

The Alabama Municipal JOURNAL

April 2009

Volume 66, Number 10

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Inside:

- Convention Quick Guide
- Expo Participants
- COPS Hiring Recovery Program Grants



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Official Publication, Alabama League of Municipalities

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A Message from the

Editor



Convention is right around the corner – May 2-5 in Montgomery! For those of you who are newly elected, the League's Annual Convention not only provides a wealth of information, it's a tremendous opportunity to develop relationships with municipal officials throughout the state. If you've not yet pre-registered, you have until April 10th. After that date, you'll have to register on-site in Montgomery. Registration materials were mailed in February and are also available on the League's website at www.alalm.org. Most of the meetings and activities will take place in the Convention Center, which is attached to the Renaissance Montgomery Hotel & Spa in downtown Montgomery. To help you plan your time in the Capital City, a Convention Quick Guide is on page 15. For more information about Montgomery, visit www.visitingmontgomery.com.

The Convention begins Saturday, May 2 with registration opening at 10 a.m., Resolutions Committee at 11 a.m., an afternoon general session from 2 until 5 p.m. and the League's Welcome Party at 6 p.m. The 2009 Annual Municipal Golf Tournament (you must register to participate) will be held Sunday morning at Lagoon Park Golf Course and our ever popular Round Table Discussions will be offered Sunday afternoon from 2 until 4 followed by the ABC-LEO reception. A reception in the Expo hall from 5:30 to 7 p.m. will round out the day. Monday's schedule begins with the official Opening Session which will include addresses from Mayor Melvin Duran, League President as well as Kathleen Novak, Mayor of Northglenn, Colorado, and President of the National League of Cities. Governor Bob Riley is scheduled to speak during the Monday luncheon, and a variety of concurrent sessions will be offered throughout the day followed by the evening banquet (for information on entertainment, see page 26). The Annual Business Session will be held Tuesday morning from 8:30 until 10:30 followed by a special Ask Your Attorney Panel general session featuring Perry Roquemore, Ken Smith, Lori Lein and Tracy Roberts of the League staff as well as Brenda Smith from the AG's office. The 2009 Convention will conclude Tuesday afternoon following the President's Luncheon.

Closing thoughts. I have a vested, personal interest in exercise. My family is a prominent carrier of the fluffy gene; therefore, exercise is nonnegotiable. Fortunately, I happen to *enjoy* my weekly routine and am dedicated to my fitness schedule, which is a very good thing since I'm not nearly so mindful of my diet. For me, exercising is akin to opening a window in a confined space. I'd suffocate otherwise.

Regardless of age, gender or ability, routine exercise is *remarkably* beneficial. I know for a fact it can reduce anxiety, improve state of mind and increase self-esteem. Plus, in addition to helping with weight management and combating chronic disease, it can also be – dare I say it? – FUN! (And when I say *fun*, I'm not talking about the buffed-out, fitness fanatics or the over zealous amateur athletes who make you feel like a sloth no matter what you try. Those people are just ... different. I'm directly referring to the ever increasing majority, children included, who eat too much and move too little.) *Movement* – walking, biking, dancing, running, aerobics or any form of cardio – for 30 minutes several times a week to elevate your heart rate (and your mood!) is life-altering.

I'm 40 years old and I exercise three to five times a week. Nothing competitive or complicated. I'm a member of a local health club and have invested in a personal trainer who works with me once a week for 30 minutes – which is an excellent reality check and helps me with form and functionality. I've taken yoga once a week for the past six years, which has improved my balance and awareness. I also take cycle classes, ride outdoors on nice weekends and occasionally spend time on a rowing machine. If this seems excessive, consider how many hours (*beyond* a routine work schedule) the average person watches TV or sits in front of a computer during the week.

Because I believe so strongly in the importance of exercise, I'm particularly enthusiastic about one of the concurrent sessions offered at this year's League Convention: *Obesity: What It Costs Our Communities and How We Shape Our Future*. This session will be led by three fitness experts: Dr. Michele Olson, Professor of Research Physiology and Exercise Science with Auburn Montgomery and an Advisory Board member for *Fitness* magazine; Dr. Henry Williford, Professor and Department Head, Physical Education and Exercise Science with Auburn Montgomery; and Michael Esco, PhD candidate and physical education instructor, also with Auburn Montgomery. Their session will explore definitions of obesity in children and adults; myths associated with the causes of childhood obesity; the paradigm shift for overweight/obesity intervention and the role of school and community as well as the costs of obesity to our society, sensible programs to combat obesity and how to find time to exercise.

Curbing the obesity epidemic in both children and adults is critical to the future of our communities. The cost burden of obesity affects *everyone*. Municipalities, in particular, face increased employee-related health care costs as well as the prospect of the next generation of citizens with a higher disease burden and less ability to participate in a competitive economy. That alone should motivate us all to start moving!

Carrie

The President's Report



Melvin Duran
Mayor of Priceville

URGENT! COPS Hiring Recovery Program (CHRP) Grant Applications Accepted Online Through April 14

Applications for CHRP grants will be accepted online via the COPS Office website at www.cops.usdoj.gov through **April 14, 2009**.

Overview

There is *no local match requirement* for CHRP, but grant funding will be based on current entry-level salary and benefits packages and therefore any additional costs for higher salaries or benefits for particular individuals hired will be the responsibility of the grantee agency.

CHRP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. Up to \$1 billion in grant funding will be available for the hiring and rehiring of additional career law enforcement officers.

CHRP grants will provide 100 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a future date, as a result of local budget cuts.

