

THE ALABAMA MUNICIPAL **JOURNAL**

June 2004

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2004 Convention Review



Representative Bill Dukes and ALM's Executive Director,
Perry C. Roquemore, Jr.

League Director Perry C. Roquemore, Jr., was honored on Tuesday night of the convention by the Alabama Legislature with a special resolution commending him for 30 years of service to Alabama's municipalities.

See page 32.

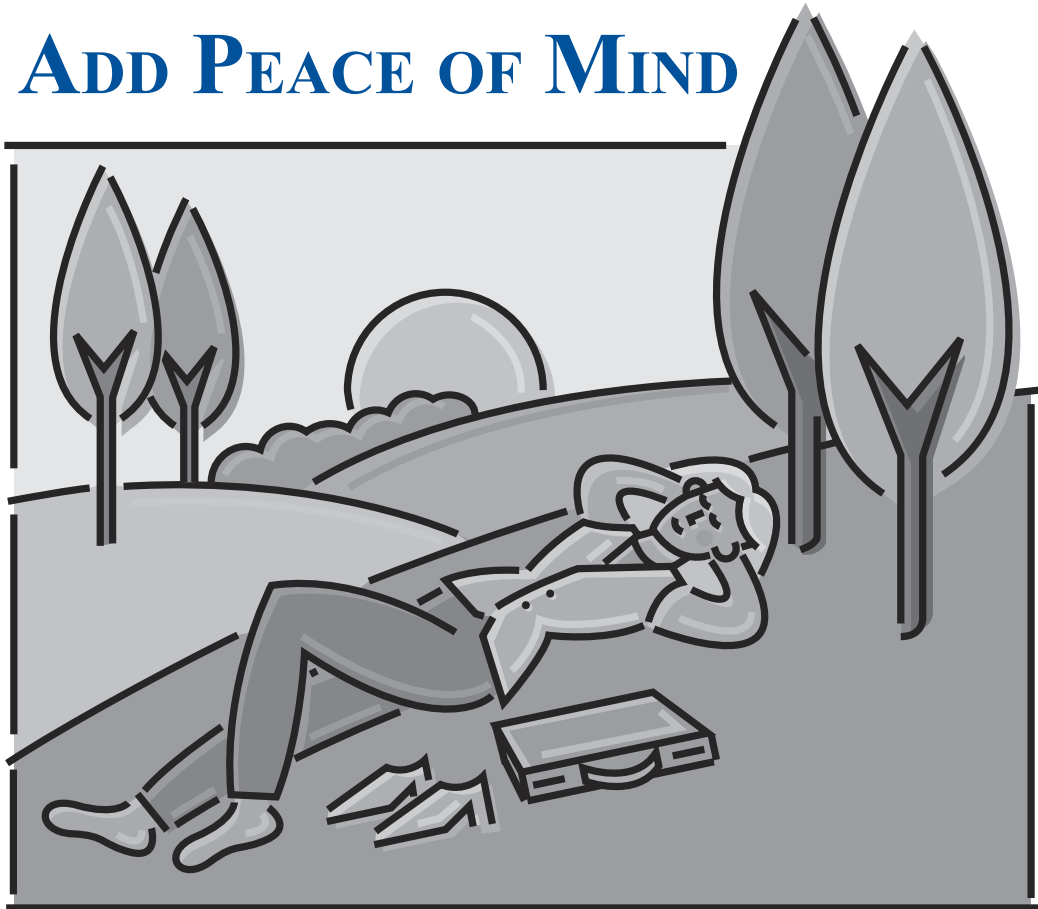
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THE ALABAMA MUNICIPAL JOURNAL

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LEAGUE FOUGHT PREEMPTION OF COUNTY AND MUNICIPAL POWERS DURING THE 2004 LEGISLATIVE SESSION

By Dan Williams, Mayor, Athens
Immediate Past President

It is indeed a great honor for me to stand before this distinguished group of Public Servants today at the Opening Session of the 2004 Alabama League of Municipalities in the Magic City of Birmingham, Alabama.

Mayor Kincaid, your City has welcomed all of these Delegates in such a gracious manner, and we appreciate its warm, Southern hospitality. We must commend the citizens of Birmingham for the image this City projects to our Nation. We owe a great deal of gratitude to those citizens and leaders who passed through one of the most epic struggles mankind has ever seen, and now rest from their labors. We owe our gratitude to the present citizens who have taken up the torch of freedom from those who have gone before and now strive to show this Nation that this is, indeed, the New Birmingham, an integral part of the New South.

I want to thank Mayor Jim Byard of the great City of Prattville, Alabama, who has served ably as the Vice President of our League this year. Jim began his Public Service career as a young man, and has, indeed, been a great, positive influence in his City and to our League. The leadership he has shown has been inspirational to all of us. I have no doubt that our League will continue to grow and progress under Jim's leadership. Jim, I, and all the men and women who have served before you, promise you that this year will stand out in your career as one of the best years of your life.

One of the main purposes of your League is to provide services for our members. The Municipal Revenue Service has been providing assistance to our members for over 65 years in the collection of delinquent insurance licenses. The League's two insurance programs continue to provide outstanding insurance products for our cities and towns. For liability and property insurance, I strongly suggest you contact the Alabama Municipal Insurance Corporation. For workers compensation coverage, contact the Municipal Workers Compensation Fund. Both companies are highly rated and serve our membership with quality coverage. Our outstanding loss



control program coupled with our Firearms Training System and Skid Car Training has helped to promote a safer work environment for our municipal employees. Each of these programs has a booth at the Trade Show. Go by and see them.

The League has also endorsed several programs that offer outstanding services for our membership. AIG-VALIC provides deferred compensation programs for city officials and employees. Gov Deals offers an outstanding internet auction program for cities to use to sell unneeded property. Last June we began a new Cable Franchise Management Program to assist our

members with issues relating to cable television. Over 25 municipalities have taken advantage of this program. Some cities have used the service to assist in the negotiation of new or renewal cable franchise agreements with cable companies. Other municipalities have used the service to help collect unpaid franchise fees or to negotiate poll attachment fees. If you have need of assistance in this area, I suggest you talk with Greg Berg at their booth in the Trade Show.

Another new service is provided by Benefits for America. Go by their booth and get information on flexible spending accounts, dependent care accounts, and the mbi Flex Convenience Debit Card. These programs help employees increase their take home pay by setting aside pre-tax dollars to pay medical and dependent care expenses.

Your League officers and staff are continually seeking new and innovative programs to benefit our members.

The past few years have been tumultuous for our State. We have come to the point where we must pay the Piper and everyone seems to know how we can avoid the payment. No one seems to be able to bring that knowledge into full implementation in a way that will solve our problems. We have gone through a Gubernatorial election that rivaled the Presidential election in closeness. The new was challenging the old with talk of accountability, doing more with what we have and no need for new monies. The old went out and the new came in and immediately told us that something drastic

is going to happen if something drastic doesn't happen. A billion dollars in new taxes were needed to keep us where we were and get us to where we needed to be.

A frenzied selling campaign put the Governor and everyone else on the road attempting to sell the need for a billion dollars in new taxes to a skeptical public. After a long and arduous journey the tax proponents returned to await the results of the vote. The results were nowhere near as close as the Governor's election. What was the problem? Didn't these voters know we were sinking? Didn't these voters know that essential State Agencies and services would have to be eliminated? The governor quickly seized upon the word "accountability" and said the people want us to be accountable before we spend another dime. Throughout this year – since the meltdown of the billion-dollar tax – he has tried to get the Legislature to make everything and everyone accountable. The work to get a balanced General Fund budget ended just a few days ago.

Last Monday, the Alabama Legislature completed its 2004 Regular Session. This was a very difficult session for all involved due to the \$300+ million shortfall in the state's general fund budget. There were 1,397 bills introduced in the session. Many of the bills introduced affected our cities and towns. When the session ended, 317 bills had received final passage. Many of these bills were local bills or bills relating to state appropriations. Of the 10 League bills introduced, five were up for final passage on the last day. However, only one received final passage. I'm pleased to report that the general fund budget contained an appropriation of \$516,849 as this year's matching funds for the very successful Wastewater Revolving Loan Program.

If you think of the legislative process in terms of a sporting event, the League was called upon time after time to play defense this session. This year we were bombarded with a long list of bills that could be categorized as dangerous to municipal government. I am happy to report that our lobbying efforts helped to defeat at least 12 of these dangerous bills. Had we not been successful, we could have laws that:

- Allow citizens to call for a referendum to pass or repeal city ordinances or taxes;
- Prohibit a city from condemning property for commercial development;
- Give the Sheriff control of the operation of halfway houses within a city without regard to municipal ordinances;
- Increased the population necessary to start a city school system from 5,000 to 15,000;
- Require water and sewer services to appear on separate bills;
- Prohibit a city from levying an occupational tax;
- Allow a county to increase its sales tax by one percent with 25% of the proceeds going to the county general fund and none going to a city even though a substantial amount of the tax proceeds is paid by city residents;
- Give significant control over city audits to a state entity;

- Increased state utility taxes on many municipalities and municipal citizens by 2.2%; Exempt sales of food from municipal sales taxes; and

- Make newly-incorporated municipalities responsible for the maintenance of county roads within their boundaries.

Aren't we relieved that those bills did not pass?

Before I quit talking about legislation, I want to take a few minutes to discuss the tobacco tax bill that passed on the last day of the session. The bill increases the state tax on cigarettes from 16.5 to 42.5 cents per pack and doubles the tax on other tobacco products. It is projected to generate in excess of \$100 million for next year's state general fund. To get tobacco companies to go along with the tax hike, the bill, as passed, includes a ban on future increases of city and county tobacco taxes. It further requires the use of tax stamps by municipalities for the sale of cigarettes.

The League and the Association of County Commissions – together with hundreds of city and county officials – fought this preemption of county and municipal powers. Our opponents were tobacco manufacturers, wholesalers and retailers. They were strongly supported by the House and Senate leadership as well as the Governor of Alabama. The tobacco interests spent untold amounts to hire nearly every independent lobbyist in Montgomery to lobby for passage of the bill. Despite the heavy odds against us, we came within

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Charlie Lyons, Selectman of Arlington, MA, and President of the National League of Cities, was a keynote speaker during the Opening Session.



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Minutes of the General Business Session

Alabama League of Municipalities
Birmingham, Alabama
May 25, 2004

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 3:00 p.m., May 25, 2004, by President Dan Williams of Athens, at the Birmingham Jefferson Convention Center in Birmingham, Alabama. President Williams 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. He stated that his 20 years around the League had been a great pleasure.

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 2003-2004. Mr. Roquemore also informed members as to the status of the League's 2004 Legislative Package.

President Williams 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 Williams then called upon Mayor Steve Means of Gadsden to present the report of the Nominating Committee. Mayor Means stated that the Nominating Committee had a tough assignment to choose officers for the next years from an abundance of very qualified candidates. He reported that the Nominating Committee had met and had recommended the following persons:

President – Mayor Jim Byard, Jr., Prattville

Vice President – Mayor Bobby Hayes, Pelham

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

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

Committee on State and Federal Legislation

Chair – Mayor Carroll L. Watson, Lincoln

Vice Chair – Mayor Bob Bunting, Ozark

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 – Councilmember Arthur Davis, Calera

Vice Chair – Councilmember Bill Stewart, Gadsden

Committee on Community and Economic Development

Chair – Councilmember Lee Garrison, Tuscaloosa

Vice Chair – Councilmember Thomas O. Moore, Demopolis

Committee on Transportation, Public Safety and Communications

Chair – Councilmember Lewis Washington, Sr., Wetumpka

Vice Chair – Mayor Tim Kant, Fairhope

Committee on Human Development

Chair – Mayor Randall Shedd, Fairview

Vice Chair – Councilmember Isabel Boyd, Brundidge

Executive Committee

First Congressional District:

Mayor Richard Long, Jackson

Mayor Tim Russell, Foley

Mayor E. Harry Brown, Daphne

Councilmember Mike Ford, Fairhope

Mayor Howard Shell, Atmore

Second Congressional District:

Mayor Curtis Jackson, Autaugaville

Mayor Frank Houston, Coosada

Mayor Rebecca Beasley, Clayton

Mayor Fred McNab, Pinckard

Councilmember Dean Argo, Prattville

Third Congressional District:

Councilmember Charles Woods, Childersburg

Mayor Charles Fagan, Piedmont

Councilmember Marshall Shaddix, Oxford

Mayor Betty Ziglar, Roanoke

Mayor Barbara Patton, Opelika

continued next page

Fourth Congressional District:

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

Fifth Congressional District:

Mayor Loretta Spencer, Huntsville
Councilmember Cynthia McCollum, Madison
Mayor Melvin Duran, Priceville
Councilmember Jimmie B. Slay, Littleville
Councilmember 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 Tom Henderson, Center Point

Seventh Congressional District:

Councilmember Rita Franklin, Selma
Councilmember Roberta Jordan, Pine Hill
Mayor Edward Daniel, Marion
Councilmember Jesse Matthews, Bessemer
Mayor John Bradshaw, Moundville

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
Mayor George Roy, Calera
Mayor Dan Williams, Athens

Mayor Means moved adoption of the Nominating Committee report. The motion was seconded by Councilmember Lewis Washington, Sr. of Wetumpka. Following a request for nominations from the floor and having none, Mayor Melvin Duran of Priceville moved that the nominations be closed. The motion, which was seconded by Mayor Means, passed unanimously. The motion to approve the report of the Nominating Committee and to elect all officers therein carried unanimously and all officers were declared elected.

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, May 23, and had recommended that the League’s *Policies and Goals for 2004*

be adopted with the following amendments: 1. On page 3, delete Policy Position F-3.21 and renumber subsequent sections. 2. On page 4, delete Policy Position F-5.14. 3. On page 11, correct “3.1.7” to read as “E-1.7”. Mayor Watson moved adoption of the *Policies and Goals for 2004*, as amended, which motion was seconded by Mayor E. Harry Brown of Daphne. The motion carried.

Mayor Watson then presented the resolutions for adoption. He pointed out that members were given summaries of 49 resolutions recommended by the Resolutions Committee. Several typographical errors were discovered and administratively corrected in Resolutions 44,45,46,48 and 49. He then moved adoption of Resolutions 1-46. Council Member Thomas Moore of Demopolis seconded the motion. The resolutions were adopted.

