

THE ALABAMA MUNICIPAL **JOURNAL**

July 2002

Volume 60, Number 1

Congratulations CMO Graduates!



2002 Basic CMO Graduates



2002 Advanced CMO Graduates

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102

CHANGE SERVICE REQUESTED

Presorted Std.
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

See story, page 7

ADD PEACE OF MIND



By joining our Municipal Workers Compensation Fund!

- Discounts Available
- Accident Analysis
- Personalized Service
- Monthly Status Reports
- Directed by Veteran Municipal Officials from Alabama
- Over 550 Municipal Entities Participating

Write or Call TODAY:

Steve Martin
Municipal Workers
Compensation Fund, Inc.
P.O. Box 1270
Montgomery, AL 36102
334-262-2566



Millennium Risk Managers
P.O. Box 26159
Birmingham, AL 35260
1-888-736-0210

THE ALABAMA MUNICIPAL JOURNAL

Official Publication, Alabama League of Municipalities

July 2002 • Volume 60, Number 1

• OFFICERS

GEORGE ROY, Mayor, Calera, President
 DAN WILLIAMS, Mayor, Athens, Vice President
 PERRY C. ROQUEMORE, JR., Montgomery, Executive Director

• CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation
 MICHAEL C. DOW, Mayor, Mobile, Chair
 CARROLL L. WATSON, Lincoln, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations
 BARBARA PATTON, Mayor, Opelika, Chair
 CHARLES MURPHY, Mayor, Robertsedale, Vice Chair

Committee on Energy, Environment and Natural Resources
 DEBBIE QUINN, Councilmember, Fairhope, Chair
 ARTHUR DAVIS, Councilmember, Calera, Vice Chair

Committee on Community and Economic Development
 BOB BUNTING, Mayor, Ozark, Chair
 LEE GARRISON, Councilmember, Tuscaloosa, Vice Chair

Committee on Transportation, Public Safety and Communication
 DON MOORE, Councilmember, Uniontown, Chair
 LEWIS E. WASHINGTON, SR., Councilmember, Wetumpka, Vice Chair

Committee on Human Development
 NANCY SEWELL, Councilmember, Selma, Chair
 TOM OWINGS, Councilmember, Brent, Vice Chair

• THE STAFF

PERRY C. ROQUEMORE, JR., Executive Director, perryr@alalm.org
 KEN SMITH, Deputy Director/Chief Counsel, kens@alalm.org
 STEPHEN S. MARTIN, Finance Director, stevem@alalm.org
 ROBERT C. BLACK, General Counsel
 CARRIE A. BANKS, Communications Director, carrieb@alalm.org
 GREGORY D. COCHRAN, Director, State and Federal Relations, gregc@alalm.org
 BARBARA McCORD, Member Services Director, barbaram@alalm.org
 LORI LEIN, Staff Attorney, loril@alalm.org
 TWANNA MILLER KING, Legal Research, twannak@alalm.org
 EDYE GOERTZ, Receptionist, edyeg@alalm.org
 SHARON CARR, Receptionist, sharonc@alalm.org
 FAITH ANN GUNN, Accounting Manager, faitha@alalm.org
 THERESA ROGERS, CMO Program Administrator, theresar@alalm.org
 RACHEL WAGNER, Librarian, rachelw@alalm.org
 LAURA ANNE WHATLEY, Legal/Communications Assistant, lauraw@alalm.org
 STEVE WELLS, President, AMIC, stewew@AMICentral.org

• ACTIVE MEMBERS (433)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileyton, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Blountsville, Blue Springs, Boaz, Boligee, Branchville, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Cardiff, Carrollton, Castleberry, Cedar Bluff, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Daleville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Denopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Ethelsville, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florala, Florence, Foley, Fort Deposit, Fort Payne, Franklin, Frisco City, Fulton, Fulntondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Haleburg, Hackleburg, Halesville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, Lafayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, Madison, Madrid, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mountainboro, Mulga, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, North Johns, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orrville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Petrey, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pisgah, Pleasant Grove, Pleasant Groves, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Sheffield, Shorter, Silas, Silverhill, Sipsy, Skyline, Slocumb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

Published monthly by The Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104, telephone (334) 262-2566. Web address: www.alalm.org. Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Contents

Perspectives	4
CDBG Funding Available for Variety of Community Development Needs.....	5
President's Report	7
2002 CMO Graduation Ceremony Held June 26th	
Municipal Overview	9
The Federal Legislative Process	
Environmental Outlook	17
Gulf Shores Proposes Wetland Nature Park	
The Legal Viewpoint	19
U. S. Supreme Court Update	
Legal Notes	23
Speaking of Retirement	29
Obituaries	30

JSU Study Shows Alabama Cities to be Great Places to Retire

According to recently completed community inventory assessments, Alabama has at least 25 cities which are great places to retire. Research and interviews with local officials in each city by staff members of the Center for Economic Development at Jacksonville State University focused upon the retirement amenities which migratory retirees look for when assessing a community as a permanent place to retire. When matched up with the amenities retirees want, each of the cities rated very highly.

The JSU studies, funded by a grant from the Alabama Department of Economic and Community Affairs, were designed to help communities determine how closely they match with what retirees are seeking and to determine what strategy they can use to attract retirees.

In searching for the ideal location, these retirees consider a number of amenities, including low crime rates, good medical facilities nearby, low overall cost of living, mild climate, low overall taxes, low housing cost, convenient shopping, friendly neighbors, a major city nearby and an active social/cultural environment. The JSU Center looked at how each city measured up to what migratory retirees want.

Surveys show that most retirees prefer small towns and rural areas as better places to make ends meet and to get in touch with more important values. Such retirees see the overall quality of life as being better outside of larger cities, but want to be within a reasonable distance of one for the additional amenities it offers.

"There are cities and other areas all over Alabama which would be ideal for migratory retirees and would match up well to what retirees want. In this round of assessments we just scratched the surface of what Alabama has to offer," said Pat Shaddix, Director of the JSU Center.

Jacksonville State University initiated the pioneering research in retiree attraction as an economic development strategy providing an alternative to "smoke-stack chasing" for rural Alabama communities. One affluent retiree locating in a community is the equivalent to three factory workers as far as economic impact. Cited as one of the most powerful economic development tools, retirees create no burden on infrastructure and they bring outside funds directly into a

community. In addition, they generally have a disposable income far greater than that of the average working member of the population and they spend it locally.

Cities included in the inventory assessments were Andalusia, Atmore, Auburn, Bayou LaBatre/Coden, Centre, Clanton, Cullman, Decatur, Dothan, Fairhope, Foley, Gadsden, Guntersville, Huntsville, Jasper, Madison, Monroeville, Montgomery, Pell City, Prattville, Russellville, Selma, Shoals Area, Troy and Wetumpka. ■

Huntsville Convention Hotels for April 26-29, 2003

Huntsville Hilton
256-533-1400

Huntsville Marriott
256-830-2222

Holiday Inn Express
256-721-1000

Holiday Inn Research Park
256-830-0600

Guest House Suites Plus
256-837-8907

County Inn and Suites
256-837-4070

CDBG Funding Available for Variety of Community Development Needs

By: Laura Anne Whitley

Legal/Communications Assistant, Alabama League of Municipalities

Editor's note: This is Part I of a two-part series on Community Development Block Grants and how to apply for funding. Part II will appear in the August issue of The Alabama Municipal Journal.

Does your community need funds to provide essential community facilities to meet community development needs? Do you have low-to-moderate income persons who could benefit from new jobs, roadwork, water/sewer improvements or rehabilitated housing? If the answer is yes, then there is a grant available to you! Through a two-part series, we will try to provide you a detailed look at the Community Development Block Grant, or the CDBG, by explaining what it is and how your community can apply for the program.

Community Development Block Grant Program

The CDBG has been available as a federal program, most commonly known as the HUD Program, since 1974 and has provided grant funds to numerous communities nationwide. The CDBG is an annual grant that directly addresses quality-of-life issues by supplying funds for community development needs. For example, CDBG funds can be used to purchase property for public use, develop new streets or make improvements to playgrounds.

The CDBG originates as a federally funded program called the Community Development Block Grant Entitlement Communities Program. This aspect of the CDBG provides funding to metropolitan cities and urban counties. Another aspect of the CDBG is the State Community Development Block Grant Program, which is more applicable to smaller cities and towns.

In 1982, the CDBG became available to the communities of Alabama. The CDBG state level program is run through the Alabama Department of Economic and Community Affairs, or ADECA, and has seven funds within the program to meet the needs of individual municipalities. Dividing the grant into multiple funds provides specific categories in which municipalities can submit an application and, in turn, apply the grant to their individual community needs.

Community Enhancement Fund

The first fund is the CDBG Community Enhancement Fund. This fund is created to assist the state in providing quality-of-life enhancements through projects that will improve municipal services. Improvements that are applicable to the Community Enhancement Fund include: fire/emergency 911 telephone service, recreational facilities, community centers, senior centers, fire protection, historic preservation, housing rehabilitation, sewer services, street improvements and water services. A total of \$4 million is allotted for the Enhancement Fund per year through ADECA and a maximum of \$250,000 is awarded for each Enhancement Grant. Last year more than 100 cities and communities applied for the Community Enhancement Fund and 18 were funded. In addition, 13 senior centers were completed.

Competitive Fund Program

The second fund is the CDBG Competitive Fund Program – the largest source of available money to Alabama that is distributed annually through the CDBG program. This fund is typically used for housing rehabilitation, water or sewage improvements, roadway repairs, as well as many other community needs.

