

# THE ALABAMA MUNICIPAL JOURNAL

January 2005

Volume 62, Number 7



Alabama delegates at the National League of Cities' 2004 Congress of Cities held in Indianapolis this past December.

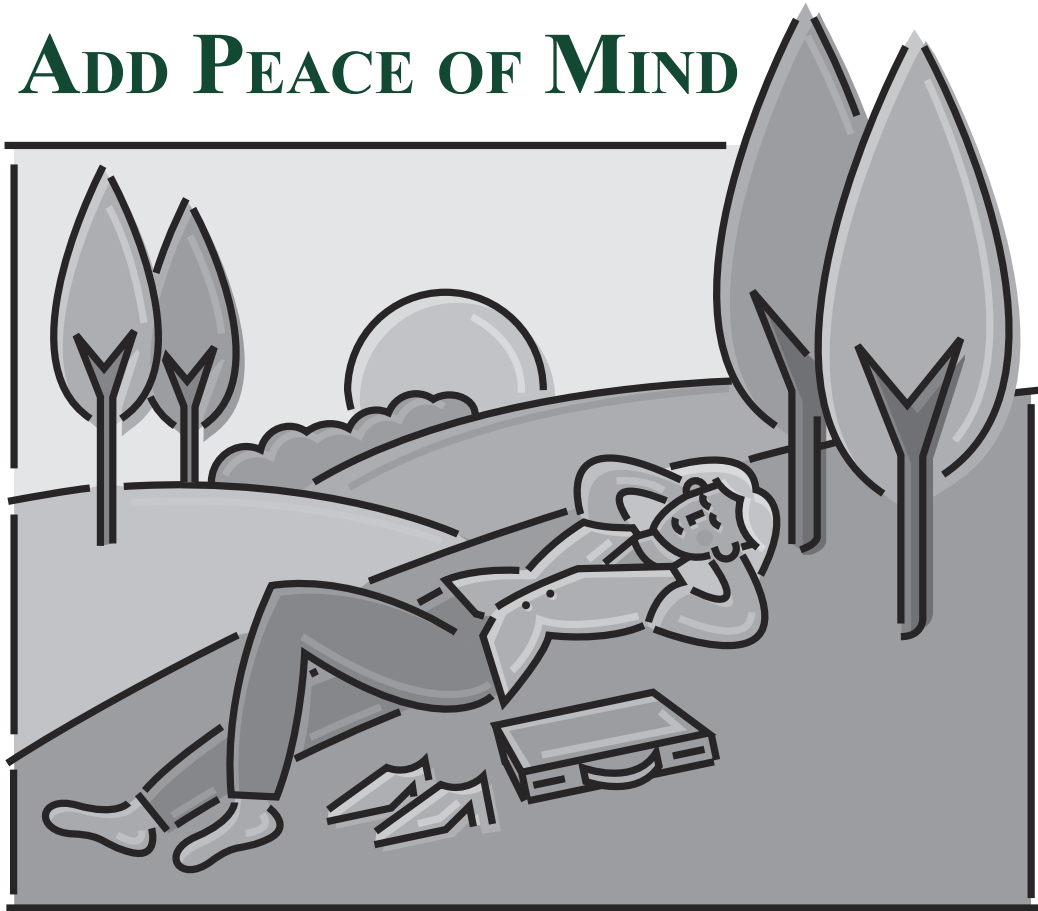
## Inside:

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- **2004 First Special Session – Final Report**
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# THE ALABAMA MUNICIPAL JOURNAL

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J. KENNETH SMITH, Deputy Director/Chief Counsel, kens@alalm.org  
STEPHEN S. MARTIN, Finance Director, stemv@alalm.org  
ROBERT C. BLACK, General Counsel  
CARRIE A. BANKS, Communications Director, carrieb@alalm.org  
GREGORY D. COCHRAN, Director, Intergovernmental Relations, gregc@alalm.org  
EDYE GOERTZ, Member Services Director, edyeg@alalm.org  
LORELEI A. LEIN, Staff Attorney, loril@alalm.org  
MARY ELLEN WYATT HARRISON, Staff Attorney, marye@alalm.org  
TWANNA WALTON, Legal Research, twannaw@alalm.org  
SHARON CARR, Administrative Assistant, sharonc@alalm.org  
FAITH ANN GUNN, Accounting Manager, faitha@alalm.org  
THERESA LLOYD, CMO Program Administrator, theresar@alalm.org  
RACHEL WAGNER, Librarian, rachelw@alalm.org  
LAURA ANNE WHATLEY, Legal/Communications Assistant, lauraw@alalm.org  
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## The City of Orange Beach Thanks Alabama's Municipalities

Dear Alabama Cities and League Members:

This time of year brings many thoughts of thanksgiving and appreciation to our employees, residents and families. In the aftermath of Hurricane Ivan which took a direct hit on our city September 15th, we in the City of Orange Beach are especially thankful for the support and aid provided by many of your cities across our great state. Sending your public safety officers and equipment along with providing inspectors and specialists was critical. Many of you organized donation efforts and others sent funds from your city.

To all who offered and provided these services and aid, we say "Thank You". Your prayers and support during the immediate recovery made all the difference. As we enter a new year, the City of Orange Beach and our area expects a very strong recovery in 2005 and we hope in the future you will consider coming down to enjoy what we have to offer.

Many thanks to each of you!

Sincerely –  
Steve Russo, Mayor  
City of Orange Beach

## Free Elm Trees Now Available Under Matching Grant Program

The New Matching Tree Grant Program has been announced by Elm Research Institute (ERI), a nonprofit organization based in Keene, NH. This unique, community-oriented promotion features disease-resistant American Liberty Elms which are the only street proven, purebred, native American elms with a Lifetime Warranty against Dutch elm disease.

Here's how the Matching Tree Grant Program works; for every inch of caliper, purchased by an ERI member, (in trees 2 inch caliper and larger) Elm Research Institute will donate a one inch caliper tree (approximately 6ft. in height) to be presented as a gift to the municipality of the member's choice.

Example: member buys (1) 6-inch caliper tree and ERI donates, in his name, (6) 1-inch caliper trees, valued at \$150 each, to the town of his choice. The one stipulation is that the American Liberty Elms must be planted on public property. The tax – deductible gift of trees will help Elm Research Institute fulfill its mission to "Re-elm" the streets of America.

### Landscape Architects and Contractors Also Eligible

"Liberty Elms have become extremely popular with Landscape Architects and contractors," says John P. Hansel, Founder of ERI. "We will extend the Matching Tree Grant Program to those who are specifying and planting American Liberty Elms."

The American Liberty Elms, with their classic American elm form, lend themselves to many landscape designs, including elm-lined drives, elm groves, and specimen elms in choice locations. As the elms mature, they raise their wide canopies to heights that afford clear views of architectural details of buildings and deep shade for people to enjoy.

Having elms as a landscape element again, designers can continue the tradition of Fredrick Law Olmsted, who included American elms in his plans for the U.S. Capitol grounds, New York City's Central Park and other projects.

### Liberty Elms...Field Tested for 20 years

The American Liberty Elm, during its research phase, showed superior resistance to disease fungus inoculations in eight successive years, the Institute reports. Now the tree has had 20 years of "street testing," growing in communities where Dutch elm disease is present. ERI calls this "the ultimate field test." Losses among the over 300,000 trees distributed have been less than 1 percent.

"With more elms now on the market claiming resistance," Hansel says, "you need to ask the right questions. As a consumer, you have the right to inquire about the origin and track record of any elm you are considering."

