

The Alabama Municipal JOURNAL

October 2010

Volume 68, Number 4



2011 Municipal Quality of Life Awards

see page 5 for details



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On the Cover:

The League is now accepting entries for its annual Quality of Life Awards program, which is designed specifically to recognize successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. See page 5 for additional information or visit the League's website at www.alalm.org.

Deadline for entries is December 1, 2010.

A Message from the Editor



Okay, folks, let's talk quality of life. Did you know that this past year Alabama was ranked the *second fattest* state in the nation? Or that we're the third most medicated state after West Virginia and Tennessee? Or that Montgomery tied with a city in California for being the most *obese city* in the country? Yes, I realize our Southern cuisine is renowned for such favorites as fried chicken, catfish and tomatoes, homemade buttered biscuits, family night casseroles, vegetables seasoned with fatback and, of course, that ubiquitous nectar of our ancestors – sweet tea. Yet skyrocketing health care costs and declining quality of life statistics are warning us of dire consequences if significant lifestyle adjustments aren't implemented over the next decade. The Center for Disease Control (CDC) now reports that nearly a third of US children and adolescents are obese or overweight. ONE THIRD! Most likely these children will have numerous health issues as they reach adulthood. Already, the number of children suffering with type 2 diabetes is, to say the least, alarming.

Which leads me back to my original point. *Quality of life*. There are many, many opportunities for us to engage in fun, healthy activities in our own communities or within easy driving distance throughout the state. For instance, in late August, I participated in Montgomery's first Dragon Boat Festival (see bottom photo). I'd been canoeing but I'd never competitively paddled with a team. That didn't matter. I signed up; I participated; I had fun. I've also recently taken up rock climbing. Yes, that's me in the top photo wearing a stylish do-rag and contemplating my next move on a rock face in Blount County. Palisades Park in Oneonta is probably one of the state's best kept secrets. This park not only has multiple rock climbing surfaces, but a plethora of gorgeous hiking trails and picnic spots. (In other words, you don't have to purchase special gear or risk breaking an appendage to burn some calories and have a great time.) And these are just a couple of examples. Alabama is loaded with inexpensive, easily attainable opportunities.

Additionally, many municipalities have been adding unique programs to enhance the quality of life in their perspective communities. The League invites you to participate in the 2011 Quality of Life Awards program (see next page for details). Information was mailed to mayors and clerks last month and is also posted online at www.alalm.org. The deadline for all entries is **December 1, 2010**.



One more quick note: I'm extremely pleased to report that I recently received a letter from the Registrar with the Alabama Department of Archives and History officially informing the League that two copies and the companion CD of "Seventy-five Years: Alabama League of Municipalities" ... "will be cataloged and placed with our general reference collections." The League's history is now preserved and on file at the Department of Archives and History with all the other important information pertaining to the State of Alabama – yet another reason for us to be proud of our fine association. You may recall that each delegate who attended the 2010 annual convention in May received a copy of this publication. In addition, a copy was mailed to every city and town. The documentary video, which I encourage you to watch if you haven't already seen it, is posted on the opening page of our website at www.alalm.org – just click on the link that reads "75th Anniversary Tribute Video".

2011 Municipal Photography Contest – **Deadline: November 5**

Last call!! I encourage you to enter the League's Fourth Annual Municipal Photography Contest (see page 34). The winning photo will be featured on the cover of one issue of the *Alabama Municipal Journal*. Other entries may be used in the *Journal*, as well as other League publications and on the League's website, throughout the year. Pictures of municipal buildings, parks, streets downtowns, city festivals ... all are acceptable. **This year's deadline is November 5**. Because the winning photo will appear on the cover of the *Journal*, the picture must be vertical, color and taken at a high resolution so the print quality is not compromised. Complete information is posted on our website at www.alalm.org.

Carrie

The President's Report

Charles Murphy • Mayor of Robertsdale



Municipal Quality of Life Awards

Deadline for entries: December 1, 2010

Throughout its 75-year history, the Alabama League of Municipalities has endeavored to be an agent for the exchange of new ideas and innovative programs. To that end, several years ago the League developed a Municipal Quality of Life Awards program which is designed to recognize innovation in local government and serve as a forum for sharing unique public service ideas throughout Alabama.

This program is also a wonderful opportunity for your municipality to receive the recognition it deserves! Award winners can certainly use their success as a marketing tool for their communities and as a boost to the community's spirit. The entry deadline for this year's Quality of Life Awards is **December 1st**. Brochures and entry forms were mailed to all mayors and clerks in mid September, however the information is also available online at www.alalm.org (click on the link near the top of the opening page that says "2011 Quality of Life Awards – Deadline Dec. 1, 2010).

One winner and one honorable mention will be chosen from three population categories:

- 1-5,000
- 5,001-12,000
- 12,001 and over

The three winning entries will enjoy statewide recognition at the League's 2011 Annual Convention in Huntsville. In addition, each winning municipality will:

- Receive a special plaque
- Be featured in a video shown at the 2011 Annual Convention
- Be spotlighted on the League's website at www.alalm.org
- Be featured in the *Alabama Municipal Journal*

The three honorable mentions will receive a certificate as well as recognition on the League's website and in the *Alabama Municipal Journal*.

Winners will be chosen by a panel of three independent judges who are not employed by or affiliated with the Alabama League of Municipalities. Judging will be based entirely on the written entry and supportive information. Winners will be chosen based on how well entries meet the three main objectives of the awards program:

1. To recognize successful, innovative projects that improve the quality of life for citizens.
2. To share those projects with other municipalities.
3. To demonstrate the value of cities and towns.

Entries for each population category should focus on one of four subject areas:

- Economic Development (community development and planning projects)
- Public Safety (includes emergency service projects)
- Public Works (includes infrastructure projects)
- Public Service (anything not covered in the three subject areas listed above)

Rules and instructions as well as an official entry form and complete entry requirements are online. Municipalities that have won a Quality of Life Award in the past three years are not eligible for entry. (This does not apply to Honorable Mentions.) Those not eligible for entry this year are: Abbeville, Moody, Opelika (2010); Dutton, Jasper (2009); Brewton, Helena, Monroeville, Flomaton, Selma, Auburn (2008). All other League member municipalities are eligible to enter.

The Quality of Life Awards Program recognizes successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. Don't let the size of your municipality stop you from entering! **Again, the deadline is December 1, 2010! ■**



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- Court Clerk
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- Former Director of Corrections
Large Florida State Court

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- Court Clerk
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge
Alabama Court

Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

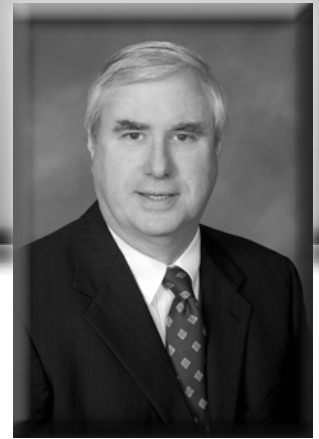
- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Perry C. Roquemore, Jr.
Executive Director



What is the Ideal National Conference for Local Leaders?

The ideal conference for local leaders in 2010 is one at which elected and appointed officials and city staff will hear and experience examples of savvy survival strategies that can help their municipality survive, adapt and ultimately prosper in the changing economic climate. The ideal conference would include:

- Thousands of elected and appointed officials from across the country who are gathered in one place and primed to share great ideas and best practices.
- Substantive workshops featuring content experts and experienced city officials and staff sharing the latest information on solutions to the challenges that affect your city as well as the most up-to-date facts and analysis of national and regional trends that are shaping your community.
- Professional development trainings that address your concerns and strengthen your skills as a leader.
- The ability to ask your questions about what is happening in federal programs and agencies that will impact your city from people who work closely with White House and Congressional staff members on the issues that matter to you as a local leader.
- The chance to learn about and sign-up for programs, such as prescription drug discount programs and purchasing alliances, that can save your city real money.
- The opportunity to compare costs and services among hundreds of vendors who serve the needs of cities.
- The ability to ask city staff about the challenges they faced in implementing model programs.

Fortunately, the ideal national conference for local leaders already exists. It's the 2010 National League of Cities (NLC) Congress of Cities & Exposition where more than 4,000 participants, including more than 2,000 elected and appointed officials and city staff, will converge in Denver, Colorado November 30 through December 4 to experience:

- Dozens of sessions on topics critical to municipalities with some workshops directed at policy makers and others created especially for those who implement programs.

Including workshops, facilitated discussions, mobile workshops and more.

- Two days of Leadership Training Institute Seminars offering in depth professional development and skills training.
- An NLC member services booth in the exposition hall where municipalities can sign up for critical programs and services that will save the city money.
- An Exposition Hall with more than 200 vendors offering services and products that support cities.
- A singular opportunity to explore examples of notable regional collaborations and other model programs from the City of Denver and surrounding communities and additional opportunities to ask questions of the city staff who implement them during the City of Denver's Mobile Workshops AND the 2010 City Showcase.

Plan to Attend the Ideal National Conference for Local Leaders

All Alabama municipal officials should consider attending the 2010 Congress of Cities. While the entire conference spans five days, the conference experience is actually delivered in three segments – the main conference, pre-conference activities and the annual business meeting. For 87 years, this unique national conference has offered solutions for moving communities forward. Through innovative programming, participants strengthen their ability to lead and grow America's cities, towns and villages. The Exposition at the Congress of Cities is one of the largest exhibits for city officials and employees to come face-to-face with the companies that serve municipal needs. Municipal representatives looking for products and services to assist them in meeting the changing demands of their communities will find many potential solutions within the Expo. Visit www.NLCCongressofCities.org for more information about the program, registration and exhibits. ■

Workers Comp Insurance Premiums for 2011

As medical care costs continue to rise, the Municipal Workers Comp Fund (MWCF) works to keep your premiums as low as possible. In 2010, 49% of the 633 MWCF members received a full 10% off their premium by appointing a Safety Coordinator; signing a Statement of Commitment, Post Accident Drug Testing Agreement; and having an approved Medical Protocol in place.

2011 Statement of Commitment

The Statement of Commitment is a two-page document comprised of safety standards that each member endeavors to follow. It is updated annually and mailed to every MWCF member during November. If it is signed and returned by December 1, 2010, a 3% discount will be reflected on the 2011-2012 billing. This two-page document must be renewed each year.

Post Accident Drug and Alcohol Testing Program

The MWCF provides an additional 3% discount for those members that commit to a Post Accident Drug and Alcohol Testing program. In order to qualify a member must sign a "Participating Commitment" (which will be enclosed with the above mentioned document) and have such program certified by their attorney that the member's drug and alcohol policy is Fourth Amendment compliant. Unlike the Statement of Commitment, this document does not have to be renewed each year.