In addition, there is no cap on the number of positions an agency may request, but awards will be limited to available funding. At the conclusion of federal funding, grantees must retain all sworn officer positions awarded under the CHRP grant. The retained CHRP-funded position(s) should be added to the grantees law enforcement budget with state

and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

Grant Process – Applications Only Accepted Online

Applications for CHRP grants will be accepted only online through the COPS Office website: www.cops.usdoj.gov through April 14, 2009. The following is a list of required steps provided by the Department of Justice (DOJ) to aid in the application process:

- Visit the “Account Access” portion of the COPS web site at www.cops.usdoj.gov to determine if your agency currently has an active online account and/or how to create one.
- Once logged into “Account Access,” your agency will be able to add additional user accounts and also update your agency contact and address information.
- Take this time to ensure that your agency’s Law Enforcement and Government Executive information is current, and also make sure that contact information is current for individuals submitting the CHRP grant application.
- If you do not remember your password or user name and need assistance with creating an account and/or system access, call 1.800.421.6770 between 9:00 a.m. and 5:00 p.m. Eastern Time, or e-mail egov.issues@usdoj.gov.
- A Data Universal Numbering System (DUNS) number is required to submit applications for COPS funding. A

continued page 19

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Municipal Overview



Perry C. Roquemore, Jr.
Executive Director

Mayor's Action Challenge for Children and Families

Mayors across the nation are speaking with one collective voice on behalf of the children and families in their cities. The new Mayors' Action Challenge for Children and Families calls on mayors from across the nation to set at least one bold, measurable, locally defined goal in each of the following areas to ensure that every child has:

- Opportunities to learn and grow;
- A safe neighborhood to call home;
- A healthy lifestyle and environment; and
- A financially fit family in which to thrive.

Founded by 26 mayors from across the country and unveiled at the National League of Cities' Congress of Cities in 2008, nearly 100 mayors, have joined the Challenge. Based on the premise that strong cities are built on a foundation of strong families, the Challenge highlights the importance of municipal leadership and innovation and helps mayors find their collective voice on these issues.

Setting Measurable Targets to Ensure Accountability

Following the maxim that "what gets measured gets done," numerous mayors have already established ambitious local benchmarks for measuring programs and are implementing concrete strategies to achieve their goals. As their cities experience severe fiscal strain, they have resolved to work more efficiently by collaborating with other community

partners and will develop timetables for evaluation and action to guide local efforts.

Building on a Track Record of Leadership and Innovation

In recent years, cities have become centers of leadership and innovation and served as laboratories for new efforts to help children and families thrive, such as: citywide scholarship endowments that guarantee college affordability; universal access to pre-kindergarten and afterschool programs; partnerships to connect low-income families with free or low-cost checking and savings accounts; and truancy and curfew centers that link young people with the services they need to stay in school. The Challenge offers a platform for building on this strong track record.

Details

The Mayors' Action Challenge for Children and Families is supported by the National League of Cities through its Institute for Youth, Education and Families (YEF Institute). To learn more about the Challenge, or to sign on, visit www.mayorsforkids.org. The site also highlights local goals that have already been set by mayors as well as the actions they are taking to meet those targets.

For general questions about the Challenge, contact Michael Karpman, Program Associate for Outreach at the YEF Institute at 202-626-3072 or karpman@nlc.org. ■



~~\$14~~ Million Dollars



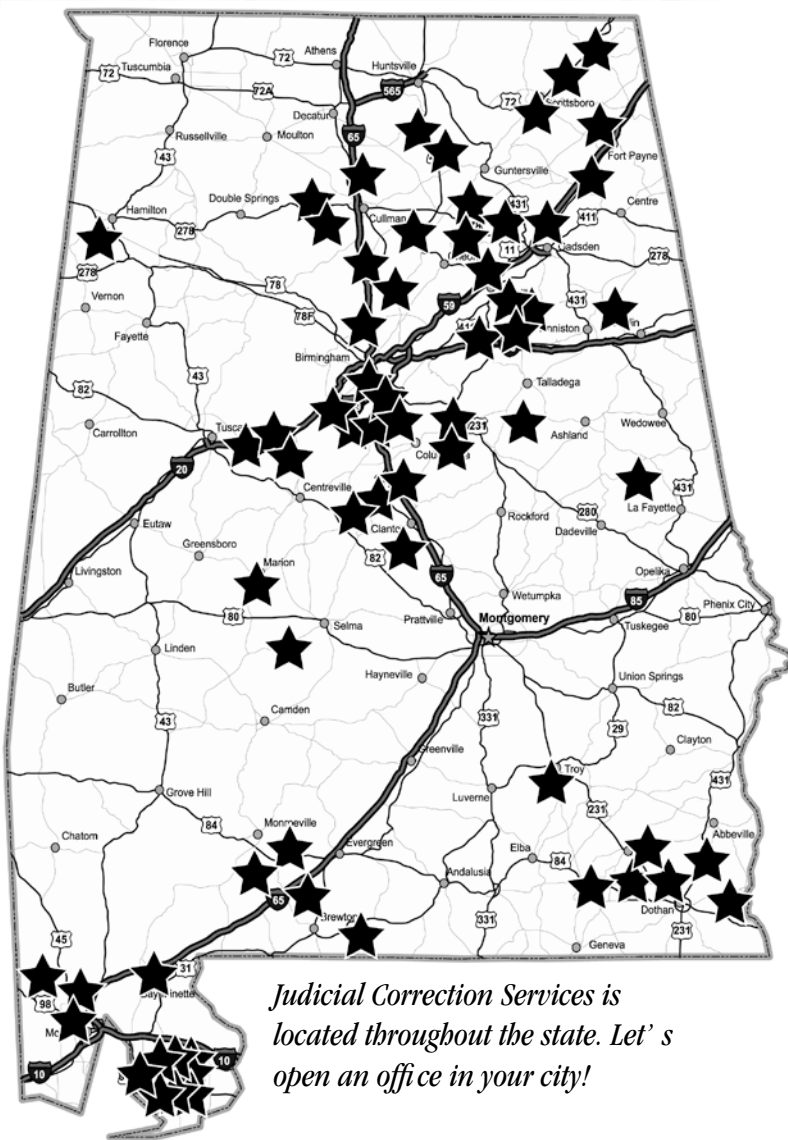
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The Legal Viewpoint

By Ken Smith
Deputy Directory /General Counsel



The Legal Department – A User’s Guide

One of the League’s most important functions is responding to legal inquiries from its member municipalities. The League maintains a legal department to provide its members with direct legal assistance when needed. While the legal department has many roles, with over 450 members – representing literally thousands of officials, employees, board members and others who may make requests – there are limits to what the department can do. This article will help readers make the most effective use of the legal department. It is intended simply as a guide, and should be read that way. Because our goal is to serve our member municipalities, League attorneys attempt to remain flexible in the services they provide.

