

PUBLISHED BY THE ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA

# COUNTY COMMISSION

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JOHN DEERE



## Safety Pays Off







CONSULTING - PLANNING - CONSTRUCTION MANAGEMENT



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VOLUME 60, NUMBER 6



**Houston County's full-time employees received a cost-of-living adjustment this year that would not have been possible without the county's vastly improved safety record.**

PHOTO: Kelly Crowell, Houston County



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# President's PERSPECTIVE



**Hon. Bill Strickland**  
President

A stylized, handwritten signature in black ink, appearing to read 'Bill Strickland'.

## Affiliate Groups: Essential to Our Success

**Extending thanks to  
commissions that  
generously share the  
expertise of their  
county professionals**

**C**an you imagine what would happen to the trucks used every day in county government if we continuously ran them without taking the time to change the oil? Because the lubrication of oil is essential to the life of an engine, our road departments would grind to a halt if we ignored the need for routine maintenance.

That little detail – failing to keep the engines in proper order – would cause our cell phones to ring off the hook from unhappy citizens. Because when the engine stops, the rest of the organization stops with it.

Likewise, if the 67 county commissions are the engine of this Association, then the affiliate groups are undoubtedly the oil. Those organizations are essential to our success and help ensure that our entire organization runs efficiently.

TEAM 2021 – the group of county leaders charged with charting the direction of the Association for the next five years – recognized that fact when it listed "re-energizing" the affiliate groups as one of the top priorities for the organization's future. As a result, the ACCA staff began working to identify ways the affiliate members could be more involved in all aspects of this Association. But for those of us who have been around awhile, it is no secret that the strength of this organization has been, and will continue to be, the commitment and active engagement of these affiliate groups.

You need only look at a few signature programs to support the importance of our affiliate groups. The county administrators recently revived their group's district meetings to allow more seasoned administrators to work with the growing

number of new administrators. The county engineers have spent the last 18 months working together on the DRIVE Alabama campaign, through which they have educated tens of thousands of Alabama citizens about the state's declining infrastructure. Not to mention the mentoring and collaboration that takes place among the county revenue officers, 9-1-1 directors and emergency managers across the state.

At the 2016 ACCA Annual Convention, I challenged county leaders to move forward – standing shoulder to shoulder – to collectively solve our collective problems with collective solutions. Part of that challenge called for county commissioners to go the extra mile in supporting their professional employees' involvement in the Association and its affiliate groups. I am proud to say that after the Convention, I heard from colleagues from all corners of the state who pledged to not only encourage their county professionals to become more active in the affiliate groups, but to use these organizations as a means to bring new and exciting ideas back home.

Before I go any further, I want to take a moment to say THANK YOU to the county commissions that have given their professional employees the time and latitude to be more engaged in this Association. And the affiliate groups have answered the call.

As one of my first actions as ACCA President, I formed the Legislative Review Task Force to perform an intensive examination of the Alabama County Platform in advance of the 2017 Regular Legislative Session. In previous years, this review process primarily involved county commissioners



– joined by a few members of each affiliate group – who worked together in various workgroups to make policy recommendations to the Association’s Legislative Committee. This year, we essentially inverted the old process – the legislative committee of each affiliate group worked in collaboration with a handful of county commissioners to make policy recommendations.

The results were extraordinary.

Members of that Task Force attended a series of five meetings to discuss and make recommendations on the county government’s priorities for the 2017 regular legislative session. The intersection of the expertise of the affiliate group members with the executive insights of county commissioners made for very thoughtful and engaging discussions. Many of the county commissioners who attended the meetings left feeling

**ACCA Affiliate Groups**  
Alabama Assoc. of Emergency Managers  
Alabama Assoc. of 9-1-1 Districts  
Assoc. of County Administrators of Alabama  
Assoc. of County Engineers of Alabama  
County Revenue Officers Assoc. of Alabama

more informed about the daily work of county employees.

But there’s more. What emerged from the meetings were issues that impact the day-to-day effectiveness of county operations – issues that may not have come to light without the input of these Task Force members who are in the trenches each day. And even more encouraging was the real sense of passion from the affiliate group members about the matters that impact their ability to effectively do their jobs.

Just take a moment to envision where county government might be

without active and engaged county administrators, county engineers, 9-1-1 directors, emergency management directors, and county revenue officers. It is a daunting thought, to put it mildly. While the commissioners are ultimately responsible for the governance and oversight of

the county, the county professionals are the ones who provide the expertise that allow our residents to maintain the highest possible quality of life.

The affiliate groups are the oil to our engine. They keep us moving forward – protecting us from wear and tear and allowing us to run smoothly. Their expertise is paramount to the work of county government. And now, as we turn our attention to the 2017 regular session, we are more prepared than ever – thanks in large part to the insight of our professionals back home. ■



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**Sonny Brasfield**  
Executive Director

*Sonny Brasfield*

## Alabama's Voters Clearly Want Decisions Made at the Local Level

### New Commissioners Coming Aboard at a Great Time

It didn't take me long to become very bored with the national news coverage on election night. From Montgomery, there seemed little we could do to impact the national race and, honestly, little reason to worry. Sometime late into the evening – maybe even after midnight – things would be clear enough and the national experts would “call” the final outcome of the election.

None of those experts would “call” Montgomery to ask our insight, so I lost interest.

Here in Alabama, however, there was still business to be handled, and voters spoke loudly on three issues very important to Alabama counties.

It has been a few years since the Association last had an active interest in securing voter support for proposed constitutional amendments. While there have been measures that impacted single counties or that benefit county government to one degree or another, this year's ballot included three measures of vital importance to counties. Two of those measures represented more than five years of work by county officials and employees.

So, on election night, I apologize if I paid little attention to what was happening in some suburban county in Michigan, Pennsylvania or Wisconsin. I was much more interested in the outcomes right here at home.

Proposed amendments 3 and 4 were the product of the Legislature's Constitutional Revision Commission. More than five years ago, that commission asked this Association to submit recommendations for constitutional changes that would improve the operation of county government in Alabama.

Four issues were discussed before the commission, with three of those suggestions gaining approval from the panel. The Legislature advanced two of those measures to the ballot box, and Alabamians resoundingly approved both of them. The ratification of these amendments represents a positive step forward for counties, and it gives us hope that the other two recommendations have a real chance of securing voter approval in 2018.

### Amendment 3

Amendment 3, though complicated on first read, is simply designed to ensure that “local” constitutional amendments (those impacting only one county) no longer routinely appear on the statewide ballot. During this year's election, four local constitutional amendments were forced to a statewide vote because of a cumbersome process that desperately needed to change.

Beginning in 2017, any proposed local constitutional amendment will be subject to separate floor votes in the House and Senate. First, both chambers will decide if they wish to send the question to the ballot and then, in a separate vote, will determine whether the amendment should be forced to a statewide referendum.

More than 60 percent of voters – almost 1 million citizens – gave approval to this amendment. It is a true testament to the hard work of county officials, and others, who have sought for years to correct this process.

### Amendment 4

The impact of the resounding ratification of Amendment 4 should not be lost on those inside or outside of county government.



This amendment grants county commissions administrative powers to carry out many, many activities that had previously required the passage of local laws.

Authority granted by this amendment can be used by the county commission on personnel matters, community programs, public transportation, public safety and emergency assistance as well as the general operation and organizational structure of county government. The measure is not, and should not be characterized as “home rule.” But it clearly shifts some decision making from the state Capitol to the county courthouse.

This amendment was ratified in every county in the state. And, in fact, the “no” votes on this amendment were among the lowest of the 14 amendments that appeared on the ballot this year.

For those who believe that voters do not trust local government, we

can point directly to this referendum. There is no question that, even a decade ago, such an amendment would have been met with opposition and skepticism. Today, it passes with almost 72 percent of the vote, demonstrating that Alabama’s voters clearly want decisions made at the local level.

### **Amendment 14**

And Amendment 14, which passed late in this summer’s special session, was also easily ratified. It ensured the continued application of hundreds of local laws that had been placed in question by a ruling in Jefferson County Circuit Court.

The joint effort to pass Amendment 14 is also evidence of how county government can work together at all levels. Sheriffs, probate judges, tax officials and many others joined together to support this amendment, which received almost 69 percent of the vote.

In addition to these ballot measures, election night also signaled the beginning of a new page of public service for almost 60 new county commissioners in Alabama. The “class of 2016” includes a few familiar faces who have returned to county government. But, for the most part, the group is composed of new commissioners who will spend the next few months adjusting to the transition in their lives.

The Association looks forward to working actively with these new commissioners and to renewing relationships with those who are “returning.” There is much work ahead for all of us.

But, if this year’s election results can be taken as a pulse of Alabama’s voters, those new commissioners are coming aboard at a great time. The voters want the affairs of their community debated and decided at the local level. That message was clear. ■

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**Morgan G. Arrington**  
Staff Attorney

*Morgan G. Arrington*

## How to Handle Open Records Requests

**If a county is challenged on refusal to disclose, the burden of proof rests on the county**

Once an open records request has been properly submitted in accordance with county policy, there are challenges for counties to navigate in the process of responding to that request. (If your county has not adopted a formal open records request policy, which may include designating a specific form, I highly recommend you do so.) The challenges I am talking about are the ins and outs of the statute and applying each element to a specific request. The Alabama Open Records Act states that “[e]very citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise provided by statute.” Ala. Code § 36-12-40. When we see words like “every” and “any” in a law we think broad spectrum; however the phrases which those words modify are the key to our understanding.

First, we must identify who is making the request. The law provides that “every citizen” has a right to inspect and take a copy. There is a legal debate about whether this phrase is broad and captures every citizen of the United States or whether it is narrow and applies to only the citizens of Alabama. While that matter has not been determined by a court, it is clear that neither vendors nor companies are citizens. Thus, a request from “Acme Company” could be properly denied. The request should come from “Morgan Arrington on behalf of Acme Company.”

Next, the law provides that the requester has the right to inspect and take a copy. The underlying legal tenet here is that there should be transparency in government. However, the law does not require the

county to *make* the copy; rather the county must provide the requester with the opportunity to inspect and to *take* a copy. As applied, this means that the county may charge a reasonable fee for staff time, copying costs and mailing costs if the county performs these services. I recommend that the county put the requester on notice of any such fee and provide the opportunity for the requester to rescind the request. For example, say the county has a written policy providing notice that copies will be provided at the rate of \$0.50/page plus \$10/hour staff time. Assume the response is 400 pages and will take five hours to compile. It is good practice for the county to notify the requester of the \$250 price tag before proceeding with the request. It may be that the request is narrowed or rescinded against that price point.

Once we understand who may make a request and what they may do, we need to examine what they are entitled to take a copy of or to inspect. What qualifies as “any public writing of this state?” The legal standard is “a record as is reasonably necessary to record the business and activities required to be done or carried on by a public officer so the status/condition of such business can be known by citizens.” *Stone v. Consolidated Publ. Co.*, 404 So. 2d 678, 681 (Ala. 1981). The bottom line is that if the document exists, it is a public writing (but not all public writings must be disclosed – an idea discussed more below). Thus, the contrary is also true – if the information sought does not exist as a document, it is not a “public writing.” A county is not required to generate reports or summaries that do not exist.



Finally, we must consider the exceptions to disclosure. The Open Records Act excludes public writings which are “expressly [excluded] by statute.” There are more than 175 statutory exclusions found throughout the Code of Alabama. Examples include cast ballots (§ 17-16-25), hazardous waste fee reports and records (§ 22-30B-16), and legislators’ requests for assistance (§ 29-7-6(c)(1)). This number does not include the numerous limitations also found in attorney general opinions, case law, administrative regulations or policies, court rules, or federal or local law.

In 1981, the Alabama Supreme Court ordered in *Stone* that the following information is not subject to disclosure:

1. recorded information received by a public officer in confidence;
2. sensitive personnel records;
3. pending criminal investigations; and
4. records the disclosure of which would be detrimental to the best interests of the public.

