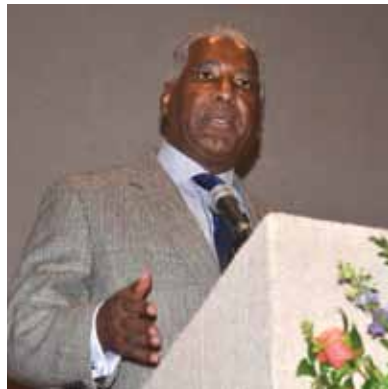


The Alabama Municipal JOURNAL

June/July 2012

Volume 70, Number 1

Convention 2012 • Birmingham, AL • May 19 - 22



Add Peace of Mind

The Municipal Workers Compensation Fund has been serving Alabama's Municipalities since 1976 and is the second oldest league insurance pool in the nation!



- Directed by veteran Municipal Officials from Alabama
- Over 600 Participating Municipal Entities
- New Member Discounts
- Dividends
Over the past 15 years, MWCF has returned \$36,000,000 to its members as Renewal Credits.
- Loss Control Services, Including:
Skid Car Training Courses
Fire Arms Training System
- Personalized Service
- Accident Analysis
- Free Safety Video Library
- Monthly Claims Status Reports
- Safety Discounts Available

Contact Us!

Quick Quotes
available online.
www.almwcf.org

Steve Martin
Operations Manager, MWCF
P.O. Box 1270
Montgomery, AL 36102
334-262-2566

Terry Young
Marketing Manager, MWCF
P.O. Box 43769
Birmingham, AL 35243
1-888-736-0210
email: terry@alalm.org

The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

June/July 2012 • Volume 70, Number 1

OFFICERS

DAVID BRADFORD, Mayor, Muscle Shoals, President
WALT MADDOX, Mayor, Tuscaloosa, Vice President
KEN SMITH, Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

SADIE BRITT, Councilmember, Lincoln, Chair
DONALD MYERS, Councilmember, Guntersville, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

DAVID HOOKS, Councilmember, Homewood, Chair
ADAM BOURNE, Councilmember, Chickasaw, Vice Chair

Committee on Energy, Environment and Natural Resources

RUSTY JESSUP, Mayor, Riverside, Chair
OMAR NEAL, Mayor, Tuskegee, Vice Chair

Committee on Community and Economic Development

NEWTON CROMER, Councilmember, Saraland, Chair
CAROLYN DOUGHTY, Councilmember, Gulf Shores, Vice Chair

Committee on Transportation, Public Safety and Communication

GARY LIVINGSTON, Mayor, Eva, Chair
VICTOR LONG, Councilmember, Millbrook, Vice Chair

Committee on Human Development

LEWIS WASHINGTON, Councilmember, Wetumpka, Chair
LaFAYE DELLINGER, Mayor, Smiths Station, Vice Chair

The Alabama Municipal Journal is published 10 times a year 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: LORI LEIN, TRACY L. ROBERTS, ROB JOHNSTON

Graphic Design: KARL FRANKLIN

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

Table of Contents

Photos from Convention 2012.....	4
The President's Report	5
President's Address Monday May 21, 2012	
Municipal Overview	7
Director's Report, Annual Convention, May 21, 2012	
Walt Maddox Elected as League Vice President...8	
The Legal Viewpoint	9
Changes to Alabama's Immigration Law: What You Need to Know Now	
Resolutions Adopted at Convention 2012.....	15
Legal Clearinghouse	16
Legal F.A.Q.	19
Minutes of the General Business Session.....	29
Thank you to exhibitors that purchased booths ..	32
After the Storm: Dealing with Natural Disasters...33	
Distinguished Service Awards.....	35
The League Honors Tommy Pow.....	44
More Photos from Convention 2012.....	46



Mayor William Bell of Birmingham welcomed delegates to the League's Annual Convention during the May 19th Opening Session.

Active Members (445)

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, 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, 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, Florala, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Frisco City, Fruithurst, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grimes, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Repton, 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, Mulga, Mumford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, 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, Perdido Beach, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pinson, Pisgah, Pleasant Grove, Pleasant Grove, Pleasant Grove, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, Sheffield, Shiloh, Silas, Silverhill, Sipsey, Skyline, Slocumb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Summit, Sumnerdale, 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, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

Convention 2012 • Birmingham, AL • May 19 - 22



The President's Report

Mayor David Bradford • Muscle Shoals



President's Address Monday May 21, 2012 Annual Convention President's Banquet

Thank you for the tremendous honor you've given me, my family and my community this evening. I'm extremely proud to accept the gavel of the office of President of the Alabama League of Municipalities and will do my best to live up to the trust and confidence you've placed in me.

Since I was first elected mayor of Muscle Shoals 12 years ago, I've been an active participant with our League of Municipalities. I strongly believe in this organization's mission, its services and the municipal entities it represents. Over this next year, I pledge to maintain your faith in my abilities and to meet your expectations of this respected office.

There are several people I need to thank this evening. Their support has been invaluable.

My sincere gratitude goes out to the members of the Muscle Shoals City Council and our outstanding city staff for their hard work and dedication to our community. These fine folks work as a team to ensure the vitality

of our city, and I sincerely appreciate their efforts and their support of me in this leadership role with the League.

Serving next to Councilmember Thomas Moore this past year has been a distinct privilege. Thomas is a thoughtful and earnest person who operates with integrity and leads by example. I'm sure you join me in thanking him for his willingness to always do more than was expected. Thomas, it's truly been a pleasure. Thank you.

I also want to thank and recognize the League's

leadership, especially our past presidents. To those of you here tonight who have served in that role – and to *all* your predecessors – thank you for your commitment, your leadership, your dedication and your friendship. It's *you* who have set the standard for service with the Alabama League of Municipalities.

To my wonderful family I extend my heartfelt appreciation. My wife, Jenny, and my children, Rebecca and Jim, have sacrificed many family hours for the good of public service. They have provided encouragement throughout my municipal career, and I wouldn't be standing in front of you now without their love and support.

Finally, I extend my sincere gratitude to Mayor William Bell, members of the Birmingham City Council and their staffs for their enthusiasm and hospitality. Hosting a League convention is no small matter and I congratulate all the people from Birmingham who had a part in making this year's



Immediate Past President Councilmember Thomas Moore of Demopolis (left) passes the gavel to newly-elected League President Mayor David Bradford of Muscle Shoals.

event a success.

I look forward to working with Vice-President Mayor Walt Maddox from Tuscaloosa over the next year. I congratulate you on your election and I'm very pleased to have the opportunity to work with you.

As elected officials and municipal employees, we should be extremely proud of this organization and its *outstanding* 77-year history. Thanks to the dedication, guidance and

continued on page 8



Judicial Correction Services

Case Supervision for Misdemeanor Courts

Collect & Successfully Close Twice As Many
Partial Payment Cases

Benefiting the Court...

"...(JCS's) service has decreased my magistrates' probation workload and court sessions by 65%...collections are at an all time high..."

- Court Administrator
Large Municipal Court

"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge
Georgia Municipality

Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of Corrections
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- Court Clerk
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge
Alabama Court

Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

- Craig A., Defendant
Foley, Alabama

Judicial Correction Services

888-527-3911 Hoover, Alabama & Locations Throughout Alabama

Municipal Overview

Ken Smith • Executive Director



Director's Report Annual Convention, May 21, 2012

It has been 11 months since our convention in Huntsville. As you recall, the 2011 convention, originally scheduled for April, had to be postponed following one of the worst natural disasters our state has ever suffered. On April 27, 2011, days before the convention was to begin, a record 62 deadly tornadoes tore across the State of Alabama. Damage and loss of power required us to postpone the convention until the end of June.

It will take these communities many years to recover, and in many ways and for many people, things will never truly return to normal. The League continues to work with these areas and with state and federal officials to ease their recovery.

This convention also marks the end of my first year as your Executive Director. Although my previous 25 years working at the League provided me with a good overview of League operations and the role each of our employees serves, watching from my new position has given me a greater appreciation of the skills and capabilities of your League staff. I am proud to serve on a team with these fine men and women as we work to help you. Although I am biased, I truly believe that there is no finer staff anywhere in this country.

I also want to thank President Thomas Moore and Vice President David Bradford for their outstanding leadership and patience with me as I worked to learn this new role. They had the unenviable task of breaking in a new Director and I will be forever grateful for all the assistance and advice they have given me during this year.

Since our last convention, your League and its staff have been extremely busy. League officers and staff have implemented a number of new programs and have worked long hours trying to protect the interests of Alabama municipalities at both the national and state levels.

League Committees

The Executive Committee, presided over by our President, Councilmember Thomas Moore, of Demopolis, with the assistance of our Vice President, Mayor David Bradford of Muscle Shoals, met three times this year and dealt with a number of issues. I would like for members of the Executive Committee

to stand and be recognized. I thank each of you for your hard work and participation throughout the year.

The League Committee on State and Federal Legislation, led by its Chair, Councilmember Debbie Quinn of Fairhope, and its Vice Chair, Councilmember Sadie Britt of Lincoln, met in January and developed the League's Legislative Package for 2012. I would like the members of this committee to stand and be recognized for their hard work.

Our five policy committees met on separate days at League Headquarters in Montgomery last summer to hear resource advisors speak on issues of importance to the committee. Following those presentations, committee members revised their respective policy statements, which will be presented at this meeting for your approval. The *Polices and Goals* is a very important document that is used to guide your League staff throughout the year and to assist the Committee on State and Federal Legislation when it meets each year to develop the League's legislative package. I want to personally thank our Committee chairs and vice chairs for their leadership and hard work. I also want to thank all the officials who served on our committees this year for their valuable input. Would all officials who served on League policy committees this year please stand so that we can all applaud you for your efforts? As always, if you are not currently serving on a League committee, I encourage you to become involved. Please let us know if you are interested. We would love to have you participate.

NLC Activities

The Alabama League of Municipalities continues to be well represented at NLC meetings and activities during the past year. The League had one of the largest state delegations at the National League of Cities Congress of Cities in Phoenix, Arizona, in November, and at the NLC Congressional-City Conference in Washington, D.C. in March. At the November meeting in Phoenix, our own Jesse Matthews, Councilmember in Bessemer, was elected to the NLC Board of Directors. Councilmember Debbie Quinn of Fairhope was elected to Chair NLC Advisory Council. Robert Avery, Councilmember from

continued on page 40

President's Report

continued from page 5

expertise of the League's employees, our jobs as municipal officials is less difficult. Since its inception in 1935, the Alabama League of Municipalities has been an association dedicated to serving its membership. Ken Smith and his staff truly understand the importance of member service and strive daily to provide our cities and towns with the best information and representation possible.

Whether it's through providing legal advice, representing and protecting municipal government at the Legislature, distributing information or training elected officials and personnel on a variety of important topics, our League has been the most steadfast and respected resource available to municipalities for nearly eight decades.

I pledge to you tonight that I will work closely with Ken Smith and the League's staff over this next year. Again, I look forward to working with you as League President and I urge you to continue to look to the League for guidance and educational opportunities.

Thank you and may God continue to bless our municipalities and the great State of Alabama! ■

Meet The TripleRCan[®]

- Designed for Commingled Collection
- Double Drag-Rails Protect the Can Bottom From Wear And Tear
- Oversized Open Handles for Comfortable Gripping
- No Automated Collection Equipment Required
- No Assembly or Parts to Store
- The Smart Alternative to Two-Wheel Carts



T.M. FITZGERALD & ASSOCIATES
850 WEST CHESTER PIKE, SUITE 303
HAVERTOWN, PA 19083-4442
Toll Free: 1-888-795-0660
Direct: 1-610-853-2008 • Fax: 1-610-789-5168
Visit Us Online: www.tmfitzgerald.com

Mayor Walt Maddox of Tuscaloosa Elected Vice President of The Alabama League of Municipalities



On May 21, Mayor Walt Maddox of Tuscaloosa was elected by his municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2012-2013. He was elected and took office during the League's annual convention, which was held in Birmingham May 19-22.

In 2009, Walter Maddox was sworn in for his second term as Tuscaloosa's 36th Mayor. Since his first inauguration, Mayor Maddox has led initiatives to increase economic development, improve customer service and provide quality pre-k education for academically at-risk four-year old children. He is continuing these efforts during his second term. Mayor Maddox is a Tuscaloosa native and graduated from Central High School. He earned his bachelor's degree in Political Science and master's degree in Public Administration from the University of Alabama at Birmingham (UAB). While at UAB, Mayor Maddox was a four-year letter-winner on the football team. The majority of Mayor Maddox's professional career has been spent in public education. From 1996 – 2001, he served as a Field Director with the Alabama Education Association. In 2001, he was appointed Executive Director of Personnel for the Tuscaloosa City Schools. In that same year, he was elected as City Councilman for the

Sixth District. He was named "Elected Public Official of the Year 2008" by the Alabama Chapter of the National Association of Social Workers; is the recipient of the MLK Realizing the Dream 2009 Call to Conscience Award and is a 2007 graduate of Leadership Alabama. ■



The Legal Viewpoint

By Lori Lein
General Counsel



Changes to Alabama’s Immigration Law: What You Need to Know Now

During this past Legislative session, the Alabama Legislature passed Act 2012-491 which amends Alabama’s Immigration law, otherwise known as the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, which is codified at Sections 31-13-1 et seq. of the Code of Alabama 1975. This amendatory Act made several significant changes to the law.

Many questions remain regarding the status of the immigration law in Alabama due to the numerous pending lawsuits relating to the previously passed version of the law. For purposes of conducting business at the municipal level, there are several items from this new Act that need to be brought to your municipality’s attention.

E-Verify Requirements

Proof of Enrollment with E-Verify – No Affidavit Required

Section 9 of Act 2012-491 amends Section 31-13-9, Code of Alabama 1975 with regard to providing proof of enrollment with the E-Verify program administered by the U.S. Department of Homeland Security. The Act narrows the scope of applicability of Section 31-13-9 to *only employees and employers in Alabama*. Therefore, an out of state company with no employees in Alabama would not have to comply with this section. In addition, this newly passed Act eliminates the requirement that contractors and subcontractors provide sworn affidavits as a condition for the award of a contract, grant or incentive by state, county or municipal governments in Alabama.

While contractors are not required to provide any type of sworn affidavit with regard to enrollment with E-Verify, they will still be required to demonstrate proof of enrollment in E-Verify in order to contract with a municipality. The law does not specify what documentation must be provided but there is little doubt that a copy of the Memorandum of Understanding (MOU) entered into between the contractor/business and the Department of Homeland Security to use the E-Verify system would suffice as sufficient documentation of enrollment.

