



The Alabama Municipal JOURNAL

May 2013

Volume 70, Number 10

Point *of* Pride

Montgomery Renovates
75-Year-Old City Hall
see page 4

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On the Cover:

Montgomery's City Hall opened in 1937 after the original structure burned in 1932. This past year, the facility underwent a \$6.4 million renovation, including an entire HVAC overhaul and the renovation of the City Auditorium, which had been used as offices since the 1980s. See page 4 for story. Photo by Elmore DeMott, www.elmoredemott.com

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Point of Pride

Montgomery Renovates 75-Year-Old City Hall

By: Carrie Banks • Communications Director • ALM
Photos by: Elmore DeMott • elmoredemott.com

One of the South's most historic places, the City of Montgomery was incorporated in 1819 when two towns, New Philadelphia and East Alabama Town, merged along the Alabama River. In 1822, Montgomery became the county seat and in January 1846, the state capital was moved from Tuscaloosa to Montgomery.

From serving as the capital of the Confederacy to the center of the Civil Rights Movement, Montgomery's unique history makes it a city of significance – something not lost on Mayor Todd Strange, who has overseen not only considerable downtown revitalization efforts, but a complete renovation of City Hall, including the City Auditorium.

Because Montgomery is the state capital and because Maxwell Air Force Base is located in Montgomery, Mayor Strange hosts a number of military and international visitors at City Hall throughout the year. "Most of the major countries' consulate generals come through to visit and pay their respects," he said. "Montgomery, frankly, is a city of prominence in the world."



The renovated auditorium, including restored original seating, now serves as Montgomery's council chambers, as well as an accommodating setting for community groups and events.



Mayor Todd Strange stands in front of wood paneling used throughout the mayor's suite when the building was originally constructed in the 1930s.

And a city of prominence needs a point of pride.

"Our original city council chambers were not something to be very proud of – they were small, antiquated and tired," said Mayor Strange who wanted to relocate the chambers to a more accommodating and impressive space as well as give the entire building a much needed overhaul. "I knew about the original auditorium; I'd seen pictures of it. It was a pride factor – having something we could be very proud of that was, in fact, City Hall. And so we put six million dollars from a bond initiative into this project. It's come in right about 6.4 million because, as we started doing renovations, we had to redo roofs and a few other things that hadn't been planned."

A Grand Design

Montgomery's original City Hall, which was built in 1871, burned in 1932. The current facility at 103 North Perry Street in downtown Montgomery was completed in 1937 during the Great Depression with funding from the Works Progress Administration (WPA) as well as personal financial contributions from then Mayor W.A. Gunter. According to

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OFFICE OF THE MAYOR
Todd Strange, Mayor

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City of **Montgomery**, *Alabama*

May 18, 2013

GREETINGS:

It is my pleasure to welcome each of you to the great City of Montgomery, the Capital of Dreams. As Mayor, I am delighted that you have chosen such a beautiful, historic city as the host for the 2013 Alabama League of Municipalities Convention.

During your stay, I would also like to extend a personal invitation to visit some of our many historical sites and outstanding attractions. We offer a wide variety of attractions here in Montgomery including the Alabama Shakespeare Festival, the Montgomery Museum of Fine Arts, the Rosa Parks Museum, and our wonderful Zoo. In addition to these attractions, there are numerous shopping areas for you to visit, enjoy and, of course, spend money! Whatever the desire, I trust that you will quickly become acquainted with our City.

On behalf of the City Council, Mayor's Office and the entire City of Montgomery, we are delighted to have you as our guests. Please enjoy your stay in the "Capital City" and we hope to see you again in the near future.

Sincerely,

Todd Strange
Mayor





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The President's Report

Mayor David Bradford • Muscle Shoals



Join Me in Montgomery for Annual Convention May 18-21!

As you know, the League's annual convention will take place in downtown Montgomery this month. Convention highlights can be found throughout this issue of the *Journal*. If you're still considering whether or not to attend, I wholeheartedly encourage you to join us!

For those of you who are new to elected office, the convention provides you with a variety of resources such as important educational seminars, exposure to key municipal vendors and state agencies, dedicated time for peer networking and opportunities to share ideas and find possible solutions to issues facing your community. In addition, your attendance demonstrates that you're committed to learning and working on behalf of your constituents and the good of your community.

Of course, the convention is also an opportunity for you to assess the status of our League and to be included in shaping its future. The Monday afternoon Business Session features a report from Ken Smith, our executive director, as well as reports from three critical League programs: AMFund, AMIC and MWCF – all of which were developed specifically for Alabama's cities and towns. In addition, officers are elected for 2013/2014.

Your participation with the League is very important. An active, unified membership is what ensures the League's viability – and has also made us a well respected organization for more than 75 years. Since 1935, the Alabama League of Municipalities has endeavored to represent municipal interests – be it locally through educational opportunities, legal advice and information exchange; statewide through passing or defeating critical legislation; or nationally by working closely with the National League of Cities and other state leagues to affect public policy. Our annual convention is truly a culmination of these efforts.

And speaking of effort, I'm sure it comes as no surprise to any of you that it takes a great deal of behind-the-scenes teamwork and organization to make our annual convention a success. I commend our fine staff for their hard work and attention to detail on our behalf. They book the facilities, negotiate the contracts, plan the program, handle the

registrations and enthusiastically manage the countless details necessary to pull off a successful multi-day event. Our convention is one of the largest in the state, bringing together nearly 1,000 municipal officials, clerks, attorneys, personnel and administrators as well as guests and vendors. Thanks to our staff, we always 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.

Of course, once the convention is planned, the staff then facilitates every aspect of the actual event. They meet and greet you at the registration desk, answer questions, make last minute adjustments, assist with concurrent sessions, ensure speakers and presiders are where they are supposed to be when they are supposed to be there, take lots of pictures and manage vendor setup and break down in the Expo Hall. They work long hours to make sure we have every opportunity to make the most of our convention experience. And they do all this with professionalism and genuine enthusiasm.

Planning for the League's annual convention is ongoing – once this year's convention ends on May 21st, arrangements will begin for the 2014 convention in Mobile. Our ALM staff works very closely with each host city to ensure your time is well spent and enjoyable. My compliments to Mayor Strange, his staff and the Montgomery City Council for their assistance in making this year's convention a reality. I look forward to an outstanding experience in our capital city!

Let me close by thanking all of you for making my year as your League president a memorable journey. It's been an honor to work so closely with you – Alabama'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.

Our Alabama League of Municipalities is an outstanding organization led by talented, enthusiastic, knowledgeable professionals. We are fortunate. I'll see you in Montgomery! ■

Steve Jones, the city's Director of General Services and a 21-year city employee, after the original 19th century structure burned, renowned Montgomery architect Frank Lockwood envisioned the new building to not only serve as a place of city government but to be a civic center where special events could be held.

He began with a distinguished design for the mayor's office – a suite of six interconnecting rooms, including a conference area and several offices, each with a different wood wall paneling ranging from ash to maple to cherry to poplar. However, the most significant feature of the new facility – the central focus and point of pride for the community – was the auditorium. "He not only wanted a unique mayor's office," Jones said, "he wanted a grand foyer leading into City Hall." The entry way granite was quarried from Stone Mountain, Georgia. Coupled with intricate iron stair railings, the design makes for a beautiful and elaborate foyer leading to the now renovated auditorium.

From the late 1930s until the 1960s, the City Auditorium accommodated large public events, such as debutante balls, theater performances, concerts and other social gatherings. On January 4, 1953, the auditorium hosted its largest audience ever when more than 25,000 people assembled to attend country music legend Hank Williams' funeral. Only 2,750 people were able to get into the auditorium – where Williams had performed many times throughout his career.



The original granite walls and floors, as well as the original iron stair railings, make for an elegant entrance from the foyer to the renovated auditorium.

The rest listened from surrounding streets as the funeral was broadcast through a PA system. Williams' funeral, which was one of the largest single gatherings in Montgomery for a nonathletic event, was also one of the last public events hosted in the auditorium before the space was eventually turned into offices in the 1980s by Mayor Emory Folmar who needed room for his employees. The space would remain as offices for nearly 30 years – until Mayor Strange began the process of bringing it back to its former glory.

"Prior to the current renovation, visitors would walk into the building and face a black wall that contained finance offices," said Mayor Strange. "We had about 25 private offices in the auditorium area and, if you looked from the stage, you'd first have to look past stacks of old records and then you'd look over the tops of offices with HVAC ducts and wiring. So we had to demolish all that to bring back the floors and refurbish the area."

Most of the employees who had occupied the auditorium offices were relocated a few blocks away to 25 Washington Avenue, a building the city bought and renovated in 2009. The auditorium was then cleared and stripped so the renovation process could begin.

History Piled High

The first challenge was making sure nothing important was inadvertently thrown away. "A lot of memorabilia was



A granite wall leading to the auditorium now pays homage to Montgomery's 56 mayors.



