

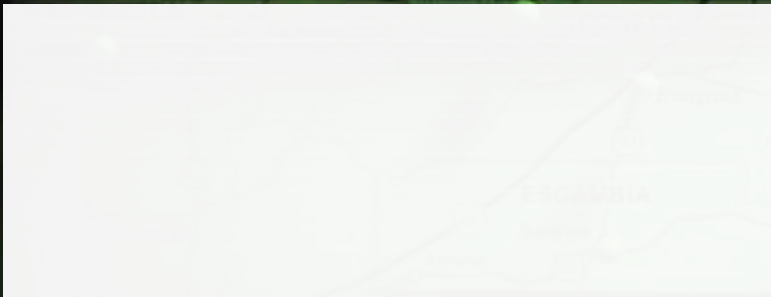
# COUNTY COMMISSION

Published by the Association of County Commissions of Alabama

Volume 57, Number 2  
August 2013

# CSII

**CRITICAL SECURITY INITIATIVES**



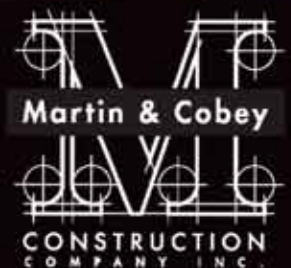


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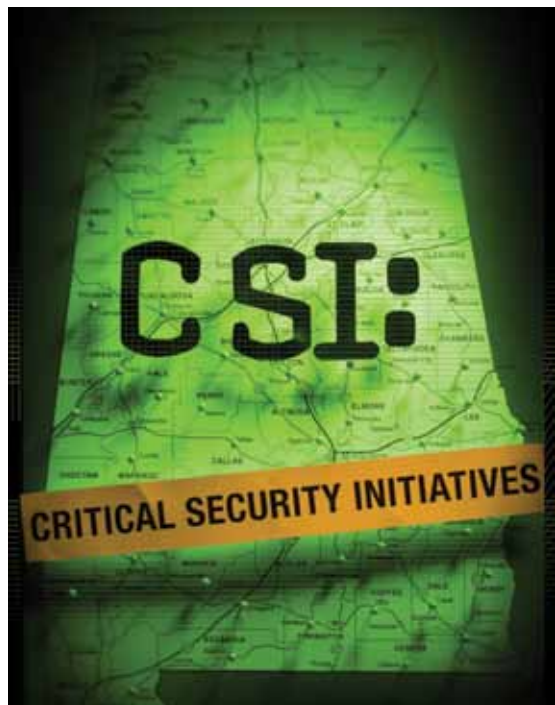
Brian Moore P 256.232.5384  
BMOORE@MARTINANDCOBEY.COM  
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VOLUME 57, NUMBER 2



*ACCA's 85th Annual Convention promises to be full of useful information for county leaders.*



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Hon. Ricky Harcrow  
President

## History in the making

ATRIP is not just the biggest thing in country government during my presidency - it's the biggest thing in years

Sometimes it is hard to recognize the significance of an event when you are actually “living” it. But once the dust settles, you can get your wits about you.

For those of us lucky enough to be in county office these last two years, we've experienced road and bridge renewal that will be known as the “Good Ole Days” for decades to come. And, unfortunately, many of us have been so busy putting together plans and working out financing that we've hardly taken time to understand the enormity of what we know as “ATRIP.”

When things are all said and done with this huge initiative of Gov. Robert Bentley, somewhere close to \$700 million in federally funded GARVEE bonds will be issued to finance county road and bridges. When another \$175 million or so in county matching funds are added to that, counties will expend nearly \$900 million to improve transportation at the local level.

Because most counties – like my commission in DeKalb – operate their road and bridge department almost exclusively on the county share of the statewide gasoline taxes, new money for construction has been hard to come by. The tax rate has not changed since 1992, and the revenue it produces has grown little in the last 20 years.

Except for the bridge replacement program advocated by ACCA in 2000 and approved by Alabama voters, for the last two decades counties have struggled to simply keep the grass cut, the road signs replaced and the potholes patched. But along comes ATRIP.

Just how big is this program? When you consider that each year every county manages an award of federal and matching money that totals about \$666,000, this ATRIP program will provide county governments with revenue approximating 20 years worth of federal highway funding over the next two years. In addition, the annual federal allocation will continue to be available as well.

For some counties, ATRIP's match requirement was beyond their financial means. Gov. Bentley heard the requests of our Association and established a program to provide these counties \$5 million without any matching requirements at all.

The remaining counties, those with the wherewithal to provide the local dollars, were able to get an extra share of the remaining funds. Today, as I near the close of my year as ACCA president, counties are putting the finishing touches on the final funding allocations that will close this chapter of the largest county road and bridge program in our state's history.

Certainly our friend Gov. Bentley deserves enormous credit for volunteering to shift federal dollars otherwise destined for state roads to the local level. But I am also very proud of the county officials who have answered the challenge by mustering the local revenue and by investing in the resources necessary to meet the plan deadlines.

Now the real challenge will be completing the process by letting the contracts and ensuring that the projects are constructed in a timely and efficient manner. Again, we have our work cut

**This ATRIP program will provide county governments with revenue approximating 20 years worth of federal highway funding over the next two years.**

out for us in the coming months.

And because we have been so busy with producing plans, securing matching funds and promoting our own projects, we may have missed the importance of this program.

Our friend John Cooper, the director of the Alabama Department of Transportation, will be at our convention in a few days to update us on this program and, I'm sure, will challenge us again to partner with his department to implement this ambitious initiative.

As I ready to place this Association in the hands of our next president,

Commission Chair Debbie Wood of Chambers County, many things have come into focus. I now see this transportation program as we've seen all of our Association goals – it is truly a cooperative effort.

Gov. Bentley first discussed a program like this with ACCA's board back during the campaign -- when Clay County's Ricky Burney was our president. The program kicked off during the presidential term of Etowah County's Tim Choate. Now, it will be up to Debbie Wood and Mobile County's Merceria Ludgood to help ensure ATRIP's success.

There are so many projects to be finish. In October a new funding model for 9-1-1 will begin, a centralized sales tax collection program will start on that same day and the long-awaited recommendations of the state's Constitutional Revision Commission will be unveiled in just a few days. If those projects are to succeed as we hope, our new leaders will be key players.

I have enjoyed the privilege of being your president during a critical time for Alabama's future. But, just to be honest, I am only now beginning to appreciate the importance of the last 12 months.

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*Sonny Brasfield*  
*Executive Director*

*Sonny Brasfield*

## How is this possible?

Can Alabama be a hotbed of economic development activity when so many residents are unable to work?