The *Stone* decision still influences open records requests today; however, these exceptions must be narrowly construed and their application limited. The *Stone* exceptions were not intended, nor shall they be used, as an avenue for public officials to pick and choose what they believe the public should be made aware of. See *Chambers v. Birmingham News Co.*, 552 So. 2d 854, 855 (Ala. 1989).

The attorney general’s office regularly issues opinions related to the Open Records Act. These opinions can be an excellent resource when processing an open records

request. Through these opinions we know that the county’s checking account numbers must be redacted from disclosure, as well as home addresses and personal telephone numbers of county employees. It is also through these opinions that we have learned that, in most cases, the resume of an applicant for employment is a public record subject to disclosure.

Open records requests must be handled carefully. There is a presumption in favor of public disclosure, so a county must be confident in any refusal to disclose. If a county is challenged on its refusal to disclose, the burden of proof rests with the county and not with the requester. Nonetheless, there are myriad exceptions to nondisclosure which the county must be aware of when providing public writings to citizens. ■

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PHOTO: Kelly Crowell, Houston County



# Safety Pays Off

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Safety Savings =  
Raises in Houston  
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Communication  
& Return-to-Work/  
Modified Duty



# Safety Savings = Raises

Houston County has some 380 full-time people on payroll, and this year every single one of them is benefiting financially from a sustained campaign to improve safety.

All the training and precautions are paying off – with a one percent, across-the-board, cost-of-living adjustment for full-time employees.

“We told them that without the decreases in insurance premiums and rebates, we couldn’t have done this,” said Houston County Commission Chairman Mark Culver.

The county, which participates in both of ACCA’s self-insurance funds, has been enjoying a win-win. Insurance premiums are dropping as a result of the much-improved safety record, and the county gets money back by successfully completing the annual Safety Incentive Discount Program.

And those pluses are in addition to the biggest safety benefit of all – helping county workers go home to their families in the same condition as they started work that day.

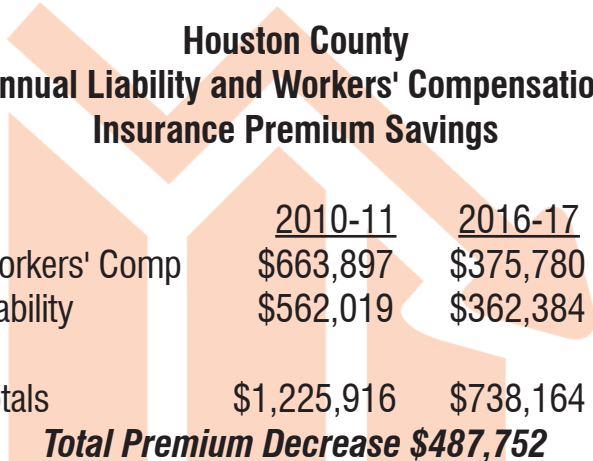
The raise kicked in just a few months after Houston County took home the first-place Safety Award for large counties given by the ACCA Liability Self-Insurance Fund Inc. But the county’s safety record has not always been so stellar.

To appreciate the turnaround, you need to look back to 2009. Houston County had wracked up a one-year total of 63 on-the-job injuries requiring medical attention. Workers’ compensation insurance

had gone up about 25 percent in a year, and liability premiums were headed higher too.

“With the rising costs, you start looking at what you can do to stop this,” Culver said. “We realized – with the help of our liability carrier – that there were things we could do to improve safety.”

## Houston County Annual Liability and Workers' Compensation Insurance Premium Savings



	<u>2010-11</u>	<u>2016-17</u>
Workers' Comp	\$663,897	\$375,780
Liability	\$562,019	\$362,384
Totals	\$1,225,916	\$738,164
<b>Total Premium Decrease \$487,752</b>		

However, there were limits to what could be done with existing staff. “We couldn’t just have a two-hour training and expect our department heads and crew chiefs to handle it,” he said. “We needed boots on the ground.”

So, with a budget stretched tighter than usual by the recession, commissioners made a strategic, forward-looking move and created a position for a part-time safety director. They hired an experienced professional with a good track record. At a cost of between \$30,000 and \$40,000 a year, it was a risk they were willing to take, since commissioners had recently seen annual workers’ compensation coverage jump \$139,000 in a single year.

“It’s the best thing we’ve done. It’s paid for itself,” said Culver.

With a safety campaign, it’s tempting to think in terms of equipment – reflective vests, safety glasses and steel-toed boots. But it’s worth noting that in Houston County, staff members started elsewhere, putting their brains and more than a few spreadsheets to work on the problem.

“If you can measure it, you can improve it,” Administrator Bill Dempsey said.

With the guidance of safety director Kelly Crowell, staff members dug into the county’s data – what types of injuries are occurring? Where are they happening? What corrective procedures can be implemented?

The data showed that two departments – sanitation and road and bridge – had high numbers of eye injuries and foot/ankle injuries. Then a policy was established requiring safety glasses and ankle-high, lace-up boots. As a result, injuries were more than cut in half.

“It is common sense, but why wasn’t it improving year after year after year?” Dempsey said. “Common sense needs to be converted to a plan.”

Of course, changes sparked some initial resistance. The commission did its part by emphasizing why safety mattered and recognizing crews’ achievements during commission meetings.

Dempsey said it also seemed to help for employees to see safety as something they could do to contribute to the overall financial





PHOTO: Kelly Crowell, Houston County

*Above, two equipment operators and a signal person work together to lower a 19,000-pound manhole into a run of 48-inch pipe while other operators worked on the site. Visibility of personnel around moving equipment is critical, and high-visibility vests are required. Below, the county commission honored sanitation department staff for working injury free for more than a year.*

well-being of the county at a time when many other employers were announcing layoffs.

"It starts with the commission. If the commission doesn't believe in it, it's not going to happen," he said. "It actually becomes easy to support when you can show a \$500,000 reduction in insurance costs."

Since 2009, the county's recordable medical cases have plummeted to a record low of 14 in 2015-16.

The progress is especially apparent when the annual insurance bills come due. The biggest savings have come in workers' comp coverage. A safer workplace for county employees has helped reduce that premium to \$376,000 a year, for annual

savings of \$288,000 compared to seven years ago.

The savings on liability insurance have been significant too. Over the same seven-year period, liability premiums have dropped \$200,000 a year, reflecting county facilities that are safer for the general public as well as reduced damage to private property. For example, cutting



the Farm Center's grass is now scheduled for times with lighter traffic, which lessens the chance of a mower slinging a rock and breaking a passing car's windshield.

In the spirit of "67 counties, One voice," Crowell has become a frequent presenter at ACCA conferences and training courses. "That's what the Association is all about," Culver said. "You have successes and you share them. It's not that we've done anything other counties couldn't do."

And the safety campaign is very much an ongoing project. "We're just going to keep on monitoring and improving. There are

always things that pop up," he said.

Commissioners are also "keeping on" by recognizing achievements. Employees of the Houston County Sanitation Department attended a recent commission meeting, where they were honored for their remarkable safety record.

"According to the Bureau of Labor Statistics, sanitation workers are in the fifth most dangerous occupation in the U.S., and each of Houston County's five sanitation trucks services approximately 500 homes per day," Crowell said. "For this group of employees to work injury free for 377 days and counting is quite an achievement."

Commissioners from other counties often ask the chairman about Houston County's turnaround, and the No. 1 question is usually cost. "I tell them it's not a matter of 'How much does it cost?'" Culver said. "It's 'How much does it save?'" ■





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# Following in Award-Winning Footsteps

**ACCA asked the Alabama counties with the best safety records, what steps did you take to improve safety?**

Nine counties from the ACCA Liability Self-Insurance Fund Inc. were recognized earlier this year for having the lowest loss ratios among counties of a similar size, and each of the winning counties submitted information about the steps taken to improve safety and reduce losses. Sometimes safety is a matter of having proper equipment and gear, but it seems that having the right mindset is equally important. Here are a few highlights, straight from the award-winners themselves:

## Training

Over and over, training is the No. 1 action step taken by award-winning counties – Below 100 classes for deputies, Alabama Jail Training Academy courses for jail staff, Public Officials/Administrative Staff training from ACCA's insurance funds and flagger training, just to name a few.

And training is essential to making so many other safety steps successful. When Henry County rewrote its handbook to include detailed safety policies and new personnel procedures, every county employee was trained so that changes would be fully implemented.

Chambers County utilized excavator and motorgrader training provided by John Deere. Houston County requires sellers to provide training on new equipment. Coosa County reported

insurance guidelines but to truly improve safety and make sure we are fair and equal to all Henry County employees," wrote David Money, probate judge and chairman.

Houston County specifically pointed out the value of the Alabama Legal-based Jail Guidelines, an online tool to help run a constitutionally-safe jail. The state-specific guidelines are a project of the National Sheriffs' Association and the National Institute for Jail Operations in partnership with the Association of County Commissions of Alabama.

## Motor Vehicles

Russell County has joined the growing

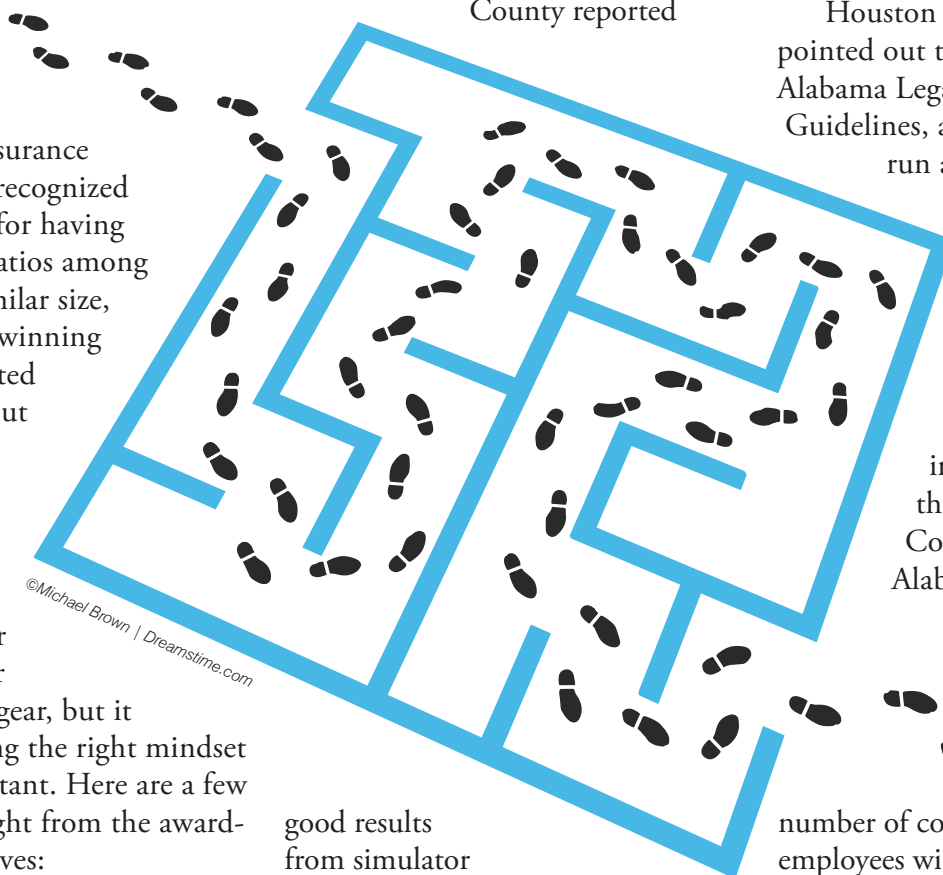
number of counties requiring employees with commercial drivers' licenses (CDL) to maintain a current medical card. Barbour and Henry counties recommend checking the driving records of job applicants, and Henry County also checks driving records of existing employees annually. Back in Barbour County, the road department praised the impact of driver training and routine pre-inspections of vehicles. Over in Pickens County, the road department has added GPS tracking to vehicles and heavy equipment to monitor speed and location.

good results from simulator training for dump truck drivers. In Marion County, deputies worked with a firearms simulator for multiple scenarios.

## Better Policies

Another safety step cited by many counties was adopting new or improved policies on a host of issues – drugs and alcohol, return to work/modified duty, seat belts and cell phones.

