

The Alabama Municipal JOURNAL

October 2007

Volume 65, Number 4

INSIDE:

Business License Reform Act Update, p. 9

NLC Congress of Cities, p. 5

**Working with the Municipal
Attorney, p. 11**



2008 Municipal Achievement Awards



See p. 23 or visit www.alalm.org

PHOTO CONTEST:

Feature your municipality in 2008! See p. 26 for more details.

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

Presented 5th
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

Write or Call TODAY:

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

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

The Municipal Worker's Compensation Fund has been serving Alabama's municipalities since 1976. Just celebrating our 30th year, the MWCF is the 2nd oldest league insurance pool in the nation!

- Discounts Available
- Accident Analysis
- Personalized Service
- Monthly Status Reports
- Directed by Veteran Municipal Officials from Alabama
- Over 625 Municipal Entities Participating
- Loss Control Services Including:
 - Skid Car Training Courses
 - Fire Arms Training System (FATS)

ADD PEACE OF MIND



The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

October 2007 • Volume 65, Number 4

OFFICERS

CHARLES W. "SONNY" PENHALE, *Mayor, Helena, President*
MELVIN DURAN, *Mayor, Priceville, Vice President*
PERRY C. ROQUEMORE, JR., *Montgomery, Executive Director*

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

CHARLES WOODS, *Councilmember, Childersburg, Chair*
BOBBY BRIGHT, *Mayor, Montgomery, Vice Chair*

Committee on Finance, Administration and Intergovernmental Relations

DEBBIE QUINN, *Councilmember, Fairhope, Chair*
GARY FULLER, *Mayor, Opelika, Vice Chair*

Committee on Energy, Environment and Natural Resources

RON DAVIS, *Mayor, Prichard, Chair*
HOWARD SHELL, *Mayor, Atmore, Vice Chair*

Committee on Community and Economic Development

THOMAS O. MOORE, *Councilmember, Demopolis, Chair*
DAN DEASON, *Mayor, Scottsboro, Vice Chair*

Committee on Transportation, Public Safety and Communication

BOBBY PHILLIPS, *Councilmember, Calera, Chair*
CECIL WILLIAMSON, *Mayor, Demopolis, Vice Chair*

Committee on Human Development

ISABELL BOYD, *Councilmember/Mayor Pro Tem, Brundidge, Chair*
GEORGE EVANS, *Council President, Selma, Vice Chair*

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

Editor: CARRIE BANKS

Staff Writers: TRACY L. ROBERTS, KEN SMITH

Graphic Design: LAURA WHATLEY

For a complete list of the ALM staff, visit www.alalm.org.

Active Members (448)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileyton, 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, 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, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florida, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Frisco City, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glenside, Glenwood, Goldville, Good Hope, Gu-Win, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grove Hill, Gun, Gulf Shores, Gumtersville, Gurley, Hackeburg, Haleyville, Hampton, 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, Montevallo, 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, Onseonta, 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, Russelville, Rutledge, Saint Florian, Samsom, Sand Rock, Sanford, Saraland, Sardis City, Satsama, Scottsboro, Section, Selma, Sheffield, Shorter, Silas, Silverhill, Sipsey, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Summit, Summedale, 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.

Contents

<i>A Message from the Editor</i>	4
<i>The Presidents's Report</i>	5
<i>NLC Congress of Cities Scheduled</i>	
<i>Municipal Overview</i>	7
<i>Suggested Procedures for Purchasing from the U.S. Communities Program</i>	
<i>Important Note from the Legal Staff of ALM</i>	9
<i>The Legal Viewpoint</i>	11
<i>Working with the Municipal Attorney</i>	
<i>Legal Clearinghouse</i>	18
<i>Vendor Profile</i>	21
<i>Alabama One Call</i>	
<i>New Officers for the Alabama Municipal Revenue Officers Association</i>	25
<i>Photo Contest DEADLINE APPROACHING QUICKLY!</i>	26



See details online at www.alalm.org

A Message from the Editor



If you've read my online bio, you know I'm originally from North Carolina. What my bio doesn't say is that I grew up in rural Southeastern NC where many of my relatives raised tobacco and my hometown, Bladenboro – which was founded in 1903 and covered all of two square miles – had one stoplight and a population that remains fairly consistent today at around 1,700. My mother owned and operated the local True Value Hardware (just outside the town limits on the bypass) and my brother and I were stocking shelves and helping customers before we learned to write in cursive – not that his penmanship was ever anything to brag about.

Mother's clientele consisted mainly of hard-working country folk – dusty farmers forever in need of a thingamajig, doohickey or whatchamacallit. Her humble establishment was also frequented by cotton mill workers, school teachers, preachers, mechanics, the rare electrician and plumber, a slew of do-it-yourselfers and, of course, the never-ending supply of "kin" – blood relatives, like it or not. Many of her established customers lived in the surrounding county, a farm-washed area of more than 800 square miles and 30,000 people.

I'm the product of a public school education, a community that rarely locked its doors and firm, yet reasonable parents who believed in hard work, polite children and church on Sundays. I've shelled butterbeans, shucked corn, dropped tobacco plants, stacked firewood and mowed miles of grass. In addition to playing on the volleyball team, I drove a school bus with a manual transmission my junior and senior years of high school. (Yes. I *really* did.) Mine was a charmed childhood and so I'm appreciative of my rural roots ... and I will always have a special affinity for small towns.

Alabama is similar to North Carolina in many ways, particularly in that it's a state of small towns and downtowns. Out of 465 incorporated municipalities in 67 counties, 64 percent of Alabama's municipalities have a population of less than 2,000. That percentage increases to 82 percent when we include municipalities with a population of 6,000 or less. (No wonder I've always felt at home!) However, small doesn't mean inactive. Not by a long shot. I've no doubt great things are happening in many of Alabama's communities. Therefore, I encourage *all* our municipalities, regardless of size, to enter the League's 2008 Municipal Achievement Awards.

This program is designed around excellence in local government and recognizes successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. Every League member municipality is eligible to enter. If your municipality's population is less than 20,001, you have the choice of competing in either a population or subject category. Municipalities of more than 20,001 must compete in one of four subject categories: Economic Development, Public Safety, Public Works or Public Service.

Achievement award winners will enjoy statewide recognition at the League's 2008 Annual Convention in Birmingham this May. In addition, winners will be featured in a video shown at Convention, spotlighted in this publication and given a plaque recognizing their accomplishment. Entry forms and brochures were mailed to mayors and clerks the week of September 10th. An entry form has also been included on page 23 of this publication and a complete packet can be downloaded from our website at www.alalm.org. **All entries must be received in the League's office by 4:30 p.m. on December 3, 2007.**

This is also my last time to remind you to send your pictures in for the League's inaugural "Municipal Photography Contest." The deadline is **November 16th** and the winning photo will be featured on the cover of the League's *2008 Annual Directory and Vendor Listings* which is distributed each year in January. Complete information is posted on our website at www.alalm.org.

