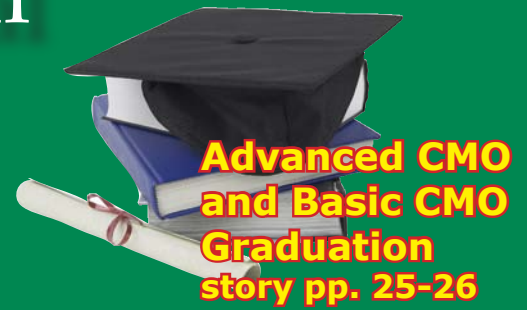


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September 2007

Volume 65, Number 3



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Official Publication, Alabama League of Municipalities

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See details online at www.alalm.org

A Message from the Editor



It's September and Alabama is still struggling with drought conditions and oppressive heat. August brought *way* more than the typical Southern summer as we saw successive days with heat indices of 110+ degrees. Were I not so grateful for air-conditioning, I would have had a stroke when I opened my electricity bill last month. Judging from the amount, I'm quite certain the greatest invention of the 20th Century ran nonstop – and the thermostat was set on 74 degrees!

This month is busy with League Committee meetings and CMO training sessions (all, thankfully, indoors). If you've not yet signed up for a CMO session, there's still time. The first session will be held at the Loxley Civic Center on September 13 followed by Auburn University at Montgomery on the 18th; the Cahaba Grand Conference Center in Birmingham on the 24th; and the Huntsville Marriott Hotel on the 27th. Sessions are \$100 and run from 9:30 a.m. to 3:30 p.m. with lunch included in the registration fee. The League's legal staff will conduct this set of CMO programs covering Procurement Law Overview, Ethics and Conflicts of Interest and The Official's Guide to Municipal Elections. Contact Theresa Lloyd, the League's CMO Program Administrator at **334-262-2566** to register.

In an effort to provide reliable avenues for information exchange, the League is in the process of implementing online forums designated specifically for clerks, mayors and attorneys. Other forums may be added in the future. The clerks' forum is currently active and forums for mayors and attorneys should be up and running later this year. To sign up for a forum, visit **www.leagueboard.org** and click on the "register" tab at the far right. You will then be prompted to enter a user name (your first and last name) and password of your choice. Within 24 to 48 hours, you will receive an email from the League with an important disclaimer (meaning you should read the *entire* thing) and a link for you to click to activate your account. Once your account is registered, it will then be manually activated by League staff to allow you access to your specific forum, which we hope you find to be a useful tool for information exchange. Please direct any questions to our Director of Information Services, Monty Pageot, at **montyp@alalm.org**.

NLC's annual Congress of Cities will be held November 13-17, 2007 in New Orleans, LA. The League generally has one of the largest state delegations in attendance and this year, in particular, we look forward to a great turnout as Councilmember Cynthia McCollum of Madison is elevated to the position of NLC President – a tremendous honor and a first for Alabama. If you've not yet registered for the conference, visit **www.nlc.org** for more information.

The League's Legal Department reminds you that your municipality must adopt an ordinance in compliance with the Business License Reform Act of 2006 **on or before December 31, 2007**. If you have no idea to what I'm referring, contact Lori, Tracy or Ken of our legal staff ASAP.

The annual Fall Municipal Law Conference for the Alabama Association of Municipal Attorneys (AAMA) is scheduled for October 11-13 at the Bay Point Marriott in Panama City, Florida. Registration packets were mailed earlier this summer. Municipal attorneys, judges and prosecutors are encouraged to attend. For more information, contact Sharon Carr at 334-262-2566.

Congratulations to Councilmember Jesse Matthews and the City of Bessemer on the grand opening of McNeil Park this past May. The first new park to open in Bessemer in three decades began with a vision by Matthews to turn the site of the former McNeil School into a safe place for neighborhood children to play. After four years and a project price of approximately \$462,000, McNeil Park now consists of enclosed computerized splash pads, playground equipment and a quarter-mile walking track – and Matthews' vision has become a welcome reality for local families.

As I did last month (and the month before) I encourage you to enter the League's inaugural "Municipal Photography Contest". The **November 16th** deadline will be here in a flash so don't dawdle. The winning photo will be featured on the cover of the League's *2008 Annual Directory and Vendor Listings* which is distributed each year in January. Complete information is posted on our website at **www.alalm.org**.

Carrie

The President's Report



Charles W. "Sonny" Penhale
Mayor of Helena



League Sponsors US Communities Government Purchasing Alliance

The League recently joined the National League of Cities (NLC) as a sponsor of the US Communities Government Purchasing Alliance. This program provides Alabama's municipalities with the opportunity to piggyback on competitively bid contracts; take advantage of the enormous collective purchasing power of public agencies nationwide; and leverage these savings to their own advantage.

US Communities, which just celebrated its 10th anniversary, was jointly founded by the National League of Cities, National Association of Counties, National Institute of Government Purchasing, United States Conference of Mayors and the Association of School Business Officials International to provide high quality government contracts to all U.S. local governments. Through contracts with such nationally recognized companies as Office Depot, Auto Zone, Home Depot, GTSI, Little Tikes, Herman Miller, Ricoh-Savin, and many other suppliers, U.S. Communities currently offers thousands of products in the categories of office supplies, furniture, computers and technology, electrical and data supplies, janitorial supplies, carpeting and flooring, parks and play equipment, public safety and homeland security solutions and auto parts and accessories.

Currently, 23 state municipal leagues sponsor the U.S. Communities program, which has saved cities, counties, schools and nonprofit organizations across the country \$735 million on \$5 billion in purchases over the past 10 years.

The U.S. Communities program is easy to use. There is no fee to participate, no minimum spending and only a simple online registration is required. Any city or town may register online at the US Communities website, www.uscommunities.org, and clicking on "Register to Participate." Electronic registration provides your municipality with access to all contract documents and pricing, all suppliers and substantial information on program savings and program participants. It also provides an electronic copy of the master intergovernmental cooperative purchasing agreement that serves as the legal document that authorizes a participating public agency's use of each lead public agency's contract available through U.S. Communities.

The League encourages you to use this flexible program for your purchasing needs. For more information on the program, visit www.uscommunities.org or contact Marc Shapiro at the National League of Cities at 202-626-3019 or via email at shapiro@nlc.org. ■

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Municipal Overview

Organizational Meeting of the Executive Committee



Perry C. Roquemore, Jr.
Executive Director

The Executive Committee of the Alabama League of Municipalities met on Thursday, July 19, 2007, for its organizational meeting. The meeting was presided over by League President Charles W. “Sonny” Penhale, Mayor of Helena. Following the invocation by Mayor Bobby Payne of Tallassee, President Penhale and League Vice President, Mayor Melvin Duran of Priceville, made some opening remarks in which they thanked members for their attendance.

