

The Alabama Municipal JOURNAL

September 2008

Volume 66, Number 3

2009 Municipal Quality of Life Awards

Deadline for Entries: December 1, 2008

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Official Publication, Alabama League of Municipalities

September 2008 • Volume 66, Number 3

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A Message from the Editor

IMPORTANT DEADLINES RAPIDLY APPROACHING!

While I realize the October run-off elections require a great deal of attention, energy and old-fashioned perseverance, please take a brief break from the madness to complete the necessary information for the League's 2009 Municipal Quality of Life Awards as well as the Alabama Tourism Department's "year of" campaign co-sponsored by the League. The deadline for both programs is **DECEMBER 1, 2008**.

As I told you last month, 2010 is the "Year of Alabama Small Towns and Downtowns." Every municipality is encouraged to participate in this unique campaign through which your municipality will receive a free historic marker. To participate, you must approve a resolution **before** December 1, 2008 declaring that your municipality (or chamber) will host a homecoming celebration on a particular date in 2010 inviting previous residents to return "home". This celebration can easily be done in conjunction with another annual festival or event your municipality may already have planned. For more details, see page 11 or download the brochure detailing this program from our website: www.alalm.org. **Please be vigilant in responding to this unique opportunity. This is a one-time program. If you miss the deadline, you will not get another chance to be a part of Alabama Tourism's "year of" campaign.**

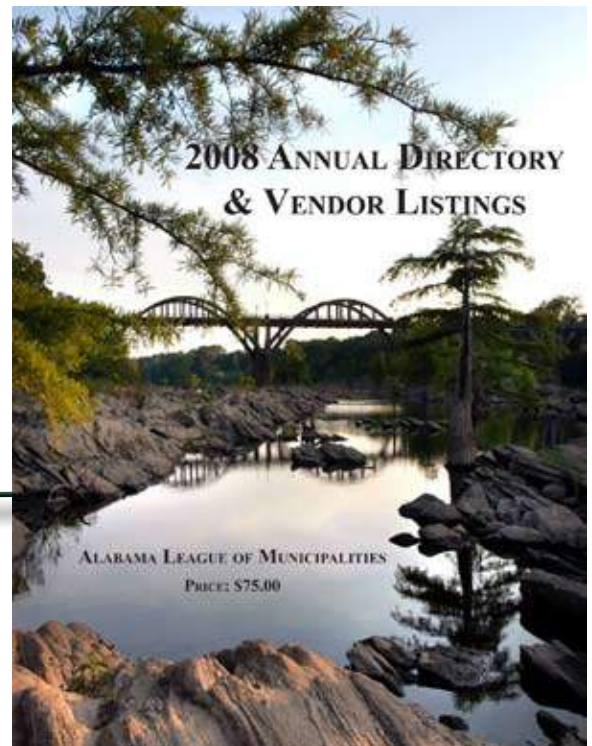
The deadline for the League's 2009 Municipal Quality of Life Awards program (previously known as the Municipal Achievement Awards) is also December 1, 2008. Materials were mailed to every mayor and clerk earlier this month and are also posted online. Please take time to read through the brochure and send in your entry. Winners will be recognized at the League's 2009 Annual Convention in Montgomery; receive a special plaque; be featured in a video shown at the Convention; be spotlighted on the League's website; and featured in the *Alabama Municipal Journal*. This program is definitely worth your time.

NLC's annual Congress of Cities will be held November 12-16 in Orlando. The League generally has one of the largest state delegations in attendance and this year, in particular, we look forward to a great turnout as NLC President Cynthia McCollum, councilmember from Madison, represents not only Alabama, but municipal officials throughout the country – a tremendous honor and a first for Alabama. If you've not yet registered for the conference, visit www.nlc.org for more information.

I also want to remind you of the **November 14, 2008 deadline** for the League's second annual "Municipal Photography Contest" (see page 22). The winning photo will be featured on the cover of the League's *2009 Annual Directory and Vendor Listings* which is distributed each year in January. Entries may also be used in the *Alabama Municipal Journal*, as well as other League publications, throughout the year. Pictures of municipal buildings, parks, streets downtowns, city festivals ... all are acceptable. Because the winning photo will appear on the cover of the *Directory*, the picture must be **vertical**, color and taken at a high resolution so the print quality is not compromised. Complete information is posted on our website at www.alalm.org.

I'll close by congratulating Cathy Dickerson, City Clerk/Treasurer, Union Springs; Lynn B. Porter, City Clerk, Trussville; and John M. Thompson, City Clerk, Andalusia for recently earning the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC). *Outstanding!*

Carrie



*2008 Annual Directory cover and
First Place Winner 2008 Municipal Photo Contest:
Wetumpka's Bibb Graves Bridge
by Frank Williams.*

The President's Report



Melvin Duran
Mayor of Priceville



Enter the League's 2009 Municipal Quality of Life Awards! Deadline: December 1, 2008

In early September the League mailed information to mayors and clerks regarding our 2009 Municipal Quality of Life Awards Program (previously known as the Municipal Achievement Awards). I encourage you to read through the materials immediately in order to prepare your entry by the **December 1, 2008** deadline.

