

The Alabama Municipal JOURNAL

May 2008

Volume 65, Number 11



CITY OF BIRMINGHAM
OFFICE OF THE MAYOR
LARRY P. LANGFORD

March 25, 2008

Alabama League of Municipalities
535 Adams Avenue
Montgomery, Alabama 36104

Dear Friends:

On behalf of the Office of the Mayor and the City of Birmingham, it is a pleasure to welcome the Alabama League of Municipalities to our great City. We are pleased to have you here for the 2008 ALM Conference, an exciting and important event, which I am certain will prove enjoyable for all.

During your stay in the "Magic City," I hope you will enjoy the many amenities we have to offer. You will find that Birmingham is a city with "more magic than ever," as evidenced by the continued growth of our business and industrial sectors, the addition of new and expanded hotel and convention facilities, our thriving cultural and entertainment districts, and a strong sense of progress and civic spirit.

Again, I am pleased to welcome this outstanding group to Birmingham, and extend my best wishes for a most meaningful event!

Sincerely,

Larry P. Langford
Mayor



710 NORTH 20TH STREET BIRMINGHAM, ALABAMA 35203 PHONE: 205-254-2277 FAX: 205-254-2926
www.birminghamal.gov

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102
CHANGE SERVICE REQUESTED

Presented 3rd
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

Welcome to Birmingham!

Municipal Workers Compensation Fund

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

May 2008 • Volume 65, Number 11

OFFICERS

CHARLES W. "SONNY" PENHALE, *Mayor, Helena, President*
MELVIN DURAN, *Mayor, Priceville, 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

RON DAVIS, *Mayor, Prichard, Chair*
HOWARD SHELL, *Mayor, Atmore, Vice Chair*

Committee on Community and Economic Development

THOMAS O. MOORE, *Councilmember, Demopolis, Chair*
DAN DEASON, *Mayor, Scottsboro, Vice Chair*

Committee on Transportation, Public Safety and Communication

BOBBY PHILLIPS, *Councilmember, Calera, Chair*
CECIL WILLIAMSON, *Mayor, Demopolis, Vice Chair*

Committee on Human Development

ISABELL BOYD, *Councilmember/Mayor Pro Tem, Brundidge, Chair*
GEORGE EVANS, *Council President, Selma, 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>Report: FEMA Making Progress in Preparation</i>	
<i>Municipal Overview</i>	7
<i>Remembering Bobby Black</i>	
<i>Welcome to Birmingham</i>	8
<i>Convention Quick Guide</i>	9
<i>2008 Vendor List</i>	10
<i>The Legal Viewpoint</i>	11
<i>Municipal Elections - What You Should Do Now</i>	
<i>Municipal Elections Calendar: What You Should Do Now</i>	17
<i>Legal Clearinghouse</i>	18
<i>Program for Alabama Association of Public Personnel Administrators</i>	23
<i>Municipal Clerks Conference Program</i>	25
<i>Loss Control Summer Seminars</i>	25
<i>Communications Law and Technology 101</i>	
<i>A Primer for Municipal Officials</i>	27
<i>Convention Entertainment</i>	30

Active Members (448)

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, Cardiff, 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, 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, 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, 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, River Falls, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Sheffield, Shorter, Silas, Silverhill, Sipsey, 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, Tuscumbia, 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



I grew up in a rural Southern town nestled securely within the coastal plain of southeastern North Carolina. Founded in the early years of the 20th Century, Bladenboro remains a sparsely populated farming community of approximately 1,800. It's a quiet, unassuming place inhabited by friendly folk accustomed to unhurried lifestyles and simple, daily routines. I left Bladenboro when I was 18, but it never left me. Throughout college, graduate school, my professional career and personal life, bits and pieces of my simple, Southern upbringing have continually influenced my direction. I will always appreciate my heritage and the people who bestowed me the values I live by today. I'm especially humbled whenever I pass a public library, particularly one in a small town.

I've been an avid reader since before I can remember. I was a proud participant of the Weekly Reader Children's Book club and whenever my parents wanted to effectively punish me, they confiscated my books. The Bridger Memorial Public Library, a small, square brick building across from Town Hall and one of the last commercial structures on Main Street before the houses began, was about two blocks from my doorstep. From the time I could read, the public library was my magic place. A week seldom passed that I wasn't reading a library book – or several. Faye Sykes, the librarian, was my special friend and one of my favorite people. She loved to read as much as me and so, regardless of the fact that I was an unabashed chatterbox (and *always* underfoot), we bonded quickly. Even though I was very young, there wasn't anything I wouldn't tackle if it came with pages attached to a spine.

That humble brick structure in a tiny Southern hamlet and its patient caretaker with her gentle demeanor, kind heart and soft voice instilled in me a lifelong appreciation for the written word; for the incredible power of imagination; for *knowledge*. Each time I used my library card, I learned responsibility and respect. All the mystery, magic, power and emotion of the world can be found in words. The pages of books, magazines and periodicals from my childhood have now expanded to include internet sites and blog spots; however, the importance and prominence of public libraries is unwavering. Have you visited yours lately?

Convention has arrived and I encourage you to take part in as many sessions as possible. Of particular interest is the Sunday General Session (May 18) featuring State Tourism Director Lee Sentell who will discuss Alabama's "year of" campaigns and how your municipality's participation will be important in making "2110: Year of Alabama Small Towns and Downtowns" successful. Also not to be missed are Saturday's (May 17) Ask Your Attorney round table discussions; Monday's (May 19) Opening Session and the Monday morning General Session on the 2008 Municipal Elections. Monday afternoon's concurrent sessions offer a variety of topics including healthcare, telecommunications, HUD initiatives, Constitutional Amendment 772, getting ready for DTV, alternative fuels/vehicles and ISO and communities. Tuesday (May 20) features the Annual Business Session; an interesting General Session on managing different generations in today's workplace; and the President's Luncheon where officers will be installed and Distinguished Service Awards presented.

The Capitol Steps are sure to be a crowd pleaser following the Monday night Banquet and we'll round out the convention on Tuesday afternoon with humorist and motivational speaker Al Walker. Additional program information is highlighted in this issue of the *Journal* as well as on our website at www.alalm.org.

See you soon!

Carrie

The President's Report



Charles W. "Sonny" Penhale
Mayor of Helena

Report: FEMA Making Progress in Preparation

Note: this article was written by Alexander Rony and appeared in the April 14, 2008 issue of Nation's Cities Weekly.

A Senate panel heard testimony the week of April 1st that the Federal Emergency Management Agency (FEMA) has made moderate progress in being better prepared for a catastrophe than it was in 2005, but still has a ways to go.

A recent report prepared by the Department of Homeland Security's inspector general reveals that FEMA has improved on eight out of nine evaluated areas, but failed to achieve the highest level of significant progress. In a hearing held by the Senate Homeland Security and Governmental Affairs Committee, Chair Joseph Lieberman (I-Conn.) noted, "While this progress has been made, obviously there is still more that remains to be done before FEMA, and our country, are prepared for the next catastrophe."

The report was presented to the Committee on Homeland Security and Governmental Affairs by Inspector General Richard Skinner and FEMA Administrator R. David Paulison. Committee Ranking Republican Susan Collins (R-Maine) pointed out the weakest area concerned mission assignments – the system for issuing and coordinating task orders among federal agencies.