I reported on a number of items in the League Director’s Report to the members. It was my pleasure to recognize the new committee members elected at the State Convention – Mayor Jay Jaxon of Eufaula, Councilmember Sadie Britt of Lincoln and Councilmember Wayne Dunkin of Priceville.

It was reported that dues notices for the League’s September 1, 2007 - August 31, 2008 fiscal year would be mailed in late July. As of the date of the meeting, the League had 450 member cities and towns out of the 462 municipalities in the state. It was mentioned that the League had lost one member due to the merger of Branchville into Odenville.

The March NLC Congressional City Conference in Washington, D.C., was a very successful meeting. Approximately 250 Alabama officials attended. Both Senators Richard Shelby and Jeff Sessions spoke at the Wednesday morning breakfast. Monday evening dinners with our House members were also very successful. Special thanks go to those municipal officials who hosted our dinners this year.

The Southern Municipal Conference (SMC) Membership Meeting was held in Natchez, Mississippi, in late April. Mayor Bobby Payne of Tallassee, a Past Chair and SMC board member attended the meeting. He was accompanied by Mayor Carroll L. Watson of Lincoln, Immediate Past League President, current League President Charles W. “Sonny”

Penhale of Helena, League Deputy Director/General Counsel Ken Smith and me. At the meeting, an excellent panel from Mississippi discussed the rebuilding efforts from Hurricane Katrina.

I was happy to report that the League Convention in Huntsville was very successful. Special thanks go to Mayor Loretta Spencer and the Huntsville City Council and employees for their help in making this a great event for us all. The modified convention schedule appeared to work very well. The League had received a large number of positive comments about the convention. Next year’s convention will be held in Birmingham on May 17-20, 2008. The League will implement the remainder of the format changes recommended by the convention subcommittee and approved by the Executive Committee last year. Each member was given a copy of the Tentative 2008 Convention Schedule that was mailed to members recently. Members were urged to share this schedule with other members. It is very important that they be made aware of the fact that there will be sessions on Saturday and that the convention will conclude after lunch on Tuesday at the 2008 Convention in Birmingham. A copy of the tentative schedule is posted on the League’s website.

The League’s five policy committees will meet again this year at League headquarters with the following schedule: August 30 (FAIR), September 11 (EENR), September 17 (TPSC), September 20 (CED), and September 21 (HD). Appointments to policy committees have been made and notification letters mailed. In keeping with past policy, committee members who miss meetings for two consecutive years without an excuse will be dropped from the committee roster. These persons must request to be returned to active status.

The Alabama Communities of Excellence Program

(ACE) is a comprehensive three-phase approach to economic and community development for Alabama cities with populations of between 2,000 and 12,000. Many Alabama cities have participated and have been recognized at the League Convention for this participation. The League has been asked to become an ACE Partner. The Executive Committee approved a motion for the League to become an ACVE partner.

Members were informed that the League's website has been completely redesigned. I also announced that the League now has the capability of producing videos. At the annual convention, a video on the 2007 League Achievement Awards winners was shown. Our staff also recorded the ACE Awards presentation, the Mock Council Meeting and speeches by NLC 1st Vice President Cynthia McCollum, League President Carroll L. Watson and State Treasurer Kay Ivey. Certain League meetings and training sessions will also be videoed in the future.

Members were also informed that the League has operated a listserv for clerks and attorneys for several

years. It was announced that the League will unveil a new Forum system for clerks in August to replace the listserv. If it is successful, a forum will be added for mayors, attorneys and judges in the near future. The new system will be password protected and will allow easier and improved communications between officials. The League is also developing an email database for quicker communications with members. Our two League computer programs continue to do well. The League's *MunicipaLaw on Disc* program currently has 35 subscribers and the League has sold 187 copies of the *ALM Library* computer program.

Members were informed that the 2007 CMO Graduation Ceremony is scheduled for August 16th. The 2007 Class of Basic and Advanced CMO graduates will be introduced at that time. Since the program began twelve years ago, 2808 officials have voluntarily enrolled in the program. Of these, 1435 are still in office. We have had 767 officials obtain their Basic CMO certification and 312 officials have gone on to obtain their Advanced CMO certification. A number of the courses are being offered by CD. In fact, 394 of these

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CD courses have been ordered.

Our fall series of CMO courses will provide training on the 2008 municipal elections, procurement laws, and ethics laws. The sessions will be offered on September 13 (Loxley), September 18 (Montgomery), September 24 (Birmingham), and September 27 (Huntsville).

Following a brief report on League endorsed programs; a motion was adopted for the League to become a sponsor of the US Communities purchasing program. The program has been extremely successful in its 10-year existence and currently has 22 state municipal leagues as sponsors. Following additional discussion on endorsement programs, the Executive Committee approved a motion to create a subcommittee to develop a League Policy on Endorsements. The subcommittee will be asked to report back at the October meeting.

Council Member Cynthia McCollum, 1st Vice President of the National League of Cities, reported on her recent trip to China for NLC. She presented a lovely gift to the League on behalf of the Chinese city of Qingdao, the host city for the 29th Olympic sailing regatta. President Penhale and I accepted the gift on the behalf of all members. The gift will be prominently displayed in the League Headquarters Building.

The NLC Congress of Cities will be held on November 13-17, 2007, in New Orleans, LA. The League officers and staff will stay at the Hilton New Orleans Riverside Hotel. The Alabama Reception will be held from 5:30-7:00 p.m. on Friday, November 16th, in Grand Ballroom A of the Hilton New Orleans Riverside Hotel. NLC officers and board members and the League Directors and Presidents from the other state leagues will be invited to join us at this reception to honor Councilmember Cynthia McCollum of Madison as she is elevated to the position of NLC President.

Future meeting dates were announced as follows:

- **CMO Meetings** – September 13 (**Loxley**); September 18 (**Montgomery**); September 24 (**Birmingham**); September 27 (**Huntsville**)
- **Policy Committee Meetings** – August 30 (**FAIR**); September 11 (**EENR**); September 17 (**TPSC**); September 20 (**CED**); September 21 (**HD**)
- **MWCF Board Meeting** – October 17, 2007
- **Year-End Executive Committee** – October 18, 2007
- **AMIC Board Meeting** – October 18, 2007
- **AAMA Mid-Year Meeting** – October 11-13, 2007 – Panama City, FL
- **Committee on State & Federal Legislation** – November 8, 2007
- **NLC Congress of Cities** – November 13-17, 2007 – New Orleans, LA

- **Mid-Winter Executive Committee** – January 17, 2008
- **First Day of Regular Session** – February 5, 2008
- **Congressional City Conference** – Washington – March 8-12, 2008
- **Southern Municipal Conference Leadership Meeting** – April 24-26, 2008, Asheville, NC
- **League Convention** – May 17-20, 2008 – Birmingham

The Financial Report and the Proposed Preliminary Budget for FY2007-2008 was presented and adopted. Mayor Leon Smith of Oxford, President of the Municipal Workers' Compensation Fund, and Mayor Bobby Payne of Tallassee, Chair of the Alabama Municipal Insurance Corporation, presented reports on the activity of their respective programs.