Competitively Bid Contracts

What constitutes a “contract” under this provision of the immigration law? One of the amendments in the new Act was to include a definition of “contract” for purposes of that section of law. A contract under this provision is defined as a “contract awarded by the state, any political subdivision thereof, or any state-funded entity that was competitively bid ...”. Act 2012-491, Section 31-

13-9(l), Code of Alabama 1975. Only contractors who are entering into a contract with a municipality pursuant to a competitive bid process must provide documentation of enrollment with E-Verify. Therefore, a municipality does not need to get proof of E-Verify enrollment just to make a purchase at a local store unless the purchase is made pursuant to a competitive bid process.

Because contracts with other governmental entities are not subject to the state bid laws, there is a good argument that the documentation of E-Verify enrollment requirement does not apply to contracts between governmental entities. However, we caution municipalities that if they choose to competitively bid a contract, even if they are not required by law to competitively bid, they should obtain documentation of E-Verify enrollment from the contractor.

The League recommends that for all contracts entered into through a competitive bidding process (through the Competitive Bid Law, the Public Works Law or simply by choice of municipal officials), municipalities should consider including in the invitation to bid a statement advising bidders that they must comply with Section 31-13-9, Code of Alabama 1975. Municipalities should advise that if the bidder employs persons in the State of Alabama, then the bidder must provide documentation that they are enrolled in the E-Verify program along with the bid. Additionally, the bidder should be advised that if they employ persons (anywhere), that the award of the contract is conditioned on the bidder not knowingly employing, hiring for employment or continuing to employ an unauthorized alien within the State of Alabama. And finally, the League recommends advising bidders that any awarded contract will contain a provision, as provided below, whereby the bidder promises not to violate federal immigration law.

Required Contract Language

Act 2012-491 requires that all state, county and municipal contracts and agreements contain the following language:

“By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.”

With the definition of contract contained in this section limiting itself to contracts that are competitively bid, there is an

argument that this language is only required for contracts that are competitively bid. However, the language of the law also says “agreements” and therefore, it is the recommendation of the League that this language be included in any written agreement or contract irrespective of whether it was entered into as a result of a competitive bid process.

Grants and Incentives

Although not as prevalent as municipal contracts, Section 31-13-9, Code of Alabama 1975, also applies whenever the City awards any incentives and grants. All municipalities should be on alert to identify any grants or incentives to which this rule may apply. Any entity that employs one or more employees within Alabama that receives a grant or incentive from a municipality must provide documentation of enrollment with E-Verify.

Subcontractors

Act 2012-491 eliminates the requirement that contractors obtain affidavits of compliance from their sub-contractors in order to avoid liability for their violations. However, it imposes a new “constructive knowledge” standard for contractor liability for the violations of sub-contractors assigned any portion of a government contract.

Any subcontractors who work with general contractors who have been awarded contracts by the City must be enrolled in E-Verify. The general contractor should be aware of this requirement and have a system for assuring compliance. However, the City is not responsible for assuring a subcontractors’ compliance.

Business Transactions/Business Licensing

Section 30 of the Beason-Hammon Alabama Taxpayer

and Citizen Protection Act found at Section 31-13-29, Code of Alabama 1975, was one of the sections of the originally passed immigration law that was enjoined by the 11th Circuit Court of Appeals. As such, it is currently not enforceable by the State of Alabama. However, it was one of the provisions of the prior law that was amended in Act 2012-491 by the Alabama Legislature. The amendment redefined “business transactions” as “public records transactions” and clarifies that it is only applicable to efforts to secure a driver’s license, motor vehicle license plate, non-driver ID, commercial license or professional license applications. This would include municipal business licenses.

Under this section, applicants for a municipal business license will still be required to prove either citizenship or lawful presence in the United States for all initial applications for a business license, but citizens and permanent residents will be exempt from proving lawful status for subsequent renewals after the initial verification is made.

The amended law expanded the forms of identification that are acceptable under the Act to demonstrate citizenship. A person’s citizenship can to be demonstrated by using any one of the following documents:

(1) A driver’s license or nondriver’s identification card issued by the Alabama Department of Public Safety or the equivalent governmental agency of another state within the United States, provided that the governmental agency of another state within the United States requires proof of lawful presence in the United States as a condition of issuance of the driver’s license or nondriver’s identification card.

(2) A birth certificate.

(3) Pertinent pages of a United States valid or expired passport identifying the person and the person’s passport number, or the persons United States passport.

continued on page 28

Accounting...

It’s what we were born to do!

Audit | Accounting | Financial Reporting

We provide services to
approximately 200
Governmental Entities

**MAULDIN
& JENKINS**

M&J is a proud sponsor of the ALM Convention.



(800) 277-0080 | mjcpa.com
2000 Southbridge Parkway | Suite 501 | Birmingham, AL 35209

President's Address

Councilmember Thomas Moore, Demopolis
Opening Session, May 19, 2012

Mayor Bradford, Mayor Bell, Mr. Perry, Ladies and Gentlemen, thank you so much for joining us here in Birmingham for the League's 77th annual convention!

As you well remember, three days before our convention was to begin last year in Huntsville, Alabama was slammed with a record-breaking 62 tornadoes that devastated many areas of our state. Within just a few hours on April 27th, this epic weather outbreak became one of the most lethal and cataclysmic natural disasters in Alabama's history, killing more than 240 people and causing an estimated \$1.5 billion in property damage. Several communities were nearly wiped from the map.

On behalf of Alabama's municipalities, I extend our sincere gratitude to Governor Bentley for his immediate and heartfelt response to this unimaginable catastrophe. Thanks to Governor Bentley's leadership, the National Guard was mobilized at once; mutual aid teams were rapidly deployed; and President Obama promptly declared our state an expedited major disaster so we would have quick access to federal aid. The Governor's actions lifted us up during a time of unprecedented destruction and loss. He reminded us that Alabama's people are both resilient and generous. He led us through tremendous tragedy by instilling hope and providing help. For that we will always be grateful.

Certainly our prayers remain with the communities that were so tragically struck by last year's ferocious tornadoes, and the League is solidly behind our municipalities as the rebuilding process continues. In fact, the Tuesday morning general session will feature Mayor Walt Maddox of Tuscaloosa and Mayor Ken Sunseri of Haleyville who will share their experiences following the 2011 storms and how their communities are recovering from this natural disaster.

Given the extraordinary events of the past year, I am humbled to stand before you this afternoon for the Opening Session of our 2012 annual convention. I'm proud of the Alabama League of Municipalities. I'm proud to be a municipal official. Mostly, though, I'm proud to be an Alabamian.

Mayor Bell, I want to personally thank you, the Birmingham City Council and your staff for working closely with the League to make this convention a reality. We're all looking forward to the Reception at the Sheraton this evening as well



as the opportunity to spend several days learning and networking with our colleagues here in the Magic City.

I also want to thank Mayor David Bradford for representing us as our League Vice President this past year. David has been actively involved with the League for many years and is a focused and dedicated elected official. The citizens of Muscle Shoals are fortunate to have him at City Hall and I'm fortunate to call him my friend.

This has been a unique year for the Alabama League of Municipalities. Last June, we left convention with a new leader at the helm. Following Perry Roquemore's retirement, the membership voted in Ken Smith as

the League's fourth executive director in its 76-year history. Of course, Ken came into the position with considerable institutional knowledge. He was hired by the League in 1986 as a staff attorney and spent 25 years running the legal department – eventually becoming the League's Deputy Director/General Counsel. I'm sure the role of executive director has presented Ken with many new challenges and so we all appreciate his willingness to learn and grow as well as his continued efforts on behalf of our cities and towns.

I also want to commend the League staff and their efforts on our behalf. Our convention is one of the largest in the state, bringing together more than 1,000 municipal officials, clerks, attorneys, personnel and administrators, exhibitors and guests. Thanks to our staff, we have relevant topics, interesting speakers, appropriate meeting space, planned networking opportunities, an efficient schedule and a first-rate Expo hall filled with vendors and state agencies that work specifically with municipalities.

The League's staff rises to every occasion, answers every inquiry (even when we don't like the answer) and anticipates problems before they arise. The volume and quality of their work is outstanding and we know we can always rely on their professionalism and expertise. I certainly appreciate their help and support throughout my year as president.

This has also been a unique year in Alabama politics. When our Legislature convened in February, it was only the second time in 136 years that they did so with a Republication majority. The tremendous budget deficient has made the legislative process even more convoluted and several issues, particularly immigration, will have a significant and lasting impact on our cities and towns.

That being said, I can sum up the League's legislative

strategy with one word: **DEFENSE**. More than 1,300 bills were introduced this session, including several League bills. While we were successful in passing two bills – incorporation validation and subdivision legislation – two noncontroversial bills – mayor replacement procedure for Class 7 and 8 cities as well as public notification of meeting cancelation – died on the House special order calendar the final day. Our greatest victories were in the bills we managed to defeat, including bills prohibiting red light cameras, municipal waste management and the sale and use of novelty and non-aerial fireworks in our communities.

Several of our League staff members – particularly Greg Cochran, our Director of Intergovernmental Relations – have worked long hours to make sure our interests are represented. And when I say long hours, I'm not kidding. Greg and a team of municipal lobbyists, including Beth Marietta from Mobile and Martin Christie from Montgomery, were in negotiations with the leadership and other parties over the court cost/bail bond legislation until the final moments of the Session. Their vigorous efforts resulted in the House approving an agreed upon version 10 minutes before the Regular Session ended at midnight.

In its original form, this bill was an unfunded mandate that would have required municipalities to collect and remit fees to the state and other entities. The League initially attempted to exempt municipal court cases from the bill; however, when it became apparent that the legislation was going to move forward,

we determined our best defense was to ensure our municipal governments were included in the revenue distribution. Thanks to our lobbying team, municipalities are projected to receive approximately \$8 million from the court fees and \$5 million from the bail bonds annually when originally we weren't included in the equation at all.

This should serve as a lesson for us all. We must be especially diligent in fighting unfunded mandates and pass-through legislation which take money, peoplepower and resources from our municipalities

In every session of the Alabama Legislature since 1935, the League of Municipalities has safeguarded municipal interests. Of course, the League doesn't work in isolation. The *unified* voices and *collective* actions of energized municipal officials have always played an important role in our legislative success. As a group, we are a compelling force in articulating the concerns, solving the problems and achieving the goals of our municipalities. This is a legacy we **MUST** continue as we strive to keep our cities and towns solvent.

Unfortunately, the significant state and educational budget shortfalls are taking a toll on Alabama, especially as our communities continue to recover from last year's tornadoes. This means our cities and towns remain vulnerable. Therefore, it is more important than ever that we work with our League to uphold municipal rights while guarding against legislation that would hinder our ability to maintain critical services in our communities.



When it comes to your accountant,
DON'T EXPERIMENT –
CHOOSE EXPERIENCE.



ALABAMA | FLORIDA | GEORGIA | LOUISIANA | MISSISSIPPI | TENNESSEE | TEXAS

Everything you require in
a governmental auditor.

150
CRIcpa.com

Birmingham Enterprise Montgomery
(205) 933-7822 (334) 347-0088 (334) 271-6678

To keep us apprised of Legislative issues as well as other timely topics, the League introduced three weekly e-newsletters earlier this year. *The State House Advocate* and the *Legislative Bulletin* are emailed each week during the Session and contain pertinent information regarding League bills as well as any legislation that has the potential to harm our cities and towns. *This Week from the League* is emailed every Tuesday morning throughout the year and contains notices regarding educational opportunities as well as other information of interest to municipal officials and personnel. If you've not signed up to receive these e-newsletters, there's a link from the homepage of the League's website that allows you to subscribe or you can fill in the appropriate area on the CMO credit forms here at convention and the staff will add you name once they've returned to Montgomery.

Of course, 2012 is an election year and so a number of municipalities will be testing new leadership beginning November 5th. For those of you who have chosen not to seek reelection, I applaud your service and wish you well in your future endeavors. This year's convention provides an excellent opportunity for you to wrap up loose ends; find possible solutions to issues facing your community; benefit from some final face time with your peers; and thank the League staff for their support.

For those of you who *have* chosen to run for reelection, I commend your enthusiasm and tenacity and wish you well during the election cycle. This year's convention not only provides you with exposure to key municipal vendors and state

agencies, important educational seminars and dedicated time for networking and idea exchanges, your attendance further demonstrates your commitment to learn and work on behalf of your constituents and the good of your community.

Ladies and Gentleman, we are *extremely fortunate* to have an organization such as the Alabama League of Municipalities to protect our interests at the Legislature; to provide us with timely, important information; to educate us through structured training programs; and to give us sound legal advice regarding the many challenges we face daily. Throughout its long history, the League has accomplished many great things on behalf of Alabama's municipalities. And through our *united* efforts, this list of achievements will continue to grow.

I'll close my remarks today by thanking all of you for making my year as your League president an incredible and memorable journey. It has been an absolute honor to work so closely with our state's local leaders. Thank you for your insight, your support and your enthusiasm. I've grown not only as an elected official, but as a person. It's also been a true privilege to forge close relationships with our League staff. They, too, have supported me throughout the year and I am truly grateful. I also want to thank Mayor Mike Grayson, the members of the Demopolis City Council as well as the city's staff. They enthusiastically encouraged my service to you this year and have always been very strong supporters of our League.

Again, I thank all of you for the privilege of serving as your League president. May God bless you, your communities and our Alabama League of Municipalities! ■



Sweeping Corporation of America, Inc.

(800) 807-9337

WE'LL DO THE DIRTY WORK!



Maybe It's Time to Outsource to the Professionals.

Sweeping Corporation of America provides reliable, cost-effective service to cities, counties and state departments of transportation. Each month, we sweep more than **25,000 miles** of roadways across the Southeast.

The benefits of working with Sweeping Corporation of America go beyond **regulatory compliance** and environmental pollutant containment to flood mitigation, risk management, infrastructure maintenance and budgetary controls.

Most municipalities and transportation departments are **tired of managing the high costs** of new equipment, the labor and legacy costs, the maintenance, fuel and constant strain on an already tight budget.

Let's talk about how Sweeping Corporation of America can help you meet your service objectives, and we'll show you how **we can save you money** and help eliminate the headaches.

For more information, please call us at (800) 807-9337, or visit our website at www.sweepingcorp.com.

We sweep while you sleep!

Join us at the Alabama League of Municipalities Convention in Birmingham May 20-21. Come by our booth (#715) and register to win a free Odyssey Putter.



SMART
GOVERNMENT SM

RDS Smart Government Awards

**2012 Small Municipality Category Award
Presented to the Town of Vina**



Left to right: Town of Vina Clerk Sue Raper; RDS Director of Business Development Pete Yonce; Vina Mayor D W Franklin.