Medical Protocol

Another 3% discount is available to those members who establish and implement a Medical Protocol. This program is a great benefit to both the member and the claims management team. A sample protocol will be included in the November mail out for those members that do not yet have one on file. For further information regarding this discount, call Matt Graham at Millennium Risk Managers at 1-888-736-0210.

MWCF members who participate in all three programs will receive a bonus 1% discount – earning those members a full 10% discount on their annual premium for 2011! All members are encouraged to watch for the Statement of Commitment information packet coming to you in November and return it promptly to take advantage of these benefits. It will also be available for downloading on our website by going to the MWCF page at www.alalm.org.



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The Legal Viewpoint

By Ken Smith
Deputy Director/ General Counsel



The Council Meeting: Dealing with Disruptions

Courts are almost unanimous in their view that public comment cannot be permitted to disrupt the orderly conduct of business at a council meeting. When members of the public violate reasonable time, place and manner restrictions on their conduct or speech during meetings, clearly the presiding officer is within his or her authority to ask the person to stop the disrupting behavior. If this instruction is not heeded, the presiding officer may have the person removed from the meeting or even arrested.

In Alabama, Section 11-43-163, Code of Alabama, 1975, provides that “During a session of the council or of a committee any person who is guilty of disorderly or contemptuous behavior in the presence of the council or the committee, may be punished by the council or committee by arrest and imprisonment not exceeding 24 hours. A committee may require any officer of the police force or any patrolman to act as secretary of such committee.”

Although this provision has never been interpreted, it clearly allows for the removal – and jailing – of individuals for disruptive behavior during council and committee meetings. Courts in other states, though, have frequently been asked to address questions concerning the removal of persons from these meetings.

In *Sarceni v. City of Roseville*, 2003 WL 21363458 (Cal. App. 3 Dist. 2003), the plaintiff addressed the council during the public comment portion of the meeting. Following this part of the meeting, the council turned to staff reports. A council rule prohibited public comment during this part of the meeting. Following a report, when the mayor asked if members of the council had any questions, the plaintiff went to the podium to speak. The mayor informed him that time for public

comment was over and he should return to his seat. Instead, he demanded to see a document that had been referred to during the report.

The mayor then asked a police officer to help the plaintiff to his seat. The plaintiff resisted several requests by the officer, who then physically removed the plaintiff and told him he was under arrest. Although the plaintiff was later acquitted at trial, the court held that the actions taken were reasonable under the circumstances.

Similarly, in *Brown v. City of Jacksonville, Florida*, 2006 WL 385085 (M.D. Fla. 2006), the plaintiff “an African American woman, appeared before the City Council in an outfit, fitted with a handkerchief on her head, doling out cotton balls, and calling herself ‘Aunt Jemima’ after properly identifying herself. ‘Aunt Jemima’ then proceeded to speak passionately on what she considered to be inappropriate conduct of City Council members, also singling out African American City Council members, in assigning contracts to minority business owners.”

The court noted that this was “undoubtedly political speech deserving of broad First Amendment protection.” Despite this, the court upheld the presiding officer’s actions when he had her microphone turned off and, ultimately, had her forcefully removed from the council chamber because the plaintiff attempted to address items not on the agenda. The court stated that “A presiding officer at a meeting has the authority to maintain order and keep debate to the topic at hand: ‘To hold otherwise-to deny the presiding officer the authority to regulate irrelevant debate and disruptive behavior at a public meeting-would cause such meetings to drag on interminably, and deny others the

opportunity to voice their opinions.’ Such reasons for her removal from the November 22, 2005, meeting properly served a sufficiently significant governmental interest that justified banning her from that particular meeting.”

The court felt, though, that the council had gone too far when it restricted the plaintiff from attending the next seven council meetings. The court stated that “Banning Plaintiff from future meetings is not a restriction that is ‘narrowly tailored’ to achieve the significant governmental interest of running the meetings efficiently, while successfully preventing her disruptive behavior. Although the City does not have to use the “most appropriate method” of restricting the Plaintiff, it should nonetheless use a directive that is more ‘narrowly tailored’ than a sweeping ban from future meetings for months.”

Courts generally permit a presiding officer to draw reasonable inferences from surrounding circumstances in making the decision to have someone removed. For instance, in *Gigler v. City of Klamath Falls*, 537 P.2d 121 (Ore. 1975), a council meeting was recessed because, in the plaintiff’s own words, he was “making an ass” of himself. After the recess, the plaintiff was sitting quietly when the mayor ordered him removed. The plaintiff remained seated while police officers removed him, resisting only at the doorway.

Again, the court upheld the removal, stating that if the plaintiff had gone peacefully, “no scuffle would have ensued.” The court pointed to evidence from the plaintiff himself that he intended, once the meeting restarted, to continue to try to address the council. Plus, the plaintiff was “a frequent visitor at various governmental public meetings, [speaking] insistently and lengthily upon environmental subjects”

The court cited with approval a previous case, *State v. Smith*, 218 A.2d 147 (1966), where the court had stated that a plaintiff could not argue that he was not being disruptive simply because he was “wholly passive. It toys with words thus to describe his behavior. Rather, he resisted removal in affirmative terms, both in locking arms with another and in confronting officers with his dead weight. And it is idle to say, as does defendant, that ‘the crucial element of intention to disturb is consequently totally lacking.’ The normal inference is that he intended precisely what he accomplished.”

The Ninth Circuit Court of Appeals has recently reaffirmed that silent behavior may still justify removing an individual. In *Norse v. City of Santa Cruz*, 586 F.3d 697 (9th Cir. 2009), the plaintiff was ejected from a city council meeting after he gave a Nazi salute in the presiding officer’s direction in support of another disruptive individual who refused to leave the podium when his speaking time expired. It is significant to note that in this case, the presiding officer didn’t even notice the Nazi salute until a councilmember pointed it out to him.

However, context here appears to be important. The court upheld the removal on the grounds that the silent protest was not in support of the content of the speaker’s topic, but that it was instead “a condemnation of the efforts of the Mayor to enforce the rules of the meeting.” Because the mayor as presiding officer had just quelled another disruption, the court seems to indicate that his actions were reasonable under the circumstances because he could have believed this was going to lead to a further disruption.

The presiding officers’ discretionary authority to remove spectators is not without limitation, however. In *White v. City of Norwalk*, 900 F.2d 1421 (9th Cir. 1990), the Ninth Circuit Court of Appeals stated that:

“ . . . a speaker can become ‘disruptive’ in ways that would not meet the test of actual breach of the peace . . . or of ‘fighting words’ likely to provoke immediate combat. . . . A speaker may disrupt a Council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies. The meeting is disrupted because the Council is prevented from accomplishing its business in a reasonably efficient manner. Indeed, such conduct may interfere with the rights of other speakers.

“Of course the point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion. Undoubtedly, abuses can occur, as when a moderator rules speech out of order simply because he disagrees with it, or because it employs words he does not like.”

Courts have made clear that a presiding officer may not remove someone based solely on a disagreement



with the content of the speech. For example, in *Dayton v. Esrati*, 125 Ohio App.3d 60, 707 N.E.2d 1140 (1997), the Ohio Court of Appeals found it improper for the presiding officer to remove an individual who donned a ninja mask in protest, but otherwise sat quietly in his seat because his action constituted protected First Amendment speech and did not disrupt the meeting.

Similarly, the U.S. District Court for the Eastern District of Pennsylvania held that the presiding officer could not have a speaker removed simply because he mentioned the names of individuals and the presiding officer found the context “offensive.” The presiding officer “provided no reason to justify restricting Plaintiff’s speech based on its content, other than that his sense of propriety was offended” . . . “because one of the individuals was deceased and the other had been Plaintiff’s political opponent.” *Zapach v. Dismuke*, 134 F.Supp.2d 682 (E.D. Pa. 2001). In this case, the presiding officer allowed the plaintiff to comment on an irrelevant matter, objecting only when the names were used.

And, in *Vergara v. City of Waukegan*, 590 F.Supp.2d 1024 (N.D. Ill. 2008), the court found that it was improper to prevent an individual to speak against a proposed ordinance at a council meeting until he apologized for an earlier threat he had made against a city employee.

These decisions – and many others – make it clear that the presiding officer has broad discretion to ensure that meetings are conducted orderly and efficiently. While individuals have the right to express their views, they do not have an unlimited right to express those views during a meeting.

The goal of removing someone, of course, should not be to prevent individuals with opposing viewpoints from expressing those views, but to allow the meeting to proceed in an orderly manner. Removal from a meeting is an extreme remedy that should generally only be employed as a last resort so that a meeting can proceed. But courts consistently affirm the right to take this action when it is necessary to allow the council or a committee to conduct the public’s business. ■

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TPSC Committee Minutes, August 12

By: Tracy L. Roberts, ALM

The League's Committee on Transportation, Public Safety and Communication met at 9:00 a.m. on August 12, 2010, at League of Municipalities' office in Montgomery, Alabama, with Chair, Councilmember Marva Gipson of Aliceville, presiding.

Also present were Vice Chair, Councilmember Jeddo Bell of Greenville and Secretary Tracy L. Roberts, Assistant General Counsel for the Alabama League of Municipalities. Committee members present were Councilmember Christopher Norman of Bay Minette, Mayor Ken Williams of Saraland, Councilmember Sidney Butler of Saraland, Mayor Wess Etheredge of Daleville, Councilmember Charlie Johnson, Luverne, Councilmember Fred Watts of Millbrook, Council Member Davy Lindsey of Opp, Councilmember Ed Hanson of Piedmont, Councilmember John Hatley of Southside, Mayor Gary L. Livingston of Eva, Mayor Melvin Duran of Priceville, Councilmember Tommy Perry of Priceville, Mayor Don Stanford of Decatur, Mayor David H. Bradford of Muscle Shoals, Mayor Melton Potter of Scottsboro, Councilmember George E. Johnson, Sr., of Tuscumbia, Councilmember Jeffrey M. Denton of Chelsea, Mayor Don Murphy of Pelham, Mayor Kenneth Coachman of Fairfield, Councilmember Samuel Sanders of Marion and Councilmember Alberta Dixon of Thomasville. Also present were Perry Roquemore, Jr., Executive Director of the League, Ken Smith, Deputy Director/General Counsel for the League and Lori Lein, Deputy General Counsel for the League.

Resource advisors present were Cecil Colson of the Alabama Department of Transportation, Phil Perry and Stephanie Blankenship of the Aviation Council, Yasamie Richardson of the Alabama Department of Emergency Management, Scott Pillgreen of the State Fire Marshal's Office, Avery Morris and Anna Tadlock

of the Alabama Criminal Justice Information Center (ACJIC) and Mark Fowler of the Alabama Cable Telecommunications Association.

Councilmember Marva Gipson called the meeting to order and welcomed those present. She called attention to the Policies and Goals and encouraged participation. She then called on the Resource Advisors to make their presentations.

