



A SELECTED READING

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General Powers of Municipalities

The Constitution of Alabama does not recognize any inherent right of local government. Except where restricted by limitations imposed by the state and federal Constitutions, the Legislature of Alabama is vested with complete, or absolute, power. In the exercise of this power, the Legislature used general statutes to create municipal corporations and declared them political and corporate entities. These municipalities are delegated a portion of the sovereign powers of the state for the welfare and protection of their inhabitants and the general public within their jurisdictional areas. All powers, property, and offices of a municipal corporation constitute a public trust to be administered as such within the intent and purposes of the statutes which created them and within the limitations imposed by the state and federal Constitutions.

The powers of Alabama cities and towns are delegated by the Legislature and are subject to removal and limitation of power by the Legislature. Regardless of the origin, the powers of municipal corporations should not be viewed as weak, unimportant, or second rate. When the Legislature adopted the Municipal Code, which today is found in Title 11 of the Code of Alabama, a broad array of power was granted to the cities and towns of Alabama. The Legislature has continued to grant new powers that enable municipalities to deal with the changing times of today. The best way to understand the importance of municipal powers is to visualize society without them.

In providing for the organization and administration of mayor-council cities and towns, the Legislature deemed that the legislative functions of a municipality should be vested in the council. Sections 11-43-2, 11-43-40 and 11-43-43, Code of Alabama 1975. Section 11-43-43 of the Code states that all legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance. Therefore, the state Legislature has entrusted the municipal council with the duty and responsibility of exercising a wide variety of the sovereign powers of the state which vitally affect the life, liberty and property of citizens within their jurisdictions. Further, where cities have adopted the council-manager form of government, the council is also authorized to exercise all legislative functions of the municipality. Section 11-43A-83, Code of Alabama 1975. The following paragraphs discuss basic rules of construction relating to the powers which mayor-council cities and towns may exercise through their councils.

Sources of Power

The sources of power of a municipal corporation include the Constitution, the statutes of the state, and special acts of the Legislature, particularly where such acts are in the charter for specific cities or towns. In an early Alabama case, *Mobile v. Moog*, 53 Ala. 561 (Ala. 1875), Justice Manning quoted Judge Dillon from his work on municipal corporations: “It is a general rule, and undisputed proposition of law, that a municipal corporation possesses and can exercise the following powers and no others: first, those granted in express words; second, those necessarily or fairly implied in, or incident to the powers expressly granted; third, those essential to the declared objects and purposes of the corporation – not simply convenient, but indispensable.”

McQuillin cites this case as authority in stating that Alabama cities and towns have no inherent powers, but such a statement requires an understanding and agreement on the meaning of the word “inherent.” See 2A McQuillin *Municipal Corporations*, 3rd Ed. Section 10:12. It is true that a city has no authority to confer upon itself power it does not possess. Courts in Alabama follow the Dillon Rule in determining whether or not a city or town is authorized to exercise a particular power. See *New Decatur v. Berry*, 7 So. 838 (Ala. 1890); *Best v. Birmingham*, 79 So. 113 (Ala. 1918).

In *Best v. Birmingham*, the Supreme Court of Alabama held that the Court of Appeals erred in holding that municipal corporations have no implied powers. In so ruling, the court pointed out that except for the power of taxation (and probably some others not necessary to mention here), municipal corporations are clothed with powers implied or incidental. As a guide, the court noted that these incidental or implied powers must be germane to the purpose for which the corporation was

created. Municipal powers cannot be enlarged by construction to the detriment of individual or public rights. The power must relate to some corporate purpose which is germane to the general scope of the object for which the corporation was created or has a legitimate connection with that object. *Harris v. Livingston*, 28 Ala. 577 (Ala. 1856).

Unfortunately, no precise definition distinguishes “indispensable powers” from powers which are merely useful or convenient. As a general policy, municipal corporations are held to a reasonably strict observance of their express powers. *Ex parte Rowe*, 59 So. 69 (Ala. App. 1912). The safest rule is that if there is substantial doubt as to the existence of a particular power, such power will be held by the courts not to exist.

The powers of a municipality may be derived from a single express grant or from a combination of enumerated powers which must be construed together. The purpose of all rules of construction is to arrive at the intent of the Legislature. It follows that if fairly included in or inferable from other powers expressly conferred and consistent with the purposes of the municipal corporation, the exercise of the power should be resolved in favor of the municipality to enable it to perform its proper functions.

