

THE ALABAMA MUNICIPAL JOURNAL

April 2007

Volume 64, Number 10

2007 Convention Preview

Loretta Spencer
Mayor



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Welcome to the Alabama League of Municipalities Annual Convention!

I would like to take this opportunity to welcome you to Huntsville for the 2007 Alabama League of Municipalities Annual Convention. We are so pleased to be the host city this year. My staff and I have worked very hard with the Alabama League staff to plan a convention that will set the standard for all to follow.

Huntsville is known for adding a special dash of hospitality to the convention and this year we are "pulling out all the stops". Check the schedule of activities and see what we have planned. We are even bringing a taste of the gulf coast as a special treat for everyone. Spouses are sure to enjoy the entertainment, prizes and shopping we are planning for them while they are in Huntsville.

We are very glad to have you as guests in our beautiful city. We hope you will take home many wonderful memories from the convention.



Loretta Spencer
Mayor, Huntsville

Sincerely,

A handwritten signature in cursive script that reads "Loretta Spencer".

Loretta Spencer
Mayor

Inside:

- Quick Guide to the Convention
- Expo Hall Exhibitors
- Convention Entertainment
- Duties of the Mayor and Council
- Municipal Achievement Awards

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ACTIVE MEMBERS (451)

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



AMIC Continues to Offer Coverage to Alabama's Coastal Municipalities Despite Chaotic Insurance Market



Success requires foresight, integrity, dedication and drive. Steve Wells, president of the Alabama Municipal Insurance Corporation (AMIC), is every bit as passionate about providing excellence in insurance as he is about golf, hunting and refurbishing sports cars.

“You have to be passionate about this business to succeed,” Wells said. “You also have to keep a constant watch on the market. AMIC wouldn’t be available – let alone successful – if it weren’t for the foresight of the Alabama League of Municipalities.”

Talk about foresight. During the hard insurance market of the 1980s, the League’s executive committee had the forward vision to create AMIC, an organization that would bring affordable and reliable insurance coverage to Alabama’s municipalities.

Nearly 20 years ago in Alabama, if a municipality could find insurance it paid exorbitant rates for coverage. Now, nearly two decades later, as a result of several subsequent and destructive hurricane seasons, rates, particularly along Alabama’s Gulf Coast, have risen, and affordable coverage is harder and harder to find.

“The insurance market is chaotic right now thanks to the recent string of Gulf



Coast hurricanes,” Wells said. “Some coastal areas have experienced up to an 1,800 percent increase, that is, if insurance is even available.”

AMIC, however, is not pulling coverage from Alabama’s coastal region.

“We are still functioning quite well across the state including the coast,” Wells said. “We are insuring every city on the coast that wants it.”

In addition to municipalities, AMIC covers other incorporated municipal entities, including utility boards, industrial development boards and housing authorities.

“Any instrument of a municipality we can pretty well provide coverage for,” he said.

Incorporated in 1989, AMIC is a not for profit mutual insurance company organized under the laws of the state of Alabama and owned by its participating Alabama member municipalities. AMIC writes all lines of automobile insurance, commercial general liability, police professional liability, public officials’ errors and omissions coverage, bonds, property, inland marine and so forth.

All told, more than 500 Alabama municipalities, utility boards, gas districts and waste and water authorities are AMIC members, and these entities have trusted AMIC year after year to provide them affordable and reliable insurance coverage. Since 1989, AMIC has offered coverage to any and all municipal entities wanting it and will continue to do so in the future. ■





The President's Report

Lew Watson
Mayor of Lincoln

Honda: The Inside Scoop

On a mid-Friday afternoon in late February 1999, I received a phone call from the county economic development coordinator, Calvin Miller. Calvin wanted to know if we could obtain an option on 1,500 acres for a large industrial project. By a stroke of luck, we were preparing a request for several hundred acres at that time. By Wednesday of the following week we had obtained options on over 1,500 acres. On May 6, 1999, Honda made the announcement that they would build an auto manufacturing plant in Lincoln.

With the announcement of Alabama's second auto plant, news and television reports almost made Lincoln a household name across the state. Reporters spent days in the community writing stories about Honda and the community. Here is what you get to hear about that never made the news.

About two weeks after the options were obtained, Calvin called and said we needed to be in Birmingham on Friday morning at 6:30 a.m. to discuss the project with reps from the Metropolitan Development Board and the Partnership for Economic Development, Neal Wade and Ted Von Cannon. At that meeting, we were presented with a Secrecy Agreement to sign that we would not discuss project "Bingo," as the project was then called. We were told it was a major industry that would employ 2,000 and be a billion-dollar investment. The name Honda was never mentioned in the agreement. Privately in the group the name did come up. We were told that if the project made the news, Alabama could lose the industry.

First fly in the ointment – the option turned out to be short some 400 acres. Calvin received some assurances that the acres would be placed under option. We attended the next early Friday morning meeting. Calvin and I discussed whether we should tell them we were short acreage. Calvin said, "No, I don't think so; I think they might throw us out the window." As we were not meeting on the first floor I agreed. On the following Wednesday I met with the owner who had pulled the 400 acres. Now this is not just any ordinary individual. This individual was Jimmy Watson, a

cousin, and also a former candidate for mayor whom I defeated in 1972. I explained that this was a major industry and they were very interested in the site but we had to have those acres under option. Jimmy said he would talk it over with his two sons and call me back. Later that evening I was called back over to Jimmy's home. Jay and Chris, his two sons, were there and, thanks to Jay's overwhelming support, we got the 400 acres back.

Fly number two arrives – drilling rigs were brought on the site to obtain subsurface information. I felt like the project was going to go down like the Titanic. Some years earlier, near that location, subsurface exams had found a layer of soft clay material below the surface that was not suitable to support large buildings. The drilling rigs did find the clay material but not sufficient amounts to be a problem. My hopes mounted that we might actually get this industry.

We dodge a bullet – actually we did not even see it coming. An engineering firm from California was called in to do a site assessment (part of the secrecy, you know). They gave a good report on the site, we were told. The sink holes on the site were apparently unnoticed or overlooked. When construction began, sink holes erupted all over the place. By the time construction was over, some 300 plus holes had been uncovered and – at great expense – filled in.

Due to the secrecy of the project, neither Calvin nor I came into contact with the Honda site assessment team. When the project would team fly in, they would land at the Pell City Airport. Calvin would have his vehicle there and the site assessment team would use it to tour the site and then go the Anniston Airport for departure. Calvin had to fetch his car back from there.

After we obtained all the options I told my wife, Joyce, we might have the chance to land this huge project and that when I was a young boy my very good friend Ernest Fomby would carry me fishing. Ernest would always bait his hook with all the worms he could get on the hook, saying, "to catch a big fish you got to have big baits." I told Joyce we had "big baits."

To my surprise, at our meeting in early April, we were told that the announcement would be made on May 6. Considering that the decision on the site was made in less than six weeks I felt stunned. After the announcement our meetings went on to coordinate the development of the site. Honda officials were now part of the meetings.

At one of the meetings, the president of Honda from the Marysville plant in Ohio was attending. He expressed concern over the property tax on the site. Thinking he was worried about the tax, a representative from the Alabama Development Office was quick to inform him there was no tax on the site due to its purchase by the industrial board.

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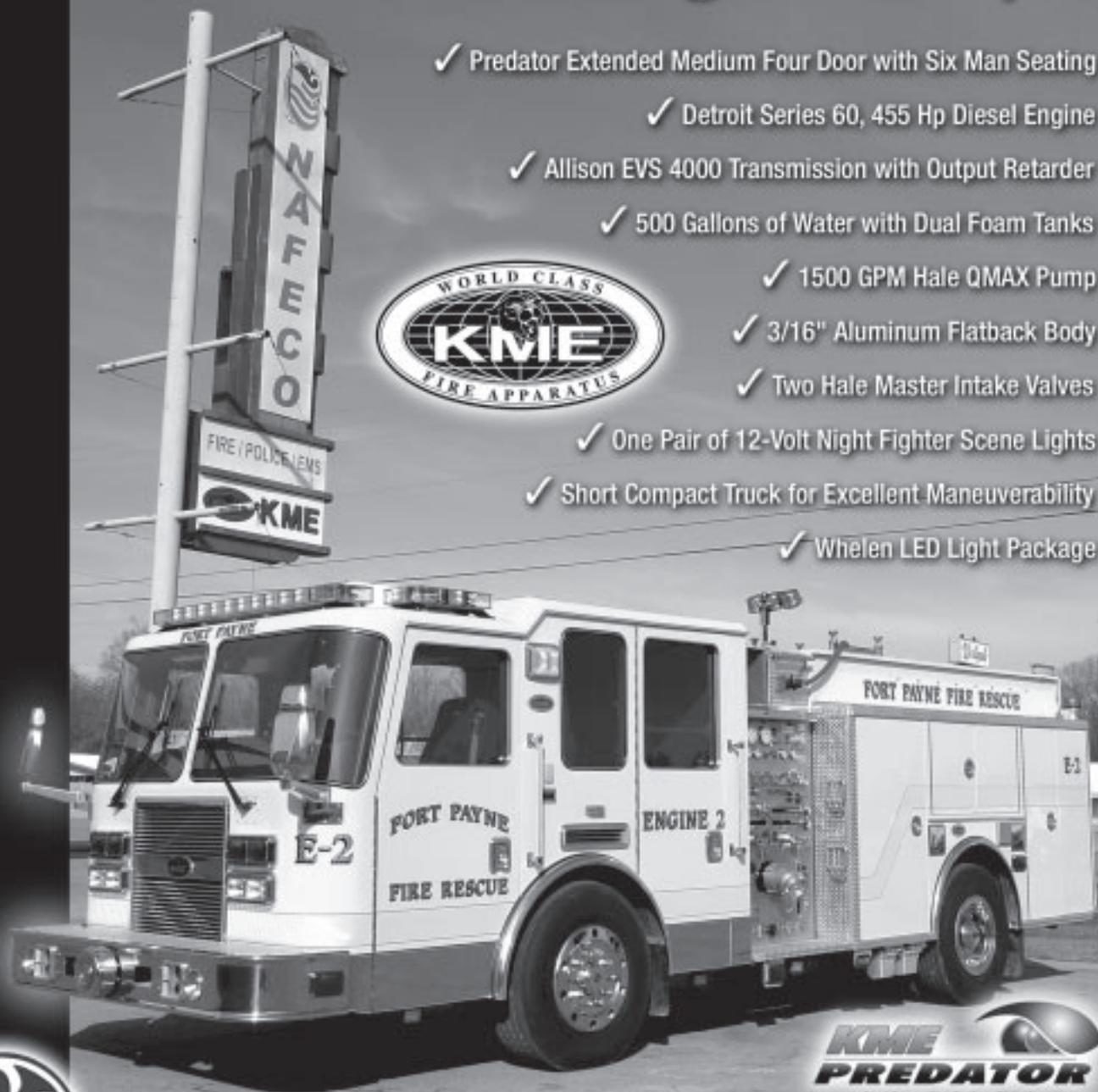
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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Final Report – 2007 First Special Session