Revenue Discovery Systems (RDS) presented the Town of Vina, Ala., the 2012 Smart Government Award in the Small Municipality category. RDS recognized Vina for securing a \$570,800 Community Connect Grant from the U.S. Department of Agriculture Rural Development. The grant will pay for the installation of broadband Internet and the necessary technological infrastructure in Vina. The broadband service will cover up to a three-mile radius, making Internet access available to the homes and businesses in Vina. The new technological infrastructure is also expected to attract new businesses to the area.

**Smart Government Awards:
Recognizing innovative governments and efficient programs nationwide**

smartgov@revds.com | [@SmartGovt](https://twitter.com/SmartGovt) (Twitter) | www.revds.com

Resolutions Adopted at the 2012 Convention

RESOLUTION NO. 1

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their deep appreciation to Mayor William Bell and members of the Birmingham City Council and their spouses, and their respective staffs for their hospitality and assistance in planning and promoting this convention, and for their help in the daily operation of a very successful convention. Their work and dedication has made this year's convention extremely successful and enjoyable.

RESOLUTION NO. 2

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their appreciation to Councilmember Frank Braxton of Uniontown for leading the Sunday morning prayer service during our convention.

RESOLUTION NO. 3

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their deep appreciation to Mayor Ted Ellis of Bluffton, Indiana and President of the National League of Cities for his address during the General Session on Monday morning of our convention.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank David Perry, Chief of Staff for Governor Robert Bentley, for his address during the Opening Session of this convention.

RESOLUTION NO. 5

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they sincerely thank the Alabama Congressional Delegation, namely Congressman Jo Bonner, Congresswoman Martha Roby, Congressman Michael Rogers, Congressman Robert Aderholt, Congressman Mo Brooks, Congressman Spencer Bachus, Congresswoman Terri Sewell, Senator Richard Shelby and Senator Jeff Sessions for their interest in promoting the affairs of Alabama municipalities in the Congress of the United States. We urge them to continue the spirit of unity which prevails in our Congressional Delegation.

RESOLUTION NO. 6

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank the leadership of the Alabama House of Representatives for

supporting League legislation and assisting the League when possible during the legislative process, namely: Mike Hubbard, Speaker of the House; Victor Gaston, Speaker Pro Tem; Micky Hammond, Majority Floor Leader; Craig Ford, Minority Floor Leader; Blaine Galliher, Committee on Rules Chair; and Steve McMillan, Committee on County & Municipal Government Chair.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank the House Members who sponsored League legislation: Representatives Chris England, Steve McMillan, Dan Williams and Jack Williams.

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do wish to thank the leadership of the Alabama Senate for supporting League legislation and for assisting the League when possible during the legislative process, namely: Kay Ivey, President of the Senate; Del Marsh, Senate President Pro Tem; Jabo Waggoner, Majority Floor Leader; and Jimmy Holley, Committee on Governmental Affairs Chair.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the Senators who sponsored League legislation: Senators Scott Beason, Dick Brewbaker, Linda Coleman, Paul Sanford and Jabo Waggoner.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do wish to thank the League's municipal lobbyists group for supporting League legislation and providing invaluable assistance to the League when possible during the legislative process, namely: Hal Bloom, Allen Sanderson and Perry Roquemore, Jr., with The Bloom Group; Martin Christie and Maeci Martin with Christie Strategy Group; Greg Jones with the Jones Group; Beth Marratta Lyons with Lyons & Crane; Michelle Jordan and Steve Raby with the City of Huntsville; and Mark Gaines with Adams & Reese.

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the League General Counsel Lori Lein for her their presentation on elections during the Monday morning general session of this convention.

RESOLUTION NO. 10

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

continued on page 20

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

Contracts: A building authority could not convert its termination of a construction contract for convenience into a termination for cause. *Public Bldg. Authority of City of Huntsville v. St. Paul Fire and Marine Ins. Co.*, 80 So.3d 171 (Ala.2010)

Council and Councilmembers: Investigation in itself is an important and valuable tool for functioning of municipal government and, in the absence of a clear showing of bad faith, such power should be construed liberally to permit a broad scope of inquiry to achieve the legitimate ends of an investigation. A board's activities were "municipal affairs" and could properly be investigated by the council pursuant to legislative authority. *Council of City of Phenix City v. Phenix City Bd. of Educ.*, 81 So.3d 1278 (Ala.Civ.App.2011)

Courts: A defendant, who entered into a negotiated plea

agreement with the prosecution, could waive credit for time incarcerated pending trial. There is no constitutional right to jail credit for pretrial confinement. *Lay v. State*, 82 So.3d 9 (Ala.Crim.App.2011)

Courts: Removal of defense counsel violating a defendant's right to continued representation by his counsel of choice constituted reversible error. *Lane v. State*, 80 So.3d 280 (Ala.Crim.App.2010)

Courts: Failure to object waived any issue regarding the admissibility of unsworn testimony. *Williams v. Harris*, 80 So.3d 273 (Ala.Civ.App.2011)

Criminal Law: A four-wheeler and a utility vehicle were "motor vehicles" within the meaning of the statute treating theft of a motor vehicle as first-degree theft of property. Although the statute did not define the term, its plain meaning did not require vehicles to be capable of being licensed and driven on public roads in order to constitute motor vehicles. *Johnson v. State*, 82 So.3d 776 (Ala.Crim.App.2011)

Employees: The availability of a statutory right to appeal a decision to suspend a public employee without pay precluded the employee from filing in circuit court a petition for common-law writ of certiorari compelling reinstatement of the employee. *Reed v. White*, 80 So.3d 949 (Ala.Civ.App.2011)

First Amendment: When a plaintiff in a libel action is a public official and the alleged defamatory statement relates to his conduct as a public official, the plaintiff must establish constitutional malice by clear and convincing evidence. *Little v. Consolidated Pub. Co.* 83 So.3d 517 (Ala.Civ.App.2011)

Forfeitures: The Montgomery County Circuit Court lacked subject-matter jurisdiction to order the return of bingo machines seized from Mobile County. *Lane v. State*, 80 So.3d 280 (Ala.Crim.App.2010)

Licenses and Business Regulations: Montgomery County Circuit Court was the only proper venue for a foreign corporation's appeal from the denial of a refund petition by a Jefferson County municipality where the corporation had no principal place of business in Alabama. *Ex parte Tellabs Operations, Inc.* --- So.3d ---, 2011 WL 3528370 (Ala.2011)

Tort Liability: Enactment of a sign ordinance and enforcement of the ordinance by the city and a city building official, in his official and individual capacities, through their refusal to permit an advertising company to rebuild signs damaged in a hurricane were in exercise of legislative zoning powers such that the city and the official did not owe a duty to the company, and, thus, the city and the official were entitled to substantive immunity from the company's action for damages arising out of interpretation and enforcement of the ordinance. The ordinance was not enacted to benefit the city and the official but the municipality as a whole. *Bill Salter Advertising, Inc. v. City of Atmore*, 79 So.3d 646 (Ala.Civ.App.2010)

Tort Liability: The doctrine of *res ipsa loquitur* (the thing



America's Tank Maintenance Company!™

Utility Service is the premier provider of professional water tank services:

- Maintains thousands of potable water tanks under full service asset management programs
- Delivers true sustainable solutions and peace of mind
- Provides site management services for antennas on existing and new tanks

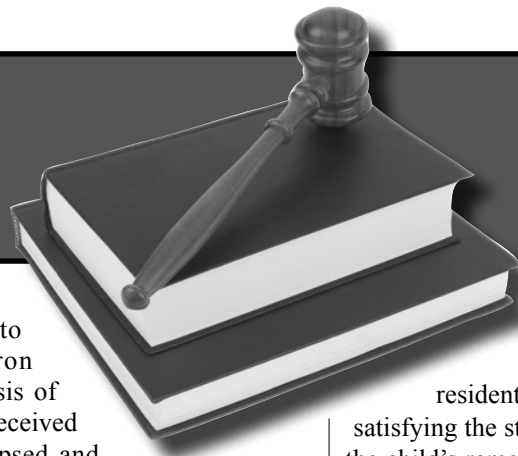
A water quality management tool... **WaterMix**
The Right Mix for Cleaner Water

- Minimize organics
- Stabilize disinfectant residuals
- Eliminate thermal water stratification
- Maximize filter media efficiency

Call your local Utility Service Representative today...

Michael Szabo • 706.575.1456
mszabo@utilityservice.com

www.utilityservice.com



speaks for itself) did not apply to permit a concession-stand patron to recover from a city, on the basis of respondeat superior, for injuries received when an overhead window collapsed and struck a patron, absent any evidence that the patron was injured only because of negligence, carelessness, or unskillfulness on the part of an agent or employee of the city committed in the course of his or her employment with city. *City of Montgomery v. Patterson*, 80 So.3d 264 (Ala.Civ.App.2011)

Tort Liability: State immunity and state-agent immunity are two different forms of immunity, and those who qualify for state immunity are treated differently under Alabama law because they are constitutional officers. *Ex parte Donaldson*, 80 So.3d 895 (Ala.2011)

Tort Liability: Members of a city board of education were entitled to sovereign immunity because the board is an agency of the state. *Ex parte Boaz City Bd. of Educ.*, 82 So.3d 660 (Ala.2011)

Zoning: Under the statute governing zoning boards of adjustment, a city board of adjustment has authority to approve a variance from a zoning ordinance requirement for permitting and restoration of a nonconforming structure and for filing for extension of those time requirements as part of its review of permitting an official's decision to grant a building permit to restore a pool house, which was a nonconforming structure, provided that approving such a variance would alleviate an unnecessary hardship, would fall within the spirit of the ordinance and would result in substantial justice. *M.B. Canton Co., Inc. v. Board of Adjustment of City of Mobile*, 81 So.3d 1284 (Ala.Civ.App.2011)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Courts: Prevailing parties in federal court may be awarded costs associated with the "compensation of interpreters," but such expenses do not include the costs of document translation. *Taniguchi v. Kan Pacific Saipan, Ltd.*, --- S.Ct. ----, 2012 WL 1810216 (U.S.2012)

Family and Medical Leave Act: Congress did not validly exercise its power under Section 5 of the 14th Amendment to abrogate state sovereign immunity from lawsuits when it enacted the self-care provision of the 1983 Family and Medical Leave Act. *Coleman v. Court of Appeals of Maryland*, 132 S.Ct. 1327 (U.S.2012)

Immigration: Assuming that the provision of the Illegal Immigration Reform and Immigrant Responsibility Act superseded prior case law and prevented a lawful permanent resident alien from departing, even briefly, from the United States without having to seek admission upon his return, the provision could not be applied retroactively to lawful permanent resident alien who committed a felony offense years prior to the provision's effective date. *Vartelas v. Holder*, 132 S.Ct. 1479 (U.S.2012)

Immigration: The Board of Immigration Appeals is not required to impute a parent's resident status to his or her alien child for the purpose of satisfying the statutory criteria necessary for the cancellation of the child's removal. *Holder v. Martinez Gutierrez*, --- S.Ct. ----, 2012 WL 1810218 (U.S.2012)

Officials: The statute that makes it a federal crime when an "agent" of a state or local government entity that receives federal funds engages in fraud or bribery, 18 U.S.C. §666, applies even when the official's position does not involve authority with respect to the federal money. *U.S. v. Keen*, --- F.3d ----, 2012 WL 1123842 (11th Cir.2012)

Tort Liability: An attorney who was retained by a city to assist in conducting an official investigation into a firefighter's potential wrongdoing was entitled to seek the protection of qualified immunity in the firefighter's §1983 claim alleging his Fourth Amendment rights were violated during the investigation, even though the attorney was not a permanent, full-time employee of the city. Affording immunity under §1983 not only to public employees but also to others acting on behalf of the government serves to ensure that talented candidates are not deterred by the threat of damages suits from entering public service. *Filarsky v. Delia*, 132 S.Ct. 1657 (U.S.2012)

Voting Rights Act: A key provision of the Voting Rights Act that requires certain jurisdictions to get changes to their voting procedures cleared by the Justice Department or a federal district court before they take effect is constitutional. *Shelby County, Ala. v. Holder*, --- F.3d ----, 2012 WL 1759997 (C.A.D.C.2012)

DECISIONS FROM OTHER JURISDICTIONS

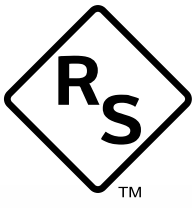
Criminal Law: Prosecutors may not use the state's criminal eavesdropping law to prosecute someone who openly records police officers while they perform their official duties in the public. *American Civil Liberties Union of Illinois v. Alvarez*, --- F.3d ----, 2012 WL 1592618 (7th Cir.2012)

Immigration: A city ordinance, which required all adults living in rental housing within the city to obtain an occupancy license conditioned upon the occupant's citizenship or lawful immigration status, was an impermissible regulation of immigration posing an obstacle to federal control of immigration policy and therefore was preempted by federal law. *Villas at Parkside Partners v. City of Farmers Branch, Tex.*, 675 F.3d 802 (5th Cir.2012)

ATTORNEY GENERAL'S OPINIONS

Elections: An unregistered individual cannot complete the voter registration process by filing a provisional ballot and supporting documents at the polls. Section 17-3-50, Code of Alabama 1975, prohibits the registration of any person as a qualified elector within 10 days before any election. AGO 2012-059

continued on page 19



RICE SIGNS

Your Leader In Transportation Safety

- Traffic Signs
- Roll-Up Construction Signs
- Sign Stands
- Traffic Cones & Barricades
- Custom Street Name Signs
- Sign Posts & Hardware



Free Traffic Sign Catalog:

Call 888-728-7665

- or -

Visit www.RiceSigns.com

Contact Us / Bids / Quotes:

Toll-Free: 888-728-7665

Fax: 877-546-6165

Email: sales@RiceSigns.com

Web: www.RiceSigns.com

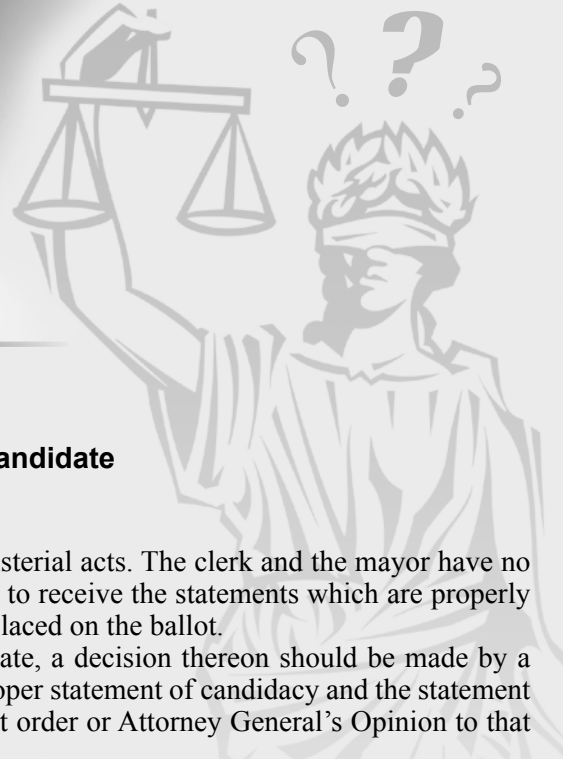
RICE SIGNS LLC

P.O. DRAWER 3170

AUBURN, AL 36831-3170

F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Rob Johnston



Elections

Does the mayor or clerk have authority to determine if a candidate meets the qualification requirements?

