

The Alabama Municipal JOURNAL

September/October 2017

Volume 75, Number 2

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On the Cover:

ALM President Mayor Howard Rubenstein of Saraland appointed a task force during the July Executive Committee meeting to study changing economic trends created by the exploding digital economies and how these changes are impacting municipal governments' ability to provide essential services to their citizens.

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How is the digital economy impacting your municipal general fund revenues?

League Executive Committee Forms Digital Economy Task Force

Carrie Banks • Communications Director • ALM

During the July meeting of the Alabama League of Municipalities' Executive Committee, ALM President Mayor Howard Rubenstein of Saraland appointed a task force to study changing economic trends created by the exploding digital economies and how these changes are impacting municipal governments and their ability to provide essential services to their citizens.

"Forming the Digital Economy Task Force is a critical function of the Alabama League of Municipalities' core purpose to advocate for our cities and towns," Mayor Rubenstein said. "Many municipal services will be threatened over the next few years due to changes in how the economy works and the negative impact that will have on municipal revenue streams.



We must look at all possible strategies to ensure that our municipalities can continue to provide the high level of quality of life services that our residents depend on and expect."

The task force is made up of one executive committee member from each congressional district and four at-large members. ALM Past President Mayor Walt Maddox of Tuscaloosa will serve as chair. Representing the state's remaining six congressional districts are ALM Past President Mayor Charles Murphy, Robertsdale; Councilmember Percy Gill, Wetumpka; Councilmember Mack Arthur Bell, Roanoke; Mayor Ronnie Marks, Athens; Mayor Tom Henderson, Center Point and Mayor Darrio Melton, Selma. Serving as at-large members are ALM President Howard Rubenstein, Saraland;

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The President's Report

By Dr. Howard Rubenstein, Mayor, Saraland



ALM Preparing to Undergo Formal Strategic Planning Process

The Alabama League of Municipalities is a wonderful organization. It provides outstanding services to our state's cities and towns, including advocacy, education for elected officials, legal support, insurance services and other programs to aid cities and towns. As with any organization, it is incumbent upon its leaders to plan for the future to ensure that the high quality and relevance of the valuable services that the League provides continues to meet the evolving needs of our municipalities. The leadership of the League has elected to proceed with a formal strategic planning process for this purpose.

Focus on the Future

Effective strategic planning is designed to articulate not only where an organization is going and

the actions needed to make progress, but also how it will know if it is successful. It is a disciplined effort that produces fundamental decisions and actions that shape and guide what an organization is, who it serves, what it does and why it does it, with a focus on the future. A formal strategic plan will aid ALM's Executive Committee and staff in setting priorities and focusing energy and resources. It will also guide the Executive Committee and staff in how to strengthen operations, ensure that employees and other stakeholders are working toward common goals and establish agreement around intended outcomes/results. Addressing future staffing and logistical needs as well as planning for continued sound financial management of League revenues and expenses will be an integral part of the process.

A formal strategic planning/visioning process will assess and adjust ALM's direction in response to a changing environment. In order for the League to remain relevant and answer the needs of its members, a strategic plan and visioning process will help identify those areas and issues where ALM can improve and can lead. It will also revisit the League's mission and core values to determine if they need to be updated based on the goals ultimately identified by the strategic plan. We intend to draw upon the experiences of other state leagues that have recently completed strategic planning to optimize the success of this endeavor.

As President, I will be working closely with a committee composed of League elected officials and League staff members to decide the framework and timetable for our strategic planning process. I look forward to all of us working together so that the League can continue to be the premier organization for Alabama's municipalities. ■



This past February, NC League Executive Director Paul Meyer discussed the five planning "pillars" of his League's comprehensive strategic plan. He stressed that professional, long-term strategic planning is crucial to identifying and then attaining critical goals. Such planning led NCLM to develop its "Here We Grow" grass roots campaign to enhance public awareness and educate citizens about the function and importance of municipal government.

Kayla Farnon Joins League Staff as Advocacy Communications Coordinator



Kayla was born in New Brockton, Alabama. She received her Associate of Arts degree at Enterprise State Community College in 2011 and her B.S. degree in Journalism from Faulkner University in 2013. Prior to joining the ALM Advocacy/Communication's staff, Kayla served as the Communications Specialist to Governor Robert Bentley, Press Secretary to Alabama's Secretary of State John Merrill and Communications Director for VOICES for Alabama's Children.

As ALM's Advocacy Communications Coordinator, Kayla works directly with Greg Cochran, Director of Advocacy and Public Affairs, and Carrie Banks, Communications Director, to promote League legislative positions through the development and implementation of grassroots campaigns and specific advocacy strategies as well as year-round communications efforts by the League. In addition, Kayla provides direct lobbying support when the Legislature is in session and manages ALM's policy committee process.

In her spare time Kayla enjoys traveling, reading and serving on the junior board for the Montgomery Museum of Fine Arts. She is an active member of Church of the Highlands. ■

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Municipal Overview

By Ken Smith, Executive Director



The League and Technology

I started working for the Alabama League of Municipalities in June of 1986. At the time, I believe the League had a total of eight employees. As hard as it may be to imagine these days, there were no computers in the office. We didn't even have a fax machine. But we weren't behind the times. Back then, very few offices had desktop computers. Most simple word processing units – if you had one – were expensive and the size of today's office desks. Our IBM self-correcting Selectrics typewriters were cutting edge technology. I can still remember that familiar hum when it was turned on.

Times were changing, though. Manufacturers were racing to provide low-cost computer options. Perry Roquemore, our Executive Director, embraced the potential of technology, and by the late 1980s computers started appearing on desks in our office. Compared to today, of course, the technology was ancient. Our operating system was DOS, so you had to remember the proper commands to make your computer function.

It's probably hard for younger readers to imagine how significant the leap to digital technology was. Mistakes on a typewriter were corrected with Liquid Paper or, if you were lucky, correct-tape which let you type over your mistakes, then type corrections on top of those deletions. So, being able to make changes digitally was a huge leap forward.

We were like most businesses everywhere. No one knew where technology was moving. It was always possible that the computer you bought today would become

obsolete tomorrow, turning it into nothing more than an expensive paperweight. I recall attending a training session where the instructor was asked how much memory a computer needed to have. He said he could not imagine a time in the future when any computer would need more than 32 megs. Even the experts were only guessing.

Bear with me. There's a reason for my walk down memory lane.

Next year, 2018, marks the 20th anniversary of the creation of the Alabama League of Municipalities website. Since I was the first League webmaster, League staffers thought I needed an exercise in exploring my long-term memory. And I find it impossible to discuss the growth

A screenshot of the Alabama League of Municipalities (ALM) home page from December 4, 2000. The page has a dark blue background with white text. At the top left is the ALM logo, which consists of a circular emblem containing the letters 'A' and 'M' over a map of Alabama. To the right of the logo is the text 'ALABAMA LEAGUE OF MUNICIPALITIES'. Further right is the tagline 'Serving Alabama's Municipalities Since 1935.' in a red, serif font. Below the logo and tagline is a section titled 'Latest News from the League (Updated December 4, 2000)' with a small image of a building. To the left of the image is a vertical list of links: 'Mayors', 'Elected', 'Elections', 'Legislation', 'Training', and 'Opportunities'. To the right of the image is another vertical list of links: 'Journal On-Line', 'League Services', 'Convention', 'Tax Info', and 'Salary Info'. Below the image are two more links: 'Copies of Legislation' and 'Code of Alabama On-Line' on the left, and 'Attorney General's Opinions' and 'Ethics Commission Rulings' on the right. At the bottom of the page is a horizontal list of links: 'Home - Calendar - Gov. Affairs - Member Services - Publications - Message Board - What is the League? - League Committees - Contact Us - Links'.

Screenshot of the ALM home page, December 4, 2000.

of our website without remembering just how far we've come. So, please be patient as I look back over some of the significant technological changes that have occurred during my 31 years with the League.

The Start of Something Big

After a couple of years of internal debate, discussion and exploration, the League officially launched its website in January 1998. Interestingly, many of the features of the original website are still available on our site today. In an article by Perry Roquemore that was published in the February 1998 issue of the *Alabama Municipal Journal*, the League's first website consisted of the following sections:

- A Welcome Page with links to information about the League, its committees, boards and the staff. This included links to send emails to League staff members.
- A Section called "New and Important" for recent developments of interest to our members.
- A Calendar of upcoming League events.
- Governmental Affairs, which included information about League legislative activities, Action Alerts and legal news.
- Publications.

- Member Services information.
- A Message Board where members could request information from other members and place ads for job openings or selling items.
- Links to additional resources.

While it may strike many of our younger readers as odd, debating whether to start a webpage was common. We take the presence of the web for granted these days; however, in the mid-1990s, the Internet was still in its infancy. In those days, the debate wasn't about what content to include, the debate was whether to have a website at all. In fact, the Internet wasn't even officially defined as a standard term until 1995 (The Federal Networking Council, 1995). Of course, almost everyone recognized that digital communication was the wave of the future. Only the most stubborn refused to see the web's potential.

The questions for many associations like the League, though, was when should you join that wave? What are the start-up costs? How expensive and how much time and effort does it take to maintain a site? And even more importantly – how many of your members have access to the Internet? It's always important to strike a balance between innovation and access.

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I recall a debate about this with a fellow webmaster from around that time. His view was that you created your site using every feature you wanted. It was up to your members to improve their capabilities to access it, and if they didn't, well – they just couldn't use the site. Perry's view – and mine – was that we were developing this site for the benefit of our members. It didn't do any good to be a technological leader if your members couldn't follow. It's just as important to be aware of your own limitations and capabilities.