Mayor Watson then called upon League Director Perry C. Roquemore, Jr. to read Resolutions 47, 48 and 49.

Resolution No. 47 memorialized former League Director John F. Watkins and his wife, Ruth. Mayor Watson moved passage, which was seconded by Mayor Jim Byard, Jr. of Prattville. The motion passed unanimously.

Resolution No. 48 memorialized those active and former municipal officials that passed away since the last convention. After additional names were added from the floor, Mayor Watson moved adoption. The motion, which was seconded by Council member Tommy Chambers of Blountsville, passed unanimously.

Resolution No. 49 commended Mayor Dan Williams for his service as President of the League. Mayor Watson moved adoption and all in attendance seconded. The motion passed unanimously.

Mayor Bernard Kincaid of Birmingham was called upon to present the report of the Site Selection Committee. He stated that the League convention would be held in future years as follows: May 21-24, 2005, Huntsville; May 6-9, 2006, Mobile; April 21-24, 2007, Huntsville; and May 17-20, 2008, Birmingham. It was also announced that Huntsville hotels will not begin to accept reservations until June 16, 2004. It was explained that the Convention could not be held in Montgomery next year due to construction of a new convention center for the city. Mayor Kincaid moved adoption of the report, which was seconded by Council Member Don Moore of Uniontown. The Site Selection report was approved.

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 Birmingham, Alabama, on this the 25th day of May, 2004, that they express their deep appreciation to Mayor Bernard Kincaid and members of the Birmingham 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 Birmingham, Alabama, on this the 25th day of May, 2004, 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they express their deep appreciation to Charlie Lyons, Selectman, Arlington, MA, 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank Dr. Willie Larkin for his presentation: Reach for the Stars: A Blueprint for Leaving a Lasting Legacy on Monday morning of this convention .

RESOLUTION NO. 5

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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 Birmingham, Alabama, on this the 25th day of May, 2004, 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 Birmingham, Alabama, on this the 25th day of May, 2004, 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; Senator Jim Preuitt, Chairman of the Senate Rules Committee; and Senator Phil Poole, Chairman of the State Governmental Affairs 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank Timothy P. Donahue of Donahue and Associates 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: Fire Chief Ralph Cobb, Madison; Joe Lynch, Chair, Jefferson Shelby Wildland Urban Interface Advisory Council, Inc.; Joyce R. Ringer, PhD. Coordinator, Operation Grateful Heart; Don Fisher, Associate Director, Department of Industrial Relations; Tim

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Alford, Director, Dept. of Workforce Development; Linda Bryant, Dept. of Workforce Development; Barry Gillespie, Johnson Controls, Inc.; Paul Von Paumgarten, Director, Energy and Environmental Affairs, Johnson Controls, Inc.; Erin Stark Brown, Attorney-at-Law, Montgomery and Ken Smith, Deputy Director/Chief Counsel, Alabama League of Municipalities.

RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank the following persons for their presentations during the second set of concurrent sessions held on Monday afternoon of this convention: Chief Terry Sanders, Bay Minette Police Department; Roger Owens, Public Safety Consultant, Municipal Workers Compensation Fund and the Alabama Municipal Insurance Corporation; Dr. John Ziegler, Public Information Director, DMH/MR; Dr. Rich Powers, Director of Geriatric Services, DMH/MR; Gina G. Clifford, Executive Director, Design Alabama; Charles T. Carlisle, Jr. and John Gunderson, Daniel Corp.; John Chambliss, Jr., Brown-Chambliss Architects; Ken Groves, City Planning and Development Director, Montgomery; Bill Gilchrist, City Planner, Birmingham; and Philip Morris, Design Alabama.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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 Troy King, Attorney General, State of Alabama.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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; Jim Archibald, Bradley, Arant, Rose & White, LLP; Tim Nunnally, Assistant City Attorney, Tuscaloosa; Jim Sumner, Executive Director, Alabama Ethics

Commission; Don Lawley, Attorney at Law, Montgomery; Damien Littlejohn, Senior Auditor, Finance Department, Birmingham; Frank Lopez, Revenue Officer, Hoover; Mary Ellen Wyatt Harrison, Staff Attorney, ALM; Robert Spence, Crownover, Standridge & Spence; Ed Smelser, Attorney at Law, Mobile; Lori Lein, Staff Attorney, ALM; 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Gregg Woodyard, Elections Specialist, ESS, Birmingham; Vickie Taylor, Demopolis; Debra Hood, Haleyville; Denise Jernigan, Saraland; Steve Eason, Florence; Chuck Hagood, Huntsville; Janice Wilhite, Hueytown; Kim Wright, Russellville; Perry Roquemore, Executive Director, ALM; Lori Lein, Staff Attorney, ALM; Mary Ellen Harrison, Staff Attorney, ALM; Brenda Smith, Assistant Attorney General, Alabama Office of Attorney General; and Ken Smith, Deputy Director/Chief Counsel, ALM.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank Mayor Jim Byard of Prattville for his service during the past year as Vice President of the League. His attention to duty was most commendable.

RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 16

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 17

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in

Birmingham, Alabama, on this the 25th day of May, 2004, that they express their thanks to Jason Humphries and Mary Ellen Wyatt Harrison for arranging the Municipal Masters Golf Tournament and for their work during the tournament.

RESOLUTION NO. 18

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank Mayor Steve Means of Gadsden for serving as master of ceremonies at the Spouses Breakfast.

RESOLUTION NO. 19

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 21

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 23

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 24

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they thank the Carver High School Color Guard for their participation in the Opening Session of this convention.

RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they thank Chris O'Rear of Montgomery for singing the National Anthem during 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 Birmingham, Alabama, on this the 25th day of May, 2004, 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. 27

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do express their appreciation to Merchant Capital

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for co-sponsoring the League's Welcome Reception held at the Alabama Sports Hall of Fame on Saturday night of this convention.

RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 29

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank Emond, Vines, Gorham & Waldrep, P.C.; Fees & Burgess, P.C.; Johnston, Barton, Proctor, & Powell, LLP; Maynard, Cooper & Gale, PC; and the Alabama Association of Municipal Attorneys for sponsoring the coffee breaks during the Municipal Law Conference.

RESOLUTION NO. 30

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, Alabama Municipal Electric Authority; Alabama Electric Cooperative, Inc.; Tennessee Valley Authority; and Electric Cities of Alabama for sponsoring the luncheon on Monday afternoon of this convention.

RESOLUTION NO. 31

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do sincerely thank Alabama Gas Corporation for sponsoring the reception on Monday night of our convention.

RESOLUTION NO. 32

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank the City of Birmingham 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. 33

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004,

that they do thank the S.T.J.azz Show Choir for their performance at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they express their sincere appreciation to the companies and businesses which sponsored parties for delegates on Sunday night of the convention.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they express their deep appreciation to the Alabama Telecommunications Association for their sponsorship of the Spouses Breakfast.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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. 37

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do express their appreciation to Alabama Power for co-sponsoring the entertainment on Monday night of the convention.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do express their appreciation to Johnson Controls for sponsoring the entertainment on Tuesday night of the convention.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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: Alabama Association of Municipal Clerks; Alabama Association of Regional Councils; Alabama Cooperative Extension System; Alabama Department of Agriculture & Industry; Alabama Department of Archives & History; Alabama Department of Economic and Community Affairs (ADECA); Alabama Department of Rehabilitation Services; Alabama Department of Revenue – Sales Tax Division; Alabama Department of Transportation; Alabama Department of Environmental Management (ADEM); Alabama Development Office; Alabama Recreation & Parks Association; Alabama State Employment Service; Alabama Surplus Property; All Kids Alabama; Department of Health; Attorney General's Office of Consumer Affairs; Center for Governmental Services, Auburn University; Design Alabama; Geological Survey of AL/ State Oil and Gas Board; Governor's Office/Corporation for National and Community Service; Municipal Revenue Services; National Safety Council Alabama Chapter; Retirement Systems of Alabama; State Employee Insurance Board; State Employees' Insurance Board; State Treasurer's Office/College Savings Programs; US Department of Housing & Urban Development; USDA Rural Development

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, 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: AIG VALIC; Alabama Cable Telecommunications Association; Alabama Correctional Industries; Alabama Emergency Response & Recovery, Inc.; Alabama Municipal Electric Authority; Alabama One Call; Alabama Urban Forestry Association; Alatax; Alcatel; AMEC Earth and Environmental, Inc.; AMHI; AMIC – Alabama Municipal Insurance Corp.; ANB Leasing Services; ARCADIS; Arrow Disposal Service; Aviation Council of Alabama; Bank of New York Trust Company, N.A.; BEBCOH; Benefits for America; Bloom Master Planter Corp.; Bridge and Slaughter, LLC; Bridge Inspection Services; Browning Ferris Waste Services, LLC; Buxton; C.V.S. Flags; CDG Engineers & Associates, Inc.; Central Pipe Supply, Inc.; City of Huntsville; City Tech; Conquest Trucks; Contract Connection; Dixie Decorations; Durham Auctions, Inc.; Dynamic Lighting; Ehlinger & Associates, Architects; First Continental Leasing; Fleegal & Associates; Flowell Systems Inc.; Fuelman; G.F. Fulwood Inc./Universal Concepts; GEMS (Government E-Management Solutions); Goodwyn, Mills and Cawood, Inc.; GovDeals, Inc.;

Grasshopper Company; Hadco; Hammill & Associates, Inc.; Harless Fire Equipment, LLC; Hendon Engineering; Highway Maintenance; Equipment, LLC; Holiday Designs; Incode; Ingenuity, Inc.; Inline; J.A. Dawson & Co., Inc; John Deere & Co., Inc.; Johnson Controls, Inc.; Judge John Rochester for Supreme Court; Judicial Correction Services; Junior Davis & Associates; Key to City; KHAFRA Engineers, Architects & Construction; Laserfiche Document Management; Life Insurance Company of Alabama; Link2Gov Corp.; Local Government Data Processing Corporation; Local Government Services; Logics, LLC Software; McCord Communications; Meter Reading Specialists, Inc / Revenue Enhancement Services; Municipal Code Corporation; Municipal Services Group; Municipal Workers Compensation Fund; NAFECO; Naturchem West, Inc; Neptune Technology Group, Inc.; New World Systems; Pac-Mac/Hol-Mac; Paul Krebs & Associates, Inc.; PCSS, Inc.; Peoplesoft; Polyengineering; Sain Associates; Sansom Equipment Co., Inc.; Sentell Engineering; Sharp Communications; Sherlock, Smith & Adams, Inc.; Silver Trunk; SouthEastern Equipment Co.; Southern Linc; Southern Playgrounds; Sun Valley Lighting; Syscon; Tank Pro, Inc.; Thompson Tractor, Co.; Tidmore Flags; Tudor Custom Recreation Equipment, Inc.; Utility Service Co., Inc.; Verdin Company; Warren Truck & Trailer, Inc.; Waste Management; Wilson Price

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they sincerely thank Town and Country Ford, for providing the Hole-In-One prize for the Municipal Masters Golf Tournament. Also, we are most appreciative to Municipal Revenue Service for providing the golf prizes for tournament winners; Sirote and Permut for sponsoring the breakfast; and Carr, Riggs and Ingram, LLP and the Jefferson County Mayors Association for co-sponsoring lunch.

BE IT FURTHER RESOLVED that they do thank the following for their sponsorships: Alabama Poultry and Egg Association; Alabama Power Company; Balch & Bingham, LLP; Ball, Ball, Matthews & Novak; Black & Hughston, P.C.; Blount Parrish & Co. Inc.; Browning Ferris Industries; Burgess & Hale; C. Robert Gottlieb, Jr. P.C.; Cobb, Shealy, Crum & Derrick, P.A.; Compass Bank; Drummond Company, Inc.; Fann & Rea, P.C.; Goodwyn, Mills and Cawood, Inc.; Graysville Chamber of Commerce; Graysville Municipal Gas System; Graysville Water Works and Sewer Board; Hill, Hill, Carter, Franco, Cole & Black, P.C.; Lusk & Lusk; McCullers-Capps & Assoc. Inc.; Merchant

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Capital; Porter, Porter & Hassinger, P.C.; Rives & Peterson; Stanley A. Martin, Attorney at Law; Turnbach, Warren, Roberts & Loyd, P.C.; Wooten, Thornton, Carpenter, O'Brien, Lazenby & Lawrence; and Zieman, Speegle, Jackson & Hoffman

RESOLUTION NO. 42

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do express their thanks to the following sponsors of League legislation during the 2004 Regular Session, namely: Senators Larry Means, Quinton Ross, Tommy Ed Roberts, Hap Myers and Zeb Little and Representatives Ron Johnson, Steve Clouse, Bill Dukes, Victor Gaston, Steve McMillan, Marcel Black, Warren Beck and Johnny Ford.

RESOLUTION NO. 43

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do thank the members of the 2003-2004 Executive Committee for their expertise, advice and assistance regarding League operations.

RESOLUTION NO. 44

WHEREAS, on May 17, 2004, the Alabama Legislature narrowly passed an increase in state tobacco taxes in an effort to help fund the State General Fund Budget while at the same time preventing local governments from increasing local tobacco taxes in the future; and

WHEREAS, it was the desire of the Alabama Legislature to fund the General Fund Budget with this increase in tax revenue at the expense of the legislative and taxing authority of Alabama's local governments; and

WHEREAS, despite this increase in state tobacco taxes, the Alabama Legislature will continue to face budget shortfalls in the future and will be forced to continually look for ways to meet those budget shortfalls;

NOW THEREFORE, BE IT RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that the League vehemently oppose any further attempts by the Governor or the Alabama Legislature to raise revenue for the State Budgets at the expense of and the detriment to municipal government legislative and/or taxing authority.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Hon. Governor Bob Riley and the leadership of both houses of the Alabama Legislature.