The receipt and filing of statements of candidacy constitute ministerial acts. The clerk and the mayor have no authority to judge the qualifications of a candidate. Their only job is to receive the statements which are properly filled out and see to it that the names of the candidates are properly placed on the ballot.

If a question is raised concerning the qualifications of a candidate, a decision thereon should be made by a court. Before leaving the name of a candidate off the ballot after a proper statement of candidacy and the statement of economic interests have been filed, the mayor should have a court order or Attorney General's Opinion to that effect. See, *Harris v. McKenzie*, 703 So.2d 309 (Ala. 1997)

In filing a statement of candidacy, the candidate certifies that he or she is fully qualified to hold the respective office for which he or she is a candidate if elected. Section 11-43-1, Code of Alabama 1975 provides that every mayor, councilmember and officer elected by the whole electorate of the city or town shall be a resident and qualified elector of the city or town at the time they qualify to run for office. "Residence" for election purposes means domicile, which is a mixed question of law and fact and answered by a court. See, *Harris v. McKenzie*, 703 So.2d 309 (Ala. 1997). ■

Legal Clearinghouse

continued from page 17

Expense Allowance: A reasonable and necessary expense, as such term is defined, refers to an expense that is proper and essential under the circumstances. There are no laws or statutes that determine or define a reasonable and necessary expense in any given situation. AGO 2012-055

Licenses and Business Regulations: A municipality may require a business engaged in "Truck Transportation" to pay a license fee based on all of the gross receipts of the business from whatever source derived when the business is not required to purchase a business license from any other municipality and the only physical location for that business is located within the municipal limits or its police jurisdiction. AGO 2012-054

Office of Profit: The position of Director of Capital Structure and Investments for Jefferson County is not an office of profit. A councilmember may serve on the Homewood City Council and be employed as the Director of Capital Structure and Investments. AGO 2012-057

Streets and Roads: State law authorizes municipalities to set speed limits and post speed limits on state and county roads within their incorporated limits. AGO 2012-050

Taxation: Exemptions from taxation, whether statutory or constitutional, are to be strictly construed against the exemption and in favor of the right to tax, and no person or property is to be exempt unless the intention to exempt such person or property clearly appears in some statute or constitutional provision. AGO 2012-051

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2012-01: An employee with a governmental body, who is also part owner of a company requesting vendor status with the governmental body, may sell products through his company to the governmental body as a sole distributor in the United States provided: (1) all business activities are conducted separate from the performance of his employment responsibilities; (2) should the employee desire to use his governmental employer's equipment, facilities, services or personnel for his private business, he must receive approval through the appropriate governmental body and representatives; (3) the use may not interfere with its official use by the governmental body; (4) he must compensate the governmental body for its use; (5) the department head, or his designee, must review all aspects of the research and/or testing to ensure that it is carried out consistent with standards of the governmental body; (6) selection of products from the employee's company will be made on clear objective reasons related to objects, costs and governmental purchasing policies, and must receive approval; (7) the employee may not apply for, or perform purchases, on behalf of the governmental body directly from his company; they must be made by other representatives of the governmental body; (8) all sales made by the employee's company to the governmental body may only be made at cost, consistent with his current price; (9) the employee may not otherwise profit from the transaction; and (10) a copy of that contract must be filed with the Ethics Commission within 10 (ten) days. ■

Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the following persons for their presentations during the concurrent sessions held on Monday of this convention: Chuck Hall, Senior National Manager, Seimens Infrastructure; Nick Chintala, Utility Sales Manger, GE Lighting Solutions; Thomas M. Eden, III, Attorney, Capell & Howard, P.C., Mark R. Sawyer, Special Agent, FBI; Trisha Black, Executive Director, Spirit of Athens; David Fleming, President Operation New Birmingham; Kennedy Smith, Principal, Community Land Use & Economics Group, LLC; Rob Grant, Recreation Programs Unit Manger, ADECA; Greg Lein, Assistant Division Director, Alabama Conservation Department, State Lands Division; and Terry Young, Marketing Manager, MWCF.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Mayor Walt Maddox of Tuscaloosa, Mayor Ken Sunseri of Haleyville and Rocky Milliman, State Disaster Coordinator for ADECA for their presentations on "After the Storm: Dealing with Natural Disasters" held Tuesday morning of this convention.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that

they do thank DesignAlabama and Fairhope Councilwoman Debbie Quinn for their assistance in planning this session.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their appreciation to the Honorable Brenda Flowers Smith, Assistant Attorney General, for her considerable help during the past year and for her continued assistance in answering the requests of Alabama municipalities. We also thank Brenda Smith for participating in the program of this convention.

RESOLUTION NO. 13

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do express their sincere appreciation to the participants of the AAPP Program and particularly thank Brian Butler, Human Resources Director for the City of Tuscaloosa, for his presentation.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that



Are you searching for a one source solution provider?

If so...then, *Local Government Corporation* has the key!



LGC provides Hardware and Software solutions to over 130 customers in Alabama.

<p style="text-align: center;"><u>Financial Management</u></p> <ul style="list-style-type: none"> √ Accounts Payable √ Fixed Assets √ General Ledger √ Inventory Control √ Payroll √ Vehicle Maintenance 	<p style="text-align: center;"><u>Revenue Collection</u></p> <ul style="list-style-type: none"> √ Business License √ City Court √ Miscellaneous Receipting √ Permits √ Tax √ Utility Billing 		
<p style="text-align: center;"><u>Network Support and Administration</u></p> <ul style="list-style-type: none"> √ Content Management √ E-Mail Management √ Firewall Management √ Personal Domain Name 	<p style="text-align: center;"><u>Website Design, Hosting, and Maintenance</u></p> <ul style="list-style-type: none"> √ Custom Design √ Maintenance of Existing Website √ Online Survey √ 2-Business Day Turnaround on Web Updates 	<p style="text-align: center;"><u>Hardware</u></p> <ul style="list-style-type: none"> √ Printers √ Routers √ Servers √ Switches √ Workstations 	<p style="text-align: center;"><u>Document Management</u></p> <ul style="list-style-type: none"> √ Check Signing √ Complete Check Printing √ Document Imaging

And Much More!

Local Government Corporation
714 Armstrong Lane
Columbia, TN 38401

Phone: 800-381-4540
Email: marketing@localgovcorp.com
Website: www.localgovcorp.com

they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Southside City Clerk Cindy Osborne and Alabama Power Company.

RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Mayor David Bradford of Muscle Shoals for his service during the past year as Vice President of the League. His attention to duty was most commendable.

RESOLUTION NO. 16

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the Chairs, Vice Chairs and members of the League's standing committees for their excellent work during the past year. We thank them for their work on the League's Statement of Policies and Goals.

RESOLUTION NO. 17

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do express their sincere appreciation to the mayors, councilmembers, clerks and administrators who presided over the programs during this convention and to those who made presentations during the sessions of this convention.

RESOLUTION NO. 18

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their thanks to the League staff members responsible for arranging the Municipal Masters Golf Tournament and for their work during the tournament.

RESOLUTION NO. 19

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Mayor Melvin Duran of Priceville for serving as master of ceremonies at the Spouses Breakfast.

RESOLUTION NO. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank Mayor Leon Smith of Oxford, Mayor Ted Jennings of Brewton, Mayor Charles Penhale of Helena, Councilmember Thomas Moore of Demopolis and Mayor Phil Segraves of Guin for their excellent work as directors of the Municipal Workers Compensation Fund, Inc. We also wish to thank Steve Martin and Faith Ann Gunn for their dedicated attention to duties in

the management of the workers compensation program. This company has been an outstanding success and we urge other cities to participate in its program and utilize its services.

RESOLUTION NO. 21

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor David Bradford of Muscle Shoals, Mayor Charles Murphy of Robertsdale and Mayor Richard Long of Jackson for serving on the Board of Directors of the Alabama Municipal Insurance Corporation. We also wish to commend the work of Steve Wells, AMIC's President. Because of the work of these officials, AMIC has proven to be extremely successful and of tremendous benefit to the cities and towns of Alabama. We urge other municipalities to participate in this service offered through the League.

RESOLUTION NO. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank Mayor Roy Dobbs of Berry, Mayor Wally Burns of Southside, Mayor Howard Shell of Atmore, Mayor George Evans of Selma and Councilmember Debbie Quinn of Fairhope for serving on the Board of Directors of the Alabama Municipal Funding Authority, Inc. (AMFund). AMFund is the League's latest venture and we urge our municipalities to consider this program. We also wish to thank Greg Cochran, AMFund's President, for his attention to duties in the management of this program.

RESOLUTION NO. 23

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their appreciation to the clerks of the cities and towns of this state for the outstanding work they do on our behalf. We also commend them for their excellent and timely program at this convention.

RESOLUTION NO. 24

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the city managers and city administrators for the work they perform for the cities and towns of Alabama.

RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank the various departments and agencies of the state and federal government that have been most helpful to the cities and towns of this state during the past year. We commend them for their cooperation and thank them for their assistance.

RESOLUTION NO. 26

BE IT RESOLVED by the Delegates of the Alabama

League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank the Birmingham Fire and Rescue Service for their participation in the Opening Session of this convention.

RESOLUTION NO. 27

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank Deirdre Gaddis for singing the National Anthem during the Opening Session of this convention.

RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they commend Ken Smith and the members of the League staff for their devotion to the interests of the municipalities of this state and that we thank them for their unselfish labors in fulfilling the responsibilities of their assignments.

RESOLUTION NO. 29

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do sincerely thank the City of Birmingham for planning and sponsoring the Welcome Reception on Saturday night of our convention.

RESOLUTION NO. 30

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do express their appreciation to the Alabama Municipal Electric Authority for sponsoring the League's Reception held in the Expo Hall on Sunday night of this convention.

RESOLUTION NO. 31

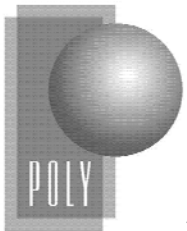
BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they thank the Alabama Municipal Insurance Corporation, Municipal Workers Compensation Fund and Millennium Risk Managers for sponsoring the coffee breaks for delegates during the convention.

RESOLUTION NO. 32

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, thank Alabama Municipal Electric Authority; Electric Cities of Alabama; and Tennessee Valley Authority for sponsoring the lunch in the Expo Hall on Monday afternoon of this convention.

RESOLUTION NO. 33

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



POLYENGINEERING, INC.
ARCHITECTURE. ENGINEERING. SOLUTIONS.

*Serving Alabama's Municipalities
for Over 51 Years*



www.polyengineering.com

- Architecture
- Electrical Design & Inspection
- HVAC Design & Inspection
- Industrial Wastewater Treatment
- Industrial Water Supply
- Military Training Ranges
- Government Facilities
- Municipal Planning
- Parks & Recreation
- Paving & Drainage
- Solid Waste Disposal
- Storm Water Management
- Storm Water Retention & Treatment
- Urban Revitalization
- Utility Relocation
- Wastewater Collection & Transmission
- Wastewater Treatment & Disposal
- Water Treatment & Supply
- Water Storage & Distribution

Birmingham, Alabama, on this the 21st day of May, 2012, that they do sincerely thank Carr, Riggs and Ingram and Merrill Lynch, Runkle Group for sponsoring the reception on Monday night of our convention.

RESOLUTION NO. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Anthony Williams for performing at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do sincerely thank Sterne Agee for sponsoring the Three on a String on Monday night of our convention.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their sincere appreciation to the companies and businesses which sponsored parties for delegates on Sunday night of the convention.

RESOLUTION NO. 37

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they express their deep appreciation to Alabama Municipal Electric Authority; Alabama Municipal Insurance Corporation; Alabama Power Company; Carr, Riggs and Ingram; Davis Direct; Electric Cities of Alabama; Goodwyn, Mills Cawood; Merrill Lynch/Runkle Group; Millennium Risk Managers; Municipal Revenue Service; Municipal Workers Compensation Fund, Inc.; Sterne Agee; and Tennessee Valley Authority for their convention sponsorships.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do hereby express their appreciation to the commercial exhibitors at this convention for their participation and note that their contributions have meant much to the success of this convention. Specifically, we thank the following exhibitors: AT&T; Air Evac Lifeteam; Alabama 811; Alabama Association of Regional Councils; Alabama Association of Municipal Clerks & Administrators; Alabama City/County Management Association; Alabama Municipal Funding Corporation; Alabama Municipal Insurance Corporation; Alabama Municipal Revenue Officers; Alabama Power Company; Alagrants; Allied Waste; ALM Loss Control Division; American Municipal Services; Applied Industrial Technologies; Arrow Disposal Service, Inc.;