"Henry County has gone from a notebook with a few papers in it called a policy handbook that was not being enforced to an organized handbook with specific guidelines and rules. The handbook is not only written to meet the ACCA



## Commissioners Leading the Way

When safety is a priority, that message comes through from commissioners in both word and

deed. Russell County commissioners knew they would take some heat for the new CDL policy, but they went forward with the policy that can save lives. Other award-winning counties told of commissioners who attend training alongside county employees, help lead training, serve on safety committees and publicly recognize safety achievements – and the responsible county employees – in commission meetings.

## Making the Most of Safety Committees

Time and time again, award-winning counties pointed out the importance of regular safety committee meetings. Analyzing your local data can help pinpoint what safety steps to take next. DeKalb County's committee established a quarterly recognition program to honor safety-conscious employees. Russell County said incident reviews at the departmental level are followed by a second incident review by a committee with representatives from all county departments, a method that tends to produce fresh insights.

## Stay Curious

No matter how far a county has traveled on its safety journey, there is always a next step. Counties reported that staff members are constantly seeking to identify potential hazards that can be addressed. An awkward bend in a courthouse sidewalk that could cause falls? Bright yellow paint can serve to alert pedestrians.

Pickens County has focused on improving safety in the solid waste department, and monitoring cameras have been installed on garbage trucks. This is helping, and now the county is investigating

various automated garbage trucks, which can protect county employees from shoulder strain, back injury and coming in direct contact with dangerous materials such as syringes or broken glass. (Automated trucks have been very successful in Houston County.)

In Coosa County, safety for the entire courthouse was enhanced

out their differences, the county courthouse has a big job. Award-winning counties said they are boosting safety with security cameras, metal detectors and security officers. Chambers County keeps two security officers on duty at all times, and at least one of them is a deputy. Marion County designated a single public entrance for the building and

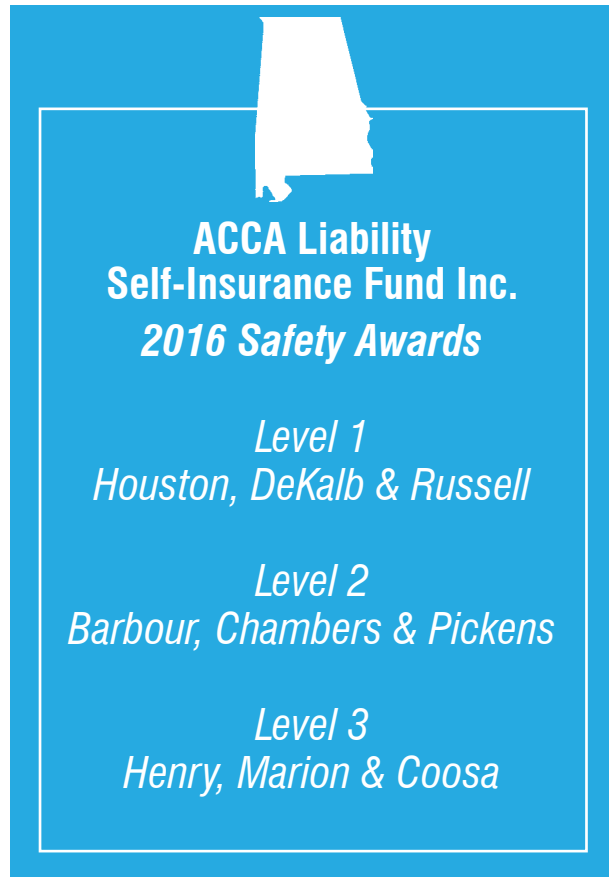
relocated video monitors so they could be viewed more closely in real time. Safety drills and evacuation routes have been improved, and Houston County has limited public access to areas where money is handled.

## High Tech/Low Tech

Award-winning counties have a “whatever it takes” approach to improving safety, employing sophisticated new technology without underestimating the contributions of more basic tools. DeKalb County employees working in traffic are upgrading to Class III safety vests that look like a short-sleeved T-shirt. Barbour County's motorgraders got backup cameras as well as “stay back 100 feet” signs. Marion County deputies have a drone

to help locate armed suspects, and the county also indicated good results from building a sign trailer so signs and barricades can be deployed quickly for road closures.

When there are road emergencies in Houston County, the sheriff's dispatchers have an “on call” list of road and bridge supervisors. This is another county that puts a drone to good use in addition to lower-tech items such as flags and flashing lights. And don't forget the reflective tape – even the staff of the flagger's paddle is wrapped in it. ■



when overgrown shrubbery – that interfered with line-of-sight for security personnel – got a major trim. And in Houston County, an assistant engineer personally inspects the scene of any serious accidents on county roads to ensure that the county did not contribute to the incident – checking vegetation, shoulders, sight lines and signage.

## At the Courthouse

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# Winning the Jail Liability Battle

By Tate McCotter, Executive Director  
National Institute for Jail Operations (NIJO)

Statistically across the country, jails are the largest liability in county government. Prior to the passing of the Prison Litigation Reform Act (PLRA), approximately one out of five lawsuits were filed by those incarcerated, many hoping to win on technicalities, insufficient documentation or policies that did not comply with what the courts required. While PLRA was extremely beneficial for those that operate and fund jails, lawsuits continue to be commonplace, with no sign of letting up. Given the target on law enforcement across the country, many inmate advocate rights groups and attorneys representing inmates have found recent paradise in suing county jails, fully expecting easy payouts from deliberate indifference, negligence, conditions of confinement and duty to protect claims. Some settlements have reached into the millions, costing counties precious, already-limited funds and often leaving a black eye for the county to deal with in the wake.

Jails do not get sued in a vacuum. What happens in the jail affects not only those officers and administrators named in the lawsuit, but every official and taxpayer in a county. It is worth every effort for sheriffs, jail administrators, county commissioners and other public officials to work together to ensure jail policies and procedures are based on what current laws require, that they are operationally followed and that adequate resources and staffing are

made available. In a real world with limited funding, certainly budgets must be approved and requests for increased staffing and other resources must be well justified. Simply stated, having policies and procedures married to current case law gives commissioners, sheriffs and jail administrators the ability to recognize

the ability to stay up to date on current laws so that policies, procedures and training are all synced together to run a constitutionally-safe jail. This approach allows administrators to make more informed decisions, especially as pressure mounts from federal and other outside organizations to

implement procedures and requirements that often supersede what the law requires and come with hefty, unfunded price tags.

The Alabama Legal-Based Jail Guidelines program was launched in December 2009 by request of numerous sheriffs and jail administrators in Alabama. NIJO and DeLand & Associates conducted extensive legal and operational research as the backbone to the program, creating a web-based delivery platform to provide easy access to each guideline along with other administrative

tools. As a training component, each legal-based guideline contains rationale and compliance statements, along with annotation to support the guideline. It also serves as a measuring stick to assist creating defensible jail policy and procedure based on constitutional requirements.

The Alabama Legal-Based Jail Guidelines receive updates regularly as case law changes, such as PREA and the most recent rulings on searches, religion and use of force. This helps jails to update policy and procedure and remain consistent to those laws. Using the guidelines and online management tools has proven to be successful in defending counties against frivolous litigation,

## TESTIMONIAL



**Sheriff Larry  
Amerson  
(retired)  
Calhoun  
County**

***We can't prevent lawsuits from happening, but we can certainly win them. Knowing and complying with the law is the magic bullet, and the Alabama Legal-Based Jail Guidelines are the key to success.***

potential deficiencies and address them before lawsuits are filed.

National jail standards and self-serving "best practices" are not derived from statutory authority and consequently will not protect against liability. With the ever-shifting legal requirements, the best defense is knowing and complying with clearly-established law, specifically the Constitution, legislative acts, U.S. Supreme Court and 11th U.S. Circuit Court of Appeals rulings, and Alabama state statutes and administrative codes. The Alabama Legal-Based Jail Guidelines® are the ONLY set of legal-based standards specific to Alabama – created specifically to provide administrators



saving them hundreds of thousands of dollars in legal fees and labor. Risk management insurance reports indicate jails account for over 71 percent of averaged losses nationally. However, participating counties experience a dramatic decrease in lawsuits lost, boasting a 27-33 percent average after 36 months of implementation, when utilized with verification inspections.

Failure to train is generally brought up by those suing jails. With turnover issues, limited training budgets and staffing shortages, it is difficult for jail staff to receive quality, legal-based training. Jails participating with this program can access over 600 topics that can be searched by keyword and used for discussion by each shift for consistency throughout the jail – rather than simply waiting for litigation to be filed before training occurs. There are many training tools built into the system to assist command staff, regardless of size, to reinforce the legal-based guidelines and a jail's corresponding policy and procedure. No longer does an officer have to ask "what?" or "why?"

Our correctional facilities have quickly become the dumping ground for the mentally ill, filled with more violent and more staff-intensive inmate populations. Things

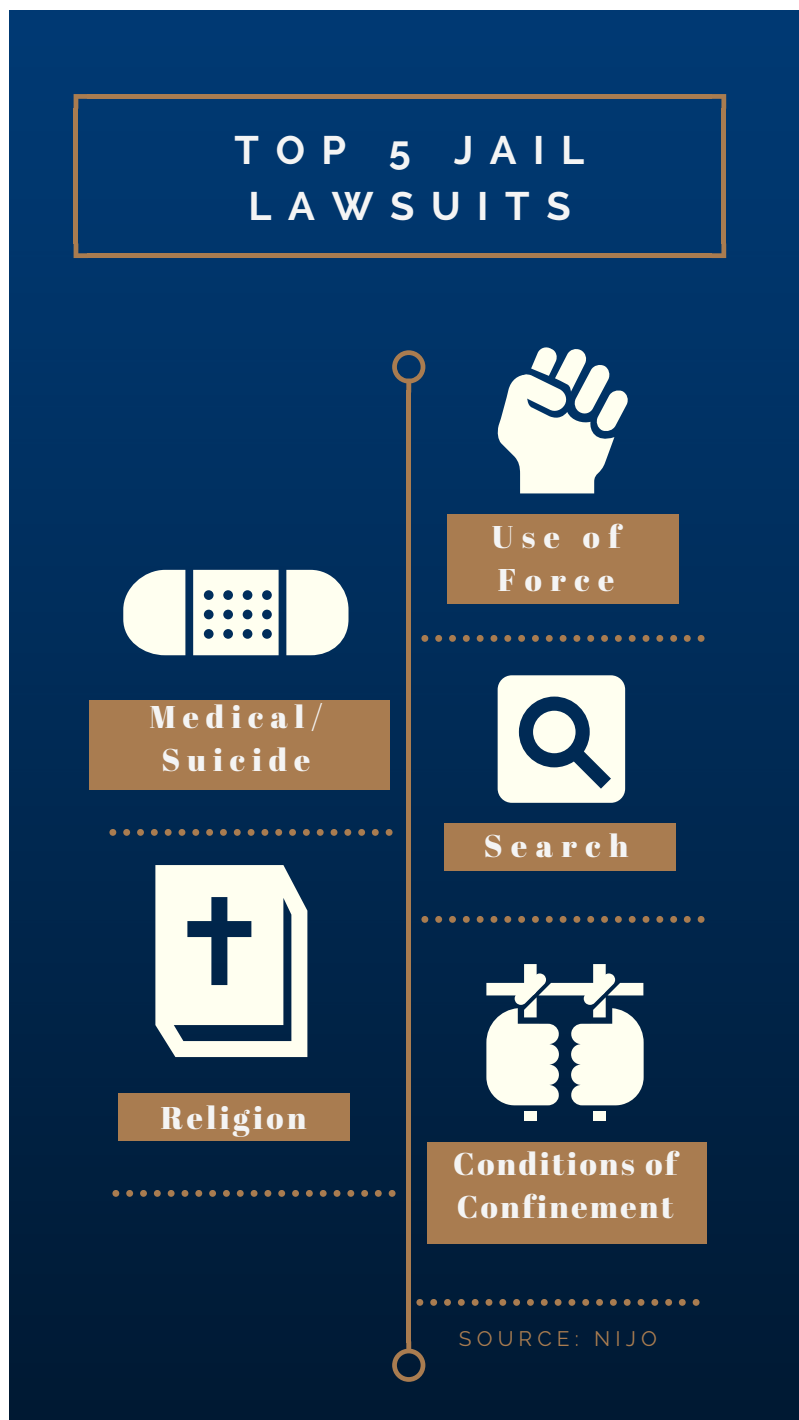
have changed. Officials are expected to run an entire city and all its life-driven amenities, filled with people who may not be the best law-abiding citizens.

