

The Alabama Municipal JOURNAL

January 2011

Volume 68, Number 7



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On the Cover:

**58th Annual Arts and Crafts Festival
Fairhope, Alabama**

By Dianne Herzog

Winner: 2011 League Photography Contest

The 58th Annual Fairhope Arts and Crafts Festival (March 19-21, 2010) held in the streets of downtown Fairhope featured over 230 artists and attracted more than 250,000 visitors. The Festival has a national reputation for Southern Hospitality and is organized annually by a team of more than 100 community volunteers.

Active Members (443)

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A Message from the

Editor



2011 may prove to be a very interesting year, indeed! When the Legislature was called into Special Session last month, it convened with a Republican majority for the first time in 136 years. Members of the House and Senate then passed unparalleled ethics reform – making Alabama’s new rules some of the most stringent in the nation. On January 13th, the League’s Legislative Committee will meet to determine our organization’s 2011 legislative package. This year in particular, it will be more important than ever for municipal leaders to contact their legislators and begin a dialogue with state officials prior to the start of the 2011 Legislative Session. For more than 75 years, the League has repeatedly demonstrated that the *unified voices* and *collective actions of dedicated municipal officials* are a compelling force in articulating the concerns, solving the problems and achieving the goals of its member municipalities.

Annual Convention Slated for Huntsville April 30 – May 3, 2011

Be sure to mark your calendars for the **League’s Annual Convention April 30 through May 3 at the Von Braun Center in Huntsville**. **NOTE:** registration forms will **NOT BE MAILED** this year. Instead, you can register online at www.alalm.org or by using the registration forms provided on pages 26 and 27 of this publication. **Online registration will be available beginning January 14.** Contact Theresa Lloyd at theresal@alalm.org with any questions regarding registration and please make every effort to attend this year’s convention!

Also, be sure to flip to page 30 and meet the League’s Membership Department. In addition to any membership questions, Theresa, Cindy and Krystle are the people you should contact with questions concerning Annual Convention.

Municipal Photography Contest Winners

I’d like to thank everyone who shared their municipal photos for our fourth annual contest. Sixty-eight photos were submitted for consideration and, as you might imagine, it was a very difficult decision choosing our top three entries. Dianne Herzog’s “Fairhope Arts & Crafts Festival” was the winning photo and is featured on the cover of this issue of the *Journal*. Jeanne Fitzgibbon’s “Sail Camp” (Orange Beach) and Mark Green’s “Tribute to First Responders” (Leesburg) were chosen as 2nd and 3rd place winners and may be used as *Journal* covers later in the year. The Alabama League of Municipalities will keep all photos on file for possible future use on the League’s website, in League publications and/or with various League projects.

CMO Program Scheduled for January 18 at Samford University in Birmingham

This CMO session, which will explore Environmental Regulations and Planning for Municipalities, includes topics such as: Curb-Side Recycling; Alternative Fuels; Overview of the Clean Air and Clean Water Acts; Brownfield Redevelopment; Stormwater – Phase I & II Municipal Requirements; Municipal Waste Supply Issues; and EPA Criminal Enforcement. Space is limited to 200 so if you’ve not already registered, do so immediately. For more information, visit our website at www.alalm.org or contact Cindy Price at **334-262-2566**.

League Programs – Value-Added Services

For 75 years, the Alabama League of Municipalities has worked diligently to strengthen our towns and cities. In addition to its educational, legislative and legal functions, the League has developed a number of special programs over the years to benefit member municipalities. See page 6 for an overview of two such programs: AMIC and MWCF. With the introduction of the Municipal Workers Compensation Fund in 1976, the League found yet another way to fortify Alabama’s cities and towns. The Alabama Municipal Insurance Corporation was founded in 1989 during a time when liability insurance proved elusive for municipalities. For several decades, both programs have worked tirelessly on behalf of Alabama’s cities and towns and each has a solid record of protecting its members, especially during times of economic uncertainty.



Carrie

The President's Report

Charles Murphy • Mayor of Robertsdale



Recession's Effects Intensify in Cities

Reprinted from a report by The National League of Cities.

Cities' finances continue to weaken under the strain of the recession, resulting in cities being less able to meet their fiscal needs in 2011 and beyond. According to the National League of Cities' annual report on cities' fiscal conditions, financial officers report the largest spending cuts and loss of revenue in the 25-year history of the survey.

In the research brief, "City Fiscal Conditions in 2010", 87% of city finance officers report their cities are worse off financially than in 2009. City revenues – as generated in property, sales and income taxes – will decline -3.2% in inflation-adjusted dollars according to finance officers. To compensate, city officials are cutting back spending, with expenditures declining by -2.3%. These are the largest cutbacks in spending in the history of the survey and the fourth year in a row that revenue declined.

Financial pressures are forcing cities to lay off workers (79%), delay or cancel capital infrastructure projects (69%) and modify health benefits (34%). There were also significant increases in the number of officers reporting across-the-board services cuts (25%) and public safety cuts (25%). Public safety is usually reduced only as a last resort option.

"This historic recession has forced city officials to make difficult decisions that impact the social and economic fabric of their communities," said Ronald O. Loveridge, mayor of Riverside, CA and president of NLC. He continued, "This recession is making city officials fundamentally rethink and repurpose the provision of services in their communities. Some are innovating and finding creative solutions but, regrettably, without the necessary resources, cities will continue to have a difficult time assisting their residents through these trying economic times."

The ongoing weakness in the housing market, along with poor retail sales, has reduced the available revenue by significant margins. The responses from the finance officers clearly illustrate that the effects of the economic crash are intensifying in cities. Because most tax revenue is collected at specific points during the year, and since it takes time for housing assessments to catch up to current values, cities will still be feeling the full effect of the downturn in 2011. The national economy's slow recovery to date also means the recession's effects will potentially linger in cities for several more years.

"These stark numbers continue the trend we've been seeing for the past several years: lower revenue and reduced services at a time when there is an increased demand for services," said co-author Christopher Hoene, director of the Center for Research and Innovation for the National League of Cities. He continued, "Unfortunately, because of the loss in revenue, cities will face even more difficult circumstances in the months, if not years, to come."

Cities have been forced to confront low consumer spending, unemployment and cuts in state aid that have severely affected the types of services and the manner in which they are offered by cities. In response, many cities are revisiting the range of services provided and looking for new service-delivery models in order to balance budgets and minimize the impacts of cuts on residents.

"While certain segments of the economy may be under recovery, cities as a whole are not yet experiencing growth," said co-author Michael A. Pagano, Dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago. He continued, "As a consequence, cities are facing very serious financial hurdles right now in providing basic public services."

NLC conducts the survey each year in partnership with the University of Illinois at Chicago's College of Urban Planning and Public Affairs, a nationally recognized innovator in education, research, and engagement in support of the nation's cities and metropolitan areas. Michael A. Pagano, Dean of the College, has helped conduct the survey and author the report since 1991.

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

Through its Center for Research and Innovation, NLC develops, conducts and reports research on issues affecting cities and towns. The Center assists cities and their leaders to implement innovative practices by providing qualified information and technical assistance. ■

Protecting Your Municipal Assets – What to Consider When Selecting an Insurance Carrier

By: Steve Wells, AMIC President

If it's too good to be true... There's no free lunch. Don't take any wooden nickels!

If you're a public official who's been around a while, you know that when it comes to buying insurance to protect your municipality's assets, it can be a daunting task. Insurance, while generally considered boring, is actually complicated and expensive. When the insurance market is soft, you usually have lots of competition and choices. When it's a hard market, however, commercial carriers are difficult to find – at any price.

Most public entities throughout the country turn to their state leagues for a solution to their long-term insurance needs. Municipalities in Alabama are no different. The Alabama League of Municipalities created the Municipal Workers Compensation Fund (MWCF) and the Alabama Municipal Insurance Corporation (AMIC) 33 and 21 years ago, respectively, to solve the long-term insurance needs of our state's municipalities. But today, with tight budgets and an extremely soft insurance market, you may be faced with deciding whether to stay with your League programs or go with a commercial insurance carrier that has just come into the market offering extremely low rates.

*Insuring the Future of Local
Government...Is YOUR
Future Covered?*

From where we sit, the answer is obvious: **stay with the programs that have been protecting you for three decades.** For you, the elected official who is responsible for closing the budget gap, the answer is not so simple.

Therefore, we encourage you to consider the following before you make your decision:

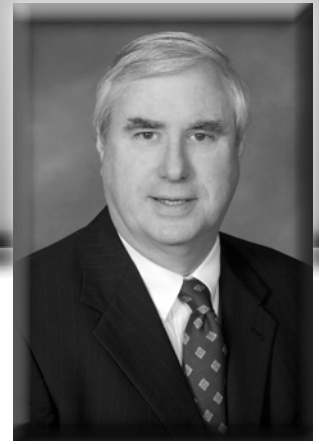
- How many times in the last 20 years has the commercial carrier decided not to write business in Alabama?
- Is the commercial carrier willing to write a multi-year policy?
- Does the commercial carrier exclude certain parts of the state (coastal cities)?
- Does the commercial carrier offer claims made or occurrence coverage? (Claims made coverage could cost you up to 100 percent of your annual premium to extend coverage. There is no additional cost for occurrence coverage.)
- How do your rates compare today with your rates 5, 10 or 20 years ago? (FYI- AMIC hasn't raised its rates in over 20 years.)
- Is your property written on a replacement cost basis or ACV (Actual Cash Value)?
- Are all of your vehicles and buildings included in the quote?
- Does the commercial carrier's claims adjusting firm reside within the state of Alabama?

These are just a few of the questions that have a tremendous impact on the quality of service your insurance carrier can provide, as well as the long-term costs of your insurance coverage. Remember, neither of the League's insurance programs has ever promised to be the cheapest carrier in any given year. However, the League's insurance programs have always been the most cost effective and best alternative over a 10+ year period. For more information, visit www.alalm.org or www.amicentral.org.

So, if you will indulge me one more cliché:
A promise kept is a promise earned.

