

The Alabama Municipal JOURNAL

May/June 2016 Volume 73, Number 6

Councilwoman Sadie Britt

Teacher • Mentor • Leader • League President



See article, page 9

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The Alabama Municipal JOURNAL

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On the Cover:

Councilwoman Sadie Britt of Lincoln is completing her term as the League's first African American female president since its inception in 1935. She is pictured on the cover with Senators Richard Shelby (top) and Jeff Sessions (bottom) during the March 2016 NLC Congressional City Conference in Washington, D.C. and in the area of the Lincoln Public Library dedicated in her honor. See page 9 for full story.

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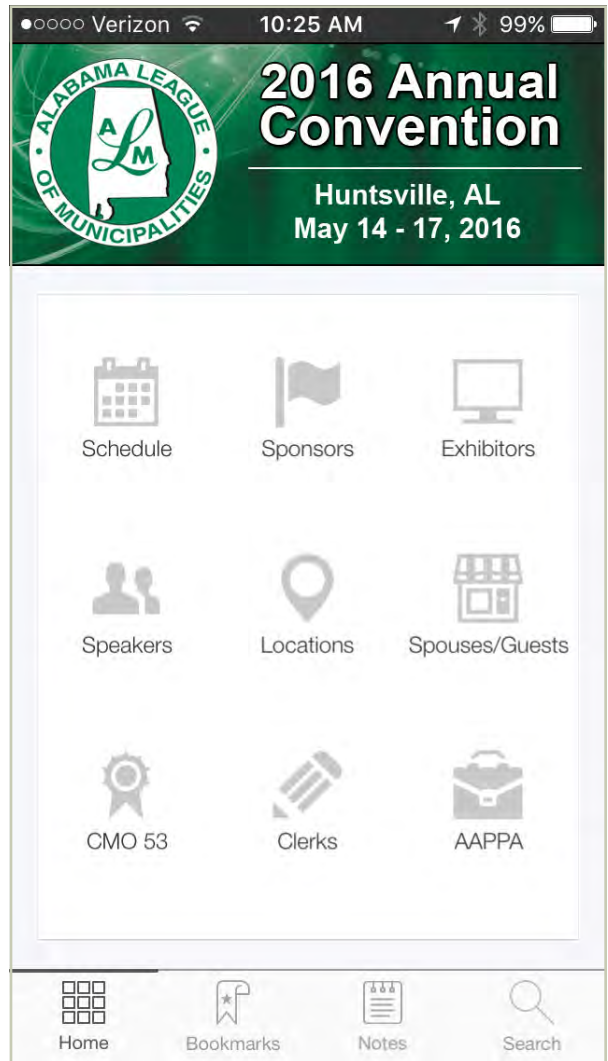
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A Message from the EDITOR

The League's 81st Annual Convention will be held in Huntsville May 14-17 at the Von Braun Center. The City of Huntsville has planned a fantastic Saturday evening Coffee, Craft and Dessert Reception beginning at 8:00 p.m. at Campus No. 805, a new entertainment venue centrally located to the downtown hotels that features a park, two craft breweries and a restaurant and retail facility that was once an area high school. Delegates and guests will be treated to a fun event with a variety of desserts and a jazz band so please plan to attend! For more about our host city and the many changes that have taken place since our convention was last held there in 2011, see the article on page 25. You will also find a list of exhibitors, information on our keynote speakers and Monday night entertainment as well as a Convention Quick Guide on pages 35-43. **Also, please note that Sunday is "City Shirt Day" so plan to wear your city's logo with pride!**

Download our FREE Convention app!

Last year we launched a convention app that was very popular with the folks who used it. Once again, we encourage everyone to download this free resource, which can be found under "ALM Events" from the iTunes App Store and in Google Play (see screen shot at the right). We will still provide a printed program; however, for speaker bios and headshots, you'll have to download the app, which also features the full schedule, event sponsors and exhibitors as well as information for clerks, AAPPAA and spouses/guests. **NOTE: When you download the app, be sure to allow notifications.** We will be updating information during convention so, should there be a venue or time change, the app will be the quickest and most reliable way for you to receive that information.



Of Interest

I'll close by pointing out that this issue of the *Journal* features several interesting articles as well as photos from the NLC Congressional City Conference this past March (see pages 22-23). On page 9 you will find an article on Lincoln Councilwoman Sadie Britt, who made League history last year when she became the first African American woman elected to serve as ALM's President since its inception in 1935, and on page 19, the League's Director of Information Technology, Chuck Stephenson, has provided some very useful information on what to do when you click on what you *thought* was an innocent link in an email (and how to avoid such mistakes in the future). In addition, a report on ALM's recent policy committee meetings is on page 31 and a contributed article on public employee drug testing litigation by Tommy Eden –who will also be speaking at convention – is on page 51.

We'll see you in Huntsville!

Carrie

The President's Report

By Councilwoman Sadie Britt, Lincoln



Our League Staff: Excellence in Action

My year as League President is quickly coming to a close and I can't begin to express my gratitude to you, my municipal colleagues, for trusting me to represent you and our organization in this important role. I appreciate the many opportunities afforded me to discuss your issues and concerns as well as the opportunities to learn from so many of you while serving as your Vice President and President.

I remain humbled, honored and blessed to have been actively involved with our fine staff over this past year and I can tell you without hesitation that the League employees serving us are truly remarkable people – professional, talented, caring and loyal. Of course, this is no secret to those of you who have been active with the League. We have 22 full-time employees, half of whom have been on staff more than 10 years. In fact, Ken Smith, our Executive Director, will reach his 30-year milestone this summer; our Finance Director, Steve Martin, and Legal Researcher, Twanna Walton, will mark 25 years; and our lobbyist, Greg Cochran, is about to reach 20 years.

The League has six distinct departments specifically designed to make our jobs as elected officials a little less daunting: Legal, Legislative, Communications, Member Services, Technology and Finance. Many of you have developed personal relationships with our attorneys as they are constantly answering our phone calls and email inquiries as well as participating in our CMO training. They also provide training to our municipal clerks and revenue officers several times throughout the year as well as work closely with the Legislative Department to monitor bills that might affect municipal government and advocate on our behalf, particularly when the Legislature is in Session.

The ladies in our Membership Department plan, administer and oversee our CMO training, our annual convention – including our impressive Expo Hall –

and provide information on NLC conferences as well as administrative support in a number of areas. The young men in our Technology Department do a little bit of everything – from installing and troubleshooting equipment to maintaining several in-house servers, administering cloud-based systems and writing software programs to support our insurance, loss control and debt recovery services.

The two folks in our Communications Department make sure we have a 21st Century presence and accessibility, not only with the outstanding publication you're currently reading, but via our e-newsletters, social media, our branding, professional promotional materials and by designing and maintaining the five websites associated with our organization (yes – five!): alalm.org, almwcf.org, losscontrol.org, alintercept.org and amfund.com. Of course, the Finance Department has kept us running smoothly for years. We are fortunate to be represented by a sound, solvent organization!

Bios and photos of each of our staff members are available online at alalm.org. I encourage you to take some time to learn more about the people who serve you. In addition to our League employees, our insurance departments – AMIC and MWCF – have a fantastic 10-member Loss Control staff (their bios and photos are also online) and AMIC currently has a 35-member team providing numerous liability insurance services for our municipalities (amicentral.org).

I'll close my last President's Report by reiterating that my tenure as your League President has been one of the most rewarding experiences of my life. I'm so grateful for the opportunity given me to serve in such a prestigious position. I extend my humble thanks to all of you for your support, encouragement and, especially, your confidence in my ability to serve and represent you and your communities. May God continue to richly bless our League, our cities and towns and the people of Alabama. ■



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Municipal Overview

By Ken Smith, Executive Director



Opioids and the Abuse of Prescription Medication – A Community Crisis

The abuse of opioid drugs has reached epidemic levels according to most reports. While many are aware of the problems associated with illegal opioids, such as heroin, the abuse of prescription opioids is now critical – and having a major impact on the health and welfare of many communities throughout the country.

Opioids like hydrocodone, oxycodone and fentanyl are prescribed primarily for pain relief. The body builds a tolerance to these drugs over time, leading to the need for an increased dosage to produce similar effects and the potential for withdrawal issues. The effects of opioids, along with the escalating use, can lead to addiction.

According to the Centers for Disease Control (CDC), 259 million prescriptions were written for opioids in 2012, an increase of 7.3 percent from 2007 to 2012. From 1999 to 2014, 165,000 people died from overdoses of prescription painkillers, an increase the agency reports mirrors the increase in the use of the drugs during that time. The National League of Cities (NLC) reports that drug overdose is now the leading cause of accidental death in the United States, with more than 47,000 lethal drug overdoses in 2014. This epidemic is driven largely by overdose deaths related to prescription pain relievers (18,893) and deaths related to heroin (10,574).

In March of this year, the CDC issued new guidelines regarding the prescription of opioids, encouraging doctors to try other pain reduction options before prescribing opioids and to reduce dosages when an opioid is deemed necessary. In the written guidelines, the CDC states that “in 2013, an estimated 1.9 million persons abused or were dependent on prescription opioid pain medication.”

While opioid abuse is a nationwide problem, according to the CDC, Alabama has more narcotic painkiller prescriptions than any other state. The CDC’s 2012 National Prescription Audit indicates that as many as 143 prescriptions have been issued for every 100 people in Alabama. Taking early action, in 2009 the Alabama League’s membership adopted a policy statement proposed by our Human Development Policy Committee calling attention to the abuse of medication. Policy Statement HP- 7.1 calls for more awareness, education and the development of programs across the state devoted to the

prevention of problems associated with the excessive use of prescription drugs.

NLC, in collaboration with the National Association of Counties (NACo), has recently created a joint national task force to address the nation’s opioid and heroin abuse crisis. The City-County National Task Force on the Opioid Epidemic, as the Task Force is named, is comprised of city and county leaders from across the United States. Their goal is to increase awareness, facilitate peer exchanges and identify sound policy and partnership solutions. This Task Force plans on holding at least two national dialogues on the issue to explore trends and find solutions.

What Can Municipalities Do?

In the spring of 2015, the Massachusetts Municipal Association conducted a study on municipal responses by Massachusetts municipalities to the growing epidemic of prescription painkiller abuse. This resulted in the creation of a Massachusetts Task Force and a publication titled “An Obligation to Lead.” The study includes recommended steps municipalities can take to combat this issue:

1. Take the lead to increase public awareness and engagement. Local leaders should work to disseminate information, enhance public awareness, and engage the community as a whole in a dialogue on the issue of substance abuse prevention. Through the creation of positive social norms, the use of social media, information on municipal websites, and convening forums and events, local officials can help to connect residents with valuable resources. Municipal officials can act as a central clearinghouse for information, resources, and referrals in their cities and towns. They can take the lead in reducing the stigma of substance abuse by providing a safe space and open dialogue for residents struggling with abuse as well as for family members and groups forming to support prevention and recovery efforts. Increasing public awareness means recognizing the existence of a problem and being willing to have difficult and sometimes uncomfortable conversations. By publicly recognizing victims and families and frequently publicizing municipal efforts, local leaders can become role models and encourage others to recognize the crisis in their communities.

2. Designate a municipal point person on substance abuse prevention and encourage intra-community, regional and statewide collaboration. In the MMA's municipal opioid response survey, many cities and towns indicated that they have designated a staff member to lead the municipality's efforts to respond to the opioid crisis. The designees worked in a variety of departments, including health, police, human services, youth outreach and fire. In some cases, the mayor serves in this capacity. Some communities created a new staff or department-level position. Local officials should review the existing collaborations and regional programs, and reach out to neighbors for advice, suggestions, and use as possible models.

Cross-functional internal working groups could include members from many different areas and interests, such as youth, parents, law enforcement, clergy and faith-based groups, schools, health care, media, business, civic or volunteer groups, youth-serving organizations, government agencies with expertise in the field of substance abuse, organizations involved in reducing and treating substance abuse, ambulance services, judges, state and regional government, chambers of commerce and economic development agencies, pharmacies, jails, mental health services, and support groups.

4. Develop a one-page resource guide for families and those seeking treatment or assistance. Several municipalities developed community-specific resource guides for those seeking help for a neighbor or loved one. They recommended keeping this information short (one page if possible) that would provide a checklist of action items and a list of available resources in

the areas of prevention, intervention and support. It is important to gather input from all sectors of the community, including municipal departments, nonprofit service organizations, health care providers, support groups, and others to ensure that the resource guide is appropriately customized for each community, and to ensure that it is comprehensive. This guide should be available as a physical document in town or city hall and other municipal buildings, should be posted on the municipal website with links to resources, and should be distributed at community meetings and gatherings.

5. Pilot innovative programs based on local needs. Local officials have the opportunity to think outside the box and implement innovative solutions based on local needs and available resources. These programs will be most effective when they are intended to de-stigmatize opioid addiction and transition the community away from a criminal justice approach to a more holistic focus on education and prevention, intervention and support. For example, the State of Alabama created the Zero Addiction Prescription Drug Abuse Prevention Campaign in 2015. Funded by a federal grant, the program uses advertising to spread word about the dangers of abusing prescription drugs. It also includes a website, www.zeroaddiction.org, for resources and other information.

6. Partner with schools to develop and implement programs aimed at intervention. The adolescent brain, which continues to develop until age 25, is profoundly susceptible to the influence of drugs and alcohol. Early substance use *greatly*

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Sadie Britt

Teacher • Mentor • Leader
League President

Carrie Banks • Communications Director • ALM

Sadie Britt, or “Ms. Sadie” as she’s known to most, has been many things to many people: daughter, sister, wife, mother, grandmother, teacher, tutor, community activist, mentor, municipal official. Throughout her life, and across her many roles, she has consistently led by example – with grace and dignity, an earnest and authentic persona who rarely raises her voice or speaks in anger. She doesn’t have to. Hers is a calming presence that unites rather than divides. Her belief in unity and ability to work with many personality types are unique qualities that have served her well – both

as an elementary school teacher who began her career during desegregation and as a councilmember who represents not only her district but the entire City of Lincoln, a modest-sized community of 6,300. Such character traits ultimately contributed to her being nominated by a group of men and elected by her municipal colleagues as the first African American female president of the Alabama League of Municipalities since its inception in 1935.

Muscle Shoals Mayor David Bradford, who served as League President from 2012-2013, said he was proud to nominate Sadie for League Vice President in 2014. “Sadie Britt has been a friend and colleague for the past 16 years,” he said. “She has always worked to support the League, its mission, policies and goals. During my time as President, she was always willing to serve and participate in any way possible when asked. She has obtained the highest level of training the League has to offer. As President, you are the face of the League and certainly the most visible ambassador representing all our member municipalities. During her past year as President, she has served with honor and grace and has risen to every occasion with dignity and a genuine appreciation for those she represents. Not only was it my privilege to nominate her, I am also proud that she is our first black female official to serve in this role – she has been an outstanding ambassador for our organization.”

My parents are my roots.

Sadie grew up in Talladega, 10 miles from Lincoln, where her father and his cousin co-owned and operated the area’s first minority-run dry cleaners – a business that was truly a family endeavor. “When we were younger, when we were children, we had to go to the cleaners,” she said. “We didn’t sit around and do nothing. We had jobs. My three brothers picked up clothes to be cleaned from Talladega College. That’s how they earned their allowance. I worked in the cleaners with my mother. I not only learned about cleaning clothes but interacting with people.”

Inspired by her parents, who had minimal formal education but were well respected in the community, Sadie learned from an early age to be productive. “You would never know it because he could read just as good as anybody, but my dad’s highest grade level was 4th grade – and my mother’s was 6th grade,” she said. “My parents are my roots. They instilled in us the value of working hard and doing the right thing – living the best that you can. They also instilled in us to get an education. It was unusual to have three children go to college during that time. It was hard – very hard. I think now, how did they do it? Of course, we always had jobs. I remember baby-sitting in high school and I cleaned houses on the weekends.”

Sadie said her love of community and her desire to give back to her community came from her parents. “I know they had disagreements, but – believe it or not – I never did hear a cross word between them,” she said. “They were well respected. People came to them to get advice – my daddy was also a preacher – and to borrow money. Now, here we are running this little cleaners and my mom would loan money to her friends – some paid her back, some didn’t. They just knew how to manage well.”

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increases the risk of addiction. It is crucial to engage students in education and prevention as early as is appropriate, and municipal and school departments and officials should collaborate to make sure that initiatives are in place locally. Schools can implement prevention curriculum and education programs at the earliest possible age. Local officials are encouraged to work with their school departments to make sure that prevention education programs are in place.