RESOLUTION NO. 45

WHEREAS, the United States Department of Homeland Security was created in response to September 11, 2001; and

WHEREAS, since the inception of the Department of Homeland Security, federal homeland security funds have been inefficiently distributed by the states to the cities and towns across the nation; and

WHEREAS, in March, 2004, President Bush established a Homeland Security Funding Task Force to look at the funding process and identify steps to ensure efficient distribution of funding from the Department of Homeland Security to first responders; and

WHEREAS, it is unclear that the obligated funds have been passed on to local governments;

NOW THEREFORE, BE IT RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that the League expresses its sincere concern over the problems with prompt distribution of Homeland Security Funds from the State of Alabama to municipal first responders, and continues to urge the President and the Department of Homeland Security to work with state and local governments in addressing this problem.

RESOLUTION NO. 46

WHEREAS, the United States Department of Homeland Security was created in response to September 11, 2001; and

WHEREAS, since the inception of the Department of Homeland Security, local governments have been forced to increase their spending and level of resources to protect their citizens from a terrorist attack and conform to the guidelines of the Department of Homeland Security; and

WHEREAS, higher levels of alert strain municipal resources that are in short supply; and

WHEREAS, some of these costs include, but are not limited to, surveillance equipment, additional security measures at government buildings, first responder and bioterrorism training; and

WHEREAS, funding levels from the Federal government are dangerously low while the directives from the Department of Homeland Security continue to increase;

NOW THEREFORE, BE IT RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that the League expresses its concern over the practice of Congress prescribing unfunded mandates through the Department of Homeland Security that require municipalities throughout the State of Alabama to expend limited resources in order to comply with these Department of Homeland Security mandates.

RESOLUTION NO. 47

WHEREAS, John F. Watkins faithfully served the Alabama League of Municipalities from 1956 until 1986 – first as staff attorney and then as the League’s second Executive Director; and

WHEREAS, during his tenure he advised municipal officials from across the state on municipal policy, procedure and laws affecting municipalities while guiding the League as its membership continued to grow and as member services were added; and

WHEREAS, Mr. Watkins’ belief in hard work and caring service to Alabama’s municipalities and their officials were his guiding principles as Executive Director; and

WHEREAS, his wife, Ruth, was an active, dedicated and supportive spouse during his 30 years of service to the municipalities of Alabama;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 25th day of May, 2004, that they do memorialize John F. Watkins and his wife, Ruth, and pay tribute to the many years of dedicated service they gave to the Alabama League of Municipalities and to the State of Alabama.

RESOLUTION NO. 48

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama on this the 25th day of May, 2004, that they memorialize the following persons who have died in office since our last convention, namely: Larry Henderson, Mayor of Banks; Bowman Griffin, Jr., Mayor of Baker Hill; B.L. Abrams, Jr., councilmember of Eutaw; Antone Peeples, councilmember of Hobson City; Voncile Sansom Bell, councilmember of Luverne; Buford Biggs, councilmember of Bay Minette; Mark Harden, councilmember of Phil Campbell; John P. Roberson, councilmember and former Mayor of Rogersville; Sonny Crimm, councilmember of Valley; Tori Breazeale, clerk of Creola; Mark Carden, Mayor of Phil Campbell; Quilla Wilder, Mayor Pro Tem of Aliceville; Walter E. Jenkins, councilmember of Brighton; Homer Cox, Mayor of Arley; and Winfred Jones, councilmember of Calera.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Emmett R. Middleton, former councilmember and mayor of Loxley; James “Hugh” Summerlin, former Mayor of Ashford; Thomas E. Kelley, former Mayor Pro-tem and councilmember of Millbrook; Edward Samuel Gray, Sr., former councilmember of Prattville; Charles Lockridge, former councilmember of Pell City; Rev. J.D. Hunter, former councilmember of Selma; John Lester Coker, former councilmember of New Site; Jack Moore Brown, former Mayor of Jasper; Charles

Osborne, former Mayor of Talladega; Murray P. McCluskey, former Sylacauga councilmember and state legislator; Frederick Collins, former Mobile city attorney; Joseph F. “Jiggs” Nelson, former Mayor of Bayou La Batre; J. Ernest Jackson, former Mayor of Flomaton; William “Bill” Hill, former councilmember of Childersburg; Willie Maude Snow, former Mayor and councilmember of Hobson City; Thomas Edwin (Ed) Allen, Sr., former mayor and councilmember of LaFayette; Jack Sides, former mayor of Cullman; Bobby R. Byram, former mayor of Leesburg; Earl Neese, former mayor of Florala; Penwell L. “Penn” Woods, former Mayor of Jasper; Roy Formby, former councilmember of Piedmont; James E. (Jim) Gaston, Jr., former councilmember of Fairhope; Layton Overstreet, former councilmember of Fairhope; Robert N. Cauthen, former councilmember of Orange Beach; Edward Lee Goodson, former Mayor of Leeds; T.J. Lockhart, former mayor of Jemison; Willie May Elmore, former councilmember of Forkland; George E. Hickey, former town councilmember of Oak Grove; Jerry C. (Peaches) Thompson, former Mayor of Gurley; Claude Dear, former Mayor of Anniston; Clarence H. Cole, former Mayor of Millport; Senator B. Don Hale, former city attorney of Cullman; Carl Prichard, former mayor of Calera; Robert Louis Whitaker, former councilmember of Valley; Ed Robertson, former Mayor, Northport; Robert Tyson, former Mayor, Robertsdale; Kathryn Davis, wife of former League President J.C. Davis; Dolores Oates, former councilmember of Daphne; and Willie James Moncrease, former councilmember of Castleberry.

RESOLUTION NO. 49

WHEREAS, Dan Williams, Mayor of Athens, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Williams’ 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 Williams’ 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 Birmingham, Alabama, on this the 25th day of May, 2004, that they do recognize and commend Mayor Williams 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. ■

Opening Session Address — continued from page 5

four votes in the House of stopping the bill. This speaks very highly of your ability to lobby for the just cause of municipal government.

The battle is **not** over. I predict the state general fund will be in just as bad shape next year, if not worse. State leaders will again be challenged to find revenues to meet the overwhelming demands of state government. We must send a clear and strong message to the Governor and to the members of the State Legislature before the next session. The message is:

1. DON'T SOLVE THE STATE'S FINANCIAL PROBLEMS BY PREEMPTING THE AUTHORITY OF LOCAL GOVERNMENTS TO HANDLE THEIR OWN AFFAIRS.

2. DON'T SELL OUT LOCAL GOVERNMENTS TO ACHIEVE FINANCIAL STABILITY FOR THE STATE.

3. THE CITIZENS OF OUR MUNICIPALITIES AND COUNTIES – **NOT THE GOVERNOR OR THE LEGISLATURE** – ELECT MAYORS, COUNCILMEMBERS AND COUNTY COMMISSIONERS TO RUN THE AFFAIRS OF THEIR LOCAL GOVERNMENTS. LET US DO WHAT WE WERE ELECTED TO DO

We are still where we were except they say the amount of tax revenue coming into the Educational Trust Fund and the General Fund is increasing, and the state is receiving more tax money than ever before. Evidently spending is outstripping the increasing amount of tax dollars.

Some say what this State needs is a new Constitution. Some say what this State needs is to get rid of AEA, ALFA or the Business Council. Some say what this State needs is to soak the big timber companies. Some say what this State needs is to curtail spending in higher education. Some say what this State needs is to vote in casino gambling and the lottery.

I guess there may be some credibility to all these things people say this State needs but, in my humble opinion, what this State needs is a good *Mayor* for its Governor. What this State needs is good *Mayors* for its legislators.

Who, more than a Mayor, knows how to deliver services to constituents? Who, more than a Mayor, knows what services the constituents need? Who, more than a Mayor, knows that the lowest level of government gives people the most efficient services for their tax dollars? Who, more than a Mayor, knows that numerous State Agencies and services should be dismantled and the responsibility and funding passed down to the local government to serve the people? Who, more than a Mayor, knows how to find the best folks to serve on boards that affect your kids and your pocketbook? Who, more than a Mayor, knows how to include people in the governing process without choosing according to party labels or popular criteria? Who, more than a Mayor, knows how the people

feel about their schools? Who, more than a Mayor, can understand the frustration citizens feel from dealing with bureaucracy? Who, more than a Mayor, has dealt with the grand and the glorious and the insignificant and the mundane? Who, more than a Mayor, may – during a typical day – hobnob with the rich and famous and then listen to irate citizens complain about dogs, garbage and weeds on the right-of-ways?

This State could use a good dose of a good Mayor, and there are plenty of you here who have the knowledge, experience, ambition and friends to put you on the campaign trail.

I cannot say enough about our League's Staff. I am always impressed with the care, concern and attention to detail that Perry Roquemore and those lovely folks who run this great League give to us and our endeavors. The programs that are offered to our member Cities are well thought out, organized, designed to enhance the services we offer to our Citizens and bring in revenue that enables the League to exist without exorbitant fees to our Cities. I have often thought that our Sovereign State of Alabama would greatly benefit from four years of leadership from Perry Roquemore and our League Staff. So, when all of you get ready to pursue other interests, I'm ready to load Al Dupont, Leon Smith and Billy Joe Driver in the wagon and hit the campaign trail.

I would also hasten to recommend to anyone who is eligible that you seek the Office of President, of the League of Municipalities. During my year as President I have often wished that I could be the full-time President and get paid money for being in the position. Now the reason I have wished for that was due to the kingly treatment I have received from Perry, his lovely wife, Suzanne, and all the Staff and their spouses at our headquarters. These folks are just like you and me – with families, friends and a desire to become excellent at performing their jobs and contributing to such a great organization. They all also like to have a good time after working very hard – and that is the kind of folks with whom I like to spend my time.

To all of you here today, who serve in the noble profession of politics, I give you my sincere thanks for the honor of serving as your President, and I will always, in or out of office, have fond remembrances of each of you. ■



The President's Report

Jim Byard, Jr.
Mayor of Prattville

Address – President's Banquet 2004 League Convention

One of my favorite duties of serving as the Mayor of my hometown is speaking to schoolchildren. Like many of you, I find myself in schools at least once most weeks. Also, as you, I speak to many groups, and I always like to tell them some of the things that the younger children say to me.

To a second grader, the mayor of the city is a much bigger thing than it is to their parents. These young citizens always want to know if I drive in a limousine, or they want to know if they can trick-or-treat at the mayor's mansion. Once a kindergartener asked me if my office was at the Church- I told him, "No, it was at City Hall, but why did you ask?" "Because I see you have your 'Sunday shoes' on," he replied. Recently, I was talking with second graders about their government, when one very innocent young lady asked if I had ever met the President. I replied that I had not. A young man then asked if I had ever met any president, and I told them that I had seen the Senior Bush once in Montgomery, and that I had seen President Clinton once in Washington. Not to be outdone, the first girl asked in only the way second



Immediate Past President of the League, Mayor Dan Williams of Athens, passes the gavel to newly elected League President, Mayor Jim Byard, Jr. of Prattville.



Mayor Jim Byard, Jr. delivers his acceptance speech during the President's Banquet on Tuesday night of the convention.

graders ask, "Do you do the same things President Clinton does?" Needless to say, the adults in the room enjoyed watching me answer that one.

I want to take a moment and congratulate our newly elected Vice President. I look forward to working with you this year. I also congratulate all of the members of our Executive Committee and Standing Committee Chairs and Vice-Chairs. Thank each of you for agreeing to serve our League.

I am honored to stand before you tonight in a leadership role with our League of Municipalities. There are many family, friends, and co-workers here tonight that have helped me succeed. These folks, just like those in your hometown, continue to work hard so that our City, the Mayor and the City Council shine.

Tonight, we stand on the shoulders of those that came before us – not just in our cities and towns – but here, as municipal leaders involved in the Alabama League of Municipalities. Imagine where we in this league would be if we were not fortunate to have had great leadership over the years. I must begin by thanking our immediate past-president, Mayor Dan Williams of Athens. Thank you, Mayor, for your leadership in this organization during this past year. Mayor Williams dealt with tragedy at home, with the shooting death of two of his city's police officers. During this stressful time, he continued to represent this organization to the fullest. From everyone gathered here this evening, I say, "Thank you, Mayor Williams."

One of the definitions Mr. Webster gives of a family is "a group of people united by certain convictions of a common affiliation". The Alabama League of Municipalities exemplifies a family connected by a special bond - that of service and leadership to our citizens. It is my hope that we, as elected city leaders, continue to strengthen these relationships of commitment, service and leadership. It has been said that we, as municipal officials, affect more lives in a shorter period of time than any office holders in other levels of government.

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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Director's Report League Convention, May 25, 2004

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 Huntsville 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 4th 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.

NLC Activities

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 Nashville, Tennessee, in December. Approximately 250 delegates and spouses attended the NLC Congressional-City Conference in Washington, D.C. in March.

The Alabama League of Municipalities is very well

represented on many NLC bodies. Many of our officials serve on various NLC Policy Committees and Steering Committees. At the Congress of Cities in Nashville, Mayor Ted Jennings of Brewton was elected to serve a two-year term on the NLC Board of Directors. Council Member Cynthia McCollum of Madison is currently serving her second year on the NLC Board. Mayor Leon Smith of Oxford and Mayor Al DuPont of Tuscaloosa serve on the NLC Advisory Committee. NLC has chosen Alabama as the site of two of its meetings this year. Councilmember JoAnn S. Thomas of Florence currently serves as President of NLC's Women in Municipal Government. Last week, Florence hosted this group's annual summer meeting. In June, the NLC EENR Steering Committee will hold its summer meeting at the Grand Hotel in Fairhope. Councilmember Debbie Quinn of Fairhope, a member of the committee, will act as hostess for the group.

Membership

The League's membership now stands at 443 municipalities representing over 99% of Alabama's urban population. 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 2003-2004 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 completion of two regular and one special session of the State Legislature, the defeat of a massive tax and accountability package and severe cuts in state budgets.

During the 2003 Regular Session, two League measures were enacted. Act 2003-400 revised municipal election procedures. This legislation was needed in preparation for the 2004 municipal elections. We also were successful in obtaining passage of Act 2003-397. This bill should help eliminate numerous frivolous environmental lawsuits under the Alabama Water Pollution Control Act by bringing state law in conformance with the Federal Clean Water Act.

The General Fund Budget passed last fall following the defeat of the tax and accountability package, the budget bill contained a League-supported appropriation of \$568,598 to the Water Pollution Control Authority to continue the highly successful State Revolving Fund for Wastewater Treatment.