Municipal Overview

Perry C. Roquemore, Jr.
Executive Director



League's Legislative Committee to Determine 2011 Legislative Program

In every session of the Alabama Legislature since 1935, the Alabama League of Municipalities has served as the guardian and voice of municipal interests. Through the years, League legislative programs have produced more than 400 general acts which directly benefit municipal government and its citizens. Cities and towns in Alabama now receive many millions of dollars each year in state-shared revenues as a direct result of the League's legislative efforts. In addition to working for passage of League legislative proposals, the League staff continually monitors and reports on all types of legislation, at both the state and federal levels, which may affect municipalities.

On January 13, the League's Committee on State and Federal Legislation will meet at League Headquarters to consider the recommendations of the League's five standing committees and to develop the League's 2011 legislative program. This committee, which meets every year prior to the Regular Session of the Alabama Legislature (slated for March 1 this year), also carefully studies proposed legislation which may prove harmful to municipal government. While the Legislature is in session, the committee may meet to assess the progress of the League program and to review potentially dangerous legislation – a very real prospect this year given the significant change in the structure of the Alabama Legislature following the November 2nd elections. For the first time in our lifetime (in fact, the first time in 136 years), Republicans will control both houses of the Alabama Legislature with strong majorities in each house. Many seasoned legislators will not be returning. Therefore, it is very important that all municipal officials forge a relationship with their Representatives and Senators, both incumbents and newcomers, and begin a dialogue with them on the issues facing municipal government. The unified voices of our members are a

compelling force in articulating the concerns, solving the problems, protecting the interests and achieving the goals of Alabama's municipalities.

The members of the 2011 Committee on State and Federal Legislation are listed below. The League thanks these individuals for serving and for helping guide the legislative efforts of our organization.

Chair: Council President Debbie Quinn, Fairhope (32)

Vice Chair: Councilmember Sadie Britt, Lincoln (11)

Members from State Senatorial Districts

(shown in parenthesis)

Councilmember Hermon Graham, Florence (1)

Mayor William R. Marks, Athens (2)

Mayor Paul Finley, Madison (3)

Councilmember Garlan Gudger, Cullman (4)

Mayor Walt Maddox, Tuscaloosa (5)

Mayor Phil Segraves, Guin (6)

Councilmember Richard Showers, Huntsville (7)

Mayor Rickey Steele, Sr., Stevenson (8)

Mayor Tommy Battle, Huntsville (9)

Councilmember Robert Avery, Gadsden (10)

Mayor Carroll L. Watson, Lincoln (11)

Mayor Leon Smith, Oxford (12)

Mayor LaFaye Dellinger, Smiths Station (13)

Mayor Billy Joe Driver, Clanton (14)

Mayor S. Earl Niven, Chelsea (15)

Mayor Don Murphy, Pelham (16)

Mayor Gene Melton, Trussville (17)

Mayor William Bell, Birmingham (18)

Councilmember Jesse Matthews, Bessemer (19)

Mayor Tom Henderson, Center Point (20)

Councilmember Steve Webb, Northport (21)

Mayor Tim Kant, Fairhope (22)

continued next page

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 Mayor Mike Grayson, Demopolis (24)
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 Mayor Charles Murphy, Robertsdale (32)
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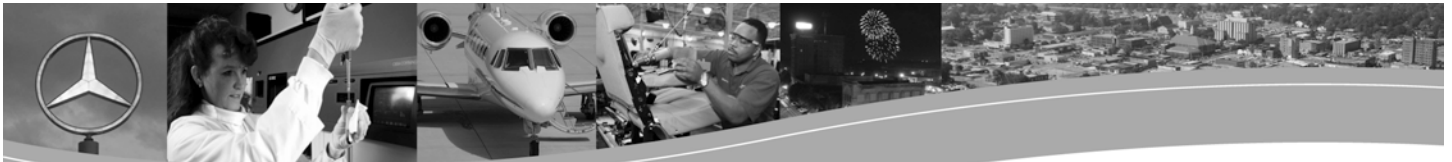
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 Councilmember Dean Argo, Prattville, Vice Chair EENR (30)
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 Councilmember Victor Long, Millbrook (25)
 Councilmember Thomas O. Moore, Demopolis (24)
 Councilmember Chris Spurlin, Oxford (12) ■



With expanding residential, commercial and industrial bases, Tuscaloosa's 89,000 citizens are demonstrating daily that we are open for business. Since 2005, Tuscaloosa has experienced over \$1.5 billion in new construction to meet the increasing demands of our growing economy. From the University of Alabama to Mercedes Benz, Tuscaloosa has provided the infrastructure necessary to make businesses successful either around the world or just down the street.

"Tuscaloosa Is Open for Business,
 Come See For Yourself."

Mayor Walt Maddox



For more information, please contact
 William Snowden at
 wsnowden@tuscaloosa.com
 or 205.248.5081



The Legal Viewpoint

By Ken Smith
Deputy Director/ General Counsel



Ethics and the Employment of Off-Duty Police Officers

For many years, municipal officials have struggled with the issues surrounding the off-duty employment of police officers. Pursuant to the generally accepted wisdom, police officers are considered to be on the job 24 hours a day. In many cases, however, police officers must supplement their incomes by seeking secondary employment. Because of this, Alabama law implicitly recognizes the need for officers to accept off-duty employment. See, Sections 6-5-338 and 36-25-5(c), Code of Alabama 1975.

In addition to the financial benefits the officer receives from accepting off-duty employment, the benefits that a private employer receives by having a uniformed officer visible in his or her business are obvious. A less often understood aspect of off-duty employment, however, is that municipalities themselves also have an interest in allowing officers to accept off-duty work in some circumstances. The public can benefit greatly by having trained police officers available and visible.

For instance, having a uniformed officer seen working security by potential violators at school functions or in high-traffic areas like malls may prevent crimes from occurring. Even if the crime is not prevented, apprehending violators may be easier since the officer will be close at hand.

Despite the public benefits, however, off-duty employment of police officers raises many issues – such as liability concerns – that must be resolved. This is especially true where the officer will use the uniform, car, weapon or other public equipment during off-duty employment. Again, the public has an interest in allowing the officer to use this equipment while off-duty. Also, because officers are expected to be on-duty 24 hours a day, they may be called upon to act in their official capacity at any time, making it important for them to have ready access to official equipment.

When an off-duty officer is called upon to act in an official capacity, he or she becomes a municipal representative, and – generally speaking – the municipality becomes liable for any negligent action the officer takes. The liability issues of off-duty employment have plagued Alabama municipalities for years, largely as the result of a \$1.6 million dollar judgment against an Alabama city for actions taken by an off-duty officer. See, *Birmingham v. Benson*, 631 So.2d 902 (Ala. 1993).

In addition to the liability concerns, in recent years, ethical problems have arisen from the employment of off-duty officers. For instance, in one case before the Ethic Commission, a police chief and several of his officers were required to repay money they had received from off-duty employment because of alleged ethical violations.

This article is devoted to an examination of the concerns inherent in allowing off-duty employment of police officers, with particular emphasis on the ethical aspects. The liability concerns are largely the same as those discussed in the liability article found elsewhere in this publication, and will not be repeated here. There is, however, one aspect of the liability of off-duty police officers that is not discussed in detail in the liability article. That is the issue of when does the officer cease to be performing off-duty work and instead begin performing an action for which the municipality may be liable?

Tort Liability

The general rule is that once an officer begins performing a public duty or function, as opposed to the duties of their private employment, the officer is acting as a public employee. The issue is, frequently, one of control.

In *Birmingham v. Benson*, 631 So.2d 902 (Ala. 1993), the city of Birmingham was sued because of the actions of an officer who was working as an off-duty security guard at a bar. The officer was wearing full police uniform, with radio, gun, nightstick, flashlight, handcuffs and mace. In accordance with the rules and regulations of the Birmingham Police Department, the officer had notified his supervisor that he was working as a security guard at the bar. On the night of December 14, the officer was aware of growing tension in the bar between Blair and Billy Weidler.

The evidence indicated that Blair was threatened by Weidler and that afterwards Blair asked the officer to escort him and three minors who were with Blair to their car. The officer repeatedly told them that they could not fight inside the bar. He escorted the four, including Blair, outside. A large crowd followed them out the door. As Blair and his three friends crossed 22nd Street, the officer stood on the sidewalk; Weidler asked him what he was going to do. He replied: “I don’t care what you do, I am going back inside.”



Judicial Correction Services

Case Supervision for Misdemeanor Courts

Collect & Successfully Close Twice As Many
Partial Payment Cases

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
Large Municipal Court

"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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At that time, a group of people (at least 15), including Weidler and Sean Brooks, chased the four and pulled Blair, who was halfway in the car, out of the car and beat him for 5 to 10 minutes. Blair was knocked down, kicked, and run over by the car in which his friends were trying to leave. Blair died; the cause of his death was “asphyxiation, shock, and cardiac arrest as complications of severe multiple blunt force trauma.” Weidler and Brooks were convicted of manslaughter as a result of Blair’s death.

The city investigated and concluded that the officer had violated rules and regulations of the department, that he had neglected his duties, that he had failed to take appropriate action, that he could have intervened, that had he done so “things might have turned out differently.” The city’s investigator also said that a reasonable police officer should have tried to stop the hostilities leading to Blair’s death. As a result of this case, the officer was fired and a jury awarded the plaintiff a verdict of \$1.6 million.

One of the key issues in the case was the extent of the city’s control over the off-duty employment of the officer. The court ruled that there was a sufficient amount of control by the city to find that the officer was acting in the line and scope of his duties. The court pointed to a document entitled “Conduct and Responsibility of Police Officers Working Police Related Off -Duty Jobs,” and stated:

“Pursuant to these rules and regulations, any police officer who wanted to work police-related off-duty jobs was required to submit a request for extra work to the officer’s commanding officer for approval, specifying the location of the extra job, the hours, the employer, the duties involved, whether the job was a one-time event or would be continuous, and whether the job was to be worked in uniform. The rules and regulations specifically stated that ‘any outside police activity will be considered to be regular police work insofar as conduct, performance of duty and compliance with the Rules and Regulations are concerned’ and ‘will be under the direction of the superior officer on duty in the district where the police work is being performed.’ Furthermore, the rules and regulations state that at least once during the shift of the precinct supervisor, the supervisor shall inspect the police officer working extra duty jobs in uniform to ensure compliance with the rules and regulations.”