For the past two years, the League has sponsored an awards program in which winners receive a three-to-five-minute custom video highlighting their projects as well as recognition through this publication, the website and during the League's annual convention. The 2009 Municipal Quality of Life Awards Program recognizes successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. This year, the awards program has been streamlined such that there will be one winning entry and one honorable mention chosen from three population categories:

- 1 – 5,000
- 5,001 – 12,000 and
- 12,001 and over.

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

- Economic Development (community development and planning projects)
- Public Safety (includes emergency service

projects)

- Public Works (includes infrastructure projects)
- Public Service (anything not covered in the three subject areas listed above)

Winners will be chosen by a panel of three judges who are not employed by or affiliated with the Alabama League of Municipalities. Judging will be based entirely on the written entry and supportive information and winners will be chosen by how well entries meet the three main objectives of the awards program:

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

The three winning entries will once again enjoy statewide recognition at the League's annual convention (May 2-5 in Montgomery); receive a special plaque; be featured in a custom video shown at convention; be spotlighted on the League's website; and featured in this publication, the *Alabama Municipal Journal*. The three Honorable Mentions will receive a certificate as well as recognition on the League's website and in the *Alabama Municipal Journal*.

Again, program information was mailed to mayors and clerks this month. The same information is also posted online at www.alalm.org. ***The deadline for all entries is December 1, 2008.*** ■

\$10 Million Dollars



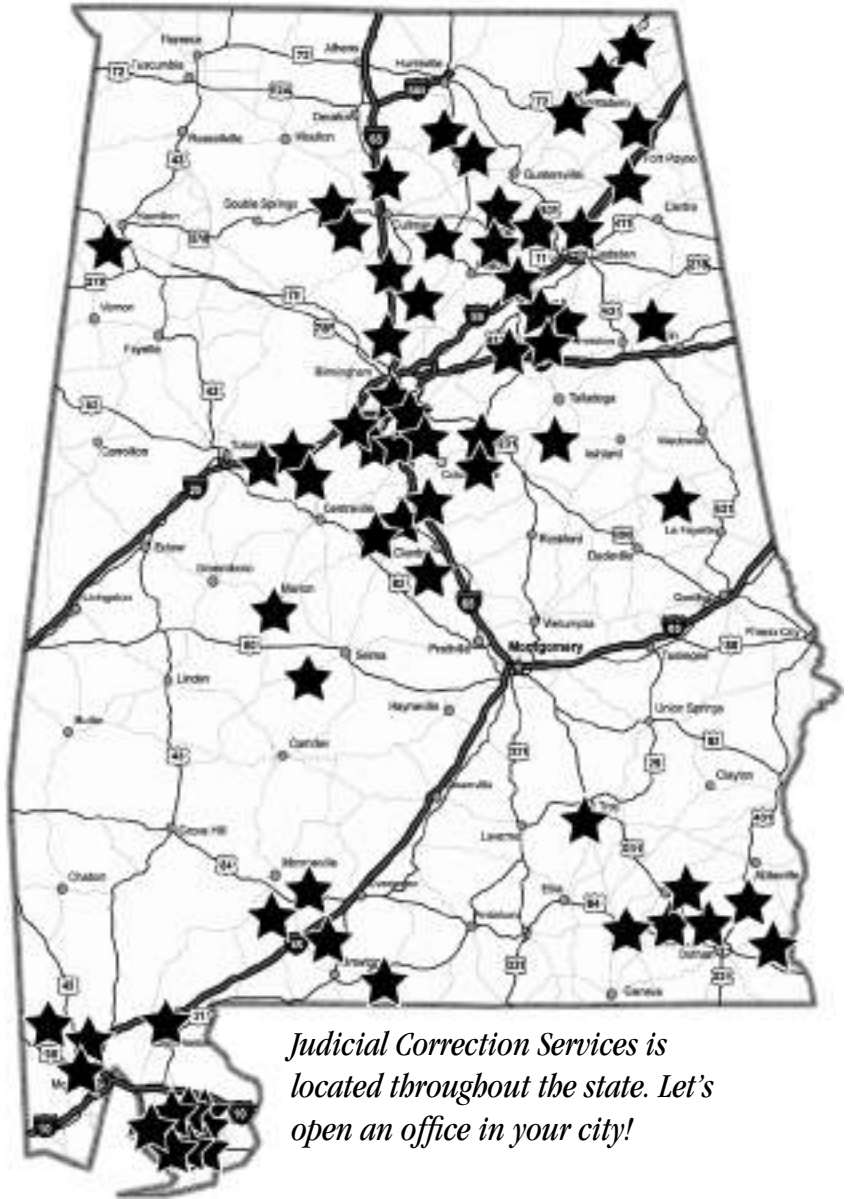
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Municipal Overview



Perry C. Roquemore, Jr.
Executive Director

New “Red Flag” Requirements Become Effective November 1

Identity thieves use people’s personally identifying information to open new accounts and misuse existing accounts, creating havoc for consumers and businesses. Financial institutions and creditors soon will be required to implement a program to detect, prevent, and mitigate instances of identity theft.