Municipalities are but subordinate departments of state government and it is essential to the health, growth, peace, and wellbeing of their inhabitants that the states delegate to them all police powers which are necessary to their orderly existence. *Ex parte Rowe, supra*.

Types of Power

Two basic types of powers are delegated to and exercised by Alabama cities and towns. The two basic types of power are those of a political body (legislative) and corporate body (ministerial). As a political body, municipal powers are general in application and public in character. As a corporate body, a municipality has powers that are proprietary in character, powers exercised for the benefit of the municipality in its corporate or individual capacity. Such powers are for the internal benefit of the municipality as a separate legal entity. *State v. Lane*, 62 So. 31 (Ala. 1913).

As a political body, a municipal corporation exercises legislative powers of a general and permanent nature which affect the public generally within the territorial jurisdiction of the municipality. In this instance, the council acts very much as an arm of the state Legislature. As a corporate body, a municipality exercises powers of a ministerial nature for the private benefit of the corporation. In this case, a municipality acts in a manner comparable to the board of directors of a private corporation.

The distinction between these two types of powers is important to determine if a council must formally adopt an ordinance to exercise a particular power. If the power exercised requires the action of the council in its legislative capacity, then a formal ordinance is required in the manner prescribed by statute. If the action is of a ministerial nature, then the council may exercise the power by resolution or simple motion set forth in the journal.

The formalities required by statute for the adoption and publication of ordinances of a general and permanent nature are set out in Sections 11-45-2 and 11-45-8, Code of Alabama 1975, and must be followed closely by the council.

Exercise of Powers

The powers of a municipality, both corporate and legislative, are required to be exercised by the council in legal meetings as prescribed by statute. Action taken by petitioning individual councilmembers will not suffice. The municipal journal is the only evidence acceptable in determining the action which the council took on a particular item of business, and parol evidence will not be received to establish such action. *Penton v. Brown-Crummer Inv. Co.*, 131 So. 14 (Ala. 1930).

The method of exercising a power granted by the Legislature is dependent upon whether the statute prescribes the manner of performance or not. The prescribed procedure for adopting ordinances of a general and permanent nature is mandatory. In exercising ministerial powers, it should be noted that sometimes procedures are prescribed by statute. In some cases, courts recognize such procedures as mandatory and in other instances they are declared to be directory only.

Generally, where a statutory grant of power provides that a municipality “**shall**” or “**must**” perform an act in a prescribed manner, the statute is declared mandatory. *Prince v. Hunter*, 388 So. 2d 546 (Ala. 1980) Where a statute provides that the municipality “**may**” perform an act or exercise a power, it is declared to be directory or permissive. *Jackson v. State*, 581 So. 2d 553, 559 (Ala. Crim. App. 1991). However, it is important to note that in all cases of statutory interpretation, the legislative intent ultimately controls over the use of the words “shall,” “may,” or “must.” *Mobile Cty. Republican Executive Comm. v. Mandeville*, 363 So. 2d 754, 757 (Ala. 1978)

Where performance is left to the discretion of the municipal council, the council must use reasonable methods or procedures within the restrictions of the state and federal Constitutions. The general rule is that unless restrained by statute or constitutional provision the council may, in its discretion, determine for itself the means and method of exercising the powers delegated to the municipality. The rule of strict construction, often applied to determine if a municipality has the

power to perform a particular function or act, is not generally applied to the method used by a council to exercise a power which is plainly granted.

Discretion Not Reviewable

Where a council has acted within the sphere of powers granted to the municipality, it is well established that courts will not sit in review of the proceedings of municipal officers and departments in the exercise of their legislative discretion. Cases where bad faith, fraud, arbitrary action, or abuse of power are affirmatively shown are exceptions to this rule. *Hamilton v. Anniston*, 27 So.2d 857 (Ala. 1946). Where a power exists, there is a legal presumption that public officials properly and legally executed it in a reasonable manner. It is often stated that if the result of a given action of the council is an economic mistake, an extravagance, or an improper burden on the taxpayers, the answer is at the ballot box rather than a court proceeding. Courts do not inquire into the motives prompting a municipal governing body to exercise a discretionary power, be it legislative or corporate in nature, unless there is a showing of fraud, corruption or oppression. *Pilcher v. Dothan*, 93 So. 16 (Ala. 1922). Error or mistakes in judgment do not constitute an abuse of discretion.