The original council chambers were too small to accommodate large crowds, which would often spill into the hallway outside.

stored for years in boxes in the balcony and on the auditorium stage,” Mayor Strange said. “One of the smart things we did was we asked our legal staff to be responsible for going through every box and mining historical documents. We found all the original documents on the MIA (Montgomery Improvement Association) Bus Boycott. We found original checks signed by Martin Luther King, Jr., and original notes from attorneys.” Mayor Strange said there was a massive amount of historically significant material, including the original papers from the lawsuits surrounding the 26 deaths from the tragic 1967 Dale’s Penthouse restaurant fire in downtown Montgomery as well as photos from the 1979 Selma to Montgomery reenactment march.

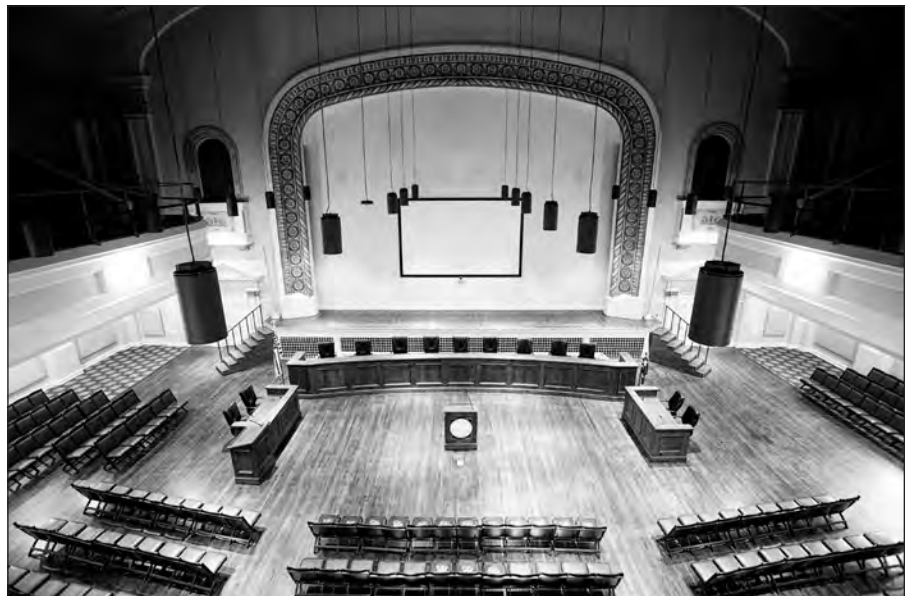
Some of these items are now on display in the auditorium prefunction, housed in glass cases donated to the city by Klein & Son Jewelers, a family-owned business founded in Montgomery in 1893 that permanently closed its doors in 2012. Also on display are items from a box found in the building’s cornerstone. According to Mayor Strange, city employees expected a time capsule because the original building plans show a copper box was to be inserted into the cornerstone. Because the September 2012 rededication ceremony would take place 75 years after the building was originally constructed, the decision was made to open the capsule and display its contents, including a telephone book, a penny, nickel, dime, quarter, three newspapers (only one was legible), an empty whiskey pint and a copy of the book *America’s Own*

in France about the 167th infantry from Alabama that trained in Montgomery and changed the tide for the allies during WWI.

Jones said the city is taking the necessary steps to preserve the historical materials found during the renovation. “We’re working with state archives to take the original documents and have them photocopied so we can eventually put them on display,” he said. “I can’t imagine financially what it would be worth to have the original signature of Martin Luther King, Jr., on the original paper from the MIA Bus Boycott.” Jones and his staff have also created a “Mayors Wall” along the granite entrance way by the Auditorium using black acrylic plaques to commemorate the city’s 56 mayors.

One of the more fascinating discoveries during the renovation process was a gigantic mural depicting Montgomery’s Dexter Avenue in the early 19th century. After finding a handful of photos in files that appeared to show a painting, city employees determined the mural was likely on the reverse side of a 60x40 foot black burlap fire curtain hanging two stories high from the rafters near the stage. When the curtain was lowered to ground level and turned around, with significant help from the fire department’s heavy rescue and engine teams, a nearly pristine painted replica of the 1850s etching was unveiled. The mural, which was most likely commissioned in the 1930s, is currently on display behind the stage. Due to its size, a permanent location for this unique discovery has yet to be determined.

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The renovated auditorium now provides a spacious setting for Montgomery’s council chambers.



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- Danny B., Defendant
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- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Ken Smith • Executive Director



What can you gain by attending the League's 2013 Annual Convention?

Each year, over 900 municipal officials and employees gather at the annual Alabama League of Municipalities Convention to obtain updates about municipal developments, share information and innovative ideas, and explore solutions to some of the toughest issues facing municipalities. Attendees will experience a robust, attendee-driven program, focused on providing information you can use all year long. Content-rich sessions will help you learn from experts and from each other through shared experiences, ideas, and information.

The strength and effectiveness of the League derives from merging the divergent opinions and needs of its member municipalities into a cohesive expression of municipal views, interests and initiatives, and our annual convention is one of the most visible demonstrations of the cohesiveness of our membership.

Municipal leaders in Alabama share a common bond – the desire to improve the quality of life in their communities. Once they take office, though, municipal officials soon realize that much of what takes place locally is affected by decisions and developments beyond their borders. Municipalities affected by these changes share similar concerns and issues and the League's annual convention allows officials to discuss the impact of these changes and how they should respond to best serve their citizens. The convention offers municipal leaders an ideal opportunity to learn about local government, network with other local officials, share experiences and brainstorm ideas for improving their communities.

This year, the 78th Annual Convention will be held in Montgomery at the Renaissance Montgomery Hotel & Spa at the Convention Center. Beginning Saturday afternoon, May 18, 2013, and concluding Tuesday, May 21, 2013, the convention is jam-packed from start to finish with pertinent information you need to help your municipality reach its goals. Municipal policy makers and their advisors will be joined by hundreds of state and federal officials, experts in specific areas of concern, and vendors offering solutions that will enable them to better serve their citizens.

We're excited to have the opportunity to bring so many municipal officials and personnel to the Capital City for this event. We've worked closely with Montgomery Mayor Todd Strange and other officials from the City of Montgomery and they have provided us with a fantastic venue for our meeting and are preparing the City to welcome our guests from throughout Alabama.

What can you expect to find at this year's annual convention?

Great Networking Opportunities

One of the most important benefits of attending the convention is the chance you have to connect with colleagues from around Alabama who share your interests and challenges. We hope you will also take advantage of every opportunity to get to know your fellow officials and employees at meal functions, in the hallways, at receptions and many other locations during the convention. In addition, the Roundtable Sessions on Sunday afternoon are specifically designed to allow you to discuss problems and solutions with other municipalities your size. Officials often discover a solution to a local problem during these sessions.

Keep in mind that to take full advantage of your networking and training opportunities at the convention, you may have to get out of your comfort zone. Spend time with people you don't know. At meal functions, sit with officials from other municipalities. During breaks, make a point of introducing yourself to strangers. Nowhere else will you have this tremendous opportunity to meet this many individuals who share your interests and concerns. Take advantage of these chances to network and learn from others. Offer your input and advice to others. You may find a solution you've been searching for. Or you have a solution that someone else has been seeking.

And if you do find yourself lost in conversation with someone who is answering a question facing your municipality, it will have been worth it.

continued next page

Direct Exposure to Your Outstanding League Staff

Every year, the League staff directly responds to tens of thousands of requests from our members for assistance. Whether these requests are for legal help, general information, an update on a legislative measure or an upcoming conference, your staff always stands ready to help you. This staff is truly the backbone of the League and we could not function effectively without each one pitching in and working together to help our municipalities address issues that confront them.

Even before you step up to the registration desk, your League staff is working to make your convention experience the best possible. We are available to help you, and we want to get to know you better. The vast majority of requests for help reach us by telephone, e-mail or some other method of other interpersonal contact. The convention is often our only chance to meet many of you face-to-face and become better acquainted.

Take advantage of the opportunity to introduce yourself to us. If you need assistance, let us know. Each of our staff members is on-site to make your experience better.

Of course, keep in mind that staff members have specific assignments and responsibilities during the convention. It takes an entire team, working together as one, to make a meeting this size successful. It has many moving parts and each one has to be tended to make sure everything functions as it should. But even if we are tied up when you approach us, or on our way to an assignment, we will do our best not to leave you feeling adrift during the convention.

Great Topical Session Content

Monday concurrent sessions allow you to explore topical sessions that interest you and your community. Speakers on a variety of topics will provide relevant information to help you find the solutions you need. Topics this year include Montgomery's implementation of Alabama's immigration laws; how to maximize recreational facilities in your community; the positives and negatives of technology advancements for your municipality and employees; how the state can help you manage local disasters; understanding city financial statements; and making the best design choices for traffic and streets.

Another way to maximize the benefit your municipality receives from attending the convention is by splitting up the attendees from your city. If you're attending the convention with other officials from your municipality, you may want to attend different concurrent sessions. This allows your city or town a broader exposure to the various topics.

