The Alabama Municipal
JOURNAL

March/April 2017 Volume 74, Number 5

Are you making the most of the League's affiliated programs?

See inside for information on the many cost-saving services uniquely designed for cities and towns

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One of the major benefits of League membership is the opportunity to utilize many cost-saving affiliated programs and services uniquely designed for cities and towns – and improving the quality of life in Alabama's communities.

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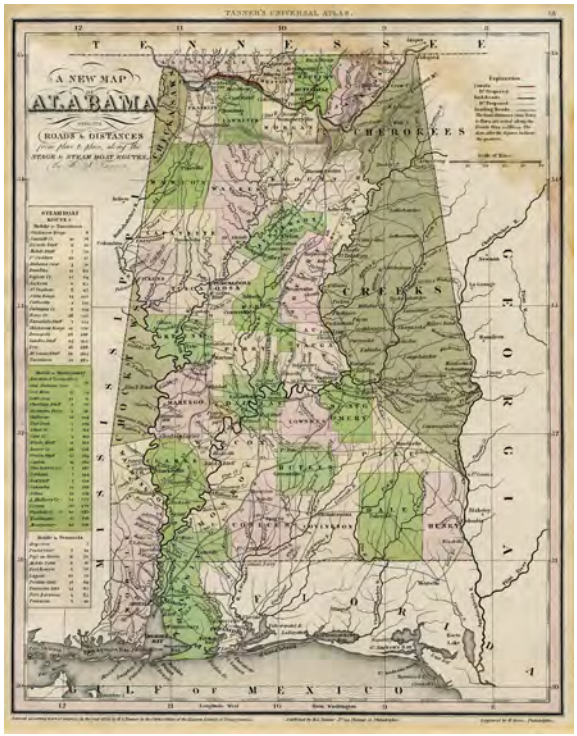
Celebrating our Past; Charting our Future.

Form your Official Celebration Committee Today!

Alabama's Bicentennial, which will be celebrated 2017-2019, is a unique opportunity for our local governments to participate in a very specific historical milestone. The Bicentennial Commission and the Alabama League of Municipalities encourages every municipality to be part of the Bicentennial process by forming an official **Community Celebration Committee**. In addition, the counties have been encouraged to form Celebration Committees.



Options are endless!

Some municipalities may decide to take on a special project for the Bicentennial, such as the addition of a historical marker or renovating a historic structure. Official Celebration Committees can use the ALABAMA 200 branding to broaden outreach and highlight some of the elements that make your community unique and historically significant. It's also another way to market your area to visitors. **Official Bicentennial Community Celebration Committees can apply for limited grant funding, which will be awarded in late 2017 on a first come, first serve basis.**

How do we form an official Celebration Committee?

In order to apply for grant funding or to receive* ALABAMA 200 *promotional and branding materials from the Bicentennial Commission, your municipality must designate an official community-wide Community Celebration Community that is approved via special resolution by the mayor and council. **Download the necessary resolution at alabama200.org under the 'Participate" tab at the top – click on the "Form a Committee" link.** A copy of your resolution, as well as the contact information for the Chair of your Community Celebration Committee, must then be submitted to the Bicentennial Commission, which is forming a database to enable the Commission to send relevant information to the correct people and to keep a current list of Bicentennial projects and activities.

Community Celebration Committees can be composed of *anyone* from your community, especially people from historical, educational, cultural and/or civic and community organizations such as schools, libraries, history/heritage groups, tourism/economic development organizations, etc. We encourage you to engage your community leaders, activists and historians in this process.

Mail or email a copy of your resolution as well as your committee chair person's contact information to: Jay Lamar, Alabama Bicentennial Commission, 401 Adams Street, Suite 108, Montgomery, AL 36104 or jay.lamar@bicentennial.alabama.gov.

Alabama200.org

The President's Report

By Dr. Howard Rubenstein, Mayor, Saraland

Are you making the most of the League's affiliated programs?

One of the major benefits of being a member municipality of the Alabama League of Municipalities is the opportunity to utilize the many cost-saving programs and services offered through our outstanding association. These affiliated programs not only save our municipalities money, they are uniquely designed for cities and towns – and improving the quality of life in our communities.

These programs include property and liability insurance services through the Alabama Municipal Insurance Company (AMIC); workers compensation insurance through the Municipal Workers Compensation Fund (MWCF); risk management services via our AMIC/MWCF Loss Control Division; loan and debt refinancing services through the Alabama Municipal Funding Corporation (AMFund); and Alabama's *only* state tax refund municipal debt recovery program, Municipal Intercept Services (MIS).

Each program has a dedicated website providing detailed information about its services. Links to each website is available via the League's website, www.alalm.org. Click the "Insurance/ Financial Services" tab at the far right of the homepage.

My municipality, Saraland, has been able to benefit from many of these programs. For instance, AMFund made possible a $30 million, low interest loan enabling us to build a state-of-the-art high school when we formed our new city school system 10 years ago.

After breaking from the Mobile County Public Schools in 2006, Saraland opened a $30 million flagship high school on 83 acres at Interstate 65 and Alabama 158 made possible by an AMFund loan. Over the past decade, this state-of-the-art complex has continued to expand and now offers a number of career-technical programs including health science, pre-engineering and welding courses.

Every municipality has the potential for a severe employee injury. It would be difficult to find a private workers compensation program that understands the complexities of municipal employees and the injuries they can sustain better than our own Municipal Workers Compensation Fund. MWCF has provided outstanding service to municipalities, housing authorities, water and sewer utilities, gas and power utilities since 1976 and is the second-oldest League insurance pool in the nation. I have found this League program to be especially helpful, caring and attuned to the needs of our municipality and its employees.

AMIC is another excellent example of municipal-oriented insurance coverage provided by our League. With the extensive liability that our cities and towns face every day, it is assuring to know that comprehensive coverage is available covering many instances of municipal liability as well as damage to municipal buildings, vehicles and equipment.

Free risk management services such as Skidcar and FATS (Firearm Training System) training can be accessed via our AMIC/MWCF Loss Control Division by those member municipalities using our insurance programs. I have personally participated in the FATS training program and promise it is an eye-opening experience. It really gives you some appreciation for the complexity and split second decision making that is required from our Public Safety officials.

Our *free* MIS program is designed to help ensure that income due to your city is appropriately identified and collected. With the growing expense of municipal services, it is essential that we have the capability to have sufficient revenue to meet our responsibilities.

If you are not already participating in one or all of these programs, please visit their websites and learn more about the many benefits available to your municipality. In addition, League staff is always available to answer your questions regarding the many services offered to your community through your League membership! ■

ATTENTION LEAGUE MEMBERS

Important email information. Please read!

In order for the League to notify you in a timely manner, we need your ***individual*** email address. It has come to our attention that several of our municipalities have created bundled email accounts on behalf of their municipal officials. This means they are using one email account/address for several individuals. The current technology used by the League doesn't allow for our email notifications (i.e. newsletters, event registration and grassroots advocacy) to be sent to bundled accounts. If you wish to receive our email notifications, you must establish individual/unique email accounts for each municipal official.

Example: *JohnDoe.CityofAnywhere@gmail.com or Councilmember1.CityofAnywhere@yahoo.com.*

If it is not possible to create municipal email accounts, we request that you send your personal email account. We will keep this information confidential and it will only be used by the League – it will not be shared. Further, you may unsubscribe from mailings at any time. ***Thank you!***

Municipal Overview

By Ken Smith, Executive Director

"I want to help the League."

One of the things I enjoy most about my job is the opportunity it affords me to spend time with so many people – officials, municipal employees and others – who are dedicated to helping their communities improve. It's always great to discuss current issues, answer legal questions, or just shoot the breeze. Often, I hear the question asked that forms the title for this month's column – how can I help the League?

Member participation is crucial to the growth and development of the League, so I always like to hear that our members are interesting in assisting us in some way. Interestingly enough, in my opinion, when you act to help your municipality, you are helping the League as well.

The League's mission is to help our members better govern their cities and towns and to give them the information they need to make the best decisions to grow, prosper and develop. The League has instituted many programs designed to advance that goal. This article discusses ways you can work with the League to help the League as an organization and benefit yourself at the same time.

Affiliate Programs

Beginning in the early 1940s, the League recognized that many of our members needed the assistance from programs to provide specific services to meet certain needs. In the order of the creation, these programs are:

- Municipal Revenue Service, which collects delinquent insurance licenses,
- Municipal Workers Compensation Fund (MWCF), which provides workers compensation insurance,
- Alabama Municipal Insurance Corporation (AMIC), which provides liability insurance protection,
- Alabama Municipal Funding Corporation (AMFund), which provides loans for capital improvement projects and
- Municipal Intercept Services, which is Alabama's only state income tax refund municipal debt recovery program.

These programs are crucial to the success of our members and the League. How do they help? Well, to begin with, these programs were developed and approved by the League's Executive Committee because of a recognized need for these services among a significant number of our members. Either a need wasn't being met by private industry, or the Committee felt that the League could help fill a niche not being filled in other ways. These programs were established by the League to meet those needs.

Additionally, each of these programs contributes significant funding to the League's bottom line. These funds help us provide the broad range of services we have available and keep your dues low. Your participation in these programs helps support the League and has the added benefit of protecting and assisting your municipality. If you are not participating in any of these programs, I urge you to visit our website at **www.alalm.org/insurance-financial-services** and see just how they can help your municipality.

Visit Your Legislators

The League's legislative function is one of our most important activities, and member participation in the process is vital to our continued success. Each year, hundreds of bills are introduced that impact your city or town. The League makes every effort to promote positive legislation and oppose those that will harm our members. However, it takes the combined effort of you, our members, the League staff and other municipal lobbyists to continue to be successful.

Take the time to get to know your legislators. Spend time with them. Invite them to city hall to meet your employees and see where the work gets done. Discuss municipal issues and let them know your opinion. It matters to them, and they need to hear it.

Become a Certified Municipal Official

The Alabama League formed the second training program for municipal officials in the country back in 1994. The Certified Municipal Officials program (CMO) has proven to be very popular and extremely successful as over 4,000 officials have received at least some training by attending a CMO event. More than 1,500 current officials are active in the program.

There are three levels of certification available to officials. First, you earn your CMO certification by attending 40 hours of League-certified training. Officials who attend 40 additional

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Alabama Association of Municipal Clerks and Administrators

SPRING MUNICIPAL CLERKS INSTITUTE	March 29 - 31, 2017, Hoover
FALL MUNICIPAL CLERKS INSTITUTE	August 23 - 25, 2017, Tuscaloosa
MUNICIPAL CLERKS WINTER CONFERENCE	December 6 - 8, 2017, Florence

IIMC approved webinars coming soon!

MUNICIPAL REVENUE OFFICERS TRAINING

Alabama Municipal Revenue Officers Association (AMROA)

SPRING REVENUE TRAINING INSTITUTE	April 12 - 14, 2017, Tuscaloosa
AMROA SUMMER CONFERENCE	July 19 - 21, 2017, Guntersville
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Questions? Contact Pamela Harvey at 205-348-6605 or pharvey@ccs.ua.edu.

THE UNIVERSITY OF ALABAMA®

ALM and the National League of Cities

By Carrie Banks • Communications Director• ALM

NLC NATIONAL LEAGUE OF CITIES
CITIES STRONG TOGETHER

Created by state municipal leagues in 1924 as the American Municipal Association (AMA), the National League of Cities (NLC) has served to strengthen and promote municipalities as centers of opportunity, leadership and governance for nearly a century. Since its inception, the Alabama League of Municipalities has had long-standing ties with the national organization – a relationship extending from before the Alabama League formally organized in 1935.

