

The Alabama Municipal JOURNAL

July 2008

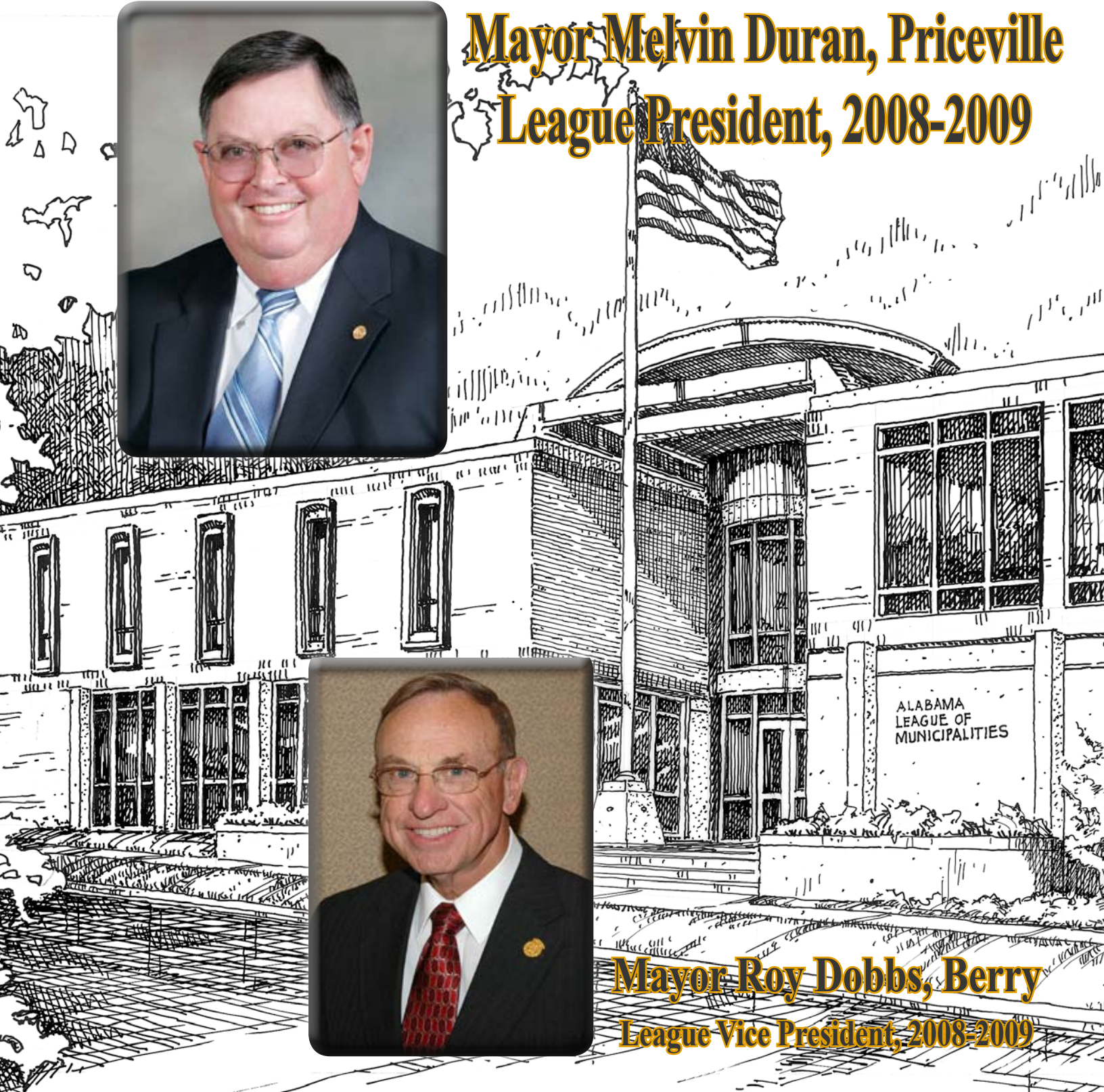
Volume 66, Number 1



Mayor Melvin Duran, Priceville
League President, 2008-2009



Mayor Roy Dobbs, Berry
League Vice President, 2008-2009



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 Municipal Worker's Compensation Fund has been serving Alabama's municipalities since 1976. Just celebrating our 30th year, the MWCF is the 2nd oldest league insurance pool in the nation!

- Discounts Available
- Accident Analysis
- Personalized Service
- Monthly Status Reports
- Directed by Veteran Municipal Officials from Alabama
- Over 625 Municipal Entities Participating
- Loss Control Services Including:
 - Skid Car Training Courses
 - Fire Arms Training System (FATS)

ADD PEACE OF MIND



The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

July 2008 • Volume 66, Number 1

OFFICERS

MELVIN DURAN, Mayor, Priceville, President
ROY H. DOBBS, Mayor, Berry, Vice President
PERRY C. ROQUEMORE, JR., Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

CHARLES WOODS, Councilmember, Childersburg, Chair
BOBBY BRIGHT, Mayor, Montgomery, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

DEBBIE QUINN, Councilmember, Fairhope, Chair
GARY FULLER, Mayor, Opelika, Vice Chair

Committee on Energy, Environment and Natural Resources

HOWARD SHELL, Mayor, Atmore, Chair
DEAN ARGO, Councilmember, Prattville, Vice Chair

Committee on Community and Economic Development

DAN DEASON, Mayor, Scottsboro, Chair
BEN REED, Council President, Gadsden, Vice Chair

Committee on Transportation, Public Safety and Communication

CECIL WILLIAMSON, Mayor, Demopolis, Chair
MARVA GIPSON, Councilmember, Aliceville, Vice Chair

Committee on Human Development

GEORGE EVANS, Council President, Selma, Chair
VANESSA HILL, Mayor, Greensboro, Vice Chair

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

Editor: CARRIE BANKS

Staff Writers: TRACY L. ROBERTS, KEN SMITH

Graphic Design: LAURA WHATLEY

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

Contents

<i>A Message from the Editor</i>	4
<i>The Presidents's Report</i>	5
<i>AMFund Provides Low-Cost Financing to Municipalities</i>	
<i>Municipal Overview</i>	7
<i>Final Report on the 2008 Regular Session</i>	
<i>The Legal Viewpoint</i>	9
<i>Act 2008-379 - Competitive Bid Law Amendments</i>	
<i>2010: Year of Alabama Small Towns & Downtowns</i>	11
<i>Company Profile: QS/I Governmental Solutions</i>	14
<i>Legal Clearinghouse</i>	18
<i>Municipal Clerk of the Year</i>	23
<i>Final Report - 2008 First Special Session</i>	23
<i>Obituaries</i>	24
<i>Honor Flight</i>	26
<i>Updated Fire Arms Training System</i>	26

Active Members (445)

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, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florida, Florence, Foley, Forkland, 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, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grove Hill, Gu-Win, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, 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, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, Madison, Madrid, Magnolia Springs, 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, Mumford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, 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, 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, Ridgeville, Riverside, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Sheffield, Shorter, Silas, Silverhill, Sipey, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Talladega Springs, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tusculmbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, 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.

A Message from the Editor



Many of you read in my January editorial that my husband, Craig, earned his J.D. from Jones School of Law this past December after having worked as an environmental/chemical engineer with GE Plastics for 13 years. Even though he completed school in December and passed the Alabama State Bar in February (hurray!), he didn't officially graduate from Jones until May 31st as the school only holds one ceremony per year. Craig wasn't exactly sure of his class ranking and so it was a bit of an adrenaline rush for us when he graduated Summa Cum Laude and was awarded the James J. Carter scholastic achievement scholarship award for the highest average of his graduating class (out of 64 students). Needless to say, I'm proud! Craig is now clerking for Justice Harold See of the Alabama Supreme Court and is enjoying the transition into his new profession immensely. And I'm excited we're once again a two-income family!

Congratulations are also in order to Matthew Griffith and Chris Ford who also graduated from Jones on the 31st. Matt, who graduated Magna Cum Laude, interned with the League the summer after his first year of law school and is the grandson-in-law of League past president and former mayor Jim Nix of Fairhope. Chris, who is the son of League past president Mayor Johnny Ford of Tuskegee, worked part time for the League last fall. The League staff is proud of both Matt and Chris for their accomplishments and we wish them a positive outcome as they prepare to take the Alabama State Bar this month.

Interning with the League's Legal Department this summer is Ashley Penhale, granddaughter of Mayor Sonny Penhale of Helena and immediate past president of the League. Ashley, who was named to the Dean's List and received "best paper" in Criminal Law for the Spring semester, was recently invited to join Law Review based on her excellent grades. This summer she is helping our attorneys prepare the *Selected Readings* and *Mayor-Council Handbook*, which are updated every four years and will be distributed to all municipal officials in November. We are pleased to have Ashley join us for a few months before beginning her second year of law school.

The League also extends heartfelt congratulations to Glenda Morgan, who retired on June 7th after 32 years with the City of Mobile, the past 14 of which she served as city clerk. Glenda has been extremely active with the Alabama Association of Municipal Clerks and Administrators as well as the International Institute of Municipal Clerks. She was also the League's point person for annual conventions held in Mobile. Undoubtedly, planning for Mobile in 2010 won't be the same without Glenda – although we do wish her every happiness as she and her husband, retired Mobile firefighter Howard Morgan, move to a rustic lodge in western Montana. God's continued blessings, Glenda!