This, the court held, amounted to a great extent of control over the officer’s off-duty work, and justified holding the municipality liable when the officer was confronted with a duty to act as a certified officer.

The court also refused to extend the protection in this case even though the actions of police officers are generally cloaked by substantive immunity, stating that:

“There is no way, under the facts in this case, that the imposition of liability can be reasonably calculated to materially thwart the city’s legitimate efforts to provide public services. Policy considerations supporting immunity do not come into play when a policeman is, in fact, on the scene and in a position to control an aggressor. The question then becomes one of whether the officer acted reasonably or acted negligently.”

Fortunately, in a later appeal the court ultimately held that the \$100,000 cap on the tort liability of municipalities also applies in

actions that seek to have municipalities indemnify their negligent employees. *Benson v. Birmingham*, 659 So.2d 82 (Ala. 1995).

In 1994, the legislature attempted to address some of the concerns of police officer liability by enacting Section 6-5-338, Code of Alabama 1975, which extends tort immunity protection to police officers. Specifically, Section 6-5-338 extends discretionary function immunity to on-duty police officers. *Montgomery v. Montgomery*, 732 So.2d 305 (Ala. Civ. App. 1999). Section 6-5-338, Code of Alabama 1975, also requires private employers of off-duty police officers to obtain \$100,000 of liability insurance coverage to indemnify the officer against claims.

Despite these protections, it is clear that municipalities remain liable for the actions of their off-duty officers, if the nature of the duty they are performing is related more to their responsibilities as police officers rather than as private employees. This includes areas where any police officer may become subject to liability. A few of these areas include those listed below.

Liability for Omissions

The general rule is that a municipality is not liable for the nonfeasance of police officers in the performance of governmental duties in the absence of other evidence to indicate negligence. McQuillin, *Municipal Corporations*, Section 53.80.20. For instance, a municipality is generally not liable for the failure of an officer to search someone for dangerous weapons after arresting him or for failing to investigate a reported crime. However, where sufficient evidence exists to show that a duty was performed negligently, a municipality may be held liable. Thus, where the police received notice of a dangerous situation and failed to respond, causing a death, liability was attached to the municipality. McQuillin, *Municipal Corporations*, Section 53.80.20

In *Luker v. Brantley*, 520 So.2d 517 (Ala. 1987), for instance, the Alabama Supreme Court held the City of Brantley liable when its police officers turned a vehicle over to a person they should have realized was intoxicated and the driver struck and killed someone. But, in *Tyler v. Enterprise*, 577 So.2d 876 (Ala. 1991), the Alabama Supreme Court affirmed a summary judgment in favor of Enterprise in a case where it was alleged that a police officer allowed an intoxicated driver to drive home and the driver subsequently died in an accident. The court held that the plaintiff’s contributory negligence barred the suit. And, in *Wright v. Bailey*, 611 So.2d 300 (Ala. 1992), the Alabama Supreme Court held that even assuming police officers were negligent in permitting a drunk driver to leave a tavern, mere negligence was not enough to implicate the due process concerns of Section 1983. Further, in *Flint v. Ozark*, 652 So.2d 245 (Ala. 1994), the Alabama Supreme Court held that it was not negligence for police officers to fail to arrest underage persons at a party where alcohol was available, even though one of the underage persons was later determined to be driving under the influence when he left the party and struck and killed another individual.

Also, in *Stokes v. Bullins*, 844 F.2d 269 (5th Cir. 1988), the Fifth Circuit found that the failure of municipal officials to fully investigate the background of an applicant for a job as a police officer did not justify holding the municipality liable under

Section 1983 for injuries resulting from the officer's shooting of a citizen. Note, however, that this case was decided before the U.S. Supreme Court decided *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989), where the Court held that the inadequacy of police training may serve as the basis for municipal liability under Section 1983 if the failure to train amounts to deliberate indifference to right of persons with whom the police come into contact and the deficiency identified in the training program is closely related to the ultimate injury incurred.

Failure to Provide Adequate Police Protection

Courts are very reluctant to impose liability upon a municipality for the failure to provide adequate police protection. Comments, *Municipal Liability: The Failure to Provide Adequate Police Protection – The Special Duty Doctrine Should be Discarded*, 1984 Wis. L. REV. 499 (1984). This area is usually protected by the substantive immunity rule, discussed in the article on tort liability. Note, though, that the court in the *Benson* case held that substantive immunity does not apply where the officer is on the scene, available to help.

Assault and Battery

Ordinarily, a municipality is not responsible for an assault and battery committed by one of its police officers. McQuillin, *Municipal Corporations*, Section 53.80.40 However, when the assault and battery occurs in the course of the officer's duties,

the municipality may be held liable. See, *Lexington v. Yank*, 431 S.W.2d 892 (Ky.1968). Remember, too, that a municipality may be held liable for off-duty actions, if they are performed in furtherance of the municipality's interest.

In Alabama, Section 11-47-190, Code of Alabama 1975, states that a municipality can only be held liable for the actions of its agents or employees which occur due to negligence, carelessness or unskillfulness. Thus, ordinarily, a municipality is not liable for intentional torts. However, in *Birmingham v. Thompson*, 404 So.2d 589 (Ala.1981), the Alabama Supreme Court held that in some instances, even intentional torts may be committed due to a lack of skill. If so, then the municipality may be held liable. Municipalities in Alabama, therefore, may be sued for assault and battery.

In a suit filed in federal court pursuant to Section 1983, a municipality can be found liable if a plaintiff can establish, first, that the assault and battery deprived him of his federal constitutional or statutory rights, and second, that it occurred pursuant to a municipal policy or custom. In an unjustified assault case, there is no question concerning the deprivation of rights. The key question in these cases is whether the police officer acted pursuant to a municipal policy.

Generally, of course, there will not be an articulated policy favoring or promoting assaults. Therefore, a plaintiff must establish either that the city policymakers intervened to cause the abuse or that there is such a pervasive pattern and practice of abuse as to indicate a municipal policy favoring such behavior. Seng, *Municipal*

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Liability for Police Misconduct, 51 Miss.L.J. 1 (1980). Municipal inaction, such as failure to train or supervise, might demonstrate a tacit approval. Similarly, failure to discipline others guilty of similar conduct may establish a pattern. Finally, the municipality may be shown to have ratified the officer's action by consistently condoning such behavior or ignoring citizen complaints.

Use of Excessive Force

A police officer may use reasonable force in order to effectuate an arrest, even to the point of taking a life. In Alabama, Section 13A-3-27, Code of Alabama 1975, sets out the degrees of force an officer may use in various situations. Section 13A-3-27(a) states that an officer may use non-deadly force in order to make a lawful arrest for a misdemeanor, violation or violation of an ordinance, or to protect himself or a third person he reasonably believes to be in danger from the imminent use of force during an arrest.

Subsection (b) provides that an officer may use deadly force in order to effectuate an arrest for a felony or to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force. Deadly force is defined in Section 13A-3-20(2) as any force which is readily capable of causing death or serious bodily injury under the circumstances in which it is used. Even recklessly driving an automobile to effectuate an arrest may be classified as deadly force in the proper circumstances. See, commentary to Section 13A-3-27.

Section 13A-3-27 was held unconstitutional to the extent that it authorizes the use of deadly force in circumstances where such force is not necessary to prevent death or bodily harm in *Ayler v. Hopper*, 532 F.Supp. 198 (M.D. Ala. 1981). In *Tennessee v. Garner*, 471 U.S. 1 (1985) the U.S. Supreme Court held, "Although the armed burglar would present a different situation, the fact that an unarmed suspect has broken into a dwelling at night does not automatically mean he is physically dangerous, so as to justify the use of deadly force in effectuating his apprehension." Similarly, in *Pruitt v. Montgomery*, 771 F.2d 1475 (11th Cir. 1985), the court held, where a police officer had no probable cause to believe that an unarmed burglary suspect posed a physical threat to the officer or others, the city of Montgomery was held liable for his use of deadly force.

A municipality will only be held liable for injuries caused by the excessive force used by an officer. If circumstances justify the officer's use of some force but he goes beyond what is justified, the municipality will be liable only for injuries caused by the excessive force. It is up to a jury to decide at what point the force used became excessive, just as it must determine what injuries the excessive force caused.

In addition, Sections 13A-3-27(e) and (f) place a duty upon a private citizen to aid an officer. If this private individual were to use excessive force while acting pursuant to the officer's directions, the municipality may be held liable for the individual's actions as well.

In federal court, the ordinary Section 1983 principles govern. In *Montoute v. Carr*, 114 F.3d 181 (11th Cir. 1997), for example, the court held that in a Section 1983 action against a police officer for excessive force, an arrestee has the burden of proving that no reasonable officer could have believed that the arrestee either had committed a crime involving serious physical harm or that the

arrestee posed a risk of serious physical injury to the officer or others. And, in *Jones v. Dothan*, 121 F.3d 1456 (11th Cir. 1997), the court held that the actions of a police officer, while rude, would not inevitably lead a reasonable officer to conclude that the amount of force used under the circumstances was excessive. In this case, the plaintiff filed an excessive force claim after the officer yelled at her, twice told her to shut-up, ignored her questions about her husband, and stuck his finger in her face, making contact with her skin.

Search and Seizure

Normally, questions of improper search and seizure arise only where a defendant in a criminal case seeks to prevent his conviction by alleging that a piece of evidence was improperly obtained. However, an officer may become liable if, subsequent to seizing evidence, he misuses it. *Yeager v. Hurt*, 433 So.2d 1176 (Ala. 1983). If the property is lost, damaged or destroyed, the officer will be liable if the loss is the proximate result of his failure to exercise due care to preserve it.