Early Attempts Fall Short

Although feeble attempts to organize Alabama's municipal officials were made during the first quarter of the 20th century, it wasn't until a June 1926 convention in Fairfield, attended by nearly 100 local government leaders, that a committee developed a formal constitution and by-laws, calling the organization the Alabama Municipal Association of Mayors and City Commissioners. Membership was limited to those who held the highest positions in their municipalities, although nonvoting associate memberships were allowed to "minor" employees. Pressing needs discussed at this gathering included the urgency for better recognition of municipalities by state government; longer terms for elected officials (who were confined to two-year terms at that time); the demand for uniformity in traffic laws; more effective tax collection, the importance of distributing news and general information to all cities and towns; the need to revise bond laws affecting municipalities; the demand for more increased revenue for municipalities to meet the ever-increasing needs of citizens; and the need for fellowship among those undertaking a common interest.

Two years later, during a 1928 convention in Selma, it was decided that the organization should be changed from one with a membership of municipal officials to one representing the actual units of government. An amendment to change the name to the Alabama League of Municipalities was approved, keeping the previous constitution and by-laws, except for dues. However, without a full-time leader to increase membership and direct its mission, the organization floundered.

Alabama League Organizes with Help from AMA

In 1935, at a meeting in Montgomery, the Alabama League found its footing through the help of the national organization, the American Municipal Association (AMA). During this convention, which had the largest attendance to date, Clifford Ham of AMA addressed delegates – informing them of the important work of the 30 or so active Leagues around the country and impressing upon Alabama's officials the need for an aggressive and sound central organization. To that end, he offered financial aid through the AMA, enabling the Alabama League to hire its first executive director, Ed Reid, a dynamic, 25-year-old who was raised in Georgiana and was serving as Secretary to the Speaker of the Alabama House of Representatives and Consultant to the Legislative Recess Committee on Homestead Exemption and Ad Valorem Taxation.

A 1938 article written by Arnold Miles, Assistant Director of the AMA, and published in the *Alabama Municipal*

Councilwoman Cynthia McCollum of Madison delivers her acceptance speech in 2007 as the first (and thus far only) Alabama official to be elected President of the National League of Cities.

News, describes the American Municipal Association as "the federation of the state leagues of municipalities" with active league organizations in 40 out of 48 states and a total membership of 7,300 cities, towns and villages. Miles wrote that the "one major purpose of the American Municipal Association is to assist cities individually and collectively in their relationship with the federal government." At that time, the AMA was headquartered in Chicago but maintained an office in Washington, D.C. to keep leagues "informed of the status of all legislation in Congress affecting municipal interests in general."

Miles further wrote that in addition to the inquiry and information services, the AMA "prepares and publishes bulletins and research reports on all manner of subjects of interest to municipal officials" and that "one of the AMA activities which city officials may have keenly appreciated is the field service. The Association has been fortunate in the last several years in securing special grants of funds for the purpose of taking the services of municipal leagues right out to the municipal official himself. This procedure not only helps the official solve some of his own problems, but makes the municipal league the actual servant of its members, the municipalities. In Alabama, for example, the AMA has made available $960 out of its 1938 field service funds to assist the Alabama League of Municipalities in bringing its services closer to (the municipalities)." He also stressed that the AMA holds an annual convention providing an opportunity for federal, state and local officials to gather for three days at a "national forum for the discussion of municipal problems."

Active Member Since 1935

Since officially organizing in 1935 with financial aid from the AMA and a three-year grant from the Rockefeller Foundation, the Alabama League of Municipalities has been an active member of the AMA and its successor, the National League of Cities (NLC). Ed Reid served three terms on the AMA's board of directors and attended many national meetings hosted by AMA throughout his 30-year career with the League. In 1964, the AMA became the National League of Cities. When John Watkins was named executive director after Reid's untimely death in 1965, he maintained Alabama's strong ties with the national organization, increasing attendance of Alabama's municipal officials at NLC conferences and serving two terms on NLC's board.

Participation with NLC grew even stronger under the leadership of the League's third executive director, Perry Roquemore, who was hired as the League's staff attorney in 1974 and named director upon Watkins' retirement in

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The Legal Viewpoint

By Lori Lein, General Counsel

The Hidden Cost of "Free Labor" Volunteers and Interns

As summer approaches, the legal department expects to get calls from members regarding the use of volunteers and possibly student interns. While most can agree that volunteers and interns provide a low-cost way of delivering services to the public, municipalities should have an understanding of some of the pros and cons of "free" help.

Volunteers

Municipalities have long relied on volunteers to provide extra services or to supplement existing services. Volunteers perform many essential governmental tasks, such as fire protection, police protection, recreation and assistance in the event of natural disasters. In 1987, the League of Kansas Municipalities surveyed its members concerning their use of volunteers. When asked what they considered the greatest benefit volunteers provide, 82.4 percent of the responding officials mentioned the reduction of costs. Other responses included:

- Volunteers give detailed attention to people;
- Volunteers support programs in which they work;
- Volunteers provide a good supplement to paid staff and allow better allocation of resources;
- Volunteers gain a better understanding of municipal problems and constraints;
- Good public relations; and
- Brings pride in citizenship.

Even though the survey is now 30 years old, these benefits are still relevant today.

Along with the benefits volunteers provide, however, there are drawbacks. Municipalities remain liable for the actions of their volunteers. Protection of the volunteers themselves is a priority. Child labor laws must be observed if the volunteer is a minor. Volunteers may need to be trained to perform certain functions and may be statutorily prohibited from performing others.

Liability Issues

The use of volunteers opens municipalities up to three large areas of potential liability. First is the dangers presented to the volunteers themselves. How likely is a volunteer to be injured and what will you do if it happens?

The other liability issues are related. One is the concern about liability of the municipality for potential injuries to third parties. The other is the potential liability of the volunteers themselves, and the deterrence effect this has on volunteerism.

Injuries to Volunteers

It goes without saying that municipalities should take steps to reduce the possibility of injury to volunteers. Just as with paid employees, municipalities must maintain a safe work environment for volunteers. Municipalities should also look to see if paid employees should perform certain functions. Municipalities should limit the scope of a volunteer's duties so that they are not engaging in hazardous activities.

Precaution is the key here. It may be a good idea to purchase some type of insurance to cover volunteers. It is also a good idea to have volunteers sign a waiver of liability form. While this will not protect the municipality in all cases, it will indicate that the volunteer understood the risks and voluntarily assumed them.

Liability of Volunteers for Injuries to Others

Volunteers in Alabama have broad protection from personal liability under the Volunteer Service Act codified at Section 6-5-336, Code of Alabama 1975. The Act specifically provides the following:

(a) This section shall be known as "The Volunteer Service Act."

(b) The Legislature finds and declares that:

(1) The willingness of volunteers to offer their services has been increasingly deterred by a perception that they put personal assets at risk in the event of tort actions seeking damages arising from their activities as volunteers;

(2) The contributions of programs, activities and services to communities is diminished and worthwhile programs, activities and services are deterred by the unwillingness of volunteers to serve either as volunteers or as officers, directors or trustees of nonprofit public and private organizations;

(3) The provisions of this section are intended to encourage volunteers to contribute their services for the good of their communities and at the same time provide a reasonable basis for redress of claims which may arise relating to those services.

(c) For the purposes of this section, the meaning of the terms specified shall be as follows:

(1) GOVERNMENTAL ENTITY. Any county, municipality, township, school district, chartered unit or subdivision, governmental unit, other special district, similar entity, or any association, authority, board, commission, division, office, officer, task force or other agency of any state;

(2) NONPROFIT CORPORATION. Any corporation which is exempt from taxation pursuant to section 501(a) of the Internal Revenue Code, 26 U.S.C. Section 501(a);

(3) NONPROFIT ORGANIZATION. Any organization which is exempt from taxation pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. Section 501(c), as amended;

(4) VOLUNTEER. A person performing services for a nonprofit organization, a nonprofit corporation, a hospital or a governmental entity without compensation, other than reimbursement for actual expenses incurred. The term includes a volunteer serving as a director, officer, trustee or direct service volunteer.

(d) Any volunteer shall be immune from civil liability in any action on the basis of any act or omission of a volunteer resulting in damage or injury if:

(1) The volunteer was acting in good faith within the scope of such volunteer's official functions and duties for a nonprofit organization, a nonprofit corporation, hospital or a governmental entity; and

(2) The damage or injury was not caused by willful or wanton misconduct by such volunteer.

(e) In any suit against a nonprofit organization, nonprofit corporation or a hospital for civil damages based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the responsibility of the organization therefore under the doctrine of "respondent superior," notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (a).

Liability of Municipalities for Injuries to Others

Unless a statute expressly declares a municipality liable, the general rule stated by the courts is that a municipality

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Loss Control Division

334-262-2566 • www.losscontrol.org

In 2002, the Alabama Municipal Insurance Corporation (AMIC) and the Municipal Workers Compensation Fund (MWCF) created a joint **Loss Control Division** allowing both insurance programs to provide additional staff and expanded services at a much reduced cost to their members. The Loss Control Division has 11 dedicated staff members and offers a variety of services, including an Employment Practices Hotline, regional and on-site training programs on a number of loss prevention topics as well as exclusive, state-of-the-art training such as the SkidCar defensive driving program and the Firearms Training System (FATS). Descriptions of some of these services can be found on the next page. Loss control services include:

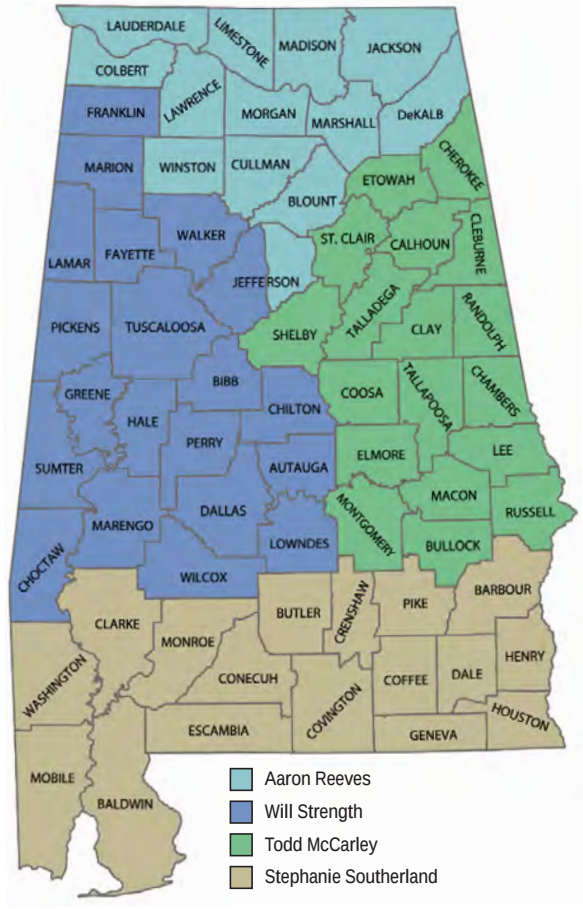
- On-site Risk Management with follow-up reports and recommendations
- Specialized Law Enforcement Risk Control
- Loss Analysis and Trending
- Newsletters and Bulletins
- Technical Resources
- Employment Practices Law Hotline
- Proactive Driver Training (SkidCar)
- Firearms Training System (FATS)
- Fire Extinguisher Training
- Safety DVD Library
- Online Training via LocalGovU
- Safety Seminars
- Loss Control Website

Loss Control Reps and Territories

Four loss control representatives are assigned to different regions throughout the state. The map below distinguishes the regions by county.

