities (NLC) and within NLC's publications. Photos will be credited to the photographer named in the entry form. Entries will never be used by ALM in any manner for advertising or sale. In the event that ownership of any photograph submitted to ALM is contested in any manner, ALM retains the discretion to disqualify that photograph and discontinue use of the photograph.



ALL ENTRIES MUST BE SUBMITTED BY NOVEMBER 14, 2008

AMFund

To assist municipalities throughout the state, the Alabama League of Municipalities (ALM), has developed the Alabama Municipal Funding Corporation (AMFund) to provide low-cost financing to ALM Members.

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For more information, visit www.alalm.org or contact AMFUND Marketing Director Greg Cochran at 334-262-2566 or via email at gregc@alalm.org.

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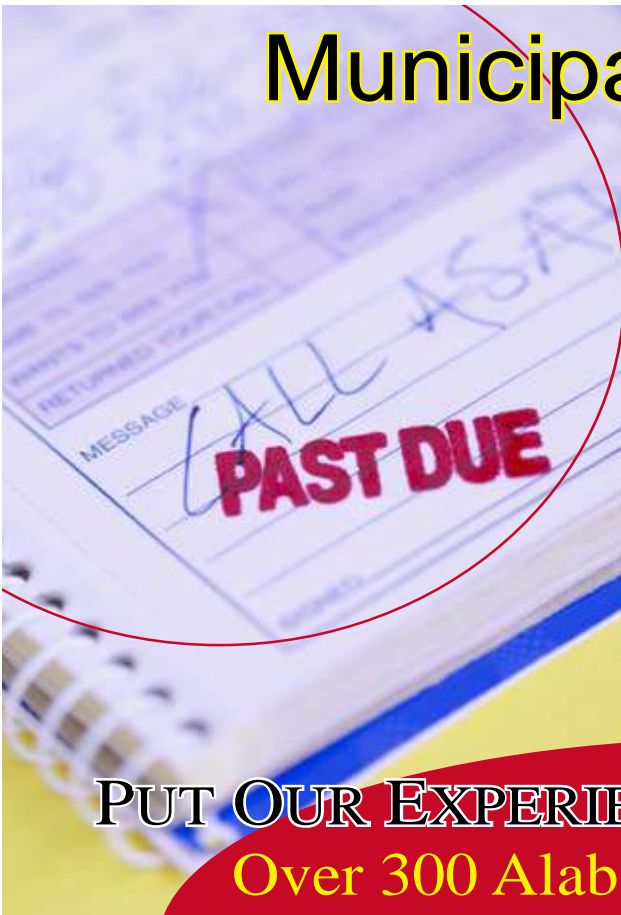
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