

The Alabama Municipal JOURNAL

August 2011

Volume 69, Number 2



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of Hackleburg*

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On the Cover:

Mayor Douglas Gunnin, a life-long Marion County resident, stands in front of the destroyed Hackleburg Police Department on July 19th – nearly three months after 67 tornadoes struck the northern two-thirds of Alabama, including a devastating EF-5 monster with 200+ mph winds that decimated this rural town of about 1,500 people. Hackleburg is now working with ADECA and other agencies to determine how best to rebuild after losing the majority of its infrastructure, its schools, most of its downtown retail, its one grocery store and the town's largest employer, the Wrangler distribution center, which employed 150 people. (Photo by Carrie Banks)

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Aftermath

A Message from
the Editor

Alabama now ranks first in the nation ... for violent tornadoes.

According to the Storm Prediction Center in Norman, Oklahoma, Alabama has had the most violent tornadoes of any state since 1950 – an unenviable distinction with long-term consequences. The unprecedented April 27th outbreak catapulted Alabama to the top of the list when 67 tornadoes, including six EF-3, eight EF-4 and two EF-5 monsters, decimated hundreds of miles and killed more than 240 people in the northern two-thirds of the state. A study by the University of Alabama found that the April 27th tornadoes either destroyed or rendered uninhabitable 14,000 homes and estimates job losses related to the state's worst natural disaster topped 13,200 with the state gross domestic product expected to decrease by \$1.3 billion.

The magnitude of loss associated with the April 27th outbreak is truly difficult to comprehend – and no one understands this better than the municipal officials whose communities suffered through the deadly EF-5 and EF-3 tornadoes that ravaged Marion, Franklin and Winston counties in northwest Alabama. Sitting in Hamilton's City Hall on a hot, muggy morning in mid July with the mayors of Guin, Haleyville, Hamilton and Winfield, I was told first-hand accounts of death, destruction, loss, fear, chaos and ... hope. Mayors Phil Segraves (Guin), Ken Sunseri (Haleyville), Bobby Holliday (Hamilton) and Wayne "Rebel" Silas (Winfield) shared their incredible stories about the tornadoes and their aftermath – which was felt even if the city didn't receive a direct hit, as was the case for Guin, Hamilton and Winfield.

Mayor Sunseri of Haleyville (population 4,173) in Winston County began preparing for the threat of severe weather on Monday, April 25th by meeting with the police and fire chiefs as well as other department heads to discuss an action plan. Emergency equipment and supplies were placed in city vehicles and residents were advised to prepare for hazardous conditions. On April 27th a Command Center was established at the Haleyville Fire Department, emergency personnel were activated and storm spotters were placed. Between 3:30 and 4:30 p.m. Haleyville was notified that the Town of Hackleburg (population 1,516) in neighboring Marion County had sustained a direct hit from what was later determined to be an EF-5 tornado – the most powerful designation with winds in excess of 200 mph – which killed 18 people, destroyed a majority of the town's infrastructure, leveled its schools, ruined 31 of 32 businesses – including the town's only grocery store and its largest employer, the Wrangler distribution center – and



Left to right: Mayor Wayne 'Rebel' Silas, Winfield; Carrie Banks, ALM; Mayor Bobby Holliday, Hamilton; Mayor Phil Segraves, Guin; Mayor Ken Sunseri, Haleyville and Fire Chief Phillip Weaver, Haleyville.

EF5 tornado: the most powerful designation with winds in excess of 200 mph

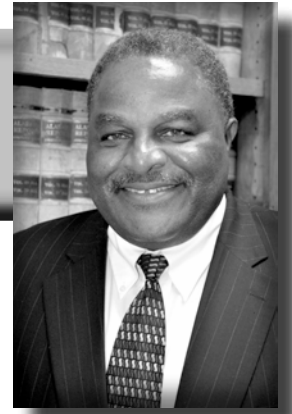


Hackleburg's elementary school was destroyed by the EF-5 tornado on April 27th.
(Photo by Carrie Banks)

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The President's Report

Councilmember Thomas O. Moore • Demopolis



League Policy Committees to Meet this Month

The League has five standing policy committees comprised of mayors and councilmembers from each congressional district in the state. The committee chairs recently made appointments to these important League committees which will convene this month at League headquarters to hear from state and federal resource advisors and to update their policy statements for the League's Policies and Goals document. This important document will be used by the Committee on State and Federal Legislation when it meets in early January to develop the League's Legislative Package for the 2011 Regular Session.

The EENR committee is scheduled to meet on August 16; FAIR will meet August 19; the HD committee will meet August 22; TPSC on August 25; and CED on August 30. The League would like to thank the following committee members for their service in this important policy process:

Committee on Finance, Administration and Intergovernmental Relations

Chair: Councilmember David Hooks, Homewood
Vice Chair: Councilmember Adam Bourne, Chickasaw

Members from Congressional Districts

1. Councilmember Debbie Quinn, Fairhope
Mayor Charles Murphy, Robertsdale
Councilmember Veronica Hudson, Saraland
2. Mayor Lomax Smith, Cottonwood
Mayor Mike Schmitz, Dothan
Mayor Jay Jaxon, Eufaula
Mayor Pete Wolff, Evergreen
Councilmember John Glover, Headland
Mayor Fred M. McNab, Pinckard
Councilmember Lisa Sconiers, Slocomb
3. Mayor Tony Wilkie, Centre
Mayor Lew Watson, Lincoln
Councilmember Claude Kitchin, Lincoln
Councilmember H. H. Kuykendall, Lincoln
Mayor Gary Fuller
Councilmember David Canon, Opelika
Mayor Leon Smith, Oxford
4. Mayor Charles K. Lansdell, Cherokee
Councilmember Jenny Folsom, Cullman
Mayor Ray Nelson, Fayette
Mayor Bill Jordan, Fort Payne
Councilmember Robert Avery, Gadsden
Councilmember Donald Myers, Guntersville

5. Councilmember Charles Black, Priceville
Mayor William R. Marks, Athens
Councilmember William T. Powers, Gurley
Mayor Dwight Tankersley, Hartselle
Mayor Ian Sanford, Sheffield
6. Councilmember Katherine E. Ennis, Helena
Councilmember Karyl Rice, Pelham
Councilmember Teresa Nichols, Pelham
Councilmember Andrea Hunter, Westover
Councilmember E. Lee McCarty, Wilsonville
7. Councilmember Stephen Gentry, Greensboro
Councilmember N. Craig Sanderson, Irondale
Mayor Loxcil Tuck, Tarrant
Councilmember Charles Allen, Thomasville
Councilmember Don Moore, Uniontown

Committee on Energy, Environment and Natural Resources

Chair: Councilmember Dean Argo, Prattville
Vice Chair: Mayor Rusty Jessup, Riverside

Members from Congressional Districts

1. Mayor Howard Shell, Atmore
Councilmember Ralph Hellmich, Foley
Mayor Ron Davis, Prichard
Councilmember Joe McDonald, Saraland
2. Councilmember Kenneth C. Mount, Andalusia
Councilmember Hazel Griffin, Andalusia
Councilmember Elliott Whitton, Columbia
Councilmember Ray C. Boles, Prattville
Mayor Terri B. Carter, Repton
Councilmember Charles Meeks, Troy
3. Councilmember Richard Langford, Alexander City
Mayor Johnny L. Smith, Jacksonville
Councilmember Billy J. Pearson, Lincoln
Mayor Omar Neal, Tuskegee
4. Mayor Tim Walker, Boaz
Councilmember Bill Stewart, Gadsden
Mayor Corey Harbison, Good Hope
Mayor Rena Hudson, Warrior
5. Councilmember Hermon Graham, Florence
Councilmember Joseph E. Pampinto, Muscle Shoals
Mayor Melton Potter, Scottsboro
6. Mayor David M. Frings, Alabaster
Mayor Dennis Stripling, Brent
Councilmember Allyn Holladay, Homewood

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Benefiting the Court...

"...(JCS's) service has decreased my magistrates' probation workload and court sessions by 65%...collections are at an all time high..."

- Court Administrator
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"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge
Georgia Municipality

Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of Corrections
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- 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

Ken Smith • Executive Director



Final Report on the 2011 Regular Session

The Alabama Legislature completed its 2011 Regular Session on Thursday, June 9, 2011. This year 1,606 bills were introduced and 171 bills received final passage. By comparison, in 2010, the Legislature introduced 1,425 bills and 299 received final passage.

Final Status of the League's Legislative Package

PUBLICATION OF MUNICIPAL ORDINANCES – SB20 by Sen. Ward (House sponsor - Rep. Williams (J)): This League bill proposes to amend Section 11-45-8 of the Code of Alabama 1975, relating to the publishing of an ordinance after passage by the municipal governing body, to further provide for the publication by certain municipalities of a notice of the substance of an ordinance relating to planning or zoning or the licensing of businesses in a newspaper under certain conditions. ACT No. 2011-618.

COMPETITIVE BID LAW – HB13 by Rep. Williams (J) (Senate sponsor - Sen. Holley): This League bill relates to competitive bidding for public works projects under Title 39 and public contracts under Title 41 of the Code of Alabama 1975; to amend Sections 39-2-1, 39-2-6, 41-16-51, and 41-16-57, Code of Alabama 1975, to define the term “life cycle costs” and to clarify the definition of a “public works project”; to allow local governments to purchase goods and services through vendors with a current and valid contract with the Government Services Administration without further competitive bidding; to provide that life cycle costs may be considered by the awarding authority in determining the lowest responsible and responsive bidder; and to clarify that the definition of personal property includes goods that are, or are to become, fixtures. ACT No. 2011-530.

VALIDATION OF MUNICIPAL ANNEXATIONS – SB71 by Sen. Beason (House sponsor - Rep. Black): This League bill proposes to amend Section 11-42-5 of the Code of Alabama 1975, to validate and ratify under certain

conditions any municipal annexation by any municipality prior to the effective date of this act notwithstanding any procedural defect by the municipality. ACT No. 2011-214.