I'll close by congratulating Mayor Jim Byard and the City of Prattville for landing the state's first Bass Pro Shops – what has already become a true destination experience. The company's 27 stores in 17 states and Canada currently attract 75 million visitors annually from all over the United States as well as many foreign countries. I bet you can even find a thingamajig or a whatchamacallit somewhere on the premises!

Carrie

The President's Report



Charles W. "Sonny" Penhale
Mayor of Helena

NLC Congress of Cities Scheduled for November 13-17 in New Orleans

The 2007 Congress of Cities and Exposition will be held November 13-17 in New Orleans and is the National League of Cities most important annual conference drawing more than 4000 local elected officials every year. In the past the conference has been held the first week of December. This year, the conference will be held in early November. It is a chance for local elected officials to share ideas about how to make their communities better for their citizens.

This year's conference offers a unique opportunity to view the rebirth of a community devastated by a natural disaster. Witness the dedication and determination of local leaders and citizens first hand and see how far the host city of New Orleans has come. Hear the stories, visit the restoration zones, and learn about the recovery process from people who lived through it and rose above it. Delegates will see first hand how a city has dealt with a monumental catastrophe and come back stronger and better than ever.

Who Should Attend and Why

Whether new or veteran, all elected and appointed officials, and municipal employees and state league members should attend this conference. This comprehensive professional development opportunity offers a unique mix of general sessions, conference workshops and networking sessions aimed at providing the insight and tools needed to solve your cities problems. Hear from high profile national speakers, discover new approaches to leadership and governance, and gain access to a broad network

of information and resources, and network and share experiences with other local elected officials from around the country. Help solve your cities problems by sharing ideas and networking with peers.

Alabama has always had one of the largest delegations in attendance at NLC's Congress of Cities. This year, we celebrate a first in our state's history as Councilmember Cynthia McCollum of Madison is elevated to the position of NLC President. I know you join me in congratulating Cynthia as she begins her year at the helm of the oldest and largest national organization representing municipal governments throughout the United States. The Alabama Reception will be held from 5:30 to 7:00 p.m. on **Friday, November 16th** in Grand Ballroom A of the Hilton New Orleans Riverside Hotel. NLC officers and board members as well as the League directors and presidents from other state leagues will be invited to join us at this special reception in honor of Cynthia. Please plan to attend.

This year's spouse and guest tours offer a unique insight into not only the culture of New Orleans, but the post-Katrina rebuilding and will give participants a perspective on hurricane Katrina, both from the destruction as well as the rebuilding aspects. The New Orleans spouse and guest tours will prove to be both entertaining as well as informative.

If you have not yet registered for the 2007 Congress of Cities, visit the NLC website at www.nlc.org ASAP! I look forward to seeing you in New Orleans! ■

**N
A
F
E
C
O**

**RECENT
DELIVERY**

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

Fire Apparatus, We're Talking Delivery...



- ✓ Predator Panther MFD
- ✓ Cummins ISL, 400 HP Engine
- ✓ Hale QMAX 150, 1500 GPM Pump
- ✓ 750 Gallon Poly IIE Tank
- ✓ 5" Front Suction
- ✓ Galvanneal Steel Body
- ✓ Ladder, Backboard and Pike Pole Storage Below T-Tank
- ✓ Onan 8,000 Watt Hydraulic Generator
- ✓ SuperVac Command Light Tower
- ✓ Code 3 Scene Lights, Warning Lights



...to Tallassee FD Congratulations!

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



Municipal Overview

Suggested Procedures for Purchasing from the U.S. Communities Program



Perry C. Roquemore, Jr.
Executive Director

Last month President Sonny Penhale announced the League's latest program – U.S. Communities. This program provides Alabama's cities and towns with the opportunity to piggyback on competitively bid contracts, take advantage of the enormous collective purchasing power of public agencies nationwide and leverage these savings to their own advantage.

Section 41-16-51(16), Code of Ala. 1975, and Attorney General Opinion 2007-011 give Alabama municipalities authority to use this program provided certain criteria are met. Such purchases may only be made if all of the following occur:

- a. The goods being purchased are available as a result of a competitive bid process approved by the Alabama Department of Examiners of Public Accounts for each bid.
- b. The goods are either not at the time available on the state purchasing program or are available at a price equal to or less than that on the state purchasing program.
- c. The purchase is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

In order to help you use the U.S. Communities Program, I want to provide you with a listing of company contracts that are **NOT** available on the state bid list as well as companies that have provided the Examiners of Public Accounts with a letter pledging to sell their products to Alabama entities at either the state bid price or the US Communities price, whichever is lower. We also provided a simple set of suggested procedures for making purchases through this new program. You are encouraged to make purchases from any of the companies on this list, if they meet your needs.

Please feel free to contact Carrie Banks at the League (334-262-2566 or carrieb@alalm.org) or Marc Shapiro at the National League of Cities (202-626-3019 or shapiro@nlc.org) with any questions.

Suggested Procedures for Using the U.S. Communities Program

1. Enroll in the national purchasing cooperative (U.S. Communities) by logging on to the website (www.uscommunities.org) and following the procedures outlined in "How do I use?"
2. Review the items and contracts on the website so that you are familiar with the items that may be purchased on this program.
3. Place a copy of the letter you received from the League in your files to be reviewed by your auditors.
4. Before placing an order, review the information provided by the League to determine whether the state has a state contract for the items you wish to purchase. If the items you wish to purchase are not on the provided list, log onto the website maintained by the State of Alabama (www.purchasing.state.al.us) and review the "List of

continued page 9

There in the
best of times.
Best in the
worst of times.

Storms and extreme cold weather. The very times when you need comfort most are the times you can count on it to be there. Learn more at takecomfortinit.com



NATURALgas

Take comfort in it.

Alagasco, an Energen Company | For more information call 800-292-4008

The Strategic Procurement Source for Public Agencies

Think of
US first
for **PROVIDING SOLUTIONS**

www.uscommunities.org



U.S. COMMUNITIES

Government Purchasers Saving You Money

Founding Co-Sponsors



active State Contracts” to determine if the State of Alabama has a contract for the items you wish to purchase.

5. If the State of Alabama DOES NOT have a contract for the items you wish to purchase, or if the company has pledged to sell the items at a price that is equal to or less than the state bid price, make a note of that fact in your file and order your items from U.S. Communities.

6. If the State of Alabama DOES have a contract for the items you wish to purchase, you need to make a note of the price of the items and compare that price to the price available on the U.S. Communities program. If the U.S. Communities price is lower, you should make a note of the price in your file and order your item from U.S. Communities.

7. All of the information outlined above should be maintained in a file for review by the city’s auditors for a minimum of seven years.

Companies Participating in the US Communities Purchasing Program For Which There is No State Bid* or For Which the Company Will Honor the State Bid Price **

(*no state bid for this item; **companies that will honor the state bid price)

- Homeland Security* – Hagemeyer NA
- Park and Playground Equipment* – Gametime, Landscape Structures and Little Tikes Commercial
- Carpet and Flooring* – Milliken Carpet
- Physical Education Supplies* – Sportime
- Janitorial Supplies* – Zep
- Maintenance, Repair and Operating Supplies* – Home Depot Supply/The Home Depot
- School-related Furniture** – Virco
- Office Furniture** – Haworth, Herman Miller, Steelcase and Knoll
- Electrical and Data Communications (including light bulbs, etc.)** – Graybar

READ THIS!