"Our investigation of the Katrina catastrophe identified fundamental flaws in the mission assignment process, particularly between FEMA and the Department of Defense. These were a major roadblock to a quick and effective response, and I am concerned that we have not made as much progress in that key area," she warned.

The report noted that obstacles like staffing shortages, inadequate funding, a lack of coordination, incomplete strategic plans, a lack of accountability and resistance to change from both internal and external stakeholders continue to be problems.

Five of the criteria areas showed signs of moderate progress. These areas included overall planning, coordination and support, interoperable communications, logistics and acquisition management. Modest progress was seen in three sections – evacuation, housing and disaster work force. Only the mission assignment category recorded limited progress, the lowest grade assigned.

FEMA has been working to improve its ability to respond to local disasters. With moderate progress in overall planning, coordination and support, and interoperable communication, FEMA is making headway in key areas involving municipalities.

Paulison said that FEMA is utilizing more pre-disaster contracts and attempting to better evaluate contracts after they are awarded, and that the agency has already developed a plan to ease the transition into the next presidential administration.

Some of the harshest criticisms came from Sens. Mary Landrieu (D-La.), whose State of Louisiana is still recovering from Hurricane Katrina, and Claire McCaskill (D-Mo.), who relayed several bureaucratic troubles.

Paulison assured the senators that "everything we've asked for, we've received" from the Bush Administration regarding funding and staff. He also agreed that the Stafford Act needed to be reworked in order to deal with catastrophes more effectively. The FEMA administrator later declared that his agency would no longer dispense ice nor temporarily house displaced citizens in the now-infamous trailers.

The mixed results contained in the inspector general's report should serve as a warning to city leaders. While FEMA's ability to respond to a catastrophe on the local level might have improved, extensive disaster planning by all levels of government is still vital to ensure minimal losses from catastrophes. ■

\$10 Million Dollars



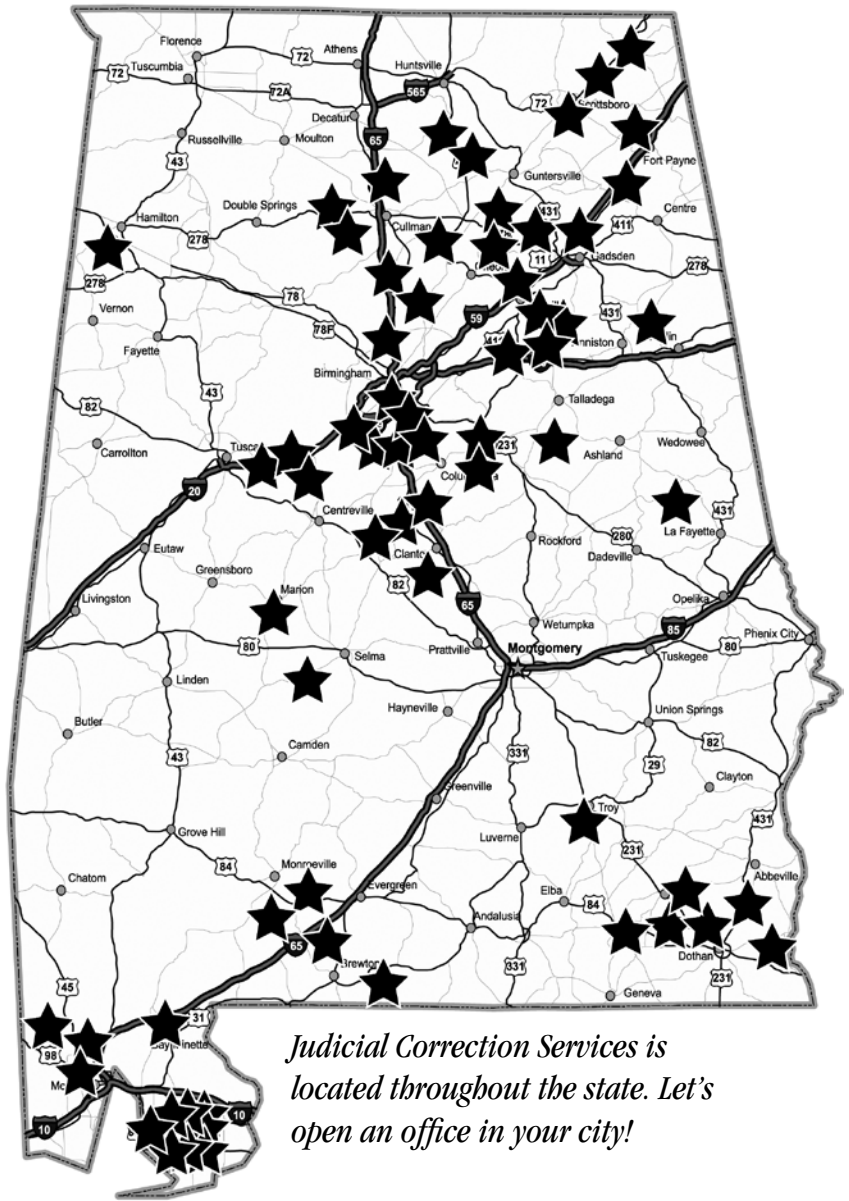
Last year we sent over ten million dollars to Alabama Municipal Courts in fine collections. The cost to the cities was zero.

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

Remembering Bobby Black



Perry C. Roquemore, Jr.
Executive Director

It is with deep sorrow that I inform our membership of the death of longtime League General Counsel Robert Coleman Black, Sr., better known to all of us as “Bobby”. Bobby passed away peacefully on March 24, 2008.

Mr. Black practiced law with Hill, Hill, Carter, Franco, Cole & Black, P.C. for 46 years and was past president of the Montgomery County Bar Association. Bobby became the League’s General Counsel in May 1990. He came to the League well qualified to advise officials on municipal legal issues. He served as an attorney for the City of Montgomery for a number of years and his father was a former mayor of Fort Deposit. Bobby and his firm handled all of the legal work involved with the expansion of the League Headquarters building in the early 1990s. Bobby attended numerous League and NLC Meetings during his years of League service. Many officials fondly remember his unique reading of the resolutions at the business session of each League Convention as well as his entertaining stories.

In addition to his association with the League, Mr. Black was an active member of First United Methodist Church of Montgomery and the Montgomery Lions Club where he served as President and Chair of the Youth to Europe Program. He served on the Board of Directors of Saint James School for many years where he held the positions of Secretary, Vice-President and President. He was on the Board of Directors for the March of Dimes, the Community Counseling Service and the Crime Prevention Bureau and was a past trustee of Mount Meigs Industrial School. He was also a member of Wright Flyers and was a sponsor of a seminar group at the Air War College for many years.

He is survived by his wife of 47 years, Carolyn Musselwhite Black, and his children, Elizabeth Anne Black Stuart (Craig) of Wichita, Kansas, Carolyn Jane Black of Birmingham, Alabama, and son Robert Coleman Black, Jr. (Elizabeth) of Montgomery, Alabama; his grandchildren,

Clayton Coleman Stuart and Kaylea Marie Stuart of Wichita, Kansas; Ann Lowery Black and Lillian Margaret Black of Montgomery, Alabama; sister, Mary Nan Black Williams of Birmingham, Alabama; and a host of nieces and nephews. I want to extend my deepest sympathy and the condolences of the League to his family.

