

# The Alabama Municipal JOURNAL

September 2010

Volume 68, Number 3



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# The Alabama Municipal JOURNAL

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## On the Cover:

2010 CMO Commencement ceremonies were held on August 10th in Montgomery marking the 15th group of elected officials to receive their basic CMO Certification and the 12th group to receive their Advanced certification.

**Congratulations, graduates!**

## A Message from the

# Editor

Something I particularly enjoy about where I live is the cicada serenade that takes place just outside my back door. It's especially beautiful during the evening hours, as the daylight is fading and night's comforting cloak begins to settle over the landscape. Sometimes the cicadas sing so loudly I'm actually glad I can't see them – surely it would be a disturbing sight. In fact, I rarely see a live cicada. More often, I'm startled by the eerie shell left clinging to a plant or tree after the adult completes its molting process. One morning a few months ago, I was dead-heading my day lilies when I happened upon the cicada pictured here just as it was about to abandon its former self. What a fascinating gift from Mother Nature! It's almost as if she was using the moment to say: "What will *you* accomplish today?"



### CMO Sessions this month – “Safety and Security: How Safe Are We?”

Municipal officials can no longer take for granted that they are safe when dealing with the public. In February 2008, a gunman who was upset by actions taken by the city killed two police officers and three city officials during a council meeting in Kirkwood, Missouri. As public agencies, Alabama law guarantees the public certain rights of access to council meetings and city hall. There are, however, limits on the extent of that access. Finding a balance between the rights and limitations of the public is crucial, and the risks of failure can be extreme. Using the Kirkwood tragedy as a starting point, this month's CMO sessions explore the rights and limitations on public access to elected officials and council meetings and suggests actions municipal officials can take to protect themselves and their municipalities. Registrations were mailed last month. Each session is \$100 per person (includes lunch) and will be held **Sept. 20**, Embassy Suites, Montgomery; **Sept. 23**, Loxley Civic Center, Loxley; **Sept. 29**, Huntsville Marriott, Huntsville; and **Sept. 30**, Wynfrey Hotel, Birmingham. **For more information, contact Cindy Price at 334-262-2566 or via email at [cindyp@alalm.org](mailto:cindyp@alalm.org).**

### 2011 Municipal Photography Contest – **Deadline: November 5**

I encourage you to enter the League's Fourth Annual Municipal Photography Contest (see page 22). The winning photo will be featured on the cover of one issue of the *Alabama Municipal Journal*. Other entries may be used in the *Alabama Municipal Journal*, as well as other League publications and on the League's website, throughout the year. Pictures of municipal buildings, parks, streets downtowns, city festivals ... all are acceptable. **This year's deadline is November 5.** Because the winning photo will appear on the cover of the *Journal*, the picture must be vertical, color and taken at a high resolution so the print quality is not compromised. Complete information is posted on our website at [www.alalm.org](http://www.alalm.org).

### 2011 Municipal Quality of Life Awards – **Deadline: December 1**

Next month we will mail information to mayors and clerks regarding our 2011 Municipal Quality of Life Awards program. One winning entry and one honorable mention will be chosen from each of three population categories: 1 – 5,000; 5,001 – 12,000; and 12,001 and over. The three winning entries will enjoy statewide recognition at the League's 2011 Annual Convention in Huntsville; receive a special plaque; be featured in a video shown at the Convention; be spotlighted on the League's website; and featured in the *Alabama Municipal Journal*. The three Honorable Mentions will receive a certificate as well as recognition on the League's website and in the *Alabama Municipal Journal*. I encourage you to read through the materials as soon as they arrive in order to prepare your entry by the December 1, 2010 deadline. Information will also be posted on our website at [www.alalm.org](http://www.alalm.org) in October.

### NLC Congress of Cities – **November 30 - December 4**

The 2010 National League of Cities (NLC) Congress of Cities will be held November 30 through December 4 in Denver, Colorado. For 87 years, this unique national conference has offered solutions for moving communities forward. Through innovative programming, participants strengthen their ability to lead and grow America's cities, towns and villages. The Exposition at the Congress of Cities is one of the largest exhibits for city officials and employees to come face-to-face with the companies that serve municipal needs. Municipal representatives looking for products and services to assist them in meeting the changing demands of their communities will find many potential solutions within the Expo. Visit [www.NLCCongressofCities.org](http://www.NLCCongressofCities.org) for more information about the program, registration and exhibits.

Carrie

# The President's Report

Charles Murphy • Mayor of Robertsdale



## 2010 CMO Graduation Ceremony Held August 10th

**O**n August 10th, the League held commencement ceremonies in Montgomery for its Elected Officials Training Program. These graduation exercises marked the 15<sup>th</sup> group of officials to receive their basic CMO (Certified Municipal Official) certification and the 12<sup>th</sup> group to receive their advanced CMO certification. My congratulations to all the graduates! The special ceremony that was held a few weeks ago further signifies your commitment as an elected official to your community. I'm a firm believer in the League's CMO program. It's truly designed to guide and support municipal officials in carrying out their elected duties efficiently and effectively.

The Elected Officials Training Program consists of a series of one-day continuing education programs designed for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal training in municipal government. Officials who complete 40 credit hours of training are awarded the professional designation of Certified Municipal Official. Training sessions are conducted twice each year at four regional sites throughout the state. Additional hours may be earned by attending designated sessions during the annual League Convention and other approved events sponsored by the League and the National League of Cities. A limited amount of credit may be obtained by attending other approved courses. The training program can be completed in as few as two calendar years.

The Elected Officials Training Program is an ongoing project of the League to fulfill the education mandate contained in its constitution. The first session of the Elected Officials Training Program was held at the Adams Mark Hotel in Mobile on September 22, 1994. The same program was offered in Birmingham, Montgomery and Huntsville. Nearly 200 officials

enrolled in the program during the first sessions. Currently more than 3,300 municipal officials are enrolled and have attended one or more courses.

Session topics include council meeting procedure, rules of parliamentary procedure, the Open Meetings Act, public records, ordinance drafting, powers of municipalities, ethics laws, conflicts of interests, duties of mayors and councilmembers, tort liability, annexation, zoning, subdivision regulation, municipal revenues and expenditures, the competitive bid law, personnel issues, insurance issues and regulatory powers of municipalities.

In 1998, the League added an Advanced CMO Program for those officials who had received the CMO designation and desired additional training. During its January 2000 meeting, the League's Executive Committee approved the addition of a continuing education requirement to the Elected Officials Training Program. The committee members felt the new requirement would strengthen the CMO Program. As of Jan. 1, 2000, each Advanced CMO Graduate is required to earn ten (10) credit hours of approved training within two (2) calendar years to maintain their Advanced CMO active status. Any CMO Advanced Graduate who does not earn at least ten (10) approved credit hours of training within two (2) calendar years will have their Advanced CMO status designated as "inactive" until such time as the required ten (10) hours of approved credit is earned. The continuing education credits started at the 2000 Convention in Birmingham.

This year, a total of 50 municipal officials successfully completed the requirements to receive their CMO certification. Twenty-three officials received their Advanced CMO certification. The 2010 graduating class of Certified Municipal Officials is listed on page 19. ***Congratulations!*** ■



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Large Municipal Court

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- Court Clerk  
Large Municipal Court

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-Judge  
Georgia Municipality

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- Former Director of Corrections  
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- Court Clerk  
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- 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."