In 2003, Congress passed the Fair and Accurate Credit Transactions (FACT) Act. This Act is intended to combat identity theft and directs the Federal Trade Commission (FTC) to develop regulations requiring financial institutions and creditors to develop and implement written identity theft prevention programs. The FTC has issued final regulations pursuant to the congressional mandate and set a compliance date of November 1, 2008.

The FACT Act regulations, also known as the “Red Flag Rules,” cover all financial institutions and creditors. The FTC has defined a “creditor” as any entity that provides a good or service for which payment is made by the consumer in arrears. The FTC has determined that as payment for many municipal services, such as utilities, is made after the service is received and consumed by the consumer, then municipalities and/or municipal entities that provide such services are “creditors,” and, therefore, are covered under the Red Flag Rules.

As a covered entity, a municipality and/or municipal entity is required to implement a written program that enables it to identify and/or detect practices or specific activities (red flags) that could indicate the occurrence of identity theft. The FTC has provided guidelines and a Power Point presentation to assist covered parties in the development of a program. The guidelines provide a list of 26 red flags examples, including unusual account activity, fraud alerts on a consumer report or attempted use of suspicious account application documents. However, it should be noted that the list is not a comprehensive

checklist but simply a guide to identify the types of activities and practices that should be addressed in such a program.

In addition, the regulations require the written program to describe appropriate responses that would prevent and mitigate identity theft crimes as well as detail a plan to regularly update the program.

The Red Flag rules also impose an additional responsibility concerning the treatment of “Notices of Address Discrepancy” for any municipality or municipal entity that utilizes the services of a consumer reporting agency. Finally, the rules require the program to be approved by the board (governing body), managed by senior employees, include staff training and provide for oversight of any service providers.

Under the regulations, any non-compliant entity is subject to a civil penalty of up to \$2,500 per incident. It should also be noted that in addition to the civil penalty, a covered municipality or municipal entity has the potential to realize an increased exposure to lawsuits, including class actions, under the FACT Act.

Clearly, the inclusion of municipal governments and municipal entities under these rules presents a number of administrative, financial and liability challenges. There remains a long list of unanswered questions concerning these new rules. The League will continue to work with the FTC through its affiliation and relationship with NLC in an attempt to moderate the impact of the Red Flag Rules.

Additional information on the “Red Flag Rules” is posted on the League’s website at www.alalm.org. For questions about compliance with the Rules, you may contact RedFlags@ftc.gov. ■

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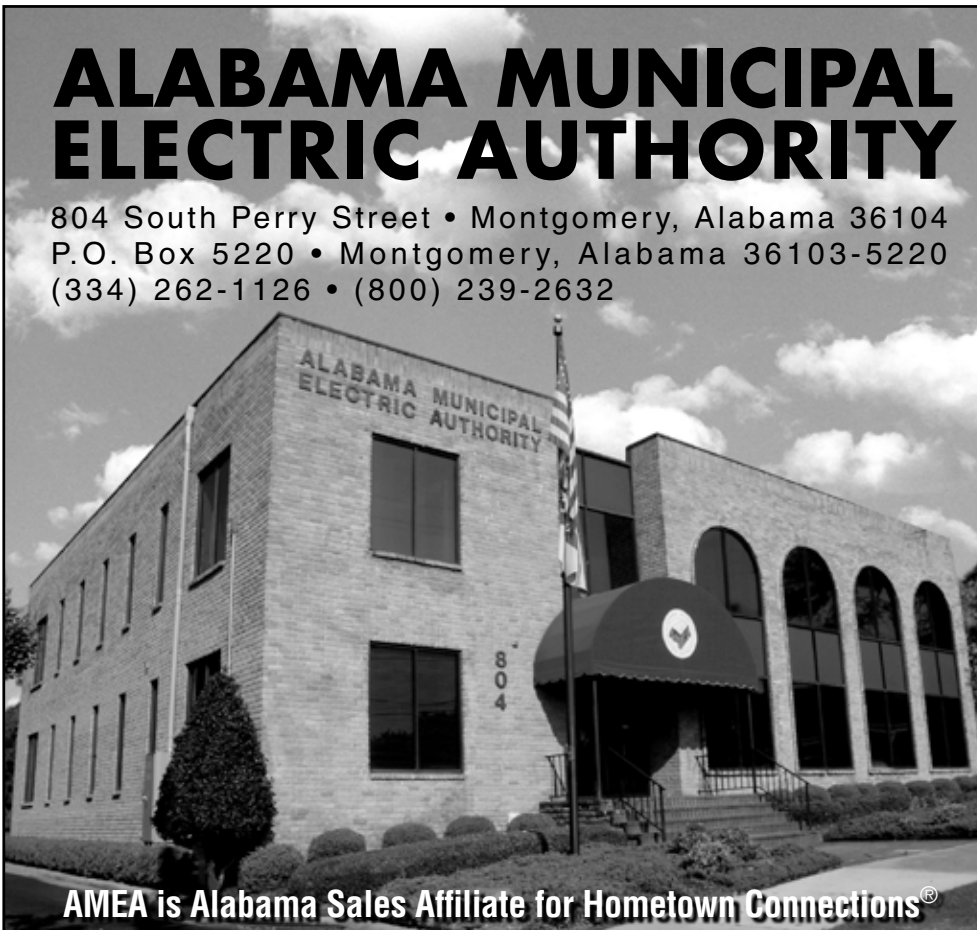
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The Legal Viewpoint