Cecil Colson with the State Transportation Department presented a slide show on ARRA – TE Projects throughout the state. He discussed the progress of the projects and federal aid for transportation and Transportation Enhancement Activities. He recommended modifying **Policy T-3.4** to read: "That the League opposes the use of highway funds or the interest derived from the investment of such funds for other than mass transit, street, highway, road or bridge enhancement projects or other uses provided for under **SAFETEA-LU**"

Phil Perry of the Aviation Council discussed the Airway Safety Act and FAA Regulations and recommended that **Policy T-6.8 be deleted** as this is now federally mandated. Stephanie Blankenship of the Aviation Council discussed the economic impact of the Air Travel Industry on Alabama's economy. Yasamie Richardson with the Alabama Department of Emergency Management gave a slide presentation and informed the committee of the AEMA's mission and procedures for Disaster Response. She also gave an overview of the EMITS system. She suggested a language alteration to **Policy P-4.5** to properly reflect the name of her Agency as the Emergency Management **Agency**.

Scott Pillgreen of the State Fire Marshal's Office gave a brief overview of the services of the responsibilities of the Fire Marshal's office and discussed Building Codes and Sprinkler systems. He also discussed regulation

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of fire safe cigarettes. Avery Morris from the Alabama Criminal Justice Information Center (ACJIC) presented an overview of the agency's programs including the Alabama Background Check System, Virtual Alabama, GIMS and Advanced System. He also discussed the use of ACJIC and LETS to conduct background checks on employees and volunteers. Mark Fowler of the Alabama Cable Telecommunications Association presented an overview of the status of cable in Alabama and discussed competition between cable and satellite services.

Vice Chair Jeddo Bell thanked the Resource Advisors for their valuable contributions and the Chair opened the floor for discussion of amendments, additions or deletions to the Policies and Goals.

Proposed Policy Changes

Amend **T-3.4** to read: "That the League opposes the use of highway funds or the interest derived from the investment of such funds for other than mass transit, street, highway, road or bridge enhancement projects or other uses provided for under **SAFETEA-LU**"

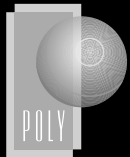
Delete **T-6.8** and renumber the following policies accordingly.

Amend **P-4.5** to read: "That the League cooperate with the Alabama Emergency Management **Agency (AEMA)** to elevate the posture of emergency management activities in local jurisdictions.

Add **P-7.11** to read: "The League supports legislation to allow potable water fire sprinkler systems to be installed in single family dwellings by master plumbers."

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FAIR Committee Minutes, August 17

By: Perry C. Roquemore, Jr., ALM

The Committee on Finance, Administration and Intergovernmental Relations of the Alabama League of Municipalities met on Tuesday, August 17, at League Headquarters. Mayor Gary Fuller of Opelika, Chair, called the meeting to order at 9:30 a.m. He welcomed those in attendance and thanked members for coming to this important meeting. Mayor Fuller also thanked the resource advisors for taking time to attend the meeting to keep our members informed as to activities of state agencies. Councilmember David Hooks of Homewood, Committee Vice Chair, also thanked members for their attendance.

The League Director was asked to call the roll. Those members present were: Mayor Gary Fuller, Opelika, Chair; Councilmember David Hooks, Homewood, Vice Chair; Councilmember Adam Bourne, Chickasaw; Councilmember Debbie Quinn, Fairhope; Councilmember Veronica Hudson, Saraland; Mayor Lomax Smith, Cottonwood; Mayor Fred McNab, Pinckard; Mayor Tony Wilkie, Centre; Councilmember Claude Kitchin, Lincoln; Mayor Lew Watson, Lincoln; Councilmember Jenny Folsom, Cullman; Mayor Ray Nelson, Fayette; Councilmember Robert Avery, Gadsden; Councilmember Donald Myers, Guntersville; Mayor Ian Sanford, Sheffield; Councilmember Karyl Rice, Pelham; Councilmember Teresa Nichols, Pelham; Councilmember N. Craig Sanderson, Irondale; and Councilmember Charles Allen, Thomasville.

Resource advisors present were: Mr. Ashton Stuckey, Frazer Lanier Company; Mr. James R. Mayberry, John Paradise, and Curtis Stewart, Alabama Department of Revenue; Mr. Will Martin, Property Tax Division, Alabama Department of Revenue; Mr. Bob Hill, General Counsel, Alabama Alcoholic Beverage Control Board; and Mr. Angelo Trimble, Alabama Coalition against Domestic Violence. Also present was League Director Perry C. Roquemore, Jr., League Deputy General Counsel Lori Lein, and League Assistant

General Counsel Tracy Roberts.

The Chair called on Mr. Ashton Stuckey of Frazer Lanier for his comments. He stated that the American Recovery and Reinvestment Act created several new tools for local government financing. The Build America Bonds (BAB) program provides a taxable alternative to tax-exempt financing of capital needs for governmental issuers. These bonds may only be used for new money purchases and cannot be used for refunding. The program uses a 35 percent federal interest subsidy and could provide a savings on long term debt. Traditional tax exempt bonds are probably better for most short term debt. The program has been extremely successful with \$125 billion in debt issued since the beginning of the program. Although the program is supposed to expire on December 31, 2010, many people expect it to be extended as the U.S. Treasury Department is very much in favor of this program. Mr. Stuckey stated that issuance of BAB bonds has fallen off in recent months due to issuer concerns. Among these concerns are the fact that the Treasury announced that they will audit up to 50 percent of the BAB bonds and that the Treasury can exercise an offset to the interest subsidy under certain conditions.

Recovery Zone Bonds were also created under the American Recovery and Reinvestment Act with a 45 percent subsidy of interest paid. This program is designed to promote job creation and economic recovery in designated areas. Each state has an allocation and these state allocations are passed down to state subsets. Although Alabama's allocation has been spoken for, some of the allocated money may not be used. These bonds can be used for most any purpose. Cities and towns who are interested in these bonds should contact Linda Swann of the Alabama Development Office.

Mr. Stuckey stated that the advantage of bond insurance has dropped dramatically. Assured Guaranty is the only bond insurance option left standing after

the tremendous economic adversity of the past two years. The bond rating agencies have recalibrated bond ratings based on the likelihood of default. This has resulted in upgraded bond ratings for many issuers. As a result, more entities now have an A rating or higher which gives them many additional financing options. He advised municipalities to get their bond issues rated. In this economy, it is much more important than in the past to get bond issues rated. People rarely buy unrated paper in today's market. Banks buy a lot of bonds. The Recovery Act raised the threshold on Bank Qualified from \$10 million to \$30 million. Banks are very unlikely to buy unrated bonds due to the additional paperwork involved.

The Federal government requires much more disclosures to be made regarding bond issues. However, according to Mr. Stuckey, it is not a big problem to make these filings due to the availability of Electronic Municipal Market Access (EMMA). The Federal Securities and Exchange Commission cannot regulate municipal issuers, but they can regulate the bond dealers. Rates for U.S. Treasuries are a little lower than last year and are still very low – particularly on the short-end. Mr. Stuckey felt that these rates will remain low for a good long time. He also saw no indication of inflation rising anytime soon. He sees a long, slow recovery. In his opinion, unemployment has to decline to get a strong recovery going.

The Chair thanked Mr. Stuckey for his report and called on Mr. James Mayberry, Mr. John Paradise, and Mr. Curtis Stewart of the Alabama Department of Revenue for their presentations.

Mr. John Paradise is the Local Government Liaison for the Department. His job is to work with local governments on revenue related issues. The Department is looking for things they can bring to municipalities. They have a Brownfield Redevelopment Program which uses Brownfield property and sales tax abatements for redevelopment purposes. Another program, the Alabama Improvement Districts, leverages public funds to achieve infrastructure development in cities and towns. He offered to come to municipalities to discuss these two concepts. He stated that the Alabama

Department of Revenue is one of the few in the United States having an economic development department within the agency.

Mr. Curtis Stewart, Director of Tax Policy and Research for the Department, provided two handouts. One illustrated state sales tax collections for every month since October 2006. He pointed out that the highest collections were in 2007. The state has seen positive improvement in the last five months, but not up to 2007 collections. Collections are flat for the current fiscal year.

Mr. James Mayberry, Director the Sales, Use and Business Tax Division, Alabama Department of Revenue, told the committee of two new efforts. The Department sends a monthly SOFA letter to sales tax payers to give them a review of what is happening with their taxes. The Department is also mailing out letters to people who buy out-of-state and don't pay use taxes. This program is currently being expanded to more entities. The Department also allows taxpayers to make filings for multiple entities. Mr. Mayberry stated that the Department's cost of collection for local entities is \$7.75 per transaction or two percent of the total gross, whichever is less. The Department receives 99% of its returns and 93% of the taxes electronically.

The Chair thanked Mr. Mayberry, Mr. Paradise and Mr. Stewart for their presentations. He then called on Mr. Will Martin, Property Tax Division, Alabama Department of Revenue. Mr. Martin stated that his agency fully supports League Policy Position F-1.14 to require actual purchase prices to be placed on deeds. Legislation to accomplish this will be introduced in the 2011 Regular Session. This legislation, if enacted, would save a lot of work time and provide more accurate market values. The proposed legislation would require that all deed information would be strictly confidential. He supported Policy Position F-1.17, which encourages municipalities to inform the department of any tax rate changes or new annexations. The Department can go back five years for uncollected property taxes or escapes.

The Department is doing a much better job in the collection of taxes on manufactured homes. If the

manufactured home is owned by the same person who owns the land where it's placed, then ad valorem taxes are collected on the property. If not, the owner must register the manufactured home and acquire a decal. He encouraged municipalities to enter into Exchange of Information Agreements with the Alabama Department of Revenue and to keep them up-to-date. He introduced Jennifer Byrd, Superintendent of the Personal Property Section, and Kelly Akers, Superintendent of the Public Utility Section. Under Alabama law, all personal property is subject to property tax except household contents, which are exempt. Since July 2003, the Department has conducted 625 audits resulting in the discovery of \$545 million in unreported taxes. Prior to 2010, property tax collections have been pretty stable. According to Mr. Martin, his agency is starting to see changes due to the economy. However, Alabama has not been affected as much as other states that had an abundance of subprime mortgages.

The Chair thanked Mr. Martin and called upon Mr. Robert Hill, General Counsel, State ABC Board, for his presentation. Mr. Hill told the committee of a new law to allow wet-dry elections in municipalities of 1,000 or more population located in "dry" counties. From 1984 through 2009, eighteen cities located in "dry" counties voted to go "wet". Another 12 have voted to go "wet" under the provisions of the new law. Several cities have elections scheduled for later this year. Six cities voted to stay "dry." The Board has tried to assist the new "wet" municipalities when needed. Recent legislation has increased the maximum alcoholic content allowed for beer and wine to come in line with Federal laws. The maximum alcoholic content allowed for beer has increased from 6% to 13.9%. The maximum alcoholic content allowed for formula wines has been increased to 16.5% and the content allowed for standard wines has been increased to 24%. Mr. Hill recommended that Policy Position F-12.18 be amended to delete the words "alcoholic beverages" and to substitute in lieu thereof the word "beer".