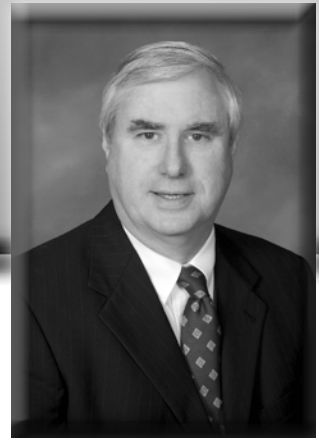
- Craig A., Defendant  
Foley, Alabama

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# Municipal Overview

Perry C. Roquemore, Jr.  
Executive Director



## Cities 101

**C**ongratulations to the 2010 graduates of the League's CMO and Advanced CMO programs. I applaud you for taking the time to improve your knowledge of municipal government. I know the citizens of your municipality will benefit from the knowledge you acquired attending the League's CMO-approved courses.

Alabama's cities and towns and their officials form an integral part of a vast national network of men and women who give their time and energy to better their local communities. I recently ran across a section on the National League of Cities' website titled *Cities 101* ([www.nlc.org/about\\_cities/cities101.aspx](http://www.nlc.org/about_cities/cities101.aspx)). This information was developed by NLC to introduce and explain municipal government in the United States. My article this month provides some of the most interesting items from *Cities 101*.

### Number of Cities in the United States

There are 19,429 municipal governments in the United States. For the purposes of the census, a "municipal government" refers to "political subdivisions within which a municipal corporation has been established to provide general local government for a specific population concentration in a defined area, and includes all active government units officially designated as cities, boroughs (except in Alaska), towns (except in Minnesota, New York, Wisconsin, and six New England states) and villages." This count excludes places that are governmentally inactive.

### City Population Distribution

More than 174 million people live in areas with municipal governments. Seventy-six million of those live in cities with a population of at least 100,000. With the population of the U.S. in 2000 being 281,421, 906, approximately 62 percent of the people live in a city.

### Number of Local Governments in the United States

The Constitution of the United States of America does not mention local governments; local governments are created by and regulated by the states. This means that to

speaking about cities or other forms of local government in the United States is to speak about fifty different legal and political situations. The Bureau of Census is responsible for collecting statistics on governments in the United States. It conducts the Census of Governments every five years, as required by law under Title 13, United States Code, Section 161. In the 2002 Census of Governments, the Bureau of the Census identified a total 87,525 local governments. Separated by the five categories used by the Bureau of Census, there are:

- 19,429 Municipal governments;
- 16,504 Town or Township governments;
- 3,034 County governments;
- 13,506 School districts; and
- 35,052 Special district governments.

### Municipal Government

The term "municipal government" applies to what are commonly called cities or towns. The Census Bureau defines "municipal governments" as: "political subdivisions with which a municipal corporation has been established under state law to provide general local government for a specific population concentration in a defined area, and includes all active government units officially designated as cities, boroughs (except in Alaska), towns (except in the six New England States, and in Minnesota, New York, and Wisconsin) and villages."

### Town or Township Government

The distinction between municipal and township governments is based primarily on the historical circumstances. Their responsibilities and the degree of autonomy vary based on each state. The Bureau of Census applies the term "town or township governments" to governments in 20 states: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont and Wisconsin.

*continued on page 13*



**SMART**  
GOVERNMENT <sup>SM</sup>

*RDS*

# *Smart Government Awards*

2010

**Small Municipality Award Winner  
Presented to  
City of Bayou La Batre**



From left to right: Yolanda Watkins (*RDS*), George Ramires (*Councilmember*), Mayor Stan Wright, Edgar Burt (*Councilmember*), Ida Mae Coleman (*Councilmember*), Stephen Morris (*RDS*), Rep. Spencer Collier (*not pictured*)

2010

**Mid-Size Municipality Award Winner  
Presented to  
City of Vestavia Hills**



From left to right: Randy Godeke (*RDS*), David Carrington (*Councilmember*), Mary Lee Rice (*Council President*), George Pierce (*Councilmember*), Christy Cato (*RDS*), Kennon Walthall (*RDS*), Mayor Butch Zaragoza, Jim Sharp (*Councilmember*), Steve Ammons (*Councilmember*)

**Revenue Discovery Systems (RDS)** presented its 2010 Smart Government Awards in two categories. The City of Bayou La Batre received the honor in the small municipality (population less than 15,000) category and the City of Vestavia Hills was the recipient in the mid-size municipality (population 15,000 to 50,000) category. The awards were developed to recognize municipalities, counties, and state agencies that are taking innovative steps to enhance growth, create cost savings and provide environmental benefits.

Bayou La Batre took steps to create financial stability while

reducing the total energy demand for the city. They created a city-managed, efficient, solid waste collection and disposal program and instituted a four-day work week.

Vestavia Hills has built the state's first Leadership in Energy and Environmental Design (LEED)-certified public library. The 36,000-square-foot-Library in the Forest is an environmental showcase as it provides an example of environmental stewardship including nature trails, an arboretum, and science education stations for the Vestavia Hills school system.

# RDS

revenue discovery systems

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# The Legal Viewpoint

By Ken Smith  
Deputy Director/ General Counsel



## Dedication of Lands

**D**edication, in real property law, is an appropriation of land to some public use, made by the owner, and accepted for such use by or on behalf of the public. A dedication may be **express**, as where the intention to dedicate is expressly manifested by a deed or declaration of the owner of his or her intention to donate the land to public use. Or, the dedication may be **implied**. An implied dedication may be shown by some act or course of conduct on the part of the owner from which an inference of the intent to dedicate may be drawn.

McQuillin defines “dedication” as “the owner’s offer, either express or implied, of appropriation of land or some interest or easement therein to the public use, and acceptance thereof, either express or implied (when acceptance is required).”

The Court, in *Manning v. House*, 211 Ala. 570, 100 So. 772 (1924), defined the term by stating, “A dedication is a donation or appropriation of property to public use by the owner, accepted by the public. It may be in writing or in parol; may be evidenced by words or acts; by one declaration or unequivocal act; or by a course of conduct evincing a clear purpose to dedicate.” In *Newsome v. Morris*, 539 So. 2d 200 (Ala. 1988), the court upheld the use of parole evidence to prove a dedication of property.

### History

The principle of dedication was known to the common law. Dedications are classified as **common law** and **statutory**. The difference between the two consists in the mode of proof. Statutory dedications are necessarily express, while common law dedications may be express or implied.

Municipal corporations in Alabama have the authority to accept or reject grants or dedications of property. Section 35-2-51, Code of Alabama, 1975, provides that the recording of plats or maps (recorded in probate court) shall be a conveyance of the areas marked or noted thereon as donated or granted to the public. The premises intended for street, alleyway, common or other public use, as shown, shall be held in trust for the uses and purposes intended. Section 35-2-52,

Code of Alabama, 1975, requires a probate judge to decline to receive for record any map or plat upon which any lands lying within the corporate limits or police jurisdiction of any city having a population of 10,000 or more inhabitants are platted or mapped as streets, alleys or public ways, unless such map or plat shall have noted thereon the approval of the governing body or city engineer. In *Tuxedo Homes, Inc. v. Green*, 63 So. 2d 812 (1953), the court held that the recording of the map or plat **does not add** to its effect as an acceptance of the dedication. [Emphasis supplied.] See also *CRW, Inc. v. Twin Lakes Property Owners Association, Inc.*, 521 So. 2d 939 (Ala. 1988).

A good discussion of the law regarding dedication is found in the Alabama Supreme Court case of *Ritchey v. Dalgo*, 514 So. 2d. 808 (Ala. 1988).