The House and Senate adjourned sine die on March 2, 2007, ending the special session called by Gov. Bob Riley for the purpose of passing legislation to provide additional economic development incentives by increasing the total amount of bonding authority granted under Amendment 666 to the Constitution of Alabama of 1901, and to establish a trust fund to create irrevocable trusts for the purpose of holding, investing and distributing assets to be used for certain post-employment health care benefits.

The Legislature unanimously approved a \$400 million industrial incentive package designed to lure a German steel mill and other major industries into Alabama. The House and Senate also voted unanimously to give final approval to legislation which would create two state trust funds designed to save money for future health care costs of retired state educators and state employees. Both measures will require voter approval at an election scheduled for June 5, 2007.

All of the business of the session was completed in five meeting days – the minimum time required by the State Constitution to pass a bill. The 2007 Regular Session began on March 6.

General Bills Passed

Post-employment Health Care Benefits (SB3, Act 2007-16). To authorize and direct the State as grantor, and members of the State Employees’ Insurance Board and the Public Education Employees’ Health Insurance Board, as trustees, to create irrevocable trusts for the purpose of holding, investing and distributing assets to be used for certain post-employment health care benefits.

CA – Post-employment Health Care Benefits (SB4, Act 2007-7). To propose an amendment to the Constitution of Alabama of 1901, to require the assets,

proceeds and income of the Alabama Retired State Employees’ Health Care Trust and the Alabama Retired Education Employees’ Health Care Trust to be used exclusively for the purpose of providing health care benefits to retired state and education employees.

CA – Economic Development Incentives (HB10, Act 2007-5). To propose an amendment to the Constitution of Alabama of 1901, to increase the total amount of bonding authority granted under Amendment 666 to the Constitution of Alabama of 1901, as amended; to provide for competitive bidding of the bonds; and to require the Bond Commission to contract with businesses or individuals which reflect the racial and ethnic diversity of the State.

Proposed Constitutional Amendments

In addition to **SB4** and **HB10**, the Legislature approved the following proposed amendments to the Alabama Constitution of 1901. These amendments will be submitted to the state’s voters at a later date for ratification.

SB2, Act 2007-6 – Authorizes the governing body of the City of Prichard to establish an Alabama Foreign Trade Investment Zone as a special tax district for the purpose of importing duty free and quota free articles eligible under the United States General System of Preferences and the Africa Growth and Opportunities Act; to authorize the special tax district to specify that the value of land and improvements on the land within the district shall be assessed and taxed for ad valorem tax purposes by county tax officials under a single site valuation system; and to provide further for the contractual powers of nonprofit organizations.

HB2, Act 2007-8 – To propose an amendment to the Constitution of Alabama of 1901, to amend Amendment No. 471 to the Constitution of Alabama of 1901, now appearing as Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Baldwin County, Sec. 12, to extend the special district tax levied in Baldwin County for public hospital purposes for an additional 20 years.

HB3, Act 2007-9 – To propose an amendment to Amendment 756 to the Constitution of Alabama of 1901, now appearing as Section 9, Local Amendments, Shelby County, Official Recompilation of the Constitution of Alabama of 1901, as amended, to expand the areas where the enforcement of traffic laws may be provided to include certain platted subdivisions in Shelby County. ■

Welcome to Huntsville!

Mayor Loretta Spencer and the Huntsville City Council extend a warm welcome to all delegates and spouses to the 2007 League Convention. They hope your stay in the Rocket City will be both pleasant and productive. The League staff would like to thank Mayor Spencer and her staff; the Huntsville City Council; and the dedicated municipal personnel who have put in the extra time to make this convention a success.

The Convention Program

Please take a moment to review the “Quick Guide to the Convention” segment on the next page for a brief overview of convention proceedings. For the concurrent sessions, we urge each municipality to assign at least one member to each session so your municipality can benefit from all of the information presented. In addition to the concurrent sessions, we want to emphasize the importance of the following events:

- **Resolutions Committee meeting on Saturday, April 21 at 4:00 p.m.**
- **NEW THIS YEAR: Sunday General Session. Topic: Leadership of Change, Sunday, April 22 at 2:00 p.m.**
- **NEW THIS YEAR: League Exhibit Hall opens Sunday evening with a 5:30 reception in the Exhibit Hall**
- **Opening Session on Monday, April 23 at 9:00 a.m.**
- **Ask Your Attorney/Roundtable Discussions on Tuesday, April 24 at 9:00 a.m.**
- **General Business Session on Tuesday afternoon at 2:00 p.m.**

We encourage each delegate to attend these sessions and to participate fully in convention proceedings. We on the League staff hope that your attendance at the 2007 convention is both beneficial and informative to you as municipal officials and to the continued progress of your communities. If we can assist you in any way, please don't hesitate to ask.

The City of Huntsville's Casino Night Welcome Party will take place Saturday, April 21 from 6:00 p.m. until 9:00 p.m. at the Jaycees Building. Buses will leave the four conference hotels at 5:30 p.m. Dinner will be catered by Roussos Seafood Restaurant and Catering from Spanish Fort.

The 39th Annual Municipal Officials Golf Tournament will be held at the Hampton Cove Golf Course on Sunday, April 22nd at 7:30 a.m. All golfers should arrive 30 minutes before the start of the tournament. Breakfast will be available at the course prior to the tournament. **It is imperative that participants be on time for the shotgun start at 7:30 a.m.** If you are not preregistered to play, you may register the day of the tournament. The format for this year's tournament is a **Four-Player Scramble** with a shotgun start. Each member of the team must hit a tee shot on every hole. With the exception of the Hole in One shot, seniors (70 years old or older) may use the forward tees. Women may use the forward tees on all shots. The team then selects one of the tee shots from which to play. All members of the team must then hit from that position. This procedure is repeated until the ball is holed. Each team member's shot must be used at least two times during the 18-hole round. Please visit the convention registration desk for more information and directions to the course.

Spouses' Program

Monday, April 23

The annual Spouses' Breakfast will begin at 9:30 a.m. at the Embassy Suites Hotel. See the “Quick Guide to the Convention” on the next page for other Monday activities.

Tuesday, April 24

Activities are currently being planned for Tuesday. Details will be provided in the official convention program.



LEAGUE CONVENTION QUICK GUIDE

APRIL 21 – 24, 2007 • HUNTSVILLE

Most meetings and activities will take place in the Von Braun Center unless otherwise noted. Casual dress is appropriate for all meetings. Business attire is appropriate for the Monday and Tuesday evening banquets. Attendees can earn CMO credits for the Certified Municipal Officials Training Program by attending sessions at this convention. The official Convention Program will contain the amount of credit hours that can be earned.

Saturday, April 21

1:00 p.m. – 5:00 p.m.
3:00 p.m.
4:00 p.m.
6:00 p.m.

Registration for Full Convention – Von Braun Center
AMIC Membership Meeting – Embassy Suites
Resolutions Committee Meeting – Embassy Suites
City of Huntsville Welcome Party – Jaycees Building (shuttles provided)

Sunday, April 22

7:30 a.m. (sharp!)
1:00 p.m. – 5:00 p.m.
2:00 p.m. – 4:00 p.m.
4:00 p.m. – 5:30 p.m.
5:30 p.m. – 7:00 p.m.

2007 Annual Municipal Golf Tournament – Hampton Cove Golf Course
Convention Registration
General Session: Leadership of Change
ABC-LEO Reception – Embassy Suites
League Exhibit Hall Opens with Delegate Reception – Von Braun Center

Monday, April 23

8:00 a.m. – 5:00 p.m.
9:00 a.m. – 5:00 p.m.
9:00 a.m. – 5:00 p.m.
9:30 a.m.
9:00 a.m. – 10:30 a.m.
10:30 a.m. – 5:00 p.m.
11:00 a.m. – 12:15 p.m.
12:45 p.m.
2:00 p.m. – 5:15 p.m.

Registration
Clerks Meeting
Alabama Association of Public Personnel Administrators
Spouse's Breakfast – Embassy Suites
Opening Session
Exhibits Open
Mock Council Meeting Presented by the Not Ready for Any Time Players
Luncheon
Choose from the following concurrent workshop sessions:
• Memory Skills
• Panel Discussion: Bioenergy and Biofuel Opportunities for Local Governments;
ISO Insurance Rates and Your Community
• HUD – America's Affordable Communities
• GASB 45
• Bringing Retail to Underserved Markets and Plugging Retail Leaks
• Panel Discussion: Update of New Business License Law; Election Law Update
Reception
Banquet and Entertainment: Darryl Worley (see page 22 for more information)

6:00 p.m.
7:15 p.m.