Great Solutions

Visit our Expo Hall to discuss your particular issues and concerns with one of the largest gatherings of exhibitors

with services and products designed to meet the needs of local governments.

Spending time talking to the exhibitors may bring a new perspective to your convention experience and open doors that you didn't even realize existed. This year, just like last year, we are holding the Monday luncheon in the Exhibit Hall to provide you with plenty of time to discover what the exhibitors have to offer.

In the Exhibit Hall, you will also find exhibitors from state and federal entities that attend the convention to share information from their departments or agencies. They can explain to you how their agency can help your municipality and who to contact to request assistance. Often these services are available to you at no cost. They can also update you on compliance with new laws and regulations you must know about. Well worth the time it takes you to stroll through the exhibit hall and expose yourself to the many offerings you will find there.

Great General Training Sessions

This year, we are offering two general sessions packed with information. First, we're excited to have Gary McCaleb, Executive Director of the Center for Building Community and Vice President of Abilene Christian University, join us to discuss how to build your municipality into a community. Mr. McCaleb can identify with the issues facing local governmental officials, having served three terms as mayor of Abilene, Texas, from 1990 – 1999 and as an Abilene city councilmember from 1985 – 1990.

What is the difference between a municipality and a community? Is it important to distinguish between the two? Mr. McCaleb would answer yes to that question, and on Monday morning he will advise on how your city or town can become a community, which will help your municipality grow, attract business and residents, and keep them.

Mr. McCaleb is the author of two books, *Community: The Other Side of Self* and *The Gift of Community*. In 2006, he received the Texas Oral History Association's Barnes Award for excellence in community oral history for producing 55 videotaped oral history interviews for the Abilene Centennial Project. For this project, he interviewed individuals who described their personal experiences in the growth and development of Abilene.

In the second general session, held Tuesday morning, you will learn how the Alabama Ethics Law affects you. The Alabama Ethics Law requires municipal elected officials to obtain training on the Ethics Law within 120 days of taking office. The Ethics Commission has agreed to *waive* the 120-day training requirement for officials who attend the Ethics training seminar on Tuesday morning,

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The Legal Viewpoint

By Lori Lein
General Counsel



Best Practices for Utilizing Your Municipal Attorney

Editor's Note: Most of the tips in this article were provided and reprinted with permission from the article "Ten Tips: Using Your Municipal Attorney More Effectively" by Claire Silverman, League Counsel, Wisconsin Municipal League.

First, if you read nothing but this one sentence, **every Alabama municipality must have an attorney to provide legal advice and represent the municipality's best interests.** While a handful of our member municipalities have full-time, on staff, attorneys, most municipalities in Alabama have an attorney available by contract when needed. I cannot overemphasize the vital role your municipal attorney plays in helping your municipality carry out its responsibilities and accomplish its objectives in a lawful manner.

Recently we held our Spring Municipal Law Conference and Orientation Seminar for municipal attorneys, judges and prosecutors. During the orientation I gave a presentation on using the League Legal Department and discussed with the attorneys what limitations we have as a League representing our municipal members and emphasized the importance of the role they play. It is not the League Legal Department's role to interfere with the vital relationship between municipalities and their attorneys. We are here to support that relationship and facilitate the exchange of information.

Role of the Municipal Attorney

There are no specific laws outlining the responsibilities of the municipal attorney in Alabama. As such, there are wide variations in the way in which a city or town utilizes its municipal attorney. Although the job of the municipal attorney varies depending on the size of the municipality and the complexity of the issues it faces and the services it provides, here is a list of some, but certainly not all, of the things that municipal attorneys typically do for municipalities:

- Give legal advice and opinions to the governing body, and other boards, commissions and departments;
- Draft resolutions, ordinances, deeds, contracts and other

- legal documents that the municipality is a party to;
- Represent the municipality's interests in legal proceedings;
- Attend governing body meetings and meetings of other boards and commissions, when requested;
- Review governing body agendas to identify potential legal problems;
- Develop forms, policies and procedures to standardize government operations and ensure that the municipality is proceeding lawfully;
- Ensure that bodies acting in a quasi-judicial capacity do so in a meaningful way that ensures due process and develops an adequate evidentiary record;
- Advise the municipality regarding financial and tax matters;
- Assist in matters relating to land acquisition and development;
- In the case of the municipal prosecutor, prosecute cases involving ordinance violations; and
- Assist in ordinance codification.

Ten Tips for Using Your Municipal Attorney More Effectively

For those of you who attended one of our Newly Elected Official Training Seminars this past fall, the following list may look familiar. The following list is not intended to be exhaustive but, rather, as a starting point for using your municipal attorney effectively.

1. Remember that you and the municipal attorney are on the same team.

The municipal attorney should not be viewed as an obstructionist. It is the municipal attorney's job to protect the municipality by identifying potential legal problems and to assist the municipality so that it exercises its powers in a lawful manner. If you have specific goals, clearly communicate those goals to the attorney. It may be that the goal itself is unlawful. In that case, it is better to know that in advance in order to protect the municipality from liability.

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However, most often the end goal is legitimate and there are a variety of ways to achieve the desired result. The means of achieving the goal are less important than reaching the desired result, but using the wrong means can have significant legal consequences. Consult with the municipal attorney and allow the attorney to identify the various legal ways to achieve the desired result and the benefits and pitfalls of taking a particular route. Be open to the attorney's suggestions.

2. Remember who the client is.

Municipal officials should bear in mind that the municipal attorney's client is the municipality, acting through its governing body, and not the individual officers or employees. Because the municipality is the client and it is often unclear who can speak or act on behalf of the municipality, it can be helpful for both the attorney and municipal officials if the governing body develops clear guidelines regarding who can contact the municipal attorney and under what circumstances it is appropriate to do so. In fact, for those municipalities who contract with an attorney, we would advise that the terms of the contract specifically outline who may contact the attorney on behalf of the municipality. Individual officers and employees must understand that they themselves are not the attorney's client and that the municipal attorney may not be able to keep everything told to the attorney confidential. Moreover, officials and employees should not attempt or expect to persuade the municipal attorney to act in a manner that is inconsistent with the attorney's obligation to the client, the municipality.

3. Involve your municipal attorney early.

When a municipality does not have in-house counsel, local officials are sometimes reluctant to call the municipal attorney because it costs money. Although the cost of legal services is a valid concern and it's unnecessary to call the municipal attorney for every little thing, the best advice is don't be penny-wise and pound-foolish. There are many times when an early request for legal assistance can save money and unnecessary headaches down the road.

Consult the municipal attorney whenever the municipality or its officers and employees are the subject of or receive legal documents such as complaints or subpoenas. Legal advice is also warranted whenever municipalities must follow specific statutory procedures in order to exercise certain powers - e.g., annexation of property, creating tax increment finance districts, imposing special assessments and impact fees, razing of buildings, zoning and platting matters, revocation of licenses. It's also wise to consult the attorney when failure to take adequate steps to protect the municipality can result in significant expense for the municipality. For example, in matters relating to development, failure to secure the necessary protections can leave a municipality responsible for

making substantial and expensive improvements, completing unfinished work or redoing shoddy work.

It's also a good idea to seek legal advice whenever the municipality will be bound by contracts or other negotiations. With regard to significant contracts or negotiations, it's important to involve the attorney early, before all the details have been worked out. Once a deal is ready to be concluded, it gains a momentum of its own and it is very difficult for an attorney who is brought in towards the end of the deal to have meaningful input. Furthermore, when an attorney is brought in late and then spots a number of legal issues and potential problems, it is much more expensive to address the problems and remedy them. Moreover, if the potential problems are not addressed and later become actual problems or lead to litigation, legal assistance becomes truly expensive.

And finally, it is important to seek legal advice whenever a city or town is addressing personnel matters - from developing policies on through any disciplinary or termination proceedings. The potential for litigation on employment matters is always high and the municipal attorney needs to be in on any personnel matters from the ground level up.

4. Prepare before speaking or meeting with your municipal attorney.

Just as a good lawyer should prepare to meet with a client, a client can and should spend time preparing to meet with an attorney. Doing your homework before meeting with the attorney will give the municipality the best value for the money it spends on legal services. The attorney often comes into a situation knowing very little about it. Take time, before meeting with the attorney, to identify and document the pertinent facts, and to identify what you think the important issues and concerns are. Understand what the municipality's objectives are and be prepared to explain them to the attorney.

5. Be very clear regarding expectations.

Have a clear idea regarding the importance of the matter and convey those expectations to the attorney. Think about the role you expect the municipal attorney to play. Should the attorney write a formal opinion letter laying out the relevant facts and explaining the various options? Should the attorney draft certain legal documents? Is the matter a minor one where the attorney is being used primarily as a sounding board? Make sure the attorney understands the priority of the matter - low, intermediate or high - and that you explain what the municipality's time frame is regarding the matter and when the answer or work product is needed.