By Ashley Penhale
Legal Intern
Jones School of Law



The Use of Moratoria in Planning & Zoning

According to *Black's Law Dictionary*, a moratorium is the suspension of a specific activity. Moratoria can be very useful in land planning and are often considered vital to successful development. See, J. Juergensmeyer & T. Roberts, *Land Use Planning and Control Law* §§ 5.28(G) and 9.6 (1988). A planning moratorium puts land development on hold while officials develop or amend a comprehensive land-use plan. While planning moratoria can be very helpful if properly created and enacted, if not done correctly, moratoria can constitute a taking under the Takings Clause of the Fifth Amendment to the United States Constitution which requires payment of just compensation to affected land owners.

There are two types of takings recognized by the United States Supreme Court. The first is a permanent physical occupation of land. (See, *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, (1982), holding that a "New York law requiring landlords to allow television cable companies to emplace cable facilities in their apartment buildings constituted a taking.") The second is a regulatory taking. (See, *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922)). The first type of taking involves the physical occupation of a person's land and is considered a per se taking which requires just compensation. The Supreme Court has determined that a moratorium on development enacted during the process of creating a comprehensive land-use plan is not a per se taking of property and therefore does not require just compensation under the Takings Clause. *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002).

The second type of taking is what comes into play with land-use moratoria and is less clear cut. It involves balancing a number of factors to determine whether a regulation has gone too far so as to become a taking. See, *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922) (holding that if a regulation goes too far it constitutes a taking). The Supreme Court generally shies away from creating any set formula for determining whether a regulation "goes too far" but rather encourages a case-by-case analysis of the facts; however, the Court did set out the factors used to analyze a regulation

in *Penn Central Transportation Co. v. New York City*. 438 U.S. 104 (1978). First, a court must look to balance "[t]he economic impact of the regulation on the claimant, and particularly, the extent to which the regulation has interfered with distinct investment-backed expectations ..." with the public need for such a regulation. *Id.* at 124. In addition, courts must analyze the "character of the governmental action" and the public purpose served by such action. *Id.*

In *Penn Central*, the landmark case regulatory takings case, the Court was faced with the issue of whether a city could preserve historic landmarks by placing restrictions on such landmarks without effecting a taking. *Penn Central*, 438 U.S. at 107. *Penn Central* sought to build office space on top of the existing train station but the city denied a permit because of a newly enacted landmark preservation act. *Id.* at 117. *Penn Central* argued that the city's new landmark preservation act was a regulatory taking of the airspace above the station; however, the Supreme Court did not agree and found that the city did not owe *Penn Central* just compensation. *Id.* The Court also noted that in analyzing whether a particular governmental action is considered a taking, the entire parcel should be taken into account rather than individual segments of the parcel. *Id.* at 130.

When looking at the economic impact a regulation may have on property, the courts have looked to any diminution in value that might occur as a result of a regulation. In *Pennsylvania Coal Co. v. Mahon*, the Supreme Court held that a test for determining whether a regulation constituted a taking was the "diminution in value test." 260 U.S. 393 (1922). In *Pennsylvania Coal Co.* a coal mining company granted the surface rights to a parcel of land to an individual while maintaining the mining rights to the parcel. *Id.* at 412-413. An act created by the Commonwealth of Pennsylvania barred the mining of coal "in such a way as to cause the subsidence of, among other things, any structure used as a human habitation" which effectively eliminated the coal company's rights to mine the land. *Id.* at 413. The Supreme

continued on page 13

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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. When you send the text, include a note with the DATE in 2010 of your Homecoming Weekend in which you intend to dedicate the marker. This way we will have enough time to have it made.