CONSOLIDATION OF MUNICIPAL COURT OFFENSES – SB22 by Sen. Brewbaker (House sponsor - Rep. Mask): This League bill relates to the authorized penalties for violations of municipal ordinances; to amend Section 11-45-9 of the Code of Alabama 1975, relating to penalties which may be imposed for violations of ordinances; to recodify the penalties authorized in Section 13A-5-12.1 of the Code of Alabama 1975, under a single statute contained in Title 11; and to repeal Section 13A-5-12.1 of the Code of Alabama 1975. ACT No. 2011-680.

ENVIRONMENTAL LAWS – PENALTIES – HB106 by Rep. Clouse (Senate sponsor – Sen. Marsh): Relating to civil penalties assessed pursuant to Section 22-22A-5, Code of Alabama 1975, for violations of state environmental protection laws and orders; to amend Section 22-22A-5, Code of Alabama 1975, to remove minimum penalty amounts for certain violations and to limit the penalties for violations subject to monthly reportings based on average compliance to monthly intervals. Act No. 2011-612.

APPROPRIATION FOR WASTEWATER TREATMENT SRF – SB133 by Sen. Orr (House sponsor - Rep. Barton): In the late 1980's, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The General Fund Budget contained \$500,000 in additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program. Act No. 2011-679.

The League wishes to thank the following persons for sponsoring League bills this session: Representatives Jack Williams, Dan Williams, Marcel Black, Barry Mask, Steve

Clouse, Chris England and Rod Scott and Senators Scott Beason, Dick Brewbaker, Cam Ward, Bill Holtzclaw, Linda Coleman, Del Marsh, Jabo Waggoner and Jimmy Holley.

We also wish to thank the House and Senate leadership for their support of the League's legislative program: Representatives Mike Hubbard, Speaker of the House; Victor Gaston, House Speaker Pro Tempore; Blaine Galliher, Chair, House Committee on Rules; James Buskey, Chair, Sub-committee of the Consent Calendar, House Committee on Rules; and Steve McMillan, Chair, House Committee on County & Municipal Government; Senators Del Marsh, Senate Pro Tempore; Scott Beason, Chair, Senate Committee on Rules; and Jimmy Holley, Chair, Senate Committee on Governmental Affairs, for their assistance and support during the 2011 Regular Session.

Final Status of Bills with a Negative Impact on Cities and Towns

There were a number of bills introduced this session that would have had a negative impact on municipalities had they received final passage. Bills in this category that died this session included legislation to drastically reduce business licenses derived from the sale of prescription drugs, to prohibit all occupation taxes statewide, to limit subdivision authority, to divert oil and gas funds and to increase the population requirement to form a local school board. We can expect to see many of these bills reintroduced next session.

General Bills of Interest to Municipalities that Passed

Photo ID Required to Register to Vote – HB19 by Rep. Rich: To amend Section 17-9-30, Code of Alabama 1975, as amended by Act 2010-687, 2010 Regular Session (Acts 2010, p. 1660), relating to the identification of voters at elections; to provide that a voter must provide proof of a valid photo identification, as defined; and to require the Department of Public Safety to issue photo identification cards at no cost to individuals who have no valid photo identification. ACT No. 2011-673.

Certain Coal Combustion By-products Exempted from Regulation as Solid Wastes – HB50 by Rep. Canfield: To amend Sections 22-27-2 and 22-27-3, Code of Alabama 1975, relating to solid waste disposal; to remove an existing exemption from regulation for fly ash waste, bottom ash waste, boiler slag waste, and flue gas emission control wastes which result primarily from the combustion of coal or other fossil fuels at electric generating plants and authorize the regulation of those substances as a solid waste. ACT No. 2011-258.

Immigration Laws – HB56 by Rep. Hammon: Relating to immigration laws; to provide for the enforcement of immigration laws on the state and local level; to make the entry, presence, and involvement in economic activity of unauthorized aliens illegal in the state and to provide penalties; to require the verification of the legal status of persons; to prohibit the knowing or intentional hiring of unauthorized aliens and to provide penalties; to require participation in the federal e-verify program; to provide procedures for the immobilization or impoundment of a vehicle under certain conditions; to prohibit certain practices related to voting and registration for voting and to provide criminal penalties; to require proof of citizenship or legal residency in order to access government benefits. ACT No. 2011-535.

Ethics – Disclosure of Public Officials or Spouses of Public Officials Employed by or Having Contracts with a Municipality, a County, or the State – HB58 by Rep. Ball: To add Section 36-25-5.1 to the Code of Alabama 1975, to require a public disclosure of the names of public officials or candidates or spouses of public officials or candidates who are employed by the state or who have a contract with the state. Act No. 2011-674.

CA – Mandatory Participation in any Health Care System Prohibited – HB60 by Rep. Galliher: To propose an amendment to the Constitution of Alabama of 1901, to prohibit mandatory participation in any health care system. ACT No. 2011-617.

CA – Secret Ballots - HB64 by Rep. Wallace: To propose an amendment to Amendment 579 to the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that the right of individuals to vote for public office, public votes on referenda, or votes of employee representation by secret ballot is guaranteed. ACT No. 2011-656.

Education Budget – HB123 by Rep. Love: To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2012. ACT No. 2011-655.

Ad Valorem Tax – Definition of Residential Property Expanded to include Single Family Dwellings and Lots under Construction – HB179 by Rep. Williams (J): To amend Section 40-8-1, Code of Alabama 1975, relating to classification of property for ad valorem tax purposes, to

continued on page 21



The Legal Viewpoint

By Lori Lein
General Counsel



Separation of Powers: Recent Alabama Supreme Court Decisions Interpret the Powers of the Mayor and Council

The Alabama Supreme Court recently issued opinions in two cases interpreting the duties, powers and authority of the executive and legislative branches of municipal government. One case interprets the appointment power of the mayor and the other interprets the authority of the council to enter into contracts binding a municipality. This article will outline these two cases and provide some guidance as to how they impact and/or change the operation of municipal government.

You're Hired! The Appointment Authority of the Mayor

On June 14, 2011, the Alabama Supreme Court issued a certificate of judgment in the case *Scott v. Coachman*, --So.3d--, 2011 WL 2094669 (Ala.). The case involved a mayor who brought action against the city council challenging enactment of an ordinance repealing an ordinance providing the mayor with appointing authority for city employees and returning that appointing authority to the city council. The Court held that unless provided for by state law, the council cannot remove the mayor's appointment authority as found in §11-43-81 of the Code of Alabama 1975. Naturally, this case has generated much discussion among mayors and council members in Alabama as well a lot of phone calls to the League's Legal Department.

As a starting point, the mayor's appointment power is derived from §11-43-81 of the Code of Alabama 1975 which provides the following:

The mayor shall be the chief executive officer, and shall have general supervision and control of all other officers and the affairs of the city or town, except as otherwise provided in this title. He shall have the power to appoint all officers whose appointment is not otherwise provided for by law. He may remove any officer for good cause, except those elected by the people, and fill the vacancy caused thereby, permanently, if the appointment of such officer is made by the mayor, and temporarily, if such officer was elected by the council or appointed with its consent, in either of which

last two cases he must report such removal and his reasons therefore to the council at its next regular meeting, when, if the council shall sustain the act of removal by the mayor by a majority vote of those elected to the council, the vacancy shall be filled as provided in this title.

Over the years, the Alabama Attorney General (AG) has looked at the issue of the mayor's appointment authority under §11-43-81. The AG has determined that where the Code is silent as to who is the appointing authority, the mayor has the power to make the appointment unless the council, by properly drafted ordinance, provides a different method of appointment. See AGO to Hon. Joseph Hocklander, April 3, 1957. In numerous other opinions, the AG has ruled that the council has the authority to adopt an ordinance providing that the council shall have exclusive authority to appoint or elect all officers and employees of the municipality. See AGO to Hon. Mark Acton, April 1, 1957. See also AGO 1997-166, AGO 2004-163, AGO 2009-54 and AGO 2009-103.

Based on the opinions of the Attorney General over the years, it has previously been the advice of the Alabama League of Municipalities that the phrase "otherwise provided by law" in §11-43-81 includes a properly passed ordinance of the city council providing that the council is the appointing authority for all officers and employees of a municipality. Clearly, the *Scott* case changes that opinion and advice to some degree.

To understand the League's advice to municipalities moving forward from the *Scott* case, we must look carefully at the Alabama Supreme Court's opinion. In its analysis the Court begins by pointing out that the appointing authority of the mayor, as found in §11-43-81, is not "absolute and all encompassing." 2011 WL 2094669 at 3. Rather, the appointment power of the mayor extends "only as far as not otherwise provided by law and contemplates situations where the council, rather than the mayor, is the appointing authority." *Id.* More specifically, the Court provided that:

“...the source of a city council’s authority is the authority that the Alabama Legislature granted it by statute. The legislature has granted city councils appointing authority with regard to certain officers of a town. See, e.g., Section 11-43-3, Ala. Code 1975 (city council appoints city treasurer and city clerk in towns having more than 6,000 inhabitants); Section 11-43-4 (city council appoints city clerk in cities having less than 6,000 inhabitants and in towns); and Section 11-43-5, Ala. Code 1975 (“The council may provide for a tax assessor, tax collector, chief of police, and chief of the fire department and shall specifically prescribe their duties”). *Id.* at 4.

The Court recognized that there are statutes passed by the Alabama Legislature clearly giving the council appointing authority, some of which are exercised by ordinance. Taking a look at the sections of the Alabama Code cited by the Court in its opinion helps determine the extent of the council’s appointing authority under state law.