Early Discussions

Reminisce with me to a day sometime before we launched our site. Members of the League staff met to discuss how we should develop and use the site. While I don't remember the date of the meeting, I vividly recall listening to the discussion spiral upwards to include almost every bell or whistle any of my fellow League staffers had ever seen on any webpage they had visited. After listening to the debate and knowing my own limitations, I finally held up a legal-sized memo pad and told everyone that the memo pad represented a potential website. I then tore off a small corner of the top page of the pad and held it up and reminded everyone that this small piece of paper represented our current web capabilities. It would take some time for our site to develop.

League staffers who were present at that meeting remind me about tearing off that piece of paper from time to time.

So, we started slowly. At the time, use of the Internet was growing but still relatively limited. Internet connection speeds were fairly slow because most people accessed the web over dial-up connections. As a result, content was largely limited to text and a few simple graphics. Anything more advanced used too much bandwidth. It was recommended that web developers provide "alternative text" – text messages that would be used if your access speed prevented your visitors from downloading your graphics.

For the League, the turning point in deciding to start a web page came after I attended a meeting of the International Municipal Lawyers Association (IMLA). At that meeting, I had a discussion with an attorney from another League who just a few months earlier had convinced his Executive Director to start a website for their organization. He explained that starting the site had actually been easier than expected. The only problem, he said, was that he lost his nights and weekends.

I returned and told Perry that if he would agree to start a website, I would develop and maintain it. With only a little discussion, he agreed.

And I lost my nights and weekends.

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The Legal Viewpoint

By Lori Lein, General Counsel



Update from Your League Legal Department & Best Practices for Utilizing Your Municipal Attorney

Some of the information in this article is reprinted with permission from the article “Ten Tips: Using Your Municipal Attorney More Effectively” by Claire Silverman, League Counsel, Wisconsin Municipal League.

Hopefully many of you are already aware of the services offered by the League Legal Department. If not, I encourage you to read the article titled “The Legal Department – A User’s Guide” in *The Selected Readings for the Municipal Official* (2016 ed.). Since the grueling municipal election cycle of 2016 and the long (and sometimes painful) process of updating *The Selected Readings for the Municipal Official*, your League Legal Department has been busy assisting officials and employees new to municipal law get up to speed on areas important to the good administration of municipal government. In addition, we did what we could to assist the Governmental Affairs department during what was a particularly busy Legislative Session this past winter and spring. Following are some specific things going on regarding the department.

Manuals

Over the next several months, the department will be making a concerted effort to update manuals other than *The Selected Readings for the Municipal Official*. Often, when researching an issue in your *Selected Readings* (yes, you should always start there as most answers you seek can be found therein), you will come across a reference to a separate publication that is available upon request from the League. In the past, we maintained hard copies of these publications and they would be updated sporadically as changes to the law necessitated. We are working towards comprehensive updates to these manuals and making them available on our website under the “Legal Services” tab.

Already available on our website are the *Municipal Clerk’s Manual*, the *Volunteer Fire Department Manual* and our *Annexation Manual* detailing the various methods of annexation in Alabama and providing specific sample forms for each method. Coming soon we will add: *Incorporating a*

Community, Laws of a Clean City, State Regulated Professions, Municipal Public Improvement Cost Assessment and many more. Please check the website regularly for updates.

Amicus Policy

While the League does not file lawsuits on behalf of its members, we do sometimes file amicus curiae briefs in cases on appeal to either the Court of Appeals or to the Alabama Supreme Court if the issues involved in the case have statewide significance. We also occasionally file briefs in federal court. Due to the increase in requests for our support in pending cases on appeal in state and federal courts over the past several years, we have implemented policies and criteria for our participation. These policies can be found at the following link: www.alalm.org/images/PDFs/Legal/ALM.AmicusPolicy.2017.pdf. If your municipality is involved in a case on appeal that your municipal attorney believes is of statewide interest, please contact the League Legal Department directly.

Fall Law Conference

To further help municipal attorneys represent their clients, the League created the Association of Municipal Attorneys (AAMA) in 1992 to assist municipal attorneys with training and information specific to municipal law. In addition to AAMA, the League created the Alabama Municipal Judges Association (AMJA) in 2007 to provide similar services and training opportunities for municipal judges. AAMA and AMJA jointly conduct two training seminars annually for municipal attorneys, prosecutors and judges. We strongly encourage all municipal attorneys, prosecutors and judges to join AAMA or AMJA and hope that all municipal officials will encourage their local attorneys and judges to join and participate in these important organizations.

Keeping in mind that most municipal attorneys are only part-time municipal attorneys, it is a great benefit for your municipality if your attorney gets their mandatory CLE training in municipal law. We offer a minimum of 12 hours per year between our two training sessions. Please encourage

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Here we Go!!!

The League began by working with students from Auburn University at Montgomery (AUM). Their instructor was looking for a project for them and developing a website fit his needs and ours. The students created a functioning website based on our input and instructions. They helped us obtain a domain name. We wanted the domain name www.alm.org, but as I recall, Abundant Life Ministries in Florida owned the address at that time. After discussion, we selected ala (Alabama) l (League) m (Municipalities), thinking it would be easy to remember. Our domain has been www.alalm.org since the beginning – nearly 20 years.

We had to find someone to host the website. I think it was originally hosted on a computer at the Alabama Department of Community and Economic Affairs (ADECA), but I could be wrong about that. I had to become familiar with ftp protocol (File Transfer Protocol – a method to upload information onto your host site; at the time, I had to work on webpages off-line, then load them when they were finished, a process that often required troubleshooting some glitch that prevented the upload), web security, the best web design practices, writing scripts and dozens of other details

that were crucial to keeping the site functional.

In January of 2008, the official League website was launched. I used a Microsoft product called Frontpage to make several redesigns over the next few years and to post information online. I took classes in HTML (the language used for web purposes) and scripting for the web, and felt that for those years, the design and content of our website was as good as any around. I've scoured League archives and, sadly, haven't found any examples of those early versions of our site. So much of what was posted on the web was lost in the digital netherworld when newer versions of the site were uploaded. The earliest version I've located on-line is a screenshot of the opening page from December 4, 2000. (*See image, page 7*)

This was not the original design created by the students at AUM. Their design used dark green graphics that were supposed to mimic the League's official colors. The color didn't exactly match, though, and when it displayed, it made our site dark and somewhat dreary. So, shortly after we went live, one of my first projects was to clean up their design using a different, brighter color. We selected the blue color shown.

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The End of the Present and the Start of the Future

In those early days, redesigns of the site were fairly common as we searched for ways to better present information to our members and as I learned the technology. By 2003, the time came for us to consider expanding our use of the Internet and the potential growth and direction our on-line presence should take. By then, web usage was commonplace, although not nearly as ubiquitous as it is today. A review of several histories of web growth (found online, of course) remind us that in 2003, the web was still a repository of information posted for others to read. The age of user-controlled, interactive web access was still years away, although the idea was being explored at technology seminars. In 2002, there were 3 million websites. By 2012, there were 555 million. Today, there are over 1.2 billion. During that decade, average time spent online grew from 46 minutes a day to over 4 hours a day.

My personal decision to stop maintaining the site was not an easy one. But while the site grew, so did the Legal Department, which was my primary responsibility. Additionally, in 2002, I became the League's Deputy Director, adding to my duties. We were also exploring the creation of a bond-pooling program similar to programs at several other state municipal leagues. I took on that responsibility. This program eventually became AMFund, our bonding program. It was clear that someone else

needed to take over, and so, in 2003, maintaining the web moved into the Communications Department, where then League-staffer Laura Anne Whatley and current League Communications Director Carrie Banks took over the reins. The Communications Department has continued to do a great job with the site since then.

Around 2008, the Communications Department decided it was time to conduct a major overhaul of the site. They explored numerous site designs and obtained proposals from developers who had designed sites for other organizations. After deciding that the costs of hiring an outside contractor were simply too excessive, and that the ability to make any future redesigns would be limited, we decided to do the redesign in-house. Karl Franklin, the League's Graphic Designer/Webmaster, and Carrie Banks now maintain our official League website as well as the websites for four League affiliate programs (losscontrol.org, almwcf.org, amfund.com and alintercept.org). We now have tools available that take the use of our site beyond anything suggested at that early design meeting when I used a torn corner of notebook paper as a model – and we continue to move forward in the use of digital processes and social media, always keeping the needs of our members paramount in our minds.

While you can find conflicting statistics about online usage, it's clear that digital information and access is



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essentially universal, and usage continues to grow. In 2011, adults in this country spent an average of 21 minutes each day watching video on digital devices. Today they spend almost 1.5 hours each day watching video over PCs and some form of mobile device. Usage is much heavier among younger individuals. In 2016, millennials spent an average of 185 minutes using mobile internet services each day. Gen Xer's spent 110 minutes and the second-greatest generation (mine), Baby Boomers, lagged behind, spending only 43 minutes each day on-line. Average on-line users now spend 30% of their on-line time using some form of social media. Healthy or not, in 2015, The non-profit group Common Sense Media

reported that teenagers spend up to nine hours a day using some form of electronic media. (www.cnn.com/2015/11/03/health/teens-tweens-media-screen-use-report/).

The expansion and growth of the League's web presence parallels other technological developments. When we started our site, it was as good as anything else you found online, and it has stayed that way over the years. Our goal has always been to provide a wealth of valuable information for our members and for visitors to the site, and to make it as user-friendly as possible. In the late 1980s, in most offices computers were seen as a replacement for the tools we then used, such as typewriters, hand-drawn spreadsheets and calculators. The idea that a single device could replace several pieces of equipment and perform a variety of functions was a significant step forward. But even the development of the web and the use of e-mail were simply faster ways of accomplishing existing tasks – getting information out and communicating with each other. Today's technology requires a different way of thinking. Today's Internet and social media are interactive, making news instantaneous and pervasive.

