

The Alabama Municipal JOURNAL

February 2011

Volume 68, Number 8

Inside:
ALM's 2011
Legislative Package

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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

February 2011 • Volume 68, Number 8

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The Alabama Municipal Journal is published monthly by the Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104.

Telephone (334) 262-2566. Website: www.alalm.org.

Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Editor: CARRIE BANKS

Staff Writers: TRACY L. ROBERTS, KEN SMITH

Graphic Design: KARL FRANKLIN

For a complete list of the ALM staff, visit www.alalm.org.

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On the Cover:

Alabama State Capitol column in Montgomery, Alabama by Jon Cook.

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A Message from the Editor



This past January the League launched its redesigned website – an updated, streamlined, aesthetically superior version that makes it easier for municipal officials and employees to find relevant, timely information. While the new site appeared instantaneously, the process was anything but. The launch followed a six-month research and design process that began with staff brainstorming sessions as well as a very helpful meeting during the July NLC State League Staff Workshop with my counterpart at the North Carolina League, which had recently launched its own redesigned (and extremely well done!) website. The advice and guidance I received from our sister organization was extremely helpful and I want to thank Matt Lail, Director of Public Affairs for the NC League, for his invaluable assistance.

We initially planned to hire an outside vendor for the overall design and structure of the new site; however, after receiving exorbitant quotes from several providers, I decided we had enough talent and ability through our Communications and IT departments to muscle through the process ourselves. And what a process it turned out to be! Kudos to Graphic Designer Karl Franklin, who immediately took on the challenge of creating a user friendly, visually impressive design when he began working for the League in September (talk about hitting the ground running – Karl wasn't even on staff when we began this process!) and Monty Paggeot, the League's Director of Information Services, who developed the online Municipal Directory which is now searchable by city, mayor, city clerk, class, legislative district, county and population.

When visiting the new site, you'll immediately notice that the homepage is split into three tapestries: News, Events Calendar and Quick Links. Vital, timely information will fall under one of these areas. For instance, the 2011 Quality of Life Award winners is the top link featured on the News tapestry; online registration for the League's 2011 convention in Huntsville is the top link on the Events Calendar tapestry; and the Quick Links tapestry leads with a link to the Municipal Directory. The "top-level" navigation buttons are broken down into "About the League," "Legislative Advocacy," "Legal Services," "Training & Resources," "Publications & Advertising" and "Insurance/Financial Services". The new website also features a detailed League history (visit "History" under "About the League"), which is broken down by Executive Director eras dating back to the League's inception in 1935. The "Staff" section (under "About the League") features pictures, bios and contact information for every League staff person and is organized by department. The "Legal Services" tab features a User's Guide, Staff, Conference/Training, Resources, AAMA, AMJA and Research Tools, and the "Legislative Advocacy" tab features both state and federal information and resources as well as links to information on the current session, the League's Legislative Bulletins and the League's Legislative Package as well as links to bill status, bill tracking, House/Senate committees and contacts and final reports on previous legislative sessions.



Please take some time to look through the new site and to register for the 2011 Convention which will take place April 30-May 3 in Huntsville. Feedback is always welcome.

Congratulations to this year's Quality of Life Award winners! For information on the winning entries, see page 16.

In closing, the League congratulates past League president and former mayor Jim Byard, Jr. of Prattville who was appointed to Governor Robert Bentley's Cabinet to head the Alabama Department of Economic and Community Affairs (ADECA). Mayor Byard resigned his position as Prattville's mayor on January 17th and began his new role with the Governor's administration on January 18th. The League looks forward to continuing its outstanding relationship with him as we strive to improve Alabama's municipalities.

Carrie

The President's Report

Charles Murphy • Mayor of Robertsdale



Final Report on the 1st Special Session of 2010

Outgoing Governor Bob Riley called the Alabama Legislature into Special Session on December 8 to address a seven-bill package to reform state ethics laws. All seven bills received final passage before the Legislature adjourned sine die early Thursday morning, December 16. The new laws make a number of significant changes to the ethics law which applies to all state, county and municipal public officials and employees. A thorough analysis of the new laws will be provided by the League in the near future. Briefly, the bills that were enacted are as follows:

HB9 – PAC to PAC Transfers (ACT 2010-765)

– This bill prohibits campaign contributions, expenditures and other transfers of funds between political action committees. The bill also limits certain political party expenditures to \$5,000 per election cycle. This Act became effective upon signature of the Governor.

HB10 – Pass-through Appropriations (ACT 2010-759)

– This bill prohibits public funds from being passed through from one entity to another at the direction of a member of the legislature. This Act became effective upon signature of the Governor.

HB11 – Mandatory Training on the Ethics Law (ACT 2010-762) – This bill broadens the definition of lobbying to include activity with the executive, legislative or judicial branch. It also requires the Ethics Commission to allow electronic filing of records and to maintain an electronic database searchable by the public and requires mandatory ethics training for public officials, public employees and lobbyists. All mayors, councilmembers and commissioners shall obtain training within 120 days of the effective date of the Act. Thereafter, all mayors, councilmembers and commissioners shall receive training within 120 days of being sworn into office. Training shall be available online and may be conducted either online or in person. Public employees required to file a statement of economic interests must also obtain the ethics training. This Act took effect on January 1, 2011.

SB1 – Subpoena Power (ACT 2010-763) – This bill grants subpoena power to the State Ethics Commission. This Act took effect on January 1, 2011.

SB2 – Payroll Deduction (ACT 2010-761) – This bill prohibits any person employed by the State, a county, a city, a local school board or any other governmental agency from using governmental agency funds, property or time for any political activities. Further, no person in the employment of the State, a county, a city, a local school board or any other governmental agency may arrange by salary deduction or otherwise for any payments to a political action committee or arrange by salary deduction or otherwise for any payments for the dues of any person so employed to a membership organization which uses any portion of the dues for political activity. The bill defines the term “political activity”. This Act takes effective 90 days after being signed by the Governor. The League recommends that a municipality or municipal instrumentality obtain an opinion from the State Ethics Commission before it withholds and remits dues to a membership organization for its employees.

SB3 – Double Dipping Prohibition Act (ACT 2010-760) – This bill prohibits a member of the Legislature from being employed with any other branch of government, or department, agency, board or commission of the state or public educational institution during the time they serve as a legislator. Certain exceptions are provided. This Act became effective on January 17, 2011.