6. Plan ahead for legal services.

Give the attorney adequate time to research issues and answer questions. Don't demand an immediate response from

continued on page 17

Modern and Efficient

Once renovations were completed this past summer, including the restoration of nearly 300 original chairs, the auditorium became the new council chambers, an impressive, open space with ample seating which, ironically, led to further challenges. “It’s a cavernous room,” said Mayor Strange, “and while we spent a lot of money on the amplification, it reverberates all around and so we had to come up with ways to mitigate that reverberation such as cloth panels on the wall and foam underneath the seats to absorb sound.”

The renovated space is now a significant improvement in the city’s ability to accommodate large crowds during council meetings. In addition, the auditorium has hosted other events, such as the United Way kick-off, Montgomery EmERGE meetings, TEDx presentations and a couple of ClefWorks chamber music concerts. However, since the floor is original and the wood is very thin, Jones said they are careful about traffic going through the auditorium. “We don’t want to compromise the integrity of the floor, so we have to pick and choose what we can do,” he said.

While the City Auditorium and Perry Street entrance are the most visually impressive elements of the renovation

project, the entire building was actually overhauled. “When you’re dealing with a 1937 building, 1937 electrical and 1937 plumbing, and then you have code issues and handicap requirements, it’s expensive and challenging,” Mayor Strange said. “The biggest thing was HVAC.”

A complete energy efficient “green and modern” system was added. Original windows were replaced with energy efficiency models. While not much had to be done in the mayor’s executive suite other than new carpet, councilmembers now have offices in City Hall, something they didn’t have prior to the renovation. “The chairman and the president pro tem have private offices and then there is a large room where each of the other seven has his own cubicle,” said Mayor Strange. “There’s also a conference room for meeting with constituents.” Six departments and 70 employees are currently housed in the renovated City Hall.

Point of Pride

Mayor Strange said the City Hall renovation was an extremely important project and a point of pride for the community: “We were in a dilapidated building with malfunctioning HVAC and commodes that didn’t work. We

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the municipal attorney at a meeting. Municipal law is not a compact, well-defined body of law. Rather, municipal law includes a vast number of areas such as annexation, contracts, employment law, powers of governmental bodies, platting, zoning, open meeting and public record laws, public utilities (just to mention a few). Provisions relating to municipal law are complex and are sprinkled throughout the statutes, both federal and state, and in administrative regulations. On top of that, there is often case law where the courts have interpreted these provisions. The municipal attorney should not be expected to have all the various provisions memorized or to shoot from the hip.

7. Provide the attorney with the necessary resources to do the job requested or clearly limit the scope of the job.

Don't ask your attorney to do a quick review of complex documents or just "look things over." If a review is to be meaningful, it is necessary to allow the attorney to take the time and measures necessary to do the job. The municipal attorney can commit malpractice by doing an inadequate job. Therefore, it is only fair to give the attorney some express indication if the attorney's review is intended to be limited in its scope.

8. Be candid with your municipal attorney.

Disclose all the pertinent facts and don't be selective. Although being selective in what you tell the municipal attorney may get you the answer you want, it may have significant consequences for the municipality later. With careful thought and planning, a good attorney can deal with bad facts. However, it is very difficult for an attorney to deal with damaging facts when the attorney is blindsided later in the process. In all likelihood, damaging or unfavorable facts will eventually be revealed, so be candid with your municipal attorney and make sure the attorney is aware of all relevant facts so he or she can figure out how they weigh in the equation and deal with them accordingly.

9. Understand that your municipal attorney cannot always give a concrete answer.

Contrary to popular opinion, attorneys do not like to waffle. Attorneys like to be able to advise their clients with certainty but quite often the law does not provide a clear-cut answer to a legal question. Although your municipal attorney should be able to analyze the law in a given area and make an educated prediction regarding the likely outcome, there are times when the attorney will not feel comfortable making a prediction because it is too close for the attorney to call. In those situations, it is reasonable for the attorney to explain the relevant law and why the question is too close to call. The

attorney should also explain the consequences given several different outcomes.

10. Remember that lawyers are legal advisors, not policy makers.

The municipal attorney is a legal advisor and it is the attorney's job to help the municipality see what the options are and what the benefits and disadvantages might be of proceeding in a given way. The municipal attorney should not be pulled into politics and should be allowed to maintain independence and objectivity so that the attorney can give the correct legal answer rather than the desired legal answer. Once the legislative body has decided which way to proceed, the municipal attorney can then implement the plan and make sure the municipality carries out its powers lawfully.

Conclusion

The municipal attorney is a valuable part of any municipal team and, when used effectively, can do a lot to help the municipality carry out its responsibilities and lawfully achieve its goals while at the same time protecting the municipality and its officers and employees from significant liability. ■



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May 21, at the League Convention in Montgomery. Ethics Commission Director Jim Sumner and General Counsel Hugh Evans will provide in-depth training on how the Ethics Law affects municipal officials and employees. This training at the League's convention will satisfy your Ethics Law requirement so please make your plans to attend this session and receive your required training.

Get Answers to Your Legal Questions

The Ask Your Attorney Session, held Tuesday morning, has become one of our most popular functions. The League's four attorneys will be joined by Assistant Attorney General Brenda Smith and former Executive Director Perry C. Roquemore, Jr. to answer and discuss your specific legal questions. This is a great chance to pick the brains of some of the foremost authorities on municipal law in Alabama.

Great Specialized Training Opportunities

Special training sessions are available for city clerks and personnel administrators. The outstanding topics and speakers for these sessions were selected by members of their associations to address issues relevant to the work they do on behalf of League members.

Help Direct Your League

If you are attending the convention strictly for training, you may think that it is unnecessary for you to attend the business sessions. However, these sessions also offer educational opportunities and allow your municipality to directly affect the direction your League takes in the future. You can also learn a great deal about how the League functions, and its role in the functioning of your city or town. Associations like the League exist in 49 states and were formed to help advocate state and federal governments and to provide assistance and education for their members. Municipal leagues are cities and towns working together for their own mutual benefit.

One of the Alabama League's past presidents has called the League the "community of communities." A former president of the Oklahoma Municipal League has been quoted as saying, "Each community has but one small voice when it stands alone, but together cities and towns provide strong influence and effort for achieving common goals."

The business sessions – the Resolutions Committee meeting on Saturday, and the Annual Business Session on Monday – give your municipality a way to help set the League on its path for the upcoming year. These sessions allow your municipality to express its views on resolutions,

policy statements, potential legislative items and elect the League's officers for the upcoming year. During these sessions, you will also receive information on the League's activities over the past year, including information about how our affiliate associations – AMIC (liability insurance), MWCF (workers compensation insurance) and AMFund (municipal bonds) – serve the interests of Alabama's municipalities on behalf of your League.

Since the League was founded in 1935, we have a long and proud tradition of serving our members as the unified voice of local government in Alabama. By participating at the business sessions, League members come together to act as a single entity, adding their individual ideas and thoughts to what will fuse to become the unified voice of your League of Municipalities.

Conclusion – Attend

So how can you take advantage of the League's annual convention? The answer is straightforward – *attend*. You can't learn if you aren't present. It's just that simple.

Take the time to study the program agenda carefully and to understand what takes place at each session. If this is your first convention, you may find yourself overwhelmed and a little at a loss as to where to start.

Mark your program to help you keep track of the sessions you want to attend. You may want to update your mobile phone with a reminder. It's often easy to lose track of time and find yourself immersed in conversation with someone outside a training session and miss a session you specifically wanted to attend. Not that there is anything wrong with conversing with other officials – in fact, you should take advantage of every chance you have to get to know your fellow officials and discuss municipal business with them. They are often your best source of information and ideas, and nowhere else will you have access to as many other individuals with the same issues, worries and potential solutions.

I hope that by the time you're reading this, you have already registered to attend the convention. If not, I hope you will make plans to join us in Montgomery.

I look forward to seeing you at the convention. ■

**See pages 25-35 for the
Convention program, exhibitor
listing, golf tournament
procedures as well as highlights
about convention entertainment.**

F.A.Q.

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

Competitive Bid Law

What is the maximum length of a contract for the purchase of goods or services under the competitive bid law?

The Alabama Competitive Bid Law places limits on the length of time for municipal contracts. Section 41-16-57(f), Code of Alabama 1975 of the Competitive Bid Law provides that municipal contracts for personal property or contract services cannot last for a period of more than three (3) years. This section further mandates that contracts involving the lease of motor vehicles cannot exceed five (5) years. Finally, section 41-16-57(f) limits contracts involving the lease-purchase for capital improvements and repairs to real property or any other lease-purchase contract to no more than ten (10) years.

