

COUNTY COMMISSION

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What's Inside...
Project Yellow Bridge



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in this issue

VOLUME 55, NUMBER 3



Crenshaw County Engineer Benjie Sanders has begun painting approaches to weight-restricted bridges yellow to alert the public to the need for a bridge replacement program in the county.



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features...

- Choate: 'Do everything you can to help'14
Etowah County Commissioner Tim Choate is poised to become president of ACCA

from the cover...

- Project Yellow Bridge.....16
Paint highlights bridge woes in Crenshaw County

news you can use...

- Something new in exhibit hall11
ACCA Partners get extra prominence during 83rd Annual Convention
- More money needed for county roads, bridges.....21
Association of County Engineers of Alabama details needs in each county
- Streamlined Sales and Use Tax Commission gets to work24
Priorities clear for two ACCA appointees
- New law to help with election expenses27
Statutory changes, new committee to help with cost-sharing

points of view...

- President's Corner4
A year of partnerships, new and old
- The County Line6
Counties asked to do much with little
- In Legal Terms8
Protecting county revenues

who we are...

- 2010-11 ACCA Board of Directors26
- ACCA Staff26



Hon. Ricky Burney
President

A year of partnerships, new and old

Reflecting on a year in office

Last year about this time I was preparing to speak to each of you about the year we'd spend together. And I thought I had a plan.

Everyone agreed that the year would be characterized by change and challenge. But rather than focusing on the difficulties we would face, we asked you to help us ensure that county governments would establish a new "partnership" with those who would be assuming positions of leadership in our state government.

When we gathered last August, we embraced this idea of working toward a new "partnership" with the new faces we expected to see in Montgomery. However, few of us knew the scope of the changes that would be produced by the November 2010 election. And, in retrospect, if we'd had a crystal ball to see the changes that were coming, I am not sure that we would have decided 2011 was the best time for me to hold this position.

I am a Democrat. And for the first time since Reconstruction, the Republican Party would gain control of both the Alabama Senate and House of Representatives in November of 2010.

I am from Clay County, the home of the man who served as governor for the last eight years. But the term of my "hometown" governor ended shortly after I became president.

I am from Clay County, one of the state's poorest and most economically challenged areas. At a time when legislative and other leaders focused their attention on cutting government services, my county needed the help more than most others in Alabama.

I am from Clay County and, in the 82-year history of this organization am

the first commissioner from my "home" to be elected president.

I am from Clay County, but I am a member of an Association that does not worry about where you are from or what political party you chose to join or whether your county is growing or shrinking in size or whether you can wield a big political stick. I am dedicated to this Association and, for that reason alone, it turned out to be the perfect time for me to serve as your leader.

In this space each year the out-going President always looks back on the things that have been accomplished and seeks to speak words of wisdom about the years ahead. I admit that I am extremely proud of the positives that have taken place during the last 12 months.

Our legislative accomplishments this past session were nothing short of remarkable – we've provided liability protection for the men and women who serve in our county jails, we've set in motion a process to prepare Alabama to receive revenue from sales transactions from internet retailers; we've revised the process for reimbursing counties for the costs of administering elections in Alabama, and we established a new process for collecting gasoline and diesel fuel taxes.

Our Association fully implemented and completed the first year of its new training program for county employees. We established a new "partners" program with companies seeking to support county government in Alabama. We expanded our communication system on the local level, and we ushered in a group of newly elected county commissioners who have taken their places back home and in this organization.

In fact, the most positive outcome of this year was the sense of oneness that was displayed during the weeks after this storm.

We helped each of you work toward the effective and proper implementation of the rewrite of our state's ethics law for public officials and employees. We reached out to make sure that our affiliate organizations were playing an even more important role in helping spread the message of county government.

We set in motion the new "partnership" with our state leaders that we talked about last August. And, before we knew it, we relied on this partnership when the terrible storms ripped through our state on April 27, 2011. In the days and weeks that followed, we worked more closely with state officials than any time in our memory. And the taxpayers back home benefited from the new partnership.

And it is the aftermath of these storms that will always be the dominant memory from this year as your president.

County Day at the Legislature this year was held on April 27. As many

of you arrived in Montgomery you were contacted about the terrible events taking place back in your home county. Others cancelled their plans to be in Montgomery and turned around and headed back to communities that needed their help and commitment.

On the morning after the storms, those of us who were left in Montgomery gathered for breakfast. The attendance from the members of the Alabama Legislature was outstanding and, of course, this event contributed greatly to our legislative successes in the days that followed.

But the thing I will remember most clearly from this year was the prayer offered by Montgomery County Commissioner Jiles Williams, who provided comfort at such a horrible moment and then asked for a moment of silence for the people who had lost their lives the day before. At that time, we had no idea what had really happened throughout our state or

what would unfold before our eyes in the coming days.

We left that morning and headed back to our homes. Those counties that did not face damage from the storms immediately began the process of sending help to those who had suffered much – employees, volunteers, equipment, donations, hands to cook meals or to run chain saws. The help that was given throughout Alabama was amazing.

And, as we near the day when another president will be asked to lead this outstanding organization, we are still helping each other today. In fact, the most positive outcome of this year was the sense of oneness that was displayed during the weeks after this storm. We took care of each other – as we always do.

We started out this year looking for a new "partnership" with the state's leaders but ended it by relying completely on an old "partnership" with each other; a "partnership" that has served us all very well for decades.