Admittedly, I am no economic development expert. But I wonder how competitive a state can be at attracting new industry if almost one quarter of its homeowners are “permanently and totally disabled.”

I mean, when looking for a new industry that might employ 2,000 or so people, how could a state that already is home to Mercedes Benz, Hyundai, Toyota and other major industries hope to provide additional workers if so many of the homes in the state are owned by persons who are physically unable to work?

Based on these facts and a new law enacted during the 2013 regular session of the Alabama Legislature, this economic development question seems to be a fair one.

You see, here in Alabama, 259,124 homesteads – that is properties with homes occupied by a person who actually owns at least a partial interest in the property – are completely exempt from ad valorem taxes because the owner is “permanently and totally disabled” or is over age 65 with federal income of less than \$7,500. If you said “wow!”, then I encourage you to read that sentence again because it seems to be false.

But it is unquestionably accurate.

The problem has grown away from the public’s eye since the middle of the last decade when the attorney general issued an opinion that opened the flood gates for persons to legally skip past paying these taxes. Prior to the opinion, an income limit of \$7,500 applied to anyone seeking this homestead exemption – both those “permanently

and totally disabled” as well as those over age 65.

So, before that, if you wanted to claim this exemption you were required to show evidence of financial hardship. The philosophy was that if you were elderly or “permanently and totally disabled” AND living on a low income, the taxpayers would assist you. But with the opinion, persons who claim disability began to claim the exemption regardless of income.

To make the situation even worse, the exemption can be claimed by presenting letters from two doctors who will state that you are “permanently and totally disabled.” The situation had become so ridiculous in 2012 that the Association asked the Alabama Legislature to reinstate the income limit – and the bill passed without a dissenting vote.

By now, everyone knows the rest of the story. After complaints from homeowners who liked “not paying” their taxes much more than they liked “paying” their taxes, lawmakers repealed the corrective act – again without a dissenting vote. And they made the act retroactive so today tax officials are working to reinstate the exemption for the financially well-heeled.

As confusing as this all sounds, let me see if some facts will bring the abuse into even clearer focus.

In 2004, the properties exempted from ad valorem taxation under this statute totaled about \$1.2 billion in value. And when we say “exempted” from taxation we mean these owners of homes AND up to 160 acres of adjacent property

paid not one red cent in ad valorem taxes. No taxes for state government services. No taxes for education. No taxes for local government operations. And no taxes for local roads, hospitals or fire protection. None.

By 2012, when the corrective law was enacted, the use of this exemption had expanded by \$1 billion -- meaning properties totaling more than \$2.2 billion in fair-market value were paying no property taxes at all. Certainly this exemption was being granted to those persons facing financial hardships because of their physical limitations. Unable to work, one could argue that an exemption from ad valorem taxes (even an exemption from the nation's lowest ad valorem taxes) would be "the least" other taxpayers could do.

But, how about someone in Tallapoosa County who owns a \$7 million homestead on Lake Martin? Or a \$3.8

million home in Shelby County? Or one valued at \$2.6 million in Baldwin? Could one argue that a total exemption should be granted to owners of such exclusive properties?

And, to return to the economic development angle, how can the state continue to find new jobs if such a large portion of its population is "permanently and totally disabled"? Obviously, the answer is that many of the people receiving this exemption are not "permanently and totally disabled" at all and they are ready and able to work should Alabama attract new jobs.

But this Association felt that such exemptions were out of step. And the Legislature initially agreed – but then changed its mind. During the 2013 session this Association worked to hold onto the 2012 corrective law but failed.

Small concessions were secured in the repeal legislation. We changed

the provision for "letters" from two doctors to sworn statements and inserted some penalties if one sought the exemption fraudulently. But even that effort was watered down when senators insisted that everyone who already had the exemption be assured of keeping the exemption for life.

That's right, the more than 250,000 property owners who are exempted from paying ad valorem taxes will remain exempt for as long as they own the property.

So when your tax bill comes in the mail in a few weeks, it will be a good reminder that the Association's efforts to reinstate some fairness in homestead exemptions lasted less than a year, but the 259,124 exemptions will last a lifetime.



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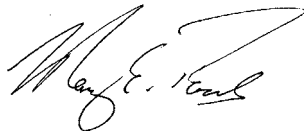
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Mary E. Pons  
Association Counsel



## New gun law contains important protections of counties

However, Act 2013-283 still achieves sponsor's goals of loosening restrictions

Association staff carefully monitored this year's "gun legislation" from introduction to final passage, working in collaboration with county sheriffs to ensure any new law protecting the rights of gun owners included adequate protections for county government and the citizens it represents. The Association staff is extremely grateful to the sheriffs for their input and assistance with this legislation. Their expertise was immensely beneficial in assessing where there were problems – and their strong advocacy on behalf of all county officials and citizens helped ensure the final product does include some important protections for both.

One positive change in the law is there is now clear and unequivocal authority for the county commission to prohibit firearms at the courthouse and related county facilities. Section 6(a)(4) of the Act states that a person may not knowingly possess or carry a firearm inside a courthouse, courthouse annex, or a building where the county commission is having a regular or special meeting. Firearms are also prohibited in a sheriff's building and correctional facilities including the county jail. The law does require that notice be placed at the entrance of the building "alerting those entering that firearms are prohibited."

This provision greatly benefits counties since, as a result of an Alabama Supreme Court rule issued in 1998, counties were "required" to install metal detectors at all courthouse entrances to prevent persons from entering with firearms. This created a real quagmire since there was no law

authorizing the county to prevent a person with a valid concealed weapon permit from entering with a firearm. In fact, following issuance of the rule, the Association worked on legislation to prevent bringing weapons in the courthouse, but it was actively opposed by some tied to the court system and did not pass.

One county was recently challenged because it had notices posted prohibiting firearms in the courthouse. The county removed the signs and no lawsuit was filed, but all counties have been in a difficult position for all these years and now there is absolute authority to post those signs – and to prevent firearms in the building even if a person has a valid permit to carry a concealed weapon.

One of the most hotly debated sections of Act 2013-283 addresses firearms at the workplace and what, if any, protections the employer and employee would be entitled to under the law. In the version signed by the governor, an employer (including the county) may restrict or prohibit employees from carrying firearms on the employer's property or while engaged in work duties. However, the employee may keep firearms in a privately owned vehicle legally parked on the employer's property under certain conditions set out in the law. Any firearm kept in a vehicle on the employer's premises while unattended by the employee must be kept from ordinary observation and locked in a compartment or container.