The Chair thanked Mr. Hill for his remarks. He then called upon Mr. Angelo Trimble, Alabama Coalition against Domestic Violence. Mr. Trimble stated that

this year's report is different in that he did not make recommendations for new or amended policies. His objective is to encourage municipalities to continue to review the current policies and goals, and to use them as a measuring device for determining the progress that each municipality is making toward implementing the policies and goals. The Alabama Legislature, Congress and the Supreme Court have provided an excellent framework for responding to the severe and pervasive problem of violence within intimate relationships. He stated that the Alabama Coalition against Domestic Violence and its 18 member shelters appreciate the work of the League in serving as a leader within the state in helping to overcome abuse in intimate relationships.

The State Legislature has enacted the Crimes of Domestic Violence (Act 2000-266), which criminalizes domestic violence. In the Protection from Abuse Act (Act 2010-538), the Legislature authorized circuit courts to provide immediate relief to victims. Congress has enacted criminal statutes related to interstate domestic violence, required all states, Indian tribes and U.S. territories to give full faith and credit to protection orders issued by other jurisdictions and to enforce them as if they were issued locally, and mandated that anyone who has an outstanding protection order or is convicted of a misdemeanor crime of domestic violence is disqualified from possessing firearms or ammunition. Further, the Alabama Judicial System has worked closely with the Coalition to provide education, training and technical assistance to municipal, county and state courts, law enforcement agencies, and others in Alabama to improve efficiency and effectiveness in cases involving domestic violence. Mr. Trimble stated that they know, empirically and statistically, that many lives have been saved. However, statistics from the Alabama Criminal Justice Information System tell us that the problem is still with us.

Mayor Fuller thanked Mr. Trimble for his presentation. He then asked the committee to review the FAIR Committee portion of the League's Policies and Goals 2010. Mr. Roquemore and members discussed the policy statement and several new and amended policy positions were added. Mayor Lew Watson of

Lincoln moved adoption of the amendments to the policy statement. The motion, seconded by Mayor Ian Sanford of Sheffield, passed unanimously.

Proposed Policy Recommendations

Add a new Policy Position **F-1.18** to read as follows: “F-1.18. That the League encourages all municipalities to promptly notify the Alabama Department of Revenue and local taxing officials of any boundary changes resulting from the annexation or deannexation of property so that the proper taxes can be collected.”

That a new Policy Position **F-2.9** be added to read as follows: “F-2.8. That municipal officials are strongly encouraged to educate themselves on the pros and cons of Build America Bonds and Recovery Zone Bonds authorized by the American Recovery and Reinvestment Act or any other financing mechanisms before voting to use such financing tools for their municipality.”

Delete existing Policy Positions **F-3.23** and **F-3.27** and insert a new Policy Position **F-3.23** to read as

follows: “F-3.23. That the League commends the Alabama Department of Revenue for allowing all municipalities to enter into Exchange of Information Agreements. Further, the League strongly encourages its members to take advantage of this opportunity to improve revenue collection programs. Cities and towns are reminded that they should frequently check their agreement to make sure that the list of persons authorized to obtain information on the municipality’s behalf is up-to-date.”

That Policy Position **F-3.26** be deleted as no longer needed.

That Policy Position **F-8.10** be deleted as it is now covered in another statement. Renumber subsequent policy positions.

That Policy Position **F-12.18** be amended by deleting the words “alcoholic beverages” and by inserting in lieu thereof the word “beer”.

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EENR Committee Minutes, August 19

By: Greg Cochran, ALM

The Energy, Environment and Natural Resources Committee met at 9:00 a.m. on Thursday, August 19, 2010, at the Offices of the Alabama League of Municipalities.

Present at the meeting were: Council President Dean Argo, Prattville, Chair; Mayor Rusty Jessup, Riverside, Vice-Chair; Councilmember Ralph Hellmich, Foley; Councilmember Terry Carter, Repton; Councilmember Elliott Whitton, Columbia; Councilmember Billy Pearson, Lincoln; Mayor Tim Walker, Boaz; Councilmember Hermon Graham, Florence; Councilmember Joseph Pampinto, Muscle Shoals; Mayor David Frings, Alabaster; Mayor Dennis Stripling, Brent; Councilmember Allyn Holladay, Homewood; and Councilmember Willie Jackson, Marion.

Resource advisors present included: Dale Hurst, ADEM Air Division; Glenda Deans, ADEM Water Division; Dennis Harrison, ADEM Water Division; James Dailey, ADEM SRF Program Manager; Phillip Davis, ADEM Solid Waste Division; Dave Bolin, Alabama Oil & Gas Board; Joel Gilbert and Rob Fowler of the Balch & Bingham law firm.

Also present was Gregory D. Cochran CAE, Alabama League of Municipalities

Glenda Dean from the Alabama Department of Environmental Management Waste Water Division was recognized and discussed the new organizational changes taking place at ADEM. Division Chief James McIndoe will head the Water Division with branch directors reporting to him. Dennis Harrison, Drinking Water; Glenda Dean, Industrial/Municipal; Chip Crockett, Stormwater Management; and Lynn Sisk, Water Quality will head the program branches. The full organizational chart with area contacts is available on the ADEM webpage, adem.alabama.gov.

Mrs. Dean stated the 2010 Proposed 303(d) list was submitted to EPA in April and there are continuing conversations with EPA with minor changes expected. Mrs. Dean said Alabama has 200 approved Total Maximum Daily Load (TMDL) permits for 2010. ADEM is currently developing numeric nutrient criteria

for reservoirs and future criteria will be placed on rivers and streams; TP and possible TN limitations are expected. Proposed Florida numeric nutrient criteria may affect Alabama facilities in southeast portions of state. EPA is reviewing ADEM-submitted comments and expects to finalize criteria by October 2010.

Mrs. Dean said there are several upcoming issues ADEM is considering: clarifying standard permit conditions for SSO reporting, record keeping and public notification; developing standard permit condition with requirements for capacity, management, operations and maintenance programs based on asset management principles of sanitary sewers; requiring permit coverage for municipal satellite collection systems; developing standard permit conditions addressing unauthorized SSOs that are caused by exceptional circumstances; and addressing peak flows at POTW treatment plants (including bypasses). In closing, Mrs. Dean encouraged municipalities to use of ADEM's Electronic Discharge Monitoring Report Program (e-DMR) – an internet application that allows regulated facilities to submit discharge monitoring reports on-line. It is integrated with the NPDES database at ADEM and may assist with compliance issues associated with data entry errors and timely submittals.

Mr. Dennis Harrison from the Alabama Department of Environmental Management Water Division was recognized and discussed updates to the drinking water program. Currently public water systems serve over four million Alabama citizens. Mr. Harrison discussed the new rule status of Stage 2 Disinfection By-Products; Long Term 2 Enhanced Surface Water Treatment; Ground Water; and Lead and Copper Rule Changes as well as the common enforcement problems experienced by ADEM, late Monthly Operation Reports (MOR's), late CCR's; and incomplete Bacteriological and Chemical Samples. In closing, Mr. Harrison said the hot issues for drinking water systems are the economy, drought, cold weather, hurricanes, PFOA & PFOS, vandalism and the Gulf oil spill.

Mr. Dale Hurst from the Alabama Department of Environmental Management Air Division was

continued on page 22

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: Once a defendant withdraws his waiver of right to counsel in a theft prosecution, he is entitled to have an attorney represent him from that point forward, or, at a minimum, have standby counsel provided to assist him. *Powers v. State*, 38 So.3d 764 (Ala.Crim.App.2009)

Legislation: When possible, for purposes of constitutional provisions placing certain limitations on power of legislature to enact local laws, a court is obligated to read a law as a general one when a dispute arises over whether the law is local or is general in nature. An Act that set out the exclusive procedure by which “any Class 2 municipality” could adopt an ordinance to create a self-help business improvement district (BID) was a “general law,” and, therefore, was not subject to the constitutional limitations applicable only to special, private or local laws. *Madaloni v. City of Mobile*, 37 So.3d 739 (Ala.2009)

Police Jurisdiction: A municipality’s license fees or taxes on businesses within its police jurisdiction must do no more than allow the municipality to recoup the cost of extending municipal services to the inhabitants of the police jurisdiction, and the taxes may not be for the purpose of raising general revenue. *Dickson Campers, Inc. v. City of Mobile*, 37 So.3d 134 (Ala.Civ.App.2007)

Police Jurisdiction: A city’s reliance on an audit conducted six years prior to its enactment of an ordinance imposing an annual business-license tax on every business located within its police jurisdiction was sufficient to satisfy the requirements of Section 11-51-91, Code of Alabama, and, thus, the city was not required to do a more extensive analysis to determine that it spent more on municipal services than it collected on license taxes. *Ex parte City of Mobile*, 37 So.3d 150 (Ala.2009)

Tort Liability: A state agent acts beyond authority and is therefore not immune when he or she fails to discharge duties pursuant to detailed rules or regulations, such as those stated on a checklist. A child abuse investigator acted beyond her authority by failing to visit a mother’s home, and was not entitled to state-agent immunity. *Ex parte Watson*, 37 So.3d 752 (Ala.2009)

Tort Liability: State workers acted outside their authority by disregarding federal mandates requiring them to repair, mark or light the remains of a coastal pier structure that was damaged in a hurricane three years prior, and, therefore, the state workers were not entitled to “state agent immunity” from a negligence and wantonness suit brought by speedboat passengers who were injured in a collision with the pier remains, regardless of whether the suit concerned a function that would otherwise entitle the state workers to state agent immunity. *Ex parte Lawley*, 38 So.3d 41 (Ala.2009)

Tort Liability: For purposes of “probable cause” to bring a judicial action in the context of a malicious prosecution claim, the question is not whether the malicious prosecution plaintiff was guilty of the thing charged, but whether the malicious prosecution defendant acted in good faith on the appearance of things. In order to establish a claim of malicious prosecution, a plaintiff must prove: (1) that a judicial proceeding was initiated by the defendant against the plaintiff; (2) that the judicial proceeding was initiated by the defendant without probable cause; (3) that the judicial proceeding was initiated by the defendant with malicious intent; (4) that the judicial proceeding terminated in the plaintiff’s favor; and (5) that the plaintiff suffered damage as a result of the defendant’s initiation of the judicial proceeding. *Wesson v. Wal-Mart*, 38 So.3d 746 (Ala.Civ.App.2009)