Under this program, communities compete in three categories depending on the size of the municipality. The categories are small city, large city and county. Within the different categories, communities compete for grant awards through a point system consisting of a needs evaluation of the municipality.

The first point considered is Jurisdictional Need/Distress, which factors the percentage of households in the affected area with an income of less than 80 percent of the state average income. The need/distress is worth 60 points. The second point considered is the Cost/Benefit Ratio. The Cost/Benefit Ratio is determined by a comparison between the project the municipality wishes to conduct and a similar project that has been performed. A Cost/Benefit Ratio is allotted up to 35 points. The third point examined is the Nature

continued next page

of Benefits. The Nature of Benefits, which is worth 45 points, weighs the importance of the project and how it will assist the community. The fourth point considered is called Match, and takes into account local or private funds that will be used in conjunction with the grant requested. A Match can bring up to 10 points. The final point taken into consideration is the Percent Benefit to LMI (Low Moderate-Income Persons). The Percent Benefit to LMI, which can award as many as 50 points, determines the proportion of Low and Moderate-Income persons that will benefit from the project. The total number of points a city can have is 200 points.

An average of 30 to 45 grants are awarded each year through the Competitive Fund Program. Each year, \$16,900,000 is given to ADECA for the Competitive Fund Program. Last year, 93 communities and cities applied for the Competitive Fund Program and 37 were awarded with the grant. A maximum of \$500,000 can be requested by small cities – those with a population below 3000; and a maximum of \$600,000 can be requested by large cities – those with a population of 3000 or above. Counties may only apply for a Single Purpose Program, which means that only one project is considered, and has a maximum potential of \$500,000. Small cities and large cities may also apply for a Single Purpose Program if there is only one project to be addressed and can receive \$500,000 for the project.

Economic Development Fund

The third fund of the CDBG is the Economic Development Fund. This fund was created in large part to aid in the growth and development of new businesses, particularly when new jobs are created. The fund also serves to help save endangered jobs through business improvements of an existing business. This is the only fund in which a municipality can apply for more than one at a time. Although this fund allots a maximum of \$200,000-\$250,000, if the project exceeds this maximum, the community may apply for more grant money under the Economic Development Fund. Last year, 22 communities applied and 21 grants were awarded, two of which were a double award. Each year ADECA is given \$6 million for the Economic Development Fund.

CDBG Special Fund

The fourth fund of the CDBG program is the CDBG Special Fund. This division of the grant is provided to aid communities in solving situations that create a serious hazard to public health safety, such as a sewage spill, and when there appears to be no local resources available. A community can receive as much as \$350,000 from the Special Fund. Last year, 28 communities applied for the Special Fund and 18 were awarded. A total of \$3,546,620 is allotted per year

for the Special Fund.

Planning Fund

Another fund of the CDBG program is the Planning Fund. This fund is provided for communities in the event that planning or research for future projects is needed. A total of \$150,000 is in the Planning Fund and a maximum of \$50,000 can be requested.

Additional Funds

The final two CDBG programs include the Administrative Fund and the State Technical Assistance Fund, both of which provide ADECA staff to help communities interested in the CDBG Program.

Conclusion

The most discouraging aspect of the CDBG program is that too many cities and towns are not utilizing it. Unfortunately, many cities and communities do not understand the CDBG Program, its uses and benefits, or they do not know how to obtain the grant. In next month's issue, the application process for each fund of the Community Development Block Grant will be discussed. However, for immediate information on CDBG and its various funds, contact Shabbir Olia, Manager of the Community Development Block Grant, ADECA, at 334-242-5456 or visit the ADECA website at www.adeca.state.al.us. ■

"A New Source of Revenue For Your Municipality"

**"Join the
Winning Team"**

- Pelham
- Jasper
- Scottsboro
- Alexander City

The City of Pelham has shown an 87% reduction in lost time accidents with a corresponding \$871,722 savings in insurance premiums over a 7 year period.

JDA's commitment to your company is to insure safety performance through behavioral changes, awareness and incentive awards.

Our Visual Safety Incentive Program Advantages Are:

- No Start-Up Costs
- Experience
- Customization
- Quality & Service
- Fixed Budget



For More Information Call Today!

Junior Davis & Associates, Inc.

2041 Oak Mountain Drive

Pelham, Alabama 35124

205-620-9961 ext. 221

www.junlordavis.com



The President's Report

George W. Roy
Mayor of Calera

2002 CMO Graduation Ceremony Held June 26th

On June 26th, the League held commencement ceremonies in Montgomery for its Elected Officials Training Program. These graduation exercises marked the seventh group of officials to receive their basic CMO (Certified Municipal Official) certification and the fourth group to receive their advanced CMO certification.

The Elected Officials Training Program consists of a series of one-day continuing education programs designed for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal training in municipal government.

Officials who complete 40 credit hours of training are awarded the professional designation of Certified Municipal Official. Training sessions are conducted twice each year at four regional sites throughout the state. Additional hours may be earned by attending designated sessions during the annual League Convention and other approved events sponsored by the League and the National League of Cities. A limited amount of credit may be obtained by attending other approved courses. The training program can be completed in as few as two calendar years.

The Elected Officials Training Program is an on-going project of the Alabama League of Municipalities to fulfill the education mandate contained in its constitution.

The first session of the Elected Officials Training Program was held at the Adams Mark Hotel on September 22, 1994. The same program was offered in Birmingham, Montgomery and Huntsville. Nearly 200 officials enrolled in the program during the first sessions. Currently more than 2,000 municipal officials are enrolled and have attended one or more courses.

Subjects that have been taught in these sessions include council meeting procedure, rules of parliamentary procedure, the Alabama Sunshine Law, public records, ordinance drafting, powers of municipalities, ethics laws, conflicts of interests, duties of mayors and councilmembers, tort liability,

annexation, zoning, subdivision regulation, municipal revenues and expenditures, the competitive bid law, personnel issues, insurance issues and regulatory powers of municipalities.

In 1998, the League added an Advanced CMO Program for those officials who have received the CMO designation and desire additional training.

During its January 2000 meeting, the League's Executive Committee approved the addition of a continuing education requirement to the Elected Officials Training Program. The Committee members felt that the new requirement would strengthen the CMO Program.

As of January 1, 2000, each Advanced CMO Graduate is required to earn ten (10) credit hours of approved training within two (2) calendar years to maintain their Advanced CMO active status. Any CMO Advanced Graduate who does not earn at least ten (10) approved credit hours of training within two (2) calendar years will have their Advanced CMO status designated as "inactive" until such time as the required ten (10) hours of approved credit is earned. The continuing education credits started at the 2000 Convention in Birmingham.

This year a total of 65 municipal officials successfully completed the requirements to receive their CMO certification. Thirty-one officials received their Advanced CMO certification.

Representative Bill Dukes of Decatur addressed the 2002 graduates of the Elected Officials Training Program during graduation exercises held in Montgomery.

Representative Dukes was a key player in municipal government for 27 years – 18 of which he served as Mayor of Decatur. A Past President of the League, Representative Dukes was elected to the Alabama Legislature in 1994 and currently serves as Chair of the House Local Government Committee. Following his comments, Representative Dukes handed out plaques to those graduates who were able to attend the commencement ceremonies. The 2002 graduating class of Certified Municipal Officials and Advanced Certified Municipal Officials is listed on the next page. ■



Rep. Bill Dukes addresses graduates at the CMO ceremony.

Congratulations to the 2002 Basic and Advanced CMO Graduates!

ADVANCED CERTIFIED MUNICIPAL OFFICIALS

Council Member Andy H. Alexander, Andalusia
Council Member Fredonia W. Smith, Ashland
Council Member Michael T. Phillips, Bay Minette
Mayor Roy H. Dobbs, Berry
Council Member Dorothy J. Davidson, Bessemer
Council Member Thomas G. Owings, Brent
Mayor Ted F. Jennings, Brewton
Council Member Walter O. Lewis, Brewton
Council Member Jerry L. Webb, Cedar Bluff
Mayor Clay P. Powell, Centre
Council Member Don A. Mack, Centreville
Council Member Margie P. Sanford, Childersburg
Council Member Ann Baker, Clanton
Mayor Frank R. Houston, Coosada
Mayor Charles Gruber, Elberta
Mayor Glen Zorn, Florala
Council Member E. D. Walker, Headland
Council Member Charlene B. Holloway, LaFayette
Council Member Sadie S. Britt, Lincoln
Mayor Sarah J. Holt, Locust Fork
Mayor Edward Daniel, Marion
Council President Alice D. Reynolds, Montgomery
Mayor Barbara H. Patton, Opelika
Mayor Bob Bunting, Ozark
Council Member Joe R. Outlaw, Ozark
Council Member Michael E. Renegar, Prattville
Council Member Nancy G. Sewell, Selma
Mayor Wally Burns, Southside
Council Member James D. Barton, Tallassee
Mayor Eugene A. Melton, Trussville
Former Council Member Freddie L. Washington, Tuskegee

BASIC CERTIFIED MUNICIPAL OFFICIALS

Council Member I. J. Mobley, Alexander City
Council Member Henry P. Scott, Alexander City
Council Member Harry R. Hinson, Andalusia
Mayor Curtis Jackson, Autaugaville
Mayor Sonny Dobbins, Bay Minette
Council Member Taylor Rider, Bay Minette
Council Member Bernard W. Gazzier, Bayou La Batre
Council Member Gary Pendley, Berry
Council Member Tommy R. Chambers, Blountsville
Mayor John Lewis, Bridgeport
Council Member Tom W. Hampton, Centre
Council Member Jimmy D. Payne, Childersburg
Council Member Stanley Herring, Citronelle
Mayor James E. Willingham, Collinsville
Council Member Katheryne Magwood, Daleville