While *Yeager* dealt solely with the officer's individual liability, a municipality might be found liable if it can be determined that the officer acted negligently or carelessly in the course of his duties. In addition, if he acted pursuant to a policy or custom, the municipality might be liable under Section 1983. For instance, the Alabama Court of Civil Appeals held in *Campbell v. Sims*, 686 So.2d 1227 (Ala. Civ. App. 1996), that a motorist's claim that she was stopped and searched without probable cause stated a sufficient claim against the police officer and the city. And, in *Lightfoot v. Floyd*, 667 So.2d 56 (Ala. 1995), the Alabama Supreme Court held that a police officer was not entitled to qualified immunity after improperly seizing and retaining cash and a vehicle for several months.

Other Causes of Action

While this article has covered only some of the major areas of liability for municipalities which provide police protection, there are many others such as malicious prosecution, improper arrest, mistreatment of prisoners and negligent driving. Any aspect of police protection can result in municipal liability in the proper circumstances. In any of these areas, the tort principles discussed above and in the article on tort liability elsewhere in this publication will apply in determining whether the municipality is liable for the officer's actions in either state court or federal court.

Avoiding Liability

The first step toward avoiding liability for the actions of police officers is training. The better trained an officer is, the less likely he is to perform negligently. An officer should know how to respond in specific situations to avoid charges against him or the municipality.

In Alabama, all officers are required to complete at least 480 hours of training in a recognized police training school in order to comply with the Peace Officers' Standards and Training Act. In addition to this training, the municipality should promulgate a proper written policy which deals with the numerous situations facing a police officer daily and which explains to the officer how he should be required to be familiar with this policy.

Much research and study is necessary to formulate this type of policy. It will be necessary to examine each potential area of liability exposure and develop ways in which to handle the problems. Every aspect of police operations should be investigated, from personnel rules to the operation of vehicles. It may be necessary to appoint a committee to ensure that all police department operations are covered. The municipality must be honest about problems it has and thorough in its resolutions.

In *Coverage*, a monthly publication of the Texas Municipal League, one city's solution to the liability crisis was described. After researching the complaints and lawsuits filed against its police department, the city of Hazelwood, Missouri, decided to implement preventative measures. The city discovered that the majority of the complaints resulted from a one-on-one confrontation between the officer and the complainant at the time of booking.

The city decided that the best way to deal with the situation was to maintain a record of the interaction between the officer and arrested individuals. The city purchased miniature tape recorders for each officer to attach to his belt or place in his pocket. In addition, they purchased enough video and audio equipment to provide 24-hour television surveillance and recording of the police parking lot, prisoner booking area and all department passageways. The total cost of the system was around \$20,000.

In the first six months of use, complaints against the police department dropped by over 75 percent. Of the complaints that were filed, the majority were determined to be unfounded based upon the recorded evidence that existed. While such a system might seem costly to justify for most municipalities in Alabama,

it is an example of the type of innovative thinking that will help a municipality avoid complaints against their police departments.

The Ethics Law

The rest of this article is devoted to an examination of the ethical issues that surround a police officer's acceptance of off-duty employment and the use of public equipment in the course of that employment, specifically pursuant to Section 36-25-5(c), Code of Alabama 1975. The hope is that other officers may avoid ethical problems in the future.

Generally speaking, the Alabama Ethics Law prohibits public officials and employees from using their official position or any public equipment to benefit themselves financially. However, Section 36-25-5(c), Code of Alabama 1975, provides:

"(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy. Provided, however, nothing in this subsection shall be deemed to limit or otherwise prohibit communication between public officials or public employees and eleemosynary or membership organizations or such organizations communicating with public officials or public employees."




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Thus, Section 36-25-5(c) prohibits the use of public equipment or facilities unless another law provides otherwise, or unless an employment agreement or policy permits the use of the equipment. This means that the first step in allowing the off-duty use of public equipment by police officers is the enactment by the municipal governing body of a policy permitting that use. Without a specific policy in place, Section 36-25-5(c) seems to be an absolute prohibition against the use of public equipment during off-duty employment.

Although this section does not prohibit an officer from taking off-duty employment, officials should be aware that the municipality may have a policy in place that prohibits officers from taking off-duty jobs. This would be perfectly valid. This may be necessary because of *Birmingham v. Benson*, 631 So.2d 902 (Ala.1993), where the court held the municipality liable for the acts of off-duty officers because the municipal policy heavily regulated the off-duty employment. This is a policy issue that the municipality must weigh before deciding to allow off-duty employment.

Even where the municipality decides that the positive effects of having officers work off-duty jobs outweigh the potential liability, the municipality must then decide whether to allow the use of public equipment and, if so, should retain some control over what municipal equipment may be used during the off-duty employment.

Although the municipality will want to address the issue of off-duty employment in more detail than can be done in this article, to allow officers to work off-duty jobs the policy should at a minimum state something similar to the following:

“Police officers of the City/Town of _____ may accept off-duty employment subject to the restrictions and guidelines set out herein. Any officer seeking to accept outside employment must file with the chief of police a request for approval of outside employment. This request shall include the location and nature of the outside employment; the date and hours to be worked; the name of the outside employer; the duties of the outside employment; whether the job is a one-time event or is continuous; whether the job is to be worked in uniform; a list of any public equipment that may be used during the job; and any other information required by the chief of police. The chief of police shall approve or disapprove of any outside employment in writing. The chief of police may place conditions not inconsistent with this policy upon the acceptance of any outside employment. Public equipment may be used only as approved by the chief of police.”

This policy should be adapted to meet local needs and requirements. For instance, an official other than the police chief may be assigned the duty of assigning off-duty jobs. To avoid ethical problems under Section 36-25-5(c), however, the policy must include a statement permitting the use of public equipment during the off-duty employment. The municipality may want to specifically list the types of equipment that an off-duty officer may use. The municipality should retain a written copy of the approval or disapproval of outside employment, which should include a list of equipment that the officer has been authorized to

use on the off-duty job.

Additional issues to consider included in the policy are a definition of off-duty employment; requiring the private employer to sign a hold-harmless agreement; whether all officers will be allowed to work off-duty jobs (for instance, the municipality may want to restrict some supervisors from accepting off-duty jobs due to the hours they will be expected to be on-duty); the type employment that will be allowed; the number of off-duty hours an officer may work; whether the officer should file a statement following the employment as to the duties he or she performed; and how far outside the municipality the officer may work, among other issues. The League has copies of policies available upon request.

Compensatory Time

One aspect of off-duty employment that seems blatantly obvious but has created problems in the past is that outside employment **must take place when the officer is not on duty**. An officer may not draw pay from both a private employer and the municipality at the same time.

Closely related to this issue is the use of compensatory time. Comp time is time off from work that is granted either by federal or local law or ordinance in return for extra on-duty hours worked. Although the municipality may in its policies grant comp time for regular hours worked, generally comp time is given only for hours above the normal hours a person is required to work. This operates in a manner similar to overtime pay. As an example, under the Fair Labor Standards Act (FLSA), police officers may be required to work up to 43 hours in a 7 day work period (or 171 hours in a 28 day pay period). Once an officer works more than 43 hours (or other hours, based on the pay period), the municipal employer must either give the officer comp time or overtime pay. Under the FLSA, payment for overtime pay or comp time is at time-and-a-half.

Hours that are used to compute both the number of regular hours worked and comp time used are time spent on-duty. That is, a municipality can only compensate an employee for time worked for the municipality. Outside employment time does not enter into the computation.

Continuing to follow the above example, if a police officer works 45 hours in a week (assuming a pay period of one week), the officer would be entitled to three hours of comp time – that is, one-and-one-half-hours for every hour of overtime worked – or overtime pay at time-and-a-half. Depending on the municipal policy in place, comp time can be used similar to leave time. The officer is not on the clock when he or she uses comp time. Because of this, if the municipal policy allows outside employment, the officer may use comp time to work outside employment.

Bear in mind that the above rule applies only to officers who are subject to the FLSA. If a municipality employs fewer than five law enforcement personnel, the municipality is excused from the overtime and comp time provisions of the FLSA as to those employees. Additionally, certain employees are exempt from these provisions of the FLSA because of the jobs they hold.

continued on page 18

LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Courts: A defendant was properly convicted of menacing where he intentionally placed or attempted to place another person in fear of imminent serious physical injury by showing a device to a police officer and telling him it was a bomb. *Hiler v. State*, 44 So.3d 535 (Ala.Crim.App.2009)

Courts: A defendant may be charged with falsely reporting an incident where he showed a device to a police officer and falsely told him it was a bomb. Prosecution for falsely reporting an incident was not precluded by the fact that the officer was engaged in police activity when the defendant made the allegedly false report. *Hiler v. State*, 44 So.3d 543 (Ala.2009)

DUI: The provision of the DUI statute in effect at time of the defendant's arrest for DUI, which contained no five-year limitation period concerning use of prior DUI convictions for sentencing enhancement, rather than the provision of the statute in effect at time of defendant's sentencing, which did contain a five-year limitation period, applied, and, thus, the defendant's DUI convictions that were more than five years old could be used for purposes of sentencing enhancement. The defendant's two in-state municipal court DUI convictions could not be used toward the total number of convictions necessary to elevate defendant's DUI conviction to a felony level offense. *Johnston v. State*, 45 So.3d 376 (Ala.Crim.App.2009)

Firearms: While a defendant who uses a toy gun during a robbery may be convicted of robbery in the first degree, the toy gun may not be used for purposes of the firearms enhancement statute since the toy gun is not a firearm or deadly weapon. *Lucas v. State*, 45 So.3d 380 (Ala.Crim.App.2009)

Obscenity and Pornography: Public morality supplied a legitimate rational basis for a provision of the obscenity laws banning the sale of sexual devices, and therefore the statute was not unconstitutional. The motives or reasons of an individual legislator are not relevant to the intent of the full legislature in passing the bill. *1568 Montgomery*

Highway, Inc. v. City of Hoover, 45 So.3d 319 (Ala.2010)