ALL municipal business license ordinances must be in compliance with the Business License Reform Act **on or before January 2008**.

A summary of the law as well as a suggested ordinance and other information is available at the League’s website: **www.alalm.org**. Please check the webpage regularly for updates. If you need further assistance, contact a League attorney at 334-262-2566 ASAP.

Southland International Trucks, Inc.

Southland International Trucks has been awarded the majority of the State Contract for truck chassis GVWR 19,000 lbs. and above!



All state, county, and local governments may now purchase off the State of Alabama contract without going to bid! Start saving money today!

Call or visit one of our six locations today!

Montgomery

(334) 832-4102

Homewood

(205) 942-6226

Tuscaloosa

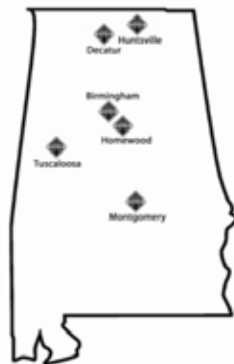
(205) 556-4343

Decatur

(256) 350-5600

Huntsville

(256) 859-0346



<http://www.purchasing.state.al.us>



The Legal Viewpoint

By Ken Smith
Deputy Director/General Counsel



Working with the Municipal Attorney

What role does the municipal attorney play in your city or town? Is the attorney contacted on a regular basis and kept apprised of what's going on in the community, or is the municipal attorney only contacted when there's a crisis? The municipal attorney can – and should – play a valuable role in helping a municipality carry out its responsibilities and accomplish its objectives in a lawful manner. This article is designed to help officials and employees better understand who the attorney is and what the municipal attorney does, as well as offer some practical advice for using the municipal attorney more effectively.

Who is the municipal attorney?

This question may not be as easy to answer as it seems. Consider just how many attorneys municipalities use for various purposes. At different times and for different reasons, one municipality may employ an attorney for a bond issue, several attorneys to handle various litigation issues confronting the city, attorneys who are familiar with specific types of development programs or contract issues or an attorney for personnel issues. The mayor may have an attorney, while the council has a separate attorney. And the list goes on.

Is one of these *the* municipal attorney or is it someone else?

The answer, of course, is that all or any one of these may be the municipal attorney. Often, a municipal attorney is called on to be familiar with the aspects of a broad range of issues that can confront his or her client, the municipality. It is not an overstatement that a municipal attorney probably has to confront, on a daily basis, a broader range of legal issues than attorneys practicing in almost any other field.

The answer varies to some extent from municipality to municipality. As a starting point for this analysis, Alabama law does not require that a municipality hire an attorney.¹ The League, however, strongly encourages every municipality to have an attorney, either in-house or on retainer (the well-known “out-house attorney”) who can be called on for

regular advice. It is advisable that either at or soon after the organizational meeting, the municipal appointing authority obtains the services of an attorney and designates that person as the municipal attorney.

This attorney may or may not regularly attend council meetings or meetings of municipal boards and committees, but, in any case, should be expected to be available to answer and/or research questions the municipality needs to have resolved. Legal questions often depend on local factors and concerns a local attorney can investigate and research. It is difficult to imagine that any municipality could effectively operate very long without the assistance of a local attorney.

Thus, the quick answer to the question of who is the municipal attorney is that he or she is the person designated for this role by the appointing authority.

Due to the broad range of issues that can confront a municipality, the practice of municipal law requires attorneys to acquire at least a working knowledge of nearly every legal arena. Municipal lawyers can be expected to answer questions in every field, ranging from criminal law to bankruptcy. Thus, municipal attorneys must attempt to familiarize themselves with all other practice areas and keep up with current developments. Of course, it is impossible to have intimate knowledge of every court decision, Attorney General Opinion, statute and regulation affecting all operations of municipal government and, therefore, a wise municipal attorney will, when appropriate, encourage the municipal client to engage other attorneys or firms with more expertise to handle certain issues. An experienced municipal attorney recognizes his or her limitations and can advise the client when it should seek outside representation.

Municipal law is often quite complicated and there may be no clear-cut answer to a city's question. The attorney may have to examine city ordinances; the city charter; state statutes covering the form of government for a city; general statutes covering municipal government; state statutes on the particular legal issue(s); and/or appellate court opinions on

For All Your Investment Needs.

Comprehensive Financial and Retirement Planning
Estate Services
Money Management and Asset Consulting Services
College Planning
Stocks, Bonds and Mutual Funds

John Rogers
Managing Director

Morgan Keegan & Company, Inc.
RSA Tower, Suite 1900 • 201 Monroe Street
Montgomery, Alabama 36104
334.262.0100 • 800.846.3886

**Morgan
Keegan**

Morgan Keegan & Company, Inc.
Members New York Stock Exchange, SIPC

Securities offered are not FDIC insured, may lose value and are not bank guaranteed.


**MORGAN ASSET
MANAGEMENT**

Morgan Asset Management manages long-term investments for the Alabama League of Municipalities.

With 21 offices across the South, Morgan Asset Management manages \$19 billion for investment companies and other institutional clients.

Jim Kelsoe, CFA
Portfolio Manager • Managing Director

Morgan Asset Management
1100 Ridgeway Loop, Suite 510
Memphis, Tennessee 38120
800.564.2188

Morgan Asset Management is an affiliate of Morgan Keegan & Company, Inc.

RDS/AlaTax
revenue discovery systems

Raise Revenue, Not Taxes!SM

Collecting Unpaid Debts Without Collecting Grief

Revenue Recovery Through Debt Collection

Typical types of debt collected:

- Court fines & fees
- Water and sewer services
- Utility bills
- Business license
- Occupational taxes
- Parking tickets/moving violations
- Emergency medical services (EMS)
- Unpaid tolls and red light camera violations
- Real/Personal property tax
- Local taxes

RDS/AlaTax

2317 Third Avenue North, Suite 200
Birmingham, Alabama 35203
800.556.7274 • 205.324.0088 • 205.423.4099 fax
www.revds.com • www.alatax.com

A wholly owned subsidiary of Portfolio Recovery Associates, Inc.

A Program of the Alabama League of Municipalities



the issue(s) involved. Simple facts can alter the attorney's opinion. Tracking down, sorting out and evaluating all the authorities can take a lot of time and study and the "final answer" may still not be clear. Or the "legal" answer may seem to defy common sense. For instance, one lawyer recounted a story concerning a member of the public who complained during a meeting about stray cats getting into her garbage. She wanted to know why the City's ordinance against roaming dogs couldn't be used to deal with the problem. An elected official explained that "a cat is not a dog, isn't that right, City Attorney?" In this particular instance, the City's existing dog ordinance defined "dog" by incorporating by reference the definition of "animal" appearing in the old State rabies statute, which included cats in the definition. Therefore, the City's ordinance did, in fact, define "dog" to include "cats."