Badger Meter, Inc.; BancorpSouth Equipment Finance; Barge Waggoner Sumner & Cannon, Inc.; BB&T Governmental Finance; Birmingham Visitors and Convention Bureau; Black Mountain Software, Inc.; Caldwell Tanks; Carr, Riggs & Ingram; CDG Engineers and Associates, Inc.; CH2M Hill; CitiTech Systems; Clear Water Solutions; CodeRED; Columbia Southern University; Construction Program Management; Converged Networks, Inc.; Croy Engineering; Crusher Works; CSI Technology Outfitters; CXT, Inc.; DesignAlabama, Inc.; Dixie Decorations, Inc.; DMD Engineers; Empire Pipe and Supply; EMS Management & Consultants, Inc.; Engineered Restorations, Inc.; ESG Operations, Inc.; Falcon Direct, Inc.; Garbo Grabber; Garver, Gorrie Regan & Associates; GovDeals, Inc.; Grasshopper Company; Great West Retirement Services; Haivision Network Video; Hall Marketing; Hancock Bank; Holiday Designs, Inc.; Holophane Lighting; Ingram Equipment; InLine; Insurance Services; J. R. Prewitt & Associates; J.A. Dawson & Company, Inc.; Jackson Thornton & Company, P.C.; Jacksonville State University - Center for Economic Development; Jefcoat Recreation; Judicial Correction Services; Kellum, Wilson & Associates, P.C.; Kidz Zone Play Systems; Lee Helms Associates; Legal Shield; Lincoln Financial Group; Local Government Corporation; Mauldin & Jenkins; Montgomery Visitors and Convention Bureau; Municipal Code Corporation & MCC Advantage; Municipal Workers Compensation Fund, Inc.; Musco Sports Lighting; Mutual of Omaha Insurance Company; NAFECO; National Center for Sports Safety; Nexcheck; NLC Prescription Discount Card Program; Official Payments; Playscapes of Alabama; Polyengineering, Inc.; Providence Service Corporation; Provident; RDS (Revenue Discovery Systems); Redflex Traffic Systems, Inc.; Rexel; S & ME - 2D Studio; Safeware, Inc.; Sansom Equipment Company, Inc.; Scenic Alabama; SealMaster/Birmingham; Select Medical Systems, Inc.; Sentell Engineering, Inc.; ServiceWear Apparel, Inc.; SERVPRO Disaster Recovery Team; Severn Trent Services; Siemens Industry, Inc.; Southern Playgrounds, Inc.; Southland Trucks; Southwest Water Company; Star Recycling, Inc.; Sunbelt Fire, Inc.; Sweeping Corporation of America; Tank Pro, Inc.; Taylor Power Systems/Kossen Equipment; The Kelley Group; The McPherson Companies, Inc.; The Public Group, Thompson Tractor Company, Inc.; TIOS - The Institute of Sustainability; T-Mobile; Tuscaloosa Tourism & Sports Commission; U.S. Census Bureau; Universal Concepts; Utility Service Company, Inc.; Veolia Environmental Services; Volkert, Inc.; Warren Averett; Waste Pro of Alabama; Wells Fargo; and Whitehead & Associates, Inc.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do hereby express their appreciation to the state and federal agencies that had exhibit booths in the Expo Hall at this convention. Specifically, we thank the following agencies: Alabama

Attorney General's Office – Consumer Affairs; Alabama Center for Governmental Services – Auburn University; Alabama Clean Fuels Coalition; Alabama Cooperative Extension System; Alabama Correctional Industries; Alabama Department of Agriculture & Industries Alabama Department of Economic & Community Affairs; Alabama Department of Environmental Management – Brownfields; Alabama Department of Environmental Management – Education & Outreach; Alabama Department of Revenue, Sales & Use Tax Division; Alabama Emergency Management Agency; Alabama Forestry Commission; Alabama Green Industry Training Center; Alabama Industries for the Blind; Alabama Public Library Service; Alabama Recreation & Parks Association; Alabama Retired State Employees Association; Alabama State Employees' Insurance Board; Alabama Tourism Department; Alabama Urban Forestry Association; Center for Forest Sustainability – Auburn University; Department of Industrial Relations/Alabama Career Center System Birmingham; Retirement Systems of Alabama; SAFE Routes to School; and USDA Rural Development.

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they sincerely thank the Municipal Revenue Service for their golf tournament sponsorship.

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the members of the 2011-2012 Executive Committee for their expertise, advice and assistance regarding League operations.

RESOLUTION NO. 42

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank ABC-LEO for hosting a reception on Sunday evening of the convention.

RESOLUTION NO. 43

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank the Kings of Swing for playing at the reception on Sunday evening of the convention.

RESOLUTION NO. 44

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Goodwyn, Mills & Cawood for sponsoring the hospitality room on Sunday and Monday nights of the convention.

**ALWAYS
CALL
BEFORE YOU
DIG**



**One free, easy call gets
your utility lines marked
AND helps protect you
from injury and expense.**

**Safe Digging Is No Accident:
Always Call 811 Before You Dig.**



www.al811.com

RESOLUTION NO. 45

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do thank Executive Director Ken Smith, League Attorneys Lori Lein, Rob Johnston and Tracy Roberts as well as Brenda Smith, Assistant Attorney General, for their participation in the Ask Your Attorney Panel Discussion on Tuesday morning of the convention.

RESOLUTION NO. 46

WHEREAS, the Marketplace Fairness Act is currently being considered by the United States Congress; and

WHEREAS, this legislation would give states the authority to enforce local and state taxes that are already in place and owed by out-of-state online retailers; and

WHEREAS, this legislation would require retailers to collect and remit sales taxes to states and local governments for out-of-state online sales; and

WHEREAS, Alabama will lose an estimated \$350 million in uncollected sales and use taxes this year; and

WHEREAS, all businesses, regardless of their physical location, should be required to collect and remit state and local sales tax; and

WHEREAS, the playing field, as it currently stands, favors out-of-state, internet retailers that exploit a pre-internet loophole allowing them to evade collecting state sales taxes even though they sell the same products in the same communities; and

WHEREAS, as it currently stands, stores with a local retailer must collect sales taxes while online stores do not, thereby enabling online stores to undercut local retail prices; and

WHEREAS, this legislation is not a new tax or a tax increase, but rather enables states to collect taxes that are already due; and

WHEREAS, this legislation would generate more sales, pay more sales tax to the state treasury, encourage more local retailers, create jobs for local workers and infuse more money into local economies throughout the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that we do hereby urge the Alabama Congressional delegation to support the Marketplace Fairness Act; and

BE IT FURTHER RESOLVED that the Alabama League of Municipalities calls upon federal policy makers to enact legislation requiring the collection and remittance of state and local sales taxes allowing all retailers to compete in a true free market and give every business an equal opportunity to compete, innovate and create jobs.

RESOLUTION NO. 47

WHEREAS, Section 17-5-8.1, Code of Alabama 1975

of the Fair Campaign Practices Act (“FCPA”) mandates that all filings filed pursuant to the FCPA must be submitted electronically over the internet beginning with the 2014 election cycle; and

WHEREAS, Section 17-5-8.1, Code of Alabama 1975 further requires the Secretary of State to implement and maintain an electronic database accessible through the Secretary of State’s website that provides the searching and retrieval capability of all FCPA-required filings; and

WHEREAS, the searchable database must provide the ability to search by a recipient’s name, a contributor’s name, a contributor’s or recipient’s zip code and a contribution date; and

WHEREAS, electronic filing is easier and more efficient than standard, paper filing because it fosters transparency in searching contributions and expenditures in elections; and

WHEREAS, electronic filing would assist political committees in compliance with the finance disclosure deadlines which are required more frequently with recent changes in FCPA rules; and

WHEREAS, electronic filing is mandatory only if it involves legislative, state school board and statewide offices receiving more than ten thousand dollars (\$10,000) per election cycle; and

WHEREAS, Section 17-5-8.1 makes no account for facilitating a single point of electronic filing for municipal elections, but a single point of electronic filing would benefit municipal elections; and

WHEREAS, under current Alabama law, candidates in municipalities located in multiple counties must file FCPA forms with the probate judge in each county, thereby making FCPA filings cumbersome and compliance more difficult;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that we do hereby urge the Alabama Legislature to enact legislation creating a single point of electronic filing for municipal elections.

RESOLUTION NO. 48

WHEREAS, in 2011, Congress enacted comprehensive programs for water pollution control that modified the Clean Water Act (CWA) which provides the statutory basis for giving the Environmental Protection Agency (EPA) the authority for regulating the discharge of pollutants from point sources to waters of the United States; and

WHEREAS, the CWA allows the EPA to authorize the NPDES Permit Program to state governments, enabling states to perform many of the permitting, administrative and enforcement aspects of the NPDES Program; and

WHEREAS, on October 31, 2011, the Alabama Department of Environmental Management (ADEM) issued the General NPDES Permit ALG870000 for discharges involving applications of pesticides to control pests near waters of the State in which pesticides might make contact with the water; and

WHEREAS, most municipalities are required to go through the Permit ALG870000 process before they can spray for mosquitoes; and

WHEREAS, this permit process burdens municipalities in that it delays the time when municipalities can spray for mosquitoes; and

WHEREAS, this permit process is onerous to municipalities because ADEM has inconsistently applied the permit process to different municipalities; and

WHEREAS, an efficient and effective permit program is essential for Alabama municipalities since spraying for mosquitoes is a vital necessity for most municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that we do hereby encourage Congress, the EPA and ADEM to remove mosquito spraying from coverage under the NPDES Permit Program.

BE IT FURTHER RESOLVED that in the alternative, Congress, the EPA and ADEM are encouraged to simplify the NPDES Permit Program regulations so that they can be interpreted and implemented more consistently.

RESOLUTION NO. 49

WHEREAS, 2012 is an election year for the majority of Alabama's municipalities; and

WHEREAS, a number of our elected officials have opted not to seek reelection but to retire after many years of public service; and

WHEREAS, many of these officials have been active

participants in the Alabama League of Municipalities, serving on boards and committees, attending workshops, training sessions, annual conferences, national meetings and graduating from the League's CMO programs; and

WHEREAS, their belief in hard work and caring service to their communities and citizens were their guiding principles as they strove to stimulate growth, implement positive change and secure the future of local government in the State of Alabama;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, they do recognize and commend Alabama's retiring elected municipal officials for their service in the State of Alabama and as leaders of our state organization and that they do wish them well in all their future endeavors.

RESOLUTION NO. 50

WHEREAS, Nina Miglionico, former Council President of Birmingham, Alabama, faithfully served her community and its citizens for 22 years as an elected official from 1963 until 1985; and

WHEREAS, Ms. Miglionico was elected by her municipal colleagues from the State of Alabama to serve as the first female President of the Alabama League of Municipalities from 1981 to 1982; and

WHEREAS, Ms. Miglionico was the first woman elected to Birmingham's city government and was the first woman to serve as Council President; and

WHEREAS, Ms. Miglionico was a lifelong Birmingham resident and earned her law degree from the Alabama School

**Sure, Municode.com has a bold new look -
but it's what's *inside* that counts.**



**You're invited...
www.municode.com**

**Maximize access to your Code -
Publish in Print, Digitally, and Online**

*New Ordinances on the Web
Expanded Graphics*

*Link from your website to Code sections
Print, save, or e-mail at every section level
Personalized search features*



Municipal Code Corporation 800.262.2633 info@municode.com

of Law in 1936 to become one of the first female lawyers in the state; and

WHEREAS, Ms. Miglionico is thought to be the first woman in Alabama to have established her own firm and, with 73 years of service, held the unique distinction of being the longest practicing female attorney in the history of the State of Alabama; and

WHEREAS, Council President Miglionico's belief in hard work and caring service to her community and its citizens were her guiding principles; and

WHEREAS, Ms. Miglionico passed away on May 6, 2009, at age 95 and was posthumously inducted into two Alabama Halls of Fame in 2012;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do honor Council President Nina Miglionico for her posthumous inductions this spring into the Alabama Women's Hall of Fame and the Alabama Lawyer's Hall of Fame. Her devotion to the rights of women and minorities, the legal profession and municipal government continues to be an exemplary example for all local government officials and employees.

RESOLUTION NO. 51

WHEREAS, Tommy Pow, Program Manager for the University of Alabama's College of Continuing Education retired on November 30, 2011 after 26 years of outstanding and commendable service to the municipal clerks and revenue officers of this state; and

WHEREAS, Tommy began his career with the University of Alabama in 1985 and worked closely with the Alabama League of Municipalities to educate municipal clerks and revenue officers for 26 years; and

WHEREAS, Tommy was a respected and loyal advocate of municipal interests; and

WHEREAS, Tommy was an invaluable resource to municipal clerks and revenue officers; and

WHEREAS, Tommy has been a champion of municipal government by working diligently and effectively to educate valuable municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May 2012, that we do hereby commend Tommy Pow for 26 years of outstanding service to the Alabama League of Municipalities and for his dedication to Alabama's municipal clerks and revenue officers.

BE IT FURTHER RESOLVED that we congratulate him on his well-earned retirement and extend our best wishes to Tommy and his family for continued success and happiness in the years to come.

RESOLUTION NO. 52

WHEREAS, Thomas Moore, Councilmember of

Demopolis, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they do recognize and commend Councilmember Moore for his service as a municipal official in the State of Alabama and as a leader of our state organization and that they do wish him well in all of his future endeavors.

RESOLUTION NO. 53

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May, 2012, that they memorialize the following persons who have died in office since our last convention, namely: Joe Outlaw, councilmember, Ozark; James Grimes, mayor, Elba; LaWayne Harrison, mayor, Leighton; Lomax Smith, mayor, Cottonwood; Hubert Lucas, Sr., councilmember, Wilton; Stevenson Hoyett, councilmember, Goodwater; Roy Quinn, councilmember, Allgood; William "Billy" Cox, councilmember, Highland Lake; Troy Mitchell, Councilmember, Millry; Ronnie McCleary, councilmember, Sheffield.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Alfred Thomas, former councilmember, Robertsdale; Billy Hendrix, former mayor, Anderson; Mike McKee, former councilmember, Elba; Mike Miceli, former councilmember, Gulf Shores; Frank Bell Reaves, former mayor, Wadley; Emory Folmar, former mayor, Montgomery; Burnice Evans, former councilmember, Hackleburg; Bill Nunn, former councilmember, Montgomery; Bloise Zeigler, former mayor, Oak Grove; James Cunningham, former councilmember, Riverside; John Aldridge, former councilmember, Tuscumbia; Kenneth Ray, former mayor, Jemison; Jimmy Brown, former councilmember, Gordo. ■

- (4) United States naturalization documents or the number of the certificate of naturalization.
- (5) Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, as amended.
- (6) Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.
- (7) A consular report of birth abroad of a citizen of the United States of America.
- (8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
- (9) A certification of report of birth issued by the United States Department of State.
- (10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
- (11) Final adoption decree showing the person's name and United States birthplace.
- (12) An official United States military record of service showing the applicant's place of birth in the United States.
- (13) An extract from a United States hospital record of birth created at the time of the person's birth indicating the place of birth in the United States.
- (14) AL-verify.
- (15) A valid Uniformed Services Privileges and Identification Card.
- (16) Any other form of identification that the Alabama

Department of Revenue authorizes, through an administrative rule promulgated pursuant to the Alabama Administrative Procedure Act, to be used to demonstrate or confirm a person's United States citizenship, provided that the identification requires proof of lawful presence in the United States as a condition of issuance.

A legible photocopy or a copy in digital or other electronic formats of any of the above forms of identification are acceptable under this section of law.

For anyone not able to demonstrate citizenship by one of the above methods, the law provides that an alien's immigration status must be verified through the US Department of Homeland Security in accordance with 8 USC §1373(c).

Conclusion

Questions remain as to whether or not the stay of this provision in its originally passed form will carry over to the changes passed by the Legislature this session. The League will continue to monitor this and provide information as it becomes available. Because so many questions remain regarding the constitutionality of Alabama's immigration law, the League recommends that you contact your municipal attorney for guidance before taking any action on matters relating to the application of these laws. ■

"We know we're making the right call when we buy Cat® equipment."