What Services Are Available?

The legal department’s primary function is to represent the interests of member municipalities throughout Alabama. Therefore, we attempt to have an attorney available by telephone every day during regular business hours. However, the Legal department is not a substitute for local legal representation. The volume of requests we receive makes individual representation impossible. Therefore, we have to restrict our activities to those which we feel best serve all our member cities and towns.

In addition to providing direct legal assistance, the Legal department provides other services, such as: preparation of *amicus curiae* (friend of the court) briefs in appellate cases; preparation of monthly summaries of court decisions and Attorney General’s Opinions for the League magazine and the League’s Law on Disc computer program; monthly legal articles in the *Alabama Municipal Journal*; drafting manuals explaining the duties and responsibilities of municipal officials and employees; providing sample and model ordinances; conducting educational and training seminars; managing the Alabama Association of Municipal Attorneys (AAMA) and the Alabama Municipal Judges Association (AMJA); and assisting with the League’s lobbying efforts.

Who Can Inquire?

This question raises complex ethical conflicts of interest concerning the responsibilities of the League’s attorneys.

Explaining it simply, the League represents its member municipalities and not individuals, even if they are municipal officials.

The League answers inquiries from mayors, council members, board members, clerks, attorneys and other representatives of member municipalities. League attorneys do not advise officials about their private legal matters. Additionally, conflict of interest rules generally prohibit us from advising members of the public regarding municipal legal matters, although we do share articles or other general information we have on hand with private citizens. Please do not encourage citizens who are not municipal officials or employees to contact the League for legal advice as we may have to refuse assistance.

Further, the League’s attorneys cannot take sides in disputes involving one municipality against another or in conflicts between municipal officials. League attorneys exercise discretion in these situations and will generally refer you to your local attorney where a potential conflict of interest appears likely to arise. If it appears that we are being asked to resolve a dispute between two or more officials, we may ask that the question be reduced to writing with an agreed to statement of facts between the concerned parties so that we may respond to all sides jointly. We will also make every effort to encourage cooperation on questions involving disputes between municipal officials.

How to Use the Legal Department

Whether you inquire by letter, telephone, e-mail or fax, the following guidelines will help us give you the most prompt, accurate response:

- Call or write as soon as possible after identifying your problem – immediate deadlines make responses difficult since often a question requires research.
- Give us as many facts as possible. On questions involving boards, it is best to know under what section of the Alabama Code the board was created.
- If you are following up on an issue you have been discussing with one of our attorneys, please advise the receptionist so that your call may be directed to that attorney.



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• If you are under a deadline, let us know when it is and we will try our best to meet it.

• Municipal officials and employees are welcome to discuss matters in person at League headquarters in Montgomery. Please call in advance to make an appointment. If your questions involve a review of documents, we may ask that they be forwarded prior to the meeting so that we may review them.

Telephone Inquiries

As noted above, the legal department's primary goal is to have an attorney available by telephone every day during business hours. Of course, there are exceptions, such as during the League's convention or when we are trying to meet a publication deadline, or on hectic meeting days of the Alabama Legislature. We try to return calls either the same or the following day and we try to give an answer over the telephone. However, not every question has a clear legal answer. In these cases, we will try to give you our best legal opinion, based on years of municipal legal experience and knowledge of state and federal laws.

Further, some questions require research before a knowledgeable answer can be given. Therefore, it is best not to put off calling until just before a deadline. Of course, not every question can be anticipated, and when a quick legal response is needed, we will make every effort to provide a speedy answer.

Written Inquiries

Because of the volume of calls, it is difficult to confirm telephone advice in writing. However, we are happy to answer written inquiries in writing and try to do so in a timely fashion. All requests for written responses should be submitted in writing, laying out the question and any relevant facts. Written inquiries are generally answered in the order received and the response time depends upon time available to draft a response. Again, we will try to accommodate a deadline, but this is not always possible. As always, it is generally best to work with your local attorney if a quick response is needed.

We generally treat faxed messages the same as written requests. A carefully written legal opinion takes just as long to prepare in either case. If you simply want us to call you back with an answer, please indicate that in your request.

E-mail

Because of the nature of e-mail requests, they may be treated as either a written request or a telephone inquiry. League attorneys attempt to respond to electronic questions as quickly as possible, but please bear in mind that when our attorneys are out of the office, they may not have access to a computer, which will delay any reply. If you have an e-mail question that must be answered quickly, but have

not received a response, it is generally advisable to follow up with a telephone call to be sure that the message was received, and that the attorney you are attempting to reach is in the office.

Amicus Curiae Briefs

While the League does not file lawsuits on behalf of its members, we do sometimes file *amicus curiae* briefs in cases on appeal to either the Courts of Appeal or to the Alabama Supreme Court if the issues involved in the case have statewide significance. If you are involved in a case on appeal and you think the Court should have input from the League, please send a written request for an amicus brief, with supporting documentation, to the legal department.

Sample Ordinances

We maintain a large supply of sample ordinances on many topics. These samples come from several sources. Our most important source for ordinances is our members. If you adopt a new ordinance, it would benefit all League members if you could forward a copy to the League's legal department for our files.