League Communications Director Carrie Banks made the Media Department report. She discussed the new format for the League magazine and several other programs being operated by her department. Legislative Liaison Hal Bloom discussed the recent legislative session and asked members to contact their legislators on League issues. League Deputy General Counsel Lori Lein reported on the latest congressional activities. Members were asked to contact Senators Shelby and Sessions to urge their opposition to the recently House-passed collective bargaining legislation. She also discussed telecommunications legislation and some new COPS grants. League Deputy Director/General Counsel Ken Smith provided members with an update on the AmFund Bond Program. AmFund recently held a closing of \$1.2 million for several cities. Mr. Smith also gave a brief legal report on the 2008 elections, the upcoming AAMA meeting, and recent conditional subdivision rules. ■

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The Legal Viewpoint

By Ken Smith
Deputy Director/General Counsel



The Public Purpose Doctrine

In pertinent part, Section 94, Alabama Constitution, 1901, states that:

“The Legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association. . . .”

Section 94 is designed to prevent expenditure of public funds in aid of private individuals and corporations. *See Opinion of Justices*, 294 AL. 555, 319 So.2d 682 (1975), (1975). In *Opinion of the Justices*, 254 AL 506, 49 So. 2d 175 (1950), the Court said: “It has been pointed out that the evil to be remedied is the expenditure of public funds in aid of private individuals or corporations, regardless of the form which such expenditures may take, and that Section 94 prohibits, in the words of the decision in *Garland v. Board of Revenue of Montgomery County*, 87 Ala. 223, 6 So. 402 (1889), ‘any aid ... by which a pecuniary liability is incurred’.”

This is similar to the rule followed by most municipalities throughout the country. According to McQuillin, *Municipal Corporations* Section 39.19 (3d Ed. Rev.), “a municipality has no power ... to donate municipal moneys for private uses to any individual or company not under the control of the city and having no connection with it, although a donation may be based on a consideration.” Section 94 carries this prohibition into effect and prevents municipalities from giving anything of value to a private person or entity. 1

Section 94 is not violated where compensation is exchanged for services and benefits rendered. *See Taxpayers & Citizens of the City of Foley v. City of Foley*, 527 So.2d 1261 (Ala. 1988). Thus, municipalities may contract for services with private persons (as long as the municipality itself has the authority to perform the service being contract for), but cannot give simply away public money, goods or services.

Additionally, courts have held that expenditures that serve a “public purpose” do not violate Section 94. The public purpose standards was made part of the Alabama Constitution in 2004, when Section 94.01 was added to give municipalities (and

counties) more flexibility to encourage economic development. Section 94.01 permits local public governments to, among other things, use public funds or other items of value in “aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the county or the municipality.” Section 94.01 specifically exempts public agencies from the restrictions of Section 94.

A recent Attorney General’s Opinion, to Jimmy Calton, August 6, 2007, interprets Section 94.01, and notes two conditions a municipality must comply with before giving aid pursuant to this provision. As noted in the Attorney General’s Opinion, “subsections (c)(1) and (c)(2) require that the proposed action serve a valid public purpose and that notice and a meeting be held regarding the proposed action.”

Specifically, subsection 94.01(c)(1) requires the passage of “a resolution containing a determination by the governing body that the expenditure of public funds for the purpose specified will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.” Thus, in order to use public funds, equipment, facilities or any other public item of value to encourage economic development, the public entity must still justify the action by determining that a public purpose exists.

The public purpose test establishes a somewhat confusing standard for municipal officials to follow when they make decisions about the expenditure of public funds. Instead of a bright-line test where the only important fact an official must know is whether the entity or person requesting funds is public or private, officials are left to determine for themselves whether the purpose the funds will be used for is, in fact, public in nature. Clearly, this will be difficult in many cases.

This article examines some of the issues surrounding the public purpose doctrine in the hopes of clarifying what constitutes a public purpose.

The Standard of Review

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OBITUARIES

Armand Rex Fronduti

Armand Rex Fronduti, former mayor of Millbrook, died May 13, 2007. He was 83. Fronduti was the second mayor of Millbrook and was instrumental in the city securing a sewage-treatment plant that enabled growth. He earned a doctorate in metallurgy, was an author and served in the U.S. Naval Reserve.

Stanley Herring

Citronelle Mayor Stanley Herring died June 3, 2007. He was 65. Herring served as a Citronelle councilman from 1996 until 2004, when he was elected mayor. Before retiring and going into local politics, Herring had been a technician for ExxonMobil Corp. He was a supporter of youth and high school athletics and was inducted into the Alabama Amateur Softball Association Hall of Fame.

Charles Mitchell

Charles Mitchell, former mayor of Muscle Shoals died June 9, 2007. He was 79. Mitchell became the city's first mayor after it switched to a mayor-council form of government in 1992. Among the many accomplishments Mitchell will be remembered for his work toward correcting the city's flooding problem by contacting and receiving Federal money to begin the massive project that continues today. He was also instrumental in the construction of a new high school, library, recreational facilities, and an early warning system.

Dewitt Dodd

Dewitt Dodd, former council member of Sylacauga, died July 9, 2007. He was 73. Dodd served as council member from 1988 until 1992. He was also a retired guidance counselor from Sylacauga High School.

George A. Swift

George A. "Cap" Swift, former Selma City Councilman, died August 4, 2007. He was 86. Swift also served 10 years as president of the Selma-Dallas County Chamber of Commerce. A World War II Combat Marine, Swift came home to help organize the Selma Jaycees, was in a group that attracted a major paper-making company to Dallas County, served on the Selma Water Board, helped organize the Downtown Development Corp. and, for 20 years, operated the Crossroads Visitors Center.

Virginia McCann Womack

Virginia McCann Womack, former mayor of Oak Grove has died. Womack served as mayor from 1976 until 1980. She was 77.

George Van Tassel

George Van Tassel, former mayor of Tuscaloosa died at age 94. His most notable achievement during the 13 years he served as mayor during the 1950s and 1960s was the proposal to dam North River and create Lake Tuscaloosa. The 5,885-acre water supply reservoir and recreation spot was the initiative of Van Tassel and Snow Hinton, who succeeded him as mayor.

does not serve a public purpose. In these situations, officials will be expected to decline the request. For example, if a church asks the municipality to pave its parking lot, this expenditure is designed only to benefit those who attend that church. But what if a municipality is facing a severe parking crisis in its downtown area and the church offers to open the lot for public use every day except Sunday? Does the public need for parking override the prohibitions of the Alabama Constitution?