Non-Delegable Powers

Legislative powers rest with the discretion and judgment of the municipal council. The council cannot delegate or refer such powers to the judgment of a council committee or an administrative officer. There is a distinct difference in delegating the power to make a law, which involves discretion and judgment, and conferring authority or discretion to execute a law pursuant to the directions contained in the law. The council can appoint administrative agents to perform ministerial duties to carry out the legislative will.

An ordinance not outlining a guide or a rule for the exercise of administrative discretion, leaving the whole matter to the discretion of the officer, is an unwarranted delegation of legislative power. Such ordinances are universally held unreasonable, arbitrary, or oppressive. When adopting ordinances, a council should provide standards and guides to be used by officers responsible for administration of the ordinances.

The council may appoint investigative committees to study and report facts, but final discretion as to any action required must be made by the council.

The council may authorize the mayor to make a particular contract which the council alone is authorized to make, and subsequently ratify such contract and take action pursuant thereto. Here the ratification constitutes the performance of the duty imposed on the council.

The council cannot, by agreement, bind its successors to forgo or exercise their legislative powers. *City of Birmingham v. Holt*, 194 So. 538 (1940); AGO 97-00118.

Necessity for Council Action

In some instances, statutes relating to municipal powers are self-executing. However, in most instances, the grants of power are not effective until the council takes legislative action to set them in motion. The authority to levy a tax or impose a license, for example, must be put in motion by affirmative action by the council before such powers can actually be administered. In other words, the Legislature generally places municipal powers at the discretion of the municipal council or governing body, to be exercised or not, according to the judgment of the council. Such action is taken by the adoption of an ordinance, resolution, or motion as the granting authority may require.

Extraterritorial Powers

It is a general rule of law that the powers granted to cities and towns can be exercised only within their territorial limits, unless specifically provided otherwise by statute. Fortunately, Alabama cities and towns have been expressly granted extraterritorial powers. Section 11-40-10, Code of Alabama 1975, provides that the ordinances of a municipality enforcing police or sanitary regulations and prescribing fines and penalties for violations shall have force and effect within the corporate limits, in the police jurisdiction thereof and on any property or rights-of-way belonging to the municipality.

This section states that the police jurisdiction of cities and towns of less than 6,000 in population shall extend for a distance of 1.5 miles beyond the corporate limits. In cities of more than 6,000 in population, this jurisdiction extends for a distance of three miles beyond the corporate limits. It is important to note that Act 2021-297 fixed these distances as of January 1, 2021 and effectively “froze” the police jurisdictions of municipalities as of that date.

Municipal police officers are authorized to enforce violations of state misdemeanors adopted as municipal ordinance violations within the municipal police jurisdiction, and county lines are no barrier to the exercise of this power. One exception exists, however. Municipal police officers may not enforce speed limits outside their corporate limits. Section

32-5A-171(9), Code of Alabama 1975; AGO 2000-005.

In addition to this statute creating a police jurisdiction, a number of statutes authorize cities and towns to exercise particular powers inside and outside the corporate limits, in the surrounding territory, or within a specified territorial radius beyond the police jurisdiction. See the article titled *The Municipal Police Jurisdiction* in this publication.

Legislative and Executive

Alabama municipal corporations are vested with legislative and executive powers. Legislative power is the authority to make laws and is vested in the council. Executive powers are generally vested in the mayor and heads of departments. The crucial test to determine the difference between legislative powers and executive or administrative powers is whether an ordinance makes a new law or executes a law already in existence.

The question of whether an act is legislative or executive often arises in connection with the power of the courts to interfere with the exercise thereof. Courts will not review proceedings of municipal officials which involve legislative discretion except in cases of fraud and arbitrary or capricious action. *City of Huntsville v. Smartt*, 409 So.2d 1353 (Ala. 1982).

The legislative powers of the council are not to be confused with the power to administer or execute the laws of the municipality. It is the responsibility of the mayor to see that the officers and employees of the municipality faithfully execute the laws and policies established by the council. See 11-43-81, Code of Alabama, 1975.

