

The Alabama Municipal JOURNAL

February 2010

Volume 67, Number 8



Mobile Horticulture Display
By Teresa Lee, City of Prattville

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A Message from the Editor



Imagination at work: Prattville's re-purposed fire truck – see page 19

As I told you last month, 2010 marks an exciting milestone for the Alabama League of Municipalities – the organization's 75th anniversary! As we did in last month's issue of the *Journal*, we've shared more interesting historical information from the League's archives in this publication. On page 8 you'll find an article that first appeared in the March 1985 *Journal* under then Executive Director John Watkins' column – a summary from a 1939 speech given by Governor Bibb Graves on the importance of local government – a message as viable today as it was more than 70 years ago. Gov. Graves was extremely instrumental in the formation of the Alabama League of Municipalities in 1935 – recommending the board hire Ed Reid as the first executive director and then offering the new organization space in the Capitol, rent free, until arrangements for a more permanent location could be made.

On page 9 you'll find an intriguing article about Ed Reid, who became the League's first executive director in 1935 at the age of 25. Reid was a dynamic and politically savvy individual who had a background in newspaper publishing. He worked tirelessly on behalf of this organization for 30 years until his death in 1965. On page 11 you'll find some interesting information on the League's first publication, *The Alabama Municipal News*, which Reid began in 1937.

Annual Convention Will Celebrate 75th Anniversary

Be sure to mark your calendars for the **League's Annual Convention May 15-18 in Mobile**, at which we will be celebrating the League's anniversary. **NOTE:** registration forms will **NOT BE MAILED** this year. Instead, you can register online at www.alalm.org. (Registration forms were also provided in the January issue of the *Journal*.) Contact Theresa Lloyd at theresal@alalm.org with any questions regarding registration and please make every effort to attend this year's convention!

Congratulations!

Congratulations **Theresa Lee** of Prattville whose "Mobile Horticulture Display," which reflects Prattville's use of a retired city fire truck as a roving horticulture display, was selected as the 1st Runner Up in the League's 2010 Photo Contest and is the cover art for this issue of the *Journal*. Congratulations also to **Diane Killam**, CMC, Town Clerk of Flomaton for recently earning the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC). We also congratulate the winning entries for this year's Municipal Quality of Life Awards: Abbeville, Moody and Opelika as well as the three Honorable Mentions: Guin, Muscle Shoals and Enterprise. See page 16 for a summary of these outstanding entries. Speaking of municipal awards contests, NLC has announced its 2010 Awards for Municipal Excellence. The deadline for submissions is May 5, 2010. See page 14 for details.

Other Articles of Interest

Last month I had the opportunity to chat with Prattville horticulturist Ken Johnson to learn more about the City's unique beautification efforts, including the inspiration behind the re-purposed fire truck featured on the cover of this issue of the *Journal*. That article begins on page 19 with photos supplied by Prattville employees Teresa Lee and Matthew Morgan.

Be sure to read the Fat Facts article on page 23. Congress has made health care coverage a priority and with obesity currently costing U.S. private employers an estimated \$45 billion annually in medical expenditures and work loss, personal accountability will become critical in the years ahead. I know from personal experience that lifestyle matters. What you eat and how much you move makes a difference.

Carrie

The President's Report

Roy H. Dobbs
Mayor of Berry



NLC Congress of Cities March 13-17 Register Early and Save!

The 2010 Congressional City Conference, March 13-17 in Washington, D.C., will focus on legislation and pressing federal policy issues critical to local communities, as well as provide opportunities for networking, professional development and lobbying federal officials. This conference is an excellent forum to make sure cities and towns have a clear, unified voice in the national debate.

Registration for the conference is available online at www.nlccongressionalcityconference.org.

While the entire conference spans five full days, the conference experience is delivered in three segments: the main conference, pre-conference activities and an additional day to advocate on Capitol Hill.

What You Get With Conference Registration

The main conference, starting the morning of Monday, March 15, and running through Tuesday, March 16, offers workshops and general sessions on federal policy issues, including funding opportunities important to America's cities and towns. Information shared during the main conference aims to help participants understand how federal policy changes will impact city services and programs.

Sessions will provide information to enhance the ability of city leaders to help their communities once they return home. They will also provide critical information to enable participants be effective advocates during their meetings on Capitol Hill with their Congressional delegations.

Presenters will share information from federal agencies, provide real-world examples of successes and encourage peer-to-peer learning, which helps cities build on one another's achievements.

Attendees who participate on Sunday, March 14, can access pre-conference meetings as part of their general conference fee. These meetings are open to everyone and include NLC governance meetings such as the NLC Board of Directors, along with the policy and advocacy committee meetings. Attending these full-day and half-day meetings allows attendees to observe and participate in key discussions that shape the organization's work in the coming year.

The final day of the conference, Wednesday, March 17, is designated as a time for conference participants to visit and lobby their congressional delegations on Capitol Hill.

Leadership Training Seminars

The pre-conference training events, held Saturday and Sunday, March 13 and 14, focus on professional development of the individual leader to strengthen his or her skills as an elected official or municipal staffer.

To attend one of these Leadership Training Institute (LTI) seminars, attendees must both purchase a conference registration and pay an additional fee.

For full descriptions of LTI seminars visit: www.nlc.org/conferences__events/leadership_training_seminars/10837.aspx.

Register by February 15 for Discount!

Registering for the Congressional City Conference by February 15, 2010, saves nearly \$100 off the regular rate and \$150 off the onsite rate. First-time attendees can take advantage of the \$375 first-time attendee rate.

To register or to learn more about the conference, visit www.nlccongressionalcityconference.org.

I hope to see you in Washington this March! ■



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- Court Clerk
Large Municipal Court

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- Judge
Alabama Court

Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

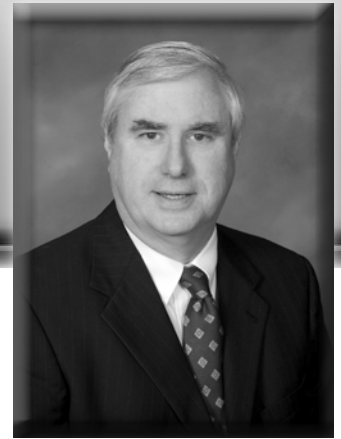
- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Perry C. Roquemore, Jr.
Executive Director



1939: Gov. Bibb Graves Reflects on the Importance of Local Government

This article originally appeared in the March 1985 issue of the Journal written by then Executive Director John Watkins.