Our facilities are responsible for providing food, shelter, clothing, medical and pharmaceutical services, mental health care, education and religious services to inmates – all with an extremely minimal budget. And all of the above must be accomplished

while trying to protect inmates from harming themselves, other inmates, jail staff and the public.

Certainly there is no easy solution to operating a jail. Nor is there only one way to get the job done. The Supreme Court has recognized the administrative discretion of those that run jails, knowing that resources vary from place to place. But regardless of those limited resources, at the end of the day, county officials are all in this together and will be required to uphold the law to run a constitutionally-safe facility. The Alabama Legal-Based Jail Guidelines, when utilized correctly, provide a trusted resource to mitigate frivolous litigation, increase professionalism, and boost confidence in the jail by staff, administrators, sheriffs, county officials and the public.

While the guidelines are being widely used in 18 other states, there are now over three dozen jails actively participating in Alabama. The Association of County Commissions of Alabama has provided a grant through the ACCA Liability Self-Insurance Fund Inc. which covers the entire cost of implementation. *If you would like more information or would like to participate, please contact Henry van Arcken, ACCA Director of Insurance Services, at 334-263-7594 or [hvanarcken@alabamacounties.org](mailto:hvanarcken@alabamacounties.org).*





*Lee County hosted the two-day "train the trainer" session for motorgrader field instructors in October.*

## Collectively Solving a Collective Problem

In his inaugural address, Association President Bill Stricklend challenged counties to focus on “collectively solving our collective problems with collective solutions.”

Sounds like a great idea, right? But what would it look like? It might look a lot like counties loaning their best employees to train motorgrader operators in all 67 counties.

This latest project of the Association of County Engineers of Alabama (ACEA) got off the ground in October, when the Lee County Highway Department hosted a two-day “train the

trainer” class for motorgrader field instructors. Starting in 2017, these newly-minted instructors will begin teaching during three-day trainings for motorgrader operators, hosted by counties in strategic locations around the state.

Those trainings will be the collective solution to a long-running collective problem. Simply put, the problem is that skilled motorgrader operators are more precious than gold for Alabama counties, which collectively maintain nearly 17,000 miles of unpaved roads.

The work requires a great deal of precision from the lone operator handling one of the biggest and most expensive pieces of heavy equipment in the county shop. Motorgraders can stretch 30 feet in length, and it’s easy to spend nearly \$300,000 on a new one, even with ACCA County Joint Bid Program prices.

The crown of the road surface has to be just right. “If you get a road too flat, it will puddle,” said Henry County Engineer Chris Champion. “If you get it too steep, it washes out.”

And this operator needs to be capable of working solo for 8-10



hour days. “It should be your most skilled operator in your department,” Champion said.

About two years ago, Henry County lost two of its three motorgrader operators and its equipment trainer right around the same time, and Champion found out how difficult they were to replace. The available training options were costly and time-consuming. “We don’t have a lot of employees that we can spare for two to three weeks and spend \$5,000 for them to get trained,” said Champion.

Instead he hosted a successful motorgrader training in May 2015 where outside experts instructed 21 students from seven neighboring counties. “But it was about \$500 a student,” Champion said. “We started thinking about how we could do it better and do it cheaper.”

In this case, the collective problem-solving has been quarterbacked by a committee of county engineers.

Fast-forward to October, when 11 expert motorgrader operators – with a combined 188 years of experience – gathered to develop a training curriculum that would convey to others what they do instinctively. They were joined



*All together, the field instructors have 188 years of experience operating motorgraders.*



### **Motorgrader Training Committee**

John Bedford, Colbert; Chris Champion, Henry (chairman); Justin Hardee, Lee; Randy Cole, Shelby

### **Motorgrader Field Instructors**

Jonnie Johnson, Blount; Matt Edwards, Chilton; Andy Coffey, Cullman; John Holderfield, Chambers; Barry Smith and Chris Welch, Elmore; Bill Yarbrough, Lee; Milton Pepper, Limestone; Ronald Files and Jim Herring, Perry; Dwight Senn, Pike

by Dr. Susan Fillippeli, a faculty member in Communication at Auburn University with expertise in developing training programs.

“We learned that being a trainer is teaching what a highly skilled person does intuitively,” said Champion. “And redundancy is not a bad thing.”

The result is a series of seven training modules, starting with “Machine Walk-Around and Inspection” and culminating with “Handling Debris.” There’s

also a module on “Operational Safety,” which is a good fit with the long-running safety campaign of ACCA’s self-insurance funds.

In addition to the hands-on time operating a motorgrader, trainees will also have a half-day’s classroom instruction from an engineer. Material on the basic mechanics of a dirt road will be drawn from the Federal Highway Administration’s Gravel Roads Construction & Maintenance Guide.

During the field instructor training, expert operators went through one exercise with trainees who were truly beginners – Fillippeli, a college lecturer, and Terri Reynolds, ACCA’s director of public affairs.

“The thought of driving a motorgrader is definitely outside my comfort zone, but the instructor did an outstanding job of getting me oriented to the machine and showing me important things to check before ever turning the key,” Reynolds said.

“Whatever you are learning, you want your teacher to have extensive practical experience, and county government could not function day-to-day without dedicated, expert employees.” ■



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# Critical Communication

## *Making 'Return-to-Work' Work with Good Communication*

When employees sustain on-the-job injuries, the last thing they want to hear from their employer is the old, stereotypical line about “if you can’t come back 100 percent, we don’t need you.”

From the employee’s perspective, it is bad enough to be hurt, and adding job insecurity on top of that is too much.

That is exactly the situation that return-to-work and modified-duty policies are designed to prevent, by establishing a structured process as evidence that the county values its employees and wants them to be back on their feet as soon as possible.

It’s a plan to get them back to work that is communicated from an employee’s first day on the job, so that they feel like a valued member of the county family.

“That is when the values are right and people don’t litigate,” said Ray Hodge of Meadowbrook

### **Return-to-work Policy (aka Modified Duty Policy):**

A carefully considered written policy outlining procedures for returning injured workers to work as quickly as medically possible by allowing the injured employee to work within the limitations the treating physician establishes. The success of a return-to-work policy depends on cooperation among all the affected individuals – the employer, the injured employee, treating physician, case manager (if applicable) and claims adjuster.

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Risk Solutions, which provides risk management and claims services for ACCA’s self-insurance funds.

To help counties enhance the effectiveness of their own return-to-work programs, he identified some critical communication tasks.

“Things can go poorly so quickly if the communication is not there,” Hodge said. “And it all has to be based on employees knowing we want to bring our people back. They are assets to the county – the effort and knowledge and skills they bring.”

As these recommendations show, the importance of communication all along the way cannot be overstated. As Hodge put it, “it’s really all about driving away the fear and uncertainty that plagues people when they are away from work after an accident.”

***Fund members with questions about return-to-work policies and modified duty are encouraged to contact Ray Hodge at 334-954-7260 // [ernest.hodge@meadowbrook.com](mailto:ernest.hodge@meadowbrook.com)***

## **BEFORE AN ON-THE-JOB INJURY**

Counties need to communicate the return-to-work policy to new employees at orientation. If a new policy is established (or an existing policy revised), this must be conveyed to all employees. Additionally, all employees should receive a reminder on the policy at least once a year, which can be as simple as a pamphlet enclosed with paychecks.

Develop a job bank of assignments in each department that would be suitable for people with various skill sets.

Within the county (elected officials and staff), good communication is necessary to establish job descriptions that detail each position's physical requirements, such as the ability to lift a certain weight or stand for a given length of time. This can be a big undertaking, so give

priority to job descriptions for the following positions: deputies, correctional officers, road department laborers, equipment operators and truck drivers.

Counties also benefit from good lines of communication with medical providers. It is helpful to maintain a relationship with your "go to" doctor, who may have a general practice or specialize in industrial medicine. Under Alabama's workers' compensation law, the employer selects the treating physician, which can reduce opportunities for fraud.

Whenever possible, it is also helpful for counties to cultivate relationships with the local emergency room that is likely to treat on-the-job injuries. Hodge said that Cullman County does this well, because the local emergency room keeps the county forms on-hand and knows to call its safety department the next day after an overnight ER visit.

## **WHEN THERE IS AN ON-THE-JOB INJURY**

The supervisor needs to report the injury immediately through the county's system so that Meadowbrook's claims adjusters can get involved as soon as possible.

The claims adjuster will make contact promptly with the injured employee. Adjusters function as lead liaisons for injured employees, helping make sure they get needed care and providing a buffer between employees and employers if there is tension.

In the emergency room or urgent care center, make sure medical providers know up front if it is an on-the-job injury.

Encourage supervisors and co-workers to visit the injured employee and keep in touch. It helps the injured person to maintain connections to the workplace and know that he/she is missed.





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## GETTING BACK TO WORK AFTER AN INJURY

Communication continues to play a significant role in this phase, and, as has been true throughout the process, input is needed from many different stakeholders.

The treating physician relies heavily on the physical demands as specified in the written job description. Sometimes an employee recovering from an injury goes back to work on a limited basis called modified duty.

Modified duty generally lasts a week to a month. The employee is given a temporary assignment, which could be in the department where the employee regularly works or another department. Whatever the case, the assignment that is less physically demanding must involve productive work that the employee is qualified to do.

Typical options for modified duty include safety inspections of equipment, inventory, filing and answering phones. Or, if there is an open position, the person can be placed in a different job.

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# The Impact of Amendment 4

Amendment 4 authorizes county commissions (in all counties except Jefferson County) to administratively establish certain programs, policies and procedures for the administration of county affairs without having a specific general law on the subject and without the need for passage of a local law. The intent of this amendment is to more broadly grant county commissions administrative decision-making authority on issues directly affecting the operation of county government. Providing this authority will allow counties to implement important programs more expeditiously and efficiently by eliminating the need to seek legislative approval for taking administrative action in the best interest of the county.

Under Amendment 4, county commissions can now take limited action in the following six categories:

1. County personnel programs,
2. Community programs for litter control,
3. Animal control,
4. Public transportation and public road safety,
5. Operation of county offices, and
6. Emergency assistance programs.

However, counties are subject to a number of restrictions and prohibitions under this new constitutional authority. The county cannot use the authority to supersede, amend or repeal any existing local law. County commissions are also prohibited from levying or assessing taxes or fees, or increasing the rate of any previously-established tax or fee;

nor can the commission establish any program that would infringe on a citizen's private property rights. While Amendment 4 does allow the county commission to establish programs operated by other county officials (with the participation and consent of those officials), the amendment specifically prohibits limiting, altering, or otherwise impacting the constitutional, statutory, or administrative duties, powers or responsibilities of any other elected officials. Furthermore, the county commission cannot utilize this authority to establish, increase or decrease any elected official's compensation or expense allowance, or alter an elected officials term of office.

Additionally, counties must follow specific procedures when adopting any programs and policies under the authority granted by Amendment 4. Before adopting any new or amended program under Amendment 4, counties must provide members of the public with adequate notice. The item must be announced at the regularly-scheduled county commission meeting preceding the meeting at which the commission will consider the matter. County commissions are also required to grant citizens an opportunity to give public comment on any proposed program considered under Amendment 4 authority. In fact, the public comment must be allowed during the meeting at which the commission plans to consider the matter. Commissions that establish programs pursuant to Amendment 4 are required to vote on these programs during a regularly-scheduled commission meeting, and

public notice of the meeting must be provided in compliance with the regular notice requirements.

Amendment 4 is not to be confused with the Limited Self-Governance Act, which allows local voters to authorize their county commissions to exercise a limited set of health and safety powers. In counties where local voters have approved limited self-governance, county commissions can respond to citizen concerns and abate certain nuisances – like noise, unsanitary sewage, overgrown weeds and junkyards – in unincorporated areas.