The law sets out in detail circumstances under which the employer may investigate whether an employee is in compliance with the restrictions on



**As with any comprehensive legislation creating major change, it will take time to determine the real impact of this new law – or exactly how it will work. However, there are clearly dramatic changes in how things will operate for sheriffs and county government now that the new law has taken effect.**

keeping a firearm in a parked vehicle on the employer’s property, and it addresses when the employer can take “adverse employment action” against the employee for noncompliance. However, the law makes clear that the employer is not required to conduct such investigations under any circumstances. The law grants the employer absolute immunity against any claim or action brought as a result of any firearm brought on the premises by an employee. And it clearly states that “the presence of a firearm or ammunition on an employer’s property under the authority of this act does not, by itself, constitute the failure by the employer to provide a safe workplace.”

While as discussed, Act 2013-283 does include some prohibitions against carrying weapons, the cornerstone of the new law is relaxing restrictions on carrying weapons in Alabama. Therefore, since Aug. 1, a person with a valid concealed weapon permit may carry a weapon on most private property. There are other restrictions in additions to those set out here, such as most athletic events and buildings or facilities which limit access of unauthorized persons or articles with guards and other security features. However, carrying weapons on most private property is authorized with a valid permit. And even if a person does not have a concealed weapon permit, he or she may have an unloaded pistol in a locked compartment of a vehicle if he or she is “legally permitted to

possess a pistol.”

In addition to the changes on carrying weapons, Act 2013-283 makes significant changes in the concealed weapon permitting process. Much of the discretion formerly granted to the sheriff in considering applications is removed. Instead, there are specific criteria to be considered and the permit should be issued by the sheriff unless the person is prohibited by state or federal law from possessing a firearm or there is reasonable suspicion the person may use the weapon unlawfully or may endanger self or others. This is an area that will be under close scrutiny by those concerned that permits will be

unlawfully denied. Therefore, this new process must be carefully implemented and followed by all sheriffs in the state.

As already noted, it will be some time before the full impact of this law is known – but we know it is a major shift in law and grants significant rights to persons possessing weapons. It is reassuring that there are some protections for county government, law enforcement and employers. Nonetheless, we must carefully watch how the law is interpreted in the next few years – and we must carefully watch that there are not future efforts to strip the protections this law contains.

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## Counties get positive results from State House

The hard work of county officials and employees made an impact again this year at the Alabama Legislature, with six ACCA bills becoming law during a challenging session.

“County government made its presence known in Montgomery, and the Association defeated or modified numerous proposals that would have harmed effective county government in Alabama,” said Sonny Brasfield, executive director of the Association of County Commissions of Alabama. “Direct involvement from the local level is always the key to success here in Montgomery, and that was certainly the case this year.

A more detailed legislative report that includes all bills affecting county government plus local bills is available online at [www.alabamacounties.org/?p=4118](http://www.alabamacounties.org/?p=4118). A more detailed legislative report that includes all bills affecting county government plus local bills is available online at [www.alabamacounties.org/?p=4118](http://www.alabamacounties.org/?p=4118).

### Redemption of property

Act 2013-370 (HB 47 by Rep. Steve Clouse & Sen. Cam Ward/Sen. Jerry Fielding)

Corrects technical problems in the statute addressing tax sales and redemption of property to provide that any excess paid at the time of the tax sale may only be



Rep. Clouse



Sen. Ward



Sen. Fielding

paid to a person or entity who has legally redeemed the property while allowing the county commission to issue a voucher in the amount of the excess which can be presented to the probate judge in lieu of the amount equal to the excess bid by a person or entity who has paid all other costs of redemption. Effective Aug. 1, 2013.

### Reusing prescription drugs in county jails

Act 2013-396 (HB 54 by Rep. Todd Greeson & Sen. Rusty Glover)

In the past when an inmate left a



Rep. Greeson



Sen. Glover

county jail, all the inmate’s remaining county-purchased prescription drugs were destroyed. This act allows unused drugs to go back to the pharmacy for a credit or to be redispensed, resulting in cost savings for counties. Effective May 22, 2013.

### Alabama Trust Fund repayment

Act 2013-6 (HB 94 by Rep. Jay Love & Sen. Bryan Taylor)

One county revenue stream for capital projects comes from the Alabama Trust Fund, created with the state’s royalties from oil and gas drilling. Last September, voters approved borrowing \$437 million from the trust fund to prop up the state’s General Fund budget. This act requires the Legislature to gradually repay the trust fund by 2026. Effective Feb. 20, 2013.



Rep. Love



Sen. Taylor

### Credit card use for counties

Act 2013-211 (HB 247 by Rep. Alan Harper & Sen. Jimmy Holley)

Allows counties, through their chief administrative officers, limited use of credit, debit or procurement cards for purchases of goods and supplies. ACCA is developing guidance for



Rep. Harper



Sen. Holley

# News You Can Use

counties on how to best implement this new law. Effective May 10, 2013.

## 4-cent gas tax for vegetation management

Act 2013-402 (HB 514 by Rep. Dexter Grimsley & Sen. Roger Bedford)

Counties have only been able to use funds from the 4-cent excise tax on gasoline and lubricating oil on resurfacing, restoring and



Rep. Grimsley



Sen. Bedford

rehabilitating paved roads and bridges or on replacing bridges. This act allows counties to use these funds for vegetation management on the county rights of way, though the funds cannot be used to purchase herbicides. Effective Aug. 1, 2013.

## Funding for ATRIP/ RAMP Projects

Act 2013-80 (SB 192 by Sen. Paul Bussman & Rep. Mac McCutcheon)

Allows the state to borrow money needed for the 22 counties participating in the Rural Assistance Match Program (RAMP) portion of the Alabama Transportation Rehabilitation and Improvement Program (ATRIP). RAMP was



Sen. Bussman



Rep. McCutcheon

designed to help counties that experienced difficulty meeting the match required to draw down ATRIP dollars, and it ensured that ATRIP would improve transportation infrastructure in every corner of the state. Through the RAMP program, counties that opted in received assistance and were removed from competition for funds in the third and final round of ATRIP, which Gov. Robert Bentley announced in July.



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## AAEM recognizes, rewards excellence in profession

Each year the Alabama Association of Emergency Managers recognizes a number of programs and individuals for excellence in the field of emergency management.

The 2013 awards were presented at AAEM's annual summer conference, and the organization also elected new officers for the coming year.

The DeKalb County Emergency Management Agency was honored with Mitigation Program of the Year in the Medium County category. The award is designed to recognize a program that has focused on long-term strategies to protect lives and reduce the impact of disasters.