Will Strength
ARM-P
wills@alalm.org

Stephanie Southerland
CMC, CMP
stephanies@alalm.org



Aaron Reeves
ARM-P
aaronr@alalm.org

Todd McCarley
toddm@alalm.org

Police Safety Services

In addition to the loss control representatives, specialized consultants and coordinators are available to aid our members in policy and training.

Police Safety Consultant

Terry Sanders

terrys@alalm.org

Terry joined the Loss Control Division in 2012 with more than 30 years of law enforcement experience. He is responsible for traveling to 221 member police departments with liability or workers compensation insurance in an effort to reduce municipal liability and employee injuries.

Police Safety Consultant

Roger Owens

rogero@alalm.org

Roger joined the Loss Control Division in 1993 with more than 25 years of law enforcement experience. He is responsible for traveling to 114 member police departments with liability or workers compensation insurance in an effort to reduce municipal liability and employee injuries.

SkidCar Coordinator

Stan Fant

stans@alalm.org

Stan joined the Loss Control Division in 2000 after retiring from the AL State Troopers with more than 30 years in law enforcement. He is responsible for the Proactive Driver Training program and travels throughout the state training police officers and other municipal employees using the SkidCar system.

FATS Coordinator

Chuck Burns

chuckb@alalm.org

Chuck, FATS Coordinator for the Loss Control Division since 2008, retired from the AL Dept. of Public Safety in 2004 with 28 years of service. He delivers the Firearms Training System (FATS) and provides instruction on how to use the equipment to police districts throughout the state.

Employment Practices Law Hotline
Through a toll-free phone number, **1-800-864-5324**, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.

Firearms Training System (FATS)
FATS utilizes digital interactive training technology allowing officers to strengthen decision-making skills by responding to real-life scenarios where force may be necessary.

Proactive Driver Training (SkidCar)
Through an advanced, computer-controlled driver training vehicle known as the SkidCar System, trainees learn how to react quickly and safely to a range of hazardous driving conditions. Training is conducted year-round throughout the state at a minimal cost.

Risk Management Site Review
Members may request a comprehensive, on-site evaluation and review of all entity operations and properties by AMIC and MWCF loss control specialists. A formal report, complete with photos and loss control recommendations, identifies potential hazards and reasonable solutions.

Safety Library and Online Training
Visit **www.losscontrol.org** for a current list of safety DVDs available to be "checked out" by the member and may be kept for up to 14 days. In addition, numerous online training courses are available at no charge to AMIC/MWCF members.

Fire Extinguisher Training
Live training using the latest available technology is available for members to promote correct fire extinguisher use by every employee. This training is not exclusive to fire departments.

Questions? **Contact Donna Wagner • Loss Control Coordinator • 334-262-2566 • donnaw@alalm.org**

www.losscontrol.org

Records Retention: A Legal Requirement

Stephanie Southerland, CMC, CPM • Loss Control Representative • AMIC/MWCF

If you have an employee who was in a municipal vehicle while on duty and involved in an accident as a result of the brakes failing that causes his/her demise, can you show records of the maintenance history of the vehicle involved? If so, you have taken an important step in defending both yourself and your employer from a likely lawsuit.

Municipal Records Disposition Authority (RDA)

Under the Code of Alabama 1975, Section 41-13-23, "no county, municipal, or other local government official, shall cause any … record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission." The Municipal Records Disposition Authority (RDA) is issued by the Local Government Records Commission under authority granted in the Code of Alabama. The RDA lists records created and maintained by towns and cities in carrying out their mandated function and sub-functions. It establishes retention periods and disposition instructions for those records and provides the legal authority for municipalities to implement records destruction.

Legal Requirements

Alabama law requires public officials to create and maintain records that document the business of their office. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor and made available to members of the public. Most department heads who oversee Human Resources, Finance, Engineering, Planning and the City Clerk's Office attend regular specialized training; therefore, those records will not be addressed in this article. However, if there are concerns that are not covered here, please refer to **www.archives.alabama.gov/officials/rdas/local/mun** where you will find a complete list of all records and the retention requirements for each.

There are many records that must be kept permanently. These records include municipal incorporation records, administrative correspondence, records of municipal boards, commissions and authorities, proclamations, citizen petitions, aerial photographs, annual water quality reports, senior citizen program records, maintenance of incarceration facilities, websites and social media sites and any and all records created by the municipality prior to 1900.

There are many records that are currently not being maintained according to the Alabama Code. Often times, employees are promoted through the ranks and information isn't passed along for a number of reasons and so the newly appointed department head is never made aware of records retention requirements. One example is maintaining vehicle and equipment maintenance files to include work orders, repair records and related financial records of these items owned or maintained by the municipality. **These records are required to be maintained for *two years* following the applicable audit year.** Also, facilities/buildings inspection records documenting the routine safety and maintenance inspection of municipal buildings, facilities and such potentially dangerous items as furnaces, elevators, electronic doors, etc. are required to be retained for ***five years***. Security records, including staff and visitor logs, are required to be kept for ***three years***.

In order to add a level of protection for your municipality, I encourage you to distribute the complete RDA requirements to

all department heads and make them fully aware of the sections that are specifically pertinent to them.

Records Storage and Disposal

Records are often stored on-site in office space or storage vaults with occasional off-site backup of microfilmed or computerized records. Most towns and cities lack the environment, space and financial resources needed for optimum preservation of their public records. Over time, inactive records can overwhelm active files and records storage space. Fortunately, the RDA can prevent this paper explosion and increase available computer memory by permitting the destruction of outdated temporary records. Destroying eligible records at regular intervals is an important component of an effective records management program. **However, following the authorized procedure for records destruction is not merely good records management; it is also a requirement under Alabama law**. Section 41-13-23 of the Code of Alabama states:

> *No county, municipal, or other local government official shall cause any county, municipal, or other local government record to be destroyed or otherwise disposed of without first obtaining the approval of the Local Government Records Commission.*

You have all of these records stacked, piled, stashed and taking every bit of your available storage space and then some. Now what? The municipality should designate a records officer who will be responsible for:

- ensuring the regular implementation of this RDA
- maintaining records in compliance with standards
- coordinating the destruction of disposable records.

The records officer is generally the person who requests approval for records destruction. If there is no records officer, the "authorizing official," such as the mayor or municipal clerk, may also make the written request. You may submit your destruction request electronically at **www.archives.alabama.gov/officials/dnform.pdf.** It should be submitted at least 10 days prior to your planned destruction date.

Destruction of records should occur agency-wide on a regular basis such as after the successful completion of an audit, at the end of an administration or at the end of a fiscal year. Options include shredding, landfilling, burning and recycling. Landfilled records should be boxed and loaded carefully so that nothing is lost during transport. Sometimes, items are boxed and placed into a building where the Fire Department is conducting a controlled burn for training purposes.

Training of your department heads and their assistants will ensure continuity in records retention and hopefully protect you and your municipality from some forms of litigation. ■

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Use of Drones in Law Enforcement

Terry Sanders • Police Safety Consultant • AMIC/MWCF

Unmanned aerial vehicles (UAV), commonly known as drones, are being integrated into law enforcement around the country. Agencies in Alabama are beginning to use UAVs to enhance their operations. If properly used, this technology is an excellent tool for law enforcement.

Current law enforcement uses for UAVs include:

- Security surveillance for sporting and other highly attended public events.
- Aerial photographing of vehicle accidents and crime scenes.
- Added security for executing high risk search and arrest warrants.
- Search aid for missing persons.

With the use of drones, police can now search an entire area near the home of a missing person within a short time span. This tool is invaluable to first responders when searching for small children and Alzheimer's patients. While a number of practical usages exist for this equipment when properly employed, agencies must realize that the use of UAVs in law enforcement is relativity new and brings with it certain legal considerations.

The potential for privacy abuses from aerial surveillance has caused some agencies in other states to abandon their plans to use this technology. Agencies choosing to adopt this equipment should only do so after implementing strict policy governing its use. This policy should clearly state that **all** UAV operators must undergo necessary training covering all aspects of UAV usage and that no person can operate a drone without proper training. This training must cover all federal, state and local laws governing the use of UAVs as well as constitutional mandates relating to search and seizure. This written policy should further state that only *departmental approved* UAVs will be used and with no exception will personal equipment of any kind be used. The policy must also conform to all state laws regarding the storage of digital data.

The International Association of Chiefs of Police (IACP) has issued excellent written guidelines concerning the use of UAVs in law enforcement. This guideline can be accessed through the IACP website at **www.theiacp.org**. The IACP encourages community engagement prior to implementing an Unmanned Aerial Vehicle program and recommends agencies reassure their communities that the protections afforded citizens through the U.S. Constitution will be fully adhered to in all operations of this equipment.

Police agencies that elect to use UAVs should first regulate how they will be used. Agencies must also consider the costs versus the overall benefits to be gained. Another such consideration concerning cost versus benefit involves the municipality's Law Enforcement Liability coverage. Agencies should check with their liability insurance

Photos provided by Oxford Police Department
Top: Drone used by Oxford Police Department.
Bottom: Drone photo of crash scene, Oxford, AL.
Following page: Drone photo of crash scene, Oxford, AL.

carriers to determine if restrictions apply for this type coverage. The Alabama Municipal Insurance Corporation (AMIC) has added free liability coverage for its members for drones weighing five pounds or less.

One Alabama law enforcement agency successfully using UAVs is the Oxford Police Department. According to Chief Bill Partridge, their unmanned aerial reconnaissance program has been very successful. "We began using Aerial Platforms (Drones) in 2013," he said. "They have been a huge asset to patrol and investigations – especially in crime scene and traffic homicide photography."

In 2015 Governor Bentley implemented the ALABAMA UNMANNED AERIAL SYSTEMS (UAS) Task Force to address issues regarding unmanned aerial flights. This task force represented all stakeholders across the state including first responders and was formed to recommend a statewide plan for use of UAVs by the State of Alabama to include recommendations of proposed legislation. More information on this task force can be found online at www.alabamauastaskforce.org.

An Unmanned Aerial Vehicle program combined with proper training, a well written policy and approved equipment can be a tremendous asset to law enforcement agencies as they serve and protect their communities. ■

AMIC has added FREE liability coverage for drones weighing five (5) pounds or less. To add this coverage to your policy, AMIC requires the drone serial number and description as well as the department using the drone. If you have questions or wish to add this coverage, please contact your insurance representative. For additional information on AMIC and its services, visit www.amicentral.org.

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Lowering Workers Compensation Costs

Will Strength • ARM-P • Loss Control Representative • AMIC/MWCF

Many variables impact an organization's workers compensation costs. While most have little control over some factors, such as increasing medical expenses, our Loss Control members can control their premiums by using proven practices that reduce exposures and help contain costs. Therefore, *every* organization should implement a practical safety program to prevent and reduce injuries, accidents and near misses.

Start with Hiring and Safety Orientations

Using a proper selection process and a formal employee safety orientation program helps develop a safe and dependable work environment. It is essential that applicants are properly screened to ensure they are qualified for the position and have a clear understanding of the job expectations. Job descriptions are an important part of this process as they provide vital information on the position's duties, responsibilities, physical requirements and working conditions. Having the position clearly defined helps you choose the appropriate applicant which, in turn, reduces injuries.

Generally, the selection process for most positions must go further than just an interview. Once the best candidate has been identified, a few additional steps should be taken such as checking motor vehicle records, substance abuse checks, criminal background checks and any necessary background checks related to education, employment history, required licenses or certifications.