When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. "If there's a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical."

Factoring in Life Cycle Costs when purchasing equipment is equally important to Mike. "It's in the county's best long-term interests to consider total costs. When we choose Cat® equipment, we can be confident we're getting a quality machine, backed by a strong company and dealer. We also know that when it's time to cycle it out, there will be value left in that equipment."

www.thompsontractor.com www.govbidspec.com

The National Institute of Governmental Purchasing (NIGP), 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.



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

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

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

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

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

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

Huntsville
3600 Governors Drive
Huntsville, AL 35805
(256) 532-1776

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



© 2010 Caterpillar. CAT, CATERPILLAR, their respective logos, "Caterpillar Yellow" and the "Power Edge" trade dress, as well as corporate and product identity used herein, are trademarks of Caterpillar and may not be used without permission.

Minutes of the General Business Session

Birmingham, May 21, 2012

The General Business Session of the Convention of the Alabama League of Municipalities was called to order at 3:45 p.m., May 21, 2012, by President Thomas Moore of Demopolis, at the Sheraton Birmingham Hotel in Birmingham, Alabama. Mayor Moore thanked everyone for their attendance at the annual business session and for their efforts on behalf of the League during the past year. He also thanked the membership for giving him the opportunity of serving as president during the past year.

The president then called upon Ken Smith, Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Smith expressed his appreciation for the support of the officers, staff and membership during the past year. He stated that the League membership was now at 444 cities and towns and that League finances would be adequate for fiscal year 2012-2013. He also discussed the current legislative session and numerous League services and programs. A copy of his report is attached to these minutes.

The President then called upon Mayor Leon Smith of Oxford to present the report of the Nominating Committee. Mayor Smith said the Nominating Committee had a tough assignment choosing officers for the next year from an abundance of very qualified candidates. He reported the Nominating Committee had met and had recommended the following persons:

President: Mayor David Bradford, Muscle Shoals

Vice President: Mayor Walt Maddox, Tuscaloosa

Executive Director: Ken Smith, Montgomery

Committee on State and Federal

Chairman – Councilmember Sadie Britt, Lincoln

Vice Chairman – Councilmember Donald Myers, Guntersville

Committee on Finance, Administration and Intergovernmental Relations:

Chairman – Councilmember David Hooks, Homewood

Vice Chairman – Councilmember Adam Bourne, Chickasaw

Committee on Energy, Environment and Natural Resources:

Chairman – Mayor Rusty Jessop, Riverside

Vice Chairman – Mayor Omar Neal, Tuskegee

Committee on Community and Economic Relations:

Chairman – Councilmember Newton Cromer, Saraland

Vice Chairman – Councilmember Carolyn Doughty, Gulf Shores

Committee on Transportation, Public Safety and Communication:

Chairman – Mayor Gary Livingston, Eva

Vice Chairman – Councilmember Victor Long, Millbrook

Committee on Human Development:

Chairman – Councilmember Lewis Washington, Wetumpka

Vice Chairman – Mayor LaFaye Dellinger, Smiths Station

EXECUTIVE COMMITTEE

First Congressional District:

Mayor Sam Jones, Mobile

Mayor Tim Kant, Fairhope

Mayor Jamie Tillery, Bay Minette

Mayor Howard Rubenstein, Saraland

Mayor G. Richard Long, Jackson

Second Congressional District:

Councilmember Charles Meeks, Troy

Mayor Fred McNab, Pinckard

Councilmember Mike Renager, Prattville

Councilmember Russell Chandler, Tallassee

Mayor Jay Jaxon, Eufaula

Third Congressional District:

Mayor Todd Strange, Montgomery

Mayor Anna Berry, Heflin

Councilmember Ray Edwards, Valley

Councilmember Mack Arthur Bell, Roanoke

Councilmember Billy Pearson, Lincoln

Fourth Congressional District:

Mayor Phil Segraves, Guin

Mayor Wayne Silas, Winfield

Councilmember Bill Stewart, Gadsden

Mayor Wally Burns, Southside

Councilmember Jimmy Madison, Berry

Fifth Congressional District:

Mayor Melton Potter, Scottsboro

Councilmember Donald Pennington, Littleville

Mayor William R. Marks, Athens

Councilmember Tommy Perry, Priceville

Mayor Tommy Battle, Huntsville

Sixth Congressional District:

Mayor Don Murphy, Pelham

Mayor Tom Henderson, Center Point

Councilmember Harrison Taylor, Tuscaloosa

Councilmember Barbara F. Hyche, Helena

Mayor Dennis Stripling, Brent

Seventh Congressional District:

Councilmember Jesse Matthews, Bessemer
Mayor John Lammers, Carrollton
Councilmember Roberta Jordan, Pine Hill
Mayor George Evans, Selma
Councilmember Don Moore, Uniontown

Ex Officio Members (Active Past Presidents)

Mayor Leon Smith, Oxford
Mayor Ted Jennings, Brewton
Mayor Billy Joe Driver, Clanton
Mayor Carroll L. Watson, Lincoln
Mayor Charles "Sonny" Penhale, Helena
Mayor Melvin Duran, Priceville
Mayor Roy Dobbs, Berry
Mayor Charles Murphy, Robertsdale
Councilmember Thomas Moore, Demopolis

Mayor Smith adoption of the Nominating Committee report. The motion was seconded by Mayor Sheldon Day of Thomasville. Following a request for nominations from the floor and having none, the President called for the vote on the election of all officers and the motion carried unanimously. The President declared all officers elected.

President Moore then called on Mayor Billy Joe Driver of Clanton, Chair of the Alabama Municipal Insurance Corporation (AMIC), to make AMIC's annual report. Mayor Roy Dobbs of Berry, Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report. Mayor Leon Smith of Oxford, President of the Municipal Workers' Compensation Fund, Inc., was then called on for an annual report.

The President then called upon Councilmember Debbie Quinn of Fairhope, Chairman of the Resolutions Committee, for the committee's report. Council Member Quinn reported that the Resolutions Committee had met on Saturday, May 19, and had recommended that the League's *Policies and Goals for 2012* be adopted with the following amendments:

That policy position **H-7.4** be amended to read as follows: H-7.4. That the League urges the state legislature to continue to support all of the programs operated by the State Department of Mental Health. Further, that the private sector and local governments coordinate with the Department of Mental Health to improve vocational training and employment opportunities for those persons with mental health, intellectual disabilities or substance use disorders. (August 2011)

That a new policy position **C-2.2** be adopted to read as follows: C-2.2. That the League strongly recommends



Celebrating 40 years of serving Alabama and the Southeast with Total Petroleum Management.

Lubes • Fuel • Gasoline • Fuelz Fleet Card • Hedging Contracts • Oil Recycling • Used Oil Collection
Equipment • Industrial Services • Engineering • Environmental Services

Contact Us: 888.802.7500 | 205.661.4400 | mcphersonoil.com | fuelzcard.com



to our Congressional delegation that they actively pursue adequate funding for federal economic development programs including those of the Renewal Community Initiative, the U.S. Department of Housing and Urban Development, the USDA Rural Development, U.S. Department of Interior – Land and Water Conservation Fund, Recreational Trails Program, the Delta Regional Authority and the Appalachian Regional Commission.

That the name of the Alabama Development Office be changed throughout the Policies and Goals to the Alabama Department of Commerce to reflect a change in the name of this organization.

Councilmember Quinn moved adoption each policy committee's recommendations, amended as indicated above. FAIR was seconded by Councilmember Don Moore of Uniontown; EENR was seconded by Councilmember James Harris of Wedowee; HD was seconded by Councilmember Joe Lott of Millbrook; CED was seconded by Councilmember Joe Lott of Millbrook. These motions passed unanimously.

Councilmember Quinn moved adoption of the TPSC policies. Mayor Garry Bearden of Weaver moved for a separate vote on these policy statements. Mayor Melvin Duran of Priceville seconded the motion, which passed.

Councilmember Quinn moved adoption of Policy Statement P-3.4. Councilmember Lewis Washington of Wetumpka seconded the motion, which passed unanimously.

Councilmember Quinn moved adoption of Policy Statement P-6.9. Councilmember Lisa Hansen of Dauphin Island seconded the motion. The motion passed. Mayor Garry Bearden asked to have his opposition to this statement recorded in the minutes. The *Policies and Goals for 2012*, as amended, was declared adopted.

Councilmember Quinn then presented the resolutions for adoption. She pointed out that members were given summaries of 53 resolutions recommended by the Resolutions Committee. Councilmember Quinn moved adoption of Resolutions 1 through 45. The motion was seconded by Mayor Morris Fitts of Colony. The motion was adopted.

Councilmember Mike Renegar of Prattville made a motion to substitute Resolution #4, thanking the Governor for his presentation, to thank David Perry, the Governor's Chief of Staff, who spoke on behalf of the Governor, for his presentation. Councilmember Donald Myers of Guntersville seconded the motion, which passed unanimously. Mayor Omar Neal of Tuskegee moved adoption of Resolutions 1 – 45 as amended. The motion was seconded by Mayor Morris Fitts of Colony. The motion was adopted.

Councilmember Mike Renegar of Prattville moved adoption of Resolution No. 46 supporting the Marketplace Fairness Act. The motion, which was seconded by Councilmember Jocelyn

Tubbs-Turner of Marion, passed unanimously. Councilmember Marva Gipson of Aliceville moved adoption of Resolution No. 47, recommending changes to the Fair Campaign Practices Act, Mayor Howard Rubenstein of Saraland seconded the motion. The motion passed unanimously. Councilmember Joe Lott of Millbrook moved adoption of Resolution No. 48, encouraging repealing or clarification of mosquito spraying requirements. Councilmember Mary Stevens of Sheffield seconded the motion. The motion passed unanimously. Councilmember Mike Renegar of Prattville moved adoption of Resolution No. 49, thanking those municipal elected officials who have chosen not to run for re-election for their years of service. Mayor Rena Hudson of Warrior seconded the motion, which passed unanimously. Mayor William Bell of Birmingham moved adoption of Resolution No. 50, recognizing former League President Nina Miglionico for her serve and her election into the Alabama Women's Hall of Fame and the Alabama Lawyer's Hall of Fame during 2012. Mayor Rena Hudson of Warrior seconded the motion, which passed unanimously. Mayor Omar Neal of Tuskegee moved adoption of Resolution No. 51, recognizing Tommy Pow for his years of service and congratulating him on his retirement. Councilmember James Harris of Wedowee seconded the motion, which passed unanimously. Mayor Mike Grayson of Demopolis moved adoption of Resolution No. 52, commending Council Member Thomas Moore for his service as League President during the past year. The motion, which was seconded by Councilmember Jocelyn Tubbs-Turner of Marion, passed unanimously.

Councilmember Kendrick Spurling of Headland moved adoption of Resolution No. 53, memorializing active and former officials who have passed away since the last League convention following the addition of names from the floor. Councilmember James Harris of Wedowee seconded the motion, which passed unanimously.

Mayor William Bell of Birmingham was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: May 18-21, 2013, Montgomery; May 3-6, 2014, Mobile; April 25-28, 2015, Tuscaloosa; May 14-17, 2016, Huntsville; and May 19-22, 2017, Birmingham. Mayor Bell moved adoption of the report, which was seconded by Council Member Steve Jones of Gulf Shores.

There being no further business, the meeting was adjourned.

Ken Smith,
Acting Secretary

EXPO 2012

Birmingham

Birmingham - Jefferson
Convention Complex

May 20 - May 21



Special thanks to the exhibitors below who purchased space at this year's Expo during the League's Annual Convention in Birmingham. We look forward to seeing you next year in Montgomery!

A T & T	Haivision Network Video	S & ME - 2D Stud
Air Evac Lifeteam	Hall Marketing	Safeware, Inc.
Alabama 811	Hancock Bank	Sansom Equipment Company, Inc.
Alagrants	Holiday Designs, Inc.	SealMaster/Birmingham
Allied Waste	Holophane Lighting	Select Medical Systems, Inc.
American Municipal Services	Ingram Equipment	Sentell Engineering, Inc
Applied Industrial Technologies	InLine	ServiceWear Apparel, Inc.
Arrow Disposal Service, Inc.	Insurance Services	SERVPRO Disaster Recovery Team
Badger Meter, Inc.	J. R. Prewitt & Associates	Severn Trent Services
BancorpSouth Equipment Finance	J.A. Dawson & Company, Inc.	Siemens Industry, Inc.
Barge Waggoner Sumner & Cannon, Inc.	Jackson Thornton & Company, P.C.	Southern Playgrounds, Inc.
BB&T Governmental Finance	Jacksonville State University - Center for Economic Development	Southland Trucks
Black Mountain Software, Inc.	Jefcoat Recreation	Southwest Water Company
Caldwell Tanks	Judicial Correction Services	Star Recycling, Inc.
Carr, Riggs & Ingram	Kellum, Wilson & Associates, P.C.	Sunbelt Fire, Inc.
CDG Engineers and Associates, Inc.	Kidz Zone Play Systems	Sweeping Corporation of America
CH2M Hill	Lee Helms Associates	Tank Pro, Inc.
CitiTech Systems	Legal Shield	Taylor Power Systems/Kossen Equipment
Clear Water Solutions	Lincoln Financial Group	The Kelley Group
CodeRED	Local Government Corporation	The McPherson Companies, Inc.
Columbia Southern University	Mauldin & Jenkins	The Public Group
Construction Program Management	Municipal Code Corporation & MCC Advantage	Thompson Tractor Company, Inc.
Converged Networks, Inc.	Musco Sports Lighting	TIOS - The Institute of Sustainability
Croy Engineering	Mutual of Omaha Insurance Company	T-Mobile
Crusher Works	NAFECO	Tuscaloosa Tourism & Sports Commission
CSI Technology Outfitters	National Center for Sports Safety	U.S. Census Bureau
CXT, Inc.	nCourt	Universal Concepts
Dixie Decorations, Inc.	Nexcheck	Utility Service Company, Inc.
DMD Engineers	Official Payments	Veolia Environmental Services
Empire Pipe and Supply	Playscapes of Alabama	Volkert, Inc.
EMS Management & Consultants, Inc.	Polyengineering, Inc.	Warren Averett
Engineered Restorations, Inc.	Providence Service Corporation	Waste Pro of Alabama
ESG Operations, Inc.	Provident	Wells Fargo
Falcon Direct, Inc.	RDS	Whitehead & Associates, Inc.
Garbo Grabber	Redflex Traffic Systems, Inc.	
Garver	Rexel	
Gorrie Regan & Associates		
GovDeals, Inc.		
Grasshopper Company		
Great West Retirement Services		

After the Storm

Dealing with Natural Disasters

Carrie Banks, Communications Director, ALM

During the Tuesday morning general session of the League's annual convention, Mayor Ken Sunseri of Haleyville, Mayor Walt Maddox of Tuscaloosa and Rocky Milliman, ADECA State Disaster Recovery Coordinator, discussed "After the Storm: Dealing with Natural Disasters." Mayors Sunseri and Maddox provided invaluable insight from their experiences following the devastating April 27, 2011 tornadoes and Milliman discussed Alabama's long-term recovery efforts in the affected areas throughout the state.