There are many evidence-based prevention education programs available. Evidence-based programs are those that have been evaluated and found to be effective in reducing unwanted behaviors in students. Some prevention education programs are targeted to specific demographic subsets of students, and other programs are universal, meaning that any student can benefit from participation. Numerous federal agencies and other entities maintain lists of evidence-based prevention education programs, including the Department of Education, Department of Justice, National Institute for Drug Abuse, Center for Substance Abuse Prevention, American Medical Association, Office of National Drug Control Policy, Centers for Disease Control and Prevention, American Psychological Association, and the Substance Abuse and Mental Health Services Association.

While it has not yet been widely adapted to school-based settings, there is a promising framework that is receiving growing attention from educators: Screening, Brief Intervention, and Referral to Treatment (SBIRT). This is an evidence-based practice used to identify, reduce and prevent problematic use, abuse and dependence on alcohol and illicit drugs. In addition

to primary care centers and other medical settings, schools may provide an opportunity to use SBIRT for early intervention with students, often embedded in a larger health and wellness survey. This is a universal screening process for quickly assessing the use and misuse of alcohol, illicit drugs and prescription drugs. If the screening reveals substance misuse, it can be followed by a brief motivational and awareness-raising intervention and a referral to specialty care for patients with substance use disorders. Research indicates that SBIRT is a harm-reduction program for those using alcohol or illicit substances and is particularly effective for those in the early stages of substance misuse.

7. Consider the use of products like naloxone (Narcan) to prevent overdose deaths, and transport victims to medical treatment. The White House Office of National Drug Control Policy recommends the use of naloxone, sold as Narcan among other brand names, to reverse the effects of an opioid overdose. When administered in a timely manner, naloxone can displace opioids that have bound to the body's nervous system receptors and restore breathing to a normal rate. Narcan comes in two forms, injectable and nasal. Nasal Narcan has become increasingly common due to its ease of administration for both first responders and civilians. Narcan works in two to three minutes and wears off after 30 to 90 minutes. It is important to monitor the person during this time to ensure that he or she does not relapse. Many communities have medical treatment plans in place mandating that an individual who has received Narcan be transported to

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The Legal Viewpoint

By Lori Lein, General Counsel



The Municipal Police Jurisdiction

Municipal authority in the police jurisdiction has come under fire in recent years and remains a hot button issue resulting in frequent attempts to further limit municipal authority legislatively. Most recently, the Legislature passed Act 2015-361 which made significant changes to and places additional burdens on municipalities that are exercising their police jurisdiction authority. There is a lot of confusion around what exactly a police jurisdiction is and what type of authority can be exercised there. This article discusses that authority as well as the important changes that have taken place recently.

Introduction

Cities and towns continue to witness the development of subdivisions, shopping centers, and other business developments on the perimeters of communities. A substantial percentage of the population, now classified as “urban,” lives not within the municipality but on the fringes just beyond the corporate limits.

Regulating this growth, protecting this population, and servicing these areas are matters of importance to a municipality, the municipal citizen and the fringe dweller. In all likelihood, the municipality will annex these lands at some time in the future. Therefore, the areas must be developed in an orderly manner with lasting public improvements. Conditions of good order and sanitation in the fringe areas affect municipal citizens and their property, as well as the fringe dwellers.

Oposing views on extraterritorial powers have developed over the years. One theory is that municipalities have no such powers, even if it means that the fringe enjoys municipal benefits without paying the price. Alabama’s viewpoint favors such powers as necessary to protect the property, health, safety and welfare of municipal citizens and as the quid pro quo for services rendered. *Van Hook v. Selma*, 70 Ala. 361 (Ala. 1881).

The Alabama statute which extends municipal police, sanitary and business licensing powers to those residing in the police jurisdiction of a municipality, without permitting these residents to vote in municipal elections, has been upheld by the U.S. Supreme Court in the case of *Holt Civic Club v. Tuscaloosa*, 99 S. Ct. 383 (1978).

The case arose when the Holt Civic Club and certain individual residents of Holt, a small unincorporated community located within the police jurisdiction of the City of Tuscaloosa, brought a statewide class action suit challenging the constitutionality of the law which gives municipalities powers in the police jurisdiction.

The court ruled that the statute was a rational legislative response to the problems faced by the state’s burgeoning cities and that the legislature had a legitimate interest in ensuring that residents of areas adjoining city borders are provided such basic municipal services as police, fire and health protection. The court held that it was not unreasonable for the legislature to require police jurisdiction residents to contribute to the expense of such services through license fees, on a reduced scale, under the statute.

Alabama Laws

Alabama’s laws granting extraterritorial powers to cities and towns are probably the broadest of any state. See *McQuillin, Municipal Corporations*, 3rd Ed., Section 24.59. These laws fall into two groups: (1) The exercise of general extraterritorial police powers, which is based on grants of authority in Sections 11-40-10 and 11-51-91, Code of Alabama 1975, and (2) specific grants of particular powers which may be exercised “within and without,” “partially within and partially without,” “within the surrounding territory,” “within the county,” “within other municipalities” and “within ___ miles of the corporate limits.” The following paragraphs summarize these laws.

Police Jurisdiction Established by State Law

Section 11-40-10 Code of Alabama 1975, provides for the extraterritorial police jurisdiction of cities and towns. The police jurisdiction of cities having 6,000 population or more inhabitants extends for a distance of 3 miles beyond the corporate limits. In cities of less than 6,000, and in towns, the police jurisdiction extends for a distance of 1.5 miles beyond the corporate limits. The police jurisdiction of any municipality which pursuant to this section extends to include part of any island which has water immediately offshore adjacent to the boundary of the state of Florida, upon approval of the council of the municipality, shall extend to include the entire island including the water adjacent to the island extending to the existing police jurisdiction of the municipality and extending to the Florida state boundary where applicable.

As a result of Act 2015-361, a municipality may only extend its police jurisdiction as a result of an annexation once a year, on January 1, and only for those annexations finalized on or before October 1 of the previous year. Further, municipalities must, on or before January 1, submit a map showing the boundaries of the municipal limits and the police jurisdiction to the Atlas Alabama website at no cost to the municipality. It is very important to note



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that at the time of publication of this article, Atlas Alabama is not available for this purpose and the Alabama Department of Review is working on making an on-line alternative to Atlas Alabama available for posting notice and maps as required in Act 2015-361.

The attorney general has ruled that the distance of the police jurisdiction boundary is computed on a straight line from the corporate limits marking a curvilinear police jurisdiction boundary opposite the corporate limits. AGO to Z. B. Skinner, July 9, 1962. A police jurisdiction is measured by drawing a straight line perpendicular from the municipal limits following standard land surveying practices. AGO 96-00218.

The fact that a municipality has no authority to enforce its police and sanitary regulations in an area designated as an industrial park has no effect on the territorial boundaries of the city's police jurisdiction and would not act to extend the territorial limits of the police jurisdiction beyond the outer borders of the industrial park. The area included in the industrial park is still used in calculating the territorial limits of the police jurisdiction. AGO 2007-005.

While the Attorney General has previously opined that a municipality cannot reduce the size of its police jurisdiction to an area less than that set by Section 11-40-10. AGO 87-00305 (to the Hon. Mac H. Langley, September 2, 1987), Section 11-40-10 was amended by Act 2015-361 to provide that a municipality may choose whether or not to exercise authority or levy taxes in the police jurisdiction surrounding non-contiguous territory regardless of the fact that the municipality exercises authority in the police jurisdiction of contiguous property. A police jurisdiction can only be changed by legislative act. AGO 93-00069. For example, Chapter 44B of Title 11 of the Code of Alabama 1975, establishes the procedures for Class 4 municipalities, organized under Chapter 44B of Title 11, to delete non-urban territory from its police jurisdiction or planning jurisdiction. A local act limiting the extent of the police jurisdiction supersedes the general law. AGO 98-00114. Within the police jurisdiction, the ordinances of a city or town enforcing police or sanitary regulations and prescribing fines and penalties for violations, have full force and effect. Section 11-40-10 also provides that such ordinances may be enforced on any property or rights-of-way belonging to the city or town. Based on this clause, it has been held that the police and sanitary ordinances of a municipality are enforceable on property owned by the city but located 30 miles from its corporate limits in another county. See *Birmingham v. Lake*, 10 So. 2d 24 (1942). Although a municipality has the authority to maintain health and cleanliness within its police jurisdiction, the authority to regulate solid waste extends only to the corporate limits and does not extend into the municipal police jurisdiction. *Disposal Solutions-Landfill v. Lowndesboro*, 837 So.2d 292 (Ala.Civ.App. 2002). A recent change to the law requires municipalities to file a 30 day notice before enforcing ordinances within the police jurisdiction. See Act 2015-361. The notice is to be submitted to Atlas Alabama at no cost to the municipality. As noted earlier, at the time of publication of this article, Atlas Alabama is not available for this purpose and the Alabama Department of Review is working on making an on-line alternative to Atlas Alabama available for posting notice and maps as required in Act 2015-361.

Section 32-5A-171 Code of Alabama 1975, provides an exception to the rule that a municipality may enforce ordinances

in the police jurisdiction. This statute prohibits law enforcement officers of municipalities of less than 19,000 in population from enforcing speed limits on interstate highways. The law also prohibits municipal law enforcement officers in every municipality from enforcing speed limits on highways outside the corporate limits and in the police jurisdiction, unless the speed limit was set pursuant to Sections 32-5A-172 or 32-5A-173. AGO 96-00247. Municipal law enforcement officers may cite drivers in a municipal police jurisdiction for violating Section 32-5A-170 of the Code of Alabama 1975 ("Reasonable and Prudent Speed") but they must specify the hazardous conditions present in the "Facts Relating to the Offense" box on the Uniform Traffic Ticket and Complaint (UTTC) to distinguish the charge from the provisions specified in Section 32-5A-171 of the Code of Alabama 1975. AGO 2004-061.

Level of Police Jurisdiction Services

If a municipality exercises powers in the police jurisdiction, it does not have to provide all regulatory services, provided it spends as much or more in the area than is collected from residents and businesses in the area. AGO 95-00165. If a municipality provides services to any area of its police jurisdiction, however, it must provide the same services to all areas equally. AGO 87-00171. For example, if a city has elected to provide fire protection services in its police jurisdiction, these services must be provided to all areas of the police jurisdiction. The only exception to this rule is the provision in Act 2015-361 authorizing a municipality to choose whether or not it will exercise its police jurisdiction around non-contiguous property. A city may contract with a rural volunteer fire department to provide fire protection in a certain portion of its police jurisdiction, provided that fire protection provided by the volunteer fire department is equal to that provided elsewhere in the police jurisdiction. There can be no charge for the fire protection in that area of the police jurisdiction unless all areas of the police jurisdiction are charged for fire protection. AGO 92-00260. In other words, a municipality which provides services to the police jurisdiction must provide them uniformly except, possibly, around non-contiguous portions of the corporate limits. It has been held that a city may not contract with businesses and individuals in the police jurisdiction without offering contracts to all businesses and individuals similarly situated. AGO 95-00081.

A municipality's authority over fire protection and rescue services in the police jurisdiction is not exclusive. E-911 boards, municipalities, and volunteer fire departments should work together to ensure the most efficient service to persons in their districts. A municipality may contract with an E-911 board and the municipality may contract with a volunteer fire department to provide service in a portion of the police jurisdiction, provided that the protection is equal to that provided elsewhere in the jurisdiction. AGO 2010-103. The attorney general held that a residence located in the police jurisdiction of a municipality in Tallapoosa County, but served by a county fire district, must continue to be served by the fire district until an election is held to abolish the district. AGO 99-0200. (This ruling only applies to Tallapoosa County)

Another possible exception to this rule is police protection. The Attorney General has ruled that although a municipality collects license taxes from businesses in the police jurisdiction, the police department is not required to answer all calls from persons within

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While earning her degree in elementary education at Huntsville’s Alabama Agricultural and Mechanical University (Alabama A&M), a public, historically black land-grant university founded in the 1870s, Sadie worked in the college library. Three weeks before graduation, her mother passed away at age 53. “She was my very best friend and it just broke my heart when she died,” she said. “I threatened not to return to college. My oldest brother, who was a senior at Talladega College, talked me into going back and finishing my last three weeks.”

Sadie, who graduated from high school at age 16 and college at 20, didn’t immediately find herself in the classroom after finishing college. “I worked for Quality Overhaul, which was a company that overhauled motor vehicles for the Army,” she said. “It was located very close to Lincoln. After that, I worked at the Talladega College prep school for faculty children – grades one through eight – for one year. I taught grades one through four. All total, I probably had 15 children. I supervised grades five through eight and the student teachers from the college teaching those grades. We were all in one building.” From there she became a public school teacher – a profession she would love, nurture and excel in for the next 30 years.

I feel like I was able to teach against prejudice just by being who I was.

Sadie joined the public school system as desegregation was taking place – when both minority teachers and students were being integrated into white classrooms. “It was maybe my third year when I was asked to go to an all-white school during the late-60s just as integration was starting,” she said. “The administration noticed how well I was doing where I was and so I was asked if I’d be willing to accept a position at a school in Childersburg.” She took the job and was eventually transferred to a school in Lincoln in the early 1970s.



League Executive Director Ken Smith with Councilwoman Sadie Britt



Lincoln Councilwomen Shelly Barnhart, Jean Burk and Sadie Britt

Sadie made her way through the integration process with little difficulty. “Young children are malleable and respond to kindness and authority regardless of skin color,” she said. “I did the same as I did when I was in a segregated school – I did the best that I knew how and I taught the way I always had. I enjoyed it and the kids loved it. They didn’t care and they didn’t know the difference. Children hear what they hear at home and they say what they hear at home but I didn’t let it be a problem in my classroom. When you see a teachable moment, you use it and you teach. I feel like I was able to teach against prejudice just by being who I was. You can take any situation and use it as teaching moment – something I still do.”

To her knowledge, Sadie said she didn’t have many parents who resented her and, in fact, she had more parents request that their children be placed in her classroom – not merely because she was a firm teacher but because she was considered a *good* teacher. “If your child was in my room, your child was *my* child, regardless.”

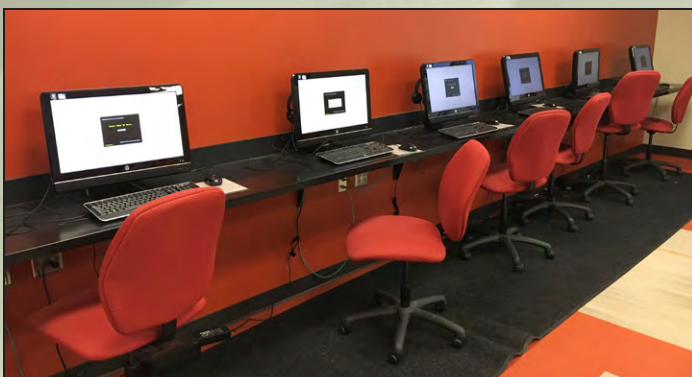
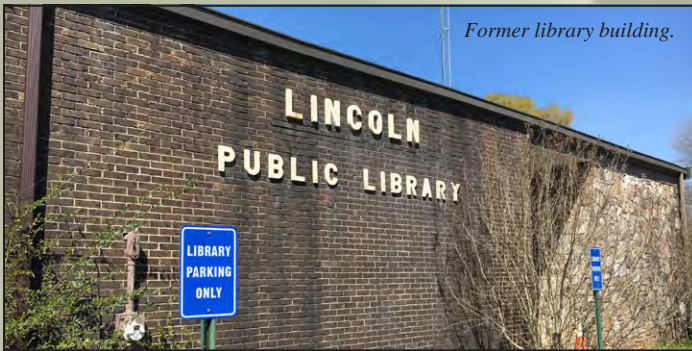
Sadie retired from the public school system with 30 years of service but continues to tutor students and work with young people.

I’m not a politician.

Sadie credits her husband, L.D. Britt, a Lincoln native who was the custodian for Talladega City Hall, for her interest and, ultimately, her involvement in local politics. “L.D. was a person who never met a stranger,” she said. “He knew politics well. He wasn’t college educated but he kept abreast of everything. He died in 1983 of a massive heart attack at age 47. My son, David, was 16. It was a challenge. Around 1993 – we had moved to Lincoln some years before – the mayor came to me and asked me to take a position on the Council because the person who had the position had moved out of my district. It was a three-year appointment. I said no – I’m not a politician. My husband was the politician. I’m teaching school and doing well. But he came back again and asked me to at least consider it. So I told him I’d think about it. Two or three weeks later he came back a third time and so I accepted.