For more information about the Matching Tree Grant Program, phone Elm Research Institute at 603-358-6198, online at [www.libertyelm.com](http://www.libertyelm.com) or write Elm Research Institute, 11 Kit St., Keene, NH 03431.



# The President's Report

Jim Byard, Jr.  
Mayor of Prattville

## Congress of Cities Provides Invaluable Information

As we all know, being an elected official is hard work and involves countless hours of our time. We face dilemmas – some important, some not so important in the large scheme of things, but nevertheless important to our citizens. We face funding problems, employee situations and ensuring the daily operations and services meet our citizen's needs. Many times we need a fresh approach and new ideas about handling our jobs. Having just returned from the National League of Cities Congress of Cities (NLC) meeting in Indianapolis, Indiana, I was once again impressed with the amount of information available to us as mayors, councilmembers and support staff.

The theme of this year's meeting was "*America's Cities and Towns Racing Toward a Better Future*," appropriate for Indianapolis, home of the famed Indy 500 and NASCAR Brickyard race. Truly, we are all racing toward our future and it is up to each of us to gather as much information, and seek as many answers as we can so that it can be a "better" future for our citizens.

There is something for everyone at the National League of Cities. Spouses are given the royal treatment and have plenty to do as their husbands or wives attend the business meetings. The exhibit hall is always a favorite place and often times an extra suitcase is necessary to hold all of the literature and freebies found in the vendors' booths. The large assemblies, luncheons and dinners, complete with entertainment, are interesting, informative and inspirational. The speakers and panels deal with subjects which are on

all of our minds as we seek to preserve and improve the quality of life in our towns and cities.

Numerous workshops are available, covering a wide variety of topics ranging from community websites and e-government, the arts, planning issues, rising costs of health insurance for employees, infrastructure concerns, historic revitalization, education, job training, problems facing our families, tourism and economic development – to name a few. One particularly informative session was an open-mike forum for small cities to share what has worked, or not worked, for their communities. This sharing allowed attendees the opportunity to become acquainted and to take home fresh new ideas.

The NLC is the oldest and largest national organization representing governments throughout the United States and gives us a learning opportunity to examine issues and challenges facing America's towns and cities. Direct City Membership is a great way for your city or town to become more involved with the NLC.

One of the highlights of this year's trip was watching as 'one of our own' sought the nomination as NLC's 2nd Vice President, a position that is in-line to lead the organization. Cynthia McCollum, a city councilmember from Madison ran for this leadership position. Cynthia serves with Brewton Mayor Ted Jennings on the NLC's Board of Directors. She is a past national president of NBC-LEO, and serves on our League's Executive Committee. While she did not win, she represented our state with dignity and grace. Cynthia told me she plans to run again next year, and I look forward to supporting her in Charlotte. I hope you will join me in supporting Cynthia for this important leadership position.

Attending the NLC is a great way to "recharge your battery." No matter the size of the community, all are on an equal footing and can learn something from the other. Attending the meetings and sifting through the vast amount of information available is all it takes to "race toward a better future" for your town. I urge you to take advantage of what you can learn. Join us at the NLC meeting this March in Washington and the next Congress of Cities which is scheduled for December in Charlotte, North Carolina. ■



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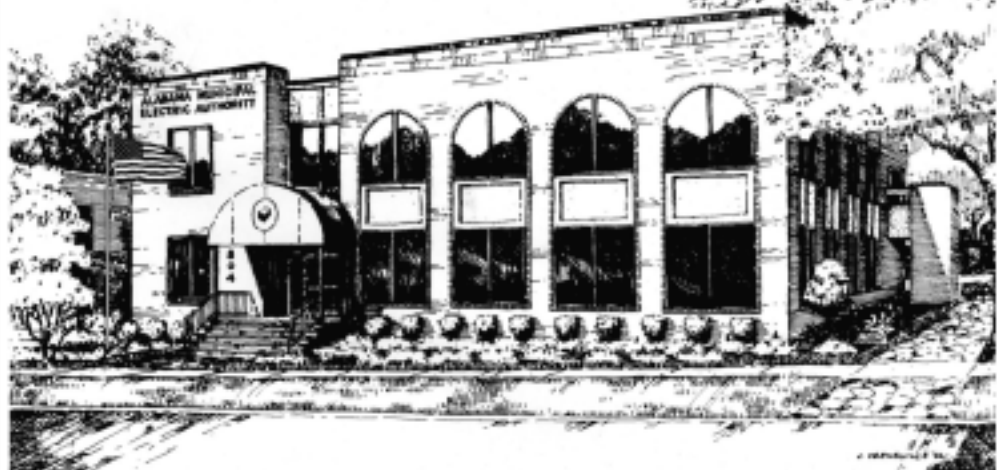
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# Municipal Overview

By  
PERRY C. ROQUEMORE, JR.  
*Executive Director*

## 2004 First Special Session – Final Report

The First Special Session of 2004 adjourned sine die on November 16, 2004. Governor Riley called the special session to change the health insurance programs for state workers and education employees in an effort to save money for the state's general fund.

The new laws mandate higher premiums for users of tobacco products and permit higher charges for employees who engage in risky behavior. Public employees who fall below 200% of the federal poverty line will receive a price reduction on health insurance to make sure their children receive the same benefits as low-income Alabamians who qualify for the Children's Health Insurance Program.

The laws give a new option to a public employee whose spouse works for an employer other than the state and has health insurance coverage for the family. The public employee can skip the state's normal health insurance plan and have a supplemental policy that would pay costs not covered by the spouse's health plan, such as co-pays. This would save the state about 60% in costs.

Employees who retire after September 30, 2005, will be required to pay more for their health insurance if they leave before getting 25 years of service. Employees who work beyond 25 years before retiring would pay less. Further, if the retired employee takes another job, he or she will be required to use their new employer's health insurance plan as their primary coverage if the employer pays at least 50 % of the coverage cost.

The laws make sure that all public employees can participate in flexible benefits accounts to pay for medical and childcare expenses with money set aside before taxes are deducted. This benefit is already available to state employees, but not to all education employees. The law also provides that the State Employees Insurance Board and the Public Education Employees Health Insurance Board will be allowed to change premium rates for participants by a two-thirds vote.

### General Bills Passed

**Cost Sharing of Health Insurance Premiums – Public Education Employees Health Insurance Program (HB1, Act 2004-646).** To amend Sections 16-25A-1 to add further definitions, 16-25A-4, 16-25A-5, 16-25A-7, 16-25A-8, 16-25A-9 and adds new Sections 16-25A-2.1, 16-25A-5.1, 16-25A-17.1, 16-25A-19, 16-25A-20, 16-25A-21, and 16-25A-22 to provide for cost sharing of health insurance premiums by employees and retirees covered by the Public Education Employees Health Insurance Program, offer supplemental secondary coverage in lieu of coverage in the basic medical plan, provide premium contribution assistance to low income employees, to provide for detailed records to be maintained by the Board, to allow participation under the Public Education Flexible Employees Benefits Program..

**Cost Sharing of Health Insurance Premiums – State Employees' Health Insurance Plan (HB2, Act 2004-647).** To amend Sections 36-29-1, 36-29-3, 36-29-4, 36-29-6, 36-29-7, 36-29-8, 36-29-10, 36-29-12 and 36-29-13, Code of Alabama 1975, and add Sections 36-29-19.1 through 36-29-19.6 to provide for the sharing of the cost of health insurance premiums by state employees who are covered by the State Employees' Health Insurance Plan, offer supplemental coverage in lieu of coverage in the basic medical plan of the State Employees' Health Insurance Plan and provide assistance to low income employees and retirees.

