

THE ALABAMA MUNICIPAL **JOURNAL**

May 2003

Volume 60, Number 11

2003 Convention Review



Governor Bob Riley addressed convention delegates during the Monday luncheon.

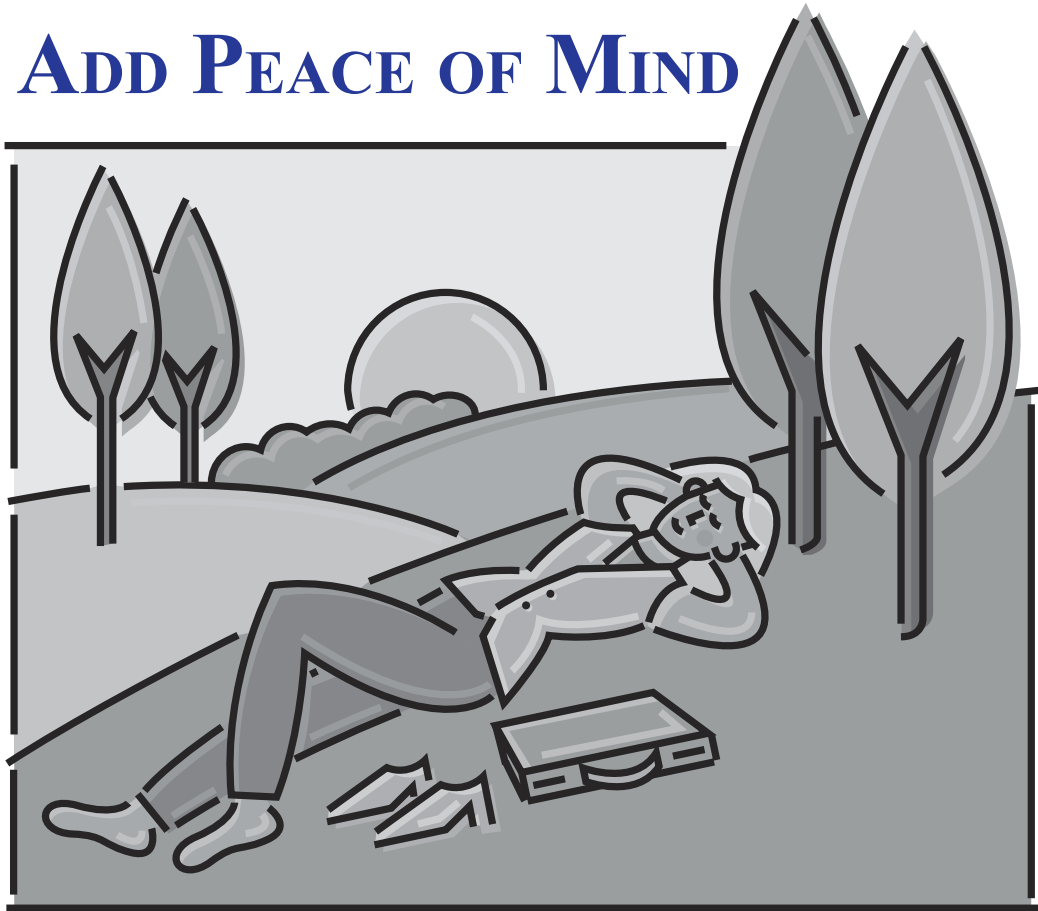
Inside:

- **Minutes from the General Business Session**
- **2003 Distinguished Service Awards**
- **Address – President's Banquet**
- **Director's Report**
- **The League's Legal Department – A User's Guide**

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102
CHANGE SERVICE REQUESTED

Presorted Std.
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

ADD PEACE OF MIND



By joining our Municipal Workers Compensation Fund!

- Discounts Available
- Accident Analysis
- Personalized Service
- Monthly Status Reports
- Directed by Veteran Municipal Officials from Alabama
- Over 550 Municipal Entities Participating

Write or Call TODAY:

Steve Martin
Municipal Workers
Compensation Fund, Inc.
P.O. Box 1270
Montgomery, AL 36102
334-262-2566



Millennium Risk Managers
P.O. Box 26159
Birmingham, AL 35260
1-888-736-0210

THE ALABAMA MUNICIPAL JOURNAL

Official Publication, Alabama League of Municipalities

May 2003 • Volume 60, Number 11

• OFFICERS

DAN WILLIAMS, Mayor, Athens, President
 JIM BYARD, JR., Mayor, Prattville, Vice President
 PERRY C. ROQUEMORE, JR., Montgomery, Executive Director

• CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

MICHAEL C. DOW, Mayor, Mobile, Chair
 CARROLL L. WATSON, Lincoln, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

CHARLES MURPHY, Mayor, Robertsedale, Chair
 JAY JAXON, Mayor, Eufaula, Vice Chair

Committee on Energy, Environment and Natural Resources

DEBBIE QUINN, Councilmember, Fairhope, Chair
 ARTHUR DAVIS, Councilmember, Calera, Vice Chair

Committee on Community and Economic Development

BOB BUNTING, Mayor, Ozark, Chair
 LEE GARRISON, Councilmember, Tuscaloosa, Vice Chair

Committee on Transportation, Public Safety and Communication

DON MOORE, Councilmember, Uniontown, Chair
 LEWIS E. WASHINGTON, SR., Councilmember, Wetumpka, Vice Chair

Committee on Human Development

TOM OWINGS, Councilmember, Brent, Chair
 RANDALL SHEDD, Mayor, Fairview, Vice Chair

• THE STAFF

PERRY C. ROQUEMORE, JR., Executive Director, perryr@alalm.org
 KEN SMITH, Deputy Director/Chief Counsel, kens@alalm.org
 STEPHEN S. MARTIN, Finance Director, stevem@alalm.org
 ROBERT C. BLACK, General Counsel
 CARRIE A. BANKS, Communications Director, carrieb@alalm.org
 GREGORY D. COCHRAN, Director, State and Federal Relations, gregc@alalm.org
 EDYE GOERTZ, Member Services Director, edyeg@alalm.org
 LORI LEIN, League Counsel, loril@alalm.org
 MARY ELLEN HARRISON, Staff Attorney, marye@alalm.org
 TWANNA MILLER KING, Legal Research, twannak@alalm.org
 SHARON CARR, Administrative Assistant, sharonc@alalm.org
 FAITH ANN GUNN, Accounting Manager, faitha@alalm.org
 THERESA ROGERS, CMO Program Administrator, theresar@alalm.org
 RACHEL WAGNER, Librarian, rachelw@alalm.org
 LAURA ANNE WHATLEY, Legal/Communications Assistant, lauraw@alalm.org
 STEVE WELLS, President, AMIC, stewew@AMICentral.org

• ACTIVE MEMBERS (443)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileytown, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Blountsville, Blue Springs, Boaz, Boligee, Branchville, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Cardiff, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeetown, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Ethelsville, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florida, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Frisco City, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Gu-Win Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Haleburg, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, Lafayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, Madison, Madrid, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mountaiboro, Mulga, Munford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, North Johns, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orrville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Petrey, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pisgah, Pleasant Grove, Pleasant Groves, Pollard, Powell, Prattville, Pricewille, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, Roanoke, Robertsedale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Sheffield, Shorter, Silas, Silverhill, Sipsey, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tusculum, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

Published monthly by The Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104, telephone (334) 262-2566. Web address: www.alalm.org. Single copies, \$2.00. By subscription, \$24.00 per year. Advertising rates and circulation statement available at www.alalm.org or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.

Contents

<i>Opening Session Address of the 2003 League Convention ..4</i>	
<i>Cities and Towns are Now Frontline in Homeland Defense</i>	
<i>Minutes of the General Business Session</i>	<i>7</i>
<i>President's Report</i>	<i>17</i>
<i>Address – President's Banquet 2003 League Convention</i>	
<i>Municipal Overview</i>	<i>19</i>
<i>Director's Report, League Convention, April 29, 2003</i>	
<i>Mayor Jim Byard, Jr. Elected League Vice President</i>	<i>22</i>
<i>Job Listing</i>	<i>22</i>
<i>Environmental Outlook</i>	<i>24</i>
<i>Tallapoosa River Named to National Endangered List</i>	
<i>The Legal Viewpoint</i>	<i>26</i>
<i>The League's Legal Department – A User's Guide</i>	
<i>Legal Notes</i>	<i>30</i>
<i>League Remembers Ben Carlton</i>	<i>32</i>
<i>Our Apologies</i>	<i>32</i>
<i>Distinguished Service Awards Presented</i>	<i>35</i>
<i>Speaking of Retirement</i>	<i>37</i>

CITIES AND TOWNS ARE NOW FRONTLINE IN HOMELAND DEFENSE

By George Roy, Mayor, Calera
Immediate Past President

Mayor Williams, Mayor Spencer, Mayor De Steano, Ladies and Gentlemen: As I stand before you this morning at the Alabama League of Municipalities' 2003 Convention Opening Session, I am honored to have served as your president this past year. I deeply appreciate the opportunities you have given me and I thank you for your confidence in me and for your friendship.

Mayor Spencer, as in years past, the hospitality of Huntsville has been outstanding. I'm sure I speak for all convention delegates and guests when I say we are having a wonderful stay in your great city.

I also want to thank Mayor Dan Williams for his service this year as League Vice President and for the support he has given me this past year. He is truly dedicated to his community, his citizens and the League principles which guide us.

The Alabama League of Municipalities is a dynamic and growing organization. As elected officials, we are fortunate to be part of such a well-run and well maintained membership organization – one that has safe-guarded our interests since its inception in 1935. In keeping with its high standards, this past year the League endorsed several new programs to assist its members: a deferred compensation program offered through AIG-VALIC; a catastrophic insurance plan offered by Benefits of America; and a program offered by Link2Gov to assist municipalities in collecting fees through credit cards. In addition, our League has just begun sponsoring a new technical services program designed to assist member cities with cable franchise management.

There is just no way I can say enough about our executive director and his staff. Perry Roquemore never slows down. He is the strength of our organization. He continuously strives for changes in our policy and goals that



will make our cities a better place to live. I don't want to name any members of his staff by name because I might miss someone. I will just say thanks to all – you are a great and dedicated group. I appreciate your help this past year. I could not have done my job without you.

A lot has happened over the past year. The Congress of Cities held in Salt Lake City in December had a great attendance by Alabama League members. In my opinion, it was one of the best national conferences I've ever attended. Our own Cynthia McCollum, council member from Madison, was elected to the NLC Board

of Directors at the meeting. I know she will represent us well on this important body. During our NLC Congressional City Conference held in Washington, D.C. on March 9th-12th, much of the program was centered on the events of September 11th and the War Against Terrorism. The address from General Richard Myers marked the first time a major military leader had spoken to NLC delegates.

And now our great nation has just completed the battlefield portion of Operation Iraqi Freedom – a war that has already made history for its expedience. Alabama has one of the largest contingencies of National Guard, reservists and active military personnel participating in this effort. You know them. They're our sons and daughters, brothers and sisters, next-door-neighbors. In some cases, they are elected officials, police officers, firefighters, municipal employees. And while these heroes are fighting for the liberty and freedom of a dreadfully oppressed country, our cities and towns have been faced with the challenge of operating under a reduced workforce – without the expertise of key employees.

In addition, we find ourselves faced with the issue of Homeland Security. Municipalities have had to take on a direct role in what was once considered a federal responsibility. Without doubt, our cities and towns are now

the frontline in homeland defense. It's been – and will continue to be – a very costly responsibility.

I am happy to report, however, that President Bush signed an emergency wartime supplemental spending bill (H.R. 1559) last week that includes \$2.23 billion in first responder assistance to local governments and states. The \$2.23 billion will be available through the Department of Homeland Security's Office of Domestic Preparedness within 60 days after the President signs the bill into law. Of the \$2.23 billion appropriated, specific allocations are as follows:

- \$1.3 billion is designated for equipment, planning and first responder training and exercises. The money will be dispersed to states; and the states must direct at least **80 percent** of the funds to local governments within 45 days of receipt.

- \$200 million is allocated for critical infrastructure protection grants where at least **50 percent** of the funds will be directed to local governments through the states, based upon the projected timeline above. The legislation permits use of the critical infrastructure protection grants for operational costs, "to include personnel overtime as needed."

- \$700 million is designated for discretionary grants to "high-density urban areas; high-threat areas; and for protection of critical infrastructure." The legislation also allows use of this funding for personnel overtime and requires that "no less than **80 percent** of any grant to a state shall be transferred ... to local governments within 45 days of receipt.

Our State Legislature is currently considering legislation to create an Alabama Department of Homeland Security to oversee our anti-terrorism efforts. The League has been working with the proponents of this legislation to ensure that municipal interests are protected.

The State of Alabama is also facing a serious and looming financial black cloud – one that could be detrimental to our cities and towns if we aren't diligent. It's estimated that 500 to 600 million dollars in *new* revenue is needed just to float the state budget. A number of proposals are being discussed to raise this necessary revenue, and it's expected that Governor Riley will call a special session to deal solely with tax reform in an effort to contain the on-going state budget crisis. As elected officials, it becomes our responsibility to make sure that – in passing new legislation and/or taxes to raise funds – the Legislature does not limit the authority of municipal leaders to generate sufficient revenue to operate our cities and towns. We must also be painstakingly steady in our efforts to ensure that money and funding belonging to municipalities *stays* with municipalities.

NLC's annual City Fiscal Conditions Survey indicated that municipalities have been hurt by the economic downturn and the surge in local homeland security spending. However, it appears that – despite the bleak forecast – our cities have survived and we continue to make progress. In fact, Shelby County, which is my county, continues to be the fastest growing county in the state. And Calera, my city, is one of the fastest growing cities. With the low interest rates, homes have continued to sell at a rapid pace.

I know each of you joins me in the on-going effort to keep our cities and towns viable – to ensure growth and stability for future generations. That's one of the very reasons we were entrusted with the offices we now hold. Therefore, we must never forget *who* we serve and *why* we serve.