Please remember that these ordinances have not been drafted by the legal department. Before using one as a guide, it is important to adapt these ordinances to your local needs and to obtain advice from your local attorney regarding compliance with statutes and case law.

We are often called upon to review ordinances or to interpret a word or phrase in an ordinance. While we can offer a cursory reading of an ordinance, we cannot be familiar with the circumstances which require the adoption of an ordinance, nor can we investigate facts which might influence the meaning of specific words or the inclusion of specific sections. Our interpretation is not intended to be definitive and should be used merely as a second opinion for your local municipal attorney. He or she is in the best position to provide you with a detailed analysis of your ordinance and provide you with a final answer.

Coordination with Local Attorneys

Each municipality should have its own attorney. The League's legal department is a resource to assist your municipal needs; it is not a replacement for your municipal attorney. Nothing we do or say is meant to interfere with the critical relationship between your municipality and your attorney. When the law is unclear or the inquiry presents substantial risk of litigation, we'll often suggest that you seek advice from your attorney, because he or she will have to represent you should you have to go to court. When your attorney provides advice, he or she does so in the belief that the recommended action puts the municipality in the most defensible legal position. Your municipal attorney is also in the best position to know local factors which influence

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the need to proceed in a particular manner. Therefore, we generally encourage municipal officials and employees to follow their attorney's advice, especially on questions where the law is open to interpretation or factual matters require further development. Of course, we are always happy to discuss an issue with local attorneys or to verify their interpretation of a statute or case.

You should not seek our advice in the hopes that we will second-guess your attorney. We are here to assist, and not compete with, your attorney. Legal opinions are fact-specific and people who are not lawyers are often unaware of how a fact which seems unimportant to them might affect the legal response. Thus, if our opinion differs from that of local counsel, we will generally advise you to follow the advice of your local attorney.

To further help municipal attorneys represent their clients, the League created the Association of Municipal Attorneys (AAMA) in 1992. AAMA provides a number of services to municipal attorneys. It conducts two training seminars annually for municipal attorneys, publishes updates of ongoing litigation and also maintains an internet forum to enable attorneys to communicate with each other on legal issues. In addition to AAMA, the League created the Alabama Municipal Judges Association (AMJA) in 2007 to provide similar services and training opportunities for municipal judges. We strongly encourage all municipal attorneys, prosecutors and judges to join AAMA or AMJA and hope that all municipal officials will request that their local attorneys and judges join and participate in these important organizations. For more information, contact the League's legal department, or visit the League's web site, where links to information about AAMA and AMJA are posted.

Local Political Disputes

As attorneys, we answer your questions regarding municipal law. We often receive calls for "legal assistance" where the caller is seeking resolution to a political disagreement. Every municipality has political disagreements; most cannot be resolved by looking at a statute. In many cases, statutes are subject to multiple interpretations, especially where the responsibilities and duties of municipal officials are concerned. These calls are awkward, and we cannot give you an answer about who is right and who is wrong. These disputes are best resolved in the political arena through compromise and cooperation rather than through legal guidance.

Coordination with Other Agencies

The League often serves as a contact point on municipal issues for other agencies, including state departments like the attorney general's office, as well as other entities, such as regional planning commissions. League attorneys often

provide advice to representatives of these offices and frequently serve as speakers at educational conferences and seminars run by these agencies. Because of our relationships with these agencies, we may refer you to one of them if we feel they can assist you with your questions.

Relationship with the Worker's Comp Fund and AMIC

The League administers two risk-pooling type programs for municipalities – Municipal Workers Compensation Fund, Inc., and the Alabama Municipal Insurance Corporation, which provides liability coverage for municipalities. It is important to understand that the legal department does not represent these entities. We do not provide advice regarding coverage or on matters in which one of these entities has an interest. Further, following our legal advice does not guarantee coverage. Questions regarding specific coverage issues or other matters related to these entities should be directed to them, and not to the League's legal department.

Limitations

Excluded from our advisory services are matters such as:

- drafting individualized ordinance and contracts
- comprehensive review of applications for grants or legal responses
- on-site training for individual municipalities (although League attorneys will meet with representatives of a municipality at League headquarters if an appointment is made)
- litigation
- direct representation or negotiations with third parties on an individual municipality's behalf

Remember,

- we cannot take sides with one municipality or one official against another
- we generally cannot respond to questions regarding the League's worker's compensation or liability programs; inquiries on these programs should be directed to the appropriate representative

Don't Hesitate to Call

This user's guide is not meant to discourage you from contacting the League's legal department. On the contrary, we hope that understanding the scope of our services will help you make better use of them. When in doubt about whether we can help you, please don't hesitate to call. Of course, if ethics prohibit us from responding to your question we may have to refuse to answer it, or may refer you to someone who does not have a conflict. We hope you will take advantage of League services and programs. If there is anything we can do to help, please let us know. ■

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CONVENTION QUICK GUIDE

MAY 2 - 5, 2009 • MONTGOMERY

Most meetings and activities will take place in the Convention Center. Specific locations will be listed in the official Convention Program. Attendees can earn CMO credits for the Certified Municipal Officials Training Program by attending sessions at the convention. The amount of hours that can be earned will be specified in the Program.