The Alabama League of Municipalities has often been referred to as the family of cities and towns in our State. There is a closeness that exists between municipal officials statewide that is the result of shared problems and successes which does not generally exist between public officials at other levels of government. The family analogy is well chosen. We find that the family feeling exists between municipal officials and those who have served in municipal government in the past is almost as strong as the closeness between presently active officials. Just as family history is important to the natural family, it is important to our family of cities and towns. Acquaintance with the past of a family should produce a feeling of pride where pride is justified and, above all, it should produce challenge to equal the best and improve on the short falls of the past. It has been said the he who ignores history is doomed to repeat the mistakes of the past, and it might be added he might well fail to capitalize on its successes.

Our League was officially organized as a full time association with a permanent staff in May of 1935. The nation was endeavoring to pull out of the greatest depression it had ever suffered. There was great hope that came from the dynamic leadership of President Franklin D. Roosevelt and the cities and towns of our state through their leaders had a tremendous part in the recovery program. Alabama's Governor Bibb Graves took office for his second term in 1935. He was a friend of municipal government and helped the League and its membership as best he could during its first four years; nevertheless, his message to the Legislature on January 10, 1939, when he departed office reveals the great credit due to Alabama's cities and towns for the sacrifices they made during the depression; the condition of cities and towns in 1939; and his recommendations for improving the conditions in

municipal government over the next quadrennium. This message was and is an important part of the League's family history. We hope it will prove interesting and helpful to members and friends of the family.

Governor Bibb Graves' Message

"I feel that I should call your attention to one of the greatest problems facing the state at this time – the problem of providing much-needed relief for our city and town governments. The problem deserves your serious and careful and sympathetic attention. The state and county governments through legislation enacted in my two administrations are enjoying financial improvement, but our municipalities without exception are suffering. There should be no partial government recovery; financial improvement should extend all down the line.

"During the depression years public services provided for our citizens by the municipalities did not diminish in number or intensity. None of their functions was ever dropped from the list. In fact, demands for new and expensive services – services which a few years ago were undreamed of – were made and received. This condition was occurring at a time when municipal revenues were either static or diminishing.

"Changing social conditions have brought new demands upon municipal governments never before dreamed of. There is no sound reason to expect an early lessening of these demands. At the same time, changing economic conditions have lessened municipal income. This condition presents an acute situation demanding relief at your hands.

"I have examined into the manner in which our municipal affairs are administered, and I can find no quarrel with the results of administration in the past several years. The record is admirable, and city administrations generally, in my judgment, stand far ahead of many other classes

continued next page

of human activity throughout these past trying years. Nowhere in this state has municipal government broken down, although seriously threatened in a number of places. Courageous efforts had to be made to meet the demands placed on municipal services at a time when restricted income and the depression problem of unemployment relief faced municipal administrators. Such a record made under most difficult circumstances is commendable.

“My analysis of municipal affairs has convinced me that the ability of our municipal officials to finance out of their present revenues the quality and quantity of programs demanded by their constituents has passed the limits of their abilities to meet. To service their programs during the depression years they were compelled to postpone the day when their municipal debts must be paid. Further delay in effecting amortization plans will do irreparable damage to the credit rating of the state and county governments.

“I realize that to have adhered strictly to their debt retirement programs in the past few years would have meant the wholesale elimination of valuable and necessary daily services to our citizens. To have done so would have produced a dangerous result. We can easily imagine what would have been the result of the abandonment of such

a service as street lighting. Our highways and streets would have become a haven of criminal activity and reckless driving. If garbage and trash had been collected less frequently, or not at all, disease would have been encouraged. If street repairs had been ignored, expensive pavements would have been ruined long before their bonds had been retired. If police forces had been drastically cut and emergency calls answered less quickly, policemen would have been farther away when crimes were committed. Had the fire department forces been diminished fire losses would have mounted, and fire insurance rates would have become prohibitive. Such conditions would have cost our citizens and taxpayers money, and more important than that, they may have cost many of them their lives.

“In view of the fact that the ability of municipal government to raise necessary revenue to finance its operations is seriously restricted and limited, the remedy for this growing problem must necessarily come from the state government. I strongly urge you to give favorable consideration to measures designed to correct many of the financial ills of municipal government and I recommend whatever action is necessary on the part of the Legislature to bring this needed relief.” ■



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Ed Reid: The League's First Executive Director 1935-1965

By: Lee Anna Maynard, PhD



In 1935, upon the recommendation of Governor Bibb Graves, the newly formed Alabama League of Municipalities retained the services of Ed Reid, a charismatic, energetic young man with a background in journalism and government, as its first salaried director. Reid, only 25 years old, was born in Evergreen, had grown up in Georgiana, attended the University of Alabama, edited a newspaper in Flomaton, and embarked on a political career in the state capitol of Montgomery, serving as private secretary to the Speaker of the House. Louis Mullins, former mayor of Elba, recalled Governor Graves' labeling Reid a "ball of fire" and a "go-getter" when he recommended Reid to the 24 members of the fledgling organization.

Defined by his unbridled energy, dynamic personality and political savvy, Reid made lasting impressions on all who met him, quickly revising the opinions of those who might have dismissed him based on his relative youth and diminutive stature. In a region full of larger-than-life political figures, Reid still managed to cut a distinctive figure through his confidence, competence and ambition, quickly endearing himself to the municipal officials he represented. He aggressively and single-mindedly pursued the interests of the League, garnering respect at both the state and national levels.

The League's meager bank account – not even breaking four figures – motivated its new director to seek outside funding, and Reid was awarded a grant from the Rockefeller Foundation that covered his salary and provided a modest travel budget for a few years, enough time for him to recruit significantly more members for the League and funnel their membership fees into creating the infrastructure those municipal members would soon find indispensable. Within four years, Reid cultivated a nearly 350 percent increase in the League's roster of member municipalities, from the original 24 to 107.

Efficiency, modernity, and consistency were clearly watchwords for the new League, and the collecting and disseminating of information was not only critical to accomplishing these goals but also a natural fit for Reid, the former newspaper editor. His gift for communication and promotion aided him as he traveled throughout the state meeting and virtually requisitioning local political leaders into League membership and as he began regularly publishing the organization's goals, findings, and accomplishments in the *Alabama Municipal News*. In the inaugural issue, distributed October 1937, Reid's publication named the League's current officers, explained the phenomenon of "pressure groups" and their impact on legislative processes, explored the hidden costs of some legislative proposals, and educated readers on the ins and outs of fire insurance for municipal properties. His goal was to provide accurate information, informed opinions and pragmatic advice for running towns and cities – the principal that still guides the League's monthly publication, *The Alabama Municipal Journal*.