We are at the midpoint of this year's legislative session. Despite the current slowdown, many League bills have received committee approval and several have passed the House of Representatives. We must continue to read our Legislative Bulletins and continue to contact our legislators on issues of vital interest.

As Aristotle once said: "We are what we repeatedly do. Excellence, then, is not an act, but a habit."

Definitely words to live by.

Thank you for allowing me to serve as your president this past year. God bless. ■



John DeStefano, Mayor of New Haven Connecticut and President of the National League of Cities, was a keynote speaker during the Opening Session.

Proudly delivering
dependable, reliable
natural gas for
over 150 years
to almost 500,000
customers.



www.alagasco.com



AlaTax

Local Government Solutions

AlaTax Local Government Solutions, known and trusted throughout Alabama for state-of-the-art tax collection, processing and auditing services, continues to strengthen our commitment to Alabama local government.

We are partnering with other leading companies dedicated to your efficiency to offer products and services designed for your success.

Contact the AlaTax Solutions Team at 1-800-556-7274 ext. 411.

AlaTax Local Government Solutions

3001 Second Avenue South • Birmingham, Alabama 35233

Phone 205-324-0088 • Fax 205-324-1538

www.alatax.com

Minutes of the General Business Session

Alabama League of Municipalities

Huntsville, Alabama

April 29, 2003

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 3:00 p.m., April 29, 2003, by President George Roy of Calera, at the Huntsville Hilton Hotel in Huntsville, Alabama. President Roy thanked everyone for their attendance at the annual business session and for their efforts on behalf of the League during the past year. He also thanked the membership for giving him the opportunity of serving as President during the past year.

The President then called upon Perry C. Roquemore, Jr., Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Roquemore expressed his appreciation for the support of the officers, staff and membership during the past year. He stated that the League membership was now at 443 cities and towns and that the League finances would be adequate for fiscal year 2002-2003. Mr. Roquemore informed members as to the status of the League's 2003 Legislative Package.

President Roy then called on Mayor Leon Smith of Oxford, President of the Municipal Workers' Compensation Fund, Inc., for an annual report. Mayor Sue Glidewell of Rainbow City, Chair of the Alabama Municipal Insurance Corporation (AMIC), was then called on to make AMIC's annual report.

President Roy read the rules relating to voting at the League's business session. The President then called upon Mayor Lew Watson of Lincoln, Vice Chairman of the Resolutions Committee, for the committee's report. Mayor Watson reported that the Resolutions Committee had met on Sunday, April 27, and had recommended that the League's Proposed Policies and Goals for 2003 be adopted with the following amendment:

1. That Policy Position **H-6.8(a)** be amended by changing to word "support" to "urges".

Mayor Watson moved adoption of the Policies and Goals for 2003, as amended, which motion was seconded by Mayor Sheldon Day of Thomasville. The motion carried.

Mayor Watson then presented the resolutions for adoption. Mayor Bernard Kincaid of Birmingham requested that Resolution No. 53 be voted on separately. Mayor Watson moved adoption of Resolutions 1-52 and 54-55. The motion, which was seconded by Mayor Bobby Hayes of Pelham, carried unanimously.

Following a reading of Resolution No. 53, Mayor Watson moved adoption of Resolution No. 53, which motion was

seconded by Council President Alice Reynolds of Montgomery. The resolution was passed on a voice vote. Mayor Kincaid asked that the minutes show that he voted "no" on the resolution. A copy of all resolutions that were adopted is attached to these minutes.

President Roy then called upon Mayor Steve Means of Gadsden to present the report of the Nominating Committee. Mayor Means reported that the Nominating Committee had met and had recommended the following persons:

President – Mayor Dan Williams, Athens

Vice President – Mayor Jim Byard, Jr., Prattville

Executive Director – Perry C. Roquemore, Jr., Montgomery

Mayor Leon Smith of Oxford moved adoption of this portion of the Nominating Committee report. The motion was seconded by Mayor Lew Watson of Lincoln. The motion carried unanimously and all officers were declared elected. Mayor Means then presented the rest of the Nominating Committee Report:

For Chair and Vice Chair of the Standing Committees of the League

Committee on State and Federal Legislation

Chair – Mayor Mike Dow, Mobile

Vice Chair – Mayor Carroll L. Watson, Lincoln

Committee on Finance, Administration and Intergovernmental Relations

Chair – Mayor Charles Murphy, Robertsdale

Vice Chair – Mayor Jay Jaxon, Eufaula

Committee on Energy, Environment and Natural Resources

Chair – Council Member Debbie Quinn, Fairhope

Vice Chair – Council Member Arthur Davis, Calera

Committee on Community and Economic Development

Chair – Mayor Bob Bunting, Ozark

Vice Chair – Council Member Lee Garrison, Tuscaloosa

continued next page

Committee on Transportation, Public Safety and Communications

Chair – Council Member Don Moore, Uniontown
Vice Chair – Council Member Lewis Washington, Sr., Wetumpka

Committee on Human Development

Chair – Council Member Tom Owings, Brent
Vice Chair – Mayor Randall Shedd, Fairview

Executive Committee

First Congressional District:

Mayor Richard Long, Jackson
Mayor Tim Russell, Foley
Mayor E. Harry Brown, Daphne
Council Member Mike Ford, Fairhope
Mayor Howard Shell, Atmore

Second Congressional District:

Council Member Pep Pilgreen, Montgomery
Mayor Curtis Jackson, Autaugaville
Mayor Frank Houston, Coosada
Mayor Rebecca Beasley, Clayton
Mayor Fred McNab, Pinckard

Third Congressional District:

Council Member Charles Woods, Childersburg
Mayor Charles Fagan, Piedmont
Mayor Ed Kimbrough, Weaver
Council Member Marshall Shaddix, Oxford
Mayor Betty Ziglar, Roanoke

Fourth Congressional District:

Council Member Robert Earnest, Winfield
Mayor Charles O’Rear, Attalla
Mayor Roy Dobbs, Berry
Council Member Jerry Groce, Russellville
Mayor Wally Burns, Southside

Fifth Congressional District:

Mayor Loretta Spencer, Huntsville
Council Member Cynthia McCollum, Madison
Mayor Melvin Duran, Priceville
Council Member Jimmie B. Slay, Littleville
Council Member Jo Ann S. Thomas, Florence

Sixth Congressional District:

Mayor Bernard Kincaid, Birmingham
Mayor Wayne Tuggle, Graysville
Mayor Harvey Fretwell, Northport
Mayor Charles Penhale, Helena

Mayor Bobby Hayes, Pelham

Seventh Congressional District:

Council Member Jesse Matthews, Bessemer
Mayor Austin Caldwell, Demopolis
Council Member Rita Franklin, Selma
Council Member Roberta Jordan, Pine Hill
Mayor Ed Daniel, Marion

Ex Officio Members (Active Past Presidents)

Mayor Steve Means, Gadsden
Mayor Alvin P. Dupont, Tuscaloosa
Mayor Sue Glidewell, Rainbow City
Mayor Bobby Payne, Tallassee
Mayor Leon Smith, Oxford
Mayor Ted Jennings, Brewton
Mayor Billy Joe Driver, Clanton
Council President Alice Reynolds, Montgomery
Mayor George Roy, Calera

Mayor Means moved adoption of this portion of the Nominating Committee report. The motion was seconded by Council Member Robert Ernest of Winfield. The motion carried unanimously and all officers were declared elected. A copy of the full report is attached to these minutes.

Mayor Loretta Spencer of Huntsville made the report of the Site Selection Committee. She stated that the League convention would be held in future years as follows: May 22-25, 2004 – Birmingham; May 21-24, 2005 – Montgomery; May 6-9, 2006, Mobile; and April 21-24, 2007, Huntsville. Mayor Spencer moved adoption of the report, which was seconded by Mayor Leon Smith of Oxford. The Site Selection report was approved and a copy is attached to these minutes.

There being no further business, the meeting was adjourned.

Perry C. Roquemore, Jr.
Acting Secretary

RESOLUTION NO. 1

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their deep appreciation to Mayor Loretta Spencer and members of the Huntsville City Council and their spouses, and their respective staffs for their hospitality and assistance in planning and promoting this convention, and for their help in the daily operation of a very successful convention. Their work and dedication has made this year’s convention one of the most successful and enjoyable in recent years.

RESOLUTION NO. 2

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their deep appreciation to Governor Bob Riley for his excellent address at the Luncheon on Monday during our convention.

RESOLUTION NO. 3

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their deep appreciation to John DeStefano, Mayor, New Haven Connecticut, President, National League of Cities, for his outstanding address during the Opening Session on Monday morning of our convention. We wish the best for him and our national organization as they continue, at the federal level, to oversee the interests of municipal government throughout the country.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the Assistant Attorney General Carol Jean Smith and the AAMCA Players for their participation during The Reel Council Meeting session held Monday morning.

RESOLUTION NO. 5

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they sincerely thank the Alabama Congressional Delegation, namely Congressman Jo Bonner, Congressman Terry Everett, Congressman Michael Rogers, Congressman Robert Aderholt, Congressman Bud Cramer, Congressman Spencer Bachus, Congressman Artur Davis, Senator Richard Shelby and Senator Jeff Sessions for their interest in promoting the affairs of Alabama municipalities in the Congress of the United States. We urge them to continue the spirit of unity which prevails in our Congressional Delegation.

RESOLUTION NO. 6

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank the leadership of the Alabama House of Representatives for supporting League legislation and assisting the League when possible during the legislative process, namely: Seth Hammett, Speaker of the House; Demetrius Newton, Speaker Pro Tempore; Representative Jack Venable, Chairman of the House Rules Committee;

and Representative Bill Dukes, Chairman, House County and Municipal Government Committee.

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do wish to thank the leadership of the Alabama Senate for supporting League legislation and for assisting the League when possible during the legislative process, namely: Lucy Baxley, Lieutenant Governor; Lowell Barron, President Pro Tempore of the Senate; and Senator Jim Preuitt, Chairman of the Senate Rules Committee. We also want to thank the Senators who chaired committees vital to local government legislation.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank William W. Sanderson, Jr. of Lanier, Ford, Shaver & Payne for his presentation during the Annual Meeting of the Alabama Municipal Insurance Corporation on Saturday afternoon of this convention.

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: Corky Taylor, President, Bencor, Inc.; Dr. Leonard Zumpano, Alabama Real Estate Research & Education Center; Ralph Cobb, Fire Chief, Madison and President, AL Association of Fire Chiefs; Ian Hill, Reno, NV; Karen Seale, Executive Director, Design Alabama, Inc.; Cathy Back, Main Street Director, Gadsden; Neil Davis, Davis Architecture, Birmingham; and Deborah McGill, Planner for Jefferson Metropolitan Industrial Park, McCalla.

RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the following persons for their presentations during the second set of concurrent sessions held on Monday afternoon of this convention: Judy Ryals, Director, Huntsville/Madison County Convention & Visitors Bureau, Moderator; Lee Sentell, Director, Alabama Bureau of Travel & Tourism; Pam Swanner, Director, Decatur/Morgan County Convention & Visitors Bureau; Herb Malone, President/

continued next page

CEO, Alabama Gulf Coast Convention & Visitors Bureau; C.W. Colson, Jr., ALDOT; Chief Jeff Manuel, Demopolis Police Department; Chief Terry Sanders, Bay Minette Police Department; Carrie Banks, Communications Director, Alabama League of Municipalities; and Connie Manoliu, Marketing and IT Director, Walker Printing Company.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their appreciation to the Honorable Carol Jean Smith and to the Honorable Brenda Flowers Smith, Assistant Attorneys General, for their considerable help during the past year and for their continued assistance in answering the requests of Alabama municipalities. We also thank Carol Jean Smith for participating in the program of this convention.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Honorable Bill Pryor, Attorney General, State of Alabama.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their sincere appreciation to the participants at the Municipal Law Conference and in particular do they thank Perry Roquemore, Executive Director, Alabama League of Municipalities; Brad Bishop, Professor, Cumberland School of Law; Bennett Bearden, Assistant City Attorney, Tuscaloosa; Claudia Anderson, Assistant City Attorney, Huntsville; Wanda Cochran, Assistant City Attorney, Mobile; Ben Goldman, Porter, Porter & Hassinger; and Carol Jean Smith, Assistant Attorney General

RESOLUTION NO. 13

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their thanks to the participants on the Municipal Judges Program and particularly do they thank Hon. Wanda Rahman, Mobile Municipal Judge, President, Municipal Judges' Association; Hon. Charles "Sonny" Rodenhauser, Presiding Municipal Judge, Huntsville; Ben Bruner, Esquire; Hon. Larry Sparks, Municipal Judge, Centreville, Brent, Woodstock; Hon. James Lackey, Presiding Judge, Mobile Municipal Court; Hon. Bill Roberts, Municipal Judge, Prattville Municipal Court; Hon. Karen Knight, Municipal Judge, Montgomery Municipal Court; Hon. T. Brad Bishop, Professor of Law, Cumberland School of Law, Pelham Municipal Judge; and Eric Locke, Esquire, Municipal Court Liaison, Administrative Office of Courts.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank John Harrison, Director, Alabama Department of Economic & Community Affairs (ADECA); Jon Strickland, Recreation Programs Manager, ADECA; Bill Meadows, Retiree Advantage, ADECA; Mike Roton, Coordinator, Tennessee Valley Resource Conservation and Development Council; Cory Price, Environmental Engineer, Alabama Department of Environmental Management; Will Brantley, Land Division Natural Resource Manager, Alabama Department of Conservation and Natural Resources; Cecil Colson, Special Programs Section Administrator, Alabama Department Transportation; Chuck Grainger, General Counsel, Office of Secretary of State, Montgomery; Perry Roquemore, Executive Director, ALM; Ken Smith, Deputy Director/Chief Counsel, ALM; and Gail Busbey, MMC, Municipal Clerk, Decatur.

RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank Mayor Dan Williams for his service during the past year as Vice President of the League. His attention to duty was most commendable.

RESOLUTION NO. 16

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the Chairs, Vice Chairs and members of the League's standing committees for their excellent work during the past year. We thank them for their work on the League's Statement of Policies and Goals.

RESOLUTION NO. 17

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do express their sincere appreciation to the mayors, councilmembers, clerks and administrators who presided over the programs during this convention and to those who made presentations during the sessions of this convention.

RESOLUTION NO. 18

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that

they express their thanks to Steve Martin, Ken Smith and Greg Cochran for arranging the Municipal Masters Golf Tournament and for their work during the tournament.

RESOLUTION NO. 19

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank Mayor Steve Means of Gadsden for serving as master of ceremonies at the Spouses Breakfast.

RESOLUTION NO. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank Mayor Leon Smith of Oxford, Councilmember Cynthia McCollum of Madison, Mayor Ted Jennings of Brewton, Mayor George Roy of Calera and Mayor Austin Caldwell of Demopolis for their excellent work as directors of the Municipal Workers Compensation Fund, Inc. We also wish to thank Steve Martin for his dedicated attention to duties in the management of the workers compensation program. This company has been an outstanding success and we urge other cities to participate in its program and utilize its services.

RESOLUTION NO. 21

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank Mayor Sue Glidewell of Rainbow City, Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor Bobby Payne of Tallassee, and Mayor Wayne Tuggle of Graysville for serving on the Board of Directors of the Alabama Municipal Insurance Corporation. We also wish to commend the work of Steve Wells, AMIC's President. Because of the work of these officials, AMIC has proven to be extremely successful and of tremendous benefit to the cities and towns of Alabama. We urge other municipalities to participate in this service offered through the League.

RESOLUTION NO. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their appreciation to the clerks of the cities and towns of this state for the outstanding work they do on our behalf. We also commend them for their excellent and timely program at this convention.

RESOLUTION NO. 23

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the city managers and city administrators for the work they perform for the cities and towns of Alabama. We also thank them for their participation in the programs of this convention and especially for serving as moderators during some of the roundtable discussions held on Tuesday morning of this convention.

RESOLUTION NO. 24

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank the various departments and agencies of the state and federal government that have been most helpful to the cities and towns of this state during the past year. We commend them for their cooperation and thank them for their assistance.

RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank the Huntsville High School Color Guard for their participation in the Opening Session of this convention.

RESOLUTION NO. 26

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank Shelia Jackson of Troy for singing the National Anthem during the Opening Session of this convention.

RESOLUTION NO. 27

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they commend Perry Roquemore and the members of the League staff for their deep devotion to the interests of the municipalities of this state and that we thank them for their unselfish labors in fulfilling the responsibilities of their assignments.

RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do express their appreciation to the City of Huntsville, PeopleSoft, Alabama Power Company, BellSouth, TetraTech,

continued next page

Inc and Johnson and Associates for hosting the Welcome Reception held at the Joe Davis Stadium on Saturday night of this convention.

RESOLUTION NO. 29

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank the Alabama Municipal Insurance Corporation, Municipal Workers Compensation Fund and Millennium Risk Managers for sponsoring the coffee breaks for delegates during the convention.

RESOLUTION NO. 30

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank Lanier, Ford, Shaver & Payne; Fees & Burgess; Crownover, Standridge & Spence; and the Alabama Association of Municipal Attorneys for sponsoring the coffee breaks during the Municipal Law Conference and the Municipal Judges Program.

RESOLUTION NO. 31

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the Alabama Municipal Electric Authority and the Alabama Electric Cooperatives, Inc. for sponsoring the luncheon on Monday afternoon of this convention.

RESOLUTION NO. 32

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do sincerely thank Alabama Gas Corporation for sponsoring the reception on Monday night of our convention.

RESOLUTION NO. 33

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the City of Huntsville, the Tennessee Valley Authority and Huntsville Utility for sponsoring the banquet on Monday night of this convention. Their sponsorship is another example of the excellent hospitality shown by the city during our convention this year.

RESOLUTION NO. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that

they do thank Sheila Jackson of Troy for her performance at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their sincere appreciation to the companies and businesses which sponsored parties for delegates on Sunday night of the convention.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their deep appreciation to the Alabama Telecommunications Association for their sponsorship of the Spouses Breakfast.

RESOLUTION NO. 37

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they express their deep appreciation to CBL and Associates and Electric Cities of Alabama for sponsoring meals for the spouses during their Tuesday outing in Huntsville.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank Blount, Parrish & Company for sponsoring the President's Reception on Tuesday afternoon of this convention.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do express their appreciation to SouthTrust Bank for sponsoring the reception preceding the Presidents Banquet on Tuesday night of the convention.

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank those state and federal agencies for sponsoring display and consultation tables and exhibits at our convention. The displays and consultations have provided valuable information to the members of the Alabama League of

Municipalities, and we do certainly want to thank the following: AL Agriculture & Industry , AL Assoc. of Municipal Clerks, AL Attorney General's Office, AL Cooperative Extension, AL Emergency Management, AL Dept. Environmental Management, AL Dept. of Public Health, AL Dept. of Rehabilitation, AL Dept. of Revenue, AL Dept. of Transportation, AL Development Office, AL National Safety Council, AL Recreation & Parks Assn., AL Urban Forestry Assn., AU Center for Government, Center for Economic Development, Geological Survey of Alabama, Internal Revenue Service, Retirement Systems of Alabama, State Employee Insurance Board, State Employment Services, USDA Rural Development, U.S. Department of HUD, National League of Cities, ADECA.

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby express their appreciation to the commercial exhibitors at this convention for their participation and note that their contributions have meant much to the success of this convention. Specifically, we thank the following exhibitors: NAFECO, Sanson Equipment Co., Schwarze Industries, Inc., John Deere Company, Highway Maintenance, Thompson Tractor, Utility Automation Integrations, ARI Hetra Lifting Systems, Sunbelt Fire, Southeastern Equipment, Alabama Municipal Insurance Corporation, Municipal Workers Compensation Fund, GovDeals, Benefits for America, Municipal Revenue Services, Tetra Tech, Alabama One Call, CDG Engineers, AIG VALIC, Local Gov.Data Processing, AlaTax, ABN Leasing, Utility Services, Inc., Alabama Municipal Electric Authority, Municipal Code Corp, AMHI, Key to City, Fleegal & Associates, Dixie Decorations, J.A. Dawson & Co., Southern Playgrounds, Fuelman, F.W. Dougherty, Sherlock, Smith & Adams, Emergency Response & Recovery, Holiday Designs, NaturChem West, Inc., Vermeer Sales & Service, Hammill & Associates, Inc., Pressure Concrete, Inc., Tank Pro, Alabama Advantage, Johnson & Associates, AFLAC, PolyEngineering, ALCATEL, Alabama Cable Telecommunications Association., Arrow Disposal Service, Tennant Sales & Service, Paul B. Krebs & Associates, Hendon Engineering Assoc., Aviation Council of Alabama, ARCADIS, New World Systems, Bridge & Slaughter, Universal Concepts, Laser Fishe Documents, Ehlinger & Associates, Tailored Business Systems, INCODE, Acuity Brands-Holophane, DeAngelo Brothers Inc., IBank, LLC, W.J. Whatley, Khafra Engineers, Southern Linc, Harless Fire Equipment, Merchant Capital, Contract Connections, BFI, Life Insurance of Alabama, The Verdin Company, Durham Auctions, The Grant Book Company, City Tech,

First Continental Leasing, Goodwin, Mills & Cawood, Sunflower Waste Co., Sain Associates, Novus Utility Services, HADCO, Stresscrete Group, Meter Reading Specialists, U.S. Filter, Government Management Information Services, Advanced Drainage Systems, Ingenuity, Inc., Ameron International, PeopleSoft, December Lights, Junior Davis & Associates, Grasshopper, Dynamic Lighting, GeoGraphixs, Inc., Silver Trunk, ConQuest GMC, ETA Date Direct, Marshal Space Flight Center, Wilson, Price, Barranco, Blankenship and Billingsley, P.C., 1 Point Solutions, Sentell Engineering, Garver, Inc., Pac-Mac Refuse and Recycling Equipment, Banc One Capital Markets, Waste Management, Aeration Solutions, Inc.

RESOLUTION NO. 42

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they sincerely thank Carr, Riggs and Ingram, LLP, for providing the \$20,000 Hole-In-One prize for the Municipal Golf Tournament. Also, we are most appreciative to Municipal Revenue Service for providing the golf prizes for tournament winners; Johnson and Associates for sponsoring the beverage cart; Merchant Capital for sponsoring the Longest Drive and AIG VALIC for co-sponsoring lunch.

BE IT FURTHER RESOLVED that they do thank the following for their sponsorships: Burgess & Hale; Fann & Rea; Goodwyn, Mills & Cawood; Automobile Dealers of Alabama; Cobb, Shealy & Crum; Ball, Ball, Matthews & Novak; Weathington & Moore; Black & Hughston; Stanley Martin; Wooten, Thornton, Carpenter, O'Brien, Lazenby & Lawrence; Metric Engineering; Tetra Tech, Inc.; Morgan Keagan; Zieman, Speegle, Jackson & Hoffman; Rives & Peterson; Alabama Cable Telecommunication Association; Alabama Poultry & Egg Association; Lusk & Lusk; C. Robert Gottlieb, Jr.; Hill, Hill, Carter, Franco, Cole and Black; Turnbach and Warren.

RESOLUTION NO. 43

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do express their thanks to the following sponsors of League legislation during the 2003 Regular Session, namely: Senators Bobby Denton, Larry Means, Hap Myers, Tommy Ed Roberts, Hank Sanders, Zeb Little and Phil Poole and Representatives Jack Venable, Steve Clouse, Bill Dukes, Betty Carol Graham, Steve McMillan, Ron Johnson, James Thomas, Victor Gaston and Nelson Starkey.

continued next page

RESOLUTION NO. 44

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do thank the members of the 2002-2003 Executive Committee for their expertise, advice and assistance regarding League operations.

RESOLUTION NO. 45

WHEREAS, Operation Iraqi Freedom has required military personnel to be separated from their loved ones by long deployments while putting themselves in harm's way; and

WHEREAS, the families of these men and women have had to endure added burdens while their loved ones are fighting in Iraq; and

WHEREAS, it requires great skill, integrity, humanity and courage to serve as a soldier in the Armed Forces; and

WHEREAS, the mission of Operation Iraqi Freedom is to free a suppressed population from a diabolical regime and to ensure that the regime is no longer a threat to its neighbors or the rest of the world; and

WHEREAS, American forces are treating innocent Iraqi civilians with kindness and compassion – delivering desperately needed humanitarian aide – while acting in the highest traditions of the United States Military;

THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do support the brave men and women serving in the Armed Forces of the United States and commend them for their professionalism, commitment and personal sacrifice.

RESOLUTION NO. 46

WHEREAS, an ever-increasing number of municipal citizens purchase products from out-of-state vendors through catalog sales, telephone sales or internet sales, and

WHEREAS, municipal sales or use taxes are not being collected on these purchases causing a significant revenue loss for Alabama municipalities; and

WHEREAS, the Streamlined Sales and Use Tax Agreement was approved by the participating states, including Alabama, on November 12, 2002, as a first step toward remedying this situation; and

WHEREAS, action will be necessary by both the United States Congress and the Alabama Legislature to remedy the situation;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby urge the members

of the Alabama Legislature to make sure that any streamlined tax legislation enacted will not have an adverse impact on the collection of municipal sales and use tax revenues; and

BE IT FURTHER RESOLVED that they do hereby urge the members of the Alabama Congressional Delegation to support Federal legislation to require remote sellers to collect and remit state and local sales and use taxes.

RESOLUTION NO. 47

WHEREAS, the voters of the State of Alabama ratified Amendment No. 666 to the Alabama Constitution of 1901 at a statewide election on November 7, 2000; and

WHEREAS, this amendment provided for up to \$15 million of the proceeds of the General Obligation Bonds be spent for municipal infrastructure; and

WHEREAS, the money promised to municipalities by Amendment 666 has not be disbursed to Alabama's municipal governments;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby request Governor Bob Riley to order the distribution of \$15 million to Alabama municipalities for infrastructure needs with such funds to be distributed pursuant to the formula established in Subsection (d) of Amendment 668 to the Alabama Constitution of 1901.

RESOLUTION NO. 48

WHEREAS, the catastrophic acts of terrorism on September 11, 2001, caused massive casualties and current and future economic losses, affecting every sector of the country's economy; and

WHEREAS, municipalities are the frontline in homeland defense and have taken on a direct role in national defense which was previously assumed to be a federal responsibility; and

WHEREAS, these additional responsibilities have been very costly for municipalities; and

WHEREAS, two supplemental spending bills (H.R. 1559 and S. 762) which both include \$2.2 billion for local and state homeland security needs but have different allocation and distribution formulas are being considered by Congress;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby urge the members of the Alabama Congressional Delegation to support passage of a final supplemental spending bill that would:

- Provide \$1.5 billion in first responder grants where states must direct at least 80 percent of funds to local governments within 45 days of receipt;
- Provide \$700 million for protection of high-threat metropolitan areas where funds can be used for personnel/overtime costs;
- Provide \$85 million to local and state law enforcement agencies for reimbursement of security provided at airports in the months after September 11;
- Provide \$105 million to state and local governments for smallpox vaccinations and other public health threats; and
- Provide \$375 million for airport security modifications, such as the installation of explosive detection systems.

RESOLUTION NO. 49

WHEREAS, terror attacks in this country and abroad have increased; and

WHEREAS, these events have created the need for Federal and State coordination of efforts to prevent the likelihood of such attacks; and

WHEREAS, Congress has created a U.S. Department of Homeland Security and the Alabama Legislature is considering legislation to create an Alabama Department of Homeland Security;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do urge Governor Bob Riley and the members of the Alabama State Legislature to make sure that municipal interests are protected in any legislation to create an Alabama Department of Homeland Security; and

BE IT FURTHER RESOLVED that such Department shall serve in a coordinating and facilitating capacity rather than in a preemptive capacity for the protection of Alabama’s citizens.