**Retiree Cost Sharing of Health Insurance Premiums – State Employees' Health Insurance Plan (HB3, Act 2004-648).** To add Section 36-29-19.7 and 36-29-19.8 to the Code of Alabama 1975, to provide for the sharing of the cost of health insurance premiums based on years of service by state retirees who are covered by the State Employees' Health Insurance Plan and to offer supplemental coverage in lieu of coverage in the basic medical plan of the State Employees' Health Insurance Plan.

**Retiree Cost Sharing of Health Insurance Premiums – Public Education Employees Health Insurance Program (HB4, Act 2004-649).** To add a new Section 16-25A-8.1 to provide for the sharing of the cost of health insurance premiums based on years of service by retirees who are covered by the Public Education Employees' Health Insurance Plan; to add a new Section 16-25A-5.2 to provide for supplemental insurance policy for secondary coverage.

**Public Education Flexible Employees Benefits Board (HB5, Act 2004-650).** To allow public education employees to participate in a flexible employee benefits

*continued next page*

program and creates the Public Education Flexible Employees Benefits Board for such program's administration.

#### Local Bills

**HB10, Act 2004-688** – Mobile County – Unpaved roads

**HB12, Act 2004-689** – Autauga County – authorize Coroner to appoint Deputy Coroners

**HB14, Act 2004-691** – Autauga County – Revenue Commissioner Expense allowance

**HB15, Act 2004-692** – Autauga County – compensation for chief poll officials

**HB17, Act 2004-693** – Dale County – provides additional expense allowance and salary for Judge of Probate, Revenue Commissioner and Sheriff

**HB18, Act 2004-694** – Lee County – Reimbursement for monetary losses for errors or mistakes made in good faith

**HB19, Act 2004-695** – Lee County – Pistol permit fees

**HB20, Act 2004-696** – Cullman County – Allows Sheriff to provide a retiring officer his or her badge and pistol

**HB22, Act 2004-697** – Conecuh County – Lodgings Tax

#### Annexation Bills

**HB24, Act 2004-700** – Pike Road

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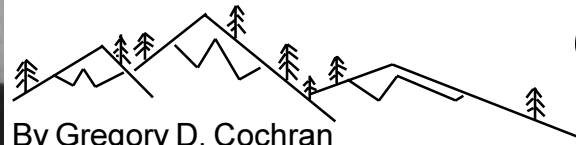


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# ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran  
Director, Intergovernmental Relations

## Alabama to Receive Millions in Hurricane Disaster Relief

The state of Alabama will be receiving more than \$25 million in federal aid to help restore and rehabilitate Alabama's forests and farms as a result of this Fall's hurricane damage. The funding allocations include:

*The Emergency Conservation Program - \$2,756,000* - This program will assist farmers and ranchers to rehabilitate farmland after severe weather. Activities include restoring conservation structures and fences.

*Emergency Watershed Program - \$3,586,040* - Provides funds for locally sponsored watershed protection projects. Activities include assistance to restore impaired streams resulting from the hurricane, and provide sound erosion control measures.

*Forest Rehabilitation - \$19,537,000* - Funds will be used to remove and restore thousands of trees that have damaged trails and roads and dozens of recreation and administrative sites. The monies can also be used to restore endangered species habitat.

### New Southeast Partnership to Protect Fish and Their Habitats

Last month, Southeast aquatic resources protection took a positive step forward with the formal establishment of the Southeast Aquatic Resources Partnership (SARP). The SARP is a coalition of state, federal and other conservation agencies that are committed to working together for the benefit of the region's aquatic resources. 13 Southern state agencies, including the Alabama Department of Conservation, various regional conservation agencies and the U.S. Fish and Wildlife Service (USFWS) have agreed to work together for this common goal. Some of SARP's challenges include:

\* 34% of North America's imperiled fish species and 90% of imperiled native mussels are found in the Southeast.

\*\* 200 foreign aquatic nuisance species, such as the zebra mussel and Asian eel, have been introduced into the U.S., and about half of these in the Southeast.

\*\*\* 74 of 87 watersheds nationwide considered to be "freshwater hot spots" (areas of concern) are in the Southeast, according to a 1998 Nature Conservancy report.

For more information about SARP call Kyla Hastie, USFWS at 404-679-7291.

### Nature Conservancy of Alabama Inks Agreement with Forest Service

The Nature Conservancy of Alabama and the USDA Forest Service recently signed an agreement to work together on issues critical to Alabama's National Forests, such as acquiring additional lands, protecting rare and significant species and ecological restoration.

The Nature Conservancy has identified all of the national forests in Alabama as eco-regional portfolio sites, meaning they are priorities for conservation and crucial to protecting the state's biodiversity. Ongoing efforts will include expanding the use and understanding of prescribed fire; combating invasive, non-native species and reestablishing native species; increasing public support for protecting areas of high biodiversity; and supporting the restoration of the longleaf pine ecosystem across Alabama.

For more information about this new partnership, contact Keith Tassin, Nature Conservancy at 205-251-1155.

### Alabama Power Foundation Awards 73 Community Tree Grants

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By Ken Smith  
Deputy Director/Chief Counsel

# THE LEGAL VIEWPOINT

## Council Meeting Procedure

Sir Winston Churchill once observed that a country which does not bother with legislative procedure is “an enigma wrapped in a mystery.” This observation is applicable to any legislative assembly purporting to represent the people of a nation, state or a political subdivision in the exercise of sovereign powers. Only through established and known rules of legislative procedure are voters ensured that their representatives will have the opportunity to express their ideas about items of business before the assembly.

From a practical and fundamental viewpoint, the rules of procedure followed by a legislative assembly are second in importance only to the constitution or charter under which the assembly is formed. Thus it is imperative that the people’s representatives assemble and proceed under rules known and available to all alike under similar circumstances. Otherwise the result is an assembly at the mercy of a few who claim to know the answer to a profound secret beyond human comprehension.

Cities and towns under the mayor-council form of government express themselves through the council, which is their legislative assembly. Rules of procedure are as necessary for a municipal council as they are for the state Legislature or the Congress of the United States. The only difference is the degree of confusion that would result without such rules.

In providing for the establishment of mayor-council cities and towns, the Legislature stipulated mandatory procedural requirements for such municipalities, and beyond these the council is directed to assemble, organize and adopt its own rules of procedure, keeping a journal thereof. The following paragraphs list the statutory provisions bearing upon the procedure of municipal councils, cases which have been

decided on procedural questions and recommendations for rules to be adopted by councils.

### **Council is Legislative Body**

The legislative functions of a municipality under the mayor-council form of government are vested in the council by statute in Sections 11-43-2 and 11-43-40, Code of Alabama, 1975. It has been ruled that the legislative authority vested in the council can only be exercised by the council as an organized body, and the members of the council acting severally can do nothing. Thus a petition carried to each member of the council individually and signed by each councilmember amounts to nothing. *City of Mobile v. Kiernan*, 170 AL 449, 54 So. 102 (1910). A city council cannot conduct business by correspondence between council meetings. *City Council of Prichard v. Cooper*, 358 So. 2d 440. Where the council does not have a quorum present it cannot legally transact business. A councilmember not present at a council meeting may not cast a vote for or against a measure being considered by the council over the telephone. *Penton v. Brown Crummer Inv. Co.*, 222 AL 155, 131 So. 14 (1930). Informal agreements of the mayor and council which are not entered on the minutes are not legal or binding on the municipality. The law requires a record of the proceedings of the council so that those acting under it may have no occasion to look beyond the record. This avoids leaving such proceedings to be proved by parol or oral evidence and makes certain that rights arising under such proceedings shall not depend on the mere recollection of witnesses. *Alabama City G. & A. Ry. Co. v. Gadsden*, 185 AL 263, 64 So. 91 (1913).