Section 11-43-3, Code of Alabama 1975

In cities having a population of more than 6,000, there shall be elected by the council, at its first regular meeting or as soon thereafter as practicable, a city treasurer and a city clerk, who shall hold office until the next general election

and until their successors are elected and qualified, and such council may elect an auditor, **and any officers whose election is required by ordinance**, and, except as otherwise provided, the council shall have authority to fix the terms of office, prescribe their duties and fix the salaries of the officers. The council may, by ordinance, require the city treasurer and the city clerk to be residents of the city. Such council may by a two-thirds vote of the members elected, by and with the consent of the mayor, consolidate two or more of the offices and may abolish any such offices; provided, that the term of office of no incumbent shall be diminished.

This section specifically gives the council the authority in municipalities of over 6,000, to identify “officers” of the city by ordinance and provide for their election by ordinance.

Section 11-43-4, Code of Alabama 1975

In cities having a population of less than 6,000 and in towns, the council shall elect a clerk and fix the salary and term of office, **and may determine by ordinance the other officers of the city or town, their salary, the manner of their election and the terms of office**, and shall fill all vacancies in the council by a majority vote of the council; and all members of the council may vote to fill vacancies any provision of law to the contrary notwithstanding. The clerk and such other officers elected by the council



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shall serve until their successor or successors are elected and qualified.

While worded differently than §11-43-3, this section also gives the council, in municipalities of under 6,000 pop., the authority to identify officers of the city by ordinance and to elect those officers or provide for another “manner of appointment” by ordinance.

Section 11-43-5, Code of Alabama 1975

The council may provide for a tax assessor, tax collector, chief of police, and chief of the fire department and shall specifically prescribe their duties. The council shall designate the persons who shall administer oaths and issue warrants of arrest for violations of law and the ordinances of the city or town and the persons authorized to approve appearance bonds of persons arrested.

This section identifies specific officers of a municipality and gives the council the authority to provide for these officers should it choose to. In combination with §11-43-3 and §11-43-4 of the Code of Alabama 1975, the council, in providing for these “officers” could, by ordinance, provide for their manner of appointment, including appointment by the council rather than the mayor.

In addition to the above listed code sections, §12-14-30 of the Code of Alabama 1975, specifically gives the council the authority to appoint, by vote of a majority of its members, the judges of the municipal court. Also, §11-43-20 of the Code of Alabama 1975, authorizes the city council to provide for, by ordinance, a city manager.¹

Obviously, it will require Attorney General’s Opinions or court cases to learn a definitive answer to the many questions this case raises, but in the League’s opinion, the “take away” conclusion from this case for our members is that the mayor is the appointing authority except for those positions indentified in the Alabama Code, including §11-43-3 and §11-43-4 (Clerk, Treasurer, Clerk-Treasurer), §11-43-5 (tax assessor, tax collector, chief of police, and chief of the fire department), §12-14-30 (municipal judges) and §11-43-20 (manager)². Arguably all other positions are appointed by the mayor unless there is state law that provides otherwise.

Municipal Contracts - The City Council’s Authority

On June 3, 2011 the Alabama Supreme Court issued an opinion in the case *Town of Boligee v. Greene County Water & Sewer Auth.*, --So.3d--, 2011 WL 2164026 (Ala.)³. This case involved the Town of Boligee bringing suit against the Greene County Water & Sewer Authority seeking a judgment that actions taken by the water authority within the town were unlawful. Specifically, the town claimed that the actions were unlawful because they were taken without first obtaining the

town’s permission. The facts of the case show that there had been discussions between the town and the authority but that no formal agreement had ever been entered into between the town and the authority for the authority to undertake work on rights-of-way within the town. However, the mayor of the town had signed an agreement with the authority which was never approved or acted upon by the town council.

The trial court determined that the mayor had the authority to bind the town to an agreement with the water and sewer authority and, therefore, the actions taken by the authority were not unlawful. The Alabama Supreme Court reversed the trial court and held that, absent authorization from the town council, the mayor did not have the authority to enter into and execute a contract on behalf of the town. While the Court recognized that the mayor is authorized to enter into and to execute contracts, it determined that the authority cannot be exercised without the direction and authorization of the council.

The Court’s ruling and analysis in this case is consistent with the advice given by the Alabama League of Municipalities over the years. The full authority to control municipal finances is placed in the municipal council as provided in §11-43-56 of the Code of Alabama 1975. Further, §11-43-43 of the Code of Alabama 1975, provides that all “legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officers by law or ordinance.” Accordingly, the general rule is that the only method by which an employee or official may expend funds or be given authority to bind the municipality to a contract is by an affirmative vote of the council reflected in the minutes. An exception is the mayor’s authority to contract for an annual municipal audit pursuant to §11-43-85, Code of Alabama 1975.

If the council has not designated someone to execute contracts, the state law provides that they mayor shall execute any contracts authorized by the council. Section 11-47-5 of the Code of Alabama 1975 provides that:

Contracts entered into by a municipality must be in writing, signed and executed in the name of the city or town by the officers authorized to make the same and by the party contracting. In cases not otherwise directed by law or ordinance, such contracts shall be entered into and executed by the mayor in the name of the city or town and all obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk.

The take away conclusion from the *Boligee* case is that the mayor, as the chief executive officer of a municipality, does not have the authority to enter into a contract binding

the municipality without the consent and authorization of the governing body. Therefore, before entering into any contract, the mayor should confirm, as evidenced by meeting minutes or any necessary resolutions or ordinances, that there is clear authority from the council to do so.

Conclusion

These two cases from the Alabama Supreme Court highlight the clear separation of powers between the executive and legislative branches of municipal government as provided for by Alabama law. While the mayor has the authority to decide which warm body will be hired, the council controls the finances that will ultimately decide whether funds are available to pay that warm body when he or she reports to work.

Cases such as these are often a result of mayor and councils failing to work together in a manner that furthers the efficient, productive, cost effective and legal operation of municipal government and highlight the need for mayors and councils to cooperate. The primary factor in the success of municipal government lies in the working relationship between the mayor and the council. All elected city officials must continue to recognize that they have dedicated themselves to providing the best municipal government possible for the citizens they serve. To accomplish this

goal, the mayor and council, while recognizing they are separate and have separate functions, must work diligently to cooperate and maintain a harmonious working relationship. ■

(Endnotes)

1) It is important to note that merely hiring a city manager pursuant to Section 11-43-20 of the Code of Alabama 1975, does not mean that a municipality has adopted a council-manager form of government. A manager who is hired without the adoption of the council-manager form of government does not have all the administrative powers provided for in a council-manager form of government nor can a manager override any duties of the mayor in a city with a mayor-council form of government. The potential for conflicts and disagreements is great. For more information, see the League Information Bulletin titled "The Municipal Manager/Administrator" available from the Alabama League of Municipalities.

2) This may not be a comprehensive list of positions where the authority for the council to make an appointment exists under Alabama law. Therefore, each position should be looked at individually to determine the proper appointing authority.

3) Greene County Water & Sewer Authority has filed an application for rehearing in this case which was pending as of publication of this article.

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When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. "If there's a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical."

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



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ADECA Leads Long-Term Recovery Efforts Following Devastating April 27th Tornadoes

Carrie Banks • ALM Communications Director



mortar dollars. Prior to being selected by Gov. Bentley this past January to lead ADECA, Byard was serving his third term as mayor of the City of Prattville. On Feb. 17, 2008, an EF-3 tornado struck the east side of the city, packing winds of up to 160 mph, injuring 50 citizens and destroying or damaging more than 850 homes and 50 businesses. Prattville's recovery efforts received high marks from residents and state disaster officials for its speed and efficiency.

Within the span of a few hours on Wednesday, April 27, 2011, one of the most prolific and catastrophic natural disasters in Alabama history unfurled as a record-breaking 67 tornadoes ravaged the northern two-thirds of the state, scattering 10 million cubic yards of debris, claiming 244 lives and causing an estimated \$1.5 billion in property damage.

According to FEMA officials, this now infamous tornado outbreak, which included eight EF-4 and two EF-5 monsters (the largest on the scale) is the costliest disaster Alabama has ever had and will eventually rank in the top 10 for FEMA, whose website lists Hurricane Katrina (2005) as first with the agency's relief costs at \$7.2 billion followed closely by California's Northridge Earthquake (1994) at \$6.9 billion. Currently, Hurricane Hugo (1989), which cost FEMA \$1.3 billion, ranks 10th, and there are no tornado outbreaks listed in the top 10. While FEMA will absorb most of the public expense associated with Alabama's April 27th tornadoes, the costs to state and local governments could exceed \$100 million, prompting Gov. Robert Bentley to name the Alabama Department of Economic and Community Affairs (ADECA) as the state's lead agency in the rebuilding efforts.

Been There Before

ADECA Director Jim Byard, Jr. understands all too well that the cost to Alabama following the April 27th disaster is much more than brick-and-

mortar dollars. Prior to being selected by Gov. Bentley this past January to lead ADECA, Byard was serving his third term as mayor of the City of Prattville. On Feb. 17, 2008, an EF-3 tornado struck the east side of the city, packing winds of up to 160 mph, injuring 50 citizens and destroying or damaging more than 850 homes and 50 businesses. Prattville's recovery efforts received high marks from residents and state disaster officials for its speed and efficiency.

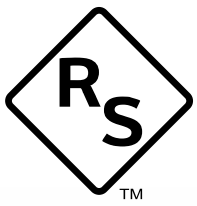
On April 27th, Gov. Bentley immediately activated his cabinet following the tornado outbreak. "He wanted his cabinet talking to the leadership of those communities – the mayor, the EMA director, the probate judge the chairman of the commission," Byard said. "Having been through a pretty substantial tornado, I was able to empathize with them and let them know I was there if they needed me – these were people I've known, friends who I respect."

Byard realizes that the immediate and long-term needs derived from a natural disaster will vary by community and availability of resources. "One of the positive things ADECA can provide after a natural disaster such as what

continued on page 15



ADECA Director Jim Byard (left) meets with Hackleburg Town Clerk Sandra Bishop and Mayor Douglas Gunnin in early May. (Photo by ADECA)



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we saw in April is through our Surplus Division,” he said. “We can provide equipment – assets that were maybe destroyed or that the community didn’t have to begin with. When the President declared the counties as Federal disaster areas, ADECA was then able to go on the network of Government Property Administrators (GSA) and receive first priority. So if our division chief in Alabama says we need scoop loaders, because the state has been declared a federal disaster area, we get that property before other states that might have been ahead of us in line.”