Saturday, May 2

10:00 a.m. – 5:00 p.m. Registration – Ballroom Foyer
11:00 a.m. Resolutions Committee Meeting
1:00 p.m. AMIC Annual Meeting
2:00 p.m. – 5:00 p.m. General Session: State of the Economy, Federal Stimulus Package and Quality of Life Awards
6:00 p.m. – 8:00 p.m. League Welcome Party

Sunday, May 3

7:30 a.m. 2009 Annual Municipal Golf Tournament – Lagoon Park Golf Course
1:00 p.m. – 5:00 p.m. Registration – Ballroom Foyer
2:00 p.m. – 4:30 p.m. Round Table Discussions (by population)
4:30 p.m. – 6:00 p.m. ABC-LEO Reception
5:30 p.m. – 7:00 p.m. Exhibitors Showcase and Reception – Exhibit Hall B-C (Entertainment: Kings of Swing)

Monday, May 4

8:00 a.m. – 5:00 p.m. Registration – Ballroom Foyer
8:30 a.m. – 9:30 a.m. Clerks Breakfast and Business Meeting (Embassy Suites Hotel)
9:30 a.m. – 5:00 p.m. Clerks Meeting (Convention Center)
8:30 a.m. – 5:00 p.m. Alabama Association of Public Personnel Administrators
9:30 a.m. Spouses Breakfast (Embassy Suites Hotel)
9:00 a.m. – 10:30 a.m. **Opening Session** – Performing Arts Center
10:30 a.m. – 4:00 p.m. Exhibits Open
11:00 a.m. – Noon Choose from the following concurrent workshop sessions:
• It's Not Your Money – Laws Governing the Expenditure of Municipal Funds
• How to Draft Municipal Ordinances
• A Primer on the Open Meetings Act
12:15 p.m. – 1:45 p.m. **Luncheon – Guest speaker: Governor Bob Riley**
2:00 p.m. – 3:30 p.m. Choose from the following concurrent workshop sessions:
• Why Main Street Works
• Connecting Alabama – Bridging the State's Digital Divide AND 2010 Census
• ADEM Recycling Grants Program
3:30 p.m. – 5:15 p.m. Choose from the following concurrent workshop sessions:
• Alabama's Hidden Transportation Treasures AND Sharing Alabama's Story with the World
• The Liability of Running a Police Department
• Obesity: What It Costs Our Communities and How We Shape Our Future
6:00 p.m. Reception
7:15 p.m. Banquet and Entertainment: "1964" The Tribute

Tuesday, May 5

8:00 a.m. – Noon Registration – Ballroom Foyer
8:30 a.m. – 10:30 a.m. Annual Business Session
10:30 a.m. – Noon General Session – Ask Your Attorney Panel
Noon President's Luncheon

Meetings and/or events are subject to change.

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Smart Government Awards Nominations Due by May 29

RDS to Recognize Top Governments in Alabama

Birmingham-based Revenue Discovery Systems (RDS) will recognize the innovative governments and efficient programs in Alabama with its first Smart Government Awards.

The Smart Government Awards will be judged by a panel of RDS employees, current and former elected and appointed government officials from across the state, state association leaders, and academic professors. Judges will evaluate nominees based on efforts within the past five years to enhance growth and reduce waste in spending, time and resources, particularly in regards to the environment.

“During these tough economic times, saving money is a big deal. There is no room for waste,” said Kennon Walthall, president of RDS. “By recognizing governments that have found innovative ways to reduce waste in spending and in utilization of resources, we can help other officials across the state learn about ways to implement new initiatives to maximize the efficiency of their own operations.”

Honorees will be selected in seven categories: small municipality (population less than 15,000), medium municipality (population between 15,000 and 50,000), large municipality (population greater than 50,000), small county (population less than 100,000), large county (population greater than 100,000), state agency and public-private partnership.

While the inaugural awards will be limited to governments and programs in the state of Alabama in 2009, the company plans to expand the awards programs to other states in future years. RDS, a leading provider of revenue enhancement and administration services serving governments nationwide, will accept nominations for the awards until May 29, 2009. The company will announce the winners on July 1, 2009.

Parties interested in entering a nomination can visit <http://smartgov.revds.com> for more information.

Remarkable Recycling Facts Around the Office

- Americans only recycle about 50% of the paper they use.
- Schools and workplaces generate the most paper that can be recycled.
- Each year, Americans trash enough office paper to build a 12-foot wall from Los Angeles to New York City.
- Americans toss out enough paper & plastic cups forks and spoons every year to circle the equator 300 times.
- The average American office worker goes through around 500 disposable cups every year.
- Each American throws away an average of 100 polystyrene cups each year, and the expected lifetime of each cup is over 500 years.
- Nearly 44 million American workers purchase or eat lunch out every weekday.
- Americans make nearly 400 billion photocopies a year – about 750,000 copies every minute of every day.
- U.S. fax machines send 30 + billion faxes each year.
- U.S. businesses now use about 21 million tons of paper every year. That's about 175 pounds of paper for each American.
- Producing recycled white paper creates 74% less air pollutants, 35% less water pollutants, and 75% less process energy that producing paper from virgin fibers.
- A faucet that drips once each second can waste over 8 gallons of water per day and over 3150 gallons each year.
- A compact fluorescent light uses 75 percent less electricity to produce the same amount of light as an incandescent bulb. The compact fluorescent will last about 10,000 hours as opposed to the 600 to 1,000 hour average life of an incandescent. By replacing a 100-watt incandescent with an equivalent 25-watt compact fluorescent, you can save more than \$90 per bulb in electricity costs over the 10,000-hour lifetime of the compact fluorescent. Replace your high-use incandescent light bulbs with compact fluorescent lights.
- Turn off your computers and any other office equipment when you're not using them, especially overnight and weekends. This practice costs nothing and can potentially save as much as \$44 per year, per computer, depending on what you pay per kilowatt-hour. “Smart” power strips are being marketed that sense the presence or absence of office workers and turn the attached equipment on and off accordingly.