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Councilwoman Sadie Britt served as the City's Library Liaison for many years. On July 21, 2014, Lincoln opened its spacious 7500 square foot modernized library featuring vibrant colors, a collection of over 16,500 books, 15 computers available to the public, comfortable reading chairs, a beautiful children's area with a large mural painted by a local artist and a wall featuring bags of early childhood learning materials dubbed Sadie's Satchels in honor of Sadie Britt for her "unwavering dedication and devotion to The Lincoln Public Library."



After the first year, I decided I liked it. After being in office for three years and spending a lot of time reading and studying and learning, I decided to run.”

She’s been in office ever since – the first African American woman to serve on the Lincoln City Council, running unopposed all but two times and then winning handily against her opposition. She continued to work fulltime for several years after becoming an elected official and quietly built a reputation as a mediator who was willing to listen and compromise, enabling her to forge strong personal and working relationships with her colleagues.

Shelly Barnhart, an attorney who was appointed to the Council in August 2014 to fill an unexpired term, describes Sadie as a mentor and a voice of reason. “When I was appointed to the Council, she embraced me from the beginning,” she said. “I’m a younger and more vocal member of the Council but Ms. Sadie has always been so respectful of me. She listens to everybody. She’s never quick to judgment. I’ve *never* heard her say a cross word about anybody on the Council or in the community. She’s a very strong person. She has her opinions but she’s not boastful. She’s very supportive of all the Council.”

According to Shelly, if you’re on the opposite side of a situation, Sadie doesn’t tell you you’re wrong. She respectfully accepts your position even if she disagrees with it. “She leads by example,” she said. “Ms. Sadie is very engaged and pays attention – not just for her ward but for the entire city. She’s such a strong community person – someone who’s been in Lincoln for many, many years and is concerned for the city as a whole. She also has a great sense of humor and is detail oriented. She keeps great notes and stands in for the secretary if she’s not able to be there. She has inspired me to continue to serve my community by seeking another term on the Council.”

Sadie’s Satchels

Throughout her tenure on the Council, Sadie has been involved in a number projects that have led to significant quality of life improvements for Lincoln’s citizens. She notes that one of her proudest moments came while serving as Lincoln’s library liaison. In 2013, while attending the NLC Congress of Cities in Seattle, WA, she visited a municipal library with several Lincoln officials. “We were building a library and we had big plans and grand thoughts for it,” she said. “So when we went to Seattle, we visited their library. It was state-of-the-art. They had a coffee shop, computer rooms ... but this one section was really special. They had backpacks stocked with all kinds of audio-visual aids on different subjects for preschool children. If a child wanted to know about a nurse or an animal – whatever the subject matter – the parent



checked out the bag that was full of learning devices and then could check out another bag once the original was returned. So I carried that idea to Lincoln and told them I thought it would be really nice if we could do something similar for our preschool children.”

Sadie’s backpack idea was well received, although she wasn’t told how the library planned to implement it until the new building was completed and the staff surprised her with a section designated “Sadie’s Satchels” filled with bags on a variety of subject matter including different careers. “It was so very touching,” she said. “I’m really proud of that in particular because I had worked with the library for a long time. A lady who goes to my church has a son with autism and she said that this is his favorite thing to do in the library – to get a bag.”

I was one of the first officials to take a CMO course.

Since being appointed to the Council more than two decades ago, Sadie has been active with the Alabama League of Municipalities. Prior to being elected League Vice President in 2014, Sadie was the Vice Chair of the League’s Committee on State and Federal Legislation for two years and then Chair for two years. She had also previously served as the Vice Chair and then Chair of the Human Development Committee as well as several years on the League’s Executive Committee. She currently serves on the Board of Directors for the Municipal Workers Compensation Fund, Inc. (MWCF). In addition, Sadie immediately became involved in the League’s Certified Municipal Official (CMO) program when it was launched in 1996 and was part of the first graduating class to earn Emeritus Status – the highest CMO level – in December 2015.

“I was one of the first officials to take a CMO course (in 1996),” she said. “It’s an excellent program for mayors and council members – and once you earn your Basic

and Advanced designations, you don't stop. Learning is a continual process."

She said her involvement with the League has made her a much better informed and more effective municipal official and that the educational components as well as the numerous opportunities to interact with her colleagues throughout the state provide many advantages. She has also continually attended the League's Annual Conventions, leadership conferences and CMO training sessions, as well as NLC conventions and meetings. "The League offers so many learning opportunities and provides such good information that you always look forward to the next course or meeting that's coming up. The courses keep you involved."

Ken Smith, the League's Executive Director, said the members of the Alabama League of Municipalities should be proud of the way Sadie has served them as President this past year. "She has been an outstanding advocate of municipal interests and has represented the League well at state, regional and national meetings," he said. "On a personal level, I have enjoyed the time I've gotten to share with her. She has been a joy to work with."

Councilwoman Shelly Barnhart agrees. "I'm so proud of what Sadie's done as League President and I take every opportunity to recognize her," she said. "To me, being elected by your peers to this position is a huge accomplishment and when we were in Tuscaloosa last year (during the President's Banquet when the gavel was passed to Sadie), I could see how much it meant to her and her family. When she gave her president's acceptance speech, her message was unity. She truly believes in that concept – and in respecting those around you. She understands that not everybody agrees all the time but she always handles it with respect and dignity. She never puts anybody down for their position or opinion. She's accomplished so much throughout her life and I'm really proud of her."

Not only does Sadie serve her citizens and the League's membership, she has served on the boards of various civic and community organizations such as the Lincoln Public Library Board, Lincoln Medical Board, Red Cross Board and the Talladega County Education Foundation Board. She is a member of Pine Grove Baptist Church where she serves as Church Clerk and is a board member for the Community Action Agency, a group that aids families needing home improvements such as heating and repairs.

It has been a tremendous joy working closely with the League staff.

Sadie is reflective about her year as League President, although she said it wasn't significant to her that she was the first African American female to serve in the position. "When I was elected, it was a tremendous honor, but it didn't strike

me that I was the first black female," she said. "I didn't even know. However, it has made me even more thankful to be in this position and at the same time it's made me aware that I need to encourage other women and minorities to be involved in the organization's leadership and to work to be in this position – at least to a point where it's not unusual to have a female or a minority in the top leadership role."

She also has high praise for the League's employees. "I encourage all our cities and towns to utilize the services of our League," she said. "The League staff is a group of efficient, knowledgeable professionals who keep us updated and motivated. Something you often hear when expressing appreciation for a service rendered is 'we love what we do.' And that's obvious because everything the staff does is well done – and with a smile. It has been a tremendous joy working closely with them."

Throughout her terms as League Vice President and President – indeed, throughout her life – Sadie has exemplified her personal philosophy: Live to make this day better than the one before and treat others as you would want them to treat you. "I absolutely believe in the Golden Rule," she said. "My philosophy is built on kindness and love because walls of resistance are broken down over time through kindness and love. I am blessed."

As are those fortunate enough to know her. ■



the hospital for monitoring and follow-up services, and this is a recommended best practice as well.

Municipalities may want to consider allowing their first responders to use products like naloxone to counteract opioid overdose. Like many states, Alabama has enacted legislation allowing physicians to prescribe drugs for the treatment of an opioid overdose to individuals “in a position to assist an individual at risk of experience an opiate-related overdose.” Sections 20-2-280 and 20-2-281, Code of Alabama, 1975, provide immunity for individuals who provide assistance under certain circumstances. Municipalities looking into the use of naloxone or other opioid antagonists use should discuss it carefully with first responders, their attorneys and liability insurers. Communities may also want to participate in efforts to educate families and at-risk individuals about how they can acquire naloxone if they fear that a loved-one is in danger.

9. Create safe disposal sites in your community for the discarding of prescription drugs and used needles. Dozens of municipalities across the country have also created safe drug disposal kiosks, generally at police stations. Where these exist, residents are encouraged to bring unwanted or expired prescription drugs, including opioids, and used needles to the kiosks for the police or health professionals to dispose of appropriately. By bringing unwanted drugs

to the kiosks for disposal, residents can minimize the risk that their unwanted or leftover drugs could be stolen or consumed inappropriately.

Alabama municipalities have participated in the National Prescription Drug Take-Back Day for several years. This program, sponsored by the U.S. Drug Enforcement Administration, aims to provide a safe, convenient, and responsible means of disposing of prescription drugs, while also educating the general public about the potential for abuse of medications. Additionally, Section 34-23-70 of the Code of Alabama, 1975, was amended in 2013 to permit pharmacies to accept any unused or expired prescription medications solely for purposes of destroying them.

Use of safe disposal sites also eliminates the risk posed to the environment that comes from throwing or flushing away unwanted drugs or discarding needles. The availability and location of the safe disposal sites can be posted online and provided as a hard-copy and social media communications with residents.

Conclusion

The opioid epidemic is merely one part of a much larger issue concerning the abuse of drugs in Alabama, throughout the United States and the rest of the world. Numerous efforts have been used – and new approaches are suggested often – to combat this continuing problem. Many of these efforts focus on punishment. Employers test for drug usage, police investigate and courts convict. The U.S. Department of Transportation requires employers to conduct mandatory pre-employment drug screening of commercial driver’s license applicants. Soon, there will likely be a federal clearinghouse where past results of drug tests of CDL holders can be checked to see if an applicant has ever tested positive.

However, punishment alone does not seem to be an effective deterrent. Punishment should be combined with education and prevention to help stem this problem, whether the abuse is of prescription drugs or other types of drugs. Municipal officials should examine their existing programs, whether testing, investigation or education to be sure they are in compliance with the latest legal developments and with current protocols and efforts to reduce these problems.

Municipalities must be an important part of the search for solutions. Municipal officials and employees are often among the first to recognize drug problems in their communities. They are often innovators, testing new approaches and encouraging local efforts to help make more citizens more aware of the issues. Reducing the abuse of drugs will take the efforts of many different and divergent groups. It is not an easy task. But by working together with other local, state and federal agencies, as well as entities specialized in handling drug abuse situations, municipalities can play in an important role in finding an effective deterrent. ■



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Uh-Oh. I just clicked on something and...



By Chuck Stephenson, Director of Information Technology, ALM

While emptying my Junk Email folder a few weeks ago, I came across an email from PayPal informing me that my account had been compromised. The email instructed me to click on the provided link and enter my credentials to prove that the account was indeed mine and to secure it further. At first glance, the email looked legitimate – it had the PayPal logo, the sender’s email address had PayPal as part of the address, and it even sounded official. Unfortunately, if I had done as the email requested, someone definitely *not* affiliated with PayPal and not interested in the security of my account would now have all of my account information as well as other Personally Identifiable Information (PII).

The Truth

The truth is that such emails are examples of phishing and spoofing. These are tactics used by hackers to gain access to accounts, attain PII and possibly use your information to gain access to other accounts by spoofing your account. Unfortunately, the Internet is full of individuals who make their living by defrauding others. There have always been criminals, but the Internet offers technology that makes their illegal activities easier *and* adds anonymity to cover their tracks.

There are other uses for malicious links. Viruses, spyware and malware can all be spread via links in an email or on a webpage. During my early days in IT, I was walking through the office building to work on a PC when a user stopped me to ask for help opening a link in an email. I helped him open the email and showed him where to click to open the link. I saw that the email was sent from another employee in the company, so I assumed that the link was work related. Unfortunately, this link was the vehicle for the “I Love You” virus. That’s right – I had just helped this employee spread a virus that, in a matter of minutes, went on to infect the entire company (over 1,000 employees). The IT staff spent the next *12 hours* cleaning up the aftermath. That was a hard lesson, but one that has stuck with me throughout my career.

What should you do?

We all receive hundreds of emails a week (some of us receive hundreds a day), so what should you do to prevent opening a suspicious link? An excellent way to avoid a major problem is to answer four commonsense questions before opening *any* link – even those sent to you by “reliable” sources.

1. **Who sent the email?** If you don’t know the sender of the email, the likelihood that you should open the link decreases significantly. *Is the email coming from someone who I normally do business with?*
2. **Why am I receiving this email?** *Is this something that I am expecting to receive?* Many times we know that an email with a link or attachment is coming from a coworker because we have discussed it with them prior to receiving it. Granted, this may not always be the case, so if it is not, and you know the sender, contact them separately from the email and ask what the purpose of the link is. Which brings us to the next question...
3. **What is the purpose of the link?** *What does the email claim as the link’s purpose?* Is it to verify that you are the next winner of the \$5,000-a-week-for-life sweepstakes? Does it offer to unlock your online bank account? Is it a nice gentleman from Nigeria telling you that your information is needed to complete the process for claiming the gold he has that will be worth millions to you? Or is it a link to a news article that relates to some work project you’ve been a part of? These are all actual examples of emails that many of us have received.
4. **Does the link appear valid?** Many times, the link itself will not be correct. For example, the League’s website is www.alalm.org. Therefore, if I sent you an email with that address in it, you could tell it was legitimate. However,

if the address in the link I sent was www.almleague.net/urhacked, you would know (or you *should* know) that this site is not correct.

Another great way to check the validity of a link is to “hover” your mouse over the text of the link. “Hovering” means just moving your mouse cursor over the link without clicking on it. This will often cause the true address of the link to show above the link itself or in the bottom left corner of your email webpage. If these options don’t work, you can also right click the link and use the “Copy link” or “Copy link address” option. Then open a word processing application such as “Notepad” and paste the address in the blank document. That will show you exactly where the link will take you.

BEST Advice

Taking a commonsense approach is the safest way to deal with suspicious links. The questions above are just a few examples that can help you safeguard your PC, your mobile device and your business. In the end, if there is still doubt about the email in question, seek a second opinion. If you have an IT staff, consult with them. If you don’t have access to an IT staff, ask a coworker. A second pair of eyes on a questionable item could make all the difference. ■

Terms of the Trade

- **Personally Identifiable Information (PII)** – any data that could be used on its own or with other information to identify, contact, locate or, in some cases, impersonate an individual.
- **Hacker** – a highly skilled computer expert with the ability to bypass computer security, often with malicious intent.
- **Phishing** – the attempt to attain sensitive information usually Personally Identifiable Information (PII), such as usernames, passwords, credit card numbers and social security numbers for malicious reasons. Often done by impersonating a trustworthy source via electronic communication.
- **Hyperlink/Link** – text or image that when clicked will send the user to another document or webpage.
- **Notepad** – a program built into Microsoft Windows operating systems that allows basic word processing.

“Experience is one thing you can't get for nothing.”
– Oscar Wilde

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the police jurisdiction and is required only to patrol the area in the manner directed by the municipal governing body. AGO to Hon. Thomas H. Benton, March 6, 1975. Due to changes in the law, the League recommends that municipalities exercise caution in drafting such a policy.

Pertaining to the level of services that must be provided to residents of the police jurisdiction, the Alabama Supreme Court reversed an earlier decision about withdrawing services from the police jurisdiction. The Alabama Supreme Court held that equitable estoppel does not require the city to continue providing services in the police jurisdiction. *City of Prattville v. Joyner*, 698 So.2d 122 (Ala. 1997) *overruling City of Prattville v. Joyner*, 661 So.2d 739 (Ala. 1995). Therefore, the city can now alter or withdraw those services from the area, even if the residents in the police jurisdiction come to “reasonably rely” upon the services because they have been provided for a number of years.

Termination of Police Jurisdiction Services

A municipality can terminate all services in the police jurisdiction provided it discontinues the collection of taxes in the area. Absent a contract, a city may terminate sanitary sewer services from residences and businesses that lie within its police jurisdiction, provided that the other services provided by the city in the police jurisdiction are based upon tax revenues collected by the city in the police jurisdiction, if any. AGO 2002-044.

There is no duty imposed on cities to provide municipal services to nonresidents when no taxes were collected in the police jurisdiction, and thus, a city could discontinue gratuitous sewer service in the city’s police jurisdiction. Any municipal services being provided in a police jurisdiction without a formal contract or agreement may be prospectively altered in scope or terminated after appropriate prior public notice. *City of Attalla v. Dean Sausage Co., Inc.*, 889 So. 2d 559 (Ala. Civ. App, 2003); AGO 2007-044. The attorney general ruled that a municipality has the authority to eliminate duplicative services in its police jurisdiction, but only a court can determine whether the city will incur any liability from such action. AGO 98-00100.