RESOLUTION NO. 50

WHEREAS, it has been stated that the State of Alabama will have a revenue shortfall of over \$500 million this year; and

WHEREAS, the Governor is expected to present by mid-May a legislative tax package designed to produce between \$500 million and \$1 billion in new revenues;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do urge Governor Bob Riley and the members of the Alabama State Legislature to make sure that any legislation designed to increase state tax revenues does not adversely impact the ability of

municipal governments to raise revenue for the provision of municipal services to its citizens.

RESOLUTION NO. 51

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they memorialize the following persons who have died in office since our last convention, namely: Curtis Wayne Wolfe, Mayor of Castleberry; Tommy Penland, councilmember of Crossville; Carl Shelly Drummond, Mayor of Cordova; Olen Spencer, town councilmember of Vina; Howard Wayne Collier, Mayor of Waldo; Jack E. Bowling, councilmember of Rainbow City; John Hill, councilmember of Talladega.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Jack Guyton, former councilmember of Bessemer; Henry Orval Hansard, former councilmember of Fort Payne; Richard E. Autry, former councilmember of Hueytown; Robert Bob J. Hulgan, former councilmember of Fort Payne; George Marion (Jack) Neal, Sr., former city councilmember of Hoover; L.P. Maness, former city councilmember of Albertville; Eugene C. Stallworth, former councilmember of Brewton; A.A. Chandler, former Mayor of Vernon; Jim Robinson, former Mayor of Montgomery; H.L. Hollingsworth, Jr., former Mayor of Gurley; Edna Mae Miller, former Courtland town councilmember; Welton Reynolds, former councilmember of Florence; John Lewis, former Prichard City councilmember; Jim Smith, former Mayor of Creola; Roy Jackson Hobbs, former Mayor of Ashford; Roosevelt Bell, former councilmember of Birmingham; Earnest J. “Pete” Kelley, former councilmember of Graysville; John W. Hurtt, Sr., former Mayor of Powell; Emmett Wilkinson, Jr., former city councilmember of Citronelle; Rufus E. Floyd, former Mayor of Hokes Bluff; J.O. Chaffin, former Mayor of Piedmont; Rev. E. M. White, former councilmember of Eufaula; Arthur Baugh, former Mayor of Albertville; John G. Aiken, former Mayor of Faunsdale; Dan Rutledge, Sr., former councilmember of Selma; Obed A. Monk, former councilmember of Brewton; Emmett Middleton, former mayor of Loxley; Dr. Ralph Rose, former mayor of Flomaton; Newton Davis, former councilmember of Moundville; Eddie Mitchell, former councilmember of Moulton; Ben Colston, former mayor of Brighton; Hoyt Ingram, former councilmember of Locust Fork; Fred Clark, former councilmember of Eufaula; Eddie Blankenship, former council president of Birmingham; Winn Martin, former mayor of Clayton; Hoyt Harp, former councilmember of Cedar Bluff; William C. “Bill” Sullivan, former mayor of Lincoln; Therman Whitmore, former mayor

continued next page

of Oxford; E.T. Walrond, former councilmember of Prattville; Ed Gray, former councilmember of Prattville; Leona McCallum, former councilmember of Childersburg; H.P. Cain, former councilmember of Satsuma; Roy B. Williams, former councilmember of Valley; Tom Kelly, former councilmember of Millbrook; and Ed Land, former councilmember of Oxford.

RESOLUTION NO. 52

WHEREAS, George Roy, Mayor of Calera, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Roy's diligent attention to duty and outstanding leadership on behalf of the League and its members has led to the growth and well-being of the League especially during the past year; and

WHEREAS, the members of the League shall always be most grateful for Mayor Roy's years of unselfish service and untiring efforts to promote the programs, projects and philosophy of the League;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do recognize and commend Mayor Roy for his service as a municipal official in the State of Alabama and as a leader of our state organization and that they do wish him well in all of his future endeavors.

RESOLUTION NO. 53

WHEREAS, the Attorney General of Alabama, Bill Pryor, has been nominated by President George W. Bush to be a Circuit Judge on the United States Court of Appeals for the 11th Circuit; and

WHEREAS, the United States Court of Appeals for the 11th Circuit resolves important issues of law affecting the towns and cities of Alabama; and

WHEREAS, Attorney General Bill Pryor has consistently defended the interests of Alabama municipalities during his tenure as Attorney General; and

WHEREAS, Alabama municipalities and citizens of Alabama would benefit from the service of Attorney General Bill Pryor on the federal appellate bench;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby welcome President George W. Bush's choice of Alabama Attorney General Bill Pryor for a judgeship on the United State Court of Appeals for the 11th Circuit, and that they urge the United States Senate to confirm him promptly.

RESOLUTION NO. 54

WHEREAS, many unincorporated areas adjacent to a municipality do not have access to public water service; and

WHEREAS, current rules do not allow municipalities to apply for Special Fund grants from ADECA's CDBG program on behalf of areas outside their corporate limits;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they do hereby support a change in the rules to allow municipalities to apply for Special Fund grants from ADECA's CDBG program on behalf of areas outside their corporate limits.

RESOLUTION NO. 55

WHEREAS, William R. Lauten has practiced law in the State of Alabama since 1946; and

WHEREAS, Mr. Lauten served as City Attorney for the City of Mobile from 1961 to 1963; and

WHEREAS, Mr. Lauten has been an Assistant City Attorney for the City of Mobile since 1976; and

WHEREAS, Mr. Lauten has been a good friend to the Alabama League of Municipalities Legal Department during his tenure with the City of Mobile, contributing his time, effort and experience to help other attorneys better represent their municipal clients; and

WHEREAS, Mr. Lauten has now retired from the City of Mobile;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 29th day of April, 2003, that they thank Mr. Lauten for his contributions; congratulate him on his retirement; and wish him the best in all his future endeavors. ■



Mayor Loretta Spencer welcomed delegates to Huntsville during the Opening Session.



The President's Report

Dan Williams
Mayor of Athens

Address – President's Banquet 2003 League Convention

I want to thank all of you mayors and council persons for attending this successful 2003 Alabama League of Municipalities convention. I know your attendance will result in improvement in the way your city is governed.

I want to thank Perry and the League staff for working to make this convention a success. When our staff undertakes a tremendous effort such as this, the outcome is never in doubt. I truly believe our staff is the best League staff in our nation.

I want to thank Mayor George Roy of Calera and express our gratitude for his leadership of many years in the League and especially for his excellent performance as our President during the past year. George has announced his intentions to retire from the Mayor's office at the end of his present term; and I hope Calera replaces him with a mayor who has Calera at heart – the same as George. George and Betty, we all wish you many wonderful years of retirement.

I want to thank Loretta Spencer, our host city mayor, for the hospitality shown us by the premier city of the South.



Immediate Past President of the League, Mayor George Roy of Calera, passes the gavel to newly elected League President, Mayor Dan Williams of Athens.



Mayor Dan Williams delivers his acceptance speech during the President's Banquet on Tuesday night of the convention.

Loretta, your concern and the efforts of your staff and city employees have truly made this convention successful. Huntsville, a city on the cutting edge of space and technology, a city bursting boldly into the future with a can-do attitude, a city determined to surpass the Atlantas, the Nashvilles and the Charlottes ... and, yet, a city that holds dear and preserves the beauty and good things of the past. We thank you, Loretta, for this memorable visit to our All-American City.

It is with humility and pride that I accept the presidency for our Alabama League of Municipalities. It is my hope that I may be able to work with our team of mayors, council persons and our excellent League staff and carry on the successes achieved by the ladies and gentlemen who have preceded me in the presidency. I promise you that I will work with each entity and I will rely heavily upon Perry and our staff to perform the duties of this office.

Our League works with many issues each day that affect our cities and it takes time, effort and much cooperation to achieve success. I want our League to also place a great deal of emphasis during the next year upon the following issues:

1. Homeland Security. Our President, George Roy, in his speech at Monday's Opening Session, outlined what is available from federal funds through the state to the local governments. I want our League to provide our cities with the information necessary to access these funds – to make our communities more secure.

2. Constitutional Reform. This is an important item on the Governor's agenda and we must help this to happen in order to take charge of our own destinies. For too long, we all have had to go to Montgomery with our hats in our hands to get back to what should have been left with us in the first place.

continued page 29

One fish story we never tire of telling.

Even in the company of others, a fisherman is a solitary soul. The sport, after all, is really in the waiting. Which is why in the wee hours of the morning, as the cicadas begin their songs and the mist rises like hot breath from an undisturbed lake, fishermen along 4,000 miles of shoreline are wetting their lines. Waiting patiently in the calm for that one magical moment when a 6-pound test line is challenged by 8 pounds of bass. It is in that moment, when the waiting becomes worth it. And when our 4,000 miles of shoreline clearly becomes about more than a new source of power.

There are a lot of things people depend on Alabama Power for. Electricity just happens to be one of them.

**ALABAMA
POWER**
A SOUTHERN COMPANY

©2001 Alabama Power Company

ON AND ON™

Municipal Code Corporation

We're nationwide. Our process isn't.

Which means you can count on our 50+ years of experience to give you the utmost in professional and personal service. Just ask the over 3,000 municipalities who have already benefitted from our knowledge and experience.

We've been here for you for over five decades. We'll be here for you tomorrow.

- Join over 1,100 codes already posted on our web site
- Codification of ordinances/Folio BoundViews search and retrieval software
- List services for Clerks, Attorneys, MIS Members and Managers
- Imaging and indexing of your minutes, ordinances, resolutions and other important records with our newest software

Municode.com

Imaging

1-800-262-2633

info@mail.municode.com

www.municode.com



Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Director's Report League Convention, April 29, 2003

Good afternoon! In the next few minutes I want to bring you up-to-date on the operations of your League for the past year. Since we met in Mobile last April, your League officers and staff have been busy implementing new programs and trying to protect the interests of Alabama municipalities at both the national and state levels.

League Committees

The Executive Committee, presided over by our able President and Vice President, met three times during the past year and dealt with numerous issues on each occasion. On September 5th we held a very successful Committee Day at the Montgomery Civic Center. Members from all five League standing committees met with federal and state resource advisors and considered the revision of the League's Policy Statement in detail, and that statement is ready for your final consideration today. Our *Policies and Goals* document is very important as it is used to guide your League staff throughout the year and to assist the Committee on State and Federal Legislation when it meets each year to develop our package of League bills for introduction in the State Legislature. I want to personally thank our Committee chairs and vice chairs for their leadership and hard work. I also thank all other officials who served on our committees this year for their valuable input.

We welcome municipal officials who desire to serve on a League committee to contact the League and make your request known.

Activities With NLC

As always, the Alabama League of Municipalities was well represented at NLC meetings and activities during the past year. A large delegation of Alabama municipal officials, spouses and guests attended the National League of Cities Congress of Cities in Salt Lake City, Utah, in December. Approximately 250 delegates and spouses attended the NLC

Congressional-City Conference in Washington, D.C. last month.

The Alabama League of Municipalities is very well represented on various NLC Policy Committees and Steering Committees. At the Congress of Cities in Salt Lake, Council Member Cynthia McCollum of Madison was elected to serve a two-year term on the NLC Board of Directors. Mayor Leon Smith of Oxford and Mayor Al DuPont of Tuscaloosa serve on the NLC Advisory Committee.

Last summer your Alabama League hosted NLC's annual workshop for state league staff members. In mid July, approximately 150 state League staff members from across the U.S. attended a four-day workshop held at the Embassy Suites in Montgomery. Two members actually traveled from the Alaska League to attend this event. The meeting turned out to be one of the best ever held by the group. I am still receiving compliments from other League Directors who informed me of the positive comments made by their staff people following their visit to Alabama. The event gave us an excellent opportunity to promote Alabama.

Membership

The League's membership now stands at 443 municipalities representing over 99 percent of Alabama's urban population. Three newly-incorporated municipalities have just joined the League – Twin, Munford and Valley Grande. Although the number of participating municipalities is very high, we believe there are other small communities in our state that could benefit from League membership. We encourage officials in League member cities and towns to urge their neighbors who are non-members to join the League.

Finances, Property and Equipment

The League's finances for the current 2002-2003 budget year are expected to be adequate to meet the Executive Committee's budget that was adopted last July. Let me encourage all municipal officials to drop by your League Headquarters building anytime you are in Montgomery.

Legislative Report

Since last year's convention our state has seen the election of a new Governor and State Legislature. We also have had a number of changes in other Constitutional offices. The League staff has made contact with many of these new officials to establish a better working relationship between state government and municipal government.

The League's Committee on State and Federal Legislation, met in November and adopted the League's 2003 Legislative Package. The Regular Session began on March 4 and will end no later than June 16th. The

continued page 21

Constitution limits the length of a regular session to 30 meeting days within a 105 calendar day period of time. Today is the 16th meeting day of the session or the beginning of the second half of the session.

The Senate has accomplished very little during the first half of the session. Currently there is a 19-16 split in the Senate, and neither side has enough votes to pass a bill. Hopefully these differences will be worked out shortly.

The House, on the other hand, has passed a number of bills – including three bills in the League’s Legislative Package. One of the passed bills would authorize the mayor to appoint two alternate members to the municipal planning commission to serve in the absence of regular members. Another bill would provide for the appointment of two new members to the State Employees Insurance Board – one from county government and one from municipal government. This Board operates the Local Government Insurance Plan which provides health insurance for a number of our members. The third bill would place ADEM in conformance with federal laws so as to eliminate many citizen lawsuits on environmental issues.

A number of other League bills have been approved by House committees and are awaiting House floor consideration. These bills include proposed legislation to improve municipal election laws, provide for mayoral participation in the State retirement system, authorize rezoning of land to be annexed into a city or town, and to authorize higher DUI and reckless driving fines.