Once a contract ends, the Competitive Bid Law requires that the municipality must re-bid the contract unless the bid law specifically exempts a contract from competitive bidding. Existing contracts for sanitation or solid waste collection, recycling and disposal between municipalities and those providing the service can be renewed without re-bidding as long as the contract terms do not change. Section 41-16-51, Code of Alabama 1975. ■



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Millport Town Clerk Elected IIMC Region III Director

Millport Town Clerk Lynnette Ogden, MMC, was elected as the International Institute of Municipal Clerks' (IIMC) Region III Director during the IIMC Region III meeting on January 18 in Charleston, SC, where she was representing Alabama. She was elected by the Alabama Association of Municipal clerks to represent the State of Alabama as IIMC Region III Director at their Municipal Management meeting last December in Guntersville, AL.

IIMC Region III consists of Alabama, Georgia, Florida, North Carolina and South Carolina. This is a three-year term and Clerk Ogden will take the oath of office at the IIMC conference this month in Atlantic City, NJ. IIMC has 11 Regions which include the United States, Canada and countries overseas. The IIMC Board of Directors consists of 22 members: two members from each Region along with the executive board which is the Vice President, President Elect, President and Immediate Past president. The IIMC Board of Directors governs more than 10,000 clerks worldwide.

Lynnette has been employed with the Town of Millport 33 years and has been the Town Clerk for 28 years. She achieved her Master Municipal Clerk (MMC) status in March 2003, becoming the first African American clerk in Alabama and the fourth Clerk in Alabama to receive the designation. Lynnette is a member of the Alabama Association of Municipal Clerks and Administrators (AAMCA) and has served as Treasurer, Secretary, Vice President and President in 2010. Lynnette served as District Two director of AAMCA several years and served on numerous AAMCA committees, chairing several. She was honored with the State of Alabama and AAMCA Clerk of the Year Award in 2005. Lynnette received her 30-year Service Award from the Alabama League of Municipalities in 2010. She is a proud 20-year member of the International Institute of Municipal Clerks (IIMC) and has served on several IIMC committees: Election, Constitution Review Task Force, Conference Planning and is currently Vice Chair of the Membership Committee. She has attended all IIMC conferences except one, beginning with the 1998 conference in Mobile, AL. ■



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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

Ad Valorem Taxes: A tax-sale purchaser of land on which a manufactured home was located did not acquire the manufactured home by virtue of the tax deed for the real property. The treatment of certain manufactured homes as realty for purposes of ad valorem taxation does not serve to convert them to real property. A manufactured home is personal property unless and until the certificate of title is canceled. *Green Tree-AL LLC v. Dominion Resources, L.L.C.*, 104 So.3d 177 (Ala. Civ.App.2011)

Courts: The Double Jeopardy Clause does not operate to prohibit prosecution, conviction, and punishment in a single trial for several acts of the same offense. Whether a defendant's conduct constitutes the same act or transaction does not determine whether there is a double jeopardy violation, but rather it determines if there could be a violation. In determining if a Double Jeopardy Clause violation occurred, if the offenses did arise from the same act or transaction, then it must be determined whether each offense requires proof of an additional fact which the other does not. *Williams v. State*, 104 So.3d 254 (Ala.Crim. App.2012)

Criminal Law: A defendant who unlawfully possessed a firearm contributed to an argument with the victim that eventually led to a shooting of the victim, and thus the defendant had a duty to retreat, for purposes of a self-defense claim. *Kidd v. State*, 105 So.3d 1261 (Ala.Crim.App.2012)

Miranda: The juvenile *Miranda* warning is required even if a minor child must be prosecuted as an adult in the Circuit Court. Section 12-15-202, Code of Alabama 1975, requires that when a child is taken into custody the child must be informed of his or her juvenile *Miranda* rights in language understandable to the child. A defendant was not adequately advised of his juvenile *Miranda* rights before he made statements to police where he was never explicitly informed of his right to communicate with a parent, legal guardian, or legal custodian before being questioned, nor was he informed that reasonable means would be provided for him to do so. *Ward v. State*, 105 So.3d 449 (Ala. Crim.App.2012)

Officers and Offices: There are so-called "exceptions" to immunity for suits naming the proper State official in his or her

representative capacity. One such exception is a claim brought to compel State officials to perform their legal duties. State Employees' Insurance Board officials, in their official capacities, were necessary parties in a retired police officer's action against the city seeking an injunction to require continued medical care, even though Board itself had sovereign immunity from suit. *City of Gadsden v. Boman*, 104 So.3d 882 (Ala.2012)

Searches and Seizures: To satisfy the reasonableness requirement of the Fourth Amendment as it pertains to a vehicle checkpoint, the prosecution must present evidence showing that the checkpoint was carried out pursuant to a previously established objective and neutral plan that was designed by higher ranking personnel to limit the conduct of the officers in the field. Evidence, written or otherwise, should include whether the way the officers carried out the checkpoint was in accordance with a plan embodying explicit, neutral limitations on the officer's conduct, and evidence indicating that the officer's discretion at the checkpoint was supervised by an official who was not in the field. *Ogburn v. State*, 104 So.3d 267 (Ala.Crim. App.2012)

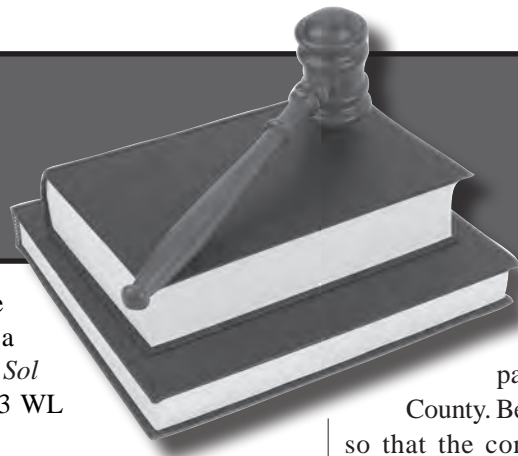
UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Drug Testing: A state's policy of mandatory "consent" improperly required applicants for federal Temporary Assistance for Needy Families (TANF) program to submit to authority, and thus did not render an otherwise unconstitutional mandatory drug testing of applicants valid under the Fourth Amendment's protection against unreasonable searches or seizures. The state conveyed a message that it had unfettered lawful authority to require such drug testing by informing applicants that the drug test was one of many conditions for receiving TANF benefits and that an applicant's refusal to give consent barred his or her eligibility for benefits, but the state lacked that authority in absence of a showing of individualized suspicion or special need, both of which the state failed to demonstrate in relation to the testing program. *Lebron v. Secretary, Florida Dept. of Children and Families*, --- F.3d ---, 2013 WL 672321 (11th Cir.2013)

Environment: Stormwater runoff from logging roads that is discharged into navigable waterways is exempt from the Clean Water Act's permitting requirements. *Decker v. Northwest Environmental Defense Center*, --- S.Ct. ---, 2013 WL 1131708 (U.S.2013)

DECISIONS FROM OTHER JURISDICTIONS

Immigration: The provisions in Arizona's 2010 immigration bill that prohibit people in stopped cars from hiring day laborers, and bars day laborers from getting into stopped cars, are likely unconstitutional restrictions on the commercial speech of the



laborers and those who would hire them and the court could issue a preliminary injunction. *Valle Del Sol Inc. v. Whiting*, --- F.3d ----, 2013 WL 781704 (9th Cir.2013)

ATTORNEY GENERAL'S OPINIONS

Contracts: The prohibition set out in section 94 of the Alabama Constitution is not applicable to a commercial contract where there are mutual benefits to the parties and consideration on both sides. A municipality should consider contracting with a charitable foundation for the sale of surplus property if the municipality believes it will receive fair and adequate consideration. If consideration is less than adequate, the municipality must determine that the benefits flowing from the transaction promote an authorized public purpose. Prior to initiating any course of action the municipality should consider executing a contract that would clearly set forth the quid pro quo of the agreement and memorialize the benefits to be conferred to the public. AGO 2013-035

E911: Communication Districts that failed to timely submit information required by section 11-98-13.1(h)(1) of the Code of Alabama are ineligible to receive distributions from the Commercial Mobile Radio Service Emergency Telephone Services Board, unless granted a good-cause exemption by the Department of Examiners of Public Accounts. Communication Districts, however, are eligible to receive distributions from the statewide 911 Board after October 1, 2013. Potential additional funding sources for Communication Districts are set forth in the Code. Additionally, Communication Districts may borrow money, and they may also enter into contracts or agreements with public or private safety agencies for dispatch services when such terms, conditions, and charges are mutually agreed upon, unless otherwise provided by local law. AGO 2013-036

Law Enforcement: Section 11-102-1, *et seq.*, Code of Alabama 1975, authorizes counties, with the consent of the sheriffs and with the sheriffs as parties, to enter into agreements whereby the sheriffs will assist each other's offices with law enforcement services across county lines. AGO 2003-106

Police Department: The Alabama Peace Officers' Standards and Training Commission has the authority under section 36-21-45(2) and (3) of the Code of Alabama to adopt rules and regulations that expand upon the standards set forth in section 36-21-46 of the Code relating to the physical, mental, and moral fitness of a candidate for the position of law enforcement officer as determined by the Commission. AGO 2013-038

Police Jurisdiction: Amendment 875 of the Alabama Constitution prohibits a municipality located entirely outside

of Lawrence County from imposing any municipal ordinance or regulation in that part of its police jurisdiction located in Lawrence County. Because the Town of Trinity has annexed property so that the corporate limits now include territory within Lawrence County, the provisions of Amendment 875 no longer apply to the Town of Trinity. The Town of Trinity may enforce its municipal ordinances and regulations within its police jurisdiction located within Lawrence County. AGO 2013-034

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2013-02: A retired Captain in the Police Department may enter into a contract with the City to provide specific contracting services to the City, when he did not hold a position of authority, nor was he a department head prior to his retirement.