Tort Liability: A municipality cannot be held liable for the intentional torts of its employees, pursuant to §11-47-190, Code of Alabama 1975. A City industrial development board (IDB) is a “governmental entity” as defined in the Volunteer Service Act, and, thus, a person volunteering for the IDB is immune from civil liability if the damages or injury were not caused by the volunteer’s willful or wanton misconduct. A City IDB could not be held vicariously liable for acts of its chairman who was immune from liability under the Volunteer Service Act. *Wheeler v. George*, --- So.3d ----, 2009 WL 4506591 (Ala.2009)

U. S. COURT DECISIONS AFFECTING ALABAMA

Firearms: The Second Amendment right to keep and bear arms is fully applicable to the States by virtue of the Fourteenth Amendment. *McDonald v. City of Chicago*, 130 S.Ct. 3020 (U.S.2010)

Search and Seizure: A defendant had no reasonable expectation of privacy with regard to the exterior of his vehicle when it was parked in his driveway, and, thus, his Fourth Amendment rights were not violated when officers placed a GPS data-logging device on the vehicle. The driveway was an area easily accessible to the public and



reachable from a public thoroughfare. U.S. v. Smith, 2010 WL 2825488 (11th Cir. 2010)

DECISIONS FROM OTHER JURISDICTIONS

Gambling: A nonrefundable “service fee” or “handling fee” of six to 10 dollars per ticket or entry that applicants for tickets to the NCAA men’s basketball championship tournament games were allegedly required to pay, regardless of whether they won tickets, was “consideration,” as required to allege a lottery. *George v. National Collegiate Athletic Ass’n*, --- F.3d ---, 2010 WL 2788452 (7th Cir. 2010)

Search and Seizure: The warrantless use by police of a GPS device attached to a defendant’s vehicle to track his movements 24 hours a day for 28 days defeated the defendant’s reasonable expectation of privacy in his movements over the course of a month, and thus was a “search” under the Fourth Amendment. The automobile exception to the warrant requirement did not apply to allow the government’s warrantless search of the defendant through the use of the GPS device attached to the defendant’s vehicle. *U.S. v. Maynard*, --- F.3d ---, 2010 WL 3063788 (C.A.D.C. 2010)

Zoning: The Religious Land Use and Institutionalized Persons Act (RLUIPA) forbids a government from imposing or implementing a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution. *Rocky Mountain Christian Church v. Board of County Com’rs*, --- F.3d ---, 2010 WL 2802757 (10th Cir. 2010)

ATTORNEY GENERAL’S OPINIONS

Building Codes: Generally, mobile home parks should be considered general residential areas and be treated like any other residential premises. Thus, mobile homes being used as residential premises that were in existence prior to the passage of the City of Creola’s Ordinance 08-10-27 are considered general residential areas and are not required to connect to the available sewer system. Preexisting buildings located in mobile home parks where people do not dwell (such as the main office) are not general residential areas and are required to connect to the sewer system by Ordinance 08-10-27. Mobile homes being used as residential premises subsequent to the effective date of Ordinance 08-10-27, or those mobile homes that are considered “preexisting” but are subsequently replaced with a newer or different mobile home, are required to connect to the sewer system. AGO 2010-092

Downtown Redevelopment Authority: The incorporators of a redevelopment authority for a municipality located in more than one county may file the certificate of incorporation in only one of those counties.

It should be noted that nothing would prohibit the recording of a copy of that filing in the other counties in which the city is located to place the residents of those counties on notice of the authority in the incorporating county. AGO 2010-085

Gasoline Tax: A town may create a matching fund using 4 cent gasoline tax proceeds for the purpose of road paving. The town should keep the matching funds in a separate account from grant funds because section 40-17-224(3) of the Code of Alabama prohibits gasoline tax funds from being commingled with other municipal funds. AGO 2010-090

Jails: Section 12-15-208(d) of the Code of Alabama does not require a person who is alleged to be delinquent and is not yet adjudicated as such, who turns 18 while being detained in a youth facility, to be treated as an adult and transferred to an adult jail. AGO 2010-082 and AGO 2010-083. **NOTE:** This overrules AGO 2010-052.

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EENR Minutes *continued from page 19*

recognized and discussed the non-attainment issues relating to revised Ozone and Fine Particle National Ambient Air Quality Standards (NAAQS). Mr. Hurst said consequences of nonattainment by ADEM/EPA of NAAQS standards would include the area considered to have unhealthy air and that transportation planning must consider air quality impacts and obstacles to growth of new large industries. ADEM is concerned with ground level ozone, not stratospheric ozone. It is a colorless gas formed on dry, sunny, hot stagnant days in April-October and is primarily a problem in and near metropolitan areas, and not directly emitted.

Mr. Hurst said 12 areas of Alabama reported a standard over the current 8-hour Ozone NAAQS of 65ppb from 2007-2009. Should the revised Ozone NAAQS being considered by EPA be adopted, all counties in a consolidated metropolitan statistical area (CMSA) with a violating ozone monitor, and all counties in a metropolitan statistical area (MSA) with a violating monitor, will be affected. Under these revised Ozone standards, a worst-case scenario of non-attainment areas based on an 8-hour Ozone NAAQS of 65ppb would affect 29 counties in Alabama. Mr. Hurst said this could impact municipalities by creating obstacles for obtaining a construction permit in a non-attainment area: must have off-setting emission reductions, often at a ratio of 1.2 to 1 or greater; must install best control technology from anywhere in the world; and additional scrutiny by the public and EPA.

In closing, Mr. Hurst said the EPA is constantly changing standards, mostly making them more stringent; attainment status can change due to new standards or to long-term weather trends. In non-attainment areas, there are obstacles to constructing new or expanding existing industries which have high levels of air pollutant emissions. These will be the ongoing issues for municipalities to manage to ensure growth in the future.

Mr. James Dailey from the Alabama Department of Environmental Management State Revolving Fund (SRF) Program was recognized and discussed Clean Water (CWSRF) and Drinking Water (DWSRF) low interest loan programs intended to finance public infrastructure improvements in Alabama. CWSRF has

financed 206 loans totaling \$966 million since 1989 and DWSRF has financed 115 loans totaling \$317 million since 1999. Mr. Dailey said the SRF Annual Capitalization Grants for 2010 were \$22,783,000 for CWSRF and \$16,823,000 for the DWSRF programs. The requirements for consideration of these principal forgiveness funds are that they must include "green" infrastructure, utilize the Davis-Bacon Wage Rate and apply Disadvantage Business Enterprise rules. Any local governmental unit, including water boards and authorities, may apply for SRF financing. The applicant must not be in default, must demonstrate an ability to repay and projects must clear environmental reviews. Mr. Dailey said projects that strengthen compliance with Federal and State regulations and/or enhance protection of public health rank high in priority. These include: publicly owned water or wastewater treatment works; sewer rehabilitation; interceptors, collectors, and pumping stations; new or rehabilitated water source wells; and water transmission/distribution mains. The benefits of an SRF loan include: interest below market rate; fixed interest rate with a 20-year term; loan repayment does not begin until construction completion date (capitalized interest accrues); no closing costs; use the engineer of your choice; and a municipality may use grant match from CDBG, SPAP or USDA. In closing, Mr. Dailey said municipalities may find additional information and application time lines on the website at www.adem.alabama.gov.

Mr. Dave Bolin, Deputy Director with the Alabama Oil and Gas Board was recognized and said the Privilege Tax Revenue Disbursements for the State General Fund were \$53,312,126.93 for FY09, which is down from FY08. FY09 Privilege Tax Revenues to the Counties were approximately \$27,063,000.00 for FY09. Revenues generated from Alabama Offshore Production are also in decline. The Oil & Gas Trust Fund has received a cumulative of \$4,439,887,000 since FY2007. These funds are distributed between the State General Fund (100% Investment Income), Capital Improvement Trust Fund (28% Proceeds), County/Municipal Government Capital Improvement Trust Fund (7% Proceeds) and the Education Trust Fund Rainy Day Account

Mr. Bolin said state industry ranks 15th on oil production and 14th in gas production and that the trends in oil and gas activity were mostly positive: number of fields 386, number of producing wells 6,854, oil produced 5.3 million barrels, condensate 2 million barrels and gas at 266 billion cubic feet.

In closing, Mr. Bolin provided a near term outlook that showed continued gas production declines, level oil production rates, gas price imbalance, limited exploration and development and continued revenue declines. He said should anyone need additional information or wish to review their local disbursement they could contact him at dbolin@ogb.state.al.us.

Mr. Joel Gilbert and Mr. Rob Fowler of the law firm of Balch & Bingham were recognized and discussed the proposed ADEM Phase II MS4 (Stormwater) Permit Regulations. Mr. Gilbert said ADEM is currently in the process of revising the adopted new permitting regulations for its Phase I & II municipal separate stormwater sewer system (MS4) programs. ADEM issued an initial draft of the Phase II MS4 general permit for public comment in January 2010. Mr. Gilbert said many felt the initial draft contained requirements beyond what is mandated by the Clean Water Act and that conflict with Alabama law and the State Constitution. Based on comments from the business community and Phase I & II municipalities, ADEM revised the draft Phase II MS4 general permit and submitted it for public comment in May 2010. Mr. Gilbert said ADEM's revisions addressed many, but not all, of the concerns raised by the business community and various municipalities. ADEM held a public hearing in July regarding its proposed reissuance of the Phase II MS4 permit. Mr. Fowler said that EPA, with pressure from the environmental community, had threatened to formally object and take over the Phase II MS4 permit if ADEM did not re-incorporate the requirements it had deleted from the original draft. On August 8, 2010, EPA notified ADEM that they were formally objecting to the draft Phase II MS4 permitting revisions.

Mr. Gilbert said that pursuant to a formal agreement between ADEM and EPA, ADEM has 90 days to decide whether it wants to acquiesce to EPA and revise the permit or challenge EPA by requesting a hearing on the matter. Either the inclusion of the requirement EPA is demanding or the takeover of the

Phase II MS4 permitting by EPA would be financially and administratively devastating to the municipalities which would have to comply with the new burdensome permitting requirements.

In closing, Mr. Gilbert stressed that industries/businesses and the affected municipalities would be subjected to double regulations from federal/state agencies and subject to requirements that are not part of the Clean Water Act or even EPA's own regulations.

At 12:30pm Council President Argo thanked the resource advisors for the presentations and the committee recessed for lunch. Upon return from lunch, Counsel President Argo led the discussions with the committee members on changes of existing and adoption of new policy and goals statements. The committee having discussed and adopted new and amended policies and goals by unanimous vote adjourned at 2:15pm.

Proposed Policy Recommendations

E-1.6 Delete the word: Geological and insert: Geographical.

E-1.8 After the word "Delegation" insert: and State Officials to actively.

E-2.9 After the word "departments" insert: or recycle for alternative energy uses.