Through the late 1940s and first part of the 1950s, under the leadership of Ed Reid, the Alabama League of Municipalities focused on helping their member towns and cities create more stable, solvent, and seamless operations while influencing key legislation that made Alabama's highway department financially responsible for maintaining state and federal roadways that passed through municipalities; increased the scope of decisions local governments could make without consulting state lawmakers; enhanced municipalities' abilities to levy and collect taxes; and established improved compensation and benefits structures for mayors, commissioners, and other elected officials in cities and towns. Just as importantly, the League facilitated quick, reliable communication and

continued next page



Ed Reid (right) in front of League headquarters on 24 S. Hull Street in Montgomery. In 1946 the League secured a lease on this small, shot-gun style building where the offices would remain for the next 24 years until 1970 when a League-owned structure was built a few blocks over (and within walking distance of the State House) at 535 Adams Avenue.

interaction between municipal officials and state and federal lawmakers.

Within 15 years of its inception, the Alabama League would rate in the top five in the nation and Reid was cited by the national association as one of the five “best possible sources of information” on local government.

As the preponderance of the population of Alabama began shifting from rural to urban dwellings during the post-war years, thus drawing more and more heavily on the infrastructures of towns and cities, municipalities of all sizes depended on the League’s legislative and administrative efforts. The League’s efforts in the ten years immediately after victory was declared for the Allies focused primarily on helping municipalities develop and expand with as few growing pains as possible, and the organizational and educational work accomplished during this time of relative stability was to be tested by the turmoil accompanying the push for civil rights.

As local unrest reached a fever pitch, the guiding light of the Alabama League of Municipalities, the man who, for

many, was the League, died. With Ed Reid’s death from cancer in July of 1965, John Watkins, the League’s Legal Counsel, became the new Executive Director. Watkins had impressive shoes to fill: Reid had not only built the League from the ground up, but he had also turned it into an efficient organization recognized nationally as a powerhouse of influence, organization, and communication. He had attended every legislative session from 1935-1965 and was voted “Most Effective Lobbyist in the Legislature” five times. In the words of Leonard Beard, a mayor of Sheffield and the 1956 president of the Alabama League of Municipalities, no other League in the country had a better reputation for “*getting things done* both at the state and national level” or for conducting research, disseminating information, and handling an incredibly high volume of daily inquires from constituent municipalities.

Reid’s early fame as a “go-getter” never diminished – up until his death, municipal officials who had benefitted from the League’s efforts under his administration touted his organization’s service and even-handed representation of cities and towns of all sizes. The trailblazer from Evergreen earned a nationwide reputation for his expertise in local government matters and – more importantly for the people of Alabama and the officials who served them – he showed municipal leaders that *they* mattered. ■

About the Author: *Lee Anna Maynard, PhD, is a freelance writer, editor and independent scholar based out of Montgomery, AL. She received her PhD in English from the University of South Carolina and was an Assistant Professor in the Department of English and Philosophy for Auburn University Montgomery for seven years. Her first academic volume, which explores the role of boredom in the Victorian novel, was published in 2009.*





SMALL TOWNS AND DOWNTOWNS

2010 : Year of Alabama's
Small Towns and Downtowns

Information collected by the Alabama Tourism Department

February Event

2/20 I Love Trussville Week,
Trussville, AL

March Events

3/01 Year of Small Towns &
Downtowns, Lanett, AL

3/06 Celebrate Chelsea,
Chelsea, AL

3/13 Festival of Art at
Waterfront Park,
Orange Beach, AL

3/26 Dedication of
Government Plaza,
Tuscaloosa, AL

3/27 Talladega's 175th
Birthday Celebration,
Talladega, AL





The Legal Viewpoint

By Lori Lein
Deputy General Counsel



Navigating Comp Time

The Fair Labor Standards Act (FLSA) is a federal law which was originally enacted by Congress in 1938 and has been amended several times since. It was established to guarantee employees certain minimum wages as well as payment for any hours worked over the maximum number of hours set for their work period (overtime). Pursuant to the FLSA, overtime payments are set at time and one-half of the employee's regular pay.

Many employees and employers prefer paid time off (compensatory or "comp" time) rather than actual payment for overtime. Under the FLSA, employees may receive comp time in lieu of overtime pay for hours worked in excess of the maximum set for their work period. *See* 29 U.S.C. § 207(o). Employers need to have a written program in place if they want to offer comp time off in lieu of overtime.

Some common questions arise regarding the accrual and use of comp time in lieu of overtime. This article attempts to answer some of those questions.

Who is eligible for comp time?

Not all public employees are covered by the FLSA. Employees who are "nonexempt" from the FLSA overtime standards are eligible for comp time. Basically, if they are eligible for overtime pursuant to the FLSA, then they are eligible for comp time. Employees who are not considered to be employees under the FLSA include: elected officials, personal staff members, policy making appointees, immediate legal advisers not covered by personnel rules, independent contractors, prisoners and trainees.

While the FLSA specifies which employees are entitled to overtime or comp time in lieu of overtime, it is important to point out that employers are free to

provide overtime and or comp time to any employee regardless of whether they are nonexempt under the FLSA.

Can a municipality require employees to take comp time rather than be paid for overtime?

If a municipality currently utilizes only overtime and would like to start providing for comp time in lieu of overtime it is permitted to do so as long as it is agreed to by employees who were hired after April 15, 1986. *See* 29 U.S.C. § 207(o)(2). However, no agreement is necessary for employees hired prior to April 15, 1986, if the employer had a regular practice of granting comp time in effect on that date.

An agreement or understanding with employees may be established by notifying the employees of the municipality's comp time practice. *See* 29 C.F.R. § 553.23. The agreement must be reached **before** the performance of work by employees. *See* 29 C.F.R. § 553.23(a). An agreement will be presumed to exist if the employee does not object after receiving notice. If an employee does object, an employer cannot require that the employee utilize comp time rather than be paid for overtime.

At what rate does comp time accrue?

Generally, comp time is accrued at a rate of not less than one and one-half hours for each hour the employee is authorized to work in excess of the maximum set for their work period. *See* 29 C.F.R. § 553.20. For example, if an employee who is covered by FLSA for a maximum 40 hour work week works 60 hours during a particular work week, he or she would receive 30 hours of comp time off rather than 20 hours of overtime pay. Another

continued on page 15

NLC 2010 Awards for Municipal Excellence ENTER NOW!

