

The Alabama Municipal JOURNAL

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Alabama League of Municipalities
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2008 Convention



YEAR OF ALABAMA
SMALL TOWNS
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Birmingham

OPENING SESSION ADDRESS OF THE 2008 LEAGUE CONVENTION

*By Mayor Sonny Penhale, Helena
Immediate Past President*

Mayor Duran, Mayor Langford, Councilmember McCollum, Chief Justice Cobb, Ladies and Gentlemen, I am honored to stand before you this morning for the Opening Session of our 2008 annual convention. It has been a privilege to have served as your president this past year. I appreciate the opportunities you have given me and I thank you for your confidence, your support and your friendship.

Mayor Langford, the hospitality of the Magic City has been exceptional. I want to personally thank you, the Birmingham City Council and your staff for welcoming us with open arms.

I also want to thank Mayor Melvin Duran of Priceville, who has represented us well as our League Vice President this past year. Melvin is a long-serving, dedicated mayor. The citizens of Priceville are fortunate to have him at the helm.

We certainly thank Chief Justice Cobb for being with us this morning. Her schedule is no doubt quite busy this time of year. Thank you, also, to Councilmember McCollum, who is the first elected official from Alabama to become President of the National League of Cities. She has been an outstanding representative of not only Alabama, but municipal officials throughout the country. Please join me in honoring Cynthia with a round of applause for a job well done!

This has truly been a rewarding year. It has been my honor to represent municipalities in Alabama as I have traveled with League staff to meetings in Natchez, Mississippi, New Orleans, Washington, D.C. and Wilmington, North Carolina. My tenure as president of the League has deepened my respect for Perry Roquemore and his entire staff. Our League is highly respected by NLC and our sister leagues and we are fortunate to have an organization representing our interests that is so well managed and professionally staffed.

Throughout my years of public service, this year as your League president stands out as one of the most memorable. I've had the opportunity to make new friends, encourage old ones and work to impact legislation benefiting local government.



Tonight, the 2008 Regular Session of the Alabama Legislature will conclude. Although very few statewide bills have been enacted this session, two bills strongly supported by our League have already passed. Six other bills in the League's legislative package need only a vote in the State Senate and could receive final passage before the legislature adjourns today.

This session, the league has monitored approximately 350 statewide bills which, if enacted, would impact municipalities. Most of the bad bills have already been defeated or amended through our lobbying efforts. I want to thank our league lobbying team for their

hard work during a very frustrating session. I also want to thank all municipal officials who made contacts with their Senators and Representatives on many of these bills. Your action helped us greatly.

In my 41 years of service as a municipal official, I cannot remember a more crucial time for our cities and towns. Fuel costs are at a record high and are expected to increase over the summer. As you well know, increased fuel costs will affect our municipalities in many ways. The cost of operating city vehicles for garbage collection, police protection and fire protection will increase. If fuel consumption decreases, our city gasoline tax dollars, which are used to fund city services, will also decrease. Higher fuel costs will also affect tourism and result in less sales and lodgings tax revenues for our municipalities. With less revenues and higher service costs, we as elected officials will be called upon to make very important decisions on whether to cut services or to find additional revenues to pay for these services.

I also question whether our State Legislature and Congress have forgotten the important role municipal government plays in today's society. Many of the day-to-day services enjoyed by our citizens are the **direct result of city government** – not state or federal government. Local government provides police protection, fire protection, utility

continued on page 12

\$10 Million Dollars



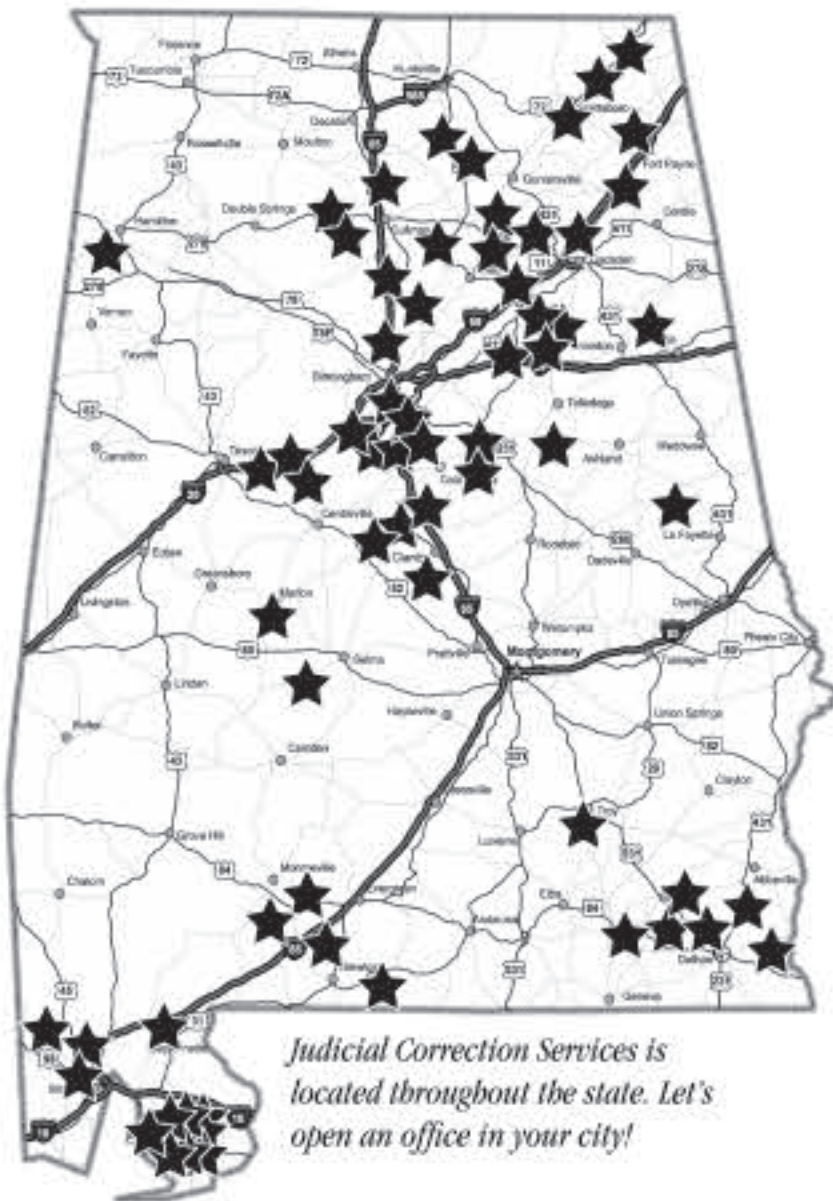
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2010: Year of Alabama Small Towns and Downtowns