SB14 – Expenditures by Lobbyists (ACT 2010-764) – This bill defines the term “lobbyist” and limits what a lobbyist can expend on a public official. The bill prohibits a lobbyist from giving a thing of value to a public official, public employee or to a family member of a public official or public employee. The bill enumerates 18 items which are not a “thing of value”. Among the items that **are not** “things of value” are meals and other food and beverages provided to a public official or public employee in a setting (other than certain functions listed among the 18 items that are not things of value), not to exceed for a lobbyist \$25.00 per meal with a limit of \$150.00 per year. A principal may not exceed \$50.00 per meal with a limit of \$250.00 per year. Municipal officials should look at the complete list of items that **are not** considered “things of value” to completely understand what they can or cannot accept from lobbyists. A complete analysis of this legislation will be provided by the League soon. This Act shall become effective 90 days from the date of passage. ■



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- Judge
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- 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

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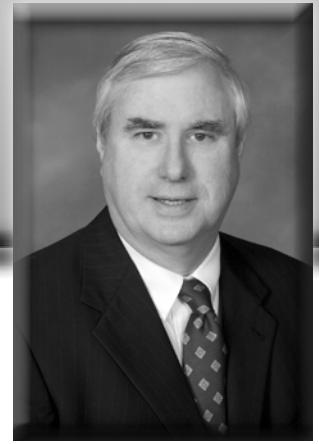
- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Perry C. Roquemore, Jr.
Executive Director



ALM's 2011 Legislative Package

The Alabama League of Municipalities Committee on State and Federal Legislation met at League Headquarters on Thursday, January 13, 2011, and adopted an ambitious League Legislative Package for the upcoming session beginning March 1st. The committee, which is composed of elected municipal officials from throughout the state, considered a multitude of legislative recommendations from the League's five policy committees, member municipalities and the League staff. At the conclusion of their meeting, the committee unanimously approved the following package of bills (in no particular order of priority) to be introduced during the 2011 Regular Session.

Consolidation of Municipal Court Offenses

Title 11-45-9 provides that the maximum fine for violation of a municipal ordinance shall be \$500. Title 13A-5-12.1 provides that the maximum penalty in municipal court for violation of 13 enumerated offenses shall be \$1,000. The League will seek an amendment to Section 11-45-9, Code of Alabama 1975 to list the offenses in Title 13A in Section 11-45-9 so that all penalties for violation of municipal ordinance can be located in the same statute. The bill will not change the amount of any fines authorized by law.

Competitive Bid Law

Municipalities may purchase items from the state bid list without further bidding. The League will seek legislation to authorize a similar procedure for items for which there is a federal Government Services Administration (GSA) contract.

Island Annexation

Some municipalities have authority to annex by ordinance all or any portion of any unincorporated areas or territories which are enclosed within the corporate limits of the municipality and have been so enclosed for a period of one (1) year or more. The League will seek legislation to give all other municipalities similar authority.

Zoning in the Police Jurisdiction

Currently, municipalities can only zone territory located within the corporate limits of the municipality. The League will propose legislation to give cities and towns permissive authority to zone territory located within their police jurisdiction.

Utility Tax Exemption

Municipalities, with limited exceptions, are required to pay the 4% state utility tax on utility services purchased by the municipality. The League will seek an amendment to this law to provide for an exemption from the state 4% utility tax for the use or consumption of gas and electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality in operating water or wastewater treatment facilities.

Mayoral Vacancies in Certain Class 7 or 8 Municipalities

Section 11-44G-2, Code of Ala. 1975, provides a procedure to be used in Class 7 or 8 municipalities for filling a vacancy in the office of mayor. Another statute provides that the Council President in cities of 12,000 or more inhabitants shall automatically become mayor under the death or resignation of the mayor. Over the years, the population of some Class 7 or 8 municipalities has increased to 12,000 or more inhabitants. These cities are faced with conflicting statutes and have no guidance as to the procedures they should use to fill mayoral vacancies. This bill proposes to amend Section 11-44G-2 to allow the council president to fill the vacancy in Class 7 or 8 cities with populations of 12,000 or more inhabitants.

Engineer Approval of Subdivisions

The League will seek legislation to amend Section 11-52-30(b), Code of Alabama 1975, relating to subdivision regulations to allow the city engineer of any municipality, whether employed full-time or by contract, to approve subdivision proposals in lieu of a county engineer.

Federal Food Stamps

The League will seek legislation similar to that enacted in other states to authorize the Alabama Department of Human Services to opt out of the Federal law which restricts persons convicted of felony drug charges from being eligible to receive food stamps if the individual meets all other eligibility requirements for aid or benefits.

Penalty for Violation of Municipal Ordinances

Section 11-45-9, Code of Alabama 1975, provides that the maximum fine that can be assessed for violation of a municipal ordinance is \$500 and/or six months in jail. The sole exception is DUI offenses where the fine can be as high as \$5,000. Several state misdemeanor offenses have higher maximum fines than \$500. In order for the municipal court to be in line with other courts for the same offenses, the League will ask the legislature to amend the Code of Alabama so as to provide that the maximum fine for violation of a municipal ordinance shall be \$500 or the maximum allowed by state law for the same offense, whichever is higher.

Publication of Municipal Ordinances

State law requires municipalities to publish ordinances of general and permanent operation. In some instances, the costs of publication can be extremely high even though only a few minor changes are made to the ordinance. In an effort to protect both the public's right to know and the public's money, the League will propose permissive legislation to authorize an alternate method of publishing license, zoning and planning ordinances by means of a synopsis published in the newspaper.

Appropriation for Wastewater Treatment SRF and the Alabama Drinking Water Finance Authority

Many years ago, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority. The purpose of these programs was to take state funds and match them with federal dollars to create a loan fund to offer low-interest loans to governmental entities for wastewater treatment and drinking water projects. Each year, the League seeks additional matching funds from the Legislature to continue these nationally recognized programs.

Validation of Municipal Annexations

Periodically, the League asks the Legislature to enact a bill to validate municipal annexations enacted prior to the effective date of the legislation. The bill proposes to validate the procedure used in the annexation process even if errors occurred. The bill does not validate substantive errors.

Conclusion

The Committee on State and Federal Legislation has adopted an ambitious League Legislative Package for 2011. Due to the economic downturn and shortfalls in both State budgets, we can expect a very tough session. Therefore, it is critical that all municipal officials get behind this package and push for its passage during the session. Please make a special effort to contact legislators while they are home before the Regular Session begins on March 1, 2011. ■



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The League's Annual Convention is
April 30 through May 3 in Huntsville, AL
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The Legal Viewpoint

By Ken Smith
Deputy Director/ General Counsel



Ethics Law Update

In December 2010, the Alabama Legislature passed several bills amending both the Ethics Law and the Fair Campaign Practices Act. This article discusses how these laws impact municipal officials and employees.

Act 2010-764

Act 2010-764 prohibits public officials and employees from soliciting or obtaining items in return for favors. Senate Bill 14 also addresses the relationship between lobbyists and public officials and employees, including municipal officials and employees.

Specifically, the Act prohibits public officials or employees from soliciting or receiving anything for themselves or a member of their households, for the purpose of influencing the official's vote or action. The household includes the "public official, public employee, and his or her spouse and dependents."