There is no clear-cut answer to that question (But, see, *Guarisco v. City of Daphne*, 825 So.2d 750 (Ala. 2002), discussed below). The interpretation of what constitutes a public purpose will, of course, vary from official to official. What one councilmember sees as a benefit to the public will be seen by others as a detriment. Officials will have to resolve these issues by debate and should rely heavily on the advice of their attorneys.

There will be times, though, when the attorney cannot provide a definitive answer and can only offer guidance. In those instances, it is important to remember the standard of review that generally applies to discretionary actions of municipal officials. In those instances, courts usually defer to the decisions of a governing body unless that decision is clearly incorrect.

In *Opinion of the Justices No. 269*, 384 So.2d 1051 (Ala. 1980), the Court stated that, “[T]he question of whether or not an appropriation was for a public purpose [is] largely within the legislative domain, rather than within the domain of the courts.” Quoting *Board of Revenue of Mobile County v. Puckett*, 227 Ala. 374, 149 So. 850 (1933), the Court noted that, “The Legislature (or council) has to a great extent the right to determine the question, and its determination is conclusive when it does not clearly appear to be wrong, assuming that we have a right to differ with them in their finding. Taken on its fact, it is our duty to assume that the Legislature (or council) acted within constitutional limits and did not make a donation when such construction is not inconsistent with the recitals of the act.” (Parentheses added).

Basically, courts defer to the legislative body’s determination of that a public purpose exists. A court will overturn this decision, though, if there it feels that the stated public purpose is improper or insufficient. For instance, in *Brown v. Longiotti*, 420 So.2d 71 (Ala. 1982), the Alabama Supreme Court refused to find that a public purpose existed when the local government wanted to construct a commercial retail facility. The Court held that the sale of the bonds was designed to benefit a private, rather than public, purpose by lowering rents paid by the individual lessees.

What is a Public Purpose?

Black’s Law Dictionary states that a public purpose “... is synonymous with governmental purpose ... [It] has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the

inhabitants or residents with a given political division ...”

In *Slawson v. Alabama Forestry Commission*, 631 So. 2d 953 (Ala. 1994), the court held that, the Alabama Supreme Court stated that, “The paramount test should be whether the expenditure confers a direct public benefit of a reasonably general character, that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit ... The trend among the modern courts is to give the term ‘public purpose’ a broad expansive definition.”

As McQuillin notes in his treatise on municipal corporations, “What is a public purpose cannot be precisely defined, since it changes to meet new developments and conditions of the times.” While it does not have to serve the needs of the municipality as a whole, “Each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare.” McQuillin, *Municipal Corporations* Section 39.19 (3d Ed. Rev.).

In *Opinion of the Justices No. 269*, the Alabama Supreme Court declined to provide a specific definition, stating, “What is ‘a public purpose’ depends in part upon the time (age), place, objects to be obtained, modus operandi, economics involved, and countless other attendant circumstances. Generally speaking, however, it has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and the general welfare of the community.”

The Court went on to say that:

“the paramount test should be whether the expenditure confers a direct public benefit of a reasonably general character, that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit.

“There is no fixed static definition of ‘public purpose.’ It is a concept which expands with the march of time. It changes with the changing conditions of our society. What today is not a public purpose may to future generations yet unborn be unquestionably a public purpose. ‘Public purpose’ is a flexible phrase which expands to meet the needs of a complex society even though the need was unheard of when our State Constitution was adopted.”

In *WDW Properties v. Sumter*, 342 SC 6, 535 SE2d 631 (2000), the South Carolina Supreme Court pointed out that:

“[a]ll legislative action must serve a public rather than a private purpose. In general, a public purpose has for its objective the promotion of the public health, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division ... It is a fluid concept which changes with time, place, population, economy and countless other circumstances. It is a reflection of the changing needs of society.

“legislation may subserve a public purpose even though

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nothing
to do
with it.



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it (1) benefits some more than others and, (2) results in profit to individuals: Legislation does not have to benefit all of the people in order to serve a public purpose. At the same time legislation is not for a private purpose merely because some individual makes a profit as a result of the enactment.”

The court followed a four-part test to determine if an expenditure served a public purpose:

“The Court should *first* determine the ultimate goal or benefit to the public intended by the project. *Second*, the Court should analyze whether public or private parties will be the primary beneficiaries. *Third*, the speculative nature of the project must be considered. *Fourth*, the Court must analyze and balance the probability that the public interest will be ultimately served and to what degree.”

What is Required?

As noted above, in order to comply with Section 94.01, the public entity must pass a resolution at a public meeting stating that the desired use of public funds or materials furthers a public purpose. At a minimum, then, the agency should be able to articulate some legitimate, objective public purpose that is furthered by the action. It wouldn't be sufficient to simply state that an expenditure is made “to accomplish a public purpose” without expressly stating the nature of the benefit to the public.

Remember that in *Opinion of the Justices No. 269*, the Alabama Supreme Court stated that the determination of what constitutes a public purpose is within the discretion of the governing body. The Court also noted that the appropriation should be upheld when it is, essentially, consistent with the purpose articulated by the governing body. So, this discretion is not without limits. The governing body must still be able to explain how an appropriation benefits some significant portion of the public, and this public purpose should be in mind before the appropriation is made, rather than articulated after the fact.

Although Section 94 doesn't require passage of a resolution setting out the public purpose to be served, a public agency must still be able to specify the public purpose served by an appropriation to a private group or entity. In some cases, this may require setting out specific findings of fact on the minutes of the meeting that justify the expenditure.

Slawson, in More Detail

In *Slawson*, the Alabama Forestry Commission used state personnel and equipment to organize, promote and support a private nonprofit corporation known as the Stewards of Family Farms, Ranches and Forests. The purpose of the Stewards, according to its bylaws, was to promote stewardship among private landowners, to protect landowner's private property rights “by confronting environmental and political extremism in

the public and/or political arena,” and to develop and implement “a national strategy designed to confront actions which threaten private property rights of family farm, ranch, and forest owners.” Stewards opposed certain state and federal laws, such as estate taxation laws and numerous federal environmental laws that it felt interfered with private property rights.

The plaintiffs sued the Forestry Commission, arguing that its support of the Stewards violated Sections 93 and 94 of the Alabama Constitution. The court examined its prior decisions on the public purpose doctrine and then turned its attention to the purpose behind the commission's support of the Stewards. The commission had, by resolution, found that the goals of the Stewards were compatible with the commission's objectives. In its defense, the commission argued:

“All the actions of the Forestry Commission are designed to promote the public good by maintaining healthy forests. One way we do this is by helping private landowners to develop and maintain environmentally healthy and economically sound forests. We are convinced that activities of Stewards of Family Farms, Ranches and Forests will complement, and in no way conflict with, this mission.”

Based on this, and applying what the court acknowledged was a “broad, expansive definition of ‘public purpose,’” the Court affirmed the trial court's ruling upholding the appropriations to the Stewards.