*Phyllis Little presents the award for Mitigation Program of the Year (Medium County) to DeKalb County EMA, represented by, from left, Daryl Lester, Anthony Clifton and Michael Posey.*



*Phyllis Little, left, presents the award for Preparedness Program of the Year (Large County) to Tuscaloosa County EMA, represented by Billy Green.*



*Mason Bernard accepts the Alfred T. Moore Volunteer of the Year Award from Phyllis Little.*

Mason Bernard of Lee County was named the Alfred T. Moore Volunteer of the Year. This honor is reserved for a volunteer with at least five years of experience who demonstrates loyalty and a willingness to serve at a moment's notice in any emergency.

Preparedness Programs of the Year were recognized in two size categories. Tuscaloosa County Emergency Management Agency's Community Emergency Response Team (CERT) won in the Large County category, and Marshall County Emergency Management Agency won in the Medium County category.



*Phyllis Little, left, presents the award for Preparedness Program of the Year (Medium County) to Marshall County EMA. Accepting the award were, from left, Anita McBurnett, Micheal Jacques and George Harwell. McBurnett also received the Pat Neuhauser Spirit of EMA Award.*

Another nod for Marshall County Emergency Management Agency came when Director Anita McBurnett received the Pat Neuhauser Spirit of EMA Award, which is AAEM's most prestigious honor. It goes to someone who embodies a high level of enthusiasm for promoting emergency management, a willingness to share and serve, dedication, faithfulness and loyalty.

Of the awards, McBurnett said, "They were both quite an honor and very surprising and very humbling!"

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# News You Can Use



*Mitchell Sims of Baldwin County EMA receives the award for Rookie of the Year from Phyllis Little.*

Mitchell Sims, director of the Baldwin County Emergency Management Agency, got the nod for Rookie of the Year, honoring an emergency manager with less than two years of experience who has demonstrated innovative methods for enhancing emergency management.

The President's Award went to Eric Jones, director of the Elmore County Emergency Management Agency and Homeland Security Office.



*Rita Smith, right, of Lee County EMA, accepts one of AAEM's scholarships from Phyllis Little.*

In addition, scholarships were awarded to two emergency managers: Matthew Glen Brannan, Mobile County Emergency Management Agency, a student at the University of South Alabama; and Rita L. Smith, Lee County Emergency Management Agency, a student at Jacksonville State University.

The 2013-14 AAEM Board of Directors is headed by President Phyllis Little of Cullman County, President-

elect Anita McBurnett of Marshall County and Past President Mike Evans of Mobile County. Ronnie Adair of Mobile County serves as secretary.

The organization's board also includes representatives from eight geographic areas around the state. Those board members are: Area 1, Johnny Brock, Conecuh County; Area 2, Jessica Tomlin-Seabrook, Crenshaw County; Area 3, Billy Green, Tuscaloosa County; Area 4, Kathy Carson, Lee County; Area 5, James Burnett, Winston County; Area 6, Scott Worsham, Madison County; Area 7, Mike Bryant, Etowah County; and Area 8, Tim Payne, Alabama Emergency Management Agency.

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From the Cover



# CSTI

## PREPARING FOR THE WORST

CRITICAL SECURITY INITIATIVES

## Counties need to be ready for 'homegrown' domestic terrorists, active shooters and other real threats on the local level

This time a year ago, many people in the United States would not have been able to tell you anything about a place named Midland City, Ala.

This time a year ago, many people in Alabama would not have been able to tell you anything about a place named Midland City, Ala., unless they happened to have a connection to Dale County or the Wiregrass region.

But here in the summer of 2013 we all know about Midland City because of a man named Jimmy Lee Dykes, who killed a school bus driver and held a 5-year-old boy hostage there in an underground bunker for nearly a week.

We live and work in a world where county leaders must be just as prepared for man-made emergencies as they are for natural disasters, and the Association of County Commissions of Alabama has chosen to focus on these security issues at the local level. "CSI: Critical Security Initiatives" is the theme for the 85th Annual Convention of ACCA, scheduled for Aug. 20-22 this year.

"In many ways, we live in a dangerous world, and counties are not immune to those threats," said ACCA Executive Director Sonny Brasfield. "As much as we hope and pray that nothing bad

ever happens in our communities, county officials and staff members have a duty to the public to be as ready as they possibly can be for a worst-case scenario."

The convention returns to the Perdido Beach Resort in Orange Beach again this year for three jam-packed days of professional development for county officials and county employees. More than 500 county leaders have pre-registered for the event.



**Who:** Mark Potok, editor-in-chief of the Southern Poverty Law Center's Intelligence Report journal and Hatewatch blog

**What:** "Could Domestic Terrorism Come to Your Courthouse?"

**When:** 8:40 a.m., Wednesday, Aug. 21

**Where:** Ballrooms ABCD

### Wednesday morning focus

The Opening General Session on Wednesday morning promises to start things off on a serious note, beginning with the first presenter. Mark Potok

from the Southern Poverty Law Center is a national expert

on domestic terror and extremism. Since 1997 he has been monitoring hate groups and other extremists throughout the country, frequently exposing their activities to law enforcement agencies, the news media and the public.

"There is a very real, growing and dangerous antigovernment movement

out there," said Potok. "I don't want to suggest that the country is on the verge of massive violence. My purpose is to try to raise awareness of the danger (the movement) presents without overstating the threat."

He said the most rapidly growing segment of the radical right is the so-called sovereign citizens, who believe they get to choose which laws to obey and believe they don't have to pay taxes. People with these beliefs are active in Alabama, but the problem of antigovernment extremists is certainly not isolated to Alabama or the Deep South, he said.

**Who:** Special Agent Arnaldo Mercado, Alabama Law Enforcement Agency

**What:** "Preparing Your County Building for an Active Shooter Situation"

**When:** 9:15 a.m., Wednesday, Aug. 21

**Where:** Ballrooms ABCD

Oftentimes the movement's No. 1 enemy is the federal government, but some adherents don't distinguish among different levels of government. And some

object just as strenuously to local government – whether it is local law enforcement or a clerk at the courthouse.

After county officials and staff members hear about Alabama's risk in the national context, the next three speakers will provide listeners with specific tools they can use to prepare for such an emergency.

One possible scenario is an active

*continued on p. 18*

# 2013 Convention Agenda

ACCA 85th Annual Convention

August 20-22, 2013

Perdido Beach Resort, Orange Beach, Ala.



## Monday, August 19

1 p.m.

Golf Tournament (*Lunch at Noon*)  
Gulf Shores Golf Club

1 - 7 p.m.