Council Member Martha I. Gallo, Daleville
Council Member Matt C. Bullard, Dothan
Mayor Elmo Robinson, Double Springs
Mayor John M. Ryan, Dutton
Mayor Jay Jaxon, Eufaula
Mayor Timothy M. Kant, Fairhope
Council Member Pauline A. Anders, Fairhope
Mayor Gordon Dunagan, Good Hope
Mayor Troy Barron, Gordo
Mayor John E. Owens, Jr., Greensboro
Council Member Elaine W. Junkin, Guin
Mayor Clifton P. Knight, Hartselle
Council Member Antone Peoples, Hobson City
Mayor Joe L. Allen, Hokes Bluff
Mayor Barry R. McCulley, Homewood
Council Member Simpson Berry, Irondale
Council Member Carl W. Sudduth, Livingston
Council Member Wallace A. Sabin, Loxley
Council Member Freddy J. Watts, Millbrook
Council Member Keith W. Gilley, Moulton
Council Member Patricia Tanski, Moundville
Council Member Jerry C. Lundy, Sr., Mount Vernon
Mayor David H. Bradford, Muscle Shoals
Council Member Gary Fuller, Opelika
Council Member Mike Henderson, Oxford
Council Member Gregory N. Thrower, Oxford
Mayor Guin Robinson, Pell City
Mayor Jack Fendley, Pennington
Council Member Samuel I. Heflin, Priceville
Council Member George E. McCall, Jr., Prichard
Mayor Joan Ford, Ragland
Council Member Gregory L. Estes, Ragland
Council Member Randy O. Kay, Ragland
Council Member Edwin C. Talley, Ragland
Council Member Mary Sue Cooper, Robertsdale
Council Member Brentley Kendrick, Robertsdale
Council Member John P. Roberson, Rogersville
Council Member Robbie B. Richardson, Russellville
Council Member Sidney R. Butler, Saraland
Council Member Howard J. Rubenstein, Saraland
Council Member Larry R. Landrum, Satsuma
Council Member Benny L. Tucker, Selma
Council Member Randy E. Scott, Southside
Council Member Gary R. Moore, Tallassee
Mayor Sheldon A. Day, Thomasville
Council Member Charles Allen, Thomasville
Mayor Phillip C. White, Uniontown
Council Member Sherman Norfleet, Uniontown
Council Member Charlene Atkinson, Valley
Mayor Jerry C. Cochran, Warrior



Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

The Federal Legislative Process

Many times municipal officials are asked to contact their Representatives and Senators in Washington on issues critical to municipal government. In order to talk intelligently on these issues, it is important that the official have a basic understanding of the Federal legislative process. It is also important that the official understand the proper protocol for making such contacts.

Procedure For Passing a Bill in Congress

Anyone may draft a bill; however, only members of Congress can introduce legislation, and by doing so become the sponsor(s). There are four basic types of legislation: bills, joint resolutions, concurrent resolutions and simple resolutions. The official legislative process begins when a bill or resolution is numbered – H.R. signifies a House bill and S. a Senate bill – referred to a committee and printed by the Government Printing Office.

Step 1. Referral to Committee

With few exceptions, bills are referred to standing committees in the House or Senate according to carefully delineated rules of procedure.

Step 2. Committee Action

When a bill reaches a committee it is placed on the committee's calendar. A bill can be referred to a subcommittee or considered by the committee as a whole. It is at this point that a bill is examined carefully and its chances for passage are determined. If the committee does not act on a bill, it is the equivalent of killing it.

Step 3. Subcommittee Review

Bills are often referred to a subcommittee for study and hearings. Hearings provide the opportunity to put on the record the views of the executive branch, experts, other public officials, supporters and opponents of the legislation. Testimony can be given in person or submitted as a written statement.

Step 4. Mark Up

When the hearings are completed, the subcommittee may meet to "mark up" the bill, that is, make changes and amendments prior to recommending the bill to the full committee. If a subcommittee votes not to report legislation to the full committee, the bill dies.

Step 5. Committee Action to Report a Bill

After receiving a subcommittee's report on a bill, the full committee can conduct further study and hearings, or it can vote on the subcommittee's recommendations and any proposed amendments. The full committee then votes on its recommendation to the House or Senate. This procedure is called "ordering a bill reported."

Step 6. Publication of a Written Report

After a committee votes to have a bill reported, the committee chairman instructs staff to prepare a written report on the bill. This report describes the intent and scope of the legislation, impact on existing laws and programs, position of the executive branch and views of dissenting members of the committee.

Step 7. Scheduling Floor Action

After a bill is reported back to the chamber where it originated, it is placed in chronological order on the calendar. In the House, there are several different legislative calendars, and the Speaker and majority leader largely determine if, when, and in what order bills come up. In the Senate there is only one legislative calendar.

Step 8. Debate

When a bill reaches the floor of the House or Senate, there are rules or procedures governing the debate on legislation. These rules determine the conditions and amount of time allocated for general debate.

Step 9. Voting

After the debate and the approval of any amendments, the bill is passed or defeated by the members voting.

Step 10. Referral to Other Chamber

When a bill is passed by the House or the Senate it is referred to the other chamber where it usually follows the same route through committee and floor action. This chamber may approve the bill as received, reject it, ignore it or change it.

Step 11. Conference Committee Action

If only minor changes are made to a bill by the other chamber, it is common for the legislation to go back to the

continued next page

first chamber for concurrence. However, when the actions of the other chamber significantly alter the bill, a conference committee is formed to reconcile the differences between the House and Senate versions. If the conferees are unable to reach agreement, the legislation dies. If agreement is reached, a conference report is prepared describing the committee members' recommendations for changes. Both the House and the Senate must approve of the conference report.

Step 12. Final Actions

After a bill has been approved by both the House and Senate in identical form, it is sent to the President. If the President approves of the legislation he signs it and it becomes law. Or, the President can take no action for 10 days, while Congress is in session, and it automatically becomes law. If the President opposes the bill he can veto it; or, if he takes no action after the Congress has adjourned its second session, it is a "pocket veto" and the legislation dies.

Step 13. Overriding a Veto

If the President vetoes a bill, Congress may attempt to "override the veto." This requires a two-thirds roll call vote of the members who are present in sufficient numbers for a quorum.

Congressional Staff Roles

Each member of Congress has staff to assist him/her during a term in office. To be most effective in communicating with Congress, it is helpful to know the titles and principal functions of key staff.

Commonly Used Titles

- Administrative Assistant or Chief of Staff. The Administrative Assistant reports directly to the member of Congress. He/she usually has overall responsibility for evaluating the political outcome of various legislative proposals and constituent requests. The Admin. Asst. is usually the person in charge of overall office operations, including the assignment of work and the supervision of key staff.

- Legislative Director, Senior Legislative Assistant, or Legislative Coordinator. The Legislative Director is usually the staff person who monitors the legislative schedule and makes recommendations regarding the pros and cons of particular issues. In some congressional offices there are several Legislative Assistants and responsibilities are assigned to staff with particular expertise in specific areas. For example, depending on the responsibilities and interests of the member, an office may include a different Legislative Assistant for health issues, environmental matters, taxes, etc.

- Press Secretary or Communications Director. The Press Secretary's responsibility is to build and maintain open and effective lines of communication between the member, his/her constituency and the general public. The Press Secretary is expected to know the benefits, demands and special requirements of both print and electronic media, and how to most effectively promote the member's views or position on specific issues.

- Appointment Secretary, Personal Secretary, or Scheduler. The Appointment Secretary is usually responsible for allocating a member's time among the many demands that arise from congressional responsibilities, staff requirements and constituent requests. The Appointment Secretary may also be responsible for making necessary travel arrangements, arranging speaking dates, visits to the district, etc.

- Caseworker. The Caseworker is the staff member usually assigned to help with constituent requests by preparing replies for the member's signature. The Caseworker's responsibilities may also include helping resolve problems constituents present in relation to federal agencies, e.g., Social Security and Medicare issues, veteran's benefits, passports, etc. There are often several Caseworkers in a congressional office.

- Other Staff Titles. Other titles used in a congressional office may include: Executive Assistant, Legislative Correspondent, Executive Secretary, Office Manager and Receptionist.

Contacting A Member of Congress

By Telephone

To find your representative's phone number, you may use the League's *Annual Directory & Vendor Yellow Pages*, NLC's searchable congressional directory on the NLC Web Page at www.nlc.org or call the U.S. Capitol Switchboard at (202) 224-3121 and ask for your Senator's and/or Representative's office.

Remember that telephone calls are often taken by a staff member, not the member of Congress. Ask to speak with the aide who handles the issue to which you wish to comment.

After identifying yourself, tell the aide you would like to leave a brief message, such as: "Please tell Senator/Representative (Name) that I support/oppose (S. ___/ H.R.8___)."