On an extremely sad note, the League mourns with the City of Fairhope over the passing of City Clerk Geniece Johnson who lost her prolonged struggle with cancer on June 3 during what should have been the prime of her life. Geniece, 41, was appointed city clerk-treasurer in 1997 after serving as deputy city clerk for four years. She was well known and loved by her fellow municipal clerks, having served in every leadership position with the Alabama Association of Municipal Clerks and Administrators, including president in 2006. To say Geniece will be missed is woefully inadequate. She was a remarkable person who didn't publicly complain or question. Instead, she was an uplifting presence whenever she was in the room. She never allowed her illness to define her or how others perceived her. She was, indeed, a great lady. Her humble spirit, strength of character and delightful wit are how I will personally remember Geniece – which I've no doubt is exactly how she would *want* me and all her friends and colleagues to remember her.

Carrie

The President's Report



Melvin Duran
Mayor of Priceville

AMFund Provides Low-Cost Financing to Municipalities

With its June 11 bond closing last month, the Alabama Municipal Funding Corporation (AMFund) marked its 9th closing since its creation in January 2006. Thus far, 20 municipalities have participated in the program, borrowing just over \$70 million in public improvement bonds. Competitive borrowing costs and simplified procedures make AMFund a viable option for municipalities to finance their capital improvement projects and equipment purchases – particularly smaller communities that may be overlooked by investment bankers and for which traditional financing needs may not always be the best choice.

Because AMFund is a League-endorsed program, municipalities should feel confident in using the program to finance their municipal projects and purchases. Providing low-cost financing to municipalities in Alabama is AMFund's main objective. Tax-exempt bonds are issued to AMFund and the bond proceeds, in turn, fund the municipalities' needs. From this pool, individual municipalities can borrow money at low, tax-exempt interest rates to fund almost any municipal equipment or improvement project. For some municipalities, AMFund's competitive interest rates and issuance costs will be just what they need to undertake a new project or acquire new equipment. Still others, who may have consistently been turned down for a loan because the requested amount was too small, will welcome the freedom AMFund grants them to improve the quality of life for their citizens.

AMFund is able to offer competitive pricing and save municipalities money for a number of reasons. Most importantly, sharing issuance costs and being a part of bond issues of sufficient size allows individual municipalities to enjoy reduced borrowing costs and achieve attractive interest rates. In addition, by using straightforward loan documentation, staff time is minimized.

The application process, as any municipality having closed with AMFund will attest, is incredibly simple. First, cities must submit a short application, which can be completed online at

www.alalm.org, to pre-approve them to borrow money. Cities having applied for loans before know how much work goes into preparing financial data and demographics information for a traditional application. Through AMFund, however, the workload on city staff is much lighter. No prospectus is required and once the application is filled out and the municipality's audits are submitted, the bulk of the municipality's work is done. When the municipality receives approval from US Bank, bonds can be issued on the city's individual timetable or construction schedule to source loans for equipment or capital improvements. In addition, the loan payment schedule can be tailored to fit individual needs.

AMFund is not going to be the solution for every municipality that wants to borrow money; however, it is a very competitive alternative to traditionally financed municipal loans. David Hooks of Sterne, Agee and Leach and Louis Cardinal of Thornton Farish, Inc., serve as AMFund underwriter and remarketer. In addition to the firms of Thornton Farish, Inc. and Sterne, Agee and Leach, AMFund has several other reputable organizations involved in its bond program. US Bank has been retained as the letter of credit provider, and Bank of New York serves as AMFund trustee. The combined expertise of these organizations has proven invaluable in helping municipalities in Alabama finance projects and equipment purchases. Bradley, Arant, Rose & White serve as bond counsel.

Indeed, AMFund can help most any municipality, regardless of size, finance improvements and purchases, from smaller cities borrowing money for sewer projects to larger municipalities financing fire trucks or police vehicles. Additionally, AMFund closings take significantly less time, getting municipalities the money they need quicker than is the norm with traditional financing.

At the very least, considering AMFund as another municipal financing alternative is smart shopping. For more information, contact Greg Cochran, AMFund Executive Vice President at 334-262-2566 or via email at gregc@alalm.org. ■

\$10 Million Dollars



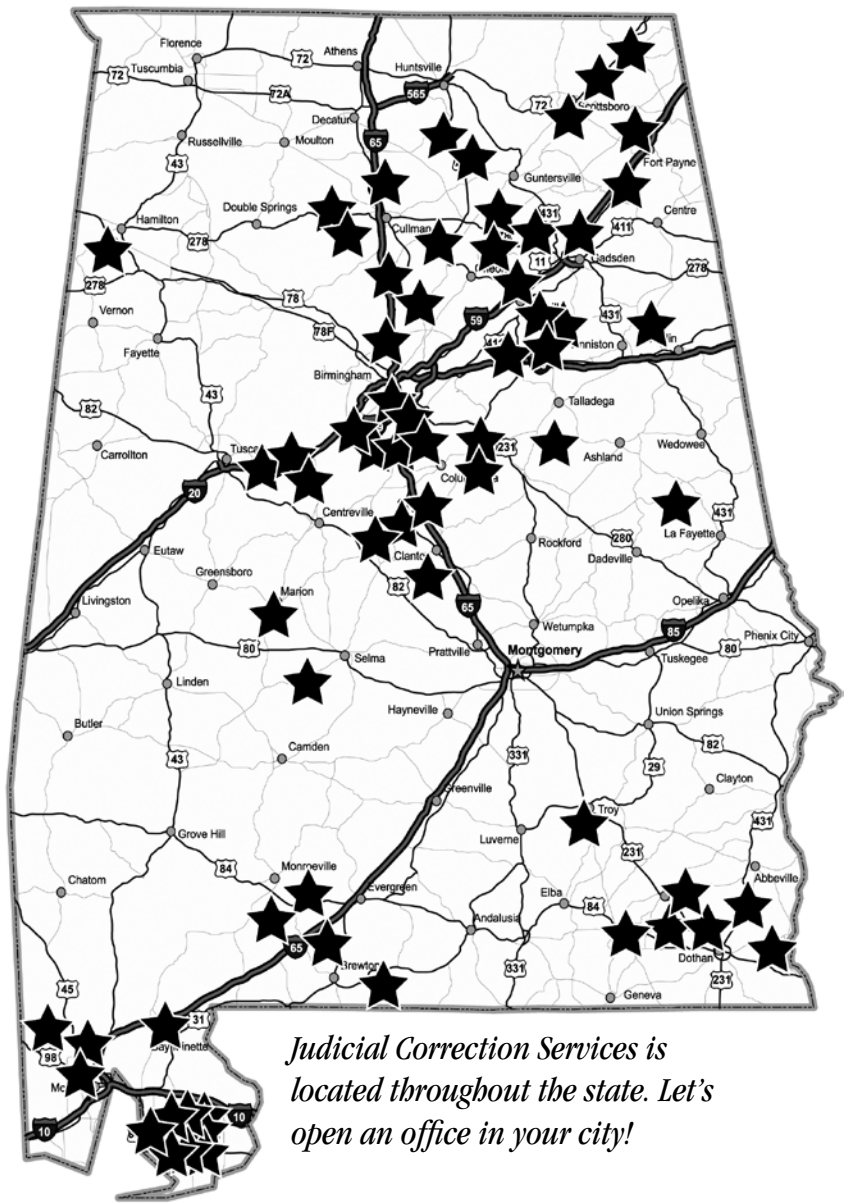
Last year we sent over ten million dollars to Alabama Municipal Courts in fine collections. The cost to the cities was zero.

That's right, not a dime!

More than 60 Alabama municipalities rely on Judicial Correction Services. JCS ensures court fines are paid quickly and completely, court docket sizes are reduced & jail population is kept small.

City budgeting becomes easier with increased revenue and reduced expense. Unpaid fines are nearly eliminated.

Let's meet and discuss how we can help your city. Call today!



Judicial Correction Services is located throughout the state. Let's open an office in your city!



Kevin Egan
Judicial Correction Services
www.judicialservices.com
1.888.527.3911

Municipal Overview

Final Report on the 2008 Regular Session



Perry C. Roquemore, Jr.
Executive Director

The Alabama Legislature completed its 2008 Regular Session on Monday, May 19. This year, 1606 bills were introduced and 220 bills received final passage. By comparison, in 2007, 1476 bills were introduced and 294 received final passage.

Final Status of the League Legislative Package

Appropriation for Wastewater Treatment SRF (HB328, Act 2008-466). In the 1980's, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The General Fund Budget contained \$516,849 in additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program.

Sunset Law – Real Estate Commission (SB183, Act 2008-141): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission until October 1, 2012, with certain modifications; to amend Sections 34-27-32 and 34-27-66, Code of Alabama 1975, so as to delete the requirement that applicants for licensure be United States citizens. The bill contains a League amendment to move the realtor license limitations law passed last year from Title 34 to Title 11 of the Code of Alabama where other municipal license laws are codified.

Six bills in the League's Legislative Package were up for final passage in the Senate on the last day of the session, but the Senate did not get to any of them as they spent the day debating the education budget, which also did not pass. The Governor called a special session to deal with the education budget and other matters in late May (see Special Session article in this issue of the *Journal*).

The League wishes to thank the following persons for sponsoring League bills this session: Representatives Bill Dukes, Ron Johnson, Mike Ball, Rod Scott, Marcel Black,

Steve McMillan, Cam Ward, and Warren Beck, and Senators Zeb Little, Harri Ann Smith, Jabo Waggoner, Parker Griffith, Linda Coleman, Ted Little, Wendell Mitchell and Larry Means.