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Sonny Brasfield
Executive Director

A handwritten signature in dark ink that reads "Sonny Brasfield". The signature is fluid and cursive, written on a light-colored background.

Counties asked to do much with little

*But sometimes how much with
how little can not be believed*

Sometimes a statement seems so outlandish that you shake your head and ask for help.

"I just processed payroll for tomorrow," the voice on the phone said, "and I have about \$1,100 left in my general fund."

The number seemed so outrageous that we pressed him for details. Did you really mean 11 hundred dollars? How could this happen? Is it this bad every year? And what will you do to run government through Oct. 1?

"It's just that tight. I've never seen it like this before," he responded. "Actually, that's not exactly right," he chuckled. "The balance is \$1,112.45."

It was July 27, and, as he pointed out later, there were five pay periods left in this budget year. With each payroll totaling about \$65,000 from the general fund, the county was about \$325,000 short from being able to pay its employees.

"And that's just payroll. It's not paying any of the other receivables, like the electric bill. Last month alone, the electric bill for the courthouse was about \$10,000. It is just incredible."

Of course, I advised him, the county has a reserve fund to take care of these kinds of emergencies. Even though he didn't want to use the reserves, I suggested that this sounded like this would be the perfect use of the excess revenue the county had socked away over the years.

The response began with a chuckle. "Reserve fund?" he asked only half seriously. "We don't have a reserve fund. Or, I guess you could say that we have a reserve fund, but the balance is just zero."

After almost a quarter century working as a partner with those who serve the public

in Alabama's county seats, it was one of those moments when you have little concrete advice. We discussed the usual options – Do you have a local sales tax? What's your relationship with your local delegation? Are the tax officials doing everything they can to collect every penny that is due? But, honestly, he received little in the way of usable advice to immediately address the financial crisis that sits on his desk every morning.

This story, of course, is repeated throughout Alabama and around the country. But when it hits your door step on a Wednesday afternoon in the heat of summer, it is a picture that sticks with you long after the call ends.

How on earth does a county address this kind of situation? And how can it continue to pay the employees that come to work every day?

"We're down to two full-time people in our county commission office," he went on. "It is just me and one other person. We have another employee that jumps from the engineer's office to ours to help out. A few years ago, this office had five or six full-time people."

Of course revenue has declined in every courthouse. Property tax revenue is stagnant – at best – and isn't expected to improve anytime soon. This revenue has been severely reduced because of an attorney general's opinion that has expanded and extended tax exemptions for those who are determined by two doctors to be disabled.

"We must lead the nation in disabled people who own property. Every day someone else shows up at the courthouse with certifications from two doctors that they qualify for the property tax exemption," the frustrated voice said.

Without any real industrial growth to drive property values, revenue from this source is only expected to get worse. And, of course, Alabama has the lowest ad valorem taxes in the country, and each year there are those in the Legislature that seek to reduce them even more.

Few counties, including this one, receive any significant revenue from a sales tax. There is no local gas tax. No business license tax. No significant revenue from fees or licenses. No local income tax.

And, to make matters worse for this county, a major source of revenue expires Oct. 1. During the 2011 regular session of the Alabama Legislature, infighting over the state's coal severance tax prevented the passage of a usually non-controversial bill to extend the tax. Unless a special session is called by Gov. Robert Bentley, this issue cannot be addressed until February of 2012, at the earliest.

In the meantime, the dire circumstances will worsen.

Some counties that face this kind of problem respond by utilizing the temporary borrowing statute to carry them until tax revenue is available in late fall. But this option isn't workable over the long term. It's like making your house payment with a credit card – you may find some immediate relief, but the long-term consequences are only worsened by such a decision.

With all the talk of reducing government spending and eliminating programs at the federal level, counties simply do not have that option. As a creature of state government, the responsibilities of counties are established in state law and these duties are not optional. Seldom do the state's leaders consider reducing the responsibilities of the counties.

For example, this past session the duties were made even more costly with a new

law aimed at curbing illegal aliens by requiring counties to fill their jails with persons who are in this state without proof of citizenship. Those who clamored for this legislation hardly slowed down long enough to give consideration to the impact on local government.

Despite all the progress we've made and all the efforts of folks from throughout the state, its days like this that makes one wonder. Without a real change in direction, what is the outlook for our ability to provide the citizens with the services upon which they rely?

"There's nothing I can do right now, except hope that some revenue I haven't planned for is in the mail tomorrow," he concluded. "Or, I guess I could start to work out on the corner with a tin cup."

Sometimes a statement seems so outlandish that you shake your head and ask for help.

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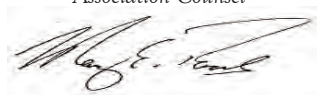
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Mary E. Pons
Association Counsel



Protecting county revenues

*When state agencies face
budgetary shortfalls, it is
common for them to try to
pass their problems down to
the local level*

The Legislative Program adopted by the membership of the Association of County Commissions of Alabama has for many years included strong policy statements opposing any legislative or administrative efforts to pass down to county government any portion of the state's financial or administrative responsibilities. For example, the current Legislative Program includes the following statement:

"The Association opposes any legislative or administrative efforts that would require counties to assume any programmatic or financial responsibility for state functions, such as operation of the judicial system, environmental and public health programs, state corrections, or the voter registration process."

Additionally, the Association's Legislative Program strongly opposes alterations in tax laws that negatively impact the county's portion of shared taxes and any legislation earmarking county revenue or mandating services without providing revenues to fund the services.