Once the best person has been hired, make sure the new employee gets off to the right start with a ***documented*** safety orientation session that covers the general safety policies of your organization as well as any specific safety issues within their specific department. Safety orientation sessions should be designed to help new employees understand their roles and responsibilities in your safety program and your organization's mission in regards to safety.

Continue with Training

Whether working at a desk, collecting trash or chasing criminals, all employees need to consider their safety and the safety of fellow employees. This goal is made possible when employees have been trained often and made aware of safety through classes, hands on training, safety posters and reminders. Effective employee training should:

Encourage employee input. The traditional lecture with the presenter doing all the talking makes it far too easy for the audience to lose interest and place their attention elsewhere. (How many are checking their phones instead of listening attentively?) Asking for input and involvement throughout the class will keep attendees engaged in the learning process and provide a subtle reminder that they play an active role in workplace safety. *Specific* issues involving *their* work practices will hold their interest better than vague safety rules.

Tell stories. Rules tend to be boring. Stories make things real, relevant and memorable. If you can convey information about a rule through a story, you'll improve attention and retention. Make it real. Make it relevant.

Encourage questions. Always urge employees to ask questions because everyone (including the presenters) learns from those questions. Neither the audience nor the presenter should assume that something is appropriate or a best practice just because it's always been done a certain way.

The AMIC/MWCF Loss Control Division provides many resources to assist you with training your employees. Please visit **www.losscontrol.org** to learn more about our safety library, annual loss control seminars, fire extinguisher training, SkidCar training, FATS (firearms simulator) training and online training through Local GovU.

If an accident does occur:

All claims should be reported immediately upon notification to the employer. Claims can be reported in several ways. Members of the Municipal Workers Comp Fund (MWCF) can report work injury claims 24 hours a day, 7 days a week by filling out the "First Report of Injury Form" and emailing the form to FROI@mrm-llc.com or faxing to (205) 263-0503. You can download a copy of the latest "First Report of Injury Form", as well as find helpful resources for completing it, on MWCF's dedicated website at **www.almwcf.org/claims**.

First Report of Injury submissions should be as complete as possible so the claim can be examined properly. Early reporting of claims and complete submissions are crucial steps in the claims management process. It is also essential to work with the claims adjusters and keep them aware of any circumstances that may arise regarding the claim. Active management of workers compensation claims can effectively reduce time away from work and associated costs. Supervisors and employees need to fully

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understand the importance of the first report of injury. Timeliness, along with accurate and complete information, is important in order for the workers compensation process to operate effectively and efficiently.

In addition, a thorough investigation process is one of the most essential elements of any safety program. Incident investigations are specifically designed to determine the cause(s) of the accident so appropriate preventative measures can be taken. It is important to learn why the accident happened, make changes that prevent repeat accidents and make employees aware of hazards. It is also important to answer the basic questions of who, when, where, why and how the accident occurred. An accident is unfortunate, costly and can cause untold suffering. Effective accident investigation procedures will uncover the details of how and why the event happened. These procedures should be designed to discover the facts, *not* assess blame. Without an accident investigation, the incident is more likely to repeat because appropriate preventative measures were not implemented.

Review your claims on a regular basis, making sure department managers and supervisors are aware of the claims. MWCF has a team of professional adjusters within its Claims Department who work hand-in-hand with dedicated case managers to continually monitor large claims and work with injured employees and members to oversee, review and develop ways to implement cost containment procedures and return employees to work.

Bringing the Employee Back to Work

It is possible to reduce lost-time accident costs and help injured employees become productive sooner by establishing a return-to-work program before the accident. Key to a successful program is identifying alternative productive work in advance of the need. *An effective program anticipates rather than reacts to loss.* If an employee is physically unable to perform former duties, a commonsense solution is to return the employee to temporary alternative work assignments that are essential yet physically less demanding while always adhering to any doctor's work restrictions.

Benefits of a Return-to-Work Program

A Return-to-Work Program is a benefit for everyone involved including the employer, employee and the insurance provider. It speeds the recovery process – the mental aspects of being at work are beneficial (as opposed to sitting at home feeling frustrated) and contact with coworkers helps maintain a positive morale. It also helps the employee avoid using sick pay benefits or other disability benefits so those can be saved for other times and the employee continues to accumulate time towards retirement.

In addition, the employer has several incentives to get the employee back to work quickly. By shortening the amount of time injured employees are away from work, a Return-to-Work Program can reduce the cost of claims, which, in turn, will lower the organization's premiums. (The longer an employee is off work, the greater cost of a workers compensation claim and vice versa.) Getting experienced employees back to work also results in less time and money spent on recruiting and hiring. (The longer the employee is off work, the greater the likelihood the employee will never return to work.)

Periodically communicating with injured employees lets them know that you care about their health and getting them back to work. An employee is more likely to report back to work sooner if the employee knows he or she is coming back to an organization that cares about them. A contact person should be available to explain benefits and answer questions the employee may have. Good communication also includes expressing a sincere regard for the injured employee's quick recovery and return to productive work as well as encouraging the employee to follow physician instructions while off work and after returning to work.

Monitor Progress and Assess Your Program

The Loss Control Division provides assistance and information to members in many ways. For example, loss control visits keep members up-to-date on trends and issues. Surveys are conducted to detect, eliminate and control exposures or risks that contribute to accidents. Loss control seminars and training resources help enhance the skills of your employees. For assistance developing a safety program for your organization or assessing your current program, visit **www.losscontrol.org** or contact your Loss Control Representative at 334-262-2566.

Conclusion

This article has provided an overview of several time-tested ways to control workers compensation costs. Since there are some factors that are difficult to control and can cause compensation costs to increase, employers should do all that can be done to manage those costs that can be impacted. In addition to the information discussed above, other points to consider are: good housekeeping, use of Personal Protective Equipment (PPE), written safety policies, defensive driver training, planning properly, jobsite inspections, pre-employment physicals, vehicle and equipment maintenance programs, safety incentive programs, and **MWCF's discount programs**.

MWCF provides three discount programs that all members are eligible for: Safe Workplace Guidelines, Medical Protocol and a Post-Accident Drug Testing Program. Members adopting these programs will receive a three percent discount *per program*. As an added incentive to adopt these programs, members who adopt all three discount programs receive an additional one percent discount, meaning a full 10% discount on their workers compensation premium. **For more information on MWCF discounts, please contact Richard Buttenshaw at 334-262-2566.** ■

ALM Welcomes New Staff Member

Priscilla Starr joined the League this past October and provides support for the Member Service Department. She was born in Memphis, TN and was educated mostly in the Florida school system (and a few years in NJ). She received a BA in Youth & Family Ministry from Faulkner University in 2007 and an MA in Teachers of English to Speakers of Other Languages (TESOL) from Azusa Pacific University in 2011. She taught English in China, worked at Faulkner University from 2008-2012, and worked at Alfa Insurance from 2013-2016. She and her husband, Eric, have one daughter, Marley, and they live in Prattville and are active members of First Baptist Church. Priscilla enjoys running, Zumba & Pound, watching Florida State football, spending time with family and playing with Marley.

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MIS is NOT a debt collection agency or service. MIS does not do what debt collection services do and debt collection services cannot offer what MIS does. MIS is a unique way to attempt to recover money owed to your municipality by "intercepting" an individual's Alabama State tax refund. Debt collection agencies can NOT offer you this service.

MIS is a legislatively sanctioned conduit with the Alabama Department of Revenue (ADOR) that enables ADOR to recover delinquent debts owed by individuals to your municipality by collecting this debt from the individual's Alabama state tax refund. This system was made possible by an Alabama legislative change enacted in 2014 through which ADOR agreed to process these debts through only two clearinghouse organizations: the Alabama League of Municipalities (ALM) for municipal entities and the Association of County Commissions of Alabama (ACCA) for county entities. In 2015, ALM formed MIS to act as the clearinghouse on behalf of its municipal entities.

Who is eligible to use the MIS system?

Only municipal entities within Alabama are eligible to use the MIS system. This includes cities, towns, certain utility boards, housing authorities and hospitals. If your entity is considered a "county" rather than a "municipal" entity, you will need to contact the Association of County Commissions of Alabama (ACCA) at www.alabamacounties.org to apply to participate in their program.

Is there a fee to use the MIS system?

No. This service is **FREE** to eligible participating members. There is a $25 service fee charged to and paid by the debtor for each successful intercept on each debt.

What debts can be intercepted using the MIS system?

Any municipal debt that is considered final, still within its statute of limitations and is more than 60 days old can be submitted to MIS. Examples of debts include: court fees/fines, judgments, library fees, medical bills, ordinance violations, parking fees, rental/lease agreements, returned checks, sanitation/garbage fees and utility bills.

What information will we need to input into the MIS system?

Each debt submitted to the MIS system requires first name of the debtor, last name of the debtor, social security number of the debtor, debt amount owned by the debtor and a debt type – why the debt is owed. No further information is needed.

NOTE: If the debtor is not eligible for an Alabama State tax refund, no money can be collected.

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IT'S YOUR DEAL: Understanding the Roles and Responsibilities When Issuing Municipal Bonds

By Lynnette Kelly, Executive Director, Municipal Securities Rulemaking Board

Financing a public project with municipal bonds is a team effort in which many professionals work together to achieve the goals of the municipality. But as government officials considering issuing municipal bonds in 2017, keep in mind that it's *your* deal.

You are the stewards of taxpayer dollars, and you make the decision to borrow. You decide whether to hire a municipal advisor to act as your fiduciary and you select the underwriter through the process – competitive or negotiated – of your choice. Throughout the life of any municipal bond, you assume responsibility for providing investors with information that is timely, accurate and complete.

And while the issuance of municipal bonds is your deal, municipalities have an important ally in the Municipal Securities Rulemaking Board (MSRB), the national regulator responsible for promoting a fair and efficient municipal securities market. Protecting municipal bond issuers is a central aspect of the MSRB's mission. Importantly, the MSRB does not regulate state or local governments; its rules are designed to make sure *you* are treated fairly by the underwriters and with the utmost good faith by municipal advisors you hire. For more information: **www.msrb.org.**

The MSRB also operates a public platform called the Electronic Municipal Market Access (EMMA®) website, **www.emma.msrb.org**, which is your key to accessing important information about the municipal market and communicating information to investors. Additionally, the MSRB provides free, objective educational materials for municipal issuers.

Since issuing bonds may be only an occasional event for certain communities, it's helpful to understand how the MSRB can support you when you decide to issue bonds.

The Decision to Borrow

The decision to access capital from the $3.8 trillion municipal securities market is always handled at the state and local level. Government officials have a responsibility to their taxpayers to make informed decisions about how to finance a public project. Understanding conditions in the municipal securities market and evaluating your locality's existing bonds are important steps in the decision to borrow.

The MSRB's EMMA website, **www.emma.msrb.org,** provides free access to information and data about the municipal market and nearly all existing municipal bonds. Before deciding to issue bonds, visit EMMA's Tools and Resources page to see what issues are scheduled to come to market and how they are priced, monitor the trade activity of your locality's existing bonds and view upcoming federal economic reports or other events that can have an impact on the municipal bond market.

Working with Financial Professionals

Once a municipality has decided to issue bonds, an important step is assembling the deal team – which can include municipal advisors and underwriters. Check the MSRB's website, **www.msrb.org**, to ensure that any firm you are considering is properly registered with the MSRB and that individual professionals have passed the appropriate professional qualification examinations. Working with unregistered or unqualified financial professionals puts a municipality at risk.