The Best is Yet to Come

I sometimes think back to that day I used a legal pad to represent the World Wide Web (outdated terminology used



Screenshot of the homepage from August 2017.

intentionally!!!). From that small corner of notebook paper, the League's electronic and Internet presence has expanded far beyond what any of us could have imagined back in 1998. Most of our internal functions are now performed electronically and stored digitally. We've developed new programs to help us work better, some internally using our own IT Department, others by contract. We have recently begun testing webinar software and will soon start holding webinars for training and other purposes. Today, our Communications Department maintains five separate websites. In 2013, now as League Executive Director, I authorized us to create a Facebook page. We continue to explore the options social media and other digital technology provide for us to better communicate with our members.

The League's mission remains the same – to serve and represent our municipal members. But the way we accomplish that goal will constantly progress with technology. Over the next few years, I expect you will see several changes in the way we provide information and access. We've come a long way since we first "went live" in 1998. But we can't rest on the accomplishments of the past. Technology will continue to evolve, and we will continue to explore each new option for ways it can help us reach you.

Stick with us – the best is yet to come. ■

Betty Jones of Guntersville Named 2017 Clerk of the Year

The Alabama Association of Municipal Clerks and Administrators (AAMCA) named Betty Jones, City Clerk of Guntersville as the 2017 Clerk of the Year during its Summer Conference held in Auburn, AL on June 15, 2017.

Betty grew up in Guntersville and began her career at the City of Guntersville in 1998 after working as a bookkeeper for a local company for 29 years. She earned her CMC in 2001 and her MMC in 2010. Betty attends all City and Chamber functions, has served on the Marshall County Home Place Board for 15 years, is a member of the Friends of the Library and the Mountain Valley Arts Council. She was named Marshall County Humanitarian of the year in 2006. She has served as Clerk District 12 Treasurer for two years and District 12 President for 10 years. She is active in First United Methodist Church.

In 1991 Betty started a Prom Breakfast Prize event to insure a safe prom night and is proud of the way it has evolved the last 26 years into a large event that has proven to prevent teen accidents on prom night.

When the City would not allow a trailer in the City Limits to replace an elderly lady's trailer that burned, Betty organized a group effort to build her a new home. Materials were donated, the local technical school students built the house and then moved the completed home to its location.

Betty enjoys serving as City Clerk because she loves the City of Guntersville and loves serving the public and promoting the City.

Betty was selected from nominees from five of the 14 statewide districts. The following clerks were nominated and represented their districts: District III - Connie B. Payton - City of Calera, District VIII - Rebecca Hayes- City of Daphne, District XI - DeAnna Woods- Town of Oakman, District XII - Betty Jones- City of Guntersville and District XIII - Tameeka Vann - City of Center Point.



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Visit www.facebook.com/ALALM to "like" ALM on Facebook and receive timely information about ALM's legislative endeavors; League events such as upcoming CMO sessions, policy committee meetings, annual convention and national conferences; and articles of interest for municipal officials and employees. This is also where the League posts photos from its events that you can download, share and save!





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Selma Mayor, Atmore Councilwoman and ALM Communications Director Graduate from DRA's Delta Leadership Institute

On August 4th, ALM Executive Committee member Mayor Darrio Melton of Selma graduated from the Delta Regional Authority (DRA) Delta Leadership Institute (DLI) Executive Academy with Atmore Councilwoman Susan Smith and ALM Communications Director Carrie Banks. They join 46 graduates from eight states who will collaborate with DRA's leadership team to continue helping create jobs, build communities, and improve lives across the Mississippi River Delta region and the Black Belt of Alabama.

The 2017 graduates, including eight from Alabama, have completed the year-long DLI Executive Academy, a training program that brings together business and community leaders from each of the eight states served by DRA to gain the tools, experiences, and networks that will help them enhance economic opportunities in their communities as well as boost our regional economy.

The graduates have participated in seven workshops over the past year to help them understand the economic development needs of the Delta region and build a collaborative leadership experience that emphasizes a regional approach to growing local economies and creating opportunities for the 10 million residents of the Delta region. DLI fellows learn from local, regional and national experts in infrastructure and transportation, small business and entrepreneurship, workforce training, and other economic development fields, experiencing what is working to boost economies in the Delta region.

"I am so proud of these outstanding leaders for taking the time to complete the Delta Leadership Institute," Alabama Governor Kay Ivey said. "Success begins at the local level and it is great to see such dedicated public servants learning new skills, which they will use to help their communities grow. Alabama is only strong because of our strong leadership at the local level. I pledge to do all that I can to support these local leaders in any way I can."

The eight Alabama graduates represent a diverse group of public and private sector leaders from across industries: Darrio Melton, Mayor, City of Selma; Susan Smith, Councilwoman, City of Atmore; Carrie Banks, Communications Director, Alabama League of Municipalities; Maureen Neighbors, Energy Division Chief, Alabama Department of Economic and Community Affairs; Marcus Campbell, Chairman, Sumter County Commission; Cedric Campbell, Project Manager, Goodwyn, Mills and Cawood, Inc.; Winfield Ezell, Jr., Northport, CEO, Obsidian Creative Studios; and Tiffany Smith, Demopolis, Administrator, Black Belt Community Foundation.

"A native of Alabama's Black Belt, Governor Ivey is a strong advocate for addressing issues in the rural areas of our state," Alabama Department of Economic and Community Affairs (ADECA) Director Kenneth Boswell said. "I join the Governor

in congratulating the Alabama graduates, and I thank them for working toward strengthening opportunities in Alabama's Black Belt. These graduates will join a strong network of alumni, and ADECA looks forward to continuing to work with them to address our state's most pressing issues."

Since 2005 DLI's Executive Academy has enhanced the leadership skills, policy knowledge, and networks of community members in the Delta region. After graduation, DLI graduates become members of the Delta Leadership Network, which now includes nearly 500 members who understand the importance of regional collaboration, resource sharing, and innovative thinking.

DLI is a program of the Delta Regional Authority in partnership with three institutions of higher education from within the DRA footprint: The University of Alabama, Arkansas State University-Jonesboro and The University of Louisiana Monroe.

About the Delta Regional Authority

The Delta Regional Authority is a federal-state partnership created by Congress in 2000 to help create jobs, build communities, and improve lives through strategic investments in economic development in 252 counties and parishes across eight states.

To date, the DRA's SEDAP investments, together with its state and local partners, have leveraged nearly \$3.5 billion in public and private investment into local small business owners, entrepreneurs, workers, and infrastructure development projects. These investments have helped create or retain more than 37,000 jobs and provided water and sewer service to more than 66,000 residents since DRA was established. Learn more at dra.gov. ■



Pictured left to right: ADECA Deputy Director Anita Archie, ALM Communications Director Carrie Banks, Winfield Ezell, Jr., ADECA Energy Division Director Maureen Neighbors, Selma Mayor Darrio Melton, Cedric Campbell, Tiffany Smith, Sumter County Commission Chairman Marcus Campbell and Atmore Councilwoman Susan Smith.

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JUDGING LOCALLY: A RIGHT WORTH PROTECTING

CHRIS FRIEDMAN, GREG COOK
AND WILL HILL TANKERSLEY

BALCH & BINGHAM LLP

For most Alabamians, their only interaction with the criminal justice system involves minor traffic violations and misdemeanors, meaning they are likely to end up in their local municipal court. This means that the municipal court system serves as the foundation of Alabama's Judiciary. For most Alabama citizens, their understanding and opinion of the State's Judiciary comes through interactions with one or more of Alabama's 273 municipal courts.

Lately, though, certain local courts around the nation have been subject to intense scrutiny. This increased attention should encourage municipal court systems to consider whether they have implemented practices that make the best use of their oftentimes limited resources, but still afford our citizens their full measure of due process. Fortunately, Alabama is blessed with an abundance of dedicated lawyers who want to serve their community as municipal judges. These public servants are one of our great local treasures.

Because these challenges to local court systems are often highly publicized it might seem that drastic measures are required to avoid time-consuming struggles with litigation. However, there are a few basic principles (and several freely available resources) that can help municipal courts, and the public servants who operate them, run an efficient and effective court that will amply satisfy constitutional requirements.

1. Practice Judicial Independence

Judicial independence is critical: every municipal court officer and employee is independent from other branches of municipal government. The Judge is king in his or her courtroom. The judge does not work for the mayor or city council. This is true even though cities often hire and pay court officers. The Alabama Constitution prescribes a strict

separation between the legislative, executive, and judicial branches of government. Municipal courts are part of the Unified Judicial System, and are subject to the oversight of Alabama's Chief Justice, the Administrative Office of Courts, the Judicial Inquiry Commission, and the Court of the Judiciary. Conversely, municipal courts are not subject to oversight by any other authority, including the municipalities where they sit.

Thus, the buck stops with the municipal court judge, who controls court administration. This is true *even when* the municipal court judge works part time, and has no hiring or firing authority over court employees. This principle was explained in 2014, when the Judicial Inquiry Commission issued an opinion that explained the breadth of the municipal court judge's responsibility to maintain the Municipal Court's independence:

Although the Judge may be employed in a part time capacity, he or she has a legal obligation to assure that all court officials be in compliance with their duties to the court and to constitutional and statutory law and procedural legal and ethical rules. Even recognizing the part-time nature of the office, one who accepts the office of part-time judge also accepts the corresponding responsibilities and must devote sufficient time to his or her judicial and administrative duties to remain in compliance with the Canons of Judicial Ethics.¹

Thus, the municipal court judge, and no one else, has a duty to ensure the constitutional rights of all defendants who interact with the court. In practice, this means that the judge is in charge of making sure that he *and* the municipal court staff operate the court properly. Judges may not delegate judicial duties to anyone else.