Personally I will miss his sense of humor, his stories and his friendship which I was fortunate to enjoy for many years. He was truly “one of a kind”.

2008 Congress of Cities Offers Tools for Local Officials

The question of who will be the next President of the United States will be settled by the time 2008 Congress of Cities and Exposition attendees make their way to Orlando, Florida, November 11-15. And by then, say conference planners, attendees will have an even bigger question on their minds: “What will this change in national leadership mean for my community?”

Helping local officials and staff find answers to serious questions such as this, is one of the key priorities of the Congress of Cities.

“NLC’s role is to anticipate the big questions, such as, ‘What will this new President mean for my community?’ and create programming that helps local officials and employees find their own answers,” said NLC President Cynthia McCollum, councilmember, Madison, Alabama.

Early bird registration is now available online at www.nlc.org for the 2008 Congress of Cities and Exposition which will be held in Orlando, Florida November 11-15. Early bird registrants benefit from a significant discount on registration and an early lead on requesting their top hotel choice.

Times of change bring great opportunities as well as great challenges, especially for local government representatives who, daily, see national issues played out in their communities. Working with limited resources and

continued on page 21

WELCOME TO BIRMINGHAM !

Mayor Larry Langford and the Birmingham City Council extend a warm welcome to all delegates and spouses to the 2008 League Convention. They hope your stay in the Magic City will be both pleasant and productive. The League staff would like to thank Mayor Langford and his staff; the Birmingham City Council; and the dedicated municipal personnel who have put in the extra time to make this convention a success.

The Convention Program

Please take a moment to review the “Quick Guide to the Convention” segment on the next page for a brief overview of convention proceedings. For the concurrent sessions, we urge each municipality to assign at least one member to each session so your municipality can benefit from all of the information presented. In addition to the concurrent sessions, we want to emphasize the importance of the following events:

- **NEW THIS YEAR:** Resolutions Committee meeting on Saturday *morning*, May 17 at 11 a.m.
- **NEW THIS YEAR:** Ask Your Attorney/Roundtable Discussions will be held on *Saturday*, May 17 at 2:30 p.m.
- Sunday, May 18 at 2:30 p.m. – General Session: 2010: Year of Alabama Small Towns and Downtowns followed by the 2008 Municipal Achievement Awards Presentation
- League Exhibit Hall opens Sunday evening with a 5:30 reception in the Exhibit Hall
- Opening Session on Monday, May 19 at 9 a.m.
- **NEW THIS YEAR:** General Business Session on Tuesday *morning*, May 20 at 8 a.m. followed by a 10:15 a.m. General Session on how to manage different generations in the workplace
- **NEW THIS YEAR:** The convention will *conclude* with the President’s Luncheon on Tuesday, May 20 from Noon until 2 p.m.

We encourage each delegate to attend these sessions and to participate fully in convention proceedings. We on the League staff hope that your attendance at the 2008 convention is both beneficial and informative to you as municipal officials and to the continued progress of your communities. If we can assist you in any way, please don’t hesitate to ask.

The League’s Welcome Reception will take place Saturday, May 17 from 6:00 p.m. until 8:00 p.m. at the Sheraton Hotel’s Birmingham Ballroom.

The Annual Municipal Officials Golf Tournament will be held at the Ballantrae Golf Club in Pelham on Sunday, May 18 at 7:30 a.m. All golfers should arrive 30 minutes before the start of the tournament. Breakfast will be available at the course prior to the tournament. **It is imperative that participants be on time for the shotgun start at 7:30 a.m.** If you are not pre-registered to play, you may register the day of the tournament. The format for this year’s tournament is a **Four-Player Scramble** with a shotgun start. Each member of the team must hit a tee shot on every hole. With the exception of the Hole in One shot, seniors (70 years old or older) may use the forward tees. Women may use the forward tees on all shots. The team then selects one of the tee shots from which to play. All members of the team must then hit from that position. This procedure is repeated until the ball is holed. Each team member’s shot must be used at least two times during the 18-hole round. Please visit the convention registration desk for more information and directions to the course.



CONVENTION QUICK GUIDE

MAY 17 – 20, 2008 • BIRMINGHAM

This year's Convention will begin on *Saturday, May 17*. Some events, such as the Ask Your Attorney/Round Table Discussions, have been moved to a new time and date. This year's convention will conclude at 2:00 Tuesday afternoon, May 20, following the President's Luncheon. Most meetings and activities will take place in the Birmingham-Jefferson Convention Complex (BJCC) unless otherwise noted. Attendees can earn CMO credits for the Certified Municipal Officials Training Program by attending sessions at the convention. The official Convention Program detail credit hours that can be earned.

Saturday, May 17

8:00 a.m. – 5:00 p.m.
11:00 a.m.
1:00 p.m.
2:30 p.m. – 5:00 p.m.
6:00 p.m. – 8:00 p.m.

Sunday, May 18

7:30 a.m.
1:00 p.m. – 5:00 p.m.
2:30 p.m. – 4:00 p.m.
4:00 p.m. – 4:30 p.m.
4:00 p.m. – 5:30 p.m.
5:30 p.m. – 7:00 p.m.

Monday, May 19

8:00 a.m. – 5:00 p.m.
8:30 a.m. – 9:00 a.m.
8:30 a.m. – 9:30 a.m.
9:30 a.m. – 5:00 p.m.
8:30 a.m. – 5:00 p.m.
9:30 a.m.
9:00 a.m. – 10:30 a.m.
10:30 a.m. – 4:00 p.m.
11:00 a.m. – Noon
12:15 p.m. – 1:45 p.m.
2:00 p.m. – 5:15 p.m.

6:00 p.m.
7:15 p.m.

Tuesday, May 20

7:30 a.m. – 2:00 p.m.
7:30 a.m. – 8:00 a.m.
8:00 a.m. – 10:00 a.m.
10:15 a.m. – 11:45 a.m.
Noon – 2:00 p.m.

Registration – East Exhibit Lobby, BJCC
Resolutions Committee Meeting
AMIC Annual Meeting
Ask Your Attorneys/Roundtable Discussions
League Welcome Reception, Sheraton Hotel, Birmingham Ballroom

2008 Annual Municipal Golf Tournament – Ballantrae Golf Club, Pelham
Registration – East Exhibit Lobby, BJCC
General Session – 2010: Year of Alabama Small Towns and Downtowns
Presentation of 2008 Municipal Achievement Award Winners
ABC-LEO Reception
Exhibitors Showcase and Reception – Exhibit Hall

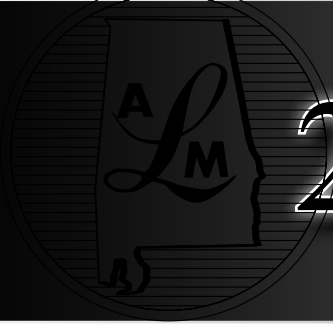
Registration – East Exhibit Lobby, BJCC
Coffee Service
Clerks Breakfast and Business Meeting
Clerks Meeting
Alabama Association of Public Personnel Administrators
Spouses Breakfast
Opening Session
Exhibits Open
General Session – 2008 Municipal Elections
Luncheon – Sheraton Birmingham Ballroom
Choose from the following concurrent workshop sessions:

- HUD Initiatives: America's Affordable Communities and Preserve America
- ISO and Communities – A Partnership for Decision Support Involving Data, Analytics and Insurance Premiums
- Latest from the Telecommunications Front
- Getting Ready for DTV and The Heartbeat of Healthcare in Alabama's Communities
- Constitutional Amendment 772 Financing Municipal Economic, Commercial & Community Development and Alternative Fuels and Vehicles – A Good Choice for Alabama Municipalities
- DesignAlabama Mayors Design Summit

Reception – Sheraton Ballroom Prefunction
Banquet and Entertainment: The Capitol Steps – Sheraton Birmingham Ballroom

Registration – East Exhibit Lobby, BJCC
Coffee Service
Annual Business Session
General Session – Hey, Dude! Managing the Generations in Today's Workplace
President's Luncheon and Entertainment: Al Walker – Sheraton Birmingham Ballroom

Meetings and/or events are subject to change.