The National League of Cities (NLC) is pleased to launch a new year of the 2010 Awards for Municipal Excellence! Since 1989, this prestigious award, sponsored by CH2M HILL, has honored outstanding programs across the country that improve the quality of life in America's communities.

You are invited to celebrate the continued success of the Awards for Municipal Excellence by nominating an innovative program in your city that has improved the quality of life for its residents by: forming successful and productive partnerships or collaborations, effectively managing resources, creating innovative government policies, or implementing projects with tangible positive results.

Cities of all sizes are welcome to submit nominations beginning in February 2010. Two winners will be selected in each of four population categories. **The deadline for all submissions is May 5, 2010.** The eight winning programs will receive awards of either \$1,000 or \$2,000, and will have the honor of being publicly recognized for their outstanding achievements at a ceremony at NLC's Congress of Cities Conference and Exposition in Denver, Colorado, November 30 – December 4, 2010.

To learn more about how you can recognize an innovative program in your city, and to obtain a copy of the 2010 nomination packet, please email awards@nlc.org or visit the NLC website at www.nlc.org.

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way of stating the answer is: 60 hours actually worked – 40 hour work week = 20 hours of overtime x 1.5 = 30 hours of comp time.

The accrual of comp time is limited. The maximum accrual for city employees in a public safety, emergency response or seasonal activity is 480 hours (320 hours of actual overtime worked) and 240 hours (160 hours of actual overtime work) for employees engaged in other types of work. *See* 29 U.S.C. § 207(o)(3)(a). If additional overtime hours are accrued, the employee must be paid overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.

How should comp time be requested?

Requests to accrue comp time must be made by the employee before work is performed. It should be in writing and made freely and without pressure or suggestion from the employer. This should be made part of the employer's policies and procedures.

As far as requesting the use of already accrued comp time, normally an employee must be permitted to use any accrued comp time within a reasonable period of time after making the request for time off so long as the time off does not unduly disrupt municipal operations. A simple inconvenience cannot serve as a reason for denying a timely request for use of comp time. However, a municipality can have reasonable policies and procedures in place for the use of comp time that take into account the day to day operational and manpower needs of the municipality.

What happens to comp time upon termination (voluntary or otherwise)?

If an employee has accumulated unused FLSA comp time at the time of termination of employment, the employer must cash out the accrued comp time at the rate of the employee's regular pay rate upon termination or the employee's average pay rate for the last three years of employment, whichever is higher. *See* 29 U.S.C. § 207(o)(4). If an employee has had a break in employment, the employer need only use the rate of pay during the current period of employment.

Even where a comp time agreement has been formulated, the employer may freely substitute cash, in whole or in part, in lieu of comp time. This decision will not affect future granting of comp time pursuant to the agreement.

Conclusion

The use of comp time in lieu of overtime provides employers with flexibility to allow employees to take time off for overtime hours worked rather than come up with the cash for overtime pay. Municipalities should be careful not to use comp time as a means to avoid the requirement to pay overtime. Employers should never attempt to pressure employees to accept more comp time than they can realistically expect to grant within a reasonable period.

Hopefully, this article provides some basic information to municipalities to help clear up any misunderstandings over how to administer comp time in lieu of overtime payments; particularly with regard to how hours are earned and under what circumstances time off can be given. Please keep in mind that this article is not intended as a complete overview of the Fair Labor Standards Act but is, rather, an attempt to summarize issues that arise when utilizing comp time. For a more comprehensive look at the FLSA and other labor laws affecting municipalities, please contact the League office for a copy of our manual titled "Labor Laws Affecting Municipalities." ■



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2010 Municipal

This year's Municipal Quality of Life Awards program had 12 entries (up from nine last year) with winners and honorable mentions in all three population categories. The cities of Abbeville, Moody and Opelika were chosen as the winners for their population categories – 1 to 5,000, 5001 to 12,000 and 12,001 and over, respectively. The cities of Guin, Muscle Shoals and Enterprise were chosen as the Honorable Mentions for those same population categories. Abbeville, Moody and Opelika will be recognized during a special Awards Ceremony at the League's 2010 Annual Convention in Mobile in mid May.

The Municipal Quality of Life Awards program was designed to recognize outstanding projects in local government and to share those success stories with other municipalities. The following information highlights the winners and honorable mentions in this year's Awards program.

Abbeville's RUOK (Are You Ok) program

Winner: 1 to 5,000 population category

On April 16, 2001, then Mayor Dan Blalock and the City Council approved and paid for the "Are You O.K.? Computer System," a computerized reassurance telephone program that called older adults, shut-ins who lived alone and disabled subscribers each morning; contacted emergency service staff if the person did not respond to the call; and then sent a dispatch to the home. In 2001, the City's cost was \$3,550 and the service was free to elderly participants. While the program was well received, the computer system was eventually abandoned due to lack of funds and city employees began making the calls. Dispatcher Sonja Vanlandingham begins her calls at 7 a.m. each morning, although the recipient may request calls any time during the day or multiple calls, including a good night call. When the elderly participant answers, Sonja asks, "Are you okay?" If the call is unanswered, emergency personnel are dispatched to the location.

The program continues to be well received by the community and Mayor Ryan Blalock said "it's an honor, as a community, to care for those who have cared for us ..."

Moody Miracle League

Winner: 5,001 to 12,000 population category

There's something about playing baseball that lights up youngsters' eyes, but for children and adults facing physical and mental challenges, that opportunity can often be difficult

to find. The Moody Miracle League was established in 2003 to provide children and adults with mental and/or physical challenges an opportunity to play baseball as a team member in an organized League. The City of Moody provided the land for a specially equipped field to be constructed and what started with 117 players has now grown to over 250 with the youngest being 4 years old and the oldest 69.

The "Field of Dreams" is located in the Moody Municipal Park and was chosen so the Miracle League participants could play baseball alongside their brothers, sisters, friends and schoolmates. The field is custom-designed to accommodate wheelchairs and other walking devices while helping to prevent other injuries. A cushioned, synthetic turf provides a level playing field where players, with the help of a "buddy", can hit, run, catch and experience a home run just like their friends. During each Miracle League game, every player is given the opportunity to hit the ball and score a run. Miracle League team members are assigned buddies who assist them in hitting the ball and "running" the bases. Buddies can be fellow schoolmates, parents, college students, business leaders or anyone who wishes to volunteer.

