

March 6, 2007

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The Choctaw Sun

Shining Brightly Over Southwest Alabama



Cleaning Up
Butler ... 2A

Briefs

Gumbo meal, auction to benefit A Secret Safe Place for Newborns

CHATOM -- A silent auction and gumbo/potato soup social gathering to benefit A Secret Safe Place for Newborns, will be held Thursday, March 8th from 6-8 p.m. at the Chatom Community Center.

Children are welcome, and tickets may be picked up at First United Security Bank in Gilberttown.

All donations of items for auction will be appreciated. Auction items will include trips, gift certificates, home decor and much more.

County's firefighters to meet

BUTLER -- The Choctaw Co. Association of Volunteer Fire Departments will meet Friday, March 9th at the, Butler Fire Hall, for their annual meeting to elect officers

The meeting will begin at 7 p.m. and will feature a delicious meal.

REMINDER!

Daylight Savings Time begins Sunday morning, March 11 at 2 a.m. Remember to set your clocks/watches FORWARD one hour.

Almanac

TUESDAY, MARCH 6

Sunny
Hi 71 • Lo 36
Rain chance 0%
Sunrise: 6:15 a.m.
Sunset: 5:55 p.m.

WEDNESDAY, MARCH 7

Partly Cloudy
Hi 74 • Lo 40
Rain chance 0%
Sunrise: 6:14 a.m.
Sunset: 5:56 p.m.

THURSDAY, MARCH 8

Partly Cloudy
Hi 75 • Lo 42
Rain chance 10%
Sunrise: 6:12 a.m.
Sunset: 5:56 p.m.

FRIDAY, MARCH 9

Partly cloudy
Hi 78 • Lo 47
Rain chance 10%
Sunrise: 6:11 a.m.
Sunset: 5:57 p.m.



Choctaw Sun photo by Dee Ann Campbell

Woman injured when car hits bridge

JACHIN -- A one-vehicle accident Saturday afternoon injured the driver and only occupant of this car who reportedly struck a bridge abutment on Ala. Hwy. 17 south of Jachin. Jessica Tucker was taken by Choctaw EMS Ambulance to a Chatom hospital where she was reportedly later airlifted by LifeFlight helicopter ambulance to a Mobile hospital. Her condition was not known at presstime. Members of the Choctaw Co. Rescue Squad used their Jaws of Life® tool to help free Miss Tucker from the vehicle. Members of the Butler Police Department, Choctaw Co. Sheriff's Department, and Butler Vol. Fire Department also responded to the scene. State Trooper Chuck Gilliland was the investigating officer. The incident was reported to the Choctaw E-911 Dispatch Center.

School system in violation of Accountability Act

■ Dept. of Education gives time limit for compliance before state take-over

By Dee Ann Campbell
The Choctaw Sun

BUTLER -- The Choctaw County school system is one of 29 systems across the state that are not in compliance with the Accountability Act of 2006, and that non-compliance may mean a state take-over if not corrected soon.

Assistant Superintendent of Education Craig Pouncey told the Sun on Monday that the county was in violation of legislation passed last March that mandates each system to maintain a fiscally sound budget, including the maintenance of a reserve of one month's operating expenses.

According to Section 16-13A-9 of the Act, "a local board of education shall develop a plan to establish and maintain a minimum reserve fund equal to one month's operating expenses."

According to the state Department of Education, Choctaw County maintains a reserve that totals about 3/10 of one month's expenses.

If not corrected, the problem could result in action taken by the state within

the next 2 years.

According to the Accountability Act: "If a local board of education is determined to have submitted fiscally unsound financial reports, the State Department of Education shall provide assistance and advice. If during the assistance the state Superintendent of Education determines that the local board of education is in an unsound fiscal position, a person or persons shall be appointed by the State Superintendent of Education to advise the day-to-day operations of the local board of education... If after a reasonable period of time the State Superintendent of Education determines that the local board of education is still in an unsound fiscal condition, a request shall be made to the State Board of Education for the direct control of the fiscal operation of the local board of education."

Choctaw County's inability to comply with the Act stems, in part, from a constitutional amendment that was passed by Alabama voters last November. The amendment mandates that each school system contribute at least 10 mills in tax revenue to the state for salaries for teacher units.

Choctaw County levies 14 mills for education, an amount that more than exceeds the required millage. But because a significant portion of the county's school tax revenue is being used to pay for the new schools that were con-

SEE SCHOOLS, PAGE 5A

E-911 wins federal court case

By Tommy Campbell
The Choctaw Sun

MOBILE -- A federal judge in late February ruled in favor of the Choctaw County E-911 Communication District in one round of a lengthy and still-ongoing court battle that still must be played out at some point in the Circuit Court of Choctaw County.

A bench trial was held in the U.S. District Court for the Southern District of Alabama on Nov. 15, 2006, and U.S. District Judge W. Brevard Hand -- in a declaratory judgment issued on Feb. 26th -- found in favor of the local E-911 district which had been sued by its liability insurance carrier, American Alternative Insurance Company, in regard to a dispute involving another, separate, class-action lawsuit against the emergency dispatch agency.

"Upon consideration of all the evidence presented at trial, the arguments of counsel, and all other pertinent portions of the record, the Court concludes that judgment is due to be entered in favor of the defendant," Judge Hand wrote in the 16-page document.

The matter is rooted in a class-action lawsuit filed on March 13, 2000 in the Circuit Court of Choctaw County by local residents Chalonde Lassiter and Peggy Turner who alleged, among other things, that the local E-911 service was not "on line" within the time limit prescribed by state law. The plaintiffs demanded a full refund of all fees collected up until that point along with interest and court costs.

At some point in time, Lassiter was removed as a plaintiff in the suit and was replaced by Joseph W. "Joe" Hutchinson, Jr., of Gilberttown.

The AAIC later sued the E-911 district, claiming that -- because the agency was aware of the fact that the service was not on line within a 36-month window from the time collections began on the monthly \$2 telephone service charges and the time the service was placed in service -- it should not be held responsible for any amount that might have to be refunded, nor for any further costs associated with defending the District against that lawsuit.

"The district shall have service on line no later than 36 months from the start of collections or suspend all collections until the district provides the service and shall refund all collections made during this 36-month period of time," the Code of Alabama, Sec. 11-98-5(a)(1) states.

Citizens voted to approve a \$2 monthly "tax" upon themselves with which to fund the service in a referendum on June 4, 1996. Local phone companies began collecting the fees in August of that year.

It was October 25th before the E-911 District received any of the collected funds. Judge Hand found that once the District

SEE E-911, PAGE 3A

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