Byard said that generally ADECA would charge the community for the price of the equipment, including ADECA’s labor cost in moving it to Alabama. However, Gov. Bentley has instructed and allowed ADECA to offer equipment to the affected communities on a loan basis at no charge for as long as the community needs the equipment. When the equipment is no longer needed, the community can either return it to ADECA or purchase it for the transportation cost only, not the unit cost – a service provided to all municipalities regardless of size. In addition to the GSA access, ADECA has an equipment warehouse in Montgomery, as well as a 25,000-square-foot warehouse in Eva in Morgan County, and is able to quickly access smaller items.

“For example,” Byard said, “because of this disaster, ADECA provided the one doctor who serves both Hackleburg and Phil Campbell with temporary office space after his two locations were completely destroyed. We wouldn’t necessarily do that if there were other doctors in the area, but this was a unique situation with an immediate need and we were able to provide him space and waiting room chairs so he could begin seeing patients.”

Byard said ADECA also immediately began meeting with mayors and community leaders to ask them to not only think about what they need today but what they will need six months from now: “Sometimes it’s small things,” he said. “A good example is Cordova, where the City Hall was destroyed by the tornado. The City owned the old Armory building and actually had an ADECA grant to make it into a public use building. So they moved their council meetings to this building because of the larger space but it didn’t have air-conditioning. ADECA was able to provide them with portable air-conditioning as well as a conference table and chairs. We can provide those types of things that aren’t life-and-death but are assets that help – even in a small degree – to bring a community back to normalcy.”

Long-Term Community Recovery

ADECA’s efforts in Alabama’s recovery will be ongoing and the agency will be working directly with FEMA’s Long-Term Community Recovery LTCR (see Side Bar, right) to coordinate Federal efforts to address comprehensive community recovery issues. “Executive Order 18 (June 13, 2011) names ADECA as the coordinating state LTCR agency,” Byard said. “Alabama is the largest long-term recovery mission since Hurricane Katrina so FEMA is committed to the process and is the lead in marshalling the federal agencies; however, they needed a stateside partner and since ADECA has the

Long-Term Community Recovery (LTCR) and ESF #14

Source: www.fema.gov/rebuild/ltr/

Under the National Response Framework, Emergency Support Function (ESF) #14 Long-Term Community Recovery coordinates the resources of federal departments and agencies to support the long-term recovery of States and communities, and to reduce or eliminate risk from future incidents. Efforts are driven by state/local priorities, focusing on permanent restoration of infrastructure, housing and the local economy. Led by the Federal Emergency Management Agency (FEMA), ESF #14 is supported by four primary agencies including the Departments of Agriculture, Commerce, Homeland Security, Housing and Urban Development and Treasury, as well as the Small Business Administration. A number of other agencies serve in a support role. When activated, ESF #14 provides the coordination mechanisms for the Federal government to:

- Assess the social and economic consequences in the impacted area and coordinate Federal efforts to address long-term community recovery issues resulting from an Incident of National Significance;
- Advise on the long-term community recovery implications of response activities, the transition from response to recovery in field operations, and facilitate recovery decision-making across ESFs;
- Work with State, local, and tribal governments; NGOs; and private-sector organizations to conduct comprehensive market disruption and loss analysis and develop a forward looking market-based comprehensive long-term recovery plan for the affected community;
- Identify appropriate Federal programs and agencies to support implementation of the long-term community recovery plan, ensure coordination, and identify gaps in resources available;
- Avoid duplication of assistance, coordinate to the extent possible program application processes and planning requirements to streamline assistance, and identify and coordinate resolution of policy and program issues; and
- Determine/identify responsibilities for recovery activities, and provide a vehicle to maintain continuity in program delivery among Federal departments and agencies, and with State, local, and tribal governments and other involved parties, to ensure follow-through of recovery and hazard mitigation efforts.

www.fema.gov/rebuild/ltr/

federal relationships, as well as the relationships with the communities, it made sense that we'd be the coordinating state agency."

According to Byard, ADECA has eight employees working at the joint field office in Birmingham who are committed to the LTRC process. "Some of our folks are out meeting with each community," Byard said. "Long-term recovery begins locally. It's not for the Governor or the President to tell these communities what to do; it's up to the mayor and community leaders to decide with their citizens. ADECA's goal is to provide them with another tool in their



Downtown Hackleburg suffered catastrophic damage during the EF-5 tornado on April 27th as is evidenced by this photo taken nearly three months later on July 19th. (Photo by Carrie Banks)

rebuilding process."

Byard said some communities are well ahead of others simply because some are physically easier to reach and because the larger cities have building inspectors as well as fully staffed planning and engineering departments; however, "as a State, we have to treat all the communities equally to make sure they're all moving forward. Places like Ider, Hanceville, Rainsville, Phil Campbell, Hackleburg, Cordova, Concord and other communities which, because they aren't big municipalities, don't have resources such as an engineering department or a building inspector," he said. "They've never been faced with having to inspect a lot of buildings. Some of the communities don't have zoning – and some may not *want* zoning. And that's their business. It's not for the State to say 'yes, you're going to have zoning.' But they *are* going to need building inspection because they're going to be rebuilding a vast majority of their communities. Some communities may want to rebuild using the Greensburg, Kansas model (see Side Bar, opposite page) while others may want to do something entirely different. It's in areas like these that ADECA can be of great assistance. Because these communities are dealing with so many different issues, ADECA will help provide the intellectual capital and the necessary assets, hopefully in the form of additional federal dollars, for each to move forward in a way that best suits the individual city or town."

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Organizing the Partners

Immediately following the April 27th tornado outbreak, ADECA began receiving calls from multiple groups wanting to help. In an effort to include every entity with an interest in supporting the decimated communities, ADECA, in partnership with the Governor's office of Faith and Community Based Initiatives, developed a way to coordinate those efforts through an organized series of Partners Meetings, the first of which was held in late June.

"Many of these partners, such as DesignAlabama, ACE and Your Town, already know exactly how to help our communities," Byard said. "So our goal at the partners meeting was to introduce these agencies, which have tremendous assets, to our Federal liaisons who aren't from Alabama and don't know that, for instance, Auburn has a rural design studio or that the cooperative extension service has assets and resources in all our counties, particularly in the affected areas."

Byard said six strategic areas have been pinpointed: Infrastructure; Community and Economic Development; Community Planning and Capacity Building; Conservation and Natural Resources; Health and Social Services; and Housing. Partners were invited to be involved in their areas of interest with the understanding that some communities may want to use all six areas while others may only need aid from one or two areas. From its initial partners meeting, ADECA set an ambitious time-line (which is fluid and subject to change):

- August 1st – formal assessments to determine what happened and what it means for recovery
- October 31st – communities to complete long-term community recovery plans
- Oct/Nov – community fairs to assist with identifying federal support
- December – recovery support strategy completed

"What's hard to explain to folks is that we're now moving into long-term recovery," Byard said. "Long-term recovery is not like debris removal. It's not a 30-second sound bite. Debris removal is tangible – you can show a picture or footage of something that has an immediate outcome. Long-term recovery is difficult to capture in a news story. Greensburg, Kansas was four years ago and they're only 60 percent complete with their recovery. It's an extensive process. That's just the nature of the beast. Now we have FEMA coming in with mitigation dollars, so the idea behind the long-term community recovery partnership is to be economically efficient and to leverage as many resources as possible. There are only so many dollars in the current economic environment and ADECA has to be very mindful that we're capturing every one of those and that they're being used efficiently."

Byard is also confident Alabama's communities will fully recover. "Alabama's communities are resilient," he said. "Alabama folks weren't waiting for one soul to do

anything for them after the tornadoes. They were doing it for themselves. There was a lot of help, but no local person was standing around waiting on that help; they were pitching in and resolving immediate issues. ADECA's effort towards private/public partnerships will ensure the long-term help happens in a coordinated manner." ■

***LTCR Website Link:** To aid in the LTCR efforts, ADECA has added a link to its website, www.adeca.alabama.gov/ltr/, so interested parties can find pertinent information on the partners program. This site is updated regularly and offers a variety of information related to the six strategic areas. For more information, or to contact ADECA, please visit the website.*

Greensburg, Kansas Long-Term Community Recovery Plan

On May 4th, 2007, a 1.7-mile wide EF-5 tornado destroyed 95 percent of Greensburg, a rural, two-mile wide farming community in Southwestern Kansas with a population less than 1,400. Eleven people died and 63 were injured. More than 500 homes and businesses were damaged and 961 were destroyed. Hazardous waste was spread around town and nearby oil storage tanks were damaged, causing public safety and environmental problems. Utilities were also damaged and needed to be reconstructed, including the water tower. Transportation was halted, and the highway running through town was closed for one month after the storm. About 800,000 cubic yards of debris were hauled away.

On August 15th, 2007, Greensburg adopted a Long-Term Community Recovery Plan that was prepared through the Federal Emergency Management Agency's (FEMA) Long-Term Community Recovery (LTCR) program. The LTCR plan was the culmination of a twelve-week process involving Steering Committee meetings, stakeholder interviews and discussions with citizens, civic groups and business owners as well as local, state, and federal officials. The final plan identified many important projects and their supporting federal and state funding mechanisms.