The wisdom, propriety or expediency of a city ordinance is not a matter for review by the courts. Such matters are

*continued next page*

within the province of the lawmaking body (council). The courts will only look to the validity of the action of the council under the Constitution and laws of the state. *Estes v. Gadsden*, 266 AL 166, 94 So. 2d 744 (1957).

### **Organization of Council**

Members elected to the municipal council are required to assemble and organize the council on the first Monday in October after their election. Section 11-43-44, Code of Alabama, 1975. In cities and towns of less than 12,000, the mayor is a member of the council and presides over its deliberations. Section 11-43-2, Code of Alabama, 1975. As a member of the council, the mayor of municipalities of less than 12,000 population is entitled to vote on measures called to question by the council. If the mayor fails to vote on an issue and the vote ends in a tie, the mayor is *required* to cast the deciding vote.

In municipalities of less than 12,000, the mayor generally has the same voting rights as the other councilmembers. However, an exception exists when the council is voting on whether or not to uphold the mayor's suspension of an employee who was not hired by the mayor or when the council is voting on the dismissal of an officer appointed by the council.

The mayor may remove any officer for good cause, except those elected by the people, and may temporarily fill the vacancy if the officer was elected by the council or appointed with its consent. In either of the latter two situations, the mayor must report the removal and the reasons therefor to the council at its next regular meeting. If the council sustains the act of removal by the mayor by majority vote of those elected to the council, the vacancy shall be filled as provided in Title 11 of the Code. Again, a hearing, unless waived, must be granted to the appointee concerned before dismissing the employee. Section 11-43-81, Code of Alabama, 1975. In the League's opinion, the mayor can cast a vote on the issue of upholding his or her act of removal for the purpose of documenting the mayor's position on the issue. However, the mayor's vote cannot be counted in determining whether a sufficient number of those elected to the council approved the officer's removal. *Hammonds v. Town of Priceville*, 2003 WL 22929133 (2003).

Also, Section 11-43-160, Code of Alabama, 1975, requires a two-thirds vote of the council to dismiss an officer elected or appointed by the council. The Alabama Supreme Court held that a mayor is not "elected to the council," within the meaning of the statute providing for council's removal of an appointed town official by a two-thirds vote of all those elected to council, and, thus, although his or her vote was technically allowed on the question of removing a

police chief, his or her vote was irrelevant in determining whether a sufficient number of those elected to the council approved the police chief's removal. *Hammonds v. Town of Priceville*, 2003 WL 22929133 (2003).

If the mayor votes and the vote ends in a tie, the mayor may not vote a second time to break the tie. A mayor cannot vote twice under any circumstance. See *Jones v. Town of Coosada*, 356 So. 2d 168 (Ala. 1978) and Attorney general's opinion to Hon. Gwin Wells, April 5, 1982. A tie vote leaves the matter being voted on undecided. Attorney General's Opinion 96-00056.

Where a specific vote requirement is not set out by the code, passage requires the affirmative vote of a majority of those voting on the issue, provided a quorum of the council is present.

In most cities of 12,000 or more in population, the council is presided over by the president of the council who is a member of the council and is entitled to vote upon questions before the council. See Section 11-43-40, Code of Alabama, 1975.

When the council organizes, it is required to establish the time and place to hold regular meetings. These meetings are required to be open to the public. Also when organizing, the council, in cities and towns of less than 12,000, is directed to elect a temporary chairperson to serve when the mayor is absent. In cities of 12,000 or more, the council is required to elect a president pro tempore to act during the absence of the council president. Section 11-43-49, Code of Alabama, 1975.

The council is required to hold at least two regular meetings each month. An exception is made for towns (under 2,000 in population) where only one regular meeting each month is required. Section 11-43-50, Code of Alabama, 1975, as amended.

Section 11-43-51, Code of Alabama, 1975, gives the council the power to compel the attendance of absent members in such manner and under such penalties as it may prescribe. While this statute authorizes the council to take action to compel attendance, the council cannot act unless a quorum is present. It is strongly advised that the council establish the manner in which members may be compelled to attend council meetings soon after organization while a quorum is present.

Sometimes councils become hamstrung when councilmembers refuse to come to meetings in order to defeat a quorum. The ordinance should specifically spell out the penalties for failure to attend. The council may not remove members who fail to attend meetings.

*continued page 19*





# Legal Notes

By Lorelei A. Lein  
Staff Attorney

## COURT DECISIONS

**Courts:** Proof of annual certifications and semiannual inspections is not a necessary part of statutory predicate for admissibility, in prosecution for driving under the influence, of breath-alcohol test results obtained from a computerized testing instrument. *Lum v. City of Brewton*, 883 So.2d 241 (Ala. 2003).

## DECISIONS FROM OTHER JURISDICTIONS

**First Amendment:** A municipality did not violate a police officers First or Fourteenth Amendment Rights when it terminated his employment for selling a videotape of himself stripping off a generic police uniform and performing sexual acts upon himself. *Roe v. San Diego*, – U.S. – (2004), 2004 WL 2775950. NOTE: This decision overrules the previously reported decision of *Roe v. San Diego*, 356 F.3d 1108 (9<sup>th</sup> Cir. 2004).

**First Amendment:** A city’s removal of homeless persons sleeping on church property at the church’s invitation substantially burdens the church’s religious practice of reaching out to the unfortunate in the community without being sufficiently narrowly tailored to the city’s asserted health and welfare interests and therefore violates the church’s rights under the First Amendment’s free exercise and free speech clauses. *Fifth Ave. Presbyterian Church v. New York City*, 2004 WL 2471406 (S.D.N.Y. 2004).

## ATTORNEY GENERAL OPINIONS:

**Board of Education:** A school board may enter into a joint commercial venture with a company that will provide and maintain a profit-making website with profits to be realized through the sale of advertisement space on the website whereby students would offer the ads for purchase

to local businesses, create the ads and place them on the website and as a result the students would gain experience with computers and web design and a large portion of the revenue would be returned to the school; provided, however, that if the proposed project amounts to an exclusive franchise, it must be competitively bid. 2005-17.

**Hospitals:** Under section 22-21-51(a) of the Code of Alabama relating to Hospital Associations, members of the association may not serve staggered terms. 2005-18.

**Conflicts of Interest:** A person may serve as a postmaster and as a part-time councilmember. 2005-19.

**Appropriations:** If a city council determines that expending funds for the acquisition of a monument to memorialize the former existence of a public educational institution serves a public purpose, such expenditure is consistent with Section 94, as amended by Amendment 558, of the Constitution of Alabama of 1901. 2005-021.

**Elections:** Voted ballots included in the election night results that were left inside locked voting machines on election night by poll workers and were discovered and secured by election machine custodians following the election should be counted in the recount and added to the recount totals, as long as these ballots and vote totals are accounted for separately from the remainder of the recount totals. 2005-22.