It is also illegal to offer or give anything to the family member of a public official or employee for the purpose of influencing official action. The family member of a public employee is defined as the spouse or a dependent of the public employee. The family member of the public official is defined as the "spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official."

"No public official or public employee, shall solicit or receive any money in addition to that received by the public official or public employee in an official capacity for advice or assistance on matters concerning the Legislature, lobbying a legislative body, an executive department or any public regulatory board, commission or other body of which he or she is a member." However, this shall not be construed to prevent the official or employee from performing his job.

The Act also places a number of restrictions on what lobbyists can do for public employees or officials. "No lobbyist, or subordinate of a lobbyist or principal shall offer or provide a thing of value to a public employee or public official or to a family member of the public employee or family member of the public official; and no public employee or public official or family member of the public employee or family member of the public official shall solicit or receive a thing of value from a lobbyist, subordinate of a lobbyist or principal."

What is a "thing of value?"

This is defined as: "Any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event, unsecured loan, other than those loans and forbearances made in the ordinary course of business, reward, promise of future employment, or honoraria or other item of monetary value." There are, of course, exceptions to what constitutes a thing of value: "The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

- "1. A contribution reported under Chapter 5 of Title 17 or a contribution to an inaugural or transition committee.
- "2. Anything given by a family member of the recipient under circumstances which make it clear that it is motivated by a family relationship.
- "3. Anything given by a friend of the recipient under circumstances which make it clear that it is motivated by a friendship and not given because of the recipient's official position. Relevant factors include whether the friendship preexisted the recipient's status as a public employee, public official, or candidate and whether gifts have been previously exchanged between them.
- "4. Greeting cards, items, services with little intrinsic value which are intended solely for presentation (such as plaques, certificates, and trophies), promotional items commonly distributed to the general public, and items or services of de minimis value.
- "5. Loans from banks and other financial institutions on terms generally available to the public.
- "6. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees.
- "7. Rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public.
- "8. Anything that is paid for by a governmental entity or an entity created by a governmental entity to support the governmental entity or secured by a governmental entity under contract, except for tickets to a sporting event offered by an educational institution to anyone other than faculty, staff, or administration of the institution.

“9. Anything for which the recipient pays full value.

“10. Compensation and other benefits earned from a non-government employer, vendor, client, prospective employer, or other business relationship in the ordinary course of employment or non-governmental business activities under circumstances which make it clear that the thing is provided for reasons unrelated to the recipient’s public service as a public official or public employee.

“11. Any assistance provided or rendered in connection with a safety or a health emergency.

“12. Payment of or reimbursement for actual and necessary transportation and lodging expenses, as well as waiver of registration fees and similar costs, to facilitate the attendance of a public official or public employee, and the spouse of the public official or public employee, at an educational function or widely attended event of which the person is a primary sponsor. This exclusion applies only if the public official or public employee meaningfully participates in the event as a speaker or a panel participant, by presenting information related to his or her agency or matters pending before his or her agency, or by performing a ceremonial function appropriate to his or her official position; or if the public official’s or public employee’s attendance at the event is appropriate to the performance of his or her official duties or representative function.

“13. Payment of or reimbursement for actual and necessary transportation and lodging expenses to facilitate a public official’s or public employee’s participation in an economic development function.

“14. Hospitality, meals, and other food and beverages provided to a public official or public employee, and the spouse of the public official or public employee, as an integral part of an educational function, economic development function, work session, or widely attended event, such as a luncheon, banquet, or reception hosted by a civic club, chamber of commerce, charitable or educational organization, or trade or professional association.

“15. Any function or activity pre-certified by the Director of the Ethics Commission as a function that meets any of the above criteria.

“16. Meals and other food and beverages provided to a public official or public employee in a setting other than any of the above functions not to exceed for a lobbyist twenty-five dollars (\$25) per meal with a limit of one hundred fifty dollars (\$150) per year; and not to exceed for a principal fifty dollars (\$50) per meal with a limit of two hundred fifty dollars (\$250) per year. Notwithstanding the lobbyist’s limits herein shall not count against the principal’s limits and likewise, the principal’s limits shall not count against the lobbyist’s limits.

“17. Anything either:

- (i) provided by an association or organization to which the state or, in the case of a local government official or employee, the local government pays annual dues as a membership requirement or
- (ii) provided by an association or organization to a public official who is a member of the association or

organization and, as a result of his or her service to the association or organization, is deemed to be a public official. Further included in this exception is payment of reasonable compensation by a professional or local government association or corporation to a public official who is also an elected officer or director of the professional or local government association or corporation for services actually provided to the association or corporation in his or her capacity as an officer or director.

“18. Any benefit received as a discount on accommodations, when the discount is given to the public official because the public official is a member of an organization or association whose entire membership receives the discount.”

Despite these prohibitions, “a lobbyist or principal may offer or provide and a public official, public employee, or candidate may solicit or receive items of de minimis value.” Further, “A lobbyist does not provide a thing of value, for purposes of this section, merely by arranging, facilitating, or coordinating with his or her principal that is providing and paying for those items.”

“De minimis” is not defined in the Act. *Webster’s* defines it as something that is “lacking significance or importance: so minor as to merit disregard.”

The term “lobbyist” is given a broad definition in the Act and includes any of the following:

- “1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.
- “2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.
- “3. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.
- “4. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

There is also a lengthy list of who is not a lobbyist:

- “1. An elected official on a matter which involves that person’s official duties.
- “2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.
- “3. Reporters and editors while pursuing normal reportorial and editorial duties.
- “4. Any citizen not expending funds as set out above in paragraph a.3. or not lobbying for compensation who contacts a member of a legislative body, or gives public

testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

“5. A person who appears before a legislative body, a regulatory body, or an executive agency to either sell or purchase goods or services.

“6. A person whose primary duties or responsibilities do not include lobbying, but who may, from time to time, organize social events for members of a legislative body to meet and confer with members of professional organizations and who may have only irregular contacts with members of a legislative body when the body is not in session or when the body is in recess.

“7. A person who is a member of a business, professional, or membership organization by virtue of the person’s contribution to or payment of dues to the organization even though the organization engages in lobbying activities.

“8. A state governmental agency head or his or her designee who provides and/or communicates information relating to policy and/or positions affecting said governmental agencies which they represent.”

The Act differentiates between what a “principal” can do, and what a “lobbyist” can do. A principal is a “person or business which employs, hires, or otherwise retains a lobbyist. A principal is not a lobbyist but is not allowed to give a thing of value.”

Lobbying is defined as:

“The practice of promoting, opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body. The term does not include providing public testimony before a legislative body or regulatory body or any committee thereof.”

Act 2010-763

Act 2010-763 grants subpoena power to the Ethics Commission and sets out the procedure for conducting an investigation.