### Elements of Dedication

It is essential to a dedication that the land is owned by the person making the offer and it is necessary that the owner intends to dedicate the land or some interest therein. Equally vital is the act of acceptance for or on behalf of the public by proper authorities.

The offer or intention to dedicate does not have to be in writing. It may arise from an oral dedication or be manifested by acts that reveal the intent to dedicate the property. In *Town of Leeds v. Sharp*, 218 Ala. 403, 118 So. 572 (1928), the Court considered the validity of an alleged common-law dedication and stated:

“To establish such a dedication the ‘clearest intention’ on the part of the owner must be shown ... It requires some distinct act by the city to constitute an acceptance, such as a formal resolution or by acts and conduct of the city authorities recognizing it as a dedicated street. After the city has accepted its dedication there are certain duties and responsibilities imposed by statute upon the city.” See also Section 11-47-190, Code of Alabama 1975.

No specific grantee needs to exist at the time dedication is made since the “public” is an ever-existing grantee capable of taking a dedication for public uses.

*continued next page*

## Purposes of Dedication

Courts recognize dedication of streets, highways, alleys, public squares, parks, cemeteries, public wharves and landings, schoolhouses and public buildings. Sewers, drainage ditches and wells may be subject to dedication.

The owner dedicating land to the public may impose reasonable conditions, restrictions and reservations, if not inconsistent with the uses or purposes for which it is dedicated. The recipient, by accepting the dedication, agrees to such conditions or restrictions.

## Intentions and Acts of Dedication

The vital principle underlying a dedication is the **intention** to dedicate. Courts have ruled that the “clearest intention” to dedicate must exist. In *City of Birmingham v. Graham*, 202 Ala. 202, 79 So. 574 (1918), the court held that there should be an “unequivocal act of the owner of the fee manifesting the intention that it shall be accepted and used presently or in futuro.”

The existence of an intent to dedicate, or the lack of an intent to dedicate, must be resolved from the facts of a particular case. Such facts may be shown by either positive or circumstantial evidence. See *Manning v. House*, 100 So. 772 (Ala. 1924).

Intention is easily shown by proof of a written instrument--for example, a plat or map placed on record. In *Burton v. Johnson*, 222 Ala. 685, 134 So. 15 (1931), the court held that “the platting and sale of lots with reference to such map was per se a dedication of this parcel ...” Even though a map is insufficient to satisfy statutory requirements, if places on the map are shown as streets, alleys, parks, etc., it is said to be evidence of intention to dedicate after the map is recorded. The proprietor of the land, if lots are sold in conformity to the map, would be estopped to deny a dedication as against his purchasers.

The intention to dedicate may also be shown by recitals in a deed in which the rights of the public are recognized. Additionally, in a few cases, the court has found that uninterrupted use by the general public of a roadway--when there is no evidence to contradict the presumption of dedication--shows intention to dedicate. See *Newell v. Dempsey*, 219 Ala. 513, 122 So. 881 (1929). In these circumstances, however, the use must be shown to have been with the knowledge and consent of the owner. This type of case is important in the law relating to prescriptive rights.

Evidence showing lack of intention on the part of the owner to dedicate is admissible. *Thomas v. Vanderslicc*, 201 Ala. 73, 77 So. 367 (1929). The burden of proof to establish a dedication is on the party asserting it and it is never presumed in the absence of evidence of an unequivocal intention on the part of the owner.

However, once a dedication is made, it generally cannot be withdrawn unless statutory procedures are followed. In *Pritchett v. Mobile County*, 958 So.2d 349 (Ala.Civ.

App.2006), the Court of Civil Appeals held that a county’s alleged failure to use a right-of-way, which was dedicated for public use as a roadway, did not cause the right-of-way to be vacated. After there has been a proper dedication to the public, that dedication is irrevocable and it cannot be altered or withdrawn except by statutory vacation proceedings.

## Acts of Acceptance

As stated above, there must be something on the part of the public entity showing an intent to accept the dedication in question. In *Ivey v. City of Birmingham*, 190 Ala. 196, 67 So. 506 (1914), the court declared that “The owner of the property through which this street was originally laid off could not impose his dedication of the street upon the public by platting the territory and disposing of lots according to the plat. He thereby made it a way, irrevocable as to purchasers; but to devolve upon the public the duty of maintaining the way as a public road or street it was necessary that there should be an acceptance by the public of the dedication.” Acceptance requires some distinct act by the city or conduct of the city authorities recognizing the declaration. *Oliver v. Water Works and Sanitary Sewer Board*, 261 Ala. 234, 73 So. 2d 552 (1954).

Mere acceptance of a plat for recording is not in itself sufficient to complete the dedication. *Tuxedo Homes v. Green*, 258 Ala. 494, 63 So. 2d 812 (1953).

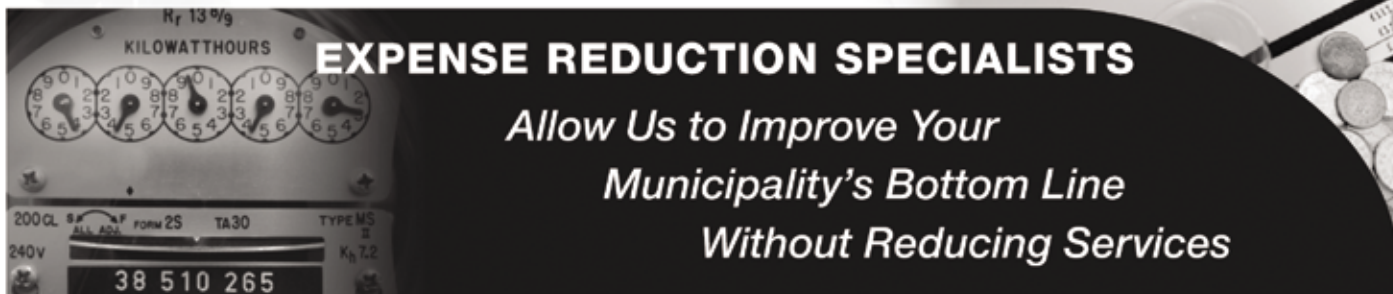
Acceptance may arise by express act, by implication from acts of municipal officers and by implications from uses by the public for the purpose for which the property was dedicated. Without doubt, an ordinance or resolution of the governing body in accepting a dedication would be sufficient. But an ordinance or resolution is not necessary to show acceptance of the dedication.

In *City of Birmingham v. Graham*, 262 Ala. 202, 79 So. 574 (1918), the court enumerated methods of acceptance as follows: “... that it must be by competent authority; that it may be evidenced in several ways: (1) by deed or other records; (2) by acts that operate as an estoppel in pais; or (3) by long continued use on the part of the public in such wise that a dedication and acceptance is presumed.”

The Court explained in *Darnall v. Hughes*, 17 So.3d 1201 (Ala.Civ.App.2008), both how property becomes public, and how it is abandoned. The Court noted that a public road is established in one of the following three ways: (1) by a regular proceeding for that purpose, (2) by a dedication of the road by the owner of the land it crosses and a subsequent acceptance by the proper authorities, or (3) by the road’s being used generally by the public for a period of 20 years. A public road may be abandoned in several ways including but not limited to the following: (1) the commencement of a formal, statutory action, (2) nonuse for a period of 20 years, or (3) if one road replaces another, there can be an abandonment of a public road by nonuse for a period short of the time of prescription.

As early as 1881, the court, in *Steele v. Sullivan*, 70 Ala.