The League has actively participated in the drafting of legislation to create an Alabama Department of Homeland Security and to make Alabama a participating entity in the Streamlined Sales Tax effort. Our efforts in both areas have been aimed at the protection of municipal interests. We anticipate a lot happening in the near future on these issues.

The League has opposed efforts to increase fees paid to county tax officials from your ad valorem tax receipts; efforts to require newly-incorporated municipalities to assume responsibility of county roads within three years of incorporation; and certain bills offered by organized labor.

We are also closely watching the tax reform effort. The state is seeking \$500 million to \$1 billion in new taxes to solve the current budget crisis. Our main concern is to make sure the fix does not adversely affect the ability of municipalities to raise revenues to pay for needed municipal services.

League Services

Your League is a service organization. In addition to our lobbying efforts and our efforts to assist municipal officials by providing information, advice and training, the League also has several programs in place to save money for our member municipalities. In the area of insurance, we

offer two fine programs for our cities and towns – the Municipal Workers Compensation Fund, Inc. and the Alabama Municipal Insurance Corporation. The League, through its Municipal Revenue Service, has collected – on behalf of its members – delinquent insurance license taxes for over 65 years. We have a long distance calling program called City Net and offer two excellent computer software programs – *ALM Library* and *MunicipalLaw On Disc*. We also offer an on-line auction service called GovDeals.

This year we have endorsed several new programs to assist our members – a deferred compensation program offered through AIG-VALIC; a catastrophic insurance plan offered by Benefits for America; and a plan to assist cities and towns in collecting fees by credit cards offered by Link2Gov.

The League has just begun sponsoring a new technical services program designed to assist member cities with cable franchise management. The goals of the program are to ensure that local governments have access to the expertise required to negotiate for the benefits and services needed in our communities on reasonable terms and conditions. In return for a nominal fee, which is usually based on a city’s population, cities can obtain the following services:

- Assistance in negotiating new terms and conditions for cable television franchise renewals including the preparation of the franchise documents.
- Determining companies compliance with existing franchise terms and conditions including franchise fee payment review.
- Developing and implementing a community needs assessment to determine the future cable-related needs and interest of cities.
- Assistance for electric cities in negotiating pole attachment agreements.
- Assistance in the development of public, educational and governmental channels (PEG).
- Assistance with processing request from companies to transfer an existing cable franchise.
- Assistance with negotiating new cable franchises.
- Assistance with the development of institutional networks, if applicable.

We have contracted with Lilburn, Georgia-based Local Government Services to assist League members in providing these services. Since 1993, Greg Fender, who serves as the program’s principal consultant, has assisted over 200 cities in negotiating cable television franchise renewals, transfer requests and pole attachment agreements. He has also assisted numerous cities in responding to right of way issues related to cable and telecommunications franchises. Local Government Services will provide these services in conjunction with the law firm of Moss and Barnett and with

continued next page

the assistance of William F. Pohts, an engineer specializing in the emerging technologies in telecommunications and electronic systems.

We are excited about the benefits our cities can realize by participating in this program. This program will provide municipalities access to experts in the field at a very reasonable cost.

If your city is interested in subscribing for this service or would like more information, please call Greg Fender at **866-280-5030**.

CMO Program

Our Education Program for the Elected Municipal Official, which gives every elected municipal official in Alabama to opportunity to obtain the designation of Certified Municipal Officer (CMO), continues to grow. Since the program began several years ago, we have had 2065 officials participate in the program. As of last week, 523 officials have obtained the required 40 credit hours of training for Basic CMO certification and 160 officials have earned their Advanced CMO designation. At this Convention, additional officials will earn their Basic and Advanced CMOs. The names of this year's graduates will be announced at dinner tonight. A graduation ceremony will be held in Montgomery for this year's graduates in June.

The League's Web Page has been significantly improved this year to give members another method of obtaining needed assistance. If you haven't had the opportunity, please check out our web site at www.alalm.org. It has quite a few features to assist League members.

Officers and Staff

Our League is recognized as one of the most successful in the country. The reason is simple – the untiring efforts of our membership. Your President and Vice President have done a super job on your behalf. Your past presidents continue to offer needed advice as we move forward. Finally, I thank my great League staff. I'll match them with any League staff in the country. Join me in thanking all of our League employees for the great job they do for us.

Looking Ahead

The next year will be full of challenges for municipalities. The state legislature will have to face enormous issues including tax reform and constitutional reform. Municipal officials need to continue to make contact with House and Senate members from your area.

In closing, I want to thank all of our municipal officials who have participated in League activities during the past year. Individuals from large cities and small towns from all parts of Alabama have worked together for the common good of municipal government in Alabama. Alabama municipalities are truly blessed with dedicated officials. Remember, this is your League. Our ability to produce positive results for our members depends upon the involvement and teamwork of our municipal officials. If you know of municipal officials in your area that do not get actively involved in League activities, encourage them to do so. This League is only as strong as its members.

Thank you for letting me be a part of this wonderful organization. ■

Contrary to popular belief, your constituents don't always want to see their tax dollars at work.

Constituents are fickle. They want the best public works as long as it doesn't inconvenience them. Which is why the city of Elmhurst voted for Insituform's 30 years of trenchless technology experience to repair its sewer lines. While digging and replacing sewer lines can take weeks, we had service back up and running before residents got home from work the same day. No disruptions. No property restoration. No angry phone calls. And best of all, our speed and experience meant that Elmhurst's entire repair efforts were completed on schedule and within budget. To see how we can save tax dollars and headaches for your city, call us at 800-234-2992 or visit our website at www.insituform.com. **Because only our experience shows.**



Copyright 2001
Insituform Technologies, Inc.



**Insituform
Technologies, Inc.**



ELMHURST, ILLINOIS

Job Listing

DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT City of Northport

The City of Northport, Alabama, a progressive City with a population of approximately 20,000 is hiring for the position of Director of Planning and Economic Development. The applicant must hold an accredited degree in Planning or related field from a four-year college or university, and must be certified as a planner by the American Institute of Certified Planners (AICP) or gain certification within 18 months of hire date. A minimum of five (5) years of progressively responsible experience in local government planning and economic development is required. The person in this position must be a visionary, capable of developing feasible, long range plans to meet the City's anticipated growth and possess a sound knowledge of the principals of strategic and comprehensive planning. It is critical that the person in this position be able to work harmoniously with the staff, the elected officials, and the public and be able to develop points of contact at the local, State and Federal level. Upon hiring, the following benefits can be expected: 1. Health, Dental, Life and Vision Insurance Plans; 2. Alabama State Retirement Plan; 3. Paid Sick Leave, Vacation and Holidays; 4. Periodic Salary Adjustments. For information about Northport, please visit our website at www.cityofnorthport.org. The annual salary range for this position is from \$45,000 to \$55,000 dependent upon qualifications and experience. **THE POSITION WILL REMAIN OPEN UNTIL FILLED. THE CITY OF NORTHPORT IS AN EQUAL OPPORTUNITY EMPLOYER.** Please submit detailed resumes to: City of Northport, P.O. Box 569, Northport, Alabama 35476 Attn: Jeff Standifer. Or E-mail jstandifer@cityofnorthport.org.

Mayor Jim Byard, Jr. of Prattville Elected Vice President of the League

On Tuesday, April 29, Mayor Jim Byard, Jr. of Prattville was elected League Vice President during the League's General Business Session. Byard is a Troy State University at Montgomery graduate with a B.S. in Political Science and a double minor in Business and Sociology. He was a Right of Way Negotiator for the Alabama Department of Transportation prior to becoming mayor.

Byard served on the Prattville City Council from 1992 until 1999 and was Council President from 1996 to 1999. He became mayor in 1999. He was selected as one of eight Southern mayors invited to attend the prestigious Mayors' Institute on City Design in Charlotte, NC in November 2002 – sponsored by the National Endowment for the Arts, the U.S. Conference of Mayors and the American Architectural Foundation. He was chosen to participate in Leadership, Alabama in 2002.

Byard has been an active participant with the League and currently serves on the League's Executive Committee. He has completed both the Basic and Advanced CMO programs through the League. In addition, he has attended numerous meetings held by the National League of Cities. ■

If you are a Homeowner, Builder, Contractor, Landscape Service, Pool or Fence Contractor or anyone digging into the ground's surface...



Remember to:

- Call Before You Dig.
(As required by Alabama Act 94-487)
- Wait the Required 48 Hours to Allow the Underground Utilities Nearby to be Marked.
- Respect the Color Coded Utility Marks Painted on the Ground.
- Dig with Care to Prevent Damage to Underground Utilities and Services.

Alabama 1Call

Where Safe Digging Starts...

www.a1call.com

1.800.292.8525 252-4444 (Birmingham Area) #DIG (check with your local cellular provider)

LifeStyle Protector *the Living Benefits Policy*

Hopes, dreams, plans for the future... everyone has them. But without adequate protection, a serious illness can be financially devastating causing those goals to remain unfulfilled.

The LifeStyle Protector, underwritten by Colorado Bankers Life, is a ten-year renewable and convertible term life insurance policy with critical condition accelerated benefit rider.

The LifeStyle Protector will pay 100% of a term life insurance policy face amount in a one-time lump sum upon death or when any one of the qualifying events is first diagnosed:

- Heart Attack
- Stroke
- Life Threatening Cancer
- Renal Failure
- Major Organ Transplant
- Terminal Illness

The LifeStyle Protector also pays a lesser percentage of the face amount for certain other conditions.

Living benefits are paid from all or part of the life insurance face amount and are for covered conditions first diagnosed at least 30 days after the policy effective date (60 days for cancer). If Colorado Bankers Life approves your application and you have paid the premium or authorized payroll deduction, term life insurance coverage (death benefits only) will begin as of the date you signed the application.

The LifeStyle Protector is one policy that does it all:

- Pays a lump sum benefit to the insured
- Minimum Issue - whatever \$5.00/week purchases at current age
- No waiting period at issue for commencement of death benefit coverage

Living benefits may be taxable.

Some exclusions and exceptions apply. Benefits may differ and may not be available in all states. Your agent will explain the benefits available in your state.



*Preferred Products
Preferred Service
Preferred Support*

Endorsed by

**The Alabama League
of Municipalities**

To learn more about the benefits and exclusions featured in this offer, contact:



**BENEFITS
FOR
AMERICA, LLC**

(800) 391-7231

BIRMINGHAM

Ed Owens

North Region

MONTGOMERY

Will Parsons

Montgomery Region

MOBILE

Anthony Allen

Southern Region

Visit our website: www.benefitsforamerica.com



COLORADO BANKERS LIFE
Insurance Company

Colorado Bankers Life is licensed in 48 states (excluding New York and Vermont) and the District of Columbia.



ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, State and Federal Relations

Tallapoosa River Named to National Endangered List

Last week, American Rivers, a national rivers protection advocacy organization, named the Tallapoosa River to its list of America's Most Endangered Rivers.

In the report, American Rivers identifies Alabama Power's R.L. Harris Dam as the chief cause for placing the river on the endangered list. Lack of flow passing through the dam is cited as the primary problem. Alabama Power states in the Birmingham News that it has been working with the Department of Conservation and others who are concerned about the fluctuating conditions of the rivers for about four years.

Stan Cook of the Department of Conservation and Brad McLane, director of the Alabama Rivers Alliance stated they are considering petitioning the Federal Energy Regulatory Commission to reopen the dam's license, if the next round of negotiations is not successful.

Despite the river's woes, according to the American Rivers report the Tallapoosa River has more than 120 species of fish and three endangered species of mussels. To view the entire American Rivers report go to their website at: www.americanrivers.org/mostendangered/2003.htm

Wilderness Society Unveils Alabama's Mountain Treasures Report

Currently, only about 10 percent of the Bankhead National Forest and the Talladega Division of the Talladega National Forests is permanently protected - 41,447 acres in three Wilderness areas.

The Wilderness Society released last month a plan called "Alabama Mountain Treasures." The plan calls for additional protective measures and special designations to be placed upon 24 different areas within the Bankhead and Talladega National Forests. Some of these proposed designations include Cultural Heritage Areas, Scenic Areas, Wild, Scenic and Recreation River, Viewshed Management, Botanical

Area and Wilderness. The use of these special designations will enable the Forest Service to be more flexible in its management and more importantly target specific areas that require unique and special protective measures.

If enacted, the Wilderness Society's "Alabama Mountain Treasures" plan would provide additional protection to 139,651 acres and 75 river corridor miles within the Bankhead and the Talladega National Forests. For more information about this plan and to receive a copy, contact the Wilderness Society's Southeast Office at 404-872-9453.

USPIRG Profiles Sauta Cave In "Take Refuge" National Wildlife Refuge Report

Over 100 years ago, Theodore Roosevelt created the National Wildlife Refuge System. The United States Public Interest Research Group (USPIRG) celebrated this achievement by releasing a new report called "Take Refuge: Celebrating 100 Years of Threatened and Endangered Species Protection Through the National Wildlife Refuge System." Featured in the report is a chapter profiling the 264 acre Sauta Cave National Wildlife Refuge in Jackson County, Alabama. The cave/wildlife refuge, which is home to the endangered and threatened Indiana and gray bats, was recognized as a National Wildlife Refuge and habitat success story in the report. According to the report, before the creation of the refuge in 1978, as a result of habitat disturbance, the Sauta Cave (the area is an important maternity site for bats) had declined in population from a historical high of half a million bats to 128,000 in 1976. Since the establishment of the refuge more than 250,000 bats now live in the cave during peak season.

The cave is also becoming a "wildlife watching" destination with over 5000 people visiting the site a year. The attraction, witnessing at dusk and into the evening, thousands of bats exiting the cave for a night of foraging. To

read entire the "Take Refuge" Report visit the USPIRG website at: <http://uspirg.org>.