A Sustainable Comprehensive Plan was one of the projects recommended through the LTCR Plan to serve as a blueprint for redevelopment in Greensburg. In addition, the LTCR Plan also served as a foundation for community input and support. The Vision and Goals defined in the LTCR Plan evolved through the Comprehensive Planning process to provide guidance to Greensburg's redevelopment over the next 20 years. For more information regarding Greensburg's recovery planning process, visit: www.greensburgks.org/recovery-planning

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

Attorney General: The Attorney General was authorized to dismiss an action against pharmacies brought by a district attorney on behalf of the State after the district attorney refused to do so. Generally speaking, the State has an interest in an action that is filed in the State's name and on its behalf to vindicate its policies and concerns for purposes of the statute providing that all litigation concerning the interest of the State is under the direction and control of the attorney general. *Ex parte King*, 59 So.3d 21 (Ala.2010)

Bingo: A County Bingo Act which granted authority to the sheriff to regulate bingo was unconstitutional, and, thus, the sheriff lacked authority, either express or implied, to regulate bingo in Jefferson County. The local Act was in direct conflict with the constitutional amendment which legalized bingo in Jefferson County and delegated certain regulatory authority over bingo to the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. *Chorba-Lee Scholarship Fund, Inc. v. Hale*, 60 So.3d 279 (Ala.2010)

Forfeitures: A consent order in which the State, in a forfeiture case, relinquished any right it had to execute on a defendant's property, pursuant to a plea agreement where the defendant pleaded guilty to a drug trafficking offense, did not operate to bar future claims that arose against the defendant's property as a result of the defendant's nonpayment of the criminal fine that was imposed as part of the sentence on conviction. *State ex rel. O'Dell v. Coker*, 59 So.3d 670 (Ala.2010)

Forfeitures: An inmate's due process rights were violated in a forfeiture action because none of the State's purported means of service in the case, i.e., service of the forfeiture petition at inmate's house, service by publication, or providing a copy of the petition to his attorney of record, were proper, and, thus, the forfeiture judgment against him was void. The State knew or should have known that the inmate was not at the address listed as his residence in the forfeiture petition, and, further, it knew or should have

known that he could not get to that address because, at the time the forfeiture petition was served at his residence, he was confined at a correctional facility. The inmate's request for relief from the forfeiture judgment based on his claim that he had not been served with the complaint was not untimely since a motion for relief from a void judgment was not governed by the requirement that a motion be filed within a reasonable time. *Looney v. State*, 60 So.3d 293 (Ala.Civ.App.2010)

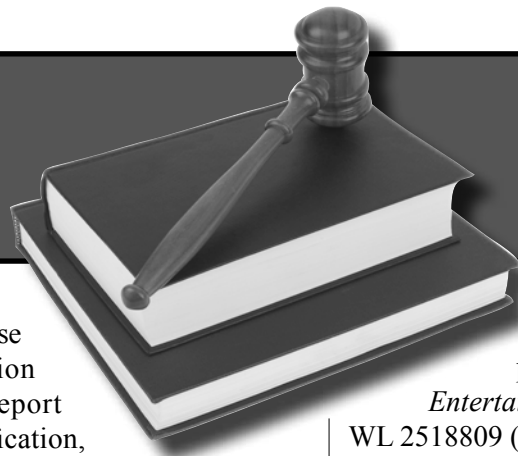
Litigation: A trial court has discretion to tax property owners for costs of depositions incurred by the county after the county prevailed on claims as a matter of law. *Soutullo v. Mobile County*, 58 So.3d 733 (Ala.2010)

Litigation: Although a plaintiff anticipating litigation may request documents or other items of discovery necessary to evaluate his or her potential claim, the requested records may, nonetheless, be protected from disclosure by other provisions of Alabama law, such as the statutory privilege afforded to law-enforcement investigative reports and related material. The items sought by a pre-action discovery request, even when production of the items may serve to prevent a failure or delay of justice, are subject to the same limitations as discovery requests filed in a pending civil action. *City of Mobile v. Howard*, 59 So.3d 41 (Ala.2010)

Tort Liability: A city was entitled to State-agent immunity against a wrongful death claim that alleged police officers acted negligently in failing to arrest a DUI suspect who was released shortly before the suspect inhaled fumes from a can of dust remover and then lost consciousness while driving, striking and killing a pedestrian. The officers did not act beyond their authority when they exercised their judgment and declined to arrest the suspect for DUI as the suspect performed all of the field sobriety tests successfully and did not appear to be impaired. *Downing v. City of Dothan*, 59 So.3d 16 (Ala.2010)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Civil Rights Liability: When a plaintiff's civil rights lawsuit involves both frivolous and non-frivolous claims, the defendant is not entitled to any fees arising from the non-frivolous charges under §1988, which provides that the prevailing party in certain civil rights actions may recover reasonable attorney fees as part of the costs. *Fox v. Vice*, 131 S.Ct. 2205 (U.S.2011)



Courts: The Confrontation Clause does not permit the prosecution to introduce a forensic lab report containing a testimonial certification, made for the purpose of proving a particular fact, through the in-court testimony of a scientist who did not sign the certification or perform or observe the test reported in the certification. *Bullcoming v. New Mexico*, --- S.Ct. ----, 2011 WL 2472799 (U.S.2011)

Elections: Restrictions on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression, implicating the First Amendment. *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, --- S.Ct. ----, 2011 WL 2518813 (U.S.2011)

First Amendment: When a public employee sues a government employer for retaliation under the First Amendment's Speech Clause, the employee must show that he or she spoke as a citizen on a matter of public concern. Even if a public employee speaks as a citizen on a matter of public concern, his or her speech is not automatically privileged, since the First Amendment interest of the employee must be balanced against the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees. *Borough of Duryea, Pa. v. Guarnieri*, --- S.Ct. ----, 2011 WL 2437008 (U.S.2011)

First Amendment: A statute restricting the sale, disclosure, and use of pharmacy records that reveal the prescribing practices of individual doctors and forbidding drug manufacturers from using such information to market their products violates the First Amendment's Free Speech Clause. The First Amendment directs courts to be especially skeptical of regulations that seek to keep people in the dark for what the government perceives to be their own good. *Sorrell v. IMS Health Inc.*, --- S.Ct. ----, 2011 WL 2472796 (U.S.2011)

First Amendment: A law prohibiting the sale or rental of "violent video games" to minors was unconstitutional where the state failed to show either that the law was justified by a compelling government interest or that law was narrowly drawn to serve that interest. While states no doubt possess legitimate power to protect children from harm, that power does not include a free-floating power to restrict ideas to which children may be exposed. Constitutional limits

on governmental action apply, even when protection of children is the object. *Brown v. Entertainment Merchants Ass'n*, --- S.Ct. ----, 2011 WL 2518809 (U.S.2011)

continued next page

How does a person become a candidate for municipal office and when may a candidate for municipal office begin to accept, solicit or receive campaign contributions?

A person becomes a candidate for municipal office either, (1) upon receiving contributions or making expenditures of one thousand dollars (\$1,000) or more, with a view toward bringing about election to office, or (2) upon filing the appropriate qualifying papers to run for municipal office. See Section 17-5-2, Code of Alabama 1975. Within five days after any person becomes a candidate for municipal office, he or she must file with the judge of probate, a statement showing the names of the persons elected to serve as the principal campaign committee for such candidate, together with a written acceptance or consent by such committee, but any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee. See Section 17-5-4, Code of Alabama 1975. Each principal campaign committee and elected municipal official must annually file with the judge of probate, on or before January 31, reports of contributions and expenditures made during the previous year. See Section 17-5-8, Code of Alabama 1975.

A candidate for municipal office must file a statement of candidacy and certify that he or she will have been a resident of the municipality and/or district for not less than 90 days on the date of the election. Additionally a candidate must certify that he or she is a qualified voter for the municipality and must have been a resident of the municipality and/or district at least 30 days prior to the filing of the statement of candidacy. See Section 11-46-25, Code of Alabama 1975.

A candidate, public official, or principal campaign committee may only accept, solicit or receive contributions for a period of 12 months before an election in which the person intends to be a candidate. See Section 17-5-7, Code of Alabama 1975. Pursuant to Section 11-46-21 of the Code of Alabama, the next general election for most municipalities in Alabama will be August 28, 2012. Accordingly, a candidate who intends to run for office in 2012 may begin accepting, soliciting or receiving contributions after August 28, 2011.

Miranda: The age of a juvenile subjected to police questioning is relevant to whether the child was “in custody” at the time for purposes of *Miranda*. Two discrete inquiries are essential to the *Miranda* custody determination: (1) what were the circumstances surrounding the interrogation; and (2) given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave. *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (U.S.2011)

Searches and Seizures: When the Supreme Court strikes down a statute on Fourth Amendment grounds, the good-faith exception may prevent the exclusionary rule from applying in every case pending when the statute is overturned. When the police conduct a search in objectively reasonable reliance on binding appellate precedent, the exclusionary rule does not apply. Excluding evidence in such cases deters no police misconduct and imposes substantial social costs. *Davis v. U.S.*, 131 S.Ct. 2419 (U.S.2011)

ATTORNEY GENERAL’S OPINIONS

Boards: A Water Works and Sewer Board incorporated as a public corporation pursuant to section 11-50-310, *et seq.*, of the Code of Alabama, may not lend money. AGO 2011-071

Firearms: A Sheriff or Chief of Police may not sell or trade condemned guns seized under section 13A-11-84(b) of the Code of Alabama. A Sheriff or Chief of Police

may sell or trade forfeited guns seized for violation of the Alabama Uniform Controlled Substances Act under section 20-2-93 of the Code of Alabama. Proceeds from sales must be deposited in the general fund and made available to the department upon requisition of the chief law enforcement official of such department. Regarding abandoned and other guns, section 11-47-116(a) of the Code of Alabama authorizes municipalities to pass an ordinance to provide for the taking up, storing and sale of abandoned and stolen property. AGO 2011-070

Solid Waste Disposal: A municipality may not use sanitation funds for the purpose of repairing roads damaged by the municipality’s garbage trucks. Use of sanitation funds for this purpose would be in conflict with the stipulated uses of waste disposal funds as prescribed under the Title 22, Chapter 27 of the Code of Alabama. AGO 2011-068

Surplus Property: Ordinances adopted pursuant to sections 11-47-20 or 11-47-21 of the Code of Alabama, which authorize the disposal or leasing of real property, should be considered ordinances “intended to be of a permanent nature” because both affect the general public and operate as definitive, long-term actions. Therefore, such ordinances should be adopted pursuant to the requirements specifically enumerated within section 11-45-2(b) of the Code. AGO 2011-069 ■



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expand and clarify the definition of residential property to include single family dwellings and lots under construction for a period of time. ACT No. 2011-544.