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586 (1881), held:

"Such acceptance by a town or city may be manifested, among other methods, by long and uninterrupted use by the public without objection; by the expenditure of corporate money or labor in repairs, and by recognition of the street or alley in the official maps of the municipality, prepared under their authority or direction."

In view of the decisions in several later cases, there may be doubt as to the accuracy of the last sentence, depending on how "official" the map is made by the municipality.

The length of time of use of streets and ways is usually not as important as the character of the use. In *Valenzuela v. Sellers*, 246 Ala. 329, 20 So. 2d 469 (1944), the court stated:

"True, it [the alleyway in dispute] might not have been to any great extent used by the traveling public, but as was observed in *Still v. Lovelady*, it is the character rather than the quantum of use that controls."

In new subdivisions, streets normally connect with existing public streets and become extensions of the streets. Since municipal authorities almost invariably approve and supervise the type of construction used in new streets, those streets are, in fact, accepted when joined to existing streets and opened to use by the public.

The general rule is that proof of acceptance by the public must be unequivocal, clear and satisfactory and consistent with any other consideration. See *Mobile v. Chapman*, 79

So. 566 (Ala. 1918).

In *Harper v. Coats*, 988 So.2d 501 (Ala. 2008), the Alabama Supreme Court held that acceptance by a governmental entity was unnecessary for public dedication of roads in a subdivision outside the city limits. By completing and recording the plat in compliance with statutory requirements, the developer dedicated the roads to the public. The road then become public in one of the three methods mentioned above: (1) a regular proceeding for that purpose, (2) a dedication of the road by the owner of the land it crosses, with acceptance by the proper authorities or (3) the way is generally used by the public for twenty years. However, it appears that the distinction in this case was that the street was located outside the municipal limits. The Court specifically refused to address the question of whether streets and roads within the municipal limits require some act of acceptance, stating:

"We need not decide whether the cases cited by Harper require, in addition to recordation of the subdivision plat, acceptance by the proper authorities for a road to be a public road within a municipality. Roads in a subdivision located outside the city limits or police jurisdiction of a municipality are deemed dedicated to the public by way of proper recordation of a plat, with no requirement of acceptance by any county governing authority." *Harper v. Coats*, 988 So.2d, at 508.

*continued next page*

## Use of Dedicated Lands

In general, property dedicated to the public must not be used except for the purpose named. The court, in *City of Troy v. Watkins*, 78 So. 50 (1918), quotes with approval:

“A public highway cannot be used in a manner foreign to its dedication and any encroachment thereon or use thereof which is inconsistent with some purpose will constitute a nuisance which may be enjoined.”

It is permissible for the dedicator and dedicatee to change the purposes of the dedication. However, if the interests of a third person have intervened and would be damaged by the change, consent of the third party is also necessary.

A dedication of property to a municipality under Section 35-2-50 and Section 35-2-51, Code of Alabama 1975, cannot be revoked unless statutory vacation procedures are followed. *Montabano v. City of Mountain Brook*, 653 So. 2d 947 (Ala. 1995).

An abandonment is generally a question of fact, but abandonment of a part is not an abandonment of the whole. Non-use is usually not considered as abandonment.

## Parks

Land may be dedicated and accepted for public use as a park. Often, a landowner may subject the grant to conditions and restrictions and the municipality may receive lands so conditioned. If the condition requires the use of the property as a public park subject to reverter, an abandonment of the park may work a reversion of the title.

The park lands may be utilized in any manner consistent with use as a park, such as construction of playgrounds for children, tennis courts, flower gardens or other recreational areas.

Municipalities may adopt reasonable rules and regulations for the use and protection of the parks. Such regulations may establish speed limits for driving in the park or may establish hours for opening and closing. See Section 11-47-22, Code of Alabama, 1975.

## Provisions Relating to Parks

In 1956, Section 94 of the Constitution was amended (Amendment 112) to provide that the Legislature might enact general, special or local laws authorizing political subdivisions and public bodies to alienate, with or without a valuable consideration, public parks and playgrounds conditioned upon the approval of a majority of the duly-qualified electors voting at an election held for such purpose. In keeping with the authority, the Legislature enacted the law now found at Sections 35-4-410 through 35-4-412, Code of Alabama 1975. These statutes establish the procedures for publishing the terms of the proposed conveyance and the holding of a referendum election to determine the desire of the electorate.

Section 11-47-22 authorizes municipalities to exercise

police jurisdiction over all lands purchased or acquired for parks.

Sections 11-47-20 and 11-47-21 authorize sales and leases of property “not needed or public or municipal purposes.” In *Moore v. City of Fairhope*, 277 Ala. 380, 171 So. 2d 86 (1965), the Alabama Supreme Court limited the usefulness of Section 11-47-20, Code of Alabama 1975, where a public entity is attempting to alienate dedicated park property. In that case, the city attempted to dispose of park lands upon which the court found there had been a common law dedication and longtime use by the public. The decision turned on the question:

“... does [this section] confer upon the city power and authority to convey to a private individual or corporation property within its corporate limits which has been subject to a common-law dedication for use by the public as a park? We think not ... Indeed as we construe [this section] the legislature has not attempted to authorize the sale of property held by the city in trust such as that with which we are dealing.”

In *Mobile County v. Isham*, 695 So.2d 634 (Ala. Civ. App. 1996), the Court of Civil Appeals held that because the county failed to show that it had accepted property dedicated to it as a park before the property owner divided the property into lots and sold them, the dedication was revoked and the county cannot now claim ownership of the property.

## Abandoned Streets and Unneeded Property

Generally, the owner of the abutting property of a street owns the fee to the middle (medium line) of the street but subject to the easement of the public. If the public way is abandoned, the abutting owner may normally reclaim the property since it has been freed of the easement. In view of this general rule, it is a mistake for a municipality to assert ownership to the fee in such an abandoned street until the title is thoroughly searched. The rights of a municipality in a public way are generally limited to the surface and so much of the depth as is customarily used, as streets are used, for example, for sewers, drains, cables and so forth. See *Citronelle v. Gulf Oil Co.*, 270 Ala. 378, 119 So. 2d 180 (1960).

If a municipality has acquired its right of way by condemnation, it is possible that it will own the entire fee, depending on the eminent domain proceeding at time of the acquisition. Ordinarily, a municipality, by condemnation, merely acquires an easement for public street purposes.

Caution is the watchword before committing a municipality to any course of conduct regarding the disposal of unneeded property until the full facts are ascertained as to the extent of the city’s title. Section 94 of the Constitution of Alabama of 1901 prohibits a municipality from giving away public property. Therefore, if the city does, in fact, have a right to dispose of property it must be for an adequate consideration. ■

## County Government

Counties are authorized in state constitutions and statutes and provide general government services. Forty-eight of the fifty states have county governments, although they are called parishes in Louisiana and boroughs in Alaska. Connecticut and Rhode Island are the two states without functioning county governments.

## School Districts

School district governments are organized local entities providing public elementary, secondary, and/or higher education. The Census of Governments only counts independent school districts, which are the sole form of public schools in 33 states. Twelve other states have a mix of independent schools and other schools that are agencies of the county, municipal or state government. Four states, Alaska, Hawaii, Maine, and New Jersey, only have state-dependent school systems. Some public schools have some or all of their board members appointed by the mayor and/or governor, according to the Education Commission on the States.