So, designating a municipal attorney doesn't prevent the municipality from hiring other attorneys for specific purposes. In some instances, the municipal attorney may have a conflict. Or, the attorney may have to urge an employee or official to hire their own attorney because the interests of the municipal client and the individual are different. Or, the municipality may simply want different attorneys to handle different aspects of the municipality's legal business.

Who Appoints the Municipal Attorney?

In Opinion 90-00173, the Attorney General ruled that the council appoints the municipal attorney, "unless that position is covered by a civil service system or some uncodified provision of law." This answer, though, needs a more complete explanation.

Some municipalities have their own legislatively passed acts spelling out who makes the appointment of the municipal attorney. These are the exception, though, not the rule. General Alabama law does not explain who appoints the municipal attorney. And, again, the answer will vary from municipality to municipality.

Unless the council has removed this power by a general and permanent ordinance, most municipal employees are hired by the mayor pursuant to Section 11-43-81, Code of Alabama, 1975. At the same time, though, the council has the authority to approve municipal contracts by virtue of their authority to control municipal finances and property under Section 11-43-56 of the Code.

Most municipal attorneys are appointed pursuant to contract; they are not considered employees of the municipality. These attorneys represent other clients, and the municipality is merely one of these clients. In this case, the municipal attorney is appointed by the council.

On the other hand, in a few municipalities, most often municipalities that are larger in population, the attorney is

an employee. The position is created in the municipal civil service or other personnel rules and a person is hired to fill the job. In these instances, the attorney would be appointed as are all other municipal employees, unless some specific exception for this position exists. Since this is most often the mayor, the municipal attorney would be appointed by the mayor.

Who Does the Municipal Attorney Represent?

Although many lay people never consider this issue, a municipal attorney must always keep in mind just who he or she represents. Are the individual public officials (mayor and councilmembers) the clients? Is the "public" the client? Is it the corporate entity itself? Does the answer vary based on the circumstances? How this question is answered can alter the way in which the attorney confronts municipal legal problems.

Municipal attorneys, like all attorneys, are governed by the ethical standards of the profession. In Alabama, these standards are contained in the Rules of Professional Conduct of the Alabama State Bar. Rule 1.13(a) states that "A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents." The Comments to this Rule provide that "An organizational client is a legal entity, but it cannot act except through its officers, directors, employees, shareholders and other constituents." The constituents are defined as the "officers, directors, employees and shareholders ... of the corporate organizational client." Thus, although the organization itself is the client, the attorney's immediate duty seems to be toward the officers themselves.

The Comments also make clear that this Rule applies to government lawyers as well. The Comments note, though, that "when the client is a governmental organization, a different balance may be appropriate between maintaining confidentiality and assuring that the wrongful official act is prevented or rectified, for public business is involved ..." Therefore, defining precisely the identity of the client and prescribing the resulting obligations of such lawyers may be more difficult in the government context. While in some circumstances the client may be a specific agency, it is generally the government as a whole.

Despite the fact that the attorney's initial ethical obligation is to the mayor and councilmembers, the Rule states that if one or more of these officers plan to act in a manner that the attorney believes will be harmful to the organization, the attorney must take action to protect the organization. The Rule provides:

"(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation

Luck has
nothing
to do
with it.

A retirement plan based on luck instead of proper planning is the gamble of your life. What you do today may determine what you do when you retire. It's your good fortune that you can create a plan that doesn't depend on luck. We can help you, so call today!

Jimmy Gauld

(205) 967-8974

or 1-800-448-2542

Securities and investment advisory services are offered by VALIC Financial Advisors, Inc., member NASD, SIPC and an SEC-registered investment advisor.

AIG VALIC is the marketing name for the group of companies comprising VALIC Financial Advisors, Inc., VALIC Retirement Services Company, and The Variable Annuity Life Insurance Company (VALIC), each of which is a member company of American International Group, Inc.

Copyright © 2006, American International Group, Inc.
All rights reserved. Houston, Texas
www.aigvalic.com

VL 16330-A 01/2006

AIG VALIC

WE KNOW RETIREMENT.SM

that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization. In determining how to proceed, the lawyer shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the lawyer's representation, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters, and any other relevant considerations. Any measures taken shall be designed to minimize disruption of the organization and the risk of revealing information relating to the representation to persons outside the organization."

The Comments suggest that if the lawyer fears that an action will result in substantial injury to the organization, the lawyer should first ask the officer to reconsider his or her decision. Failing that, the lawyer's next action may be to "have the matter reviewed by a higher authority in the organization." This, of course, is somewhat confusing in the case of a municipality. If an individual councilmember wants to take some action, then the higher authority would be the council as a whole.

But what about actions of the mayor? The council has no direct supervisory role over the mayor, so even referring this matter to them may not correct the situation. Neither the Rule nor the Comments provide much guidance on how the attorney should proceed in this instance, concluding only that, "At some point it may be useful or essential to obtain an independent legal opinion."

This Rule specifically preserves the duty of confidentiality that a lawyer owes a client. Additionally, the Comments to Rule 1.6, state simply that, "the requirement of maintaining confidentiality of information relating to representation applies to government lawyers who may disagree with the policy goals that their representation is designed to advance." The Comments to Rule 1.13, though, do seem to allow for some slight lessening of the standard since "public business is involved." The Rule itself, though, makes no exception. But to whom is the duty owed? Based on Rule 1.13, the attorney's first obligation seems to be to the individual officers, unless the action would substantially injure the organization. In that case, the attorney owes a duty to the organization since the Rule notes that the lawyer should bear in mind "the risk of revealing information relating to the representation to persons outside the organization" when attempting to prevent the harm.

Individual officers and employees are not the attorney's

client. Officials and employees should not attempt or expect to persuade the municipal attorney to act in a manner that is inconsistent with the attorney's obligation to the client, the municipality. The attorney's interest must be to represent the municipality to the best of his or her ability. At times, the municipal attorney may not be able to keep everything he or she is told confidential. This may arise when the legal interests of the municipality and those of the individual differ. At these times, the attorney may even have to encourage the individual to seek independent legal representation.

This is not meant to discourage full and complete discussions with the attorney. It is clear that sometimes the attorney will ask you to reveal information that you may find embarrassing or possibly even irresponsible; however, if you want your attorney to adequately represent you, you *must* be willing to reveal any and all pertinent data, even if to you the information seems completely irrelevant. Legal answers can often depend on minute facts that, to a lay person, seem private or unrelated, so a lawyer will often be forced to seek this information, sometimes even if he or she can't fully identify how it will impact the issue. No lawyer wants to have something revealed to them for the first time by opposing counsel during a trial.