Tuesday, April 24

8:00 a.m. – 2:00 p.m.
9:00 a.m. – 1:00 p.m.
2:00 p.m.
6:00 p.m.
7:15 p.m.

Registration
Ask Your Attorney and Roundtable Discussions (includes lunch)
Annual Business Session – Embassy Suites
Reception
Banquet and Entertainment: Jimmy Travis (see page 34 for more information)

Meetings and/or events are subject to change.

EXHIBIT INFORMATION

The exhibits will open on Sunday night with a reception in the Expo Hall and on Monday from 10:30 a.m. to 5:00 p.m. See pages 10 and 11 of this publication for a list of exhibitors and their booth numbers.

2007 Annual Expo Vendor List

The 2007 Exhibit Hall Opens Sunday April 22, 2007, at 5:30 p.m. for the Official Welcome Reception. Heavy hors d'oeuvres provided - Don't Miss This Great Kick-Off!



EXHIBIT HALL SCHEDULE

The Alabama League of Municipalities Annual Tradeshow brings together more than 120 Vendors and State offices to introduce their products and services to officials and city leaders. Please take a moment to look over the list of vendors attending the 2007 Annual Expo and make sure you stop by their booths to gather more information.

Exhibit Schedule:

5:30 p.m. Sunday, April 22 - Exhibits Open to hold the Official League Welcome Reception in the Expo Hall.

10:30 a.m., Monday, April 23 - Exhibits open following the Opening Session.

PRIZE ANNOUNCEMENTS - For participating Vendors, the League will announce prize giveaway winners during Monday Lunch and will post winners in the Expo Hall following the luncheon. Make sure you register at participating booths!

5:00 p.m., Monday, April 23 - Exhibits close

COMPANY NAME AND BOOTH NUMBER

ACS 304	Alabama Mountain Lakes Tourist Assoc. 1013
Agriculture and Industries 614	Alabama Municipal Electric Authority 105
AIDT 613	Alabama Municipal Funding Corporation 1004
Alabama Advantage 1018	Alabama Municipal Insurance Corp 1001
Alabama Association of Regional Councils 817	Alabama Municipal Revenue Officers Assn 917
Alabama Cable Telecommunications Assoc. 601	Alabama One Call 704
Alabama Chapter of the American Planning Association 317	Alabama Public Library Service 417
Alabama Chapter, National Safety Council 514	ALACAD 408
Alabama City / County Management Association 717	ALAMO Industrial 814
Alabama Clean Fuels Coalition 418	ALATAX Revenue Discovery Systems 801
Alabama Cooperative Extension System 518	Allied Waste 502
Alabama Correctional Industries G	AME Engineers, Inc. 108
Alabama Department of Archives and History 813	ARCADIS 707
Alabama Department of Economic and Community Affairs 617	Arrow Disposal Service 410
Alabama Department of Environment Management 316	Asphalt Zipper Inc. 702
Alabama Department of Public Health ALL Kids 313	AT&T 908
Alabama Department of Revenue 618	Attorney General's Office of Consumer Affairs 1017
Alabama Development Office 818	AUM Alabama Training Institute 1014
Alabama Forestry Commission 918	Aviation Council of Alabama 307
Alabama Manufactured Housing Institute	Badger Meter, Inc. 305
	BancorpSouth Equipment Finance 607
	Band Stage H
	Barge Wagoner Sumner and Cannon, Inc. 207

BBI, inc. 807
 Behavioral Health Systems, Inc. 705
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 Brick SouthEast Association 507
 Burk - Kleinpeter 110
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 Cabinet NG 205
 CDG Engineers and Associates 104
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 Center for Governmental Services Auburn University 414
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 Civil Systems, Inc. 107
 CGI Communications 204
 CSI McAleer: Technology Outfitters 102
 D and D Case Management 111
 DesignAlabama, Inc. 416
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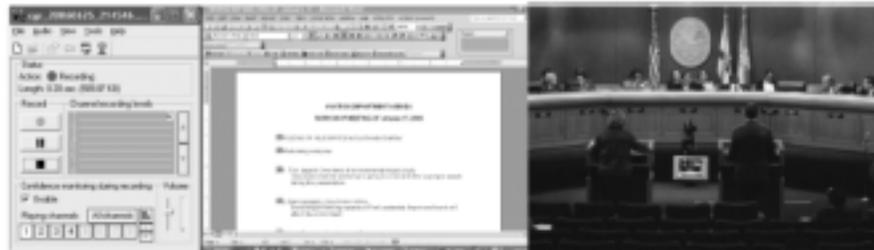
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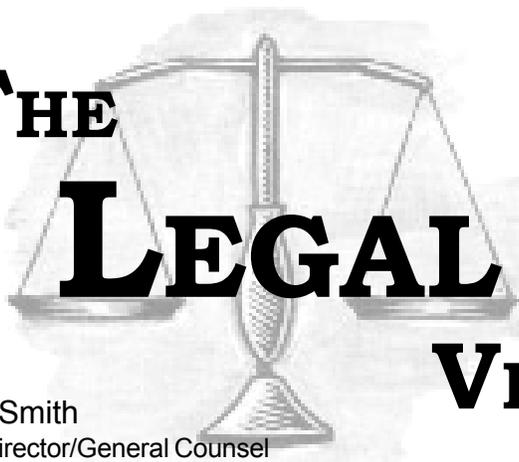


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By Ken Smith
Deputy Director/General Counsel



THE LEGAL VIEWPOINT

Duties of the Mayor and Council

One of the most misunderstood aspects of municipal government is the separation of powers between the mayor and the council. Like government on the state and federal levels, municipal government is divided into three separate but equal branches: executive, legislative and judicial. Each of these branches has distinct duties and powers and restrictions on how far it can intrude into the affairs of the other branches.

At the municipal level, the mayor serves as the head of the executive branch. As such, the mayor is responsible for overseeing the day-to-day operations of the municipality. He or she oversees municipal employees, makes sure that bills are paid on time, executes municipal contracts and, in general, performs many of the same functions as a CEO of a private corporation. Section 11-43-81, Code of Alabama, 1975.

In municipalities of less than 12,000 inhabitants, the mayor also presides over council meetings and serves as a member of the council. In these cities and towns, the mayor may vote on any issue before the council, introduce measures and participate in debates to the same extent as members of the council. Section 11-43-42, Code of Alabama, 1975.

In cities with populations of more than 12,000, the mayor is not a member of the council. However, he or she has a veto over any permanent action taken by the council. The council can override the veto by a two-thirds vote. Section 11-43-42, Code of Alabama, 1975.

The council is the legislative branch and has authority over the finances and property of the municipality. The council establishes policies, passes ordinances, sets tax levels, determines what sorts of services the municipality will offer and has authority over all other legislative aspects of municipal government. Section 11-43-56, Code of Alabama, 1975.

Citizens and councilmembers must understand that individual councilmembers, acting alone, have no greater power or authority than any other citizen of the municipality. The council can only act as a body at a legally convened meeting. No official action may be taken by any individual council member. All official action must be taken by the council acting

as the governing body. The mayor is the chief executive officer of the city and is charged with the duty of supervision of the affairs of the city under policies fixed by the council. Attorney General's Opinion to Hon. A.J. Cooper, August 15, 1973.

For instance, the attorney general has ruled that individual councilmembers cannot direct the activities of a municipal fire department, even pursuant to a properly enacted ordinance. Attorney General's Opinion 88-00262. Other similar rulings include:

- Individual city councilmembers may not supervise and control municipal departments. The city council must approve expenditures of municipal funds. Attorney General's Opinion 91-00147.

- A town council may not delegate its authority to appoint recreational board members to individual councilmembers. Attorney General's Opinion 91-00402.

It is clear, then, that the primary factor in the success of a municipal government lies in the working relationship between the mayor and the city council. Elected city officials must recognize that they have dedicated themselves for the next four years to accomplishing a common goal – providing the city or town with the best municipal government possible. To achieve this goal, the mayor and the council must maintain a harmonious working relationship.

At times the mayor and the council will disagree over the best solution to a problem. Disagreement is not only inevitable, it can be healthy. Negotiating opposing viewpoints can often lead to unexpected solutions. City officials must learn that when an opposing view is taken by someone else in government, it is merely a different opinion on the best way to represent the citizens of the municipality.

The success of municipal government depends also upon the willingness of each individual councilmember to cooperate with other councilmembers in granting time, knowledge and experience toward representing the citizens of the municipality. Under the mayor-council form of government, the council is granted legislative powers to determine the policies that will

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be followed in the administration of the municipal government. In exercising these powers, the council determines the extent of the governmental and corporate functions of the municipal government.

Equally vital is the willingness of the mayor to properly administer the ordinances passed by the council. The mayor is charged with the general supervision and control of municipal departments, programs and facilities. The advice, recommendations and viewpoints of the mayor generally reflect the thoughts of the voters who elected him or her and are worthy of careful consideration by the council.

The laws of Alabama necessitate a close working relationship between the council and the mayor. Without that spirit of cooperation, a municipal government will not function properly. Open communications between the mayor and the council should be maintained at all times. Before acting on any proposal, the council should carefully consider the advice, views and recommendations of the mayor. Similarly, the mayor should also listen to council discussions in order to understand the reasoning behind council actions and the intent of the council as it passes ordinances and resolutions.

Powers of Appointment

Section 11-43-81, Code of Alabama, 1975, states that the mayor has the power to appoint all officers whose appointment is not otherwise provided for by law. The attorney general of Alabama has ruled that if the council has exercised its powers to appoint officers of the city or town by passing an ordinance, then the appointment would be "otherwise provided for by law," thus removing the mayor's power to make appointments. Attorney general's opinions to Hon. John W. Maples, April 17, 1957. See, also Attorney General's Opinions 95-00315 and 97-00166.