Status of Dangerous Legislation

There were a number of bills introduced this session that would have had a negative impact on municipalities had they received final passage. Bills in this category that died this session included legislation to severely restrict municipal regulation of cell towers; to require municipalities to collectively bargain with their public safety employees; to grant tax exemptions to certain entities; to propose an initiative procedure for city ordinances; to establish a meet and confer law for police officers; to require state approval of building code amendments; to make it permissive to take municipal sales taxes off of groceries; to prohibit a city from requiring a landlord to pay utility bills of tenants when the tenant has moved away; and to weaken municipal control of billboards.

General Bills of Interest to Municipalities that Passed

Alabama Juvenile Justice Act (HB28, Act 2008-277): Relating to juvenile court proceedings; to revise and reorganize and repeal parts of Chapter 15 of Title 12, of the Code of Alabama 1975, the Alabama Juvenile Justice Act, to provide for the jurisdiction, procedures, and operation of the juvenile courts in this state and the juvenile justice system; to provide for general provisions and definitions; to provide for delinquency and children in need of supervision proceedings; to provide for dependency and termination of parental rights proceedings; to provide for the involuntary commitment of children; to provide for multiple needs children; to provide for appeals; to specify certain criminal penalties

Alternative and Renewable Energy Act of 2008 (HB234, Act 2008-275): To enact the Alternative and Renewable Energy Act of 2008; to amend and renumber Sections 40-17-100, 40-17-101, 40-17-102, 40-17-103,

continued on page 13



Municipal and Public Finance Group

(Left to Right)
Haskins Jones
Alston Ray
Willis Meriwether, IV
Russell Irby, III

Johnston Barton Proctor & Rose LLP
 Colonial Brookwood Center
 569 Brookwood Village, Suite 901
 Birmingham, Alabama 35209
 Telephone: (205) 458-9400 • Facsimile: (205) 458-9500
 www.johnstonbarton.com

In accordance with Alabama State Bar requirements, no representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.

JohnstonBarton

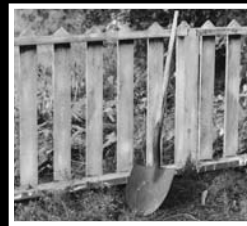
ATTORNEYS

Salutes the
Alabama League of Municipalities
Public Finance Legal Services to
State and Local Governments:

- Governmental Services
- Infrastructure
- Education
- Industrial Development
- Economic Development Incentives
- Housing
- Utilities
- Privatization
- Structured and Pool Financings
- Rate Swaps and Derivatives
- Arbitrage Rebate

prevent damages to buried utilities

call before you dig



It may be quite surprising, but damage to buried utility lines can occur when doing typical home improvement projects such as putting up a fence, mailbox post, swing set, building a deck or planting a garden, trees or shrubbery. If you're beginning a project that requires digging or adjusting the grade of your property, call Alabama One Call before beginning your work. This service is FREE.



800.292.8525 | **Alabama 1 Call** | **252.4444 B'ham Area** | **www.al1call.com**

The Legal Viewpoint

By Ken Smith
Deputy Director/General Counsel



Act 2008-379 - Amendments to the Competitive Bid Law

Act 2008-379 (House Bill 442), a new Act amending the competitive bid law, has generated a number of requests for information from our office. This article provides an overview of the changes contained in Act 2008-379.

Effective Date

There has been some confusion regarding the effective date of the new Act. Apparently much of the confusion was caused by the passage of a separate bill during the 2008 session that related to the state competitive bidding procedures. This bill, Senate Bill 381, contained a provision making it effective immediately, and was vetoed by the Governor.

On the other hand, the bill affecting local bidding, Act 2008-379, was signed by the Governor and becomes effective on the first day of the third month following its passage, which is August 1, 2008.

Significant Bid Law Changes

From a municipal standpoint, Act 2008-379 made several helpful changes to the bid law. To begin with, the Act increased the minimum amount for contracts subject to the bid law from \$7,500 to \$15,000.

Additionally, the Act eliminated the mandatory bid bond requirement. Previously, bid bonds were required on all contracts over \$10,000. The new Act makes a bid bond optional on the part of the awarding municipality. The Act states that a bid bond may be required if 1) bonding is available, 2) the requirement applies to all bidders and 3) is included in the written specifications for the bid.

The Act also provides a procedure for awarding a contract to the second lowest bidder when the lowest bidder defaults. Under prior law, once the contract was let, the bid ended and if the lowest bidder didn't fulfill the contract, the project had to be rebid.

Act 2008-379 allows the municipality to cancel the contract following a default by the lowest bidder and award it to the second lowest bidder. The contract with the second lowest bidder must be let on the same terms and conditions contained in the original bid specifications and must be awarded for no more than the second lowest bidder originally bid.

Another significant change removes the requirement that local awarding authorities wishing to jointly bid the purchase of items must be located in the same or adjoining counties. Under Act 2008-379, local governments anywhere in Alabama may jointly

agree to let bids and authorize a joint purchase agent or bid agent to act on their behalf in bidding or purchasing.

Other Bid Changes

Municipalities can still create local preference zones under the law Act. Rather than using the Standard Metropolitan Statistical Area, though, Act 2008-379 provides that municipalities may define the local preference zone as either the boundaries of the jurisdiction of the municipality, the county where the municipality is located or the Core Based Statistical Area (CBSA), as established by the U.S. Census Bureau, in which the municipality is located.

A local preference zone allows a municipality to award contracts for purchases of personal property to local bidders, provided that the local bid is no more than 3 % higher than the lowest bid received from bidders outside the zone. If the municipality wishes to establish a local preference zone other than the municipal jurisdiction, it must establish the parameters of the zone at the time it advertises for bids.

The new Act also allows local boards of education to establish local preference zones. Act 2008-379 also makes clear that local awarding authorities can begin using reverse auction procedures on January 1, 2009. The Department of Examiners of Public Accounts must establish procedures for letting contracts through reverse auction by November 30, 2008. Items can be purchased through the use of a reverse auction only if either 1) the item is not available through the state purchasing program for the same terms and conditions, or 2) if the item is purchased for a price equal to or less than that available on the state bid list.

Finally, as of January 1, 2009, the new Act permits local awarding authorities to take life cycle issues in consideration when letting bids, if these standards can be acquired from industry recognized and accepted sources. The Department of Examiners of Public Accounts must establish procedures for using life cycle costs by November 30, 2008.

Life cycle costs are costs associated with acquisition, use, maintenance and other costs associated with ownership or use of the product being let over the expected life cycle of the product. The awarding authority must notify potential bidders at the time of issuing specifications that it will consider life cycle costs when letting the bid. The awarding authority must identify which sources it is using in making this determination. ■

The Strategic Procurement Source for Public Agencies

Think of
US first
for PROVIDING SOLUTIONS

www.uscommunities.org



U.S. COMMUNITIES

Government Purchasers Saving You Money

Founding Co-Sponsors



5051 Cardinal Street | Trussville, Alabama 35173 | 205-661-4400 | 888-802-7500



THE MCPHERSON COMPANIES

McPherson's commitment to our customers is TPM - Total Petroleum Management. TPM - Total Petroleum Management is our promise to provide the finest quality and selection of products and services in our industry. With TPM, we are uniquely suited to provide our municipal customers with a complete offering of products and services.

* Oils, Lubricants & Greases

- o Major oil company brands
- o Private label oils/greases

* Fuel - Gasoline, Diesel (on-road, off-road), Biofuels

- o Branded or Unbranded
- o Biodiesel
- o Ethanol

* Fuelman - fuel management credit cards

* Used oil and filter collection

* Recycled oils

* Burner fuel supply

* Transmission fluids, anti-freeze, kerosene

* Petroleum equipment - installation, maintenance



Fuelman

McCLEAN

ReNEW

www.mcphersonoil.com

2010: Year of Alabama Small Towns and Downtowns

DEADLINE to participate: December 1, 2008

Governor Bob Riley invites you to celebrate your town in 2010 by participating in the statewide promotion of The Year of Alabama Small Towns & Downtowns.

- Invite former residents back for a special Homecoming Weekend.
- Unveil a locally written historic marker on the history of the town.
- Lead a walking tour of the historic area.
- Dedicate a completed civic project, such as a new park or restored landmark building or other needed public project.

The Alabama Tourism Department will publish an attractive book that features photographs and a brief history of each participating municipality. The books will be sold in stores all over Alabama. Each participating municipality will also receive a free, custom historic marker. **Submit your 2010 celebration date by the deadline of December 1, 2008 to be certified as an official "Year of Small Towns and Downtowns" participant.**

The Homecoming Weekend:

If you have a popular annual event, declare that date in 2010 to be your community's Homecoming Weekend and make it even bigger. If your city or town doesn't have an annual event, you need one and this is the perfect way to start. When your committee does the event once, you'll discover how easy it is to repeat the following year.

Who is sponsoring The Year of Small Towns and Downtowns? The Office of the Governor, The Alabama League of Municipalities, The Alabama State Chambers of Commerce and the Alabama Tourism Department.

What will it cost us to participate? Nothing. There is no administrative fee. The primary costs would be for a civic project of your choosing.

Do we absolutely have to do "a civic project"? No.

Does this require a local committee or can this project be done through the mayor's office? That decision is up to the town government.

What action is expected of the council or the chamber? Approve a resolution **before Dec. 1, 2008**, declaring that the municipality (or chamber) will host a homecoming celebration on a particular date in 2010 inviting previous residents to return home.

Who is responsible for the free historic marker? Alabama Tourism will order it and pay for it. Your committee will write the text. Approximately 150-175 words per side is suggested. The second side can be a continuation of the first side, or it can be a completely different subject. **The text for the marker is due on or before December 1, 2008.** The completed marker will be shipped from the factory to the mayor. When you send the text, include a note with the DATE in 2010 of your Homecoming Weekend in which you intend to dedicate the marker. This way we will have enough time to have it made.