The Association's Legislative Program is widely distributed to state legislators and other state-level leaders to help educate them about the stance taken by county government on a wide range of issues. Moreover, it provides invaluable guidance to Association staff during the legislative session and in meetings with state officials, providing the basis for counties' outspoken opposition to changes in the state's tax structure or administrative functions that would negatively impact county government.

The strong statements found in the Association's Legislative Program have always been helpful to our successful efforts to protect counties in the Alabama Legislature and in other areas of government. However, they have never been as critically important as they are now when the state general fund budget recently passed by the Alabama Legislature includes dramatic decreases in funding for all state agencies and those agencies now face drastic cuts in revenues available to operate their programs. As counties have seen time and time again, when state departments face budgetary shortfalls, it is much too common for those agencies to attempt to pass some of their problems down to the local level.

When the Department of Forensic Sciences had funding problems a few years ago, it abruptly discontinued the long-standing practice of transporting bodies for autopsy. Almost immediately, sheriffs and coroners came before their county commissions looking for the local governing body to pick up this cost. Nothing in Alabama's law provided the authority or requirement for counties to fund this necessary governmental function and most counties resisted. Fortunately, an amicable temporary solution was reached and legislation was eventually passed to provide for shared costs of this function based upon which level of government sought the autopsy. This solution probably would not have been possible if counties had accepted the responsibility without a fight.

The long-term overcrowding problem in Alabama's prisons has created a

However, the problem would still exist today if counties had not stood strong to require the state to accept its responsibility – and counties must be prepared to stay strong should the problem arise again.

long-term tension between the Alabama Department of Corrections and county commissions responsible for funding the county jail. In years past, state inmates would be held in the county jail long after their sentence had been imposed because the department had no room at the inn. Counties resisted again and again – in and out of court – refusing to idly accept that while these inmates were supposed to be housed in a state correctional facility, they lingered in the overcrowded county jail at great county expense. Fortunately, this problem has been greatly alleviated in recent years as a result of both county resistance and the diligent efforts of the department to remove state prisoners from the county jail in a timelier manner. However, the problem would still exist today if counties had not stood strong to require the state to accept its responsibility – and counties must be prepared to stay strong should the problem arise again.

In both of the instances outlined here, the problems occurred at the state level and the Association staff was able to fight for and with counties to negotiate a workable solution. The staff pledges to you that it will continue to fight as new, but similar battles arise in the coming months. And as always, counties will join in the fight. However, it is clear that counties will face similar battles at the local level in the coming months and the resistance to accepting responsibility for governmental services charged to other entities must be every bit as strong as it has been at the state level.

The efforts are already at work. Has your county been asked to fund a portion of the juvenile justice program in your area or help fund staff in the circuit clerk's office? Has your school superintendent asked the county to assume a greater share of the cost of his or her office? Has the district attorney asked the county to take over management of one of its pre-trial diversion programs or fund the cost of one of its investigators? Has a municipality asked the county to house municipal prisoners at no cost? The requests are coming if they haven't already been made – and the answer in each instance must be a resounding NO.

Experience has shown that when the county agrees to temporarily help out with financial assistance to another governmental entity, it frequently "owns" the function for many years to come. And when the county does not resist when another local entity tries to make the county accept responsibility for programs or services not charged to the county by law, the county cannot later back out.

Alabama's government is woefully underfunded at every level and as has been made clear in recent years, it is not likely to improve in the near future. Like other entities, Alabama's counties are being forced to cut back on staff, programs, and infrastructure improvements. There are longer lines to buy a car tag because there are fewer workers and computers to process the requests. There are more potholes because there is less money to fill them in. It is distressing to know that the court system will be backlogged because of budget shortfalls and that schools will have fewer programs and torn up ball fields.

But since counties have their own funding issues, they cannot solve the problems of others. It is all too commonplace to look to counties for financial assistance or to try to force counties to take on the problems of others. In most instances, this can only happen if counties allow it to happen. Therefore, in this time of financial crisis at all levels of government, it is imperative that counties not take on the problems of others so they can fully concentrate on the problems of their own.