The Act states that any individual with “credible and verifiable information supporting the allegations” may file a complaint alleging a violation of the Ethics Law.

Following the filing of a complaint, the Director of the Ethics Commission must first conduct a preliminary investigation to determine if the facts in the complaint allege a violation and there is “reasonable cause” to conduct an investigation. If director does not find reasonable cause, charges are dismissed but the dismissal must be reported to the Ethics Commission. Four members may then, in writing, authorize an investigation on an “express finding” of “probable cause.”

“Upon the commencement of any investigation, the Alabama Rules of Criminal Procedure as applicable to the grand jury process . . . shall apply and shall remain in effect until the complaint is dismissed or disposed of in some other manner.”

Four members of the commission may vote to initiate a complaint. However, the commission shall not conduct the hearing. Instead, the hearing is conducted by “three active or retired judges.” If the judges unanimously find that the Ethics Law has been violated, they must “forward the case to the district attorney for the jurisdiction in which the alleged acts occurred or to the Attorney General. In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall apply.”

The commission has 180 days from the date of the receipt of a complaint or from the date of initiating a complaint to determine if probable cause exists. If the commission does not find probable cause, “the complaint shall be deemed dismissed and cannot be reinstated based on the same facts alleged in the complaint.”

The commission may, by majority vote, grant a one-time extension of 180 days to complete an investigation “Upon good cause shown from the general counsel and chief investigator. . . .”

“If the commission finds probable cause that a person covered by this chapter has violated it, the case and the commission’s findings shall be forwarded to the district attorney for the jurisdiction in which the alleged acts occurred or to the Attorney General. The case, along with the commission’s findings, shall be referred for appropriate legal action. Nothing in this section shall be deemed to limit the commission’s ability to take appropriate legal action when so requested by the district attorney for the appropriate jurisdiction or by the Attorney General.”

Upon written request from the commission, the Attorney General or district attorney who has had a case referred to them for prosecution by the commission may notify the commission in writing within 180 days whether he or she intends to pursue action against the alleged violator, “including an administrative disposition or settlement, conduct further investigation, or close the case without taking action.”

“If the Attorney General or district attorney decides to pursue the case, he or she may, upon written request of the commission, inform the commission of the final disposition of the case. The written information pursuant to this section shall be maintained by the commission and made available upon request as a public record. The director may request an oral status update from the Attorney General or district attorney from time to time.”

One of the more controversial aspects of the Act is the provision that grants subpoena power to the Ethics Commission:

“In the course of an investigation, the commission may subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, and other evidence.”

The process for issuing the subpoena is explained in the Act. A subpoena may be issued only upon the vote of four members of the commission upon the express written request of the director. The subpoena shall be subject to Rules 17.1, 17.2, 17.3, and 17.4 of the Alabama Rules of Criminal Procedure.

The commission must first serve notice of the intent to serve the subpoena on the recipient. The proposed subpoena shall be attached to the notice. The recipient then has 10 days to object to the issuance of the subpoena “on the grounds set forth under

Rule 17.3(c) of the Alabama Rules of Criminal Procedure, and in such event the subpoena shall not issue until an order to dismiss, modify, or issue the subpoena is entered by a state court of proper jurisdiction, the order to be entered within 30 days after making of the objection.”

If any person fails to comply with a lawful subpoena, the director shall apply to a court of competent jurisdiction “to compel obedience upon penalty for contempt, as in the case of disobedience of a subpoena issued for such court or a refusal to testify therein.”

Complaints and “all investigatory activities,” and any vote taken by the members of the commission relative to the issuance of a subpoena are subject to the restrictions relating to secrecy and nondisclosure of information, conversation, knowledge, or evidence of Sections 12-16-214 to 12-16-216.

“Any person subject to this chapter who intentionally violates this chapter relating to secrecy shall, upon conviction, be guilty of a Class C felony.”

Act 2010-762

This Act mandates ethics training for municipal officials and school board members, among others. Those in office on the effective date of the Act must “obtain training within 120 days of such date. Thereafter, all municipal mayors, council members and commissioners, and county commissioners shall obtain training within 120 days of being sworn into office.”

Training “may be conducted either online or in person. Evidence of completion of the training shall be provided to the commission via an electronic reporting system provided on the official website.” Attendance at a training session is mandatory, unless the person is suffering a catastrophic illness.

Employees required to file the Statement of Economic Interests must also obtain on-line training from the Ethics Commission within 120 days of the effective date of the Act. Employees hired after January 1, 2011 must be trained within 90 days of being hired.

Timing and curriculum for the training must be determined by the Director of Ethics. The commission, by April 1, 2012, shall implement and maintain each of the following:

“(1) A system for electronic filing of all statements, reports, registrations, and notices required by this chapter.

“(2) An electronic database accessible to the public through an Internet website which provides at least the following capabilities:

“a. Search and retrieval of all statements, reports, and other filings required by this chapter, excluding complaints made confidential by Section 36-25-4(b) of the Code of Alabama 1975, by the name of the public official or public employee to which they pertain.

“b. Generation of an aggregate list of all things of value provided to each public official or public employee and family member of a public official or public employee as reported pursuant to Section 36-25-19, searchable and retrievable by the name of the public official or public employee.”

The League will work with the Ethics Commission in developing and providing training for municipal officials and employees. We will also provide our members with updates regarding developments in this area.

Act 2010-761

Act 2010-761 amends Section 17-17-5, Code of Alabama, 1975, the Fair Campaign Practices Act, by expanding the list of

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public employees who are prohibited from using public “funds, property, or time, for any political activities.”

The Act also prohibits employees from requesting salary deductions or “otherwise” arranging for payments to any political action committee or payment of dues to other organization that uses any of the dues for political activity.

In the League’s Opinion, this provision applies only to organizations whose membership is composed of municipal employees. It does not prohibit a municipality from paying dues to organizations like the League whose membership are the entities themselves rather than individuals.

“For purposes of this subsection, political activity shall be limited to all of the following:

- (1) Making contributions to or contracting with any entity which engages in any form of political communication, including communications which mention the name of a political candidate.
- (2) Engaging in or paying for public opinion polling.
- (3) Engaging in or paying for any form of political communication, including communications which mention the name of a political candidate.
- (4) Engaging in or paying for any type of political advertising in any medium.
- (5) Phone calling for any political purpose.
- (6) Distributing political literature of any type.
- (7) Providing any type of in-kind help or support to or for a political candidate.”

Organizations requesting salary deductions for dues must certify that they will not use the dues for political activity. Certification is made to the “appropriate governmental entity.” Presumably the “appropriate governmental entity” will be defined by the Ethics Commission, but it probably means that these certifications must be made to the employing agency.¹ Each year thereafter, the organizations must provide the “appropriate governmental entity” with a detailed breakdown of how the dues were used. Any agency that fails to provide the appropriate certifications is permanently barred from having ANY governmental agency collect dues for it.