Why does this have to be done by December 1, so far in advance? The preparation of the book and manufacture of a large number of historic markers will take a full year.

What is the deadline for sending the words for the marker to the Alabama Tourism Department? December 1, 2008

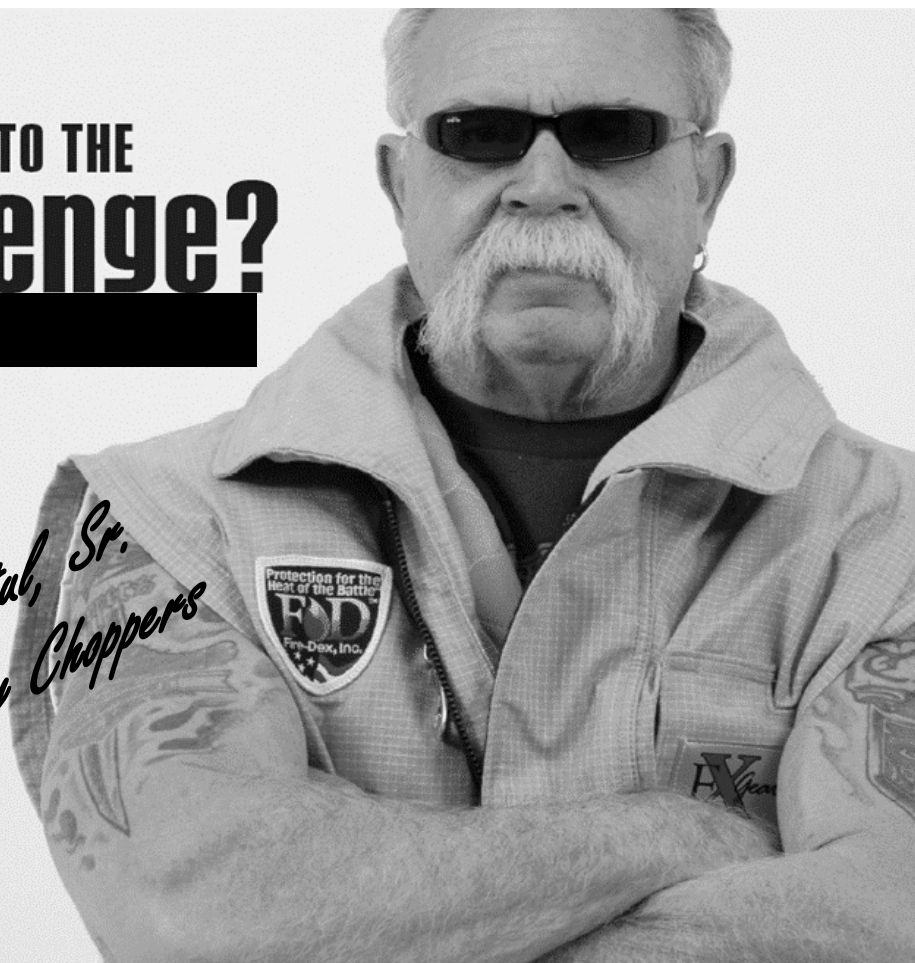
Who do we contact? Where do we send our text to for the historic marker? Email the name of your committee chair, the contact's personal email address and send questions to Brian Jones at the Alabama Tourism Department in Montgomery. Contact: Brian.Jones@tourism.alabama.gov or call 1-334-242-4169. As we receive questions, we will send the answers to EVERYBODY on our list to share the answers.

To download brochure, visit www.alalm.org.

Free Historic Marker to Participating Municipalities

ARE YOU UP TO THE Challenge?

*Paal Tentel, Sr.
Orange County Choppers*



FX Gear

FX gear features a completely redesigned coat and pant pattern that focuses on increased mobility and dexterity. Designed with the firefighter's needs in mind, allowing maximum movement without restriction. Can be made with standard features or custom designed to fit your needs.

**Create your personalized turnout gear
with the industry's only
online specifications service.
WWW.FIREWRITER.NET**



**Fire Rescue
Help Group**
EXCLUSIVE ALABAMA DEALER

120 LaFayette Hwy . Roanoke, Alabama

334-863-7222

www.firerescuehelp.com

Jeff and Cindy Tubbs Monroe—owners

Municipal Overview continued from page 7

40-17-104, 40-17-105, 40-17-106, 40-17-107, and 40-17-108, and to amend Sections 40-9B-3, 40-9B-4, 40-18-1, 40-18-190, and 40-18-194, Code of Alabama 1975, to make legislative findings and define terms; to provide requirements relating to the Alabama Public Service Commission's approval of utility programs for the purchase of electricity from distributed generation facilities; to provide similar rules for the governing boards of certain other electric service suppliers; to provide for tax credits and abatements for various energy-related expenditures; to provide for the review by the Department of Revenue of payroll filings and withholdings for wages paid to certain construction workers; and to provide effective dates.

License Fee on Real Estate Signs Prohibited (HB296, Act 2008-383): To add Section 34-27-30.2 to the Code of Alabama 1975, to prohibit a municipality or political subdivision from imposing a license fee on signs advertising real property for sale by realtors.

General Fund Budget (HB328, Act 2008-466): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2009.

Statewide Program for Solid Waste Management (HB395, Act 2008-151): To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1, 22-27-2, 22-27-4, and 22-27-47, Code of Alabama 1975, and to add Sections 22-27-9, 22-27-10, 22-27-11, 22-27-12, 22-27-13, 22-27-14, 22-27-15, 22-27-16, 22-27-17, 22-27-18 and 22-27-19 to the Code of Alabama 1975, relating to solid waste management; to specify certain duties of the Alabama Department of Environmental Management as the primary agency regulating solid waste management facilities and the Department of Health as the primary agency for the collection and transportation of solid waste; to provide for local programs of solid waste and recyclable materials management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required cleanup, and closure of unauthorized dumps; to authorize fees for disposal of solid waste within the state the proceeds of which shall be used to adequately fund the solid waste management program of the Alabama Department of Environmental Management; to establish a trust fund to provide for a grant program for local governments to develop, implement, and enhance recycling and waste minimization efforts; to establish minimum standards for solid waste reduction, minimization, and recycling; to provide for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Unemployment Compensation Benefits – Increase (HB427, Act 2008-500): To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to increase the maximum unemployment benefits by \$20 per week for benefit years which begin on or after July 6, 2008; and to increase the maximum unemployment benefits by an additional \$10 per week for benefit years which begin on or after July 5, 2009, and provide for the funding for the administration of the unemployment compensation statutes and public employment offices.

Competitive Bid Law Amendments (HB442, Act 2008-379): To amend Sections 41-16-50, 41-16-54, 41-16-55, and 41-16-57, Code of Alabama 1975, relating to competitive bidding on contracts of certain state and local agencies; to increase the minimum amount of contracts subject to competitive bid from \$7,500 to \$15,000; to include city and county boards of education in the list of awarding authorities that may establish local preference zones; to change from mandatory to permissive the furnishing of a bid bond by a bidder; to exempt from competitive bidding requirements purchases made by city and county boards of education under certain joint purchasing agreements; to authorize an awarding authority to make purchases or contracts through a reverse auction procedure; to provide for the award of the remainder of an award period to the second lowest responsible bidder in the event of the default of the lowest responsible bidder; and to specify that the lowest responsible bid may be the bid offering the lowest life cycle costs.

Retired County and Municipal Employees – Post-Employment Benefits Act (HB481, Act 2008-503): To authorize any and all political subdivisions of the state, any departments, agencies, boards, commissions, or authorities of any such political subdivisions, or any public corporations, authorities, agencies, instrumentalities, boards, commissions, state colleges, universities, or other governmental entities controlled or otherwise associated with any such political subdivisions thereof permissively to create, individually or jointly with other governmental entities, an irrevocable trust or trusts or any other fund exclusively for the purposes of holding, investing, and distributing assets to be used for certain post-employment benefits; to provide for definitions; to provide for the proper funding and allowable investments of the trusts; and to provide for other related matters.

Motor Vehicle Liability Insurance – Limits Increased (SB4, Act 2008-393): To amend Sections 32-7-2, 32-7-6, 32-7-16, and 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act and providing for certain insurance or financial responsibility on recovery for death, bodily injury, and loss of services and property; to increase certain proof of financial responsibility.

Death Benefits for Peace Officers and Firefighters



FULL SERVICE MAINTENANCE PROGRAMS

GASB 34 Compliant
Interior and Exterior Painting, Repairs, Safety Accessories
Inspections, Washouts, Disinfections

WIRELESS COMMUNICATIONS SERVICES

Antenna Site Management • Antenna Installations
Design Reviews/Project Management

TAX EXEMPT FINANCING

Asset Acquisition and Infrastructure Growth
Extremely Competitive Rates
No "Red Tape"

NEW TANK SALES

Expedited Delivery
Any Style, Design, Capacity

Utility Service Co.