MSRB rules and professional qualification requirements are designed to ensure

the advice you receive from a municipal advisor is in the municipality's best interest. MSRB rules require underwriters working with a municipality to deal fairly, disclose potential conflicts of interest and honor your wishes about some of the ways bonds are marketed and distributed to investors. You can read more about protections for municipal bond issuers in the Education Center on the MSRB's website. If at any time you suspect a municipal finance professional of violating MSRB rules or acting unfairly, report it to the MSRB by phone at 202-838-1330 or by email to complaints@msrb.org and the MSRB will forward your complaint to the appropriate enforcement authority.

Continuing Disclosure

Once a municipality's bonds have been issued, it is the municipality's responsibility to provide investors with required ongoing material information in a timely and complete manner. Annual financial and operating information, notices of major events that may affect bondholders and other information is essential to helping investors make fully informed decisions about buying, selling or holding a municipality's bonds. The MSRB's EMMA website serves as the official platform to disclose this information to investors.

Lynnette Kelly, Executive Director, Municipal Securities Rulemaking Board

Municipalities can schedule free email reminders from the MSRB to alert key individuals of upcoming filing deadlines. The MSRB also offers free phone support, how-to videos and educational resources to support state and local governments with understanding and fulfilling their continuing disclosure obligations.

Whenever a municipality decides to issue bonds, remember – it's your deal, and rules and resources of the MSRB are there to help ensure the process is fair. Take advantage of these tools and resources to help you make informed decisions about issuing municipal bonds and communicating with investors. ■

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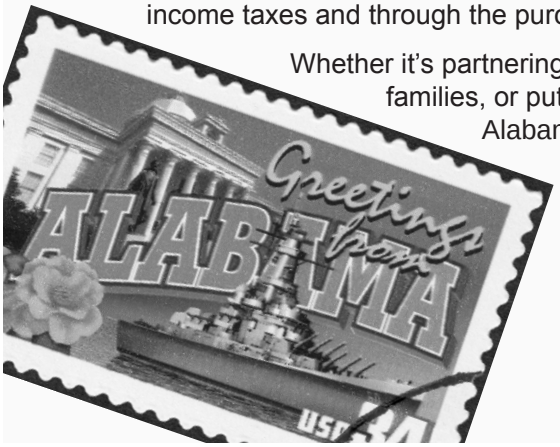

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is not liable for the completely personal torts of its officers, employees or agents. *McCarter v. Florence*, 216 Ala. 72, 112 So. 335 (1927). In *Bessemer v. Whaley*, 8 Ala. App. 523, 62 So. 473 (1913), the court held that in order to create liability certain statutes require that the act or omission causing the damage must have arisen while the agent, officer or employee of the city or town was acting in the line of duty. Subsection (e) of the Volunteer Service Act makes it clear that the Act does not insulate the municipality from suit based on negligent acts or omissions of a volunteer; therefore, the municipality must take measures to guard against the tortious actions of its volunteers. However, the Alabama Supreme Court has held that a municipality may not be held vicariously liable for acts of an agent who is immune from liability under the Volunteer Service Act. In *Wheeler v. George*, 39 So.3d 1061, (Ala. 2009), the Court ruled that a municipality cannot be held liable for the intentional torts of its employees, pursuant to §11-47-190, Code of Alabama 1975.

A municipality should start by assessing its operation to determine where volunteers would make the most positive impact. As part of this assessment, the municipality should take into account the dangers associated with various duties volunteers will be expected to perform.

The municipality must weigh the benefits provided by volunteers against the potential liabilities. In many cases, the best answer is to simply refuse to assign volunteers in certain areas, or to define their duties to eliminate the hazardous activity. If volunteers must be used, the municipality should develop written job descriptions for volunteers.

Next is the recruitment stage. This should not be done in a haphazard manner. The municipality should develop an application procedure. The supervisor or manager of the volunteers, if there is one, should participate actively in this process and in the decision of which persons should be used. Municipalities should examine volunteers to see who best fits their needs.

Municipalities should bear in mind that many individuals volunteer from a desire to be needed or have a goal of contributing in a worthwhile manner to the community. Although they may have a desire to work in one area, they would be willing to serve wherever needed.

The interest of the volunteer should not solely determine whether they are permitted to perform a specific job. Although this is certainly a key factor – after all, if they weren't interested, they wouldn't volunteer – everyone has specific talents which the municipality should seek to utilize. However,

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there is no promise that a volunteer will be assigned to an area or tasked with the duties they want. If they aren't suited for the area in which they wanted to work, suggest alternatives or offer to keep their name on file for future reference.

Once the volunteers have been appointed, the municipality should train them. Training is available from the state for volunteer firefighters, reserve police officers and others. Private companies conduct seminars on an infinite variety of topics. Additionally, colleges and universities hold training sessions.

At the very least, volunteers should be instructed on their duties, and warned about straying from their assignments. Before they begin, the municipality should provide all volunteers with a written list of what is expected of them, so there can be no doubt concerning the limits of their powers.

Closely related to the subject of training is supervision. Too often, volunteers are given assignments with little or no instruction and/or supervision. This leads to confusion, delay, frustration and the possibility of improper or illegal actions. Although direct supervision may not always be possible, volunteers must have someone available to answer questions at any time. This may be a city employee, a third person or even another volunteer. Whoever performs this function must understand the duties the volunteers are performing. He or she must be able to give explanations clearly and understandably. This person should listen if the volunteer suggests a different approach and be able to determine if there are any potential hazards. And this person should follow up to ensure that the instructions were both understood and performed properly.

Keep records of the work performed by volunteers. These records may prove vital if there is a conflict regarding duties or concerning services provided by the municipality.

Municipalities must also be willing to discipline volunteers when needed. If a volunteer is not performing up to expectations, the municipality must be willing to correct the problem, either through warnings or dismissal. While volunteers are a valuable commodity, in many respects they should be treated like any employee. The municipality is just as liable for their actions.

Finally, municipalities must be aware that the activities of certain types of volunteers are governed by statutes, which must be followed. For instance, the duties and powers of reserve police officers are limited by Section 11-43-210, Code of Alabama 1975. The use of children as volunteers is governed by both state and federal law.

Failure to comply with a statutory requirement may result in fines and the potential expansion of liability for the municipality. Not following a statute may be a showing of

negligence per se, meaning that the municipality becomes liable merely by a failure to comply with the statute.

Citizens volunteer due to civic-mindedness and a desire to help. Municipalities can benefit a great deal from encouraging a spirit of volunteerism. However, they must anticipate potential legal problems and take steps to eliminate and reduce them.

For more in depth information on municipal tort liability please see the article titled "Municipal Tort Liability" in the *Selected Readings for the Municipal Official* (2016 ed.)

Volunteer Status

The Fair Labor Standards Act (FLSA) requires all covered employers to pay their "employees" at least the federal minimum hourly wage every workweek. If a person is compensated for volunteer work, that person could be considered an "employee" for purposes of the FLSA. The remuneration a volunteer receives is only one factor in a common-law agency test for determining whether the individual is an "employee." *Bryson v. Middlefield Volunteer Fire Dept., Inc.,* 656 F.3d 348 (6th Cir.2011).

The FLSA recognizes the generosity and public benefits of volunteering, and does not seek to pose unnecessary obstacles to *bona fide* volunteer efforts for charitable and public purposes. In this spirit, in enacting the 1985 FLSA Amendments, Congress sought to ensure that true volunteer activities are neither impeded nor discouraged. Congress, however, also wanted to minimize the potential for abuse or manipulation of the FLSA's minimum wage and overtime requirements in "volunteer" situations.

Section 3(e)(4)(A) of the FLSA and 29 C.F.R. §§ 553.101 and 553.103 indicate that an individual is a volunteer, not an employee of a public agency, when the individual meets the following criteria:

1. Performs hours of service for a public agency for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered … Although a volunteer can receive no compensation, a volunteer can be paid expenses, reasonable benefits or a nominal fee to perform such services;

2. Offers services freely and without pressure or coercion, direct or implied, from an employer; and

3. Is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

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Legal Clearinghouse

Rob Johnston, Assistant General Counsel

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. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. 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

Zoning: City's board of adjustment, and consequently trial court on appeal, had authority to attach conditions to variance granted to dance studio operator that allowed a reduction in number of required parking spaces for studio's business. Not only was the power of the board to attach conditions not prohibited by statute, but the board was authorized as part of its function to take into account the public interest in determining whether to grant a variance due to an unnecessary hardship. *Brown v. Jefferson*, 203 So.3d 1213 (Ala.Civ.App.2014).

Tort Liability: Genuine issues of material fact as to whether police officer activated his siren when responding to emergency dispatch and slowed to an appropriate speed through intersection, as would support claim for peace-officer immunity, precluded summary judgment in favor of city and officer in injured driver's action for damages following driver's collision with police car. *Kendrick v. City of Midfield*, 203 So.3d 1200 (Ala.2016).

Employees: The trial court lacked subject matter jurisdiction over police officer's appeal of county personnel board order, which upheld officer's dismissal by the city, where the officer failed to comply with the local act requirement that a party appealing a board decision to the trial court file a notice of appeal with the board within 14 days of the board order. *Smith v. City of Mobile*, 203 So.3d 885 (Ala.Civ.App.2016).

Police Jurisdiction: Municipality's police jurisdiction could expand to include area within three miles of its city limits only after either a federal decennial census or a municipal census established that population exceeded 6,000 inhabitants, and the jurisdiction could not expand based on United States Census Bureau's estimate showing population in excess of 6,000. *City of Pike Road v.City of Montgomery*, 202 So.3d 644 Ala.2015).

DECISIONS FROM OTHER JURISDICTIONS

First Amendment: City's conduct in authorizing continued display of Ten Commandments monument on lawn in front of municipal building complex had a primary or principal effect of endorsing religion and, thus, violated Establishment Clause. *Felix v. City of Bloomfield*, 841 F.3d 848 (C.A.10 N.M.2016).

ATTORNEY GENERAL'S OPINIONS

Municipal Courts: The income tax setoff provisions may be used to collect fines and court costs, but not restitution, assessed by the municipal courts. Since restitution is owed to a crime victim, not a governmental agency, it is not debt under Section 40-18-100(3), Code of Alabama 1975. AGO 2017-015

Conflicts of Interest: Pursuant to Section 11-43-45, Code of Alabama 1975, councilmembers who have been nominated to fill the position of council president may vote for themselves. AGO 2017-014 **(NOTE: The opinion notes that the Ethics Commission was also contacted on this issue and the Commission did not think Sections 36-25-5 and 36-25-9, Code of Alabama 1975 would prohibit a councilmember from voting for himself because the vote would be "otherwise specifically authorized by law.")**

Competitive Bid Law: District Attorneys using a nonexclusive fuel card are not required to competitively bid purchases. AGO 2017-013

Zoning Ordinances – Notice: The council may utilize the notice procedure set forth in Section 11-52-77(2), Code of Alabama 1975 to adopt a new zoning ordinance that completely amends and replaces the city's existing zoning ordinance. AGO 2017-011

Competitive Bid Law – Public Works: The municipal water works board may not divide the installation of new water meters into multiple contracts for payments of less than $50,000 to evade the Public Works Law. If the Board can demonstrate, based on several specified factors, that it is not evading the Public Works Law by spreading out its meter purchases over several years as funds become available, then it will not violate Section 39-2-2(a), Code of Alabama 1975. AGO 2017-010

Appropriations – Public Records: City officials and employees can expend municipal funds to solicit donations for a charity benefitting a park if the donations are voluntary, the donor knows that the charity is the recipient, and the town council determines that a public purpose is served. A check made out to the town for the park is subject to disclosure under the Open Records Law, even if the donor intended an anonymous donation, except checking account numbers should be redacted. AGO 2017-007

