

The Alabama Municipal JOURNAL

March 2013

Volume 70, Number 8



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On the Cover:

The League salutes Alabama's municipal clerks for their tireless efforts to ensure our cities and towns operate at the highest levels. Their dedication and problem solving skills are proof that not all super heroes wear capes and scale tall buildings to save the day ... although we've no doubt they would if it was necessary. Thank you!

Cover Illustration by Karl Franklin

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A Message from the Editor



Last month, the League mailed a CD of the revised *Municipal Clerks Manual* to every city and town in Alabama. Originally written several decades ago, this manual is revised every four years immediately following elections to answer many of the questions the League receives concerning the duties and responsibilities of clerks working for municipalities operating under the mayor-council form of government. It's designed to be a quick reference when time is not available for extensive research.

So ... just how important is the municipal clerk? Well, in one of the first textbooks on municipal administration (1934), Professor William Bennett Munro, a renowned political scientist, stated: "No other office in municipal service has so many contacts. It serves the mayor, the city council, the city manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

The fact that the League found it necessary, beginning many years ago, to write a manual on the role of the clerk further supports the critical nature of this position. And, really, it should go without saying that, regardless of a municipality's size, the municipal clerk is absolutely vital. Therefore, in deference to the many hats worn by the clerk; the many hours worked on behalf of the municipality and its citizens; the records kept, meetings attended, elections held, problems researched and financial sleuthing measures taken to ensure a healthy community, the League dedicates this issue of *The Alabama Municipal Journal* to our state's municipal clerks. We thank you for your outstanding service, your dedication, your professional integrity and for embracing your cities and towns in a way very few people truly understand.

NLC Congressional City Conference, March 9-13, Washington D.C.

The Congressional City Conference is an annual legislative forum that brings together more than 2,000 elected and appointed city leaders to focus on the federal policy issues important to local governments. In addition to providing opportunities to learn about innovative practices implemented at the local level, the conference connects city leaders from across the country with the National League of Cities (NLC) – the organization that members of Congress, the White House and federal agencies look to for solutions to addressing the nation's economic challenges. Visit www.nlc.org for more information. In addition, **the League will host the Alabama Caucus on Sunday, March 10, from 5:30 to 6:30 p.m. in Washington Room 4 of the Marriott Washington Wardman Park Hotel and the breakfast with Alabama's senators is scheduled for Wednesday, March 13 at 8:00 a.m. in Maryland A,B,C of the Marriott Washington Wardman Park Hotel.** You will need to register for the breakfast and should have received a mailer from the League with the necessary information. If you have questions, please contact Theresa Lloyd at 334-262-2566.

2013 Annual Convention/Expo, Flag Showcase and CMO Mini Boot Camp

The League's 2013 Annual Convention and Expo will be held in downtown Montgomery May 18-21. Online registration is now available – simply click on the prominent link from our home page at www.alalm.org. You may also download a convention Quick Guide from the website. Municipalities interested in participating in the Annual Flag Showcase should read the information on page 24. Also, new this year, the League will be offering a special CMO Mini Boot Camp on Tuesday afternoon immediately following Convention.

This program requires a separate registration and an additional fee. See page 23 for details.



Carrie

The President's Report

Mayor David Bradford • Muscle Shoals



Have you thanked your municipal clerk lately?

As Mayor of the City of Muscle Shoals, and a former employee and department head with the City, I understand the importance of having a municipal clerk who is trained, educated and experienced in municipal operations.

The clerk's range of duties is broad and diverse. Generally, clerks in smaller cities and towns may have additional job duties such as magistrate or utilities clerk. In many municipalities, the clerk also performs the financial responsibilities of the city treasurer – a critical function usually carried out by a finance director in larger cities. It seems that most of what happens in local government is impacted by the municipal clerk and his or her staff. Everything from budgets to elections to maintaining public records or paying the bills is under the control of the clerk. The Clerk's Office is often the first point of contact for many citizens and is, therefore, the "face of our city." Municipal clerks must be able to deal with people because, surprisingly enough, not everyone comes to City Hall to thank us or our employees for their public service.

In addition, the clerk must constantly be aware of new requirements placed on the city by federal regulations, the state legislature and local ordinances and resolutions. For example, these requirements include elections laws, Open Meetings Act, Competitive Bid Law, laws governing the proper expenditure of public funds, Wage & Hour Law – just to name a few.

Regardless of city size, the knowledge and expertise required to successfully perform the duties of municipal clerk are extensive. Therefore, it is vital that your clerk – and his or her staff – receive the necessary training and updates offered not only through the Alabama League of Municipalities but through the Certified Municipal Clerk Institute (CMC), Master Municipal Clerk Academy (MMCA) and annual Municipal Management Training Institute for City Clerks and Administrators.

These programs are especially designed to offer solutions to common problems and help municipal clerks extend their critical professional capacities at all levels of government. The Municipal Management Training, planned by the University of Alabama's College of Continuing Studies and the Education Committee of the Alabama Association of Municipal Clerks and Administrators (AAMCA), are offered twice per year in Tuscaloosa, and the College of Continuing Studies also hosts

a yearly fall conference. Authorities in municipal government and management are recruited to provide municipal clerks and administrators with an overview of important issues and concerns facing them both professionally and personally. In addition, the programs are designed to fulfill the requirements of the International Institute of Municipal Clerks (IIMC) by providing high quality education relevant to the professional development of municipal clerks. (For additional information, visit www.training.ua.edu//municipal-clerks/). Scholarships to attend these training sessions are available on a limited basis (see page 20).

It is, and has always been, important for the mayor and clerk to work closely together and communicate with each other in the day-to-day operations of the municipality. The clerk also has to be able to prepare information and agenda items and communicate effectively with councilmembers. When our municipal clerks are well trained and made an integral part of our teams, we as mayors and councilmembers have one more critical resource we can use to grow our communities and provide the best services to our citizens.

The Muscle Shoals City Council and I appreciate all our employees; however, the city clerk's position is absolutely critical. I consider City Clerk Ricky Williams an important part of our City's team. During Ricky's 33 years of service to Muscle Shoals, he has always demonstrated honesty, integrity and professionalism in the performance of his duties and dealing with the public.

As President of the Alabama League of Municipalities this year, I extend a sincere and heartfelt *thank you* to our municipal clerks who strive daily to make our communities a better place to live and work. I know you are invaluable professionals who endeavor to receive the training necessary to educate yourselves for the good of our cities and towns. I commend you for your service and I ask that you continue to work closely with your mayors and councils.

To my elected colleagues, I encourage you to use your clerk's knowledge of municipal government and to fully support his or her continued training, development and professional certifications. When we work together for the betterment of our communities, we all win. ■



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- Danny B., Defendant
Marshall County, Alabama

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- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Ken Smith • Executive Director



Duties of the Mayor and Council: An Overview

Each election year, hundreds of new mayors and councilmembers take office in municipalities across Alabama. For many of these officials, this marks the first time they have served in any elected position. It is vital that these officials understand the important roles they each have in the proper functioning of a municipal government. Otherwise, the city may begin to falter, or even to cease functioning.