Overlapping Boundaries

Municipal authority is in no way affected by the fact that the police jurisdiction encompasses territory located in another county. *White v. City of Decatur*, 144 So. 872 (1932). An exception to this rule is noted for Baldwin, Choctaw, Coosa, Limestone, Shelby and Washington Counties where a municipality may not exercise police jurisdiction authority unless a part of its corporate limits also lies in the county. *Trailway Oil Co. v. Mobile*, 122 So. 2d 757 (1960), upholding Act No. 80, Acts of Alabama, 1965, p. 155, Baldwin County. See also Act No. 87-275, Coosa County; Act No. 336, p. 819, Acts 1963, Shelby County; Act No. 92-260, Choctaw County; Act No. 90-189, Washington County; and Act No. 88-306, Limestone County.

In *Town of Brilliant v. City of Winfield*, 752 So.2d 1192 (Ala 1999), the Alabama Supreme Court held that a provision that attempted to limit the extent of the police jurisdiction by local act was stricken as an unconstitutional variation from general law. The Court, though, held that the partial unconstitutionality

of the act did not render the entire act invalid, when it struck the offending portion.

Amendment No. 531 to the Alabama Constitution states that no police jurisdiction, zoning or planning powers of municipalities in Madison County shall extend beyond the corporate limits of the municipality.

Based on the facts presented to the attorney general’s office, the attorney general held that the town of Deatsville’s corporate limits are not a barrier to the extension of the police jurisdiction of the city of Millbrook. AGO 99-00194.

Frequently, the police jurisdiction of a municipality overlaps with that of another municipality. The question then is which municipality has authority in the overlapping area. Here the distinction must be made between the exercise of criminal jurisdiction and the jurisdiction to levy and collect taxes.

Overlapping Criminal Jurisdictions

In the case of *Hammonds v. City of Tuscaloosa*, 107 So. 786 (1926), the Alabama Court of Appeals held that where the territorial police jurisdictions of two municipalities overlap, both municipalities may exercise criminal jurisdiction and make arrests within the overlapping area.

Relying on this case, the attorney general has ruled similarly on several occasions. See 88 Quarterly Report of the Attorney General 25. However, in a later case, one dealing with jurisdiction to license, the same court expressed doubt as to the soundness of the Hammonds rule, but expressly refused to rule on the question. *Town of Graysville v. Johnson*, 34 So. 2d 708 (1948).

At the present time the *Hammonds* case is still good law even through doubt has been cast on it. The Attorney General has ruled accordingly. 88 Quarterly Report of the Attorney General 25, above. Again, a statutory exception must be noted. By special local law, Walker County municipalities, with overlapping police jurisdictions, may exercise their criminal authority only to a point equidistant from their corporate limits. It seems that the exception proves the rule as stated in *Hammonds*, above. Section 15-10-1, Code of Alabama 1975, authorizes municipal police officers to make arrests within the limits of the county.

Municipal police officers are authorized to make arrests for misdemeanors throughout the county and into any adjacent county when the officer is in fresh pursuit of a person or persons to be arrested. Such authority extends throughout the state when the officer is in fresh pursuit of a person or person to be arrested for a felony. Section 15-10-74, Code of Alabama 1975.

Jurisdiction to License

By statute, only the municipality whose corporate limits are closest to a business located in two police jurisdictions can exercise its licensing power over the business. Section 11-51-91, Code of Alabama 1975; AGO 2007-023. Without express authority, a municipality cannot exercise authority of any kind over territory within its police jurisdiction, which is also within the corporate limits of another municipality. *Homewood v. Woolford Oil Co.*, 169 So. 288 (1936).

continued page 46

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In addition to attending meetings and workshops, Alabama's caucus heard key legislative updates from Carolyn Coleman, NLC's Director of Federal Advocacy, and Greg Cochran, ALM's Director of Advocacy and Public Affairs. Delegates also participated in a Q&A session with Senators Richard Shelby and Jeff Sessions at the U.S. Senate Russell Building.







HUNTSVILLE

Tommy Battle
Mayor

Greetings from the City of Huntsville, Alabama!



As Mayor, and on behalf of the citizens of Huntsville, Alabama, I welcome each of you to Huntsville for the 2016 Alabama League of Municipalities convention. We are delighted to have you visiting with us.

It is an exciting time in Huntsville as we continue to grow and adapt to innovations in the ever revolutionary defense industry, all while cultivating a rich heritage in aerospace industry.

The organizers of this conference have an exceptional conference planned for you. The League has brought in some of the best and brightest experts to provide excellent opportunities for municipalities to share ideas that make sure we remain at the cutting edge.

Should time allow, please visit the many wonderful attractions we have to offer. Huntsville is home to four top ten attractions including the U.S. Space and Rocket Center, the Huntsville Botanical Garden, EarlyWorks Museum Complex and the Robert Trent Jones Golf Trail at Hampton Cove.

Additional attractions include Lowe Mill ARTS & Entertainment, the largest privately owned arts facility in the country, the Huntsville Museum of Art, Burritt on the Mountain and many more! Our newly established "Entertainment District" in downtown Huntsville will be open over the weekend and will kindly welcome convention participants from throughout the state.

We hope you enjoy yourselves while you are here and know that you are always welcome in Huntsville!

Sincerely,

Tommy Battle
Mayor

The Star of Alabama

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HUNTSVILLE:

Raising
the Bar on
Quality of Life

Carrie Banks • Communications Director • ALM

From space exploration, human genome research, Google fiber and advanced manufacturing to craft beer, a booming downtown and the largest privately owned arts facility in the U.S., Huntsville is not only a vibrant 21st Century city but a technologically advanced community that continually raises the bar on quality of life.

Mayor Tommy Battle said it's a great time to be in Huntsville and is proud to have friends from all over the state visit his city during the League's Annual Convention May 14-17. "While there are always challenges and opportunities and things that you work on, there are areas of our city we're very, very proud of and we look forward to having people here to see some of the progress we've been able to make," he said. "As visitors come into Research Park they'll notice a new biotech, HudsonAlpha (hudsonalpha.org), the world's first human genomic clinic; they'll drive past the Greenbriar interchange where Polaris is putting up a facility that will house 2,000 workers; and they'll pass by where GE Aviation is going to have the world's only plant producing ceramics made from composites using silicone fiber. As they come in from the East, they'll notice we've been able to improve the entrance into our City from 72 East all the way into Huntsville to I-565. They might also notice our \$200 million dollars' worth of school construction."

Battle said these improvements have all taken place since Huntsville last hosted a League convention five years ago and that, with an emphasis on education, infrastructure and quality of life, the City is continuing to grow. "I think in each of our cities, that's what we strive for every day" he said. "If you have education, infrastructure, quality of life, you also have the success that comes with bringing new jobs and new growth to your area." He said that while visitors will notice new structures and other exciting changes, they would also see orange cones in some areas where Huntsville is constructing roads and reconstructing highways and interchanges as well as completing its south to north Parkway boundaries. "Those are orange cones of progress."

Downtown Dynamics

Huntsville's downtown has also undergone significant development over the past five years, including the addition of multiple apartment complexes, several entertainment districts, an improved transportation system, a grocery store and more hotel space.

"Five years ago we started with one downtown urban development which was 80 apartments," Battle said. "We went to a second urban development, which included a Publix, an office building, hotel, 240 apartments and another 16,000 square feet of retail. Our third urban development is coming on line right now and includes more apartments and offices. Our fourth one will be starting this summer, which is right across from the Von Braun Center and Embassy Suites, and will include another two hotels, more apartments and additional offices buildings. Three hundred-plus apartments equals probably three to four hundred people living in the downtown area who are walking to parks, shops and restaurants. We've basically added boots to the ground, which greatly adds to the viability and livability of our downtown area."

Purposeful planning has led to a booming downtown. What began as one downtown "entertainment district" with limited



hours has now grown to three districts that operate from 5 p.m. to 11 p.m. Thursday through Sunday, which Battle said has worked well for the City. "People like having the option to enjoy going from one place to another while taking their beverage with them," he said. In addition, the City has developed a transportation eco



system that offers safe, economic and reliable options, including a public transit bus system, a cab system, Uber and Zipcar (car rental by the hour or day), as well as reduces the number of public parking spaces needed throughout the downtown. "Parking spaces cost the City \$15,000 each to build," Battle said. "So if you can get more efficiency of use from your transportation

system, then you have to build less parking; you have less people on the road; and your traffic isn't as bad – it all fits together. When you have a reliable transportation eco system, then you're going to see positive changes in your downtown area."

The City has purposefully staged the building process to ensure space is leased and infrastructure is sound. "We brought in one urban development with apartments and then two years later we brought in another," Battle said. "The next one will come on line this summer and then in another two years we'll complete another 240 apartments. The last urban development is full and there's a waiting list for the current project. A lot of the challenge is having the patience to wait for everything to get in place. If we let everybody build at once, we'd probably find that we'd over saturated the market. We want to grow in measured, smart growth so we don't outrun our infrastructure – because once you do, it's very hard to catch back up. We want to grow in incremental amounts that add good-paying jobs that will make the community a successful and prosperous community. You have to plan for success by recognizing if they're successful, you're successful."

In considering downtown growth, Battle said the City made a concerted effort to develop urban spaces where people can live, work and play. "It makes people realize they're part of a community," he said. "And being part of a community makes people feel like they belong – that's very important. The biggest thing you can do for your downtown is start providing some way for people to live there." Huntsville now has a grocery store,



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gas stations, pharmacies, a mercantile, multiple restaurants, entertainment venues and a hospital in the downtown area. In addition, Huntsville’s historic district is located along the downtown’s periphery.

When they begin planning their urban districts, Battle said city leaders and developers anticipated that millennials would find downtown living most attractive; however, a mix of ages now calls downtown home. “What’s very interesting is that you’ve got a 40 and under crowd that’s moved in but you also have a crowd who is 55 and above who were tired of a yard, tired of having to maintain a house and who want to live in a downtown setting where they can walk to a restaurant or a park,” he said. “Someone in our office lives in one of our new urban developments and the lady next door is 70 years old – she just wants to be in a place where other people are and wants a community-type setting.”

Coffee, Craft and Dessert

To highlight the City’s successful downtown revitalization efforts, Battle and his staff have planned a special “Coffee, Craft and Dessert” reception for ALM convention attendees and guests beginning at 8 p.m. on Saturday, May 14, at Campus No. 805 (campus805.com), a newly renovated area featuring restaurants, a park and future retail space about a mile from the Von Braun Center and central to the convention hotels. “It’s an old high school that turned into a middle school that has now turned into an entertainment venue,” Battle said. “We’re going to be right in the middle of a complex that has craft breweries on either side that have been producing for the past couple of years (Yellowhammer Brewing – yellowhammerbrewery.com –

and Straight to Ale Brewing – straighttoale.com). It also shows how an area people didn’t want to visit can be revitalized into a cool, hip place and become a real asset to your community.”

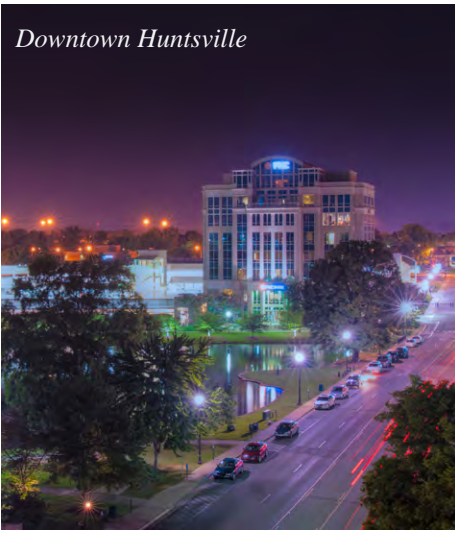
Craft beer is quickly becoming a lucrative tourist attraction for cities throughout the South such as Asheville, N.C., which has seven breweries within easy walking distance of each other, making it convenient for tourists to spend an entire day on breweries. This past March, Alabama opened the door for craft beer to become a tourism staple throughout the state when Governor Bentley signed HB176 into law allowing Alabama breweries and brewpubs to sell up to 288 ounces per person per day for off-premise consumption. It also removed unusual location restrictions for brewpub licensees in Alabama and allows for charitable contributions to nonprofit events.

Battle said Huntsville currently has more breweries per capita than anywhere else in Alabama and, now that legislation has been passed to further encourage the growth of this unique industry, he expects more to come – exactly the sort of entrepreneurial surge that is embraced and encouraged throughout the City. “We pushed hard in the Legislature with our friends from other cities because the craft brewery business celebrates the ingenuity of a community and there are a lot of communities throughout the state that are into craft beers and beverages and it’s something everybody can appreciate – the production of something new that has strong marketability and, quite frankly, provides jobs,” he said.

Huntsville is also the home to another vibrant entrepreneurial surge – the arts. Housed in a huge historic factory building, Lowe Mill Arts & Entertainment (lowemill.net) is the largest privately owned arts facility in the United States and features 132



Downtown Huntsville



working studios for more than 200 artists and makers, six fine art galleries, a multi-use theatre and performance venues. With a focus on visual arts, Lowe Mill hosts artists from across the world in a space where they can create, learn and collaborate while visitors have the opportunity to

openly explore the Mill, shop and learn about the artists and their works. In addition to working artists, this historic center is home to several premiere entertainment events including Concerts on the Dock and the world’s longest running Cigar Box Guitar Festival.

“Lowe Mill is an old cotton mill that turned into a shoe factory which now is an artist colony with everything from sculptures to visual arts to textiles to fine batch bourbons,” Battle said. “When you mix the arts with engineering and other technical backgrounds, there’s no telling what will come out of it. That whole spectrum of entrepreneurship is something we encourage on a daily basis here in the City.”

Advanced Manufacturing, Education and Workforce Development

In addition to downtown revitalization, Huntsville has dedicated significant time and energy recruiting new industry, particularly advanced manufacturing that uses innovative technology to improve products and processes. “We recognized not every company is going to be about rocket science so we need advanced manufacturing,” Battle said. “About six months ago we decided we were going to pivot back to what brought us to this point – working in Research Park with the technology/engineering vein – because we want to make sure that we have the resources to fill each of these jobs and make the projects a success. Remington, GE Aviation, Polaris and probably another announcement coming up soon have now located in our area.”

Battle said the City is completing a consultant-driven study on Research Park, which is now 50 years old, to determine how to best re-identify and re-energize the area to ensure its viability for the next 50 years and beyond. “We’re looking at different ideas to add density and complimentary retail, such as coffee shops, so people from different companies can interact and cross-pollinate different ideas.”

In addition, a concerted effort to improve the area’s school system – focusing heavily on science, technology, engineering and math (STEM) – is currently underway with a multi-million dollar infrastructure investment. “Education is the number one key,” Battle said. “If you don’t have education, you have to go back to square one. We’re building over \$200 million dollars’ worth of new schools right now. We have cyber teams in every



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one of our high schools and middle schools because one of the things we recognize about the cyber fields is that whoever has the workforce is going to capture most of the work. We're going to have students leaving high school who already have the certifications to be able to go into the cyber fields – they're coming out not only college ready but career ready. All of those STEM disciplines are what drives Research Park. It's what drives biotech and engineering ingenuity. Add to that the emphasis on the arts and we have a complete picture of what we need for continued development."

With that development comes the need for a specific workforce, something Battle said has not been a significant challenge thanks to collaboration and corporation throughout the region. "Our workforce comes from 1.2 million people all across North Alabama," he said. "That's one of our strengths – we're able to work with other communities so that the commute is such that we're able to provide a qualified workforce for advanced manufacturing as well as research and development. We have 110,000 people who come to work in Huntsville and then go back to their home communities at night."

Battle believes it is important for Huntsville to be a good neighbor. "As long as we can provide for that 14-county area then we'll *all* be a success," he said. "As elected officials, our job is to accomplish things and to make things happen. We weren't elected to fight with each other. We're very fortunate to have a group across the North Alabama area who believes that our job is to improve the quality of life in our entire region."

Becoming a Gig City via Google Fiber

The ability to transfer and share large amounts of data at high speed is vital to many of the companies and institutions locating in Huntsville, which is now working with Google Fiber to provide the fiber-optic system necessary to become a Gig City offering high-speed television and Internet services. "We recognized five years ago that fiber was just as much a part of infrastructure as water, sewer, gas and electricity," Battle said. "You have to have it. And we had watched what Chattanooga (TN) had done so we began talking to our executive roundtables (consisting of executives from Research Park)."