The League Committee on State and Federal Legislation met in November and adopted the League's 2004 Legislative

continued next page

Package. The Regular Session began on February 3rd and adjourned sine die last Monday. Of the ten League bills introduced, five were up for final passage on the last day. However, only one received final passage. I'm pleased to report that the general fund budget contained an appropriation of \$516,849 as this year's matching funds for the very successful Wastewater Revolving Loan Program.

As our President said yesterday, our lobbying efforts helped to defeat a number of dangerous bills. If we had not been successful, we could have laws that:

- Allow citizens to call for a referendum to pass or repeal city ordinances or taxes;
- Prohibit a city from condemning property for commercial development;
- Give the Sheriff control of the operation of halfway houses within a city without regard to municipal ordinances;
- Increased the population necessary to start a city school system from 5,000 to 15,000;
- Prohibit a city from holding a landlord responsible for the failure of a tenant to pay his utility bill;
- Require water and sewer services to appear on separate bills;
- Prohibit a city from levying an occupational tax;
- Allow a county to increase its sales tax by one percent with 25% of the proceeds going to the county general fund and none going to a city even though a substantial amount of the tax proceeds is paid by city residents;
- Give significant control over city audits to a state entity;
- Increased state utility taxes on many municipalities and municipal citizens by 2.2%;
- Exempt sales of food from municipal sales taxes; and
- Make newly-incorporated municipalities responsible for the maintenance of county roads within their boundaries.

Thank goodness those bills did not pass.

I want to commend our League lobbying team and the hundreds of municipal officials who voiced their opposition to the tobacco tax bill last week. Our opponents in this fight against the preemption of municipal powers were tobacco manufacturers, wholesalers and retailers. They were strongly supported by the House and Senate leadership as well as the Governor of Alabama. The tobacco interests spent untold amounts to hire nearly every independent lobbyist in Montgomery to lobby for passage of the bill. Despite the heavy odds against us, we came within four votes in the House of stopping the bill. This speaks very highly of your ability to lobby for the just cause of municipal government.

I agree with your President that the battle is not over. The state general fund will probably be in just as bad shape next year. They will again go looking for band aids to solve the problem. Between now and then, we must send a clear and strong message to our Governor and the members of the State Legislature to solve the state's problem without curtailing or preempting municipal legislative or taxing powers.

On a positive note, the Alabama Department of

Transportation recently began the process of getting each municipality its' share of the \$15 million set aside for cities and towns by Amendment 666 for infrastructure improvements. This one-time revenue should provide help for cities and towns on capital improvements in their community.

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 also offer two excellent computer software programs – the *ALM Library* and *MunicipalLaw On Disc*.

We continue to endorse several programs that offer outstanding products for our members. In addition to AIG-VALIC's deferred compensation program and the Gov Deals online auction service, we have added two new programs this year. Last June, we began a new Cable Franchise Management Program to assist our members with issues relating to cable television. Over 25 municipalities have taken advantage of this program. Some cities have used the service to assist in the negotiation of new or renewal cable franchise agreements with cable companies. Other municipalities have used the service to help collect unpaid franchise fees or to negotiate poll attachment fees.

Another new service is provided by Benefits for America, which offers flexible spending accounts, dependent care accounts, and the mbi Flex Convenience Debit Card. Flexible Spending and Dependent Care Accounts help employees increase their take home pay by setting aside pre-tax dollars to pay medical and dependent care expenses.

If you need any of these services, I recommend you contact these League or endorsed providers. Your League officers and staff continue to look at new and innovative programs to assist our member municipalities.

CMO Program

Our Education Program for the Elected Municipal Official, which gives every elected municipal official in Alabama the opportunity to obtain the designation of Certified Municipal Officer (CMO), continues to grow. Since the program began several years ago, we have had 2108 officials participate in the program. As of last week, 577 officials have obtained the required 40 credit hours of training for Basic CMO certification and 204 officials have earned their Advanced CMO designation. At this Convention, additional officials will earn their Basic and Advanced CMOs. A ceremony will be held at

the Montgomery Civic Center on July 1st for this year's graduates.

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. Elections will be held in August and September and new administrations will take office in October. I want to take a moment to recognize one of our past presidents who has chosen not to seek reelection. Mayor Sue Glidewell of Rainbow City has represented her city, the state and this League in an exemplary manner for many years. Let's thank Mayor Sue for her efforts and her friendship. She will be missed.

I know several of you are not planning to run for reelection. I want each of you that has made this decision to stand so that we can thank you for your service to municipal government and to the League. We will again offer an Orientation Session for newly elected and veteran officials at several sites in early October. Your staff is currently updating our manuals for distribution next fall.

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. ■

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Vendor Profiles are included in the League's Gold and Platinum advertising packages. For more information on how your company can purchase a package, contact Greg Cochran at 334-262-2566 or gregc@alalm.org.



Mayor Bernard Kincaid welcomed delegates to Birmingham during the Opening Session.

AMEA

Alabama Municipal Electric Authority

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Montgomery, Alabama 36104
Phone: 800-239-2632 or 334-262-1126
FAX: 334-262-2267
E-mail: bart@amea.com
Website: www.amea.com
Contact: Tom Bartels

Alabama Municipal Electric Authority is the joint action agency for 11 Alabama cities who distribute electricity as a city service. AMEA is also the Alabama sales affiliate for Hometown Connections products and services. This affiliation allows all Alabama municipal electric systems access to a wide array of products and services at discounted prices. AMEA members are: Alexander City, Dothan, Fairhope, Foley, LaFayette, Lanett, Luverne, Opelika, Piedmont, Sylacauga and Tuskegee.

Vendor Profiles are included in the League's Gold and Platinum advertising packages. For more information on how your company can purchase a package, contact Greg Cochran at 334-262-2566 or gregc@alalm.org.

Mayor Bobby Hayes of Pelham Elected Vice President of the League

On Tuesday, May 25, Mayor Bobby Hayes of Pelham was elected League Vice President during the League's General Business Session.

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

Hayes retired as Field Commander of the Tactical Operations Unit of the Birmingham Police Department in 1983 and was one of the most highly decorated officers in the department. He has been the Mayor of Pelham since 1984 and is serving his fifth term. He is active on numerous boards and committees in Shelby and Jefferson Counties and serves on several state committees and one national committee. He was reappointed by Governor Siegelman to the State of Alabama Housing and Finance Authority serving the 6th Congressional District representing Mayors. He was also instrumental in bringing the Salvation Army to Shelby County.

He and his wife, Judy, have three children and nine grandchildren. ■

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ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, Intergovernmental Relations

Tennessee River Ranked #4 Most Endangered

In April, American Rivers, a national rivers protection organization, placed the Tennessee River at the #4 slot on the Most Endangered Rivers list for 2004. The group cited the river's severe problem with sewage discharges and spills and the potential for that problem to increase, as the reason for the river's placement on the national list.

According to American Rivers, sewage infrastructure has not kept up with population growth along the Tennessee River for decades, and the result is that millions of gallons of raw or partially treated sewage are accidentally or deliberately discharged into the river each year.

To learn more about the American Rivers annual "Most Endangered" list, and the Tennessee River, go to www.americanrivers.org/mostendangereddriversof2004 announced.html

Alabama Congressmen Support Forest Legacy

One way a congressperson can express his or her support for important environmental programs are through "Dear Colleague" letters to appropriation committee chairs. If a "Dear Colleague" letter is signed by a large and bipartisan number of representatives or senators, a strong positive message is sent to the committee considering the funding for that particular program.

This year, the Forest Legacy Program, if funded fully, will enable the public to protect several areas important to Alabama. These areas include: the purchase of the remaining "Walls of Jericho" land in Tennessee connecting up with the Forever Wild land that was purchased this spring; additional areas in Jackson County, Alabama and ecologically vital Mobile Delta lands.

Alabama congressmen Bud Cramer of Huntsville, Jo Bonner of Mobile and Artur Davis of Birmingham joined 89 of their colleagues in signing a "Dear Colleague" letter in support of Forest Legacy funding this April. The letter was sent to the chair of the Appropriations Resource Committee.

For more information about Forest Legacy go to: www.fs.fed.us/spf/coop/programs/loa/flp.shtml

Alabama Forestry Association Landowners Poll

In 2003, the Alabama Forestry Association commissioned a comprehensive survey of 300 Alabama forest landowners. The survey identified many of the interests, needs and attitudes of Alabama's forests owners. Here are some of the study's results. (Editor's Note: Approximately 75% of Alabama's forest land is owned by more than 220,000 non-industrial forestowners)

Importance of Roles for Forests in Alabama

First Most Important - Providing Timber & Wood Products 55%, Providing Wildlife Habitat 31%, Enhancing the Beauty of the State 6%, Providing Recreational Opportunities 4%, Providing Wilderness Areas 4%.

Second Most Important - Providing Timber & Wood Products 17%, Providing Wildlife Habitat 44%, Enhancing the Beauty of the State 19%, Providing Recreational Opportunities 10%, Providing Wilderness Areas 10%.

Third Most Important - Providing Timber & Wood Products 10%, Providing Wildlife Habitat 13%, Enhancing the Beauty of the State 31%, Providing Recreational Opportunities 28%, Providing Wilderness Areas 18%.

Educational Topics Most Important To Landowners

First Most Important - Wildlife Conservation 28%, Marketing Your Timber 24%, Best Forest Management Practices 21%, Forest Taxation Issues 10%, Educational Opportunities On Your Land 5%, Recreational Opportunities On Your Land 4%, Leasing your Forestland for Hunting 4%, Threatened & Endangered Species Conservation 3%. Second Most Important - Wildlife Conservation 24%, Marketing Your Timber 19%, Best Forest Management Practices 13%, Forest Taxation Issues 11%, Educational

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- 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:

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- Minimum Issue - whatever \$5.00/week purchases at current age
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Final Report on the 2004 Regular Session

The Alabama Legislature completed its 2004 Regular Session shortly after 10:00 pm on Monday, May 17. This was a very difficult session for all involved due to the \$300+ million shortfall in the state's general fund budget. There were 1397 bills introduced in the session. Many of the bills introduced affected our cities and towns. When the session ended, 317 bills had received final passage. By comparison, in 2003, a total of 1322 bills were introduced of which 268 received final passage. In 2002, a total of 1289 bills were introduced of which 282 received final passage. In 2001, a total of 1586 bills were introduced and 302 were passed. Many of these bills were local bills affecting a single county or municipality or bills relating to state appropriations.

The League commends Lt. Gov. Lucy Baxley, House Speaker Seth Hammett, Senate President Pro Tem Lowell Barron, House Speaker Pro Tem Demetrius Newton and the other House and Senate leaders for their leadership during this session.

Final Status of the League Legislative Package

Of the ten League bills introduced, five were up for final passage on the last day. However, due to filibusters, only one received final passage.

General Fund Budget – HB270 by Rep. Knight (J), Act 2004-562. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2005. We are pleased to report that the general fund budget contained an appropriation of \$516,849 as this year's matching funds for the very successful Wastewater Revolving Loan Program.

The League wishes to thank the following persons for sponsoring League bills this session: Representatives Steve McMillan, Bill Dukes, Ron Johnson, Warren Beck, Victor Gaston, Steve Clouse, Marcel Black, Johnny Ford and Senators Tommy Ed Roberts, Quinton Ross, Zeb Little, Larry Means, and Hap Myers.

Status of Dangerous Legislation

A number of bills introduced during the 2004 Regular Session were adverse to the interests of municipal government. The League was successful in its efforts to defeat twelve of these proposals. Had we had not been successful, we could have laws that:

- Allow citizens to call for a referendum to pass or repeal city ordinances or taxes;
- Prohibit a city from condemning property for commercial development;
- Give the Sheriff control of the operation of halfway houses within a city without regard to municipal ordinances;
- Increased the population necessary to start a city school system from 5,000 to 15,000;
- Prohibit a city from holding a landlord responsible for the failure of a tenant to pay his utility bill;
- Require water and sewer services to appear on separate bills;

- Prohibit a city from levying an occupational tax;
- Allow a county to increase its sales tax by one percent with 25% of the proceeds going to the county general fund and none going to a city even though a substantial amount of the tax proceeds is paid by city residents;
- Give significant control over city audits to a state entity;
- Increased state utility taxes on many municipalities and municipal citizens by 2.2%;
- Exempt sales of food from municipal sales taxes; and
- Make newly-incorporated municipalities responsible for the maintenance of county roads within their boundaries.

HB716 by Rep. John Knight passed on the last day of the session. The bill increases the state tax on cigarettes from 16.5 to 42.5 cents per pack and doubles the tax on other tobacco products. It is projected to generate in excess of \$100 million for next year's state general fund. To get tobacco companies to go along with the tax hike, the bill, as passed, includes a ban on future increases of city and county tobacco taxes. It further requires the use of tax stamps by municipalities for the sale of cigarettes.

The League and the Association of County Commissions – together with hundreds of city and county officials – fought this preemption of county and municipal powers. Our opponents were tobacco manufacturers, wholesalers and retailers. They were strongly supported by the House and Senate leadership as well as the Governor of Alabama. The tobacco interests spent untold amounts to hire nearly every independent lobbyist in Montgomery to lobby for passage of the bill. Despite the heavy odds against us, we came within four votes in the House of stopping the bill. This speaks very highly of your ability to lobby for the just cause of municipal government.

General Bills Passed

Relocation of Utility Facilities – HB21 by Rep. Boothe, Act 2004-93: To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement to utilities of the costs of relocations of utility facilities pursuant to an order of the State Director of Transportation; to further provide for the reimbursement of the costs of the relocations by the state when the relocation of any utility facility is necessitated by the construction of any highway, road, or street, other than highways that are a part of the national system of interstate and defense highways, and the facility to be relocated is owned by any utility which had a gross income of one hundred fifty million dollars (\$150,000,000) or less for the calendar year immediately preceding the relocation or, in the case of a utility which has been newly organized and created, if it had a gross income of one hundred fifty million dollars (\$150,000,000) or less in its first complete year of operation or in the calendar year immediately preceding the relocation.

Water and Sewer Corporations – Board Compensation – HB22 by Rep. Spicer, Act 2004-553: To amend Section 11-50-393, Code of Alabama 1975, relating to the compensation of the members of the boards of directors of certain public water and sewer

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and the ability to transform technology into business advantage," says Laura Larimer, chief information officer, State of Indiana. "The value of PeopleSoft's internet architecture is immense. It drastically reduces the cost of our maintenance, upgrades, and end user training."