Assaults on Law Enforcement Officers – HB219 by Rep. Wood: To amend Section 13A-6-21 of the Code of Alabama 1975, as amended by Act 2010-565, 2010 Regular Session, Acts 2010, p. 1145), providing the crime of assault in the second degree, to further provide when a peace officer employed by a private entity is a peace officer performing a lawful duty for the purpose of certain assaults. ACT No. 2011-550.

Jobs Creation – Tax Incentives – HB230 by Rep. Galliher: To provide an incentive for job creation in Alabama; and to make legislative findings regarding the purpose of this act. ACT No. 2011-551.

Alabama Streamlined Sales and Use Tax Commission – HB355 by Rep. Hill: To establish the Alabama Streamlined Sales and Use Tax Commission to develop, implement, and administer the programs necessary to come into compliance with the Streamlined Sales and Use Tax Agreement in the event that Alabama becomes a participating member of the agreement; to provide for the commission to serve as the single entity administrator for the collection of sales and use tax in the event that Alabama becomes a participating member of the agreement; and to require the commission to research Alabama's existing tax laws to identify what changes in existing law will be necessary in order to bring Alabama in compliance with the agreement in the event that federal legislation adopting the agreement becomes law. Act No. 2011-563.

DUI Interlock Devices – HB361 by Rep. Hill: To require the use of ignition interlock devices on the vehicles of individuals convicted of DUI. Act No. 2011-613.

County Communication Districts – HB389 by Rep. Boyd: To provide that one or more counties, by resolution of the governing body or bodies, may establish a radio/alert notification communications district comprised of the territory wholly within the county or, in the case of more than one county, the respective counties; to provide for a board of directors comprised of representatives from the counties comprising the radio/alert notification communications district; to provide for the powers, duties, and membership of the board; and to authorize the board to assess a fee to fund the cost of providing radio/alert notification communications within the district. Act No. 2011-675.

Motor Fuels – Tax at the Rack – HB399 by Rep. McCutcheon: To revise the motor fuel tax collection and enforcement system; to impose the tax upon the removal or withdrawal of motor fuel from the terminal using the terminal rack and not by bulk transfer, when the supplier would collect the tax from the entity ordering the removal or withdrawal; to impose the tax when motor fuel is imported into the state, other than by bulk transfer; to impose the tax on blended motor fuel at the point motor fuel is blended; to provide for the levy of the tax on certain products and provide for exemptions; and to provide for licensing and fees, for electronic filing of the returns, disposition of the proceeds of the tax, and penalties for violations. ACT No. 2011-565.

ADEM Moratorium – HB406 by Rep. Baker: Relating to the permitting of solid waste landfills in Alabama, to place a 24-month moratorium on the issuance of permits by the Alabama Department of Environmental Management and any state and local governmental agency to certain solid waste management facilities which receive or are intended to receive waste not generated by the permittee in order to allow adequate time for the Alabama Department of Environmental Management, the Solid Waste Management Advisory Committee, and the Alabama Department of Public Health to perform their responsibilities pursuant to Executive Order 8, and for the development of a comprehensive plan to identify the state's solid waste management needs; and to provide a procedure to allow for a waiver to allow the issuance or modification of permits on a limited basis during the moratorium. Act No. 2011-297.

Employee Contributions for Retirement Increased – HB414 by Rep. Love: To amend Section 12-18-5, Section 16-25-21, and Section 36-27-24, Code of Alabama 1975, to provide for increases in employee contributions for retirement. Act No. 2011-676.

Office of the Attorney General – HB463 by Rep. Ball: Relating to the office of the Attorney General; to amend Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-9, 36-15-10, 36-15-11.1, 36-15-13, 36-15-14, 36-15-16, 36-15-17, 36-15-21.1, 36-15-60, and 36-15-62, Code of Alabama 1975; to make permissive the requirement that the Attorney General provide opinions to state, county, and municipal officials upon the request of the official; to make permissive the requirement that the Attorney General examine state law for constitutional validity; to delete the requirement that the Attorney General participate in preparing the Code of Alabama; to authorize the Legislative Council to employ independent counsel to represent the interests of

the Legislature; to clarify the authority of the Governor to employ personal counsel; to delete the requirement that a written contract designating the Attorney General as the recipient of any fees, fines, restitution, forfeitures, penalties, costs, interest, or judgments be reviewed by the Contract Review Permanent Legislative Oversight Committee; to authorize the Attorney General, after October 1, 2009, to accept attorney's fees, expenses, and penalties only up to an amount equal to the actual expenses of the office and to require the Attorney General to certify those amounts only to the Chairs of the Committee on Finance and Taxation General Fund and the Ways and Means General Fund Committee and the State Budget Officer; to permit attorneys licensed outside of Alabama to be appointed as deputy attorneys general; to update certain provisions relating to the employment of office employees; to remove certain provisions providing for the appointment of non full-time assistant attorneys general; to delete the requirement that such assistants maintain offices at the Capitol; to prohibit assistant and full-time deputy attorneys general from maintaining private law offices; to increase the number of non-merit employees the Attorney General may appoint; to clarify the authority of the Attorney General, deputy attorneys general, and assistant attorneys general to issue subpoenas, which may be issued at any time, whether or not a grand jury is in session, and provide for the enforcement of those subpoenas; to specify that when the Attorney General superintends and directs any criminal prosecution, the district attorney, if requested, shall assist; to authorize assistants to the Attorney General to render official opinions in the absence of the Attorney General and the chief deputy; to delete the requirement that certain specific information related to state litigation be organized in a particular manner; to provide for the status of investigators within the classified service of the state; to add Section 36-15-62.1 to the Code of Alabama 1975, to make it a crime to provide false statements relating to any matter under investigation by the Attorney General and provide penalties. ACT No. 2011-574.

Good Samaritan Law – HB510 by Rep. Collins: To amend Section 6-5-332 of the Code of Alabama 1975, the Good Samaritan Law, to provide civil immunity to any person, who, in good faith and without compensation, participates in emergency response activities. ACT No. 2011-579.

Redistricting - State Board of Education - HB621 by Rep. McClendon: To repeal and reenact Section 16-3-1.1, Code of Alabama 1975, relating to the division of the state into State Board of Education districts, so as to redistrict the state's State Board of Education districts based upon the 2010 federal census. Act No. 2011-677.

Electronic Overseas Voting Advisory Committee

– SB55 by Sen. Dial: Relating to elections and the provision of secure overseas absentee voting by electronic transmission; to establish the Alabama Electronic Overseas Voting Advisory Committee to determine whether a secure electronic means may be established for use by the Secretary of State to conduct overseas absentee voting; to provide a procedure for the adoption of rules by the committee and the Secretary of State for conducting overseas absentee voting; to require the committee and the Secretary of State to determine the requirements for a request and receipt of an overseas absentee ballot, for the return of a voted overseas absentee ballot, for an overseas voter certificate, for the instructions for voting an overseas absentee ballot, and for the processing of a voted overseas absentee ballot; and to require the Secretary of State to adopt rules regarding emergency overseas absentee voting rule powers and situations during which those powers may be exercised. ACT No. 2011-619.

DUI – SB67 by Sen. Glover: Relating to Alabama's DUI law; to amend Section 32-5A-191 of the Code of Alabama 1975; to provide for a mandatory sentence of at least double the minimum punishment for a person convicted of DUI who has 0.15 percent or more by weight of alcohol in his or her blood within four hours of operating or being in control of a motor vehicle. ACT No. 2011-621.

DROP – New Participation Prohibited & Limits on Interest Paid on DROP Accounts – SB72 by Sen. Marsh: To amend Sections 16-25-150 and 36-27-170 of the Code of Alabama 1975, relating to the Deferred Retirement Option Plan, to prohibit new participation in the plan and limit interest paid on accounts. Act No. 2011-27.

Industrial Development Authority – SB76 by Sen. Marsh: To amend Section 41-10-27, Code of Alabama 1975, to remove the requirement that a grantee receive fair market value for selling land it owns for which a grant is made. ACT No. 2011-215.

CA – Occupational Tax Prohibited in Baldwin County – SB99 by Sen. Pittman: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Baldwin County. ACT No. 2011-268.

CA – Occupational Tax Prohibited in Tuscaloosa County – SB100 by Sen. Allen: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Tuscaloosa County. ACT No. 2011-269.

Fertilizer Ordinances – SB123 by Sen. Whatley: To prohibit a county or municipal government from adopting

any ordinance, rule, or resolution pertaining to the subject of fertilizers; to reserve actions relating to the entire subject of fertilizers to the Department of Agriculture and Industries; and to provide certain exceptions. ACT No. 2011-624.

Electronic Uniform Nontraffic Citation and Complaint – SB185 by Sen. Fielding: Relating to the issuance of a complaint and summons or notice to appear in court for persons arrested for misdemeanor non-traffic violations; to provide for the use of an electronic uniform non-traffic citation and complaint (eUNTCC), as an alternative method for issuing tickets; to provide for a notice to appear in court similar to the e-tickets used for traffic offenses. ACT No. 2011-628.

Alcoholic Beverages – Brew Pub Licenses – SB192 by Sen. Holtzclaw: To amend Sections 28-4A-2, 28-4A-3, 28-4A-4, and 28-4A-6, Code of Alabama 1975, the Alabama Brewpub Act, to remove certain limitations on brewpub operation and to allow brewpub licensees to sell beer brewed on-premises to a licensed wholesaler for distribution to retail licensees. ACT No. 2011-630.