Fishing Expedition  
Reel Surprise Charter Docks

## Tuesday, August 20

9 a.m. - 5 p.m.

Affiliate Meetings

- 9 a.m. - ACEA Board Meeting
- 10 a.m. - ACEA Membership Meeting
- 1 p.m. - ACAA Membership Meeting
- 3 p.m. - AAND Membership Meeting
- 4 p.m. - AAEM Membership Meeting

11 a.m. - 5 p.m.

Registration Desk Open

11 a.m. - 7 p.m.

Exhibit Showcase

11 a.m. - Noon

ACCA Board of Directors Meeting

12 - 1 p.m.

Strolling Lunch in the Exhibit Hall

1 - 5 p.m.

CROAA Education Meeting

- Latest Tax Cases Regarding Sales and Use Tax, *Kevin Boucher, Attorney, Mobile County*
- Ethics, *Mary Pons, ACCA Association Counsel*
- Best Practices on Enforcement (round table discussion)
- Business Session

2 - 3 p.m.

- ACCA Workers Compensation and Liability Insurance Funds Meeting

3 - 4 p.m.

Alabama Association of Black County Officials Meeting

4 - 5 p.m.

Minority Issues Steering Committee Mtg.

5 - 6:30 p.m.

Opening Reception in the Exhibit Hall

## Wednesday, August 21

7:30 - 8:30 a.m.

Convention Breakfast

7:45 - 8:30 a.m.

Nominating Committee Meeting  
Resolutions Committee Meeting

8 - 11:30 a.m.

Registration Desk Open

8:30 a.m. - 12 p.m.

Opening General Session

- Could Domestic Terrorism Come to Your Courthouse?, *Mark Potok, Senior Fellow, Southern Poverty Law Center*
- Preparing Your County Building for an Active Shooter Situation, *Arnaldo Mercado, Special Agent, State of Alabama Law Enforcement Agency, Alabama ALERRT Active Shooter Program Coordinator*
- Intelligence, Virtual Alabama and County Building Security, *Joe Davis, Director, Ala. Fusion Center*
- The County's Role in School Safety,

*Tom Mock, Education Specialist, Alabama Dept. of Education*

- Remarks from NACo President Linda Langston

12 - 1:15 p.m.

County Agents Kitchen Lunch

1:30 - 4:45 p.m.

Concurrent Sessions

- Gun Control Changes in Alabama, *Sheriff Grover Smith, Escambia County*
- Immigration Enforcement, *Andrew Brasher, Deputy Solicitor General, Office of the Attorney General*
- Local Laws 101: What You Need to Know about Local Laws in Your County, *Mary Pons, ACCA Association Counsel*
- Kickstarting a County Citizens Academy, *Sallie Gowan, ACCA Dir. of Communication*

Safety Coordinator Training Session

- Safety Committee Meetings
- Accident Investigations
- Trend Analysis
- Case Study

Public Officials Training Session

- Workers' Compensation Basics & Drug Testing Guidelines
- ADA, FMLA & FLSA Issues
- Interviews, Evaluations & Discipline
- Harassment, Discrimination & Retaliation



# 2013 Convention Agenda

ACCA 85th Annual Convention

August 20-22, 2013

Perdido Beach Resort, Orange Beach, Ala.



## Thursday, August 22

7:45 - 8:45 a.m.

County Agents Kitchen Breakfast

8:45 a.m. - 12 p.m.

Breakout Sessions

### Commissioners Breakout Session

- 9-1-1 Funding Changes, *Sonny Brasfield, ACCA Executive Director*
- The Future of Health Insurance for Your County, *William Ashmore, CEO, State Employees' Insurance Board*
- Report from North Jackson Street, *Sonny Brasfield, ACCA Exe. Dir.*

### Commissioners and Engineers Combined Breakout Session (after the break)

- ATRIP Update, *John Cooper, Director, ALDOT and Ed Austin, ALDOT*
- Encroachments on the County Right of Way, *Craig Dillard, Webb & Eley, P.C.*
- Certification of Equipment Operators, *Craig Dillard, Webb & Eley, P.C.*

### Engineers Breakout Session (before the break)

- New Road Builders Liability Law, *Mary Pons, ACCA Association Counsel*
- Scrap Tire Remediation Program, *Brent Watson, ADEM*
- MUTCD Signage Requirements for Railroad Crossings, *Stacey Glass, ALDOT*

Engineers combine with Commissioners after the break

### Administrators and CROAA Combined Breakout Session (before the break)

- Business License Reform, *Boone Kinnard, Policy Analyst for Speaker Mike Hubbard*
- One Spot, *Julie Magee, Commissioner, Ala. Dept. of Revenue*

### Administrators Breakout Session (after the break)

- Examiners Report, *Teresa Durrett, Chief, County Audits, Dept. of Examiners of Public Accounts*
- New Retirement Rates for Employees hired after January 1, 2013, *Bill Kelly, Director of ERS, Retirement Systems of Alabama*

### AAEM Breakout Session

- Update on EMPG Money Requirements, *Art Faulkner, Director, AEMA*
- EMA's Role in an Active Shooter Situation, *Chance Corbett, Auburn University Dept. of Public Safety and Security*
- Alabama First Responder Wireless Commission, *Chuck Murph, Interoperable Communications, Ala. Dept. of Homeland Security*
- Media Training and Crisis Communication, *Barbara Drummond, City of Mobile (Combined with AAND)*

### AAND Breakout Session

- Town Hall Meeting on the State Plan for 9-1-1 (Panel Discussion) *Wayne Hutchins, Chair, Roger Wilson, Chris Heger, Fred Johnson, Donnie Smith, Mark Brown*
- Media Training and Crisis Communication, *Barbara Drummond, City of Mobile (Combined with AAND)*

### CROAA and Administrators Combined Breakout Session (before the break)

- Business License Reform, *Boone Kinnard, Policy Analyst for Speaker Mike Hubbard*
- One Spot Q&A, *Julie Magee, Commissioner, Ala. Dept. of Revenue*

### CROAA Breakout Session (after the break)

- One Spot Q&A, *Pamela Hill and Wanda Robbins, Ala. Dept. of Revenue*
- Local Nexus, *Joe Garrett, ADOR*
- Update on Marketplace Fairness, *Butch Burbage, Shelby County Finance Manager*

12 - 1:15 p.m.

Convention Luncheon Honoring 2012-2013 President Ricky Harcrow

1:30 - 4:45 p.m.

Afternoon General Session

- Problem Solving and the Future of County Government (Interactive Electronic Survey), *AUM Center for Government*
- Awards Ceremony
- ACCA Business Session
- Executive Directors Report
- District Caucuses

6:30 p.m.