AO No. 2013-03: A County Commissioner may allocate discretionary funds to improve a church parking lot attached to a storm shelter, when that church has a FEMA storm shelter and it is open for use by the community at large in the event of a storm. The County Commission and the church should enter into a *Memorandum of Understanding*, setting out that, if the shelter is no longer open to the general public, then the church will reimburse the County the depreciated cost of the improvements to the parking lot. As public funds are involved, an Attorney General's opinion may be needed to determine if any other statutes are relevant.

AO No. 2013-04: A retired City Administrator for a City may not, for a period of two years after his retirement, contract back with the City to help in the transition of the new City Administrator, as the City Administrator is a department head, and Section 36-25-13(c) specifically precludes department heads from contracting back with that entity for a period of two years.

AO No. 2013-05: It is a personnel matter within the scope and authority of the Board of Education to increase an employee's pay, even when that employee has requested the pay increase, when the employee does not have the wherewithal to either increase her own pay or influence the Board in their decision.

AO No. 2013-06: A business owned by a County Commissioner may submit bids on contracts with the County, provided that the County Commissioner does not vote, attempt to influence or otherwise participate in the transaction, either as a County Commissioner, or as a representative of the business. The County Commissioner may not use confidential information received during her service as a County Commissioner to provide inside information regarding bids to her company. ■



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2013 Annual Convention

Renaissance Montgomery Hotel & Spa at the Convention Center
Montgomery, Alabama • May 18 - 21, 2013

2013 Convention Schedule

Meetings and/or events subject to change. CMO credits can be earned. See official convention program for details.



Saturday May 18, 2013

10:00 a.m. – 5:00 p.m.

Registration

Convention Center Concourse • Renaissance

11:00 a.m.

Resolutions Committee Meeting

Alabama Ballrooms DE • Renaissance

1:00 p.m. - 2:30 p.m.

AMIC Annual Meeting

Alabama Ballroom C • Renaissance

2:30 p.m. to 3:00 p.m.

Coffee Break

Convention Center Concourse • Renaissance

3:00 p.m. – 5:00 p.m.

Opening Session

Alabama Ballrooms AB • Renaissance

- Invocation
- Presentation of Colors
- Pledge of Allegiance
- National Anthem
- Welcome: Todd Strange, Mayor, Montgomery
- President's Address: David Bradford, Mayor, Muscle Shoals
- Address: Governor Robert Bentley (invited)
- 2013 Quality of Life Awards Presentations

6:00 p.m.

City of Montgomery Welcome Party

Union Station Train Shed • 300 Water Street

continued on next page



2013 Convention Schedule



Sunday May 19, 2013

7:30 a.m.

45th Annual Municipal Masters Golf Tournament
Lagoon Park • Montgomery (see below)

9:30 a.m. or 11:00 a.m.

Prayer Service

Attendees are invited to attend nondenominational Church of the Highlands, MPAC at the Renaissance

1:00 p.m. – 5:00 p.m.

Registration - Convention Center Concourse

1:30 p.m. – 4:30 p.m.

Roundtable Discussions by Population • Renaissance

Alabama Ballroom A
Alabama Ballroom B
Alabama Ballroom CDE
Montgomery Meeting Room 5
Montgomery Meeting Room 7

- Municipalities under 2,500
- Municipalities 2,500 - 5,000
- Municipalities 5,001 - 12,000
- Municipalities 12,001 - 20,000
- Municipalities over 20,000

4:30 p.m. – 6:00 p.m.

ABC -LEO Reception

Starlight Foyer • Renaissance

5:30 p.m. – 7:00 p.m.

Exhibitors Showcase, Flag Showcase and Reception

Exhibit Halls BC • Renaissance

Entertainment: Kings of Swing (see page 32)

2013 Alabama Municipal Masters



The 45th Annual Alabama Municipal Golf Outing will start at 7:30 a.m. The outing will be a 9-hole, best team score where each golfer plays his/her own ball. All registered delegates and guests are invited to participate in the golf tournament. The fee is \$40 for each participant, including riding cart, green fees and lunch. All registered delegates and guests are invited to participate in the golf tournament by registering online at www.alalm.org.

Teams must be as equal as possible. Teams registering as foursomes must consist of an A, B, C, and D player.

“A” Player = Avg. score 80 or below; “B” = Avg. 81 to 90; “C” = Avg. 91 to 100; “D” = Avg. 101 or Above

An awards luncheon will be held following the tournament at the golf course. Prizes will be awarded to the first, second and third place finishing teams. Individual Prizes will also be awarded: Closest to the Pin, Longest Drive, and many great door prizes. You must be present at the luncheon to win a door prize.

Prize Eligibility: To be eligible to win an individual prize, a participant must be a municipal official or a municipal employee or their spouse, and the participant must be registered for the convention. Neither vendors nor sponsors are eligible for individual prizes. To be eligible to win a team prize, a foursome must include at least one convention delegate.

2013 Convention Schedule

Monday May 20, 2013



8:00 a.m. – 5:00 p.m.

Registration

Convention Center Concourse • Renaissance

8:00 a.m. – 8:30 a.m.

Coffee Break

Convention Center Concourse • Renaissance

7:00 a.m. – 8:00 a.m.

Clerks Breakfast and Business Meeting • Renaissance
(See convention program for Clerks agenda/schedule)

8:30 a.m. – 5:00 p.m.

AAPPA Program

Montgomery Meeting Room 1 • Renaissance

9:00 a.m. – 10:30 a.m.
Montgomery Performing
Arts Center (MPAC)
Renaissance

GENERAL SESSION: Location • Renaissance
NLC Update

Clarence Anthony, NLC Executive Director

ACE Awards Presentation

Building Communities

Gary McCaleb, Vice President, Abilene Christian University,
Executive Director, Center for Building Community and
Professor of Management at ACU

9:30 a.m. – 11:00 a.m.

Spouses Breakfast • Embassy Suites Hotel, Salon ABC1

10:30 a.m. – 2:30 p.m.

EXHIBITS OPEN

Exhibit Halls BC • Renaissance

10:30 a.m. – 11:00 a.m.

Coffee Break in Exhibit Hall

11:00 a.m. – 12:00 p.m.

Concurrent Sessions (*choose from the following*)

Session 1
Alabama Ballroom A
Renaissance

Maximizing Recreational Facilities in Your Community

“Municipalities and State Parks”

Greg Lein, Alabama State Parks Director

“Recognizing Diamonds in the Rough - How to Optimize
Your Municipal Golf Course in Today’s Economy”

Brent Krause, General Manager & Golf Pro, Wynlakes
Country Club

Session 2
Alabama Ballroom B
Renaissance

Understanding City Financial Statements

Brian Barksdale, Carr, Riggs and Ingram

continued on next page

2013 Convention Schedule

Monday May 20, 2013 (continued)



Session 3
Alabama Ballroom C
Renaissance

Walk this Way: Gaining an Economic Edge with Complete Streets (panel discussion)

Moderator: Darrell Howard, Deputy Director of Planning, Regional Planning Commission of Greater Birmingham
Panelists: Charlene Lee, SmartCoast; Philip Amthor, Senior Planner, Regional Planning Commission of Greater Birmingham; Jason Fondren, KPS Group, Inc.; and Tim Kant, Mayor, Fairhope



12:15 p.m. - 2:15 p.m.

LUNCHEON and DESSERT (in the Expo Hall)
Exhibit Halls ABC • Renaissance

2:30 p.m. - 3:30 p.m.

Concurrent Sessions (choose from the following)



Session 1
Alabama Ballroom A
Renaissance

Alabama Immigration Law Overview – Montgomery’s Implementation and Compliance Process

- Mickey McInnish, City of Montgomery Legal Dept.
- Sergeant Christine Thornton, Montgomery Police Dept.

Session 2
Alabama Ballroom C
Renaissance

Employees and Technology

“Social media and Employee Privacy Laws” –
Barbara Wells, Capell & Howard PC



Session 3
Alabama Ballroom B
Renaissance

“BYOD (Bring Your Own Device - How Technology Can Make Your Employees More Productive)” –
Mike Deer, Area Sales Manager, ShoreTel

3:30 p.m. - 3:45 p.m.