Act 2010-761 has generated a large number of questions. At this point, there is little guidance other than referring to the language of the statute to help a municipality determine whether an organization whose members are municipal employees may have their dues withheld or how the organization should certify that they will not use dues for political activity.

Questions regarding this provision should be referred to the Ethics Commission.

Act 2010-765

Act 2010-765 amends Sections 17-5-7 and 17-5-15, and deals with the use of excess funds by candidates, public officials, or principal campaign committees.” Specifically, the Act:

- Prohibits PAC to PAC transfers
- Prohibits the donation of funds from one political campaign committee to another “except where the contribution, expenditure, or any other transfer of funds is made from a principal campaign committee to another principal campaign committee on behalf of the same person.”

Act 2010-759

Act 2010-759 prohibits “pass-through-appropriations.”

Pass-through-appropriations are defined as “The expenditure of State funds by an agency at the explicit direction of a member of the Legislature, or a person acting on behalf of such member, if such expenditure is not for a purpose specified in a line-item appropriation. The expenditure of funds pursuant to Chapter 24 of Title 41, any federal or state grants or contracts awarded under federal or state guidelines or regulations, and any expenditures under Article 8 of Chapter 2 of Title 29 shall not be considered pass-through appropriations. State Funds transferred between state entities for the same program shall not be considered pass-through appropriations.”

A “line-item appropriation” is defined as one that has a “separate reference in an appropriation bill to a proposed expenditure, which is certain as to the recipient(s) and the amount with a general description of the expenditure.”

An agency is ANY “recipient of State funds.” This could include municipalities and their officials, if they receive undesignated funds from the state. Additionally, this may eliminate the use of discretionary funds by legislators. Officials should exercise caution when spending funds they are given by legislators until this provision is addressed by the Ethics Commission.

Act 2010 760

Act 2010 760 prohibits double-dipping by legislators. Specifically, this Act state that “a member of the Legislature, during his or her term of office, may not be an employee of any other branch of state government, any department, agency, board, or commission of the state, or any public educational institution including, but not limited to, a local board of education, a two-year institution of higher education, or a four-year institution of higher education.”

In the League’s opinion, this Act only applies to members of the state legislature and not to municipal officials or employees, other than preventing them from serving in the legislature at the same time as occupying any of the listed positions.

Conclusion

While this article discusses the recent changes to the Ethics Law, until the Ethics Commission interprets these amendments, there are still many questions that remain unanswered. The League will continue to work with the Ethics Commission to resolve these questions and will update our members on any developments.

We encourage our members to contact the Ethics Commission with questions and to seek direct advice from them as issues arise. ■

(Endnotes)

1 Implicitly, legislative intent is that these certifications are to be filed with the employing governmental agency. The Act further provides that “The Examiners of Public Accounts shall annually review a sample of at least ten percent of the certifications filed *with each governmental entity.*” However, the Act then provides that Examiners shall report its finding “to the appropriate governmental entity.”

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

Courts: In probation revocation proceedings for failure to pay fines, restitution, court costs, or supervision fees, the trial court is required to inquire into the reasons for the failure to pay and make specific determinations and findings. *Taylor v. State*, 47 So.3d 287 (Ala.Crim.App.2009)

Courts: Under the “dual sovereignty” doctrine, double jeopardy does not prohibit a state prosecution after acquittal in a federal case arising from the same acts. *State v. Smith*, 46 So.3d 14 (Ala.Crim.App.2010)

Courts: Under the self-defense justification, a person has the right to stand his or her ground, and has no duty to retreat, so long as the person is in any place he or she has the right to be. Such right is not restricted to instances in which a person is in his dwelling. *Williams v. State*, 46 So.3d 970 (Ala.Crim.App.2010)

Drug Forfeiture: The mere presence of money in the proximity of controlled substances is insufficient to justify the forfeiture of the money. *Williams v. State*, 46 So.3d 3 (Ala.Civ.App.2010)

Elections: A Circuit court did not err when it disqualified two votes in a mayoral election on the grounds that the voters were not included on the Secretary of State’s voter list, although the city created its own list of registered voters. There was no reason for the names on the Secretary of State’s voter list to vary from those on city’s list. *Fluker v. Wolff*, 46 So.3d 942 (Ala.2010)

Searches and Seizures: In stopping a vehicle for a traffic violation, a police officer has, in Fourth Amendment terms, seized the driver. So long as the police officer has properly seized the occupants of the vehicle, the officer may order the driver, or a passenger, out of the car without violating the Fourth Amendment. When a police officer properly stops a vehicle for a traffic violation, the police officer may not only order the driver out of the vehicle, but may also pat down the driver for weapons if the officer reasonably believes that the driver is armed and dangerous. *State v. Taylor*, 46 So.3d 504 (Ala.Crim.App.2010)

Solid Waste: A city’s contention that the director of the Department of Environmental Management acted beyond his authority in issuing a landfill permit without first obtaining a consistency report or adequate hydrological evaluation involved an action seeking review of the sufficiency of the evidence on which the director rested his official action in issuing the permit, rather than an action seeking interpretation of a statute, and, thus, did not fall within any exception to the exhaustion-of-

administrative-remedies doctrine. There are recognized exceptions to the exhaustion of administrative remedies doctrine, including when (1) the question raised is one of interpretation of a statute, (2) the action raises only questions of law and not matters requiring administrative discretion or an administrative finding of fact, (3) the exhaustion of administrative remedies would be futile and/or the available remedy is inadequate, or (4) where there is the threat of irreparable injury. *City of Graysville v. Glenn*, 46 So.3d 925 (Ala.2010)

Subdivisions: Statutory provisions requiring subdivision plat approval prior to negotiation or contract for the sale of a subdivision lot was not limited to lot purchases made by individuals, and could also apply to purchasers that were developers. The purchase contract was illegal in that it was executed prior to plat approval. A contract obtained in violation of the subdivision control statutes is void. *Kilgore Development, Inc. v. Woodland Place, LLC*, 47 So.3d 267 (Ala.Civ.App.2009)