Alabama law creates numerous “gray areas” where the duties of the mayor and councilmember are unclear. While this may seem confusing, this actually makes sense and serves to benefit our municipalities. This allows each municipality to decide the best local approach to achieve success in these “gray areas.” What works in Decatur may not work as well in Flomaton. Thus, these areas of uncertainty represent recognition by the legislature that municipal officials are in the best position to resolve any disputes in these areas.

A full discussion of these gray areas is beyond the scope of this brief overview. For more information, please read the article “Duties of the Mayor and Council” in the League publication *Selected Readings for the Municipal Official*.

However, not all areas of municipal operation are unclear. Certain specific functions are assigned to the mayor, while others are assigned to the council. In these areas, Alabama law prohibits one official performing duties assigned to the other.

Mayors in all municipalities are assigned the responsibility of managing the daily functions of the municipality. Only the mayor (or the mayor pro tempore or president of the council in the case of the mayor’s absence and immediate action is necessary) can perform these duties. Thus, the mayor serves as the Chief Executive Officer of the municipality.

It is impossible to specifically state all the situations where the mayor has the power to act because this is different in each municipality. Generally speaking, the mayor oversees municipal employees, makes sure that bills are paid on time, executes municipal contracts and, in general, performs many of the same functions as a CEO of a private corporation.

The Alabama Code assigns the mayor the “general supervision and control of all other officers and the affairs of the city or town”, except as otherwise provided by law. Perhaps the most common place where councilmembers overstep their authority is when they attempt to supervise municipal employees.

The statute quoted above makes it clear that the mayor has the sole power to supervise employees. Individual councilmembers have no authority to give orders to municipal employees. While the council has the authority to establish policies governing employees, even the council acting as a body cannot give daily orders to employees. The mayor alone has this power. In most municipalities, when individual councilmembers need something from employees, they ask the mayor to obtain this information for them. This process works well and is consistent with Alabama law.

In addressing this potential area of conflict, the Attorney General has stated that:

- The council cannot by motion, resolution or ordinance require the mayor to give written work orders whenever he instructs a city employee to perform a task nor may the council require employees and department heads to answer directly to the council for their actions and to receive their instructions at least in part directly from the council. The council may not assume direct control over the police department, the maintenance department or the inspection department. Hon. A.J. Cooper, May 6, 1977.

- The council cannot adopt an ordinance authorizing standing committees to direct and supervise the work of departments assigned to their study and observation. Hon. Norman Plunkett, June 22, 1977.

The council serves as the legislative branch of municipal government. The Alabama Code provides that “[a]ll legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officers by law or ordinance.” The authority given to the mayor to control the daily functions of employees is an instance where the power has been conferred by law.

As with the mayor, it is impossible to list all the functions of the council because these vary by municipality. Officials must understand that individual council members, acting alone, have no greater power or authority than any other citizen of the municipality. The council can only act as a body at a legally convened meeting.

However, Alabama law specifically gives the council the authority to:

- Elect a city clerk and treasurer.
- Provide for a tax assessor/collector, police chief and fire chief.
- Set salaries of municipal employees and officers.
- Regulate the use of streets by utilities and others (franchises).
- May “require the mayor to act as superintendent” of any municipal-owned utilities; must compensate the mayor.
- Control of the finances and all property.

The mayor also has a role in the functioning of the council. The responsibilities, though, vary depending on the size of the city or town. In municipalities with populations under 12,000, the mayor has the following responsibilities and limitations:

- Mayor presides over Council
- Mayor may vote
- Mayor has no veto power

In cities with populations over 12,000:

- Council President Presides over Council
- Mayor may veto
- Council may override a mayoral veto

Other than participating as a councilmember in municipalities under 12,000 in population, the mayor may not interfere in the roles assigned to the council. For instance, the Attorney General has ruled that:

A mayor does not have the authority to assign duties to councilmen. Randy H. Beard, November 6, 1969.

Municipal officials must take the time to understand their roles, powers *and limitations* in order for the municipal government to function smoothly and responsibly. The most immediate effects where officials fail to do so is confusion and uncertainty among employees and mismanagement of government.

Beyond the impact on the government itself are the problems conflicts may create for the local officials themselves. Under Alabama law, if an official acts *ultra vires*, or beyond the scope of his or her authority, the official may be individually liable for any resulting damages. In other words, the official may have to pay the damages out of his or her own pocket. In these instances, the municipality may not pay the damages for the official.

If the act is serious enough, there could even be criminal liability or the official may be removed from office.

To summarize the key points of this article, municipal officials must take the time to learn the roles, responsibilities and limitations of the offices in which they now serve. Although there are areas where the mayor and council must find common ground, some functions are assigned only to the mayor, while others are assigned only to the council.

Acting beyond the scope of the official’s duties is dangerous both for the municipality and for the official as an individual. The official may find himself or herself having to pay damages to someone who has been harmed by the official’s action, or may even be subject to criminal penalties or removal from office.

As always, the Alabama League of Municipalities is available to assist officials when questions regarding their powers arise.

We hope that you will take advantage of the opportunity to allow us to serve you and we look forward to helping you make your municipality grow and move forward under your fine representation. ■



The Legal Viewpoint

By Lori Lein
General Counsel



Keeping the Journal

Municipal clerks wear many hats under Alabama law. While a literal reading of the duties imposed upon the clerk by statutes and ordinances does not identify the office as the local intelligence center – or that the clerk is relied upon by the municipality’s governing body and employees, as well as the people of the community, for accurate information concerning the welfare of the city or town – truth be told, municipal clerks are an invaluable municipal asset. They have certainly been an important municipal government resource for us at the League over the years!

One of the key functions of the Clerk is the keeping of the journal. Hopefully, this article will inform not only clerks, but all elected officials, of the vital importance of keeping an accurate journal of the proceedings of the municipal governing body. In addition, a governing body frequently must follow statutory procedure to effectively accomplish certain acts. Each member of the governing body must realize the importance of keeping the journal and never neglect this duty just because it seems routine. While the greatest responsibility for the minutes rests with the clerk, each member of the governing body has a duty to see that meetings are held regularly and that procedural requirements are met. The following cases demonstrate the importance of this function:

- The law contemplates that a permanent record should be made of the proceedings of a municipal governing body, and papers evidencing their actions should not be simply pasted in some book susceptible to easy spoilation or destruction. *Chenault v. Russellville*, 169 So.2d 706 (Ala.1936).
- Records of the meetings of municipal governing bodies are required to the end that those who may be called to act under them may have no occasion to look beyond such records; the record avoids the mischief of leaving

municipal corporate action to be proven by oral evidence. *AL. City G. & A. Ry. v. Gadsden*, 64 So. 91 (Ala.1913).