Battle said around that same time the City put out a request for information (RFI) that generated 13 responses including one from Google, which had previously been locating in high density cities rather than mid-tier cities such as Huntsville. "We had competed for Google Fiber five years before and lost out to Kansas City," he said. "When they started talking to us last year, they thought there was a chance for success by looking at another model. So we asked if they'd be interested in a model that uses the dark fiber that the City had installed with Huntsville Utilities by connecting in and providing the last pop – taking it from the right-of-way, into the house and providing the content and the billing services while the City provides the backbone of the system. They were interested."

It took about a year for the City of Huntsville and Huntsville Utilities to work through the details and came up with a

platform Battle believes will most likely become the model for mid-tier cities throughout the United States. "In three years we'll have fiber in front of every home in Huntsville," Battle said. "Huntsville Utilities knows where the houses are, where they're going to have to run it on poles, where they're going to have to run it underground and where the fiber is already in the right-of-ways. The good thing about it is, if Google decides to get out of the business, anybody else can come in – it's an open platform. The infrastructure is there; it's not exclusive to Google – if another company wants to come in and tie on to our fiber background, they can. It really is a model that works very well for many cities that are mid-tier and smaller."

Welcome to Huntsville

The League's Annual Convention will be held at the Von Braun Center Saturday, May 14, through Tuesday, May 17. The EXPO Hall, which will feature numerous vendors, will be open Sunday evening and Monday until 2 p.m. Mayor Battle and his staff have worked closely with League staff to plan an interesting agenda loaded with educational and networking opportunities. "We're honored to have leaders from all over the state of Alabama coming to our city," Battle said. "We hope to make their visit one they will remember." ■



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2016 Policy Committee Reports

Krystle Bell • Training and Professional Development Administrator • ALM

Meeting Overview

This past February and March the League's five policy committees met to take a fresh look at the *Proposed Policies and Goals 2016* and discussed additional updates. In the past, the policy committees met over the summer; however, this year it was decided to move to spring meetings in order to shorten the lag time between proposal and adoption of the Policies and Goals. Adoption of the Policies and Goals take place at the Annual Convention which, until this year, had been about 10 to 11 months after the Policies and Goals are proposed. Additionally, meeting in the spring gives committee members an opportunity to visit with their legislators while they are in Session. Spring meetings continue to satisfy the requirement in the League's Constitution that all policy committees must meet at least once a year.

This year, each committee meeting entailed a policy briefing and a legislative update. The policy briefings, conducted by staff liaisons, consisted of going through each committee's specific policies and goals to see if there were any items that needed to be updated, added or deleted. Any changes that were made were added to the *Proposed Policies and Goals 2016*, which will be adopted during the Annual Business Session at the 2016 Annual Convention in Huntsville. The updated version of the *Proposed Policies and Goals 2016* can be accessed at www.alalm.org. Policy briefings were followed by a legislative update from Greg Cochran, Director of Advocacy and Public Affairs.

Legislative Update

Greg reiterated the importance of the policy committees. He stated that committee recommendations shaped the legislative agenda. Currently, there are 300 bills in the

House and 250 bills in the Senate. Forty percent of those bills have an impact on local government. Greg also discussed the importance of keeping communication open between municipal officials and legislators and developing a partnership with the legislators. Several legislative issues of immediate concern addressed by Greg, as well as the League's Legislative Agenda, are listed below.

Legislative Issues of Immediate Concern

1. Police Jurisdiction Repeal - (HB 133, SB 189). By July 1, 2017 the municipality will have to reach an agreement with the county commission or institute a local act in order to keep their 3 mile police jurisdiction. This will affect full time paid law enforcement & fire fighter departments.
2. Police Jurisdiction Extension - (SB 218). This requires an affirmative vote from the Council to extend the police jurisdiction on any future annexations.
3. Fire Department Unfunded Mandates - (HB 160). Each fire department will have to install an active exhaust system, and these exhaust systems can be purchased from one of four vendors. There must also be a self-closing seal door between the living area and the bay. (HB 125) There are also revisions to the certification requirements.
4. Broadband Tax Credits - (SB 212, SB 213, & SB 214). These bills entail property tax credits, sales and use tax credits, and income tax credits.
5. Municipal Business License Revisions - (HB 58, HB 275). This will allow exemption of pharmaceutical sales, medical equipment and hospice from purchasing



Greg Cochran, Director of Advocacy and Public Affairs, discusses the 2016 Legislative Session with members of the Human Development Committee.



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a business license. (SB 180) This bill addresses a motor fuel excise tax.

6. Economic Development Tax Abatements - SB 96, SB 207

League's Legislative Agenda

1. Jurisdictional Consolidation Act - Many of our municipalities have land entirely within their jurisdictional boundaries that is not part of the municipality, leading to regulatory issues and confusion. This legislation will allow municipalities to consolidate their municipal limits, clarifying which property is inside the municipal limits.
2. 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.
3. Repeal of the Municipal Commission from of Municipal Government - This proposed legislation will repeal the commission from of municipal government from the Code of Alabama-an early form of municipal government that is no longer relevant nor being used in the State of Alabama.
4. Historical Tax Credits - Current legislation provides a credit against state income taxes for developers who make qualifying improvements to historical property. The current historic tax credit authority approved by the Legislature three years ago has reach its cap. This proposed legislation will seek to have the tax credit cap raised allowing more projects to qualify.
5. Civil Fines for Parking Ordinance Violations - This proposed legislation will clarify the authority of municipalities to enforce civil penalties for parking violations.

2016 Spring Policy Committee Meeting Dates and Attendance

The Committee on Community and Economic Development (CED) met on Thursday, February 25, 2016. The chair and vice chair of CED are Mayor Alberta McCrory and Councilmember Jocelyn Tubbs-Turner, respectively. The staff liaison is Lori Lein, General Counsel. The following committee members were present: Councilmember Jocelyn

Tubbs-Turner, Marion, Vice Chair; Councilmember Wayne Biggs, Saraland; Councilmember Newton Cromer, Saraland; Councilmember Terry Allums, Abbeville; Mayor Mickey Murdock, Elba; Councilmember Luther Upton, Evergreen; Councilmember Terrel Brown, Tallassee; Councilmember Percy Gill, Wetumpka; Mayor Charles Gilchrist, Glencoe; Mayor Vivian Covington, Hurtsboro; Councilmember Shelly Barnhart, Lincoln; Mayor Phil Segraves, Guin; Mayor Mickey Haddock, Florence; Mayor Troy Trulock, Madison; Councilmember Becky Johnson, Clay; Mayor Charles Webster, Clay; Councilmember Priscilla McWilliams, Pleasant Grove; Councilmember Lonnie Murry, Sr., Brighton; Councilmember Frank Braxton, Uniontown; and Councilmember Berlinda Hood, York.

The Committee on Finance, Administration and Intergovernmental Relations (FAIR) met on Tuesday, March 1, 2016. The chair and vice chair of FAIR are Councilmember Charles Black and Mayor Bud Kitchin, respectively. The staff liaison is Rob Johnston, Assistant General Counsel. The following committee members were present: Mayor Bud Kitchin, Lincoln, Vice Chair; Mayor Annette Johnson, Bayou La Batre; Mayor Charles Murphy, Robertsdale; Councilmember Veronica Hudson, Saraland; Councilmember Jason Bennett, Eufaula; Councilmember Winston Jackson, Ozark; Mayor Fred McNab, Pinckard; Councilmember Lisa Sconiers, Slocomb; Councilmember Mickey Tarpley, Dadeville; Councilmember Jean Burk, Lincoln; Councilmember Jenny Folsom, Cullman; Mayor Elmo Robinson, Double Springs; Councilmember Wayne Whitt, Hokes Bluff; Councilmember Steve Stanley, Sheffield; Councilmember Carl Flemons, Somerville; Mayor Don Kyle, Decatur; Councilmember Craig Sanderson, Irondale; Councilmember Shelia Smith, Eutaw; Councilmember Darnell Gardner, Fairfield; Mayor Loxcil Tuck, Tarrant; and Councilmember Charles Allen, Thomasville.

The Committee on Transportation, Public Safety and Communication (TPSC) met on Thursday, March 3, 2016. The chair and vice chair of TPSC are Mayor Kenneth Coachman and Mayor Melton Potter, respectively. The staff liaison is Teneé Frazier, Assistant General Counsel. The following committee members were present: Mayor Kenneth Coachman, Fairfield, Chair; Mayor Melton Potter, Scottsboro, Vice Chair; Councilmember Fred Barton, Brewton; Councilmember Lorenzo Martin, Prichard; Councilmember Steve Gantt, Wetumpka; Councilmember Jerry Parris, Jacksonville; Councilmember Michael Ellis, LaFayette; Councilmember Chris Watson, Lincoln; Councilmember John Hatley, Southside; Mayor Gary Livingston, Eva; Mayor Allen Dunavant, Glen Allen; Mayor Kenneth Nail, Hanceville; Mayor David Bradford, Muscle

Shoals; Mayor Melvin Duran, Priceville; Councilmember Donald Livingston, Priceville; Councilmember Tommy Perry, Priceville; Councilmember George Johnson, Sr., Tuscumbia; Mayor Paul Jennings, Argo; Mayor Billy Joe Driver, Clanton; Mayor Stan Hogeland, Gardendale; Councilmember Mike Jones, Helena; Councilmember Michael Hallman, Homewood; Mayor Joe Lancaster, Carrollton; and Mayor Gena D. Robbins, York.

The Committee on Human Development (HD) met on Tuesday, March 15, 2016. The chair and vice chair of HD are Councilmember Marva Gipson and Councilmember Bridgette Jordan Smith, respectively. The staff liaison is Twanna Walton, League Researcher. The following committee members were present: Councilmember Marva Gipson, Aliceville, Chair; Councilmember Bridgette Jordan Smith, Vincent, Vice Chair; Councilmember Dollie Mims, Bay Minette; Mayor James Adams, Mount Vernon; Councilmember Thomas Williams, Satsuma; Councilmember Gwendolyn Crittenden, Georgiana; Councilmember Dejerilyn King Henderson, Troy; Councilmember Truman Norred, Jacksonville; Councilmember Tammie Williams, LaFayette; Councilmember Stanley Roberts, Lanett; Councilmember Sadie Britt, Lincoln; Councilmember Mack Arthur Bell, Roanoke; Mayor LaFaye Dellinger, Smiths Station; Mayor Icie Wriley, Millport; Councilmember Mike Lockhart, Muscle Shoals; Councilmember Mary Stevens, Sheffield;

Councilmember Mike Roberson, Hartselle; Councilmember Bilbo Johnson, Clay; Mayor Tom Henderson, Center Point; Mayor Hollie Cost, Montevallo; Councilmember Landy Warren, Brighton; Mayor Jason Ward, Lisman; Mayor George Evans, Selma; and Mayor Sheldon Day, Thomasville.

The Committee on Energy, Environment and Natural Resources (EENR) met on Wednesday, March 16, 2016. The chair and vice chair of EENR are Councilmember Hermon Graham and Mayor Leigh Dollar, respectively. The staff liaison is Greg Cochran, Director of Advocacy and Public Affairs. The following committee members were present: Councilmember Hermon Graham, Florence, Chair; Mayor Leigh Dollar, Guntersville, Vice Chair; Councilmember George McCall, Jr., Prichard; Councilmember Hazel Griffin, Andalusia; Councilmember Kenneth Mount, Andalusia; Councilmember Darrell Wilson, Tallassee; Mayor Johnny Smith, Jacksonville; Councilmember Billy Pearson, Lincoln; Councilmember Lawrence Haygood, Jr., Tuskegee; Councilmember Jill Oakley, Albertville; Councilmember Jerry Welch, Priceville; Councilmember Wayne Harper, Athens; Mayor Dennis Stripling, Brent; Councilmember Bobby Cook, Clanton; Mayor Rusty Jessup, Riverside; Councilmember Ron Mason, Butler; and Councilmember Willie Jackson, Marion. ■

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Sharleen Smith: Just Like Riding a Bicycle!

Opening Session Keynote Speaker, May 14, Huntsville

During the League’s Opening Session, Sharleen Smith’s keynote, “Just Like Riding A Bicycle!” will explore her belief that when individuals are learning, they are increasing the possibilities for themselves and their organizations. As an elected official, leader and/or executive, your staff – employees and supervisors – need to be the primary focus. I can hear you now...“What? I need to focus on the citizens!” Employees serve more citizens, work with more vendors and relate to more colleagues in one day than you may in one average month. In fact, the adage that “customers come second” may be true. If you take care of your employees, the employees will take care of the “customers.” So? How well do you relate to them? How much do you communicate with and to them? With how many do you truly build rapport? We are not referring to communication only through your direct reports. Looking at “your team,” are they “pumped up?” Are you “steering” them in the direction you need? Are your operations “aligned” so that staff is easily able to “hit the road.” Your success and legacy is dependent on this – it is just like riding a bicycle!



Sharleen is an experienced trainer, organizational consultant and executive coach. With vast experience in both the public and private sector, she understands the needs of organizations and the challenges of today’s organizations. Throughout her career, she has had the opportunity to engage in business start-ups, conduct national job searches, develop leadership academies for organizations, construct performance evaluation and discipline systems, develop policy manuals, assist in major change efforts, conduct board development, build succession planning and mentoring programs, conduct organizational analyses, build strategic communication plans, serve as an executive and leadership coach, train organization’s employees and conduct motivational keynotes at conferences. She has trained over 300,000 people, at over 350 conferences and in over 5,000 seminars in over 200 topics. She has consulted in major organizational projects for over 250 companies and businesses.

Sharleen has been appointed to create and build several organizations during her career. She built the first State Personnel Training Department in Alabama state government. In this position, she conducted training for over 150 agencies and 35,000 employees, as well as, developed policies in ADA, FMLA, performance appraisal, employee discipline, and selection for all state government employees. Recently, at Auburn University in Montgomery, she built a training organization, the Alabama Training Institute, which served public and private sector organizations in many training and consulting projects. She currently serves as the Director of Professional Development for Troy University. Her new role is to expand Continuing Education to other campuses of TROY, in Alabama and United States. Continuing Education is responsible for reaching out to organizations and working with clients from every industry and professional field. Sharleen customizes training content and organizational consulting to meet the needs of the client.

She is a published author in journals such as *The Journal of Applied Psychology*, *Journal of International Management and Personnel* and *Journal of Personnel Administration*. In addition, she has authored many technical manuals, curricula, and policy manuals and presents in-depth research at national and international forums, including the International Management and Personnel Association, National Governmental Training Directors Association, National Human Resource Management Forum, Blackburn Institute and the National Workforce Development Conference. She authored management and motivational columns in state and national newspapers and magazines for more than 15 years and now continues these columns via client websites.

Sharleen has served on many Boards and organizations including, but not limited to, the National Association of Training and Development (represented Alabama), National Association of Female Executives, National Women’s Agenda, Chief Learning Officer Intelligence Board, Executive Women in America, McKenzie Board of Advisors and Association of Psychological Type. She is a Director on the statewide Board for the Alabama School of Alcohol and Other Drug Studies (ASADS). ASADS promotes and educates in the field of prevention, treatment in and recovery from substance abuse and co-occurring disorders. ■



Jim Hunt: Reinventing America's Cities!

Closing Session Keynote Speaker, May 17, Huntsville

Jim Hunt speaks, trains and writes on leadership development in local government and assisting communities in maximizing their potential. He is the founder of Amazing Cities, an organization dedicated to creating excellence in municipal government. Jim served in elected local office for 27 years and has played a prominent role on a state, national and international level in advancing the cause of effective local governance. In 2006, *American City and County Magazine* named Jim as "Municipal Leader of the Year".