AWF Partners with Alabama Institute for Deaf and Blind

The Alabama Institute for Deaf and Blind (AIDB) and the Alabama Wildlife Federation (AWF) has teamed up to improve wildlife habitat and aesthetics while providing job training opportunities for adults with disabilities.

Through a new program called "WildPaths", adult clients at AIDB's E.H. Gentry Technical Facility are handcrafting a line of bluebird and wood duck boxes as well as bird feeders. Once manufactured, the boxes and feeders will then be marketed through a partnership between AIDB and AWF.

The WildPaths program will give adults with special needs an opportunity to develop work skills for transition into the competitive workplace. Seed money for WildPaths came from AWF and the Alabama Power Foundation. That money will be used to purchase materials and provide marketing support.

WildPaths will sell the cypress wood duck boxes for \$40 each, assembled pine bluebird boxes for \$10, unassembled bluebird boxes for \$8 and bird feeders for \$13. The products will be available for purchase online at <http://www.wildpaths.org>. Every dollar raised through this program will be used to provide additional job training opportunities for people with disabilities.

Crab Trap Collection Day Hauls in Over 1000 Obstacles

Last month, more than 100 volunteers from numerous environmental and civic organizations turned out Saturday to help recover derelict crab traps, most of which had been blown loose during storms.

Although taking crab traps is usually illegal, cages within 500 yards of the shore were declared "marine litter" by the Alabama Marine Resources Division, for that day. Unused or defective crab traps can come loose from their anchors and cause severe damage to boats and harm and kill marine wildlife. Volunteers collected nearly 1000 obstacles and traps.

AWF Opens New Office

The Alabama Wildlife Federation has opened up its new headquarters at Lanark, in Millbrook, Alabama. Isabel and Wiley Hill donated the homes and property of Lanark on 340 acres, just 10 miles north of Montgomery. Stunning woods, beautiful gardens and attractive lakes adorn the property. AWF's new contact numbers are: 3050 Lanark

Road, Millbrook, Alabama 36054 and 334-285-4550. Mark your Calendar for these Spring Activities

June 2 - "Emerald Classic" - Land Trust of Huntsville and North Alabama - The Ledges Country Club - 256-534-5263 for sponsorship info.

June 7 - "National Trails Day - Healthy Trails, Healthy People" - Appalachian Trail Club of Alabama - O. Kenny, 205-678-6274.

June 7 - "Alabama Water Watch 10th Annual Meeting and Picnic" - North Auburn Pavilion, Auburn - Brooke Smith, 888-844-4785.

June 7 - "Randolph County Water Fair" - Randolph High School, Wedowee, AL - 9:00 a.m. to Noon - The Upper Tallapoosa Watershed Committee, Janice Davis 256-357-9180.

June 7 - "Kid Fishing Derbies" - National Forests: Conecuh National Forest at Open Pond, Bankhead National Forest at the Black Warrior Work Center, Oakmulgee District, at Bibb County Lake, Shoal Creek District at Coleman Lake and the Tuskegee National Forest - Sara Lee Chubb, 334-241-8139.

June 8, June 11, June 15, June 21 - "Three Caves Tours" - Land Trust of Huntsville and North Alabama - 1-256-534-LAND.

June 14 - "Tensaw Delta Wildlife" - Wehle Nature Center in Bullock County - 1-800-LAND-ALA.

June 16-20 - "Discovering the Outdoors" - Lanark, Alabama - Future Home of the Alabama Wildlife Federation Conservation Education Center north of Montgomery - AWF, 1-800-822-9453 - Primary and secondary teachers.

June 21 - "Orchids of Alabama" - Wehle Nature Center in Bullock County - 1-800-LAND-ALA. ■

GARVER ENGINEERS

Since 1919

Municipal • Commercial • Government

- Civil Engineering Design, Planning, and Land Surveying
- Transportation Projects: Airports, Roads, Bridges
- Water and Wastewater Systems; Environmental Engineering
- Water Resources, Hydrology & Hydrogeology
- Environmental Assessments and Studies
- Grant Writing Assistance

256-534-5512 www.garverengineers.com

218 Holmes Ave. NE, Huntsville, AL 35801

jdmccarley@garverengineers.com



THE

LEGAL

VIEWPOINT

By Ken Smith
Director, Legal Services & Computer Programs

The League's Legal Department – A User's Guide

One of the League's most important functions is responding to legal inquiries from its member municipalities. The League employs four full-time attorneys to provide its members with direct legal assistance when needed. While the legal department has many roles, with over 440 members – representing literally thousands of officials, employees, board members and others who may make requests – there are limits to what the department can do. This article will help readers make the most effective use of the legal department. It is intended simply as a guide, and should be read that way. Because our goal is to serve our member municipalities, League attorneys attempt to remain flexible in the services they provide.

What Services Are Available?

The legal department's primary function is to represent the interests of member municipalities throughout Alabama. Therefore, we attempt to have an attorney available by telephone every day during regular business hours. However, the Legal department is not a substitute for local legal representation. The volume of requests we receive makes individual representation impossible. Therefore, we have to restrict our activities to those which we feel best serve all our member cities and towns.

In addition to providing direct legal assistance, the Legal department provides other services, such as: preparation of amicus curiae (friend of the court) briefs in appellate cases; preparation of monthly summaries of court decisions and Attorney General's Opinions for the League magazine and the League's Law on Disc computer program; monthly legal articles in the *Alabama Municipal Journal*; drafting manuals explaining the duties and responsibilities of municipal officials and employees; providing sample and model ordinances; conducting educational and training seminars; managing the Alabama Association of Municipal Attorneys; and assisting with the League's lobbying efforts.

Who Can Inquire?

This question raises complex ethical conflicts of interest issues concerning the responsibilities of the League's attorneys. Explaining it simply, the League represents its member municipalities and not individuals, even if they are municipal officials.

The League answers inquiries from mayors, councilmembers, board members, clerks, attorneys and other representatives of member municipalities. League attorneys do not advise officials about their private legal matters. Additionally, conflict of interest rules generally prohibit us from advising members of the public regarding municipal legal matters, although we do share articles or other general information we have on hand with private citizens. Please do not encourage citizens who are not municipal officials or employees to contact the League for legal advice.

Further, the League's attorneys cannot take sides in disputes involving one municipality against another or in conflicts between municipal officials. League attorneys exercise discretion in these situations and will generally refer you to your local attorney where a potential conflict of interest appears likely to arise. If it appears that we are being asked to resolve a dispute between two or more officials, we may ask that the question be reduced to writing so that we may respond to all sides jointly. We will also make every effort to encourage cooperation on questions involving disputes between municipal officials.

How to Use the Legal Department

Whether you inquire by letter, telephone, e-mail or fax, the following guidelines will help us give you the most prompt, accurate response:

- Call or write as soon as possible after identifying your problem;
- Give us as many facts as possible. On questions involving boards, it is best to know under what section of the Alabama Code the board was created;

- If you are following up on an issue you have been discussing with one of our staff members, please advise the receptionist so that your call may be directed to that staff member;

- If you are under a deadline, let us know what it is and we will try our best to meet it;

- Municipal officials and employees are welcome to discuss matters in person at League headquarters in Montgomery. Please call in advance to make an appointment. If your questions involve a review of documents, we may ask that they be forwarded in advance of the meeting so that we may review them.

Telephone Inquiries

As noted above, the legal department's primary goal is to have an attorney available by telephone every day during business hours. Of course, there are exceptions, such as during the League's convention, or when we are trying to meet a publication deadline, or on hectic meeting days of the Alabama legislature. We try to return calls either the same or the following day and we try to give an answer over the telephone. However, not every question has a clear legal answer. In these cases, we will try to give you our best legal opinion, based on years of municipal legal experience and knowledge of state and federal laws.

Further, some questions require research before a knowledgeable answer can be given. Therefore, it is best not to put off calling until just before a deadline. Of course, not every question can be anticipated, and when a quick legal response is needed, we will make every effort to provide a speedy answer.

Written Inquiries

Because of the volume of calls, it is difficult to confirm telephone advice in writing. However, we are happy to answer written inquiries in writing and try to do so in a timely fashion. All requests for written responses should be submitted in writing, setting out the question and any relevant facts. Written inquiries are generally answered in the order received and the response time depends upon time available to draft a response. Again, we will try to accommodate a deadline, but this is not always possible. As always, it is generally best to work with your local attorney if a quick response is needed.

We generally treat faxed messages the same as written requests. A carefully written legal opinion takes just as long to prepare in either case. If you simply want us to call you back with an answer, please indicate that in your request.

E-Mail

Because of the nature of e-mail requests, they may be treated as either a written request or a telephone inquiry. League attorneys attempt to respond to electronic questions as quickly as possible, but please bear in mind that when our

attorneys are out of the office, they may not have access to a computer, which will delay any reply. If you have an e-mail question that must be answered quickly, but have not received a response, it is generally advisable to follow up with a telephone call to be sure that the message was received, and that the attorney you are attempting to reach is in the office.

Amicus Briefs

While the League does not file lawsuits on behalf of its members, we do sometimes file amicus briefs in cases on appeal to either the Courts of Appeal or to the Alabama Supreme Court if the issues involved in the case have statewide significance. If you are involved in a case on appeal and you think the Court should have input from the League, please send a written request for an amicus brief, with supporting documentation, to the legal department.

Sample Ordinances

We maintain a large supply of sample ordinances on many topics. These samples come from several sources. Our most important source for ordinances is our members. If you adopt a new ordinance, it would benefit all League members if you could forward a copy to the League legal department for our files.

Please remember that these ordinances have not been drafted by the legal department. Before using one as a guide, it is important to adapt these ordinances to your local needs and to obtain advice from your local attorney regarding compliance with statutes and case law.

We are often called upon to review ordinances or to interpret a word or phrase in an ordinance. While we can offer a cursory reading of an ordinance, we cannot be familiar with the circumstances which require the adoption of an ordinance, nor can we investigate facts which might influence the meaning of specific words. Our interpretation is not intended to be definitive and should be used merely as a second opinion for that of your local municipal attorney. He or she is in the best position to provide you with a detailed analysis of your ordinance and provide you with a final answer.

Coordination with Local Attorneys

Each municipality should have its own attorney. The League's legal department is a resource to assist your municipal needs; it is not a replacement for your municipal attorney.

Nothing we do or say is meant to interfere with the critical relationship between your municipality and your attorney. When the law is unclear or the inquiry presents substantial risk of litigation, we'll often suggest that you seek advice from your attorney, because he or she will have to represent you should you have to go to court. When your attorney provides advice, he or she does so in the belief that the recommended action puts the municipality in the most

continued next page

defensible legal position. Your municipal attorney is also in the best position to know local factors which influence the need to proceed in a particular manner. Therefore, we generally encourage municipal officials and employees to follow their attorney's advice, especially on questions where the law is open to interpretation. Of course, we are always happy to discuss an issue with local attorneys, or to verify their interpretation of a statute or a case.

You should not seek our advice in the hopes that we will second-guess your attorney. We are here to assist, and not compete with, your attorney. Legal opinions are fact-specific and people who are not lawyers are often unaware of how a fact which seems unimportant to them affects the legal response. Thus, if our opinion differs from that of local counsel, we will generally advise you to follow the advice of your local attorney.

To further help municipal attorneys represent their clients, the League created the Association of Municipal Attorneys (AAMA) in 1992. AAMA provides several services to municipal attorneys. It conducts two training seminars annually for municipal attorneys, publishes updates of on-going litigation and also maintains an e-mail listserv to enable attorneys to communicate with each other on legal issues. We strongly encourage all attorneys involved in municipal representation to join AAMA. For more information, contact the legal department, or visit www.alalm.org/AAMA.htm.

Local Political Disputes

As attorneys, we answer your questions regarding municipal law. We often receive calls for "legal assistance" when the caller is seeking the resolution of a political disagreement. Every municipality has political disagreements; most cannot be resolved by looking at a statute. In many cases, statutes are subject to multiple interpretations, especially where the responsibilities and duties of municipal officials are concerned. These calls are awkward, and we cannot give you an answer about who is right and who is wrong. These disputes are best resolved in the political arena, through compromise and cooperation, rather than through legal guidance.

Coordination with Other Agencies

The League often serves as a contact point on municipal issues for other agencies, including state departments, such as the Attorney General's Office, as well as other entities, such as regional planning commissions. League attorneys often provide advice to representatives of these offices, and frequently serve as speakers at educational conferences and seminars run by these agencies. Because of our relationships with these agencies, we may refer you to one of them if we feel that they can assist you with your questions.

Relationship with the Worker's Comp Fund and AMIC

The League administers two risk-pooling type programs for municipalities—Municipal Workers Compensation Fund, Inc., and the Alabama Municipal Insurance Corporation, which provides liability coverage for municipalities. It is important to understand that the legal department does not represent these entities. We do not provide advice regarding coverage or on matters in which one of these entities has an interest. Further, following our legal advice is in no way a guarantee of coverage. Questions regarding specific coverage issues or other matters related to these entities should be directed to them, and not to the League's legal department.

Limitations

Excluded from our advisory services are matters such as:

- drafting individualized ordinance and contracts;
- comprehensive review of applications for grants or legal responses;
- on-site training for individual municipalities (although League attorneys will meet with representatives of a municipality at League headquarters if an appointment is made);
- litigation; and
- direct representation or negotiations with third parties on a municipality's behalf.

Remember,

- we cannot take sides with one municipality or one official against another;
- we generally cannot respond to questions regarding the League's worker's compensation or liability programs; inquiries on these programs should be directed to the appropriate representative.

Don't Hesitate to Call

This user's guide is not meant to discourage you from contacting the League's legal department. On the contrary, we hope that understanding the scope of our services will help you make better use of them. When in doubt about whether we can help you, please don't hesitate to call. Of course, if ethics prohibit us from responding to your question, we may have to refuse to answer your call, or may refer you to someone who does not have a conflict. We hope you will take advantage of League services and programs. If there is anything we can do to help, please let us know. ■

3. Tax Reform. Everyone has an opinion of what needs to be done to reform tax structure and law in Alabama. I hope we in the League can give advice to the Governor and Legislature that would bring about fairness and equity to our tax structure. We all realize that we operate on tax revenue. The good things that happen in our cities are paid for by taxpayers. Our aim should be to tax individuals, business and industry, sales and properties by a method that provides necessary services and does not over burden these entities.