You will also want to state reasons for your support or opposition to the bill. Ask for your Senator's or Representative's position on the bill. You may also request a written response to your telephone call.

continued page 13

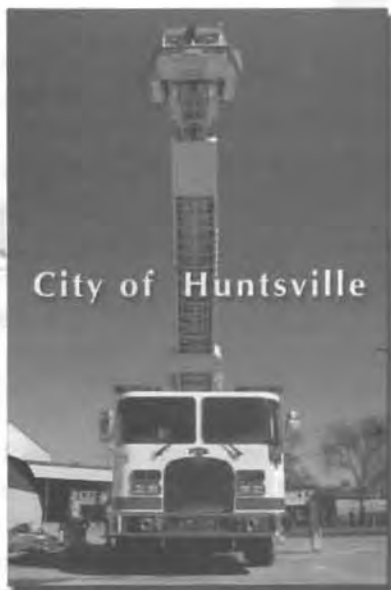


NAFECO™

North American Fire Equipment Company

FIRE • POLICE • EMS

Visit Our Updated Website! www.nafeco.com



City of Huntsville



City of Decatur

We Also Have a Full Line of:
Turnout Gear
Uniforms and Supplies
Breathing Apparatus
Thermal Imaging Cameras



Trained CVT on Staff
24-Hour Road Service
SCBA Repair
Service Department
Pump Repair



City of Fort Payne



Town of Eva

1-800-628-6233

1515 W. Moulton Street Decatur, AL 35601

Phone: (256) 353-7100 Fax: (256) 355-0852

AlaTax Can Fulfill Your Tax Collection Needs:

Sales/Use · Gasoline · Gross Receipts · Rental/Leasing · Lodgings · Video
Franchise · Tobacco · Occupational · Alcohol · Business License

AlaTax
www.alatax.com

22 Years and Still Going Strong!

Owners:

Kennon Walthall, ext. 114
Stephen Morris, ext. 500

Support Staff:

Christy Cato, ext. 116
Connie Taylor, ext. 115
Diane Scudder, ext. 131

Account Management Team:

Cindy Morehead, ext. 501
Pete Yonce, ext. 113

800-556-7274 Toll Free · 205-324-0088 Phone · 205-324-1538 Fax
3001 Second Avenue South · Birmingham, Alabama 35233

The KnuckleBoom Loader designed for...

- **easy operator access**
- **easy service**
- **easy maintenance**
- **low initial cost.**

This structurally sound, heavy-duty KB Series loader is equipped with a continuous rotating grapple. The overlapping edges allow the grapple to close completely and is fabricated with a bolt-on, replaceable heat-treated steel cutting edge.

The truck body is equipped with twin telescopic dump cylinders, providing a 45-degree body tilt. The two heavy-duty rear doors swing completely open for easy discharge.

Standard safety features include hydraulic hoses enclosed in a pedestal structure, keeping the operator protected from hose burst and hydraulic leakage, plus a pilot operated check valve, as an integral part of each boom and outrigger cylinders.

 **PAC-MAC**®

P.O. BOX 349
BAY SPRINGS, MS 39422

Distributed By:
SANSOM EQUIPMENT CO.

Birmingham, Alabama
(205) 324-3184

Manufactured By:
 **HOL-MAC**

KBF 20H with TB 1824 Body (Optional Sizes Available)

(601) 764-4121 or 1-800-844-3019 • FAX (601) 764-3438 • www.e-pac-mac.com • email: info@e-pac-mac.com

Tips On Writing Congress

The letter is the most popular choice of communication with a congressional office. If you decide to write a letter, this list of helpful suggestions will improve the effectiveness of the letter:

1. Your purpose for writing should be stated in the first paragraph of the letter. If your letter pertains to a specific piece of legislation, identify it accordingly, e.g., House bill: H. R. ____, Senate bill: S. ____.
2. Be courteous, to the point and include key information, using examples to support your position.
3. Address only one issue in each letter; and, if possible, keep the letter to one page.

Addressing Correspondence:

To a Senator:

The Honorable (full name) __ (Rm.#) __ (name of) Senate
Office Building United States Senate
Washington, DC 20510

Dear Senator:

To a Representative:

The Honorable (full name) __ (Rm.#) __ (name of) House
Office Building United States House of Representatives
Washington, DC 2051

Dear Representative:

Note: When writing to the Chair of a Committee or the Speaker of the House, it is proper to address them as: Dear Mr. Chairman or Madam Chairwoman: or Dear Mr. Speaker:

Tips On E-mailing Congress

Generally, the same guidelines apply as with writing letters to Congress.

Visiting Capitol Hill in Person

Meeting with a member of Congress or congressional staff is a very effective way to convey a message about a specific legislative issue. Below are some suggestions to consider when planning a visit to a congressional office.

Plan Your Visit Carefully

Be clear about what it is you want to achieve; determine in advance which member or committee staff you need to meet with to achieve your purpose.

Make an Appointment

When attempting to meet with a member, contact the Appointment Secretary/Scheduler. Explain your purpose and who you represent. It is easier for congressional staff to

arrange a meeting if they know what you wish to discuss and your relationship to the area or interests represented by the member.

Be Prompt and Patient

When it is time to meet with a member, be punctual and be patient. It is not uncommon for a Congressman or Congresswoman to be late, or to have a meeting interrupted, due to the member's crowded schedule. If interruptions do occur, be flexible. When the opportunity presents itself, continue your meeting with a member's staff.

Be Prepared

Whenever possible, bring to the meeting information and materials supporting your position. Members are required to take positions on many different issues. In some instances, a member may lack important details about the pros and cons of a particular matter. It is therefore helpful to share with the member information and examples that demonstrate clearly the impact or benefits associated with a particular issue or piece of legislation.

Be Political

Members of Congress want to represent the best interests of their district or state. Wherever possible, demonstrate the connection between what you are requesting and the interests of the member's constituency. If possible, describe for the member how you or your group can be of assistance to him/her. Where it is appropriate, remember to ask for a commitment.

Be Responsive

Be prepared to answer questions or provide additional information, in the event the member expresses interest or asks questions. Follow up the meeting with a thank you letter that outlines the different points covered during the meeting, and send along any additional information and materials requested. ■

GARVER ENGINEERS

Since 1919

Municipal • Commercial • Government

- Civil Engineering Design, Planning, and Land Surveying
- Transportation Projects: Airports, Roads, Bridges
- Water and Wastewater Systems; Environmental Engineering
- Water Resources, Hydrology & Hydrogeology
- Environmental Assessments and Studies
- Grant Writing Assistance

256-534-5512

www.garverinc.com

218 Holmes Ave. NE, Huntsville, AL 35801

jdmccarley@garverinc.com

2002 Annual Directory & Vendor Yellow Pages Available

The *Annual Directory & Vendor Yellow Pages* is a 130 page, 8" x 11 publication with a coil binding that also offers information about the League and our staff and provides contact information for the Alabama House of Representatives, the Alabama Senate, Constitutional officers and important state agencies. Municipal listings for Alabama's more than 400 incorporated cities and towns include the following information:

- | | | | |
|---------------------|------------------|--------------------------|-----------------|
| • Name of City/Town | • Population | • Mailing Address | • County |
| • Phone Number | • FAX Number | • City E-mail | • Web Address |
| • Mayor | • Clerk | • Council Members | • Class of City |
| • Senate District | • House District | • Congressional District | |

Vendors included in the 2002 Directory are listed below:

- | | |
|---|--|
| • Alabama Gas Corporation | • Local Government Data Processing Corp. |
| • Alabama Manufactured Housing Institute | • McCauley Associates, Inc. |
| • Alabama Municipal Electric Authority | • Municipal Code Corporation |
| • Alabama Municipal Insurance Corporation | • Municipal Revenue Service |
| • Alabama Road Builders Association, Inc. | • Municipal Workers Compensation Fund, Inc. |
| • Alabama Power Company | • NAFECO |
| • Alamo Industrial | • NBC Leasing Company |
| • AlaTax | • National Processing Company |
| • CDG Engineering and Associates, Inc. | • Onyx North America |
| • Carr, Riggs & Ingram, LLP | • Polyengineering, Inc. |
| • DataQuest Corporation | • Regions Bank |
| • Grasshopper Company | • Sentell Engineering Associates, Inc. |
| • Harless Fire Equipment, LLC | • Southern Capital Advisors |
| • Hendon Engineering Associates, Inc. | • VALIC |
| • HOL-MAC Corporation | • Wilson Price Barranco Blankenship & Billingsley P.C. |
| • ICMA Retirement Corporation | |
| • ITC^DeltaCom | |

Purchase price: \$50 each

Directories can be purchased by mailing your \$50 check (please specify that you are ordering a directory) to:

**Alabama League of Municipalities
Attn: Edye Goertz
PO Box 1270
Montgomery, AL 36102**

**A directory will be mailed the same day your request is received.
For additional information, call 334-262-2566 or visit www.alalm.org.**



SOUTHERN CAPITAL ADVISORS

*One of the South's leading money
management firms*

Southern Capital Advisors manages short-term funds and pension investments for municipalities. For more information, call **Jim Kelsoe** at 800-564-2188.

**Morgan Keegan Tower • Fifty Front Street
Memphis, Tennessee**

Southern Capital Advisors is a division of Morgan Asset Management, Inc., a subsidiary of Morgan Keegan, Inc.

We're Not Just Whistlin' Dixie.

Though we earned our reputation with investments based in the South, Morgan Keegan offers a world of other financial services. Call **John Rogers** today at 800-846-3886 and get your portfolio in tune.

**RSA Tower • 201 Monroe Street • Suite 1900
Montgomery, Alabama**

Morgan Keegan

Morgan Keegan & Company, Inc.
Members New York Stock Exchange, SIPC
www.morgankeegan.com

Sentell Engineering Inc.