- The record of the municipal governing body must show all proceedings. Omissions from the record cannot be supplied by oral evidence in whole or in part. *Jones v. McAlpine*, 64 AL 511, 1879 WL 1136 (Ala.1879).
- So long as minutes remain as minutes of the governing body, they cannot be impeached or varied in a collateral proceeding by oral evidence. *Anniston v. Davis*, 13 So. 331 (Ala.1893).
- In order to properly challenge the record of a municipal governing body’s proceedings, direct action for amendment must be taken – usually by mandamus to compel correction. *Penton v. Brown Cumber Inv. Co.*, 113 So. 14 (Ala.1930).
- When the ordinance book and journal of a municipality are in conflict, the journal takes precedence and is controlling. AGO 88-00091.

Statutory Requirements

Records of council meetings are required by Section 11-43-52, Code of Alabama 1975, which provides that “[t]he council shall determine the rules of its own proceedings and keep a journal thereof, which shall be open to the inspection and examination of all citizens and shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be prima facie evidence in any court or elsewhere.”

The journal is recognized as a public record and the Legislature has deemed it wise to make it acceptable in courts and elsewhere when properly certified by the clerk. No requirements are made as to the type of book which should be used, nor does this section make any provision for the approval of the minutes or what shall be recorded therein. In the cases noted above, it is apparent the courts expect that a permanent record book will be kept in such a manner that it is not subject to easy spoilation or destruction and that the

continued on page 11

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record must show all action taken by the governing body. The record must be of such completeness that it can stand alone, without explanation.

In a mayor-council municipality, ordinances are required to be recorded in a separate permanent ordinance book. Section 11-45-8, Code of Alabama 1975. Therefore, it is permissible to refer to ordinances introduced and passed by the council by number and title rather than setting them out in full in the minutes. Unless a mayor-council municipality keeps a separate permanent resolution book, resolutions adopted by the council should be set out in full in the minutes.

Clerk's Responsibilities

The Legislature has squarely placed with the clerk the burden of keeping the minutes. Section 11-43-100 of the Code of Alabama 1975, provides that municipal clerks are required to attend the meetings of the council and keep a record of its proceedings. Further, the clerk is the custodian of the rules, ordinances and resolutions of the council and is required to keep a record of them when adopted by the council. When the clerk is absent, the council may appoint some person from outside the council to perform the clerk's duties or it may appoint one of its own members to do the job. When one of the members of the governing body is appointed to keep the record of proceedings at a meeting, that member does not lose the right to vote on issues coming before the council at the meeting. *Clark v. Uniontown*, 58 So. 725 (Ala.1912).

Types of Meetings

Alabama's Open Meetings Act (OMA) defines a "meeting" as a prearranged gathering of a quorum of a governmental body or a quorum of a committee or subcommittee of a governmental body either at a time set by law or to exercise the powers which it possesses or to approve the expenditure of public funds. A meeting would also include a gathering, whether or not prearranged during which the members deliberate specific matters that, at the time of the exchange, the participating members expect to come before the body, committee, or subcommittee at a later date. The term "meeting" would not include occasions when a quorum attends social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers so long as the governmental body does not deliberate specific matters that the participating members expect to come before the body at a later date. See Section 36-25A-2, Code of Alabama 1975.

There are three basic types of council meetings – regular, adjourned and special called meetings. The council is required to hold at least two regular meetings each month. A town is only required to hold one council meeting per month. Section 11-43-50, Code of Alabama 1975. The

council determines the date, time and place of regular meetings at its organizational session. Section 11-43-49, Code of Alabama 1975.

Adjourned Meetings: Meetings of the municipal council held pursuant to adjournment of a regular meeting are legal, and no special notice to the councilmembers is required. Such meetings are not special meetings but are regarded as a continuation of a regular meeting. Adjournments are presumed to be regular when nothing to the contrary appears in the record. However, notice to the public may be required under the OMA if the body will reconvene on a different day. Section 36-25A-3, Code of Alabama 1975. Here it is quite important to accurately record whether the council adjourned *sine die* (thereby ending the meeting entirely) or until a particular time. *Culpepper v. Phenix City*, 113 So. 56 (Ala.1927).

Special Called Meetings: The presiding officer of the council may call a special meeting of the council whenever, in his or her opinion, the public interest may require it or whenever two councilmembers or the mayor request the presiding officer, in writing, to call a special meeting. If the presiding officer fails or refuses to call such a meeting, the two councilmembers or the mayor making the request have the right to call the special meeting. Section 11-43-50, Code of Alabama 1975.

It must be remembered that in cities of less than 12,000, and in towns, the mayor is a member of the council. Whenever the giving of notice or recording of votes is required for all members of the council, the mayor must be included. Likewise, in a city of 12,000 or more, the council president is a member of the council and must be treated as other members in the giving of notice and the recording of votes.

Usually the call of a special meeting is handled through the clerk. When a special meeting is held, the clerk generally prepares a waiver of notice for each councilmember to sign. The waivers must be incorporated into the minutes of the meeting. A waiver might be in substantially the following form; words in brackets indicate optional language:

"We, the undersigned members of the City [Town] Council of the City [Town] of _____, Alabama, hereby waive notice of the calling of a special meeting of the City [Town] Council of the City [Town] of _____ [for the purpose of _____ and such other business that may be brought before the Council] and do consent that said meeting [for said purposes] be held at the City [Town] Hall in the City [Town] of _____, Alabama, at _____ o'clock a.m. [p.m.] on the _____ day of _____, 20__."

continued next page

The signature of each member should be secured before the meeting begins. It is desirable for the waiver to be typed onto the page of the minutes preceding the record of the meeting. While the statute for special called meetings does not require that notice of the purpose of the meeting be included in the notice, the Open Meetings Act does require a general description of the nature and purpose of the meeting. See Section 36-25A-3(c), Code of Al.

In *Ryan v. Tuscaloosa*, 46 So.638 (Ala. 1908), the Alabama Supreme Court held that a meeting of the council, not held on a regular meeting date, at which all councilmembers and the mayor were present, was a valid "called meeting," despite the fact that the required notice may not have been given. While this case is comforting, it is strongly recommended that the minutes include the waiver of notice and recite that the waiver was signed by all members of the council prior to the holding of the meeting.

Executive Sessions: The OMA specifically provides that executive sessions are never required for any reason. Section 36-25A-7(a). It does, however, permit the body to enter into executive sessions for certain specified reasons. Unlike the Sunshine Law, the OMA provides a number of reasons where municipalities are authorized to hold meetings behind closed doors. Of course one of the reasons municipalities use the

executive session is to prevent the public from being present under certain sensitive circumstances such as discussions involving the good name and character of employees.

While the OMA grants citizens the right to be present at public meetings, it does not grant them an absolute right to express their views at any meeting. A public body may establish reasonable guidelines governing public participation in the meeting. AGO 98-00134. A meeting of a governmental body, except while in executive session, may be openly recorded by any person in attendance by means of a tape recorder or any other means of sonic, photographic, or video reproduction provided the recording does not disrupt the conduct of the meeting. Section 36-25A-6, Code of Alabama 1975.