I N C O R P O R A T E D

CONTACT:

R. Michael Szabo, Jr.,
6529 Big Oak Court
Columbus, GA 31909
Phone: 706-575-1456
Fax: 706-563-4888
mszabo@utilityservice.com

CORPORATE OFFICE:

P.O. Box 1350
Perry, GA 31069
Phone: 800.223.3695
Fax: 478.987.2991

www.utilityservice.com

QS/1 Governmental Solutions

PO Box 6052
Spartanburg, SC 29304
Phone: 800-235-0762
FAX: 864-253-8692
E-mail: pburnett@qs1gov.com
Website: www.qs1gov.com
Contact: Perry Burnett

QS/1's Governmental Solutions are developed to help county and municipal governments maintain their data and services in the easiest, most efficient manner possible. With more than 75 integrated modules for comprehensive government management, our software solutions are also backed by superior customer service and continuous research and development. Founded in 1959, QS/1's Governmental Solutions is a subsidiary of QS/1, an industry-leading technology company with more than 550 employees. **See ad, page 129 Annual Directory and on page 22 of this issue of the Journal.**



BUDGET WITH CONFIDENCE

Reduce your risk through Life Cycle Costing.

When you require bidders to put Life Cycle Cost data in their proposals, you'll get the information you need to budget accurately, manage expenditures wisely, reduce risk and use limited resources effectively.

To include a Life Cycle Cost requirement in your next RFP (Request for Proposal), talk to Thompson Tractor and visit www.govbidspec.com. The site includes:

- Bid specifications for hundreds of machines, generator sets and work tools
- Life Cycle Cost Bid forms and Scheduled Maintenance Calculation forms
- Forms that you can download, edit, print and attach to your RFP documents

Working with Thompson Tractor, you can invest with confidence, knowing the products and services you procure will deliver an excellent return, today and in the future.

www.thompsontractor.com

www.govbidspec.com

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



www.thompsontractor.com

Attalla/Gadsden
121 Gilberts Ferry Rd. S.E.
Attalla, AL 35954
(256) 570-1100

Birmingham
2401 Pinson Highway
Birmingham, AL 35217
(205) 841-8601

Crestview
2106 3rd Ave.
Crestview, FL 32539
(850) 682-6510

Decatur/Huntsville
6969 US Highway 31
Tanner, AL 35671
(256) 353-7721

Dothan
118 Vulcan Way
Dothan, AL 36303
(334) 671-1040

Marianna
3742 U.S. Hwy. 90 W.
Marianna, FL 32446
(850) 526-2241

Mobile
30950 State Hwy. 181
Spanish Fort, AL 36527
(251) 626-5100

Montgomery
10120 Hwy. 80 E.
Montgomery, AL 36117
(334) 215-5000

Opelika/Auburn
302 Fox Run Ave.
Opelika, AL 36801
(334) 749-3359

Oxford/Anniston
2300 Hwy. 21 S.
Oxford, AL 36203
(256) 831-4104

Panama City
4109 Cato Rd.
Panama City, FL 32404
(850) 785-4007

Pensacola
2650 West Nine Mile Rd.
Pensacola, FL 32534
(850) 471-6700

Shelby County
2070 Corporate Woods Dr.
Alabaster, AL 35007
(205) 664-4833

Thomasville
2501 Joe Davis Industrial Blvd.
Thomasville, AL 36784
(334) 636-0420

Tuscumbia
1410 S. Hook St.
Tuscumbia, AL 35674
(256) 381-2771

(SB239, Act 2008-480): Relating to death benefits for peace officers and firefighters; to amend Sections 36-30-1, 36-30-2, 36-30-3, 36-30-4, and 36-30-5, Code of Alabama 1975, so as to provide that a peace officer or a firefighter may designate the beneficiary or beneficiaries who will receive the death benefits payable if that peace officer or firefighter is killed in the performance of his or her duties; to provide that death benefits shall be paid to the next surviving class of individuals in a specified order; to require that the compensation amounts provided be adjusted for inflation; to extend the time period that certain claimants affected by this act may present claims to the awarding authority; and to provide that this act is effective retroactively to January 1, 2006.

Coastal Insurance (SB296, Act 2008-392): To codify the insurance plan known as the Alabama Insurance Underwriting Association along with its articles of agreement, plan of operation, and rules and procedures effective January 1, 2008.

Incorporation Validation (SB477, Act 2008-481): To amend Section 11-41-8 of the Code of Alabama 1975, as last amended by Act 2007-385, to further provide for the incorporation of certain municipalities incorporated under certain conditions and any extension of the corporate limits related thereto.

Class 3 Municipalities – Tax Increment Districts (SB556, Act 2008-482): Relating to Class 3 municipalities; to amend Section 11-99-4, Code of Alabama 1975, as amended by Act 2007-204, to increase the percent of total value of equalized taxable property for all tax increment districts created by the municipal governing body.

Proposed Constitutional Amendments

HB255, Act 2008-283 – Etowah County elected officials authorized to participate in ERS

HB337, Act 2008-285 – Blount County municipalities – annexation across county lines

HB380, Act 2008-84 – Mobile County procedure for handling dangerous dogs in unincorporated areas

HB479, Act 2008-288 – Russell County court costs

HB497, Act 2008-124 – Coffee County Sheriff authorized to participate in ERS

HB528, Act 2008-287 – Phenix City Water System

HB559, Act 2008-286 – St. Clair County Elected Officials authorized to participate in ERS

HB695, Act 2008-290 – Geneva County court costs and document service fee

HB761, Act 2008-291 – Marshall County elected officials and sheriff authorized to participate in ERS

HB778, Act 2008-452 – Baldwin County Commission regulation of county owned property

HB830, Act 2008-292 – Conecuh County ad valorem

taxes

HB875, Act 2008-293 – Tuskegee Utility Board

HB882, Act 2008-295 – Baldwin County Board of Equalization

HB885, Act 2008-294 – Winston County local laws

Local Bills

HB4, Act 2008-83 – DeKalb County Community Development Commission and Fund

HB88, Act 2008-85 – Class 2 Municipality (Mobile) Water and Sewer Board

HB184, Act 2008-75 – Colbert County Community Development Commission and Fund

HB200, Act 2008-400 – Mountain Brook civil action for ordinance enforcement

HB218, Act 2008-86 – Morgan County Coroner compensation and ERS Participation Allowed

HB249, Act 2008-40 – Fort McClellan Joint Powers Authority – Open Meetings

HB259, Act 2008-126 – Mobile County election official's compensation

HB270, Act 2008-401 – Shelby County traffic laws in gated communities

HB271, Act 2008-284 – Shelby County traffic laws in gated communities

HB307, Act 2008-74 – Franklin County Community Development Commission and Fund

HB341, Act 2008-407 – Class 1 cities – Mayor and Council Salaries

HB352, Act 2008-463 – Macon County Economic Development Authority

HB362, Act 2008-125 – Lauderdale County Community Development Commission and Fund

HB381, Act 2008-127 – Mobile County dangerous dogs or nuisance dogs

HB382, Act 2008-403 – Shelby County Coroner compensation

HB400, Act 2008-404 – Calera warrant recall fee

HB401, Act 2008-405 – Shelby County Board of Equalization

HB449, Act 2008-406 – Jefferson County Health Department employee retirement COLA

HB479, Act 2008-288 – Russell County Court Costs

HB492, Act 2008-408 – Jefferson County Personnel Board

HB498, Act 2008-87 – Coffee County court costs

HB499, Act 2008-88 – Coffee County Coroner Office consolidated

HB505, Act 2008-410 – Limestone County Sheriffs Driving Education Seminar

HB536, Act 2008-414 – Limestone County Fire Protection Fee

continued on page 17

ESPIONAGE DETECTION SERVICES

A division of Millennium Risk Managers

- Do individuals with a conflicting interest know more than they should know?
 - Are strange crackling sounds being heard over your telephone system?
 - Do little things seem to have been moved or out of place in your office?

**YOUR OFFICE COULD BE ILLEGALLY BUGGED!
OR
YOUR TELEPHONE SYSTEM MIGHT BE ILLEGALLY TAPPED!**

We offer a complete counter measure sweep service utilizing state-of-the-art sweep equipment that is utilized by the United States to sweep embassies, the White House etc.

All technicians are certified.

For a Confidential Quote, Please Contact:

Tom Roper
1-888-736-0210 ext 12
trope@mrm-llc.com

***DO NOT UTILIZE A PHONE OR MAKE CONTACT FROM
A SUSPECTED ILLEGAL EAVESDROPPING LOCATION***



**WHAT WE DO IS NOT UNUSUAL.
THE WAY WE DO IT IS.**

**A UTILITY MANAGEMENT AND ENVIRONMENTAL ENGINEERING COMPANY
Your Partner in Meeting the Demands of Tomorrow**

Corporate Office 1815 SATELLITE BOULEVARD | SUITE 103 | DULUTH, GEORGIA 30097 | 678-475-9212 | www.esgoperations.com