This centralization of administrative and executive power in the mayor was established by statute in the *Municipal Code of 1907* after the Legislature witnessed the waste, inefficiency and confusion which resulted under prior laws which established no centralized administrative authority. While it is certainly within the province of a council to determine if the ordinances of the municipality are being administered properly, it is not the intent of the law for the council to step out of its legislative role to personally direct officers and employees of the municipality.

Impressive Powers

While it is not within the scope or intent of this discussion to list the powers entrusted to the discretion of a municipal council, the following examples provide an impressive idea of the power of a council: (1) to levy taxes on real property; (2) to establish privilege licenses; (3) to adopt police regulations for the safety, health and welfare of the community; (4) to punish by fine and imprisonment; (5) to condemn property; (6) to sue and be sued as a corporate entity; (7) to borrow money by general obligation bonds, warrants and negotiable notes; (8) to acquire property by purchase or lease; (9) to sell or lease municipal property no longer needed for municipal or public purposes; (10) to pledge municipal revenues to the payment of municipal obligations; (11) to assess property for public improvements; (12) to grant franchises for the use of municipal streets; (13) to regulate the use of streets and prohibit selling in the streets; (14) to acquire, own and operate water, gas, sewer and electric utilities; (15) to manage and control municipal finances and property; (16) adopt building laws; (17) abate nuisances; (18) adopt zoning regulations; (19) enter into contracts; (20) establish and maintain municipal buildings, hospitals, jails, magazines, museums, art galleries, and recreational facilities; (21) to acquire and regulate cemeteries; (22) to require witnesses to appear before the council or a council committee and punish for contempt for failure to do so; (23) to provide for the health and sanitation of the community; (24) to promote the industrial development of the community and to advertise for such purposes; (25) to establish numerous separately incorporated boards to promote particular municipal projects and appoint directors of the boards; (26) to vacate streets; (27) to enter into written contracts with counties to perform any services common to all contracting entities.

In exercising these and other powers, the governing body of a municipality sets the pace and determines the course of the municipality.

Federal or State Grants

Municipalities have broad authority to receive federal or state money and to comply with the conditions placed upon these funds by the grantor. Section 11-64-2, et seq., Code of Alabama 1975.

Principal Constitutional Provisions Relating to Municipalities

Section 68 – Prohibits municipalities from granting extra compensation after a service has been rendered.

Section 77 – Authorizes Legislature to empower municipalities to measure and inspect merchandise.

Section 89 – Prohibits municipalities from adopting ordinances inconsistent with general laws of state.

Section 91 – Prohibits legislature from taxing the property of a municipal corporation.

Section 94 – Prohibits municipality from lending its credit or granting public money or things of value to private persons or corporations or becoming a stockholder in any corporation, association, or company, by issuing bonds or otherwise.

Section 94.01 -- Permits a city to provide public funds to a public or private entity to attract economic and industrial development within the city.

Section 211 – Requires all property to be assessed in exact proportion to its value. (Exemption and reasonable classification allowed.)

Section 212 – Power to levy taxes not to be delegated.

Section 216 – All municipalities authorized to levy five mills ad valorem tax on property as assessed for state taxation without an election. Certain cities specifically authorized to levy higher millage than five mills.

Section 216.01 – All municipalities authorized to levy and collect the special ad valorem tax for the payment of bonds and the interest on the bonds. All municipalities may also levy and collect such ad valorem tax and utilize such funds for capital improvements on a pay-as-you-go basis at a rate not exceeding the rate then lawfully permitted for the municipality to directly pay the costs of public capital improvements, as well as to pay the principal and interest on bonds, warrants, or other securities issued to finance or refinance cost of the improvements.

Section 217 – Requires uniformity of tax rates on all properties. This has been construed to require uniform assessments.

Section 218 – Prohibits Legislature from requiring municipalities to pay charges presently payable out of state treasury.

Section 220 – No person, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any city, town or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town or village.

Section 221 – The Legislature shall not enact any law which will permit any person, firm, corporation or association to pay a privilege, license or other tax to the state of Alabama and relieve him of it from the payment of all other privilege and license taxes in the state.

Section 222 – Authorizes Legislature to empower municipalities to issue bonds. Election required.

Section 223 – Restricts municipal public improvement assessments to increased value of abutting property by reason of special benefits derived from improvements.

Section 225 – Municipal debt limit amended by Amendment 268 to 20 percent of total assessed value of properties located therein. This section does not apply to Sheffield and Tuscumbia.

Section 227 – Subjects utilities operating on streets to costs of damages to abutting property.