It seems that this should go without stating, but it is human nature to want to look good. Everyone wants to put the best spin on stories that involve them. Remember, though, that when confronted with a legal issue, your lawyer is not asking questions in order to embarrass you. Your lawyer is trying to help you help him or her develop facts so that he or she can better represent you. Questions asked by an attorney are designed to obtain *all* the facts. Concealed facts tend to come to light anyway – often when raised in court by opposing counsel with no time to adequately prepare a defense. This is not a position you want your attorney in.

If you disagree with the advice your lawyer gives you, explain to him why you disagree. You may be aware of facts that might change the lawyer's conclusion. Or, your reasoning may alter the lawyer's advice. On the other hand, the lawyer may be able to convince you that his or her guidance is correct by elaborating on the legal, political or practical ramifications of a particular course of action.

The League urges officials and employees not to disregard the lawyer's advice without a full understanding of the potential outcome and a willingness to assume the risks pointed out to you by the lawyer. As one attorney said he sometimes tells clients, "My job is to buy lunch and keep you out of jail. If you insist on proceeding in this manner, there will be no reason to make lunch reservations with me next week."

A municipality can only be adequately represented by an attorney who is receiving full cooperation and assistance. Thus, it is crucial that you trust the attorney you hire. If you

“The present and future of
Carr, Riggs & Ingram embraces
professionalism, integrity,
compassion, and a passion
for our profession.”

Carr, Riggs & Ingram, LLC



 **CRI + You**
= a brighter future

ACCOUNTING & AUDITING | PERSONAL FINANCIAL PLANNING | LITIGATION SUPPORT
TECHNOLOGY CONSULTING | PEER REVIEW | HR SERVICES | TAX SERVICES

Contact
Hilton Galloway – Enterprise
334.347.0088

Brian Barksdale – Birmingham
205.933.7822

 **CRI**
CARR
RIGGS &
INGRAM

Alabama | Florida | Georgia | Mississippi

www.cricpa.com

Municipal Code Corporation

**M
C**

Codification
Online Hosting
Supplement Service
Legal Review
Custom Publishing
Multi Code Search

Municode.com

MCCi

Document Imaging
Large Format Scanning
System & Data Conversion
Paperless Agendas
Business Process Management


MuniAgenda
a paperless agenda solution

www.municode.com info@municode.com 1.800.262.2633

don't trust your attorney, you should find someone you do trust. You must be willing to take advice from the attorney and follow it.

The Spirit of Cooperation

As indicated, legal representation of a municipality is a team effort. No lawyer represents any client alone. There are many ways clients can assist their attorneys. For instance, you can provide your lawyer with any and all paperwork you have concerning the matter at hand. Your lawyer will need access to all material, hardcopy or in electronic form, and will need your assistance in locating this material. Search your memory and files to be sure that all documentation has been discovered. Documents you can't locate have an odd habit of turning up in the hands of the person who either is or may soon be suing you. Similarly, let your lawyer know about any witnesses to any events you're describing, and help your lawyer locate those witnesses.

Another tip is to make and keep readable records. Save copies of important documents in an organized fashion. Without documentation, proving an action becomes much more difficult. Frequently, factual issues arise about whether the municipality actually did take a particular course of action. Sometimes, the reasons behind an action are crucial. You can help your lawyer by documenting these facts at the time they occur.

Avoid making statements to other people about an ongoing case. These comments, often made innocently, may present a different view of facts or issues than your lawyer wants to present at trial, and what you tell someone may be used to contradict you on cross-examination. Remember, you can think a thought as much as you want, but once you say it, it's said.

Keep your lawyer in the loop. Let him or her know of any new developments on an issue. Discuss questionable actions with your lawyer prior to taking them. This is one instance when it is generally better to ask for permission rather than forgiveness. Contracts, ordinances and other written actions of the municipality should be reviewed by your attorney before they are adopted or approved. The League urges you to involve the attorney before taking disciplinary actions against employees. There are many other instances where your attorney may either urge you not to act at all, or may be able to help you avoid some legal mine fields along the way.

The old adage is worth heeding: An ounce of prevention is worth a pound of cure.

More General Advice

When possible, get legal advice from your attorney in private. Municipalities are public entities, so at times it may be necessary, or even legally required, that the advice you want has to be asked for during a public meeting. If so, try

to avoid putting the attorney in a situation where the answer must be provided immediately. If the question concerns an issue where the answer is not readily clear, and the action can wait until the next meeting, it may be appropriate to let the matter lay over so the attorney can fully research it. If an issue is going to be raised in an open meeting, try to give your attorney notice so he can be prepared to respond. This not only ensures the attorney has ample opportunity to research and uncover the correct answer, it also gives him or her time to defuse any political bombs that might arise as a result of the current situation.

Even outside of a public meeting, be sensitive to your surroundings when asking a question. This advice applies equally to lawyers and their clients. Asking or responding to questions in an inappropriate location can show a startling lack of sensibility. Almost every lawyer has been asked legal questions in unusual circumstances – in the bathroom or while shopping, sometimes even within hearing of the very people being discussed.

Similarly, avoid asking questions in front of a citizen or constituent. In cases like this, an official may be putting the attorney in the impossible position of trying to find some way to avoid perpetuating a misstatement of law while at the same time avoiding publicly embarrassing the official.

Don't ask the attorney to resolve legal questions for a constituent. This is wrong on many levels. Remember that your attorney's livelihood depends on clients and he or she is representing you at the moment. If you ask the attorney to work for a private citizen, he or she has every right to send that citizen a bill for his time, potentially embarrassing the elected official. Another problem raised by this is that sometimes, the very question being asked requires an answer that is not in the interests of the municipality. In this instance, the attorney simply cannot respond and is put in the awkward position of finding a graceful way to refuse to help, making both the official and the attorney look bad.

When asking a question, your goal should not be to prove your attorney wrong. You may have given the issue a lot of thought. You may even have discussed it with friends and family, or researched it yourself. If you have come to a conclusion ahead of time, it may be appropriate to give the lawyer your thoughts, then ask for his analysis. Not doing this can have a number of adverse effects, such as embarrassment, an appearance of incompetence, and a lack of credibility – both for the questioner and the answerer.

Closely related to this is the situation where a client asks the attorney a question then seeks the advice of *another* attorney or of the League. While there may be valid reasons to ask for a second opinion, try to avoid using lawyers to second-guess each other. Warn the second lawyer that you have already sought the advice of someone else, and let them know what that advice was. This is simply common

continued on page 21

LEGAL CLEARINGHOUSE

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: A developer was not entitled to payment from a water utility system for work performed under a contract for water services that was entered into in violation of the competitive bid law. Because the 1998 water agreement involved a public-works project in an amount in excess of \$50,000, the water system was required to advertise for sealed bids before entering into the contract calling for it to expend public funds on the project. A contract for water services that was entered into in violation of the competitive bid law was void in its entirety, and, thus, the contract was not subject to severance of invalid provisions. *Bessemer Water Service v. Lake Cyrus Development Co., Inc.*, 959 So.2d 643 (Ala. 2006).