Jim has presented throughout the world on the topics of leadership, community revitalization and inclusiveness. He was a featured speaker at the Connecting Communities Conference in Caux, Switzerland in 2001 and traveled to the Peoples Republic of China in 2002 as part of a U.S. State Department mission. In 2005, he was a RUPRI Fellow in Brussels, Belgium. During his tenure as President of the National League of Cities, the oldest and largest organization representing municipal governments, Jim traveled throughout the United States speaking to more than 25,000 local municipal officials on excellence in local government. Jim writes on issues important to local government and is the co-author of *Bottom Line Green-How America's Cities are Saving the Planet (And Money Too!)*. He is probably best known for creating the Partnership for Inclusive Communities, a national effort to create an inclusive approach to government. The partnership was featured in a front page article in *USA Today* and has grown to include over 161 cities representing over 20 million citizens.

www.amazingcities.org

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PASSPORT PRIZE PROGRAM at the 2016 Annual Convention EXPO

How It Works

Passport Prize cards listing the names and booth numbers of participating vendors will be distributed to convention delegates during registration. **Only registered convention delegates – mayors, councilmembers, clerks, municipal personnel – are eligible to participate in this program. Spouses and guests are not eligible.** Participating vendors will have a customized stamp for use on Passport Prize cards. Once the vendor has determined that the delegate has spent sufficient time speaking with him/her, the vendor will stamp the area on the delegate's card that correlates with the vendor's name and booth number.

Delegates will take **completed** Passport Prize cards to ALM Expo Hall Central, a designated area in the Expo Hall, and submit them to ALM staff who will verify the eligibility of every card. Only one card is allowed per delegate and ALL SPACES ON THE CARD MUST BE STAMPED TO BE ELIGIBLE! **Eligible Passport Prize cards must be submitted prior to close of the EXPO Hall on Monday at 2:15 p.m. Prize drawings will be at the close of the General Session Tuesday. If the Passport Prize card is not complete, it will not be accepted or entered into the drawing.**

You MUST be present to win one of these prizes:

- ★ 40" Vizio LED Smart HDTV, ★ \$500 AmEx Gift Card (2), ★ FitBit Charge HR or
- ★ Propel Altitude 2.0 Quadcopter with HD Camera.

PROVIDE

Transportation choices for the people we serve

PROMOTE

The safe, reliable and efficient movement of people and goods
to enhance economic development along rail corridors

SUPPORT

State departments of transportation



SOUTHERN RAIL COMMISSION
J. William "Billy" McFarland, Jr.
Governor Bentley's Designee
(205) 887-0591



Expo Hall Information for the 2016 Annual Convention

Times and Locations:

The 2016 Expo Hall will be located in the **Von Braun Center**. Exhibits will open Sunday evening, May 15, with a reception in the Expo Hall from 5:30 until 7:00 p.m. and on Monday, May 16 from 8:00 until 2:15 p.m. with **breakfast and lunch** in the Expo Hall. Delegates should bring their passport prize cards with them to the Expo Hall and have them stamped by participating vendors as they visit the 140+ exhibitors registered for our 81st Annual Convention! (See previous page for more information.)

NOTE: Exhibitors listed below purchased exhibit space prior to the printing of this publication. A complete list of exhibitors will be included on the League's **FREE** convention app, which you can download from the iTunes App Store or Google Play under "ALM Events".

DOOR PRIZE WINNERS will be posted at the exhibitor booths that are giving away prizes. If you registered for a door prize, please check with the exhibitor Monday in the Expo Hall to see if you won. **Delegates are responsible for checking with the exhibitor and picking up any prizes they may have won PRIOR to the close of the Expo Hall Monday at 2:15 p.m.**

2016 Expo Hall Exhibitors

The exhibitors marked with an asterisk * are also 2016 Convention Sponsors. For a complete list of sponsors, see page 37

Exhibitor	Booth		
Alabama 811 *	407	Duro-Last Roofing	902
Alabama Mountain Lakes Tourist Association *	302	Fail Safe Testing, LLC	1100
Alabama Municipal Insurance Corporation (AMIC)	508	Goodwyn, Mills & Cawood, Inc. *	1009
Alabama Power Company *	403	GovDeals, Inc.	207
Alabama Restoration & Remediation, LLC (ARR)	602	Grasshopper Company	511
Ambit Solutions, LLC	307	Great Southern Recreation	709
American Public Works Association - Alabama Chapter	909	Harris - SmartFusion	509
AMIC/MWCF Loss Control Division	608	High Tide Technology, LLC *	408
Aqua Marine Enterprises, Inc.	309	Holiday Designs, Inc.	800
Arrow Disposal Service, Inc.	809	Hunter Trees, LLC	400
AT&T Alabama	1006	Information Transport Solutions, Inc. *	101
Badger Meter	609	Ingram Equipment Company, LLC	G
Carr, Riggs & Ingram, LLC *	803	INTL FCStone	1402
CDG Engineers & Associates, Inc.	301	J.A. Dawson & Company, Inc.	702
Civil Southeast, LLC *	500	Jackson Thornton	1005
CMH Architects, Inc.	1107	Jacksonville State University Center for Economic Development & Business Research	305
ConEdison Solutions, Inc. *	905	Junior Davis & Associates, Inc.	411
Croy Engineering, LLC	903	K&K Systems, Inc.	711
CSA Software Solutions *	906	KORKAT	1204
CXT, Inc.	205	Master Meter, Inc. *	1004
Dade Paper	107	Mauldin & Jenkins	901
Data Retention Services, Inc. *	700	McKee & Associates Architects & Interior Design	1103
Dixie Decorations, Inc.	100	Municipal Intercept Services (MIS)	808
DMD Engineers, Inc.	900	Municipal Revenue Service *	1104
		Municipal Workers Compensation Fund (MWCF) *	708
		Municode/Municipal Code Corporation *	405

Musco Sports Lighting *	200	Sweeping Corporation of America, Inc.	311
NAFECO *	A	Synergetics	600
National Water Services, LLC	904	Tank Pro	106
nCourt	210	Terracon Consultants, Inc.	502
PCA Southeast Region	1000	The Kelley Group	203
Playscapes of Alabama, LLC	908	Tusco, Inc.	204
PNC Bank *	103	Tyler Technologies	907
PReMA Corp, Inc. *	102	U.S. Communities *	1400
Provident	1011	UA Safe State	208
RDS (Revenue Discovery Systems) *	300	University of North Alabama Continuing Education and Outreach	1003
Republic Services	1007	Utility Service Co., Inc.	501
Sansom Equipment Company, Inc.	D	VC3 *	1200
Schneider Electric *	308	Volkert, Inc. *	402
Sentell Engineering, Inc.	811	Vortex Aquatic Structures, Intl. *	703
Siemens Industry, Inc. *	206	Wade Ford, Inc.	1008
Spectrum Business Enterprise Solutions *	104	Warrior Tractor & Equipment Co., Inc.	1106
Southern Rail Commission *	406	Waste Pro *	503
Southern Software, Inc. *	603	Whitaker Contracting Corporation	401
St. Vincent's Health System	409		
Sunbelt Fire, Inc.	H		

2016 Exhibiting State and Federal Agencies - GRID Exhibitors

The Alabama League of Municipalities introduced the GRID Exhibitor classification this year. GRID – Government Related Information District – features a number of state, federal and nonprofit agencies that work closely with Alabama's municipalities. GRID exhibitors will be designated by a special placard. Please be sure to visit these exhibitors during convention!

ADECA - Surplus Property Division	1408	Alabama Employer Support of the Guard and Reserve	610
ALABAMA 200	202	Alabama Industries for the Blind	211
Alabama Association of Municipal Clerks & Administrators	PF	Alabama Municipal Revenue Officers Association	1105
Alabama Board of Licensure for Professional Engineers and Land Surveyors	1111	Alabama Operation Lifesaver	PF
Alabama City County Management Association (ACCMA)	PF	Alabama Public Library Service	PF
Alabama Clean Fuels Coalition	113	Alabama Recreation and Parks Association	1403
Alabama Correctional Industries	1212	Alabama State Parks	PF
Alabama Council American Institute of Architects	PF	Alabama Tourism Department	PF
Alabama Department of Agriculture and Industries	1409	Alabama Trails Commission	PF
Alabama Department of Archives and History	PF	ARSEA / APEAL	PF
Alabama Department of Economic and Community Affairs	1410	Government and Economic Development Institute Auburn University	PF
Alabama Department of Environmental Management	306	Local Government Health Insurance Board	PF
Alabama Department of Revenue	911	Main Street Alabama	601
Alabama Emergency Management Agency	PF	Retirement Systems of Alabama	PF
		State of Alabama Office of Attorney General, Consumer Protection Section	PF
		USDA Rural Development	PF



Serving Alabama's Municipalities since 1935

Download our FREE convention app: "ALM Events"

Convention schedules, speaker bios, Expo Hall vendors – all at your fingertips! To download, search for "**ALM Events**" in the iTunes App Store or Google Play.

NOTE: Be sure to enable notifications when you download the app so you don't miss any last minute scheduling or venue changes. **We will be updating the app during convention!**

President's Banquet Entertainment 2016 Annual Convention



For 45 years, David Browning has been a popular improvisational actor, speaker and host, using such characters as The Mayberry Deputy, Abe Lincoln and Scrooge to provide non-offensive, thoughtful, memorable performances. While honoring law enforcement, Browning's Mayberry Deputy incorporates costume, gestures, facial expressions and audience participation to provide an atmosphere of good clean fun. With more than 5,500 performances in 41 states and Canada to over 5 million people, Browning has been privileged to work with many stage, screen, music and sports celebrities. He was honored to open for Don Knott, actor and original "Barney Fife" who said of Browning: "The Mayberry Deputy/David Browning is a bridge between "The Andy Griffith Show" and today."

His experience consists of free-lance voice and acting, theatre directing, management and tourism development. Browning has been privileged to work with many original stars of the "Andy Griffith Show" including George Lindsay "Goober," Howard Morris "Earnest T. Bass," Maggie Peterson "Charlene Darlin" and James Best "Jim Lindsey" as well as "Rosco P. Coltrane" of Dukes of Hazzard. Video appearances include Confederate Railroad's "Elvis and Andy," Black Hawk "Who's Gonna Rock Ya," H.R. Cook's "Virginia's in the South," and VW Boys "What Ever Happened to Mayberry." He has opened for The Grascals and worked with other professional musicians and sports personalities. Training films have included those for Cracker Barrel Old Country Store, Eastman Chemical and ERI Ladder Safety Video.

www.davidbrowningproductions.com



CMO Mini Boot Camp: Elections Training

Tuesday, May 17, 2 p.m. - 5 p.m. (immediately following convention)

Have you registered? Visit alalm.org

Municipal elections can be overwhelming for municipal officials and clerks. There are many frustrations and challenges.

- **What are my responsibilities in the election process as a councilmember or mayor or clerk?**
- **What forms do I need to file as a candidate?**
- **What deadlines do I need to be concerned about?**
- **How can you be sure that your election is conducted legally, and that the results will be correct?**

This summer, almost every municipality in Alabama will elect officials to serve for the next four years. Whether you are an official and potential candidate or a clerk who has the responsibility for ensuring the legality of the election process, you need to understand how state, federal and local regulations affect your rights and responsibilities.

The League's Mini-Boot Camp on Municipal Elections is designed to instruct both clerks and officials on the municipal election process and update you on the many election law changes since the 2012 municipal elections. **As a municipal official or clerk, even if you are not running in 2016, you need to know how these laws will affect you and what your duties are. Visit alalm.org to register.**

Attendance requires a separate registration and payment of an additional \$75.00 fee. Attendance at the 2016 Annual Convention is not required.

The advertisement features a dark background with a city skyline silhouette at the bottom. At the top center is the Southern Software, Inc. logo, a stylized eye or globe. Below the logo is the text "SOUTHERN SOFTWARE, INC." and "an employee-owned company". On the left, the text "FMS" is prominently displayed in large white letters, followed by "FINANCIAL MANAGEMENT SYSTEM" in smaller white letters. Below this text is a row of ten circular icons representing various financial and utility services. On the right, a block of white text describes the FMS system as a robust, easy-to-use Windows application with features for municipalities, water authorities, and utility companies. At the bottom, the website "www.southernsoftware.com" and the phone number "800-842-8190" are displayed in white.

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FMS FINANCIAL MANAGEMENT SYSTEM

Southern Software's **FMS** is a robust, easy to use Windows™ application with a rich set of features designed to work for municipalities, water authorities, and utility companies. Instantly access complete customer account records. Easily import data from within your meter reading system or service. Generate billings based on flat fees, consumption or a combination. Combine these features with our elite, industry leading support team and watch your operations accelerate.

www.southernsoftware.com **800-842-8190**



2016 Convention Quick Guide

Huntsville, Alabama • May 14-17

www.alalm.org

All information subject to change.

CMO credits can be earned. See convention app/program for details.

Download our **FREE** convention app, "ALM Events," from the Apple App Store or Google Play!

Saturday, May 14

8:30 a.m. - 5:00 p.m.
10:00 a.m. - 11:00 a.m.
1:00 p.m.
2:30 p.m. - 4:30 p.m.

4:45 p.m. - 5:45 p.m.
8:00 p.m. - 10:00 p.m.

Registration: Von Braun Center
Resolutions Committee Meeting: Embassy Suites Hotel
AMIC Annual Meeting, Embassy Suites Hotel
OPENING SESSION: Von Braun Center
ALM President's Address, Keynote Speaker - Sharleen Smith, ACE Awards
ABC LEO Reception, Embassy Suites Hotel
City of Huntsville - Coffee, Craft and Dessert Reception: Campus No. 805

Sunday, May 15

10:00 a.m.
12:30 p.m. - 5:00 p.m.
1:00 p.m. - 3:15 p.m.
1:00 p.m. - 4:45 p.m.
5:30 p.m. - 7:00 p.m.

Prayer Service: Embassy Suites Hotel
Registration: Von Braun Center
Spouse/Guest Welcome & Gathering Spot: Embassy Suites Hotel
Roundtables by Population: Von Braun Center
Exhibitors Showcase and Reception in the Expo Hall: Von Braun Center

Monday, May 16

8:00 a.m. - 5:00 p.m.
8:00 a.m. - 2:15 p.m.
8:00 a.m. - 9:30 a.m.
8:30 a.m. - 4:30 p.m.
8:30 a.m. - 5:00 p.m.
9:30 a.m. - 10:30 a.m.
11:00 a.m. - 12:00 p.m.

12:15 p.m. - 1:45 p.m.
2:00 p.m. - 3:15 p.m.

3:45 p.m. - 5:30 p.m.
6:00 p.m. - 7:00 p.m.
7:15 p.m.

Registration: Von Braun Center
Expo Hall is open *
Breakfast in the Expo Hall (all convention registrants and spouses/guests): Von Braun Center *
Municipal Clerks Breakfast/Business Meeting and Training Program: Embassy Suites Hotel
Alabama Association of Public Personnel Administrators: Von Braun Center
General Session – Effective Leadership: Von Braun Center
Concurrent Sessions: 1 (Bicentennial Update; The Impact of the Film Industry on Alabama Municipalities; ADECA Update), **2** (Conflicts of Interest), **3** (Broadband Update; Regulation of Drones) and **4** (Affordable Care Act Compliance): Von Braun Center
Boxed lunches in the Expo Hall: Von Braun Center *
Concurrent Sessions: 1 (Sign Regulation After *Reed v. Town of Gilbert*, How Cities Can Gain Maximum Value from Telecommunication Tower Leases), **2** (Budgeting and Auditing; Alabama Department of Mental Health – Is There a Crisis?), **3** (Public Employee Drug Testing Landmines and How to Avoid Them) and **4** (Best Practices for Downtown Design) : Von Braun Center
ANNUAL BUSINESS SESSION: Von Braun Center
Reception: Von Braun Center
President's Banquet/Entertainment: Von Braun Center

Tuesday, May 17

8:00 a.m. - 11:00 a.m.
8:30 a.m. - 10:30 a.m.
10:45 a.m. - 12:00 p.m.
12:00 p.m.

1:30 p.m. - 2:00 p.m.
2:00 p.m. - 5:00 p.m.
5:00 p.m.