The Amendment 4 powers are now enshrined in the Alabama Constitution, and **DO NOT require a local referendum to approve these authorities.** The enabling legislation that placed this issue on the ballot was introduced during the 2015 regular session, and was sponsored by Rep. Randy Davis and Sen. Del Marsh. While the legislation passed the House and Senate with little conflict, some dissenters identified it as “home rule,” which it is not. Interestingly enough, Amendment 4 was approved by over 70 percent of Alabama voters and received more “yes” votes than 11 of the 13 other constitutional amendments on the ballot – signaling a high level of trust in Alabama's county governments.

In the near future, the Association will release a manual detailing the authorities granted to counties by Amendment 4 and the proper implementation of these new powers. In the meantime, please contact a member of the Association staff at 334-263-7594 with questions. ■



## Priority Amendments Approved in the 2016 General Election

**Amendment 3** created a two-step voting process in the Alabama Legislature that makes it less likely for local constitutional amendments (affecting only a single county or city) to be subject to statewide referendum.

**Amendment 4** allows county governments to establish limited programs related to the management and administration of certain county activities. It is designed, in part, to allow local governments to make decisions that in the past have required local legislation.

**Amendment 14** affirmed all the local laws enacted since 1984 in order to correct a technical issue with how the Alabama House of Representatives handled a routine, procedural vote. The technical issue posed a threat to hundreds of local laws that Alabamians rely on to support vital public institutions like school systems, volunteer firefighters, and community hospitals.

COUNTY		AMENDMENT 3		AMENDMENT 4		AMENDMENT 14	
		PERCENT	VOTES	PERCENT	VOTES	PERCENT	VOTES
AUTAUGA	YES	56.73	10,613	68.83	13,365	65.18	11,694
	NO	43.27	8,094	31.17	6,051	34.82	6,248
BALDWIN	YES	64.59	47,184	71.49	54,661	61.65	40,912
	NO	35.41	25,863	28.51	21,799	38.35	25,452
BARBOUR	YES	52.04	3,578	70.83	5,130	70.93	4,838
	NO	47.96	3,297	29.17	2,113	29.07	1,983
BIBB	YES	52.05	3,371	65.43	4,407	69.50	4,681
	NO	47.95	3,106	34.57	2,328	30.50	2,054
BLOUNT	YES	57.41	10,730	64.74	12,692	61.13	11,119
	NO	42.59	7,959	35.26	6,912	38.87	7,069
BULLOCK	YES	42.61	1,168	78.05	2,212	81.51	2,306
	NO	57.39	1,573	21.95	622	18.49	523
BUTLER	YES	49.04	2,946	74.66	4,652	76.34	4,695
	NO	50.96	3,061	25.34	1,579	23.66	1,455
CALHOUN	YES	64.52	22,299	73.08	26,347	68.93	23,828
	NO	35.48	12,265	26.92	9,704	31.07	10,740
CHAMBERS	YES	44.50	4,421	72.85	7,465	72.63	7,166
	NO	55.50	5,513	27.15	2,782	27.37	2,701
CHEROKEE	YES	64.87	4,880	73.32	5,808	70.49	5,589
	NO	35.13	2,643	26.68	2,113	29.51	2,340
CHILTON	YES	58.22	7,515	65.99	8,835	80.98	12,772
	NO	41.78	5,393	34.01	4,554	19.02	3,000
CHOCTAW	YES	53.49	2,109	60.78	2,481	62.26	2,414
	NO	46.51	1,834	39.22	1,601	37.74	1,463
CLARKE	YES	46.09	3,936	73.34	6,485	75.84	6,511
	NO	53.91	4,603	26.66	2,357	24.16	2,074
CLAY	YES	56.67	2,484	66.75	3,073	62.44	2,741
	NO	43.33	1,899	33.25	1,531	37.56	1,649
CLEBURNE	YES	56.76	2,247	63.47	2,651	61.25	2,448
	NO	43.24	1,712	36.53	1,526	38.75	1,549
COFFEE	YES	61.85	8,954	72.20	10,861	70.06	10,046
	NO	38.15	5,523	27.80	4,182	29.94	4,293
COLBERT	YES	61.20	10,272	74.99	13,207	70.19	11,582
	NO	38.80	6,512	25.01	4,404	29.81	4,919
CONECUH	YES	47.00	1,812	73.49	2,928	74.81	2,857
	NO	53.00	2,043	26.51	1,056	25.19	962
COOSA	YES	54.21	1,991	70.57	2,714	70.95	2,682
	NO	45.79	1,682	29.43	1,132	29.05	1,098
COVINGTON	YES	60.72	6,043	70.80	7,431	70.12	6,970
	NO	39.28	3,910	29.20	3,065	29.88	2,970
CRENSHAW	YES	48.62	2,114	66.61	3,056	73.31	3,268
	NO	51.38	2,234	33.39	1,532	26.69	1,190
CULLMAN	YES	59.30	16,176	66.89	19,063	64.77	17,616
	NO	40.70	11,100	33.11	9,438	35.23	9,580

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		PERCENT	VOTES	PERCENT	VOTES	PERCENT	VOTES
DALE	YES	60.90	8,101	69.35	9,555	67.86	8,834
	NO	39.10	5,202	30.65	4,222	32.14	4,184
DALLAS	YES	64.41	8,088	81.08	10,511	79.69	10,162
	NO	35.59	4,470	18.92	2,452	20.31	2,590
DEKALB	YES	65.59	11,485	72.81	13,322	69.04	11,199
	NO	34.41	6,024	27.19	4,974	30.96	5,021
ELMORE	YES	50.35	13,941	60.77	17,544	61.18	16,797
	NO	49.65	13,749	39.23	11,326	38.82	10,658
ESCAMBIA	YES	61.25	5,837	74.41	7,438	72.05	6,791
	NO	38.75	3,693	25.59	2,558	27.95	2,634
ETOWAH	YES	64.41	20,472	71.93	23,872	67.83	21,517
	NO	35.59	11,314	28.07	9,318	32.17	10,205
FAYETTE	YES	57.54	3,261	67.82	3,991	68.82	3,971
	NO	42.46	2,406	32.18	1,894	31.18	1,799
FRANKLIN	YES	64.01	5,087	72.27	5,997	66.29	4,940
	NO	35.99	2,860	27.73	2,301	33.71	2,512
GENEVA	YES	59.86	4,916	67.31	5,781	74.04	6,698
	NO	40.14	3,296	32.69	2,807	25.96	2,349
GREENE	YES	81.81	2,617	82.93	2,653	86.53	2,994
	NO	18.19	582	17.07	546	13.47	466
HALE	YES	52.45	2,968	73.57	4,225	81.79	4,833
	NO	47.55	2,691	26.43	1,518	18.21	1,076
HENRY	YES	60.52	3,323	67.91	3,892	67.03	3,487
	NO	39.48	2,168	32.09	1,839	32.97	1,715
HOUSTON	YES	64.64	20,245	72.02	23,601	68.36	20,085
	NO	35.36	11,075	27.98	9,168	31.64	9,296
JACKSON	YES	60.79	8,217	68.77	9,763	69.09	9,337
	NO	39.21	5,301	31.23	4,433	30.91	4,178
JEFFERSON	YES	59.70	142,438	73.32	176,186	71.25	178,033
	NO	40.30	96,152	26.68	64,095	28.75	71,832
LAMAR	YES	56.91	2,497	68.99	3,151	66.27	2,794
	NO	43.09	1,891	31.01	1,416	33.73	1,422
LAUDERDALE	YES	66.26	17,714	75.89	20,874	68.12	16,967
	NO	33.74	9,019	24.11	6,632	31.88	7,942
LAWRENCE	YES	56.58	5,574	61.39	6,378	64.54	6,229
	NO	43.42	4,277	38.61	4,011	35.46	3,423
LEE	YES	61.34	26,737	74.29	33,562	69.34	29,165
	NO	38.66	16,853	25.71	11,618	30.66	12,895
LIMESTONE	YES	59.28	17,093	65.72	20,030	64.35	18,076
	NO	40.72	11,741	34.28	10,446	35.65	10,015
LOWNDES	YES	63.03	2,319	70.75	2,753	69.58	2,644
	NO	36.97	1,360	29.25	1,138	30.42	1,156
MACON	YES	41.99	2,765	80.88	5,475	79.87	5,320
	NO	58.01	3,820	19.12	1,294	20.13	1,341



## Priority Amendments Approved in the 2016 General Election

**Amendment 3** created a two-step voting process in the Alabama Legislature that makes it less likely for local constitutional amendments (affecting only a single county or city) to be subject to statewide referendum.

**Amendment 4** allows county governments to establish limited programs related to the management and administration of certain county activities. It is designed, in part, to allow local governments to make decisions that in the past have required local legislation.

**Amendment 14** affirmed all the local laws enacted since 1984 in order to correct a technical issue with how the Alabama House of Representatives handled a routine, procedural vote. The technical issue posed a threat to hundreds of local laws that Alabamians rely on to support vital public institutions like school systems, volunteer firefighters, and community hospitals.

COUNTY		AMENDMENT 3		AMENDMENT 4		AMENDMENT 14	
		PERCENT	VOTES	PERCENT	VOTES	PERCENT	VOTES
MADISON	YES	63.21	77,476	72.61	92,335	66.84	75,885
	NO	36.79	45,085	27.39	34,825	33.16	37,646
MARENGO	YES	49.54	3,504	69.87	5,084	73.62	5,292
	NO	50.46	3,569	30.13	2,192	26.38	1,896
MARION	YES	57.14	5,130	63.31	5,943	58.62	5,042
	NO	42.86	3,848	36.69	3,444	41.38	3,559
MARSHALL	YES	62.23	15,622	65.19	17,630	64.47	15,573
	NO	37.77	9,482	34.81	9,414	35.53	8,581
MOBILE	YES	65.58	76,038	73.20	86,755	66.37	72,077
	NO	34.42	39,903	26.80	31,758	33.63	36,515
MONROE	YES	56.98	3,876	74.20	5,231	72.46	4,614
	NO	43.02	2,926	25.80	1,819	27.54	1,754
MONTGOMERY	YES	54.20	38,599	72.08	53,354	69.10	47,651
	NO	45.80	32,612	27.92	20,662	30.90	21,313
MORGAN	YES	63.41	22,560	72.93	27,063	69.59	24,158
	NO	36.59	13,019	27.07	10,047	30.41	10,559
PERRY	YES	53.74	1,716	74.09	2,393	81.86	2,690
	NO	46.26	1,477	25.91	837	18.14	596
PICKENS	YES	51.56	3,082	72.44	4,508	73.63	4,481
	NO	48.44	2,896	27.56	1,715	26.37	1,605
PIKE	YES	55.90	4,891	70.00	6,494	70.09	6,239
	NO	44.10	3,858	30.00	2,783	29.91	2,662
RANDOLPH	YES	53.57	3,531	68.23	4,768	63.30	4,034
	NO	46.43	3,060	31.77	2,220	36.70	2,339
RUSSELL	YES	54.20	6,896	71.48	9,433	66.18	8,235
	NO	45.80	5,828	28.52	3,764	33.82	4,208
SHELBY	YES	67.98	53,239	74.92	60,951	69.54	52,979
	NO	32.02	25,080	25.08	20,406	30.46	23,203
ST. CLAIR	YES	61.05	17,509	69.60	20,790	67.42	19,903
	NO	38.95	11,169	30.40	9,079	32.58	9,619
SUMTER	YES	50.73	1,429	53.01	1,514	59.31	1,650
	NO	49.27	1,388	46.99	1,342	40.69	1,132
TALLADEGA	YES	54.60	13,402	72.20	18,311	69.67	17,449
	NO	45.40	11,145	27.80	7,051	30.33	7,596
TALLAPOOSA	YES	58.69	8,085	70.95	10,224	68.39	9,139
	NO	41.31	5,691	29.05	4,186	31.61	4,224
TUSCALOOSA	YES	63.24	38,658	74.03	46,915	72.77	44,982
	NO	36.76	22,472	25.97	16,459	27.23	16,831
WALKER	YES	54.02	11,658	65.65	14,738	64.31	14,273
	NO	45.98	9,924	34.35	7,712	35.69	7,920
WASHINGTON	YES	57.22	3,342	69.77	4,240	68.85	4,018
	NO	42.78	2,499	30.23	1,837	31.15	1,818
WILCOX	YES	66.43	2,596	77.50	3,079	82.69	3,335
	NO	33.57	1,312	22.50	894	17.31	698
WINSTON	YES	52.49	3,688	64.68	4,788	63.63	4,370
	NO	47.51	3,338	35.32	2,615	36.37	2,498



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# Momentum builds to improve voter registration

County commissions have had concerns about Alabama's boards of registrars system for many years, and momentum is building for change in 2017.