2008 ALM EXPO

The Alabama League of Municipalities Annual Expo brings together more than 140 vendors and state offices to introduce their products and services to municipal officials and employees. Please take a moment to look over the list of vendors attending the 2008 Expo and stop by their booths to gather more information.

EXHIBIT HALL SCHEDULE

5:30 p.m. Sunday, May 18 - Exhibits open to hold the Official Welcome Reception in the Expo Hall. Heavy hors d'oeuvres and live music by the Kings of Swing.

10:30 a.m., Monday, May 19 - Exhibits open following the Opening Session. Coffee breaks will be provided inside the Exhibit Hall.

Prizes - For participating vendors, the League will post prize winners in the back of the Exhibit Hall at the Exhibit Registration Desk immediately following the Monday Luncheon. **Be sure to check the list and claim your prize before 4:00!** For an opportunity to win, you must register at participating booths.

4:00 p.m., Monday May 19 - Exhibits Close

COMPANY NAME AND BOOTH NUMBER

AARP 1014	Radiation Control 706
ADECA- Recreation Programs 1009	Alabama Department of Rehabilitation 206
Advanced Disposal 604	Alabama Department of Revenue - Local Tax 713
AIDT 409	Alabama Department of Tourism and Travel 508
Alabama Association of Municipal Clerks and Administration 1108	Alabama Emergency Management Agency 609
Alabama Association of Regional Councils 1205	Alabama Forestry Commission 413
Alabama Cable Telecommunications Assoc. 1000	Alabama Manufactured Housing Institute 1204
Alabama Card / Data Equipment 404	Alabama Municipal Electric Authority 102
Alabama Chapter of the American Planning Association 1113	Alabama Municipal Insurance Corp 1200
Alabama Chapter, National Safety Council 305	Alabama Municipal Revenue Officers Assn 101
Alabama City / County Management Association 401	Alabama One Call 808
Alabama Clean Fuels Coalition 1209	Alabama Public Library Service 909
Alabama Cooperative Extension System 109	Alabama Recreation and Parks Association 613
Alabama Correctional Industries B	Alabama Retired State Employee's Association 709
Alabama Department of Agriculture and Industries C	Alabama State Employment Service/Career Center 813
Alabama Department of Environment Management 1109	Alabama State Parks 309
Alabama Department of Mental Health and Mental Retardation 509	Alabama Surplus Property 306
Alabama Department of Public Health Office of	ALAMO Industrial 814
	ALATAX Revenue Discovery Systems 600
	All Kids Children's Health Insurance Program 209
	Allied Waste 1102
	AME Engineers, Inc. 1106

Ameron International Corp. 112
 AMFund 1202
 ARCADIS 405
 Argent Trust 213
 Asphalt Zipper Inc. 804
 Attorney General's Office of Consumer Affairs 1206
 Auntie Litter 400
 Barfield Murphy Shank and Smith 910
 Berney Office Solutions 513
 Buxton 500
 CDG Engineers and Associates, Inc. 1004
 Center for Governmental Services Auburn University
 913
 Central Pipe and Supply, Inc. 408
 CGI Communications 906
 Computer Software Innovations, Inc. 704
 CSI Outfitters 704
 D and D Case Management 214
 DesignAlabama, Inc. 605
 Destin Energy 410
 Dixie Decorations, Inc. 200
 Eagle Recognition 510
 Embassy Suites Montgomery 1010
 Empire Pipe and Supply 802
 ESG Operations 700
 Espionage Detection Services 912
 Fire Rescue Help Group H
 Geological Survey of Alabama / State Oil and Gas
 Board 705
 GovDeals, Inc. 402
 Governor's Mansion Gift Shop 505
 HADCO 608
 HAGEMEYER 110
 Hammill and Associates, Inc. 602
 Hancock Bank 614
 Holiday Designs 504
 Honeywell 914
 Howard Technology 202
 Ingenuity, inc. 1105
 Ingram Equipment Company G
 InLine 1214
 J.A. Dawson 106
 JB and A, Inc. 612
 Johnson Controls 805
 Judicial Correction Services 1100
 Keep Alabama Beautiful 708
 KHAFRA 908
 Krebs Architecture and Engineering, Inc. 406
 Landscape Structures Inc. 606
 LaserCraft, Inc. 514
 Laserfiche 512
 Lee Helms Associates, L.L.C. 1114
 Local Government Corporation 1101
 Local Government Services 901
 Long-Lewis Sterling I
 Municipal Code/ MCC Innovations 502
 Municipal Revenue Services 105
 Municipal Workers Compensation Fund 1201
 Musco Sports Lighting 701
 NAFECO E
 Official Payments Corporation 304
 PolyEngineering 800
 PREMA Corp 104
 Professional Probation Services, Inc. 806
 Pro-Fire Equipment 810
 QS/1 Governmental Solutions 702
 RADARSIGN, LLC 610
 Regions Bank 314
 Retirement Systems of Alabama 809
 Sansom Equipment Co., Inc. F
 Schwarze Industries Inc. A
 Sentell Engineering 300
 Severn Trent Environmental Services 1002
 Slaughter and Associates 1208
 SMW Engineering Group, Inc. 801
 Southern Playgrounds, Inc. 905, 904
 Southland Trucks 100
 Springbrook Software 506
 Steve Elrod and Associates, Inc. 501
 Sunbelt Fire 108, 208
 Tank Pro, Inc. 1006
 The Brick Industry, Southeast Region 714
 The McPherson Companies, Inc. 900
 Thompson Tractor Co., Inc J
 Tidmore Flags 414
 TTL, Inc. 312, 412
 Tudor Custom Recreation Equipment, Inc. 302, 301
 Tyler Technologies 1001
 U.S. Department of Housing and Urban Development
 1005
 Universal Concepts 710
 USDA Rural Development 205
 Utility Engineering Consultants, LLC 1104
 Utility Service Co. 201
 Veolia ES Solid Waste South East 204
 Verinix Systems 114
 Vortex Truck and Equipment D
 Wachovia Bank 902
 Wilson Price, CPA 601

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.



Know what's below.
Call before you dig.

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



**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



The Legal Viewpoint

By Ken Smith
Deputy Director/General Counsel



Municipal Elections – What You Should Do Now

Municipal elections for most Alabama municipalities will be held on August 26, 2008. The municipal election cycle begins in earnest when candidates start qualifying on July 1. There are, of course, several deadlines municipalities must meet before that date. These are indicated on the municipal elections calendar the League provides, and discussed in detail in the League election manual.