Section 228 – Prohibits municipalities over 6,000 population from granting franchises in excess of 30 years.

Section 235 –Requires municipalities to pay just compensation before taking property for public use and subjects municipalities to compensatory damages for taking property for public use and for consequential damages requiring bond in double amount of damages assessed on appeal.

Section 280 – Prohibits persons from holding two offices of profit at same time, except postmasters.

Section 281 – Prohibits an officer from receiving an increase or decrease in compensation during term for which he has been elected or appointed.

Amendment 8 (Section 216.01) – Increases tax millage authorized for specified cities and towns to 15 mills. Election on amount over last five mills.

Amendment 13 (Section 216.03) – Increases tax millage authorized for specified cities and towns to 10 mills. No election required.

Amendment 17 (Section 216.02) – Increased tax rate for specified cities and towns to 15 mills

Amendment 54 (Winston 9) – Increases Haleyville’s rate of taxation to 10 mills

Amendment 56 (Section 216.04) – Authorizes all cities and towns to levy up to 12.5 mills. Election required on all rates over five mills.

Amendment 80 (Madison 19) – Special Huntsville school tax of five mills.

Amendment 84 (Marion 4) – Industrial development powers for municipalities in Marion County. Up to 20 mills taxing power without election. [Unique].

Amendment 94 (Fayette 2) – Industrial development powers to municipalities in Fayette County. Up to 20 mills taxing power. Election required.

Amendment 95 (Blount 3) – Economic development in Blount County. Up to 20 mills taxing power. Election required.

Amendment 104 (Winston 10) – Industrial development powers to cities of Haleyville and Double Springs. Up to 20 mills taxing power. Election required.

Amendment 107 (Section 222.01) – Authority for municipal revenue bonds without involving debt limit.

Amendment 108 (Section 222.02) – Declaring debts of utility corporations created by cities and towns separate from such municipalities even though municipality transferred property to such corporation.

Amendment 126 (Section 225.01) – Debt limit limitations in municipalities of less than 6,000 population.

Amendment 133 (Walker 7) – Prohibits licenses, excises, fees or taxes on wages or salaries by municipalities in Walker County.

Amendment 147 (Lee 9) – Special school tax for Opelika.

Amendment 148 (Lee 11) – Special school tax for Auburn.

Amendment 155 (Perry 5) – Industrial development powers to Uniontown.

Amendment 170 (Colbert 8) – Educational tax in Tuscumbia.

Amendment 171 (Colbert 7) – Special school tax for Sheffield.

Amendment 172 (Colbert 6) – Special school tax for Muscle Shoals.

Amendment 178 (Lauderdale 9) – Special school tax for Florence.

Amendment 183 (Autauga 2) – Industrial development authority for municipalities in Autauga County.

Amendment 186 (Franklin 2) – Industrial development authority for municipalities in Franklin County.

Amendment 188 (Greene3) – Industrial development authority for Greene County.

Amendment 189 (Lamar 3) – Industrial development authority for municipalities in Lamar County.

Amendment 190 (Lawrence 3) – Industrial development authority for municipalities in Lawrence County.

Amendment 191 (Madison 4) – Industrial development authority for Huntsville.

Amendment 192 (Mobile 21) – Pensions to former public officers in Mobile County.

Amendment 197 (St. Clair 5) – Industrial development authority for municipalities in St. Clair County.

Amendment 209 (Jefferson 18) – Additional tax in city of Mountain Brook.

Amendment 217 (Clarke 2) – Industrial development authority for municipalities in Clarke County.

Amendment 218 (Madison 20) – Special school tax for Huntsville.

Amendment 219 (Mobile 30) – Requiring election before municipalities in Mobile County may levy income or occupational license tax.

Amendment 220 (Mobile 35) – Industrial development authority for Bayou La Batre.

Amendment 221 (Sumter 7) – Industrial development authority for York.

Amendment 228 (Section 222.04) – Ratifying power of municipalities to issue revenue bonds for industrial development to acquire and expand such projects.

Amendment 232 (Calhoun 16) – Special school tax authority for Anniston.

Amendment 233 (Dallas 1) – Special school tax for Fort Payne.

Amendment 240 (Jefferson 17) – Special property tax for Birmingham for bonds.

Amendment 242 (Lee 12) – Special property tax for Auburn for recreation.