ETHICS OPINIONS

Campaign Funds: The use of campaign funds for personal use is prohibited under both the Ethics Act and the Fair Cam-

paign Practices Act (FCPA). The Commission uses the "but for" test to determine whether expenses may be paid for with campaign funds pursuant to these Code sections. Personal use is any use of funds in a campaign account to fulfill a commitment, obligation or expense of any person that exists for reasons irrespective of the person's status as a candidate or officeholder. Stated in terms of the applicable test, the expense may be paid for with campaign funds if it would not exist "but for" the person's status as a candidate or officeholder. AO 2016-023

Conflicts of Interest: A member of the city council may vote on city council agenda items that benefit his or her employer who is a government agency such as the Montgomery Public Schools, provided neither the public official nor his or her family member receives personal gain from the allocation. The mayor or a member of the city council who sits on a volunteer board may direct expenditures of city funds to that board, provided neither the mayor nor councilmembers are compensated for their service on that board, or otherwise personally benefit, and the allocation is made to serve a public purpose. A public official through his or her public position may not direct money to an Alabama nonprofit corporation which employs his or her spouse, which means the councilmember must abstain from voting on the issue and cannot influence the vote or the allocation. If the councilmember or his or her business is uniquely affected by a measure, then the councilmember can neither vote on it nor influence the vote on it. AO 2016-033

Conflicts of Interest -Solicitation: An employee for a nonprofit corporation and registered principal, who is an elected public official, may after becoming a public official continue to solicit donations from businesses or individuals, including principals, who have historically donated to the nonprofit corporation prior to his becoming a public official. He may not, however, convert those donations to his personal use. AO 2017-01 ■

F.A.Q.

Your Frequently Asked (Legal) Questions Answered by Assistant General Counsel Teneé Frazier

City Clerk: What are the bonding requirements for a city clerk?

Individual Surety Bond: A clerk is required to give bond with sureties, approved by the mayor, in such sum as the council may prescribe. Section 11-43-104, Code of Alabama 1975. This is an individual bond which must be signed by the clerk, and it is usually conditioned upon the faithful performance of duties. Where the bond is furnished by the clerk and a corporate surety, the municipal governing body has the authority to pay the premium on the bond. AGO to Hon. Frank Gwaltney, October 22, 1957.

Public Improvement Assessment Bond: If the clerk is charged with the duty of collecting public improvement assessments from which improvement assessment bonds are payable, then an additional bond is required equal to not less than 5 percent of the total amount of the sinking funds maintained for such purposes. Section 11-81-115, Code of Alabama 1975.

Combined Clerk/Treasurer: If the office of the clerk has been combined with the office of the treasurer in a municipality, the bond of the clerk-treasurer should cover the duties of both offices. The treasurer's bond is conditioned not only upon the faithful performance of duties, but also upon the safe custody of municipal funds. Therefore, the bond of the clerk-treasurer should include this feature in its coverage. Section 11-43-120, Code of Alabama 1975. ■

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Section 3(e)(4)(A) of the FLSA, 29 U.S.C. § 203(e)(4)(A), also permits public agency employees to volunteer their services to their employing public agency, as long as there is no coercion or undue pressure on the employee, and they do not provide the same type of services for which they are employed. The phrase "same type of services" means "similar or identical services." 29 C.F.R. § 553.103(a). *See*, Wage and Hour Opinion Letter FLSA2009-35.

Neither the FLSA nor the 1985 FLSA Amendments define the term "nominal fee." However, the Department of Labor has issued regulations providing guidance in this area. The regulations focus on preventing payment for performance, which is inconsistent with the spirit of volunteerism contemplated by the FLSA. Thus, a fee would not be considered nominal if it is, in fact, a substitute for compensation or tied to productivity. See 29 C.F.R. § 553.106(e); see also Wage and Hour Opinion Letter FLSA2005-51. Generally, a key factor in determining if a payment is a "substitute for compensation" or "tied to productivity" is "whether the amount of the fee varies as the particular individual spends more or less time engaged in the volunteer activities." Wage and Hour Opinion Letter FLSA2005-51. If the amount varies, it may be indicative of a substitute for compensation or tied to productivity and therefore not nominal. See id.; see also 29 C.F.R. § 553.106(e). Whether the nature and structure of payments made to individuals would result in their losing volunteer status is determined by examining the total amount of payments made (expenses, benefits, and fees) in the context of each particular situation. *See*, Wage and Hour Opinion Letter FLSA2008-16.

Further, when a public agency employee volunteers, the Department of Labor will presume the fee paid is nominal as long as the fee does not exceed 20 percent of what the public agency would otherwise pay to hire a full-time employee for the same services. This 20 percent rule is derived from the FLSA and implementing regulations. *See*, Wage and Hour Opinion Letter FLSA2005-51. A willingness to volunteer for 20 percent of the prevailing wage for the job is also a likely indication of the spirit of volunteerism contemplated by the 1985 amendments to the FLSA. *See*, Wage and Hour Opinion Letter FLSA2006-28.

Interns

With many colleges around the state, municipalities can expect students to seek unpaid internships with municipalities so they can obtain valuable experience and work towards building their resumes. In fact, it is estimated that over one-third of college students complete some form of internship before graduation. Menachem Wecker, *10 National Universities That Produce the Most Interns,* US News & World Rep. (Nov. 20, 2012). Many students are willing to accept no pay for their internship; however, as with volunteers, municipalities need to understand the legal implications of utilizing interns. Much of the analysis discussed with volunteers would apply to unpaid interns but some issue might be unique to internships.

Paid or Unpaid?

That is the question. As with volunteers, when working with internships municipalities must be aware of any minimum wage and other labor issues under the FLSA. Unpaid student interns are generally not considered employees under the FLSA as long as an employer meets certain conditions established by the federal Department of Labor (DOL). The DOL has adopted six criteria that must be met in order avoid unpaid student interns from being considered employees for purposes of the FLSA for "for profit" employers:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;

2. The internship experience is for the benefit of the intern;

3. The intern does not displace regular employees, but works closely under the supervision of existing staff;

4. The employer that provides the training derives no immediate advantage from the activities of the intern, and on occasion its operation may actually be impeded;

5. The intern is not necessarily entitled to a job at the conclusion of the internship; and

6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

See DOL Factsheet #71: Internship Programs Under the Fair Labor Standards Act, www.dol.gov/whd/regs/compliance/whdfs71.htm

According to the DOL, all six of the above criteria must be met in order for a "for profit" employer to avoid paying student interns minimum wage. But what about municipalities? Do these criteria apply? As discussed above in the Volunteer section of this article, the FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. The DOL Wage and Hour Division (WHD) also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. The WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors. Municipalities interested in utilizing unpaid interns should consult with their municipal attorney.

Workers' Compensation Liability

All states, with the exception of Texas, require employers to provide workers' compensation insurance to their employees. Workers' compensation insurance provides coverage for employees who are injured on the job, or develops a medical problem or illness because of the job (i.e., carpal tunnel syndrome, or cancer from being exposed to toxic chemicals.). For more detailed information on Alabama's workers' compensation laws, please see the article titled "Municipalities and the Workers' Compensation Law" in the *Selected Readings for the Municipal Official* (2016 ed.)

But what about an intern? Are they employees and therefore covered for "on the job" injuries? The answer, as with so many legal questions, is "it depends". Generally, the answer is yes if the internship is paid and especially if any form of manual labor is involved, regardless of payment. Paid or unpaid student interns providing non-manual services to a religious, charitable or educational institution (covered under Section 501(c)(3) of the IRS tax code) are generally exempt from mandatory coverage. Regardless, a municipality should consult with its city attorney and with its workers' compensation carrier if it is considering utilizing interns.

Conclusion

There is little doubt that volunteers and student interns provide valuable resources to a municipality and its citizens. This article is not intended to discourage the use of volunteers and interns but rather to make sure municipalities are aware of, and can protect themselves from, potential legal pitfalls that may arise when using volunteers and interns. For further questions, please contact the League Legal Department at 334.262.2566. ▪

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1986. From the late 1980s forward, the Alabama League has consistently had a delegation at NLC's annual City Summit (formally known as the Congress of Cities) as well as strong representation during the Congressional City Conference hosted each year by NLC in Washington, D.C. Roquemore served two terms on NLC's board as well as two terms on the NLC-RISC Board of Directors, a national organization of municipal self-insurance programs developed by NLC. Ken Smith, the League's current executive director, has been elected to serve a second two-year term on the NLC board since being named the League's fourth executive director following Roquemore's retirement in 2011. In addition, several Alabama officials have served two-year terms on NLC's board, including Mayor and League Past Presidents Al DuPont of Tuscaloosa, Jim Nix of Fairhope, Leon Smith of Oxford, Ted Jennings of Brewton, Jim Byard of Prattville; Mayor and League Vice President Jim Robinson of Montgomery; Mayors George Seibels, David Vann and Richard Arrington of Birmingham; and Councilmembers Cynthia McCollum of Madison, Debbie Quinn of Fairhope, Jesse Matthews of Bessemer and Dejerilyn King Henderson of Troy.

Alabama Official Becomes NLC President

On December 9, 2006, during the Congress of Cities in Reno, Nevada, Alabama achieved a prestigious milestone when Councilmember Cynthia McCollum of Madison was elected Second Vice President of the National League of Cities, making her the eighth woman and third African-American female in NLC's history to hold that position. McCollum became the first Alabama official to lead the national organization when she was elected NLC President at the November 2008 Congress of Cities in New Orleans.

Collaboration Continues

In 2017, NLC works with 49 state leagues and serves as a resource and advocate for 1,900 cities, towns and villages representing more than 218 million Americans. The Alabama League remains an active voice within NLC and will continue to collaborate with the national association to advocate for municipal government throughout the country. ▪

For more information about the National League of Cities, visit www.nlc.org.

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New Year, New Technology Threats

By Chuck Stephenson, Director of Information Technology, ALM

Remember all those hackers in 2016 who were trying to steal your identity/data/credit card number/whatever info they could get their hands on? Well, they're back in 2017 – and more sinister than ever. Unfortunately. In fact, if last year's trends are any indication, they're *increasing* their efforts to record breaking levels.

According to the security statistics website Hackmageddon, there were only three months in 2016 where the number of attacks did not meet or exceed the number of hacks for the previous two years. In fact, during the summer months (June, July and August) the number of attacks were almost double that of the same timeframe in 2014. The third quarter numbers (according to IT security solution development corporation Panda Labs) reached new heights. They reported 18 million new malware variants in that timeframe alone – an average of 200,000 new threats each day. Those are incredible numbers!

Types of Threats

Let's examine a few of the most common threats – some you are probably familiar with; some may be new terms you have only heard about in passing or never at all. The following definitions for this threat list are from the National Institute of Standards and Technology (NIST) or the F.B.I.

Brute Force Password Attack – A method of accessing an obstructed device through attempting multiple combinations of numeric and/or alphanumeric passwords.

Malware – A program that is inserted into a system, usually covertly, with the intent of compromising the confidentiality, integrity or availability of the victim's data, applications or operating system or to otherwise annoy or disrupt the victim.

Phishing – Tricking individuals into disclosing sensitive personal information through deceptive computer-based means.

Ransomware – Ransomware is a form of malware that targets your critical data and systems for the purpose of extortion. Ransomware is frequently delivered through spearphishing emails. After the user has been locked out of the data or system, the cyber actor demands a ransom payment. After receiving payment, the cyber actor will purportedly provide an avenue to the victim to regain access to the system or data. Recent iterations target enterprise end users, making awareness and training a critical preventive measure. (The FBI doesn't recommend paying a ransom when attacked with ransomware. Paying the ransom does not guarantee that the organization will get its data back. These are criminals after all.)