**P.O. Box 1246
639 17th Street
Tuscaloosa, Alabama 35403
(205) 752-5564 Phone
(205) 752-5569 Fax**

Visit us at our website : www.sentell.net

- Civil and Environmental Engineering**
- Structural Engineering**
- Transportation Engineering**
- Storm Water Systems**
- Planning**
- Construction Management**
- Drainage Engineering**
- Surveying and Mapping**





WHEN IT COMES TO INNOVATIONS, WE'RE THE FIRST IN.

Pierce is the proven innovation leader in bringing vital, new technologies to the fire service. Now you can give your department the edge with Pierce's exclusive **Hercules™ compressed-air foam system**—one of the most powerful on the market, with a 200 cfm compressor. The system is completely engineered, built and tested at Pierce to fit perfectly with Pierce apparatus, at an affordable price. And it's up to five times more effective than water alone. For details on the amazing strength of our Hercules system, and other exclusive, industry-leading innovations, contact your Pierce representative now.

One-Source Solutions: An integrated approach that delivers superior apparatus, advanced technology and a dedicated support team.

Harless Fire Equipment, LLC
1166 Raimund Muscoda Rd.
Bessemer, Alabama 35020
800-873-4730
Fax: 205-425-1169
www.harlessfire.com



We Build Confidence.®

www.piercemfg.com
920/832-3231

This Saber® pumper features our exclusive Hercules system—one of the most powerful compressed-air foam systems on the market.





ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, State and Federal Relations

Gulf Shores Proposes Wetland Nature Park

Gulf Shores City Council members have backed a plan to turn a wetlands area near the city's Sportsplex into an 11-acre wetlands nature park. The city acquired the wetland area in 2000 when it purchased the land for its Sportsplex. City officials compared the project to Oak Mountain State Park – a nature park with ponds and trails in Hoover, near Birmingham. Planning and design are now taking place, with the goal of awarding the contract and starting sometime in October or November.

The goal is to create a place where people can come and walk the trails, fish and picnic, while their kids play on the softball fields or at the Sportsplex. There will also be an "interpretive center" – where people can learn about the types of plants and animals in this habitat. It may have been an excavation site many decades ago, but trees have long since grown tall in the low-lying forest and around the ponds. According to conservation workers, the land has both wet savanna habitat and bottomland hardwood wetlands.

Turning the wooded land into a nature park will cost an estimated \$185,000, and grants will cover most of the expense. Many agencies have funds designated for wetlands and nature parks. Potential funding sources include; the Alabama Department of Conservation and Natural Resources, which will supply a \$100,000 grant; Baldwin County officials, who have agreed to supply a \$35,000 wetland grant with federal money administered through the county; a grant through the state's Recreational Trails Program, which may be between \$25,000 and \$40,000; leaving only \$10,000 to \$25,000 for the city to put up to build the park.

Governor forms Alabama Drought Assessment Team

Gov. Don Siegelman is forming a task force to plan for water management during a drought. Siegelman signed an executive order in May to create the Alabama Drought Assessment and Planning Team. The team will advise the Office of Water Resources at the Alabama Department of

Economic and Community Affairs on drought-related activities.

The assessment and planning team will include the directors of the Office of Water Resources, Alabama Department of Environmental Management and the U.S. Department of Agriculture Rural Development, as well as the state adjutant general and the state agriculture commissioner.

EPA Ranks Toxic Polluters

According to the report, Alabama ranks 14th nationally for total releases within the state and 12th nationally for total on and off site releases. On a more local level, Mobile County ranked 8th in the nation for total toxic releases to the air. It ranked 58th in the nation for water discharges. Most of Mobile's air pollution releases were attributed to Accordis, a rayon plant that is now closed. The latest TRI numbers did not reflect the closing.

The latest report by the U.S. Environmental Protection Agency ranked toxic chemical releases for the year 2000, the latest year for which statistics are available. Alabama was 12th with 154 million pounds of toxic chemicals released into the air, water and ground. That compares to almost 130 million pounds released in 1999 and almost 138 million pounds released in 1998, according to the EPA. In those years, Alabama ranked 16th and 12th in the nation, respectively.

The EPA report confirms that Accordis, which closed its Alabama plant last summer, released 11.6 million pounds of chemicals into the air and water in 2000. Most of that release – 11.25 million pounds – was in the form of air pollution. Only the Chemical Waste Management toxic waste dump near Emelle in Sumter County topped Accordis. The Emelle site landfill had nearly 21 million pounds of toxic waste in 2000.

This year's report repeated past findings that show the pollution impact of Alabama's coal-fired power plants. Seven

continued next page

of the top 10 polluters in 2000 were plants operated by Alabama Power and the Tennessee Valley Authority. TVA's two North Alabama plants – the Colbert Fossil Plant near Tuscumbia and the Widows Creek Fossil Plant near Stevenson – ranked fifth and sixth on the state Top 10 list for 2000.

The only private North Alabama industry in the Top 10 was Solutia in Decatur, the former Monsanto Chemicals, which came in at No. 10.

The 2000 report does track several dangerous chemicals – notably dioxin and mercury – for the first time. Dioxin is a byproduct of the paper-production process. Mercury and mercury compounds are released, among other ways, when coal is burned to generate electrical power. The Alabama Department of Public Health currently has in force 13 separate advisories against eating mercury-contaminated fish taken in certain Alabama waters.

The U.S. Public Interest Research Group, an environmental advocacy group, said its analysis of national figures showed toxic waste generation by U.S. industry up 25 percent in 2000. The EPA, however, said the trend was exactly opposite, with toxic releases down 700 million pounds from 1999.

To read more about the pollution issue, consult the EPA toxic release Web site at <http://epa.gov/tri/>. To read the Alabama fish advisories, see the Department of Public Health Web site at www.adph.org and search for “fish” under the A-Z search directory.

Alabama Department of Environmental Management Proposes Rule Change

Seven commission members oversee the Alabama Department of Environmental Management, which enforces all major federal environmental laws in Alabama. The proposed rule would let commission members “receive items from the general public” at the end of each meeting. The commission’s current rules don’t allow for any public comment period that would give people a chance to talk with commissioners about their specific concerns.

It would make people request, at least two weeks in advance, a chance to speak; would let an ADEM employee reject requests; and would ban people from talking about certain topics. Some environmental activists praised the state Environmental Management Commission for considering a rule that would allow public comment at the end of commission meetings. ■

**Proudly delivering
dependable, reliable
natural gas for
over 150 years
to almost 500,000
customers.**



www.alagasco.com





By Ken Smith
Director, Legal Services & Computer Programs

THE LEGAL VIEWPOINT

U.S. Supreme Court Update

The United States Supreme Court's journey through the mire of solicitation regulation has been long and arduous. Early decisions drew a distinction between commercial speech – communication designed to solicit the purchase of items – and non-commercial speech – communication for the dissemination of ideas, generally of a political or religious nature.

Commercial speech carried with it the baggage of merely promoting a business objective as opposed to attempting to advance a political or religious purpose. Courts which analyzed commercial speech regulations generally refused to extend First Amendment protection. See, e.g., *Breard v. City of Alexandria*, 341 U.S. 626 (1925). Thus, municipalities enjoyed greater latitude when regulating purely commercial speech, including regulations placed on commercial solicitors.

In recent years, however, views on the First Amendment and commercial speech have changed. See, e.g., *Cincinnati v. Discovery Network Inc.*, 61 LW 4263, 123 LEd. 2d 99 (1993). For example, in *Central Hudson Gas & Electric v. Public Services Commission of New York*, 447 U.S. 557 (1980), the U.S. Supreme Court held that commercial speech is protected by the First Amendment if it concerns lawful activities and is not misleading. To regulate commercial speech, a government must assert a substantial governmental interest in the regulation and show that its regulation materially advances that interest. Some courts have gone even further and held that a municipality must use the least restrictive means of achieving the governmental objective.

A recent case, though, seems to mark a return to the distinction between commercial and non-commercial speech. If nothing else, the case – *Watchtower Bible & Tract Society of New York, Inc. v. Village of Stratton*, 2002 WL 1305851 (June 17, 2002) – muddies the already remarkably cloudy water.

Additionally, two other U.S. Supreme Court decisions

will have an impact on municipal operations. This article discusses these developments.

The Ordinance

The Village of Stratton's solicitation ordinance prohibited "canvassers" from "going in and upon" private residential property to promote any "cause" without first obtaining a permit from the mayor's office by completing and signing a registration form. The ordinance required any solicitor who intended to go on private property to promote a cause to obtain a free "Solicitation Permit" from the mayor's office. Permits were routinely issued after the applicant filled out a fairly detailed "Solicitor's Registration Form." The canvasser was then authorized to go upon the premises he listed on the registration form, but he had to carry the permit and exhibit it whenever requested to do so by a police officer or by a resident.

The ordinance also set forth grounds for the denial or revocation of a permit, but there was no evidence that any application had been denied or revoked.

Another section of the ordinance that was not challenged allowed residents to prohibit solicitation even by permit holders by filing a "No Solicitation Registration Form" with the mayor and by posting a "No Solicitation" sign on his or her property. Uninvited canvassers were restricted from entering this property, unless they were specifically authorized to do so in the "No Solicitation Registration Form" itself.

Facts

The Watchtower Bible and Tract Society of New York, Inc., coordinated the preaching activities of Jehovah's Witnesses throughout the United States. A local congregation of Jehovah's Witnesses under the umbrella of the Society offered religious literature without cost to anyone interested in reading it. They did not solicit contributions or orders for

continued next page

products, but they did accept donations.