Registration: Von Braun Center
Ask Your Attorney Panel: Von Braun Center
CLOSING GENERAL SESSION – Reinventing America's Cities: Von Braun Center
Adjourn

CMO MINI BOOT CAMP: ELECTIONS TRAINING (Separate registration/fee required.)
Registration: Von Braun Center
Elections Training: Von Braun Center
Adjourn

* **PASSPORT PRIZE PROGRAM:** Our Passport Prize Program is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention Expo hours (May 15 and 16) as well as the chance to win a prize during the Tuesday morning closing general session. **Delegates MUST be present to win!**

Legal Clearinghouse

Rob Johnston, Assistant General Counsel

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. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. 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

Tort Liability: Assistant fire chief for volunteer fire department was acting in good faith and within the scope of his volunteer-firefighter duties with the fire department, a nonprofit organization under the Volunteer Service Act, and, thus, would be liable to occupants of car, who were injured when fire truck collided with their car, only if he engaged in willful or wanton misconduct. The assistant fire chief did not act willfully or wantonly, and thus was entitled to immunity. *Ex parte Dixon Mills Volunteer Fire Dept., Inc.*, 181 So.3d 325 (Ala.2015)

Licenses: City housing authority's application for general contractor's license was not denied by operation of law when it was not granted by Licensing Board for General Contractors within one year of the original application date, and thus Board retained power to issue written decision on the application as required by Alabama Administrative Procedure Act (AAPA). *Huntsville Housing Authority v. State of Alabama Licensing Bd. for General Contractors*, 179 So.3d 146 (Ala.Civ.App.2014)

Employees: A city employee's e-mail communication to the trial court did not constitute a "filing" of a notice of appeal as required under the local act governing civil-service system for the county and city, and thus, it did not invoke jurisdiction of the trial court to consider the employee's purported appeal of the county personnel board's decision to suspend her without pay for a period of 24 hours. *Matthews v. City of Mobile*, 182 So.3d 547 (Ala.Civ.App.2014)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Tort Liability: Allegations that the city failed to train police officers in use of lethal force were sufficient to state a claim against the city. *Burns v. City of Alexander City*, 110 F.Supp.3d 1237 (M.D. Ala.2015)

Tort Liability: Police officers were not entitled to qualified immunity from the claim that they used excessive force in striking an unresisting arrestee. *Rachel v. City of Mobile, Ala.*, 112 F.Supp.3d 1263 (S.D. Ala.2015)

DECISIONS FROM OTHER JURISDICTIONS

Signs: A city sign ordinance exempting governmental or religious flags and emblems, but applying to private and secular flags and emblems, and exempting works of art that were unrelated to product or service but applying to art that referenced product or service was content-based speech restriction, and thus was subject to strict scrutiny in commercial property owner's action against city challenging ordinance on First Amendment free speech grounds. The ordinance was on its face content based because it applied or did not apply as result of content, that is, topic discussed or idea or message expressed. *Central Radio Co., Inc. v. City of Norfolk, Va.*, 811 F.3d 625 (C.A.4 Va. 2016)

Employees: City police department officials' ordering of a police officer, who under investigation for misconduct, to sign a release and submit to a voice stress test did not violate the officer's Fifth Amendment right against self-incrimination. The officer signed a statement of rights in the days leading to the voice stress test acknowledging that nothing he said in the course of the investigation could be used against him in a criminal proceeding. *Homoky v. Ogden*, ---F.3d---, 2016 WL 732160 (C.A.7 Ind. 2016)

Gender Discrimination: The intimate details of the transgender transition process were not relevant to a transgender school police officer's claim against the school employer for gender discrimination or retaliation, in violation of Title VII, based on the school's decision to preclude the formerly female officer's use of the men's restroom until he provided proof that he was biologically male. The court refused to compel production of the officer's medical files, which outlined the state of his genitalia and the intimate details of his transgender transition, despite the school's claim that such information was needed to defend



the claims. *Roberts v. Clark County School District*, 312 F.R.D. 594 (D.Nev.2016)

ATTORNEY GENERAL'S OPINIONS

Industrial Parks: Pursuant to Section 3 of the Local Acts for Geneva County of the Constitution of Alabama, the Geneva County Commission may abolish the Geneva County Industrial Park and sell the remaining acres to a city located in the county, provided that the one industry located in the park request abolishment, the property continues to be used for industrial purposes, and the county complies with paragraph 3 of Section 3. The county may not convey lots to the city for no monetary consideration. AGO 2016-021

Leases: The city is authorized to lease property for a maximum term of 99 years pursuant to Section 11-47-21 of the Code of Alabama. The city is authorized to enter into

a long term lease with the County Healthcare Authority for less than adequate consideration and allow the Authority to sublease the property to a private entity for use as a medical clinic and medical office complex. Under the facts, because the property is subject to the Land Sales Act, the sublease to a private entity within three years of the transfer of the property to the city by the state requires the Authority to use a competitive bid process. AGO 2016-022

Sex Offenders: A mother's morning-out program operating less than four hours a day that is not licensed or certified by the Alabama Department of Human Resources or any other agency, or is specifically exempted by Section 38-7-3 of the Code of Alabama, is not a childcare facility under Section 15-20A-4(3) of the Code of Alabama's Sex Offender Registration and Community Notification Act. AGO 2016-028. ■

F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Teneé Frazier

Elections: Voter Registration Lists – Fees

Can the City charge a fee for voter registration lists beyond the costs of copying and producing the voter list?

Unfortunately, no. Section 17-4-38 of the Code of Alabama, 1975 authorizes the Alabama Secretary of State to establish and charge a reasonable, uniform fee for production of the voter registration list. However, Section 11-46-36 of the Code of Alabama, 1975 provides that a voter list is a public record once it is provided to the municipal clerk on or before the third Tuesday in July before the regular municipal election. As such, a municipality could charge a reasonable fee for copying and other related expenses for producing the voter list.

NOTE: when producing the voter list, Section 17-4-33(b) of the Code of Alabama, 1975 requires the municipal clerk to include the name but omit the residential and mailing address of a registered voter who submits an affidavit to the county board of registrars as being a victim of domestic violence. ■

In 1937, the Attorney General ruled that a municipality in a dry county cannot levy a license on a business located in a wet county within its police jurisdiction. Biennial Report of the Attorney General 1936-38, page 185. It was reasoned that Section 11-51-91 states that a police jurisdiction levy may not exceed one-half the amount of a similar levy within the corporate limits. Since no levy could be made within the corporate limits, it followed that no levy could be made within the police jurisdiction – one-half of nothing equals nothing.

While the logic is appealing, it is based on the premise that municipalities are dependent upon Section 11-51-91 for their powers in the police jurisdiction. However, 10 years before the adoption of that section, the Alabama Supreme Court recognized that municipalities were granted the power to levy police jurisdiction licenses by Section 11-40-10, Code of Alabama 1975. *Standard Chemical and Oil Co. v. City of Troy*, 77 So. 383 (1917). It is clear, therefore, that Section 11-51-91 did not grant a new power to cities and towns, but merely established an amount above which the power could not be exercised. See also *Alabama Gas Co. v. Montgomery*, 30 So. 2d 651 (1947); *Smith v. Notasulga*, 59 So. 2d 674 (1952).

Limitations on License Levies

Police jurisdiction license levies must be made under the

police power for the protection of the health, safety and property of citizens in the area and to ensure good order, peace and quiet in the community. The Supreme Court has ruled that the Legislature intended for Section 11-51-91, Code of Alabama 1975, to be a regulatory and not a revenue statute. *City of Mountain Brook v. Beaty*, 349 So. 2d 1097 (1977).

Such levies in the police jurisdiction may not be made under the taxing power for general revenue purposes. Therefore, the amount of the license must bear a reasonable relation to the cost of the services rendered, and in no instance can it exceed one-half the amount levied for a similar business located within the corporate limits. *Alabama Power Co. v. Carbon Hill*, 175 So. 2d 289 (1937); *Hawkins v. Prichard*, 30 So. 659 (1947). A municipality's license fees or taxes on businesses within its police jurisdiction must do no more than allow the municipality to recoup the cost of extending municipal services to the inhabitants of the police jurisdiction, and the taxes may not be for the purpose of raising general revenue. *Dickson Campers, Inc. v. City of Mobile*, 37 So.3d 134 (Ala.Civ. App.2007). Further, the Attorney General has determined that a municipal police department may provide only emergency services within its police jurisdiction if the revenue collected in the police jurisdiction "reflects reasonable compensation" to the town for the cost of the emergency services provided. The monies collected

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must do no more than recoup the costs of providing the emergency response services. AGO 2008-007.

Licenses imposed in the police jurisdiction which are pledged to purposes other than providing services to the police jurisdiction will be held void. It is not necessary to state that the revenues will be expended for regulation and for providing services to businesses, but it must not appear that the revenue will be used for other purposes. *Franks v. Jasper*, 68 So. 2d 306 (1953); *Birmingham v. Wilson*, 27 Ala. App. 288, 172 So. 292 (1936).

The Alabama Supreme Court has ruled that Section 11-51-91 allows a municipality to assess a license tax against businesses located outside the corporate limits but within the police jurisdiction in order to reasonably reimburse the city for supervision of the businesses so located, including police and fire protection. The Court further held that where no effort was made by a city to relate fees levied to the reasonable cost of supervision of particular businesses, the imposition of taxes on police jurisdiction businesses was for general revenue purposes and an impermissible course of municipal action. See *City of Hueytown v. Burge*, 342 So. 2d 339 (Ala. 1977) overruled by *State Department of Rev. v. Reynolds Metal*, 541 So.2d 524 (Ala 1988)(holding that a city's levy of a license tax based upon gross receipts in the police jurisdiction was valid even though the city was unable to relate the taxes levied upon a particular business within the police jurisdiction to the costs of city supervision and services rendered to that particular

business). In 1986, the Alabama Legislature amended Section 11-51-91 to specifically provide that the amount collected from the police jurisdiction cannot exceed the cost of providing services to the area as a whole and not any particular business or classification of businesses. (See Act 86-427). As a result of that amendment, the Alabama Supreme Court overruled *Hueytown v. Burge* and several other cases to the extent they required a municipality to relate license taxes collected in the police jurisdiction to the cost of providing services to a particular business rather than the cost of providing services to the entire police jurisdiction.

When a business located within the police jurisdiction is also part of a fire district a different standard applies. *In Ex Parte City of Tuscaloosa*, 757 So.2d 1182 (Ala. 1999), the Alabama Supreme Court held that Section 11-51-91, Code of Alabama 1975, requires municipalities to relate their license fees to services provided to each business located in the police jurisdiction that is also located in a fire district (see Act 86-427).

Capital expenditures may be included when determining whether funds are being properly spent in providing services to the police jurisdiction. See *City of Prattville v. Joyner*, 698 So. 2d 122 (Ala. 1997). A city's reliance on an audit conducted six years prior to its enactment of an ordinance imposing an annual business-license tax on every business located within its police jurisdiction was sufficient to satisfy the requirements of Section 11-51-91, Code of Alabama, and, thus, the city was not required



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to do a more extensive analysis to determine that it spent more on municipal services than it collected on license taxes. *Ex parte City of Mobile*, 37 So.3d 150 (Ala.2009).

Act 2015-361 provides that municipalities must now file with the Office of Examiners of Public Accounts an annual report, within 90 days of the close of the fiscal year, which includes the following information:

1. The amount of all license revenues and taxes collected in the police jurisdiction, and
2. A list of service providers providing services within the police jurisdiction.

In addition to the new reporting requirements in Act 2015-361, and in view of Section 11-51-91 and the Court's decision in *State Dept. of Rev. v. Reynolds Metal*, the League strongly recommends that all municipal governing bodies compare the amount of revenues collected from businesses in the police jurisdiction with the annual costs of supervision of the area. If the study reveals that more was spent by the city in regulating the area than was collected in revenues, the governing body should adopt a resolution stating this fact and reaffirming the police jurisdiction levy for the next license tax year. If the study reveals the city collected more revenue than was expended to provide services to the police jurisdiction, the amount of the license levy should be lowered accordingly.

Judicial Presumptions

In spite of these limitations, courts indulge a number of presumptions in favor of municipal ordinances in the police jurisdiction:

- Courts will presume that the levy was made as a valid exercise of the police power unless it affirmatively appears otherwise. *Hawkins v. Prichard*, 30 So. 2d 659 (1947).
- Courts will presume that the license was not levied under the revenue or taxing power.
- The action of a municipal governing body will be not be disturbed by a court unless it appears that there was a manifest abuse of its power.
- Courts will not scrutinize the amount of the fee too narrowly. *See Birmingham v. Wilson*, 172 So. 292 (1936).

Specific Extraterritorial Powers

Based on Sections 11-40-10 and 11-51-91, Code of Alabama 1975, the authority to exercise extraterritorial police powers does not confer authority to operate utilities and to exercise other municipal functions outside the corporate limits. In answer to this need, the Legislature has made specific grants of power for these various functions. As a reference to these extraterritorial grants of power, the following list is arranged alphabetically, showing the title and section of the Alabama Code where the authority may be found.

Advertising – Section 11-47-9 authorizes a municipality to advertise its functions and undertakings both within and outside the corporate limits.

Agricultural Products and Industries – Section 11-81-141 authorizes the acquisition and operation of such plants within and outside a municipality. Also, the Wallace Act, Section 11-54-20, et seq., authorizes a municipality to finance such industries within 15 miles of the municipal corporate limits.

Airports – Section 11-81-141 authorizes a municipality to

acquire and operate airports within and outside the corporate limits. Section 4-4-2 also gives this power.

Alms Houses – Section 11-47-134 authorizes a municipality to aid, establish, set up and regulate alms houses anywhere within the county.

Armories – Section 11-81-141 authorizes a municipality to acquire and maintain armories both within and without the corporate limits.

Assessment for Improvements – Section 11-48-81, et seq. authorizes public improvement assessments for streets, sidewalks and sewer improvements within the police jurisdiction under certain conditions. Act No. 303 of the 1959 Legislature provides similar authority for municipalities under 6,000 in population.

Bridges – Section 11-81-141 authorizes a municipality to construct and maintain bridges within and outside the corporate limits.

Causeways – Section 11-81-141 grants authority to construct and maintain causeways within and without the corporate limits.

Cemeteries – Section 11-47-40 grants authority to own, regulate and improve cemeteries within or without the town or city limits.

Cold Storage Plants – Section 11-81-141 grants authority to acquire and operate such plants within and without the corporate limits.

Crematories – Section 11-47-135 authorizes a municipality to establish and maintain crematories within or outside the corporate limits.

Dairies – Section 11-47-137 authorizes a municipality to inspect dairies, located anywhere in the county, which supply the municipality.

Electric Systems – Sections 11-81-161, 11-81-141, 11-50-2, 11-50-3, 11-50-314 authorize municipalities to own and operate, either directly or through separately-incorporated boards, electric systems beyond the corporate limits. This authority includes ownership and operation of systems in other municipalities.

Explosives – Section 11-43-60 authorizes a municipality to regulate explosives and magazines within the city and its police jurisdiction. Section 11-47-12 authorizes a municipality to provide a suitable fireproof building outside the corporate limits for the storage of explosives.

Fire Department – Section 11-43-141 authorizes a municipality to send its fire department beyond the police jurisdiction to fight fires and provides immunity from liability while performing such service.

Flood Damage Prevention – A municipality may enforce a flood damage prevention ordinance in its statutory police jurisdiction when the municipality adopts the ordinance as a building code under its general police powers and not as a part of its zoning code. AGO 2001-94.

Garbage Dumps – Section 11-47-135 authorizes a municipality to establish and maintain garbage dumps within or outside the corporate limits.

Gas Systems – Sections 11-81-161, 11-50-260, et seq., and 11-50-396, et seq., authorize a municipality to own and operate gas distribution systems within or outside the municipality, either directly or through a separately incorporated board, and to be a member of a district gas distribution system.

Golf Courses – Section 11-81-141 authorizes a municipality to own and operate golf courses within or outside the municipality.

Granaries – Section 11-81-141 authorizes a municipality to own and operate granaries within or without the municipality.

Heating Plants – Section 11-81-141 authorizes a municipality to own and operate heating plants within and outside the municipality.

Health and Sanitation – Section 11-47-130 authorizes a municipality to maintain health and cleanliness within the municipality and its police jurisdiction.

Hospitals – Sections 11-81-141 and 11-47-134 authorize the establishment of hospitals within and outside the municipality and its police jurisdiction.

Hotels – Section 11-54-142, Code of Alabama, 1975, as amended, gives municipalities the authority to construct hotels and motels within or outside the municipality as long as the project is located not more than 15 miles from the corporate limits.

Incinerator Plants – Sections 11-81-141 and 11-47-135 authorize the establishment and operation of incinerator plants within and without the corporate limits.

Industrial Projects – Section 11-54-20, et seq., the Wallace Act, authorizes a municipality to establish industrial development projects within 15 miles of the municipality.

Markets – Section 11-47-137 authorizes a municipality to regulate, inspect and establish markets within the police jurisdiction.

Parks – Section 11-81-141 authorizes a municipality to own and operate parks within and outside the municipality.

Parkways – Section 11-81-141 authorizes a municipality to own and operate parkways within and outside the corporate limits.

Piers – Section 11-81-141 authorizes a municipality to own and operate piers within and outside the corporate limits.