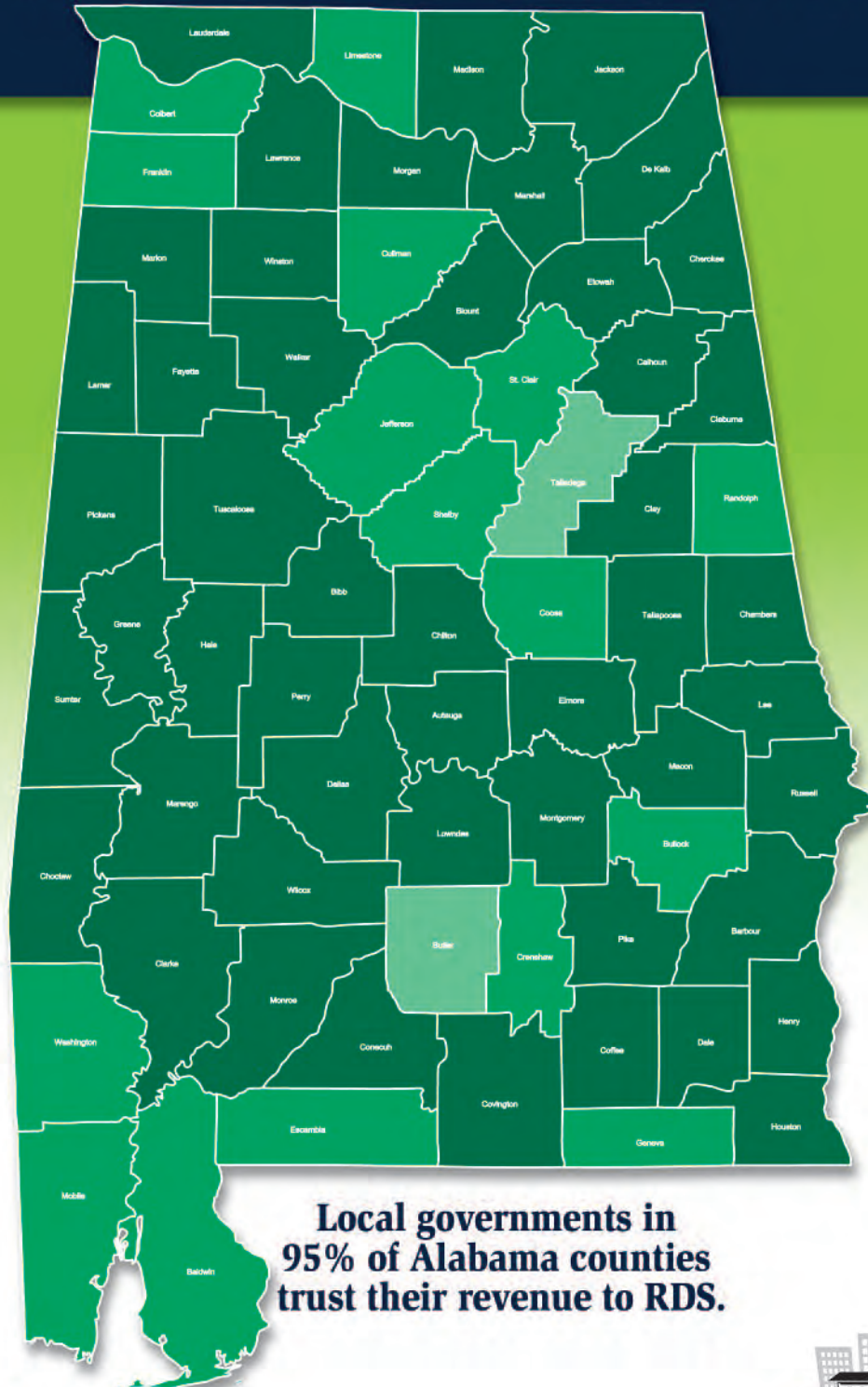


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Something new in exhibit hall

ACCA Partners get extra prominence during the 83rd Annual Convention

County officials and employees attending the Association of County Commissions of Alabama's 2011 Convention will notice something new in the exhibit hall this year.

Many familiar vendors will be back in the exhibit hall with their eye-catching displays, stocked with promotional literature and lots of free goodies. But for the first time, the Association's Partners will be showcased with special red starburst-shaped signs indicating their membership in the Partners program.

What is an ACCA Partner? The Partners are the Association's corporate members who paid a \$500 fee to become more closely allied with county government. In 2010-2011 – the inaugural year of the program – a total of 38 companies and organizations signed on as Partners (see complete list on page 12).

"We believe the Partners program is a very economical way for companies to identify themselves as supporters of the Association and of county government in Alabama," said Sonny Brasfield, executive director of the Association of County Commissions of Alabama. "We further believe this is an effective marketing tool for companies, and we are grateful to them for their support."

For companies that are interested in joining the Partners program for the 2011-2012 year, enrollment will reopen on Oct. 1.

For more information, call Donna Key at 334-263-7594 or email her at dkey@acca-online.org.

ACCA Partner benefits

Semi-annual newsletter concerning activities of the Association and county government in Alabama;

25 percent discount on advertising rates in Association publications;

Listing on www.acca-online.org in a special Partners section;

Advance notice of sponsorship and exhibit opportunities;

Listing in the ACCA Membership Directory;

Complimentary hard copy of ACCA Membership Directory;

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Recognition as a partner when sponsoring, exhibiting or attending ACCA events;

Complimentary copy of the ACCA calendar;

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Choate: 'Do everything you can to help'

It didn't take Etowah County Commissioner Tim Choate long to get involved in the Association of County Commissions of Alabama in a big way.

In 2005, he was happily retired from Community Credit Union, where he worked for more than 33 years. One day a politically active neighbor said something to him about running for a midterm vacancy on the county commission. Choate had never held office before.

"I said, 'I don't know. Let me talk to my wife,'" he said. "We felt like we owed something to this community, so we ran for it."

Within his first two years of office, he finished both the mandated and graduate-level courses for commissioners offered by the Alabama Local Government Training Institute. And just a few short years later he was elected second vice president of the Association. This year, if the traditional officer rotation continues, he will become president.

"I've always been one of the opinion that if you're going to do something, you need to do everything you can to help," he said, explaining his philosophy.

ACCA Executive Director Sonny Brasfield said he is looking forward to Choate's term as president. "The Association has been blessed by strong leadership down through the years, and Tim Choate will have the opportunity to add to that legacy," Brasfield said. "He has a keen appreciation for the strengths of county government, and this will



Tim Choate

provide a solid foundation for his leadership."

Choate, 65, is originally from east Tennessee – born in Oak Ridge and raised in Kingston. Those roots show up mainly during football season, when he pulls for the Tennessee Volunteers. But he's been in Alabama since he came to Decatur to take a job with Commercial Credit Corporation in 1966. Within a few years, his company opened a new office in Gadsden. "I transferred here and have been here ever since," he said.