Beyond that, though, there are several practical steps municipal clerks and officials should consider taking to be prepared for the cyclone of activity that starts then. This article discusses actions municipalities should consider in addition to the deadlines.

Annexation and Deannexation

Municipalities generally annex territory through one of three methods—unanimous consent, by election, or through the legislature. Municipal councils and the legislature can deannex territory from the municipal corporate limits. What does this have to do with the municipal election?

Plenty.

Each time the corporate limits are adjusted, the Justice Department in Washington, D.C., must issue final approval through a procedure ironically called “pre-clearance.” Despite the name, the Justice Department will not consider applications until it is final under to state law. No annexation or deannexation is considered final until the Justice Department approves. Until that step is taken, residents in these areas cannot vote in the municipal election, nor can they run for office. *Singer v. City of Alabaster*, 821 So.2d 954 (Ala. 2001).

The Justice Department has 60 days to consider an application for preclearance. If they request additional information to determine whether to preclear the annexation or deannexation, the 60 day process starts again. If a municipality adjusts its corporate limits within 60 days of the election, it faces the prospect that it will not receive preclearance in time for the election. Residents in these areas will not be added to your voters list and can only vote by provisional ballot.

What should you do now? Two things.

First, double check to make sure that all prior annexations and deannexations have been precleared. This step is sometimes overlooked.

Second, don't annex or deannex territory within 60 days of the election. Even better, stop annexing territory before that time. The earlier the council makes a determination not to adjust the corporate limits, the more likely it is that all adjustments will have been precleared and all municipal residents can participate in the election.

Districting

Just as with adjustments to the municipal limits, municipalities sometimes need to adjust their district lines because the populations in the districts are no longer sufficiently even in number. Municipal districts should be relatively equal in population. One of the basic tenets of democracy is that each person's vote should count just as much as those cast by other voters and having the districts equal in population means that all voters (and the districts they represent) have the same representational strength.

Deviations in district population can occur for several reasons. For example, annexing or deannexing can cause population shifts. Or, perhaps new residents have located more heavily in one district than in others, or current residents may just move from one district to another. Any of these may cause the population to swing wildly in one or more districts.

Although there is no hard-and-fast rule that can be applied to determine when the population deviations would require redistricting, if the population of the largest district and the smallest districts vary more than five percent, you should examine more closely whether you need to redistrict. The more deviation there is, the more likely you should adjust your district lines.

Help Is On the Way

The city clerk should prepare a list of those he or she may need to contact for help during the election. A short

list might include other clerks, the Secretary of State, the probate judge, the board of registrars, the Attorney General's Office, your election equipment supplier, and the League of Municipalities. Each of these agencies can help answer questions regarding election procedures.

For example, other municipal clerks – especially those who have held elections before – are a tremendous source of practical information about addressing issues as they arise. The clerk should make a list of clerks he or she feels comfortable contacting and asking for advice. Of course, common courtesy requires that the clerk should contact them ahead of time and ask if it is alright to ask for advice. And, remember – turn-about is fair play. If other clerks are making themselves available, you should make yourself available as well.

The county board of registrars can help answer questions related to provisional voting and voter registration, including the voter's lists each municipality must prepare. The probate judge, having conducted elections using the type election equipment your municipality will use and having followed provisional balloting, can offer suggestions and answer questions in these areas. Again, contact their offices and ask if they will be willing to help you prepare for your election.

Your election supplier – which may be the county or a private group such as Election Systems and Software (ESS) – can address questions related to the equipment you will be

using during the election. And, of course, the Secretary of State, the Attorney General and the League can help answer general election questions.

Helping Us Help You

You can help save yourself time and confusion by taking several steps before contacting any of the above agencies or individuals. This advice can be followed not only during the election process, but at all times when you seek help.

First, think your question through. Doing a little homework before calling will allow you to address potential questions that may arise when you ask for assistance. Remember that the person you're calling often comes into a situation knowing very little about it. Don't assume that they know facts. Take time, before calling, to identify and document the pertinent facts, and to identify what you think the important issues and concerns are.

This is especially true where e-mail is concerned. If you are going to contact someone by e-mail it is important to include all factors that you think may be significant. E-mail doesn't provide the same give and take that a telephone call has, so the person providing the advice may not know what questions to ask to elicit information.

Of course, it is also important not to weigh the question down with unnecessary facts and information. Wean your question down to what you think are the pertinent points.

Second, call early rather than later. While this may seem



Public Resource Management Alliance Corporation

Don E. Howell, President
(719) 686-0955
(719) 686-7446 – Fax

(719) 237-6800 – Cell
www.premacorp.com

- ***Comprehensive collection of local sales, use, rental, and lodgings taxes***
- ***Business licensing***
- ***Revenue Enhancement and Cost Containment Analysis***
- ***Management Consulting***

We offer knowledge and experience from “*inside the walls*” of Alabama City Halls; a commitment to accuracy, ethics, service and accountability; and advanced technology through new generation software.

Our reputation is built upon a foundation of honesty and transparency in our dealings with clients, customers, and business relationships.

to contradict the advice above, it doesn't. Make sure you know what your question is and the pertinent information before asking for help, if at all possible, but don't delay in requesting help until a situation has gotten out of hand. Often, issues that are easy to solve early can become major disasters if they aren't dealt with. And remember, in almost all cases, it is better to call before acting rather than after.

Third, don't be afraid to ask questions if you don't understand the advice that's being given or it doesn't seem to make sense. You may have left out a fact assuming that the person you're calling knew it so that the answer you received didn't actually fit your situation. Or, the person you're calling may not understand the question. By asking questions yourself, you can be certain that the question is being answered in the best manner possible.

Fourth, don't fish for an answer, and don't slant the facts so that they will elicit only the answer you're seeking. You may not always get the answer you want, or that you think is correct. If you feel that the person you are asking for information is wrong, explain why you think so. It may be that you are correct. On the other hand, if you receive two different answers from two different sources, how will you know which is correct?

Fifth, don't call and put the person on speaker phone so others can hear without first asking permission. Not only is this rude, the person you're calling may need to obtain more information before responding. No one likes to be embarrassed in public. Or, you may find that you expect one answer, only to find that you're the one who is embarrassed by receiving a different response.

Sixth, understand that some legal issues require research, and that not all questions can be answered with certainty. Sometimes, legal questions have never been addressed by the courts, the legislature, the Attorney General, or Secretary of State's offices. It may be that the answer just isn't certain, even once the issue is researched. In that case, you may have to accept that the answer you receive is, simply, an educated guess.

Elections Packets

Many municipal clerks find it helpful to provide candidates with an elections packet when they qualify to run for office. Now is the time to create this packet. What information should you include in the packet? Here's a suggested list:

- Fair Campaign Practices Act Information, along with provisions of the Alabama Code and forms
- A Candidate Filing Guide (Available from the Secretary of State)
- A Statement of Economic Interests and Ethics Commission information
- The 2008 Municipal Elections Calendar

- Copies of any local ordinances regarding advertising and campaigning
- Information about the appointment and duties of poll watchers

You may have other information you feel candidates should receive. Be certain, of course, to provide the same information to all candidates. Also, it is a good idea to have them sign a form indicating the receipt of this packet, showing the date it was received. The clerk should keep the original signed copy in a safe place at city hall.