Sources: Consumer Energy Center, www.ecocycle.com and www.cleanair.org

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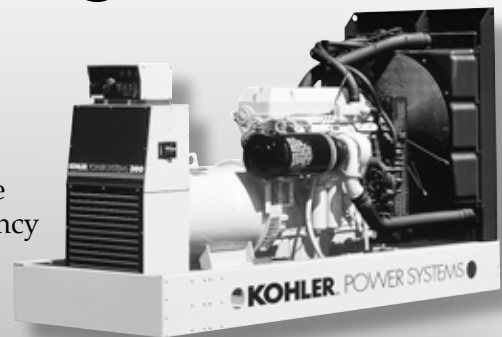
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• Additionally, all applicants are required to maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients and sub-recipients. For more information about how to register with the CCR, visit www.ccr.gov. For more information about how to register with the CCR, visit www.ccr.gov. Please note that applicants must update or renew their CCR at least once per year to maintain an active status.

For more information, call the COPS Office Response Center at 1.800.421.6770.

Attorney General Eric Holder Touts CHRP at NLC Congressional City Conference

Addressing delegates at the NLC Congressional City Conference on March 16 in Washington, D.C., Attorney General Eric Holder said: “Your cities are facing greater challenges than ever before, and with fewer resources to meet them. We know your budgets are strapped, revenues are down, and you’re not sure how to make everything add up. No mayor or city council wants to lay off police officers, but when the economy falters and your revenues plummet, you face impossible choices.

“Well, I am here today to say that you will not face these challenges alone. I am pleased to tell you – mayors, council members, managers, administrators, police chiefs, planners and organizers – that today we are breathing new life into the DOJ (Dept. of Justice) office singularly focused on policing in America – the Office of Community Oriented Policing Services, or ‘COPS.’

“Today marks the kick-off of one of the signature state and local partnerships enacted in recently passed American Recovery and Reinvestment Act – the \$1 billion COPS Hiring Recovery Program. This additional investment will pump new resources into your communities through a program with a proven track record. This program is a win-win. We will not just create and preserve jobs, but also increase community policing capacity and crime-prevention efforts. Through the revitalized COPS program, we will create or save approximately 5,500 law enforcement officer jobs across the country and inject much-needed resources directly into your cities. We know you need new resources to keep your streets safer and make your economies stronger, and beginning today, we are making those resources available to you.”

Omnibus Appropriations Act, 2009

According to the COPS website, www.cops.usdoj.gov, President Obama signed into law the Omnibus Appropriations Act, 2009, on March 11th which provides funding this year for the COPS Office. This funding is in addition to the \$1 billion that was recently appropriated for the COPS Hiring Recovery Program (CHRP) under the American Recovery and Reinvestment Act of 2009. In total, COPS received \$550 million for FY 2009. This includes funding for Community Policing Development, Indian Country, Methamphetamine, Law Enforcement Technology, Secure Our Schools, and Child Sexual Predator Elimination.

Listed below are the funding levels for programs that COPS plans to administer through this appropriation and application materials on these funding opportunities will be available in the coming weeks:

- Community Policing Development (CPD) – \$4,000,000
- Indian Country – \$20,000,000
- Methamphetamine – \$39,500,000
- Law Enforcement Technology – \$187,000,000
- Secure Our Schools (SOS) – \$16,000,000
- Child Sexual Predator Elimination – \$18,000,000

Program for Alabama Association of Public Personnel Administrators Scheduled for Monday, May 4

Dealing with the Difficult Employee

This course is designed to equip supervisors with the necessary knowledge and skills to identify the signs that an employee may need assistance and the appropriate procedures to follow once a potential problem is recognized. Major topics covered in this course will include: problem recognition, documentation procedures, how to confront employees in a constructive manner, referral options, and reintegration into the workplace. Issues relevant to the Americans with Disabilities Act will also be covered.

Instructors:

- Sonya Dixon, Employee Relations, Auburn University HR Department
- Jennifer Turk, M.Ed., Personnel Program Specialist Auburn University Center for Governmental Services

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

Education: Under the Fair Dismissal Act, section 36-26-100 et seq., Code of Alabama 1975, all persons employed by county and city boards of education and two year educational institutions under the control and auspices of the State Board of Education are entitled to notice and a hearing before discharge. Only full-time employees who are not otherwise covered by the state Merit System or the teacher tenure law at the time this article was adopted are intended to be covered by this article. Full-time employees include employees, whose duties require 20 or more hours in each normal working week of the school term, employing board holidays excepted. *South Alabama Skills Training Consortium v. Ford*, 997 So.2d 309 (Ala.Civ.App.2008)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

First Amendment: The First Amendment bars government abridgement of speech but does not confer an affirmative right to use government payroll mechanisms for the purpose of obtaining funds for expression. While in some contexts

government must accommodate expression, it is not required to assist others in funding expression of particular ideas, including political ones. *Ysursa v. Pocatello Educ. Ass'n*, --- S.Ct. ----, 2009 WL 436709 (U.S.2009)

First Amendment: The First Amendment does not forbid a school board from removing a book because it contains factual inaccuracies. A school board's decision to remove, from its own school libraries, a book that it had purchased with board funds was not an act of "banning" the book, for First Amendment purposes, as the school board did not prohibit anyone else from owning, possessing, or reading the book. Nothing in the Constitution permits courts to interfere with local educational discretion until local authorities begin to substitute rigid and exclusive indoctrination for a mere exercise of their prerogative to make educational choices regarding matters of legitimate dispute. *American Civil Liberties Union of Florida, Inc. v. Miami-Dade*, --- F.3d ----, 2009 WL 263122 (11th Cir.2009)

DECISIONS FROM OTHER JURISDICTIONS

Americans with Disabilities Act: Police officers did not fail to comply with any duty to reasonably accommodate a mentally ill criminal suspect and did not violate the Americans with Disabilities Act when they fatally shot the mentally ill hostage taker. *Waller ex rel. Estate of Hunt v. Danville*, --- F.3d ----, 2009 WL 331966 (4th Cir.2009)