Today he lives on the Coosa River in the Whorton Bend community, just on the edge of Gadsden. On the commission, he represents District 6, a mostly urban district. With his wife Nelda, Choate has two daughters and stepson, plus five grandchildren – all living nearby.

"We enjoy the grandchildren thoroughly," he says. Other hobbies

include travel and boating on the river. At one time he was serious about raising and training beagles for field trials, but he gave that up when Nelda retired.

Becoming a public servant may not have been in his master plan for retirement, but he has taken to it. "It's been rewarding, helping people," Choate said. "If I'm helping you, I'm happy. If I'm not, it's time to move on."

In addition to his service to the Association of County Commissions of Alabama, Choate also serves on the following boards and panels: Gadsden-Etowah Chamber of Commerce Board, Etowah County Tourism Board, Etowah County Drug Task Force, Board of Community Corrections, 310 Mental Health Board and the Etowah County Children's Policy Council.

There have been some surprises along the way in public office, such as how much he enjoys the legislative relations aspect of a county commissioner's job. "There's a lot more to being a commissioner than I had any idea," he said.

He praised the Association's education courses for helping him get oriented quickly. "They've all been beneficial," he said. "It's a good thing they're mandated; it's very enlightening and very helpful."

In his years on the commission, his proudest accomplishment is a project that is still underway. Jobs are the biggest challenge in Etowah County, and the commission is stepping in to help create job growth.

Feature Story

Etowah County commissioners are creating their first county-owned industrial park on 670 acres along Interstate 59. The site is also situated on U.S. Highway 11, and it's got rail service too. "It's one of the biggest continuous tracts of land in northeast Alabama," Choate said.

Choate will announce his goals for the coming year during the ACCA annual convention in August. This year's theme is "Between a Rock and a Hard Place," and it's safe to say that he understands the balancing act that commissions must do when needs are great and resources are limited.

"We're connected with the constituents; we can relate with them and to them. It makes it easier to reach out and try to help them," Choate said. "Do we always have the resources? No. We just try to work it and move it around and put out as many little fires as we can."



Tim Choate (far right) served as ACCA second vice president on the 2009-10 slate of officers with Clay County Commissioner Ricky Burney (left) and Escambia County Commissioner Larry White.

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Project Yellow Bridge

Paint highlights bridge woes in Crenshaw County

Despite replacing 20 bridges since 2000, Crenshaw County still has dozens of structures with weight restrictions, many too stringent to allow school buses to cross safely, and County Engineer Benjie Sanders wanted to do something about it.

What he really wanted to do was build strong, modern bridges, but without the funding to do that, he went another route. He painted them yellow.

“The immediate goal would be to raise the public awareness of the crisis we’re

in,” Sanders said. “My eventual goal would be to stimulate some new revenue stream, some change on the state or federal level that would increase funding.”

Crenshaw County Commission Chairman Ricky McElwain called the yellow paint job a “good eye-opener.”

“I think all the counties need to get into this,” McElwain said. “You’re going to have a lot of your rural counties that are going to be in the

same boat we are. I wish everybody could get on board with it.”

He said the weight-restricted bridges are an obvious safety issue, but they pose an economic issue as well for an area with active poultry and timber industries.

“Counties are responsible for nearly 60,000 miles of roads and bridges throughout the state, and these transportation arteries are vital for people and Alabama’s economy,” said

From the Cover



A dump truck crosses Little Patsaliga Creek on Honoraville Road in Crenshaw County after the bridge approaches were painted yellow to alert drivers to the bridge's condition. With a three-ton weight limit, the bridge is restricted to all vehicles other than passenger cars and pickup trucks. Photo: Michael Rodgers/The Luverne Journal.

Sonny Brasfield, executive director of the Association of County Commissions of Alabama. “I applaud Crenshaw County’s efforts to build public support for solutions to this crisis.”

Details of the situation

In Crenshaw County, 25 bridges that are restricted to school buses were painted yellow on the approaches. Another nine bridges have posted weight restrictions that still allow buses to cross safely.

Combined, that makes for 34 bridges that cannot carry all legal loads. If put end-to-end, they would stretch nearly three-quarters of a mile. It would cost \$15 million to replace them all.

Half of them are rated for six tons or less, meaning that pretty much anything larger than a passenger car or pickup truck exceeds the limit, Sanders said.

“It really becomes a safety issue,” he said.

Most of the structures in Project Yellow Bridge were built in the 1940s and 1950s. Though many have modern-looking concrete decking, the underlying support structure is made of wood.

Painting the bridges was not an expensive project, Sanders said. He used the same high-visibility yellow paint that the highway department uses for striping roads, and the department keeps a supply on hand.

From the Cover

Recent attempts to increase funding for county roads and bridges

Indexing – Legislation to tie the gas tax rate to inflation, linked to the passage of the most recent gasoline tax increase in 1992.

2010 constitutional amendment – If approved by voters, this amendment would have tapped the state's oil and gas royalties to provide counties up to \$250 million for road and bridge construction and repairs.

Local Transportation Safety Initiative – Legislation

providing for county referendums on local fuel taxes to fund a designated list of local road and bridge projects.

Local Option Gasoline Tax – Legislation authorizing county commissions to levy gasoline and diesel fuel taxes for local projects.

TIGER grants – Applications submitted to replace more than \$100 million in county bridges as part of the federal stimulus initiative.