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THE LEGAL VIEWPOINT

By Ken Smith
Deputy Director/Chief Counsel

Elevator and Boiler Safety

In the year 2000, the legislature passed Act 2000-315¹ to provide for the inspection of all boilers and pressure vehicles in Alabama by the Alabama Labor Department. Under the law, all boilers and pressure vessels operating in the state must be inspected and certified as being in safe operating condition to obtain the required inspection certificate. Regulations have now been issued governing the inspection and approval of these devices. These regulations became effective earlier this year.

Further, in 2003, the legislature passed Act No. 2003-349, which provides for DOL to annually inspect elevators in public access buildings and on all buildings under construction to make sure elevators are properly installed and maintained. In addition to overseeing safety inspections, DOL is also required to keep accident reports and license persons who are engaged in construction, repair and dismantling of elevators. A board has been created to adopt regulations for the implementation of this program, although at this time the regulations for elevator inspection have not been finalized.

These Acts preempt municipal authority to perform their own inspections of boilers, pressure vehicles and elevators. In fact, Act 2000-315 is very specific on this point. Section 25-12-21 of the Code provides that, "No county, municipality, or other political subdivision shall have the power to make any laws, ordinances or resolutions providing for the construction, installation, inspection, maintenance and repair of boilers and pressure vessels within the limits of the county, municipality or other political subdivision."

The law governing the inspection of elevators is a bit more obscure but DOL's opinion is that it preempts municipal inspection of these as well. This is because in several places, the Act refers to the fact that Elevator Safety Review Board created by the Act has control over all inspectors and inspections. For example, the Act specifically prohibits any inspection of elevators by any person who has not obtained a license from the Board, and further states that all

inspections must comply with the state fire prevention and building codes and the other standards adopted by the Board.

Space limitations will not permit a full examination of these two Acts. Instead, the goal of this article is to make municipal officials and employees aware of these two laws and to briefly discuss the provisions of these two Acts that are of interest to municipalities.

How Broad are these Laws? – Boilers and Pressure Vessels

Over the years states have adopted boiler codes to head off potential injuries to the general public. Frequently, boiler accidents are fatal. In 2002 there were 1,663 such incidents across the country resulting in 22 injuries and five deaths. In adopting the guidelines, Alabama joins 48 other states in conducting safety inspections leaving only South Carolina without a similar program. Under the law, boilers and pressure vessels operating in Alabama must be inspected and certified as being in safe operating condition to obtain the required inspection certificate.

The Boiler and Pressure Vessel Safety Act is codified as Sections 25-12-1 through 25-12-22, Code of Alabama, 1975.

Section 25-12-2(2), Code of Alabama, 1975, defines a "Boiler" as:

"(2) BOILER. A closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated, or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electrical, solar, or nuclear energy. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term "boiler" is

continued next page

further defined to include any of the following terms:

“a. Heating boiler. A steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

“b. High pressure, high temperature water boiler. A water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

“c. Power boiler. A boiler in which steam or other vapor is generated at a pressure of more than 15 psig.”

Section 25-12-2(6) defines a “Pressure Vessel” as “A vessel other than those vessels defined in subdivision (2) in which the pressure is obtained from an external source or by the application of heat.”

The Code provides for the creation of a board to develop rules and regulations governing the construction, installation, inspection, maintenance and repair of these devices. Sections 25-12-8 to 25-12-10 provide for the appointment of a chief inspector, deputy inspectors and special or user inspectors to inspect these devices and enforce state laws governing them. These individuals must pass an examination given by the board, or one that complies with the requirements of the National Board of Boiler and Pressure Vessel Inspectors.

Of particular importance to municipalities, Section 25-12-21 of the Code prohibits municipalities (and other local governments) from making “any laws, ordinances or resolutions dealing with the construction, installation, inspection, maintenance and repair of boilers and pressure vessels.” Thus, the state has completely preempted the regulation of the devices defined above.

It should be noted that there are exceptions to these definitions. These exceptions are listed in Section 25-12-7. Presumably, unless prohibited by some other law or regulation, municipalities would have the authority to regulate devices that are listed in Section 25-12-7.

Regulations have been passed pursuant to the Code concerning the inspection, approval and operation of boilers and pressure vessels. These regulations are located in the Administrative Code at Rule 490-X-1 to Rule 490-X-7. Copies of these regulations can be found on-line at www.alalabor.state.al.usRules%20&%20Regulations2_11_04.doc.

How Broad are these Laws? – Elevator Safety

The Elevator Safety Act has not yet been codified, but it is located as Act 2003-349. As noted above, state preemption is a bit more complicated where elevator inspection is concerned. It is the Labor Department’s position, though, that the Act does preempt municipal authority over inspection or regulation of the devices the

Act places under the jurisdiction of the Elevator Safety Review Board.

Devices controlled by this board include elevators, dumbwaiters, escalators, moving sidewalks, platform lifts, stairway chairlifts and automated people movers. The board has the authority to control the design, construction, operation, inspection, testing, maintenance, alteration and repair of these devices. There are certain exceptions to these definitions, which are listed in Section 3 of Act 2003-349.

The Act provides that anyone wishing to perform any work on any of the covered devices, or who wishes to inspect work done on any of these devices, must first obtain a license from the board. The Act spells out the type training and examinations these individuals must pass. Further, the Act mandates annual inspections of elevators in public access buildings and the inspection of all buildings under construction to make sure elevators are properly installed and maintained. State inspectors check for safety devices, the hoistway and limit and stop switches. In addition to overseeing safety inspections, DOL is also required to keep accident reports and license persons who are engaged in construction, repair and dismantling of elevators.

The board has proposed regulations concerning the licensing of elevator inspectors. These regulations are not yet final, but are located in the Administrative Code at 490-2-1-.01 to 490-2-4-.07. Copies of these regulations can be found on-line at www.alalabor.state.al.us/PDFs/Proposed_Rules_Regs.pdf.

For More Information

For more information on these two laws, contact Ralph Pate, Chief Inspector Elevator/Boiler Division, Department of Labor, at (334) 242-3460. The Department of Labor has also created a web site to obtain more information on these two laws. You can visit this site at www.alalabor.state.al.us. Links to information concerning boiler and pressure vessel and elevator inspections are on the left-hand side. ■

Footnotes

¹ Act 2000-315 is now codified as Sections 25-12-1 to 25-12-22, Code of Alabama, 1975.

² The Elevator Safety Act has now been codified, although it was not available at the time this article was written. It has been codified as Sections 25-13-1 through 25-13-25, Code of Alabama 1975

President's Banquet continued from page 17

When I was first elected to the Prattville City Council in 1992, Billy Blackmon of Ozark served as our League president. As a newly elected councilmember, I appreciated Bobby Payne of Tallassee and Ted Jennings of Brewton showing me the way. The late Mayor James Payton of Sylacauga became a close friend, and it was at his funeral that I first realized what a special family I had become a part of.

It is said that a person's true character really shows during tough times. Our League family and its character are no different. This became personal to me in June of 1999. Prattville's Mayor David Whetstone died of a heart attack and the first call I received was from my friend Leon Smith of Oxford, who reassured that young, 32-year-old that I would be okay as I ascended to the responsibilities of the Mayor's job. Mayor Al DuPont of Tuscaloosa was the second call. He said he just wanted me to know that he and Margaret were thinking about our city, and about me. Our League members surrounded the City of Prattville like family, and with your help we made it through those difficult days.

In good times and hard, our families give us the strength to keep going. I am so proud to be part of the League family. We have shared good times and happy days. We have also cried together and grieved together - all bringing us closer. In fact, just two weeks ago I had to call and congratulate my friend Mayor Hayes of Pelham, after his Panthers beat the Prattville Lions for the 6A State Baseball Championship.

Our League family is shepherded by a great staff. Perry, Ken, Edye, Greg, Carrie and the entire staff are just a telephone call or email away. They are always eager and willing to assist any of us with the answer to a question or some good sage advice.

As elected officials, we deal with situations unique to our communities, yet face challenges common to us all. Through our family of League members, we will continue to communicate, to share ideas, and to learn from those who came before us. Through our leadership, our cities and towns can become more progressive, while maintaining the warmth and friendliness for which Alabamians stand proud. We will do our part to insure that the foundation remains solid for those who will follow. It is indeed an honor to serve our fellow citizens. We are fortunate to be able to participate in our League. Personally, I am blessed with many, many good lifelong friends due to my association with each of you.

I urge you to build on your League relationships. Let's work together, laugh together, grieve together, and grow together. My favorite Bible verse is Galatians 6:9 "Let us not grow weary in well doing, for in due season we shall reap if we do not lose heart." This League and its many cities and towns work hard day in and day out, and we cannot lose heart - our citizens are counting on us.

Thank you, God Bless our League, and God Bless Alabama. ■



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In accordance with Alabama State Bar requirements, no representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.

Environmental Outlook

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Opportunities On Your Land 7%, Recreational Opportunities On Your Land 10%, Leasing your Forestland for Hunting 8%, Threatened & Endangered Species Conservation 8%.

Third Most Important - Wildlife Conservation 17%, Marketing Your Timber 17%, Best Forest Management Practices 14%, Forest Taxation Issues 11%, Educational Opportunities On Your Land 12%, Recreational Opportunities On Your Land 12%, Leasing your Forestland for Hunting 9%, Threatened & Endangered Species Conservation 8%. For more information on this report visit <http://www.mriresearch.com> or call 850-433-9191.

1st Annual Coastal BirdFest

Organizers for Alabama's first Annual Alabama Coastal BirdFest have announced the dates and a website for this very special event. The event will be held October 14-17, all along the coast and the 240 mile long Alabama Coastal Birding Trail. Faulkner State Community College and numerous sponsors will be hosting the event. To register and check out the schedule call 251-990-0423 or go to: www.mobilebayaudubon.org/birdfest. ■



Governor Bob Riley addressed convention delegates during the Monday luncheon.

An aerial photograph of an airport runway and taxiway. Overlaid on the image is promotional text for the Aviation Council of Alabama, Inc. The text includes: "Bringing People and Communities Together Through Aviation", "Alabama's Aviation Voice" with the website www.FlyAlabama.org, "Alabama's Only Statewide Airport and Aviation Association", a logo for "THE AVIATION COUNCIL OF ALABAMA, INC." featuring a stylized airplane, and the slogan "Inform Protect Promote Non-Profit Member Supported" with the phone number (205) 956-0260.

Bringing People and Communities Together Through Aviation

"Alabama's Aviation Voice"
www.FlyAlabama.org

Alabama's Only Statewide Airport and Aviation Association

THE AVIATION COUNCIL OF ALABAMA, INC.

**Inform Protect Promote
Non-Profit Member Supported
(205) 956-0260**



Legal Notes

Lorelei A. Lein
Staff Attorney

COURT DECISIONS

Open Meetings: The attendance of a quorum is a condition precedent to the application of the Sunshine Law because until there is a quorum there is an absolute incapacity to consider or act in any way on any matter. Further, the attorney-client privilege exception to the Sunshine Law includes a meeting between a governing body and its attorney to discuss the legal ramifications of, and legal options for, not only pending litigation but also controversies that are imminently likely to be litigated or imminently likely to be litigated if the governing body pursues a particular course of action. *Auburn University v. Advertiser Co.*, 867 So.2d 293 (Ala. 2003).

COURT DECISIONS FROM OTHER JURISDICTIONS

Employees: A supervisor’s comments reflecting a stereotypical attitude that a new mother will not be able to efficiently combine the demands of public employment and motherhood are direct evidence of sex discrimination prohibited by the 14th Amendment’s equal protection clause. *Back v. Hastings on Hudson Union Free School Dist.*, – F.3d –, 2004 WL 739846 (2nd Cir. 2004).

Employees: A city’s mandatory retirement rule for police and firefighters who reach the age of 63 was not a subterfuge to evade the Age Discrimination in Employment Act, although there are circumstances in which such a plan could be considered subterfuge. *Minch v. Chicago*, 363 F.3d 615 (7th Cir. 2004).

ATTORNEY GENERAL OPINIONS

Bid Law: Under Alabama’s competitive bid law, state agencies, counties, and municipalities may not purchase items directly under a contract issued by the Defense Logistics Agency without engaging in a new bid process. 2004-111.

NOTE: SB225, Enrolled, 2004 Reg. Sess. provides that contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures. If this bill is signed by the governor, this act will overrule this opinion.

Appropriations: A municipality may enter into an agreement with a public university giving the university the exclusive right to use a municipally owned softball field for a period of 25 years in exchange for the municipality’s use of other university facilities. 2004-115.

Board of Education: Section 16-28-2.1 of the Code of Alabama 1975 mandates that the State Board of Education adopt standards, not policy or policies, to be used as guidelines by local school systems for mandatory and enforceable attendance policies for all students in public schools. 2004-117.

Housing and Community Development: A municipality is legally authorized to participate in the Community Development Block Grant program (“CDBG”) and may apply, on behalf of the Hannah-Homes-King’s Ranch charitable group for a CDBG sub-grant for the purpose of construction of a residential group home for abused women and children. 2004-120.

Elections: The voter registration card issued by a county board of registrars that includes the name and address of the voter may be used by a voter as voter identification under Section 17-11A-1 of the Code of Alabama 1975. 2004-125.

Police Jurisdiction: A municipality is not required to provide sewer service outside its corporate limits. 2004-126.

League Director Honored with Resolution

On May 25th, during the Tuesday evening President's Banquet, ALM's Executive Director, Perry Roquemore, was surprised with a special presentation by Representative Bill Dukes, former mayor of Decatur and Representative Johnny Ford, former mayor of Tuskegee. Dukes and Ford – both of whom have served as president of the League – presented Roquemore with a resolution from the Alabama Legislature commending him for 30 years of exemplary service with the Alabama League of Municipalities. The full text of the resolution is printed below.



Rep. Bill Dukes reads the resolution commending Perry Roquemore for 30 years of service with the Alabama League of Municipalities.



Perry Roquemore, accompanied by his wife, Suzanne, accepts the special resolution from Representatives Bill Dukes and Johnny Ford.