Courts: Even assuming that a defendant waived his right to counsel when he fired his attorney on first day of trial, the trial court was required to determine whether the waiver was knowing, voluntary, and intelligent, after advising the defendant about the dangers and disadvantages of self-representation and informing the defendant that he had the right to withdraw his waiver. *Williams v. State*, 958 So. 2d 911 (Ala.Crim.App.2006)

Courts: On appeal a Defendant who pled guilty was not entitled to dismissal of a Uniform Traffic Ticket and Complaint (UTTC), even if the arresting officer lacked probable cause to affect an arrest and even if an arrest warrant separate from the UTTC should have been obtained. The remedy would have been suppression of evidence, not dismissal of the charge. An illegal arrest does not void a subsequent conviction, does not bar prosecution on a Uniform Traffic Ticket and Complaint (UTTC) returned after the arrest, and does not entitle the accused to a dismissal of the charges against him. *Muldoon v. State*, 959 So.2d 698 (Ala.Crim.App.2006)

Eminent Domain: Prejudgment interest begins to run on the date the condemnor posts bond on a prospective condemned property, unless the condemnor has taken actual possession of the property before posting bond, in which case the prejudgment interest on the condemnation award begins to run on the date the condemnor took actual possession. *Samford University v. City of Homewood*, 959 So.2d 64 (Ala.2006)

Magistrates: Substantial evidence supported a city personnel board's determination, in a magistrate's appeal of her termination, that magistrate was negligent in failing to account for a traffic ticket issued by police officer. The law pertaining to the disposition of voided traffic tickets was not ambiguous and municipal court had a firm policy set out in statutes and court rules regarding the handling and disposition of uniform traffic tickets and complaints requiring magistrate to assign a case number for the missing citation and allow the matter to proceed to municipal court, which policy she failed to follow. *City of Dothan v. Brackin*, 959 So.2d 678 (Ala.Civ.App.2006)

Searches and Seizures: A defendant was entitled to return of items seized during the execution of a search warrant for which no forfeiture proceeding was initiated, but he was not entitled to the return of property over which another person had superior right of ownership. *Lindsay v. State*, 958 So.2d 346 (Ala.Civ.App.2006)

Streets and Roads: A county's alleged failure to use a right-of-way, which was dedicated for public use as a roadway, did not cause the right-of-way to be vacated. After there has been a proper dedication to the public, that dedication is irrevocable and it cannot be altered or withdrawn except by statutory vacation proceedings. *Pritchett v. Mobile County*, 958 So.2d 349 (Ala.Civ.App.2006)

Tracy Roberts
Assistant General Counsel



ATTORNEY GENERAL'S OPINIONS

Commercial Development Authority: Pursuant to section 11-54-186 of the Code of Alabama, the transfer from a municipality to a commercial development authority, of land acquired from the state, and the subsequent transfer of the land by the authority, is exempt from the competitive bid requirements of the Land Sales Act, codified at section 9-15-70 et seq. AGO 2007-131.

Conflicts of Interest: The Ethics Law does not repeal the prohibition in section 8.06 of the Mayor-Council Act of 1955 (Act 452) against members of the Birmingham City Council being employed by a corporation operating a public service utility in the city. AGO 2007-130. Note: The Mayor-Council Act of 1955 (Act 452) applies only to the City of Birmingham.

Employees: Section 11-40-22 of the Code of Alabama authorizes a mayor to provide up to \$1000 in performance awards to a municipal employee when the employee is recommended by his or her supervisor and is approved by the governing body of the municipality. An employee incentive plan must state a quantitative amount that an employee can earn, and the plan must be established prior to the beginning of the fiscal year. AGO 2007-129.

Fire Districts: A municipal corporation that annexes an entire fire district within Jefferson County must assume and pay the district debt pursuant to Act 604 (1976). If a municipal corporation annexes only a portion of a fire district in Jefferson County, the municipal corporation must agree that an amount be paid the district equal to six times the amount of dues paid by the portion being annexed to the fire district the preceding year. Act 604 (1976) calls for the amount of money to be paid, by either the annexing municipality or the property owners being annexed, to the fire district that previously serviced the property being annexed. AGO 2007-128. **Note:** Act 604 (1976) relates to fire districts in any county that has a population of 600,000 or more.

Gasoline Tax: A municipality may use the proceeds from a four cent gasoline tax to install speed bumps on streets. AGO 2007-125.

Licenses and Business Regulations: A home repair or maintenance person not certified by the Alabama Plumbers and Gas Fitters Examining Board is prohibited from performing plumbing or gas fitting, except the installation of washing machines and the installation and service work on appliances and fixtures such as dishwashers, ice makers, sinks, faucets, and toilet tanks and bowls in accordance with section 34-37-15(a) (5) and (6) of the Code of Alabama. No such person, firm, or corporation shall purchase a business license to do or perform, or to contract, direct, or superintend any plumbing, gas fitting, or medical gas piping within any incorporated city or town or county of this state unless the person has first received a certificate of competency from the examining board. AGO 2007-133.

Nuisances: A municipality can require the local revenue commissioner to add the costs of demolition of an unsafe structure to the assessment and collection of ad valorem taxes and remit what he or she collects to the city if the city elects to collect the costs of demolition in the manner prescribed by section 11-40-30, et seq., of the Code of Alabama. AGO 2007-124.

Utility Boards: A municipal utilities board organized under section 11-50-310, et seq., of the Code of Alabama may not increase the compensation of board members beyond the limits set by statute. Such board members may opt to receive directors' fees in accordance with either section 11-50-15 or section 11-50-313 of the Code of Alabama. Although compensation may be in accordance with either section 11-50-15 or section 11-50-313, compensation of directors of the board that are not members of the city council is specifically limited in Macon County pursuant to section 11 of the Macon County local amendments to the Alabama Constitution. Section 11-50-313 permits reimbursement for actual expenses, but neither section 11-50-15 nor section 11-50-313 permit the board to receive an expense allowance. AGO 2007-126. ■

JohnstonBarton

SALUTES THE ALABAMA LEAGUE OF MUNICIPALITIES

PUBLIC FINANCE LEGAL SERVICES TO STATE AND LOCAL GOVERNMENTS

GOVERNMENT SERVICES
INFRASTRUCTURE
RATE SWAPS AND DERIVATIVES
TRANSPORTATION
INDUSTRIAL DEVELOPMENT
ECONOMIC DEVELOPMENT INCENTIVES

HOUSING
UTILITIES
RESTRUCTURING
PRIVATIZATION
EDUCATION
ARBITRAGE REBATE

JOHNSTON BARTON PROCTOR & POWELL LLP

2900 AMSOUTH HARBERT PLAZA 1901 SIXTH AVENUE NORTH
BIRMINGHAM, ALABAMA 35203
TELEPHONE (205) 458-9400 TELECOPIER (205) 458-9500

WWW.JOHNSTONBARTON.COM



MUNICIPAL AND PUBLIC FINANCE GROUP

E. ALSTON RAY CHAIRMAN

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

BUY WITH CONFIDENCE



Count on your CAT® dealer for the right equipment for your job.