E-3.7 After the word "Congress" insert: and the Alabama Legislature

E-7.1 (a) After the word "government" insert: including but not limited to and after the word "education" insert: and training of municipal personnel.

E-12.1 After the word "municipality" insert: solid waste authorities.

E-12.3 After the word "materials." Insert: to take advantage of all available grants and financial incentives.

Add new policy: E-2.14 The League of Municipalities strongly urges ADEM and the State of Alabama to provide support to cities that are currently, or will be, affected by the revised Phase II MS4 permitting regulations. The League further recommends that the State of Alabama through the Office of the Governor intervene on behalf of cities with EPA's non-regulatory rules and opinions concerning conflicts with our State Constitution. (August 2010)

HD Committee Minutes, August 23

By: Twanna Walton, ALM

The Committee on Human Development of the Alabama League of Municipalities met at the League headquarters in Montgomery, Alabama, on Monday, August 23, 2010. Councilmember Tayna Rains of Dutton, Committee Chair, called the meeting to order at 9:02 a.m. She began by welcoming all those present and asked the Human Development Committee Acting Secretary, Twanna Walton, to call roll.

The following persons were present: Councilmember Tanya Rains, Dutton, Chair; Councilmember Barbara Turner, Monroeville; Council President Howard Rubenstein, Saraland; Councilmember Jimmy Young, Pinckard; Councilmember Lewis Washington, Wetumpka; Councilmember Sadie Britt, Lincoln; Councilmember James Harris, Wedowee; Mayor Sonny Posey, Jasper; Mayor Tom Henderson, Center Point; Mayor Charles W. Penhale, Helena; Councilmember Bridgette Jordan Smith, Vincent; and Mayor George Evans, Selma.

Also present were state agency resource advisors: Terri Reid, Alabama Department of Human Resources; Debbie Thomas, Alabama Department of Human Resources; Kaleigh Flatt, Alabama Department of Senior Services; and Elmyra Jones-Banks, Alabama Council for Developmental Disabilities.

Ms. Terri Reid from the Alabama Department of Human Resources thanked the Committee for being invited back again and opened her presentation with an update on her agency's website: www.dht.state.al.us. She shared a new brochure on child abuse and explained that many people don't want to be involved or listed in such cases. Ms. Reid continued by stating that her agency supports families throughout Alabama and that it was DHR desire that children stay with their families if possible. Ms. Reid stated that the same concerns exist in regards to the elderly.

She also discussed the foster care program in Alabama saying there are times when it is necessary

to take the child out of the home and into a safe environment until home circumstances can render themselves safe. Adult foster homes exist as well. She also mentioned the adoption side of the Department of Human Resources and stated that subsidies for children with special needs were available.

Ms. Reid also talked about the previous 20-page food stamp application. Today's effort is to cut down the bureaucratic tape make the process of signing up for food assistance more accessible. A graph was shared with the committee which indicated a dramatic increase in participation in the food assistance program. A billion dollars went out to provide food assistance in Alabama in this fiscal year alone. She introduced the new Alabama Simplification Program (AESAP) to the Committee. This form, which only has to be renewed every three years, helps families in need and is much easier for the elderly to fill out. Her office also collaborates with area senior centers that receive the applications.

She mentioned the Healthy Marriage Program, a collaboration with Auburn University, and the Subsidized Employment Program (SEMP), a community service program. This program had 700 participants across the state and costs cities nothing. The program was funded specifically with federal stimulus money. In Alabama, 2,110 people were hired and had the opportunity to work alongside regular employees. The program has been beneficial to small businesses and makes individuals more marketable. The one challenge for the program is that the federal funding runs out in September. Unless more money is provided, the program will shut down.

Councilmember Sadie Britt of Lincoln commented about her familiarity with the SEMP Program. Ms. Reid also mentioned that SEMP participants did not receive an actual check. All income earned was converted into food stamps and their TANF subsidies. The participants work approximately 35 hours weekly.

Councilmember James Harris of Wedowee asked, "Are teachers required by law to report abuse?" Ms. Reid stated that they HAVE to report signs of possible abuse such as not bathing, wearing the same clothes, hunger, bruises, etc. Councilmember Rains asked if elected officials were required to report abuse. Ms. Reid responded that she was inclined to say no. She also added, "you don't have to be a mandatory reporter to report abuse – just a concerned citizen." Council Member Rains also inquired if DHR was willing to train elected officials. Ms. Reid responded in the affirmative.

Ms. Debbie Thomas, director of the Child Care Services Division of the Alabama Department of Human Resources (DHR) was the next resource advisor to speak. She began by stating that her division represents ages 0-13 and places an emphasis on those of preschool age. Referring to the mission statement of her division, she said that one of the priorities of her division is to license the 1150 daycare centers throughout Alabama as well as home daycares in Jefferson County. Other home daycares are licensed in their particular county.

She stated that there are three types of daycares: 1) Family home daycare providers where up to six children are cared for; 2) Family group daycares which care for seven to 12; and 3) Daycare centers with 12 children or more. One of the criteria to be licensed is that these facilities care for children more than four hours per day. Exemptions (by law) in licensing exist for preschools that are run by higher education facilities such as a university. This is because state agencies cannot license one another. Child care facilities located on federal property are also exempt.

She stated that according to the Child Care Act of 1981, faith-based institutions do not have to get a license. These institutions do have to file papers every two years with DHR. She also mentioned the liability of churches who lease their property out to businesses to run daycare centers in their churches.

Another priority of the Child Care Services Division is the Child Subsidies Program which is contracted out to four area Child Care Management Agencies and assists parents in paying for daycare. Federal stimulus funds have supplemented this program. Without those added funds, 3,000 children would have been unable

to receive assistance. Ms. Thomas stated that 28,000 children are assisted every month producing an expense of \$7 million dollars per month for child care assistance. Her department is committed to serving the same numbers next year. Further, the 28,000 were serviced on a first-come first-served basis. Of the 28,000 serviced, parents must still pay either a full or a half-amount co-pay.

One financial challenge, according to Ms. Thomas, is the ability to draw all the money that is available on a federal level because the state itself must match all federal dollars with monies from the state's budget. For every \$1.00 put up statewide, the federal government gives \$2.00. Ms. Thomas did mention that seven or eight years ago her division did solicit the League and County Services for assistance with the Legislature.

Ms. Thomas informed the Committee that because of municipal (and healthcare) standards, DHR insists that daycare centers be CPR certified. She also mentioned that benefits for child care providers are available. Provided the child care provider is a resident of Alabama, the provider can have their associate's degree paid for by DHR. Also, under the same qualifications, scholarships are available for undergraduate degree programs. Training is available for child care providers taking care of special needs children by the United Cerebral Palsy in Huntsville. She also mentioned a program that pays grandmothers approximately \$35.00 per week to take care of their grandchildren. They simply must go through a training program.

Ms. Thomas mentioned policy positions H.8.5 and H.9.2 in the Human Development section of the League's Policies and Goals. She requested that local governments consider setting aside money from their budgets to match the federal dollars for child care.

The next speaker was Ms. Elmyra Jones-Banks from the Alabama Council for Developmental Disabilities. She said the agency she represents is one of the least known agencies throughout Alabama. In fact, her office has one of the smallest staffs with only eight employees. Created under a federal act and an executive order under the Wallace administration, her office's council is comprised of a board of representatives from other state agencies such as the Department of Public Health,

the Department of Senior Services and similar agencies. The function of her agency is to act as a planning group and advocate. They do not perform direct services, but they do collaborate with other state agencies.

Ms. Jones-Banks defined developmental disabilities as severe, chronic disabilities. Her office has a state plan and provides public forums; i.e. Selma forum, which Mayor George Evans of Selma attested to as being beneficial to the citizens in his municipality. The council then considers strategies based on suggestions that they have heard at the public forums. The Council for Developmental Disabilities receives \$1.3 million yearly which is allocated into small model projects determined by collaboration with other state agencies. The Council supports neighborhoods that support people. When those people understand, it helps remove stigmas attached to those with disabilities. She also mentioned that her department funded the signs that read: "Look at my ability, not my disability."

Ms. Jones-Banks said her agency works to not just change the perception of individuals with disabilities but to also assist in changing the various systems that work with individuals who have disabilities. Her agency also conducted a survey to find out what the technological needs are of individuals with disabilities. The survey resulted in two proposals – one in North Alabama and the Volunteers of America in Mobile. One proposal includes writing a curriculum and taking it to the public libraries throughout Alabama.

Councilmember Lewis Washington of Wetumpka inquired about increasing housing and transportation for individuals with disabilities. Ms. Jones-Banks responded that while funding cannot be provided to buy houses for individuals with disabilities, individuals can get free training on how to purchase one. Regarding transportation, she told about a model project in Montgomery established in collaboration with Easter Seals to provide transportation to and from doctor visits. This model project is also expanding into Elmore county.

The last speaker was Kaleigh Flatt representing the Alabama Department of Senior Services. She said her department is one of the smallest (40 employees) serving one of the largest (850,000) population groups

in Alabama. After January 1, 2011, 10,000 more Alabamians will turn 65 years of age every day for the next 20 years. In 2030, the 65 and over age group will be the largest segment in our population. This increase in the elderly population is due to better health care and will require a greater need for more aging services as compared to child care services.

There are 13 area agencies (COG) that receive their funding on federal, state and local levels. She stated that her division is involved with the Meals on Wheels program and the Medicare Waiver Program. Ms. Flatt shared information about a new pilot program called the Personal Choices program which gives seniors \$800.00 monthly and is designed to help seniors manage their funds. She also talked about the State Health Insurance Policy (SHIP) – a program which offers free counsel and advice to seniors as they renew their Medicare health plans. The window to make changes is October 1 – December 31 of each year. The Alabama Cares program receives federal funding and has a waiting list in the thousands. She also mentioned the need for caregivers to provide respite care as well.

The committee was also reminded about the Senior Rx program which helps seniors, disabled and all others who qualify for social security. This program provides name-brand drugs to seniors with shipping and is being funded by stimulus money. There is a 24-month waiting period in order for seniors to participate. Areas agencies can sign seniors up or they can call 1(800)AGELINE and can be processed immediately. The only criteria is that seniors currently have no drug coverage. She also mentioned that seniors who receive food stamp assistance receive it on a debit card.

She mentioned the 2nd annual Abuse Awareness program, which is designed to help fight Medicare fraud and theft of Medicare monies. She also talked about the Nursing Home Ombudsman program and stated that nursing homes have partnered up with Adult Protective Services to help decrease fraud and scams. She also stated that when there is an increase in education on elder abuse, the number of cases will decrease and that seniors need to be educated so they know what is right and what is not.

continued on page 30

CED Committee Minutes, August 31

By: Lori Lein, ALM

The Community and Economic Development Committee met at 9:00 a.m. on Tuesday, August 31, 2010, at the offices of the Alabama League of Municipalities in Montgomery, Alabama with Chairperson Ben Reed, Council President from Gadsden, presiding.