In 2003, Moody's Miracle League's "Field of Dreams" was the first fully accessible handicapped baseball field in Alabama. Since its inception, cities from Alabama, Arkansas, Florida, Georgia and Pennsylvania have sent interested individuals to see the Moody Field. The Miracle League was also featured on HBO. For more information, visit www.moodymiracleleague.com.

Opelika Sportsplex & Aquatic Center

Winner: 12,001 and over population category

It started as a "wish list" item on a survey conducted in the early 2000s. People wanted a "family oriented" facility offering a wide variety of activities – a place people could play sports, learn about health care issues, have special gatherings and have fun. The city's governing body brought in a team of experts and a plan of action was developed to determine what type of facility to build, cost and how to pay for it. On February 21, 2008, after years of preparation and fundraising, ground-breaking ceremonies were held. On August 31, 2009 – on schedule and on budget – Opelika's new state-of-the-art Sportsplex & Aquatics Center opened its doors to the public.

The \$32 million, 75,000 square foot complex is the largest project ever undertaken by the City of Opelika and represents

Quality of Life Awards

the city's first-ever public-private partnership, with businesses, corporations and private individuals contributing approximately \$5 million. The facility includes an indoor Aquatics Center with a heated pool (zero depth entry and special lifts for the handicapped), a Jacuzzi, steam rooms, outdoor splash park, two racquetball courts, a youth game room, a dual gymnasium with a raised platform for special events, a resilient rubber indoor walking track, a cardiovascular area, a weight room, senior adult activities center, group fitness room, three large meeting rooms with AV equipment, warming kitchen, outdoor amphitheater, outdoor walking track and state-of-the-art soccer complex.

The Parks and Recreation Board set the goal of 600 memberships for the start-up year. As of November 27, 2009 (three months after opening), the Sportsplex has registered nearly 1,200 memberships, representing 13.4 percent of Opelika's population. For more information, visit www.opelikasportsplex.com.

Guin's Collins Life Center and Safe Shelter Honorable Mention: 1-5,000 population category

On March 7, 2006, a ground-breaking ceremony was held for the future Guin Senior Center and Safe Shelter – the first such facility in the United States. Throughout a two-year period, the project took life. Money was obtained through the Department on Aging, FEMA (75 percent) and, in part, by local funds (25 percent). Contractor bids were taken three times before the project came within range of the grant monies secured. Once the building was near completion, a committee was established to invite citizens and area businesses to donate furnishings for the facility. Donors' names were engraved on a plaque. On April 21, 2008, local, state and national officials joined students, residents, city officials and Mayor Phil Seagraves for the grand opening of the new "Collins Life Center and Safe Shelter of Guin". Executive Director of the Alabama Department of Senior Services, Irene Collins, for whom the center is named, was on hand for the opening.

In addition to serving the daily needs of area seniors, the Center also functions as a public shelter in the event of a disaster. A FEMA-approved safety plan was developed and there is a trained volunteer team on call to help man the shelter when the surrounding counties are under tornado warnings. The building is designed according to FEMA standards to withstand hurricane and tornado force winds, floods and other hazardous conditions and has a short-term capacity of 150 people. There

is a natural gas generator, stocked supplies, a command center with TV, weather radio and Internet access, a refrigerator for insulin or formula, a medical needs room equipped with portable hospital beds and oxygen hook-up outlets, handicap-equipped showers, cots, pillows, and blankets.

The Collins Life Center operates according to the North Alabama Council of Local Government and State Department of Aging regulations during the hours of 9 a.m. until 1 p.m. and is equipped with two plasma TV/DVDs, a large projector screen, exercise equipment, console piano and a large dining area. There is also an Internet-accessible computer lab, library/sitting room, game room and fully equipped kitchen. The Center is available to seniors 60 years and older, and enrollment has increased 75 percent since it first opened.

Muscle Shoals' Gattman Park Redevelopment Honorable Mention: 5,001 to 12,000 pop. category

The City began its recreational programs and facilities in the early 1970s with the donation of approximately eight acres from a local family to develop what would become Gattman Park. The first generation of recreational facilities and programs consisted mainly of traditional programs such as baseball, basketball and offices for the recreational department. However, little was offered to children under age 12. The second generation of facilities/programs sought to meet that need. During this phase, the City constructed numerous sports fields to include softball, tee ball, soccer and others. Muscle Shoals has hosted many Dixie Youth World Series and tournaments over the last 10 years. However, the needs of children ages 5 and under, as well as individuals with disabilities, had not been met. The third generation of programs needed to address ADA accessible "Boundless Playgrounds." In 2005 the City constructed a new tennis facility near the existing high school. This facility was superior to the existing facility located in Gattman Park and, as a result, courts in Gattman Park became under utilized.

In 2006, the City Council decided to use half the Gattman Park tennis facility to create a boundless playground for children ages 0-12 years. This facility was constructed using local funds and city personnel in order to maximize size of the play area. In 2007, plans were developed and an application submitted to the Land and Water Conservation Fund (LWCF)

continued next page

Municipal Quality of Life Awards *continued from page 17*

for grant money for a splash pad that would include a bathroom and concession facility (which could also serve the playground). In 2003, the City was awarded a \$200,000 LWCF grant that would be matched by the City to construct the facilities. Construction took place during the summer and fall of 2009 and the facility will open to the public in the spring of 2010. Future improvements to this redevelopment project include the addition of pavilions and seating.

Enterprise's Civic Center/Senior Center

Honorable Mention: 12,001 and over pop. category

On September 13, 2009, the City of Enterprise opened the doors to what is now viewed as an icon for the City of Progress, the Enterprise Civic/Senior Center. This 25,000 square foot building, which includes an auditorium, several meeting rooms, offices, a full-service kitchen and Senior Center, was a long-awaited project for Enterprise citizens.

In 2005, the City began to aggressively pursue the construction of a new center. Enterprise was successful in receiving a Community Development Block Grant through the Alabama Department of Economic and Community Affairs

and then established an agreement with the Coffee County Commission to use the center as a city and county facility in exchange for financial support from the county.

The decision was made to build the new center next to the Enterprise Recreational Complex, a popular park. On June 25, 2008 at least 100 people attended a groundbreaking ceremony and throughout the 18-month construction period, more than 180 employees and eight prime contractors worked to finish the project. Great care was taken during the design phase to create something convenient and fun that provides adequate space for fellowship. With 5088 square feet, the facility seats 100 in the cafeteria, 216 in the living area and 50 in the computer room.