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**

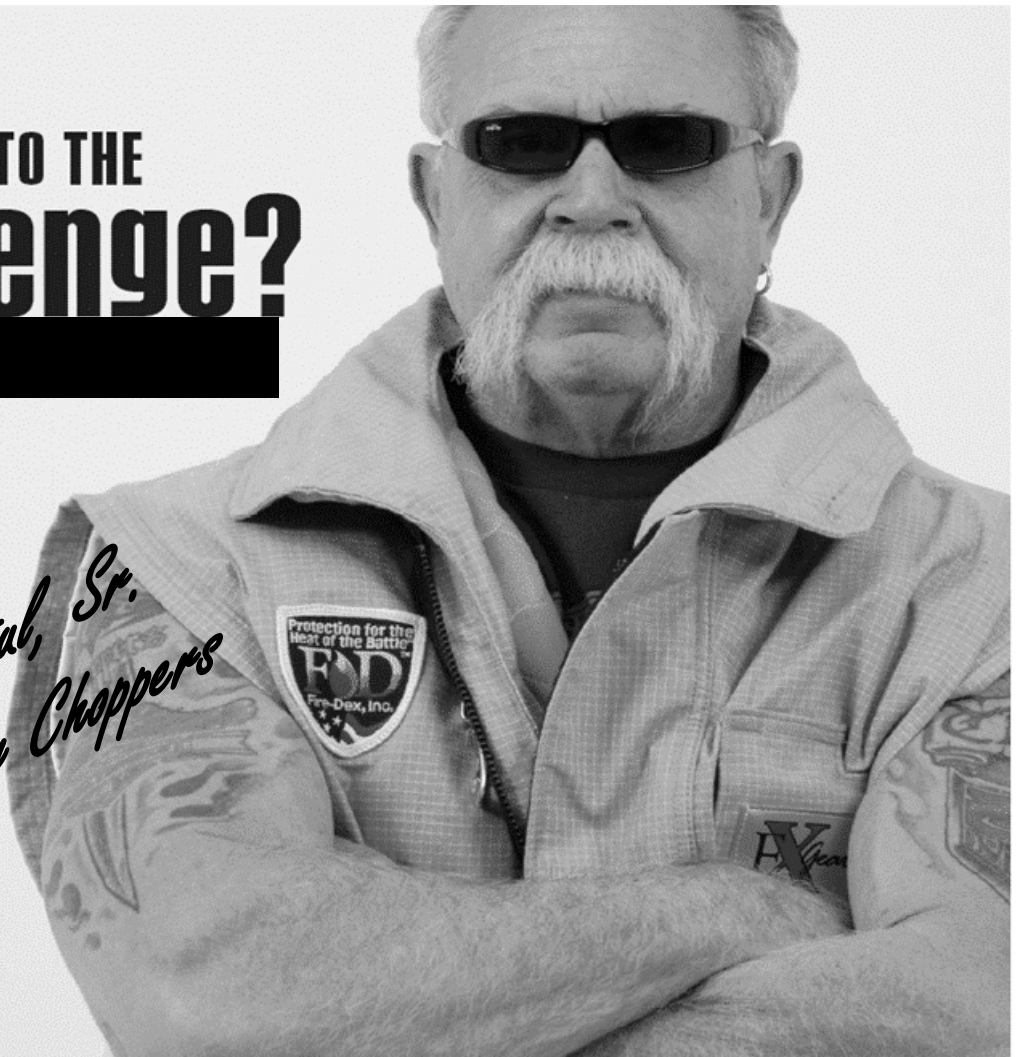
Who do we contact? Where do we send our text to for the historic marker? Email the name of your committee chair, the contact's personal email address and send questions to Brian Jones at the Alabama Tourism Department in Montgomery. Contact: Brian.Jones@tourism.alabama.gov or call 1-334-242-4169. As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

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Legal Viewpoint continued from page 9

Court held that the removal of the coal company's rights diminished the value of land to such an extent as to become a taking requiring just compensation. *Id.* at 416.

It should be noted that the idea that diminution in property value, standing alone, can establish a "taking" has been rejected by courts. See, *Euclid v. Ambler Realty Co.*, 272 U.S. 365, (1926) (75% diminution in value caused by zoning law). Even the Court in *Pennsylvania Coal Co.* recognized that "[g]overnment hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law." *Pennsylvania Coal Co.*, 260 U.S. at 413.

In another case, *Lucas v. S.C. Coastal Council*, the U.S. Supreme Court expanded on the concept of regulatory takings under the Mahon decision, holding that a regulation that deprives all economic value from a piece of property constitutes a taking for which just compensation is due. 505 U.S. 1003 (1992). In *Lucas*, a beachfront property owner brought suit alleging that the actions of the South Carolina Coastal Commission constituted a taking of his property. In 1986, David H. Lucas paid \$975,000 for two residential lots on which he intended to build single-family homes.

However, in 1988, the South Carolina Legislature enacted the Beachfront Management Act, which effectively barred Lucas from building any permanent dwelling structure on his two parcels. *Id.* Essentially the Act was created to maintain the coastal areas of South Carolina by pushing the required set back for new construction further away from the beach front. The U.S. Supreme Court reversed and remanded the South Carolina Supreme Court's decision which held that the Beachfront Management Act was a valid exercise of the police power and did not constitute a taking. *Id.* at 1032. The Supreme Court further reasoned that "total deprivation of beneficial use is, from the landowner's point of view, the equivalent of a physical appropriation." *Id.* at 1017.

This is where planning or building moratoria come into play. A municipality must be careful to balance the *Penn Central* factors in order to avoid constitutional takings issues. Although there are no decisions from Alabama courts on the planning moratoria, there are decisions on other types of moratoria. (See e.g., *Bradley Outdoor, Inc. v. Florence*, 962 So.2d 824 (Ala. Civ. App. 2006) ("moratorium on the granting of permits for off-premise signs pending the amendment of

continued on page 15

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Legal Viewpoint continued from page 13

the City's zoning ordinance pertaining to off-premise signs") and *BeBuys v. Jefferson County*, 511 So.2d 196 (Ala. Civ. App. 1987) (moratorium on sewer connections)). In addition, other states and federal courts have created broad guidelines for planning moratoria. (See *e.g.*, *Zilber v. Town of Moraga*, 692 F.Supp. 1195 (N.D. Cal. 1988) (18-month development moratorium during completion of a comprehensive scheme for open space did not require compensation) and *Santa Fe Village Venture v. Albuquerque*, 914 F.Supp. 478 (D.N.M. 1995) (30-month moratorium on development of lands within the Petroglyph National Monument was not a taking)).