4. Education. Perhaps the reform of our tax structure and laws will automatically solve the most pressing problem facing our educational system. Our crisis seems to rise and fall with the increase and decrease of tax revenue. Many counties and cities in Alabama face a bleak future because children are not being educated. We all need to work with our local school boards, our state school board, the Governor and the Legislature in order to extinguish this continual crises.

5. City/County Cooperation. Cooperation between cities and counties may be a relatively new thing for a lot of us who serve in government. My city and county now cooperate in solid waste disposal, animal control, jail services, facility use, land community program and projects. I am committed to carry forward strong cooperation in these and many other areas. We, as a League, need to cooperate with our County Commission Association to keep bad things from being put upon us and to solve the common problems that beset us.

I hope we can address these points in our League committees or through other methods we may devise, and be able to have a positive impact upon our state in the coming year.

The last thing I want to say to you tonight is to ask for your support for the thousands of Alabama National Guardsmen and Guardswomen, and the hundreds of Alabama boys and girls serving in the military as a career. Our boys and girls have been called to duty and will continue to be called. Those wearing the uniform, wherever they are, are in harm's way. They are placing their lives in danger to carry out the policies of our national agenda. Some from Alabama have, within the last six weeks, made the ultimate sacrifice, and we grieve for them and with their families. The world may take little note of what I say here tonight, but it should come away knowing that the Alabama League of Municipalities supports our boys and girls who serve us in the military.

We all remember September 11, 2001 – the dastardly attack upon our Nation. That was the first day of the war we now fight; and President Bush told us it would be a hard

and treacherous journey to root out the terrorists who hate the freedom and democracy that we enjoy in Alabama. But it must be done and it is being done. I remember President Bush warning the countries and nations who support and give aid to the terrorists. He said if you are for them, you are against us. Saddam is most certainly against us; but his days are numbered or may even be over. However, he must be made an example to the others – that we will not tolerate terrorism even though we are a tolerant nation. That we will pursue them aggressively, even though we are not an aggressor. That we will destroy them, even though we are the most long-suffering and generous nation upon the earth.

We are Americans and I know that we must be tolerant of ideas and opinions that differ from ours; but it is all I can do to stomach the inane ravings of so-called protestors whose aim obviously is to demonstrate against our President and military. These are people who loathe the military. They are not protestors, they are demonstrators. If they were protestors, they would be in Iraq laying down in front of tanks and fighting vehicles and forming human shields around the enemy's artillery positions. We have yet to see any of our movie stars and politicians really protesting the war.

I call upon all our citizens – whether you be Republican or Democrat, black or white, Latino or Native American, liberal or conservative, Christian or Muslim, Alabama or Auburn fans – to put aside petty differences and rally behind our troops and our President and military leaders for the duration of the current hostilities and present a united front to a hostile and doubting world. To say to them that by the grace of the Almighty God, the American “can do” spirit will prevail and that the sacrifice that even now our troops lay upon the alter of freedom will not be in vain and that freedom will continue to ring throughout these united state and the world.

God bless our troops, our President and military leaders and God bless America! ■

HENDON ENGINEERING ASSOCIATES

CONSULTING ENGINEERS

Quality, Full Service Engineering

Municipal, Civil, Environmental,
Natural Gas, and Electrical Engineering
Instrumentation and Controls



1025 MONTGOMERY HIGHWAY
P. O. BOX 660348
BIRMINGHAM, ALABAMA 35216

PHONE: (205) 823-7480
FAX: (205) 823-7483

e-mail: staff@hendonengineering.com



Legal Notes

By Lori Lein
Staff Attorney

COURT DECISIONS

Solid Waste: Although a municipality has the authority to maintain health and cleanliness within its police jurisdiction, the authority to regulate solid waste extends only to the corporate limits and does not extend into the municipal police jurisdiction. *Disposal Solutions-Landfill v. Lowndesboro*, 837 So.2d 292 (Ala.Civ.App. 2002).

Employees: A three judge panel of the circuit court reviewing a decision of a personnel board that affirmed the termination of a city police officer lacked jurisdiction to address the officer's claim of a conflict of interest arising from the fact that the law firm representing the city had also represented the personnel board because it presented a question of fact rather than a question of law. *Ex parte City of Homewood*, 835 So.2d 1038 (Ala. Civ. App. 2002). NOTE: The three judge panel discussed in this case is established by local law and relates only to the review of decisions of the Jefferson County Personnel Board.

Decisions from the United States Supreme Court:

Planning and Zoning: A city's submission to voters of a referendum petition seeking repeal of an ordinance authorizing construction of low-income housing and the city's refusal to issue building permits while the petition was pending implemented a facially neutral petitioning procedure and city charter provision barring a challenged ordinance from going into effect until approved by the voters and thus did not violate the 14th Amendment's equal protection clause, despite evidence of allegedly discriminatory voter statements which did not constitute state action and were not shown to be in any way attributable to city officials. *Cuyahoga Falls, Ohio v. Buckeye Community Hope Foundation*, – U.S. —, 123 S.Ct. 1389 (2003).

Decisions from Other Jurisdictions:

First Amendment: A governmental entity, when acting in a proprietary capacity under a statutory mandate to be self-sufficient, may, without violating the First Amendment, charge fees for speakers' use of distribution facilities in a nonpublic forum that exceed administrative costs tied to such use. *Atlanta Journal & Constitution v. Atlanta Dept. of Aviation*, 322 F.3d 1298 (11th Cir. 2003).

ATTORNEY GENERAL'S OPINIONS

Conflicts of Interest: A mayor who is a member of a municipal utilities board and solid waste authority, may sell real property to the utility board and solid waste authority if the board determines that the property is necessary for the utility system. However, the utilities board may not purchase the property from the mayor for the purpose of then directly selling that property to the municipality. 2003-095. NOTE: This opinion does not address the potential Ethics Law violations involved in allowing a utilities board member to sell property to the utilities board.

Jails: A sheriff or jailer, acting as an agent for an inmate, may deliver prescription drugs prepackaged by dosage to an inmate when the drugs have been dispensed by a licensed pharmacist. 2002-096. NOTE: This opinion modifies an opinion 2002-138 which opined that jail personnel who are not physicians, pharmacists or registered or licensed practical nurses, may not dispense or administer medications in jails.

Bid Law: When it is known or contemplated that like item purchases, including automotive parts not exempted by Section 4-16-52(a) of the Code of Alabama, involving \$7,500 or more will be made during a fiscal year, these items must be procured through competitive bid. The responsibility for

determining which items are like or similar in nature rests with the municipality. 2003-098.

Police Power: By rules adopted by the Alabama Supreme Court, the law enforcement duties of municipal law enforcement officers have been extended beyond the corporate or police jurisdiction limits for the purpose of executing search warrants addressed to them, and the statute, providing for arrest in the county within which the municipality is located, has been reaffirmed. 2003-099.

Blue Laws: Section 13A-12-1 of the Code of Alabama 1975, known as Alabama's Blue Law, is presumed to be constitutional. Enforcement of this section must be applied equally in a non-discriminatory manner. 2003-102.

Ordinances: A municipality may adopt the state law misdemeanor offense in Section 40-29-115(b) of the Code of Alabama 1975 relating to misrepresentation of residency in relation to motor vehicle registration, or it may adopt a new ordinance that is not inconsistent with the state law. 2003-110.

Officers and Offices: A cost-of-living raise is part of a person's salary or compensation and is not a benefit and therefore, a mayor may not receive cost-of-living raises during his or her present term of office. 2003-112. NOTE: Cost-of-living raises may be included in the mayors compensation for the next term of office if adopted 6 months prior to the next election as provided in Section 11-43-80 of the Code of Alabama 1975..

Donations: City officials may solicit funds from local businesses or residents to be used as matching funds for grants for improvements to the municipality. 2003-115.

Forms of Government: Local constitutional amendment establishing council-manager form of government for the City of Talledega discussed. 2003-118. NOTE: This opinion only applies to the City of Talledega.

Sales Tax: A city council has the authority to adopt a resolution to place a cap on the dollar amount of sales tax funds that the city will appropriate to the city board of education. 2003-120.

Fire Districts: Pursuant to Section 11-43-142, a city may contract to provide fire service to residents outside its corporate limits and police jurisdiction. 2003-125. NOTE: This opinion discusses Shelby County Fire Districts as established by local constitutional amendment.

LEAGUE PUBLICATIONS ON DISK ...

ALM Library

Seven of the League's most requested publications are now on computer disk ...

- Selected Readings for the Municipal Official
- Handbook for Mayors and Councilmembers
- Labor Laws Affecting Municipalities
- Municipal Public Improvement Cost Assessment
- Methods of Extending Municipal Corporate Limits
- Incorporating a Municipality
- Municipal Clerks Manual



MunicipaLaw on Disc

- Summaries of Alabama Attorney General's opinions
- Summaries of Ethics Commission opinions
- Summaries of Alabama and Federal court opinions
- Other court opinions as published in the *Alabama Municipal News*

New Features to MunicipaLaw on Disc:

- *Directory of Municipal Officials*
- *Directory of Municipal Attorneys*
- *Directory of Municipal Judges*

*Use your computer to search by word,
phrase or citation!*

**Both the ALM Library and
MunicipaLaw on Disc are
available in Windows format.**

To order call:

334-262-2566

League Remembers Ben Carlton

Organist Ben Carlton, who had performed at the League's annual convention for more than 20 years, died March 31, 2003, after a long battle with cancer. He was 71.

Ben was born on April 9, 1931 at the Carlton Family home in Coosa County. He received a BS in Music Education from Jacksonville State College and a MA from the University of Alabama in 1960.

After teaching one year at Clay County High School, Ben was drafted into the US Army in 1954. He served two years as a chaplain's assistant, the last year at Ft. McClellan, Alabama. During this time he also served as choir director at the Central Presbyterian Church in Anniston. Following his honorable discharge in 1956, he married Joyce Ann Silar, of Anniston, on August 28.

Primarily a band and choral teacher, Ben taught in several school systems, including 12 years in the Sylacauga system. He retired in 1983 after serving seven years as the director of the first Coosa County School Band.

A life-long Presbyterian, Ben had served as choir director and organist for a number of churches and spent more than 20 years serving in the Goodwater United Methodist Church. He was also a horse show organist and played in 12 states. In addition he was the organist for the Alabama Cattleman's State Convention and the Alabama League of Municipalities' Annual Convention. Ben was also President of the Coosa County Historical Society and became a genealogist in the process.

He is survived by his wife, his daughter and his granddaughter. ■

Our Apologies ...

Due to a computer e-mail glitch relating to inner-office e-mails, membership information on several municipalities failed to reach our publications department causing those municipalities to be inadvertently left off the "Active Members" list on page 3 of the *Journal*. This error was corrected in the April issue. Our apologies are extended to the following municipalities for the oversight:

- Clay
- Lester
- Munford
- Ridgeville
- Twin

CARR & ASSOCIATES ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS

Municipal Engineering Services



Roads & Drainage Design



Land & Topographic Surveys



Utilities, Water, Gas, Sewage



Structural Engineering



Site Planning



Plans Review for Code Compliance

2052 Oak Mountain Drive

Pelham, Alabama 35124

205-664-8498 / FAX 205-664-9685

Morgan Keegan & Company

**Financial Advisor • Underwriter
Municipal Financing**

**Morgan Keegan & Company, Inc.
Public Finance Group**

**Tom Barnett • Larry Ward
Frank Kohn • Fred Major**

**Morgan Keegan Center
2900 Highway 280, Suite 100
Birmingham, Alabama 35223**

**417 20th Street North
Birmingham, Alabama 35203**

800/753-6619 • 205/802-4276

Members New York Stock Exchange, SIPC

**N
A
F
E
C
O**



Attention:
Mayors, Council Members, Purchasing Agents, City Clerks

Fire Apparatus, We're Talking Delivery...



CUSTOM PUMPER
Hoover Fire Department



RESCUE PUMPER
Rehobeth Fire Rescue



COMMERCIAL PUMPER
Catoma Volunteer Fire Department



RESCUE
Mount Hope Fire and Rescue

...on full-lines of high performance KME trucks. NAFECO stands ready to serve the Alabama League of Municipalities with its 35 years of experience in the industry. Our EVT certified staff provides 24-hour road service. Also your pump, hydraulic tools, and SCBA maintenance needs can be met by our specialized service department.

NAFECO is prepared to handle municipalities' Fire, Police and EMS equipment needs including: turnout gear, uniforms, breathing apparatus, and thermal imaging cameras.



1515 West Moulton Street, Decatur AL 35601

800-628-6233 • 256-353-7100 • Fax 256-355-0852 • www.nafeco.com



CARR ♦ RIGGS & INGRAM, LLC
CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS CONSULTANTS

**We Take Your
 Business Personally**

Knowledge, experience and personal service. You'll find these at Carr, Riggs & Ingram, LLC. We will maintain the personal involvement with your public entity to understand your goals and help you achieve them. We are equipped to handle your most complex accounting and auditing needs. Please give us a call. We'd like to talk with you.