In addition, themed activity rooms were added that include a TV room, game area, a quilting room, an art room and a workout room. The Senior Center is offered free of charge to Enterprise Seniors and also provides a variety of services in addition to a congregation area. The Senior Center provides homebound meals, daily lunches, transportation, information, assistance, outreach, education and several varied programming options such as art classes, etc. For more information, visit: www.cityofenterprise.net.




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Prattville's Horticulture Department Uses Imagination and Ingenuity to Enhance "The Preferred Community"

By Carrie Banks, ALM Communications Director • Photos by Teresa Lee and Matthew Morgan, City of Prattville

Visit Prattville's website and you'll see "The Preferred Community – Where Progress & Preservation Go Hand in Hand" proudly featured atop each page. Visit the Preferred Community, and it's immediately evident that this tag line is taken very seriously by city officials and employees, particularly through municipal landscaping efforts.

Mayor Jim Byard is extremely pleased with the City's beautification projects and believes the added aesthetic value is intrinsic to Prattville's "Preferred Community" slogan. "We've had a Horticulturist for about seven years," he said. "The department handles many special events, as well as annual displays in our Historic District and throughout the city. The crew is responsible for our gateway signs, entries to our cemeteries and is beginning to manage the grounds at our parks."

City Horticulturist Ken Johnson was hired in February 2009. With nearly 30 years of extensive landscape design experience and an impressive resume including Callaway Gardens in Pine Mountain, GA, he immediately began putting a signature on the City's landscape efforts, completely overhauling the department in the process, which now has a seven member staff and an on-sight greenhouse where a variety of seasonal plants will be grown throughout the year.

"There are quite a few common areas and parks within the City of Prattville," Johnson said. "We maintain those areas and have redesigned and installed a number of new landscapes which we'll further expand this spring. Our new greenhouse is fully loaded with product that will be planted throughout the City and we are now growing the majority of our plant material. This will be the first season we've had control over what is produced because the greenhouse didn't exist upon my arrival." Johnson expects the municipal greenhouse to provide a significant financial savings to the City over the long run.

Imagination and Ingenuity

The cover art for this month's issue of *The Alabama Municipal Journal* (and 1st Runner Up in the League's 2010 photography contest) features Prattville's unique mobile horticulture display created from an out-of-service city fire truck – a vibrant landscape that has become a popular addition to city festivals and parades.

"Through my association with Callaway, I was fortunate to work with some of the most talented people in the world and had the opportunity to challenge my creativity," Johnson said. "Over the years, I've experimented with unique ways to introduce landscapes and color. Not long after coming to Prattville, I was at the vehicle maintenance area and saw an

old fire truck. Upon closer inspection, I realized it might be possible to create a garden atop this truck so I presented the idea to the Mayor."

The repurposed fire truck debuted at Prattville's City Fest this past year. Incorporating a tropical look, it has a contained water feature – water running out of a waterfall into a pool – as well as permanently planted cold-tolerant palms and several topiary monkeys hanging from the truck to add character and interest.

Johnson said it wasn't that difficult to transform the truck into a mobile landscape. "We had to do some re-engineering – taking some parts off and rearranging some areas to accommodate a containerized garden we could fill with soil." The truck has been used in the 4th of July Parade, the Christmas Parade and will be featured be in the upcoming Mardi Gras Parade. "For the Christmas Parade we used big wrapped presents and seasonal greenery," Johnson said.

In addition to a fully automated municipal greenhouse, Johnson and his team have constructed two large cut flower gardens to supply city offices with fresh cut, seasonal flowers. They're also developing a wildflower meadow near the Creek Walk behind City Hall. "It's a fairly low-maintenance project that will utilize approximately 30 wildflower varieties that will adapt to the southeastern climate."

The horticulture department works in concert with several area garden clubs – one of which recently made a donation to Prattville to purchase naturalizing daffodil bulbs that have since been planted along the creek bank. "We may consider in the future developing a volunteer program for master

continued page 26



Prattville Horticulture Department: Kneeling is Horticulturist Ken Johnson. Standing (from left to right) are Trey Goodson, Wilson Goodson, Kay Morris, Ray Thomas and Matthew Morgan. Not shown: Devon Peek. Photo by Teresa Lee.

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

Alcoholic Beverages: Circumstantial evidence was sufficient to support convictions for allowing minors to participate in an open house party (§13A-11-10.1, Code of Alabama). There was evidence that the defendants, a father and mother, knew their underage daughter and other minors had been consuming alcohol at their home and that they did not do anything to prevent or stop the consumption of alcohol. *Owens v. State*, 19 So.3d 252 (Ala.Crim.App.2009)

Courts: The rule giving a trial court authority to correct clerical mistakes in judgments, orders, or other parts of the record at any time did not allow the trial judge, after the 60-day period for ruling on a defendant's motion for new trial had expired, to correct the record to reflect that hearings on the new-trial motion were continued by agreement of both parties. The agreement to continue the motion for new trial had to be on the record before the 60-day period expired and this failure may not be corrected after that period expires. *Johnson v. State*, 18 So.3d 969 (Ala.Crim.App.2009)

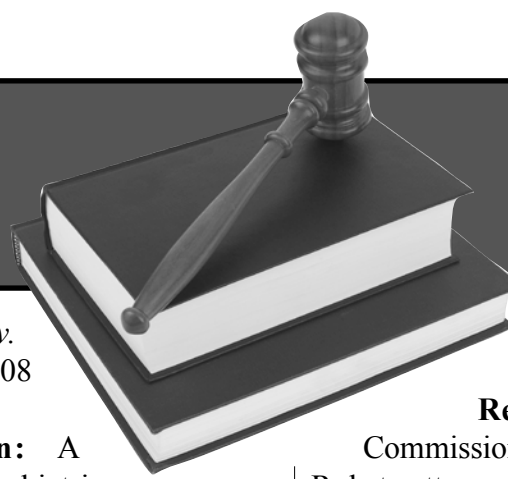
Courts: The Circuit Court lacked authority to order that the record of a petitioner's Municipal Court conviction for carrying a pistol without a permit be completely removed and deleted. Even if the court was satisfied that the legislature's terminology defining the offense was misleading in suggesting that the petitioner carried the weapon on his person and not merely in a vehicle, statutes relating to purging, modification, or supplementation of criminal records were directed at making them accurate, not making them disappear. *Ex parte City of Dothan*, 18 So.3d 930 (Ala.2009)

Searches and Seizures: An officer was not justified in stopping a defendant and performing a pat down search where the officer could not articulate reasonable suspicion other than he stopped defendant because he was walking in middle of street, that the area was dark, and that there was a lot of drug activity in that area. With regard to the pat down, the officer did not testify that he believed the defendant was armed. A pat down of a defendant for officer safety must be supported by facts that would justify believing that a defendant is armed and presently dangerous. *Smith v. State*, 19 So.3d 912 (Ala.Crim.App.2009)