Virus – A computer program that can copy itself and infect a computer without permission or knowledge of the user. A virus might corrupt or delete data on a computer, use email programs to spread itself to other computers or even erase everything on a hard disk.

These are what I think of as the main types of threats. Some of the items listed above have subcategories that are related to the parent threat but differ slightly. Some of the threats use other

Terms of the Trade

- **Hacktivist** – An individual or group of individuals who employ the subversive use of computers or computer networks to further a political or social agenda.
- **Nation State** – An individual or group of individuals sanctioned by a foreign government to disrupt or compromise target governments, organizations or individuals to gain access to data or other specific information with the goal of creating incidents that have international implications.
- **Insider** – Also known as "Crackers" due to them having "cracked" the system, these individuals know or find the vulnerabilities while working for an organization. They then exploit the flaws for personal gain or revenge (in the case of former employees).
- **Cybercriminal** – a person or group with criminal motives to intentionally harm the reputation of the victim(s) or cause physical or mental harm, or loss to the victim by means of technology (computer, Internet, email, texts, etc.)
- **Endpoint Protection software** – software used to secure the "endpoints" of a network. These "endpoints" include: PCs, mobile devices (tablets, smartphones, etc.), and laptops. Usually, an endpoint protection software suite includes a firewall, anti-virus, and SPAM filter.

threats to deliver the code for the attack. For example, malware or phishing can be used to deliver ransomware.

The bulk of these threats are being carried out by cybercriminals. In fact, according to Dell SecureWorks, in the first two quarters of 2016, *cybercrime accounted for 82%* of the threats they responded to. The second largest threat in that same timeframe was from insider hacking. That is particularly disturbing in that these are people who are or were employed by the organizations they were seeking to hack. This means that they knew where the weak points in security were and used that to gain access. The remaining 8% were Nation State threats (7%) and hacktivists, a hacker whose activity is aimed at promoting a social or political cause (1%).

What does all this mean to us? What can we do to protect our data?

Well, it means that cybercrime has become a very lucrative business for cybercriminals. The returns are very high and the risks are very low. This only serves to make it more attractive to opportunistic individuals. According to McAfee, the estimated annual costs to the global economy from cybercrime is more than $400 *billion*. The problem is that we tend to underestimate the risk we face from these criminals – and just how quickly an attack can occur.

What can we do? One of the best starting points is training. Your employees are your first line of defense. Even with all the technology available, firewalls, intrusion detection/prevention systems and endpoint protection software, if your people don't know what a phishing attempt looks like then you are vulnerable. Other steps include adding ransomware recovery to your business continuity plan, adding layers to your technology security, and installing patches and updates from your software and hardware providers in a timely manner. Backing up your data on a regular basis is also critical. However, remember that backing it up alone is not enough. Testing the restoration of your data from the backups is also critical. It is also one of the most overlooked items in the backup plans of most organizations.

For additional information, on cyber crime as well as a list of recommendations for protection, visit the Cyber Crime section of the F.B.I.'s website at www.fbi.gov/investigate/cyber. ■

Municipal Overview

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hours earn the designation of Advanced Certified Municipal Officials. Officials who attend an additional 120 hours of training, along with points earned by attending other designated events or serving on League policy committees, earn the distinguished Emeritus Certified Municipal Official status. While obtaining Emeritus status may seem daunting to a new official, the Emeritus designation was added recently, and 38 officials have already been certified as Emeriti.

Each December, the League proudly conducts a ceremony for our CMO graduates. The past two years, the graduation has been held in Montgomery in conjunction with what is becoming one of our most popular events, the Municipal Leadership Institute (MLI). In addition to the MLI, the League conducts numerous CMO training sessions each year, such as the summer sessions, the CMO Boot Camp following the Convention and others. We are currently exploring the use of webinars. I strongly encourage each municipal official to participate in the CMO program. The training you receive will prove invaluable to your municipality and will expand your personal knowledge and understanding of municipal law and governance.

Attend the Convention.

Each year, the League brings together approximately 1,500 municipal officials, staff members, vendors and others interested in municipal issues for three-and-a-half days to learn from experts, network and conduct League business. The Convention has been described by a former Past President as the League's showcase event, and we work hard to fill it with as much useful content as possible.

Attendees have the opportunity to meet with hundreds of other like-minded municipal officials to share ideas, learn new concepts and get to know each other better. Hundreds of vendors demonstrate their products and services in the Convention Expo Hall. Speakers on topics vital to your success provide important information you can take home to improve your community.

I hope you will make time to attend the Convention each year. There is no better way to learn about municipal issues and feel connected to the community of municipal officials across the state.

Join a Policy Committee

One of the best ways to engage with the League is to join a policy committee. The League has five standing policy committees comprised of mayors and councilmembers from each congressional district in the state. The committees convene each Spring at League headquarters to hear from state and federal resource advisors and to update their policy statements for the League's Policies and Goals document. This important document is finalized by the full membership at the League's Convention every May and is used by the Committee on State and Federal Legislation when it meets the following January to develop the League's Legislative Package for the Regular Session. Here is a list of the committees and their areas of interest:

Committee on Finance, Administration and Intergovernmental Relations (FAIR). FAIR reviews and develops policy on fiscal matters affecting municipalities, including municipal administration, intergovernmental mandates, personnel policies, liability, public records retention/destruction, workers and unemployment compensation and revenues and finance. The Committee also reviews trends relating to consolidation of jurisdictions and potential threats to the integrity of local government.

Committee on Energy, Environment and Natural Resources (EENR). EENR reviews and develops policy on environmental issues, energy initiatives and quality of life considerations, including water and air quality, solid waste, hazardous/toxic wastes and pollution control. The Committee also reviews Alabama trends relating to hazardous and solid waste disposal and air and water pollution as well as garbage disposal methods, regional disposal areas, incineration, land fill and rodent and vector control.

Committee on Transportation, Public Safety and Communication (TPSC). TPSC reviews and develops policy on transportation programs and their revenue sources and allocations; public works programs, particularly those related to infrastructure development; public and private utilities, including telecommunications; and public safety issues, including crime prevention, law enforcement, fire prevention and protection, emergency medical services, emergency management and response, motor vehicle safety and animal control.

Committee on Human Development (HD). HD reviews and develops policy on social service and educational issues affecting municipalities. The Committee also reviews ways municipalities may improve the local environment for health care, mental health programs, juvenile and senior citizen programs, developing training and employment opportunities, welfare reform and Medicare and Medicaid programs.

Committee on Community and Economic Development (CED). CED reviews and develops policy on factors affecting the physical development of cities and towns, including community, industrial and economic development; tourism and recreation; housing; planning and zoning; code enforcement; enterprise zone development and regulation; and downtown redevelopment.

Conclusion

I hope you will take the time to study the League's many duties and functions and find a way to get involved. Being a municipal official or staff member is hard work. You face a demanding public, issues that are sometimes contentious and often, the duties confronting you can seem overwhelming. The League's role is to help ease those burdens. Use our affiliate programs. Join the CMO program and learn. Attend the Convention. And reach out to your legislators when we need you.

I truly believe that the success of our state and nation depends on the success of our municipal governments. Together, we can help assure that success. ■

Join us for the Alabama League of Municipalities

2017 Annual Convention

Online registration continues through April 28, 2017
Find out more on the following pages and at www.alalm.org

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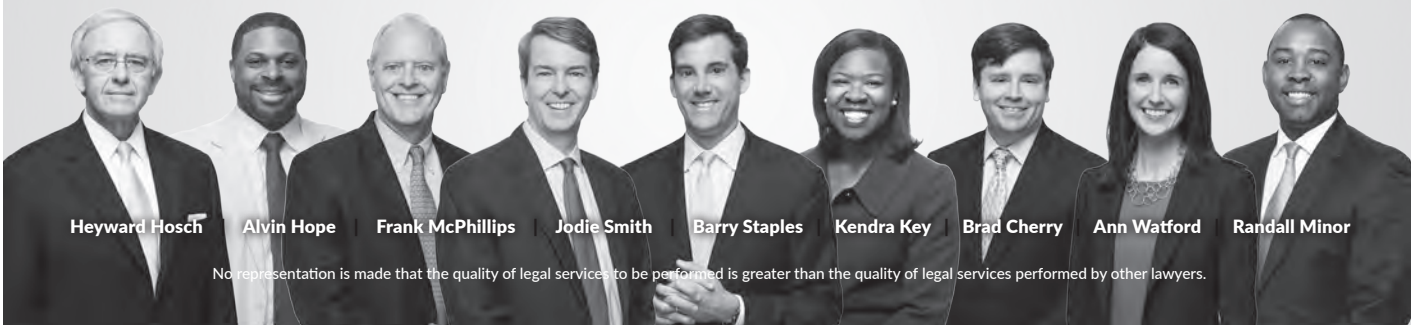

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No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

2017 Annual Convention Information

Birmingham, Alabama • May 20 - 23, 2017

Online Registration: To make the registration process more efficient, delegates are encouraged to pre-register. Pre-registration will assist the League staff in making arrangements for attendance at this year's convention. **The deadline for pre-registration is 5:00 p.m. on April 28, 2017. After 5:00 p.m. April 28, delegates must register at the Convention Registration Desk.**

In order to ensure that there are no duplicate registrations, each registrant must use a **separate** email address. In the event that you do not have a separate email address for each registrant, you can go to Gmail.com or Yahoo.com and create a free email account.

ETHICS ADVISORY!

Based on the conclusions in Ethics Advisory Opinion 2011-01 and an informal opinion the League has received from the Ethics Commission, attendees at the League Convention should exercise caution before accepting an invitation to dinner, etc. from a vendor that is a not a registered participant in the Convention.

While the opinion indicates that a non-registered vendor or company who desires to interact with attendees during the conference may provide meals and other food and beverages, they may not under any circumstances use the interaction as an opportunity to lobby attendees or otherwise use it for a sales opportunity.

CONVENTION REGISTRATION FEES:

$400 through April 14, 2017 by 5:00 p.m.	(**$60** non-refundable registration fee for one (1) Spouse/Guest*)
$425 from April 15 - April 28, 2017 by 5:00 p.m.	(**$70** non-refundable registration fee for one (1) Spouse/Guest*)
$475 after April 28, 2017 (on-site registration)	(**$90** non-refundable registration fee for one (1) Spouse/Guest*)
Additional Guest Registration	**($150 per additional Guest, fee is non-refundable**)**

Envelopes must be postmarked by the dates above. Registration must be received by the deadline or they will be subject to a fee increase. 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 Reception, Sunday Night Exhibitors Showcase and Reception, Expo Hall Breakfast and Boxed Luncheon on Monday, Monday Banquet, Post-Banquet Reception and Entertainment. The registration fee for spouses/guests and children over 6 includes Saturday Night Welcome Reception, Sunday afternoon Spouse/Guest Reception, Sunday Night Exhibitors Showcase and Reception, Expo Hall Breakfast, Monday Banquet, Post-Banquet Reception and Entertainment.