Amendment 244 (Limestone 13) – Economic development authority for Town of Lester.

Amendment 245 (Madison 4) – Amending Huntsville’s industrial development powers.

Amendment 246 (Marion 3) – Refunding of securities by municipalities in Marion County.

Amendment 248 (Mobile 29) – Amendment to Mobile County municipalities taxing powers.

Amendment 251 (Sumter 6) – Industrial development powers of Livingston.

Amendment 253 (Walker 13) – Special school tax authority for Jasper.

Amendment 256 (Winston 8) – Industrial development authority for Lynn and Addison.

Amendment 259 (Conecuh 6) – Industrial development authority for Evergreen.

Amendment 261 (Mobile 36) – Industrial development authority for Bayou La Batre.

Amendment 263 (Geneva 2) – Industrial development authority for municipalities in Geneva County.

Amendment 268 (Section 225) – Increasing municipal debt limit to 20 percent of assessed valuation for state taxes.

Amendment 269 (Section 215.05) – Authority for municipalities to levy special tax for library purposes.

Amendment 277 (Walker 11) – Industrial development powers for Carbon Hill.

Amendment 279 (DeKalb 9) – Special school tax power for Fort Payne.

Amendment 295 (Dale 3) – Special school tax power for Ozark.

Amendment 299 (Blount 6) – Special school tax power for Oneonta.

Amendment 302 (Pickens 5) – Industrial development powers to municipalities in Pickens County.

Amendment 303 (Morgan 6) – Industrial development powers to Hartselle and Decatur.

Amendment 305 (Madison 21) – Special school tax power to Huntsville.

Amendment 312 (Bibb 4) – Industrial development powers to municipalities in Bibb County.

Amendment 313 (Hale 2) – Industrial development powers to municipalities in Hale County.

Amendment 316 (Jefferson 19) – Special school tax power for Mountain Brook.

Amendment 319 (Baldwin 13) – Authority for municipalities in Baldwin County to levy a special property tax for library purposes.

Amendment 325 (Section 217) – Relating to ad valorem taxes.

Amendment 336 (Jefferson 20) – Additional tax for city of Mountain Brook.

Amendment 350 (Calhoun 18) – Education tax in Anniston.

Amendment 352 (Jefferson 21) – Additional property tax in city of Vestavia Hills.

Amendment 373 (Section 217) – Amendment to Section 110 relating to adoption of “general laws.”

Amendment 376 (Calhoun 5) – Development of parks in Anniston.

Amendment 385 (Marengo 11) – Demopolis five mill ad valorem tax for schools.

Amendment 389 (Section 116.01) – Validation of certain population-based acts.

Amendment 407 (Madison 20) – City of Huntsville school tax.

Amendment 409 (Shelby 10) – City of Alabaster ad valorem tax.

Amendment 415 (Calhoun 4) – Industrial park projects and industrial sites in Calhoun County.

Amendment 425 (Section 284.01) – Adoption of proposed constitutional amendments affecting only one county.

Amendment 429 (Bullock 3, Coffee 3, Coosa 2, Dallas 2, Etowah 5, Geneva 3, Houston 3, Jefferson 7, Lawrence 4, Macon 5, Madison 5, Marengo 3, Mobile 13, Morgan 7, Shelby 2, Talladega 4, Tuscaloosa 3) – Economic development authority for certain counties and the municipalities therein.

Amendment 435 (Conecuh 4) – Annual license taxes, registration, etc., on trucks, trailers, etc., in Conecuh County.

Amendment 450 (Section 219.02) – Alabama Trust Fund.

Amendment 456 (Morgan 22) – Hartselle city school taxes.

Amendment 462 (Dale 4) – Ozark school tax.

Amendment 468 (Marengo 4) – Marengo County industrial development.

Amendment 469 (Marshall 1) – Annexation in Marshall County.

Amendment 475 (Section 94.02) – Tax increment districts in counties and municipalities.

Amendment 477 (Clarke 7) – City of Jackson port authority.

Amendment 488 (Section 219.03) – Investment of capital and income from Alabama Heritage Trust Fund or Alabama Trust Fund.

Amendment 491 (Section 111.04) – Effectiveness of laws providing for expenditure of municipal funds (Unfunded Mandates).

Amendment 499 (Limestone 8) – Municipal police jurisdiction in Limestone County.