Voting Places and Officials

This is also the time to verify that officials that have previously served during the election are still willing to do so. If not, you will need to begin identifying individuals who are willing to serve during the election.

You should also check to see if the polling places you plan to use will be available. Some of the election dates have changed from four years ago. It's possible that the owner of a polling place you've used in the past is basing his or her availability on the 2004 election dates, and not the 2008 dates. It is also possible that the owner simply doesn't want the municipality to hold an election at the polling place.

Be certain that the location will be available and if not, find a new location. And remember, the new location will have to be precleared by the Justice Department. ■



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

ALABAMA MUNICIPAL ELECTRIC AUTHORITY

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



AMEA is Alabama Sales Affiliate for Hometown Connections™



Power That Works For You!®

www.amea.com

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

Keep retail dollars from rolling out of town.

Want to keep retail dollars in your community?
Increase employment opportunities?
Provide more shopping and dining choices to your citizens?

Join Buxton at the **2008 Alabama League of Municipalities Annual Convention** to learn more about Buxton's *CommunityID* - a proven approach to growing your retail sector. We've helped civic leaders in more than 300 cities market their communities to top retailers and restaurants.

Be proactive by marketing your city using information and tools retailers need to make store location decisions.

Visit us at our Booth.



Buxton
Identifying Customers



CommunityID

www.buxtonco.com | Blog: communityid.buxtonco.com | 817-332-3681

MUNICIPAL ELECTIONS CALENDAR

WHAT YOU SHOULD DO NOW



May 26

Last day for the council to change its district lines. §11-46-23. Last day for the council to change the location of designated voting places or add an additional voting place.

May 28

Last day a person can become a resident of the municipality and district and still be a candidate for election. Candidates must reside in the municipality and the district for a period of 90 days before the election. §11-46-25(g); §11-43-63.

June 26

Last day on which the council may adopt an ordinance establishing qualification fees. §11-46-2.

June 27

A municipality operating on Eastern Standard Time may by ordinance open and close the polls under Eastern Standard Time if necessary. Changing to or from Eastern Standard Time would necessitate pre-clearance at least 60 days prior to the election. §11-46-28.

Electronic Voting Rule--First day to conduct a training school for officials who will conduct an election using electronic voting machines. §17-9-19 [§17-8-9]. No election official shall serve in any election in which an electronic voting machine is used, unless he or she shall have received such instruction within 60 days prior to the election and is fully qualified to perform the duties in connection with the electronic voting machine, and has received a certificate from the authorized instructor to that effect. This does not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials. IT IS UNCLEAR THAT THIS PROVISION APPLIES TO MUNICIPAL ELECTIONS. HOWEVER, THE LEAGUE RECOMMENDS THAT MUNICIPAL GOVERNMENTS USING ELECTRONIC VOTING MACHINES FOLLOW THIS PROCEDURE.

July 1

Mayor gives notice of the election on the first Tuesday in July. §11-46-22(a).

Candidates may begin qualifying once notice is published. Qualifying forms are available from the municipal clerk. §11-46-22(a).

NOTE: The Fair Campaign Practices Act requires all candidates to file with the PROBATE JUDGE a list of from two to five persons who will serve as their campaign committee. Candidates may serve as their own committee, but must still file a form to this effect with the PROBATE JUDGE. THIS FORM MUST BE FILED WITHIN FIVE (5) DAYS OF QUALIFYING TO RUN FOR OFFICE. THIS FORM MUST BE FILED REGARDLESS OF WHETHER THE CANDIDATE HAS REACHED THE \$1,000 THRESHOLD UNDER THE FAIR CAMPAIGN PRACTICES ACT. Forms are available from the probate judge, Secretary of State or the municipal clerk. §17-22A-4 [§17-5-4].

ALSO, the Ethics Law requires candidates to file a statement of economic interests with the MUNICIPAL CLERK. THIS STATEMENT MUST BE FILED ALONG WITH THE QUALIFYING FORM. A candidate for municipal office may request a five day extension to file the statement of economic interests. The request must be made through the MUNICIPAL CLERK. The statement of economic interests must be filed with the MUNICIPAL CLERK within the five day extension. **THE CLERK IS REQUIRED TO REMOVE FROM THE BALLOT THE NAME OF ANY CANDIDATE WHO FAILS TO FILE THE STATEMENT OF ECONOMIC INTERESTS BY THE DEADLINE.** Incumbents do not have to file the statement of economic interests as they are required to submit an annual report which is on file with the ETHICS COMMISSION. §36-25-15.

LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Courts: Section 15-12-21, Code of Alabama, 1975, provides for reimbursement of office-overhead expenses reasonably incurred by an appointed attorney in the defense of an indigent defendant in addition to fees earned for representation of the defendant. *Wright v. Childree*, 972 So.2d 771 (Ala.2006)

Drug Testing: A single positive drug test was insufficient to support a finding that a nurse was addicted to habit-forming drugs, therefore, the Board of Nursing could not revoke her license. *Thornton v. Alabama Bd. of Nursing*, 973 So.2d 1079 (Ala.Civ.App.2007)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Employment Discrimination: A Caucasian city employee satisfied his prima facie showing of discriminatory demotion. He showed that he was qualified for the job, was demoted for work rule violation, and then was replaced by someone outside his protected class, an Asian American woman. He presented evidence that his department tried to maintain a racial balance, and that a proposed comparator who committed a similar offense was treated differently with respect to the investigation of the incident and disciplinary action taken thereafter. *Rioux v. City of Atlanta, Ga.* --- F.3d ---, 2008 WL 710441 (11th Cir. 2008)

DECISIONS FROM OTHER JURISDICTIONS

Drug Testing: An Oregon city violated the constitutional rights of a public library job applicant when it withdrew a job offer because she refused to submit to a mandatory drug and alcohol test. The city failed to articulate any special need to screen the library page applicant for drug use, and therefore the city's policy requiring candidates of choice for city positions to pass a pre-employment drug test as a condition of the job offer was unconstitutional as applied to applicant. *Lanier v. City of Woodburn*, --- F.3d ----, 2008 WL 659551 (9th Cir.2008)

ATTORNEY GENERAL'S OPINIONS

Boards: A successor member of a Board or Commission who follows a holdover is not allowed to serve a full term of office following his or her appointment but, rather, serves the remainder of the succeeding unexpired term of office. AGO 2008-064

Board of Education: A Municipal Board of Education ("Board") must have the written recommendation of the superintendent before the Board can adopt or approve educational policies or regulations for the conduct and management of the schools. AGO 2008-056

Compensation of Officers: A state, county or municipal official who has voluntarily diminished the official's compensation under section 36-6-10 of the Code of Alabama may not direct the spending of the unused funds. The governing body may amend the budget to divert the funds to other purposes. AGO 2008-065

Tracy Roberts
Assistant General Counsel



Licenses and Business Regulations: Feeding prisoners in the county jail is an official part of the duties of the office of the sheriff. The sheriff may contract with a private business to feed the prisoners. The business must pay any local license tax. The sheriff may purchase food products and transfer them to the business to be used for feeding the prisoners without incurring sales tax. AGO 2008-061 and AGO 2008-062