Helping Your Community Manage Disasters

Jeff Byard, State Coordinating Officer, Alabama Emergency Management Agency

3:45 p.m. - 5:30 p.m.
Alabama Ballrooms AB
Renaissance

Coffee Break Convention Center Concourse •
Renaissance

ANNUAL BUSINESS SESSION

- Report of the Executive Director
- Report MWCF, AMIC and AMFund
- Presentation of Resolutions
- Report of Nominating Committee
- Election of Officers
- Report of Site Selection Committee



6:00 p.m. - 7:00 p.m.

Reception Convention Center Concourse



7:15 p.m.
Exhibit Hall A
Renaissance

President’s Banquet

- Presentation of League Distinguished Service Awards
- Installation of Officers and President’s Address

MPAC • Renaissance

Michael and Amy *Immediately following the Banquet*
(see page 35 for more about Michael and Amy)

2013 Convention Schedule



Tuesday May 21, 2013

8:00 a.m. – 12:00 p.m.

Registration

Convention Center Concourse • Renaissance

8:00 a.m. – 8:30 a.m.

Coffee Break Convention Center Concourse • Renaissance

8:30 a.m. – 10:30 a.m.
Alabama Ballrooms AB
Renaissance

GENERAL SESSION:

The Alabama Ethics Law: Required Training for Public Officials and Public Employees

- Jim Sumner, Director, AL Ethics Commission
- Hugh Evans, General Counsel, AL Ethics Commission

Awards Presentations: DesignAlabama

10:30 a.m. – 10:45 p.m.

Coffee Break Convention Center Concourse • Renaissance

10:45 a.m. – 12:00 p.m.
Alabama Ballrooms AB
Renaissance

ASK YOUR ATTORNEY PANEL

- Ken Smith, Executive Director, ALM
- Lori Lein, General Counsel, ALM
- Tracy L. Roberts, Deputy General Counsel, ALM
- Rob Johnston, Assistant General Counsel, ALM
- Perry C. Roquemore, Jr., The Bloom Group
- Brenda Smith, Assistant Attorney General

Noon Adjourn

CMO MINI BOOT CAMP • 1:00 p.m. - 3:45 p.m.

NEW this year, the MINI BOOT CAMP is a half-day CMO program focused on back-to-the-basics and 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. **The MINI BOOT CAMP is not part of the convention. Attendance requires a separate registration and payment of an additional \$60 fee. YOU MAY REGISTER ONSITE!**

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.

A 1945 Perspective from the League's First President

By: John G. Burton, Mayor, City of Jasper



Editor's Note: *This article, originally titled "The League Ten Years Ago and Today," appeared in the May 1945 issue of the Alabama Local Government Journal, a precursor to The Alabama Municipal Journal.*

This month – May – my thoughts and memory turn back to a day exactly ten years ago when a group of forward-thinking municipal officials gathered in Montgomery to plan the future course of the Alabama League of Municipalities. I was Mayor of my home city, as now, and was vitally and keenly interested in seeing developed a strong and effective state organization of city and town governments. The heads of the other 27 member municipalities felt the same way.

At our Montgomery conference three thoughts were uppermost in our minds – (1) we realized that the municipal governments were a potentially strong, unorganized group; (2) without organization and strength that accompanies

it, we were fast losing every degree of self-government authority at the municipal level; and (3) the future destiny of local government was in jeopardy. We realized that unless something was done, and done promptly, to rebuild the governmental structure of our cities and towns, the time would soon be at hand when the municipal governments would be mere administrative agencies for a strong and inhuman state government. The Legislature at that very time – while we were attending the Montgomery conference – was preparing to move deeper into our local governmental domain and pluck off more and more of our local prerogatives and authorities.

Decision Reached

After much discussion, the Montgomery conference went on record as favoring (1) a full-time League office in Montgomery, (2) a full-time executive secretary to direct the activities and programs of the organization and (3) an 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.

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.

The League's Growth Starts

We started out with 28 municipalities enrolled as members. We were in the midst of a regular quadrennial

continued on page 36

2013 EXPO Vendor Listing

The Alabama League of Municipalities' Annual EXPO provides convention delegates an opportunity to visit with numerous companies and state offices to learn about products and services for municipal officials and employees. Please take a moment to look over the list of this year's EXPO vendors and make sure to visit their booths during the convention.



2013 Schedule for ALM's 36th EXPO

The Exhibitor Showcase and Reception will be held in Exhibit Halls BC in the Renaissance from 5:30 until 7:00 p.m., Sunday, May 19, featuring heavy hors d'oeuvres and the Kings of Swing (p. 32). The EXPO Hall will reopen Monday, May 20, at 10:30 a.m. following the General Session. Luncheon and Dessert will be served in the EXPO Hall on Monday, May 20.

Door Prizes: Winners will be posted during the Monday luncheon AT THE VENDOR BOOTHS giving away prizes. If you registered for a door prize, check with the vendor during the Monday luncheon in the EXPO Hall to see if you won. *Delegates are responsible for picking up any prizes they may have won PRIOR to close of the Exhibit Hall on Monday at 2:30 p.m.*

Exhibits Close at 2:30 p.m., Monday, May 20.

(The following is a list of vendors that had registered at press time. A final list will be included in the convention registration packets.)

Company	Booth #	Company	Booth #
Absolute Aeration, LLC	309	Carr, Riggs & Ingram	114
Ad Comp Sales	403	CDG Engineers & Associates, Inc.	502
Advanced Disposal	414	CH2M Hill	402
AIA AL Council-Disaster Assistance Task Force	503	CIMSgts	209
Air Evac Lifeteam	504	Columbia Southern University	511
Alabama 811	418	Converged Networks, Inc.	516
AL Assn. of Municipal Clerks & Administrators	421	Crews & Associates, Inc.	404
Alabama City/County Management Association	120	Croy Engineering, LLC	510
AL Clean Fuels Coalition	224, 323, 226, 325	Design Alabama	603
Alabama Municipal Funding Corporation	201, 203	Dixie Decorations, Inc.	302
Alabama Municipal Insurance Corporation	102	DMD Engineers	515
Alabama Municipal Revenue Officers Assn.	419	Empire Pipe and Supply	202
Alabama Recreation and Parks Association	609	Employer Support of the Guard & Reserve	607
Alabama Retired State Employees' Assn.	408	Energy Systems Group	204
Alabama Urban Forestry Association	604	Engineered Restorations, Inc.	513
AlaGrants, LLC	112	ESG Operations, Inc.	425
Alliance Insurance Group, LLC	307	FacilityDude	610
Allied Waste Services	416	Gorrie-Regan	405
Ameresco, Inc.	413	GovDeals, Inc.	108
American Lung Association	319	Hancock Bank	509
American Municipal Services	218	Harris Computer	501
American Traffic Solutions	213	Holiday Designs, Inc.	205
AMIC/MWCF Loss Control Division	104	Hollon Accounting Services	321
Arrow Disposal	510	Holophane	608
AT&T	214	Honeywell	326
BB&T	219	InCare Technologies	126
Badger Meter	308	Ingram Equipment Company, LLC	B
BancorpSouth Equipment Finance	320	J. A. Dawson	D
Caldwell Tanks, Inc.	212	Jackson Thornton & Co., P.C.	216

continued on page 33

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Millennium Risk Managers
Municipal Revenue Service
Municipal Workers Compensation Fund
Piper Jaffray
PowerSouth Energy Cooperative
Runkle & Associates/Merrill Lynch
Sterne Agee
Tennessee Valley Authority

Kings of Swing to Perform During Sunday Evening EXPO Reception

Back by popular demand, “Kings of Swing”, directed by former mayor Steve Means of Gadsden, will play for convention attendees during the Sunday evening reception from 5:30 until 7:00 in the Expo Hall. Delegates and guests will enjoy a variety of toe-tapping Swing-era music as they mingle with more than 125 vendors exhibiting at this year’s tradeshow.

Means formed Kings of Swing in 1994 with the help of Rip Reagan, the band director at Gadsden State Community College, when the Center for Cultural Arts in Gadsden needed a swing band for a party celebrating the 50th anniversary of the United States victory in World War II. The band was an instant success, playing covers such as Woody Herman’s “Woodchoppers Ball” and Glenn Miller’s “Moonlight Serenade,” as well as some original pieces written by Reagan. The World War II celebration was such a hit that the Kings of Swing have been playing ever since.

Kings of Swing, which is made up of a variety of area musicians, was profiled in the June 2004 issue of *Southern Living* and has performed several times for the League’s annual convention.