**Elections:** If a nonprofit trade association is organized as a nonprofit corporation, the association-affiliated political action committee may directly solicit funds from association member employees. The solicitation must inform the employee of the political purposes of the fund and the right of the employee to refuse to contribute to the fund without reprisal. 2005-23.

*continued page 18*



# Federal Legislative and Regulatory Issues

Mary Ellen Wyatt Harrison  
Staff Attorney

## Change of Guard in Homeland Security Department

Although the head of the Department of Homeland Security may be leaving, it is business as usual as the agency prepares to accept applications for more than \$2.52 billion in FY 05 grants.

Just days after announcing his plan to resign, DHS Secretary Tom Ridge announced the availability of more than \$2.52 billion for a variety of state and local terrorism prevention, preparedness and response activities.

This year, six programs – the State Homeland Security Program, the Urban Area Security Initiative, the Law Enforcement Terrorism Prevention Program, the Citizen Corps Program, Emergency Management Performance Grants and Metropolitan Medical Response System Program Grants – have been packaged into a single FY 05 Homeland Security Grant Program (HSGP) “to better facilitate the organization, coordination and management of state and local homeland security funding and prevention, preparedness and response efforts across the nation,” according to the Office of Domestic Preparedness.

As in previous years, the State Homeland Security Program supports activities aimed at meeting a state’s planning, equipment, training and exercise needs. In FY 05, however, states and territories may also use these funds to implement the National Incident Management System and the National Response Plan. A total of \$1.06 billion is available through this component of the HSGP.

The Urban Area Security Initiative provides high-risk cities with funds to engage in the same types of activities mentioned above – as well as to protect nonprofit organizations located within these urban areas. DHS has allocated a total of \$855 million for 50 cities in 28 states.

Through the Law Enforcement Terrorism Prevention Program, law enforcement communities in every state and territory – with the exception of the Republic of the Marshall Islands and the Federated States of Micronesia — are eligible for a total of \$386 million to support information-sharing activities; target hardening; threat recognition and mapping projects; interoperable communications; and other terrorism prevention efforts.

The HSGP also contains funds for Citizen Corps Councils, which work at the grassroots level to involve citizens in hometown security. A total of \$13.5 million is available through this component for public education and communication activities, planning and evaluation efforts, exercises and other programs that promote preparedness, training and volunteerism within a community.

Another \$174 million is available through the Emergency Management and Performance Grant Program, which funds activities aimed at improving mitigation, preparedness, response and recovery capabilities for all hazards at the state and local levels.

And the final portion of funds allocated as part of the FY 05 HSGP – Metropolitan Medical Response System Program grants – supports enhancements to mass casualty response systems. DHS has set aside \$28.2 million for this program.

Upon receiving an award, states have 60 days to pass at least 80 percent of their funds under the State Homeland Security Program, the Urban Area Security Initiative, the law enforcement program and the metropolitan medical response component to local governments. All of the HSGP programs fund activities and operations that take place between Oct. 1, 2004, and March 31, 2007. And, as stipulated in previous years, funds cannot be transferred from one program to support activities under a different HSGP component.

But the FY 05 funding process will differ significantly from the way things have been done in the last two years. For example, state and local governments now have 120 days – rather than the standard 3-to-5-day period – to draw down their grant funds from the U.S. Treasury in advance of making purchases and other expenditures. Funds may be held in interest-bearing (or non-interest-bearing) accounts until they are spent.

Additionally, funds from the Urban Area Security Initiative may be used to cover overtime costs accumulated not only during a Code Orange alert but also in Code Yellow periods.

DHS also has committed, in FY 05, to providing technical assistance to state and local officials involved in the grants management and distribution processes.

Furthermore, the department plans to create an Office of Grant Operations, which will provide administrative and financial grants management support for all DHS grant programs.

The deadline to submit an application for HSGP funding is Jan. 16, 2005. All requests must be submitted through the online Grant Management System (GMS) at <https://grants.ojp.usdoj.gov>.

Only states and U.S. territories – through a State Administrative Agency designated by the governor – may submit applications for HSGP funds. Program guidelines

and application instructions can be obtained online at [www.ojp.usdoj.gov/odp/docs/fy05hsgp.pdf](http://www.ojp.usdoj.gov/odp/docs/fy05hsgp.pdf).

Every state and territory has been allocated a portion of the \$2.5 billion available from DHS. New York is eligible for a total of \$298 million – the largest allocation for FY 05 and a significant increase over the amount awarded to the state in FY 04. Wyoming is slated to receive the smallest award – \$13.9 million. Totals for U.S. territories range from \$50,075 (Republic of the Marshall Islands and Federated States of Micronesia) to \$25 million (Puerto Rico).

Some states and local jurisdictions should anticipate receiving fewer – or perhaps no – homeland security funds this year.

A historic intelligence overhaul bill that has cleared the House by a vote of 336 to 75 and, at press time, was expected to pass the Senate, will direct more homeland security funding to high-threat states and localities.

In addition to creating a new director of national intelligence, establishing a strong counterterrorism network and easing communication between different branches and agencies of the government, the National Intelligence Reform Act of 2004, S. 2845, authorizes the Department of Homeland Security to award disaster preparedness and response grants to states and local governments based strictly on threat assessments, rather than an area's population size.

The bill does not, however, include a provision that would have required states to adopt federal standards for drivers' licenses. Blunt has said he will address this issue in the 109th Congress.

### **Distance Learning and Telemedicine Program**

The deadline to apply for a grant to provide residents of rural communities with telecommunications, computer networks and related advanced technologies that increase their access to education, training and health care resources is quickly approaching. The deadline is Feb. 1, 2005. State and local governments, Indian tribes and tribal organizations, incorporated organizations and partnerships, consortia and private for-profit and nonprofit corporations are eligible. For more information, contact Orren Cameron at (202) 720-0413 or visit [www.usda.gov/rus/telecom/dlt/dlt.htm](http://www.usda.gov/rus/telecom/dlt/dlt.htm).

## ETHICS COMMISSION OPINIONS

**AO NO. 2004-23:** A councilmember may not vote, attempt to influence, or otherwise participate in matters that affect the municipal police department consisting only of a Police Chief and a Corporal, who is the councilmember's spouse, because every action taken regarding the police department will directly affect the spouse. However, a councilmember may vote on matters brought forth by the Planning Commission, when the spouse of a councilmember, who is also the Planning and Zoning Enforcement Officer for the municipality, does not receive any personal benefit, and where the matters are routine in affecting zoning issues.

**AO NO. 2004-26:** A councilmember, who is president of a youth sports association, and who owns a business selling sports apparel and equipment to the association, may continue to sell sports apparel and equipment to the association when the purchases are paid for by the municipality; provided, however, that all transactions are done through the appropriate bid law and that the councilmember does not vote, attempt to influence, or in any manner participate in any aspect of the transaction. Any contracts entered into with the councilmember's business must be filed with the Ethics Commission.

**AO NO. 2004-27:** A municipal police officer may perform accident reconstruction services for law firms and insurance companies; provided, however, that the officer does not use any municipal equipment, facilities, time, materials, human labor, or other municipal property in performing those services. Provided further, that the officer does not perform accident reconstruction services within the municipal corporate limits or police jurisdiction or on any matters involving the municipality.

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Councilmembers may only be removed by impeachment proceedings in a court of competent jurisdiction. Attorney general's opinion to Hon. Al Tidwell, March 6, 1978. While the attorney general has held that a council may compel attendance of its members by adopting an ordinance to this effect, and prosecute councilmembers in municipal court for violating the ordinance (Attorney general's opinion to Mrs. Melba Henry, February 11, 1974), a better practice is to base the members' salaries on attendance at meetings. Attorney general's opinion to Hon. John Kellum, February 15, 1985.