Resolution HJR309

By Representative Bill Dukes

COMMENDING MR. PERRY C. ROQUEMORE, JR., ON HIS 30TH ANNIVERSARY WITH THE ALABAMA LEAGUE OF MUNICIPALITIES

WHEREAS, It is most appropriate to recognize Mr. Perry C. Roquemore, Jr., with highest admiration and sincere appreciation on his 30th Anniversary with the Alabama League of Municipalities; and

WHEREAS, born May 30, 1948, in Montgomery, Alabama, Perry Roquemore received a Bachelor of Arts Degree in Political Science in 1970 and a Law Degree in 1973 from the University of Alabama; and

WHEREAS, prior to serving as Executive Director of the Alabama League of Municipalities in 1986, Perry Roquemore served as League Staff Attorney and League Assistant Director; and

WHEREAS, during the years of service with the Alabama League of Municipalities, Mr. Roquemore has been responsible for advising Municipal Officials and employees for well over 400 League member cities and towns; and he wrote the handbook and guides used by all elected municipal officials in Alabama; and

WHEREAS, Mr. Roquemore has been involved with the League legislative lobbying efforts since 1975, and taught graduate school and law school courses in the fields of Local Government Law, Legislative Law, and Administrative Law for the University of Alabama and Jones Law Institute; he holds membership in the American, Alabama, and Montgomery County Bar Associations; and

WHEREAS, indeed, Perry Roquemore is known by the members of the Alabama Legislature to be an honest and dedicated public servant who advocates for Alabama municipalities from his heart, while always maintaining his objectivity and a level head; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that upon the occasion of his 30th Anniversary with the Alabama League of Municipalities, Perry C. Roquemore Jr., is hereby highly commended and it is further directed that a copy of this resolution be provided to him so that these sincere sentiments are formally conveyed.



Federal Legislative and Regulatory Issues

Mary Ellen Wyatt Harrison
Staff Attorney

Senate Passes Modified Version of S. 150

In May, the Senate approved Internet Tax legislation. The bill is a modified version of the “Internet Tax Non-discrimination Act,” S. 150. As reported in the past, S. 150 did not address the needs of local government, and the modified version passed in May is not the ideal version sought by municipalities around the country; however, it is not as harsh the original S. 150. The measure includes the following:

- An extension of the moratorium against Internet access taxes for 4 years;
- An expanded definition of Internet access that is similar to the definition proposed in S. 150;
- An explicit exemption from the ban on taxes on telephone services in the event those services are provided on an internet platform;
- A grandfather clause on specific internet access taxes in place prior to 1998 for the full four-year period of the moratorium; and
- A more generalized grandfather clause on telecommunication services that are used to access the Internet, such as backbone digital subscriber lines and cable platforms.

These legislative efforts over the past year resulted in extensive debate on Capitol Hill over the Internet Tax Non-Discrimination Act (S. 150), which would have imposed unfunded mandates upon local governments and states. Senators voted 59-37 to kill a proposed change that would have let state and local governments continue taxing for four years the high-speed broadband connection known as DSL. The vote left in place language that calls on those states to phase out the taxes in two years.

To address that concern, senators agreed to clarify that the ban does not effect taxation of Voice Over Internet Protocol, or VOIP, which allows consumers to make telephone calls using the Internet’s backbone. Senators also decided to let the states that started taxing Internet access before the initial 1998 ban keep imposing their levies.

The House last fall voted to permanently ban taxes on Internet access, but the permanent ban couldn’t win enough support to pass the Senate despite a strong push from the telecommunications industry. The House and Senate have to reconcile their differences before the bill becomes law.

Congress first banned taxes on Internet access in 1998. A temporary ban expired nearly six months ago.

New Section 8 Policy May Reduce Vouchers

The Department of Housing and Urban Development (HUD) recently announced plans to change its policy for funding Section 8 housing vouchers for fiscal year 2004. The new policy could result state and local housing agencies not receiving adequate funding to renew all vouchers currently in use. As a result, the HUD policy will force many agencies to institute measures likely to create significant burdens on low-income families.

In an April 22, 2004, implementation guidance document, HUD indicated it would interpret language found in the fiscal year 2004 appropriations bill to mean that the agency could base future allocations on rents in effect as of August 1, 2003, while adjusting for inflation using Annual Adjustment Factors.

HUD will use this method to determine rental costs – and therefore allocations to PHAs – rather than using available actual cost data, information it is required to collect on a quarterly basis. The FY 2004 Consolidated Appropriations Act, enacted this past January, requires HUD to “renew expiring Section 8 tenant-based annual contributions contracts for each public housing agency.”

The bill also requires that the renewals be “based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to [HUD].”

The contracts may also be “adjusted by such additional information submitted by the public housing agency to the Secretary as of August 1, 2003, (subject to verification) and by applying an inflation factor based on local or regional factors to the actual per unit cost . . .”

According to the Center on Budget and Policy Priorities, HUD’s interpretation of the law would “leave unspent more than \$200 million Congress appropriated for the voucher program in fiscal year 2004, even as housing agencies across the country institute cuts that cause significant hardship.”

HUD has argued that it must implement the new policy so it can better control costs associated with the Section 8 program. HUD claims the policy will help rein in costs by

continued next page

ensuring that the Department does not pay inflated rental costs for Section 8 vouchers.

Third Transportation Extension Bill Clears House Floor

Congress and President Bush have yet to agree on a transportation authorization level. On the eve of its expiration date, the law extending surface transportation funds – P.L. 108-202 – was up itself for a two-month extension. At press, the House had just passed, by a vote of 410 to 0, the Surface Transportation Extension Act of 2004, Part II, H.R. 4219, and the Senate was expected to consider the measure shortly thereafter.

H.R. 4219 would fund federal highway, transit and road safety programs at FY 03 levels through June 30, 2004. Passage of the bill would mark the third time Congress has had to extend funding for surface transportation since the original authorization expired at the close of FY 03. Both the House and Senate have cleared six-year surface transportation authorization bills. The House bill, H.R. 3550, would authorize \$275 billion in funding through FY 09. The Senate measure, S. 1072, would give Congress the authority to appropriate \$318 billion in surface transportation funds during the same period.

The Bush administration, however, has threatened to veto any bill that exceeds its \$256 billion request. Republican congressional leaders were scheduled to meet with President Bush on April 29 to see if an agreement on a reauthorization level could be met before the current funding extension expired on April 30.

General Mills to Award Even Bigger Grants

The philanthropic arm of General Mills wants to continue helping local communities address their needs by funding breakthrough programs, as it has done since its inception in 1954. Over its lifetime, the General Mills Foundation has awarded more than \$310 million to local nonprofit organizations throughout the United States. And this year, through its Community Action initiative, the foundation will again support family life, youth nutrition and fitness, arts and culture, and education programs that aim to improve the quality of life throughout the United States. The level of funding awarded by the foundation varies depending on the size of a program.

Projects eligible for family life funds would aim to strengthen families and promote safe, nurturing environments for children and youth. Youth nutrition and fitness grants support efforts to improve health behaviors among youth.

The third funding category – arts and culture – supports organizations that offer innovative, high-quality programs that contribute to the community. Education programs that promote student academic achievement or higher education pursuits also are supported by the foundation, along with “a very small percentage” of projects classified as “other.” Organizations based outside of the program’s Minneapolis, Minn.,

headquarters area are encouraged to seek funding for youth nutrition and fitness programs.

Funds are available for general operating support, project support or capital support. Grants are available to organizations located where General Mills has a geographic presence. For a list of General Mills communities, visit www.generalmills.com/corporate/commitment/community/directory.asp.

Additionally, according to the foundation’s grant application guidelines, applicants should:

- have a mission closely related to the foundation’s priorities;
- offer services that create sustainable community improvements; and
- involve General Mills employees and retirees in their programs or activities.

There is no deadline by which applicants must submit their requests. Proposals are accepted on an ongoing basis, and it takes the foundation approximately six weeks to either reject or accept a proposal. Generally, funding decisions require a four-to six-week turnaround. In 2003, 700 requests totaling \$20.2 million were fulfilled by the foundation. For a list of past grantees, visit www.generalmills.com/corporate/commitment/community/listing.asp. Applications for Community Action grants can be downloaded from the foundation’s Web site at www.generalmills.com/corporate/commitment/community/grant.asp. Requests from organizations in states other than Minnesota should be submitted to the Community Partnership Council located in their area. All of these addresses are available at www.generalmills.com/corporate/commitment/community/directory.asp. For more information on this program, contact the General Mills Foundation at (763) 764-2211 or your local Community Partnership Council.

More Than 22,500 Fire Departments Currently Registered With Census

Approximately 75 percent of the nation’s fire departments have submitted information for the National Fire Department Census, a project of the Federal Emergency Management Agency (FEMA), and those that have yet to do so still have time to sign on. The national database is used by the fire protection and prevention communities, allied professionals, the general public and the U.S. Fire Administration (USFA). Information secured in the national census enables FEMA to create a directory that includes fire department addresses, department types, Web site locations and the number of stations within each department. The 22,505 fire departments that have registered so far this year represent 41,000 fire stations and more than 1 million personnel, which include career, volunteer and paid-per-call firefighters, civilian staff and non-firefighting volunteers. Two years ago, only 50 percent of fire departments participated in the census. Census data is available online at www.usfa.fema.gov/applications/fdonline/. To register your fire department, visit www.usfa.fema.gov/applications/fdonline/register.cfm. ■

Annual Golf Tournament Held Sunday, May 23rd

The 35th Annual Municipal Officials Golf Tournament was held on Sunday, May 23, 2004, at Mountain View Golf Course in Graysville, Alabama. The Tournament was a huge success with more than 80 players. Municipal officials and sponsors from all over the State joined together for a beautiful day of golfing followed by an awards luncheon. The League is looking forward to next year's tournament, which will be held on May 22, 2005, in Huntsville at the Robert Trent Jones Hampton Cove Course.

Over 35 raffle prizes were awarded to municipal participants. The following individuals and teams were recipients of the various prizes awarded at this year's tournament. Longest Drive: Becky Alloway, Ashford and Carol Ray Hall, Spanish Fort. Closest to the Pin: Roger Smitherman, Birmingham. Team award winners are pictured below. The first place winners received \$100 gift certificates to Edwin Watts; the second place winners received \$75 gift certificates to Edwin Watts and the third place winners received \$50 gift certificates to Edwin Watts.



1st Place

Rhett Taylor, Councilmember, Abbeville; Josh Hudson, Sponsor, Town and Country Ford; Stan Martin, Sponsor, Stanley A. Martin, Attorney At Law; and Allen Martin (not pictured)



2nd Place

Dean Argo, Councilmember, Prattville; David McDowell, City Attorney, Prattville; Jeff Harrison, Sponsor, Goodwyn, Mills and Cawood and; Jay Powell, Sponsor, AMIC (not pictured)



3rd Place

Jerry Brasseale, Councilmember, Spanish Fort; Carol Ray Hall, Councilmember, Spanish Fort; Larry Angel, Sponsor, Browning Ferris Industries (BFI); and Tony Rivera, City Administrator, Gulf Shores

The League Would Like to Thank All of the Tournament Sponsors

Team prize sponsor: Municipal Revenue Service

Raffle prize sponsors: Alabama League of Municipalities; Alabama Municipal Insurance Corporation; Mountain View Golf Course; O'Charleys in Fultondale, Alabama; Outback in Fultondale Alabama; Ruby Tuesday of Prattville

Awards luncheon sponsors: Carr, Riggs and Ingram and the Jefferson County Mayors Association

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Final Report on the Regular Session — continued from page 25

corporations and gas districts owned by municipalities, to increase the compensation for the members of the boards of directors for such corporations.

Billiard Rooms – Hours of Operation – HB26 by Rep. Page, Act 2004-634: Relating to billiard rooms; to repeal Section 34-6-4, Code of Alabama 1975, relating to the hours when a billiard room may be operated; and to amend Section 34-6-12, Code of Alabama 1975, to delete the provision prohibiting intoxicating liquor on the premises of a billiard room.

Motor Vehicle Staggered Registration Law – HB 34 by Rep. Johnson, Act 2004-554: To amend Section 32-6-61, Code of Alabama 1975, to revise Alabama's motor vehicle staggered registration law by shifting the expiration date from the last day of the month previous to the designated renewal month to the last day of the designated renewal month; and to provide further for the application of the law.

Brownfields – Local Tax Abatement – HB116 by Rep. Spicer, Act 2004-245: To provide local tax abatement for brownfield development properties that are voluntarily cleaned up pursuant to Chapter 30E of Title 22, Code of Alabama 1975, the Alabama Land Recycling and Economic Redevelopment Act.

Natural Minerals Severance Tax – HB126 by Rep. Morrow, Act 2004-629: To levy a statewide severance tax on all natural minerals; to provide for exemptions from the tax; to provide for collection procedures; to provide for distribution of the tax proceeds; to repeal or replace conflicting local laws, including, but not limited to, Act 99-255, 1999 Regular Session, relating to Macon County, Act 94-478, 1994 Regular Session, relating to Cleburne County, as amended by Act 98-242, 1998 Regular Session, and Act 91-609, 1991 Regular Session, relating to Hale County; to provide for penalties for violation.

Employment Security Enhancement Fund – HB166 by Rep. Clouse, Act 2004-110: To amend Sections 25-4-40.1 and 25-4-54, Code of Alabama 1975, relating to the expiration date of the special assessment used to fund the Employment Security Enhancement Fund, to extend the expiration date of the special assessment to March 31, 2006.

Unemployment Compensation Benefits – HB169 by Rep. Hinshaw, Act 2004-111: To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to increase the maximum unemployment benefits by \$20 per week for benefit years which begin on or after July 1, 2004.

Motor Vehicle Registration – Stored Vehicles – HB221 by Rep. Carothers, Act 2004-292: To amend Sections 40-12-258 and 40-12-259, Code of Alabama 1975, relating to the registration of motor vehicles, to provide for the payment of the annual registration fee when vehicle has been stored and not used on the highways with certain exceptions; and to provide for the registration fees to be prorated on a monthly basis when a vehicle is acquired or initially brought into Alabama.