DECISIONS FROM OTHER JURISDICTIONS

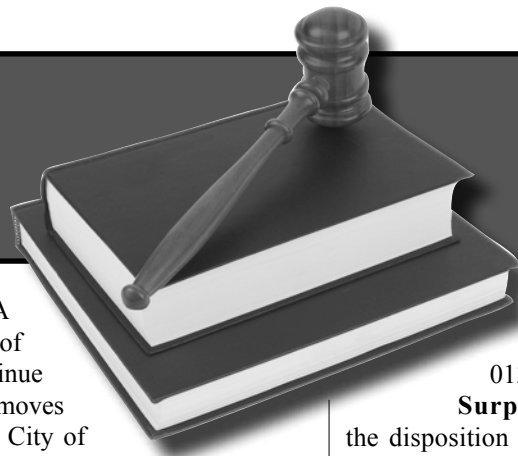
Health Care: The provision of the Patient Protection and Affordable Care Act, which required that every citizen maintain a minimum level of health insurance coverage or pay a penalty on their tax return, exceeded Congressional authority under the Commerce Clause. Congress’ Commerce Clause powers did not extend to compelling an individual to involuntarily enter the stream of commerce by purchasing health insurance in the private market. *Commonwealth ex rel. Cuccinelli v. Sebelius*, --- F.Supp.2d ----, 2010 WL 5059718 (E.D.Va.2010)

Public Records: A municipal bondholder that obtained, under a state public records law, city records that related to its federal securities fraud suit was not engaging in “discovery” subject to a federal district court stay under the Securities Litigation Uniform Standards Act. The word “discovery,” within meaning of Rules of Civil Procedure, is not a synonym for investigation. *American Bank v. City of Menasha*, --- F.3d ----, 2010 WL 4812811 (7th Cir.2010)

Searches and Seizures: The Fourth Amendment and its warrant requirement protect e-mail users’ privacy in messages stored with a service provider. To the extent that the Stored Communications Act purports to permit the government to obtain such e-mails without a warrant, the Stored Communications Act is unconstitutional. *U.S. v. Warshak*, --- F.3d ----, 2010 WL 5071766 (6th Cir.2010)

ATTORNEY GENERAL’S OPINIONS

Annexation: Pursuant to Amendment 467 of the Alabama Constitution, a city located in Etowah County is required to conduct a vote of those persons seeking to have his or her property, which is located in Etowah County, annexed into the city. AGO 2011-015



Civil Service Boards: A member of the Civil Service Board of the City of Florence may not continue to serve on the Board if he or she moves outside the corporate limits of the City of Florence during his or her term of office. AGO 2011-016

Civil Service Boards: Because the United States government has no role in the selection or employment of municipal employees who are paid with HUD funds, these employees are subject to the provisions of the Anniston Civil Service Act. AGO 2011-017

Conflicts of Interest: The Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College may employ off-duty municipal firefighters and paramedics during their "off time" as educational adjunct fire instructors for the Commission's "open enrollment" training classes to teach educational training classes to other firefighters and paramedics, including his or her own coworkers who may also be enrolled in such classes. This employment does not violate section 11-43-12 of the Code of Alabama. AGO 2011-019

Jails: Both the county commission and the sheriff should be parties to any contract to house federal prisoners in the county jail. All fees, commissions, percentages, allowances, charges and court costs collected for the use of the sheriff and his deputies, excluding the allowances and amounts received for feeding prisoners, should be deposited into the county general fund. AGO 2011-020

Military Leave: Service in the United States Department of Homeland Security, constitutes "military service" for purposes of §36-8-2 of the Code of Alabama, such that the officials office shall not be deemed vacated by reason of the service. The Sheriff of Tuscaloosa County is eligible to remain in office after completing a temporary appointment as Assistant Secretary for State and Local Law Enforcement in the Office of Policy of the United States Department of Homeland Security. AGO 2011-018

Open Meetings Act: A quorum of the board of trustees may attend a committee meeting, where notice was properly given for the committee meeting under the Open Meetings Act, without also providing notice of a board meeting, as long as the board does not deliberate matters at the committee meeting that it expects to come before the board at a later date. If a quorum of the board has prearranged a board meeting to occur at the committee meeting, the board must provide notice of this meeting under the OMA. A quorum of the board may not hold an impromptu board meeting at the committee meeting, at which it deliberates specific matters expected to come before the board at a later date, such as other board business, without violating the OMA. AGO 2011-014

Police – Coroners: Law enforcement should notify the coroner as soon as possible of a death, but there is no mandatory time in which the coroner must be notified. The coroner may request that law enforcement investigating a crime scene not move or disturb the body, but the coroner's authority is secondary to that

of the district attorney and law enforcement officials investigating the crime. AGO 2011-013

Surplus Property: The authority to administer the disposition of state-owned surplus property for volunteer ambulance services and volunteer rescue squads passed to the Alabama Department of Economic and Community Affairs ("ADECA") with the enactment of Act 84-249, as codified in section 41-16-120, *et seq.*, of the Code of Alabama. The Board of Health Ambulance Advisory Board and the Alabama Association of Rescue Squads, Inc., are authorized to screen state-owned surplus property for volunteer ambulance services and volunteer rescue squads, respectively. ADECA is empowered to promulgate rules necessary to implement and administer this program. AGO 2011-022

Utilities: A Waterworks and Gas Board formed pursuant to §11-43-230, *et seq.*, of the Code of Alabama, may require both landlords and tenants to sign a service agreement before rental property may receive water service. The Board may discontinue service to premises where there are delinquent charges. The Board may not deny or discontinue service to a new tenant for the delinquency of a former tenant. AGO 2011-021 ■

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2011 Municipal

This year's Municipal Quality of Life Awards program had 17 entries (up five from last year) with winners and honorable mentions in three population categories. The cities of Union Springs, Muscle Shoals and Cullman were chosen as the winners for their population categories – under 5,000, 5001 to 12,000 and 12,001 and over, respectively. The cities of Adamsville, Guntersville and Gardendale were chosen as the Honorable Mentions for those same population categories. Union Springs, Muscle Shoals and Cullman will be recognized during the Opening Session of the League's 2011 Annual Convention in Huntsville on April 30th and links to copies of every entry can be found through the "In the News" section of the home page of our recently redesigned website at www.alalm.org.

The Municipal Quality of Life Awards program was created to recognize outstanding projects in local government and to share those success stories with other municipalities. Winners were chosen by a panel of three independent judges who are not employed by or affiliated with the Alabama League of Municipalities. Judging was based entirely on the written entries and supportive information and winners were chosen on how well entries met the three main objectives of the program: 1. To recognize successful, innovative projects that improve the quality of life for citizens. 2. To share those projects with other municipalities. 3. To demonstrate the value of cities and towns. The following summaries highlight the winners and honorable mentions in this year's Awards program.

Union Spring's Youth Services and Physical Fitness Program

Winner: under 5,000 population category

In 2008, Bullock County had no adequate facilities for youth to access computers after school. Additionally, its main center for physical fitness activity – the old Armory building turned YMCA – had brought much needed but modest recreation and physical fitness accommodations to the community. Even so, the weight room was small and rarely used because the secondhand equipment was beginning to fail and the leaky roof in the gym made it

unusable during rainy weather. All of that slowly began to change through a partnership with government leaders and local volunteers which led to the 2010 completion of the Union Springs Recreation Center, formally the YMCA, which now houses a state-of-the-art, 20-computer after-school lab; an expanded and completely renovated weight room with new equipment; and a gym with a new roof. Today the Center is a hub for after-school and fitness activities, regularly hosting 80 children per day. The Union Springs Recreation Center now hosts a year-round sports program, which includes football, basketball and baseball for ages 5-15. Each sport has approximately 95-125 participants. Cheer leading squads of nearly 30 participants are organized to cheer for each sport.