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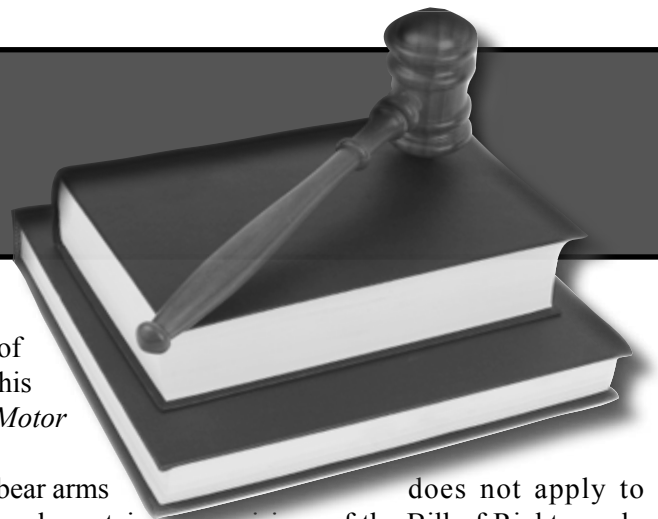
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Employees: The EEOC may continue to investigate a claim of race discrimination despite the employee's decision to withdraw his charge. *Equal Employment Opportunity Commission v. Watkins Motor Lines Inc.*, 553 F.3d 593 (7th Cir. 2009)

Firearms: The Second Amendment guarantee of the right to bear arms does not apply to override a state firearms ban. Under the incorporation doctrine, only certain provisions of the Bill of Rights apply to the states, and the Second Amendment is one of those that do not. *Maloney v. Cuomo*, 554 F.3d 56 (2d Cir. 2009)

Zoning: A real estate developer, whose plans to develop a parcel were stopped by a New Jersey township's zoning amendment, has standing to challenge the new classification. The court rejected the township's contention that the developer's exclusive option to buy the parcel was not enough of a property interest to establish the required injury-in-fact from the zoning change. The court said that the option "is itself a valuable property right" and that its value depended on the value of the parcel. *Toll Bros. Inc. v. Readington Township, N.J.*, ---- F.3d ----, 2009 WL 250098 (3d Cir. 2009)

ATTORNEY GENERAL'S OPINIONS

Alcoholic Beverages: The provisions of the Alcoholic Beverage Licensing Code do not authorize the ABC Board to issue one type of retail liquor license to a single licensee at one premise to be effective six days a week and a separate type of retail liquor license to be effective only one day a week where the two licenses are inconsistent with each other. AGO 2009-044

Annexation: An annexing municipality may pay the withdrawal fee to a fire protection district pursuant to Act 97-665, and such properties may be withdrawn from a fire district without the consent of the property owners. Act 97-665 does not require the annexing municipality to make its request to withdraw property from the fire protection district simultaneous to or within a reasonable time after the annexation of the property. Because Act 97-665 specifically states that the withdrawal fee must be paid in advance to the district prior to any property being withdrawn, districts may not elect to accept a promissory note or other structured payment from an annexing municipality. An annexing municipality may request withdrawal of certain properties from a fire protection district and pay the fee for just those properties. AGO 2009-038 **NOTE:** Act 97-665 applies to Tuscaloosa County only.

Census: For purposes of Section 36-21-3(c) of the Code of Alabama, the population of the county must be based on the most recent federal census and not on estimated figures. AGO 2009-037.

Competitive Bid Law: There is no statutory authority for a county commission to sell fuel. AGO 2009-034

Libraries: A free public library established pursuant to the provisions of sections 11-90-1 through 11-90-4 of the Code of Alabama, is exempt from the payment of sales taxes under the exemption found in Section 40-23-4(a)(11) of the Code of Alabama. AGO 2009-043

Utilities: A water authority's jurisdiction is not exclusive. A municipality may extend its services to provide water to the service area of a water authority with the consent of the authority. A water authority may extend its services to provide water to the service area of another water authority if the county commissions of the areas proposed to be served make findings that there is no public water system adequate to serve the area. Private individuals or entities are not prohibited from providing water in the service area of a water authority. AGO 2009-035

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2009 ALM EXPO



The Alabama League of Municipalities Annual Trade Show brings together more than 150 Vendors and State offices to introduce their products and services to officials and city leaders. Please take a moment to look over the list of vendors attending the 2009 Expo and make sure you stop by their booths to gather more information.

Exhibit Hall Schedule

5:30 p.m. Sunday, May 3 - Exhibits Open to hold the Official Welcome Reception in the Expo Hall. Heavy hors d'oeuvres and live music by Kings of Swing will be provided.

10:30 a.m., Monday, May 4 - Exhibits open following the Opening Session. Coffee breaks will be provided inside the Exhibit Hall.

Prizes - Make sure you register at participating booths! Participating Vendors will announce prize giveaway winners during the Monday afternoon Expo Time at the front of the Exhibit Hall. Be sure to be there to claim your prize before 4:00 p.m.!

4:00 p.m., Monday May 4 - Exhibits Close

Company Name and Booth Number

ADECA	605	AMEA	700
AIDT	1309	American Plus, Inc.	201
AL City/County Management Assoc.	1009	AMFund	104
AL Dept. of Mental Health	309	AMIC	100
AL Dept. of Environmental Management	1209	Asphalt Zipper Inc.	901
Alabama Attorney General's Consumer Office	809	Aviation Council of Alabama, Inc.	1301
Alabama Cable Telecommunications Association	604	Badger Meter	805
Alabama Correctional Industries	212	Black Mountain Software, Inc.	402
Alabama Department of Agriculture and Industries	509	Buxton	500
Alabama Department of Revenue	709	CBSi Services - cancelled	
Alabama Manufactured Housing Association	300	CDG Engineers & Associates, Inc.	702
Alabama Municipal Revenue Officers Association	209	Center for Governmental Services - Auburn University	1109
Alabama One Call	704	CGI Communications	701
Alabama Retired State Employees' Association	109	Chameleon Ways, Inc.	505
Alabama Tourism Department	609	Design Alabama	305
Allied Waste Services	401	Dixie Decorations	1200
		DMD Engineers	1100
		Empire Pipe and Supply Company	1000