ERS – Purchase of Prior Credit for Hazardous Duty – HB248 by Rep. Hill, Act 2004-637: To amend Section 36-27-59, Code of Alabama 1975, as last amended by Act 2001-1101 of the 2001 Fourth Special Session, to provide further for the purchase of certain hazardous duty prior service credit in the Employees'

Retirement System by members participating in the system pursuant to Section 36-27-6, Code of Alabama 1975.

Class 8 Municipalities – Voting Places – HB250 by Rep. Ball, Act 2004-361: Relating to Class 8 municipalities and municipal elections; to authorize the municipal governing body for the purpose of designating voting places to provide for the combination of districts in a ward and for the combination of wards.

General Fund Budget – HB270 by Rep. Knight, Act 2004-562: To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2005.

Court Fines – Tax Setoff – HB303 by Rep. McClurkin, Act 2004-505: To amend Section 40-18-100, Code of Alabama 1975, relating to setoff debt collection, to allow the Unified Judicial System to setoff from income tax returns the fines and court costs that are owed from certain taxpayers.

Diesel Fuel – Taxes – HB317 by Rep. Newton (C), Act 2004-546: To amend Sections 8-17-87, 8-17-91, 40-17-220 and 40-17-222 by exempting diesel fuel subject to the excise taxes from the \$.02 per gallon inspection fee; increasing the excise tax to a total of \$.19 per gallon; and providing for the distribution of revenues.

Class 6 Cities – Staggered Terms – HB368 by Rep. Carns, Act 2004-239: To amend Section 11-43-40 of the Code of Alabama 1975, relating to the election of the city council of municipalities having a population of 12,000 or more; to authorize the city council of a Class 6 municipality elected citywide to provide for the election of the city council for staggered terms.

Municipal Firefighters – Death & Disability Benefits – HB387 by Rep. Payne, Act 2004-640: amend Section 11-43-144, Code of Alabama 1975, relating to compensation for death or disability of municipal fire fighters from occupational diseases, to require that the municipality prove by a preponderance of the evidence that death or disability was caused by some means other than certain occupational diseases.

Taxation of Telecommunications Services – HB529 by Rep. Spicer, Act 2004-397: To amend Sections 40-21-82 and 40-21-102, Code of Alabama 1975, relating to the taxation of telecommunications services, to provide for the taxation of only the taxable portion of a bundled telecommunications service.

CA – Excise Tax on Certain Motor Vehicles – HB657 by Rep. Johnson, Act 2004-537: Proposing an amendment to Amendment 93, as amended by Amendment 354 of the Constitution of Alabama of 1901, to provide for an excise tax to be levied by the Legislature in lieu of an ad valorem tax on certain motor vehicles and to provide for the distribution.

Excise Tax on Certain Motor Vehicles – HB658 by Rep. Johnson, Act 2004-550: To amend Sections 40-9-1, 40-12-252, and 40-12-268, Code of Alabama 1975, relating to the registration and taxing of certain motor vehicles; to revise the registration of certain trucks and truck tractors based in Alabama and those vehicles registered under the International Registration Plan, and of truck trailers, tractor trailers, and semitrailers to remove the ad valorem tax liability and substitute an excise tax applicable to

certain vehicles irrespective of base that are doing business in Alabama; and to provide for a permanent trailer registration plate in certain circumstances.

Uniform Disposition of Unclaimed Property Act – HB684 by Rep. Vance, Act 2004-440: Adding Article 2A to Chapter 12 of Title 35 of the Code of Alabama 1975, providing for the Uniform Disposition of Unclaimed Property Act, concerning the receipt and disposition by the State Treasurer of various unclaimed property, specifying the allocation of proceeds derived, and specifying certain penalties and enforcement; and repealing Article 2, Sections 35-12-20 to 35-12-51, inclusive, of Chapter 12 of Title 35 of the Code of Alabama 1975.

Tobacco Taxes – HB716 by Rep. Knight, Act 2004-545: To increase the rate of tax on all cigarettes and other tobacco products sold in Alabama; to provide that the increased tax shall be exclusive and in lieu of future local taxes on cigarettes and other tobacco products; to require local cigarette taxes to be collected through the use of stamps; to provide for the distribution of revenue; to provide for severability; and to provide for an effective date.

Council Size – Class 8 Municipality – Over 60,000 Population – HB735 by Rep. Carns, Act 2004-311: To amend Section 11-43-40 of the Code of Alabama 1975, relating to the election of the city council of municipalities having a population of 12,000 or more; to authorize the city council of a Class 8 municipality having a population of 60,000 or more inhabitants to provide that the city council be composed of seven members elected at large.

Oil & Gas Severance Tax – HB815 by Rep. Knight, Act 2004-635: To levy a temporary oil and gas privilege tax; to provide for the administration and collection of the tax; and to distribute the additional revenue to the State General Fund.

Sales Tax Exemptions – Contractors – HB846 by Rep. Knight, Act 2004-638: To repeal Section 40-9-33, Code of Alabama 1975, relating to an exemption from sales and use tax for certain sales made to contractors and to amend Section 40-23-2 to distribute a greater portion of sales tax on automobiles to the State General Fund.

Vacation of Roads – SB47 by Sen. Denton, Act 2004-323: To amend Sections 23-4-2, 23-4-5, and 23-4-20, Code of Alabama 1975, relating to vacation and closing of roads, streets, and alleys by local governing bodies and abutting landowners, to further provide for the procedure to vacate roads, streets, or alleys; and to repeal Sections 23-4-3 and 23-4-4, Code of Alabama 1975.

Motor Vehicle Registration – Time Extended – SB75 by Sen. Pruitt, Act 2004-529: To amend Section 32-6-61, Code of Alabama 1975, relating to the licensing and registration of motor vehicles, to provide for additional time in which to register a vehicle after acquisition.

Public Works Contracts – SB160 by Sen. Marsh, Act 2004-419: To amend Section 39-2-12, Code of Alabama 1975, relating to public works projects, to require prompt payment of contracts.

Code Update – SB176 by Sen. Bedford, Act 2004-484: To adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2001 Second Special Session, 2001 Third Special Session, 2001 Fourth Special Session, 2002 Regular Session, 2003 Regular Session, and

2003 First Special Session as contained in the 2002 Cumulative Supplement to certain volumes of the code, the 2002 Replacement Volumes 6, 6A, 17B, and 18, in the 2003 Cumulative Supplement to certain volumes of the code, and in the 2003 Replacement Volumes 16A and 21; to make corrections in certain volumes; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 2003 2nd Special Session statutes or 2004 session statutes; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

ERS – Purchase of Service Credit – SB200 by Sen. Steele, Act 2004-362: To amend Section 36-27-6.1, Code of Alabama 1975, relating to purchasing service credit in the Employees' Retirement System of Alabama, to remove the requirement that the payment be received within one year of the ratification of the local constitutional amendment authorizing the purchase.

Open Records Law – Sunshine Law – Bid Law – Exemptions – SB205 by Sen. French, Act 2004-487: To amend Sections 13A-14-2, 36-12-40, 39-2-2, and 41-16-51, Code of Alabama 1975, relating to the Open Records Law, the Sunshine Law, the Competitive Bid Law, and the Public Works Law, to codify existing case law and to exempt records, information, or discussions concerning security plans, procedures, or other security related information from the purview of those laws.

Commercial Drivers License – Learner's Permits – SB218 by Sen. Dixon, Act 2004-521: Relating to the Department of Public Safety and the issuance of commercial driver licenses and commercial driver license learner's permits; amending Section 32-6-49.7, Code of Alabama 1975, to require a commercial driver license learner's permit; amending Section 32-6-49.8, Code of Alabama 1975, to provide for a commercial driver license learner's permit; amending Section 32-6-49.9, Code of Alabama 1975, relating to the application for a commercial driver license to include application for a commercial driver license learner's permit and to increase the fee for applications and to provide for fees for the skills test and retests and for certain endorsements; amending Section 32-6-49.11, Code of Alabama 1975, relating to disqualification from driving a commercial motor vehicle; amending Section 32-6-49.19, Code of Alabama 1975, relating to license fees for commercial drivers' licenses, to increase the fees for licenses and to add the fee for commercial driver license learner's permits; and amending Section 32-6-49.22, Code of Alabama 1975, relating to penalties for certain violations, to provide that no person charged with a violation of the commercial driver license laws shall be eligible for any deferred prosecution programs, diversion programs, or deferred imposition of judgment program.

Downtown Redevelopment Authorities – SB219 by Sen. Poole, Act 2004-630: To amend Sections 11-54A-1, 11-54A-2, 11-54A-5, 11-54A-9, and 11-54A-13 of the Code of Alabama 1975, relating to the incorporation in municipalities of downtown redevelopment authorities, to further provide for the development areas of

continued next page

authorities incorporated pursuant to Chapter 54A, Code of Alabama 1975, to include any area of a city used predominantly for business and commercial purposes; and to add Section 11-54A-25 to the Code of Alabama 1975, to provide for the reincorporation of authorities previously incorporated pursuant to the chapter.

Education Trust Fund – SB223 by Sen. Sanders, Act 2004-456: To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2005.

Competitive Bids – State Prices – SB337 by Sen. Preuitt, Act 2004-625: To allow a county or an incorporated municipality to contract, without soliciting or obtaining competitive bids, for certain services with any vendor or provider at a price which does not exceed the price which the state has established through the competitive bid process for the same certain services under the same terms and conditions and provided it pertains to a current and active bid on a non-statewide agency contract.

Sewer Bill Enforcement – SB357 by Sen. Biddle, Act 2004-522: To provide that any tenant or tenants who received sewer service shall be solely responsible for the sewer bill.

Community Development Districts – SB399 by Sen. Lindsey, Act 2004-541: To amend Sections 35-8B-1, 35-8B-2, and 35-8B-3, Code of Alabama 1975, relating to community development districts, to revise the definition of a community development district and the manner of establishing a community development district.

Incorporation Law Amendments – SB470 by Sen. Myers, Act 2004-504: To amend Sections 11-41-1 and 11-41-2, Code of Alabama 1975, to further provide the procedures for the incorporation of a municipality.

Proposed Constitutional Amendments

HB167, Act 2004-98 – Prichard Alabama Foreign Investment Trade Zone

HB319, Act 2004-94 – Lauderdale County Industrial & Economic Development

HB431, Act 2004-231 – Blount County Sheriff's Retirement

HB449, Act 2004-394 – Tuskegee, Alabama Foreign Trade Investment Zone

HB450, Act 2004-232 – Selma, Alabama Foreign Trade Investment Zone

HB526, Act 2004-536 – Macon County Beer and Wine Tax

HB572, Act 2004-543 – Madison County Retirement

HB577, Act 2004-240 – Monroe County Elected Officials in Employees Retirement System

HB591, Act 2004-259 – Trussville

HB599, Act 2004-241 – Pickens County Fire Tax

HB657, Act 2004-537 – Excise taxes on motor vehicles

HB705, Act 2004-291 – Crenshaw County Probate Judge Compensation

HB706, Act 2004-395 – St. Clair County Fire Protection

HB680, Act 2004-391 – Hartselle commercial development

HB721, Act 2004-535 – Limestone County Home Rule

HB775, Act 2004-389 – Limestone County and Ardmore participation in ERS

HB776, Act 2004-390 – Athens commercial development

HB840, Act 2004-542 – Hale County Ad Valorem Tax

SB217, Act 2004-45 – Limestone County Board of Education

SB434, Act 2004-312 – Limestone & Madison County Ad Valorem Tax for School Purposes

SB544, Act 2004-417 – Mobile County bonds

Local Bills

HB16, Act 2004-60 – Chilton County Coroner Expense Allowance

HB64, Act 2004-99 – Tallapoosa County Indexing Fee

HB76, Act 2004-438 – Class 1 cities – Police & Firemen's Pensions

HB125, Act 2004-500 – Jefferson County Transit Authority

HB127, Act 2004-61 – Chilton County Lodgings Tax

HB129, Act 2004-105 – Mobile County Civil Service System

HB148, Act 2004-62 – Chambers County Lodgings Tax

HB193, Act 2004-32 – Madison County Court Costs

HB77, Act 2004-377 – Birmingham Firemen's & Policemen's Supplemental Pension System