Further, a council may adopt an ordinance giving the council exclusive authority to appoint a chief of police, all police officers and a superintendent of utilities. However, as CEO of the municipality, the mayor's power to oversee the daily activities of city officials cannot be removed by the council. Attorney general's opinion to Hon. A. J. Cooper, Jr., May 6, 1977. This same opinion provides that the council cannot by motion, resolution or ordinance require the mayor to give written work orders whenever he or she instructs a city employee to perform a task nor may the council require employees and department heads to answer directly to the council for their actions and to receive their instructions at least in part directly from the council.

Where the Code of Alabama specifies that the council has exclusive appointing power, such as over the municipal clerk, the council cannot delegate its appointing power. If an appointment is left to the discretion of the council, then the council may delegate its authority by a properly-drafted ordinance.

If the Code is silent as to who makes an appointment, then the mayor has the authority unless the council has provided differently in a properly-drafted ordinance. In cities of less than 12,000 in population, the mayor is a member of

the council and may vote on appointments made by the council.

In all municipalities, the council may provide for a tax assessor, tax collector, chief of police and a chief of the fire department. The council also has the duty to specifically designate the duties of each office. Section 11-43-5, Code of Alabama, 1975. In municipalities of less than 6,000 in population, the council must elect a clerk and may determine by ordinance the other officers of the city or town. Section 11-43-4, Code of Alabama, 1975.

The council has the duty to establish the salary of all officers and employees whose compensation is not fixed by law. Sections 11-43-7 and 11-43-8, Code of Alabama, 1975. The council must fix by ordinance the terms of service of the officers of the municipality whose terms are not otherwise prescribed by law. Section 11-43-6, Code of Alabama, 1975. And the council must prescribe, by ordinance, the powers to be exercised and the duties to be performed by officers appointed or elected, unless otherwise provided by law. Section 11-43-47, Code of Alabama, 1975. The council is authorized to establish a police force under the general supervision of a police chief. Section 11-43-55, Code of Alabama, 1975. The council is authorized to appoint the city attorney. Attorney General's Opinion 90-00173. Additionally, members of municipal boards must be appointed by the mayor or council, pursuant to the statutory authority under which the board was created. See, Attorney General's Opinion 98-00077.

Powers of Dismissal

Section 11-43-160, Code of Alabama, 1975, states that any person appointed to an office in any city or town may, for cause, after a hearing, be removed by the officer making the appointment. Section 11-43-81 states that the mayor may remove, for good cause, any non-elected officer appointed by him or her and permanently fill the vacancy. However, in *State v. Thompson*, 100 So. 756 (Ala. 1924), the Alabama Supreme Court ruled that where the mayor has been given the power to make appointments solely on his or her own discretion and without the approval of the council, the mayor must grant a hearing to the appointee before the dismissal. Of course, the appointee may waive this right to a hearing.

The mayor may remove any officer for good cause, except those elected by the people, and permanently fill the vacancy if the officer was elected by the council or appointed with its consent. In either of these cases, the mayor must report the dismissal to the council and state the reasons for the action to the council at its next regular meeting. If the council sustains the mayor's act by a majority vote of those elected to the council, the vacancy must be filled as provided in Title 11 of the Code of Alabama. Again, Section 11-43-81 of the Code states that the appointee must be granted a hearing, which can be waived by the employee, before the dismissal becomes permanent.

In the League's opinion, the mayor can cast a vote on the issue of upholding his or her act of removal for the purpose

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of documenting the mayor's position on the issue. However, the mayor's vote cannot be counted in determining whether a sufficient number of those elected to the council approved the officer's removal. See *Hammonds v. Town of Priceville*, 886 So.2d 67, 2003 WL 22929133 (2003). The mayor may not permanently removed the police chief or any other officials who were not appointed by him or her but the mayor may temporarily remove such officials pending a hearing on the question by the council. The mayor may fill the vacancy temporarily by the appointment of an acting successor who is entitled to pay for services rendered. Attorney general's opinion to Hon. Robert S. Glasgow, July 19, 1956.

The mayor of a city of 12,000 or more in population does not sit as a member of the council and, therefore, has no vote on questions of appointment or dismissal of officers or employees who come before the council. The mayor of a city of 12,000 or more in population does not have the power of veto over appointments made by the council.

The fact that the mayor, who voted and participated in a personnel hearing before the council concerning an officer's dismissal, may have had prior and independent knowledge of the dispute would not, standing alone, be sufficient to support a finding that the officer was deprived of an opportunity for an impartial hearing. However, the Alabama Supreme Court has held if before the hearing, a mayor and a councilmember had decided to uphold the discharge of the officer before evidence was presented, participation of the mayor and councilmember in the council hearing denied the officer due process. See *Chandler v City of Lanett*, 424 So.2d 1307 (1982); see also *Guinn v. City of Eufaula*, 437 So.2d 516 (1983); *Stallworth v. City of Evergreen*, 680 So.2d 229 (1996).

Municipal Finances

Section 11-43-84, Code of Alabama, 1975, requires the mayor, as chief executive officer, to present a written statement to the council at least once every six months showing the financial condition of the municipality and the steps the mayor proposes to take for the protection of the city or town. This section also states that the mayor shall require any officer of the city or town to make a report at such times as the mayor or the council directs. This authority is intended to facilitate supervision of the various municipal departments and officials and to assist the mayor in making reports to the council.

Section 11-43-85, Code of Alabama, 1975, requires the mayor to appoint an expert accountant to make a detailed examination of all books and accounts of the city and to make a full report in writing, under oath, to be submitted to the council at its first meeting after completion of the report. This report must be placed in the minutes of the council. Section 11-43-85 also authorizes the mayor to request the Examiners of Public Accounts to audit the municipality. Attorney General's Opinion 92-00322.

The council does not have authority to appoint its own accountant in lieu of the mayor's appointment. Further, the

mayor is authorized to fix the accountant's fee without the approval of the council and the council is legally obligated to pay a reasonable amount for these services. If the council is not satisfied with the audit provided by the mayor's accountant, the council may order an additional audit to be made by an auditor of its choice.

The council is required to appropriate the sums necessary for the expenditures of city departments, and for interest on indebtedness, not exceeding in the aggregate 10 percent of its estimated receipts. In addition, the council cannot appropriate in the aggregate an amount in excess of its annual legally-authorized revenue. Section 11-43-57, Code of Alabama, 1975.

While a city is not required to adopt a budget, most municipalities do so to ensure that citizens obtain maximum service for each tax dollar. As chief executive officer, the mayor is in the best position to determine the requirements of the various municipal departments. While the mayor does not draft the final budget, he or she compiles estimates of revenues and expenses and presents those figures to the council along with recommendations for appropriations and for revenue-raising procedures, if necessary. The municipal budget is not considered permanent and, therefore, is not subject to the mayor's veto. Attorney General's Opinion 91-00180.

The mayor plays an important role in the disbursement of municipal funds. Warrants must be drawn by the clerk, approved by the mayor or such other person as the council designates and presented to the treasurer for payment. The Alabama Supreme Court held in *Edwards v. 1st National Bank of Brewton*, 377 So. 2d 966 (Ala. 1979), the council may, by ordinance, remove the mayor's authority to sign checks. See Attorney General's Opinion 90-00284; see also Attorney General's Opinion 2001-260.

All expenditures of municipal funds must be specifically approved by the mayor or by some other person designated by the council. Section 11-43-120, Code of Alabama, 1975. However, the council may make a purchase over the objection of the mayor. Attorney General's Opinion to Hon. Norman Plunkett, June 22, 1977.

Further, Section 11-43-120 provides that no warrant shall be drawn except by the authority of law or ordinance, and the treasurer shall allow no expenditure unless it is approved by ordinance or by the mayor. If the mayor questions the legality of an expenditure, the clerk and treasurer and, if necessary, the city attorney, should be consulted about the matter. The mayor may be held responsible for unauthorized expenditures made on the basis of his or her approval. See, for instance, *Altmayer v. City of Daphne*, 613 So. 2d 366 (Ala. 1993). Additionally, the council should stress that only those with authority to authorize expenditures should do so, because in *Brannan and Guy, P.C. v. City of Montgomery*, 828 So.2d 914 (Ala. 2002), the Alabama Supreme Court held where the authority to set the compensation rates of contract attorneys rests solely with the mayor, a discussion of rates

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NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Competitive Bid Law: Competitive Bid Law precluded county board of school commissioners from being ordered to pay for cost of “control package” that winning bidder on school construction contract had failed to include in its winning bid; although board agreed to allow contractor to remedy its bid to include cost of control package, parties failed to modify the contract, and amount at issue exceeded \$7,500 and was sufficient to trigger application of Competitive Bid law. Provisions of Competitive Bid Law are designed for public’s benefit, and not for benefit of those vying for public funds. *Board of School Commissioners of Mobile County v. Coastal Builders, Inc.*, 945 So.2d 1059 (Ala.Civ.App. 2005).

Criminal Law: Defendant Charged with criminal trespass was not entitled to protection of Americans with Disabilities Act. Defendant did not show that she had a substantial limitation in her ability to walk or move such that she needed a service animal to assist her, and, thus, defendant was not entitled to protections of Americans with Disabilities Act (ADA). *Satterwhite v. City of Auburn*, 945 So.2d 1076 (Ala. 2006).