No minutes are taken for meetings which are held in executive session. See AGO 97-00013 and AGO 2002-163. The League recommends that the clerk note in the minutes of the public meeting from which the individuals have gone into executive session, the names of those individuals going into executive session so that there is a record of who was in attendance at an executive session. For a full discussion of the authorized reasons for going into executive session, as well as the OMA in general, please see the article titled *The Open Meetings Act* in the Selected Readings for the Municipal Official (2012).

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Form and Content of Minutes

First and foremost it is essential for the minutes to reveal that the council has complied with the jurisdictional requirements for holding a legal meeting. In the *Penton* case cited previously, it was pointed out that the minutes of the council could not be attacked collaterally, but when offered in evidence, if the minutes show on their face that the council failed to meet the requirements of a legal meeting, then such proceedings are void.

To avoid this pitfall, the clerk should be careful to record the following facts:

- The date, hour and place of the meeting;
- Whether the meeting is a regular, adjourned or special meeting;
- That proper notice was given to each member in the event it is a special meeting; and
- The names of the members of the council in attendance.

If a member arrives late or departs early, the minutes should reveal the time of arrival or departure of the member with respect to the order of proceedings of the council.

The minutes are a written summary of *what happened* in a meeting and not a word for word transcript of *what was said* in a meeting. The minutes should record the items considered by the council and the action taken. Minutes should not include lengthy reports of the discussion and comments which took place unless a member requests that his or her remarks be made a part of the record. Basically, the record should show satisfactory evidence of the subject matter of decisions made by the council and evidence that these decisions were adopted in accordance with the law governing the council in its deliberations on the subject.

The council must be familiar with the statutory procedural requirements relating to the making of its decisions. The clerk should not be expected to tailor the minutes to fit these requirements. This illustrates the importance of preparing the agenda of the council prior to the meeting so members may review the statutory requirements for particular items of business before the meeting.

Approval of Minutes

Alabama has no statutory requirement relating to the approval of the minutes of the municipal council. Generally, the rules of procedure adopted by the council include a provision covering this subject. It is universal custom that one of the first orders of business is the reading and approval of the minutes of the last preceding meeting.

Many cities have adopted the practice of having the clerk distribute copies of the minutes to councilmembers several days before the meeting to dispense with the time-consuming procedure of reading the minutes. In such a case, the minutes should note that the minutes of the prior meeting were distributed to each member and that the

presiding officer called for any corrections. If corrections are noted, the action taken should be carefully recorded. If no corrections are noted, then the presiding officer announces that no corrections were offered and that the minutes stand approved as written.

Correction of Minutes

The municipal governing body is authorized to correct its minutes so that they correctly recite what took place, despite the fact that they may have been incomplete or erroneous as first written. *Harris v. East Brewton*, 191 So. 216 (Ala.1936); *see also Guntersville v. Walls*, 39 So. 2d 567 (Ala.1949) (Corrective amendments may be made at any time but they cannot prejudice intervening rights of third persons which have arisen subsequent to the meeting of the council or commission.); *Estes v. Gadsden*, 94 So. 2d 744 (Ala.1957); *Harris v. East Brewton*, 191 So. 216 (Ala.1939)(Minutes may be amended to correctly record what happened at a meeting after an action has been filed against the municipality challenging an ordinance adopted at such meeting.).

With regard to the correction and adoption of the minutes, *Roberts Rules of Order, Newly Revised 11th Ed.*, states that “[c]orrections, if any, and approval of the minutes are normally done by unanimous consent. The chair calls for the reading of the minutes, asks for any corrections, then declares the minutes approved.” Section 48, page 474. Further, if “the existence of an error or material omission in the minutes becomes reasonably established after their approval – even many years later – the minutes can then be corrected by means of the motion to *Amend Something Previously Adopted*, (§35) which requires a two-thirds vote, or a majority vote with notice, or the vote of a majority of the entire membership, or unanimous consent.” Section 38, page 475; *see also* Section 41, pages 354-355 regarding amendment of minutes. Since most Alabama municipalities have adopted *Roberts Rules of Order* as a procedural guide in all cases not specifically provided for otherwise by ordinance, it is suggested that these provisions be followed when amendments to the minutes are necessary.

Election of Officers

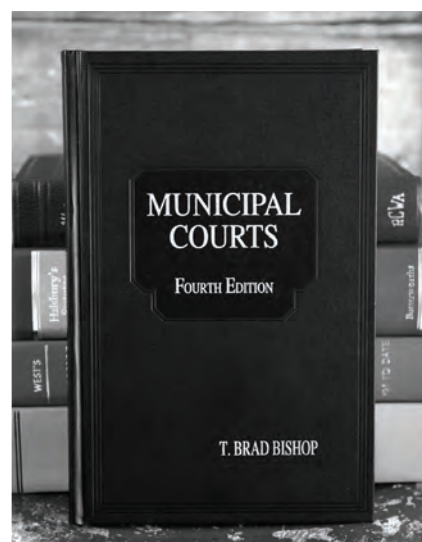
All elections of officers shall be made by roll call of the council, and a concurrence of a majority of the whole number of elected members of the council shall be required. On the vote resulting in an election or appointment, the name of each member and for whom he or she voted shall be recorded. Section 11-43-45, Code of Alabama 1975. This section is mandatory, and the clerk should be certain that the council follows the proper procedure in such actions. This section has been construed to require a majority of the

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remaining members elected to the council. For example, if the council is composed of eight councilmembers and the council president, for a total of nine members, and if there is one vacancy on the council, this leaves eight elected members on the council. To elect a person to fill the vacancy would require five affirmative votes. *Reese v. State*, 62 So. 847 (Ala.1913).

Voting Requirements

To pass ordinances and resolutions of a general and permanent nature in cities of less than 12,000 and in towns, there must be the affirmative vote of a majority of the whole number of members of the council, including the mayor. For example, if the city has five councilmembers and a mayor, it takes four votes to pass an ordinance of general and permanent operation. This number is not lessened when you have a vacancy on the council or when a councilmember is absent from a meeting. In cities of 12,000 or more, there must be an affirmative vote of a majority of the members elected to the council. Section 11-45-2, Code of Alabama 1975.

Before an ordinance or resolution can be adopted at the meeting when it is first introduced, unanimous consent of the members present at the meeting must be given for the immediate consideration of the ordinance or resolution. See AGO 2010-011. Alabama courts have been strict in requiring that the minutes reveal unanimous consent for passage of an ordinance at the first meeting at which it is introduced. The yea and nay vote must be shown on the record. *Thompson v. Wingard*, 34 So. 2d 606 (Ala.1948).

To pass an ordinance over the mayor's veto in cities of 12,000 or more requires the affirmative vote of two-thirds of the members elected to the council. Sections 11-45-4 and 11-45-5, Code of Alabama 1975.