Searches and Seizures: A seventeen year old minor had the capacity and ability to provide valid third-party consent to a warrantless search of her parents' house. Consent to search may be given by a third party who possesses common authority over the premises or personal effects sought to be searched. A minor can provide valid third-party consent to a request to conduct a warrantless search. *Allen v. State*, 44 So.3d 525 (Ala.Crim.App.2009)

Wreckers: Federal law preempted a vehicle owner's state claims against a towing company that towed and auctioned a vehicle that had been deemed abandoned by a city police officer. *Weatherspoon v. Tillery Body Shop, Inc.*, 44 So.3d 447 (Ala.2010)

DECISIONS FROM OTHER JURISDICTIONS

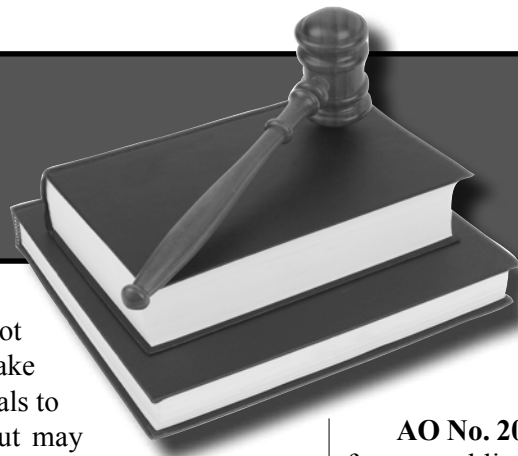
Courts: Text messages sent between law enforcement agents and a government witness were discoverable material under the Jencks Act and the Federal Rules of Criminal Procedure. *U.S. v. Suarez*, 2010 WL 4226524 (D.N.J.2010)

Fair Labor Standards Act: The FLSA requires all covered employers to pay their employees at least the federal minimum hourly wage every workweek. A policy requiring city police officers to contract to repay training expenses if they voluntarily leave their employment before completing a minimum time of service does not limit the employee's right to receive minimum wage. The city may withhold wages as long as the employee receives at least minimum wage in her final paycheck. The city may then seek repayment of the training debt as an ordinary creditor. *Gordon v. City of Oakland*, --- F.3d ---, 2010 WL 4673695 (9th Cir.2010)

ATTORNEY GENERAL'S OPINIONS

Boards: Section 11-88-20 of the Code of Alabama provides for the validation of a defective incorporation of a water, sewer, and fire protection authority. Section 11-88-5.1 of the Code of Alabama provides for the validation of a defective amendment to the certificate of incorporation of an authority for an amendment related to an increase in the number of board members. AGO 2011-009

Competitive Bid Law: A public corporation, such as a municipal water board, may make purchases from the state bid list without further bidding if the purchase is made from the vendor to whom the state awarded the contract and the state bid included political subdivisions and instrumentalities of political subdivisions on the state bid. AGO 2011-011



Contracts: A county does not have the general authority to make purchases from or to sell materials to other governmental entities, but may sell materials if the material sold is surplus property or the buyer is a federal agency, a state agency, or another county commission, pursuant to section 11-1-10 of the Code of Alabama. The only way a county may purchase or sell materials for municipalities is through a joint purchasing agreement as provided in section 41-16-50 of the Competitive Bid Law. The agreement may provide that one of the agencies will serve as a joint purchasing or bidding agent to physically purchase and obtain items from the vendor for all of the agencies and that the remaining agencies will obtain their share from and reimburse the purchasing agency. AGO 2011-007

Elections – Filing: Section 1-1-4 of the Code of Alabama contemplates the manner in which time should be computed. The section provides that in instances where the last day an act must be done falls on a Sunday, a legal holiday, or a day on which the office in which the act must be done is closed, the last day is excluded, and the next succeeding work day is counted as the last day. AGO 2011-012

Licenses and Business Regulations: The practice of renewing licenses annually by the Board of Athletic Trainers is authorized by section 34-40-3 of the Code of Alabama. AGO 2011-008

Open Meetings Act: A committee of a city council that meets at least quarterly may approve its minutes at the next committee meeting. If the committee does not ordinarily meet quarterly, but the members of the committee serve on the council, the committee may meet to approve the minutes at the time of the next council meeting. AGO 2011-010

Sex Offenders: A criminal sex offender, required to register by section 13A-11-200 of the Code of Alabama, who transfers legal residence from one county to another county (and not merely another location within the same county) must register with the sheriff of the county to which they have moved within seven days after such move. An adult criminal sex offender, who is required to register under the Community Notification Act, and who “intends to transfer his or her residence to a *different location*”, must register such with law enforcement pursuant to section 15-20-23 of the Code of Alabama. AGO 2011-006

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2010-10: No public official, public employee, former public official or former public employee, for a period consistent with the statute of limitations, shall use or disclose “confidential information” gained in the course of or by reason of his or her position or employment in any way that could result in financial gain (other than his or her regular salary as such public official or public employee) for himself or herself, a family member of the public employee or family member of the public official, or for any other person or business.

AO No. 2010-11: The County E-911 Board may employ the wife of the County Sheriff, as the Sheriff’s Department does not have oversight of E-911 operations, and the E-911 Board operates separately from the County Sheriff’s Department and the County Commission, even though the Sheriff has one appointment to the E-911 Board.

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This may include supervisory police officers. The FLSA includes tests to determine if an individual is an exempt employee and, if so, that employee is not entitled to any overtime pay or comp time.

Despite this, the municipality may decide that it wants to grant comp time to these employees. This action must be taken by the municipal governing body through the adoption of a policy allowing the use of overtime pay. This step is extremely important. While an employee who is exempt from the FLSA may be entitled to leave time, and may – if allowed by municipal policies – use this off-duty time to work a second job, these employees are not entitled to comp time unless the municipality adopts a policy providing for it. From the point of view of the Ethics Commission, a municipal policy establishing a written comp time program for employees who are not covered by the FLSA is mandatory before they can have time off from work (other than pursuant to regular leave time) to work an off-duty job.

Other Requirements

No municipal employees may use on-duty time for purposes related to off-duty employment. This rule extends, not only to the officer but also to employees who are not being hired by the outside employer. For instance, a secretary may not use time at work to schedule off-duty work for police officers. Of course, the secretary may use work time for purposes related to on-duty work. For instance, it will probably be necessary to maintain a record of officers working off-duty jobs, where they are working and the hours they are at the off-duty location.

Additionally, supervisors should not receive pay or any other benefit for assigning or approving off-duty work for officers.

Conclusion

The municipal governing body has the power to decide whether municipal police officers may work off-duty jobs. If the council elects to allow this type work, it must establish a written policy to this effect. The League encourages municipalities to work closely with the municipal attorney, police chief and liability insurance carrier in the drafting and implementation of a policy on off-duty employment. If public equipment will be used on the off-duty job, this must be spelled out in the policy pursuant to Section 36-25-5(c).

In addition to a policy allowing off-duty employment, the council must pass a policy granting comp time to officers who are exempt from the FLSA, if these officers will be allowed to use comp time to work off-duty. All off-duty work must be performed on the officer's own time. Finally, bear in mind that on-duty municipal employees may not use their time to help in any way with the off-duty employment, and supervisors should not accept payment for assigning officers.

Note: The portions of this article related to the Ethics Law have been reviewed and approved by attorneys for the Ethics Commission.

Ethics Rulings

The Ethics Commission will address any questions regarding officers working off-duty jobs. The commission can be reached at (334) 242-2997. The commission has released the following opinions related to off-duty employment of police officers:

- A law enforcement officer may work for another law enforcement agency on his or her day off. AO NO. 1995-105.

- A law enforcement officer may not provide information obtained in the course of his public employment to a family member employed by a bail bonding company, if that information would be used in a manner that would benefit the officer, the family member, or the business with which the family member is associated. AO NO. 1996-03.

- A deputy sheriff may purchase and operate a wrecker service provided that all work done for the service is done on his or her own time, whether annual leave or after hours; that no public equipment, facilities, time, materials, labor or other public property will be used to assist him with the wrecker services; that he doesn't use his or her public position to benefit him or her in his or her private business; and that no confidential information gained while on his or her public job is used in the operation of the wrecker service. AO NO. 1998-06.

- A deputy may not serve civil papers for attorneys during off-duty hours because this is one of the deputy's functions as an employee of the sheriff's department. AO NO. 1998-25.

- A municipal police detective may work part-time for an attorney investigating civil matters or matters outside the county in which his jurisdiction lies, provided that he does not involve himself in any matters concerning the county while performing this part-time work. The detective may serve civil papers, provided service of the papers is not the normal function of the police department for which he works. Outside employment must comply with any municipal policies or regulations. AO NO. 1998-28.

- A police chief may not practice law in his or her off-duty hours because the police chief is on duty twenty-four hours a day. AO NO. 1998-31

- A municipal chief of police may not practice law during his off-duty hours because the chief is on duty 24 hours a day. AO NO. 1998-32.

- A probation officer may practice law or serve as a municipal prosecutor in his free time, provided all provisions of the Ethics Law are complied with. His or her law practice must not involve individuals he or she supervises and he or she may not practice criminal law in the area in which he or she has jurisdiction as a probation officer. AO NO. 1998-36.

- A police officer may perform security consulting work during his or her off-duty hours, provided that he or she doesn't use his public position to assist him or her in the private work, he or she does not use any public equipment, and that he or she performs the work on his or her own time. The work must comply with municipal guidelines and regulations. AO NO. 1998-37.

• A municipal police dispatcher may not accept employment with a local bonding company because the opportunity arose because of his or her position as police dispatcher and because it would be difficult to separate his or her duties as a dispatcher from those as an agent for the bonding company. AO NO. 1998-39.

• An off-duty state trooper may be paid to serve as an instructor at a police academy, provided that the provisions of the Ethics Law are complied with. AO NO. 1999-01.

• A police officer may not also serve as coroner in the county in which he resides and is employed because it would be difficult to separate the duties of both positions and it would be difficult not to use the public equipment in one position in the performance of another. AO NO. 1999-04.