President's Banquet Honoring 2013-2014 President Elect Debbie Wood

8 p.m.

President's Inaugural Celebration Dance, *Featuring The Maxx Band*

# From the Cover

**Who:** Joe B. Davis, director, Alabama Fusion Center

**What:** “Intelligence, Virtual Alabama and County Building Security”

**When:** 10:15 a.m., Wednesday, Aug. 21

**Where:** Ballrooms ABCD

shooter situation, and Special Agent Arnaldo Mercado of the Alabama Law Enforcement Agency will train county leaders in the

“run, hide, fight” strategy. Mercado has been traveling the state to educate people outside the law enforcement community about how to respond to an active shooter, a campaign that has been supported by a series of billboards that have popped up throughout Alabama.

“My job is to put things you already know in a different perspective and help you survive an active shooter situation,” Mercado said. “That’s what we cover – what to do until the local first responders get there.”

He said the training will also encompass what to do after law enforcement arrives.

One of the best tools Alabama officials have at their disposal in case of an

**Who:** Tom Mock, Alabama Department of Education

**What:** “The County’s Role in School Safety”

**When:** 11 a.m., Wednesday, Aug. 21

**Where:** Ballrooms ABCD

emergency is Virtual Alabama, a sophisticated online tool for mapping and three-dimensional visualization that is reserved for

government use.

Joe Davis, director of the Alabama Fusion Center, is scheduled to discuss, “Intelligence, Virtual Alabama and County Building Security.”

The 9/11 commission recommended the establishment of fusion centers to promote collaboration and information sharing within the law enforcement community, Davis said.

One example of this is the “See something, say something” link at [www.fusion.alabama.gov](http://www.fusion.alabama.gov). This link helps the center function as a clearinghouse for reports of suspicious activity throughout the state, putting analysts in position to “connect the dots” from a broader perspective.

“That’s what would have possibly prevented 9/11,” Davis said. “They airport guys knew some suspicious people were getting flight training, but they didn’t know what to do with that information.”

Virtual Alabama is another information-sharing tool that can also save money for government entities. Since it is housed online, “It is a way of sharing that information without having to buy a system or put special software on everyone’s computer,” Davis said.

He said specialized layers of the maps can be added to show water systems or fire hydrants, for example. And even though the capacity doesn’t exist currently to provide 3-D visualizations of county buildings as has been done for public schools, counties could take a step in that direction by simply loading PDF copies of floor plans of critical buildings with emergency exits and other key features marked.

“You don’t have to have the fanciest thing, but you could very easily put it where it’s on a common platform,” Davis said, which would clearly benefit emergency responders.

There has been substantial coverage in the state’s news media of Virtual Alabama, especially as it pertains to public school campuses. That’s where Tom Mock from the Alabama Department of Education will come in. Mock’s topic is “The County’s Role in School Safety.”

Access to Virtual Alabama is restricted, Mock said, but county officials and employees with a county-issued email address can get an account. That could

*continued on p. 20*



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# From the Cover

be essential in an emergency situation when local leaders receive questions, he said.

## Additional security sessions

Those four speakers are all scheduled for the opening general session Wednesday morning, but the focus on security does not end there.

- Alabama's recently enacted gun law is the focus of a session starting Wednesday afternoon at 1:30. The presenter will be Escambia County Sheriff Grover Smith, who is a past president of the Alabama Sheriffs' Association. Smith worked closely with ACCA during the 2013 Regular Session of the Alabama

Legislature to ensure that the bill lawmakers passed was workable for county commissions and county law enforcement.

- Another hot topic from a security and law enforcement standpoint in recent years is immigration enforcement. On this significant issue, county leaders will have an opportunity, also Wednesday afternoon, to hear from Andrew Brasher, who is deputy solicitor general for the Alabama attorney general.
- On Thursday morning, members of the Alabama Association of Emergency Management have a

session just for them on active shooters. Chance Corbett from the Auburn University Department of Public Safety and Security will present a session called, "EMA's Role in an Active Shooter Situation."

ACCA President Ricky Harcrow expressed his approval of the convention agenda. "Each year, the ACCA leadership and staff work hard to identify speakers and topics that will move county government in Alabama forward," Harcrow said. "We want to both solve old problems and help each and every county leader raise their sights to look to the future. I think we hit the nail on the head this year."



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## Members to kick off ACCA planning process

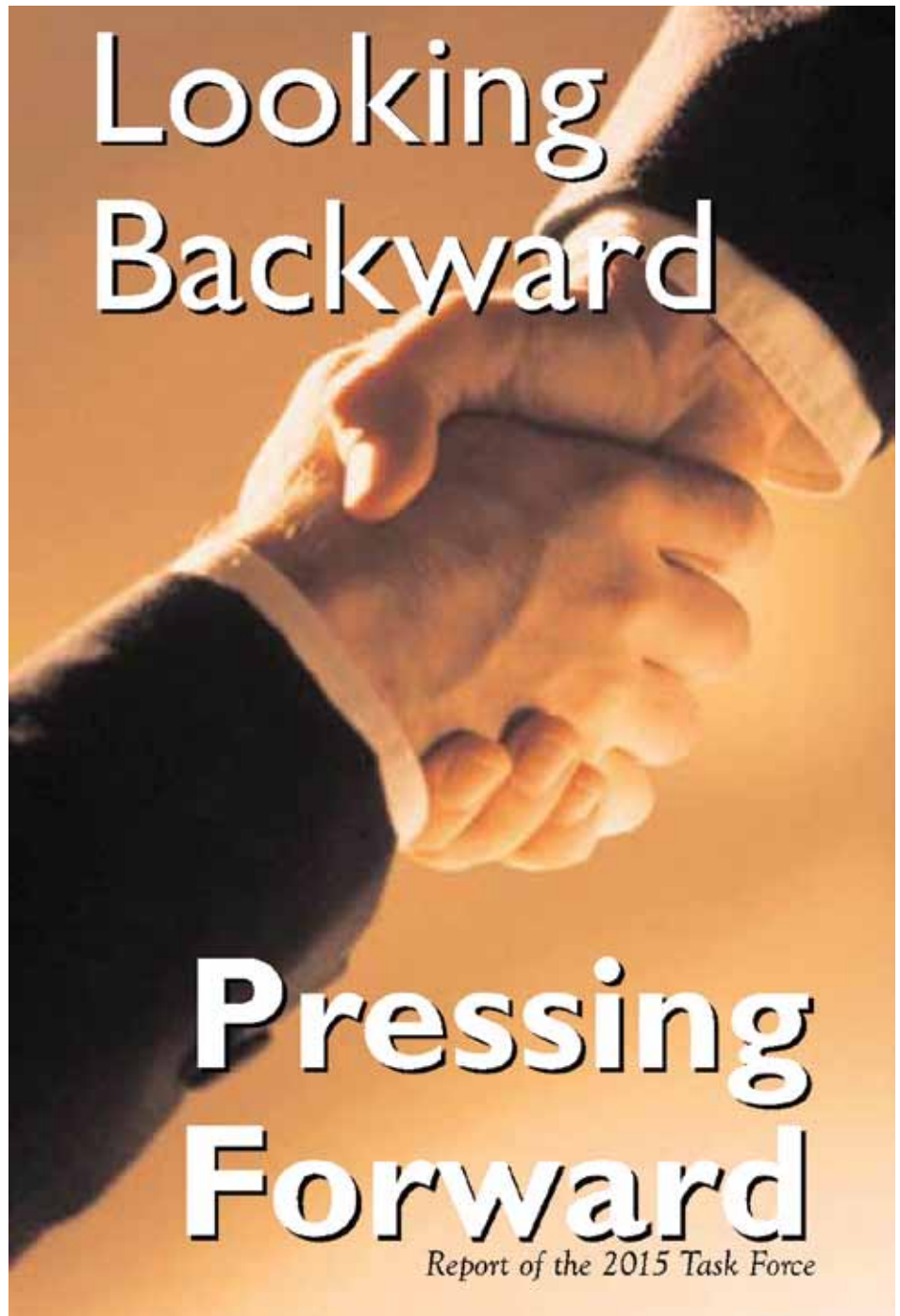
The Association's new strategic planning process actually gets started near the end -- near the end of this year's annual convention, that is. With the clocking ticking down on the current long-range plan -- adopted to take the Association through the end of 2015 -- it is once again time to focus on the strategic priorities for the coming years and the most effective path for achieving those goals. To get the process started in a more focused way, county officials and employees will get the chance of offer their input in a unique interactive session directed by officials from Auburn University Montgomery.