Code Update – SB206 by Sen. Holley: To adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2009 First Special Session and the 2010 Regular Session as contained in the 2010 Cumulative Supplement to certain volumes of the code and 2010 Replacement Volumes 7A, 17A, 18, and 18A; to adopt and incorporate into the Code of Alabama 1975, 2010 Cumulative Supplements to local law volumes; and to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975, and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any other 2010 Special Session statutes or 2011 session statutes; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes. ACT No. 2011-236.

Educational Warrants – SB219 by Sen. Waggoner: Relating to financing for public education, to authorize county and city boards of education to issue interest-bearing warrants for educational purposes, with the approval of the State Superintendent of Education, and payable from such revenues or tax proceeds as are lawfully available; the warrants would be sold at public or private sale, and the warrants and interest thereon are tax exempt. ACT No. 2011-631.

Ethics – SB222 by Sen. Marsh: To amend Section 36-25-7, Code of Alabama 1975, as amended by Act 2010-764, 2010 Special Session, relating to prohibited offers or gifts or the solicitation of gifts for public officers, employees, and their family members for the purpose of influencing official action, to clarify that the prohibited offer, gift, solicitation, or receipt of anything, as contemplated in Section 36-25-7, must be for the purpose of corruptly influencing official action, and defining the term corruptly. ACT No. 2011-632.

Education – Days of Instruction – SB271 by Sen. Orr: To amend Section 16-13-231, Code of Alabama 1975, relating to K-12 instructional days; to allow a local board of education, upon approval of the State Superintendent of Education, to make up cancelled instructional days due to weather or other extenuating circumstances by adjusting the hours of actual instruction. ACT No. 2011-235.

Education – Students First Act – SB310 by Sen. Pittman: To establish the Students First Act of 2011; to provide rights, remedies, and obligations with respect to employment actions affecting or involving certain employees or categories of employees of certain educational institutions, including county and city boards of education; to repeal existing statutes that are in conflict or that are otherwise



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inconsistent with this bill, including, but not limited to, portions of the Teacher Tenure Law, the Fair Dismissal Act, and Section 16-24B-7, Code of Alabama 1975, relating to teacher transfers. ACT No. 2011-270.

Redistricting – U.S. Congress – SB484 by Sen. Dial: To repeal and reenact Section 17-14-70, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the state's congressional districts based upon the 2010 federal census. ACT No. 2011-518.

Proposed Constitutional Amendments

HB60, Act No. 2011-617 – Mandatory participation in health care system prohibited.

HB64, Act No. 2011-656 – Secret ballot for public office and employee representation guaranteed.

HB368, Act No. 2011-257 – Montgomery Co., board of education.

HB439, Act No. 2011-352 – Madison Co. dangerous dogs in unincorporated areas.

HB588, Act No. 2011-316 – Baldwin Co., Stockton Landmark District, boundaries defined, annexation by local law prohibited.

SB99, Act No. 2011-268 – Baldwin Co., occupational tax prohibited.

SB100, Act No. 2011-269 – Tuscaloosa Co., occupational tax prohibited.

SB112, Act No. 2011-353 – Poll taxes and segregation of schools by race deleted other Sections repealed or amended.

HB148, Act No. 2011-256 – Hale Co., ad valorem tax for new jail.

SB344, Act No. 2011-301 – Marion Co. court costs.

SB369, Act No. 2011-315 – Forever Wild Land Trust reauthorized.

SB466, Act No. 2011-543 – Prichard, Water Works and Sewer Board.

SB512, Act No. 2011-310 – Hale Co., additional ad valorem taxes authorized for county jail

Local Acts

HB30, Act No. 2011-237 – Marengo Co. probate recording fees

HB31, Act No. 2011-238 – Marengo Co. probate judge filing fee

HB66, Act No. 2011-120 – Northport, Sunday alcohol sales authorized, referendum

HB72, Act No. 2011-119 – Daleville, sale of draft or keg beer authorized, referendum

HB73, Act No. 2011-118 – Ozark, sale of draft or keg beer authorized, referendum

HB187, Act No. 2011-239 – Escambia Co., process service fee increased

HB288, Act No. 2011-244 – Monroe Co., Internet property tax payments fee authorized

HB289, Act No. 2011-245 – Monroe Co., license tag renewal fee authorized

HB397, Act No. 2011-246 – Dothan, ad valorem tax for school authorized

HB430, Act No. 2011-251 – Jasper, sale of draft or keg beer authorized on council approval

HB431, Act No. 2011-252 – Class 5 municipalities with mayor/commission/city manager form of government, qualifying date for candidates

HB442, Act No. 2011-569 – Midfield, red light cameras authorized

HB452, Act No. 2011-319 – Shelby Co., electronic filing of taxes authorized

HB458, Act No. 2011-262 – Athens, sale of draft or keg beer authorized on council approval and regulation

HB470, Act No. 2011-320 – Colbert Co., solicitor's fee continued

HB476, Act No. 2011-298 – Montgomery, speed limit cameras authorized

HB491, Act No. 2011-322 – Winfield, theater board for Pastime Theater authorized

HB511, Act No. 2011-580 – Center Point, red light cameras authorized

HB515, Act No. 2011-584 – Birmingham, police and firefighter pension system investments

HB521, Act No. 2011-585 – Birmingham, police and firefighter pension system investments

HB530, Act No. 2011-263 – Pike Road, ad valorem tax for schools, referendum

HB539, Act No. 2011-587 – Montgomery Co., service of process fee

HB540, Act No. 2011-588 – Lee Co., sales and use tax outside corporate limits authorized

HB559, Act No. 2011-324 – Chilton Co., court costs increased

HB562, Act No. 2011-299 – Washington Co., solicitor's fee authorized equal to Fair Trial Tax Fund

HB563, Act No. 2011-590 – Phenix City, police chief authorized to sale unclaimed property

HB567, Act No. 2011-300 – Calhoun Co., court costs

HB570, Act No. 2011-325 – Clay Co., coroner expense allowance

HB571, Act No. 2011-326 – Clay Co., pistol permits fee increased

HB574, Act No. 2011-328 – Shelby Co., ordinances relating to county property

HB575, Act No. 2011-591 – Madison Co., pistol permits fee increased

HB583, Act No. 2011-330 – Shelby Co., court costs increased

HB584, Act No. 2011-331 – Shelby Co., solicitor's fee authorized equal to Fair Trial Tax Fund

HB585, Act No. 2011-332 – Shelby Co., solicitor's fee, distribution to municipal court

HB586, Act No. 2011-593 – Bibb Co., use of County Capital Improvement Fund authorized
HB587, Act No. 2011-663 – St. Florian, Sunday alcohol sales authorized
HB590, Act No. 2011-334 – Calhoun Co., additional court costs
HB604, Act No. 2011-598 – Macon Co., county commission authorized to set licenses fees
HB605, Act No. 2011-599 – Macon Co., duties as to roads
HB613, Act No. 2011-602 – Marshall Co., TVA in-lieu-of-taxes distribution
HB622, Act No. 2011-601 – Etowah Co., sales and use tax distribution
HB624, Act No. 2011-658 – Madison Co., licensure of alcoholic beverages
HB627, Act No. 2011-600 – Cullman Co., transfer of property to board of education
HB630, Act No. 2011-605 – Washington Co., road supervision
HB661, Act No. 2011-607 – Tuscaloosa Co., circuit and district court costs
HB662, Act No. 2011-608 – Madison Co., municipal court fee
HB664, Act No. 2011-662 – Jefferson Co., license tax levy authorized
HB668, Act No. 2011-609 – Cleburne Co., court costs in traffic cases authorized
HB670, Act No. 2011-610 – Colbert Co., pistol permit fees
HB676, Act No. 2011-611 – Jackson Co., TVA in-lieu-of-taxes distribution
SB208, Act No. 2011-265 – Perry Co., lodging tax levied
SB221, Act No. 2011-150 – Coosa Co., regulation of water systems by municipalities
SB293, Act No. 2011-203 – Lee Co., sheriff authorized to sell unclaimed firearms
SB294, Act No. 2011-204 – Lee Co., constable abolished
SB315, Act No. 2011-699 – Class 2 municipalities, liquor license appeals to circuit court
SB339, Act No. 2011-217 – Talladega Co., solicitor's fee authorized equal to Fair Trial Tax Fund

SB342, Act No. 2011-336 – Class 1 municipalities, interest rate on waterworks board deposits
SB356, Act No. 2011-337 – Montgomery, speed camera enforcement
SB377, Act No. 2011-313 – Baldwin Co., court costs for law library
SB378, Act No. 2011-523 – Lee Co., sales and use tax outside corporate limits
SB405, Act No. 2011-292 – Athens, sell of keg beer or malt beverages on council approval
SB411, Act No. 2011-524 – Opelika, red light cameras authorized
SB456, Act No. 2011-267 – Morgan Co., TVA in-lieu-of-taxes distribution
SB473, Act No. 2011-527 – Marshall Co., TVA in-lieu-of-taxes distribution
SB479, Act No. 2011-649 – Lauderdale Co., solicitor's fee continued
SB480, Act No. 2011-650 – Lauderdale Co., court costs for drug task force
SB481, Act No. 2011-651 – Lauderdale Co., pretrial diversion program established
SB490, Act No. 2011-653 – Marion Co., court costs in domestic violence cases
SB503, Act No. 2011-654 – Jackson Co., TVA in-lieu-of-taxes distribution
SB511, Act No. 2011-711 – Jefferson Co., solicitor's fee authorized equal to Fair Trial Tax Fund

Annexation Acts

HB280, Act No. 2011-241 – Foley
HB589, Act No. 2011-333 – Hollywood
HB629, Act No. 2011-604 – Killen
SB322, Act No. 2011-266 – Piedmont
SB421, Act No. 2011-314 – Thomasville
SB482, Act No. 2011-652 – Gulf Shores ■

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Mayor George Evans, Selma
Mayor Sheldon Day, Thomasville

transformed densely forested acreage into vast fields of mangled stubs.