The leading Supreme Court decision on planning moratoria is *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002). In *Tahoe-Sierra*,

The Tahoe Regional Planning Agency (Tahoe Agency) enacted a moratorium on development in order to preserve the status quo while the group studied the impact of development on the area and created a comprehensive land-use plan that would allow environmentally sound growth. *Id.* at 306. The Tahoe Agency enacted two moratoria which covered a total of 32 months and prohibited virtually all development within a substantial portion of the land within the Planning Agency's jurisdiction. *Id.*

The Preservation Council argued that under the *Lucas* rule the moratoria were a taking because they denied land owners economically beneficial use of their land. *Id.* at 330. However, the Supreme Court determined that the *Lucas* holding applies only to the rare situation in which "all economically beneficial use" of the land is deprived, in other words to the "extraordinary circumstance when no productive or economically beneficial use of land is permitted." *Id.* The Court explained that "[l]ogically, a fee simple estate cannot be rendered valueless by a temporary prohibition on economic use, because the property will recover value as soon as the prohibition is lifted." *Id.* at 332 (emphasis added). Therefore, as long as the moratorium is reasonable in time and scope and does not permanently deprive a land owner of "all economically beneficial use" of their land, it is not likely to constitute a taking.

In conclusion, while planning/building moratoria can be useful in enacting or amending a comprehensive land-use plan, a municipality must be careful to limit the time and scope of the moratoria in order to avoid constitutional takings issues. Municipalities looking to enact a moratorium are encouraged to work closely with their city attorney and may contact the League with any questions or concerns. ■



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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

Criminal Law: A DUI conviction in a municipal court does not count toward the total number of prior convictions necessary to constitute a felony DUI offense. *Ex parte Holbert*, --- So.2d ---, 2008 WL 2699684 (Ala.2008).

Workers' Compensation: A claimant injured in Tennessee was not entitled to benefits under the Alabama Workers' Compensation Act because claimant's work was not principally localized in Alabama. *Associated General Contractors Workers Compensation Self Ins. Fund v. Williams*, 982 So.2d 557 (Ala.Civ.App.2007).

DECISIONS FROM OTHER JURISDICTIONS

Indigents: City was required to pay for the defense of indigent defendants prosecuted solely under municipal ordinances. *City of Ft. Lauderdale v. Crowder*, 983 So.2d 37 (Fla.App.2008).

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: Retroactive modifications to tax abatement agreements, while permissible, may not violate existing law. A city cannot, through the vehicle of a retroactive amendment to a Tax Abatement Agreement ("Agreement"), forgive ad valorem taxes that accrued as a fixed obligation prior to the date of the subject Agreement. AGO 2008-108.

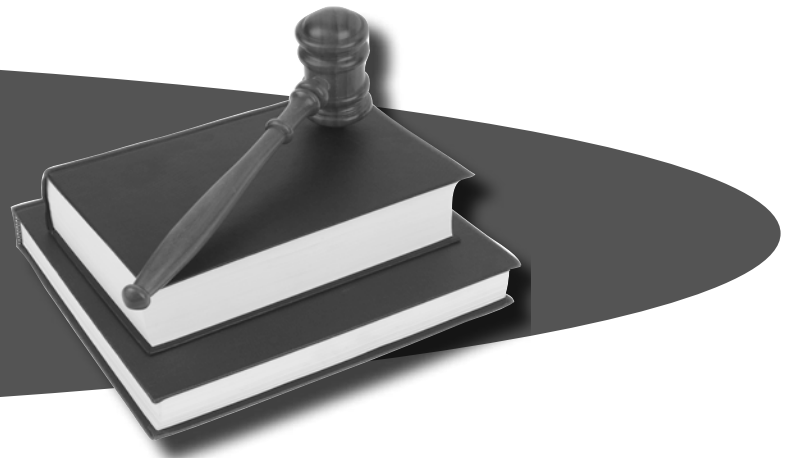
Elections: Newly elected officials in the City of Phenix City should take office the first Monday in November. Section 11-46-21, Code of Alabama 1975, governs the time newly elected officials take office and not Phenix City's Charter. AGO 2008-102.

Elections: The City of Mobile must use provisional ballots in accordance with Chapter 10 of Title 17 of the Code of Alabama. Votes should be canvassed by noon on the first Tuesday after the election as provided in section 11-46-55 of the Code of Alabama. Because the Legislature intended municipalities to use provisional ballots, it is the Attorney General's opinion that the Legislature intended Class 2 municipalities to hold runoff elections on the sixth Tuesday following a regular municipal election. Elected municipal officials should assume the duties of his or her office on the first Monday in November. AGO 2008-103.