UNITED STATES COURT DECISIONS

Civil Rights: Statute of limitations applicable to 42 U.S.C. §1983 claim seeking damages for false arrest in violation of the Fourth Amendment, where the arrest is followed by criminal proceedings, begins to run at time claimant becomes detained pursuant to legal process; plaintiff’s cause of action for false arrest accrued when magistrate bound him over for trial and not when charges against him were later dropped and he was released from custody. *Wallace v. Kato*, 127 S.Ct. 1091 (U.S. 2007)

DECISIONS FROM OTHER JURISDICTIONS

Elections: Voters’ association filed action, seeking to enjoin on First Amendment grounds city ordinance setting campaign contribution limit for city council elections. The

city failed to show that its \$250 cap on political campaign contributions complies with the First Amendment as applied to the petition phase of a recall election. *Citizens for Clean Government v. City of San Diego*, 474 F.3d 647 [C.A.9 (Cal.),2007]

First Amendment: New York City’s strict liability ban on the sale or possession of aerosol spray paint cans or broad-tipped indelible markers to or by anyone under 21 likely violates the First Amendment rights of 18 to 21 year olds. *Vincenty v. Bloomberg*, — F.3d —, 2007 WL 313850 [C.A.2 (N.Y.),2007].

Searches and Seizures: Asking a driver whether there are any weapons or contraband in his vehicle during the course of traffic stop does not violate the driver’s Fourth Amendment rights so long as the questioning does not overly prolong the detention. *U.S. v. Stewart*, 473 F.3d 1265 [C.A.10 (Utah),2007]

Searches and Seizures: Officers did not violate the Fourth Amendment rights of a company executive by searching the hard drive of his office computer after his company’s chief financial officer consented to the search. *U.S. v. Ziegler*, 474 F.3d 1184 [C.A.9 (Mont.),2007]

Searches and Seizures: The Fourth Amendment’s special protection for homes does not forbid police officers to make investigative detentions at homes. *U.S. v. Crapser*, 472 F.3d 1141 [C.A.9 (Or.),2007]

Searches and Seizures: Even if the Fourth Amendment requires police officer executing a search warrant to present a copy of the warrant at the premises, their failure to do so is not the type of Fourth Amendment violation to which the exclusionary rule applies. *U.S. v. Hector*, 474 F.3d 1150 [C.A.9 (Cal.),2007]

Signs: Overbreadth doctrine did not provide standing for outdoor advertising company, which had asserted unsuccessful First Amendment as-applied challenge to height and size restrictions of city’s billboard ordinance, to bring First Amendment facial challenge to other independent provisions of ordinance without separate showing of actual injury under those other provisions; company’s standing as to size and height restrictions did not magically carry over to other ordinance provisions. *Prime Media, Inc. v. City of Brentwood*, 474 F.3d 332 [C.A.6 (Tenn.),2007]

Signs: Although preservation of aesthetic values was legitimate government interest, ordinance’s lengthy waiting period for obtaining permit was impermissibly broad ban on resident’s chosen medium of expression; Method by which

continued next page

municipal signage ordinance standards were to be applied to resident who wished to post signs outside his home without permit constituted impermissible prior restraint on speech, and thus violated First Amendment. *Lusk v. Village of Cold Spring*, 475 F.3d 480 [C.A.2 (N.Y.),2007]

ATTORNEY GENERAL’S OPINIONS

Ad Valorem Taxes: A single-family dwelling owned by a limited liability company, partnership or corporation does not qualify to be Class III property for ad valorem tax purposes. 2007-043

Board of Education: Section 16-24B-3(a) of the Code of Alabama requires action by the local board of education either to terminate or offer a new contract to a probationary principal at the end of the probationary period. It does not require the superintendent to make a recommendation before the board may so act. 2007-042

Employees: The Civil Service System of Jefferson County does not govern employees of a municipality whose corporate limits extend beyond Jefferson County. The Civil Service System of Jefferson County governs all employees of a municipality with a population of 5,000 or more inhabitants, according to the last federal census, whose corporate limits lie totally within Jefferson County. 2007-041 **NOTE:** This Opinion deals only with municipalities in Jefferson County.

Licenses and Business Regulations: Persons engaged in deferred presentment services (payday loans) who are subject to the business license requirement of section 40-12-83(b) of the Code of Alabama are also subject

to the requirements of the Deferred Presentment Services Act, not the Alabama Small Loan Act. 2007-040

Police Jurisdiction: If no tax revenue is collected in the police jurisdiction and absent a contract, a municipality is not legally required to provide police or fire protection services in its police jurisdiction, even if the municipality has historically provided such services. If services are to be terminated, advance public notice should be provided. 2007-044

Public Records: Arrest information including the jailer’s logbook is public record. A mugshot is a public record. Under section 41-9-625 of the Code of Alabama, a criminal justice agency is required to expunge identification information, including the booking photograph, on a defendant who is released without charge or is cleared of an offense and such disposition shall be reported by all state, county and municipal criminal justice agencies to ACJIC within 30 days of such action, and all such information shall be eliminated and removed. 2007-052

Change of Government: The authority to adopt the mayor-council form of government under section 11-43C-2 of the Code of Alabama existed only in the year 1987 and expired before January 1, 1988, with the election of new officials under such a government first taking place in 1988. Thus, after receiving a petition, as set out in section 11-44E-201 of the Code of Alabama, from at least 25 percent of qualified voters to change its form of government, the city of Dothan was not required to call for the election to abandon the current form of government. 2007-051

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between the city attorney and the contract attorney at the request of the mayor does not create a unilateral contract that binds the city.

While it is unnecessary for the council to validate each disbursement individually, Section 11-43-120 requires that all claims, requisitions and demands against a municipality for goods purchased or debts incurred be presented to the council for approval, unless already provided by ordinance or resolution.

Municipal Contracts

Unless otherwise directed by state law or ordinance, the mayor is authorized to enter into and execute all municipal contracts in the name of the city or town. However, the mayor cannot change the price fixed by the council without authority from the council to do so. *Albany v. Spragins*, 93 So. 803 (Ala. 1922). All obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk. Section 11-47-5, Code of Alabama, 1975.

The mayor is required to see that all contracts with the municipality are faithfully performed or kept. The mayor is required to execute all deeds and contracts and bonds required in judicial proceedings for and on behalf of the city or town. No sureties shall be required on the bond. Section 11-43-83, Code of Alabama, 1975.

Section 11-47-20 of the Code authorizes a municipality, by ordinance entered on the minutes of the council, to dispose of any real property not needed for public or municipal purposes. The council directs the mayor to make title thereto. The council may file a writ of mandamus against the mayor if the mayor refuses to execute a deed as required. Attorney General's Opinion 95-00113. A conveyance made by the mayor in accordance with this ordinance invests the grantee with the title of the municipality. Section 11-47-21 requires a municipality to follow the same procedure when it wishes to lease any of its real property. No similar requirement is made for personal property. See Section 11-43-56, Code of Alabama, 1975. For further discussion on this topic, please see the article entitled "Sale of Lease of Unneeded Municipal Property" located in the *Selected Readings for the Municipal Official*.

If a public official, public employee, member of the household of the public official or employee, or business with which that person is associated, enters into a contract to provide goods or services and payment, in whole or part, for the contract will come out of state, county or municipal funds, must be filed within the Ethics Commission within 10 days after the contract has been entered into, regardless of the amount of the contract or whether or not the contract has been obtained through competitive bid. Attorney General's Opinion 2001-29.

Legislative and Judicial Powers of the Mayor

Section 11-45-1, Code of Alabama, 1975, gives municipalities the power to adopt ordinances and resolutions to carry into effect the powers and duties conferred on it by statute and to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of the citizens of the municipality. The council, as the legislative body of the municipality, is responsible for enacting these ordinances.

In municipalities of less than 12,000 in population, the mayor sits with, presides over and is considered a member of the municipal council. This provision entitles the mayor to vote for or against the adoption of ordinances that the council considers. It is unnecessary that an ordinance be approved by the mayor or authenticated by his or her signature. Section 11-43-42, Code of Alabama, 1975.

In cities with populations of 12,000 or more, the mayor does not sit as a member of the council. Therefore, the clerk must transmit all ordinances and resolutions intended to be of a permanent nature to the mayor within 48 hours after passage by the council. If the mayor disapproves of an ordinance or resolution transmitted by the clerk, he or she must, within 10 days of its passage by the council, return it to the clerk with the written objections. The clerk is to report these objections to the council at its next regular meeting. If the mayor fails to return the ordinance within 10 days, the clerk shall publish the ordinance as though the mayor had signed his or her approval. See Sections 11-45-4 and 11-45-5, Code of Alabama, 1975. The mayor has no authority to veto an ordinance which merely disposes of an administrative matter. Attorney General's Opinion to Hon. Carl H. Kilgore, July 8, 1975. Therefore, nonpermanent ordinances are not subject to the mayor's veto. Attorney General's Opinion 91-00072.

The council has the power to pass an ordinance over the mayor's veto by two-thirds vote of the members elected to the council. The vote must be recorded on the minutes. Section 11-45-5, Code of Alabama, 1975.

Under general law, in municipalities over 12,000 in population, Section 11-45-5 gives the mayor power to approve or veto in whole or in part all ordinances or resolutions fixing the salaries of officers and employees. At its next regular meeting, the council votes on whether it will override the mayor's veto. If it fails to override the veto, then it votes upon the approval of the ordinances as approved by the mayor.

Section 12-14-15, Code of Alabama, 1975, states that the mayor, under authority as chief executive officer, has the power to remit fines and costs imposed by the municipal judge or the court to which an appeal was taken for violation of a municipal ordinance. In addition, the mayor has the power to pardon those convicted and sentenced by the municipal judge for violations of municipal ordinances. However, in an opinion to the city council of East Brewton, August 8, 1974, the

continued next page

Attorney General ruled that a mayor has no authority to remit forfeitures levied against sureties on appearance bonds by the municipal judge. Attorney General's Opinion to Hon. Richmond McClintock, July 17, 1957. Likewise, the mayor has no authority to approve or order the approval of any appearance bonds. Attorney General's Opinion 91-00374. Similarly, councilmembers may not sign as surety on bail bonds for persons arrested by municipal police officers. Attorney General's Opinion 90-00282.