The Alabama Boards of Registrars Legislation Task Force, convened by Secretary of State John Merrill, has been working throughout the year and is expected to announce recommendations soon. The group's work has already resulted in progress on continuing education for registrars, to be provided by Merrill's office.

Simultaneously, the Association is developing recommendations that would call for increased oversight and accountability. The reforms gaining support within ACCA have come forward through the Association of County Administrators of Alabama, the Legislative Review Task Force and the Minority Issues Steering Committee.

These groups have recommended that ACCA support a revised appointment process for registrars provided that:

- Registrars must work at least four hours per day;
- Those appointed must meet standards for appointment to the corresponding state job classification that most closely aligns with the registrar's duties;

- That an official or commission at the local or state level be authorized to supervise the daily operation of the registrar office; and
- That the registrars be required to utilize the state system for clocking in and out during work hours.

At the local level, voter registration is the responsibility of a three-person county board of registrars, though today much of the voter list maintenance is handled by a computerized statewide voter registration list. Since 1896, the governor, state auditor and commissioner of agriculture and industries each appoint one registrar per county to four-year terms.

Though Merrill's 16-member task force has not yet made official recommendations, the group's discussions indicate scant interest in changing the appointment process itself.

This group includes probate judges, circuit clerks, legislators, registrars and county commissioners, plus ex-officio representatives of the appointing officials. County governing bodies are represented by Commissioners Rhondel Rhone (Clarke), Steve McKinnon (Dale), Ronda M. Walker (Montgomery) and Randy Vest (Morgan).

Consensus appears fairly strong in support of minimum four-hour days and using the state time clock system. There's also significant support for state job classification standards with daily supervision of the boards coming from the state level, possibly the secretary of state's office.

While these proposed new standards for work hours, qualifications and supervision might seem modest, they would represent much-needed modernization for this core government function.

Under current law, a registrar must be a qualified elector and county resident, hold a high school diploma or equivalent and possess the minimum computer and map reading skills necessary to function in the office.

As of Oct. 1, the compensation for registrars increased from \$60 to \$80 per day including holidays. Under current law, the state reimburses counties for this compensation, though some counties pay supplements that exceed state reimbursement.

Inconsistencies are most striking when it comes to how often a board's office is open to accept voter registrations. State law prescribes the number of work days on a county-by-county basis, with more than a dozen different options. On the low end, registrars can legally work no more than 120 days a year in some counties. On the high end, they can work a maximum of 260 days a year in others. ■



CROAA



# Affiliates Dive in to County Platform

*Editor's Note – "Unifying the County Voice" is a regular feature of County Commission magazine that tracks implementation of the Association's strategic plan.*

Not only has ACCA President Bill Strickland's Legislative Review Task Force helped the unified voice of county government get ready for the upcoming session, it has also moved the Association forward on a key point from the five-year strategic plan, "TEAM 2021 Report: Unifying the County Voice."

The report's Goal V calls for "mobilizing and energizing the Association's affiliate organizations" with a specific statement about further engaging these groups in the legislative process.

With that goal in mind, Strickland further strengthened the Association's annual legislative preparations by appointing slightly more than 100 county officials and professionals to a new Legislative Review Task Force.

From late September through mid-October, the Task Force undertook

a comprehensive review of the Alabama County Platform in a series of five face-to-face meetings at ACCA headquarters in Montgomery. Each meeting brought members of an affiliate group together with commissioners to analyze legislative positions and priorities related to that group's particular expertise. Recommendations from each meeting were then used to inform discussions of the Minority Issues Committee and later the ACCA Legislative Committee.

When members of the Alabama Association of 9-1-1 Districts (AAND) met with commissioners, discussions focused on improving enforcement of the 9-1-1 fee and the Statewide 9-1-1 Board's role in next generation technology projects.

"From my perspective, it was a giant step forward," said AAND



*The Legislative Review Task Force brought commissioners and county professionals together to review EMA-related issues.*

## ACCA Legislative Review Task Force 2016

### Commissioners

Hon. Skip Gruber • Baldwin  
 Hon. James Kelly • Bibb  
 Hon. Dean Calvert • Blount  
 Hon. Chris Green • Blount  
 Hon. Joey Peavy • Butler  
 Hon. Bobby Agee • Chilton  
 Hon. Kim Ellis • Coffee  
 Hon. David Black • Colbert  
 Hon. Leonard Millender • Conecuh  
 Hon. Bertha Kelly • Coosa  
 Hon. Paul Perrett • Coosa  
 Hon. Merrill Sport • Crenshaw

Hon. Michelle Stephens • Crenshaw  
 Hon. Kenneth Walker • Cullman  
 Hon. Chic Gary • Dale  
 Hon. Chris Kuykendall • DeKalb  
 Hon. Brandon Smith • Escambia  
 Hon. Joey Statum • Etowah  
 Hon. Joe Acker • Fayette  
 Hon. Tennyson Smith • Greene  
 Hon. Donald Anderson • Hale  
 Hon. Brandon Shoupe • Houston  
 Hon. Terry Roberts • Lamar  
 Hon. Johnny Lawrence • Lee

Hon. Jason Black • Limestone  
 Hon. Drew Thompson • Macon  
 Hon. Phil Vandiver • Madison  
 Hon. Dan England • Marengo  
 Hon. Dan Harris • Montgomery  
 Hon. Ray Goodson • Pike  
 Hon. Homer Wright • Pike  
 Hon. Peggy Martin • Russell  
 Hon. Tommy Bowers • St. Clair  
 Hon. Mike Vest • Shelby  
 Hon. Steven Robinson • Tallapoosa  
 Hon. Jerry Tingle • Tuscaloosa



President Marvin McIlwain, 9-1-1 coordinator in Coffee County. “It feels like we have an input – a very active input – into what’s coming down the pike.”

In some ways it was a “meeting of the minds,” bringing together, on the one hand, county professionals who are subject-matter experts in a specific area of county operations with, on the other hand, commissioners responsible for the full gamut of county services.

“We expect to be called upon; we want to be called upon,” McIlwain said. “I’d like to see groups get together more than once a year.”

For her part, Commissioner Bertha Kelly said she appreciated the in-depth discussion. “It did make a lot of sense what they’re trying to do with next generation technology; it helped me understand what they are fighting for.”

Kelly is from Coosa County, one of Alabama’s smaller counties, but she said it was also beneficial to understand things from the



## TEAM 2021 REPORT

# *Unifying the County Voice*

## Goal V

### **Unify the County VOICE by Mobilizing and Energizing the Association’s Affiliate Organizations.**

## IMPLEMENTATION

**Re-energize** the affiliate organizations by further engaging them in the legislative process, regularly providing information specific to their areas of expertise, and creating more opportunities for them to engage in Association activities and initiatives.

## **ACCA Legislative Review Task Force 2016**

### **Alabama Association of Emergency Managers (AAEM)**

Reggie Chitwood • Baldwin  
Jonathan Gaddy • Calhoun  
Roy Waite • Clarke  
Phyllis Little • Cullman  
Anthony Clifton • DeKalb  
Eric Jones • Elmore  
Ronnie Dollar • Henry  
Kris Ware • Houston  
James Coker • Jefferson  
Kathy Carson • Lee  
Jimmy Mills • Marion  
Ronnie Adair • Mobile

Michael Evans • Mobile  
Eddie Hicks • Morgan  
Rob Robertson • Tuscaloosa

### **Alabama Association of 9-1-1 Districts (AAND)**

Chris Heger • Baldwin  
Donnie Smith • Chambers  
Marvin McIlwain • Coffee  
Kristi Stamnes • Covington  
Gordon Sandlin • Cullman  
Bill Brodeur • Etowah  
Chad Sowell • Henry  
Howard Summerford • Jefferson

Johnny Hart • Marshall  
Bill Richvalsky • St. Clair  
Roger Wilson • Walker  
Melissa Dove • Wilcox

### **Association of County Administrators of Alabama (ACAA)**

Steve Golsan • Autauga  
Mark Tyner • Bibb  
Diane Kilpatrick • Butler  
Ken Joiner • Calhoun  
Mary Wood • Clay  
Matt Sharp • DeKalb >>>

## ACCA STRATEGIC PLAN

perspective of larger counties. “It was interesting what they have to handle,” she said.

She was appointed to the Legislative Review Task Force midway through her first term of office, and she said that by participating in the work of “the unified voice of county government” she learned a lot that will help in her role with 9-1-1 in her home county.

Just like with AAND, the Task Force brought commissioners and county professionals together to tackle issues specific to county administrators, engineers, emergency managers and revenue officers.

This process provided the Legislative Committee with a wealth of information and insight going into the committee’s two-day meeting to address the entire Alabama County Platform. Each year, the platform unites all 67 counties with one agenda and one voice, putting counties in the strongest possible position for the upcoming Regular Session of the Alabama Legislature.

Altogether, the Task Force made more than 20 recommendations to the Legislative Committee. Some are as far-reaching as the ACEA’s suggestion that counties support the establishment of a comprehensive dam safety program in Alabama as long as



**Commissioners and county engineers discussing road and bridge funding in another Legislative Review Task Force meeting.**

counties do not assume responsibility for inspecting private dams. Others are as narrowly focused as CROAA’s recommendation that the Legislature should clarify the lodging tax to make it clear that it applies whether a person sleeps in the rented room or not.

The duty to review these recommendations lies with the ACCA Legislative Committee, which met in mid-November to develop a revised platform for consideration by the ACCA Board of Directors and full membership. ■

>>> **MORE** [www.alabamacounties.org/legislation/county-platform/](http://www.alabamacounties.org/legislation/county-platform/)

## ACCA Legislative Review Task Force 2016

Sherrie Kelley • Etowah  
John Gordon • Fayette  
Roger Rendleman • Lee  
Pam Ball • Limestone  
Jacquelyn Thomas • Lowndes  
John Pafenbach • Mobile  
Gwen Richardson • Monroe  
Donnie Mims • Montgomery  
Cindy Arrington • Randolph

### Association of County Engineers of Alabama (ACEA)

John Mark Davis • Autauga  
Josh Harvill • Chambers

Randy Tindell • Coffee  
John Bedford • Colbert  
John Lang • Cullman  
Richie Beyer • Elmore  
Luke Porter • Fayette  
David Palmer • Franklin  
Chris Champion • Henry  
Tracy Pate • Jefferson  
Justin Hardee • Lee  
Greg Bodley • Morgan  
DeAndrae Kimbrough • Perry  
Randy Cole • Shelby  
Anthony Crear • Sumter  
Scott Anders • Tuscaloosa

### County Revenue Officers Association of Alabama (CROAA)

Keith Crawford • Jefferson  
Scott Moore • Jefferson  
Darrick Williams • Jefferson  
Kevin Caputo • Madison  
Betty Peterson • Madison  
Terri Henderson  
• Montgomery  
Butch Burbage • Shelby  
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# Strengthening Emergency Management

Significant progress has been made in 2016 on reforms to strengthen emergency management at the local level, and the outlook is promising for additional progress in the coming year.

Recommendations from the Alabama Disaster Recovery and Resiliency Task Force, forwarded to the governor in November, are designed to address a disaster deductible under consideration by the Federal Emergency Management Agency (FEMA) and set up rewards for counties that choose to pursue accreditation when that program rolls out in the new year.