2. Understand the Law, Treat Each Defendant Individually, and Educate your Staff

Recent litigation has challenged (1) how fines and fees imposed by municipal courts are assessed and collected and (2) court bail practices. The law underlying this area is complex. However, it is critical that both the municipal court judge *and* the court staff have a full understanding of constitutional requirements. As explained below, there are several resources available for court officials to consult. However, here are a few basic principles that should be followed:

- Because many defendants struggle to make even small installment payments, courts should consider offering a set amount of time (rather than a set periodic amount of money) to pay their fines and court costs. Many courts opt for a 90 day payment period. At the end of the period, courts schedule a date for a hearing to review progress.
- Offer alternatives. Many defendants don't have the ability to pay a fine, and justice may be better served by alternatives, such as community service. One of the municipal courts in North Alabama has a long-running relationship with a nearby animal shelter. In fact, the current executive director of the shelter had his first experience with the shelter as a result of community service.
- Revoking a probation, or holding a defendant in contempt for failure to pay without determining whether the offender is indigent is an invitation to a potentially embarrassing, expensive, and time consuming challenge to the local court and its practices.
- Arresting a person for failing to appear for a hearing unless they have been provided clear written notice of the hearing is another red flag to municipal court challengers. We recommend you provide them a second chance notice before issuing any arrest warrant. We also recommend that you do not impose any monetary fine or penalty for failing to appear unless you make the appropriate findings to hold them in contempt.
- Courts should consider allowing arrestees to bond out on their own recognizance unless they are a flight risk, have failed to appear at past hearings, are dangerous to themselves or others, or were arrested for DUI / DWI, or domestic violence. Some Alabama municipal courts require bonds for likely no-shows, like out-of-state defendants.
- If a defendant can't post a cash bond, a judge or magistrate should hold a bond hearing to determine whether the detainee can't bond out because of indigency (and to determine the issues listed above). This hearing should be held within 48 hours of the arrest.

There are hundreds of statutory and constitutional requirements that municipal courts must follow—much more than can be explained in the space allotted to this article. This leads to the third point:

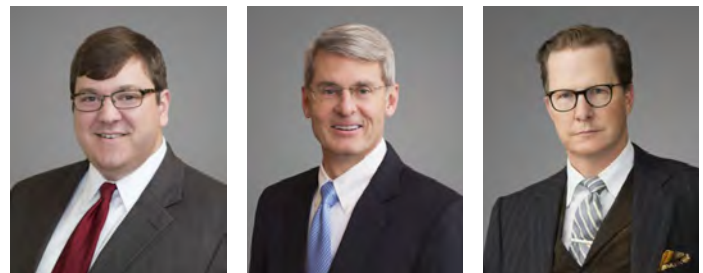
3. Ask for Help.

Municipal Court officials are not alone. They have valuable resources at their disposal, including the Administrative Office of Courts, which partly exists to help local courts facilitate the administration of justice. If your court practices are challenged (typically through a letter), it is important that you immediately contact the Alabama League of Municipalities, and the city's insurance carrier. In particular, the Alabama Municipal Insurance Corporation (AMIC) has vast experience handling these types of challenges. In most instances, if court personnel make these initial contacts, the alleged problems can be resolved, and all parties can avoid a nasty, and very public struggle that will consume vast amounts of court time and energy.

Our Alabama Municipal Courts are the most citizen-facing courts we have. We are so fortunate to have a municipal bench with such dedicated lawyers. And, in almost every instance, the dedicated servant leaders who operate them do a phenomenal job given the high workload and limited resources. However, every municipal court would benefit from reviewing their own practices and asking for help to ensure that they run the most effective court possible, and avoid potential problems. ■

Endnotes

1 Opinion of the Alabama Judicial Inquiry Commission, No. 13-026 (March 4, 2014).



Chris Friedman, Greg Cook and Will Hill Tankersley are all Balch & Bingham lawyers who have been defending Alabama municipalities, municipal judges, police chiefs, municipal court magistrates, and municipal court clerks in a series of federal and state court class actions and other challenges to municipal judgment collections, municipal procedures for defendants who fail to appear for court dates as well as municipal bail/bond practices. These efforts have included (among other things) defending against court actions, providing model municipal court procedures and filing amicus briefs on these issues. Their full biographies and contact information can be found at www.Balch.com.



LossControl.org

Five years later, a wealth of resources!

In January 2002, the Alabama Municipal Insurance Corporation (AMIC) and the Municipal Workers Compensation Fund (MWCF) consolidated their risk management efforts and created a joint Loss Control Division. This solidarity allowed the Alabama League of Municipalities' two insurance programs, which have many common members, to provide a variety of safety services, including site visits, regional training, proactive driver and firearms training, at half the price. Now, nearly 15 years later, the Loss Control Division is an integral part of both the AMIC and MWCF programs and continually strives to provide members with useful risk management information.

www.losscontrol.org

One way the Loss Control Division meets that goal is through its dedicated website – www.losscontrol.org – which was launched in 2012 and, five years later, is a wealth of risk management resources. In fact, the Reference Documents page of the website has been accessed more than 11,000 times since its inception and the PowerPoint Presentations tab, available via the Reference Documents page, has had more than 2,000 views since 2012. Some items have

proved to be extremely popular. For example, the Volunteer Fire Department Manual, has been downloaded nearly 1,800 times since it was made available in November 2015 and the PowerPoint on Municipal Safety Programs has been accessed nearly 300 times since December 2015.

AMIC/MWCF's Loss Control Reps frequently review and update the comprehensive list of reference documents, which are sorted via topics A-Z. They're easy to find: "Reference Documents" is the first item listed under "Quicklinks" to the left-hand side of the homepage. Reference items can also be accessed via the "Services and Resources" tab along the top of each page. Simply click on "References Documents", which is the first choice in the dropdown menu for that tab, and you'll be able to choose between documents and archived PowerPoint presentations. More than 100 documents are currently available, including safety guidelines, sample policies and attorney general opinions, as well as nearly 50 PowerPoint presentations covering a range of topics such as Accident Investigation, Equipment Safety, Risk Management Principles and Controlling Property Exposures. In addition to resource documents and PowerPoints, the website also features:

- Staff bios, photos, territories and contact information
- Information on upcoming training (SkidCar, FATS and loss control seminars)
- Links to nearly 100 applicable safety and health websites
- PDF links to every issue of *Risk Management Solutions* published since Fall 2002
- A searchable index of topics offered through our Safety Video/DVD Library
- Employment Hotline information
- Sample Risk Management Review surveys and information about the review process
- Free online training

Additional resources are added on a regular basis so be sure to visit losscontrol.org often.

Free online training

In 2013, the Loss Control Division began offering AMIC/MWCF members another



innovative tool to provide quality employee professional development – *free* online training through a partnership with LocalGovU to create an Online Learning Center that provides a variety of course topics, including risk management, human resources, safety and law enforcement. Courses are available on a 24/7 basis from any computer with internet access and are provided at no cost to AMIC/MWCF members. Course topics change on a quarterly basis, with new courses

“Online Training” under the Quicklink section to the left of the home screen. Then simply follow the instructions to create an account. A LocalGovU representative will contact you within 48 hours to provide information and set up your staff. Once your account has been created, the courses will be made available to you and your staff. A list of courses is also available on losscontrol.org.



Visit often; feedback welcome!

The Loss Control website is updated regularly so be sure to visit often. If you have suggestions about topics or information you’d like to see posted, please feel free to contact Donna Wagner at 334-262-2566 or via email at donnaw@alalm.org. The Loss Control Division appreciates feedback and wants to make sure losscontrol.org remains a go-to resource for many years to come! ■

becoming available on the first business day of January, April, July and October. Written specifically for public entities, these courses consist of short modules that typically take about 30 minutes to complete. To set up an account – or to log onto an existing account – visit losscontrol.org and click

A black and white advertisement for Spectrum Enterprise. It features a woman in a dark suit and white collar, smiling. A large white play button graphic is overlaid on the image. The background shows a blurred architectural interior, possibly a government building.

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When Douglas Mayor Corey Hill went looking for ways to save money for his town’s general fund, he didn’t have to look any farther than his own business down the road.

Through AlabamaSAVES, a program of the Alabama Department of Economic and Community Affairs’ (ADECA) Energy Division, Hill had lighting and refrigeration upgrades installed at his grocery store. “We were saving around \$1,000 a month on our energy bill so I knew it was a good idea to have this done for the town,” Hill said. “Our energy bills were not excessive, but when you are a small town



Douglas Mayor Corey Hill had energy efficient lighting installed in several town-owned buildings after realizing energy savings at his own business through a similar project.

with limited revenue you look at every means possible to cut costs and save.”

Consulting with the Top of Alabama Regional Council of Governments (TARCOG), Hill learned that ADECA had a similar program that applied to local governments. TARCOG and the other 11 regional councils in Alabama are close partners with ADECA and a valuable resource for city and county governments seeking assistance with planning issues and grant applications. As a result, the Marshall County town was able to secure a \$9,115 grant to upgrade lighting at Town Hall, the Douglas Volunteer Fire Department building and the concession stand at the Douglas Municipal Park.

Hill took some additional energy saving measures to try to trim expenditures from the town’s \$650,000 annual budget by encouraging town employees, volunteer firefighters and park users to turn off lights when rooms were not occupied.

While the lighting refit work hasn’t been completed long enough to determine the fiscal savings, Hill said he has already noticed positive changes. “I know it has made a difference in the quality and brightness of the lighting,” Hill said.