To change the size of the council requires a two-thirds vote of the council in cities of 12,000 or more. Sections 11-43-40 and 11-43-42, Code of Alabama 1975.

Unless a specific vote requirement is set out by state legislation, a three-to-two vote, with one abstention, is sufficient to elect a person to serve on a utility board. AGO 97-00059.

To combine the duties of two offices requires a vote of two-thirds of the members elected to the council in cities of 12,000 or more. Section 11-43-3, Code of Alabama 1975.

Unless the required vote is otherwise specified, a majority vote of those voting, provided a quorum is present, is sufficient to adopt a measure by the council. A quorum consists of a majority of the whole number of members which the municipality is entitled to have on the council. This includes the mayor in cities of less than 12,000 and in towns, and it includes the council president in cities of 12,000

or more. Except as noted above, the clerk must always treat the mayor as a member of the council in municipalities of less than 12,000. His or her consent for the suspension of the rules for immediate consideration of an ordinance or resolution of a permanent nature should always be recorded along with the other members of the council.

The failure of a councilmember to vote on a particular question should be recorded as an abstention. It is a nullity and cannot be counted as a concurrence with the majority of the members voting on a ballot in order to make a required majority. Where a statute requires the affirmative action of a majority of the entire board or a majority of the members present, a refusal to vote may result in a defeat of the proposition because in such cases affirmative action is required, and those who refuse to vote cannot be counted in the affirmative majority required by statute. *Reese v. State*, 62 So. 847 (Ala.1913).

The clerk should cultivate the habit of calling the roll for a vote on any question. While a vote may be taken on routine business by a show of hands or by voicing the ayes and nays by group call, issues which require a specific vote by roll call are usually the most important. It is easy to fall into the bad habit of recording that a particular question passed by unanimous vote of the members. This might satisfy most of the business transacted, but it is not adequate for the few very important items listed above. Therefore, it is a good idea to insist on a roll call to avoid mistakes on routine matters and to meet statutory requirements on others.

The Municipal Audit

As a general rule, the clerk does not set out full reports of committees and department heads in the minutes. These reports should be required in writing, and the minutes should reveal that a report was made on a particular subject by a particular person or committee. If council action was taken on the report, such action should be recorded. The reason for not recording a full report is that the original is the best evidence. Special report files should be maintained for the separate preservation of reports.

There is an exception to this rule. Section 11-43-85, Code of Alabama 1975, requires that the annual audit report be spread upon the minutes of the council.

Public Hearings

The council is required by law to hold public hearings before taking action on certain matters such as the adoption of public improvement assessment ordinances the establishment of an improvement assessment roll, the adoption of zoning ordinances, and the adoption of

continued on page 21

LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Annexation: There is no requirement that a corridor annexation must include private, as opposed to public, property to avoid being categorized as a prohibited long-lasso annexation. A city's corridor annexation, which involved property that was 19.3 miles long and 330 feet wide, did not consist solely of the public right-of-way and thus did not constitute a prohibited long-lasso annexation where less than 25% of the width of the annexed property was public right-of-way. *Fort Morgan Civic Ass'n, Inc. v. City of Gulf Shores*, 100 So.3d 1042 (Ala.2012)

Building Codes: The State Fire Marshal can exercise only those powers which are expressly conferred upon him and lacked authority to adopt portions of the 1997 Standard Building Code that did not relate to fire prevention and protection or that were necessarily incident thereto, therefore he is empowered to make regulations affecting residential construction and residential buildings only insofar as those regulations relate to fire prevention and protection. Although only county commissions and municipalities have the power to adopt general residential construction and building codes, the State Fire Marshal may adopt statewide residential construction and building codes relating to fire prevention and protection that supersede the municipal and county codes to the extent they are inconsistent with the code adopted by the State Fire Marshal. *Ridnour v. Brownlow Homebuilders, Inc.*, 100 So.3d 554 (Ala.Civ.App.2012)

Courts: A trial court could not deny a defendant's motion to reject probation. Probation is subject to rejection or acceptance by the defendant who has been convicted. He has an unfettered election in that regard, and the court order of probation is not effective or operative until it has been accepted by him. If a probationer prefers to serve out his sentence, as originally imposed upon him, to a suspension of it by subjecting himself to the conditions nominated in the probation, he has the clear right to do so. *Goodson v. State*, 101 So.3d 804 (Ala.Crim.App.2012)

Courts: Hearsay evidence may not form the sole basis for revoking an individual's probation and must be corroborated by non-hearsay evidence. *Johnson v. State*, 100 So.3d 627 (Ala.Crim.App.2012)

Criminal Law: To be convicted under the statute providing that a person is guilty of theft of property if he knowingly obtains or exerts control over property in the custody of law-enforcement

agency that was "explicitly" represented to the person by an agent of the law-enforcement agency as being stolen, the person charged must have knowledge, beyond that which could be implied, that the property in the custody of the law-enforcement agency was in fact stolen. Where the detective implied the property was stolen and did not explicitly represent that it was stolen, the evidence will be insufficient. *Crawford v. State*, 100 So.3d 610 (Ala.Crim.App.2011)

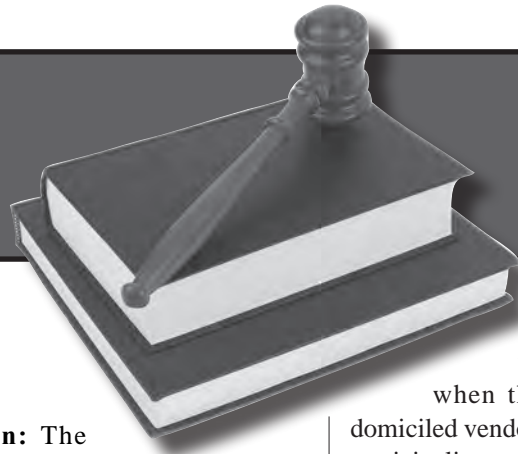
Forfeiture: The forfeiture statute under Alabama's controlled-substance laws is penal in nature and, as such, should be strictly construed. The evidence should be sufficient to establish that currency seized from a defendant was related to illegal drugs seized from him, so as to support forfeiture of the currency. The mere possession of currency while also in possession of drugs is insufficient. *Seven Thousand, One Hundred and Seventy Dollars v. State ex rel.*, 101 So.3d 764 (Ala.Civ.App.2012)

Forfeiture: A grandmother, who purchased a truck for her grandson, was not a bona fide lienholder whose interest in the truck was protected from forfeiture. Because the oral agreement between the grandmother and the grandson did not constitute a security agreement under the Uniform Commercial Code, the grandmother was not a secured party and, therefore, was not a "lienholder" within the meaning of the forfeiture statute. *State v. Pressley*, 100 So.3d 1058 (Ala.Civ.App.2012)

Tort Liability: A property owner's claim against a city seeking return of money seized during a search of his home was an in rem action rather than a tort claim, and, thus, the nonclaims statute, which required that any claim against a municipality for damages growing out of torts be presented to the municipal clerk for payment within six months from the accrual thereof or be barred, did not apply to the action. *Alexander v. City of Birmingham*, 99 So.3d 1251 (Ala.Civ.App.2012)