Summer Camp programs are fully staffed and provide breakfast and lunch for each participant. This past summer, the staff introduced the Presidential Fitness Program to the children and youth of Unions Springs and Bullock County. Campers had full access to the gym, the computer lab and the swimming pool during Summer Camp. All Recreation Center activities are supervised by a full-time Recreation Director and part-time staff. Without the efforts of 20 or more volunteer coaches for the sports programs, as well as a very active Recreation Advisory Board, it would be impossible to provide these much needed services to the youth of Union Springs and Bullock County.

Muscle Shoals Fire and Rescue Training Center (A Public/Private Partnership Success Story)

Winner: 5,001 to 12,000 population category

Seven years ago, the City of Muscle Shoals Fire Department had no available training facilities and sufficient City funds were not available to create one. Around that time, Wise Alloys, a nationwide supplier of aluminum can stock, approached the City about providing fire protection for their facilities which are located adjacent the Muscle Shoals' city limits. The City agreed to fire protection and, in return, Wise Alloys provided the City with a long-term lease to 26 acres of land adjacent to their complex for the development

Quality of Life Awards

of a fire training facility. From there, Muscle Shoals began to develop public/private partnerships to make the training facility a reality. Through 20 distinct public/private partnerships that resulted in donations of time and materials exceeding \$150,000, the training facility became a reality, encompassing a classroom facility, an area for training on extinguishing natural gas fires, a burn building, burn pit, extraction pad, shop, drafting pit, repelling tower and Hazmat training area including cars and tanker trailer. To date, the public/private partnerships have saved more than \$200,000 in development costs and the City has provided over \$200,000 to the project through yearly budget allocations.

The facility was recently selected by the Alabama Fire College to become a regional fire college, allowing the facility to provide training to new and existing firefighters within the Northwest Alabama region, as well as from around the world. The facility has thus far hosted five certification classes with an average of 15 students per class as well as an aircraft rescue fire fighting school which included several international attendees. The City is currently planning to create a confined space training area and is also seeking partnerships to help construct a new classroom building to provide additional space.

On November 10, 2010, Wise Alloys experienced a fire at their facility which was quickly extinguished by the Muscle Shoals Fire Department – something that might not have been possible but for the public/private partnerships created to develop the adjacent fire training facility.

Cullman's Wellness and Aquatic Center at Chester Freeman Park

Winner: 12,001 and over population category

The centerpiece of the Cullman City Parks and Recreation Department is the 110,000 square foot Cullman Wellness and Aquatic Center at Chester Freeman Park. The 15 million dollar center features an eight-lane indoor competition pool with diving well, outdoor play pool with two water slides, lazy river and play area. All pools are handicap accessible and the construction of the pools uses a waveless design that recycles the overflow water to reduce water usage. The facility also features a

double basketball court, three-lane walking track, a board room for small meetings and a larger gathering area with an attached kitchen. With over 15,000 square feet, the Center offers a variety of cardiovascular equipment, a Spin Room and an aerobics room. Childcare is provided to members at no additional cost. The Cullman City Parks and Recreation Department partners with the Cullman Regional Medical Center and its Sportsfirst Fitness program enabling the Center to have a trained, professional staff.

The second component of Chester Freeman Park is the Miracle Field Complex. This area includes four baseball fields, one of which has a rubberized surface designed for children and adults with developmental and physical challenges that was created through a partnership with the City and the Cullman County Center for the Developmentally Disabled. The third feature of the Center is the recently renovated Donald E. Green Senior Center, which is now a full-time facility for senior adult programs and is used daily.

The membership projection for the Center was 2,500 for the first three years. Within the first year, 10,000 people had joined and the Center now has more than 12,000 members with an average daily user count of approximately 2,500. The Cullman City Council and other city leaders have recently approved the purchase of a 15-acre tract adjoining Chester Freeman Park which will allow for expansion and new facilities and increase the wellness opportunities for Cullman's citizens.

Adamsville's Senior Center

Honorable Mention: under 5,000 population category

In early 2010, through the aid of a Community Development Block Grant, Adamsville begin construction on a new Senior Center – the first new construction of a municipal building in many years – to replace the old senior facility which would probably have been condemned without repairs. With the Center set to open in a few weeks, support from the community has been overwhelming. Material donations such as new kitchen equipment and a large-screen TV have been made and several area businesses have pledged monetary donations towards furnishings. The former facility accommodated

50-60 senior citizens daily; however, the new Center will seat approximately 300 and will offer several break-off rooms from the main recreation area which will be used for crafts, computer classes and other activities.

**Guntersville's Downtown Streetscape Renovation
Honorable Mention: 5,001 to 12,000 pop. category**

Guntersville recently completed its year-long Downtown Streetscape Renovation project which included litter prevention efforts by strategically placing trash cans and recycling containers along the sidewalks that are regularly emptied by City Sanitation. The beautification activities of the City were also significantly improved through partnerships with Keep Guntersville Beautiful, Inc., the Guntersville Tree Commission and the City Horticulturist. Irrigation systems were incorporated and guidelines are in place to ensure that landscaping is aesthetically pleasing and will enhance the historical appearance of the areas by using indigenous plant materials. In addition, the City is working with the Alabama Historical Commission to incorporate a Historic District to strengthen already

strict and enforced sign ordinances and Design Review Board standards as well as to preserve the historic buildings in a defined area.

**Gardendale's Celebration Park Splash Pad
Honorable Mention: 12,001 and over pop. category**

On April 1, 2010, Celebration Park, a three-year, three-phase endeavor, was completed. In addition to pavilions, a handicap-accessible playground, and a walking track, one of the Park's most unique features is its splash pad, a 6,000 square foot interactive water playground with a variety of water sprays and dumping buckets as well as a water piano that plays music when you dance across the nozzles. All water is chlorinated and re-circulated using a 1,500 gallon storage tank. The splash pad, which was the first of its kind in Jefferson County, has been the most successful public relations project ever undertaken by the Parks and Recreation Department. Parents and grandparents can bring their children to a safe, fun, free facility that has ample shade and seating. The splash pad has also had a positive economic impact through out-of-town visitors traveling to Gardendale specifically to play at the park. ■

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THOMASTON TOWN CLERK RETIRES AFTER 41 YEARS OF SERVICE

Carolyn H. Finley, who served as Thomaston Town Clerk for 41 years, retired on December 31, 2010. Carolyn was hired in 1970 and also served as the Clerk for the town's Water and Gas Board. She was recently honored at a retirement reception where she was presented a framed Certificate of Appreciation on behalf of the Town that praised her for the "exemplary conduct and sense of fairness she has demonstrated in all her activities (which have) furthered the cause of better understanding and been an influence for good in the growth and progress of our community."