“We would take the position that any expenditures related to disaster preparedness, response or recovery – including the non-federal cost-share – should count toward a deductible should one be implemented,” said Art Faulkner, Director of the Alabama Emergency Management Agency.



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The recommendations can be grouped into three categories based on what implementation would require. Task Force members asked Gov. Robert Bentley to include two recommendations in his 2017 Legislative Agenda:

- Establishing the Disaster Recovery Tax Incentive and Credit;
- Authorizing the State Disaster Fund to provide individual assistance.

Another group of recommendations could be pursued by the governor immediately, without the need for legislation:

- Promoting and encouraging training in preparedness, response and recovery for state and local elected officials as well as department heads through the County Government Education Institute, Alabama League of Municipalities and other avenues.
- Encouraging the establishment and implementation of the Alabama Emergency Management Accreditation Program being finalized by the Alabama Emergency Management Agency and the Alabama Association of Emergency Managers.
- Establishing eligibility requirements to receive state funding for the non-federal cost share necessary for public assistance following a federally-declared disaster, with requirements linked to the Alabama Emergency Management Accreditation Program.



And finally, the Task Force identified three specific issues that will need continued attention from collaborative groups that bring together the perspectives of key stakeholders:

- Extending the Alabama Disaster Recovery and Resiliency Task Force to seek funding for the State Disaster Fund;
- Establishing the Property Insurance Working Group with representatives from the Alabama Emergency Management Agency, Alabama Department of Insurance, Alabama Department of Risk Management, Association of County Commissions of Alabama and Alabama League of Municipalities to explore the use of property insurance to offset impacts to federal and state government;
- Establishing the Storm Debris Working Group with representatives from the Alabama Emergency Management Agency, the Alabama Department of Transportation, county officials and municipal officials to develop a plan for the removal of storm debris deposited on state-maintained rights-of-way. ■



## In 2017: Voluntary EMA Accreditation

A voluntary accreditation program for Alabama's local emergency management agencies is projected to be up and running within the next year, according to Alabama Emergency Management Agency Director Art Faulkner.

"I hope it will be one of the most significant impacts for county EMAs in many, many years," he said.

A working group of county and state emergency managers has been partnering to develop the accreditation program. "Our goal is to establish an aspirational standard for all programs to work toward that is also achievable by any county willing to do the work," said Calhoun County EMA Director Jonathan Gaddy, who is serving as first vice president for the Alabama Association of Emergency Managers (AAEM).

Counties – whether urban or rural or somewhere in between – are connected by a common emergency management framework, and achieving accreditation will signify that all the essential elements of a model emergency management program are in place.

Accreditation could also serve as a useful tool for commissioners, laying out how this vital county service is interconnected with so many other organizations.

"It's really important for elected county commissioners and other officials to understand how complex the work of that local EMA is," Gaddy said, "whether it is one person or a large team."

The accreditation program builds on earlier work by the EMA Advisory Committee, a panel of state and local government representatives who collaborated on proposed standards for local EMA operations.

All along, the effort has been to move forward deliberately and avoid "knee-jerk" decisions, Faulkner said. He expects the complete accreditation program will be in a comment period in early 2017 so that feedback can be collected.

Once the program is finalized, the next step would be training people to assess local programs. Assessments of counties seeking accreditation would likely begin before the end of 2017.

An array of supports will also come into play swiftly, with AAEM and AEMA providing coaching, technical assistance and sample documents.

"We're absolutely all going to be working to make sure there aren't any counties unable to be accredited if that's what they want," Faulkner said, noting that accredited programs will likely be eligible for additional funding opportunities. ■



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# Counties Keep Eye on Transportation Plan

Though the official Statewide Transportation Plan is not designed to include much about local roads and bridges, Alabama county leaders are staying in the loop to make sure the unified voice is heard.

As far as roads and bridges go, this “big picture” plan is essentially limited to state and federal routes. However, the Alabama Department of Transportation adjusted the timing of this update in a manner that better coordinates with regional planning – where local leaders do have substantial input.

In this way the updated state plan, to be called “Alabama 2040,” will build on the long-range plans recently completed in all of the state’s urban area metropolitan planning organizations (MPOs).

“ALDOT maintains ongoing cooperation through the metropolitan planning organizations and other multijurisdictional planning organizations to support and participate in those efforts with representatives of cities and counties,” said Jim Doolin from ALDOT’s Bureau of Transportation Planning and Modal Programs.

A three-person delegation from Cleburne County – Commissioner Laura Cobb, Commissioner Terry Hendrix and Engineer Lee Estes – traveled to Montgomery for one of ALDOT’s Public and Stakeholder Meetings on the statewide transportation plan. They are fighting the all-too-common challenges of a rural county with rapidly deteriorating infrastructure and inadequate funding.

“In rural areas, you’ve got problems with bridges and roads,” Cobb said. “If you’re going to make it safe for them on the interstate,

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## Statewide Transportation Plan Update

### KEY MILESTONES

- **January 2017** – Existing/Future Needs (including funding) and Projections of 2040 Conditions
- **February 2017** – “What If” Improvement Scenarios Technical Report
- **April 2017** – Draft Plan and 2nd round of Regional Meetings
- **May 2017** – Final Plan

To send comments to the study team or join the study’s contact list, email [altransplans@dot.state.al.us](mailto:altransplans@dot.state.al.us)

Alabama Statewide Transportation Plan  
[www.dot.state.al.us/tpmpweb/mp/swtp.html](http://www.dot.state.al.us/tpmpweb/mp/swtp.html)

you’ve got to make it safe in the rural areas.”

In recent years, two homes have burned down because bridges could not safely support fire trucks. In addition, Cleburne County has a stretch of heavily traveled Interstate 20. When there’s a bad wreck, all that traffic is re-routed onto county roads.

ALDOT’s consultants conducted the first round of Public and Stakeholder Meetings in late September, and public comments were collected on all modes of transportation. “When input is received, ALDOT forwards any comments, questions or suggestions for locally maintained or operated elements to the appropriate regional

and/or local entities,” said Doolin.

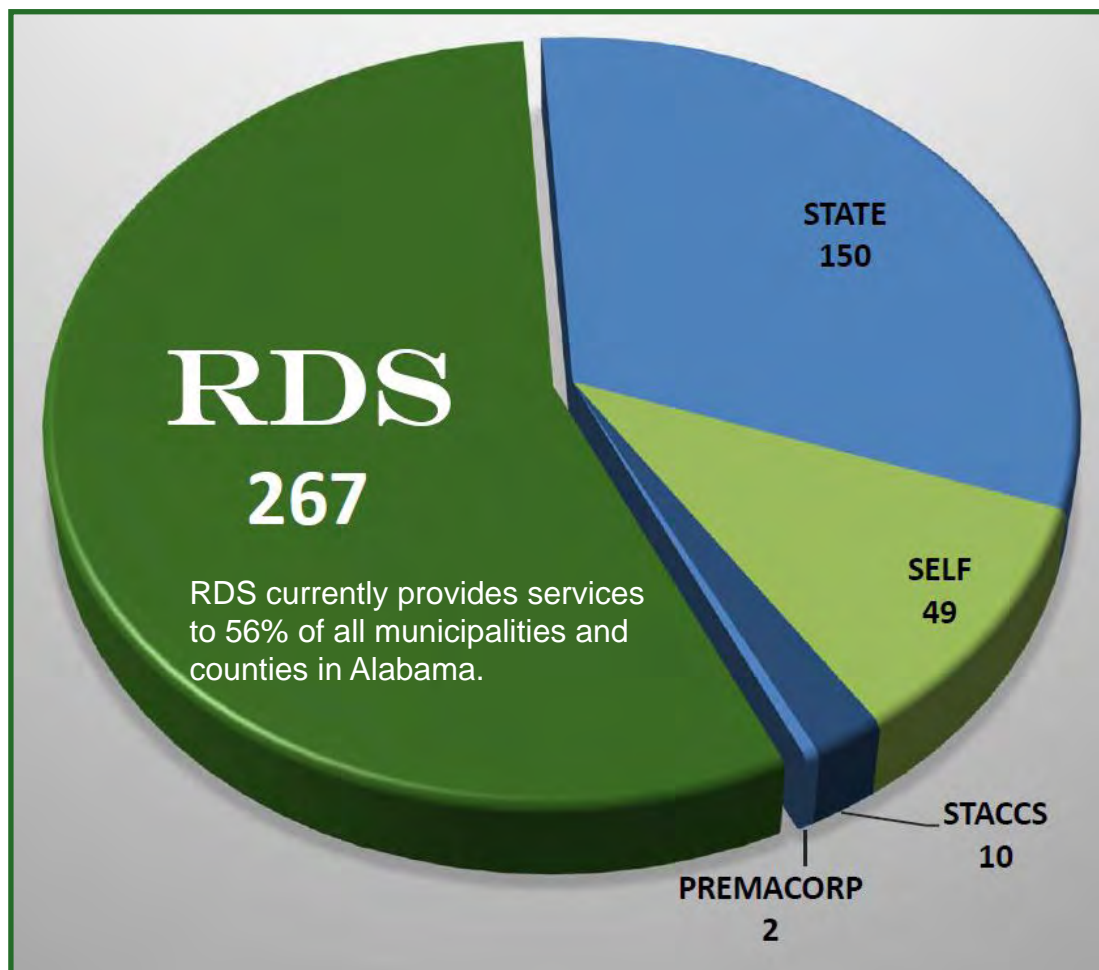
The Statewide Transportation Plan, a federally-mandated document sometimes abbreviated SWTP, is intended to summarize current conditions as well as needs and priorities for the next 25 years. The scope is multi-modal, addressing all modes of travel for passengers and freight – roads and bridges, transit, bicycle/pedestrian, rail, aviation and waterways – as well as linkages connecting different modes.

Alabama’s SWTP, last updated in 2008, is not intended to be a detailed listing of specific projects. Those are collected in the short-term State Transportation Improvement Program (STIP). ■

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# **Alabama Juvenile Justice Task Force**

## **Reforming Juvenile Detention in Alabama**

The Legislature formed the Alabama Juvenile Justice Task Force to review an antiquated system that is putting an undue – and ever-increasing – financial burden on county government, particularly in regards to providing detention housing and transportation.

The 14-member Task Force, chaired by Rep. Dexter Grimsley (D-Henry Co.), must report findings to the Legislature in February; and the group's work is focusing in on at least two potential reforms:

- Increased use of video technology for detention hearings;
- More equitable sharing of costs and responsibilities between counties and municipalities for detention housing, transportation and medical care.

“This problem has been going on for years and years, and I’m optimistic about the Task Force,” said Etowah County Commissioner Tim Choate, who serves as ACCA’s representative on the panel. “We are zeroing in on some recommendations that would help save counties some money and divide other costs more fairly.”

Counties have maintained that some re-balancing is in order based on several considerations. For starters, counties generally pay the bulk of the cost of housing juveniles that are awaiting trial, even

though the majority are taken into custody by municipal police.

Many counties bear the full responsibility for transporting juveniles to their pre-trial detention housing initially and then back-and-forth for court appearances. The inequity of this transportation arrangement is further compounded by two additional factors.

First, 55 of Alabama’s 67 counties do not have a juvenile detention center located within their borders. Secondly, juveniles must have a detention hearing within 72 hours, and this hearing must be before a judge in the county of their arrest. Taken together, this means it is not uncommon for law enforcement to make three round

trips between the arresting county and a regional detention facility in three days or less.

Here’s just one example to illustrate. A juvenile might be arrested by an officer from the Gadsden Police Department and then transported by an Etowah County sheriff’s deputy to a regional facility located across the county line in Anniston, about 30 miles away.

Then, within less than 72 hours, an Etowah County deputy must drive to Anniston to bring the juvenile back to Etowah County for a detention hearing. If the judge rules that the juvenile should be detained until trial, the deputy turns around and transports the juvenile to Anniston to await trial.

Increased utilization of video conferencing holds great promise for saving time and money, and it is authorized under current law, so no legislation would be necessary.

At present, the Task Force’s research indicates that only two of the nine regional detention centers are using video conferencing for detention hearings.