Their PowerPoint presentations, as well as several ordinances, resolutions and a 200-page sample emergency operations plan, have been posted on the League's webpage at www.alalm.org – just follow the prominent link from the homepage.

Pre-planning is Critical

According to Mayor Sunseri, Haleyville found itself dealing with unanticipated and unique events immediately following the April 27th tornadoes, such as providing support for neighboring Hackleburg, Phil Campbell and East Franklin; transporting supplies along the tornado route; and coordinating the Armed Forces Reserve Center for Alabama Power work crews.

Sunseri stressed that to prepare for an emergency, all municipalities should immediately:

1. Evaluate their assets (buildings, equipment, personnel);
2. Pre-plan emergency requirements with the county EMA; and
3. Identify critical areas such as hospitals, schools, recreational facilities, nursing homes, day care and senior centers, water plants, sewer plants and churches.

In addition, Sunseri said back-up communications (ham radios), emergency ordinances, an operations plan and off-site information technology back-up are crucial following a natural disaster and that if your area is affected to expect loss of communications; damage to structures; gas leaks; loss of traffic signals; store closures; and disruption of utilities, travel, medical care and fuel/food supplies as well

as dependence on emergency supplies and volunteers. Security, shelter, power, drinking water, food, medications and ice are imperative.

Develop a Media Plan

Mayor Maddox stressed the importance of having a media component built into a municipal disaster management plan. He said for about four days following the April 27th tornadoes, Tuscaloosa became the news story of the day, receiving media attention from around the world. And while he only granted about 20 percent of the national media interview requests, he said it is very important to maintain a good relationship with the local media. Maddox told attendees he didn't turn down any interviews from local media and always gave the updated numbers and information to the local media first. "The local media are there and will be with you throughout," he said. "Don't be mesmerized by the national media superstars because they're going to immediately move on to the next story. Your local media, however, isn't going anywhere. And so we made an effort to work very closely with our local outlets."

Maddox also stressed having one media spokesperson and



to offer short, concise answers. “In a disaster, you don’t want multiple people speaking for your city,” he said. “You need one spokesperson who can speak for the entire city.”

FEMA recommends the mayor serve as spokesperson for the municipality and Maddox agrees. “The chief executive officer needs to be the one explaining to the citizens where you are in the process,” he said. “Always remain calm and hopeful during your media interviews. This is not only important for your citizens, it’s

people to fall into,” Maddox said. However, while that was good for humanitarian efforts, it was bad for recovery. Rebuilding was minimal since there was no housing market to build back to.

Tuscaloosa has also had zoning challenges. “Of the 300-plus businesses affected, 111 were built before 1969,” Maddox said. “1972 is a line of demarcation in the city because that’s when we implemented zoning ordinances, and so all 111 businesses,



maybe even more, cannot build back under any circumstances. It’s not just an issue of allowing mobile homes to go back again on property; are you going to allow businesses that are nonconforming to build back? Those are difficult decisions that you’ll face in recovery.”

He also encouraged attendees to determine where the floodways are in their communities and to make sure their mapping is current. “Tuscaloosa should have been remapping more floodways before April 27th,” he said. “A large

important for your staff as well.”

Maddox said a municipality’s media plan should: stay local; be calm and hopeful; be honest and transparent; express your need; be visible; utilize social media; and have one spokesperson. He stressed that social media must be included in the plan because that’s where people will look first, especially when there’s no power.

“It doesn’t matter the size of your city, social media is how people now communicate,” Maddox said. “When the power is out, there’s no television, but cell phones are going to continue to work.” Following the tornadoes on April 27th “every one of Tuscaloosa’s humanitarian aid stations provided chargers for a variety of cell phones as well as wi-fi and laptops – people could come in and register at FEMA.gov for their benefits. People knew what was going on by their Twitter and Facebook accounts. In fact, in Tuscaloosa, we took tweets and bounced them off electronic billboards to amplify the affect.”

Be Prepared for Unique Challenges

Maddox went on to say that every recovery will be different and have unique challenges. Following the April 27th tornadoes, 61 percent of the impacted homes in Tuscaloosa were rentals with a median household income of less than \$28,000. “We were very blessed in Tuscaloosa because, of the 7,000 people who were displaced, there was enough available housing in the city for the

floodway bisects the tornado path in Tuscaloosa, and we now have dozens of businesses and homes that are waiting for FEMA to approve the new floodway map revisions so they can build back.”

In closing, Maddox reminded attendees that there is minimal funding from the state and federal government to help during recovery and that if you face a disaster, the rebuilding is going to be mostly on your own. “In Joplin, Missouri, they’ve been blessed that the state has been able to provide them with tens of millions of dollars to go towards their recovery,” Maddox said. “Their state government right now is in pretty good shape and the City of Joplin was the only city affected.” However, with more than 40 Alabama counties presidentially declared as disasters following the April 27, 2011 tornado outbreak, Governor Bentley didn’t have that luxury.

Maddox also stressed significant shortfalls in federal aid. “Only \$400 million was appropriated in 2011 to go *nation-wide* to all the cities that were presidentially-declared disasters,” he said. “The state of Alabama got \$55 million. Juxtapose that with the state of Mississippi, which received \$5.4 *billion* after Katrina for recovery. The damage on April 27th in Alabama was substantially worse than the damage in Mississippi during Katrina. The city of Tuscaloosa has \$200 million in unmet needs and we received \$16.6 million. It will, indeed, continue to be a significant challenge.” ■

Distinguished Service Awards

40 Year Service Award

Each year during its Annual Convention, the League presents Distinguished Service Awards to mayors, councilmembers, municipal clerks, municipal administrative assistants, city managers, city administrators, municipal attorneys and municipal judges who have completed 20, 30 and 40 years of service in municipal government. A total of 42 awards were announced during the President's Banquet on May 21st in Birmingham. Pictured on the next few pages are the recipients of the 2012 Distinguished Service Awards.



Billy Joe Driver, Mayor, Clanton



John R. Phillips, Municipal Attorney, Oxford



Alice Vandiver, Municipal Clerk, Littleville

30 Year Service Award



Rena Hudson, Mayor, Warrior



Jane Phillips, Mayor, Attalla

2012 Distinguished Service Awards

30 Year Service Award



David Proctor, Councilmember, Lineville



Ricky Williams, Municipal Clerk, Muscle Shoals

30 Year Service Award



Peggy Wright, Municipal Clerk, Collinsville

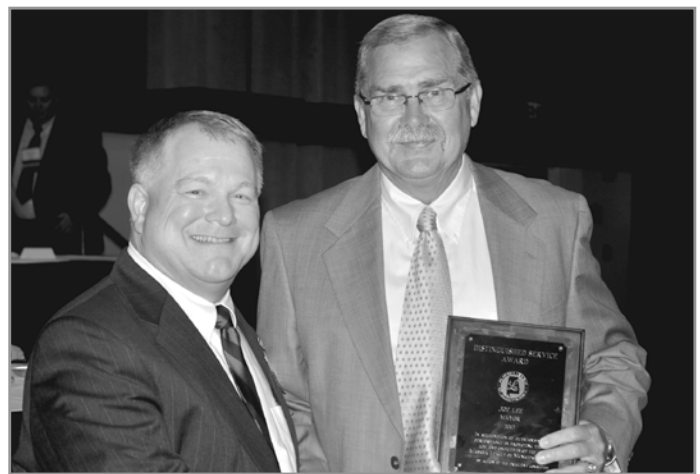
20 Year Service Award



Terry John Calhoun, Mayor, Rainbow City



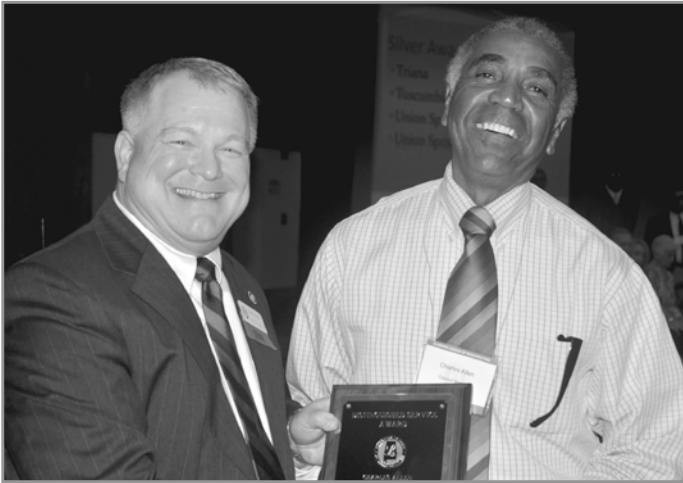
Sheldon Day, Mayor, Thomasville



Joe Lee, Mayor, Moody

2012 Distinguished Service Awards

20 Year Service Award



Charles Allen, Councilmember, Thomasville



Bill Baker, Councilmember, Piedmont



Daniel Brown, Councilmember, Phil Campbell



Jimmy Gill, Councilmember, Athens



Ted Hazen, Councilmember, Chatom



James Holland, Councilmember, Muscle Shoals

2012 Distinguished Service Awards

20 Year Service Award



John Lawrence, Councilmember, Piedmont



Don Moore, Councilmember, Uniontown



Thomas Moore, Councilmember, Demopolis



Wayne Sellers, Councilmember, Guntersville



Charles Weed, Councilmember, Pinckard



Alex Smith, Municipal Attorney, Oneonta

2012 Distinguished Service Awards

20 Year Service Award



Deborah Ballard, Municipal Clerk, Thomasville



Toni McKelvey, Municipal Clerk, Monroeville



Barbara Wester, Municipal Clerk, Rainbow City



Elaine Coan, Assistant Clerk, Muscle Shoals



Janet Stephens, Administrative Assistant, Oxford

20 Year Service Award Recipients not pictured:

*Councilmember Rebecca Boddie, Ashland
Councilmember Bill Bledsoe, Butler
Councilmember John Rollins, Jasper
Councilmember Allen Noles, Muscle Shoals
Councilmember Hal Buckelew, Oneonta
Councilmember Chuck Smith, Ranburne
Councilmember Thomas Crossley, Louisville
Councilmember Jimmy Greene, Louisville
Councilmember Johnny Clark, Louisville
Municipal Clerk Alan Atkinson, Anniston
Municipal Clerk Sheila Burns, Hokes Bluff
Municipal Judge Robert Beck, Collinsville
Municipal Judge William B. Matthews, Jr., Midland City
Municipal Judge Bill Marthalar, Muscle Shoals*

Gadsden, was elected Vice Chair of the Finance, Administration, and Intergovernmental Relations (FAIR) Policy and Advocacy Committee.

Numerous other Alabama officials represent us well on NLC steering committees and policy committees, and the NLC Small Cities Council. I ask that all Alabama officials who serve on NLC boards and committees to stand and be recognized.

Membership

Theresa Lloyd, our Member Services Director, has done an excellent job preparing for this year's convention as the Convention Coordinator. Krystle Bell, Cindy Price, Twanna Walton and Sonya McCarley work in that department and have provided valuable assistance. In fact, the Member Services department has actually conducted registration for three conventions during this year, after we had to postpone the convention from the original dates last year.

Member Services has also had a busy year, increasing the number of e-mail blasts from our office and adding additional recipients to the list, increasing the number of surveys we conduct and restructuring the Monday luncheon at our convention, including the addition of sponsorship tables during the event.

We have retained all but four of our members from last year, and added one who was not a member last year, giving us just a net loss of three members. In this day of tough economic decisions, the fact that so many of our members elect to remain as members of the League is both a testament to the hard work of the Member Service department and the staff as a whole. We are grateful for the trust you place in us. Those who are not returning as members made the decision based on financial factors and we look forward to having them rejoin us when they are able.

The League's membership now stands at 444 municipalities out of the 461 in the state representing over 99% of Alabama's urban population. Although the number of participating municipalities is very high, we believe there are other small communities in our state that could benefit from League membership. I'd like to encourage officials in League member cities and towns to urge their neighbors who are non-members to join the League.

Finances, Property and Equipment

The League's finances for the current 2012-2013 budget year are expected to be sufficient to meet the Executive Committee's budget that was adopted last July. League Finance Director Steve Martin and his staff composed of Faith Ann Gunn and Rachel Wagner have kept us on a strong financial footing.

The current international economic downturn has affected most organizations, of course, and the League is no exception. Fortunately, thanks to the leadership of former Executive Director Perry Roquemore and the excellent work by the Executive Committee, drastic cuts were not necessary. Although the League remains economically strong, anticipating that interest rates will remain low and recognizing that there were ways to lower our expenses, following the convention last year, I asked the League staff to join me in finding ways to reduce our spending. I am proud of the way your staff responded to this challenge by developing innovative solutions to problems, and reducing our expenses.

We started the year by negotiating a new contract on our copiers and managed to save money while at the same time replacing outdated equipment with new equipment. We located a new printing company for our paper publications and eliminated two traditionally smaller issues of the *Alabama Municipal Journal*, going to 10 rather than 12 issues each year, using our web site, www.alalm.org, e-mail and three new electronic publications to keep our members informed and up-to-date. These actions help reduce our publication and mailing costs. Every League department – Communications, Member Services, Legal, IT, Legislative, Loss Control and Finance – has found ways to reduce costs in their area. In the upcoming year, we will continue this process. By making small adjustments across the board, we become better stewards of the money you entrust to us.

League Services

I want to make it clear, though, that our services will not suffer. As a service organization, our top priority has always been, and will remain, assisting our members. We have not had to reduce our staff, or the hours we are available. What we have tried to do is find more efficient ways to provide those services our members need. For example, by moving to electronic publications, we are able to communicate with members even faster than we have in the past. Another example is our e-mail blast system, which lets us send important information to our members almost as quickly as we receive it.

In addition to the functions that most of our members are familiar with, such as lobbying and daily assistance we provide through legal assistance, information, advice and training, the League also has several programs in place to help our members save money. These include the Municipal Workers Compensation Fund for workers compensation insurance, led by Operations Manager Steve Martin, and the Alabama Municipal Insurance Corporation for liability and property insurance led by Steve Wells, and his excellent staff. AMIC and MWCF jointly have an excellent loss control team, many of whom have been

here in Birmingham at the booth in the Expo Hall. The loss control team and the rest of the AMIC staff and MWCF staff work very hard to make sure your city has the best liability and property coverage and service available.