Taxpayers trust you to make smart procurement decisions, and that doesn't necessarily mean awarding business to the lowest bidder. When you acquire Caterpillar® products from your CAT dealer, you get assets that work harder, last longer and cost less to own and operate over the life cycle. They hold more value over time and that adds up to a top-quality investment.

Count on your CAT dealer for:

- Rugged and reliable machines, generator sets and work tools
- Lowest total Life Cycle Costs
- A broad range of equipment management, financing, insurance, used equipment and rental services
- Easy-to-use resources for governmental buyers at www.govbidspec.com

Work with us and invest with confidence, knowing the products and services you procure will deliver an excellent return, today and in the future.

www.thompsontractor.com

www.govbidspec.com

The National Institute of Governmental Purchasing (NIP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.

Thompson 

www.thompsontractor.com

Attalla/Gadsden
121 Gilberts Ferry Rd. S.E.
Attalla, AL 35954
(256) 570-1100

Decatur/Huntsville
6969 US Highway 31
Tanner, AL 35671
(256) 353-7721

Mobile
30950 State Hwy. 181
Spanish Fort, AL 36527
(251) 626-5100

Oxford/Anniston
2300 Hwy. 21 S.
Oxford, AL 36203
(256) 831-4104

Shelby County
2070 Corporate Woods Dr.
Alabaster, AL 35007
(205) 664-4833

Tuscumbia
1410 S. Hook St.
Tuscumbia, AL 35674
(256) 381-2771

Birmingham
2401 Pinson Highway
Birmingham, AL 35217
(205) 841-8601

Dothan
118 Vulcan Way
Dothan, AL 36303
(334) 671-1040

Montgomery
10120 Hwy. 80 E.
Montgomery, AL 36117
(334) 215-5000

Panama City
4109 Cato Rd.
Panama City, FL 32404
(850) 785-4007

Thomasville
2501 Joe Davis Industrial Blvd.
Thomasville, AL 36784
(334) 636-0420

Crestview
2106 3rd Ave.
Crestview, FL 32539
(850) 682-6510

Marianna
3742 U.S. Hwy. 90 W.
Marianna, FL 32446
(850) 526-2241

Opelika/Auburn
302 Fox Run Ave.
Opelika, AL 36801
(334) 749-3359

Pensacola
2650 West Nine Mile Rd.
Pensacola, FL 32534
(850) 471-6700

Tuscaloosa
3550 Joe Mallisham Pkwy.
Tuscaloosa, AL 35401
(205) 247-2800

courtesy.

Obviously, these recommendations cannot always be followed to the letter. Sometimes, questions have to be asked in public and need an immediate response. However, sensitivity to the reality of the complicated nature of municipal law can help limit these instances, helping ensure all legal inquiries are adequately researched so all ramifications can be considered.

Conclusion

The idea behind this article was that a fuller explanation of the crucial relationship between the lawyer and the client can only help both parties better serve the public. Nothing included was intended to offend anyone. We all share a common goal: making your municipality successful. Part of that is to make certain that all laws are complied with.

The League encourages municipal officials and employees to discuss expectations with their attorney, even before hiring. This will help the lawyer understand exactly what the municipality wants the attorney to do. Do you want the attorney at council meetings? Is the attorney expected to represent any municipal boards? Who can ask the attorney questions on behalf of the municipality? These, and any other matters you can think of, should be part of the agreement.

The relationship, though, will probably change and develop over time. There may be other aspects of municipal operations that officials feel need advice from the attorney. These matters can be dealt with as they arise.

Hopefully, this article has been helpful to both municipal clients and the attorneys who represent them. ■

¹ Some municipalities are required to hire a municipal attorney by the specific legislation setting up their form of government. These municipalities should refer to this legislation to determine the method of appointment and other aspects concerning the attorney.

Alabama One Call

2204 Lakeshore Drive, Suite 112
Birmingham, AL 35209
Phone: 205-414-1846
FAX: 205-414-1899
E-mail: mdory@allcall.com
Website: www.allcall.com
Contact: Michele Dory

Alabama One Call is a non-profit organization established to provide a centralized one call notification systems as a means to safeguard against injury and loss of life, to protect public services and to prevent damage to underground facilities by providing for prior notification of excavation and demolition activities. Notification to underground facility owners is required by Alabama Act 94-487.

Vendor Profiles are included in the League's premium advertising packages. For more information on purchasing a package, contact Laura Anne Whatley at 334-262-2566 or lauraw@alalm.org.



AAMA FALL CONFERENCE

OCTOBER 11 – 13, 2007
BAY POINT MARRIOTT RESORT
PANAMA CITY, FLORIDA

CLE: This course or a portion thereof has been approved by the Mandatory Continuing Legal Education Commission of Alabama for a maximum of 10.3 credit hours, including 1.5 hours of ethics.

Visit us online for agenda and registration information at www.alalm.org!

LOCAL GOVERNMENT CORPORATION

Providing Hardware and Software to Local Governments
for over 30 years!



Financial Management ~ Revenue Management ~ Document Management ~ City Court Management ~ Hardware and Networking Solutions ~ Software Support and Training Solutions

714 Armstrong Lane ~ Columbia, TN 38401



Phone: 800-381-4540 Fax: 931-381-0678



Email: marketing@localgovcorp.com

www.localgovcorp.com

Defibrillators to the Rescue

Each year Sudden Cardiac Arrest (SCA) strikes more than 250,000 people ... less than 5% survive!! Chances of survival from SCA are increased dramatically if an electric shock is delivered within the first few minutes.

That's why more and more municipalities are placing Automated External Defibrillators (AEDs) in their offices, vehicles, schools and parks. Give your employees and citizens the power to save lives by selecting a dependable, easy-to-use and rugged AED.

Our friends at the Alabama Municipal Electric Authority have agreed to make Philips HeartStart FR2+ AEDs available to the League's member cities and towns at a significant discount.

For more information, call **Tom Bartels** at **AMEA 1-800-239-AMEA(2632)** to discuss your situation or arrange a demonstration.



FULL SERVICE MAINTENANCE PROGRAMS

GASB 34 Compliant
Interior and Exterior Painting, Repairs, Safety Accessories
Inspections, Washouts, Disinfections

WIRELESS COMMUNICATIONS SERVICES

Antenna Site Management • Antenna Installations
Design Reviews/Project Management

TAX EXEMPT FINANCING

Asset Acquisition and Infrastructure Growth
Extremely Competitive Rates
No "Red Tape"

NEW TANK SALES

Expedited Delivery
Any Style, Design, Capacity

Utility Service Co.