"She has been a very faithful and a very important person for 41 years and knows all there is to know about the history of Thomaston as well as every person in Town," said Mayor Jeff Laduron. "Because of her whole-hearted participation in civic and church functions, she has earned the respect of a host of area residents of all ages and walks of life. She will be missed at our Town Office. She has helped me more than I can say over the years. I first worked for the Town in 1979 and she likes to say that she raised me at the Town Office. She is a wonderful person and a great friend and has made my job as a new mayor much easier for the past two years. We wish her the very best as she begins her retirement."



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Obituaries

Charles Ebert, Jr.

Former Foley councilmember Charles Ebert, Jr. died December 10, 2010. He was 85. Ebert served 25 years on the Foley City Council from 1979 until he retired in 2004. He also served 30 years on the Riviera Utilities Board, was a member of the Optimist Club, active in the Foley Volunteer Fire Department for more than 30 years and a lifelong supporter of the Boy Scouts. He ran the Ebert Insurance Agency in Foley prior to retiring.

Ralph Hammond

Former two-term Arab mayor and Alabama poet laureate Ralph Hammond died December 10, 2010, at age 94. Hammond also served as chief of staff, press secretary and speech writer for Governor Jim "Big Jim" Folsom. He moved to the Marshall County city of Arab in 1954 and was first elected mayor in 1963. He served as poet laureate of Alabama from 1991 to 1995 and was president of the Alabama State Poetry Society. He was named Arab's Outstanding Citizen of the Year in 1990.

Ken Williams

Saraland Mayor Ken Williams died December 27, 2010, at age 76 from complications of pneumonia. A retired master plumber, Williams, who served as mayor of the 13,000-resident city longer than any other in its 53-year history, was elected to the Saraland City Council in 1992 and become mayor pro tem after then-Mayor Frank Pridgen died in office Feb. 28, 1995. Williams was then elected in 1996 and won his fourth term in 2008. A second baseman in his youth, Williams helped build the first baseball fields in Saraland at Amelia Park and was instrumental in creating a separate school system for Saraland, which opened in 2008.

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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."

Factoring in Life Cycle Costs when purchasing equipment is equally important to Mike. "It's in the county's best long-term interests to consider total costs. When we choose Cat® equipment, we can be confident we're getting a quality machine, backed by a strong company and dealer. We also know that when it's time to cycle it out, there will be value left in that equipment."

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The National Institute of Governmental Purchasing (NIGP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.



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Meet the League's Communications and Legislative Departments

The Communications Department oversees communications/marketing projects for the League and its affiliated organizations and is responsible for the design, content and maintenance of the League's website, www.alalm.org, as well as all printed and electronic materials created through the League. In addition, this department functions as a strategic public relations arm for the organization, ensuring that messages and materials are timely and cohesive.



Carrie Banks
Communications Director

Originally from North Carolina, Carrie joined the League staff as Communications Director in 1997 after working with the Alabama Education Retirees Association. She received her BA in Journalism from East Carolina University in 1991 and her MA in Public Relations and Advertising from The University of Alabama in 1992. She has taught communications classes as an adjunct instructor for Troy University, Montgomery and is a founding board member and past president for ClefWorks, Inc., a nonprofit Montgomery chamber music festival. She has also served on the Board of Directors for Montgomery Habitat for Humanity where she chaired several fund-raising committees and is a past officer of the Montgomery Chapter of the Public Relations Council of Alabama (PRCA).

She and her husband, Craig, are master-level scuba divers who spend most of their vacation (and a ridiculously large portion of their income) traveling to dive sites around the globe.

Karl Franklin
Graphic and Web Designer

A Montgomery native, Karl Franklin joined the League staff last year as the Graphic Designer and is responsible for the design and maintenance of the League's website as well as print publications, multi-media products and promotional materials. He received his BFA in Visual Communications from Auburn University in 1994 and has worked as a graphic designer, product designer and illustrator. He's created a variety of items including book covers, t-shirts, coloring books, posters, bookends, figurines, and even tattoos (none for himself!). Karl and his wife, Leanne, have two boys, eight fish and a dog.



In every session of the Alabama Legislature since 1935, the League has served as the guardian and the voice of municipal interests. Through the years, League legislative programs have produced more than 400 general acts which directly benefit municipal government and its citizens. Cities and towns in Alabama now receive millions of dollars each year in state-shared revenues as a direct result of the League's legislative efforts. In addition to working for passage of League legislative proposals, the League staff continually monitors and reports on all types of legislation, at both the state and federal levels, which may affect cities and towns.

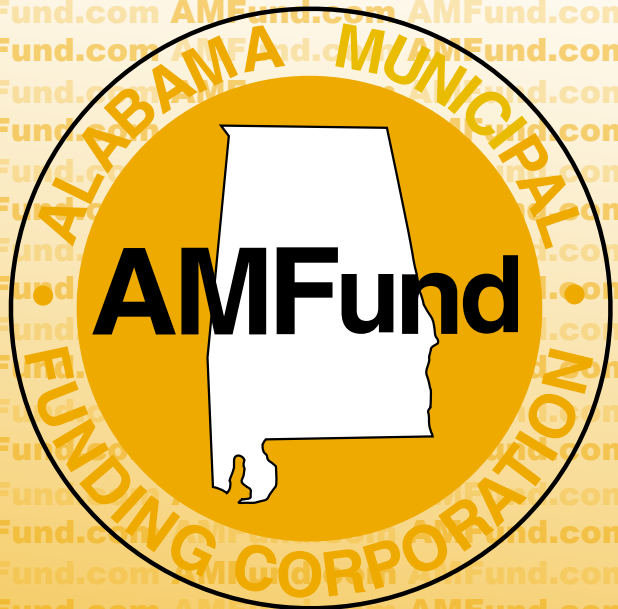


Greg Cochran
Director of Intergovernmental Relations

Greg joined the League staff as Director of Intergovernmental Relations in 1996 and is responsible for federal and state legislation. In 1990 Greg was hired by Medical Association of the State of Alabama as the Director of Legislative Affairs. From 1993 until 1994 he served as Vice President of Governmental Relations for the Mobile Area Chamber of Commerce and returned to Montgomery in 1994 as Vice President of Legislative Affairs for the Business Council of Alabama until 1996. In 2006, Greg was named Executive Vice President of the Alabama Municipal Funding Corporation (AMFund), which was developed by the League to assist municipal members with financing capital projects. He was elected AMFund President in 2008. He, his wife, Kelly, and two children, William and Sanders, live in Montgomery.

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