Police Power: Alabama law gives sheriffs and their deputies law enforcement authority over the entirety of their respective counties. This authority is not limited or restricted inside the city limits of a municipality that is located within the sheriff's respective county. A county sheriff is not required to obtain permission or prior approval of a municipal government or police department before it may perform law enforcement operations within the limits of a municipality. If a speed limit is set by state statute or by the Alabama Department of Transportation, a citation could be prosecuted as either a municipal offense (where state offenses are adopted by reference) or a state offense. But if the posted speed limit was set or altered by municipal ordinance, the case would have to be initially prosecuted as a municipal offense. AGO 2008-063

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2008-04: Employees of the Mobile County Public School System may solicit contributions for the Large City School Superintendents' conference provided, that vendors conducting business with the school system are not singled-out for donations, nor offered business in return for donations; where the solicitations are made in a general/generic way, so that specific vendors do not feel coerced into contributing; when all funds will be retained for the purpose of the Large City School Superintendents' conference; and, where there is no personal gain accruing to employees of the school system. In addition, employees of the Mobile County Public School System may not solicit lobbyists to contribute to the Large City School Superintendents' conference.

AO No. 2008-06: State employees attending a technical conference hosted by Microsoft may accept a not for-resale version of new software, when all individuals attending the function receive the software, and nothing other than their attendance is required for them to receive the software, also where the state employees attending this program are attending as part of their job responsibilities, and with the approval of their department. As this is not a typical "door prize" scenario, and the software may serve a function for the particular department employing an attendee, and as the state employees will be attending while on duty for the state, it is within each department's purview to determine whether or not the software will be maintained by the department for official use, or whether it may be retained by the attendee personally.

AO No. 2008-07: A member of the Dallas County E-911 Communications District Board may, upon his resignation from the Board, apply for the position of Administrator of the Communications District. This is allowed if there was no prearranged understanding that he would be hired and he did not use his influence as a board member to obtain the position. The Board, after reviewing qualified applicants, should determine if the former member is the most qualified applicant for the position. The former board member should not have been involved in creating the vacancy. A member of the Dallas County E-911 Communications District Board may not serve simultaneously as a member of the Board, as well as the paid Administrator of the Communications District. ■

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

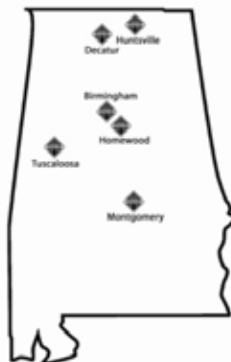
(205) 556-4343

Decatur

(256) 350-5600

Huntsville

(256) 859-0346



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

Municipal Overview, continued from page 6

an abundance of creativity, local officials often find innovative solutions to these challenges. Understanding that their colleagues could benefit from the hard-earned knowledge of their peers is one of the reasons the Congress of Cities was begun 85 years ago.


By attending conferences, such as NLC's 2008 Congress of Cities and Exposition, community leaders benefit from peer-to-peer knowledge sharing as well as hear from the top people in their fields about the issues faced by local communities.

Conference attendees can expand the impact of limited resources by leveraging the knowledge and experiences of their peers and bringing home ideas that work, say NLC conference representatives.

In this year of great change, NLC members are invited to make sure their city is prepared.

"At the 2008 Congress of Cities and Exposition, cities can find out how to turn upcoming national changes to their advantage, learn and share solutions to issues that matter to their community, and access the first-hand knowledge of 4,000 peers," said Donald J. Borut, NLC executive director. "Attendees will have opportunities to showcase their city's effective practices and policies, and build the capacity of their city to meet the needs of changing constituencies."

Early Bird Registration fees are in place for a limited time. The NLC Member City, Associate Member and SML Member City rate is \$395; the Non Member rate is \$550. Be fiscally frugal and secure a place at the 2008 Congress of Cities by visiting www.nlc.org and registering today. ■



2008 ALM EXPO

MAY 18-19, 2008
BJCC, Birmingham, Alabama

**League Welcome Reception,
Sunday May 18, 2008, 5:30 -7:00 p.m.**

ARE YOU UP TO THE
Challenge?

*Paul 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

Program for Alabama Association of Public Personnel Administrators Scheduled for Monday, May 19

Motivation. In this course, supervisors and managers will learn how to employ a variety of techniques to aid them in creating a motivating and rewarding work environment. The course will cover essential elements of goal setting and factors that influence the motivational impact of goal setting such as goal characteristics, task complexity and employee self-efficacy. This course will also cover methods of assessing and modifying the work environment to enhance motivation; intrinsic versus extrinsic motivation; and distributive versus procedural justice and the motivational influence of each.

Instructors – Dr. Lisa Powell-Brantley and Jennifer Turk



Vortex
TRUCK AND EQUIPMENT *Proven in the Field*

MEMBER
TCIA
VOICE OF TREE CARE

“Creating the Best Grapple Trucks in the Business”

12268 Lavender Hill Road
Moundville, Alabama 35474

NTEA
NATIONAL TRUCK EQUIPMENT ASSOCIATION
Member

Call us today: 866.293.5200 www.vortextruck.com

REV UP YOUR REVENUE WITH RDS

With our comprehensive government solutions, RDS can help you
and your municipality get more distance out of your budget.



Visit our booth at the upcoming Alabama League of
Municipalities Annual Convention to learn more.

RDS
revenue discovery systems

Debt Collection - Revenue Administration - Revenue Discovery & Recovery - Compliance Auditing

205.324.0088 - www.revds.com

MUNICIPAL CLERKS CONFERENCE PROGRAM

Municipal clerks are invited to attend the “Ask Your Attorney Roundtable Discussions” on Saturday, May 17 from 2:30 to 5:00 p.m. and the Sunday, May 18 General Session: “2010: Year of Small Towns and Downtowns” from 2:30 until 4:00 p.m. The program designed especially for municipal clerks will begin at 8:00 a.m. on Monday, May 19 with the breakfast and business meeting of the Alabama Association of Municipal Clerks and Administrators (AAMCA) followed by the following workshops:

Poll Workers Schools and Provisional Balloting

Gregg Woodyard, Elections Specialist, Elections Systems and Software, Birmingham

2008 Municipal Elections (General Session for all conference attendees)

Ken Smith, Deputy Director/General Counsel, ALM

Clerks’ Panel: Practical Aspects of Elections

Gail Busbey, MMC, Finance Officer, Decatur

Gail Duffey, CMC, City Clerk, Scottsboro

Trey Granger, Director of Elections, Montgomery County Elections Center

Attorney General’s Opinions Update

Brenda Smith, Assistant Attorney General

Ask Your Attorney/Legal Update

Lori Lein, Deputy General Counsel, ALM

Tracy Roberts, Assistant General Counsel, ALM

On Tuesday, May 20, clerks are invited to attend the Annual Business Session from 8:00 until 10:00 a.m. followed by the General Session: “Hey, Dude! Managing the Generations in Today’s Workplace”. Convention concludes at 2:00 p.m. following the President’s Luncheon.