ESG Operations, Inc.	802	NAFECO	A
Fire Rescue Help Group	D	National Safety Council	409
Gallet and Associates	1101	PReMA Corp	400
Giffen Recreation Co. Inc.	1404	QS/1 Governmental Solutions	200
GovDeals	105	RDS - Revenue Discovery Systems	800
Grasshopper Company	708/808	RSA	705
Hatch Mott MacDonald	204	Samson Equipment Co.	B
Holiday Designs, Inc.	404	Schwarze Industries	E
Honeywell Inertnational	1006	Sentell Engineering	906
Howard Technology Solutions	504	Severn Trent Services	1408
Hullett, Kellum & McKinney, P.C.	113	SmartWAVE Technologies	1400
Ingram Equipment	F	Southern Playgrounds	501/502
Integrated Paving Concepts	1302	Southland International Trucks, Inc.	804
J.A. Dawson and Co.	1001-1002	Star Recycling, Inc.	408
Judicial Correction Service	900	Sternberg Lighting	1102
Junior Davis & Assoc.	905	Syscon	904
Keep Alabama Beautiful/ Keep America Beautiful	909	Tank Pro, Inc.	405
Kidz Zone Play Systems	902	The McPherson Oil Companies, Inc.	602
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	1404 1304	1204 1104	1004 904	804 704	604 504	404 304	204 104	
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	1401 1301	1201 1101	1001 901	801 701	601 501	401 301	201 101	
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Change Coming to Continuing Disclosure Rules

By Stan Gregory, Bradley, Arant, Boult & Cummings, LLP

Since the mid-1990s, Rule 15c2-12 of the Securities and Exchange Commission (SEC) has effectively required most cities borrowing money through the issuance of bonds or warrants underwritten by investment firms or banks to file certain reports and make continuing disclosure of information related to their finances at one of several Nationally Recognized Municipal Securities Information Repositories (often referred to as NRMSIRs). Beginning July 1, 2009, cities will instead be required to file annual financial information and "material event" notices at a new single, designated location, the Electronic Municipal Market Access (EMMA) system.

EMMA is a website created by the Municipal Securities Rulemaking Board (MSRB), and has been approved by the SEC to provide a nationwide central location for municipal bond information. The MSRB, which was established in 1975 by Congress to develop rules regulating securities firms and banks involved in underwriting, trading and selling municipal securities, is composed of members from the municipal securities dealer community and the public, and is charged with protecting investors and promoting a fair and efficient market. It is a self-regulatory organization subject to oversight by the SEC.

EMMA is concerned exclusively with municipal securities, and will include not only disclosure documents and information provided by cities as required under continuing disclosure agreements (CDAs) that cities enter into in connection with the closing of their bond or warrant issues, but also trading and market price data. Submissions to EMMA will satisfy all submission obligations under both new and existing CDAs and it will no longer be necessary for cities to file anything with the NRMSIRs after July 1 of this year.

Documents are required to be submitted to EMMA electronically in portable document format files format (PDF), and will be filed simply by accessing the EMMA Dataport at www.emma.msrb.org and uploading the information. This website is already up and running, but is not yet accepting filings.

The change does not place additional disclosure obligations on cities; it merely changes (and essentially simplifies) the submission process. There are no filing costs associated with EMMA filings. All new CDAs executed by cities in connection with the closings of their bond and warrant issues should state that submissions are to be filed with EMMA beginning July 1, 2009.

There is one fly in the ointment: For cities having less than \$10 million in bonds or warrants outstanding, annual financial and other information that would have had to have been provided to investors only upon request will, for new publicly-marketed warrant or bond issues sold on or after July 1, 2009, have to be submitted annually to EMMA, just as has always been the case with larger issuers.

Your municipal bond counsel will be familiar with the new rules and can assist you with your own specific disclosure responsibilities.

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“1964” ... THE TRIBUTE takes their audiences on a musical journey to an era in rock history that will live in all of our hearts forever. Hailed by critics and fans alike as the most authentic and endearing Beatles tribute in the world, they have been featured on such nationally televised programs as Entertainment Tonight, PM Magazine, CNN, The USA Network, and The Nashville Network.

Masters of their crafts, “1964” spent years researching the Fab Four. From the Beatle boots, vintage outfits and Vox amplifiers to the mannerisms, spoken voice and unmistakable harmonies, they have captured and recreated a live Beatles concert to perfection both musically and visually. Members of “1964” are Mark Benson (John), Gary Grimes (Paul), James Pou (George) and Greg George (Ringo).”1964” has a written agreement with Apple Corps Limited allowing them to perform their incredible show anywhere in the world, as well as allowing them to say they are ... “The #1 Beatles Show in the World!”

“1964” has toured world-wide performing at major concert venues, as well as fairs, festivals, colleges, corporate events and conventions. They were voted “Best Major Concert Act” and “Best Contemporary Act” by the readers of Campus Activities Today Magazine. They were also voted “Contemporary Music Artists of the Year” by the National Association for Campus Activities, and “Campus Entertainers of the Year” by the Canadian Association for Campus Activities. They have appeared on scores of local television and radio programs throughout the United States, Canada, Europe, and South America.

Alistair Taylor, former President of Apple Records for The Beatles, astounded by a “1964” performance stated: “the resemblance was uncanny, it sent shivers down my spine. It was just like the boys. Never have I seen another group go to such detail – born again Beatles!” Louise Harrison, George Harrison’s sister, was so moved after seeing a “1964” performance, she held a party at her home in their honor.

For more information on “1964”, visit www.1964thetribute.com.

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