## Largest Cities

The U.S. Census Bureau revised the population estimates for the largest U.S. Cities based on July 1, 2006 data. Phoenix became the nation's fifth most populous city with a population of 1.5 million, moving ahead of Philadelphia, which is ranked in sixth place. New York continues to be the nation's most populous city, with 8.2 million residents. In 1910, each of the 10 most populous cities were within roughly 500 miles of the Canadian border. The recent 2006 estimates show that seven of the top 10 and three of the top five are in states that border Mexico. Only three of the top 10 from 1910 remained on the list, New York, Chicago and Philadelphia. Three of the current top 10 cities, Phoenix, San Jose, and San Diego were not even amount the 200 most populous in 1910, while three more, Dallas, Houston and San Antonio, had populations of less than 100,000. The estimates also reveal that many of the nation's fastest – growing cities are suburbs. North Las Vegas, Nev., had the nation's fastest growth rate among large cities, increasing 11.9 percent from July 1, 2005 to July 1, 2006.

For more information about city populations visit the U.S. Bureau of Census website at [www.census.gov](http://www.census.gov).

## Fastest Growing Metro Areas

According to recent statistics from the U.S. Census Bureau, Dallas-Fort Worth had the largest numeric gain of any metro area between 2006 and 2007, gaining 162,250 residents. Atlanta, Phoenix and Houston rounded out the metro areas with a gain of at least 100,000.

Chicago had the greatest numeric change in the Midwest metro area, while New York had the highest numeric change in the Northeast metro area.

In addition to New Orleans, other Gulf Coast metro areas where population increased between 2006 and 2007, after having experienced 2005-2006 population declines, included Gulfport-Biloxi, Miss.; Pascagoula, Miss.; Beaumont-Port Arthur, Texas; and Lake Charles, La.

The 50 fastest growing metro areas were concentrated in two regions – 27 in the South and 20 in the West.

## Most Popular Street Names

According to a report published in the February 1993 issue of the U.S. Census Bureau publication, *Census and You*, the most common street name in the U.S. is “2nd” (or “Second”) Street, and “First” comes in third.

Although many cities have a set of numbered streets at their core, it is not uncommon for the first street to be named to suggest the center of the town, such as Main Street or renamed in honor of a historic figure, such as George Washington. This is how it is possible to have fewer “Firsts” than “Seconds.”

### Top 20 Street Names

- Second (10,866)
- Third (10,131)
- First (9,898)
- Fourth (9,190)
- Park (8,926)
- Fifth (8,186)
- Main (7,644)
- Sixth (7,283)
- Oak (6,946)
- Seventh (6,377)
- Pine (6,170)
- Maple (6,103)
- Cedar (5,644)
- Eighth (5,524)
- Elm (5,233)
- View (5,202)
- Washington (4,974)
- Ninth (4,908)
- Lake (4,901)
- Hill (4,877)

Source: *Census and You*. Washington, DC: U.S. Department of Commerce, Bureau of the Census, Geography Division. February 1993.

## Most Common Community Names

Based upon information collected by the Geographic Names Information System, a division of the United States

*continued page 15*

# National League of Cities



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Geological Survey, the top two names for communities are:

- Fairview 288
- Midway 250

This includes all names of entities where people live: incorporated places, unincorporated places, housing developments that are not yet incorporated places and neighborhoods within incorporated places.

### Longest Community Names

The longest community names without a hyphen or “-” in the name and total number of characters are:

- Mooselookmeguntic, ME 17
- Kleinfeltersville, PA 17
- Chickasawhatchee, GA 16
- Chancellorsville, VA 16
- Eichelbergertown, PA 16

Source: *Frequently Asked Questions about GNIS*. Washington, DC: United States Geological Survey in cooperation with the U.S. Board of Geographic Names, Geographic Names Information System, 2004.

### Consolidated City-County Governments

Based upon the classifications by the U.S. Census Bureau, there are thirty-three cities that also function as county governments, in three different forms:

#### Areas with governments legally designated as city-counties and operating primarily as cities:

##### Alaska

- City and borough of Anchorage
- City and borough of Juneau
- City and borough of Sitka
- City and borough of Yakutat

##### California

- City and county of San Francisco

##### Colorado

- City and county of Broomfield
- City and county of Denver

##### Hawaii

- City and county of Honolulu

##### Kansas

- Unified Government of Wyandotte County and City of

##### Kansas City

##### Montana

- Anaconda-Deer Lodge County
- Butte-Silver Bow County

#### Areas designated as metropolitan governments and operating primarily as cities:

##### Tennessee

- Hartsville and Trousdale County
- Lynchburg and Moore County
- Nashville and Davidson County

#### Areas having certain types of county offices, but as part of another government (city, township, special district, state):

##### Florida

- County of Duval (City of Jacksonville)
- Georgia
- County of Clarke (City of Athens)
- County of Muscogee (City of Columbus)
- County of Richmond (City of Augusta)

##### Hawaii

- County of Kalawao (State of Hawaii)

##### Indiana

- County of Marion (City of Indianapolis)

##### Kentucky

- Lexington-Fayette Urban County

##### Louisiana

- Parish of East Baton Rouge (City of Baton Rouge)
- Parish of Lafayette (City of Lafayette)
- Parish of Orleans (City of New Orleans)
- Terrebonne Parish Consolidated Government

##### Massachusetts

- County of Nantucket (Town of Nantucket)
- County of Suffolk (City of Boston)

##### New York

Counties of Bronx, Kings, New York, Queens, and Richmond (all part of the City of New York)

##### Pennsylvania

- County of Philadelphia (City of Philadelphia)

Source: *2002 Census of Governments, Volume 1, Number 1*, Government Organization, GC02(1)-1, Washington, DC: United States Department of Commerce, Bureau of Census. Appendix B.

#### First Mayor Facts

First City Mayor Elected by Popular Vote – Cornelius Van Wyck Lawrence, New York City, New York, April 8-10, 1834

First Woman Mayor – Susanna Medora Salter, Argonia, Kansas, April 4, 1887

First Woman Mayor of a Major City – Patience Sewell Latting, Oklahoma City, Oklahoma, April 13, 1971.

First Socialist Mayor of a Major City – Emil Seidel, Milwaukee, Wisconsin, April 1910

First African-American Mayor of a Major City – Carl Burton Stokes, Cleveland, Ohio, November 7, 1967.

First Mayor of Mexican Descent of a Major City – Henry Gabriel Cisneros, San Antonio, Texas, April 4, 1981.

Source: *Famous First Facts* by Joseph Nathan Kane. Bronx, New York: H.W. Wilson Company, 1997.