HB127, Act 2004-61 – Chilton County lodgings tax

HB129, Act 2004-105 – Mobile County Civil Service system

HB131, Act 2004-263 – Escambia County Board of Health fees

HB148, Act 2004-62 – Chambers County lodgings tax

HB193, Act 2004-32 – Madison County court costs

HB201, Act 2004-247 – Macon County Junkyards

HB210, Act 2004-623 – Class 1 Cities – Alcoholic Beverages

HB312, Act 2004-79 – Jacksonville Ad Valorem Tax

HB314, Act 2004-95 – Madison County Tax Assessor & Collector

HB320, Act 2004-249 – Dale County Juvenile Court Services Fund

HB330, Act 2004-264 – Clarke County lodgings tax

HB339, Act 2004-66 – Jackson County Court Costs

HB349, Act 2004-100 – Madison County Building Codes

HB355, Act 2004-101 – Madison County Child Protection Board

HB356, Act 2004-63 – Calhoun County Juvenile Court Services Fund

HB357, Act 2004-376 – Jefferson County Commission residency requirements

HB406, Act 2004-250 – Lamar County Motor Vehicle Assessments

HB440, Act 2004-112 – Class 2 Cities – Sales & Use Taxes

HB455, Act 2004-324 – Perry County Sunday sales of alcohol

HB456, Act 2004-251 – Perry County Tax Assessor & Collector

HB457, Act 2004-252 – Perry County Court Costs

HB490, Act 2004-256 – Calhoun County Public Nuisances

HB510, Act 2004-267 – Tuscaloosa County Heritage Commission

HB540, Act 2004-431 – Shelby County Zoning

HB568, Act 2004-253 – Dale County Poll Worker Compensation

HB571, Act 2004-262 – Madison County Court Costs

HB573, Act 2004-280 – Houston County Poll Worker Compensation

HB583, Act 2004-453 – Mobile County – Malt or Brewed Beverages

HB589, Act 2004-491 – Mobile County Probate Judge expenses

HB600, Act 2004-274 – Dothan Retirement System
HB626, Act 2004-462 – Morgan County court fees
HB634, Act 2004-287 – Marengo County Sales & Use Tax
HB659, Act 2004-254 - Shelby County court costs
HB661, Act 2004-255 – Shelby County Contracting of Police Services by Municipalities
HB671, Act 2004-281 – Covington County Board of Registrars Compensation
HB672, Act 2004-275 – Covington County Sales & Use Tax
HB673, Act 2003-467 – Bibb County Commissioners
HB675, Act 2004-459 – Henry County sales and use tax
HB677, Act 2004-276 – Pike County Superintendent of Education
HB679, Act 2004-435 – Talladega County Sheriff Compensation
HB686, Act 2004-385 – Jefferson County Tax Assessor & Tax Collector Fire District Assessments
HB700, Act 2004-325 – Escambia County Privilege & License Tax
HB710, Act 2004-507 – Class 2 Tax Exemption – Centre for the Living Arts, Inc.
HB717, Act 2004-366 – Fayette County Sales and Use Tax
HB720, Act 2004-278 – Limestone County Board of Registrars Expenses
HB723, Act 2004-470 – Lee County municipalities contracting for police services
HB724, Act 2004-471 – Lee County rental tax on visual entertainment devices
HB725, Act 2004-472 – Lee County Commission – single-member districts
HB726, Act 2004-474 – Lee County Cemetery Preservation Commission
HB736, Act 2004-379 – Jefferson County Fire Protection Districts
HB738, Act 2004-381 – Washington County Sales & Use Tax
HB760, Act 2004-527 – St. Clair County county commission staggered terms
HB761, Act 2004-388 – Blount County tobacco tax
HB762, Act 2004-454 – Calhoun County Economic Development Council
HB764, Act 2004-436 – Talladega County Civil Service System
HB774, Act 2004-418 – Madison County lodgings tax
HB777, Act 2004-479 – Escambia County Board of Equalization
HB779, Act 2004-480 – Coosa County court costs
HB787, Act 2004-481 – Macon County tobacco products
HB789, Act 2004-437 – Tuskegee Junkyard regulation
HB792, Act 2004-445 – Lowndes County Probate Judge Recording Fee
HB803, Act 2004-482 – Bullock County lodgings tax
HB804, Act 2004-430 – Crenshaw County sales and use tax
HB806, Act 2004-447 – Etowah County stolen property disposal
HB810, Act 2004-448 – Talladega County Omnibus Pay Act Conformance
HB812, Act 2004-493 – Chilton County ad valorem tax
HB814, Act 2004-531 – Jefferson County Civic Center Authority
HB816, Act 2004-494 – Lauderdale County Sheriff Service of Process
HB821, Act 2004-510 – Perry County Judge of Probate recording fee increase
HB824, Act 2004-495 – Chilton County Constable abolished

HB832, Act 2004-420 – Baldwin County alcoholic beverages
HB839, Act 2004-499 – Bullock County Sales and Use Tax
SB247, Act 2004-109 – Pickens County Board of Registrars
SB362, Act 2004-317 – Perry County Board of Registrars – Meeting Days
SB409, Act 2004-503 – Baldwin County Court Costs
SB445, Act 2004-318 – Cullman County Sunday Sales
SB449, Act 2004-434 – Greene County Racing Commission
SB450, Act 2004-288 – Greene County Alcoholic Beverages
SB451, Act 2004-319 – Choctaw County Tobacco Taxes
SB482, Act 2004-368 – Lee County Election Officials Compensation
SB483, Act 2004-369 – Lee County municipalities contracting with Sheriff for police services
SB486, Act 2004-432 – Cherokee & DeKalb County DA Office Arrest Powers
SB487, Act 2004-371 – Lee County fee on rental of visual entertainment devices
SB491, Act 2004-320 – Washington County Sales & Use Taxes
SB492, Act 2004-375 – Lee County Cemetery Preservation Commission
SB493, Act 2004-373 – Lee County Commission elected from single-member districts
SB509, Act 2004-444 – Limestone County Volunteer Fire Department
SB514, Act 2004-551 - Lowndes County Sunday Sales of Alcoholic Beverages
SB517, Act 2004-322 – Lowndes County Probate Recording Fee

Annexation Bills

HB170, Act 2004-19 – Gurley
HB202, Act 2004-248 – Tuskegee
HB491, Act 2004-378 – Center Point
HB562, Act 2004-279 – Aliceville
HB567, Act 2004-270 – Weaver
HB569, Act 2004-458 – Margaret
HB593, Act 2004-506 – Mount Vernon
HB678, Act 2004-457 – Scottsboro
HB704, Act 2004-277 – Rutledge
HB729, Act 2004-476 – Auburn
HB732, Act 2004-439 – Loxley
HB785, Act 2004-477 – Franklin
HB825, Act 2004-512 – St. Florian
HB827, Act 2004-514 – Foley
HB828, Act 2004-515 – Foley
HB829, Act 2004-496 – Foley
HB830, Act 2004-497 – Foley
SB485, Act 2004-370 – Auburn
SB530, Act 2004-558 - Hueytown
SB540, Act 2004-452 – Ohatchee

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Distinguished Service Awards Presented May 25th

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 40 awards were announced this year during the closing night ceremonies at the League Convention in Birmingham. Pictured below are the recipients of the 2004 Distinguished Service Awards.



B.J. Meeks, Mayor, Childersburg



Lomax Cassady, Mayor, Evergreen



William D. Jordan, Mayor, Florence



Edward Daniel, Mayor, Marion



Don Parker, Mayor, Midland City



Joseph Roberson, Mayor, Ohatchee



Leon Smith, Mayor, Oxford



*Tom Wade Hampton, Councilmember,
Centre*



*James Lewis, Councilmember,
Greenville*

continued next page

Service Awards Continued



*David Proctor, Councilmember,
Lineville*



*Joyce Ballard, Councilmember,
Morris*



*Norma Martin, Councilmember,
Oxford*



*Frank Criswell, Councilmember,
Reform*



*John D. Wilcox, Councilmember,
Steele*



*Lewis E. Washington, Sr.,
Councilmember, Wetumpka*



*Donald Perry, Municipal Clerk,
Centreville*



*Iva Nelson, Municipal Clerk,
Gadsden*



*Shirley Gilley, Municipal Clerk,
Moulton*

Service Awards Continued



*Dana Courtney, Municipal Clerk,
Pinckard*



*Patricia A. Coffee, Municipal Clerk,
Steele*



*Martha Cato, Municipal Clerk,
Valley*



*George P. Walthall, Jr., Municipal Judge,
Prattville*



*Herman H. Marks, Jr., Municipal
Attorney, Decatur*



*Wayne Tuggle, Mayor,
Graysville*

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

- Donald E. Green, Mayor, Cullman
- Bobbie Jean Dodd, Mayor, Eldridge
- Jerry L. Smith, Mayor, Jacksonville
- Anne H. Farish, Mayor Monroeville
- Bobby Hayes, Mayor, Pelham
- Nelson R. Hughes, Councilmember, Livingston
- Johnny Bentley, Councilmember, Oxford
- Jim Phillips, Councilmember, Pelham
- Carolyn G. Thomas, Municipal Clerk, Marion
- Brad Bishop, Municipal Judge, Pelham
- Charles Waldrep, Municipal Attorney, Pelham
- Sarah Holt, Mayor, Locust Fork
- Steven A. Thomas, Councilmember, Carbon Hill
- Brent White, Councilmember, Moulton
- Karyl Rice, Councilmember, Pelham
- Edmon H. McKinley, Municipal Attorney, Thomasville
- Kenneth Brand, Mayor, Sardis City

Golf Tournament Sponsors — continued from page 35

Tournament sponsors were:

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Wooten, Thornton, Carpenter, O'Brien,
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Zieman, Speegle, Jackson and Hoffman, LLC.

Dr. Willie Larkin Addressed Delegates on Monday Morning of the Annual Convention



Dr. Willie D. "Dynamite" Larkin is a nationally recognized motivational speaker, trainer, consultant and writer known for his dynamic and uncanny ability to inspire, ignite and move an audience to new heights. For more than 25 years he has been delivering high impact motivational speeches and seminars on personal and professional empowerment, leadership and organizational effectiveness, self-esteem, human productivity, communication, conflict resolution and diversity in the workplace. Dr. Larkin's electrifying presentation on Monday morning of the convention provided delegates with lots of how-to for living a purposeful and meaningful life.

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Speaking of Retirement

Life Tips for Ladies

Yes – we know the stats say, on the average, women live longer than men! So, if that is the case, then women should prepare themselves for living alone at some time in the future.

What Women Need To Ask Their Spouses:

- Will you have a pension when you retire? If so, what type(s)?
- Do you know how much the pension(s) will be upon retirement?
- Will we receive a benefit if you become disabled or die?
- Do you know how much that benefit will be?
- Will I receive a benefit if you die before me? If so, what amount should I expect?
- When are you entitled to retire and receive a full or partial pension benefit?
- Do you know a contact person at your work or retirement system with whom we can discuss this?
- When should we discuss our overall retirement strategy to plan for our future?
- Does your job allow you to save through a tax deferred savings plan such as a 401(k) plan, a 403 (b) plan or a 457 deferred compensation plan? Have you done so?
- What type of accounts do you have and am I the beneficiary on those accounts? Who are the contact people for these accounts?
- Is my name on the checking and savings account(s)?
- What about health insurance when you retire?
- Do I get to keep the health insurance if you die?
- Do we have a safety deposit box? If so, where and where is a key?

What Women Need To Ask Themselves:

- Do I know where all of the family's important papers are?
- Am I familiar with all the monthly bills that must be paid?
- Do I know about my home's mortgage?
- Do I know how to write checks, pay bills, deal with the bank and insurance people?
- Do I know which company with whom we insure our vehicle(s) and house?
- Do I know how to run the household by myself?
- Can I take care of the household business?
- Can I take care of myself?

What Women Need To know About Themselves:

- Have you earned a pension and if so, when will you be eligible to retire?
- Do you know how much your pension will be?
- Do you know what happens to your pension if you change jobs?
- Do you know what happens to your pension if you retire early?
- Do you have pension information from all of your jobs?
- Do you know what you will be entitled to from Social Security?
- Would you be eligible for benefits from Social Security as a widow or a disabled person?
- When can you collect Social Security?
- Do you have an ex-husband whom you may be able to file for Social Security on their record?

Resource: Women's Institute for a Secure Retirement

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.

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Municipal Clerks Receive Certification

IIMC just announced the following certifications for February 2004. The new CMC's are:

- Anthony Hunt, City Clerk, Phenix City
- Rita Lee, City Clerk/Treasurer, Hartselle
- Stan McCracken, City Clerk, Tuscaloosa

New Members of the Master Academy include:

- Marsha Massey, City Clerk/Treasurer, Alabaster
- Wanda Parris, Deputy Clerk, Gulf Shores
- Sue Raper, Town Clerk, Vina
- Mary Shaner, Town Clerk, Cedar Bluff
- Peggy Wright, Town Clerk, Collinsville

Steven Eason, City Clerk/Treasurer of Florence, has been accepted into the Second Level of the Master Academy.

The unique Certification Program of IIMC was launched in 1970, climaxing a decade of planning. The program aids municipal clerks and deputy clerks in improving job performance and recognizes the professionalization of the Municipal Clerk's office.

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- Alabama Cable Telecommunications Association
- Alabama Correctional Industries
- Alabama Emergency Response & Recovery, Inc.
- Alabama Municipal Electric Authority
- Alabama One Call
- Alabama Urban Forestry Association
- Alatax
- Alcatel
- AMEC Earth and Environmental, Inc.
- AMHI; AMIC – Alabama Municipal Insurance Corp.
- ANB Leasing Services
- ARCADIS
- Arrow Disposal Service
- Aviation Council of Alabama
- Bank of New York Trust Company, N.A.
- BEBCOH
- Benefits for America
- Bloom Master Planter Corp.
- Bridge and Slaughter, LLC
- Bridge Inspection Services
- Browning Ferris Waste Services, LLC
- Buxton
- C.V.S. Flags
- CDG Engineers & Associates, Inc.
- Central Pipe Supply, Inc.
- City of Huntsville
- City Tech
- Conquest Trucks
- Contract Connection
- Dixie Decorations
- Durham Auctions, Inc.
- Dynamic Lighting
- Ehlinger & Associates, Architects
- First Continental Leasing
- Fleegal & Associates
- Flowell Systems Inc.
- Fuelman
- G.F. Fulwood Inc./Universal Concepts
- GEMS (Government E-Management Solutions)
- Goodwyn, Mills and Cawood, Inc.
- GovDeals, Inc.
- Grasshopper Company
- Hadco
- Hammill & Associates, Inc.
- Harless Fire Equipment, LLC
- Hendon Engineering
- Highway Maintenance
- Equipment, LLC
- Holiday Designs
- Incode; Ingenuity, Inc.
- Inline
- J.A. Dawson & Co., Inc
- John Deere & Co., Inc.
- Johnson Controls, Inc.
- Judge John Rochester for Supreme Court
- Judicial Correction Services
- Junior Davis & Associates
- Key to City
- KHAFRA Engineers, Architects & Construction
- Laserfiche Document Management
- Life Insurance Company of Alabama
- Link2Gov Corp.
- Local Government Data Processing Corporation
- Local Government Services
- Logics, LLC Software
- McCord Communications
- Meter Reading Specialists, Inc/Revenue Enhancement Services
- Municipal Code Corporation
- Municipal Services Group
- Municipal Workers Compensation Fund
- NAFECO
- Naturchem West, Inc
- Neptune Technology Group, Inc.
- New World Systems
- Pac-Mac/Hol-Mac
- Paul Krebs & Associates, Inc.
- PCSS, Inc.
- Peoplesoft
- Polyengineering
- Sain Associates
- Sansom Equipment Co., Inc.
- Sentell Engineering
- Sharp Communications
- Sherlock, Smith & Adams, Inc.
- Silver Trunk
- SouthEastern Equipment Co.
- Southern Linc
- Southern Playgrounds
- Sun Valley Lighting
- Syscon
- Tank Pro, Inc.
- Thompson Tractor, Co.
- Tidmore Flags
- Tudor Custom Recreation Equipment, Inc.
- Utility Service Co., Inc.
- Verdin Company
- Warren Truck & Trailer, Inc.
- Waste Management
- Wilson Price Barranco Blankenship & Billingsley, P.C.