The Jehovah's Witnesses refused to apply for a solicitation permit. Leaders of the church testified at trial that Jehovah's Witnesses do not consider themselves to be "solicitors" because they make no charge for their literature or their teaching. They also explained at trial that they did not apply for a permit because they derive their authority to preach from Scripture. In fact, the Court noted that, "Door-to-door canvassing is mandated by their religion. As one church leader testified, "For us to seek a permit from a municipality to preach we feel would almost be an insult to God."

The Ruling

The Court recognized that local governments may have an interest in protecting their citizens, especially when money solicitations are involved, but held that Stratton's ordinance covered too much speech. The ordinance prohibited canvassers from going on private property for any "cause" unless they possessed a permit. "Had this provision been construed to apply only to commercial activities and the solicitation of funds, arguably the ordinance would have been tailored to the Village's interest in protecting the privacy of its residents and preventing fraud."

The Court noted that several themes emerged from the more than 50 years of soliciting cases the Court has heard:

- First, it is clear from these cases that "hand distribution of religious tracts ... occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits." (Citations omitted.) Thus, door-to-door solicitation (at least for religious or political reasons) is entitled to the same protection under the First Amendment.

- It is also clear that door-to-door solicitation is an important vehicle for the dissemination of ideas. Licensing, the Court indicates, amounts to a form of censorship that is repugnant to the constitution. The majority did recognize, though, that local governments do have some legitimate interests in protecting the public from unfettered solicitation, "particularly when the solicitation of money is involved."

- Previous decisions also make it clear that the protection of door-to-door distribution of ideas is "essential to the poorly financed causes of little people."

The Court found that in withstanding a First Amendment challenge, a solicitation ordinance must find the appropriate balance between the affected speech and the governmental interests that the ordinance purports to serve. In the present case, Stratton argued that its solicitation ordinance furthered three legitimate interests: the prevention of fraud; the prevention of crime; and the protection of resident's privacy. The Court ruled that the ordinance in question did not

adequately serve these interests, but stated that if the ordinance had been "construed to apply only to commercial activities and the solicitation of funds, arguable [it] would have been tailored to the Village's interest in protecting the privacy of its residents and preventing fraud." Clearly, the application of this ordinance "apply to a significant number of noncommercial 'canvassers.'"

The majority, though, did not find the ordinance unconstitutional simply because it regulated noncommercial speech. Instead, the Court cited several reasons for finding the ordinance unconstitutional. One of these reasons is the importance of protecting the interests of those who wish to remain anonymous when supporting various religious or political causes. This interest has been protected in several other Supreme Court cases. Although anonymity is not entirely protected by the First Amendment – for instance, the government's legitimate interests in protecting the integrity of electoral process and protecting persons from fraudulent commercial transactions may justify requiring canvassers to reveal their identities – solicitation ordinances govern activities beyond these concerns.

In addition, the requirement of a permit "imposes an objective burden on some speech of citizens holding religious or patriotic views." According to the Court, a significant number of persons have a religious belief that would prevent them from applying for a permit and "there are no doubt other patriotic citizens, who have such firm convictions about their constitutional right to engage in uninhibited debate in the context of door-to-door advocacy, that they would prefer silence to speech licensed by a petty official." The Court also found that the ordinance banned a significant amount of spontaneous speech, such as walking across the street to urge a neighbor to vote a certain way.

In addition to finding the ordinance over broad and an "unprecedented" regulation, the Court also found that the ordinance was not tailored to Stratton's articulated interests. The Court stated that Stratton's concern with fraud could have been addressed without implicating political or religious causes. Also, a private property owner's ability to post a "No Solicitation" sign adequately protected the owner without the need for government intervention. Lastly, Stratton's concern about crime in general could not support the ordinance because criminals can find other ways into peoples' homes.

Chief Justice Rehnquist dissented, arguing that the ordinance was merely a valid content-neutral time, place, and manner regulation. The Chief Justice felt that the ordinance was narrowly tailored to serve a significant local government interest and left open ample alternative means of communication. He also felt that Stratton should be able to rely on evidence showing that solicitation ordinances helped other community's control crime, rather than having

to prove that this ordinance addressed a local crime problem.

The impact of this case on local governments remains to be seen. While implying that local governments can place more extensive regulation on commercial communication than on communication that is made for political or religious purposes, the Court fell far short of endorsing this concept. How far municipalities can go in regulating any door-to-door solicitation remains unclear. At what point does door-to-door activity rise to the level that would allow the municipality to require a permit? The League will update you as additional litigation occurs.

Other U.S. Supreme Court Developments

Barnes v. Gorman, 2002 WL 1305773 (July 17, 2002) The plaintiff, a paraplegic, was confined to a wheelchair. He lacked voluntary control over his lower torso, including his bladder, forcing him to wear a catheter attached to a urine bag around his waist. In May 1992, he was arrested for trespass after fighting with a bouncer at a Kansas City, Missouri, nightclub. While waiting for a police van to transport him to the station, he was denied permission to use a restroom to empty his urine bag.

When the van arrived, it was not equipped to receive his wheelchair. Over his objection, the officers removed him from his wheelchair and used a seatbelt and his own belt to strap him to a narrow bench in the rear of the van. During the ride to the police station, the plaintiff released his own seatbelt, fearing it placed excessive pressure on his urine bag. Eventually, the other belt came loose and he fell to the floor, rupturing his urine bag and injuring his shoulder and back. The driver, the only officer in the van, fastened him to a support for the remainder of the trip.

Upon arriving at the station, the plaintiff was booked, processed, and released. He was later convicted of misdemeanor trespass. After these events, he suffered serious medical problems, including a bladder infection, serious lower back pain, and uncontrollable spasms in his paralyzed areas, that left him unable to work full time. A jury found the officers liable and awarded over \$1 million in compensatory damages and \$1.2 million in punitive damages.

The question before the Court was whether punitive damages were recoverable in a private lawsuit brought under Section 202 of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The Court found that punitive damages were not available in these type lawsuits.

The Court noted that remedies for violations of Section 202 of the ADA and Section 504 of the Rehabilitation Act are coextensive with the remedies available in a private cause of action brought under Title VI of the Civil Rights Act of 1964, which prohibits racial discrimination in federally funded programs and activities. "Although Title VI does not mention

a private right of action, our prior decisions have found an *implied* right of action, and Congress has acknowledged this right in amendments to the statute, leaving it 'beyond dispute that private individuals may sue to enforce' Title VI."

Because Title VI invokes Congress' power under the Spending Clause to place conditions on the grant of federal funds, the Court has characterized legislation under the Spending Clause as being in the nature of a contract. In return for federal funds, the recipients agree to comply with federally imposed conditions. Any conditions imposed on the grant of these funds must be applied unambiguously.

A funding recipient is generally on notice that it is subject not only to those remedies explicitly provided in the relevant legislation, but also to those remedies traditionally available in suits for breach of contract. Using this analysis, punitive damages, unlike compensatory damages and injunctions, are generally not available for breach of contract.

The Court also refused to imply a right to punitive damages, finding that "compensatory damages alone might well exceed a recipient's level of federal funding;" punitive damages on top of that could well be disastrous ... [I]t is doubtful whether they would even have *accepted the funding* if punitive damages liability was a required condition."

United States v. Drayton, 2002 WL 1305729 (June 17, 2002) The United States Supreme Court reversed an 11th Circuit decision and held that the Fourth Amendment does not require police officers to advise bus passengers of their right not to or their right to refuse to consent to searches. The Court essentially employed a "totality of the circumstances" approach to its review, concluding that a reasonable person would not have felt that he or she was barred from leaving the bus or otherwise terminating the encounter. The Court noted that "There was no application of force, no brandishing of weapons, no blocking of exits, no threat, no command, not even an authoritative tone." Therefore, the Court held that the individuals were not seized by the officers and their search was reasonable. ■

HENDON ENGINEERING ASSOCIATES

CONSULTING ENGINEERS

Quality, Full Service Engineering

Municipal, Civil, Environmental,
Natural Gas, and Electrical Engineering
Instrumentation and Controls



1025 MONTGOMERY HIGHWAY
P. O. BOX 660348
BIRMINGHAM, ALABAMA 35216

PHONE: (205) 823-7480
FAX: (205) 823-7483

e-mail: staff@hendonengineering.com

Audits to the Department of Examiners of Public Accounts

Act No. 94-414 is a joint resolution of both houses of the Alabama Legislature. This resolution requests that any entity receiving or disbursing public funds forward a copy of their audit reports to the Department of Examiners of Public Accounts. The Department maintains a repository of these audits and has them available for public inspection. The mailing address of the Department is: P.O. Box 302251 Montgomery, AL 36130-2251

You can obtain more information on this by contact the Department at (334) 242-9200.

CAE CARR & ASSOCIATES ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS

Municipal Engineering Services



Roads & Drainage Design



Land & Topographic Surveys



Utilities, Water, Gas, Sewage



Structural Engineering



Site Planning



Plans Review for Code Compliance

**2052 Oak Mountain Drive
Pelham, Alabama 35124
205-664-8498 / FAX 205-664-9685**

One fish story we never tire of telling.

Even in the company of others, a fisherman is a solitary soul. The sport, after all, is really in the waiting. Which is why in the wee hours of the morning, as the cicadas begin their songs and the mist rises like hot breath from an undisturbed lake, fishermen along 4,000 miles of shoreline are wetting their lines. Waiting patiently in the calm for that one magical moment when a 6-pound test line is challenged by 8 pounds of bass. It is in that moment, when the waiting becomes worth it.