HB548, Act 2008-244 – Camp Hill – Sunday Sale of Alcoholic Beverages authorized
HB568, Act 2008-89 – Baldwin County Board of Equalization compensation
HB611, Act 2008-409 – Lee County Planning Commission
HB615, Act 2008-411 – Russell County abandoned or unsafe manufactured dwellings
HB632, Act 2008-413 – Russell County Commission vacancies
HB634, Act 2008-415 – Russell County Commission business license fees
HB637, Act 2008-505 – Marshall County court costs
HB660, Act 2008-416 – Class 1 cities – Municipal polling places same as for general elections
HB673, Act 2008-418 – Montgomery County employees authorized to participate in ERS
HB681, Act 2008-289 – Blount County motor vehicle license tags
HB688, Act 2008-455 – Escambia County Commission – bid laws
HB689, Act 2008-454 – Escambia County solicitor’s fee
HB705, Act 2008-485 – Russell County Commission blanket bond on commissioners
HB719, Act 2008-456 – Morgan County TVA payments in-lieu-of taxes
HB721, Act 2008-421 – Marshall County court venue countywide
HB728, Act 2008-422 – Newton sale of draft or keg beer
HB729, Act 2008-423 – Ozark sale of draft or keg beer
HB731, Act 2008-424 – Blount County Coroner expenses and insurance
HB741, Act 2008-425 – Choctaw County sales and use tax
HB760, Act 2008-457 – Calhoun County solicitor’s fee
HB764, Act 2008-426 – Mobile County Sheriff compensation
HB777, Act 2008-427 – Lawrence County Constable office abolished
HB820, Act 2008-431 – Pickens County Sheriff contracts to keep inmates of another county
HB832, Act 2008-441 – Lee County Probate Judge, Revenue Commissioner, County Commissioner expense allowance
HB835, Act 2008-434 – Lee County Sheriff compensation
HB839, Act 2008-435 – Clay County Commission relieved from repayment of special revenue funds from general fund
HB841, Act 2008-436 – Chilton County Revenue Commissioner office established
HB842, Act 2008-437 – Washington County sales and use taxes
HB855, Act 2008-438 – Fayette County Sheriff expense

allowance and salary
HB864, Act 2008-444 – Barbour County voting centers
HB865, Act 2008-445 – Bibb County sales and use taxes
HB867, Act 2008-459 – Russell County solicitor’s fee
HB874, Act 2008-440 – Baldwin County court costs
HB877, Act 2008-458 – Franklin County lodgings tax
HB879, Act 2008-447 – Hale County ad valorem tax
HB887, Act 2008-448 – Fayette County Coroner salary and expense allowance
HB893, Act 2008-449 – Baldwin County – municipalities to notify Sheriff if cease to enforce laws within police jurisdiction
HB894, Act 2008-486 – Baldwin County impact fees
HB895, Act 2008-487 – Baldwin County Sheriff compensation
HB901, Act 2008-488 – Wilcox County Tax Assessor and Tax Collector expense allowance and salary
HB902, Act 2008-489 – Wilcox County Probate Judge expense allowance and salary
HB906, Act 2008-490 – Clarke County solicitors fee
HB907, Act 2008-491 – Washington County solicitors fee
HB914, Act 2008-494 – Talladega County lodgings tax
HB920, Act 2008-496 – Enterprise ad valorem taxes
HB927, Act 2008-498 – Selma Board of Education
SB89, Act 2008-82 – 19th Judicial Circuit (Autauga, Elmore, Chilton Counties) Circuit Judge residency requirement
SB189, Act 2008-76 – Limestone County – Water usage regulation outside corporate limits of municipality authorized
SB197, Act 2008-35 – Limestone County Coroner and Assistant Coroner compensation and expense allowances
SB198, Act 2008-36 – Limestone County Community Corrections Program
SB213, Act 2008-174 – Morgan County Sales Tax
SB253, Act 2008-176 – DeKalb County Voting Centers
SB288, Act 2008-154 – Lawrence County Coroner expense allowance
SB343, Act 2008-243 – Mobile Regional Senior Community Center Foundation, Inc. exempted from county and municipal sales and use tax
SB393, Act 2008-123 – Fee authorized for Limestone County Volunteer Fire Protection services outside Athens
SB394, Act 2008-95 – Limestone County TVA payments in-lieu-of-taxes
SB432, Act 2008-153 – Limestone County Sheriff expense allowance
SB436, Act 2008-256 – Smiths Station exempt from county sales and use tax levied by Act 2007-399
SB437, Act 2008-257 – Lee County Planning Commission
SB553, Act 2008-152 – Cullman County Coroner salary and expenses

continued on page 21

LEGAL CLEARINGHOUSE

NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Ad Valorem Taxes: Ad valorem personal property taxes paid on fictitious property a corporate taxpayer intentionally listed on its return were not illegal taxes for which a refund was required. The taxpayer had a duty to provide the tax assessor with a “true” statement of all personal property it owned along with its estimated value, and the tax assessor was authorized to assess taxes on personal property listed in taxpayer’s returns. The taxpayer could not be permitted to take advantage of its own wrong by receiving a refund based on its own inequitable conduct. *HealthSouth Corp. v. Jefferson County Tax Assessor*, 978 So.2d 737 (Ala.Civ.App.2006), affirmed by *Ex parte HealthSouth Corp.*, 978 So.2d 745 (Ala.2007)

Board of Education: A middle-school track coach employed by a city school board was entitled to State-agent immunity regarding a negligence claim arising from a knee injury a student sustained after the coach told the student to compete in a high-jump event even though the student had never done that event. By selecting which participants would participate in which event, coach was exercising his judgment in discharging his duties in educating students. *Feagins v. Waddy*, 978 So.2d 712 (Ala.2007)

Environmental Law: An environmental group was allowed to intervene in civil enforcement action that was brought against a county sewer authority. The right of a citizen to intervene in an action seeking to enforce the Alabama Water Pollution Control Act (AWPCA) is predicated upon the existence of an actual or threatened injury to that citizen’s aesthetic and recreational interests arising from a claimed violation of the AWPCA or of a permit issued by the Alabama Department of Environmental Management (ADEM) pursuant to its statutory authority. *Black Warrior Riverkeeper Inc. v. East Walker County Sewer Authority*, 979 So.2d 69 (Ala.Civ. App.2007)

Property: To prevail on their statutory adverse possession claim, a city water works and sanitary sewer board and a water, sewer and fire protection authority were required to show (1) that their predecessor in interest held the property under color of title or paid taxes on property for 10 years prior to commencement of the record owners’ declaratory-judgment action, and (2) that the predecessor in interest had actual, open, notorious, hostile and exclusive possession of the property for at least 10 years before commencement of the action. A party seeking to establish ownership by either adverse possession by prescription or statutory adverse possession can tack his period of possession onto that of a prior adverse claimant in order to establish a continuous stream of adverse possession for the required time span. *Water Works & Sanitary Sewer Bd. of City of Montgomery v. Thelma Parks*, 977 So.2d 440 (Ala.2007)

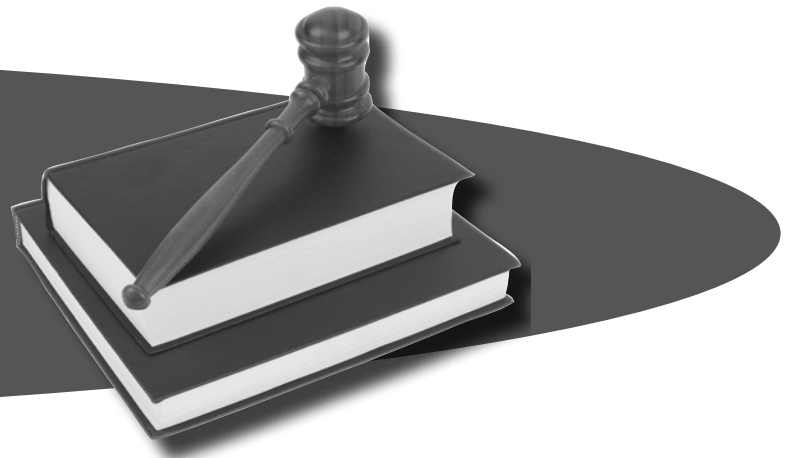
UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Arbitration: The mediation process does not fall under the Federal Arbitration Act. *Advanced Bodycare Solutions, LLC v. Thione International, Inc.*, 524 F.3d 1235 (11th Cir.2008)

Criminal Law: A provision of the 2002 Sarbanes-Oxley Act that criminalizes knowingly making false entries in records with the intent to impede or obstruct a federal investigation can apply to lies entered in a police use-of-force report. *U.S. v. Hunt*, --- F.3d ---, 2008 WL 1932111 (11th Cir.2008)

Elections: A local law which applied only to one county in Alabama, and which purported to allow mid-term vacancies in county commission to be filled by special election rather than by appointment by governor, was never “in force or effect,” as required for this local law to constitute a “baseline.” To determine whether an election practice constitutes a “change” with respect to voting, for which a covered jurisdiction may have to obtain preclearance pursuant to the preclearance requirement of the Voting Rights Act, the court compares the election practice with the covered jurisdiction’s “baseline,” which is the most recent practice that was both precleared and in force or effect or, absent any change since the jurisdiction’s coverage date, the practice that was in force or effect on that date. Alabama does not need to go through the preclearance hoops of Section 5 of the Voting Rights Act to return to governor appointment as the means to fill midterm county commissioner vacancies in Mobile County. *Riley v. Kennedy*, --- S.Ct. ---, 2008 WL 2167990 (U.S.2008)

Tracy Roberts
Assistant General Counsel



Employees: A female worker who was daily exposed to male co-workers' use of a derogatory term to refer to women and to crude radio shows played in the office may proceed with her hostile work environment claim against her employer. *Reeves v. C.H. Robinson Worldwide, Inc.*, --- F.3d ---, 2008 WL 1848882 (11th Cir.2008).