AlabamaSAVES and the Energy Savings Performance Contracting programs are just a few of the Energy Division’s programs that benefit Alabama cities, counties and schools. Some of those programs, like the one Hill used, are geared toward business and industry while still others are aimed at improving the lives of individuals and families.

“Our Energy Division provides a diverse range of programs, but all of them involve the common denominator of conserving energy and saving money,” ADECA Director Kenneth Boswell said.

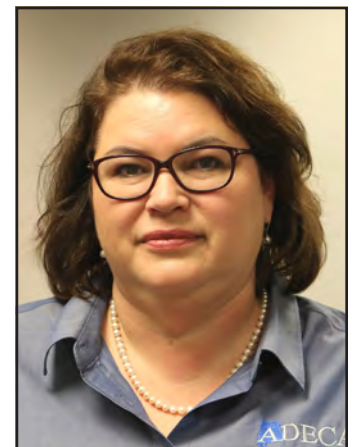
New Division Chief is a Proven Leader

Maureen Neighbors took over in January as Energy Division Chief at ADECA and brought with her a formidable background to lead the 20-member staff. Her vision is to make more local governments, schools and businesses aware of the impact Energy programs can have in making communities better places to live.

“I want us to be part of the different energy related projects and programs that are going on within the state,” Neighbors said. “ADECA is an agency of partnerships so I want to see how we can partner with other state agencies like the Alabama Department of Environmental

Management, the Department of Transportation and the Public Service Commission on energy opportunities and projects.”

A graduate of Auburn University, Neighbors has been employed with ADECA for nearly 15 years where she served as manager of several grant programs, including Recreation and Conservation and Community Services. She was also employed with the city of Memphis, Tenn. in the areas of housing



Maureen Neighbors was appointed ADECA Energy Division Director in January of 2017.



The Energy Division teams up each Earth Day with The Home Depot and the Central Alabama Electric Cooperative to promote energy awareness and explain energy efficient products used in home.

and community development and had her own consulting business where she wrote grant applications and drew up planning proposals for cities such as Andalusia, Hanceville, Fayette and Flomaton.

Neighbors is a proven leader, and she has hit the ground running with new ideas and energy objectives. Already Energy has teamed up in the River Region with The Home Depot and the Central Alabama Electric Cooperative on Earth Day and other events to promote energy savings. The Energy staff also makes itself available for school programs related to energy matters.

Range of Services Benefitting Municipalities

The Energy Division, which serves as the State Energy Office, was established to promote and encourage energy efficiency in homes, buildings, transportation and machinery. While the division offers grants and loans directly and indirectly to beneficiaries, but in smaller increments than most other ADECA programs. The division also lends out its energy expertise in various programs.

The Energy Division was created when legislation was passed in 1983 to create ADECA, consolidating five state agencies into one. Up until that time what was then the Alabama Department of Energy had been acting on its own; however, lawmakers determined that a single umbrella agency with several distinct functions would help eliminate repetition and save taxpayers money by reducing administrative staff. Over the years, programs have been developed and funded to promote

energy conservation. The division receives most of its funds from the U.S. Department of Energy; however, specialized state funds drive some of the programs.

One program benefitting municipalities is wastewater energy management assessment. Partnering with the Environmental Protection Agency (EPA), the Alabama Department of Environmental Management, the Tennessee Department of Environment and Conservation and the University of Memphis, preliminary and full assessments are conducted at no charge to advise wastewater treatment plants how to efficiently operate sludge ponds and save money. Among cities that have taken advantage of the program are Albertville, Clanton, Decatur, Monroeville, Pell City, Troy and Valley.

For years, the division has teamed up with the Alabama Rural Water Association to help rural water systems, including many in incorporated areas, to avoid financial losses. Through an Energy grant, ARWA provides training programs to help water system employees effectively detect and repair costly water leaks in broken lines. The program also instructs water systems on other methods to cut costs and adequately serve their customers.

ADECA's Energy Division has also responded in critical times. When one of several deadly tornadoes in Alabama struck Hackleburg in 2011, destroying much of the town and the area's largest employer, the Wrangler Distribution plant, the company considered closing the facility.



Energy's Liz Cochran explains energy efficient lighting to a customer at The Home Depot.

However, through a \$200,000 grant awarded to the town, VF Corp. was able to make extensive heating and cooling, ventilation and lighting repairs on an unused sewing plant. The renovations served as a temporary distribution plant

while a new plant was constructed, saving 150 local jobs.

The division administers funding for two energy assistance programs – the state Weatherization Assistance Program and the Low-Income Home Energy Assistance Program (LIHEAP). Both programs are aimed at helping low-income citizens address energy issues in their homes. The Weatherization program provides grant dollars to install attic, wall and floor insulation, seal duct work, perform HVAC system maintenance and repair, and more that will help improve energy efficiency and save money on heating and cooling bills. LIHEAP helps families meet the high costs of home energy. Citizens can apply for both programs through local community action agencies.

The Community Services Block Grant Program is administered through ADECA's Energy Division. ADECA receives about \$12 million annually to manage a variety of programs and community activities to help low-income citizens become gainfully employed and improve their quality of life.

Over the years, the division's programs have adapted to keep up with energy trends and innovations and maintain eligibility for federal funding. "We expect to continue to evolve as energy innovations emerge," Neighbors said. "Our intent is to be a viable division that strives to meet the needs and goals of Alabamians."

For additional information on ADECA's Energy Division and its various programs, visit online at www.adeca.alabama.gov/Divisions/energy.



The Energy Division led by Maureen Neighbors (front) oversees numerous programs to promote energy conservation, cut costs and reduce waste.

Alabama Energy and Residential Codes

The Alabama Energy and Residential Codes Board has updated the Alabama Energy and Residential Codes (AERC). The 2015 Alabama Commercial Energy Code took effect on January 1, 2016, and the 2015 Alabama Residential Energy and Building Codes took effect on October 1, 2016. Information about the codes can be found on the Alabama Department of Economic and Community Affairs (ADECA) Energy Division's website, adeca.alabama.gov/energycodes. Questions may be directed to Heather Goggin, ADECA Energy Division, (334) 242-5290 or codes.board@adeca.alabama.gov.

What are the Alabama Energy and Residential Codes?

- The 2015 Alabama Residential Energy and Building Code is the 2015 International Energy Conservation Code, as amended by the AERC Board (§305-2-4-.09 and 305-2-4-.10, *Alabama Administrative Code*). The amendments can be found at adeca.alabama.gov/energycodes.
- The 2015 Alabama Commercial Energy Code is either the 2015 International Energy Conservation Code (IECC) or the ANSI/ASHRAE/IES Standard 90.1-2013 (§305-2-4-.08, *Alabama Administrative Code*). The Board did not adopt any amendments for the commercial energy code, but local jurisdictions can choose whether they will enforce the IECC or ASHRAE.
- The Alabama Building Commission has also adopted the ANSI/ASHRAE/IES Standard 90.1-2013 for buildings under its jurisdiction.
- Neither the residential nor the commercial energy codes may be amended without specific approval from the AERC Board.
- While the AERC Board adopts the codes, all enforcement is done at the local level.

How does this affect municipalities?

- Because the energy codes are mandated federal regulations, the Alabama Residential Energy Code and the Alabama Commercial Energy Code are considered mandatory statewide minimums (§41-23-85, *Code of Alabama 1975*).
- Municipalities with a residential building code adopted as of March 9, 2010, may keep or update that code, with the exception of the energy provisions (Chapter 11 of the International Residential Code, as amended by the AERC Board).
- Municipalities *without* a residential building code adopted as of March 9, 2010, shall not adopt any residential code other than the AERC as adopted by the AERC Board, or a newer version thereof.
- Unless such a rule had been enacted prior to March 9, 2010, no local jurisdiction may enact an ordinance, rule, building code, or other legal device either restricting a consumer's right to install a residential fire sprinkler system, or requiring the installation of a residential fire sprinkler system.

How much do the 2015 Alabama Energy and Residential Codes cost?

- Two separate cost analyses, one from the Home Builders Association of Alabama and one from Alabama Power Company, found that with the amendments adopted by the AERC Board, the cost increase from the previous 2009 Alabama Energy and Residential Codes is less than 1%. The cost increase in changing to the energy provisions of the 2015 International Residential Code/ International Energy Conservation Code as published would have been approximately 4%.

What resources are available?

- The ADECA Energy Division funds training each year on the adopted energy codes. If your municipality is interested in either hosting or attending a training, please contact Heather Goggin with the ADECA Energy Division.
- The ADECA Energy Division website has several resources available:
 - An Adoption Package, which includes several draft ordinances as well as draft press releases
 - Case study videos
 - Updates on AERC Board meetings and activities, as well as past meeting minutes
 - A link to sign up for email updates on the codes, the Board, trainings, etc.

Why do the Alabama Energy and Residential Codes exist?

- As a condition of receiving funds through the American Recovery and Reinvestment Act of 2009, all 50 governors signed a commitment to implement building energy codes that achieve the following:
 - for residential buildings that meet or exceed the 2009 International Energy Conservation Code, or achieve equivalent or greater energy savings;
 - for commercial buildings that meet or exceed the ANSI/ASHRAE/IESNA Standard 90.1-2007, or achieve equivalent or greater energy savings;
 - and a plan to achieve 90% compliance with codes meeting the equivalent energy savings by 2017.

Aside from the mandated federal regulation concerning the energy codes, consistency in enforced codes is a tremendous benefit for builders, contractors, and consumers. For example, in Jefferson County alone, there are 33 enforcing jurisdictions. For a homebuyer, a consistent code means that they're getting an equivalent home regardless of where it's built. For builders and contractors, a consistent code eases the regulatory burden of compliance by reducing the number of codes that must be met.