Spouse/guest registration cannot be paid by the municipality; therefore, registration must be paid by the official at the time of registration.** *The spouse/guest registration fee is restricted to persons who are not municipal or public officials, are not affiliated with any exhibitor, and would have no professional reason to attend the convention. Spouse/Guest registration is available only for a person who accompanies a full convention registrant, and only to those who do not have any other reason to attend the ALM Convention. Spouse/Guest registration does not include session attendance. The spouse/guest registration permits an individual to attend only the Spouse/Guest events and to accompany a full convention registrant to receptions, the President's Banquet, Post-Banquet Reception and Entertainment, and the Expo Hall and events specifically listed in the official convention program as open to a Spouse/Guest. Eligibility of guests may be subject to verification.* ***Attendance at any other Convention event requires registration as a full-convention attendee.

***To register additional guest(s), there is an additional non-refundable fee of $150 per guest. Spouses/Guests are not eligible to attend the convention training sessions or obtain credit hours in the Certified Municipal Officials Program.*

HOTEL ACCOMMODATIONS:

For hotel contact and room block information, go to www.alalm.org.

IF NOT REGISTERING ONLINE:

★☆★ Save $50 on Delegate Registration by registering online! ★☆★

1. Download and Complete the convention registration form on **www.alalm.org** to register yourself and your Spouse/Guest (if applicable). Use one form for each delegate registered.
2. Enclose a payment by check for the appropriate convention registration fee. Payment in full must accompany registration form.
3. Return the form and payment to Alabama League of Municipalities, Attention: 2017 Convention Registration, P.O. Box 1270, Montgomery, AL 36102. (You may fax your forms to 334-386-5180.) **Credit card numbers will NOT be accepted by email, mail or fax. If paying by credit card, you must register online.**

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.

NO CONVENTION REGISTRATIONS BY PHONE WILL BE ACCEPTED.

If you need assistance due to disability or other special services, please call Theresa Cook at (334) 262-2566 before April 28, 2017.

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 28, 2017. **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/guest are nonrefundable. **ALM cannot make exceptions to this policy.**

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 Breakfast - $35.00

For additional guest information, please contact Priscilla Starr at (334) 262-2566.

2017 MUNICIPAL FLAG SHOWCASE:

The League will hold its Seventh Annual Municipal Flag Showcase at this year's ALM Annual Convention in Birmingham. More information and entry form for the Municipal Flag Showcase can be downloaded from www.alalm.org.

Distinguished Service Awards: The League presents municipal service awards during its convention to municipal officials and staff recognizing 20, 30 and 40 years of service earned during the previous calendar year. **Awards are only presented to individuals who notify the League of a service milestone by March 17, 2017. Awards will not be given to those who fail to notify the League by the deadline.** However, if a person reaches 20, 30 or 40 years of service but fails to notify the League, he or she may receive an award during the following convention, provided the League is notified by the deadline for that convention. Service awards will not be given beyond the second year for which they were earned. **You can download a form for this purpose at www.alalm.org.**

Join us in Birmingham for our 40th EXPO!

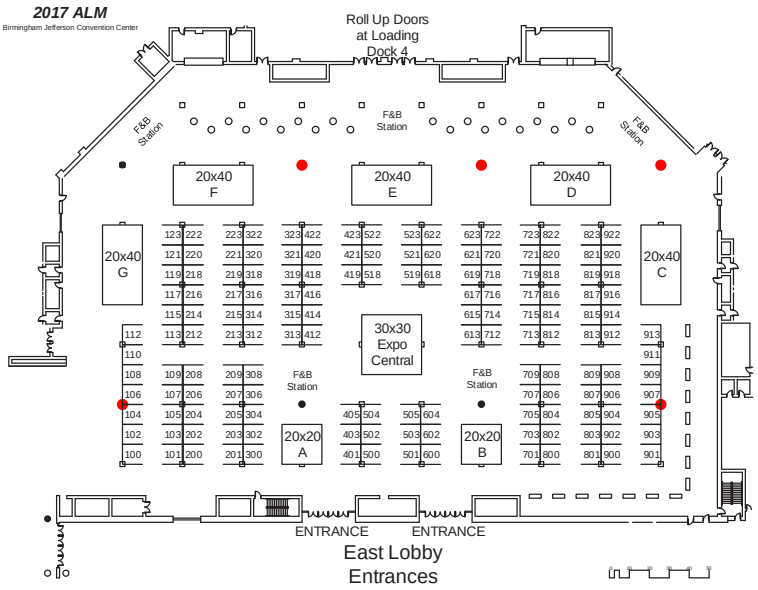
EXPO2017
Birmingham
Birmingham - Jefferson Convention Complex
MAY 21 - 22

The Alabama League of Municipalities will celebrate its **40th EXPO** this year! On May 21, the 2017 EXPO Hall doors will open to more than 50,000 square feet of city solutions! This unique showcase offers an excellent opportunity for the League's 1,000+ delegates and guests to network and make valuable connections with more than 300 vendor representatives. The EXPO will offer convention attendees several events and extended time for face-to-face interaction with exhibitors.

NEW EXPO SCHEDULE FOR 2017! The EXPO Hall will open Sunday afternoon 12:15 p.m. – 1:15 p.m. with an Expo Break Service and remain open until 4 p.m. Later that evening the EXPO Hall will re-open at 5:30 p.m. – 7:00 p.m. for ***EXPO EXTRAVAGANZA***. The League will kick off its 40th annual expo featuring over 150 vendors in the Exhibitor's Showcase, the very popular Passport Prize Program, a prize drawing and a casual reception with heavy finger foods and an open bar. Monday the Hall will open at 8:00 a.m. to 10:30 a.m. for a half day of exhibiting, continued Passport Prize Program, break service with a prize drawing and breakfast. Breakfast will be served beginning at 8:00 a.m. for all attendees and vendors. There will be plenty of seating available at breakfast.

ALSO NEW THIS YEAR – Two Passport Prize Drawings in the EXPO Hall. ***EXPO EXTRAVAGANZA*** will have a drawing at 6:45 p.m. for a $500 AMEX Gift Card. A second drawing will be held Monday morning during the Expo Break Service between 10 a.m. – 10:30 a.m. The winning names will be drawn from verified passport cards submitted prior to each drawing. See the Passport Prize information on the next page. **Delegate MUST be present at drawings to win!**

ALM vendors are here for you! This one-stop shopping opportunity only happens once a year. Take the time to experience the entire EXPO Hall and visit ALM's vendors to get answers to questions, learn solutions for problems and return home with key information for your municipality. **A vendor listing for this year's EXPO can be previewed at www.alalm.org. To reserve a booth space in Birmingham, contact Cindy Price at (334) 262-2566, or via e-mail at cindyp@alalm.org.**



PASSPORT PRIZE PROGRAM

2017 Annual Convention EXPO

Our Passport Prize Program is very popular with delegates and vendors alike. The League will again offer this fun-filled opportunity for our members and vendors during the 2017 EXPO. It is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 21-22) as well as the chance to win a prize at three well publicized prize drawings throughout the convention.

How it works: Passport Prize cards listing the names and booth numbers of participating vendors will be distributed to convention delegates during registration. **NOTE: Only registered convention delegates – mayors, councilmembers, clerks, municipal personnel – are eligible to participate in this prize program. (Spouses and guests are not eligible).**

Participating vendors will receive a customized stamp for use on Passport Prize cards. Once the vendor has determined that the delegate has spent sufficient time speaking with him/her, the vendor will stamp the area on the delegate's card that correlates with the vendor's name and booth number.

Participating vendors will be listed in printed convention material and there will be a designated area in the EXPO Hall for delegates to submit their stamped tickets. League staff will verify the eligibility of each submission. If the information is not complete, the card will not be accepted or entered into the drawing. Delegates MUST be present to win. For more information on the 2017 EXPO, visit www.alalm.org.

Prizes will be drawn on

Sunday, May 21 – 6:45 p.m. Expo Hall

$500 American Express Gift Card

Monday, May 22 – 10:15 a.m. Expo Hall

Fitbit Blaze Watch

Tuesday, May 23 – Noon during the Closing Session

$500 American Express Gift Card, Vizio 40" TV, and iPad Pro 128GB

Delegates MUST be present to win.

2017 Convention Quick Guide

Birmingham, Alabama • May 20-23

www.alalm.org

All information subject to change.

CMO credits can be earned. See convention app/program for details.

Download our FREE convention app, "ALM Events," from the Apple App Store or Google Play!

ALM proudly recognizes the University of Alabama College of Continuing Studies as our 2017 Capstone Sponsor!

Saturday, May 20

8:30 a.m. - 5:00 p.m.	**Registration: BJCC**
9:00 a.m. - 9:30 a.m.	Orientation for New Attendees
10:00 a.m. - 11:00 a.m.	**Resolutions Committee Meeting**
1:00 p.m.	AMIC Annual Meeting
2:30 p.m. - 4:30 p.m.	**OPENING SESSION:** BJCC
	Gov. Bentley (invited), Keynote Speaker, ACE Awards
4:45 p.m. - 5:45 p.m.	ABC LEO Reception
TBA	**City of Birmingham - Welcome Reception**

Sunday, May 21

10:00 a.m.	Prayer Service
10:00 a.m. - 11:30 a.m.	Vendor Solution Sessions
12:00 p.m. - 5:00 p.m.	**Registration: BJCC**
12:15 p.m. - 4:00 p.m.	**EXPO Hall** (Break Service available in the Hall): BJCC*
2:00 p.m. - 3:15 p.m.	Spouse/Guest Reception
1:15 p.m. - 3:00 p.m.	**Concurrent Sessions/Topical Roundtables:** BJCC
3:15 p.m. - 4:45 p.m.	**General Session**: BJCC
5:30 p.m. - 7:00 p.m.	**EXPO Extravaganza:** BJCC *

Monday, May 22

8:00 a.m. - 5:00 p.m.	**Registration: BJCC**
8:00 a.m. - 10:30 a.m.	**EXPO Hall** *
8:00 a.m. - 9:30 a.m.	**BREAKFAST in the EXPO Hall** (all convention registrants and spouses/guests): BJCC*
8:30 a.m. - 4:30 p.m.	**Municipal Clerks Breakfast/Business Meeting and Training Program**
8:30 a.m. - 5:00 p.m.	**Alabama Association of Public Personnel Administrators**
9:00 a.m. - 10:00 a.m.	**Concurrent Sessions:** BJCC
10:00 a.m. - 10:30 a.m.	**EXPO Hall** (Break Service available in the Hall): BJCC*
10:30 a.m. - 1:00 p.m.	**Roundtables by Population (Working Lunches served in the rooms at Noon)**: BJCC
1:15 p.m. - 3:00 p.m.	**Ask Your Attorney Panel:** BJCC
3:00 p.m.	Voting Delegate Check-In Desk Opens
3:45 p.m. - 5:30 p.m.	**ANNUAL BUSINESS SESSION:** BJCC
6:15 p.m.	**President's Banquet:** Birmingham Sheraton
7:30 p.m.	**Reception and Entertainment:** Birmingham Sheraton

Tuesday, May 23

8:00 a.m. - 11:00 a.m.	**Registration: BJCC**
8:15 a.m. - 9:45 a.m.	**Concurrent Sessions:** BJCC
10:00 a.m. - 11:45 a.m.	**CLOSING GENERAL SESSION:** BJCC
11:45 a.m.	**Adjourn**

CMO MINI BOOT CAMP **(Separate registration/fee required.)**

1:30 p.m. - 2:00 p.m.	**Registration: BJCC**
2:00 p.m. - 5:00 p.m.	**TBA**
5:00 p.m.	**Adjourn**

* PASSPORT PRIZE PROGRAM: Our Passport Prize Program is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 21 and 22) as well as the chance to win a prize during the Sunday night EXPO Extravaganza, Monday morning EXPO Hall break and the Tuesday morning Closing General Session. Delegates MUST be present to win!

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