Elections: Military and overseas voters may apply for an absentee ballot for a municipal election and are required to submit the application to the absentee elections manager designated for the municipal election. The county absentee election manager (usually the circuit clerk) is not required to provide the municipal absentee election manager with a list of the names and addresses of the military and overseas voters who have submitted absentee ballot applications to the circuit clerk for state, county, and federal elections. AGO 2008-107.

Employees: The Attorney General's Office has no authority to determine whether a private charitable

Tracy L. Roberts
Assistant General Counsel



foundation may implement an awards program for the police officers of the City (“City”) if such program is completely independent of the City. If the City will assist the charitable organization with the implementation and/or administration of an awards program, the charitable organization should donate the desired funds to the City. The City may accept donations from the private charitable foundation and use such funds to implement the awards program for the police officers of the City pursuant to Section 11-40-22 of the Code of Alabama. As long as the City Council determines that a public purpose is served by the banquet and awards, such acts would not violate Section 94 of the Constitution of Alabama. Pursuant to Section 11-40-22 of the Code, the City may expend up to \$1000 per employee on the cost of plaques, training seminars, and cash awards to the “Police Department Officer of the Year.” The City may not give an annual cash award of \$1000 to an officer and implement a one-time \$1500 increase to that same officer’s salary. The City may give multiple cash awards to different deserving officers so long as the aggregate amount of any one award does not exceed \$1000. The City may allocate a donation in the manner that it determines best serves the City and that is consistent with the purposes for which the donation was made to the City. Any funds donated directly to the police department must be used in compliance with the purposes for which the funds were donated to the City. Although Section 11-40-22 of the Code does not require a written directive regarding the procedure for administering an awards program, a written directive should be implemented prior to the commencement of any awards program. AGO 2008-110.

Licenses and Permits: Internet consignment shops are not acting as auctioneers and are not subject to regulation by the Board of Auctioneers when the Internet consignment shops are merely acting as an intermediary between the seller of goods and an Internet sales or auction website if the Internet sales or auction website does not engage in bid calling or the sale of things of value at public outcry as those terms are used in Sections 34-4-2 and 34-4-27 of the Code of Alabama. Internet consignment shops that hold themselves out as auctioneers are subject to regulation by the Board of Auctioneers. AGO 2008-109.

Public Works Bid Law: If a town obtained a good-faith estimate that the project was less than \$500,000, it was not required to advertise in three newspapers of general circulation throughout the state. If the town substantially complied with the Public Works Bid Law the town may proceed with the executed contract. AGO 2008-106

Streets: A city may legally close a public street at its city limits without actually vacating its public rights in a portion of the street. The city should give reasonable notice under the circumstances to afford proper notice to all interested persons prior to closing a street. AGO 2008-105.

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2008-10: Employees of the Board of Education, who also serve on the board of directors for various local community service agencies, may not vote, attempt to influence or otherwise participate in any grants being made to those organizations, as their service on the board of directors makes that organization a business with which they are associated.

AO No. 2008-14: The former Town Clerk for the Town of Brilliant, Alabama, may, upon her retirement as Town Clerk, accept part-time employment with the Town of Brilliant, when she did not hold a position of authority prior to her retirement.

Scale Back Alabama

Now in its third year, **Scale Back Alabama** is a statewide weight-loss contest that will start in January 2009. The purpose of the 10-week contest is to encourage Alabamians to lose weight, to exercise and to have fun while doing it. Last year's campaign drew more than 40,000 people in almost every county with a cumulative reported weight loss of more than 200,000 pounds.

The campaign is geared toward adults and is primarily operated with the help of local employers. For more information on how your municipality or municipal organization can become involved, go to **www.scalebackalabama.com**. You will find a toolkit with everything you need to launch a contest within your organization. There is no charge for participating in the campaign, and there will be a free, satellite training session for all local coordinators on Sept. 23 at noon, so don't delay in signing up to participate.

Scale Back Alabama is a public awareness campaign hosted by Alabama's hospitals and the Alabama Department of Public Health, with generous support from Barber's Dairies, Blue Cross and Blue Shield of Alabama and the Alabama Department of Agriculture.

For more information, contact the public relations department at the Alabama Hospital Association: 1-800-489-2542.

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AAMA/AMJA Fall Municipal Law Conference

September 28-30, 2008



The AAMA/AMJA fall conference has been scheduled for September 28-30, 2008 at the Bay Point Marriott Resort in Panama City, Florida. This year's meeting promises to be exciting and informative. We expect to have many knowledgeable and informative speakers who will address topics that are of current interest. Speakers have been tentatively scheduled from the Attorney General's Office, The Alabama Supreme Court, The Department of Homeland Security (Immigrations and Customs Enforcement) as well as several experienced municipal attorneys and judges from across the State of Alabama.

The fall conference begins with registration at 12:30 p.m. Sunday, September 28, 2008, with a joint session for attorneys, prosecutors and judges. This session will cover the ethical issues, legislative updates and attorney general's opinions.