Heather Goggin with the ADECA Energy Division is available to help with any questions or concerns that you might have concerning adoption, implementation or enforcement: 334-242-5290 or codes.board@adeca.alabama.gov.



ALM Welcomes Dana Buster, Office Assistant

Dana grew up in Enid, Oklahoma, moved to the “tri-county” area of Alabama in 2000 and is currently residing in Prattville. She graduated from Southern Nazarene University in 1986 with a B.S. in Business Management. Dana joined the League in July 2017 as Office Assistant and is a part of the Member Services Department. In her free time, she likes to run, read, watch football and spend time with family and friends. She especially loves time spent with her grandchildren. Dana attends East Memorial Baptist Church. ■

your municipal attorney, judge and prosecutor to register for our Fall Law conference, September 21-23, 2017 in Orange Beach. We have a great agenda planned which can be viewed at: For more information, contact the League's legal department, or visit the League's website, where links to information about AAMA and AMJA are posted.

Speaking of your municipal attorney, let's turn our attention to how to best utilize them.

Best Practices for Utilizing Your Municipal Attorney

While we can help in many ways, your League Legal Department can only do so much. The most important thing I can tell you, if you remember nothing else from this article, is that **every Alabama municipality must have an attorney to provide legal advice and represent the municipality's best interests.** While a handful of our member municipalities have full-time, on staff, attorneys, most municipalities in Alabama have an attorney available by contract when needed. I cannot overemphasize the vital role your municipal attorney plays in helping your municipality carry out its responsibilities and accomplish its objectives in a lawful manner. It is not the League Legal Department's role to interfere with the vital relationship between municipalities and their attorneys.

We are here to support that relationship and facilitate the exchange of information.

Role of the Municipal Attorney

There are no specific laws outlining the responsibilities of the municipal attorney in Alabama. As such, there are wide variations in the way in which a city or town utilizes its municipal attorney. Although the job of the municipal attorney varies depending on the size of the municipality and the complexity of the issues it faces and the services it provides, here is a list of some, but certainly not all, of the things that municipal attorneys typically do for municipalities:

- Give legal advice and opinions to the governing body, and other boards, commissions and departments;
- Draft resolutions, ordinances, deeds, contracts and other legal documents that the municipality is a party to;
- Represent the municipality's interests in legal proceedings;
- Attend governing body meetings and meetings of other boards and commissions, when requested;
- Review governing body agendas to identify potential legal problems;

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- Develop forms, policies and procedures to standardize government operations and ensure that the municipality is proceeding lawfully;
- Ensure that bodies acting in a quasi-judicial capacity do so in a meaningful way that ensures due process and develops an adequate evidentiary record;
- Advise the municipality regarding financial and tax matters;
- Assist in matters relating to land acquisition and development;
- In the case of the municipal prosecutor, prosecute cases involving ordinance violations; and
- Assist in ordinance codification.

Ten Tips for Using Your Municipal Attorney More Effectively

For those of you who attended one of our Newly Elected Official Training Seminars, this list may look familiar. The following list is not intended to be exhaustive but, rather, is a starting point for using your municipal attorney effectively.

1. Remember that you and the municipal attorney are on the same team. The municipal attorney should not be viewed as an obstructionist. It is the municipal attorney's job to protect the municipality by identifying potential legal problems and to assist the municipality so that it exercises its powers in a lawful manner. If you have specific goals, clearly communicate those goals to the attorney. It may be that the goal itself is unlawful. In that case, it is better to know that in advance in order to protect the municipality from liability. However, most often the end goal is legitimate and there are a variety of ways to achieve the desired result. The means of achieving the goal are less important than reaching the desired result, but using the wrong means can have significant legal consequences. Consult with the municipal attorney and allow the attorney to identify the various legal ways to achieve the desired result and the benefits and pitfalls of taking a particular route. Be open to the attorney's suggestions.

2. Remember who the client is. Municipal officials should bear in mind that the municipal attorney's client is the municipality, acting through its governing body, and not the individual officers or employees. Because the municipality is the client and it is often unclear who can speak or act on behalf of the municipality, it can be helpful for both the attorney and municipal officials if the governing body develops clear guidelines regarding who can contact the municipal attorney and under what circumstances it is appropriate to do so. In fact, for those municipalities who contract with an attorney, we would advise that the terms of the contract specifically outline who may contact the attorney on behalf of the municipality. Individual officers

and employees must understand that they themselves are not the attorney's client and that the municipal attorney may not be able to keep everything told to the attorney confidential. Moreover, officials and employees should not attempt or expect to persuade the municipal attorney to act in a manner that is inconsistent with the attorney's obligation to the client, the municipality.

3. Involve your municipal attorney early. When a municipality does not have in-house counsel, local officials are sometimes reluctant to call the municipal attorney because it costs money. Although the cost of legal services is a valid concern and it's unnecessary to call the municipal attorney for every little thing, the best advice is don't be penny-wise and pound-foolish. There are many times when an early request for legal assistance can save money and unnecessary headaches down the road.

Consult the municipal attorney whenever the municipality or its officers and employees are the subject of or receive legal documents such as complaints or subpoenas. Legal advice is also warranted whenever municipalities must follow specific statutory procedures in order to exercise certain powers - e.g., annexation of property, creating tax increment finance districts, imposing special assessments and impact fees, razing of buildings, zoning and platting matters, revocation of licenses. It's also wise to consult the attorney when failure to take adequate steps to protect the municipality can result in significant expense for the municipality. For example, in matters relating to development, failure to secure the necessary protections can leave a municipality responsible for making substantial and expensive improvements, completing unfinished work or redoing shoddy work.

It is also a good idea to seek legal advice whenever the municipality will be bound by contracts or other negotiations. With regard to significant contracts or negotiations, it's important to involve the attorney early, before all of the details have been worked out. Once a deal is ready to be concluded, it gains a momentum of its own and it is very difficult for an attorney who is brought in towards the end of the deal to have meaningful input. Furthermore, when an attorney is brought in late and then spots a number of legal issues and potential problems, it is much more expensive to address the problems and remedy them. Moreover, if the potential problems are not addressed and later become actual problems or lead to litigation, legal assistance becomes very expensive.

And finally, it is important to seek legal advice whenever a city or town is addressing personnel matters - from developing policies on through any disciplinary or termination proceedings. The potential for litigation on employment matters is always high and the municipal attorney needs to be in on any personnel matters from the ground level up.

4. Prepare before speaking or meeting with your municipal attorney. Just as a good lawyer should prepare to meet with a client, a client can and should spend time preparing to meet with an attorney. Doing your homework before meeting with the attorney will give the municipality the best value for the money it spends on legal services. The attorney often comes into a situation knowing very little about it. Take time, before meeting with the attorney, to identify and document the pertinent facts, and to identify what you think the important issues and concerns are. Understand what the municipality's objectives are and be prepared to explain them to the attorney.

5. Be very clear regarding expectations. Have a clear idea regarding the importance of the matter and convey those expectations to the attorney. Think about the role you expect the municipal attorney to play. Should the attorney write a formal opinion letter laying out the relevant facts and explaining the various options? Should the attorney draft certain legal documents? Is the matter a minor one where the attorney is being used primarily as a sounding board? Make sure the attorney understands the priority of the matter - low, intermediate or high - and that you explain what the

municipality's time frame is regarding the matter and when the answer or work product is needed.

6. Plan ahead for legal services. Give the attorney adequate time to research issues and answer questions. Don't demand an immediate response from the municipal attorney at a meeting. Municipal law is not a compact, well-defined body of law. Rather, municipal law includes a vast number of areas such as annexation, contracts, employment law, powers of governmental bodies, platting, zoning, open meeting and public record laws, public utilities (just to mention a few). Provisions relating to municipal law are complex and sprinkled throughout the statutes, both federal and state, and in administrative regulations. On top of that, there is often case law where the courts have interpreted these provisions. The municipal attorney should not be expected to have all the various provisions memorized or to "shoot from the hip".

7. Provide the attorney with the necessary resources to do the job requested or clearly limit the scope of the job. Do not ask your attorney to do a quick review of complex documents or just "look things over." If a review is to be meaningful, it is necessary to allow the attorney to take the time and measures necessary to do the job. The municipal attorney can commit malpractice by doing an inadequate job.



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Therefore, it is only fair to give the attorney some express indication if the attorney's review is intended to be limited in its scope.

8. Be candid with your municipal attorney. Know that your municipal attorney is not there to judge you. As such it is vital that you disclose all the pertinent facts and don't be selective. Although being selective in what you tell the municipal attorney may get you the answer you want, it may have significant consequences for the municipality later. With careful thought and planning, a good attorney can deal with bad facts. However, it is very difficult for an attorney to deal with damaging facts when the attorney is blindsided later in the process. In all likelihood, damaging or unfavorable facts will eventually be revealed, so be candid with your municipal attorney and make sure the attorney is aware of all relevant facts so he or she can figure out how they weigh in the equation and deal with them accordingly.

9. Understand that your municipal attorney cannot always give a concrete answer. Contrary to popular opinion, attorneys do not like to waffle. Attorneys like to be able to advise their clients with certainty, but quite often the law does not provide a clear-cut answer to a legal question. Although your municipal attorney should be able to analyze the law in a given area and make an educated prediction regarding the

likely outcome, there are times when the attorney will not feel comfortable making a prediction because it is too close for the attorney to call. In those situations, it is reasonable for the attorney to explain the relevant law and why the question is too close to call. The attorney should also explain the consequences given several different outcomes.