Present at the meeting were: Committee Chair Council President Ben Reed, Gadsden; Councilmember Carolyn M. Doughty, Gulf Shores; Councilmember Edward H. Carroll, Sr., Orange Beach; Councilmember Brentley Kendrick, Robertsedale; Councilmember Newton Cromer, Saraland; Councilmember Luther Upton, Evergreen; Mayor Robert Williamson, Florida; Councilmember Joe R. Outlaw, Ozark; Councilmember Gary Moore, Tallassee; Mayor Charles C. Gilchrist, Glencoe; Mayor Alberta C. McCrory, Hobson City; Councilmember June Land Reaves, Oxford; Councilmember Walter Jacobson, Sylacauga; Councilmember Ray Edwards, Valley; Councilmember O'Neal Shaw, Valley; Councilmember Elaine W. Junkin, Guin; Mayor Billy Shoemaker, Tuscumbia; Councilmember James Stewart, Irondale; Councilmember Susan Carswell, Leeds, Mayor R. Eric Patterson, Leeds; Mayor Mike Grayson, Demopolis; Councilmember Jocelyn Tubbs, Marion; and Councilmember Roberta Jordan, Pine Hill.

Resource advisors present included: Gary Faulkner, Alabama Development Office; Cindy Yarbrough, U.S. Department of Housing and Urban Development; Shabbir Olia, Alabama Department of Economic and Community Affairs; Mary Shell, Alabama Historical Commission; Beverly Helton, USDA Rural Development; and Brian S. Jones, Alabama Bureau of Tourism and Travel. Also present was Lori Lein, Deputy General Counsel, Alabama League of Municipalities.

Following roll call, Chairperson Reed called on

Mayor Charles Gilchrist of Glencoe to deliver the invocation.

Gary Faulkner with the Alabama Development Office (ADO) was the first resource advisor to address the committee. He began his remarks by notifying the committee of the loss of Dave Echols who passed away suddenly earlier this year. Mr. Echols was a regular presenter to the CED committee and an important member of the ADO team. Mr. Faulkner presented to the committee an informative PowerPoint presentation which began with an overview of ADO including its purpose and current staffing. He pointed out to the committee that their 2010 funding is at \$3.8M which is down from their high of \$4.8M in 1994-95. Current achievements for ADO include more actual new projects in the works than projected as well as the expansion of more existing projects than projected for 2010 which is a bright spot in the current economic situation. He also presented information on various awards received by Alabama and the status of recruiting efforts in both the national and international arenas. Of interest to the committee was his information from the 2009 Corporate Survey Site Selection Factors. Most companies include high on their list the importance of labor including low costs, low union profile, right to work state, and training all of which Alabama scores high on.

After answering some questions, Mr. Faulkner reminded the committee of the importance of utilizing the Economic Development Partnership of Alabama (EDPA) program and to check www.edpa.org and make sure that any available location sites in a particular municipality are listed there. He encouraged the committee to expand its Policies and Goals relating to funding for ADO to include adequate funding for staffing and support of ADO.

Cindy Yarbrough, Alabama Director of the U.S.

Department of Housing and Urban Development (HUD) addressed the committee next and began by introducing Charles Bowen of her office who is the Presidential Management Fellow for Alabama. Ms. Yarbrough kept her comments brief because she recognized that most the municipalities in Alabama deal with ADECA for HUD funds. She pointed out that there are over 80 programs administered by HUD and wanted to specifically point out that HUD is now working in conjunction with EPA and DOT for some of its grant programs relating to brownfields and economic development and encouraged officials to make contact with Camilla Warren with EPA in Atlanta for more information. Ms. Yarbrough stated that HUD provided \$28M in 2010 to ADECA to administer the CDBG program for non-entitlement communities and praised ADECA for the wonderful partnership in administering those funds. She concluded her remarks by encouraging officials to visit www.hud.gov to explore the various funding opportunities available through HUD. She had no recommended changes or additions to the policies and goals of the committee.

Shabbir Olia with the Alabama Department of Economic and Community Affairs followed Ms Yarbrough and provided a detailed handout outlining the Community Development Block Grant (CDBG) program and specifically detailing the 2010 funding for the program. He pointed out that there are four different funds under the program: The Competitive Fund, the Community Enhancement Fund, the Planning Fund and the Economic Development Fund. The application period for most of these funds has ended for 2010. The Economic Development Fund can be applied for year round and can assist with utilities and other infrastructure. These funding opportunities are available to all municipalities with a population of less than 50,000. In addition to the \$28M they received for CDBG in 2010, they also received \$7M from the American Recovery and Reinvestment Act (ARRA) which didn't go too far. ADECA received over \$1B

in project requests for the \$7M allocated. Next, he informed the committee that in addition to CDBG funds, his office also administers funds for disaster relief, homeless prevention, housing opportunities for people with AIDS and the Neighborhood Stabilization Program (NSP). After several questions and commentary from Mr. Olia, he urged the committee to discuss in its policies and goals issues related to local involvement with Section 8 housing as it relates to the accountability of local housing authorities.

Mary Shell with the Alabama Historical Commission began her remarks by thanking the committee for acknowledging the importance of historical preservation. She gave the committee an overview of the Alabama Historical Commission and reviewed with the committee the various programs the Commission operates and administers. She went through the Commission's preservation and outreach programs including the National Register of Historic Places and a historical survey program for cemeteries which are not eligible for the National Historic Register. She next discussed the Commission's role in review and compliance for federally funded projects and made mention of the availability of a federal preservation tax credit for qualifying historical rehabilitation projects. Ms. Shell ended her remarks by discussing the educational programs offered by the Commission and encouraging committee members to attend the Annual Alabama Preservation Conference, October 7-9, 2010 in Montgomery. The theme for this year's conference is the economics of historic preservation. As to recommended changes to policies and goals, she mentioned that there are issues with naming the "Main Street Program" and suggested that we change our policy to reflect a more generic use of the term.

Brian S. Jones with the Alabama Bureau of Tourism and Travel addressed the committee next and gave a brief overview of the Bureau and the services it provides including the annual calendar of events and the eight welcome centers which are staffed with Bureau

employees. He pointed out the importance of tourism to the economics of the state and said that tourism generates over \$68M in tax revenue. Of interest to the committee was the information on the 2010 Year of Small Towns and Downtowns. According to Mr. Jones, 215 cities and towns participated in the tourism campaign by hosting homecoming events. More information about the program can be found at www.alabamahomecoming.com. Participating municipalities received a historical marker provided by the Bureau. He also pointed out that the Bureau had created a Facebook page for every municipality that scheduled an event through this campaign. 2011 will be the year of Alabama Music and will highlight communities where live music can be heard. Mr. Jones had no recommended policy changes or additions.

Beverly Helton, with the USDA Rural Development, was the last resource advisor to address the committee. She apologized for the absence of the new state director, Ronald Davis who had a scheduling conflict. Ms. Helton presented a very informative PowerPoint which highlighted the various grant and loan programs offered by USDA Rural Development as well as the municipalities that had benefited from monies received through USDA Rural Development over the past year. For example, the towns of Ohatchee, Guin, Monroeville and Albertville all had projects funded through the Rural Business Enterprise Grant program in 2010. This particular program is available for public bodies, non-profit entities and Indian Tribes in areas with a population of less than 50,000 to assist emerging businesses with 50 or fewer employees. The funds can be used for real estate acquisition, construction, machinery, equipment, infrastructure, revolving loan funds and technical assistance. A list of area offices can be found at <http://www.rurdev.usda.gov/al/ao-list.htm>. Ms. Helton asked that the committee encourage eligible municipalities to participate in the Communities of Excellence program referred to in policy C-1.14.

At 12:20 p.m., Chair Reed thanked the resource

advisors for their presentations and some discussion followed. Several amendments and new policies were approved by the Committee. Chair Reed thanked the committee members for their participation and adjourned the meeting at 12:50 p.m.

Proposed Policy Recommendations

Update policy statement **C-1.14** to read: That the League urges the Alabama Legislature to continue to fund and support the Alabama Communities of Excellence Program and that the program be expanded to include municipalities with populations of 25,000 and under. Further, that the League encourages all eligible municipalities to participate in the program. (August 2010).

Delete policy statements **C-2.10** and **C-3.5**.

Remove “the Main Street Program” from **C-4.1** and amend it to read: That the League encourages its members to work toward urban conservation, historic preservation and revitalization of its downtown area, and to seek technical assistance and advice from the Certified Local Government Program and the main street type program of the Alabama Historical Commission. (August 2010).

Update policy statement **C-5.20** to read: That the League urges the Alabama Legislature to provide adequate funding to the Alabama Development Office for marketing and staffing purposes so that ADO may continue its efforts to market Alabama to potential businesses and industries worldwide (August 2010).

Add new policy statement: C-5.22. That the League urges Congress to require federal bank regulators to accept existing pre-BP Oil spill valuations of property rather than distressed valuations caused by arbitrary valuation mark downs in the aftermath of the spill and to allow banks greater authority to assist in the refinancing of existing debt for businesses in the Gulf Coast region that were impacted by the spill. (August 2010). ■

HD Minutes *continued from page 26*

Ms. Flatt gave a lot of attention to the policy and goals. Regarding H.4.13, she recommended that the Committee encourage doctors and nurse practitioners specializing in geriatrics to work in the community. Council President Rubenstein, who is a physician, responded that the reason there are not more doctors specializing in this area of medicine is because when Medicare is the primary insurance, it is asking doctors to receive 35% less per patient. Ms. Flatt also commended H.5.12. Going back to H.4.4, she commented that the Legislature has to pay for nursing home beds of those on Medicare and suggested that those monies need to be redirected into home programs to give seniors the opportunity to be at home.

Ms. Flatt made comments and recommendations about several of the policy positions. She said there are 350 senior centers which is a decrease in the number of senior centers. The food contract for the Meals on Wheels program is currently being reevaluated. She also said there are currently two federally funded transportation programs, Programs 5316 and 5317, that pay for the cost and operation of vehicles used to assist the elderly. For specific information calls can be made to (800)AGELINE. Ms. Flatt also reported that farmer's market in various communities are partners with area aging centers and the vouchers are distributed on certain days (Tuesdays) on a first-come, first-served basis.

The Chair thanked every resource advisor for their participation. After engaging in lengthy discussions about its policies and goals, the Human Development Committee made several policy changes to the Human Development Policy Statement. After a motion on the adoption of changes and a second, the statements were approved.

Proposed Policy Recommendations

That policy position **H-1.1(f)** be deleted due to the Wellstone Act having passed.

That policy position **H-2.4** be amended by deleting the following after the word "program" on line 2: "Further, all funds should stay with the Community Action Agencies."