And when our 4,000 miles of shoreline clearly becomes about more than a new source of power.

There are a lot of things people depend on Alabama Power for. Electricity just happens to be one of them.

ALABAMA POWER

A SOUTHERN COMPANY

ON AND ON™



Legal Notes

By Lori Lein
Staff Attorney

COURT DECISIONS

Zoning: The unnecessary hardship which will suffice for the granting of a variance must relate to the land rather than to the owner himself; mere personal hardship does not constitute sufficient grounds for the granting of a variance based upon unnecessary hardship. Therefore, the significant amount of money which a property owner spent to purchase equipment in anticipation of constructing a mini-storage facility was not an unnecessary hardship justifying a variance. *Board of Zoning Adjustment for the City of Fultondale v. Summers*, 814 So.2d 851 (Ala. 2001).

United States Supreme Court Decisions

Right to Counsel: The Sixth Amendment's guarantee of the assistance of counsel forbids the imposition of a suspended sentence of imprisonment upon an indigent defendant who has neither been given a court-appointed lawyer nor waived the right to counsel. *Alabama v. Shelton*, – U.S. – (2002); 70 L.W. 44 (May 21, 2002).

Americans with Disabilities Act: Punitive damages may not be awarded in private suits against public entities under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. *Barnes v. Gorman*, – U.S. – (2002); 70 L.W. 48 (June 18, 2002).

Solicitation: A municipal ordinance that makes it unlawful to engage in noncommercial door-to-door solicitation without a permit violates the First Amendment. *Watchtower Bible & Tract Society of New York v. Stratton, Ohio*, – U.S. – (2002); 70 L.W. 48 (June 18, 2002).

Court Decisions from Other Jurisdictions

Zoning: Provisions of the 2000 Religious Land Use and Institutionalized Persons Act barring imposition of land use regulations that substantially burden religious exercise provided that such burden affects commerce or permits individualized assessments of proposed property uses unless the regulation is a least restrictive means of furthering a compelling governmental interest are a valid exercise of Congress's authority under the commerce clause and Section 5 of the 14th Amendment to enforce the free exercise and the free speech clauses of the First Amendment. *Freedom Baptist Church v. Middletown Township*, – F.3d. –, 70 L.W. 44 (May 21, 2002).

ATTORNEY GENERAL OPINIONS

Planning and Zoning: The power to spend funds presented to and payable to a particular municipality rests solely with the city council pursuant to Sections 11-43-43 and 11-43-56 of the Code of Alabama 1975 irrespective of whether there is an indication that the funds are to be used solely for the municipal planning commission. 2002-224.

E911: Alabama law prohibits a person from knowingly placing a false 911 call. Alabama law does not address 911 hang-up calls. A municipality may further regulate 911 calls as long as it does not contravene state law. 2002-225.

Streets: A municipality may contract with a developer to pave an unpaved city street within the municipality, provided all the applicable laws, rules, and regulations regarding paving public roads are followed, including the Public Works Bid Law. 2002-228.

continued next page

Conflicts of Interest: The spouse of a municipal police chief is prohibited from signing as agent for a bonding company on criminal bail bonds in the municipal court of the municipality where the police chief serves. This prohibition is not cured by the requirement that the presiding circuit judge in the county approve bail bonding and surety companies doing business within the county. 2002-240.

Firearms: There is no provision for the sale of pistols condemned under Section 13A-11-84 of the Code of Alabama 1975. Therefore, firearms condemned by law enforcement entities may not be sold by a municipality, even where the proceeds from the sale would be used for law enforcement purposes. 2002-241.

Ad Valorem Taxes: Ad valorem taxes levied by a municipality by ordinance must be dispersed as provided in the ordinance providing for the tax. 2002-243.

Competitive Bid Law: A bidder who previously withdrew his bid, may re-bid on the same contract if all bids on the original contract are subsequently rejected and the contract is re-bid, provided there is no fraud or collusion presented. 2002-246.

Jails: The decision of whether to accept municipal prisoners, other than those he or she is required to house by state law, lies solely within the discretion of the county sheriff, unless there is a current agreement between the sheriff, the county, and the city for the sheriff to accept municipal prisoners. Both the county commission and the sheriff should be parties to any contract to house municipal prisoners. A city or a county may locate prisoners outside the city's or county's borders. Cities have the authority to contract with a private firm for the operation of jails. 2002-248.

Magistrates: A municipal court magistrate does not have the authority to endorse a warrant of arrest under Section 15-10-10 of the Code of Alabama 1975. 2002-251.

Conflicts of Interest: When a municipality serves as the governing body of a federal education program, Sections 11-43-12(a) and 11-43-53(a) of the Code of Alabama prohibits the mayor from serving as director of that program and receiving a salary for those services because the mayor would possess a financial interest in funds paid from the municipal treasury. 2002-254.

Courts: Where a case is determined by a judge to be a domestic violence case, municipal and circuit court clerks in the 28th Judicial Circuit are to assess the \$25 additional court cost levied by Act No. 98-578. A written order from the Judge to assess the fee is not necessary. 2002-255. **NOTE:** This opinion only applies to municipalities located within the 28th Judicial Circuit. ■

LEAGUE PUBLICATIONS ON DISK ...

ALM Library

Seven of the League's most requested publications are now on computer disk ...

- Selected Readings for the Municipal Official
- Handbook for Mayors and Councilmembers
- Labor Laws Affecting Municipalities
- Municipal Public Improvement Cost Assessment
- Methods of Extending Municipal Corporate Limits
- Incorporating a Municipality
- Municipal Clerks Manual

MunicipaLaw on Disc

- Summaries of Alabama Attorney General's opinions
- Summaries of Ethics Commission opinions
- Summaries of Alabama and Federal court opinions
- Other court opinions as published in the *Alabama Municipal News*

New Features to MunicipaLaw on Disc:

- *Directory of Municipal Officials*
- *Directory of Municipal Attorneys*
- *Directory of Municipal Judges*

*Use your computer to search by word,
phrase or citation!*

**Both the ALM Library and
MunicipaLaw on Disc are
available in Windows format.**

To order call:

334-262-2566

Morgan Keegan & Company

Financial Advisor • Underwriter
Municipal Financing

Morgan Keegan & Company, Inc.
Public Finance Group

Tom Yardley • Tom Barnett • Larry Ward
Frank Kohn • Tom Nesbitt • Fred Major

Morgan Keegan Center
2900 Highway 280, Suite 100
Birmingham, Alabama 35223

417 20th Street North
Birmingham, Alabama 35203

800/753-6619 • 205/802-4276

Members New York Stock Exchange, SIPC

FUTURE LEAGUE CONVENTION DATES AND LOCATIONS

April 26-29, 2003
Huntsville

May 22-25, 2004
Birmingham

May 21-24, 2005
Montgomery

Over the past 25 years, one
computer company has built
its reputation on outstanding
customer service and support.

Who's supporting YOU?

Now offering General Ledger, Purchasing, Payroll, Miscellaneous Receipting,
Case Management, Business License, Utility Billing, and GASB-34 compliant Fixed Assets software.

LOCAL GOVERNMENT DATA PROCESSING CORPORATION

(800) 381-4540

www.lgdpc.com

Visit the
League
on-line
at
alalm.org



JOHNSON & ASSOCIATES
ENGINEERING SURVEYING

*Transportation Engineering
Municipal Utilities Design
Stormwater Masterplanning
Constructed Wetlands
NPDES Permitting
Water & Wastewater*



*Sitework Design
Global Positioning Systems
Land Information Systems
Topographic Surveys
Utility Surveys & Easements
Grant Writing & Administration*

1218 B Church Street • Huntsville, Alabama 35801
(256) 533-7331 • Fax (256) 533-7332 • www.jaengineering.com

UTILITY SERVICE co., inc

Professional Tank Services for the Utilities and Wireless Markets

• WATER TANKS SERVICES

- Full Service Maintenance Programs
- Interior and Exterior Painting, Repairs, Safety Accessories
- Inspections, Washouts, Disinfections
- New Tank Sales and Leasing

• WIRELESS COMMUNICATIONS SERVICES

- Antenna Site Management for Water Tanks
- Antenna Installations and Site Construction
- Design Reviews/Project Management

Corporate Office: P.O. Box 1354, Perry GA 31069
Toll Free: 800-223-3695 • FAX: 478-987-2991
www.utilityservice.com





**Half of pregnancies are unexpected.
(But that's not the real surprise.)**

The real surprise is that women can help reduce the risk of certain serious birth defects. Simply take a multivitamin with folic acid every day as part of a healthy diet, whether or not you plan on a visit from the stork. Another surprise: some studies show folic acid also may help protect women from cervical and colon cancer. For more information, contact the March of Dimes at 1-888-MODIMES or www.modimes.org



Why sell your old car when you can give it away?

Call us crazy, but we think it makes sense. When you donate your car to the National Kidney Foundation, you're helping to save lives. The proceeds go to fund research, organ donor awareness and



*Consult your tax advisor for details.

patient services. And, if that's not reason enough, by giving away your car, you have a good chance of getting something back: a tax deduction. Make your car a Kidney Car. Cars that save lives.

For details, call 1-800-488-CARS.

Speaking of Retirement

*Prepared by the staff of the Retirement Systems of Alabama and edited by
Mike Pegues, Director of Communications.*

Identity Theft: Your Good Name Gone Bad!

What is identity theft?