The Anniston facility serves 11 counties and uses video with Marshall and Cherokee counties. The Tuscumbia facility also serves 11 counties and uses video with four – Lauderdale, Morgan, Limestone and Colbert.

Expanded use of video conferencing is under consideration for detention hearings, and this change would



not affect a juvenile's other court appearances.

Still, the cost savings could be significant in addition to freeing up manpower.

"It would be the goal of the Task Force and the Association to utilize video conferencing more, and we look forward to working with counties, the Administrative Office of Courts and detention centers to make that happen," said Chase Cobb, ACCA governmental relations specialist.

Choate said Etowah County is in the process now of setting up video capabilities and that the change has been well received by judges, juvenile defense attorneys and the sheriff's office. "We can relieve our deputies, and they can take care of some of the other things they need to be doing," the long-time commissioner said. "That's a win-win for everybody."

Transportation is one of the areas where many counties bear a disproportionate share of the burden compared to municipalities. Another recommendation under consideration by the Task Force would be for the arresting agency to retain responsibility for transportation.

According to judges, there are some counties where municipalities assist with transportation of juveniles arrested by municipal law enforcement. In addition, there were at least five counties (Autauga, Chambers, Montgomery, Pike and Washington) reporting that municipalities assist with the cost of detention housing.

The Task Force is considering recommending some municipal cost-sharing on housing in detention facilities, particularly for juveniles taken into custody by municipal law enforcement and juveniles who reside in a municipality.

"The work so far is definitely headed in the right direction," said Choate, who brought this problem to the Association's attention. Etowah County spent more than \$300,000 last year on juvenile detention, transportation and medical care.

And Etowah County was not alone in facing skyrocketing costs. An ACCA survey of 16 counties found that, collectively, juvenile detention costs had shot up more than 30 percent over the last decade. Statewide, counties spent at least \$28 million on juveniles last year.

"This is just one example of 'the unified voice of county government' working to make things better for all 67 counties," Choate said. "A problem that surfaced in Etowah County is actually a multi-million dollar collective problem, and I'm honored to be playing some small part in a collective solution." ■

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## How Do Other Counties Do \_\_\_\_?

What would you give for 143 pages of detailed research about how Alabama counties operate? To know how many other counties handle something – say employee health insurance – the same way as your county does it?

If your county is looking to make a change, maybe you want to research what counties already have experience with the option you are considering.

What counties about the same size have built new jails in the last few years? Do you want to reach out to those counties to hear their “lessons learned”?

As an Association member, you do not have to “give” anything more than clicking on a web link to access a PDF version of “Comparative Data on Alabama Counties, 9th Edition, 2015-16.”

Thanks to counties all across the state that generously contributed detailed data through an online survey, every county has a powerful research tool, which is yet another manifestation of the unified voice of county government at work.

Auburn University’s Government and Economic Development Institute conducted the survey on ACCA’s behalf. Responses are presented as they were recorded in the survey, which is truly a snapshot in time.

Budget information is generally from fiscal year 2015-16. County leaders will want to be mindful that some things may have changed since information was submitted, especially related to local acts passed in 2015 and 2016. ■

*Pop Quiz Answers: 1) 47 unit, 17 district, 3 modified unit, 2) 10, 3) Barbour, Bullock & Perry, 4) junkyards*



# POP QUIZ

## Comparative Data on Alabama Counties, 9th ed.



Types of Road Systems



The most popular self-gov ordinance allows counties to abate which nuisance?

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Madison County Commission Chairman Dale Strong on contestants' row during an episode of 'The Price is Right.'

## MADISON COUNTY Chairman Strong, 'Come on Down!'

Back in July, Madison County Chairman Dale Strong thought he had everything planned for a few days of family fun in California before the NACo Annual Conference & Exposition began in Los Angeles County.

Fourteen-year-old Whitney and her brother Harrison, 12, would get to fly in an airplane for the first time. Their mom and dad were looking forward to visiting the Ronald Reagan Presidential Library.

But then, the day before they were set to leave for the West Coast, an email showed up saying, "You have been selected to be in the audience of 'The Price is Right.'" Whitney had requested the tickets months earlier, and the possibility

had been all but forgotten as their itinerary filled up.

A few days later, the Strongs arrived at CBS studios several hours ahead of the afternoon taping.

Groups of audience members were asked, "What's your name? Where are you from?"

"I'm Dale Strong and I'm from Huntsville, Alabama," the

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chairman answered, prompting two of the gameshow's staff members to exchange a look.

The next question was tougher: what's your favorite 'Price is Right' game? Strong said the only one he could remember was Plinkco. That was it for the screening, and before long the enthusiastic audience members all took their seats on the familiar set.

"It was like a rock concert. You couldn't even hear," Strong recalled.

But still, when his name was called, he knew what to do, and he ran down the aisle high-fiving people as he made his way to contestants' row.

He got beat out on his prices for a coffee table and a digital camera. During a pause in the taping, a staff member told him, "Your southern drawl is what got you here."

"What southern drawl?" Strong shot back.

Maybe he would have had more success guessing prices for motorgraders or asphalt. The father of two said he thought he had a good shot pricing a trampoline, but no luck there either.

During another break, host Drew Carey chatted briefly with contestants. This was Strong's big chance to promote his county, but he only had a few seconds to make an impression.

"I said, 'I'm from Rocket City USA – Huntsville Alabama. I'm Dale Strong,'" and then Carey started listing off words such as "NASA," "propulsion," "Apollo" and "Saturn."

"He knew a lot about Madison County," Strong recalled later, describing the host as intellectual.


The taping was in July, but no one outside Strong's immediate family knew that the episode would air on October 4 – until the chairman gave his Facebook friends a 10-minute heads up that day.

Though he did not advance beyond contestants' row, Strong said it was a great experience, noting that audience members won \$40,000 worth of prizes that day, and a man from Birmingham won a car.

"I'm probably a better 'Family Feud' person," Strong said.

And, even for someone who has been a commissioner for more than 20 years, the gameshow appearance has given him a boost in the county.

"I have had more people walk up to me and say 'I saw you on 'The Price is Right,'" he said. "You learn a lot at our conferences, but this is one I'll never forget." ■



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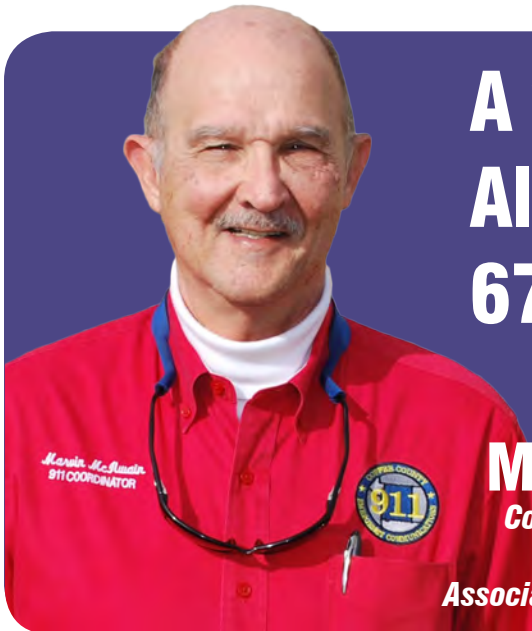
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## A voice from Alabama's 67 counties

**Marvin McIlwain**  
*Coffee County 9-1-1 Coordinator  
& President, Alabama  
Association of 9-1-1 Districts (AAND)*

**Q** How long have you worked in county government?

**A** I have worked in county government for more than 40 years...Served as Coroner of Coffee County for 25+ years, Solid Waste Enforcement Officer for 2+ years and presently serving as Coffee County 9-1-1 Coordinator since 2004.

As a youngster, I was raised in a courthouse! My father was Clerk of Commissioners' Court (the position now known as county administrator) in Washington County.

**Q** Are there technological innovations coming that will change how citizens use 9-1-1?

**A** Yes, good or bad, texting and videos are in the 9-1-1 call takers' and dispatchers' immediate future! With this younger

generation, it seems that texting is easier than just simply talking...and they have a language of their own!

**Q** What advances are underway to improve the ability to locate 9-1-1 callers on mobile phones?

**A** Sadly, the location requirements are governed by the FCC, and quite frankly, the industry is sometimes not held to standards. Our ability to locate a cell caller depends on the type technology used by the cell providers to deliver the location data. Some are better than others.

About 85 to 90 percent of 9-1-1 calls coming into our centers are

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delivered via cell phone. Landline 9-1-1 calls continue to shrink on a daily basis.

**Q In layman's terms, what is ANGEN?**

**A** The acronym stands for Alabama Next Generation Emergency Network, which to me means a statewide internet protocol network to deliver all 9-1-1 calls, both cell and landline. It will also allow better connectivity between the state's 88 ECDs (emergency call districts) providing greater continuity.

**Q What is the current status of the ANGEN project?**

**A** The Alabama 9-1-1 Board is presently in the process of negotiating a contract

to install, maintain and provide this statewide system.

At the local level, our concern is that we want to see a stable funding mechanism in place for this statewide 9-1-1 system.

We believe that this can be accomplished without any additional funding

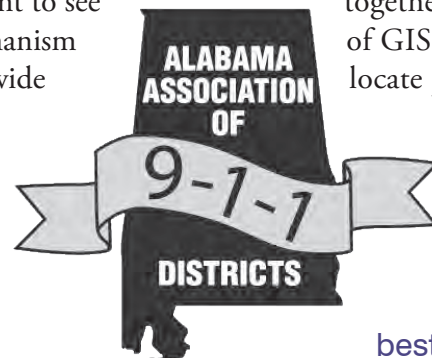
**Q With so many different public services relying on GIS (geographic information systems), how much collaboration is taking place? What are the unique strengths that 9-1-1 brings to the table?**

**A** There is more collaboration than I've ever seen, and it's

increasing on a daily basis. The 9-1-1 community has the best platforms to bring all the principals together in the utilization of GIS. The ability to locate people and places is an important part of our job!

**Q What is your best advice for establishing and maintaining good working relationships with county commissioners?**

**A** The best advice I can give is to get to know the commissioners on a personal basis. By doing this, you can better convey to them your needs. Do all that you can to make them understand what 9-1-1 is all about, and answer any questions they may



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## SPEED DRILL with Marvin McIlwain

**Favorite football team?** *Auburn (attended school there) |*  
**Cats or dogs?** *Love dogs but no pets – travel too much! |*  
**Favorite holiday?** *Christmas because it mainly focuses on*  
*Christ & family! |* **No. 1 quality you look for in co-workers?**  
*Sincerity/Dedication |* **First paying job?** *Bagging groceries*  
*before I was 16 |* **Dine in or eat out?** *Eat out |* **Is the glass**  
**half full or half empty?** *Half full always |* **As a child, I wanted**  
**to be *like my father* when I grew up. |** **What's the next thing**  
**you want to binge watch?** *History Channel* ■

have no matter how insignificant they might seem. I try to attend every commission meeting.

It is my opinion that present technology, along with whatever is to come, demands it!

**Q** What are the Alabama Association of 9-1-1 Districts' (AAND) priorities for 2016-17?

**A** The implementation of the statewide 9-1-1 system (ANGEN). It is very important that this happen, not only for the 9-1-1 community, but for the citizens of this state.

**Q** What are the biggest benefits of AAND membership?

**A** It is an avenue we can use to better relate to state officials in a united front. In reality, it is our gateway to the Alabama State Legislature to get any legislation passed that is needed in order to provide the best 9-1-1 service

possible to the citizens of Alabama.

It is the "bridge" used by the 9-1-1 community to connect with the ACCA to strengthen our ability to get our "message," whatever it may be, across in a unified manner. As a bonus, training is provided through the ACCA for our 9-1-1 directors and coordinators making them even more qualified to perform their duties.

**Q** What does "67 Counties, One Voice" mean to you?

**A** It means just what it says, 67 Counties speaking as One! Yes, we are 67 separate counties, and in many respects, very different. We are much like a family – each family member is an individual having different views, but we come together, hash out the differences, come to an agreement, and speak as one unified group...thus the ACCA. ■

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