Amendment 500 (Mobile 15) – Investment of municipal funds and county funds by Mobile County.

Amendment 514 (Madison 18) – Appropriations to certain nonprofit organizations by city of Huntsville.

Amendment 531 (Madison 9) – Municipal jurisdiction in Madison County.

Amendment 535 (Elmore 7, Tallapoosa 7) – Election of board of education of city of Tallassee.

Amendment 536 (Escambia 2) – Distribution of oil and gas revenues by Escambia County Commission.

Amendment 537 (Etowah 11) – Election of board of education in city of Attalla.

Amendment 539 (Jefferson 13) – Business license taxes in Jefferson County.

Amendment 541 (Mobile 23) – Investments of assets of Class 2 municipalities police and firefighter pension plans.

Amendment 544 (St. Clair 9) – Election of board of education for Pell City.

Amendment 548 (Talladega 14) – Election of Talladega City Board of Education.

Amendment 550 (Walker12) – Bingo games in city of Jasper.

Amendment 552 (Houston 6) – Election of Dothan City Board of Education.

Amendment 553 (Morgan 19) – Election of Decatur City Board of Education.

Amendment 555 (Section 284.01) – Amending Amendment 425.

Amendment 558 (Section 94) – Amending Section 94.

Amendment 566 (Cullman 2) – Election of members of Cullman City Board of Education.

Amendment 568 (Franklin 3) – Incorporation of regional airport authority by city of Red Bay.

Amendment 570 (Lee 5) – Police jurisdiction and planning and zoning authority of municipalities of Lee County.

Amendment 574 (Morgan 23) – Hartselle ad valorem tax.

Amendment 575 (Morgan 20) – Decatur ad valorem tax.

Amendment 591 (Macon 11) – Tuskegee electric utility.

Amendment 621 (Section 111.05) – Unfunded mandates on local governments.

Amendment 622 (Section 3.01) – Alabama Religious Freedom Amendment.

Amendment 623 (Section 228.01) – Trust funds for long-term benefit of Cities.

Amendment 627 (Baldwin 1) – Baldwin County annexations.

Amendment 642 (Lee 2) – Lee County and city of Opelika economic and industrial development.

Amendment 643 (Limestone 7) – Limits on planning and zoning in Limestone County.

Amendment 659 (Section 104.01) – Election of city board of education.

Amendment 664 (Calhoun 19) – Election on Anniston City Board of Education.

Amendment 665 (Section 104.02) – City board of education to be elected when population Exceeds 125,000.

Amendment 666 (Section 219.04) – County and Municipal Government Capital Improvement Trust Fund and Alabama Capital Improvement Trust Fund.

Amendment 668 (Section 219.05) – Income distribution to counties and municipalities from Alabama Trust Fund.

Amendment 674 (Lowndes 3) – Bingo in White Hall.

Amendment 677 (Calhoun 20) – Anniston Water and Sewer Board directors.

Amendment 732 (Lowndes 4) – Bingo in White Hall.

Amendment 738 (Talladega 13) – Talladega council-manager form of government.

Amendment 743 (Greene 1) – Bingo Games in Greene County.

Amendment 744 (Macon 1) – Bingo Games in Macon County.

Amendment 752 (Morgan 21) – Promotion of Commercial Development in City of Hartselle.

Amendment 769 (Macon 10) – Alabama Foreign Trade Investment Zone in City of Tuskegee.

Amendment 772 (Section 94.01) – Promotion of Economic and Industrial Development by County Commission.

Amendment 788 (Escambia 2.01) – Retirement for Mayors in Escambia County.

Amendment 797 (Mobile 37) – Prichard Foreign Trade Investment Zone.

Amendment 799 (Shelby 9) – Enforcement of traffic laws on certain private roads in gated communities in Shelby County.

Amendment 805 (Limestone 14) – Ad valorem tax for school or educational purposes.

Amendment 806 - Municipalities not located within the boundaries of Blount County on may not annex any territory within Blount County without the approval of a majority vote of the qualified electors of Blount County.

Amendment 807 (Macon 11) – Utilities board in Tuskegee

Amendment 822 (Mobile 1.10) – Municipalities in Mobile County may establish a procedure to declare a dog dangerous and be humanely destroyed and impose criminal penalties on the owners of a dog declared to be dangerous.

Amendment 824 (Russell 9) – Sale of Phenix City water and sewer system by referendum.