# 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

**Annexation:** Section 11-41-8, Code of Alabama addresses defective incorporations of municipalities. By enacting §11-41-8(a), the legislature has retroactively validated the incorporation of certain cities or towns. By enacting §11-41-8(b) the legislature has removed any taint the original, questionable incorporation might otherwise have given annexations by such cities or towns, but this provision does not apply to all annexations by any city or town. §11-41-8(b) clearly only validated annexations that were legally proper in themselves but that could be called into question by the failure of the city or town that performed the annexation to be properly incorporated. §11-42-5, Code of Alabama addresses defective annexations by municipalities generally. *City of Montgomery v. Town of Pike Road*, 35 So.3d 575 (Ala.2009)

**Civil Rights – Immunity:** Under the “*Noerr-Pennington* doctrine,” those who petition any department of the government for redress are generally immune from statutory liability for their petitioning conduct. The mayor was entitled to immunity for his actions prior to his election in lobbying against a particular business. He was also entitled to absolute immunity for his role, as a voting member of the council, in the passage of the zoning ordinance. However, he was not entitled to absolute immunity for his role in the application of that ordinance in denying the owner’s business-license application. Unlike the enactment of a zoning ordinance, which was a legislative function, the denial of a business license application on the basis of that ordinance was an enforcement function. Legislative immunity applies only to actions that are inherently legislative as opposed to administrative. *Ex parte Simpson*, 36 So.3d 15 (Ala.2009)

**Courts:** A trial court erred in ordering a defendant to pay restitution to a victim after the defendant pled guilty to theft, where the trial court failed to conduct a restitution hearing, and did not receive any testimony or documentary evidence from the prosecution regarding the amount of restitution due to the victim. *Guy v. State*, 34 So.3d 722 (Ala.Crim.App.2009)

**Courts:** A child’s statements to a social worker which are tied to a criminal investigation fit within the scope of “testimonial” hearsay that is subject to the Confrontation Clause and may be inadmissible at trial where the child does not testify or if the defendant did not have a prior opportunity to cross examine the child. *Styron v. State*, 34 So.3d 724 (Ala.Crim.App.2009)

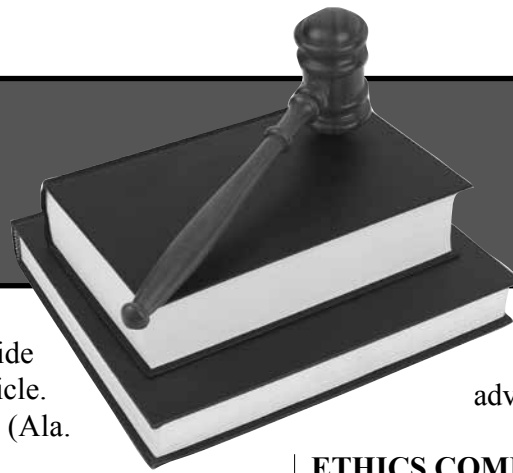
**Courts:** There is no statute or rule requiring a victim or witnesses to be presented to the jury pool in a criminal case prior to trial. Although a trial court is authorized in certain circumstances to dismiss an accusation, it may not do so in a manner impermissibly interfering with the state’s right to prosecute. The trial judge abused his discretion in dismissing the charges against the defendant based on the absence of the victim and witness for presentment to the venire at the time that the case was called for trial. *State v. Watts*, 35 So.3d 1 (Ala.Crim.App.2009)

**Courts:** Pursuant to §13A-2-22 of the Code of Alabama, if a person causes a crime to be committed through the instrumentality of an innocent agent, he is the principal in a crime, and is punishable accordingly, although he may not have been present at the time and place of the offense. *Daniels v. State*, 35 So.3d 7 (Ala.Crim.App.2009)

**Courts:** Before a trial, the trial court has no authority to dismiss a charge based on its own evaluation of the proposed evidence or lack thereof. Its role during a guilty-plea colloquy is to evaluate the factual basis for the plea and decide whether to accept the plea. The trial court could not dismiss charges upon refusing to accept a guilty plea for lack of a factual basis. *State v. Robertson*, 35 So.3d 14 (Ala.Crim.App.2009)

**Searches and Seizures:** Under the “automobile exception” to the warrant requirement, a warrantless search of a vehicle is justified where the officer observed smoke emanating from the car and smelled burning marijuana. The odor of burned marijuana emanating from





an automobile is enough to provide probable cause to search the vehicle. *State v. Cowling*, 34 So.3d 717 (Ala. Crim.App.2009).

**Tort Liability:** While the general rule is that the denial of a motion for summary judgment is not reviewable, an exception is that the denial of a motion for summary judgment grounded on a claim of immunity is reviewable by petition for writ of mandamus. *Ex parte Alabama Peace Officers' Standards and Training Commission*, 34 So.3d 1248 (Ala.2009)

#### US COURT DECISIONS AFFECTING ALABAMA

**Employees:** The heightened pleading standard does not apply to an employee's action in a civil rights case where qualified immunity is raised. *Randall v. Scott*, --- F.3d ---, 2010 WL 2595585 (11<sup>th</sup> Cir. 2010)

#### DECISIONS FROM OTHER JURISDICTIONS

**Zoning:** A municipality's exclusion of a church from a business revitalization district did not likely violate the equal terms provision of the Religious Land Use and Institutionalized Persons Act. *River of Life Kingdom Ministries v. Village of Hazel Crest Ill.*, --- F.3d ---, 2010 WL 2630602 (7<sup>th</sup> Cir. 2010)

#### ATTORNEY GENERAL'S OPINIONS

**Cemeteries:** Maintenance of a church cemetery by a municipality would violate section 94 of Article IV of the Recompiled Constitution of Alabama. AGO 2010-081

**Elections:** An inspector who has completed or taught at a local election school is entitled to compensation of \$125 per day for his or her services as an election official. Based on the authority of section 17-11-14 of the Code of Alabama setting compensation at \$50 per day or in the amount of an inspector, whichever is higher, an absentee election manager who has also completed or taught at a local election school is entitled to the same compensation as an inspector-\$125 per day. AGO 2010-080

**Public Works Bid Law:** The purchase of a public address system to be installed in a courtroom is public works as defined by section 39-2-1(5) of the Code of Alabama. A municipality may let contracts for public

works involving \$50,000 or less without advertising. AGO 2010-079

#### ETHICS COMMISSION ADVISORY OPINIONS

**AO No. 2010-06:** Members of the County Commission may not make personal monetary gifts to County employees in appreciation for their work, when there is no program or policy in place by the County establishing guidelines and limits for the gifts.

**AO No. 2010-08:** A member of the Town Council, regardless of the condition of her home, may not participate in a grant from the Alabama Department of Economic and Community Affairs (ADECA) administered by the Town until all other applicants similarly situated have been awarded the grant money.

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# An Enriching Experience: The 2010 ACCMA Summer Conference

By: Krystle Bell, ALM Member Services Assistant Director

“Vision is: knowing who you are, where you are going, and what will guide your journey.” I ponder these words by Ken Blanchard as I reflect back to the “Leadership and Beyond” session conducted by Sharleen Smith at the 2010 Alabama City/County Management Association (ACCMA) Summer Conference. ACCMA is an organization comprised of local government managers and administrators in the state of Alabama to advance local government management and aid its membership in professional growth. ACCMA also works closely with the Alabama League of Municipalities (ALM), Association of County Commissions of Alabama (ACCA) and the International City/County Management Association (ICMA) in the creation of important research and information.

Prior to this conference, I had no knowledge of ACCMA. I learned of the organization through the Department Head of Political Science and Public Administration at Auburn University Montgomery (AUM) where I am currently pursuing a Master of Public Administration (MPA). The MPA is a professional degree for individuals who have a desire for a career in public service. MPA graduates can work in a variety of areas such as government (federal, state and local), nonprofit, healthcare, education, environmental and even the private sector. After the completion of my studies in May 2011, I will be equipped with the knowledge and skills utilized by managers and leaders who work in public service.

Several months ago, my department head at AUM forwarded me correspondence regarding an ACCMA scholarship. After further research on the organization, I then learned that ACCMA awards two categories of scholarships for MPA students: conference and academic scholarships. Through the conference scholarship program, MPA students are eligible to receive monetary stipends to cover the expenses of the ACCMA winter or summer conferences. For the past 10 years, ACCMA has awarded conference scholarships to MPA students to encourage them to enter into the local government management profession. The scholarship program is a part of the Next Generation Strategy of ACCMA and ICMA in order to promote the profession for the future. The selection process includes submitting an application, letter of recommendation and a resume/bio to the ACCMA scholarship chair. From there, five MPA students, including myself, were selected as the recipients of the 2010 ACCMA Summer Conference Scholarships.