A reception follows the Sunday afternoon session so that you can meet informally with other municipal legal representatives. On Monday morning there will be a joint session followed by two separate concurrent sessions that will be held, one for attorneys and another for prosecutors and judges. As always, you are free to attend either session, or switch between sessions as desired.

Planned topics for the prosecutors and judges include:

- DUI Sentencing
- DNA Kits
- Bond Forfeitures
- Expungement of Records
- Mental Health Courts

Planned topics for the attorneys include:

- Railroad Regulation
- State Agent Immunity
- Impact Fees
- Drainage Liability
- Amendment 772

Make your plans to attend now!

Visit www.alalm.org for more information or call the League office at 334-262-2566.

Sept. 23 Conference in Birmingham to Focus on Retail as Economic Development

Civic leaders, officials, planners, developers and retailers are invited to attend a special "Retail as Economic Development" conference on **Tuesday, September 23rd at 9 a.m.** at The Club in Birmingham to learn about retail and economic development.

Featured at this year's conference are Jeff Bayer, CEO Bayer Properties; Alabama State Representative Cam Ward, Alabaster; David Carrington, CEO *Racing USA.com*; and Hugo Isom, Partner of The Shopping Center Group. They all bring a unique perspective to the challenges and opportunities of retail economic development and will discuss relevant topics in today's retail market including:

- What are retailers with a centralized plan going to do to withstand the economic conditions and gas prices?
- Can we expect to see smaller stores pop up closer to where people live?
- Will we see more neighborhood markets and fewer super centers?
- What can we do to entice retailers to blaze new trails into our more rural trade areas while we are in an economic downturn – without giving away the bank?
- The future of Brick and Mortar vs. Internet Retailing
- Importance of retail development in a community's economic well being
- Strategies for retail economic development in Alabama

The program culminates with a luncheon featuring guest speaker Martin MacDonald of Bass Pro Shops as well as the Alabama Retail Association recognizing Alabama Retailers of the Year and Centennial Retailers.

According to Bob Robicheaux of the UAB School of Business, "Overlooking retail as a source of revenue and a significant community enhancement can lead to big problems." For many communities, especially smaller ones, retail sales and use taxes, *ad valorem* taxes and business license fees make up a large percentage of community operating revenues. Towns that lack a strong retail base find their residents traveling to other

places to spend thousands of dollars annually, thus leaving their sales tax dollars for their neighboring communities' benefit. There is no better example of this than Hoover which enjoys much in-shopping from surrounding communities. In recent years, however, Prattville, Alabaster and Trussville have shown what smaller communities can do to enrich their economies with retail.

More important than just tax revenues, with the cost of transportation rising, retail accessibility is affecting home buyers' decisions. "People are much more sensitive now to having to drive 20 to 30 miles to a good restaurant, supermarket, shopping center or movie theater," said Robicheaux. Home seekers today ask sellers about their proximity to not only schools but also essential retail outlets. "Where is the nearest supermarket?" is a common question.

Cost for the conference is \$75. For registration information, contact Cassandra Walker at 205-934-8840 or e-mail walkerc@uab.edu or visit the League's website at www.alalm.org for a registration brochure. ■



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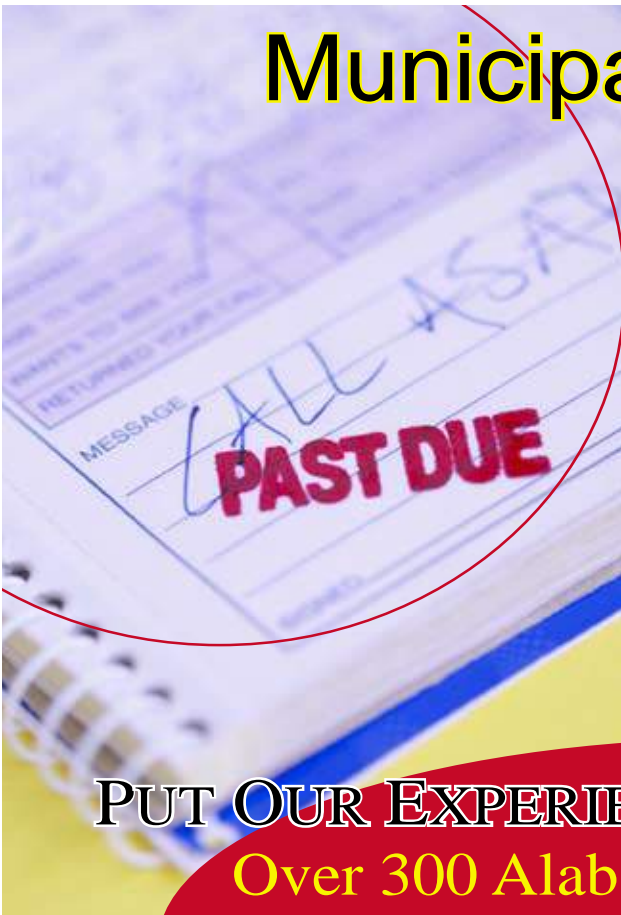
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