The Alabama Municipal Funding Authority, or AMFund, is available for your financing needs. Greg Cochran serves as President of this company. AMFund has adapted to the market changes since its creation in 2006 by creating new programs that allow us to partner with the banking community to offer private placement financing for general obligation and revenue projects, along with debt refinancing. So, even in this downturn in the bond market, AMFund has adapted its program to meet the needs of our members, offering competitive rates, low cost and timely issuance and flexible use.

Two other League-operated services are the Municipal Revenue Service program for collecting delinquent insurance license taxes, and our computer software programs – the *ALM Library* and *MunicipaLaw on Disc*.

The League continues to endorse a number of outside programs to benefit our members such as the Cable Television Franchise Management Service, the Model City Ordinance Review Program, the U.S. Communities purchasing program, and CGI Streaming Video program.

If you need any of these services, I recommend you contact the League or the endorsed providers. Most of them had displays in our trade show. Information on these programs can also be found on the League website. During the coming year, the League officers and staff will continue to look at new and innovative programs to assist our member municipalities.

Let me encourage all municipal officials to drop by your League Headquarters building and visit with us anytime you are in Montgomery.

Legislative Programs

The 2012 Regular Session ended last Wednesday night, May 16. As always, Greg Cochran and the legal staff have done a fantastic job of lobbying for our members. This year, Greg worked with Carrie Banks and Karl Franklin in the Communications Department to develop a new electronic publication, *the Statehouse Advocate*, which is sent each Monday during the session to inform our members about anticipated developments each week of the session. If you are not already receiving the League's electronic publications, This Week from the League, the Legislative Bulletin, which was also reformatted this year, and the Statehouse Advocate, I hope you will sign up for them. It is absolutely crucial that you stay informed, and these publications will help you do just that.

The Legislative Department also hosted a luncheon for

municipal lobbyists each week during the session. These lunches enabled the lobbyists to share information and work together to pass and defeat legislation. The League managed to obtain passage of two bills in our legislative package this session:

- Senate Bill 297 validates against procedural challenges all municipal incorporations that have occurred prior to the effective date of the Act. This bill is enacted as Act No. 2012-375; and
- Senate Bill 236. Although this bill was not part of the League's legislative package, we were able to amend it to include one of our legislative goals: limiting the time a county engineer has to approve municipal subdivisions. This Bill is now Act 2012-297.

Two other League bills -- one clarifying the procedure to fill vacancies in Class 7 and 8 municipalities with populations over 12,000, and another establishing a procedure to cancel council meetings when a quorum will be unavailable – died on the House special order calendar the final day.

Although we only had two bills in the League legislative package pass, this session still has to be considered a success. The League actively fought several bills that died during the session, all of which either failed to pass or were amended to include language that the League wanted, including a court costs bill that originally did not provide any funding to municipalities. Through our efforts, municipalities are now projected to receive approximately \$8 million from the court fees and \$5 million from the bail bonds annually.

It's always great to be able to appear before you after a session and report that no major dangerous legislation passed.

If we had not been successful, we could have laws that:

- Prohibited municipalities from restricting the sale or use of certain fireworks within the corporate limits;
- Created a presumption that certain illnesses should be considered on-the-job injuries, and requiring the payment of extra benefits if the municipality could not prove otherwise;
- Prohibited municipalities from collecting commercial solid waste;
- Allowing the possession of firearms on public property;
- Establishing a commission to examine streamlining state and local taxation;
- To require that municipal property be purchased or sold for no more than the appraised value;

- To prohibit the use of red light cameras; and
- To exempt items used in the maintenance, conversion or reconfiguration of aircraft from sales and use taxation.

At some point during the session, each of these measures had strong support for passage. I want to commend our League lobbying team and the many, many municipal officials and employees who helped us analyze legislation and voice their concern to their legislators. It was only because of the efforts of our lobbyists, the support of the leadership in both houses and the contacts our members made with their legislators that we were able to defeat these negative bills. Thank goodness those bills did not pass.

As everyone here knows, the state continues to face a severe financial crisis. State legislators and officials will continue to look for ways to raise revenue, and often they will look to local governments to help them make up any shortfalls in the state budgets.

We saw a number of bills introduced this session that reduced municipal powers and eliminated or reduced certain municipal taxes. We are seeing more legislation requiring municipalities to collect funds on behalf of the state, often without any reimbursement for performing this service. We cannot let this happen. If you want to keep these bad bills from passing, you

must remain alert to rapid developments in Montgomery and contact your legislators to make your feelings known. Your League staff cannot be effective without your help. A full report on the 2012 Regular Session will be posted on the League's website soon.

Technology

Since the last convention, the League IT department, led by Monty Pageot and his staff of Chuck Stephenson and Ken Gabehart, have continued to put in the time and effort necessary to insure that our data is completely and accurately backed up at multiple sites and is secure. They installed a 6 Terabyte onsite backup system, upgraded our phone system, enhanced the security on our wireless infrastructure, and have tested and implemented cloud drives for certain functions. They migrated our remote access from one system to another to help cut costs.

In April, our IT department hosted the Southern Municipal Conference Information Technology. IT directors from Leagues across the United States met to discuss issues facing our organizations. This seminar was very well attended and very successful.

Last fall, Chuck discussed disaster recovery at our Certified Municipal Official program. And Ken also

Accounting & Utility Billing Software That Alabama Cities Can Count On

Accounting, Utility Billing, Cash Receipting, Accounts Receivable, Payroll, Budget Prep, Service Orders, and many more modules to meet your specific needs.

Plus friendly, knowledgeable customer support staff.



Proudly Serving Cities & Towns Across the USA From Offices In Polson & Helena, Montana



blackmountainsoftware.com



Call To Arrange An Online Demo Today!

800-353-8829

serves as our videographer, filming events and editing the resulting footage.

CMO Program

Our Education Program for the Elected Municipal Official, which gives every elected municipal official in Alabama the opportunity to obtain the designation of Certified Municipal Officer (CMO), is completing 17 years.

Cindy Price has her hands full, but does an outstanding job administering the CMO program, while also planning and managing the expo hall for us during the convention.

Since the program began, we have had 3,441 officials participate in the program. As of last week, 992 officials have obtained the required 40 credit hours of training for Basic CMO certification and 458 officials have earned their Advanced CMO designation. At this Convention additional officials will earn credit hours toward their Basic and Advanced CMOs. The names of the 2012 graduates to date will be shown on the screen during tonight's banquet. Additional officials will join them at a graduation ceremony in Montgomery this summer.

The League staff has prepared a number of DVD's of recent CMO training sessions we have available for order. Some of these sessions qualify for CMO credit, others are given just for informational purposes. This provides a way for officials who are unable to travel to one of the regional sites to obtain training. A full list of available subjects is available on the League website.

Communications

The *Alabama Municipal Journal* continues to be one of the country's best municipal publications. Communications Director Carrie Banks and Graphic Designer/Webmaster, Karl Franklin, work hard with all League departments to make improvements to all our publications, and keep members up-to-date. They are also responsible for our web site, which was completely redesigned last year and continues to grow and improve.

I hope all of you take the time to visit our website regularly. It is, we hope, very user friendly and easy to navigate. If you haven't seen it, go to www.alalm.org for a peek.

The Communications Department has also worked with the Municipal Workers Compensation Fund to develop a new marketing push, worked with AMFund to congratulate new municipal borrowers, assisted Loss Control in developing a strategic plan, and worked with Ken Gabehart in the IT department on videos such as *Monsters in the Sky*, a portion of which you will see during the general session tomorrow, and the *Quality of Life Video* you saw during the Opening Session.

Legal Services

This past year, the Legal Department functioned for 10 months with only two attorneys, League General Counsel Lori

Lein, and Deputy General Counsel Tracy Roberts. During that time, they continued to provide top notch legal assistance to our members, fielding over 7,000 of your inquiries. Because we are entering a summer in which municipal elections will be held, this number will increase substantially. In fact, based on numbers from prior election years, the number of legal questions our office receives is likely to climb to more than 12,000.

Thus, when we made the decision to hire a new attorney, we thought it extremely important to try to find someone with previous election experience. Fortunately, we were able to hire Rob Johnston. Rob comes to us after serving five years as the elections attorney for the Alabama Secretary of State, which provides us with immediate assistance in answering the many, many legal question we are now receiving that relate to the municipal election. I hope you will join me in welcoming him to the League staff.

In addition to answering your legal questions, the legal staff took the lead in putting together an immigration working group to study Alabama's new immigration law and develop best practices for compliance with the law, worked with other groups to help interpret and implement this law, held two training sessions for municipal attorneys, prosecutors and judges, updated the elections manual for the 2012 Elections, conducted numerous training sessions for municipal employees and officials, introduced a "frequently asked questions" section to the *Journal* and participated in several amicus briefs before our appellate courts. The legal staff and I will also soon begin updating the *Selected Readings for the Elected Municipal Official*, which will be available by November.

League Staff

Extremely competent League employees are assigned to work in one or more of the followings areas or departments – Legal, Finance, Legislative, Communications, Member Services, IT and Insurance. This staff provides excellent service to our members on a daily basis. I have been blessed with an outstanding staff at the League. They truly make the Executive Director's job much easier. Our accomplishments would not have been possible without their leadership and assistance. Most of our staff members are at the convention. I would like for those in attendance at this business session to stand and be recognized for their hard work. If there are any of them that you haven't met, I hope you will use the opportunity presented by this convention to introduce yourself.

Please join me in thanking the League staff for a job well done.

Looking Ahead

Lastly, I'd like for you to take a moment to look around the room. Look at the faces of the people who are here. Some you

know, others you don't. Take in the number of people you see. And realize that this represents only a small number of municipal officials throughout the State of Alabama.

Most of our cities and towns will hold elections in August and October and new administrations will assume office on the first Monday in November. We will lose many dedicated officials who make the difficult decision not to run for re-election. Hopefully, the voters will elect new officials to replace this great loss of experience and know-how. For those of you who have decided not to seek re-election, we thank you for your years of service to this League and to Alabama municipal government and wish you the best in the future. Would all of those persons who have decided to not seek reelection this year please stand so that we can thank you for your service?

For those who are re-elected and for the new municipal officials, the next year will be full of challenges for municipalities. We will have to find ways to deal with rising fuel costs, rising health care and pension costs, and the threat of legislation to eliminate or restrict municipal power to control our own affairs. The League will work hard to improve all of our services and develop new services to meet the challenges facing our cities and towns.

Our League continues to be one of the most successful in the country. The reason is simple – the untiring efforts of our membership. Your President and Vice President have done a super job on your behalf. Your past presidents continue to offer needed advice as we move forward. The staff does a great job implementing the desires of our leadership.

In the end, though, it isn't about the work the staff does. It isn't about the Executive Director. It isn't even about the outstanding leadership of your President and Vice President.

In the end, the success of the League boils down to its membership.

I think it's easy to think of the League of Municipalities only in terms of a building located in Montgomery. It's easy to think of the League as the people who work there, the ones who represent you and answer your questions. It's easy to think of the League as the services we provide.

But I think it is more important to remember that you are the Alabama League of Municipalities. You are the engine that drives our office and the work that we do. Without each of you, there is no League of Municipalities. We serve as your unified voice and we rely on your input to help us find that voice.

We succeed as a team and we fail as a team. And the League is only successful if our members participate and join in the League. Our ability to serve our membership depends on the participation and involvement of our members. I urge each of you to become involved with us in serving the interests of municipalities throughout the state.

Together, we are the Alabama League of Municipalities. Thank you for everything you do.

And thank you for the opportunity to serve as your Executive Director. ■

ALM Honors Tommy Pow for Outstanding Service to Municipalities

WHEREAS, Tommy Pow, Program Manager for the University of Alabama's College of Continuing Education, retired on November 30, 2011 after 26 years of outstanding and commendable service to the municipal clerks and revenue officers of this state; and

WHEREAS, Tommy began his career with the University of Alabama in 1985 and worked closely with the Alabama League of Municipalities to educate municipal clerks and revenue officers for 26 years; and

WHEREAS, Tommy was a respected and loyal advocate of municipal interests; and

WHEREAS, Tommy was an invaluable resource to municipal clerks and revenue officers; and

WHEREAS, Tommy has been a champion of municipal government by working diligently and effectively to educate valuable municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 21st day of May 2012, that we do hereby commend Tommy Pow for 26 years of outstanding service to the Alabama League of Municipalities and for his dedication to Alabama's municipal clerks and revenue officers.

BE IT FURTHER RESOLVED that we congratulate him on his well-earned retirement and extend our best wishes to Tommy and his family for continued success and happiness in the years to come. ■





**Apparatus
Repair**

**Parts
Department**

**SCBA
Services**

**Rescue Tool
Services**

**Compressor
Services**

KME Fire Apparatus Sales & Service >

Recent Delivery

Custom Pumper

Predator MFD cab

Harrison 8 KW
Hydraulic Generator

Waterous Pump
1250 GPM



MaxxForce 13
475 HP Engine



500 Gallons Water/
50 Gallons Foam

EMS Compartment
Locked External & Internal Access

Wide Hose Bed
Configuration

Command Light Knight-2
KL-465 light tower



SCBA Storage
For 9 Bottles



©2012 On-Fire Marketing F061012_ALA020_KME030_FM

Follow Us



NAFECO

800-628-6233
256-353-7100

info@nafeco.com
www.nafeco.com



NAFECOcard
Gift Card Available
Learn More

Convention 2012 • Birmingham, AL • May 19 - 22



Congratulations to the Town of Grant for choosing AMFund to refinance their Town Hall.



The AMFund program is designed to assist municipalities with acquiring competitive, fixed rate financing for road, water and brick and mortar infrastructure, capital improvement projects, equipment leasing and debt refinancing.

Visit www.amfund.com to view our application or contact us to learn more about how AMFund can be of assistance to your municipality.

Gregory D. Cochran CAE
President, AMFund
(334) 386-8130 Direct
(334) 546-9092 Cell
gregc@alalm.org

Mayor Larry Walker and Town Clerk Carolyn May.

AMFund is administered by the Alabama League of Municipalities.

www.amfund.com

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.**

Alabama League of Municipalities
PO Box 1270
Montgomery, AL 36102

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

Insuring the Future of Local Government



Steve Wells,
President
334-386-3863

Jim Chamblee,
Sales Manager
866-239-AMIC (2642)

www.amicentral.org

Rated B++ by A.M. Best

Is *YOUR* Future Covered?