Other Selected Cases and Attorney General's Opinions on Public Purpose

Guarisco v. City of Daphne, 825 So.2d 750 (Ala. 2002), the issuance of warrants to allow a municipality to acquire land to construct a parking lot adjacent to a retail shopping center served a valid public purpose. The Court noted that the general public is not excluded from using the parking lot, so that “persons who shop, eat, or work in the area of the parking lot” could use it. A strong dissent argued that the expenditure did not serve a public purpose because the primary purpose of the expenditure was to benefit the private retail company and its tenants.

Gober v. Stubbs, 682 So. 2d 430 (Ala. 1996): The fact that a taking of property results in a financial benefit to a private person does not mean that the taking is not for a public purpose.

Ex parte City of Birmingham, 624 So. 2d 1018 (Ala. 1993): Contract for services of city attorney is a public purpose under Section 94.

Smith v. Industrial Dev. Bd., 455 So. 2d 839 (Ala. 1984): The Legislature's designation of the acquisition and construction of hotels and motor inns for industrial development as promoting a public purpose is not clearly wrong because these facilities provide incentive for industry and business to locate in or near the municipality.

Florence v. Williams, 439 So. 2d 83 (Ala. 1983): The



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taking of property for a parking lot where a small number of the spaces will be reserved for the use of a private company while the remaining spaces will be open to the public serves a public purpose.

Brown v. Longiotti, 420 So.2d 71 (Ala. 1982): A local constitutional amendment did not authorize the municipality to issue revenue bonds to construct a commercial retail establishment. The Court held that the sale of the bonds was designed to benefit a private company not to serve a public purpose.

City Of Montgomery v. Collins, 355 So. 2d 1111 (Ala. 1978): A municipality can justify payment of legal defenses for officials and employees as a public purpose.

Board Of Revenue & Rd. Com'rs Of Mobile County v. Puckett, 227 Ala. 374, 149 So. 850 (1933): A statute appropriating county funds for payment of compensation to a widow for a county employee's death held not unconstitutional as mere donation of public funds to individual without public purpose.

A county commission may appropriate funds to a private organization as long as the funds are used for a public purpose. A contract would ensure proper use of the funds. The private organization would not be subject to the bid law. Attorney General's Opinion 95-00112.

The City of Hartselle may donate land or lease land for less than adequate consideration to private businesses only if the city determines that a public purpose is served. The courts have held, as a matter of law, the creation or increase of tax revenues for the city does not serve a public purpose. The city has determined that a public purpose would be served, which is economic stimulation and increased tax and license revenue to fund city services. Attorney General's Opinion 2001-187.

A county may not give property to a manufacturing company because the appropriation does not serve a public purpose. Attorney General's Opinion 95-00167.

A municipality may convey public property to a nonprofit corporation if there are benefits flowing to both parties which promote a public purpose. Attorney General's Opinion 95-00204.

A county commission may transfer real property to a nonprofit corporation if the commission determines the transfer serves a public purpose. Attorney General's Opinion 95-00299.

Conveyance of public property to a private corporation at no cost where there is no public purpose violates Section 94, Constitution of Alabama, 1901. Attorney General's Opinion 95-00281.

A county may provide office space to a private, nonprofit corporation if the county determines the corporation serves a public purpose. Attorney General's Opinion 97-00097. **Note:**

The League recommends entering into this arrangement only pursuant to a valid contract.

A municipality may provide office space to a private, nonprofit corporation if the governing body determines the corporation serves a public purpose. Attorney General's Opinion 97-00099. **Note:** The League recommends entering into this arrangement only pursuant to a valid contract.

A municipality may not purchase an ad in a souvenir booklet published by a political organization if the ad does not serve a public purpose and the booklet is not a recognized medium of advertising. Attorney General's Opinion 97-00220.

A municipality may convey public property to a nonprofit corporation if there are benefits flowing to both parties and a public purpose is served. Attorney General's Opinion 98-00111.

A county commission may purchase and renovate a building and lease the building to the Alabama Veterans Museum and Archive if the Commission determines that there is a public purpose for this and that the public purpose is served. Attorney General's Opinion 98-00219.

If a municipality determines that the construction of an emergency sand berm on a private beach serves a public purpose, the municipality may contribute public funds to pay part of the cost. Attorney General's Opinion 99-00152.

A municipality may convey real property to its Industrial Development Board for immediate resale at less than fair market value without violating Section 94 of the Alabama Constitution, 1901, if it determines that the conveyance furthers a public purpose. Attorney General's Opinion 99-00150.

If a municipal council determines that a public purpose is served, the municipality may appropriate funds to a local children's museum for the renovation of a building located on property leased by the municipality. The municipality may then sublease the building to the museum for a nominal consideration. The attorney general recommends a written contract permitting this. Attorney General's Opinion 2000-071.

If a city determines that stocking a lake owned by the Alabama Power Company will serve a "public purpose," i.e., the promotion of tourism, the city may expend municipal funds for this purpose. The better practice would be for the city to contract with Alabama Power Company regarding the use of the lake. Attorney General's Opinion 2000-121

If the municipal governing body finds that appropriating funds to provide expenses for the Homewood High School Band to participate in the presidential inaugural parade is a public purpose, the city may expend public funds for this purpose. Whether a contribution by the City of Homewood, to offset the costs of a banquet to honor the Homewood High School football team, is for a public purpose is ultimately a factual determination that can only be made by the city council. Attorney General's Opinion 2001-064

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LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Annexation: A town annexed public roads from the county. The public's use of a roadway for over 20 years provided the county with only a prescriptive easement in the roads, not ownership, and, thus, the county was not an owner with the ability to consent to town's annexation of portions of the roads. A neighboring town had standing to bring a counterclaim, even though it was not incorporated at time of the challenged annexation, and the personal representative of the property owner's estate had the power to consent to neighboring town's annexation of the estate property. *Town of Elmore v. Town of Coosada*, 957 So.2d 1096 (Ala., 2006)

Criminal Law: A person who steals property may be convicted of receiving that same stolen property, under section 13A-8-16 of the Code of Alabama, if the evidence shows that he also *disposed* of the property. *Stoinski v. State*, 956 So.2d 1174 (Ala.Crim.App., 2006)

Courts: A defendant's breach of a plea agreement pursuant to which he received probation was a violation of a condition of his probation. *Adams v. State*, 957 So.2d 1157 (Ala.Crim.App, 2006)

Taxation: The Department of Revenue's justification for a sales-tax-exemption scheme, mitigating the administrative costs of Alabama governmental entities having to pay sales tax to the state and then having the state refund a portion of the tax back to the entity, which exempted Alabama government entities from sales tax but did not exempt other state governmental entities, was insufficient to meet the burden under the dormant Commerce Clause that the scheme advanced a legitimate local purpose that could not be adequately served by reasonable nondiscriminatory alternatives. *Ex parte Hoover, Inc.*, 956 So.2d 1149 (Ala., 2006)

Taxation: City ordinances that imposed tax on tobacco products, which was to be collected and paid by distributors delivering to retailers within city limits, were invalid as violating legislative act that imposed license tax on the sellers, deliverers and storers of tobacco products in certain counties and that restricted power of municipalities in affected counties to tax tobacco products. *City of Bessemer v. McClain*, 957 So.2d 1061 (Ala., 2006) **NOTE:** This opinion addresses a local legislative act applicable only to municipalities in Jefferson County.