Employment Discrimination: Employees may assert retaliation claims under 42 U.S.C. §1981 and the federal sector provision of the Age Discrimination in Employment Act, even though neither statute expressly provides for such claims. *Gomez-Perez v. Potter*, --- S.Ct. ---, 2008 WL 2167189 (U.S.2008); *CBOCS West, Inc. v. Humphries*, --- S.Ct. ---, 2008 WL 2167860 (U.S.2008)

Taxation: The favorable treatment that Kentucky, along with 41 other states, affords by exempting interest on bonds issued by the state or its subdivisions from state income tax, while taxing interest income on bonds from other states and their subdivisions does not violate the dormant commerce clause. The tax exemption favored a traditional government function without any differential treatment, favoring local entities over substantially similar out-of-state interests. *Department of Revenue of Ky. v. Davis*, --- S.Ct. ---, 2008 WL 2078187 (U.S.2008)

DECISIONS FROM OTHER JURISDICTIONS

Telecommunications: Under the doctrine of primary jurisdiction, issues presented by an action alleging that a cable operator violated the federal prohibition on "slamming" by switching consumer's telephone service from traditional public switched telephone network (PSTN) to operator's Voice over Internet Protocol (VoIP) system without the consumer's permission, would be properly considered first by the Federal Communications Commission (FCC). The federal law prohibiting slamming applied only to telecommunications carriers, the issue of whether a VoIP provider was a telecommunications carrier raised a question of first impression, and FCC was in the process of determining whether VoIP services were telecommunications services or information services under Telecommunications Act. *Clark v. Time Warner Cable*, 523 F.3d 1110 (9th Cir.2008)

Telecommunications: The Federal Communications Commission (FCC) failed to satisfy the notice and comment requirements of Administrative Procedure Act (APA) in promulgation of a rule to regulate use of radio spectrum by Access Broadband over Power Line (Access BPL) operators by partially redacting studies consisting of staff-prepared scientific data that were neither unauthorized nor binding on the FCC on which it relied in promulgating the rule, since the study's core scientific recommendations may have revealed limitations of its own data and its conclusions may have revealed methodology or illuminated strengths and weaknesses of certain data or study as whole. *American Radio Relay League, Inc. v. F.C.C.*, 524 F.3d 227 (C.A.D.C.2008)

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: Section 40-9-21 of the Code of Alabama is a full exemption from ad valorem taxation. Anyone meeting the "permanent and total" disability requirement set forth in section 40-9-19(d) would certainly meet the "total disability" requirement set forth in section 40-9-21, as there is no requirement that the person be retired or that the disability be permanent. There is no age or income limitation for claiming a homestead exemption for someone who is retired because of a permanent and total disability or who is blind as defined by section 1-1-3 of the Code of Alabama. AGO 2008-079

Industrial Development Boards: A municipality has no control over the expenditure of funds or the incurring of obligations by an industrial development board. Conversely, the Board does not have the authority to invest its excess funds. The Board must pay any net earnings to the city after payment of expenses, bonds and other obligations. AGO 2008-080

Licenses and Business Regulations: Counties are not prevented from levying business privilege taxes and requiring licenses of real estate companies even if the company has been taxed or required to have a license by a municipality pursuant to section 34-27-30.1 of the Code of Alabama. AGO 2008-083

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2008-08: A member of the Red Mountain Park Greenway and Recreational Area Commission may not vote, attempt to influence or in any manner participate in any business dealings or transactions between his employer, United States Steel (USS), and the Red Mountain Park Greenway and Recreational Area Commission, on whose Board he serves. For a period of two years after

continued on page 22

Southland International Trucks, Inc.

Southland International Trucks has been awarded the majority of the State Contract for truck chassis GVWR 19,000 lbs. and above!



All state, county, and local governments may now purchase off the State of Alabama contract without going to bid! Start saving money today!

Call or visit one of our six locations today!

Montgomery

(334) 832-4102

Homewood

(205) 942-6226

Tuscaloosa

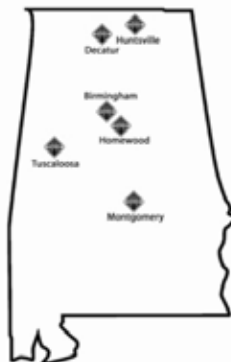
(205) 556-4343

Decatur

(256) 350-5600

Huntsville

(256) 859-0346



<http://www.purchasing.state.al.us>

Municipal Overview continued from page 17

Annexation Bills

- HB198, Act 2008-37 – McMullen
- HB199, Act 2008-38 – Aliceville
- HB662, Act 2008-417 – Gaylesville
- HB779, Act 2008-428 – Foley
- HB780, Act 2008-429 – Bay Minette
- HB781, Act 2008-430 – Bay Minette
- HB821, Act 2008-432 – Aliceville
- HB860, Act 2008-442 – Killen
- HB861, Act 2008-443 – Elberta
- HB872, Act 2008-439 – Crossville
- HB910, Act 2008-492 – Citronelle
- HB911, Act 2008-493 – Citronelle
- HB924, Act 2008-497 – Lincoln
- HB939, Act 2008-499 – Orange Beach



LOCAL GOVERNMENT CORPORATION

Providing Hardware and Software to Local Governments for over 30 years!

Financial Management ~ Revenue Management ~
Document Management ~ City Court Management ~
Hardware and Networking Solutions ~ Software Support and Training Solutions

714 Armstrong Lane ~ Columbia, TN 38401
Phone: 800-381-4540 Fax: 931-381-0678
Email: marketing@localgovcorp.com
www.localgovcorp.com

ALABAMA MUNICIPAL ELECTRIC AUTHORITY

804 South Perry Street • Montgomery, Alabama 36104
P.O. Box 5220 • Montgomery, Alabama 36103-5220
(334) 262-1126 • (800) 239-2632



Power That Works For You!®

www.amea.com

-
- Alexander City
 - Dothan
 - Fairhope
 - LaFayette
 - Lanett
 - Luverne
 - Opelika
 - Piedmont
 - Riviera Utilities, Foley
 - Sylacauga
 - Tuskegee

AMEA is Alabama Sales Affiliate for Hometown Connections®

Legal Clearinghouse continued from page 19

resigning from the Red Mountain Park Greenway and Recreational Area Commission, the Commission member may not represent his employer, USS, in negotiating any land transaction deals or other matters between the Commission and USS.

AO No. 2008-09: The Grants Administrator for the Mobile County Commission may serve on the board of directors of a non-profit organization who, from time to time makes applications for assistance from the Mobile County Commission. However, he may not vote, attempt to influence or in any manner participate in that non-profit organization's applications for grants from the Mobile County Commission, including but not limited to reviewing recommendations and making a final determination with respect to the application.

AO No. 2008-10: Employees of the Board of Education who also serve on the board of directors for various local community service agencies may not vote, attempt to influence or otherwise participate in any grants being made to those organizations, as their service on the board of directors makes that organization a business with which they are associated.

AO No. 2008-11: A member of the Baldwin County Board of Equalization (BOE) who leases a lot from the Fairhope Single Tax Corporation (FSTC) may participate and vote on the assessment valuation appeals of other FSTC parcels in which he or his family has no financial interest, and where the vote does not affect his lease.

AO No. 2008-12: The former Mayor of Sheffield, who is running for re-election as Mayor, may, if elected, maintain an ownership interest in the River City Development Company, a company dealing with the City of Sheffield regarding the building of a municipal golf course. However, he may not vote, attempt to influence or in any manner participate in any aspect of any transaction or negotiations between River City Development and the City of Sheffield regarding the golf course.

AO No. 2008-13: A State Pardons and Paroles Probation Officer may teach a Court Referral Office DUI class in the county in which he supervises probationers provided, that he does not teach the course if there are people supervised by the State Board of Pardons and Paroles participating in the course, or if the Board of Pardons and Paroles refers individuals to the Court Referral Office course. Also a State Pardons and Paroles Probation Officer may teach a Court Referral Office DUI class in the county in which he supervises probationers provided that he does so on his own time, and there is no use of Pardons and Paroles time, equipment, human labor or other resources to assist him in teaching the courses or in obtaining opportunities.

AO No. 2008-14: The former Town Clerk for the Town of Brilliant, Alabama, may, upon her retirement as Town Clerk, accept part-time employment with the Town of Brilliant when she did not hold a position of authority prior to her retirement.



Integration makes your job easier.

QS/1®'s Governmental Solutions can help you manage your county or municipality and its services with greater efficiency. With more than 75 different modules, you can build a system that meets your needs. The modules are integrated to support data sharing. QS/1 makes learning new modules easier with similar navigational and keystroke functions. Join the more than 150 cities and counties in the Southeast who have made QS/1 their system of choice.



1-800-235-0762
www.qs1gov.com

© 2007, J M SMITH CORPORATION. QS/1 is a registered trademark of the J M Smith Corporation.

Defibrillators to the Rescue

Each year Sudden Cardiac Arrest (SCA) strikes more than 250,000 people ... less than 5% survive!! Chances of survival from SCA are increased dramatically if an electric shock is delivered within the first few minutes.

That's why more and more municipalities are placing Automated External Defibrillators (AEDs) in their offices, vehicles, schools and parks. Give your employees and citizens the power to save lives by selecting a dependable, easy-to-use and rugged AED.

Our friends at the Alabama Municipal Electric Authority have agreed to make Philips HeartStart FR2+ AEDs available to the League's member cities and towns at a significant discount.

For more information, contact **Lisa Miller, Manager of Communications and Marketing, 334-387-3501, (800) 239-2632, ext. 118 or lmiller@amea.com** to discuss your situation or arrange a demonstration.

Congratulations!



Mary Lynn Williams with the City of Spanish Fort was named 2008 Clerk of the Year by the Alabama Association of Municipal Clerks and Administrators.

Final Report – 2008 First Special Session

The House and Senate adjourned sine die on May 27, 2008, ending the special session called by Governor Bob Riley for the purpose of passing a state education budget. All the business of the session was completed in five meeting days – the minimum time required by the State Constitution to pass a bill. Additional special sessions may be called this summer and fall.

General Bills Passed

Exclusion of Federal Tax Rebates from State Income Tax (HB56, Act 2008-549). To provide for an exclusion from Alabama individual income tax for federal tax rebates received in 2008 and to prohibit additional federal deductions or credits.