• A police officer with the City of Huntsville may perform accident reconstruction services for law firms and insurance companies; provided, he does not use any of the City's equipment, facilities, time, materials, human labor or other property under his discretion or control to assist him in performing or obtaining these services. In the alternative, he shall not perform accident reconstruction services with nor within the City of Huntsville or its police jurisdiction. AO NO. 2000-02.

• The chief of police for a city police department may not accept outside employment with a wrecker service that is under contract with the city. AO NO. 2000-31.

• A member of the Jackson Police Department may set up a part-time business filling and inspecting portable fire extinguishers; however, all work conducted in conjunction with his or her off-duty employment must be done on time, whether it is after-hours, on weekends, etc; that there is no use of any public equipment, facilities, time, materials, human labor or other public property under his or her discretion or control to assist him or her in conducting his outside employment or in obtaining opportunities; and further, that the member of the Jackson Police Department not do business with the city with which he is employed or with the various departments or agencies of the city. AO NO. 2000-36.

• A sheriff may receive compensation for teaching law enforcement related subjects provided that teaching these subjects is not part of the normal duties of the office, the teaching is performed when off-duty and no county materials or labor are used to assist the teaching. AO NO. 2004-03.

• A city police officer may run for the position of county constable; provided that, if elected, all activities relating to his position as constable are conducted on his own time, whether after hours, weekends, or annual leave. Further, he may not use any public equipment, facilities, time, materials, labor, or other public property under his discretion and control to assist him in performing the duties of constable or in running for such office. AO NO. 2003-52.

• A municipal police officer may perform accident reconstruction services for law firms and insurance companies; provided, however, that the officer does not use any municipal equipment, facilities, time, materials, human labor, or other municipal property in performing those services. Provided further, that the officer does not

perform accident reconstruction services within the municipal corporate limits or police jurisdiction or on any matters involving the municipality. AO NO. 2004-27.

• A city and a member of the city police department, may enter into a rental agreement allowing the officer to live rent-free in a mobile home owned by the city and located on city property in exchange for the officer providing security for the city property during the officer's off-duty hours, when the arrangement is subject to a rental agreement made a part of the officer's employment contract with the city, and clearly sets out the obligations of all parties concerned; and further, where a public interest is served. AO NO. 2007-06.

• A copy of a contract to provide services entered into by a public official, public employee, member of the household of the public official/public employee or a business with that person is associated, which is to be paid in whole or in part out of state, county or municipal funds must be filed with the Ethics Commission within ten (10) days after the contract has been entered into, regardless of the amount of that contract, or whether or not the contract was obtained through competitive bid. AO NO. 2009-10.

Attorney General's Opinions

• City council may allow off-duty police officers access to city police equipment where officers are performing services which could be provided by officers on duty. AGO 1982-477 (to Hon. Earl F. Hilliard, July 27, 1982).

• In the absence of an ordinance prohibiting it, a police officer can be authorized to use city uniforms and equipment while working off-duty as a security guard in certain limited cases. The police officer has full arrest powers while on or off-duty. The question of workmen's compensation liability depends upon who the officer was employed by when the injury occurred. If an off-duty officer using city equipment and acting within the line and scope of his or her duties causes injury to another, the city may be held liable for damages. AGO 1984-318 (to Hon. Steve Means, June 14, 1984).

• Section 11-43-16, Code of Alabama 1975, authorizes municipalities to hire deputy sheriffs as part-time police officers. Absent a county personnel rule prohibiting such service, a deputy sheriff may serve as a part-time police chief while he or she is off duty from the county. AGO 1994-023.

• A deputy sheriff may not obtain outside employment to investigate criminal matters during his or her off-duty hours. AGO 1994-159.

• Off-duty police officers employed by a community college have immunity pursuant to Act No. 94-640 when performing duties as set out in that act. AGO 1995-059.

• In instances where other exemptions are not applicable, off-duty sworn peace officers are required to obtain a state license and/or certification from the Alabama Security Regulatory Board (Board). The Alabama Security Regulatory Act is codified at Section 34-27C-1, et seq., of the Code of Alabama. This Board was created to regulate security guards, armed security guards, and the companies that employ such persons. Pursuant to section 34-27C-18(b) of the Code of Alabama, a City may not continue to regulate security officers who work for companies that are exempt from state regulation. AGO 2010-028. ■

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AMROA

**Alabama Municipal Revenue
Officers Association**

AMROA promotes the professional development of municipal employees responsible for the collection, enforcement and administration of municipal revenues. AMROA partners with both the University of Alabama and Auburn University to conduct educational training and certification programs for its members.

An open invitation is extended to all Alabama municipalities that are not currently members of AMROA!

For more information, contact AMROA President Haley Burford with the City of Glencoe at 256-492-1424.

www.amroa.org

Municipal Marketplace

The following vendors have purchased advertising packages through the League. This list is intended to be a resource tool for municipal officials and employees. These vendors can also be found on the League's website at www.alalm.org under the Municipal Marketplace.

Alabama Municipal Funding Corporation (AMFund)

P. O. Box 1270
Montgomery, Alabama 36102
Phone: 334-386-8130
FAX: 334-386-8170
E-mail: gregc@amfund.com
Website: www.amfund.com



Contact: Greg Cochran

AMFund provides low cost financing to municipalities in Alabama. Since 2006, 28 municipalities have participated in AMFund, borrowing just under \$95 million in public improvement bonds. For some municipalities, AMFund's competitive interest rates and issuance costs are exactly what is needed to undertake a new project or acquire new equipment. Still others, who may have been turned down for a loan because the requested amount was too small, will welcome the freedom AMFund allows to improve quality of life for citizens.

Alabama Municipal Insurance Corporation

110 North Ripley Street
Montgomery, Alabama 36104
Phone: 334-386-3863
FAX: 334-386-3874
E-mail: stevev@amicentral.org
Website: www.amicentral.org



Contact: Steve Wells, President

AMIC is a not for profit Mutual Insurance company wholly owned and run by its member municipalities.

Alabama One Call

3104 Bates Lane
Fultondale, Alabama 35068
Phone: 205-731-3206
FAX: 205-731-3249
E-mail: mdory@al1call.com
Website: www.al1call.com

Contact: Michele Dory

Alabama One Call is a non-profit organization established to provide a centralized one call notification system as a means to safeguard against injury and loss of life, to protect public services and to prevent damage to underground facilities by providing for prior notification of excavation and demolition activities. Notification to underground facility owners is required by Alabama Act 94-487.

Affinity Benefit Solutions

101 Technacenter Drive
Montgomery, Alabama 36117
Phone: 800-325-9876
FAX: 334-272-6520
E-mail: kstottler@aimsbenefits.com
Website: www.aimsbenefits.com

Contact: Kory Stottler

With our help, any worksite can make available a variety of insurance protection plans to staff and employees which provide excellent benefits to help preserve their financial independence. ABS has been successful in the development of proprietary products with unique advantages in the worksite some of which include: **Short Term Disability, Long Term Disability, Term Life, Long Term Care, Critical Illness, Cancer, Accident, Rx card** and others. In many cases they can be Guaranteed Issue.

American Traffic Solutions

7681 East Gray Road
Scottsdale, Arizona 85260
Phone: 480-596-4619
FAX: 480-607-0901
E-mail: kelsey.phillips@atsol.com
Website: www.atsol.com

Contact: Kelsey Phillips

American Traffic Solutions™ (ATS) develops, delivers and operates next-generation Road Safety Camera products and services that reduce the number and severity of preventable crashes by increasing compliance with traffic laws. ATS is the largest Road Safety Camera service provider in North America and continues to be selected by the majority of U.S. cities and counties who procure these programs through a competitive process.

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Phone: 205-982-5500
FAX: 205-982-5501
E-mail: lbacchus@bmss.com
Website: www.bmss.com

Contact: Lacey Bacchus

Barfield, Murphy, Shank & Smith (BMSS) is one of the largest local CPA firms in Alabama with over 100 employees, including 50 CPAs. BMSS professionals have over 100 years of combined technical experience and deep industry knowledge of providing quality and proactive accounting, auditing, consulting and tax services to government entities. Often, our fees average 20% less than national firms. BMSS has the experience you need and we are eager to go to work with you.

Black Mountain Software, Inc.

145 Southlake Crest, Suite #1
 Polson, Montana 59860
 Phone: 800-353-8829
 FAX: 406-883-1029
 E-mail: sales@blackmountainsoftware.com
 Website: www.blackmountainsoftware.com

Contact: Teresa Van Buren

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 Phone: 334-347-0088
 FAX: 334-347-7650
 E-mail: hgalloway@cricpa.com

Birmingham Contact: Brian Barksdale

2100 16th Avenue, South
 Suite 300
 Birmingham, Alabama 35205
 Phone: 205-933-7822
 FAX: 205-933-7944
 E-mail: bbarksdale@cricpa.com

Website: www.CRIcpa.com

CRI's governmental auditing and accounting industry knowledge, insight and client accessibility ensure the delivery of timely, high-quality, and cost-effective solutions. Our over 150 firm-wide governmental clients include municipalities, boards of education, utility boards, and transportation agencies ranging from revenues under \$100,000 to budgets in excess of \$400 million. Core services include financial statement audits (including OMB Statement A-133), internal control reviews and recommendations, accounting issues consulting, and forensic investigations.

Judicial Correction Services

1678 Montgomery Highway, Suite 104 #334
 Hoover, Alabama 35216
 Phone: 888-527-3911
 FAX: 251-990-7907
 E-mail: kegan@judicialservices.com
 Website: www.judicialservices.com

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on page 10*

Contact: Kevin Eagan

Helping municipal court clerks kick their heels up in joy. That is what one client said about Judicial Correction Services after implementing supervised probation. JCS provides case supervision including prompt remittance of fines. No more overdue fines, stacks of letters, large jail expense or collection agencies. Supervised probation works, and available at no-charge to your city. Sixty plus Alabama courts have appointed Judicial Correction Services. Learn why for yourself. Give us a call and let's chat.