Amendment 837 (Shelby 7.10) -- Portion of landfill revenues for certain county purposes.

Amendment 838 (DeKalb 10) — Inmates of Fort Payne city jail authorized to work on public and private property.

Amendment 847 (Amendment to Amendment 530) (Macon 4) -- Court costs increased for county jail.

Amendment 848 (Cullman 1.50) -- Occupational tax prohibited.

Amendment 850 (Randolph 2.50) -- Moneys paid into county capital improvement fund may be used for economic development.

Amendment 853 (Chambers 7.10) -- Ad valorem tax levied for public library purposes extended to 2033.

Amendment 854 (Calhoun 9.50) -- Municipal business license tax on rental of residential real estate based on per unit basis prohibited.

Amendment 855 (Hale 6) -- Excess ad valorem tax funds collected for new jail authorized for law enforcement purposes; continuance of tax; retroactive effect.

Amendment 857 (Montgomery 3.50) – County Board of Education members elected for terms of four years.

Amendment 858 (Baldwin 15.50) -- Occupational tax prohibited.; Additional sales and use tax levied for education.

Amendment 859 (Tuscaloosa 12) -- Occupational tax prohibited.

Amendment 861 (Baldwin 1.10) -- Stockton Landmark District boundaries established.

Amendment 862 (Madison 0.60) -- Procedure for humanely destroying or properly enclosing a dog declared dangerous, immunity for county officers, penalties.

Amendment 875 (Lawrence 5.50) -- Municipality located entirely outside of county prohibited from imposing ordinance, regulation, or tax in its police jurisdiction in Lawrence County.

Amendment 876 (Calhoun 5.50) -- County commission authorized to process absentee ballots.

Amendment 881 (Franklin 9.50) -- County license tax for school purposes, percentage allocated for matching funds from Alabama Transportation Rehabilitation and Improvement Program.

Amendment 885 (Escambia 1.50) -- Funds may be borrowed from county oil and gas severance trust fund for economic development, roads and bridges, and capital projects.

Amendment 882 (Mobile 34.51) -- Water Works and Sewer Board of the City of Prichard transferred to the Mobile Area Water and Sewer System.

Amendment 893 (Shelby 0.50) -- Sale of alcoholic beverages on Sunday authorized.

Amendment 900 (Baldwin 17) -- Municipal Planning Commission, additional members; eligibility terms, duties.

Amendment 901 (Monroe 5) -- Tax authorized on tobacco products; collection, distribution of proceeds.

Amendment 910 (Baldwin 8.05) -- Mayors of participating municipalities eligible to participate in employees' retirement system.

Amendment 914 (Calhoun 6.50) -- Unincorporated territory subject to police and planning jurisdictions of only those municipalities located wholly or partially within county.

Amendment 921 (Baldwin 15.70) -- Golf carts authorized, limited operation on streets and roads, restrictions for use.

Amendment 924 (Marion 4.50) -- Property tax increased for fire protection in the county.

Amendment 927 (Geneva 1.20) -- Judge, age at time of qualifying for election or appointment to office not to exceed 75 years.

Amendment 931 (Calhoun 1) (Amendment to Amendment 508) -- Bingo regulated.

Amendment 932 (Franklin 9.50) -- County license tax for school purposes, percentage allocated for costs associated with construction, maintenance, and repair of roads and bridges. Amendment to Amendment 881.

Amendment 934 (Madison 2.50) -- County commission authorized to adopt noise ordinance and enforce noise levels.

Amendment 935 (Calhoun 6.51) -- Unincorporated territory subject to police and planning jurisdictions of only those municipalities located entirely in county; Oxford excepted

Amendment 936 (Chilton 1.50) -- Legislature authorized to provide procedure to declare a dog dangerous.

Amendment 938 (Marengo 10.50) -- Golf carts authorized, limited operation streets and roads; restrictions for use.

Amendment 941 (Montgomery 6.71) -- Members of Montgomery County Commission authorized to participate in employees' retirement system.

Amendment 944 (Jackson 6.10) -- Cumberland Mountain Water and Fire Protection Authority authorized to provide natural gas service in the county within the service area of the authority.

Amendment 946 (Morgan 11.20) -- Compensation, annual salary provided for, other amounts received for feeding prisoners deposited in separate account and used only for feeding prisoners.

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