Tort Liability: A municipality could not be held liable on an arrestee's false imprisonment claim, where the arrestee was charged with disorderly conduct after he was already under arrest and in custody on a warrant. *Woodruff v. City of Tuscaloosa*, 101 So.3d 749 (Ala.2012)

Sex Offenders: The provision of the Community Notification Act prohibiting sex offenders convicted of an offense against a child under the age of 12, or a minor who was residing with the offender at the time of the offense, from establishing a residence or other living accommodation where a minor resides was narrowly tailored to serve the compelling state interest of protecting children from harm, and thus the provision's infringement on an offender's fundamental right to make decisions regarding the care, custody, and control of his children did not violate his constitutional rights to due process and equal protection. *Herring v. State*, 100 So.3d 616 (Ala.Crim.App.2011)



UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Environmental Protection: The flow of water from an improved portion of a navigable waterway, such as a concrete drainage system, into an unimproved portion of the very same waterway does not qualify as a “discharge of pollutants” under the Clean Water Act. *Los Angeles County Flood Control District v. Natural Resources Defense Council, Inc., et al*, 133 S.Ct. 710 (U.S.2013)

Licenses and Business Regulations: A municipality’s policy of automatically denying permits for new applicants and automatically renewing permits for existing permit holders violated the dormant Commerce Clause. *Florida Transp. Services, Inc. v. Miami-Dade County*, --- F.3d ----, 2012 WL 6719581 (11th Cir.2012)

Waterways: A structure does not qualify as “vessel,” as that term is defined in the Rules of Construction Act based on whether it is capable of being used as means of transportation on the water, unless a reasonable observer, looking to the structure’s physical characteristics and activities, would consider it designed to a practical degree for carrying people or things over water. A floating home that had no rudder or steering mechanism, that had an unraked hull, and that was incapable of self-propulsion, and whose rooms looked out upon the world, not through watertight portholes, but through French doors or ordinary windows, was not designed to any practical degree to transport persons or things over water, and thus did not qualify as “vessel,” and district court could not exercise admiralty jurisdiction over an in rem action brought by the owner of a marina where the floating home was docked, seeking to obtain a maritime lien for dockage fees. *Lozman v. City of Riviera Beach, Fla.*, 133 S.Ct. 735 (U.S.2013)

ATTORNEY GENERAL’S OPINIONS

Ad Valorem Taxes: Section 40-10-12, Code of Alabama 1975, authorizes the property tax commissioner to post notice of a tax sale at the county courthouse and at some other public place in each precinct within the county within which the real estate is located in lieu of publication in a newspaper published in the county. AGO 2013-024

Ad Valorem Taxes: A person must be retired because of permanent and total disability to be granted the ad valorem tax exemption found in section 40-9-21(a), Code of Alabama 1975. AGO 2013-027

Conflicts of Interest: Section 11-43-12, Code of Alabama 1975, prohibits a city council member from engaging in business contracts with the municipality for which the council member serves. Section 11-43-12.1(a) authorizes a council member of

a Class 7 or 8 municipality to contract with the municipality that council member serves when the council member’s business is the only

domiciled vendor of that personal property or service within the municipality and the amount to be expended does not exceed \$3000. This provision is inapplicable when the business is located outside of the municipality. Pursuant to section 11-43-12.1(b) and (c) of the Code, the business of a council member of a Class 7 or 8 municipality may contract with the municipality if the council member fully discloses his or her relationship in the business, the council member does not participate in the decision-making process, the municipality uses the Competitive Bid process, and the council member is the lowest responsible bidder. AGO 2013-028

Criminal Law: The electronic drug offender tracking system provided for in Section 20-2-190, Code of Alabama 1975, applies to drug convictions that predate the effective date of Act 2012-237. AGO 2013-019

Juveniles: The juvenile court should designate the location where children who are taken into custody by law enforcement officers without an order of the juvenile court are to be brought for review by juvenile court intake officers if the law enforcement officers decide to bring the children to this location in lieu of releasing them. After a juvenile court intake officer reviews the need for detention, including reviewing the written notice of the person who took the child into custody without an order of the juvenile court, the juvenile court intake officer shall direct the law enforcement officer, or other person currently having the child in custody, to release the child unless detention or shelter care is required. In releasing a child, the ultimate responsibility for determining the placement, transport, and transfer of custody of the child would remain with the law enforcement officer taking the child into custody, unless otherwise ordered by the juvenile court. AGO 2013-026

Licenses and Business Regulations: Late, reconnect, impact, and garbage fees and fire and rescue donations paid by a customer to a Water Works and Sewer Board formed pursuant to sections 11-50-310, *et seq.*, Code of Alabama 1975, are not subject to the privilege license tax based on gross receipts, levied under section 11-51-129 of the Code. Incomes derived from the “retail furnishing of utility services,” received by the Board from customers both inside and outside the corporate limits of the municipality, are subject to the tax. Whether the Board passes the tax on to the customer is within the Board’s discretion. AGO 2013-025

Mayors: Class 7 or class 8 municipalities, regardless of population, must follow the provisions of section 11-44G-2, Code of Alabama 1975, to fill a vacancy in the office of mayor.

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FUTURE ELECTION DATES FOR ALABAMA'S CITIES AND TOWNS

2013

- Birmingham – 4th Tuesday in August
- Dothan – 1st Tuesday in August
- Mobile – 4th Tuesday in August
- Tuscaloosa – 4th Tuesday in August

2014

- Auburn – 4th Tuesday in August
- Bessemer – 4th Tuesday in August
- Gadsden – 4th Tuesday in August
- Huntsville – 4th Tuesday in August for 3 council seats
- Mountain Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

2015

- Montgomery – 4th Tuesday in August
- Talladega – 4th Tuesday in August

2016

- **All municipalities not specifically listed in the years above or below – 4th Tuesday in August**
- Huntsville – 4th Tuesday in August for mayor and 2 council seats
- Mountain Brook – 4th Tuesday in August for mayor and 2 council seats
- Scottsboro – 4th Tuesday in August for mayor and 2 council seats

2017

- Birmingham – 4th Tuesday in August
- Dothan – 1st Tuesday in August
- Mobile – 4th Tuesday in August
- Tuscaloosa – 4th Tuesday in August

2018

- Auburn – 4th Tuesday in August
- Bessemer – 4th Tuesday in August
- Gadsden – 4th Tuesday in August
- Huntsville – 4th Tuesday in August for 3 council seats
- Mountain Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

Specific provisions relating to specific subjects control general provisions relating to general subjects. Additionally, in cases of conflicting statutes on the same subject, the latest expression of the Legislature is the controlling law. Section 11-43-42, Code of Alabama 1975, is a general statute relating to absences or vacancies in the position of mayor and section 11-44G-2 is a specific and more recent statute relating to class 7 and 8 municipalities. AGO 2013-029