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 FAX: 931-381-0678
 E-mail: marketing@localgovcorp.com
 Website: www.localgroup.com

*See our ad
on page 14*

Contact: Stacy Hardy

Local Government Corporation, headquartered in Columbia, Tennessee, was established in 1977 as a private, not-for-profit corporation chartered to provide computer services to local government entities. These services are provided on a cost recovery basis. With the assistance of state agencies, LGC has developed many software applications to meet the management needs and legal requirements of local governments. All software developed at LGC is design to run on a variety of operating systems. LGC prides itself in providing a total technical solution, including software, hardware, installation, training, support, web design, and network maintenance for its customers.

Mauldin & Jenkins, CPA, LLC

2000 Southbridge Parkway, Suite 501
 Birmingham, Alabama 35209
 Phone: 800-277-0080
 FAX: 205-445-2940
 E-mail: rhartley@mjcpa.com
 Website: www.mjcpa.com

Contact: Rick Hartley

Since 1918, Mauldin & Jenkins has based our service on personal attention to our clients and technical competency combined with integrity, honesty and commitment. We employ more than 175 professionals, 50 of whom have current governmental accounting, auditing, financial reporting and consulting experience. On an annual basis, we provide more than 55,000 hours of professional services to our 170 governmental entities in the Southeast. We understand the burdens, issues and complexities placed on governmental organizations.

Municipal Code Corporation

P. O. Box 2235
 Tallahassee, Florida 32316
 Phone: 800-262-2633
 FAX: 850-575-8852
 E-Mail: info@municode.com
 Website: www.municode.com

Contact: Dale Barstow, Vice President of Sales

MCC has served Alabama Municipalities for over 50 years. Our well known services include: codification, recodification, supplementation, republication, legal review, code on the Internet, posting raw ordinances to the web, electronic only supplements, print & mail utility/tax billing statement services, records management, automated agenda, scanning and archival services.

Please visit our Company On-line Brochure, <http://www.municode.com/about/brochure.pdf>, or call us at 800-262-2633.

Municipal Revenue Service

P. O. Box 1270
Montgomery, Alabama 36102
Phone: 334-262-2566
FAX: 334-263-0200
E-mail: stevem@alalm.org



Contact: Steve Martin

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

Municipal Workers Compensation Fund, Inc.

P. O. Box 1270
Montgomery, Alabama 36102
Phone: 334-262-2566
FAX: 334-263-0020
E-mail: stevem@alalm.org
Website: www.alalm.org (click on MWCF link)



Contact: Steve Martin

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Website: www.nafeco.com

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Contact: Ronald Woodall

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Polyengineering, Inc.

P. O. Box 837 (36302)
1935 Headland Avenue
Dothan, Alabama 36303
Phone: 334-793-4700
FAX: 334-677-9477
E-mail: ddavis@polyengineering.com
Website: www.polyengineering.com

Contact: David Davis

Polyengineering, Inc. is in its 50th year of providing professional engineering and architectural design services to public and private clients. Their office includes an on-site, full service water and wastewater laboratory. POLY's staff consists of over 60 multi-disciplined professionals including civil, electrical, mechanical, and environmental engineers; architects; environmental scientists; surveyors; and construction representatives. This diverse in-house staff allows Polyengineering to provide a broad range of engineering and architectural services.

RDS (Revenue Discovery Systems)

RDS-Revenue Discovery Systems
2317 Third Avenue North, Suite 200
Birmingham, Alabama 35203
Phone: 205-324-0088
FAX: 205-423-4099
E-mail: alabamasales@revds.com
Website: www.revds.com

Contact: Stephen Morris

Pete Yonce 205-423-4110 pyonce@revds.com	Yolanda Watkins 334-272-9995 ywatkins@revds.com
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RDS provides revenue-enhancement support services to state and local government in the areas of revenue administration, revenue discovery & recovery, and compliance audit examination. RDS delivers value, competitive pricing, and exceptional client service through a disciplined and compliant approach to revenue enhancement. With more than 28 years of experience, we're helping 475+ clients grow their revenues to better serve their constituents.

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P. O. Box 3989
Muscle Shoals, Alabama 35662
Phone: 256-383-5569
FAX: 256-383-3496
E-mail: salestax@comcast.net
Website: www.stacsonline.com

Contact: Don Allen

STACS provides low cost sales, use, rental, lodging and gasoline tax collection and auditing for local governments throughout the state of Alabama. Personal service to both local governments and taxpayers are our specialty along with Toll Free telephone service and a website for rate information and for downloading applications and reporting forms. STACS provides online filing through the click2file system.

Tuscaloosa Tourism and Sports Commission

1305 Greensboro Avenue
Tuscaloosa, Alabama 35401
Phone: 205-391-0957
FAX: 205-759-9002
E-mail: beakie@tcvb.org
Website: www.tuscaloosa.com

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Contact: Beakie Powell

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These vendors can also be found on the League's website at www.alalm.org under the Municipal Marketplace. ■



2011 Annual Convention

Von Braun Center
Huntsville, Alabama
April 30-May 3, 2011

*NOTE: Registration materials will NOT be mailed this year. Either use the forms provided in this issue of the Journal or **SKIP THESE STEPS entirely** and register online at www.alalm.org. Online registration will be available January 14th.*

The League staff has begun preparing for the 2011 Annual Convention which will be held April 30 through May 3 at the Von Braun Center in Huntsville. Please note that **municipal officials are responsible for making their own hotel reservation at their choice of hotel. Also, online registration will be available at www.alalm.org beginning January 14, 2011.** To make the registration process more efficient, delegates are encouraged to pre-register. **The deadline for pre-registration is April 8, 2011.** After April 8, delegates must register at the convention registration desk in the Von Braun Center. It is also important for delegates and their spouses who plan to participate in the golf tournament to register as soon as possible.

Hotel Accommodations: Hotel information was mailed in September to all municipal officials and clerks. Each delegate is responsible for making his/her hotel reservations. Please visit www.alalm.org for hotel contact and room block information.

CONVENTION REGISTRATION

(SKIP THIS STEP by visiting www.alalm.org to register online!)

NO CONVENTION REGISTRATIONS BY PHONE WILL BE ACCEPTED.

IF NOT REGISTERING ONLINE:

1. Complete the convention registration forms in this issue of the Journal to register yourself and your spouse (if applicable).
USE ONE FORM FOR EACH DELEGATE REGISTERED.
2. Complete golf tournament registration (provided on convention registration form) if applicable.
3. Enclose a payment for the appropriate convention registration fee and golf tournament fee (if applicable).
Payment in full must accompany each registration form.
4. Return the forms and payment or credit card number to Alabama League of Municipalities, Attention: Convention Registration, P.O. Box 1270, Montgomery, AL 36102. (You may fax your forms with credit card payment to 334-263-0200.)

NOTE: Although a separate convention registration must be completed for each delegate, the municipal clerk may send registration forms and a payment for all municipal officials and employees to the League in a single envelope.



Envelopes must be postmarked by the aforementioned dates. There is no extra charge for children under 6; however, children must be pre-registered. The full convention fee covers the following events for each delegate and children under 6: Saturday night welcome party, Sunday night exhibitors showcase and reception, Monday luncheon, and Monday reception and banquet. The registration fee for spouses includes Saturday night welcome party, Sunday night exhibitors showcase and reception, Monday spouses breakfast, Monday luncheon, and Monday reception and banquet.

The astronomical cost of putting on a convention makes it **impossible** to allow free admittance of guests of delegates at **any** function. Delegates who bring a guest may purchase additional tickets for the various events at the registration desk.

For children ages 6 and over and guests, the full registration fee must be paid or single tickets to events may be purchased at the registration desk at the following discounted prices:

Monday Luncheon-\$25.00 Monday Banquet-\$40.00

For additional guest information, please contact Krystle Bell with the League at 334-262-2566.

GOLF TOURNAMENT FEE: \$60 for each participant, which includes riding cart, green fees, breakfast, and lunch. The deadline for refunds is **April 15, 2011**.

Convention Refund/Cancellation Policy

In order to receive a partial refund of your registration fee, your cancellation request must be received in writing by April 15, 2011. A \$60 administrative fee will be charged for all cancellations regardless of the reason for cancellation (including medical emergencies). No refunds will be given after this date. Registration fees for spouses are nonrefundable. ALM cannot make exceptions to this policy.

Distinguished Service Awards

This year the League will present its Distinguished Service Awards to mayors, council members, clerks, administrative assistants, city managers, city administrators, commissioners, attorneys, and judges who have served for 20, 30 or 40 years in municipal office. Service in multiple positions may be combined to make the required number of years. These service awards will be presented at the Annual Convention during the banquet on Monday night, May 2. Please help us prepare for the presentation of the League Distinguished Service Awards by notifying League Headquarters by February 21, 2010 of any official who has served for 20, 30 or 40 years in municipal office and has not previously received a service award for the number of years submitted. You can download a form for this purpose at www.alalm.org.

CONVENTION REGISTRATION FEES

- \$300 through March 25, 2011
\$20 nonrefundable registration fee for spouses*
- \$325 from March 26 through April 8, 2011
\$30 nonrefundable registration fee for spouses*
- \$375 after April 8, 2011 (on-site registration)
\$50 nonrefundable registration fee for spouses*

**Spouse registration cannot be paid by the municipality; therefore, registration must be paid by the official at the time of registration.*



SKIP THIS STEP

by registering online at www.alalm.org!