Police Services in Class 6 Cities – The governing body of a Class 6 municipality may enter into contracts which provide for the police department of the municipality to provide law enforcement services beyond the corporate limits of the municipality but within the police jurisdiction of the municipality and may prescribe the conditions under which the services may be rendered. The governing body of the municipality may enter into a contract or contracts with any county or county board, any property owner of a manufacturing or industrial concern, or any property owner within any residential or business area for its police department to render law enforcement services on the terms as may be agreed to by the governing body of a Class 6 municipality and the contracting party or parties. Notwithstanding the above, the governing body of the municipality may not enter into a contract or contracts with any county or county board, any property owner of a manufacturing or industrial concern, or any property owner within any residential or business area for its police department to render law enforcement services to enforce traffic regulations,

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Public Employee Drug Testing Litigation Landmines and How to Defuse Them

By Tommy Eden, Constangy, Brooks, Smith & Prophete, LLP

After studying hundreds of drug testing cases, you begin to look at every case as a learning event. Out of each learning event, or litigation landmine, common sense counsel can be gleaned with the objective of helping readers recognize their fact situation as a potential landmine and then teaching how to avoid or defuse it. Here are five stories all involving a public employer where things went wrong, and common sense counsel that could well have changed the end of the story.

LANDMINE #1: Pre-employment Testing Non-Safety Sensitive Personnel

The Facts: In early January 1997, Thomas Baron was employed by Interim Accounting Professionals, a temporary accounting agency, to perform work accounting services for the City of Hollywood, Florida. Baron received positive work reviews, and his supervisor suggested that Baron apply for a position working directly for the City in the accountant pool. The City's Drug and Alcohol Abuse Policy stated that no applicant may be employed by the City until he or she has submitted to the screening and received a negative test result. Baron was informed of the City's Policy and directed to report to the Hollywood Medical Center. Baron refused to submit to the drug test and, as a result, was not hired for the accounting position by the City.

Baron contended in his Federal Court lawsuit that the City's Drug Testing policy was unconstitutional because there was not a set of circumstances under which the City could demonstrate a special need to require every applicant for employment with the City of Hollywood to submit to suspicion-less drug testing. In ruling in favor of Barron, the Federal District Judge noted that the Fourth Amendment to the U.S. Constitution requires that the government "connect its interest in testing to the particular job duties of the applicants it wishes to test." The City would have to list all of its positions and the particular duties of the job that justify drug testing. As written, the Policy is overbroad because it applies to applicants for all positions with the City of Hollywood without regard to the particular job classification/duties involved or distinguishing between jobs that are safety-sensitive versus those that are not. Without identifying a connection between the jobs and the need for testing, the City cannot meet its burden of showing a "special need" nor prove governmental interests sufficient to justify drug testing of all of its prospective employees.

LANDMINE #1: Steps to Avoid or Defuse:

- Define Safety Sensitive in policy
- Evaluate job classifications based on the Safety Sensitive definition

- List covered job classifications in policy
- Notify with employees by inclusion of "Safety Sensitive" in job descriptions.

LANDMINE #2: Drug Test Refusal Done Wrong

The Facts: Jwaun Ward, a black male employee of Decatur Utilities, was randomly selected, along with five other employees, to take a drug test. On the morning of his selection, Ward was instructed by his supervisor, in the presence of other employees, to drive to the front office and to "go pee in a cup in front of the work group." Ward testified that he felt "humiliated, embarrassed, and belittled," according to his lawsuit. Ward also gave deposition testimony that the same supervisor had said that he was going to make Ward take "four or five" more drug tests before the end of the year in an effort to "kill him with the drug test."

Rather than oblige his supervisor, Ward went to the Superintendent's office and said that he was going home, explaining that he was "not going to entertain his supervisor's request because of the way he asked." Ward offered to take a drug test at that time to which the Human Resources Director did not respond. He then left the premises. Ward was later informed via telephone that he would be required to complete a drug awareness program in order to retain his employment, to which he refused. Five days later, Ward's employment with the Utility was terminated. The HR Manager later gave deposition testimony that if Ward had taken a later drug test and met with a substance abuse counselor, he would not have been fired.

On December 15, 2014, a Federal District Judge in Alabama granted summary judgment to the Utility on Ward's race discrimination claim but found creditable evidence that Ward may have been retaliated against since he offered to take a later drug test but was not allowed to do so. The case is *Ward v. Municipal Utilities Board of Decatur, Alabama*.

LANDMINE #2: Steps to Avoid or Defuse:

- Consistently following a well-drafted DOT compliant public entity drug testing policy is absolutely critical.
- A "refusal" under DOT regulations cannot be remedied by a later offer to be tested by the employee, but make sure you have documentation to prove a refusal.
- Seeking wise counsel when faced with a difficult dilemma is good risk reduction.

LANDMINE #3: When Suspicions Are Not Reasonable

The Facts: Micheal Hudson, a multi-media specialist for the City of Riviera Beach, FL was ordered by Human Resources Director, Doretha Perry, to take a reasonable suspicion drug test. When Hudson later revoked the city's access to his drug test results, he was fired for a refusal. Hudson then filed a lawsuit in Federal Court alleging that Perry violated his rights under the 4th Amendment to the U.S. Constitution by ordering him to submit to the drug tests or risk termination because of alleged bad blood between Hudson and Perry's son Troy, who also worked for the City. Hudson's direct supervisor did not request that Hudson be tested or suspect Hudson of drug use.

After reluctantly taking a Breathalyzer test (negative), a urine test (negative) and a hair-sample test, Hudson asked Perry what the reasonable suspicion was for the testing and requested that Perry provide him with any records supporting reasonable suspicion. According to Hudson's complaint, Perry became infuriated and retorted, "It does not work like that. There are no records. I don't have to give you copies of anything." When Hudson responded by showing Perry the Florida Drug Free Work Place Act, Perry allegedly taunted him, asking what he was going to do. During a later unemployment hearing Perry contradicted herself saying that she had tested Hudson "on a whim, a mere hunch," and that she had been determining who to drug test in that manner "for years."

A federal district judge in south Florida ruled that Perry's drug test directive wasn't supported by individualized suspicion under the Fourth Amendment to the U.S. Constitution. The Judge held that "with respect to drug-testing of public employees ... in the absence of any suspicion at all, such a personal and abusive use of the government's power to conduct drug testing so obviously violates Fourth Amendment rights that no case law stating this proposition was necessary." Case is *Hudson v. City of Riviera, FL*

LANDMINE #3: Steps to Avoid or Defuse:

- Define Reasonable Suspicion in your policy
- Create two Reasonable Suspicion Checklists (contemporaneous and chronic)
- Train your supervisors on reasonable suspicion and your two checklists
- Observations in writing of two trained supervisors will eliminate personal bias issues

LANDMINE #4: Disciplining Employees Who Voluntarily Come Forward

The Facts: Anthony DePalma was Assistant Fire Chief for the City of Lima, Ohio, when he developed kidney stones and became addicted to prescribed narcotic pain medications. DePalma voluntarily checked himself into Sheppard Hill, an addiction treatment center. DePalma had not violated any work rules and his performance and behavior at work were excellent. DePalma had been at

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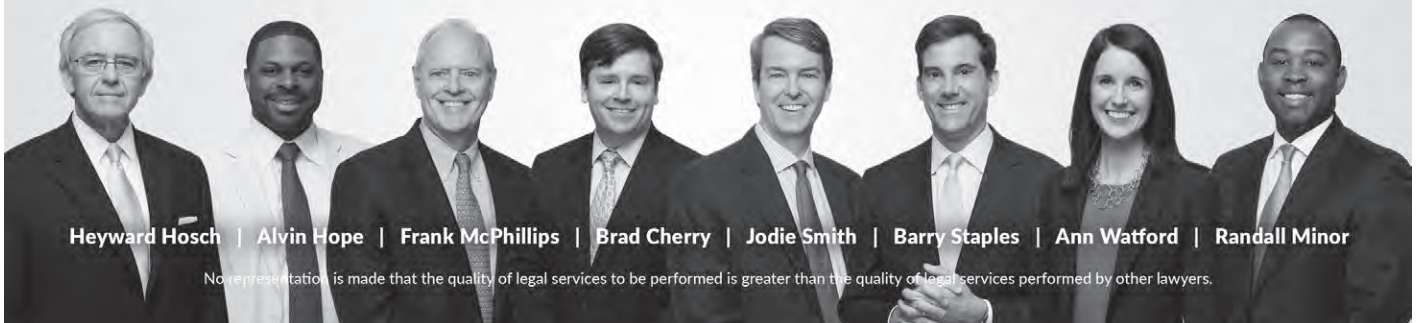
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Sheppard Hill for one week when he was told by the Lima Fire Chief to sign a Last Chance Agreement (LCA) or he would be fired, which DePalma signed. The following year, **DePalma was hospitalized with a kidney stone and was given painkillers while awaiting surgery. When he returned to work, he was required to submit to a drug test, which revealed the presence of the painkillers. The City terminated DePalma pursuant to the signed LCA.**

DePalma appealed and eventually the Ohio Court of Appeals reversed, agreeing with DePalma that the City should not have been permitted to use his voluntary act of seeking substance abuse treatment as a basis for changing the terms of his employment. The Americans with Disabilities Act (ADA) prohibits employers from changing the terms of employment for a person with a disability just because of that disability, 42 U.S.C. Section 12112(a). Although a qualified individual with a disability does not include an employee currently engaging in the legal use of drugs (Section 112114(a)) an individual is considered qualified if he or she is participating in a supervised rehabilitation program and is no longer engaging in such use. Because the LCA was invalid under the ADA, the Court found that the subsequent discipline for its violation could not stand. The case is *DePalma v. City of Lima*.

LANDMINE #4: Steps to Avoid or Defuse:

- Admission of a substance abuse problem may be an ADA-covered event and trigger reasonable accommodation obligations.
- Last Chance Agreement is disciplinary action
- Balance workplace safety with accountability in your discussions with employees.
- Use a written Work Continuation Agreement if ADA triggered.

LANDMINE #5: Anonymous Tip is Not Reasonable Suspicion

The Facts: Ralph Greer, Jr. was employed as a construction inspector by the Detroit Department of Water and Sewage (“DWSD”), a public employer. In September 2013, Greer was assigned to a project involving the repair of a water main. During the course of this project, a television reporter contacted DWSD’s Director of Public Relations to advise that “an anonymous source allegedly told him that some undescribed individual driving a DWSD vehicle was smoking marijuana in that vehicle.” The tipster alleged that photographic evidence existed, but refused to provide such evidence. Based on this tip, DWSD determined that the vehicle had been assigned to Greer on the day in question. Without any additional corroboration, Greer was instructed to submit to a urine drug test. Greer refused to undergo the test, following the advice of his union representative and was ultimately suspended and discharged. Greer grieved the discipline and was reinstated without lost wages and benefits. The arbitrator specifically stated

that the decision did not address whether the discharge violated Greer’s Fourth Amendment rights.

Greer filed suit in the Eastern District of Michigan, this time naming the individual DWSD employees who ordered Greer’s submission to the drug test and who suspended and discharged him. Greer alleged that the department did not possess reasonable suspicion that Greer had engaged in illegal drug use while on the job. As a result, the drug test lacked any basis. In response to a motion to dismiss brought by the defendants, the Court concluded that the drug test was constitutionally impermissible. As a result, the defendants were not entitled to qualified immunity. At a minimum, DWSD was obligated to establish the reliability of the anonymous tip before conducting a search based on it. Because DWSD did not do so, the federal district judge in Michigan held that a tip regarding employee on-the-job drug use by an unidentified source, relayed second-hand by a news reporter, is insufficient to establish individualized reasonable suspicion (required under the Fourth Amendment) to require a public employee to submit to a drug test. The case is *Greer v. McCormick*.

LANDMINE #5: Steps to Avoid or Defuse:

- Recognize the constitutional protections and possibility of individual manager liability
- Establish the reliability of the source
- Reasonable suspicion that is not individualized
- A Last Chance is the safer alternative in close situations

Conclusion

Learning from others’ mistakes is always a good idea since you do not have time to make all the mistakes yourself. Of course, having an out of compliance drug & alcohols testing policy, or lacking the correct toolkit forms, is Landmine #6. Having yours reviewed and undated is your very first step to avoiding these landmines, and then defusing them when they are about to blow. ■

Tommy Eden is a partner with the nationwide Management Labor firm of Constangy, Brooks, Smith & Prophete, LLP and drafts drug testing policies nationwide and advises and defends TPAs, Private and Public Employers, Collectors, MRO and Laboratories on a variety of Drug Testing issues. Contact him at teden@constangy.com, 334-246-2901 or 205-222-8030 mobile. Blog at www.alabamatwork.com.

including speeding and enforcement of speed zones. When the police department of a Class 6 municipality is operating pursuant to a contract or contracts pursuant to this section on any call beyond the corporate limits but within the police jurisdiction of the Class 6 municipality, the department shall be deemed to be operating in a governmental capacity and subject to the same liability for injuries as the department would be if the department was otherwise operating within the corporate limits of the Class 6 municipality. Section 11-40-10.1, Code of Alabama 1975.

Public Markets – Section 11-81-141 authorizes a municipality to own and operate public markets within and outside the municipality.

Property, Municipal – Section 11-47-22 gives a municipality police power over all land acquired for hospitals, quarantine stations, poorhouses, pesthouses, workhouses, schoolhouses, sanitary and storm sewers, rights of way, cemeteries and parks. The laws and ordinances of the municipality apply over all lands so used or occupied and to the inhabitants thereof.

Public Buildings – Section 11-81-141 authorizes the ownership and maintenance of public buildings within and outside the corporate limits.

Quarantine – Section 11-47-131 authorizes a municipality to exercise quarantine powers within the police jurisdiction. (**Note:** This authority is subject to the superior power of the State Health Department on the topic.)

Railroads – Section 37-13-1, et seq. gives municipalities the authority to establish a railroad authority to operate railroads and railroad facilities within or outside the boundaries of the municipality.

Rights-of-Way (Water and Sewer) – Section 11-47-171 gives a municipality authority to procure rights-of-way for water and sewer lines inside or outside the municipality.

Riots – Section 11-43-82 gives a mayor the authority, in time of riot, to close businesses, in the vicinity of the municipality, which sell arms and ammunition.

River Terminals – Section 11-81-141 authorizes a municipality to own and operate river terminals within or outside the municipality.

Seaports – Section 11-81-141 authorizes a municipality to own and operate seaports within or outside the municipality.

Sewer Systems (Sanitary or Storm) – Sections 11-81-161 and 11-50-50, et seq. authorize the ownership and operation of sanitary and storm sewers within and outside the municipality and give the power to condemn land to extend such lines anywhere in the county. Section 11-50-53, Code of Alabama 1975. See **Assessments**, above.

Sidewalks – See **Assessments**, above.

Slaughterhouses – Section 11-47-138 authorizes a municipality to establish and control slaughterhouses inside and outside the corporate limits.

Stadiums – Section 11-81-141 authorizes a municipality to own and operate stadiums within and without the municipality.

Streets – See **Assessments**, above.

Subdivision Control – Section 11-52-30 gives a municipal planning commission the authority to control the subdivision of lands within five miles of the municipality. Provision is made for situations where there is an overlap of jurisdiction between two municipalities.

Swimming Pools – Section 11-81-141 authorizes a municipality to own and operate swimming pools within and outside the municipality.

Tennis Courts – Section 11-81-14 authorizes a municipality to own and operate tennis courts within and outside the municipality.

Tunnels – Section 11-81-141 authorizes a municipality to own and operate tunnels within and outside the municipality.

Viaducts – Section 11-81-141 gives a municipality authority to own and operate viaducts within and outside the municipality.

Waterworks – Sections 11-81-161, 11-50-5, 11-50-4, 11-50-310, et seq. authorize a municipality to own and operate water systems within and outside the corporate limits and in the surrounding territory, either directly or by incorporated board. The power of condemnation is included in this authority.

Wharves – Section 11-81-141 authorizes a municipality to own and operate wharves within and outside the corporate limits. Section 11-47-14 gives a municipality authority to condemn for wharves and landings within five miles of the municipality.

Water Courses – Sections 11-47-15 through 11-47-19 give a municipality the authority to alter water courses within the city and its police jurisdiction.

The foregoing list of powers and authorities indicates a very definite policy by the Legislature to give cities and towns control over the development of fringe areas. This fact accentuates the need for more realistic powers of annexation. ■



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