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“The convention is the perfect opportunity for us to see what the members are thinking right now,” said ACCA President Ricky Harcrow. “Because this is just the beginning

of a process that will take about 18 months, it won't be the last time the membership is asked to participate. “But we're excited that AUM is going to help us with a session that should



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## From the Cover

help shape the Association's plans for the next several years."

Each participant in the session will be given a hand-held device to offer input on the most significant challenges facing county government and, just as importantly, the most effective ways ACCA can assist counties beginning in 2016. The session will follow the annual President's Luncheon on the convention's final day, Aug. 22.

Adopted in December of 2007, the current strategic plan, "Looking Backward-Pressing Forward" is the work of the 2015 Task Force, appointed by then-president Rhondel Rhone of Clarke County. The task force was composed of 20 county officials and employees, including administrators, county engineers, emergency management directors, 9-1-1 directors and county revenue officers.

"It was a broad-based group that invested time and energy to develop a plan that has served us very well," explained ACCA Executive Director Sonny Brasfield. "At this point, with about 18 months to go, we haven't accomplished every single goal.

However, we have made outstanding improvements through the leadership and commitment of the members."

The report of the 2015 Task Force included nine short-term goals, each with a set of specific implementation steps to guide the staff and members. The goals focused on the improved use of technology, emphasis on joint bidding and cooperative purchasing, revision of the Association's visual image, enhancement of training programs, improved relations with

sponsoring companies, stronger emphasis on lobbying efforts, raising the public's awareness of county government and steps to involve more county officials in the governance of the Association.

The most recognized products of the 2015 Task Force, Brasfield said, are ACCA's new logo, the emphasis on the phrase "67 counties, One Voice" and the improved educational program for county employees.

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## ACCA Partners get special prominence at convention

### Exhibit hall features many companies with a special relationship to counties

Be on the lookout for some extra-special companies when you visit the exhibit hall during the Association of County Commissions of Alabama's 2013 Annual Convention.

Certain booths will have special red starburst signs indicating these exhibitors are ACCA Partners. But what does that mean?

"Being an ACCA Partner indicates that a company is invested in doing business with Alabama counties," said Sonny Brasfield, ACCA executive director. "It means that these companies – a total of 54 this year – have joined with the Association to help promote effective county government, and we are proud to have them as members."

In a nutshell, the Partners program is a membership program for companies that want to be part of ACCA.

Partners get a range of benefits, from advertising discounts to advance notice of events to publications.

Counties benefit too – they get a "go to" list of vendors that are definitely interested in working with them. And these vendors are likely to have relationships with other Alabama counties, making it easier to track down references. Partners are featured in the ACCA Membership Directory each year in their very own section, and many of them are regular advertisers in ACCA publications such as this magazine and the annual calendar.

"Our Partners would appreciate hearing directly from members how much they are appreciated," said ACCA President Ricky Harcrow. "So be sure to stop by and let them know that we are glad they are part of the 'county family.'"

The full list of 2013 Partners is also available online at [www.alabamacounties.org/about-acca/partners/](http://www.alabamacounties.org/about-acca/partners/)

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## Shelby County engineer wins national honor

The National Association of County Engineers (NACE) named Randy Cole the 2012 Urban County Engineer of the Year during its 2013 Annual Meeting / Management & Technical Conference held in Des Moines, Iowa. Cole serves as County Engineer for Shelby County, Ala., with a population of nearly 198,000.

“Randy is an exemplary urban engineer who has raised the bar for the next generation,” said Brian Roberts, NACE executive director. “He’s looked up to by our NACE members from around the country. In our profession, he’s known for his initiatives on asset management of bridges and culverts which were recognized by the Federal Highway Administration. A truly exemplary engineer!”

Cole has served in several NACE positions, including president for 2005-2006. Cole manages a road department of roughly 100 employees. Since 1993 Cole has managed the replacement of 84 bridge structures at a cost of \$30 million. He conceived and managed the Shelby County Unimproved Road Program, which acquired rights of way and paved 91 miles of previously dirt roads. In 1997 Cole drafted the language defining engineering surveying that was adopted by the State Board of Licensure.

In the Association of County Engineers of Alabama, Cole has served two terms as president and has twice been named Alabama County Engineer of the year.

Cole earned a bachelor’s degree in civil engineering from the University of Alabama at Birmingham in 1986, and UAB’s civil engineering department named him a distinguished alumnus in 2005. He has worked for Shelby County for more than 20 years.