The council is required to elect a clerk and a treasurer in cities of 6,000 or more inhabitants. The offices may be combined by a two-thirds vote of the council. Section 11-43-3, Code of Alabama, 1975. Municipalities of less than 6,000 are required to elect a clerk. The council in all mayor-council municipalities is authorized to elect a municipal judge and such other officers as the council deems necessary to carry out the functions of the municipality.

All elections of officers shall be made *viva voce* (roll call vote), and a concurrence of a majority of the members to the council shall be required, and all members of the council may vote any provision of law to the contrary notwithstanding. On the vote resulting in an election or appointment, the name of each member and for whom he voted shall be recorded. Section 11-43-45, Code of Alabama, 1975. The attorney general has ruled that when the council votes to fill a vacancy on the council this code provision requires a majority of the remaining members on the council. Attorney general's opinion to Hon. E. B. Overton, April 23, 1957.

No legal business can be transacted by the council at a meeting where fewer than a quorum is present. A *quorum* of the council consists of a majority of the whole number of members to which the municipality is entitled to have on the council, including the mayor in municipalities of less than 12,000 population. Section 11-43-48, Code of Alabama, 1975. Section 11-45-2, Code of Alabama, 1975, requires the affirmative vote of a majority of the whole number of members of the council, including the mayor, to pass an ordinance of general and permanent nature in cities and towns of less than 12,000. To pass such an ordinance in cities of 12,000 or more, a majority of the members elected to the council must vote in favor of the ordinance.

## Council Minutes

The council is required to keep a journal of its proceedings which shall be open to the inspection and

examination of all citizens and shall have the force and effect of a record. A copy of the journal, certified by the clerk, shall be prima facie evidence in any court or elsewhere. Section 11-43-52, Code of Alabama, 1975. The clerk of the municipality is required to attend all meetings of the council and to keep the journal of its proceedings. Section 11-43-100, Code of Alabama, 1975. In the absence of the clerk, the council has the duty to appoint some person to act in his or her stead to keep the journal for the meeting. The council may appoint one of its own members to perform this duty. While that councilmember is engaged in the performance of this duty, he or she is not deprived of voting upon questions coming before the council. *Clark v. Uniontown*, 4 AL App. 264, 58 So. 725 (1912).

The record of council proceedings cannot be impeached by collateral attack in court. In order to force a council to change its minutes, it is necessary that the assailant bring action directly by mandamus petition in circuit court. *Penton v. Brown Crummer Inv. Co.*, 222 AL 155, 131 So. 14 (1930). The council, though, retains control over the record of its proceedings at all times. It may amend them at any subsequent meeting to make them speak the truth. *Guntersville v. Walls*, 252 AL 266, 39 So. 2d 567 (1957); *Estes v. City of Gadsden*, 266 Ala. 166, 94 So. 2d 744 (1957).

The law contemplates that the record of council proceedings shall be permanent in nature and not susceptible to easy spoliation or destruction. *Chenault v. Russellville*, 233 AL 60, 169 So. 706 (1936).

## Vote of Council

Where a statute requires the affirmative action of a majority of the entire council or a majority of the members present, a refusal to vote may result in defeating the proposition because in such case affirmative action is required. A refusal to vote cannot be counted on the affirmative side. The nature and effect of a blank ballot cast by a member of a city council at an election for an officer has been held to be a mere nullity which cannot be counted for or against either of the candidates voted upon. *Reese v. State*, 184 AL 36, 62 So. 847 (1913).

Particular care should be taken by the council to see that the vote of the council is polled by the clerk for the election of officers and for the passage of ordinances and resolutions of a permanent nature. In such cases, the vote of each member should be recorded.

*continued next page*

Section 11-45-2, Code of Alabama, 1975, requires that no ordinance of a general or permanent nature shall be adopted at the meeting when it is first introduced unless the unanimous consent of all members present is given for the immediate consideration and passage of the ordinance. In such instances, the minutes must reveal that a roll call vote was made and that each member voted “aye” for immediate consideration. Here it is to be noted that the mayor of a city or town of less than 12,000 is a member of the council, and his or her consent should be revealed in the poll of members. This consent provision is mandatory. *Cooper v. Valley Head*, 212 AL 125, 101 So. 874 (1924). If unanimous consent for consideration is given, the council then takes a second vote on whether or not to approve the measure. This vote does not have to be unanimous.

If unanimous consent is not obtained, the ordinance intended to be of permanent operation that is introduced at a regular council meeting may subsequently be considered by the council at a future regular or properly called special meeting. Attorney General’s Opinion 2004-053.

### Meetings

Meetings of the municipal council may be classified under three types. First, there is the **regular meeting**, the time and place of which is established by the council when it organizes. No special notice is required to render such meetings legal.

Second, there is the **adjourned meeting** where the council votes at the close of a legally held meeting to convene again at a particular time and place. Such meetings are regarded as a continuation of the meeting that was adjourned. No notice to the councilmembers of such a meeting is required. The council is authorized to consider any business which it might have entertained at the meeting which was adjourned. *Culpepper v. Phenix City*, 216 AL 318, 113 So. 56 (1927).

Finally, there is the **special meeting** which is authorized by Section 11-43-50, Code of Alabama, 1975. This section provides that the presiding officer of the council (the mayor in cities of less than 12,000 inhabitants) shall call special meetings whenever, in his or her opinion, the public interest requires it. Also, whenever two councilmembers or the mayor request, in writing, a special meeting, the presiding officer has the duty to make the call. If the presiding officer fails or refuses to call such a meeting, when requested, the two councilmembers making the request or the mayor have the right to call such a meeting. When a city council specifically requests that a special meeting be held on a specific date and at a specific time, Section 11-43-50 of the

Code of Alabama requires the mayor to call for the meeting on the date and time requested by the council. 2003-237.

For a special meeting to be valid, all members of the council must have been duly notified. This requirement is excused where all members are present at the meeting or where it is a practical impossibility to notify a particular member because of absence from the municipality. Subjects not covered by the notice, other than routine business, may not be considered at a special meeting unless the councilmembers unanimously consent thereto. Since the Code of Alabama does not stipulate written notice, it is presumed that oral notice designating the subject in general terms is sufficient. It is a good practice for the journal of the council to stipulate, in the minutes of the special meeting, the type of notice given to councilmembers. Waivers of notice signed by all councilmembers are generally appended to the minutes of special meetings. Proceedings at a special meeting where all members were not notified may be validated by ratification at a subsequent meeting. Rhyne, *Municipal Law*, Section 5-5.

Unless otherwise provided by local ordinance, Section 11-43-50 of the Code of Alabama, 1975, does not require 24 hours’ notice for a special meeting called by two councilmembers after the presiding officer has failed or refused to call a special meeting when requested. However, reasonable notice is still required. Further, if a notice calling a special meeting states that it is replacing a canceled regular meeting, the council may discuss business it would have discussed at the regular meeting and the introduction of new ordinances for consideration by the council would constitute regular business. Attorney General’s Opinion 2002-111.

In addition to notice to the council, the public must be notified of all special meetings, pursuant to *Slawson v. Alabama Forestry Commission*, 631 So. 2d 953 (AL 1994). The case requires public agencies to give reasonable notice to the public of all special meetings.