The conference took place on June 30-July 2, 2010 at the Grand Hotel Marriott Resort in Point Clear, Alabama, where speakers presented many topics of interest. The conference began with Marc Reynolds giving us the impact of the federal health care legislation on local government. Sharleen Smith and Chief Bill Press followed with excellent presentations on leadership and the importance of leaders knowing who they are and the characteristics they need to possess in order become successful leaders. Shabbir Olia gave us an update on the ADECA 2010

CDBG Program and how funds are available to communities for them to use for various projects. Brett Isom presented on the Impact of the 2010 Census and the challenges and changes associated with the new census form.

Toni Shope presented to us methods in which local governments can utilize in order to remain resilient in the current fiscal crisis. She presented several case studies where local governments have developed innovative methods that have proven to be successful. The conference concluded with a city/county forum conducted by Chairman Stan Batemon. This forum consisted of the attendees forming into groups and discussing topics that ranged from joint city/county projects to the value of professional management. Each group engaged in dialogue where they provided ideas and options concerning their topic, and then the groups presented their findings to the entire body.

My experience at the ACCMA Summer Conference was enriching and rewarding. I gained a vast amount of knowledge concerning local government issues, and this conference allowed me to network with several ALM member cities. In my capacity as Member Services Assistant Director, I am responsible for delivering exemplary customer service to our member cities, which includes elected officials and municipal employees. This entails accurately answering their questions as well as meeting their needs, and the ACCMA Summer Conference added to my depth of knowledge.

I would like to close by reiterating the importance of a vision. In order for our local governments to advance, our leaders must have vision to successfully lead their organizations as well as implement programs and projects that will be beneficial to their respective communities. A vision plus action allows local governments to be progressive and competitive in all its endeavors, and that is exactly what the ACCMA conference taught me.



**Front Row (L-R)** Kenyatta Dunnigan- Customer Service Representative, City of Alabaster Water Board; Krystle Bell-Member Services Assistant Director, Alabama League of Municipalities **Back Row (L-R)** Rallisa Jones-Diversity Coordinator, Birmingham Construction Industry Authority; David Williams-Graduate Assistant, Department of Government, University of Alabama at Birmingham; Sam Gaston- City Manager, City of Mountain Brook; Michael Munger-Graduate Intern, Office of the City Manager, City of Mountain Brook.

# ***Congratulations 2010 Certified Municipal Officials!***

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Councilmember Herbert N. Palmore, Anniston  
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Councilmember Melvin Bradley, Sr., Bay Minette  
Councilmember Jimmy Madison, Berry  
Mayor Dennis Stripling, Brent  
Councilmember Tom Henderson, Sr., Brighton  
Councilmember Cynthia Pearson, Brundidge  
Councilmember Roger Barlow, Center Point  
Councilmember Raymond Olan, Center Point  
Mayor Tony Wilkie, Centre  
Councilmember Alan M. Souders, Daleville  
Mayor Theoangelo Perkins, Harpersville  
Councilmember William Rayfield, Harpersville  
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Councilmember Connie Parrish, Killen  
Councilmember Christopher Phillips, Killen  
Councilmember Brandy Pierce, Leesburg  
Councilmember Mickey Crew, Opp  
Mayor H. D. Edgar, Opp  
Councilmember James Rogers, Opp  
Councilmember John Churchwell, Jr., Pinson  
Councilmember Newton Cromer, Saraland

## **2010 BASIC CMOs**

Councilmember Warren E. Lavender, II, Aliceville  
Councilmember Hazel R. Griffin, Andalusia  
Councilmember Jason C. Jewell, Andalusia  
Councilmember Kenneth C. Mount, Andalusia  
Councilmember Chris Norman, Bay Minette  
Councilmember Bobbie D. White, Brent  
Councilmember Barry L. Hughes, Bridgeport  
Councilmember Adam L. Bourne, Chickasaw  
Councilmember Bobby Cook, Clanton  
Councilmember Jackie Hambrick, Clay

Mayor Ed McGuffie, Clay  
Councilmember William O. Burkhalter, Coaling  
Councilmember Randy Foster, Dadeville  
Councilmember Claudia T. Wigglesworth, Daleville  
Councilmember Luther Upton, Evergreen  
Mayor Randall Shedd, Fairview  
Mayor Robert Williamson, Florala  
Councilmember Charles C. Wilson, Hanceville  
Councilmember Shirley Middleton, Harpersville  
Mayor Tommy Joe Alexander, Irondale  
Councilmember Craig Sanderson, Irondale  
Councilmember Truman Norred, Jacksonville  
Councilmember Samuel Reed, Jemison  
Councilmember Tammie B. Williams, LaFayette  
Councilmember Rebecca Looser, Lanett  
Councilmember Shirley B. Motley, Lanett  
Councilmember Stanley Roberts, Lanett  
Councilmember Claude "Bud" Kitchin, Lincoln  
Councilmember Chris Watson, Lincoln  
Mayor Anthony J. Long, Marion  
Mayor John L. Howard, New Hope  
Mayor Charles R. Merkel, Oak Grove  
Councilmember Oren Stewart, Opp  
Councilmember John M. Blankenship, Ozark  
Councilmember Jerry Crittenden, Ozark  
Councilmember Stanley Enfinger, Ozark  
Mayor Jerry T. Mays, Phil Campbell  
Mayor Mary L. Fuseyamore, Pickensville  
Councilmember Kenneth Kelley, Piedmont  
Councilmember Foyel D. Brunson, Pinckard  
Councilmember Jimmy Young, Pinckard  
Councilmember Nathan Fank, Prattville  
Councilmember Thomas Miller, Prattville  
Mayor Terry John Calhoun, Rainbow City  
Councilmember Robert McCartney, Jr., Rainbow City  
Mayor Melton E. Potter, Scottsboro  
Councilmember Desiev Howard, Shorter  
Mayor George A. McCain, Tallassee  
Councilmember Lutalo K. Aryee, Tuskegee  
Councilmember Patricia Johnson, Wilsonville

# 2010: The Great Alabama Homecoming!

## Year of Small Towns and Downtowns

September • October • November

This list of events is provided by the Alabama Tourism Department. The municipalities listed are participants in the 2010 Year of Small Towns and Downtowns program. If you have questions about this program, please contact Brian Jones with Alabama Tourism at 334-242-4665.