Tort Liability – Civil Rights: Defendant driver was entitled to a protective order staying driver's deposition in civil case until after pending criminal charges against driver, which were based on the same automobile accident as civil case, were resolved. Compelling driver to participate in deposition would have subjected the driver to questions about the accident, defendant's answers to those questions could result in a waiver of driver's Fifth Amendment right not to incriminate himself, and driver's silence could hurt him in the civil proceeding. *Ex parte Dinkel*, 956 So.2d 1130 (Ala., 2006)

Worker's Compensation: In determining whether an individual is an independent contractor or whether an employer-employee relationship exists, for purpose of workers' compensation law, the courts look to the reserved right of control rather than the actual exercise of the control. If the right of control extends no farther than directing what is to be ultimately accomplished, an employer-employee relationship is not established for purpose of workers' compensation law, but if an individual or an entity retains the right to direct the manner in which the task is to be done or if that individual or entity does in fact dictate the manner of operation, then an employer-employee relationship is established. *Sartin v. Madden*, 955 So.2d 1024 (Ala.Civ.App., 2006)

UNITED STATES COURT DECISIONS

Schools – Discrimination: School districts are not free to discriminate on the basis of race to achieve racial diversity. The Equal Protection Clause protects persons, not groups. Race based plans used to assign individual students in public elementary

Tracy Roberts
Assistant General Counsel



and secondary schools are not subject to less exacting scrutiny under the Equal Protection Clause. *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S.Ct. 2738 (U.S., 2007)

DECISIONS FROM OTHER JURISDICTIONS

Immigration: Ordinances enacted by the city of Hazleton, Pa., to regulate the rental housing and employment of illegal aliens are preempted by federal law and violate procedural due process guaranteed under the Fourteenth Amendment as well as the Federal Fair Housing Act. *Lozano v. City of Hazleton*, F.Supp.2d, 2007 WL 2163093 (M.D.Pa., 2007)

Discrimination: A supervisor's comments about an employee's accent are direct evidence of national origin discrimination. *In re Rodriguez*, 487 F.3d 1001 [C.A.6 (Mich.),2007]

ATTORNEY GENERAL'S OPINIONS

Appropriations: Section 94.01(a)(3) of the Recompiled Constitution of Alabama permits a city to provide public funds to a public or private company to attract economic development within the city if such action serves a public purpose and a public meeting where proper notice is given is held regarding the proposed action. Whether the proposed action by the city serves a public purpose is a determination that must be made by the city. The city may not provide public funds to a movie theater company in the form of a rebate of the gross receipts license movie ticket tax. If it determines a public purpose would be served, the City may make an annual appropriation to the company that is not tied directly to the tax. 2007-122

Boards: A board member of a water authority may waive the fee for serving on the board. In section 36-6-10 of the Code of Alabama the Legislature has provided a mechanism for state, county and municipal officers to diminish their compensation by following specific procedures to ensure such action is taken voluntarily. Because public officers may waive compensation, public policy would not prohibit non-public officers from doing so. 2007-110

Fire Protection: If a city levies and collects taxes to provide fire protection services, the city council is not allowed to establish an additional fee system that would charge individuals for fire protection services to the extent of their insurance coverage. 2007-116

Ordinances: A County Junk Ordinance does not apply to a town located in the county absent an amendment to the ordinance and the approval of the town council. Section 11-3A-2(e) of the Code of Alabama limits the powers a county may exercise inside the corporate limits of a municipality or within a municipalities police jurisdiction. 2007-108

Public Records: A town council may require its municipally sanctioned volunteer fire department to provide the town with unredacted copies of fire and emergency medical services reports to keep on file for use in determining the reimbursement of expenses of department personnel making fire and medical calls. 2007-111

Sales Tax: A city can impose a gross receipts license movie ticket tax pursuant to section 11-51-200, and this tax can be levied as a general sales tax on places of amusement or entertainment as in section 40-23-2(2). However, there is no statutory authority that would allow a municipality to create a tax to induce a private business to locate within a locality or that would allow a business to keep the tax dollars collected from a gross receipts tax. 2007-107

Sales Tax: The tax exemption allowed for annexed territory in municipalities with 25,000 or more inhabitants, set forth in section 11-42-57 of the Code of Alabama, is limited to municipal ad valorem taxes and does not extend to municipal sales and use taxes. 2007-121

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2007-14: The Ethics Law does not prohibit a business employing a family member of a Board of Education member from doing business with the Board of Education. The Board of Education may enter into a consulting contract with a firm employing the daughter of a School Board member, however the Board member should not vote, attempt to influence or otherwise participate in any aspect of the contract between the Board of Education and the firm employing her daughter. ■

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If a municipal council determines that an awards banquet will serve a public purpose, the police department may use public funds for the meals of the employees, plaques, seminars and cash awards. Section 11-40-22(b) of the Code of Alabama requires that the governing body of the municipality approve each cash or noncash award given to an employee for exemplary performance or for innovations that significantly reduce costs. Attorney General's Opinion 2001-88.

A city board of education may not purchase flowers for the families of deceased students, public officials, officials' relatives or the general public. Furthermore, the board may not provide refreshments prior to or after a board meeting unless the gathering serves a distinct public purpose. However, the board may generally provide food and nonalcoholic refreshments at a reception to meet applicants for employment and at receptions attended by members of the city government, legislators, and members of the community if the board determines that such an expenditure serves a public purpose. Attorney General's Opinion 2001-129.

A county commission may contribute to a nonprofit firefighters' organization if the county determines that the contribution serves a public purpose. Attorney General's Opinion 2001-270.

Courts in Alabama have held that, as a matter of law, an increase in tax revenue or the creation of tax revenues does not serve a public purpose. Attorney General's Opinion 2001-187.

A town may not perform work on or repair a water or sewer line that is on private property unless there is legislation that permits such work to be done, the damage constitutes a health hazard, the cost is assessed against the private property owner or the town caused the damage. Attorney General's Opinion 2001-188.

Municipal funds may not be expended to provide cake and coffee at monthly meetings of city employees with birthdays in the respective month, even if the work done at these meetings is clearly related to the achievement of one or more municipal purposes. Attorney General's Opinion 2002-049.

Whether a city may expend public funds for food and drinks at certain events is a factual determination. If the city council determines that an event serves a public purpose, public funds may be expended by inaugural events, banquets, picnics and other such functions. Attorney General's Opinion 2003-049.