Although *Slawson* is silent as to the extent of notice which is necessary, the League recommends providing the public notice at least twenty-four (24) hours prior to the meeting. In the case of an emergency meeting, the council should provide whatever notice is feasible. The minutes of an emergency meeting should spell out the nature of the emergency and explain why compliance with municipal notice procedures was impossible. It is strongly suggested that the council provide a reasonable notice in its rules of procedure, remembering to allow for immediate action in emergency situations.

Although the *Slawson* case dealt only with special meetings, the council should also consider providing the public



with notice of adjourned meetings or regular meetings not held at the times spelled out in the rules of procedure.

In the case of *Ryan v. Tuscaloosa*, 155 AL 429, 46 So. 638 (1908), the Supreme Court of Alabama held that where all members of the council are present at a special meeting it is immaterial that notices were not given as prescribed by ordinance. It is customary for the clerk to prepare waivers of notice for councilmembers to sign on the minutes when special meetings are held.

The attorney general was asked to give an opinion about the legality of a special meeting where two councilmembers were given only 30 to 45 minutes notice of the special meeting. The mayor and three councilmembers attended the meeting and no one objected. The attorney general advised that the meeting was legally held. Attorney General's Opinion 91-00334.

The League recommends that all municipalities establish a procedure for providing notice of when the council will meet and follow this procedure for all meetings.

A meeting at which no minutes are kept is no meeting at all for all legal intents and purposes. Parol (oral) evidence cannot be received in court to show that a meeting of the mayor and council was held as required by statute when the record of the proceedings of the council does not show that such meeting was held. *Parker v. Doe*, 20 AL 251.

### Council Rules

While the foregoing statutory rules govern in the circumstances where they apply, they fall far short of being a complete guide for the council in the conduct of its proceedings. The legislature realized this when it provided that the council shall determine the rules of its own proceedings. Section 11-43-52, Code of Alabama, 1975. If this has not been done, the city council usually follows *Robert's Rules of Order*. Under *Robert's Rules of Order*, if there is a motion to reconsider a motion that has been rejected, the motion to reconsider must be made by a council member who voted with the majority to reject the motion. Additionally, the motion to reconsider must be made at the same meeting in which it was rejected, or in the next succeeding meeting of the council. Attorney General's Opinion 2001-182.

Rules of procedure for the council may be compared to the rudder of a ship, for without them the assembly would wander aimlessly, wasting the valuable time of its members and dissipating the potential power of accomplishment which rests in its membership. Rules of procedure do not have to be complicated for a municipal governing body. The main idea is to have a minimum set of rules for guidance to

conduct routine business which could come before the assembly.

Each time a municipal council organizes, it is empowered to adopt its own rules of procedure. The same is true of the state Legislature and of Congress. In practice, each house of the Legislature and of Congress generally adopts the rules of the preceding Legislature or session of Congress with only slight modifications. The same might be followed by a municipal council.

If the preceding council established rules of council procedure, it is very likely that the new council will vote to adopt the rules of procedure already established. But that decision is strictly a matter for the new council to make. Each new councilmember-elect is advised to review the rules of procedure of the old council to determine if only a few changes or a whole new set of rules is needed. Of course, if the old council had no rules, new councilmembers should be prepared to introduce an ordinance establishing rules of procedure at the organizational session.

### Sample Ordinance

The following sample ordinance might be used as a guide for the council to establish its rules of procedure.

#### An Ordinance

BE IT ORDAINED BY THE COUNCIL OF \_\_\_\_\_, ALABAMA, that the order of procedure in all instances for meetings of the council shall be as follows:

**Section 1.** That the rules or order of procedure herein contained shall govern deliberations and meetings of the council of \_\_\_\_\_, Alabama.

**Section 2.** Regular meetings of the council shall be held on the following dates: the first and third Tuesdays of each month. [Note: The day of the week and weeks of the month on which regular council meetings will be held are left to the discretion of the council, provided that at least two council meetings are held each month. Only one meeting per month is required in municipalities of less than 2,000 population.]

**Section 3.** Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two councilmembers (or the mayor) making the request shall have the right to call such meeting. Notice of

*continued next page*

all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.

[**Note:** Items in parentheses would be omitted from this section in municipalities of less than 12,000 in population since the mayor is the presiding officer of the council. They should be included, however, in cities of over 12,000 in population because the mayor is not the presiding officer.]

**Section 4.** A quorum shall be determined as provided by Section 11-43-48, Code of Alabama.

**Section 5.** All regular meetings shall convene at \_\_\_ o'clock a.m. [p.m.] at the City Hall and all meetings, regular and special, shall be open to the public.

**Section 6.** The order of business shall be as follows:

1. A call to order
2. Roll call
3. Reading and approval of the minutes of the previous meeting
4. Reports of standing committees
5. Reports of special committees
6. Reports of officers
7. Reading of petitions, applications, complaints, appeals, communications, etc.
8. Auditing accounts
9. Resolutions, ordinances, orders and other business.
10. Public comments

**Section 7.** No member shall speak more than twice on the same subject without permission of the presiding officer.

**Section 8.** No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

**Section 9.** Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

**Section 10.** Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

**Section 11.** Motions to reconsider must be made by a member who voted with the prevailing side and at the same or next succeeding meeting of the council.

**Section 12.** Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any question.

**Section 13.** All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

**Section 14.** The presiding officer of the council may, at his or her discretion, call any member to take the chair, to allow him or her to address the council, make a motion or discuss any other matter at issue.

**Section 15.** Motions to lay any matter on the table shall be first in order. On all questions, the last amendment, the most distant day and the largest sum shall be first put.

**Section 16.** All meetings of the council shall be open to the public except when the council meets in executive session as authorized by state law.

**Section 17.** The council may meet in executive session only for those purposes authorized by state law. When a councilmember makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

**Section 18.** A motion for adjournment shall always be in order.

**Section 19.** The rules of the council may be amended in the same manner as any other ordinance of general and permanent operation.

**Section 20.** The rules of the council may be temporarily suspended by a two-thirds vote of the members present.

**Section 21.** The chairman of each respective committee, or the councilmember acting for him or her, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council.

**Section 22.** All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next meeting; provided, that such ordinances, resolutions or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with regular salaries of officers or wages of employees of the city.

**Section 23.** The clerk, engineer, attorney and chief of police, and such other officers or employees of the city [or town] of \_\_\_\_\_, shall, when requested, attend all meetings of the council and shall remain in the council room for such length of time as the council may direct.

**Section 24.** No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes.

**Section 25.** *Robert's Rules of Order* is hereby adopted as the rules of procedure for this council in those situations which cannot be resolved by the rules set out in this ordinance.

**Section 26.** This ordinance shall go into effect upon the passage and publication as required by law.

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[Signatures of councilmembers]

Approved this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Mayor

Passed and approved this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Clerk

The above is, of course, only a suggested ordinance and the council could revise it to meet any local circumstances. We strongly urge, however, the adoption of an ordinance governing council procedures if an adequate ordinance does not already exist.

This example is an ordinance of permanent operation and must be adopted and published in the manner prescribed by law for ordinances of permanent operation.



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It is possible to act as your own financial planner with the help of books, magazines and software packages, but there may be times when you want assistance from an expert. For example, you need help with a specific aspect of your financial plan, you don’t have time to do your own planning, or you have an immediate or unexpected financial need.

Obtaining help from a professional should not be thought of as something only for the wealthy. Even people with modest incomes and financial goals can benefit from financial planning.