Officers and Offices: Pursuant to the City of Alabaster Civil Service Act (Act 93-493) the city clerk-treasurer, police chief, and fire chief are within the classified service and are “employees” of the City of Alabaster for which there is a term of office pursuant to section 11-43-3, Code of Alabama 1975. The term of office for the city clerk-treasurer is four years. The council may establish the term of office for the fire chief and police chief. No term of office for any municipal officer may exceed the term of the mayor, which is four years. Because the term of office of a municipal officer ends by operation of law, it is necessary for these municipal

officers to be “reappointed” at each organizational meeting of a new council or as soon as practicable thereafter. The council, with the consent of the mayor and a two-thirds vote of the majority, may divide the offices of clerk and treasurer as provided for in section 11-43-3 of the Code. Any such action should be done at the beginning of a new council to assure that the term of office for an officer is not diminished. AGO 2013-020

Offices of Profit: A supernumerary circuit clerk may be employed with a unit of local government in a clerical non-policymaking position because a part-time, non-policymaking, clerical position with a local unit of government is not an office of profit. AGO 2013-22

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2013-01: The former Director of Technology for a City School System may accept employment with a vendor who has provided services to the School Board when he was involved in the awarding of the contract from the School System to the vendor more than two years earlier and had nothing but ministerial involvement since that time. ■

F.A.Q.

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

AG Opinions

How does a municipality get an Attorney General’s opinion?

Alabama law enables municipal officials to seek opinions from the Alabama Attorney General on questions of law connected with the duties of municipal officers. Specifically, Alabama law provides that the mayor or chief executive officer of any incorporated municipality, city council or like governing body of any incorporated municipality, or any other officer required to collect, disburse, handle or account for public funds can request an Attorney General’s opinion. Section 36-15-1(1)(b), Code of Alabama 1975. The request must be made in writing, setting forth the facts showing the nature and character of the question which makes the advice sought necessary to present performance of some official act that the officer must perform. Section 36-15-1(1)(d), Code of Alabama 1975. In addition, the mayor and/or the city council is required to submit with the written request the city council’s adopted resolution setting forth the facts showing the nature and character of the question. Section 36-15-1(1)(c), Code of Alabama 1975.

Questions submitted to the Attorney General cannot be moot, private or personal in which the municipality is not materially or primarily interested. Questions that are subject to ongoing litigation are also not permitted. Section 36-15-1(1)(d), Code of Alabama 1975. Public Officials Request Forms are available on the State of Alabama Attorney General’s website at www.ago.state.al.us/Opinions.aspx. For more information, please contact the Attorney General’s Opinions Division at 334-242-7403. ■

Scholarships Available for Municipal Clerks and Revenue Officers

For many years, the Alabama League of Municipalities has worked with educational institutions and other entities to sponsor training programs for municipal officials and employees. In 1987, the League, in cooperation with the College of Continuing Education at The University of Alabama, established the **John G. Burton Endowment for the Support of Municipal Programs**. This fund honors Mayor John Burton of Jasper, the League's first president (1935-36) and the "Father of Municipal Education in Alabama."

While Burton's contributions to municipal government are many, one of his most direct and lasting legacies is his involvement in launching a fledging association that, in his words, would pursue "aggressive legislative policy aimed at restoring lost powers to the city and town governments and winning for them the legislative recognition we had long deserved and so badly needed." Burton was also directly responsible for the decision to hire Ed Reid as the League's first executive director:

"The first step in effectuating our program was to find the best available person to fill the executive secretary's place. I had been elected president of the League and charged with naming a committee to find the person around whom the organization was to be built in our drive for service and assistance to the municipal governments of the state. When the committee met, I offered the name of Ed E. Reid, then private secretary to the Speaker of the State House of Representatives and a young weekly newspaper publisher. He had impressed me in the Legislature by his endless enthusiasm for legislative work and his boundless energy and ability. In the end, he was agreed upon by the committee and promptly installed in office. Subsequent events and developments have certainly justified the great confidence I had in his ability to do a superior job. He was, in my judgment, the finest choice we could have made."

Following his tenure as League president, Burton held an executive position on the board for eight years and received state and national recognition for his progressive ideas and accomplishments as the League continued to grow.

A native of Walker County, Burton attended Eldridge Baptist Academy. He was employed with the Central Bank and Trust Company in Jasper from 1918 until 1932. Elected mayor of Jasper in 1932, Burton served in that capacity until 1946 where he made important contributions to his community, the county and state. During his tenure, he was instrumental in securing tax dollars for municipalities as well as establishing schools for the training of municipal workers. Burton was a member of the Board of Trustees of Walker College in Jasper from 1938 to 1946. From then until 1956, he served as Business Manager of Howard College. He worked in the real estate business from 1956 until his retirement.

The **John G. Burton Endowment for the Support of Municipal Programs** is a perpetual fund to which municipalities, individuals and corporations may contribute and is used to increase training opportunities and enhance educational programs for municipal employees. The endowment is administered by a panel consisting of the President of the League, the League's Executive Director, UA's Director of the Division of Professional and Management Development and the Dean of the College of Continuing Studies.

According to Leonard Smith, program manager for the College of Continuing Studies, the fund is specifically designed to help municipalities with budget constraints ensure their clerks and revenue officers receive critical training. "We especially encourage employees to apply who have not had the financial resources to attend training," he said.

Municipal Programs Supported by the Fund

Municipal Management Training Institute for City Clerks and Administrators provides city clerks and administrators with education on important issues and concerns facing them professionally and personally. Topics such as elections, records retention, and other legal issues are covered.

City Municipal Clerks Program was established in 1970, and is designed to enhance the job performance of the clerk in small and large municipalities. It prepares the applicants to meet the challenges of the complex role of the municipal clerk by providing them with quality education in partnership with institutions of higher learning.

Master Municipal Clerks Program is an advanced continuing education program for clerks who hold a CMC certification. The program prepares participants to perform complex municipal duties through extensive and rigorous educational components and professional and social contributions.

Revenue Officers Certification Program is designed to improve the professional, administrative and fiscal skills of participating municipal revenue officers through a series of courses approved by the Municipal Revenue Officers Association. It also serves to help municipal revenue officers develop their management skills and abilities and obtain more expertise and status in their profession as they serve their communities.

Revenue Officers Annual Conference updates participants on new trends in municipal revenue management. Current developments in revenue law, ABC laws, auditing techniques and business licenses are some topics that are addressed.

Scholarship Applications

To apply for a scholarship through the John G. Burton Endowment, visit <http://training.ua.edu/municipal-clerks/municipalclerks-scholarships.html>. ■

ordinances in pamphlet form by reference. It is absolutely essential for the minutes to show these public hearings were held, for these requirements are mandatory and go to the jurisdiction of the council to perform these functions. It is not necessary for discussions and arguments to be included in the minutes. But the record should show all definite questions put to the council at such hearings and the final action taken by roll call vote.