Streets: The municipality is an indispensable party to an action between private litigants seeking to determine whether a road is public or private. The fact that a municipal employee is called to testify as a witness at trial does not negate the requirement that the municipality be joined as a party to an action seeking to determine whether a road is public or private. *Allbritton v. Dawkins*, 19 So.3d 241 (Ala.Civ.App.2009)

Tort Liability: A police officer who was part of a team that processed arrestees in a prostitution sting had statutory and state-agent immunity on tort claims by a plaintiff whose name, date of birth, and address were falsely given to the officer by one arrestee as being her own, and who was later incorrectly identified in a press release to news media as one of the arrestees. Even if the city's police department had a policy regarding the verification of an accused's identity, the policy did not include detailed rules or regulations that the officer violated. *Ex parte City of Montgomery*, 19 So.3d 838 (Ala.2009)

Utilities: In Alabama, the existence of a duty is a strictly legal question to be determined by the court. A power company that operated a dam complied with its common-law duty not to cause greater flooding than would have occurred naturally during a flood. The company complied with federal regulations governing its operation of the dam during the floods at issue, and the company's activities during the floods lessened the outflows from the dam such that the flooding that did occur downstream was less than what would have



occurred naturally. *Bryan v. Alabama Power Co.*, 20 So.3d 108 (Ala.2009)

Worker's Compensation: A claimant's failure to attend psychiatric treatment or take anti-psychotic medication for 18 months constituted an unreasonable refusal of medical treatment, thereby precluding the claimant from receiving worker's compensation benefits during the period of refusal. *Ex parte Saad's Healthcare Services, Inc.* 19 So.3d 862 (Ala.2008)

DECISIONS FROM OTHER JURISDICTIONS

Police Department: The New York City Police Department's policy of administering a breathalyzer test for alcohol to officers immediately after they cause an injury or death from firing their guns does not likely violate the Fourth Amendment. *Lynch v. City of New*

York, --- F.3d ----, 2009 WL 4723598 (2nd Cir.2009)

Red Flags Rule: The Federal Trade Commission went too far in applying the Red Flags Rule to attorneys. With respect to the legal profession, the court determined that the FTC's application of the rule violates the Administrative Procedure Act and must be rejected because the Red Flags Rule cannot be properly applied to attorneys in the overly broad manner in which the Commission sought to enforce it. *American Bar Ass'n v. F.T.C.*, --- F.Supp.2d ----, 2009 WL 4289505 (D.D.C.2009)

ATTORNEY GENERAL'S OPINIONS

E-911: An E-911 Board may provide for an emergency communication system and may provide radios, which will be used to receive dispatch calls, to a volunteer rescue squad. AGO 2010-019



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When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. “If there’s a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical.”

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FAT FACTS: What You Eat and How Much You Move Matters

Carrie Banks, Communications Director, Alabama League of Municipalities

According to a 2008 study by the Conference Board, the rate of obesity in the United States has doubled in the last 30 years with 34 percent of American adults fitting the definition of “obese.” Obesity is associated with a 36-percent increase in spending on healthcare services – *more than smoking or problem drinking* – costing U.S. private employers an estimated \$45 billion annually in medical expenditures and work loss.

With obesity comes the increased risk of diseases such as Type II Diabetes, heart disease, high blood pressure and breast, colon and prostate cancer. In addition, obesity puts tremendous stress on joints, can inhibit movement, dexterity, stamina and sleep and has been linked to mental health conditions such as depression.

With that in mind, what do we need to know about “fat”?

Elizabeth Ramirez, MEd, RD, LDN received her Masters in Exercise Science from Auburn Montgomery in 2006 and has been a registered dietician for 10 years. “Fat is not a four-letter word. It’s an important component, along with protein and carbohydrates, for our bodies to function,” she said. “Fat cushions our organs and produces hormones. We have healthy skin and nails because of fat and we get energy from fat.”

During the mid-1990s, “fat-free” became a pervasive, and ultimately unhealthy, trend. Dieters flocked to processed foods as a weight management solution only to experience roller-coaster energy swings and increased hunger. Because fat-free foods are higher in sugar, salt and refined flour, they actually contributed to the weight control problem. “We sacrificed taste; we sacrificed the enjoyment of food because we didn’t want to have any fat in our diet whatsoever,” Ramirez said. “If you compare labels from regular, reduced fat and fat-free products, the middle-of-the-road is usually the best option. However, it takes a personal decision to take the time in the grocery store to compare labels. For example, with salad dressings, particularly Ranch dressing, light or regular are the better choices because fat-free has more sugar and salt. The key, of course, is to stick with the recommended serving size, which can be difficult since a lot of people tend to drown their lettuce in dressing.”

There’s nothing “free” when it comes to nutrition. Being healthy and following a nutritious diet takes a concerted effort and requires personal responsibility. “I think there

are good, bad and ugly fats,” Ramirez said. “Good fats are your monounsaturated fats such as olive and canola oils, peanut butter, avocados, olives, almonds. These help reduce the “bad” LDL cholesterol. The even better fats are the polyunsaturated fats – which can sometimes not only reduce the bad cholesterol, but increase the good (HDL) cholesterol – because they include the omega-3 fatty acids, which are found in fatty fish such as salmon, tuna, mackerel, herring and trout.”

Saturated fats, which occur naturally in many foods and contain dietary cholesterol, can increase the risk for heart disease and stroke. The majority of saturated fats come from animal sources, including meat and dairy products such as fatty beef, lamb, pork, poultry with skin, lard, cream, butter, cheese and other dairy products made from whole milk. “Trans fats, which are manufactured fats, are not good for us at all,” Ramirez said. “They’re also hidden, particularly



I wrote this article but I’m also a testament to the validity of the information. This picture was taken May 2008. I was 39 years old at the time and exercised regularly. In fact, I’ve exercised regularly my entire adult life. In December 2008, however, I finally started paying attention to *how much* I was eating ... *continued next page.*

The American Heart Association (www.americanheart.org) has posted a "Face the Fats" link on its website that includes a "Fats 101" Q and A for making healthy fat choices as well as a "fat-sensible" guide with tips on cooking, snacking, eating fast food and reading labels. In addition, their "Fat Translator" (www.myfatstranlator.com) is extremely easy to use and calculates personalized daily calorie needs, recommended range for total fats, limits for saturated and trans fats (bad fats) as well as provides fat-sensible food substitutions.

in processed, pre-packaged foods." (Additional information is available from the American Heart Association. See yellow box below.)