### **How to Choose a Financial Planner – Where to Start**

Finding a financial planner is not as difficult as you might think. Start by getting referrals from friends and relatives. If that does not work, you might try the Financial Planning Association (800-282-7526) or the Certified Financial Planner Board of Standards, Inc. (CFP Board). To verify that your planner is authorized by the CFP Board, call toll-free 1-888-CFP-MARK ( 888-237-6275) or visit the CFP Board’s Web site at [www.CFP-Board.org](http://www.CFP-Board.org).

### **Finding the Right Match**

Most financial planners do not charge for an initial consultation, so you may want to interview several to find one who is right for you. Your goal should be to find someone you are comfortable with. Remember, you will be sharing personal information with your planner, so choose someone with whom you can be open and honest. Once you find a planner you like, check the candidate’s qualifications, certification, background and experience.

Financial planning covers a wide range of services, so aside from checking credentials you will want to choose a planner whose professional background suits your needs. For example, if you are interested in retirement planning, you will want an advisor with experience and expertise in stocks and other long-term growth investments. Keep in mind, too, that many financial planners also are registered as investment advisors or hold other licenses allowing them to sell products, such as life insurance. When financial planners are not registered as investment advisors or allowed to sell other products, they may send you to specialists to help implement their recommendations.

In addition, ask prospective advisors about their approach to financial planning. Make sure that it is not too aggressive or too conservative for your personal style. Also, ask about the type of clients they work with.

You also may want to find out if you will be working with other people in the financial planner’s office. If you will, you may want to meet them, too. In addition, if the financial planner will send you to other specialists, it is a good idea to get their names and check their backgrounds and qualifications beforehand.

### **Consider Costs Before You Sign Up**

The cost of financial planning varies dramatically, depending on the amount you invest, where you live, the services you receive and the planner’s level of experience. Because financial planners use different methods to charge their clients, be sure to ask about fees during your initial consultation.

*Prepared by the Communications staff of the Retirement Systems of Alabama. To have your questions answered in “Speaking of Retirement”, please address them to: **Mike Pegues, Communications, Retirement Systems of Alabama, P. O. Box 302150, Montgomery, Alabama 36130-2150***

# Obituaries

## Thomas A. Black, Jr.

**Thomas A. Black, Jr.**, former mayor of Beatrice, died November 4, 2004. He was 87. Black served on the Beatrice Town Council from 1956 to 1980, serving as mayor from 1964 to 1976. He was a member of Beatrice Baptist Church, where he served as deacon and church treasurer. He was a member of the American Legion and Kiwanis Club International.

Black served in the U.S. Navy during World War II. Following the war, he worked for Peoples Exchange Bank where he was named to the bank's board of directors. At the time of his death, he was chairman emeritus.

He is survived by his son, two daughters and four grandchildren. ■

## Donald Norris

**Donald Norris**, former mayor of Brilliant, died November 30, 2004. He was 67. He was first elected as the town's mayor in 1964 when he was 27 years old. He was the youngest mayor in the state of Alabama during his four-year term. His latter stint as mayor began in 1988. He was reelected in 1992 and again in 1996, resigning from the position in 1999.

Norris was a life-long carpenter and owned and operated Norris Hardware. He is survived by his wife, daughter, two sons and five grandchildren. ■

## Joseph A. Lee, Sr.

**Joseph A. Lee, Sr.**, former city attorney for Stevenson, died December 1, 2004. He served as the city attorney for Stevenson for 36 years and as the attorney for the Scottsboro Waterworks, Sewer and Gas Board for 38 years. He is survived by his wife, grandson, granddaughter and great-granddaughter. ■

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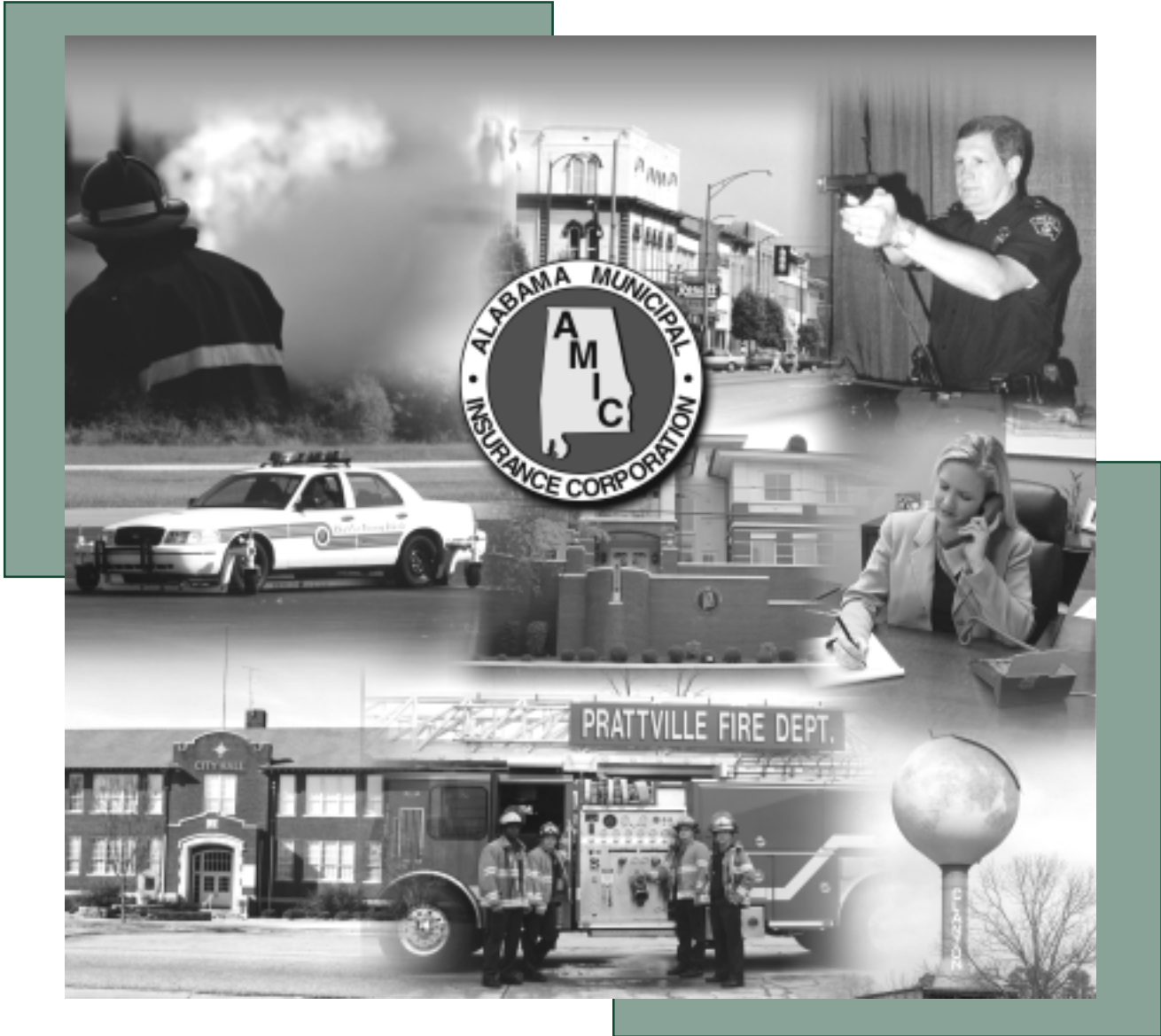
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