If a city determines that cooperation with a private subdivision and any third party contractors in an effort to remove siltation from a private lake would serve a public purpose, a city may contribute funds or in-kind services to the siltation removal effort without violation Section 94, Constitution of Alabama, 1901. Attorney General's Opinion 2002-211.

A city may lease municipal property at no charge if a

public purpose is served. The city council must determine if a public purpose is to be served by the corporation in leasing the municipal property. Attorney General's Opinion 2003-083.

The cost of private cellular telephones used by election officials is not included within the definition of expenses reimbursable by the state, but a county may pay these costs from county funds if the county funds that these are reasonable costs of conducting the election. Attorney General's Opinion 2004-058.

If a municipality determines that a public purpose will be served, the municipality may transfer municipal property and adjoining land to a private historical preservation organization by following Section 11-47-20 of the Code of Alabama 1975, relating to the disposition of real property owned by a municipality. Attorney General's Opinion 2004-078

If a city determines that an expenditure of municipal funds serves a public purpose, the city may expend municipal funds for the benefit of a nonprofit corporation formed for the purpose of developing, promoting, and protecting the property rights of city citizens, businesses, and other property owners. Attorney General's Opinion 2004-147.

If a municipal governing body determines that the expenditure of municipal funds serves a public purpose, it may expend municipal funds for the activities of the Alabama Silver-Haired Legislature. Attorney General's Opinion 2004-157.

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. Attorney General's Opinion 2005-021.

A town may expend public funds to pay for debris and tree removal following a hurricane, even if it involves work on private property, if the town council makes a determination that the work done served a legitimate public purpose. Absent such a finding, the council may assess individual property owners for any cleanup and tree removal performed where the debris constituted a health hazard and where the owners were unable to secure a private source to perform the cleanup service. Attorney General's Opinion 2005-029.

The determination of whether a city may expend funds to improve drainage on private property must be made by the city governing body based on whether the improvement will serve a public purpose, and the city must have an easement on the land. A public purpose is served if the expenditure confers a direct public benefit of a reasonably general character, and this must be determined by the governing body on a case-by-case basis. Attorney General's Opinion 2005-073.

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Under section 11-3-11(a)(19), Code of Alabama, 1975, a county commission can perform industrial development work for a municipality on property owned, leased, or under option to the municipality if the county commission determines the work serves a public purpose. Attorney General's Opinion 2006-137.

The appropriation of city funds for the purpose of awarding college scholarships is neither expressly nor impliedly authorized by the state, nor is the authority essential to the operation of the city of Anniston. The city cannot make appropriations directly or indirectly to the Anniston City Schools Foundation for the purpose of awarding college scholarships to graduates of Anniston High School unless the voters in Anniston vote to levy a special tax for a scholarship program and the city council determines such a program would serve a public purpose. Attorney General's Opinion 2007-074. ■

Footnote

There are, of course, exceptions to this prohibition, and there are a number of cases and Attorney General's Opinions that have approved expenditures to private persons. For a more thorough examination and a list of these decisions, see the article "Authority to Expend Municipal Funds," on page 244, *Selected Readings for the Municipal Official* (2000 ed.).



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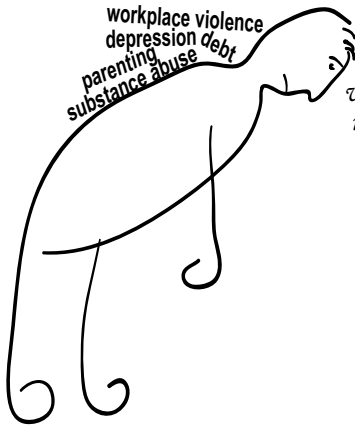


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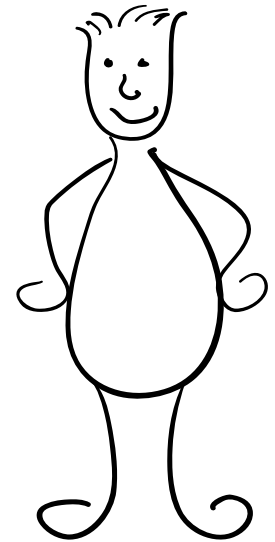
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WHEN LIVES ARE IN THE BALANCE
AND SECONDS COUNT

2007 CMO Graduation Ceremony Held August 16th

On August 16, the League held commencement ceremonies in Montgomery for its Elected Officials Training Program. These graduation exercises marked the 12th group of officials to receive their basic CMO (Certified Municipal Official) certification and the 9th group to receive their advanced CMO certification.

The Elected Officials Training Program consists of a series of one-day continuing education programs designed for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal training in municipal government.

Officials who complete 40 credit hours of training are awarded the professional designation of Certified Municipal Official. Training sessions are conducted twice each year at four regional sites throughout the state. Additional hours may be earned by attending designated sessions during the annual League Convention and other approved events sponsored by the League and the National League of Cities. A limited amount of credit may be obtained by attending other approved courses. The training program can be completed in as few as two calendar years.

The Elected Officials Training Program is an ongoing project of the Alabama League of Municipalities to fulfill the education mandate contained in its constitution.

The first session of the Elected Officials Training Program was held at the Adams Mark Hotel in Mobile on September 22, 1994. The same program was offered in Birmingham, Montgomery and Huntsville. Nearly 200 officials enrolled in the program during the first sessions. Currently more than 2,000 municipal officials are enrolled and have attended one or more courses.

Session topics include council meeting procedure, rules of parliamentary procedure, the Open Meetings Act, public records, ordinance drafting, powers of municipalities, ethics laws, conflicts of interests, duties of mayors and councilmembers, tort liability, annexation, zoning, subdivision regulation, municipal revenues and expenditures, the competitive bid law, personnel issues, insurance issues and regulatory powers of municipalities.

In 1998, the League added an Advanced CMO Program for those officials who had received the CMO designation and desired additional training. During its January 2000 meeting, the League's Executive Committee approved the addition of a continuing education requirement to the Elected Officials Training Program. The committee members felt the new requirement would strengthen the CMO Program.

As of Jan. 1, 2000, each Advanced CMO Graduate is required to earn ten (10) credit hours of approved training within two (2) calendar years to maintain their Advanced CMO active status. Any CMO Advanced Graduate who does not earn at least ten (10) approved credit hours of training within two (2) calendar years will have their Advanced CMO status designated as "inactive" until such time as the required ten (10) hours of approved credit is earned. The continuing education credits started at the 2000 Convention in Birmingham.

This year, a total of 86 municipal officials successfully completed the requirements to receive their CMO certification. Forty-one officials received their Advanced CMO certification.

Rep. Bill Dukes of Decatur addressed the 2007 graduates of the Elected Officials Training Program during the ceremony.