Fat is not only an important dietary element, it's critical to body composition as well. "Just like bones and muscle, fat is essential," said Michele Olson, Ph.D. in Research Physiology and full professor of Exercise Science at Auburn Montgomery. "We need subcutaneous fat – it helps us stay warm, protects the things just underneath the skin and protects our muscles; however, once a third of your body weight is coming from fat, the more prone you are to increased health risks – everything from orthopedically to heart disease to other lifestyle diseases."

According to Olson, there are two fat patterns: the android, or male fat pattern, (commonly referred to as apple shape), where more of the body fat is located centrally, and the gynoid, or female, fat pattern (pear shaped), where relatively greater fat is in the hip and thigh areas. "A woman can have an android fat distribution just as males can have a gynoid distribution," said Olson, "and for the most part, none of us are "pure" types – we're relatively one or relatively the other.

"It's all the same fat, but it behaves differently depending on where it's located. Pear-shaped fat is very difficult to lose for a couple of reasons – a large percentage of fat cells is distributed in that area and because gynoid fat has historically served as biological protection for pregnant women during times of feminine. It's purposefully designed to be difficult to lose."

Olson said research has shown that adrenaline is a little more affective at targeting fat cells in the legs and glutials. "One of the earliest studies on women with gynoid obesity had the subjects in one group do repeated brief but very intense interval bursts on cycles," she said. "The second group spent the same amount of time on the bikes and burned the same number of calories but did not do the high intensity interval bursts. The results were markedly different. The amount of pear fat lost on the subjects doing the very intense, repeated

intervals was significantly more even though the total amount of calories burned was the same for both groups. This was possible because intense interval bursts increase adrenaline concentrations to those fat cells to mobilize the fat. Also when you do intense exercise, you have post exercise metabolic burn that can carry on for several hours.

"In terms of central body (android) fat, there can be two types or a mix, and probably the mix is the most common overall," Olson said. "You can have primarily subcutaneous fat – the fat you can grab hold of – but you also can have deep visceral fat that surrounds the vital organs – that's the belly fat that's hazardous because it behaves differently from subcutaneous fat. It creates much more inflammation."

For people who need to lose weight, Olson recommends every other day doing a high-intensity workout (to target visceral fat and gynoid fat) and every other day a low to moderate intensity workout (walking, elliptical machine, stationary bike) to continue to burn calories. The basic calories in/calories out approach will eventually stimulate your body to turn to fat stores and encourage weight loss. "That is just the reality of having successful fat loss and maintaining it," Olson said. "On most days of the week, exercise needs to be incorporated. If you truly want to change your appearance, that requires structured effort." ■



This photo was taken July 2009. What you eat, *how much* you eat and regular exercise really do matter. I made several lifestyle changes in December 2008 that took time, patience and resolve but were well worth the effort and resulted in a nearly 40-pound difference by December 2009. I ran my first 5K this past October and turned 41 in November. Most rewarding of all: *I feel great!*



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A repurposed fire truck featuring cold-resistant tropical plants and topiary monkeys has made an interesting mobile horticulture display for the City of Prattville. Photo by Teresa Lee, City of Prattville.

gardeners in the area,” Johnson said. “At some point we may also consider holding a gardening seminar which would be open to the public where we bring in several keynote speakers, do some demonstrations and perhaps have a plant sale. That’s something I very much want to do because I’ve been involved in educational projects and activities within this industry for many years.”

Johnson said it was a golden opportunity to work for Prattville and “at the moment we’re developing new areas of color within the City. Our color program, which is the biggest bang for the buck, is probably going to double – maybe even triple – in square footage this coming spring.” Color is also a key feature of the 70 hanging baskets filled with blooming material and hung in the downtown area from spring until fall.

Departmental Challenges

According to Mayor Byard, horticulture is considered a department within the city’s operations and, as such, competes for funding with other departments. “As we all know in local government, there are an infinite number of worthy projects and programs vying against a finite amount of dollars,” he said. “Our horticulture department understands making do with less; however, I’m hopeful as the economy turns around and their responsibilities increase, so will their slice of the budget pie.”

Johnson concurs. “When Prattville hired me, they wanted the landscaping to be brought up to speed with the city’s physical development,” he said. “Right now we’re limited by financial constraints; however, we were fortunate to be able to develop a greenhouse. The Council and the Mayor have seen the progress made over the last year and so they are very keen now on trying to funnel more dollars into our department. And I think that will definitely happen once the economy changes.”

Beautification Efforts Increase Quality of Life

Mayor Byard has no qualms encouraging other cities and

towns to consider horticulture projects. “Beautification of common spaces is an added resource for living in a particular community and must be thought of as an integral part of the operation of city government,” he said. “Ken Johnson and crew provide a tremendous amount of goodwill and quality of life for our residents and visitors alike. Making sure our planted areas are colorful, clean and well manicured is what one would expect from the horticulture crew; however, with Ken and his team, we get those benefits plus imagination, creativity and personality – something our residents have now come to expect at special events, during special celebrations and throughout our city.”

Johnson emphasizes that even though a municipality may not have a horticulturist on staff, small scale projects can still be accomplished. “Determine your resources, such as garden clubs, master gardeners and community advocates,” he said. “Find those people willing to do something – plant a tree, a small garden, give a charitable donation – then put those efforts toward the “bulls-eye” projects, the most recognizable common areas in the community. Don’t spend resources on secondary areas of the municipality.

“The bottom line is quality of life,” Johnson said. “Walk into an office building blank of green then walk into one that’s abundantly landscaped with color and there’s an obvious difference in curb appeal. You don’t go anywhere in the world and talk about development and quality of life without the “green” industry playing a major role in it. And with an obvious emphasis on “green” in the current culture, it’s appealing to develop spaces that you know people feel comfortable returning to.” ■



A pondless water feature was added to Prattville’s Butch Ray Fragrance Garden at Overlook Memorial Park. Designed to “disappear” through a stack of native rocks, the water is then collected into a sump below the rocks and recycled back through the feature, keeping the water cleaner, clearer and preventing “pond scum” from developing. Such water features are much more child-safe than traditional ponds since there’s no pooling of water, virtually eliminating any drowning risk. In addition, the issue of mosquito breeding is alleviated because this feature will not generate stagnant water. Photo by City of Prattville horticulture employee Matthew Morgan.

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