Section 12-14-15 also requires the mayor to make a written report to the council at its first regular meeting each month, listing the fines and costs remitted, sentences commuted and pardons and paroles granted by the mayor during the preceding months and stating the reasons therefor.

The council may, by a properly-adopted ordinance, authorize the mayor to administer oaths on behalf of the municipality, pursuant to Section 11-43-5, Code of Alabama, 1975. Attorney General's Opinion 88-00397.

The mayor may serve as superintendent of the municipal utility system. The council has no authority to reduce the mayor's salary by the amount he or she receives for serving as superintendent. Attorney General's Opinion 89-00070.

Similarly, the council may not require the mayor to devote full time to his or her duties as mayor. Attorney general's opinion to Hon. William Willis, January 20, 1960. However, the Legislature may, by local act, require the mayor to serve in a full-time capacity. Attorney General's Opinion 88-00298. See also Opinion No. 2005-076.

Legislative Powers of the Council

The council as a body establishes municipal policy, and the mayor is charged with the duty of implementing that policy. For instance, in Attorney General's Opinion 89-00243, the issue was whether the mayor or the council had authority to establish the working conditions of a police dispatcher. The attorney general concluded that the mayor could require the dispatcher to work at city hall unless the council provided otherwise. The question of where the dispatcher performed her duties was a matter of policy, a decision for the council to resolve. Until the council acted, it was the mayor's decision. However, once the council acted, the mayor was required to implement that policy.

Another example of the legislative power of the council is found in Attorney General's Opinion 92-00289. It concluded that the council is responsible for establishing policies which will be followed by municipal departments. Department heads may not set policies unless the council has delegated the authority to them. A council may delegate authority to set policy to the mayor, who may authorize department heads to determine policies which their departments will follow. Where the council has not acted, department heads may set informal procedures to be followed until the council acts.

Other examples of the legislative power of the council to draft city policy include Attorney General's Opinion 95-00091, which concludes that the use of city-owned vehicles is under the control of the council, which should promulgate a policy

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Darryl Worley to Perform Monday Night of Convention

Darryl Worley was born Oct. 31, 1964, in Pyburn, TN. As a child, he had both musicians and moonshiners in his family. When Worley was a child, his father quit his job of 25 years to join the ministry, hauling the family away from home. Moving from town to town, Worley began to excel in sports but broke his back playing basketball in high school. While in college, he took on some odd jobs, including diving for mussels, commercial fishing on the Tennessee River and working in the local paper mill. He earned a degree in biology from Northern Alabama University with a minor in organic chemistry and then taught seventh and eighth grade biology.

Later, Worley left education to pursue a career in music. He signed a publishing deal for \$150 a week at Fame in Muscle Shoals and often commuted to Nashville, playing bars. His traditional country music caught the attention of DreamWorks Nashville, which released his debut single in 2000. Although the album *Hard Rain Don't Last* earned rave reviews for its hard country sound, its first three singles stalled just outside the Top 10.

Success quickly followed, however, when The Academy of Country Music nominated Worley for Top New Male Vocalist in 2002. He also earned nominations from the Country Music Association for its Horizon Award in 2002 and '03 and Single of the Year and Song of the Year in 2003

for "Have You Forgotten?." The Tennessee House of Representatives cited him that same year for his contributions to country music. His fan base kept growing and his concerts regularly sold out.

Perhaps the high point of this period, though, involved Worley's visit in 2002 to meet and entertain our troops stationed in Afghanistan, Kuwait and Uzbekistan. Transformed by the experience, he wrote and recorded "Have You Forgotten?," one of the most controversial and inspirational records of our time. Worley hasn't wavered in his support for those who put their lives on the line for democracy; over the past few years he's repeated his trip and expanded it to include performances in Iraq.

On the home front, he played a key role in organizing the annual American Freedom Festival to raise funds for our veterans. But at the same time Worley has pursued and seized his opportunity to break from the constraints of his image. A key step was to hook up with 903 Music, whose artist-driven mission fit Worley's needs.

At long last, the real Darryl Worley has arrived. You can't miss him – he's the one with the quick laugh and the voice that comes up from somewhere deep in the tradition of soulful country singing.

For more information on Darryl Worley and his music, visit www.darrylworley.musiccitynetworks.com. ■

Municipal Clerks Program Scheduled for Monday, April 23 and Tuesday, April 24

The program for municipal clerks will begin at 8:00 a.m. on Monday, April 23 with the breakfast and business meeting of the Alabama Association of Municipal Clerks and Administrators (AAMCA). Topics for Monday and Tuesday workshops are still being developed but will include a session on Attorney General Opinions and one on Legislative and Legal Updates.

Municipal clerks also have the option to participate in the "Ask Your Attorney" round table discussions Tuesday morning.

Program for Alabama Assn of Public Personnel Administrators Scheduled for Monday, April 23

Payroll and Benefits: This course will present an integrated approach to compensation. Topics include job evaluation and its role in establishing a pay structure, the position classification process and determining relative worth jobs. The course will be taught by Janis Parks, Administrative Assistant for the City of Pelham. Janis has many years of private experience in personnel. She has been with the City of Pelham for five years and with the AAPPA for four years. She received her Alabama Certified Human Resource Specialist Designation in 2006. ■

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For information on the League's Certified Municipal Official (CMO) Program, contact Theresa Lloyd, CMO Program Administrator, at 334-262-2566 or via e-mail at theresal@alalm.org.

Honda: Inside Scoop

continued from page 5

He then explained that his concern was not about the payment of tax but that education might need the tax that was not being paid on the land and he wanted to determine the amount in order that Honda could reimburse the school system for the missing revenue. Honda did, by the way, pay the missing school tax – twice the amount due. I knew then that this was no ordinary company.

Honda is now part of the fabric of east-central Alabama. More than 5,000 folks work there everyday as well as many more in the support industries in the surrounding counties; and benefits from the plant's coming to Alabama continue to grow.

Alabama won this project. Team work played an important role; there were no super stars on the team, just lots of folks playing as a team to win. *Team work* won this project for Alabama. I owe many folks out there a thank you for helping bring Honda to Lincoln.

I hope you will also play as a team to make your municipality a winner. ■

enough said.

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Municipal Achievement Awards Share Ideas, Highlight Municipal Success Stories

The League's first Municipal Achievement Awards program was an outstanding success, with 11 entries in three categories. The cities of Guntersville, Daphne and Dutton were chosen by our panel of outside judges as the winners for their categories – Public Works; Population 10,001-20,000; and Population 1-1,000, respectively.

More importantly, however, is the extremely valuable information shared between cities and in the following paragraphs about 11 truly impressive and successful municipal improvement programs. Below are excerpts from each entry, while the full text of each is available on the League's website, www.alalm.org, by clicking on the "Municipal Achievement Awards" button and then clicking on "2007 Entries."

Thank you to the cities that entered the 2007 Municipal Achievement Awards and helped make the program's initial year a success. We hope to see even more entries in 2008!

Guntersville's Recycling Program Winner, Public Works Category

Surrounded by the 69,000 acres of beautiful Lake Guntersville and the foothills of the Appalachians, Guntersville and its citizens are keenly aware of the impact the environment can have on our quality of life.

Like many cities faced with spiraling landfill cost, our city realized that some different and perhaps difficult measures needed to be taken. As most of our citizens were becoming more environmentally conscious and none of the other four cities in the county offered recycling, our residents were eager to be the first.

To gather public support for the new program an extensive educational initiative was undertaken. Public meetings, newspaper articles, television info commercials, radio talk shows, instruction given at local schools classrooms, civic organizations, garden clubs, Sunday school classes, etc. (essentially, wherever anyone would listen) were conducted in an effort to advise the public of the How's, Where's and Why's of recycling. Blue bags, brochures, refrigerator magnets were delivered to each household. By the time the equipment arrived, our citizens were ready to start recycling and most felt it was their personal way to become more environmentally proactive.

For less than the cost of a new garbage truck, we started an award winning recycling program. Initially we purchased a vertical baler, a 30' conveyor, twenty 6' x 9' utility trailers, four 6' x 16' route collection trailers, a forklift, a year supply

of plastic bags for 3000 households and educational materials. Our total start-up cost was less than \$120,000.

The City of Guntersville has experienced firsthand the spirit of pride and the benefits recycling can have on our environment and we are pleased to share our experiences with others.

Daphne's Grease Recycling and Biodiesel Program Winner, Population 10,001-20,000

One of the most common municipal problems facing communities across the country is that of sewer spills, known in the utilities industry as a sanitary sewer overflow. Daphne, which is situated on a bluff overlooking Mobile Bay, is obviously located in an environmentally sensitive area and anything "bad" spilling onto the streets or ground in this area quickly finds its way into a wetland or waterway via normal surface runoff.

The damage from these occurrences is far more than simply "environmental". The monetary cost of the actual clean-up operation alone can run into the thousands of dollars per occurrence. One of the main causes of sewer spills in any system is oil and grease plugs in sewer mains. While oil and grease may be liquid when it enters the sewer, it solidifies as it cools and becomes a gummy mess trapping food particles and "other" sewer debris in the wastewater. This thick, sticky mass will grow over time until wastewater flow is totally obstructed and a sewer spill occurs.

In 2005, after numerous costly clean-ups, Daphne decided that a proactive response was necessary to combat this issue and began a Used Oil Recycling Program that was inexpensive and beget results almost immediately! Recycling stations were eventually established at about 20 sites throughout the City where customers could obtain clean, sealable containers to use for recycling cooking oil and grease. Once the containers are filled with used oil, the customers can return it and obtain a new container at no charge. Sewer spill occurrences dropped by more than 40 percent since implementing the program, translating into savings of approximately \$10,000 per year in clean-up costs alone.