Motions and Seconds

The record should reveal the names of councilmembers who make motions or introduce measures to be voted on by the council. The record should also show the name of the member who seconded a motion put to the council. No second is required for nominations or for adjournment, unless the rules of the council require a second in such cases.

Adjournment

The record should show how the council adjourned, whether *sine die* or to a specific time prior to the next regular meeting. Where the meeting is adjourned until a particular hour of the same day, it is best to show on the record the time of adjournment. The record of adjournment evidences termination of the meeting and that the minutes thereof are all contained in the foregoing record.

Signing the Minutes

While no requirement exists for mayor-council municipalities, it is customary for the clerk to sign the minutes. The clerk's signature shows that the minutes were taken and prepared by the officer charged with that responsibility. Also, it is customary for the presiding officer of the council to sign approval of the minutes to show that they were adopted and approved by the council.

Marginal References

The minutes of a municipality become more and more voluminous with the passage of time. Consequently it becomes harder and harder to find a particular action which the council took on a measure presented some time in the past. Many clerks use extra wide margins on the left side of the minutes and enter brief captions covering the subject matter in the adjacent minutes. Others caption paragraphs in bold underscored letters. While captions are not regarded as a part of the minutes, the references help immeasurably in finding a particular council action without reading through the entire minutes.

Conclusion

The role of the clerk in keeping the municipal journal cannot be over-emphasized. A close working relationship between the clerk and the presiding officer of the municipal governing body is essential to keeping a good journal. Care should be taken to ensure that all jurisdictional requirements are followed and that they are recorded in the journal. Ordinances and resolutions should be presented in writing. Finally, it should be remembered that when a statute uses the word "shall," the action required is mandatory. The validity of the proceedings depends upon strict compliance with such requirements.

The League Legal Department is always available for questions on the keeping of the journal. Please contact us at (334)262-2566 should the need arise. Or, you could always ask your municipal clerk! ■

**Do you know what's
happening *This Week*?**

We do.

To subscribe to the League's weekly e-newsletter, *This Week*, click on the red link at the top left of our home page at www.alalm.org. *This Week* is emailed to subscribers every Tuesday morning and features upcoming meetings as well as other information of interest to municipal officials and employees.

Now that the Legislature is in session, subscribers will also receive the *State House Advocate*, which is emailed on Monday afternoons and contains a preview of what will be happening at the Legislature during the upcoming week as well as Bills of Interest to municipalities.

The *State House Advocate* is the best way for you to stay informed on what's happening at the Legislature throughout the Session as well as our way of letting you know when critical, immediate action is needed from our membership. Please encourage all elected officials and key staff from your municipality to sign up for these important League notices.



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MINI BOOT CAMP Offered Last Day of Annual Convention

Join us on the afternoon of May 21st for a program focused on back-to-the-basics!

NEW this year, the MINI BOOT CAMP is a half-day CMO program on Tuesday afternoon, May 21st – the last day of the League’s 2013 Annual Convention at the Renaissance Montgomery Hotel and Spa at the Convention Center. This is an excellent opportunity for elected officials who need additional credit hours or for new enrollees beginning course work toward the CMO Program’s required Core Curriculum.*

NOTE!! The MINI BOOT CAMP is not part of the convention. Attendance requires a separate registration and payment of an additional \$60 fee. Attendance at the 2013 Annual Convention is not required. Registration is open to all elected officials and municipal personnel. For those who are attending the convention, there will be a 1.5 hour break before the program begins for lunch on your own. Officials and municipal personnel are encouraged to pre-register! Onsite registration will be available at the Convention Registration Desk but is not encouraged as space is limited.

MINI BOOT CAMP registration forms are available at www.alalm.org

| | | | |
|-------------|---|-------------|---|
| 1:00 – 1:20 | Registration | 2:30 – 3:15 | Basic Parliamentary Procedure (Elective Core) Ken Smith, Executive Director, ALM |
| 1:25 | Welcome | | |
| 1:30 – 2:15 | Duties of Mayor and Council (Required Core) Lori Lein, General Counsel, ALM | 3:15 – 3:45 | Working with Municipal Boards (Elective Core) Tracy Roberts, Deputy General Counsel, ALM |
| 2:15 – 2:30 | Break | | |
| | | 3:45 | Adjourn |

MINI BOOT CAMP has been approved for 2.5 Core Curriculum, Basic, Advanced or Continuing hours in the Certified Municipal Officials Program. Any municipal employee may register, but only elected officials will be awarded credit hours in the CMO Program.

Questions? Contact Cindy Price at 334-262-2566 or cindyp@alalm.org

**CMO Basic Program Core Curriculum was adopted by ALM’s Executive Committee on October 18, 2012, for officials enrolling after October 30, 2012.*

2013 Municipal Flag Showcase

If your municipality does not have a flag and is interested in purchasing one, please contact Sharon Carr at (334) 262-2566 for more information.

The League will hold its Third Annual Municipal Flag Showcase at this year's ALM Annual Convention in Montgomery in May. **The registration form for the Flag Showcase can be downloaded from www.alalm.org.**

- Flags will be showcased in a prominent area of the Expo Hall at the Renaissance Montgomery Hotel & Spa at the Convention Center on Sunday, May 19 from 5:30-7:00 p.m. and Monday, May 20 from 10:30 a.m. - 2:30 p.m.
- **Deadline for submitting the application form is May 1, 2013.**
- Flags can be checked in at the main ALM Convention Registration Desk on Saturday, May 18, 2013, during regular registration hours. Flags must be checked in **NO LATER** than 3:00 p.m. on Sunday, May 19, 2013.
- **You must provide a flag stand for your Municipal Flag.** Please label your flag stand with your contact information.
- ALM will provide a placard for each flag identifying the Municipality.
- Flags must be picked up from the display area **NO LATER** than 5:30 p.m. on Monday, May 20, 2013. **NOTE: *The League is not liable for flags or stands not picked up by this time.***
- A confirmation will be emailed to you prior to this event. We will ask for a contact number of the municipal official on-site for notifications during the Convention.
- What size flag? The standard size flag is 3 feet by 5 feet. Flag sizing should be close to this size.
- What height does your flag pole need to be? The average height is 6 feet to 8 feet. The height should not be over 8 feet if at all possible.

Deadline for submitting flag application forms is May 1st!



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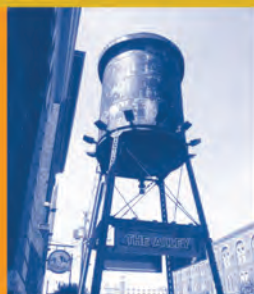


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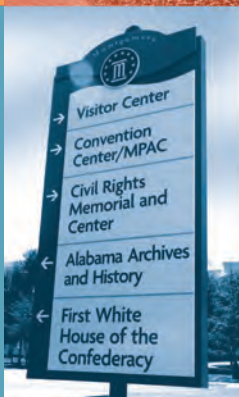
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