Haleyville immediately dispatched several fire and police vehicles as well as other personnel to Hackleburg to assist. Guin, Hamilton and Winfield also sent support. Shortly afterwards, Phil Campbell (population 1,090), 13 miles north of Hackleburg in Franklin County, was hit by the same storm, killing more than 30 people and leveling many structures. Haleyville responded immediately by sending a rescue squad, a backhoe and water department personnel to the area to clear roads for emergency vehicles.

But it wasn't over. Around 5:30 p.m., Haleyville was slammed with a separate tornado – an EF-3 that damaged or destroyed 64 homes and four businesses, prompting Mayor Sunseri to declare a state of emergency and impose a 10 p.m. to 6 a.m. curfew. The balance of Haleyville's employees – those not sent to neighboring communities – immediately began search and rescue sweeps in their own backyard.

Throughout the region, power was lost, cell towers were rendered useless and Internet access was eliminated. With the exception of face-to-face exchanges, communication was nonexistent. For smaller municipalities, multiday power loss is a crisis irrespective of tornado destruction, particularly when generators are unavailable or in short supply. Without power, the water supply is threatened – an especially critical situation for area hospitals – refrigerated food spoils rapidly (25 tons in Haleyville), gas pumps and ATMs won't work and commerce shuts down. In a region already struggling from double-digit unemployment, the loss of even a few days of economic infrastructure is dire. Add to that the aftermath of Alabama's worst natural disaster and a waking nightmare unfolds. Hundreds of people suffered catastrophic loss – possessions, homes, jobs and, in at least 244 instances, family members. First responders, navigating through unimaginable debris, struggled to identify places they'd known their entire lives because familiar landmarks were gone.

Lack of communications was a critical issue for the communities in Marion, Franklin and Winston Counties following the tornadoes because cell and satellite phones weren't working. Hamilton sent a runner to Hackleburg to personally notify the mayor that there would be a conference call with the Governor a few days after the tornado outbreak and that he needed to be on the call. The overwhelming consensus of the mayors speaking with me was that ham radios were desperately needed in their communities. They were all willing to send help

City of Haleyville Organizes Relief Supplies for Neighboring Communities

Immediately following the EF-5 and EF-3 tornadoes that struck Marion, Franklin and Winston Counties on April 27th, the City of Haleyville rented warehouse space and hired two temporary

disaster relief employees to sort, label and organize relief supplies for its citizens as well as those in the surrounding communities. Thousands of volunteer hours have



been involved in the recovery and relief distribution efforts. Initially, 53-foot trailer loads of supplies would arrive to the warehouse – all of which had to be sorted for distribution. Three months after the tornadoes, supplies were still being received from churches and other relief agencies. On July 18, a van load of school supplies was delivered to Hackleburg from the Haleyville warehouse. In addition to its warehouse, Haleyville created a Facebook page to alert residents about important FEMA and EMA updates as well as lists of specific items needed in the affected areas. The page, which has more than 725 followers, is updated every few days as necessary.

Pictured: Haleyville Mayor Ken Sunseri with temporary disaster relief employees Vickie Weaver and Susan Holley in the distribution warehouse rented specifically for relief supplies following the April 27th tornadoes.



– and, indeed, *did* provide resources to their neighbors – but without the ability to quickly communicate, immediate and specific aid was hampered.

Beyond communication issues, the disaster’s aftermath brought its own set of unique challenges: volunteers, supplies, relief aid and more volunteers – all of which required organization and direction. Shelters were opened and hot meals prepared for displaced victims; water was distributed; fuel was secured for generators and vehicles; volunteers arrived to the area in-mass; and donations began pouring in from around the country. Water, food, tarps, snacks and first aid kits were sent daily to victims along the tornado routes. Volunteers began clearing debris from roadways and affected areas. Within hours of the outbreak, Haleyville



The EF-5 tornado that struck Hackleburg on April 27th transformed neighborhoods and heavily forested acreage into vast fields of mangled stubs and empty driveways. (Photo by Carrie Banks)

became a distribution point for supplies. Huge amounts of food, clothing and equipment arrived daily on multiple 53-foot trailers. To handle the influx, warehouse space was rented and two temporary workers were hired to sort and label items which were then distributed to Hackleburg, Phil Campbell and Haleyville residents. Three months following the disaster, Haleyville was still operating its warehouse and sending supplies to its neighbors – including a van load of school supplies to Hackleburg on July 18th in preparation for the start of the school year this month when students will convene for class in temporary trailers.

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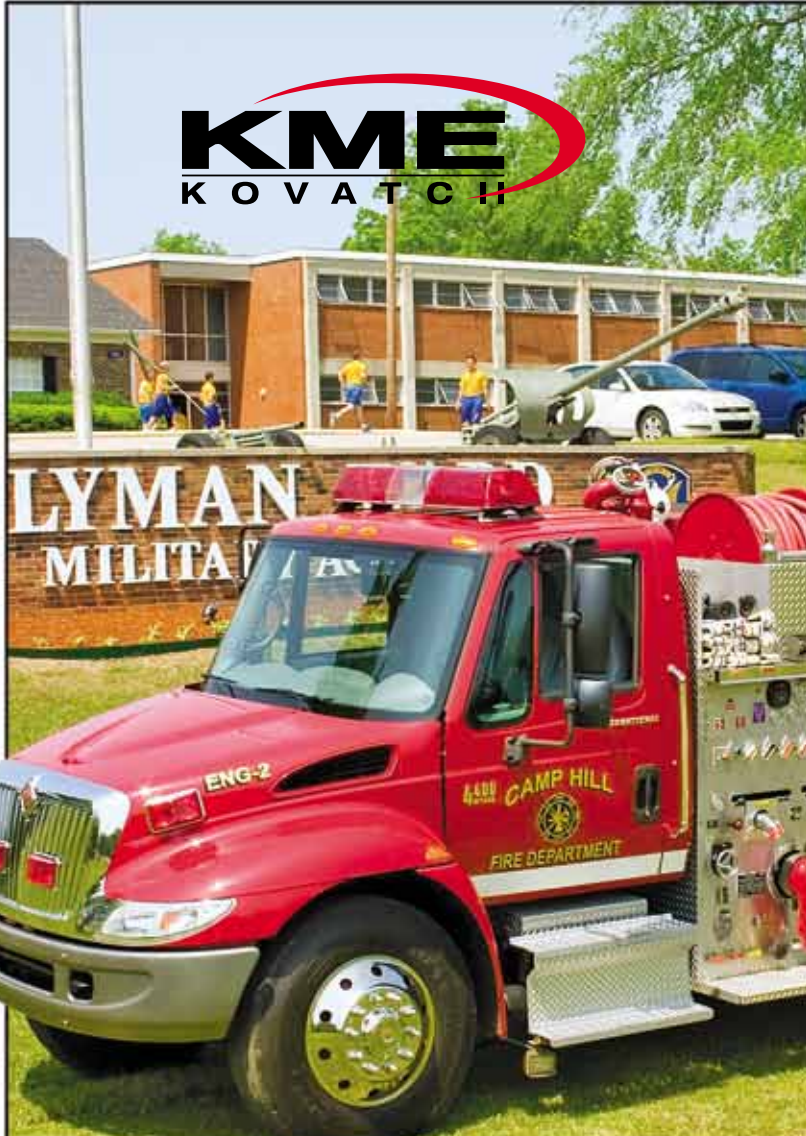
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“When Camp Hill Fire Department was blessed with the opportunity to purchase our first new fire apparatus, we made the decision to purchase a KME pumper from NAFECO. We have never regretted that decision. John Wilson, Brandon Oaks, the late Gary Sherrill, all the Oaks family and support personnel are extremely knowledgeable and have been a pleasure to work with. Camp Hill Fire Department and Community are proud of our relationship with KME and NAFECO.”

*Fire Chief David Berry
Camp Hill Fire Department
Lyman Ward Military Academy, Alabama*



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What I experienced on my July 19th visit to this picturesque area of northwest Alabama is difficult to describe. I heard incredible stories of cooperation and compassion, leadership and civility, selflessness and humanity. I was reminded that the significant struggles of small, rural communities following a natural disaster are quite different than those of their larger counterparts. Mostly, however, I was deeply touched by the drive and dedication of the local leaders. I visited towns that were absolutely devastated but whose people were resolute – people who immediately began taking up the challenge to find a future in the aftermath of disaster. ■



Carrie

As an EF-5 tornado ripped apart most of Hackleburg on April 27th, Mayor Douglas Gunnin huddled with several residents inside the town's jail cells, which were built prior to World War II and connected to the back of the Police Department. When they emerged, the jail cells had survived; the remainder of the Police Department, however, had been destroyed. (Photo by Carrie Banks)

AMFund Finances New Priceville Fire Truck

AMFund congratulates the Town of Priceville on their recent purchase of a new fire truck and thanks them for choosing AMFund as their financing option. AMFund is designed specifically for municipal entities to take advantage of competitive financing terms for equipment and capital improvement projects.

“Our experience with AMFund was extremely positive. We were able to use AMFund to finance our new fire truck and lower our interest rates by re-financing our existing municipal complex. We submitted the simple application from the website along with our financial audits and within two weeks we had our approval. From the application process to the closing, AMFund was there to answer our questions and provide the customer service we needed to make this a hassle-free transaction. AMFund provided us the competitive rates and terms that worked with our budgets. I can’t imagine the process being any easier for a municipality in need of financing a capital improvement or infrastructure project or an equipment purchase. You owe it to yourselves and your municipality to contact AMFund and allow them to provide you with rates and terms for your next financing need.”

– **Mayor Melvin Duran, Priceville**

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Pictured left to right: AMFund President Greg Cochran, Priceville Councilmember Larry Waddell, Priceville Mayor Melvin Duran and AMFund Chairman Mayor Roy Dobbs of Berry.

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