June 11, 2008

Dodge City Town Hall
130 Howard Circle
Hanceville, AL

June 12, 2008

Mary Ann Phelps Activity Center
2200 Rock Quarry Drive
Tuscaloosa, AL

June 18, 2008

Daphne Civic Center
2603 Highway 98
Daphne, AL

June 19, 2008

(Eastern Time)

Lanett Municipal Complex
401 North Lanier Avenue
Lanett, AL

Loss Control Summer Seminars

9:00 a.m. - 2:00 p.m. • Lunch provided

(NOTE: Lanett Location, Eastern Time)

Topics

- **Workplace Violence**
- **Effective Safety Committees**
- **Development of a Safety Incentive Program**
- **Question and Answer Session**
- **Incentive Drawing**

For more information, contact Donna Wagner at 334-262-2566.



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



www.thompsontractor.com

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tuscaloosa
3550 Joe Mallisham Pkwy.
Tuscaloosa, AL 35401
(205) 247-2800

© 2008 Caterpillar CAT, CATERPILLAR, their respective logos, "Caterpillar Yellow" and the POWER EDGE trade dress, as well as corporate and product identity used herein, are trademarks of Caterpillar and may not be used without permission.

The Strategic Procurement Source for Public Agencies

Think of
US first
 for PROVIDING SOLUTIONS

www.uscommunities.org



Communications Law and Technology 101

A Primer for Municipal Officials

After the advent of the federal Telecommunications Act of 1996 the City of Auburn hosted a seminar for local officials to discuss various aspects of the new law and what it meant for local governments: legally, technically and practically. It was a well-attended, informative and productive meeting. It is time to revisit the issues.

As new communications technologies emerge, as the legal framework evolves, as greater demands are placed on the public rights-of-way, and as traditional local regulatory authority is challenged at the federal and state level, it becomes important for local officials to not only develop a basic understanding of the advancing technological issues, but also to understand what role local governments play in the communications arena.

To this end, the City of Auburn is again hosting a conference for local officials that is intended to not only educate and inform them, but also to provide them with the opportunity to network with each other about the issues faced in the regulation of communications technologies. Tentative topics to be addressed include an overview of the local regulatory perspective, a discussion of the history of telecom regulation in the State of Alabama, a briefing on the technical terms used by the communications industry, a review of the administration of the City of Mobile's rights-of-way management ordinance, a presentation on the current state of cable television regulation, and a round-table discussion in which attendees will have the opportunity to ask questions of the conference speakers.

This opportunity to learn more about the industry, its regulation, its technologies and its impacts on city governance is open to cities' elected officials, members of cities' management staff and other city staff members whose work is affected by these issues. The conference will be held in June 2008 (date to be announced later) at the Auburn University Hotel and Conference Center; the first session will begin at 10:00 a.m. and the conference will conclude at 4:30 p.m. Lunch is included in the registration fee of \$25.00. Registration forms can be printed from the City of Auburn's web site, which is www.auburnalabama.org.

The League encourages all elected officials, city management and appropriate city staff to take advantage of this chance to learn about these relevant, significant issues. ■



Simplify your utility management.

QS/1[®]'s Governmental Solutions is a single source solution for utilities. Easy, accurate billing increases profitability while user-controlled rate tables provide great flexibility. The system interfaces with most meter readers, alerts you to potentially misread meters and provides a variety of customer service options. Whether gas, water, electric, sewer, fire control or waste management, QS/1 is a powerful solution for utility management.



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, call **Tom Bartels** at **AMEA 1-800-239-AMEA(2632)** to discuss your situation or arrange a demonstration.



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

PUT OUR EXPERIENCE TO WORK FOR YOU

The League's Employment Practices Hotline Offers Free 30-Minute Consultations on Personnel and Employment Practices.

Contact us today and let our proven professionals advise you efficiently and effectively.

**ALABAMA LEAGUE OF MUNICIPALITIES
EMPLOYMENT PRACTICES HOTLINE**

800-864-5324

Available to all AMIC and MWCF Members



N
A
F
E
C
O



**RECENT
DELIVERY**

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

Fire Apparatus, We're Talking Delivery...



- ✓ Predator XMFD Custom Cab 75' Rear Mount AerialCat Ladder
- ✓ Cummins ISL 400 HP Engine
- ✓ Waterous CSU-Y 1500 GPM Pump
- ✓ 500 Gallons UPF Poly IIE Tank With 20 Gallon Foam Cell
- ✓ E-Zone Rotation Safety System & Cab/Body Proximity System
- ✓ Whelen LED Warning Light Package
- ✓ Elkhart "Scorpion" RF Wireless, Electrically Controlled Monitor

...to Sheffield Fire Dept. Congratulations

We have purchased several KME fire trucks in past years that have always performed over and beyond our expectations. NAFECO has worked well with our Mayor, city council and myself through the specification and bidding process for the purchase of our new 75 foot Aerial Cat Ladder. The new apparatus provides all the requirements that our city needs, at a price our town's budget would allow.

*Fire Chief Dewey King
Mayor Billy Don Anderson
Sheffield, Alabama*



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

Capitol Steps to Perform Monday Night of Convention



The Capitol Steps began as a group of Senate staffers who set out to satirize the very people and places that employed them.

In the years that followed, many of the Steps ignored the conventional wisdom (“Don’t quit your day job!”), and although not all of the current members of the Steps are former Capitol Hill staffers, taken together the performers have worked in a total of eighteen Congressional offices and represent 62 years of collective House and Senate staff experience.

Since they began, the Capitol Steps have recorded 27 albums, including their latest, *Springtime for Liberals*. They’ve been featured on NBC, CBS, ABC, and PBS, and can be heard 4 times a year on National Public Radio stations nationwide during their *Politics*

Takes a Holiday radio specials. For more information on this uniquely talented group, visit www.capsteps.com.



Humorist Al Walker Scheduled for Tuesday Luncheon, May 20

Al Walker is president of Al Walker and Associates, Inc., a firm dedicated to helping businesses and individuals solve problems through professional speaking, training and consulting services. Al and his organization specialize in results-oriented training programs. They have conducted over 1500 training clinics, workshops, seminars and programs for organizations from the United States, Europe, Canada, Mexico and the Caribbean. Al is a masterful teacher and is nationally recognized for his unique, fun-loving, humorous approach to speaking.

Al earned a business degree from the University of South Carolina. After graduation, he joined a residential building and development corporation. Within two years as head of sales and marketing, the firm was the highest dollar volume residential builder in South Carolina. During that time, Al attended a Dale Carnegie course and decided his future was in training and developing people. He joined Dale Carnegie and for five years sold and taught their programs throughout South Carolina. He quickly became one of the top-rated instructors in the organization. In 1981, he started his own company. His international client list includes IBM, Wal-Mart, BASF, NCR, BellSouth and Westinghouse/CBS. Al’s articles on leadership, sales, customer service and personal development have appeared in professional publications throughout the world.

For more information about Al Walker, visit www.alwalker.com.

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 grege@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



Rated A- by
A.M. Best

Is *YOUR* future covered?

**Visit AMIC's Booth at the
League's Annual Convention
in Birmingham!**



The first 60 people to bring
this coupon by our booth
will receive a
free Road Hazard Kit
OR a Golf Umbrella

**STEVE WELLS, PRESIDENT
334-386-3863**

**JIM CHAMBLEE, SALES MANAGER
334-386-3863**

Toll Free at 866-239-AMIC(2642)

**110 N. Ripley Street
Montgomery, AL 36104**

www.AMICentral.org