Dukes has been a key player in municipal government for 29 years – 18 of them as mayor of Decatur. A past president of the League, Rep. Dukes was elected to the Alabama Legislature in 1994 and currently serves as chair of the House County and Municipal Government Committee. Following his comments, Dukes handed out plaques to those graduates who were able to attend the commencement ceremonies. The 2007 graduating class of Certified Municipal Officials and Advanced CMOs is listed on the next page. ■



Rep. Bill Dukes addressed graduates at the CMO ceremony.



League President Sonny Penhale, Mayor of Helena; Rep. Bill Dukes of Decatur; and League Director of Intergovernmental Relations, Greg Cochran, at the CMO graduation ceremony this past August.

2007 ADVANCED AND BASIC CMO GRADUATES

2007 Advanced Certified Municipal Officials

Mayor Barbara H. Young, Alexander City
Councilmember Lottie L. Wyckoff, Alexander City
Mayor Jerry B. Andrews, Andalusia
Councilmember Michael Jones, Jr., Andalusia
Councilmember Bobby J. Griffin, Blountsville
Mayor Eddie Cooper, Brighton
Councilmember John Ritchie, Chelsea
Councilmember Stephanie E. Sapp, Clon
Mayor Donald E. Green, Cullman
Councilmember Mary Thompson, Dauphin Island
Mayor Cecil P. Williamson, Demopolis
Mayor Paula W. Phillips, Douglas
Councilmember Bert L. Collins, Eva
Councilmember Willie Hardley, Jr., Fairfield
Mayor Haden Davis, Garden City
Councilmember Johnny M. Davis, Greensboro
Mayor Phil Segraves, Guin
Councilmember Samie A. Wiley, Hartselle
Mayor Sandra Tarver-Yoba, Hurtsboro
Mayor Kenneth W. Copeland, Littleville
Councilmember Charlie Johnson, Luverne
Councilmember Spencer Hogue, Jr., Marion
Councilmember Janice Anderson, Midfield
Councilmember Velma Johnson, Midfield
Councilmember Jimmie Robinson, Midfield
Councilmember Keith W. Gilley, Moulton
Councilmember Cora A. Walker, Mount Vernon
Mayor David H. Bradford, Muscle Shoals
Councilmember Tony A. White, Oak Grove
Councilmember Davy J. Lindsey, Opp
Councilmember Andy Gilland, Ozark
Councilmember Willard D. Payne, Pelham
Councilmember Karyl J. Rice, Pelham
Councilmember Willard H. Pace, Phil Campbell
Councilmember Henry T. Perry, Jr., Priceville
Councilmember Craig R. Grissom, Russellville
Councilmember Marvin E. Adams, Saraland
Councilmember Howard Rubenstein, Saraland
Councilmember Laura D. Horton, Tarrant
Councilmember James McDowell, Valley
Mayor D. W. Franklin, Vina

2007 Basic Certified Municipal Officials

Councilmember John W. Blankenship, Abbeville
Councilmember Lorenzo H. Grant, Alexander City
Councilmember Cary L. Worthy, Alexander City
Councilmember Herbert Palmore, Anniston
Councilmember Terry Powell, Andalusia
Councilmember Ronnie L. White, Ashville

Councilmember Louie Turner, III, Atmore
Councilmember Henry D. Barnes, Sr., Bayou La Batre
Councilmember Valerie A. Abbott, Birmingham
Mayor Robert G. Sharpe, Blountsville
Mayor Dennis Stripling, Brent
Councilmember William D. Moore, Bridgeport
Councilmember Cynthia Pearson, Brundidge
Councilmember Ernest Montgomery, Calera
Mayor Martha Baker, Cedar Bluff
Councilmember Billie C. Burkhalter, Cedar Bluff
Councilmember Linda G. Kennemur, Center Point
Councilmember Raymond Olan, Center Point
Councilmember Tony C. Wilkie, Centre
Councilmember James V. Ferguson, Chelsea
Councilmember Gerald Easley, Chickasaw
Councilmember Robert M. Cleckler, Jr., Childersburg
Mayor Charles Hart, D.V.M., Clay
Councilmember Tom Seale, Columbiana
Mayor Ted H. Letson, Courtland
Councilmember Alan M. Souders, Daleville
Councilmember Carolyn F. Wood, Dauphin Island
Mayor Don Kyle, Decatur
Mayor Larry W. Fluker, Evergreen
Councilmember Hermon Graham, Florence
Mayor John Koniar, Foley
Mayor Carrie F. Fulghum, Gainesville
Councilmember Joe Chafin, Garden City
Councilmember Robert Cheatham, Georgiana
Mayor Charles Gilchrist, Glencoe
Councilmember Ervin M. Ellis, Gordo
Councilmember Don Milligan, Grant
Councilmember Janice R. Jemison, Greensboro
Councilmember Philip H. Garrison, Guin
Mayor Katie Whitley, Hanceville
Councilmember Selma D. Barnett, Hanceville
Councilmember William W. Rayfield, Harpersville
Councilmember Jo Ann Lindsey, Hartford
Councilmember Bill Smelser, Hartselle
Councilmember Ken D. Thompson, Hartselle
Councilmember Garry D. Young, Hokes Bluff
Councilmember John Schoen, Irondale
Councilmember Connie W. Parrish, Killen
Councilmember Christopher Phillips, Killen
Councilmember Brandy S. Pierce, Leesburg
Mayor Tyrus Waters, Level Plains
Councilmember Reginald N. Wilson, Midfield
Councilmember Jeffery Bolden, Jr., Mount Vernon
Councilmember Joseph E. Pampinto, Muscle Shoals
Councilmember Ross L. Norris, Oneonta

Councilmember Edward H. Carroll, Sr., Orange Beach
Councilmember Steven Waits, Oxford
Councilmember J. T. Carter, Pell City
Councilmember James E. Pennington, Pell City
Councilmember John F. Storey, Pell City
Councilmember Douglas H. Goss, Piedmont
Councilmember Dawn M. Tanner, Pinson
Councilmember Bennie E. Harton, Reform
Councilmember Beth M. Rogers, Rutledge
Councilmember Newton Cromer, Saraland
Mayor Dan Deason, Scottsboro
Former Councilmember Jim R. Helms, Scottsboro
Mayor James Perkins, Jr., Selma
Councilmember Ronnie J. McLeary, Sheffield
Councilmember Rhonda M. McCloud, Shorter
Councilmember Derrick McCloud, Shorter
Councilmember Shilrey E. Stephens, Silverhill
Councilmember Frances Hatcher, Slocomb
Mayor LaFaye E. Dellinger, Smiths Station
Councilmember John C. Hatley, Southside
Mayor Joseph C. Bonner, Spanish Fort
Councilmember Michael M. McMillan, Spanish Fort
Mayor Sam H. Wright, Sylacauga
Councilmember Harold W. Ward, Sylacauga
Mayor Loxcil Tuck, Tarrant
Councilmember George E. Johnson, Sr., Tuscumbia
Mayor Johnny Ford, Tuskegee
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