The NACE Urban County Engineer of the Year award recognizes efficient engineering management principles and standards for the economic design, construction, maintenance and operation of public works facilities. NACE is a nonprofit, non-partisan professional association in their 7th decade, representing nearly 2,000 county engineers, road managers, and related professionals in the U.S. and Canada. In the US, local roads account for about 75% of our highways and roads, or 2.93 million miles. Counties manage 1.74 million miles of those roads while cities and townships



Engineers from Alabama congratulate Shelby County Engineer Randy Cole, second from right, on being named Urban County Engineer of the Year by the National Association of County Engineers. From left, Henry County Engineer Chris Champion, NACE state director; Butler County Engineer Dennis McCall, NACE southeast region vice president; Cole and Elmore County Engineer Richie Beyer, 2012-13 NACE president.

account for another 1.19 million miles. Counties also own 231,000 bridges and operate one-third of the nation’s transit systems.



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# Engineers' group honors excellence in individuals, county departments

In its 2013 awards program, the Association of County Engineers of Alabama found excellence throughout the state, with honors going to an outstanding engineer, an outstanding engineering department and two outstanding students. Winners were announced at ACEA's 2013 conference.



**McCall**

Butler County Engineer Dennis McCall was named Alabama's County Engineer of the Year. McCall is a past president of ACEA who continues to serve in a leadership role on the ACEA board and has also distinguished himself in leadership on the national level. He is a past state director for Alabama in the National Association of County Engineers, and he is currently holding the position of southeast region vice president in NACE.



**Tindell**

The John F. Courson Excellence in County Engineering Award was presented to Coffee County, where Randy Tindell is county engineer.

Tindell's department oversees the Coffee County Landfill, where a \$1.3 million gas collection system was installed in 2009 to reduce greenhouse gas emissions. The voluntary move, which came roughly two years before the Environmental Protection Agency would have likely forced the investment, resulted in carbon credits that could be sold – precisely because Coffee County was choosing to reduce emissions.

"Sometimes it takes years to know that a decision made was the correct decision," Tindell wrote in the project's nomination. "Such is the case for the Coffee County Landfill Gas Collection System and Carbon Credit Marketing Program."

To date, the county has sold more than \$2 million worth of credits – more than enough to cover the county's initial

# News You Can Use

investment. The sale of carbon credits is expected to continue to at least 2019, bringing in about \$500,000 a year.

The ACEA Richard Spraggins Scholarship Program awards two \$2,000 college scholarships each year, one to an incoming freshman who plans to major in engineering and one to a student who is already studying engineering.

University of Alabama at Huntsville junior Andrew Knop received the scholarship designated for current engineering students. Knop, who is majoring in civil engineering, has worked part-time in the Marshall County Engineering Department, where he has assisted with tasks such as bridge inspections, paving projects and written communication.

“He is a scholar, a fine athlete, of good character and represents what is good in our society today,” wrote Marshall County Engineer Bob Pirando in his recommendation.

Knop is a resident of Baileyton and a 2011 graduate of Fairview High School. He earned a pre-engineering degree from Wallace State Community College in 2012. Like his father, Knop plans a career in county engineering because of

the variety and impact on the community.

Lee Sanderson, a 2013 graduate of Robertsdale High School, received the scholarship for an incoming freshman. Sanderson, a Loxley resident, graduated with a perfect 4.0 grade point average while maintaining a busy schedule of extracurricular activities – including three varsity sports, band and playing bass in his church’s praise band.

In his scholarship application, Sanderson also commented on the inherent variety in county engineering, where you might be meeting with elected officials on budgets one day and inspecting a road for repairs the next. “The county engineer is responsible for taking care of roads and bridges locally, and all of the people driving on these roads, and I think it’s a very important job,” he wrote.

ACEA, an affiliate of the Association of County Commission of Alabama, seeks scholarship and award applications from its membership each winter. Winners are selected by a committee of ACEA past presidents who are still working as county engineers.

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## Kelley, Swafford honored by peers in ACAA

The annual awards program of the Association of County Administrators of Alabama once again highlighted the important contributions of the profession at the organization's annual conference.

"The county administrator plays a critical role in helping the commission successfully meet the needs of county residents, and these honorees have been and continue to be leaders that their counties can rely on," said Sonny Brasfield, executive director of the Association of County Commissions of Alabama.

Sherrie Kelley of Coosa County was named Alabama's County Administrator of the Year. Kelley has 33 years experience in county government, with the last 11 of those years as county administrator in her county. She is a past president of ACAA who remains active in leadership on the organization's board of directors.

In a repeat from the previous year, Cleburne County's



*Coosa County Administrator Sherrie Kelley, right, accepts the award for Alabama County Administrator of the Year from Butler County Administrator Diane Kilpatrick, 2012-13 president of the Association of County Administrators of Alabama.*

Steve Swafford was tapped for the Excellence in County Administration award. Swafford was recognized for a project called Creative Solutions through Partnerships and Innovative Thinking in which the county was able to alleviate overcrowding at the courthouse with a new facility even though a tax referendum had failed.

Swafford was nominated by Cleburne County Probate Judge and Commission Chairman Ryan Robertson.

In addition, four people were honored by ACAA for their years of continuous service to their counties in the position of county administrator:

- Ken Joiner, Calhoun County, 40 years;
- Jacquelyn Thomas, Lowndes County, 30 years;
- Steve Golsan, Autauga County, 10 years;
- Diane Kilpatrick, Butler County, 10 years.

All of those honored also hold the professional designation of certified county administrator through ACAA, which is an affiliate of the Association of County Commissions of Alabama.

Also at the group's annual conference, the members of ACAA elected officers for the 2013-14 year. Pam Ball of Limestone County is president, with Mark Tyner of Bibb County as first vice president and Steve Golsan of Autauga County as second vice president. A full list of the ACAA board of directors is available online at [www.alabamacounties.org/affiliates/acaaf/](http://www.alabamacounties.org/affiliates/acaaf/).

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Sonny Brasfield ..... Executive Director and Publisher..... sbrasfield@alabamacounties.org

### POLICY

Mary E. Pons.....Association Counsel ..... mpons@alabamacounties.org  
 John Q. Hamm .....Director of Member Services..... jhamm@alabamacounties.org  
 Brandy Perry ..... Executive Assistant..... bperry@alabamacounties.org

### ADMINISTRATION

Muffy Metts.....Director of Finance.....mmetts@alabamacounties.org  
 Henry van Arcken .....Director of Insurance Services..... hvanarcken@alabamacounties.org  
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### COMMUNICATIONS AND EDUCATION

Sallie Owen Gowan..... Director of Communication ..... sgowan@alabamacounties.org  
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