Project Yellow Bridge got front-page coverage in The Luverne Journal, and the Montgomery Advertiser has been in contact. Sanders said one of the citizen calls he got surprised him a bit. It was a timber cutter calling to say thank you, because he does not cross posted bridges with loaded trucks and it upsets him to see others in the business disregard the weight limit signs.

County Engineer Henry Hawkins said he has bought the paint to extend Project Yellow Bridge into Chambers County. He plans to start by painting four bridges. All told, Chambers County has 29 county bridges that are weight-restricted, and 14 of them are restricted for school buses.

"We're hoping the people in Alabama will find some way to repair these

bridges before they fall in," Hawkins said. He noted that it would be a boon to Alabama's timber industry, calling it "the best thing we could do to help them save fuel and miles."

Hawkins also pointed out that since a high-profile collapse in the 1970s, bridges have been built with redundant supports. In layman's terms, that means that if one beam or support fails, the bridge may shift but it won't fall down because other supports are also carrying the load. Many of these weight-restricted bridges were built before that was common practice.

Regardless of how many county engineers follow Sanders' lead, Crenshaw County is not alone in its bridge woes, according to the Association of County Engineers of Alabama. ACEA published a booklet called "A Silent Crisis" this year, which details the road and bridge needs of all 67 counties.

Crenshaw has an average number of county bridges for Alabama, according to data gathered for the publication. Statewide, there are more than a thousand bridges posted so that school buses can't safely cross.

Long-term solution needed

Crenshaw County has spent \$6.5 million on bridge replacement since

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From the Cover

2000, and about half of that came from a state bond issue. “Another GARVEE (bond issue) still wouldn’t get us out of the woods, but we’d be glad to get it,” said Sanders, who’s been a county engineer for 11 years.

“We’ve got so many bridges we’re getting behind on,” said Chairman McElwain. “If we could get to as a routine three to five a year – you need something steady.”

He recalled the Minneapolis interstate bridge that collapsed into the Mississippi River during rush hour four years ago, killing 13 and injuring 145. “It doesn’t have to be a big bridge for somebody’s life to be lost,” he said.

ACEA analysis shows that the county would need an extra \$1.1 million a year to get its bridges on the recommended 50-year replacement schedule. Statewide, the need is \$88 million a year.

Without additional funding for repairs and replacement, the county could be forced to start closing bridges. The average detour around Crenshaw County’s weight-restricted bridges is nearly 10 miles, according to data from Sanders. And there are no detours around two of the 34 weight-restricted bridges – they’re on dead-end roads.

Project Yellow Bridge is a public awareness tool that is sorely needed, Brasfield said. “When you’re driving in your car, you’ve got satellite radio on and kids making noise in the back,” he said. “You don’t really notice the crumbling of the infrastructure.”

A number of remedies have been proposed in the Alabama Legislature in recent years (see box on page 18). The last big success was the 2000

constitutional amendment for the GARVEE bond issue that pumped \$250 million into county bridge replacement.

There’s some hope that this year’s passage of “tax at the rack” will increase gasoline tax revenues through better enforcement. The bill,

which takes effect in October 2012, shifts the point at which fuel taxes are levied. When Mississippi made the shift, collections grew 15 percent.

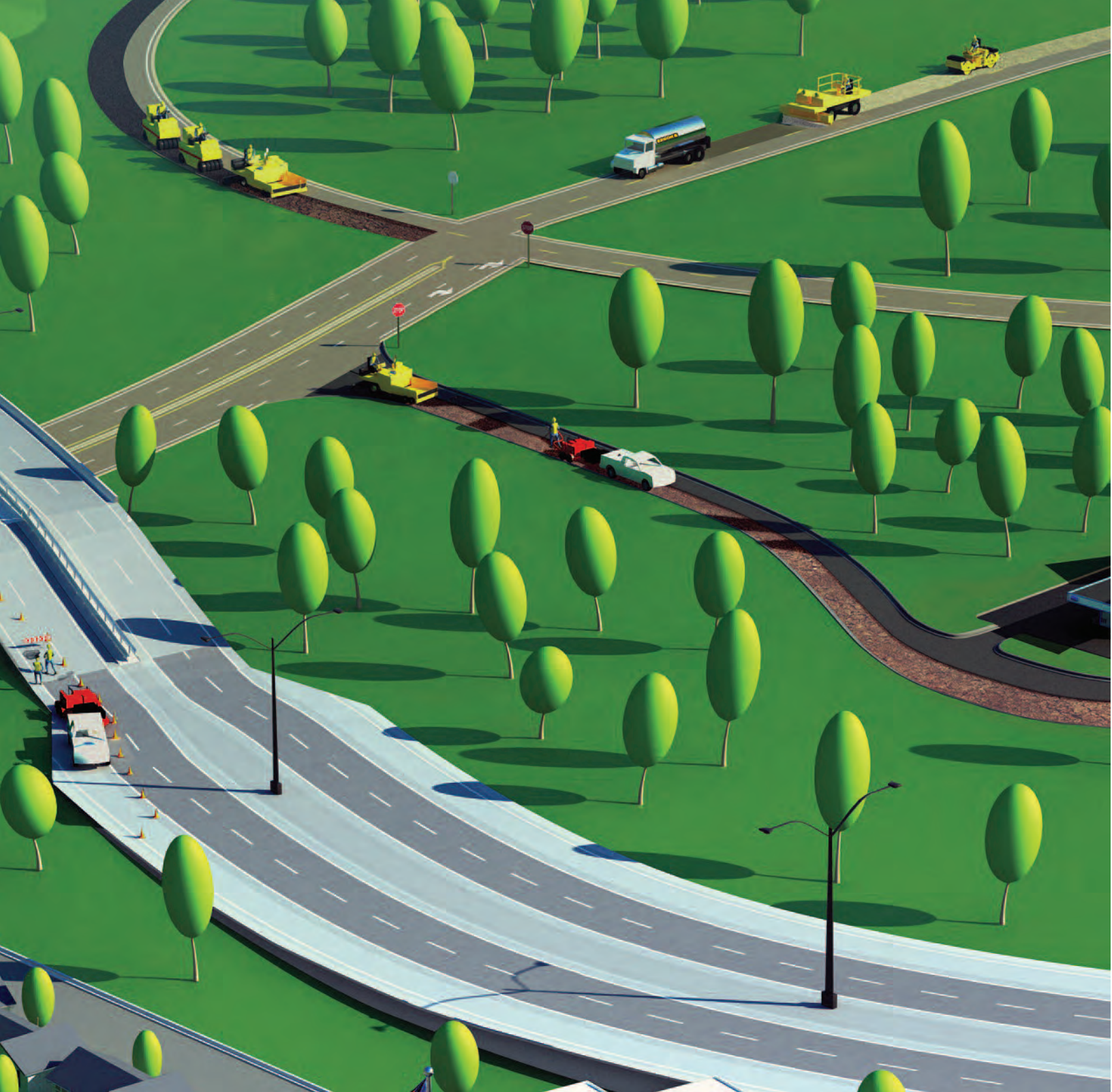
“We know what the problem is; we know what the solutions are,” said Brasfield. “The real challenge is building support among key decision-makers.”