2013 EXPO Vendor Listing

continued from page 31

Company	Booth #	Company	Booth #
Jacksonville State University	124	SAFE-T Shelters	318
Judicial Correction Services	217	Sansom Equipment Co., Inc.	G
Kellum, Wilson & Associates, P.C.	122	Scenic Alabama	623
Kidz Zone Play Systems	E	SealMaster/Alabama	304
KORKAT	311	Sentell Engineering, Inc.	324
KPS Group, Inc.	303	ServPro	517
Laserfiche	409	Severn Trent Services	702
Lee Helms Associates, LLC	116	Siemens Industry, Inc.	512
Local Government Corp	316	Southern Playgrounds, Inc.	613
M3 Fire Apparatus / HME, Inc.	C	Southland International Trucks, Inc.	206
Mauldin & Jenkins, LLC	317	Sunbelt	A
Municipal Revenue Services	208	Tank Pro, Inc.	305
Municode/Municipal Code Corporation	301	Taylor Power Systems, Inc.	401
Musco Sports Lighting	322	The Brick Industry Association	310
Mutual of Omaha/United American Assurance	215	The Grant Book Company	507
Municipal Workers Compensation Fund, Inc.	106	The Kelley Group	211
NAFECO	F	The Reinforced Earth Company	615
NLC-Prescription Drug Discount Program	407	Thompson Tractor Company	H
NCourt	306	Trident Insurance	210
Nov Ameron International Corporation	412	Tuscaloosa Tourism & Sports Commission	315
Overnight Parts Alliance	220	Universal Concepts	423
Pinnacle Network	207	University of North Alabama	506
Playscapes of Alabama, LLC	313	Utility Service Co., Inc.	703
Polyengineering, Inc.	415	Valley Storm Shelters	705,706
Precision Concrete Group	704	Volkert, Inc.	312
Provident	110	Warren Averett, LLC	118
Qscend Technologies, Inc.	417	Waste Pro	514
RDS (Revenue Discovery Systems)	314		

State Agencies that will be in Montgomery

(Check convention registration packets for booth assignments.)

- Alabama Attorney General's Consumer Affairs Office
- Alabama Cooperative Extension
- Alabama Correctional Industries
- Alabama Department of Agriculture and Industries
- Alabama Department of Archives and History
- Alabama Department of Conservation and Natural Resources
- Alabama Department of Economic and Community Affairs (ADECA)
- Alabama Department of Environmental Management
- Alabama Department of Labor – Montgomery Career Center
- Alabama Dept. of Revenue - Sales & Use Tax Division
- Alabama Emergency Management Agency (AEMA)
- Alabama Forestry Commission
- Alabama Industries for the Blind
- Alabama Surplus Property Division
- Alabama Tourism Department
- Auburn University Center for Governmental Services
- Retirement Systems of Alabama
- SDE SafeRoutes to School
- State Employees' Insurance Board



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Four Hands • Two Voices • One Brain! Music and Clean Comedy Fun.

Performing Monday evening, May 20,
following the President's Banquet

Michael and Amy's music and clean comedy dueling pianos show is an award winning "feel-good-fun-entertainment-experience" for audiences of all ages. Audience members consistently describe Michael and Amy's show as, "Unexpected", "Hysterical", "Incredible Talent", and "SO MUCH FUN!"

The audience is as much a part of the show as are Michael and Amy. From the moment this husband/wife dynamic duo take the stage they engage and involve their audience with familiar music that spans and unites generations. The songs may be familiar but Michael and Amy's genius lies not just with the music but with what they DO with the songs that turns an audience full of strangers into a singing, laughing, cheering family of friends.

Michael and Amy masterfully combine an eclectic mix of musical genres with humor and personal charisma. Their diverse range of popular and familiar music, some of which should never have been attempted on one piano, much less two, across-the-board humor, stand-up and improvisational comedy, and complete disregard for the fourth wall instantly bring a diverse audience together in song and laughter.

One moment you're singing at the top of your lungs, the next doubled over in laughter, and then... breathless. Always fun. Always exciting. Completely entertaining. Michael and Amy's show is a magical and eclectic mix – part music, part comedy, part theatre, part concert, part improv, and all chemistry. ■



1945 Perspective, *continued from page 30*

session of the Legislature. Our energies necessarily had to be turned fully behind our legislative committee in efforts to head off the passing of legislation considered hurtful and injurious to municipal government operations.

At the close of the 1935 legislative session, our executive secretary visited municipal officials up and down the state in an effort to enlist their aid in building up the type of League that we long had envisioned. We carried our message directly to the city and town halls. The result was an increase in membership from 28 to 74 municipalities. The League was firmly on the road to progress and was then assured of sufficient support to continue functioning as a full-time force in the affairs of our state's public life.

Membership Growth Constant

The steady increase in the League's membership attests the abiding interest on the part of municipal officials generally in the organization's welfare. Following my term as President, Mayor Lucien Burns of Selma served a year, during which time the official membership moved up to 94. In the next year – 1937 – under leadership of Mayor Cecil Bates, Mobile's brilliant chief executive, 104 cities and towns were actively affiliated with the League. Membership in 1938, during the presidential term of Mayor W.S. Coleman of Anniston, was increased to 116 municipalities.

In 1939 the Executive Committee faced squarely the problem of revisiting the dues schedule so as to obtain needed revenues to service an expanded program on the part of the League for its member municipalities. This action increased the budget by 60 percent, but the membership dropped from 116 to 106. This was during the presidential year of the late Mayor Jimmy Jones of Birmingham. By the next year, in spite of the sharp increase in the dues schedule, our membership had risen to 120 municipalities. During the following year – 1941 – under the able leadership of Mayor W.B. Mahan of Russellville, the most remarkable growth yet experienced in membership took place when 181 member municipalities were enrolled. This was due in large part to the active and untiring interest of Vice President Bowen Simmons of Opp who personally wrote strong letters of invitation to all nonmembers. His letters were followed up by similar appeals from all district vice presidents.

In 1942 membership dropped back to 166 municipalities, but the next year – during the term of Mayor J. H. Meighan of Gadsden – it was up again to 182, the highest in the organization's history to that time. Today (in 1945) our membership stands at 205 cities and towns. Just about every actively functioning municipality is enlisted with the League to aid itself by keeping the organization in position to render every possible service and assistance to the municipal governments. ■

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



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didn't have a city center that we were really proud of. So it was really a pride factor for us to be able to bring back the building to a certain stage."

He encourages communities considering a renovation project to "get a really good architect and a really good contractor and watch them very closely and make sure you preserve as much history as you can in doing a renovation because it's very easily lost if you're not paying attention. If we had not had our legal people look through those documents in the boxes, we'd have lost a lot of history. Any community that has an elected government ought to make sure that the citizens can appreciate where city government is. That doesn't mean you have to spend a lot of money, but it needs to be clean, it needs to be well lit, it needs to be welcoming because that is the center of government."

The City of Montgomery now offers City Hall/Auditorium tours to the public, particularly area 4th grade classes, which include a video the city had produced featuring historical highlights of the downtown area. Public feedback has been extremely positive. "The one word we hear more often than not is *wow*," said Mayor Strange. "It's all about the attitude of the people. Montgomerians care about what their city looks like, what their buildings look like. This renovation is well done and very tasteful and instills a sense of pride." ■

Interested in visiting City Hall when you're in Montgomery? Call Vivian Thomas at 334-625-2004 and she'll arrange a tour for you with Steve Jones.

Above: Steve Jones, the city's Director of General Services, stands beside a case in the auditorium prefunction that currently displays artifacts from the Montgomery Bus Boycott era. On the wall behind Steve, is a photo of the original City Hall that was built in 1871 and burned in 1932.

Right: One of the more fascinating discoveries during the renovation process was a gigantic mural depicting Montgomery's Dexter Avenue in the early 19th century. After finding a handful of filed photos that appeared to show a painting, city employees determined the mural was likely on the reverse side of a 60x40-foot black burlap fire curtain hanging very high from the rafters near the stage. When the curtain was lowered to ground level and turned around, a nearly pristine painted replica of the 1850s etching was unveiled. The mural, which was most likely commissioned in the 1930s, is currently on display behind the stage. Due to its size, a permanent location for this unique discovery has yet to be determined.



*Photos for this article by Elmore DeMott
www.elmoredemott.com (see ad, p. 16)*

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AMFund Board President, Greg Cochran; AMFund Chairman, Mayor Wally Burns, Southside; and Patrol Officer Jay Freeman, Southside.



Teresa Amos, Utility Board Secretary and Brian Hinds, Utility Board Superintendent

When Pell City needed to finance a new fire truck, we called Greg Cochran with AMFund and within a few days the process was underway. AMFund's rates were great and everything went very smoothly. When AMFund says "it's that simple", they mean it!

– Mayor Joe Funderburg, Pell City

After Southside saved \$314,000 by refinancing our existing debts through AMFund, it was an easy decision to use AMFund to purchase a new police cruiser. The process is simple; the turnaround is fast; and AMFund's rates are always extremely competitive. As chairman of AMFund, I'm very proud of the invaluable service this program provides Alabama's municipalities, and I highly recommend that my colleagues around the state consider AMFund for their communities' financing needs.

– Mayor Wally Burns, Southside

AMFund was wonderful to work with. Even though our loan was for a relatively small amount, they were happy to work with us and made the process very easy. We'll definitely use AMFund again!

– Teresa Amos, Utility Board Secretary

It's that simple.

Find out if AMFund is right for you: www.amfund.com