Education Budget (SB51, Act 2008-552). To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2009.

ERS – Retirees and Beneficiaries – One-time Lump-sum Payment (SB108, Act 2008-555). To provide for a funded one-time lump-sum addition to the retirement benefits of certain retirees and beneficiaries of the Employees' Retirement System.

Proposed Constitutional Amendments

HB45, Act 2008-506 – Baldwin County Wastewater

HB58, Act 2008-507 – Baldwin County Storm Water

SB14, Act 2008-508 – Education Trust Fund Rainy Day Account

Donald (Donnie) R. Nelson

Donald (Donnie) R. Nelson, former councilmember of Clanton, died January 14, 2008. He served as councilmember from 1984-1980.

Buford Lee Bryant

Buford Lee Bryant, a member of Bayou La Batre's first city council, died this past March. He was 88. Bryant was instrumental in incorporating Bayou La Batre, and as a councilmember he helped establish the city's infrastructure, including the water and sewer systems.

Elem Hill

Elem Hill, Mayor Pro-tem of Clanton, passed away Sunday, March 16th after a long battle with illness. He was 71. He served as councilmember for the city of Clanton since 1988 and played a major role in the improvements of E.M. Henry Park in the West End along with numerous other projects for the City of Clanton. He served as a board member for the Alabama League of Municipalities and the National Black Caucus of Locally Elected Officials.

Billy M. Turner

Former Montgomery City Councilmember Billy M. Turner died this past March after a long illness. He was very instrumental in bringing the NCAA Division II Baseball World Series to Patterson Field and worked tirelessly to revamp the zoo and start the Festival of Lights. Turner served in the U.S. Army's 10th Mountain Division during World War II.

Charles Gerald "Gerry" Elliot

Charles Gerald "Gerry" Elliot, former councilmember of the City of Ashland, died March 22, 2008. He was 39. At age 23, Elliot was the youngest person to date to be elected to the Ashland City Council and served one and a half terms in office from 1992-1998. A local cattleman and owner-operator of the 4-E farms, Elliot was a member of the Alabama Cattleman's Association and served a term as the Young Farmers Chairman with the Alabama Farm Bureau of Alabama (ALFA). He also was a member of the Ashland Fire Department and served as department treasurer.

M.H. "Pokey" Forrester

Former Riverside Mayor M.H. "Pokey" Forrester died this past April. Forrester resigned as mayor in 2006 after serving Riverside for 10 years. Forrester's 40-year political career began in 1968 when he was elected to a seat on the Homewood City Council. He served as president of the council until 1976 and then again from 1980-1988. After relocating to Riverside in 1995, he was encouraged to run for mayor because of his extensive experience in politics. He was elected mayor in 1996, and served in that capacity until he resigned in 2006. As Riverside's mayor, Forrester never missed a council meeting and was instrumental in helping improve the city's infrastructure. During his tenure as mayor, both the Police and Fire Departments were expanded and a Building Inspections Department was created.

Grady Hobbs

Floral City Councilmember Grady Hobbs passed away on April 8, 2008. He was 73. Hobbs served on the council for 15 years.

Billy Smith

Billy Smith, prominent Millport businessman and former councilmember, died this past April. He was 79. He served 16 years on the Millport Town Council, during which the town saw much growth. He also served as the town's volunteer fire chief. Smith helped organize the Millport Little League and was a big supporter of the school.

David Bandstra

David Bandstra, councilmember for the City of Elba, died April 24, 2008.

R.L. Webb

Former Bessemer City Councilmember R.L. Webb was killed in an automobile accident in May. Webb was elected to the Bessemer City Council in 1994 and served one term. He was also a former deputy chief of the Birmingham Police Department.

David Taylor

David Taylor, clerk for the Town of Powell, lost his battle with cancer on May 15, 2008. He was the longest serving clerk the Town of Powell has had, serving 13 years.

N
A
F
E
C
O

**RECENT
DELIVERY**

Attention:
Mayors, Council Members, Purchasing Agents, City Clerks

Fire Apparatus, We're Talking Delivery...



- ✓ Predator LFD Cab
- ✓ Cummins ISL 400 HP Engine
- ✓ Hale QMax 150 1500 GPM pump
- ✓ 750 Gallons Poly Tank & 30 Gallons Foam
- ✓ Hale Foam Logix 3.3 Foam System
- ✓ Meritor "RSC" Roll Stability Control System
- ✓ Vertical Ladder Storage Below T-Tank
- ✓ Backboard Storage Compartment on Rear Cab Wall
- ✓ Whelen LED Warning Light Package
- ✓ Auto Traction Control System
- ✓ Vinyl Clad Top Mount Panel With Speedlays
- ✓ Reyco Air Ride Suspension
- ✓ Walkway Compartment

...to Dothan Fire Dept. Congratulations

We have purchased two KME Predator custom pumpers over the past year and they continue to exceed our expectations. NAFECO worked with our City Manager, Commission and Fire Department staff throughout the specification and bidding process to purchase our new apparatus. The Predator provides all of the functionality required along with the amenities of a much more expensive piece of equipment.

*Fire Chief Larry Williams
Mayor Pat Thomas
City Manager Michael West*



800-628-6233 • 256-353-7100 • Fax 256-355-0852 • www.nafeco.com

Mayor Jim Byard reflects on Prattville's inaugural Honor Flight



Mayor Jim Byard of Prattville with his grandfather, WWII veteran Herod Mann of Alexander City, in Washington, D.C. during Prattville's inaugural Honor Flight on May 17, 2008.

Honor Flight is a nonprofit, nationwide organization created solely to honor America's veterans by flying them to Washington, D.C. free of charge to visit their memorials. Priority is given to senior veterans – WWII survivors and those who are terminally ill. Thanks to charitable contributions, veterans are provided free round trip airfare, meals, deluxe tour bus, tee shirts and insurance. Guardians, however, are asked to cover their own expenses – \$500 for this trip.

The Prattville/South Alabama Honor Flight Chapter (now known as the River Region Chapter) flew our inaugural flight on Saturday, May 17th. I traveled with 87 WWII veterans as a guardian to my 92-year-old grandfather as well as Prattville veteran Alfred Johnson. We were joined by veterans from throughout Central and South Alabama.

After landing and being greeted with a hero's welcome at Reagan National Airport, we visited the WWII Monument where Senator Jeff Sessions and former Senator Bob Dole individually greeted each of our veterans. We then visited the Lincoln Memorial and the Korean and Vietnam War Memorials prior to stopping at the Marine Corps War Memorial, Iwo Jima and finishing out our day by watching the "Changing of the Guard" ceremony at Arlington National Cemetery. We then boarded our chartered USAirways 737 and flew home where we were greeted by a cheering crowd of more than 2000 folks at Montgomery's Regional Airport. Even though it was a long day, we had a wonderful time and made many memories.

If your municipality is interested in scheduling an Honor Flight, I am happy to answer any of your questions. Feel free to call me at **334-361-3609** or visit our website at **www.prattvillechamber.com**. You can also contact Honor Flight directly through their website at **www.honorflight.org**. ■

Upgraded Firearms Training System Available to AMIC/MWCF Members

The Alabama Municipal Insurance Corporation, Inc. and Municipal Workers Compensation Fund, Inc. recently purchased an upgraded Firearms Training System (FATS) with an advanced Bluefire(TM) wireless technology weapon simulator that incorporates features previously available only on tethered weapons. A Bluefire Chemical Spray and Taser are also included with this system as well as the latest in new scenarios.

In an effort to make training more realistic, FATS virtual weapons resemble the fit and function of live weapons to include recoil. FATS virtual training provides accurate, real-time diagnostics including point-of-aim, weapon status, trigger pressure and cant. Since there is no cord, the Bluefire Glock 17 improves training value by allowing realistic freedom of movement and magazine reloading. The number of rounds in the Bluefire Glock 17 magazine replicates the number of rounds in the actual weapon. The simulator must also be reloaded with a new magazine each time the magazine is emptied.

Loss Control Representative Todd McCarley is the League's FATS coordinator and is responsible for training AMIC/MWCF members with this new system. If you are interested in scheduling FATS in your area, please contact Donna Wagner, Loss Control Coordinator, at **334-262-2566**. ■

AMFund

To assist municipalities throughout the state, the Alabama League of Municipalities (ALM), has developed the Alabama Municipal Funding Corporation (AMFund) to provide low-cost financing to ALM Members.

Tax-exempt notes are issued from which ALM members can borrow at low tax-exempt interest rates to fund or refund almost any municipal project. Additionally, AMFund can provide your municipality with significant financing advantages:

- ♦For equipment, construction, repairs or debt refinance
- ♦Low cost of issuance
- ♦Tax-exempt
- ♦Fixed or variable rates
- ♦Almost any amount
- ♦Up to 30 years to repay
- ♦Flexible repayment
- ♦Simple application
- ♦Administered by your League!

For more information, visit www.alalm.org or contact AMFUND Marketing Director Greg Cochran at 334-262-2566 or via email at gregc@alalm.org.

Investing in the Future of Alabama's Municipalities



Municipal Revenue Service

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**

**PUT OUR EXPERIENCE TO WORK FOR YOU.
Over 300 Alabama Municipalities Have.**



Insuring the Future of Local Government



Is ***YOUR*** future covered?

STEVE WELLS, PRESIDENT
334-386-3863

www.amicentral.org

JIM CHAMBLEE, SALES MANAGER
866-239-AMIC (2642)

Rated A- by
A.M. Best

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102

CHANGE SERVICE REQUESTED

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