That policy position **H-3.20** be amended by adding the following after the word "schools" on line 3: "and a continued emphasis for grades K-8".

That policy position **H-4.5** be deleted because it no longer exists and that a new statement **H-4.5** be added: **H-4.5** That the League encourages the implementation of home and community based services.

That policy position **H-4.6** be amended by deleting the following after the word "the" on line one: "~~Information and Referral Program~~", and by adding the following words: "Aging and Disability Resources".

That policy position **H-4.13** be amended by adding the following after the word "the" on line three: "current".

That policy position **H-4.15** be amended by adding the following at the beginning of the policy statement: "(a)".

That policy position **H-4.15** be amended by adding the following after the word "elderly" on line 5: "We also encourage municipalities constructing future projects include the establishment of safe centers."

That Committee recommended the following new policy statement: **H-6.2(d)** That the League recognize the increasing need for qualified geriatric physicians and encourage recruitment by municipalities of such physicians to meet the need of the growing elderly population.

That policy position **H-7** be amended by deleting the following after the word "are" on line three: "~~handicapped~~", and by adding the words: "otherwise disabled".

That policy position **H-8.5** be deleted because this department no longer exists and that policy position **H-8.6** be renumbered as **H-8.5**.

The Committee recommended the following new policy statement: **H-9.4** The League encourages the support of current Pre-k initiatives.

The Committee recommended the following new policy statement: **H-9.5** That the League encourages municipalities to adopt a resolution for the month of April as: "The month of the young child". ■

ALM WELCOMES NEW STAFF MEMBER



A Montgomery native, Karl Franklin joined the Alabama League of Municipalities this past summer as the Graphic Designer for the League's Communications Department. In that role, he is responsible for designing print publications, multi-media products and promotional materials for the League. He is also responsible for the daily maintenance and content updates to ALM's website as well as assisting with all communications-related activities including public relations, marketing and publication development. Karl received his BFA in Visual Communications from Auburn University in 1994 and has worked as a graphic designer, product designer and illustrator. He has designed and illustrated a variety of items including book covers, T-shirts, coloring books, posters, bookends, figurines, and even tattoos (none for himself!).

Karl and his wife, Leanne, have two boys, eight fish, and are thinking about getting a dog. ■

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2010: The Great Alabama Homecoming! Year of Small Towns and Downtowns

October • November • December

This list of events is provided by the Alabama Tourism Department. The municipalities listed are participants in the 2010 Year of Small Towns and Downtowns program. If you have questions about this program, please contact Brian Jones with Alabama Tourism at 334-242-4665.

10/1- 2	Boaz	Boaz Harvest Festival	10/23	Pine Hill	Pine Hill Depot Day
10/1-2	Fayette	Alabama Frog Level Festival	10/23	Thomasville	Ghost Walk & Fall Festival
10/1-3	Ozark	Claybank Jamboree	10/28-30	Greenville	Welcome Home - Greenville Reunion
10/2	Centre	Centre Fall Festival	10/29-31	Flomaton	Homecoming Weekend
10/2	Emelle	Emelle Business Appreciation Day	10/30	Brundidge	Peanut Butter Festival
10/2	Fulton	Homecoming & Gospel Singing	10/30	Chickasaw	Founder's Day
10/2	Glen Allen	Town Festival & Dedication of Town Park/Walking Trail	10/30	Falkville	Falkville Fall Festival
10/2	Madison	Come Home to Madison	10/30	Hamilton	Hamilton Fall Fest
10/2-3	Muscle Shoals	Muscle Shoals Music CityFest	10/30	Opp	Opp Fest
10/2	Sulligent	Old-Fashion Day	11/5-7	Foley	Heritage Harbor Days
10/2	Verbena	Verbena Reunion in the Park	11/6	Auburn	Auburn University Homecoming
10/2	Woodstock	Woodstock Homecoming	11-7	Brookside	St. Nicholas Food Festival
10/8-10	Ashland	Homecoming	11/6	Jackson	Fall Festival
10/8	Grant	Dedication Day, DAR School	11/6	Lineville	Heritage Day
10/8-9	New Hope	New Hope Founder's Day	11/11-14	Andalusia	Absolutely Andalusia Homecoming
10/9	Blountsville	Homecoming Celebration & Harvest Festival	11/12-13	Elba	Foggy Bottom Bar-B-Que Bash
10/9	Cordova	Discover Cordova Day	11/13	Collinsville	Turkey Trot
10/9	Eufaula	Eufaula Homecoming	11/13	Daleville	National Heritage Week Celebration
10/9	Evergreen	Evergreen Sausage Festival & Homecoming Weekend	11/13	Daviston	Daviston School Reunion
10/9-10	Garden City	Homecoming Weekend	11/18/	Fairhope	Fairhope Tree Lighting Celebration
10/9	Headland	Harvest Festival	11/20	Peterman	Peterman Station Arts & Crafts Festival
10/9	Hodges	Spirit of Hodges	11/27	Pine Apple	Hunter Appreciation Day Festival
10/9	Piedmont	Foot of the Mountains Festival	11/28-12/4	Demopolis	Christmas on the River
10/9	Selma	Riverfront Market Day	11/29	Vincent	2010 Small Town Celebration
10/14-16	Montevallo	Homecoming Weekend	12/2	Gulf Shores	There is No Place Like Home for the Holidays!
10/16	Hanceville	The Mud Creek Marching Festival	12/4	Coffeeville	Coffeeville Christmas Parade
10/16	Margaret	Friendship Festival	12/4	Millbrook	Spirit of Christmas Parade
10/16	Mathews	Jonesville Community Day	12/4	Mooresville	Mooresville Homecoming Celebration
10/16	Sipsey	Homecoming Day	12/7	Wilton	Christmas Parade
10/16	Thorsby	Thorsby Swedish Fest	12/10-11	Linden	ChiLLy Fest
10/22-24	Oneonta	Blount Co. Covered Bridge Festival	12/11	Dutton	Dutton Community Christmas Parade and Open House
10/23	Atmore	Williams Station Day	12/11	Westover	Westover Christmas Parade



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*Fire Chief Jimmy Ellis, Councilman Edward Pollard,
Mayor Willie Mae Powell, Councilman Desiev “Ned” Howard
& Councilwoman Rhonda McCloud
Shorter Fire & Rescue*



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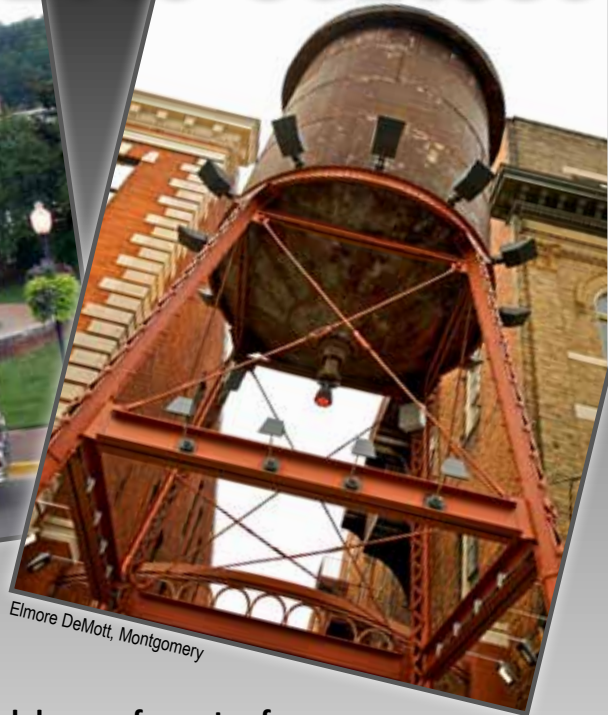
2011 Municipal Photo Contest



www.alalm.org



Teresa Lee, Prattville



Elmore DeMott, Montgomery

Showcase your Municipality

Visit www.alalm.org for entry form.

The Alabama League of Municipalities is holding its fourth annual photo contest. The winning photo will be featured on the cover of one issue of the *Alabama Municipal Journal*.

To Enter:

Photos must be of an Alabama city or town and follow a municipal theme: municipal buildings, parks, street scenes, downtowns, city festivals, etc. Photos do not have to be taken by a professional photographer; however, all photos must be taken within the last 18 months. **ALL ENTRIES MUST BE VERTICAL.** Horizontal images will not fit the format for the *Journal*. **Each entry must include a photo description as well as photographer's name and contact information.**

Photo Format:

Photos must be submitted on a CD or emailed as a high resolution file in the proper format. Entries should be vertical, color images and submitted in JPEG or TIFF format in a resolution high enough for print quality purposes. The print size for the *Journal* is approximately 8.5 x 11 inches. Therefore, the submitted image should be at least 150 dpi **at this size** (1,200 x 1,500 pixels), although 300 dpi (1800 x 1200 pixels) is preferred. **Submissions that are not vertical or that do not have the correct print quality size will be disqualified.**

Note: Photo files will not be returned. If submitting a on a CD, please do not send your only file of a photo.

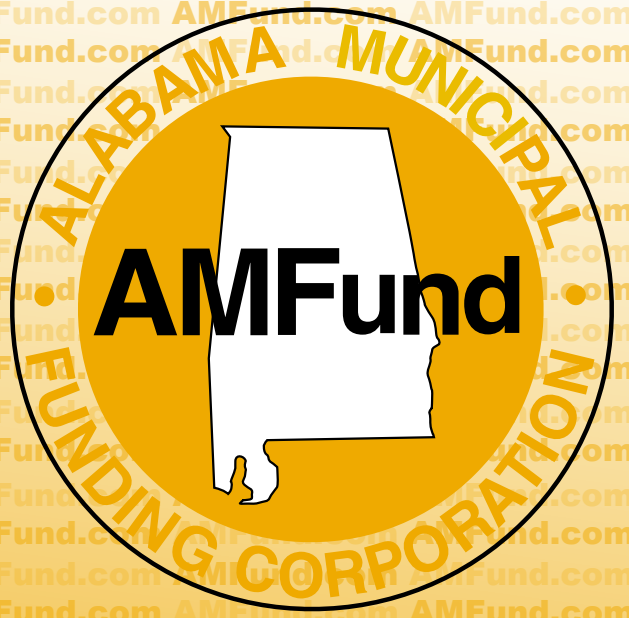
Ownership/Use Rights:

Photographers retain the copyright to their photographs. By entering the Alabama League of Municipalities (ALM) photo contest, photographers agree to have their submitted photograph(s) displayed within any ALM publication (digital or print) as well as the ALM website without any fee or other form of compensation, and also agree that the photo may be used, with photo credit, on the website for the National League of Cities (NLC) and within NLC's publications. Photos will be credited to the photographer listed on the entry form. In the event that ownership of any photograph submitted to ALM is contested in any manner, ALM retains the discretion to disqualify that photograph and discontinue use of the photograph.

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