10. Remember that lawyers are legal advisors, not policy makers. The municipal attorney is a legal advisor and it is the attorney's job to help the municipality see what the options are and what the benefits and disadvantages might be of proceeding in a given way. The municipal attorney should not be pulled into politics and should be allowed to maintain independence and objectivity so that the attorney can give the correct legal answer rather than the desired legal answer. Once the legislative body has decided which way to proceed, the municipal attorney can then implement the plan and make sure the municipality carries out its powers lawfully.

Conclusion

The municipal attorney is a valuable part of any municipal team and, when used effectively, can do a lot to help the municipality carry out its responsibilities and lawfully achieve its goals while at the same time protecting the municipality and its officers and employees from significant liability. ■

F.A.Q.

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

Who appoints the City Attorney?

It depends. Unfortunately, there is no general statute that specifically outlines who appoints the city attorney. AGO 84-00063. However, issues regarding the appointing authority for a full-time city attorney have been decided under Section 11-43-81 of the Code of Alabama, 1975. AGO 2004-163. Section 11-43-81 states that the mayor "shall have the power to appoint all officers whose appointment is not otherwise provided for by law." Thus, the mayor has the power to appoint a full-time city attorney unless there is a local ordinance which makes some other provision for the appointment of the city attorney. AGO 84-00063.

However, the "it depends" statement above comes into play when the city attorney is part time and there is a contractual relationship between the city and the city attorney. Here the council would be required to approve the contract appointing the city attorney because, generally, the power to enter into contracts is vested in the council. Section 11-43-43 of the Code of Alabama, 1975 states that municipal councils are to exercise all legislative powers. In *Prichard v. Moulton*, the Alabama Supreme Court held that this section gives the council authority to enter into contracts for the city. *Prichard v. Moulton*, 168 So.2d 602 (1964). Section 11-43-56 confers control over all municipal finances and property on the council. Therefore, since most municipal contracts will impact city property or finances in some way, the decision to enter into a contract must be made by the council. ■

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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

Property: City was not precluded from acquiring title to real property by adverse possession without providing just compensation. *Tate v. Water Works and Sewer Bd. of City of Oxford*, 217 So.3d 906 (Ala.Civ.App.2016).

Forfeiture: Federal officials had adoptively seized \$33,600 in currency, which city police officer seized from driver's vehicle, before driver filed a complaint with state court for return of the currency, and thus, state court lacked in rem jurisdiction. Federal adoption of seizure in currency, which police officer seized from driver's vehicle, removed any duty by the state officials to institute condemnation proceedings regarding the currency. *Gray v. City of Opelika*, 216 So.2d 431 (Ala.Civ.App.2015).

DECISIONS FROM OTHER JURISDICTIONS

Tort Liability: A police officer did not violate a clearly established right when, during the course of a legitimate investigation into a noise complaint, he obtained consent to enter into a private residence and interrupted the investigation to order the resident to stop engaging in the religiously-motivated conduct of praying before issuing a citation. Thus, the officer was entitled to qualified immunity from the residents Section 1983 claim alleging the officer's actions violated her First Amendment rights. *Sause v. Bauer*, 859 F.3d 1270, (C.A. 10 Kan. 2017).

Ordinances: Even assuming that a city ordinance prohibiting registered sex offenders from residing within 1,500 feet of "where children commonly gather" infringed on an offender's protected liberty interest in residing in the location of his choice or infringed on his family's liberty interest in

residing together as a family in the location of their choice, the due process clause of the Fourteenth Amendment did not entitle the offender or his family to a hearing to prove that the offender was not currently dangerous and therefore should not be deprived of the liberty to live in the areas prohibited by the ordinance. The sole relevant question under the ordinance was whether the offender was required to register as a sex offender because of a conviction involving a minor, which the offender previously had an opportunity to contest in a full jury trial. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348 (C.A. 5 Tex. 2017).

ATTORNEY GENERAL'S OPINIONS

Military Leave: Section 31-2-13 of the Code of Alabama applies to employees of a gas district incorporated pursuant to Section 11 -50-390 of the Code of Alabama. Section 31-2-13 generally states that active members of the National Guard or any other reserve component of the uniformed services shall be entitled to military leave of absence from his or her civil duties on all days in which the person is engaged in training up to a maximum of 168 working hours per calendar year. AGO 2017-032.

Public Records: Draft documents, such as versions of proposed administrative rules and legislation, used internally by the Alabama Department of Revenue, are not subject to disclosure under the Open Records Law. Draft documents shared externally, as well as internal and external correspondence, such as emails, on possible actions to be taken by Revenue, are also not subject to disclosure. AGO 2017-036.

E-911: Nothing in the current law prohibits a municipality from establishing its own emergency communication district ("ECD"), even though a countywide ECD is already in existence. The Statewide 911 Board ("Board") is not required to provide funding to a newly created ECD. The Board may, however, at its discretion, provide a hardship operational grant to a newly created ECD. Further, a newly created ECD may receive funds from other entities pursuant to section 11 -98-6(b) of the Code of Alabama. AGO 2017-038.

Board of Education: The State Superintendent of Education or the State Superintendent's chief administrative officer have exclusive authority to implement an educational intervention of a city or county board of education under Section 16-6E-4 of the Code of Alabama. AGO 2017-041. ■

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VIRTUALIZATION TECHNOLOGY - WHAT IS YOUR REALITY?

Chuck Stephenson,
Director of Information Technology, ALM



Virtual reality... It is one of the most exciting new technologies to emerge recently. The ability to immerse oneself in a setting that appears as real as the one that is actually surrounding you is amazing. This technology can take you almost anywhere, from ancient Mongolia and Genghis Khan to riding on the Millennium Falcon with Han Solo and Chewbacca. The technology is so effective, that there are viral videos showing people using the technology and being so immersed in it that they fall down while trying to perform the activities shown in the virtual reality environment!

While this technology is neat, unfortunately there is not a present business use for most organizations. However, many years ago, there was a movement to virtualize much of the equipment used by businesses. The idea behind this movement was to lower the overhead costs associated with the technology requirements of businesses. The first benefactors of this were large organizations with hundreds of servers and PCs. Eventually, the technology improved and the cost lowered to a point that allowed smaller organizations to begin using it.

So ... what is it?

Great question! I'm glad you asked. Virtualization allows an organization to make better use of the hardware they purchase. In what we will call the "pre-virtualization" world of IT, if you had a need for a server, you purchased a server and used it for one or more purposes. Unfortunately, that server was only good for one or two programs and then you would need to purchase another server, more licenses and, of course, make sure you had enough physical space for an additional server. This cycle would often repeat itself many times over (depending on the size of your organization) until one day you were housing 10, 15, 20 or possibly more.

Virtualization technology allows you to take one physical server and use it to host those 10, 15, 20, etc. virtual servers on it. The physical server that houses the virtual servers is called a "host", and the virtual servers are referred to as "virtual machines" (VMs). The software makes the various server operating systems think they are loaded on individual physical servers.

A brief history ...

This technology has been around a lot longer than most people realize. The idea of computer virtualization actually began in the 1960s with companies like IBM, GE and Bell Labs. However, it wasn't until 1998, when a company called VMWare was founded, that virtualization technology really became a viable option. In 2001, VMWare introduced their server virtualization product, currently titled VSphere, and quickly became the market leader. Today there are additional providers: Microsoft has hyperV and Citrix has a product called XenServer.

Why You Should Use Virtual Machine (VM) Technology

The technology for virtualization has reached maturity and is stable. One of the many assets of virtualizing your server infrastructure is high availability. If you have two hosts (and network storage for your servers, i.e. SAN, NAS, etc.) for your VMs and one fails, the virtualization software will move the VMs from the failed host to the still functioning host. This means that you will experience very little downtime. Virtualizing your infrastructure will also make disaster recovery planning easier. Virtual machines are easier to transfer to remote locations than physical servers and take less time to bring back online. Most disaster recovery/backup tools already utilize some sort of virtualization technology; therefore, if *your* infrastructure is virtualized, the recovery process is less complicated.

Another advantage to this technology is the convenience when it comes to maintenance. With a virtualized environment, your IT staff can move all the VMs from Host A to Host B and perform any maintenance (scheduled or otherwise) on Host A without any downtime. Speaking of maintenance, this technology also allows admins to take "snapshots" of servers prior to making changes or performing maintenance. This will allow the server to be reverted back to its original state with the push of a button. That means that even if the maintenance or changes made to the server cause it to crash, reverting to the snapshot will bring the server back to the working state it

was in prior to the event that caused the issue. (Assuming the admin takes a snapshot prior to the maintenance.)

Why You Should NOT Use VM Technology

There are not many reasons I can think of to not use this technology – admittedly, it is a large part of my career background – but there are some areas that might give pause.

The cost. Granted, virtualization is not new technology, and the cost has come down considerably; however, many will still get sticker shock when the quote arrives for beginning to virtualize the infrastructure.

The need/benefit. Depending on the size of your server infrastructure, there may be no need/great benefit to virtualizing. If an organization only has one server, then the benefits that will be gained by virtualizing may not be enough to offset the cost involved.

Specialized knowledge. The initial virtualization and the day-to-day operations will require some specialized knowledge. Although, since most organizations have someone with technical knowledge managing their servers already, the hindrance is not significant and can be easily mitigated with some additional training.