For a community populace of 15,000 to 25,000, a city can start a very effective program with only 15 to 20 stations located primarily near food stores and gas stations. Start-up costs for recycling bins is about \$3,000. Oil recycling jugs total about \$600 for an initial bulk lot of 500. Labor will

continued next page

vary but pick-ups once or twice a week should be a minimum and total less than \$750/month, and package biodiesel plants can either be purchased online for \$3,000-\$5,000 or assembled from scavenged parts for less. We're proving that "making a difference" is not that scary, expensive or risky!

Dutton's "Night Out Against Crime" Winner, Population 1-1,000

Situated in the foothills of the Appalachian Mountains with the Tennessee River running nearby, it is difficult to find a more beautiful place in the world than Dutton, Alabama. Unfortunately, like many small rural areas around the country, Dutton has a very ugly problem – methamphetamine. Manufactured in homes where children live, cars where children ride and even in the woods where they play, no place seems to be off limits to the terror this drug has created in our community. Drug busts have been made within several hundred yards of the Town Hall and our local school. Crime is excessive in our town in comparison to our population, primarily due to rampant drug use.

What can one small town, population 310, do about such a problem? Take the first step. Admit there is a problem. We began participating in the Annual National Night Out program in 2004. The program, administered under the National Association of Town Watch, will be celebrating its 24th Annual National Night Out on August 7, 2007. While it will only be Dutton's fourth year, is something our small town is proud of and sincerely makes a difference in our community.

We have used this program to provide education to our community about the problem with drugs and crime and to connect our community more closely to the resources that help in curbing drug use and crime.

This is a national event. There were only 42 cities/towns from Alabama that registered for this event in 2006, and less than that number actually participated with any type of program. There is no reason why every city/town in the state of Alabama should not participate and get involved in this wonderful initiative. Every municipality can adopt this program and develop it into its own success story. Each year, this project grows for us. Fortunately, at this time and with help from the "Annual Night Out Program," our crime and drug problem does not seem to be growing at the same rate.

Garden City's "Mayor for a Day" Program

In 2003, Mayor Harden Davis wanted to do something special that would involve the town's elementary school students. He came up with the idea of "Mayor for a Day,"

where the students can write an essay with the winning essay having the honor of being "Mayor for a Day." The school welcomed the project as it would be an educational writing assignment for the children with a great reward for the winner.

The project is such a success that the school and its students look forward to the opportunity each year. The students have an important assignment to think about where they live and the needs of their community. The winner gets an inside look at the infrastructure of a town and what is involved in making a town work. They learn about what each department does, from the mayor's decisions, the clerk's duties, how the utility departments are important, the equipment it takes to battle a fire and a behind-the-scenes look at businesses in town and what they do for the community.

Cullman's Economic Development Success

The city of Cullman is a small but very diverse city of approximately 14,000 residents. Our community has capitalized on its location on Interstate 65 growing an impressive industrial base of approximately 140 manufacturing/distribution facilities that include home grown businesses, U.S. based companies and international operations from Switzerland, Japan, Canada, Australia and England.

Cullman has been remarkably successful over the past 20 years recruiting new industry and developing a speculative building program recognized as one of the best in the Southeast, but our greatest accomplishment may be business retention and expansion. Cullman has been the number one county in Alabama for two consecutive years in expanding industry.

The Cullman community recognizes that its true success comes from the existing industries which choose to stay and expand here. Over the past 10 years, Cullman has had a total of \$989,621,695 in new and expanding capital investment, 7,858 jobs have been created, 50 new companies have located in Cullman and 576 companies have expanded. Our current unemployment rate is 2.7 percent. In 2005 alone, Cullman had four new companies creating 71 new jobs and investing \$4,048,650. Seventy-nine companies expanded creating 1,078 jobs and investing \$175,845,312. These 83 new and expanding industries created a total of 1,149 new jobs and an investment of \$179,893,962.

Cullman's leaders recognize the need for growth and diversification to improve the quality of life for our citizens. We are proud of our successes and strive each day to make Cullman a better place.

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regarding their use. This Opinion also makes clear that the council has the power to decide how much to reimburse an individual for the use of a personal vehicle on municipal business.

Subpoena Power

A municipal council or a committee authorized by the council may, by resolution, issue subpoenas pursuant to Section 11-43-163 of the code. This does not require a permanent resolution. The council or committee may impose punishment pursuant to Section 11-43-163 for failure to comply with the subpoena. Attorney General's Opinion 99-00076.

Council Committees

While no law requires a council to establish committees, most councils set up committees to study the needs of the various departments of municipal government and to make recommendations regarding the operating policy of each department. Council committees should confer with the mayor for his or her views on the policies and programs under consideration since, as the chief executive, the mayor will be responsible for carrying them out.

When questions about council committees arise, they usually involve the desire of councilmembers to directly control the functions of city employees. It must be remembered that council committees are not

administrative bodies and have no authority to exercise any executive power over the administrative branch of the municipal government. This means that the council cannot direct and supervise the work of employees, even through the creation of a committee. Attorney general's opinion to Hon. Norman Plunkett, June 22, 1977; Attorney general's opinion 88-00262; and Attorney General's Opinion 91-00147. Council committees are advisory only and cannot supervise or give directions to city employees. Hon. H.T. Mathis, January 8, 1985.

The sole purpose of committees is to give detailed attention to the programs and policies concerning the departments entrusted to their study and to report their findings to the full council and the mayor so appropriate actions may be taken.

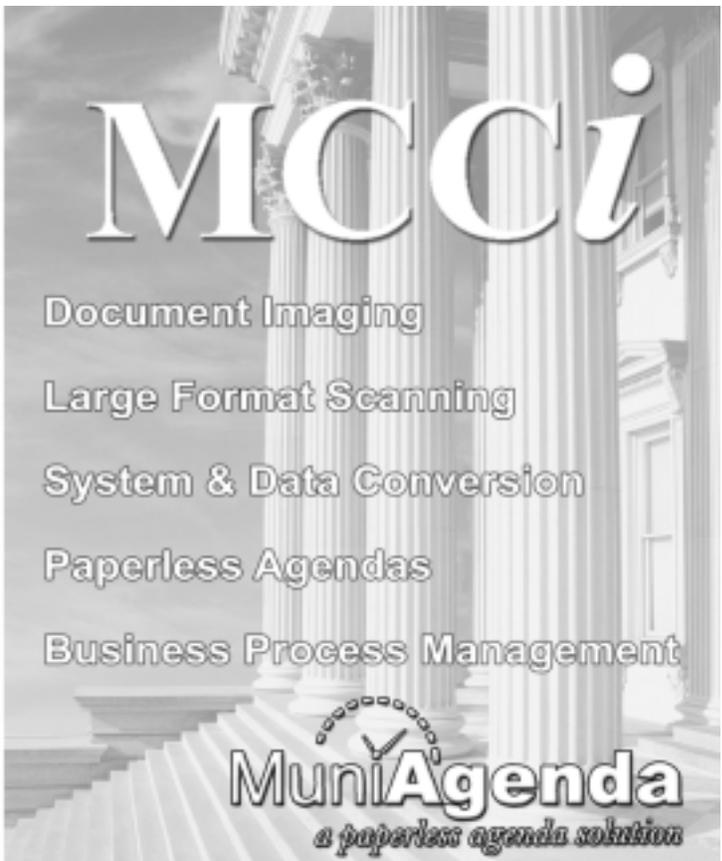
Generally, the presiding officer of the council makes appointments to the committees, which usually consist of three councilmembers each. However, in an opinion to Hon. Gwin Wells, June 4, 1981, the attorney general stated that council committees may be appointed by the mayor or by the mayor and the council, depending on the internal rules of procedure established by the council. The mayor of a municipality of under 12,000 in population is a member of the municipal council and therefore may vote on and serve on these committees. ■



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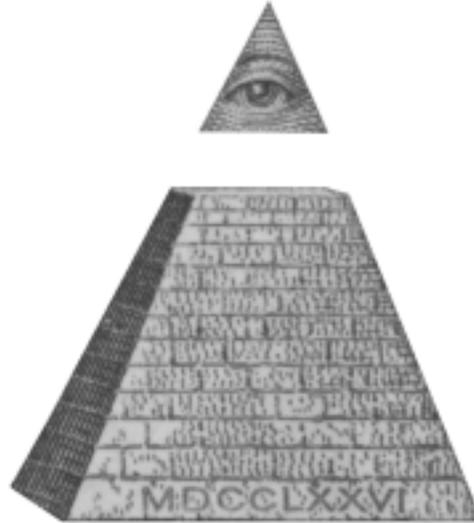


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Pelham's Senior Center

In 2005, the city of Pelham saw a need to provide a comprehensive program for the growing population of senior citizens. With that in mind, the leadership in the city envisioned a program that would address the physical, mental and emotional health of its target population by providing recreational, educational, informational and cultural programs and activities.

The Pelham Senior Center is a one-story complex featuring four multi purpose rooms. Its four rooms can roughly represent the four objectives the center set out to accomplish: recreation, education, information and access to cultural enrichment.

As our state and country continue to age with growing numbers of senior citizens, all communities will need to assess their city services and make provisions for this increasing population. Other municipalities wishing to duplicate this program can easily do so. The strength of this program is in combining the staff and resources of an existing municipal agency, the library, to provide a new service for a much needed segment of a city's population.

Muscle Shoals' Master Plan – Wilson Dam Corridor Study

Between the 1980 and the 2000 Census, Muscle Shoals' population increased by 33.8 percent, growing from 8,911 people to 11,924. While citizens and officials welcomed the positives that occurred with this growth, they also recognized the major challenges it presented. Historically, growth in the city had been unplanned and poorly coordinated with little regard for economic, commercial, environmental or aesthetic consequences.