DELEGATE

(Mayors, Council Members, and Clerks)
Please Print or Type All Information

REGISTRATION FORM FOR CONVENTION DELEGATES 2011 ALABAMA LEAGUE OF MUNICIPALITIES CONVENTION

Name _____ Municipality _____

Name (to appear on badge) _____ Title _____

Daytime Phone Number _____ E-mail _____

Address _____ City/Town _____ Zip _____

Spouse (see registration fee below) First _____ Last _____

DELEGATE and GOLF REGISTRATION

See Registration and Golf Tournament Materials for Additional Information

Through March 25, 2011

- \$300 Delegate Registration *Cancellation request must be received in writing by April 15, 2011*
- \$ 60 Golf Registration/Choose a Category A, B, C, or D Category _____ (Email required for Foursome Info)
- \$ 20 Spouse Registration (*Non-refundable*)

March 26 – April 8, 2011

- \$325 Delegate Registration *Cancellation request must be received in writing by April 15, 2011*
- \$ 60 Golf Registration/ Choose a Category A, B, C, or D Category _____ (Email required for Foursome Info)
- \$ 30 Spouse Registration (*Non-refundable*)

After April 8, 2011 (*On-site registration only*)

- \$375 Delegate Registration *Cancellation request must be received in writing by April 15, 2011*
- \$ 60 Golf Registration/ Choose a Category A, B, C, or D Category _____ (Email required for Foursome Info)
- \$ 50 Spouse Registration (*Non-refundable*)

PAYMENT INFORMATION

CHECK VISA MC AMEX PAY PAL

Card # _____ Exp. _____ Name on Card _____

Billing Address _____ Signature _____

Notes:	For Office Use Only
	Date Received _____
	Amount Paid _____
	Check # _____
	Check # _____

2011 ANNUAL MUNICIPAL GOLF TOURNAMENT

May 1, 2011 at 7:30 a.m. (location to be announced)

For additional information go to www.alalm.org

- \$60 per player
- ALL skill levels welcome!
- Great networking with fellow officials
- Door Prizes
- Four Player Scramble with a shotgun start
- Breakfast served prior to Tournament
- Awards Luncheon following Tournament
- Must be registered for the Convention

Additional information will be sent to you upon receiving the paid registration fee.

Prize Eligibility/Awarding Prizes:

- A complete listing of Prize Eligibility and Awarding Prizes information is available at www.alalm.org.
- All prizes will be awarded at the Awards Luncheon. You must be present to win a door prize.
- All players are presumed to know their eligibility for prizes. Other than door prizes, no player will be awarded more than 1 individual prize.
- To be eligible to win an individual prize, a participant must be a municipal official, a municipal employee or their spouse, and the participant must be registered for the convention.

2011 CONVENTION EXPO

MAY 1-2, 2011

The 2011 EXPO offers an excellent opportunity for over 1,000 delegates to network and make valuable connections with more than 300 vendor representatives. The League will kick off its annual EXPO with the Exhibitors Showcase on Sunday evening with a casual reception featuring live music, heavy finger foods and an open bar in the Expo Hall. On Monday morning the hall will open at 10:30 followed by a full day of events and opportunities for officials and vendors to meet. Immediately after the Monday luncheon, convention attendees can view the vendor-sponsored prize posting and claim their prizes while enjoying dessert in the Expo Hall. A vendor listing for this year's Expo can be previewed at www.alalm.org. To reserve a booth space in Huntsville, contact Cindy Price at (334) 262-2566, or via e-mail at cindyp@alalm.org.

2011 SERVICE AWARDS

NOTE: Service as Mayor, Council Member, Clerk, Administrative Assistant, City Manager, City Administrator, Commissioner, Attorney or Judge may be combined.

Please print the name, office and number of years of each eligible official to receive a Service Award. Please return form by February 21, 2011. Please keep a copy of this form for your records.

NAME	OFFICE	YEARS OF SERVICE

IF YOU HAVE NOT RECEIVED A CONFIRMATION LETTER BY **March 21, 2011**, NOTIFY THE LEAGUE HEADQUARTERS IMMEDIATELY.

Form Completed by:

City/Town of:

Date Completed:



2011 Convention Quick Guide

APRIL 30 – MAY 3, 2011
VON BRAUN CENTER • HUNTSVILLE

Convention program will provide complete listing of meeting rooms and locations.

Saturday, April 30

10:00 a.m. – 5:00 p.m. Registration – Von Braun Center
 11:00 a.m. Resolutions Committee Meeting
 1:00 p.m. AMIC Annual Meeting
 3:00 p.m. – 5:00 p.m. **Opening Session**
 2011 Quality of Life Awards Presentations
 6:00 p.m. City of Huntsville Welcome Party

Sunday, May 1

7:30 a.m. 2011 Annual Municipal Golf Tournament
 10:00 a.m. Prayer Service
 1:00 p.m. – 5:00 p.m. Registration – Von Braun Center
 1:30 p.m. – 4:30 p.m. Round Table Discussions (by population)
 4:30 p.m. – 6:00 p.m. ABC-LEO Reception
 5:30 p.m. – 7:00 p.m. Exhibitors Showcase and Reception

Monday, May 2

8:00 a.m. – 5:00 p.m. Registration – Von Braun Center
 8:30 a.m. – 9:30 a.m. Clerks Breakfast and Business Meeting
 9:30 a.m. – 5:00 p.m. Clerks Meeting
 8:30 a.m. – 5:00 p.m. Alabama Association of Public Personnel Administrators
 9:30 a.m. Spouses Breakfast
 9:00 a.m. – 10:30 a.m. **General Session**
 10:30 a.m. – 4:00 p.m. Exhibits Open
 10:30 a.m. - 11:00 a.m. Coffee Break in the Expo Hall
 11:00 a.m. – Noon Concurrent Sessions
 12:15 p.m. – 1:45 p.m. **Luncheon**
 1:45 p.m. – 2:15 p.m. **Dessert in the Expo Hall** (Door prize winners will be posted in the back of the Expo Hall.)
 2:30 p.m. – 3:30 p.m. Concurrent Sessions
 3:30 p.m. – 3:45 p.m. Break
 3:45 p.m. – 5:30 p.m. Annual Business Meeting
 6:00 p.m. Reception
 7:15 p.m. President's Banquet followed by humorist

Tuesday, May 3

8:00 a.m. – Noon Registration – Von Braun Center
 8:30 a.m. – 10:30 a.m. General Session
 10:30 a.m. – Noon Ask Your Attorney Panel
 Noon Adjourn

Meetings and/or events subject to change. CMO credits can be earned. See convention program for details.



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Meet the League's Membership Department

The League's Member Services Department oversees the Certified Municipal Official (CMO) program, provides logistics planning for annual convention and organizes meetings and special events for the League and its affiliated organizations. In addition, this department receives and routes calls; maintains the League's directory database and coordinates all aspects of the League's Annual Tradeshow as well as the League's vendor advertising packages.



Theresa Lloyd
Member Services Director

Theresa was born in Montgomery, educated in the Autauga County school system and received a Business Administration diploma from Patterson College. She joined the Alabama League of Municipalities in 1992 as an administrative assistant and became the administrator of the League's Certified Municipal Official (CMO) training program in 2000. In January 2010, Theresa became the League's Member Services Director and is responsible for planning all League meetings, NLC meeting registrations and coordinating the League's Annual Convention. In addition, her department plans CMO training sessions; maintains credit hours for participants in the CMO Program; and maintains the League's databases. Prior to joining the League's staff, Theresa worked with the State of Alabama's Treasurer Office.

Cindy Price
Advertising/Expo and CMO Administrator

Cynthia (Cindy) joined the League staff in January 2007 as an administrative assistant and became Advertising/Expo and CMO Administrator for the Member Services Department in 2010. Cindy is responsible for coordinating the Certified Municipal Official (CMO) training program, vendor advertising for League publications and managing the Expo at the annual convention. Prior to joining the League's staff, Cindy worked part-time for 1.5 years with the League's Loss Control Department and 16 years as secretary/guidance counselor at Saint James School.

Cindy was born in Crestview, Florida. She and her husband, Eugene, have two grown children. They enjoy local and international mission work, traveling often to Brazil to construct church buildings and are members of Ridgecrest Baptist Church. Cindy serves on the Board of Directors for Teddy Bears & Hugs, Inc., an outreach to families with premature infants and children with extended illnesses.



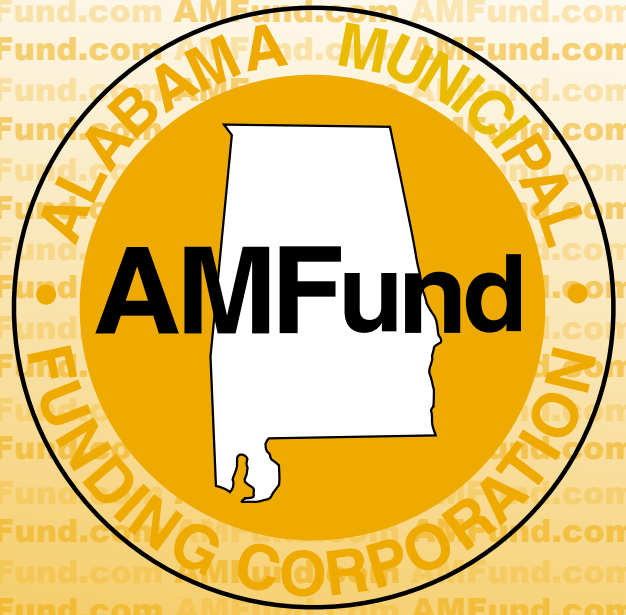
Krystle Bell
Member Services Assistant Director

Born and raised in Roanoke, Alabama, Krystle is a 2007 magna cum laude graduate of Jacksonville State University with a Bachelor of Arts in Political Science and a double minor in Spanish/Business and Technical Writing. Currently, she is pursuing a Master of Public Administration at Auburn University Montgomery and will complete her degree in May 2011. She joined the League's staff in October 2007 and currently serves as the Member Services Assistant Director responsible for assisting with the planning and preparation of the annual convention; updating the annual directory and vendor pages; and maintaining the mailing list. She also provides assistance to the League's Finance Department.

Krystle resides in Montgomery where she is very active in the community. Along with being a member of Faith Full Gospel Baptist Church, Krystle is a member of EMERGE Montgomery, JSU Alumni Association, AUM Alumni Association, Leading Edge Institute Montgomery Community Council, National Pan-Hellenic Council of Montgomery Program Planning & Development Committee and Alpha Kappa Alpha Sorority, Incorporated.

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