I N C O R P O R A T E D

CONTACT:

R. Michael Szabo, Jr.,
6529 Big Oak Court
Columbus, GA 31909
Phone: 706-575-1456
Fax: 706-563-4888
mszabo@utilityservice.com

CORPORATE OFFICE:

P.O. Box 1350
Perry, GA 31069
Phone: 800.223.3695
Fax: 478.987.2991

www.utilityservice.com

Vortex

TRUCK AND EQUIPMENT

Proven in the Field



"Creating the Best Grapple Trucks in the Business"

12268 Lavender Hill Road
Moundville, Alabama 35474

Call us today: 866.293.5200 www.vortextruck.com

2008 MUNICIPAL ACHIEVEMENT AWARDS



Please check **only one box in one category**
(you cannot enter in both categories):

Population Category

- 1-1,000 pop. 5,001-10,000
 1,001-5,000 pop. 10,001-20,000

Subject Category

- Public Safety Public Works
 Economic Development (includes community development and planning programs)
 Public Service (anything not covered by any of the previous categories)

Municipality's name and address

Mayor's Signature*

Mayor's Printed Name

Contact Person (*main contact for any questions, as well as setting up the video shoot if the project wins*)

Contact's Telephone Number

Email Address

Title of Project

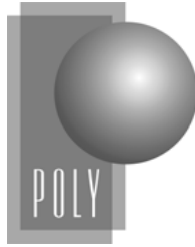
Remember to include three photographs depicting the project for use in the Achievement Award video. Photos may be attached to the entry.

**Note: The mayor's signature indicates his/her commitment to or appointment of a representative to attend the League's Municipal Achievement Awards Ceremony during the 2008 League Convention in Birmingham should your municipality win an award.*

Attach a copy of this form to the front of each of the six copies of the written entry.

Remember: entries should be sent ***certified mail*** and must be postmarked by Monday, December 3, 2007. **Hand-delivered entries must be received in the League's office by 5:00 p.m., Monday, December 3, 2007.**

Mail entries to: Municipal Achievement Awards, ALM, PO Box 1270, Montgomery, AL 36102. For more information, contact Carrie Banks at 334-262-2566 or via email at **carrieb@alalm.org**.



Polyengineering, inc.
Architecture. Engineering. Solutions.

Serving Alabama's Municipalities for over 44 Years

Architecture • Civil Engineering • Water Supply & Treatment
Water Storage & Distribution • Wastewater collection & transmission
Wastewater Disposal / Reuse • Paving & Drainage
Storm Water Retention & Treatment • Solid Waste Disposal • Utility Relocation
Urban Revitalization • Parks & Recreation • Environmental Consulting



P.O. Box 837 • Dothan, Alabama 36302 • phone 334-793-4700 • Fax 334-793-9015

Serving investors through our
Public Finance Group since 1901

We Thrive Together

**sterne
agee**

STERNEAGEE.COM

800 Shades Creek Parkway, Suite 770
Birmingham, Alabama 35209
205.414.3300 • 800.240.1438

Sterne, Agee & Leach, Inc. is member NYSE/NASD/SIPC

AMROA Installs Officers



Newly installed officers for the Alabama Municipal Revenue Officers Association. Pictured from left to right are Kathy Woodard, Secretary, Orange Beach; Melissa Maledy, Vice President, Enterprise; Tina Boyles, President, Decatur; Gwen Hall, President-Elect, Mobile; and Haley Burford, Treasurer, Gadsden.

HENDON ENGINEERING ASSOCIATES

CONSULTING ENGINEERS

Quality, Full Service Engineering

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



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

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

e-mail: staff@hendonengineering.com

**Become a
Certified
Municipal Official!**

Contact Theresa Lloyd
CMO Program Administrator
334-262-2566
or via email at
theresal@alalm.org



Visit the League

online at

www.alalm.org

Municipal Photos Wanted

Get your cameras ready!

The Alabama League of Municipalities is holding a photo contest! The First Place winning photo will be featured on the cover of the 2008 Annual Directory! Other honorable mention photos will be used in the *Alabama Municipal Journal* throughout 2008.



PHOTO
CONTEST!

To Enter:

Photos must be taken of your municipality. Municipal buildings, parks, street scenes, downtowns, city festivals, etc. are all acceptable. Photos do not have to be taken by a professional photographer; however, all photos must be taken within the last 18 months.

Photo Format:

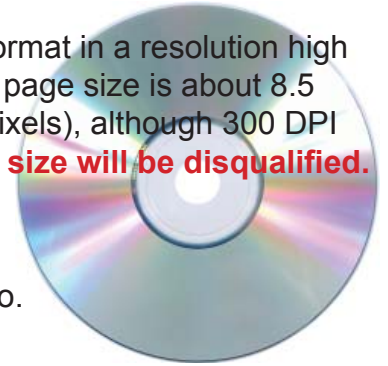
Entries should be **vertical**, color images and submitted in JPEG or TIFF format in a resolution high enough for print quality purposes. Photos must be submitted on a cd. The page size is about 8.5 x 11 and the image should be at least 150 dpi at this size (1,200 x 1,500 pixels), although 300 DPI (1800x1200 pixels) is preferred. **Submissions that are not print-quality size will be disqualified.**

Return of Photos

Photo files will not be returned. Please do not send your only file of a photo.

Ownership/Use Rights

Photographers retain the copyright to their photographs. By entering the Alabama League of Municipalities (ALM) photo contest, photographers agree to have their submitted photograph displayed on any ALM publication as well as the ALM website without any fee or other form of compensation, and also agree that the photo may be used, with photo credit, on the website for the National League of Cities (NLC) and within NLC's publications. Photos will be credited to the photographer named in the entry form. Entries will never be used by ALM in any manner for advertising or sale. In the event that ownership of any photograph submitted to ALM is contested in any manner, ALM retains the discretion to disqualify that photograph and discontinue use of the photograph.



ALL ENTRIES MUST BE SUBMITTED BY NOVEMBER 16, 2007

Mail to: Alabama League of Municipalities
Photo Contest
P.O. Box 1270
Montgomery, AL 36102

**For Official Rules and Entry Form,
visit us on the web at www.alalm.org.**

AMFund

To assist municipalities throughout the state, the Alabama League of Municipalities (ALM), has developed the Alabama Municipal Funding Corporation (AMFund) to provide low-cost financing to ALM Members.

Tax-exempt notes are issued from which ALM members can borrow at low tax-exempt interest rates to fund or refund almost any municipal project. Additionally, AMFund can provide your municipality with significant financing advantages:

- For equipment, construction, repairs or debt refinance
- Low cost of issuance
- Tax-exempt
- Fixed or variable rates
- Almost any amount
- Up to 30 years to repay
- Flexible repayment
- Simple application
- Administered by your League!

For more information, visit www.alalm.org or contact AMFUND Marketing Director Greg Cochran at 334-262-2566 or via email at gregc@alalm.org.

Investing in the Future of Alabama's Municipalities



Municipal Revenue Service

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

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

Together our strength in numbers works for you.

ALABAMA LEAGUE OF MUNICIPALITIES

**535 Adams Avenue Montgomery, AL 36104
334-262-2566 OR 888-255-0434**

PUT OUR EXPERIENCE TO WORK FOR YOU.

Over 300 Alabama Municipalities Have.



Insuring the Future of Local Government



Is *YOUR* future covered?

STEVE WELLS, PRESIDENT
334-386-3863



JIM CHAMBLEE, SALES MANAGER
800-239-AMIC (2642)

110 N. Ripley Street • Montgomery, AL 36104