Final Thoughts

While virtualization may not be the answer for every organization, it is definitely worth investigating. The benefits of implementing it far outweigh the drawbacks. As someone who has been working with the technology for over a decade, I can personally attest to its usefulness and advantages. ■

Terms of the Trade

- **Virtual reality** – the computer-generated simulation of a three-dimensional image or environment that can be interacted within a seemingly real or physical way by a person using special electronic equipment, such as a helmet with a screen inside or gloves fitted with sensors.
- **SAN (Storage Area Network)** – a storage-area network (SAN) is a dedicated high-speed network (or subnetwork) that interconnects and presents shared pools of storage devices to multiple servers.
- **NAS (Network Attached Storage)** – a type of dedicated file storage device that provides local area network (LAN) nodes with file-based shared storage through a standard Ethernet connection. (Similar to a file server.)
- **VM** – Virtual Machine (virtual server).
- **Millennium Falcon** – the fastest hunk of junk in the galaxy, capable of attaining 0.5 past lightspeed, that “made the Kessel Run in less than twelve parsecs.”



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One of the most difficult minefields to navigate for local officials is public discussion and decision making on the management of Municipal Solid Waste (MSW). The topic is regularly in the media and heated and vocal public opinion continues to dominate public hearings and other forums when considering MSW management needs.

While the disposal of MSW in Alabama remains nearly constant at approximately 4,500,000 tons annually, the number of landfills continues to decrease. In fact, the number of MSW landfills in Alabama has decreased from more than 50 in 1995 to 33 in 2017. This trend has also borne out nationally with MSW landfills decreasing from approximately 2200 to less than 1800 during that same timeframe. This decrease has led to the need for a more comprehensive determination of a community’s requirements for the management of MSW, including potential options to disposal. The community review should include a total cost analysis approach to not only disposal, but options such as recycling. The review of recycling as an option should include commodity mix and marketability, collection method and potential participation rates. Other more intrinsic factors such as community pride and litter reduction should also be considered during the decision process.

Planning Tools for Waste Management

Integrated Solid Waste Management (ISWM) planning tools exist that use generation rates and economic data in a total cost benefit approach to best determine a community’s future solid waste needs. These models allow for an in-depth consideration of the total costs of MSW management, from generation to final disposition – including whether management occurs through reuse, recycling, waste to energy or disposal. ISWM tools also provide information on how materials in the waste stream may support existing jobs and help recruit new business and industry.

For instance, consideration should be given to not only the value of the materials themselves but support for existing jobs and other economic impacts provided by recycling. Investments in recycling made at the local level may assist in increasing availability and decreasing the cost of recycled materials to local manufacturers. This can help to retain existing industries as well as the jobs and tax base they provide. Just as important is the value to economic development and the recruitment of new industry. For example, a SERDC study of 42 Alabama manufacturing facilities that rely on recycled products found that they have annual sales of \$7.8 billion and employ over 17,350 Alabama workers. This study also revealed

that recycling only 10 percent more MSW would result in an additional 1,400 jobs, \$66 million in personal income and \$3 million in additional state tax revenue.

Community Recycling Programs

Once the decision has been made to implement a local recycling program, the initial investment and operational funding level, method(s) of collection, infrastructure needs, accepted material mix and outreach components must be determined and clearly defined. While a total cost benefit analysis of recycling usually yields positive economic returns, and some local recycling programs may generate revenue, most programs will require some funding to operate. However, much of the economic data surrounding the costs of recycling include the start to finish approach of many local communities that collect, sort, process, bale and market collected materials. The costs of each step in the process add up – not only due to the costs of balers, conveyors and additional equipment, but space, labor and other costs.

The situation is similar to past disposal practices when landfills were more numerous and local then they are today. As consolidation and regionalization takes place, regional landfills reduce operational costs through transfer stations which are utilized in a type of hub and spoke system. As with disposal, and with or without the use of transfer stations,



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the transportation of recyclable materials collected in single stream fashion to regional hubs for further processing can reduce the labor, cost intensive processing and marketing costs. In fact, this was the top best practice recommendation of an Alabama Recycling Partnership/SERDC study. It stated that the best opportunity for the growth of recycling was to establish a regional recovery system based on a few large material recovery facilities that aggregate materials from multiple community recycling programs via a connected network of spokes along transportation corridors. As an added bonus, prices for commodities are also higher for truckload quantities from regional materials recovery facilities (MRF) than for individual bales or pallet sized loads of materials generated by smaller community programs.

Funding

Funds for infrastructure development and program operations may be provided through grants such as those provided by ADEM, cost share or rebate agreements from materials processors and end users or through local funding. Additionally, and sometimes in lieu of rate increases for disposal, costs may be passed to the users of the system. Pay as You Throw (PAYT), differential pricing and other methods are utilized in different communities. Commonly, collection costs may be defrayed by moving to less frequent trash pickups in order to add recycling collection to routes. There is no one-size-fits-all solution so each community will most likely have a different approach.

All programs should strive to run as efficiently as possible. They should collect materials that have value to business and industry, while being cognizant of issues related to contamination to materials not accepted by the program as well as the costs of transportation. In many instances, equipment and facilities used for waste collection and transportation (transfer stations,

forklifts) can also be used for collection and transportation of recyclables. Again, a total cost benefit analysis should be used versus just comparing the recycling program costs to current per ton disposal costs.

Collection Methods

As to collection method, research has shown that the greatest diversion of recyclable commodities from the disposal stream has been through curbside single stream recycling, preferably using roll carts where all recyclables are collected in one container versus different containers for different materials. Many cities in Alabama run successful single stream curbside programs including Florence, Athens, Troy and Fairhope. While having lower participation and diversion rates than curbside, drop-off programs can also be successful. Examples of strategically placed drive-up collection centers are in Tuscaloosa County and Mobile, among others. In general, the more successful programs use the same collection method for recycling as is performed for waste collection.

Priority Materials

Current priority materials accepted by most community programs include steel and aluminum cans and containers, cardboard, plastics #1 (PET/PETE – water or soda bottle type), plastic #2 (HDPE – shampoo or detergent bottle type) and mixed paper. Other commodities collected depend on marketability and include plastics #3-#7, old newspaper and other less common and/or more difficult to recycle components of the MSW waste stream such as glass. Glass collection is rapidly declining due to low value and high weight as well as its tendency to contaminate other materials in the recycling single stream mix. Most experts now recommend glass to be collected only in drop-off programs or separately at drop-off stations in areas with curbside service. Even without glass, studies by the

North Carolina recycling program revealed an average of approximately 650 pounds per household per year of recoverable recyclable material.

In all cases, the ability to market, collection costs and other factors should be carefully reviewed when determining the material mix accepted. Commodities brokers and end users should be consulted for desired specifications of materials to be marketed. An additional factor is how commonly collected those



materials are when considering their transportation along a regional hub and spoke system. A common suite (or the same materials collected system wide) of materials is recommended where feasible. This provides an opportunity for common messaging, branding and education along the hub and spoke system. Regardless of how the program is structured, consistent messaging and regular communication to citizens is tantamount to success. Such communication must include information about acceptable materials, collection dates and times, costs involved and benefits to the community, methods to reduce contamination as well as other issues.

Conclusion

The decision to develop and implement a local recycling program is not one to be taken lightly, and is one of the more complex issues local community and municipal leaders may face. Economic benefits including the reduced need for potential rate increases, support of existing jobs, economic development and simply the perception of a community to existing and potential residents should not be discounted. If the decision is made to provide recycling services, factors including those previously discussed (hub and spoke, curbside vs. drop-off, common suite of materials) must be carefully considered and fully researched. These factors should also be communicated during the decision-making process. Organizations such as

the Materials Management program at ADEM, the Alabama Recycling Coalition (ARC), SERDC and others are available for assistance to those investigating a new local recycling program or modifying an existing one. Decisions on management of MSW at the local level must utilize comprehensive and accurate information. However, when utilizing a total cost benefit approach to determine economic impact, a recycling program can yield positive benefits to a local community. ■

As Chief of the ADEM Materials Management Section, Gavin is responsible for the Alabama Recycling Program, Scrap Tire Permitting/Compliance and Marketing Programs. He joined ADEM in 1992 and has worked in grant management, program development, technical assistance, recycling, source reduction, site assessment and remediation, and other multimedia Departmental programs including Pollution Prevention and Environmental Education. For more information on ADEM, visit www.adem.state.al.us.



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ALM Vice President Jesse Matthews, Bessemer Council President; Mayor Todd Strange, Montgomery; Mayor Leigh Dollar, Guntersville; and ALM Executive Director Ken Smith.

Mayor Walt Maddox said the purpose of the task force is for the Alabama League of Municipalities to examine how online shopping is negatively impacting sales taxes, businesses licenses and use taxes. “In most of Alabama’s towns and cities, these funding sources represent the majority of general fund revenues,” he said. “It’s how we fund fire, police, parks and infrastructure. For the City of Tuscaloosa, 68 percent of our general fund revenue is derived from gross sales, and we estimate that we are losing \$7 million annually in online sales. Making matters worse – from our state constitution to a myriad of enacted local laws – municipalities have limited authority to address this critical issue in a manner that reflects the needs of their communities.”

Maddox further emphasized one of the main objectives of the Digital Economy Task Force is to provide Alabama’s

Legislature with a data-driven summary of the challenges that Alabama’s municipalities are facing, and how it impacts not only the ability to deliver services but threatens the integrity of municipal credit ratings. “In addition, we will provide the Legislature with potential solutions that allow Alabama’s towns and cities to align our 21st Century, technology-driven economy with a 21st Century revenue code,” he said. “I want to thank President Rubenstein, Vice-President Matthews and ALM team members for leading and supporting this effort.”

The Digital Economy Task Force, along with ALM staff, will partner with institutes of higher education as well as other professional groups and stakeholders to determine current and future trends and how the digital economy is threatening the ability of Alabama’s municipalities to provide essential services to its citizens.

The first meeting of the Task Force is set for September 18 in Tuscaloosa. Stay tuned. ■



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