9/3	Gadsden	First Friday Homecoming	10/9	Cordova	Discover Cordova Day
9/4/	Whatley	Fort Sinquefield Re-enactment & Reunion	10/9	Eufaula	Eufaula Homecoming
9/6	McIntosh	Homecoming and Labor Day Celebration 2010	10/9	Evergreen	Evergreen Sausage Festival & Homecoming Weekend
9/6	Section	Section Labor Day	10/9-10	Garden City	Homecoming Weekend
9/8	Huntsville	50th Anniversary Celebration of Marshall Space Flight Center	10/9	Headland	Harvest Festival
9/11	Arab	Arab 2010 Welcome Home Reunion	10/9	Hodges	Spirit of Hodges
9/11	Ashford	Harvest Day	10/9	Piedmont	Foot of the Mountains Festival
9/12	Mt. Vernon	Founder's Day	10/9	Selma	Riverfront Market Day
9/17	Crossville	Crossville Harvest Festival	10/14-16	Montevallo	Homecoming Weekend
9/17	Decatur	Riverfest Homecoming Weekend	10/16	Hanceville	The Mud Creek Marching Festival
9/17-19	Leeds	Gateway to a Region	10/16	Margaret	Friendship Festival
9/18-25	Eva	Eva Frontier Days	10/16	Mathews	Jonesville Community Day
9/18	Hartselle	Depot Days Festival	10/16	Sipsey	Homecoming Day
9/18	Locust Fork	Locust Fork Founder's Day	10/16	Thorsby	Thorsby Swedish Fest
9/18	Red Bay	FoundersFest	10/22-24	Oneonta	Blount Co. Covered Bridge Festival
9/24-25	Geneva	Geneva Homecoming	10/23	Atmore	Williams Station Day
9/24-26	Hueytown	Hueytown Homecoming	10/23	Pine Hill	Pine Hill Depot Day
9/24-26	Jacksonville	Jacksonville Homecoming Weekend	10/23	Thomasville	Ghost Walk & Fall Festival
9/24-26	Winfield	Mule Day Festival	10/28-30	Greenville	Welcome Home - Greenville Reunion
9/25	Childersburg	CoosaFest	10/29-31	Flomaton	Homecoming Weekend
9/25-26	Daphne	Jubilee Festival	10/30	Brundidge	Peanut Butter Festival
10/1- 2	Boaz	Boaz Harvest Festival	10/30	Chickasaw	Founder's Day
10/1-2	Fayette	Alabama Frog Level Festival	10/30	Falkville	Falkville Fall Festival
10/1-3	Ozark	Claybank Jamboree	10/30	Hamilton	Hamilton Fall Fest
10/2	Centre	Centre Fall Festival	10/30	Opp	Opp Fest
10/2	Emelle	Emelle Business Appreciation Day	11/5-7	Foley	Heritage Harbor Days
10/2	Fulton	Homecoming & Gospel Singing	11/6	Auburn	Auburn University Homecoming
10/2	Glen Allen	Town Festival & Dedication of Town Park/Walking Trail	11-/7	Brookside	St. Nicholas Food Festival
10/2	Madison	Come Home to Madison	11/6	Jackson	Fall Festival
10/2-3	Muscle Shoals	Muscle Shoals Music CityFest	11/6	Lineville	Heritage Day
10/2	Sulligent	Old-Fashion Day	11/11-14	Andalusia	Absolutely Andalusia Homecoming
10/2	Verbena	Verbena Reunion in the Park	11/12-13	Elba	Foggy Bottom Bar-B-Que Bash
10/2	Woodstock	Woodstock Homecoming	11/13	Collinsville	Turkey Trot
10/8-10	Ashland	Homecoming	11/13	Daleville	National Heritage Week Celebration
10/8	Grant	Dedication Day, DAR School	11/13	Daviston	Daviston School Reunion
10/8-9	New Hope	New Hope Founder's Day	11/18/	Fairhope	Fairhope Tree Lighting Celebration
10/9	Blountsville	Homecoming Celebration & Harvest Festival	11/20	Peterman	Peterman Station Arts & Crafts Festival
			11/27	Pine Apple	Hunter Appreciation Day Festival
			11/28-12/4	Demopolis	Christmas on the River
			11/29	Vincent	2010 Small Town Celebration



# Fire Apparatus, Recent Delivery



- ✓ Ford F750
- ✓ Caterpillar C7 300 HP Engine
- ✓ Allison 3000EVS Transmission
- ✓ Winco 25,000 Watt Direct Drive PTO Generator
- ✓ Hannay Electric Cord Reel
- ✓ Kussmaul Auto Charge 12 HO Battery Charger System
- ✓ 3/16" Aluminum Walk Around Rescue Body
- ✓ SCBA Bottle Storage Compartments
- ✓ Fire Research "FOCUS" Recessed Quartz Lights
- ✓ Whelen Emergency Lighting Package



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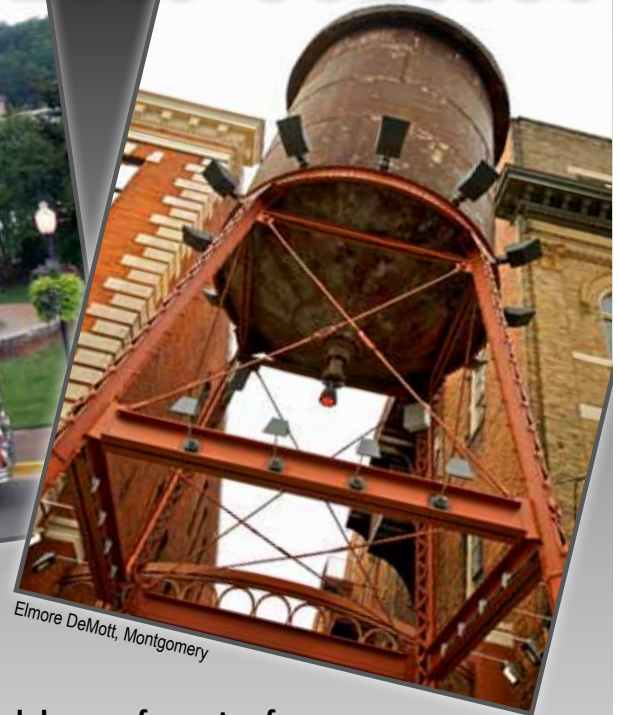
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# 2011 Municipal Photo Contest



[www.alalm.org](http://www.alalm.org)

Teresa Lee, Prattville



Elmore DeMott, Montgomery

## Showcase your Municipality

Visit [www.alalm.org](http://www.alalm.org) for entry form.

The Alabama League of Municipalities is holding its fourth annual photo contest. The winning photo will be featured on the cover of one issue of the *Alabama Municipal Journal*.

### To Enter:

Photos must be of an Alabama city or town and follow a municipal theme: municipal buildings, parks, street scenes, downtowns, city festivals, etc. Photos do not have to be taken by a professional photographer; however, all photos must be taken within the last 18 months. **ALL ENTRIES MUST BE VERTICAL.** Horizontal images will not fit the format for the *Journal*. **Each entry must include a photo description as well as photographer's name and contact information.**

### Photo Format:

Photos must be submitted on a CD or emailed as a high resolution file in the proper format. Entries should be vertical, color images and submitted in JPEG or TIFF format in a resolution high enough for print quality purposes. The print size for the *Journal* is approximately 8.5 x 11 inches. Therefore, the submitted image should be at least 150 dpi **at this size** (1,200 x 1,500 pixels), although 300 dpi (1800 x 1200 pixels) is preferred. **Submissions that are not vertical or that do not have the correct print quality size will be disqualified.**

**Note:** Photo files will not be returned. If submitting a on a CD, please do not send your only file of a photo.

### Ownership/Use Rights:

Photographers retain the copyright to their photographs. By entering the Alabama League of Municipalities (ALM) photo contest, photographers agree to have their submitted photograph(s) displayed within any ALM publication (digital or print) as well as the ALM website without any fee or other form of compensation, and also agree that the photo may be used, with photo credit, on the website for the National League of Cities (NLC) and within NLC's publications. Photos will be credited to the photographer listed on the entry form. In the event that ownership of any photograph submitted to ALM is contested in any manner, ALM retains the discretion to disqualify that photograph and discontinue use of the photograph.

**ALL ENTRIES MUST BE SUBMITTED BY NOVEMBER 5, 2010**

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