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More money needed for county roads, bridges

Association of County Engineers of Alabama details needs in each county across the state

Crenshaw County and soon Chambers County are taking steps to publicize the plight of county bridges, but the problem is broader than that, according to a recent publication by the Association of County Engineers of Alabama.

The booklet, “A Silent Crisis,” is based on a new statewide needs assessment that details road and bridge conditions in all of Alabama’s 67 counties.

Engineers concluded that current funding is inadequate to safely maintain Alabama’s network of county roads and bridges.

The state’s 67 county governments maintain more than 59,000 miles of roads and 8,600 bridges. The challenges are so great that some counties have resorted to plowing up paved roads and returning them to a surface of dirt and gravel.

“Each day these roads and bridges are stressed by log trucks, farm equipment, school buses and a growing level of private vehicle traffic,” said Sonny Brasfield, executive director of the Association of County Commissions of Alabama. “Maintenance of this system – most of which was constructed more than 50 years ago – presents a massive challenge to Alabama’s economic future.”

The Association of County Engineers of Alabama is an affiliate group of the Association of County Commissions of Alabama.

Key findings of “A Silent Crisis”

- To safely and properly maintain Alabama’s network of county roads and bridges, counties need to invest \$502 million a year repaving roads and replacing bridges, but funding for all maintenance of county roads and bridges totals just \$369 million a year.
- A total of 1,302 county bridges are structurally deficient and need to be replaced.
- Some 1,087 county bridges cannot safely carry the weight of a school bus, though not all of these were on bus routes during the 2010-2011 school year.



A Silent Crisis



A limited number of additional copies of “A Silent Crisis” are available from the ACCA office. A PDF is available for download at www.acea-online.org.

Data collected by the Alabama State Department of Education indicates that buses had to detour 199 weight-restricted bridges during the 2010-2011 school year. Those detours amounted to 1,722 extra miles per day, amounting to an annual cost of \$2,516,580 statewide.

“A Silent Crisis” includes charts of county-level data on roads and bridges. For each county, it lists the number of miles of paved county roads, the cost to resurface all county roads and the annual cost to resurface paved county roads on the recommended 15-year cycle.

As for bridges in each county, it lists the total number of county bridges, the number rated as structurally deficient, the number of school bus posted, and the annual cost to replace county bridges on a recommended 50-year cycle.

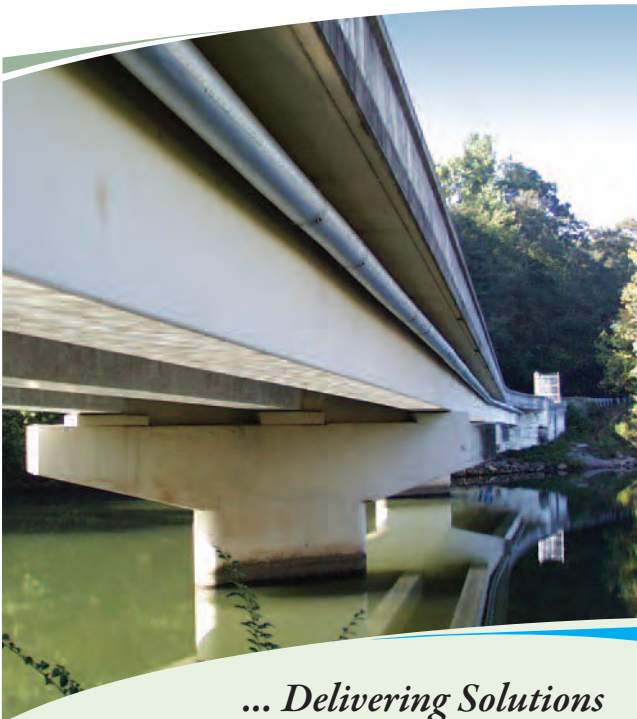
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Copies of the publication plus additional details and documentation are available online at www.acea-online.org.