Identity theft is when someone obtains a person's identifying information, such as name, address, date of birth, Social Security number or mother's maiden name and uses it illegally. Armed with this information, an imposter can open new credit card accounts, drain your bank accounts, purchase automobiles, apply for loans, open utility services and on and on.

Warning signs

Often there are no warning signs that identity theft has occurred. Some reasons for concern are:

- Your monthly credit card and bank statements suddenly stop arriving.
- You are denied credit for no apparent reason.
- You start getting bills from companies you do not recognize.
- Credit collection agencies try to collect on debts that do not belong to you.

How to protect yourself!

- Never carry your Social Security card, Social Security number, birth certificate or passport, unless necessary.
- Do not put your address, telephone number or driver's license number on a credit card or sales receipt.
- Social Security numbers or phone numbers should not be put on checks.
- Identifying information should not be given over the phone or the Internet to someone you do not know or on a cellular or cordless phone.
- Shred all personal documents before placing them in the trash.
- Get a copy of your credit report every year.
- Keep a list, in a safe place, of all credit cards and bank accounts including account numbers, phone numbers and expiration dates. Only use your credit card on the Internet if it will be encrypted.

What to do if you become a victim

- Keep records of all correspondence with the creditors and government agencies you contact. Include the date and name of the contact. Follow up all telephone contacts with a letter and keep a copy.
- Notify all creditors and financial institutions, in writing and by phone, that your name and accounts have been used without your permission. If an existing account has been stolen, ask the creditor or bank to issue you new cards, checks and account numbers. Carefully monitor the account activity on your statements. The Fair Credit Billing Act is a federal law that limits a consumer's responsibility for fraudulent charges to **\$50**.
- Immediately report the crime to the local police. Make sure to list the accounts on the police report and retain a copy for yourself.
- Report the crime to the Federal Trade Commission (1-877-IDTHEFT).
- Contact the frauds units of the three credit reporting agencies: Equifax 1-800-685-1111; Experian 1-888-397-3742; Trans Union 1-800-916-8800.
- **To opt out of receiving pre-approved credit card offers, call 1-888-5-opt-out.**

For more information about identity theft, visit the Call For Action, Inc. website at www.callforaction.org.

Reprinted with permission from Call For Action, Inc.

Prepared by the Communications staff of the Retirement Systems of Alabama. To have your questions answered in "Speaking of Retirement", please address them to Mike Pegues, Communications, Retirement Systems of Alabama, 135 South Union St., P. O. Box 302150, Montgomery, Alabama 36130-2150.

Eddie Blankenship

Eddie Blankenship, former council president of Birmingham, died May 24, 2002. He was 77.

Blankenship was elected to the council in 1983 and remained in office 14 years, eight of which he served as council president. In 1997, Blankenship decided not to seek reelection. He was a presiding elder in the African Methodist Episcopal Church, a community activist and minority business advocate. ■

Fayette (Pat) Bellew

Fayette (Pat) Bellew, councilmember of Highland Lake, died June 5, 2002.

Bellew served as mayor of Highland Lake for eight years and as a councilmember for 11 months. ■

Hoyt Harp

Hoyt Harp, who served four terms on the Cedar Bluff Town Council and was the current Mayor Pro-Tem died June 14, 2002. He was 72.

Harp served on the Board of Directors of the Cherokee County Chamber of Commerce and was a member of the Cherokee Co. Chapter of the American Red Cross Board of Directors, the Baptist Medical Center Hospice Board and the Bogan Chapel United Methodist Church.

He is survived by his wife, two sons, three daughters and five grandchildren. ■

Robert Paden

Robert Paden, Bessemer City Attorney since the early 1980s, died in his sleep June 16, 2002. He was 71.

Paden, a Bessemer native, had practiced law since the early 1960s. He had been recently praised by Mayor Quitman Mitchell for his work on getting VisionLand's water park open.

He is survived by his wife, two sons and two grandchildren. ■

Take a closer look.

ITC DELTACOM's Association Endorsement Program

For a no-obligation assessment of your telecommunications services, please contact our Customer Care Center at 800.239.3000, select Option 1, and request your call be transferred to the nearest ITC^DeltaCom Branch Sales Office.

In addition to enjoying exclusive association discounts and great savings, your participation in ITC^DeltaCom's Association Program enables you to directly support the ongoing endeavors of the Alabama League of Municipalities.

***ITC^DeltaCom, Proudly Endorsed
by the Alabama League of
Municipalities since July, 1992.***

Dedicated
Internet Access

Data Networks

Customer
Premise
Equipment

Long Distance

Local Services

Enhanced
Services

www.itcdeltacom.com

Convention 2003: Huntsville, Alabama April 26-29

PUT OUR EXPERIENCE TO WORK FOR YOU.

Over 300 Alabama Municipalities Have.

The League's **Municipal Revenue Service** for collection of delinquent insurance license taxes has more than 50 years experience of responsible and aggressive collection of lost revenue, currently for over 300 communities in Alabama.

Contact us today and let our proven professionals get the job done efficiently and effectively.

Together our strength in numbers works for you.

ALABAMA LEAGUE OF MUNICIPALITIES

535 Adams Avenue • Montgomery, AL 36104

334-262-2566 or 888-255-0434



**ADVERTISE WITH
THE LEAGUE!**

Call

334-262-2566

or visit our web site at

www.alalm.org

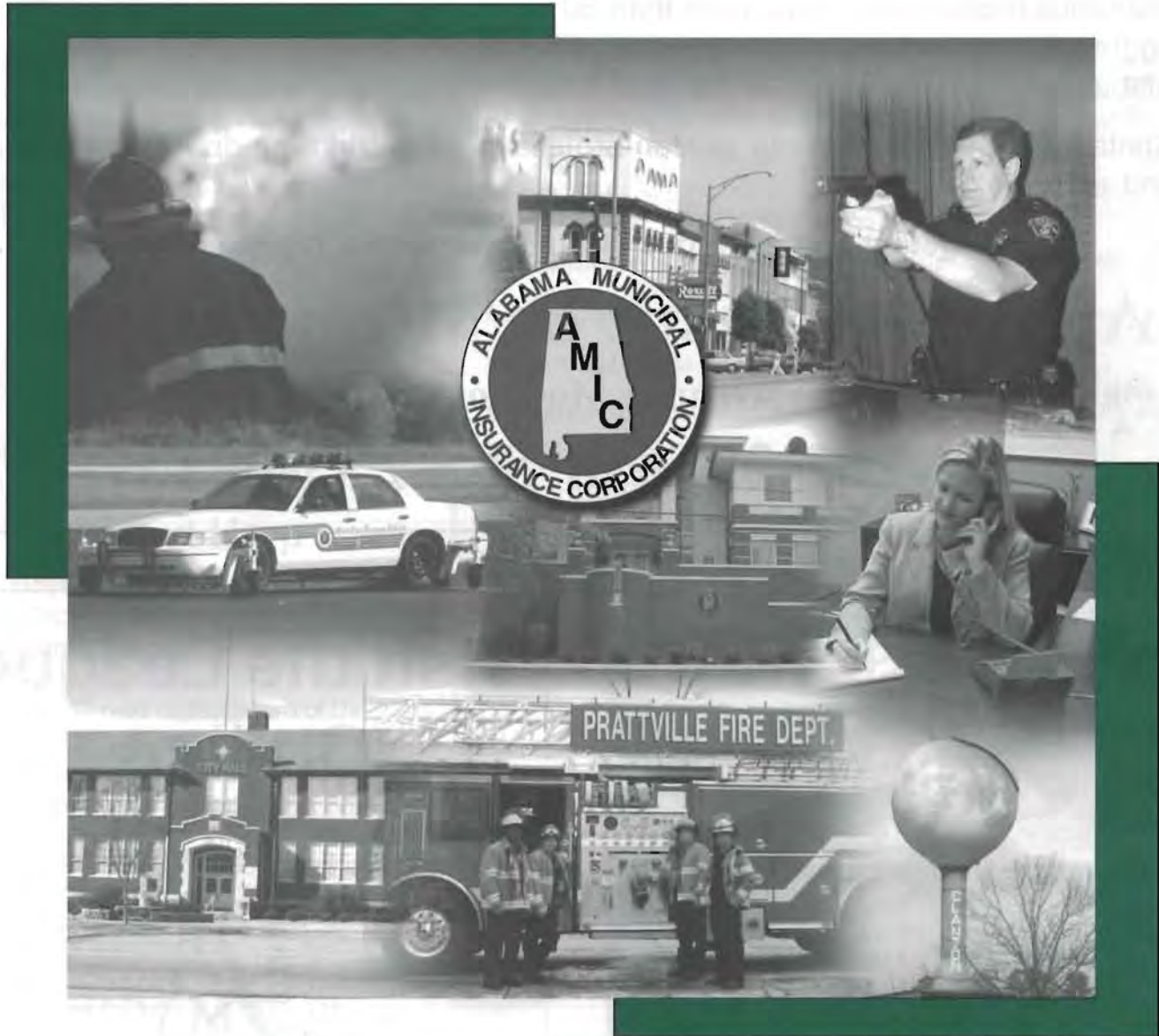
for more information.

**Visit the League
On-line**



www.alalm.org

Insuring the Future of Local Government



Is *YOUR* future covered?

STEVE WELLS, PRESIDENT
334-386-3863

Rated A- by
A.M. Best

JIM CHAMBLEE, SALES MANAGER
334-386-3863

Toll Free at 866-239-AMIC(2642)

110 N. Ripley Street • Montgomery, AL 36104 • www.AMICentral.org