Contact:

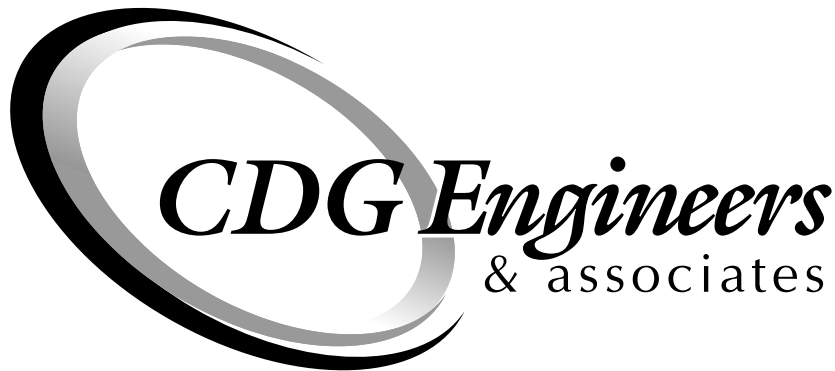
Hilton Galloway (334)347-0088
 Email: hgalloway@cricpa.com



Offices Also In:

- Montgomery, AL
- Dothan, AL
- Geneva, AL
- Destin, FL
- Fort Walton Beach, FL
- Niceville, FL
- Panama City, FL
- Tallahassee, FL
- Marianna, FL
- Jackson, MS

Enterprise Office ♦ 1117 Boll Weevil Circle ♦ P. O. Box 311070 ♦ Enterprise, AL 36330
 Phone: (334) 347-0088 ♦ Fax: (334) 347-7650
www.carriggsingram.com



Utilities
 Water
 Wastewater

Roads and Drainage
 Natural Gas Systems
 Environmental Compliance

P.O. Box 278
 1840 US Hwy 29 N
 Andalusia, Alabama 36420
 (334) 222-9431

P.O. Box 2079
 200 West Alabama Avenue
 Albertville, Alabama 35950
 (256) 891-3458

Distinguished Service Awards Presented

Each year, the League presents Distinguished Service Awards to municipal officials who have completed at least 20 years of service in municipal government. A total of 10 awards were announced this year during the closing night ceremonies at the League Convention in Huntsville. Pictured below are the recipients of the 2003 Distinguished Service Awards.



Linda Duran, Deputy Clerk/Court Magistrate, Priceville



Donna Gainey, Assistant Municipal Clerk, Bayou La Batre



Imelda McClellan, Municipal Clerk, Bayou La Batre



Lynn B. Porter, Municipal Clerk, Trussville

The following Distinguished Service Award recipients were unable to attend the closing ceremonies:

- Gregory Oakley, Mayor, Pine Apple
- Delbert Chandler, Water Superintendent, Midland City
- Judy Flippo, Municipal Clerk, Graysville
- Janet C. Gordon, Municipal Clerk, Killen
- James E. Turnbach, Municipal Attorney, Rainbow City
- Nancy S. Fulmer, Municipal Court Clerk, Killen



METRIC ENGINEERING, INC.
Engineers Planners Surveyors

Montgomery Office
1765 Platt Place
Montgomery
Alabama, 36117
Phone: (334) 215-1399
Fax: (334) 215-1398
montgomery@metriceng.com

Corporate Office
13946 SW 136th St.
Suite 100
Miami, Florida 33186
Phone: (305) 235-5098
Fax: (305) 251-5894

www.metriceng.com

SAVE A MILLION \$\$\$\$\$\$
ON WORKMAN'S COMP

Schedule an appointment today to learn more
and receive a **FREE** padfolio.

Our Visual Safety Incentive Program Advantages Are:

- No Start-Up Costs
- Customization
- Fixed Budget
- No Inventory
- Quality & Service
- Experience

OSHA Concerning Incentive Programs:
"By increasing awareness and rewarding
behavior through incentive programs,
employers have seen a reduction in
all injury categories."

"Join the Winning Team"



Junior Davis & Associates, Inc.

Junior Davis & Associates, Inc.
2041 Oak Mountain Drive
Pelham, Alabama 35124
205-620-9961 ext. 221
www.juniordavis.com

Your partner for a
cleaner environment.



Onyx North America is a full-service provider
of environmental solutions.

Waste Services

- Solid waste collection
- Recycling and disposal
- On-site management

Industrial Services

- Industrial cleaning
- Mechanical services
- Site-based maintenance

Environmental Services

- Hazardous waste management
- Emergency response
- Marine and specialty services

Montenay Power Corporation

- Waste combustion
- Energy generation
- Facility operation and maintenance



North America

Municipal Marketing

1605 Main Street, Suite 904 Sarasota, FL 34236 941.362.2401



Speaking of Retirement

ERS Board of Control Elections

Would you like the chance to:

- *Take a more active role in your retirement system?*
- *Have a voice on matters affecting your retirement?*
- *Choose whomever you want to serve on the ERS Board of Control?*

If so, then **Vote** and encourage others to vote in the upcoming election for two positions on the Employees' Retirement System (ERS) Board of Control. The election begins **June 2, 2003**, and continues through **June 16, 2003**.

The positions to be filled are: (1) Active Local Employee position and (2) Retired State Employee position. The Active Local Employee position represents active, contributing members employed by any agency such as a city, county, or town. These are not state agencies. The Retired State Employee position represents retired members of state agencies who are currently receiving a retirement benefit.

Election ballots will be mailed by June 2 to ERS retired state members and ERS local active members at their home address. If you do not receive a ballot, please contact the elections coordinator at 1-800-214-2158, extension 573.

This is an important opportunity to select a fellow member to work on the important business of governing your retirement system for the next four years. The members who serve on the Board of Control are vital to the ERS and its members. They are the trustees for the retirement funds and are responsible for the management and administration of the retirement system.

For information on the candidates running for the two positions in June, a timeline of elections, board membership, election procedures and applicable law, log on to our Web site at www.rsa.state.al.us.

Prepared by the Communications staff of the Retirement Systems of Alabama.
To have your questions answered in "Speaking of Retirement", please address them to
Mike Pegues, Communications, Retirement Systems of Alabama, 135 South Union St., P. O. Box 302150,
Montgomery, Alabama 36130-2150.

PUT OUR EXPERIENCE TO WORK FOR YOU.

Over 300 Alabama Municipalities Have.

The League's **Municipal Revenue Service** for collection of delinquent insurance license taxes has more than 50 years experience of responsible and aggressive collection of lost revenue, currently for over 300 communities in Alabama.

Contact us today and let our proven professionals get the job done efficiently and effectively.

Together our strength in numbers works for you.

ALABAMA LEAGUE OF MUNICIPALITIES

535 Adams Avenue • Montgomery, AL 36104

334-262-2566 or 888-255-0434



**ADVERTISE WITH
THE LEAGUE!**

Call

334-262-2566

or visit our web site at

www.alalm.org

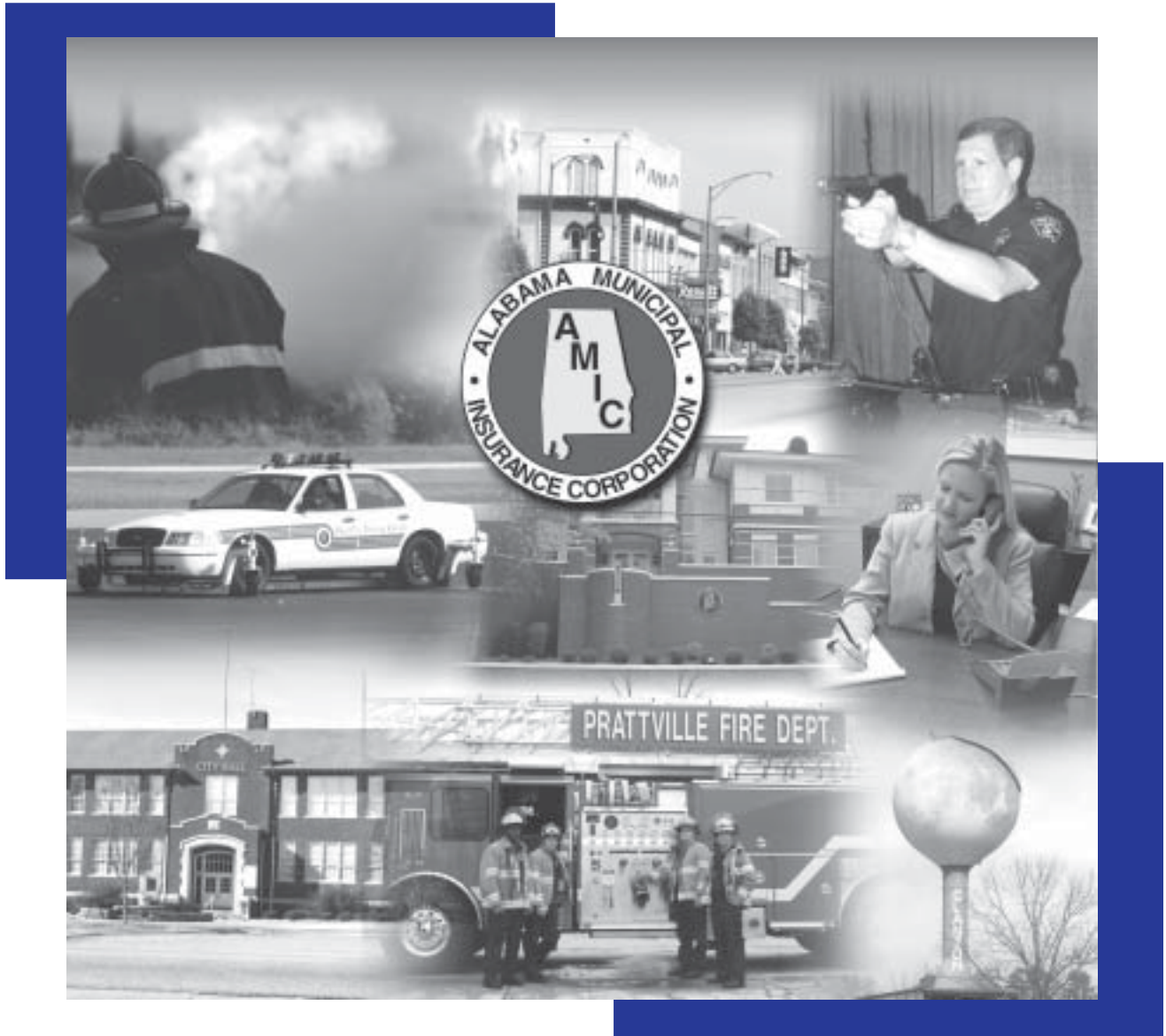
for more information.

**Visit the League
On-line**



www.alalm.org

Insuring the Future of Local Government



Is *YOUR* future covered?

STEVE WELLS, PRESIDENT
334-386-3863

Rated A- by
A.M. Best

JIM CHAMBLEE, SALES MANAGER
334-386-3863

Toll Free at 866-239-AMIC(2642)

110 N. Ripley Street • Montgomery, AL 36104 • www.AMICentral.org

The League Thanks the Following Exhibitors for their Participation in our 2003 Convention

- Acuity Brands – Holophane
- Advanced Drainage Systems, Inc.
- Aeration Solutions, Inc.
- AFLAC
- Alabama Advantage
- Alabama Cable Telecommunications Assn.
- Alabama Government Management Information Sciences
- Alabama Manufactured Housing Institute
- Alabama Municipal Electric Authority
- Alabama One Call
- Alamo Industrial
- AlaTax Public Sector Solutions
- ALCATEL
- Ameron International/J.S. Cotney, Inc.
- Alabama Municipal Insurance Corporation
- ANB Leasing Services/ANB Insurance Services
- ARCADIS
- ARI Hetra Lifting Systems
- Arrow Disposal Service
- Marshal Space Flight Center
- Aviation Council of Alabama, Inc.
- Banc One Capital Markets
- Benefits for America, LLC
- BFI Waste Services
- Bridge and Slaughter, LLC
- CDG Engineers & Associates, Inc.
- City Tech
- ConQuest GMC
- Contract Connection, Inc
- DeAngelo Brothers, Inc.
- December Lights
- Dixie Decorations
- Durham Auctions
- Dynamic Lighting
- Ehlinger & Associates
- Emergency Response & Recovery
- ETA Data Direct
- F.W. Dougherty Engineering
- First Continental Leasing
- Fleegal & Associates
- Fuelman
- Garver, Inc.
- GeoGraphix, Inc.
- Goodwyn, Mills & Cawood, Inc.
- Gov Deals
- Government Management Information Services
- Grasshopper
- HADCO
- Hammill & Associates
- Harless Fire Equipment, LLC
- Hendon Engineering Associates Inc.
- Highway Maintenance Equipment
- Holiday Designs
- IBank, LLC
- INCODE
- Ingenuity, Inc.
- J.A. Dawson & Co. Inc.
- John Deere
- Johnson & Associates, Inc.
- Junior Davis & Associates
- Key To City
- Khafra Engineers, Architects & Construction Management
- Laserfiche Document Management
- Life Insuring Company of Alabama
- Local Government Data Processing Corp.
- Merchant Capital
- Meter Reading Specialist, Inc.
- Municipal Code Corporation
- Municipal Revenue Services
- Municipal Workers Compensation Fund
- NAFECO
- NaturChem West Inc.
- New World Systems
- Novus Utility Services, Inc.
- Pac-Mac Refuew & Recycling Equipment
- Paul B Krebs and Associates, Inc.
- PeopleSoft
- Polyengineering
- Prema Corp.
- Pressure Concrete, Inc.
- Sain Associates
- Sansom Equipment Co., Inc.
- Schwarze Industries, Inc.
- Sentell Engineering
- Sherlock, Smith & Adams, Inc.
- Southeastern Equipment Co.
- Southern Linc
- Southern Playgrounds, Inc.
- Sunbelt Fire
- Sunflower Waste Co.
- Tailored Business Systems
- Tank Pro, Inc.
- Tennant Sales and Service
- Tetra Tech, Inc
- The Grant Book Company
- The Silver Trunk
- The Stresscrete Group
- The Verdin Company
- Thompson Tractor Co, Inc.
- Tudor Custom Recreation Equipment Inc
- Universal Concepts
- US Filter
- Utility Automation Integrators
- Utility Service Co., Inc.
- VALIC
- Vermeer Sale & Service
- W.J. Whatley, Inc.
- Waste Management
- Wilson Price Barranco Blankenship & Billingsley, P.C.
- 1 Point Solutions