In 2001, with the announcement of a new federal highway interconnecting Colbert and Lauderdale counties, the city saw an opportunity to begin a planning process to properly address development along this corridor. The city sought and obtained an Economic Development Administration grant that allowed Muscle shoals to develop a Master Plan for the Wilson Dam Corridor along Alabama Highway 133.

The planning process featured input from citizens, local utilities, state and federal officials and other interested parties. The study identified both assets and liabilities for the city

continued next page



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with a format to address growth in accordance with the city's overall vision. Since the completion of the plan, the city has been moving forward by creating a new industrial park, creating an appealing downtown area and by continually striving to increase economic growth and improve life for citizens.

By following its Master Plan, the city has been able to make tremendous progress toward making Muscle Shoals one of the best places to live in Alabama and the nation. *The City of Muscle Shoals Master Plan – Wilson Dam Corridor Study* serves as an important paradigm to other communities in Alabama wanting to adequately provide for appropriate growth and development, especially along major transportation corridors.

The Northport Renaissance Plan

In 1992, City Planner Richard "Dick" Platt had a vision for the revitalization of downtown Northport. This vision, known as the Renaissance Plan, would encompass new developments such as hotels, marinas, restaurants and

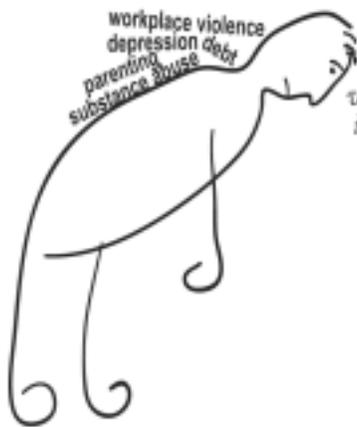
residential development along the beautiful banks of the Black Warrior River in downtown Northport. But there was one problem – river floods had hindered Northport since before its incorporation.

But Platt had a solution. A flood control levee built on the banks of the river would put an end to the previous 150 years of flooding and would allow for development to become reality. With several trips to Washington, D.C. to plead our heartfelt case, city officials were elated by the announcement from Congress that the Northport Levee would become a reality. Funding would come from the U.S. Ways and Means Committee. The total cost of the project was \$6 million, with Northport providing \$1.2 million, a match of 20 percent.

Simultaneously, the city began Phase I of the Main Avenue Improvements Project. This project was unique in that it was the first public-private partnership the city had ever undertaken. The city and the Downtown Merchants' Association collaborated to reconstruct Main Avenue to compliment the 5th Street Improvements Project. Phase I

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also included brick paved sidewalks, benches, new decorative lighting features, landscaping and handicapped-accessible sidewalks on Main Avenue south of 5th Street. The total project cost exceeded \$750,000.

In 1999, the city and the Downtown Merchants Association continued their partnership with Phase II of the Main Avenue Improvements Project. This project mirrored Phase I at a total project cost of \$375,000. Overall, the Downtown Merchants Association contributed more than \$400,000 toward the two projects.

Through an historic and successful collaborative effort, the Downtown Merchants Association and the Northport Redevelopment Company have worked tirelessly to assemble pieces of a master plan to continue the revitalization that one city planner dreamed more than 14 years ago.

Tuscaloosa's "Noah's Ark" Drainage Program

One of the greatest natural resources for the city of Tuscaloosa is our large network of streams, lakes and rivers. For all its natural beauty, these waterways were creating infrastructure problems which were impacting the quality of life for thousands of citizens.

In February 2006, at the request of the mayor, the city engineer determined that the city needs \$32 million dollars in storm water drainage infrastructure improvements. The majority of the needs were in the southwest area of the city.

The City has traditionally financed drainage projects, along with all other non-water/sewer infrastructure funds from the Reserve for Future Improvements Fund (RFFI). The RFFI is funded annually by the surplus transfer from the general operating fund. Historically, the RFFI is able to provide \$6 million annually in infrastructure improvements such as resurfacing, road construction, drainage, sidewalks and traffic-calming devices. With limited financial resources and competition from other worthy projects, numerous "big-ticket" drainage projects never received appropriations from the Tuscaloosa City Council.

Noah's Ark is an initiative which could be emulated by other cities facing similar problems. Once the attention of elected officials was focused on the magnitude of the drainage needs in our community, the need for such an innovative approach was clear. When Noah's Ark is complete, most of the immediate drainage problems in the city will be solved. This will allow future development and growth within a planned framework without negative drainage impacts on citizens or infrastructure. Noah's Ark is an excellent example of a progressive city proactively facing a large problem by finding a feasible and economical solution.

Fairhope's Committee on Public Art

Fairhope was founded in 1894 as a Single Tax Colony by proponents of an economic theory. The utopian settlement attracted inventive and creative people and the City of Fairhope (incorporated separately in 1908) has a long-standing reputation as an artists' community

However, for all the creative energy in town, there has never been much public art for residents and/or visitors to enjoy. This was a concern – public displays of art would not only work well with the city's existing beautification projects but would provide an opportunity for all segments of the community, especially children and those who might not think to venture into a gallery, to experience and learn more about art. Public art would also be attractive to visitors and, like many communities, city leaders and businesses owners appreciate what tourists can bring to our town.

In 2001, a group was formed to address those concerns. COPA, the Committee on Public Art, began as the idea of Jolane Edwards, a local supporter of the arts, who wanted the city to establish an Art Trail. She envisioned large and small pieces of public art in a variety of styles displayed throughout the city. According to its mission statement, COPA hoped to "acquire, place and maintain works of art of the highest quality that will make visible Fairhope's long-standing interest in and support of the arts. By working with local businesses and individuals, the committee expects to raise funds in order to showcase Fairhope's rich history of encouraging creative thought by the placement of a variety of outdoor artwork throughout the community."

COPA hopes that the Art Trail in Fairhope will be exciting for children, adults, local residents and visitors. Understanding how artists can have different views of life teaches us all to be more accepting of different people and different viewpoints. That's important on many levels, and it can all start with art.

continued next page

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Awards

continued from previous page

Team Jackson County/Scottsboro's Industrial Park Project

Alabama has accomplished so much from an economic development standpoint. In what seems to have been just a few years, Alabama has been transformed from a largely agricultural area to a state proud of being a tremendous and integral part of the nation's space and rocket involvement as well as the nation's automotive industry. Alabama has come to be recognized as the benchmark for others with a focus on progressive movement.

In Jackson County, we are blessed with the natural beauty of mountains and the beautiful Tennessee River. It is a wonderful place to work, live and raise a family. The county seat, Scottsboro, has done well with its first industrial park – Scottsboro Industrial Park. The park is full of activity with very little available space remaining for future growth.

Recognizing the need and necessity for industrial property to be available to new business and industry, community leaders came together to plan for the future. Team Jackson/Scottsboro gathered in brainstorming and devising a plan to prepare for the future. The vision that resulted from the combined efforts of the group was to be innovators in the recruitment of industry and jobs – to be a picture of a perfect environment to locate either a new or expanding business to call their new home, and that is exactly what the outcome has been. ■

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Comedian and Musician Jimmy Travis to Perform Tuesday Night of Convention

Jimmy Travis is a multi-talented performer who constantly proves that you can be funny and entertaining without being offensive!! As one reviewer put it: "Jimmy Travis took the stage and within minutes made everyone in the audience feel like his new best friend. His presentation was witty, clean and definitely had something for everyone. His approach to comedy was very refreshing in a day and age when so many comedians lace their shows with profanity." *VARIETY*

Jimmy Travis has made over 50 national television appearances on such networks as Odyssey, The Family Channel, TNN, The Inspirational Network and on NBC as part of The Jerry Lewis Parade of Stars. Jimmy was recently honored as the recipient of the Jimmy Durante Award which is presented annually to a comedian or humorist and recognizes outstanding achievement in the field of family entertainment.

A native Floridian, Jimmy attended the University of Florida on a football scholarship. After graduating with a degree in public relations, he was hired as a featured performer at Opryland U.S.A. in Nashville. After two seasons at Opryland, Jimmy landed a spot at sax specialist Boots Randolph's dinner theatre in world famous *Printers Alley*. While at Boots', Jimmy honed his comedic talents and quickly became known for his clean, unbridled brand of comedy.

Dozens of superstars from a wide variety of the entertainment world have chosen Jimmy Travis as their opening act in major concert venues around the country. Some of these include, Gregory Hines, The Smothers Brothers, Wynonna, The Righteous Brothers, Loretta Lynn, Barbara Mandrell, Mark Russell, The Judds, Mel Tillis, Roy Clark, Eddy Arnold, Crystal Gayle and Melissa Manchester.

Jimmy is also a gifted singer, musician, and song writer. He will often write an original song in the middle of his show! "If something funny happens while I'm on stage then I'm off and running with it. The audience just goes nuts."

His ability to craft a song on the spot and his amazing improvisational skills make him much more than an ordinary comedian. For the past decade, Jimmy has been a popular performer at conventions, conferences, banquets and

special events. Literally hundreds of companies, associations and corporations have used the unique talents of Jimmy to help make their events a huge success. When Disney launched its new cruise ship "The Wonder" they chose Jimmy as the featured entertainer for the inaugural voyage.

Jimmy and his wife own and operate a music publishing and production company specializing in Christian music for children. He is one of the industries most popular writers and his songs are constantly being performed in churches, schools and summer camps across the United States as well as internationally. Jimmy is a husband, a father and draws much of his comedy from the everyday occurrences of family life. He easily relates to audiences of all ages from all walks of life. Jimmy's talents have taken him to over 40 countries and he has is a versatile, proven professional with an outstanding track record of success. "My goal is simple: It's to help you, make your event, the very best it can be!"

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