ACEA mounted a publicity campaign to announce the booklet's publication. The findings in "A Silent Crisis" earned media coverage from WSFA in Montgomery as well as in newspapers from The Clarion in Jackson

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County to the Andalusia Star News in Covington County. An editorial in the Opelika-Auburn News proclaimed, "Even in tough times, roads funding cannot be neglected."

Copies of the booklet were mailed to all members of the Alabama Legislature as well as to members of the state's delegation in Washington, D.C.

Perhaps the most extensive coverage came from The Blount Countian, which published a series of articles starting with coverage of the problem and then going through a series of possible solutions.

"We wanted to document the crisis, which is so much bigger than the needs in any one county," said Elmore County Engineer Richie Beyer, who headed up the needs assessment. "The 'Silent Crisis' is a statewide problem that calls for a statewide solution."

Over the years, ACEA has published a series of needs assessments. The last one before the 2011 edition was published in 1999. It ultimately helped build support for the GARVEE bond issue from 2000.

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Streamlined Sales and Use Tax Commission gets to work

The newly created Alabama Streamlined Sales and Use Tax Commission will begin its work on Sept. 7, and priorities are clear for the two appointees of the Association of County Commissions of Alabama.

The commission was created by Act 2011-563 of the Alabama Legislature. It has two jobs: 1) to identify and develop the programs necessary for Alabama to come into compliance with the national Streamlined Sales and Use Tax Agreement in the event the state becomes a member of the agreement, and 2) to identify changes needed to state laws to bring Alabama into compliance with the agreement if federal legislation adopting the agreement becomes law.

“We’re not trying to clear the way to be a participant now, but we’re trying to be ready,” said Sonny Brasfield, ACCA executive director. He noted that Congress is unlikely to act on this issue until after the 2012 election.

Seven of the 10 commission members must agree for the panel to take any action. Its members include representatives of county government, municipal government, the Alabama Department of Revenue and the business community.

ACCA’s two appointees are Madison County Sales Tax Director Betty Peterson and Houston County Commission Chairman Mark Culver.

As the commission gets underway, Brasfield said the top two priorities for county government will be retaining the authority to conduct local audits of taxpayers and having a voice in the oversight of the single collection entity.

Local audits have been the key to good enforcement of city and county taxes. “It’s not really worth it to the state to conduct an audit of Joe’s Auto Parts, but for locals it is,” Brasfield said.

The commission’s work is to be completed by Feb. 7, 2012 – which is the start of the 2012 regular session of the Alabama Legislature. Commission recommendations must be ratified by the Legislative Council to take effect.



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New law to help with election expenses

Even before the newly formed Election Expense Reimbursement Committee's first meeting, counties are already due some relief on election expenses thanks to Act 2011-147.

The act addresses election cost-sharing between the state and counties. For elections with only state or federal issues or candidates on the ballot, the state pays 100 percent of eligible expenses. When local amendments or candidates are also on the ballot, the state pays half of eligible expenses. In both scenarios, the rub came when counties and the state comptroller disagreed over what was an eligible election expense.

"This bill zipped through the Legislature in record time, and its impact may have been overlooked in the rough-and-tumble of the legislative session," said Sonny Brasfield, executive director of the Association of County Commissions of Alabama. "But I believe this act will make a significant difference for Alabama's cash-strapped counties that have been paying more than their fair share of election expenses."

Act 2011-147, which was sponsored by Sen. Trip Pittman and Rep. Randy



Wood, tackled the eligible expense problem in two ways: by amending the statutory list of eligible expenses and by creating an Election Expense Reimbursement Committee to decide what other expenses can be reimbursed.

There were several meaningful changes in the statutory definition of eligible expenses. For starters, election equipment was explicitly added to the list of eligible expenses, and a sentence

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that disallowed electronic voting machines was deleted.

In another section, postage was added to the list of eligible expenses related to absentee ballots. A new section was added that makes it clear that the cost of publishing any required notices or voter lists is an eligible expense.

Another new passage clears up another point of disagreement. It states, "A candidate for federal or state office includes a candidate seeking election as a district representative for a federal or state office appearing on the ballot in any portion of a county." That means that if, for example, there were a primary run-off in a legislative district that covers only part of a county, cost-sharing would be required.

Those changes took effect on April 19, 2011, regardless of actions taken by the

Election Expense Reimbursement Committee.

The committee must have its first meeting no later than Dec. 14, 2011, and its decisions must be forwarded to probate judges and county commission chairs by Jan. 13, 2012.

The committee has eight members: Senate President Pro Tem Del Marsh, House Speaker Mike Hubbard, Secretary of State Beth Chapman or her designee, Finance Director David Perry or his designee, Sen. Bryan Taylor, Rep. Randy Davis, Sen. Arthur Orr and Rep. Jim Barton.

No meeting date has yet been set.

"Counties can be sure that the Association will watch this committee closely and report back to you on its work," Brasfield said.

Editor's Note

A listing of Alabama's oldest courthouses that appeared in an earlier County Commission magazine was incomplete. The list covered existing courthouses built in 1859 or earlier, regardless of whether they were still functioning as courthouses today.

A devoted reader pointed out that Lowndes County's original courthouse in Hayneville was built in 1856. It is still in use to this day and should have been included.

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