DEADLINE to participate: December 1, 2008

Governor Bob Riley invites you to celebrate your town in 2010 by participating in the statewide promotion of The Year of Alabama Small Towns & Downtowns.

- Invite former residents back for a special Homecoming Weekend.
- Unveil a locally written historic marker on the history of the town.
- Lead a walking tour of the historic area.
- Dedicate a completed civic project, such as a new park or restored landmark building or other needed public project.

The Alabama Tourism Department will publish an attractive book that features photographs and a brief history of each participating municipality. The books will be sold in stores all over Alabama. Each participating municipality will also receive a free, custom historic marker. **Submit your 2010 celebration date by the deadline of December 1, 2008 to be certified as an official "Year of Small Towns and Downtowns" participant.**

The Homecoming Weekend:

If you have a popular annual event, declare that date in 2010 to be your community's Homecoming Weekend and make it even bigger. If your city or town doesn't have an annual event, you need one and this is the perfect way to start. When your committee does the event once, you'll discover how easy it is to repeat the following year.

Who is sponsoring The Year of Small Towns and Downtowns? The Office of the Governor, The Alabama League of Municipalities, The Alabama State Chambers of Commerce and the Alabama Tourism Department.

What will it cost us to participate? Nothing. There is no administrative fee. The primary costs would be for a civic project of your choosing.

Do we absolutely have to do "a civic project"? No.

Does this require a local committee or can this project be done through the mayor's office? That decision is up to the town government.

What action is expected of the council or the chamber? Approve a resolution **before Dec. 1, 2008**, declaring that the municipality (or chamber) will host a homecoming celebration on a particular date in 2010 inviting previous residents to return home.

Who is responsible for the free historic marker? Alabama Tourism will order it and pay for it. Your committee will write the text. Approximately 150-175 words per side is suggested. The second side can be a continuation of the first side, or it can be a completely different subject. **The text for the marker is due on or before December 1, 2008.** The completed marker will be shipped from the factory to the mayor. When you send the text, include a note with the DATE in 2010 of your Homecoming Weekend in which you intend to dedicate the marker. This way we will have enough time to have it made.

Why does this have to be done by December 1, so far in advance? The preparation of the book and manufacture of a large number of historic markers will take a full year.

What is the deadline for sending the words for the marker to the Alabama Tourism Department? December 1, 2008

Who do we contact? Where do we send our text to for the historic marker? Email the name of your committee chair, the contact's personal email address and send questions to Brian Jones at the Alabama Tourism Department in Montgomery. Contact: Brian.Jones@tourism.alabama.gov or call 1-334-242-4169. As we receive questions, we will send the answers to EVERYBODY on our list to share the answers.

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Free Historic Marker to Participating Municipalities

MINUTES OF THE GENERAL BUSINESS SESSION

ALABAMA LEAGUE OF MUNICIPALITIES

BIRMINGHAM, ALABAMA, MAY 20, 2008

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 2 p.m., May 20, 2008, by President Charles W. "Sonny" Penhale, Mayor of Helena at the Birmingham-Jefferson Convention Complex in Birmingham, Alabama. Mayor Penhale thanked everyone for their attendance at the annual business session and for their efforts on behalf of the League during the past year. He also thanked the membership for giving him the opportunity of serving as president during the past year.

The president then called upon Perry C. Roquemore, Jr., Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Roquemore expressed his appreciation for the support of the officers, staff and membership during the past year. He stated that the League membership was now at 443 cities and towns and that League finances would be adequate for fiscal year 2007-2008. He also discussed the recently completed legislative session and numerous League services and programs.

President Penhale then called on Mayor Leon Smith of Oxford, President of the Municipal Workers' Compensation Fund, Inc., for an annual report. Mayor Bobby Payne of Tallassee, Chair of the Alabama Municipal Insurance Corporation (AMIC), was then called on to make AMIC's annual report. Mayor Roy Dobbs of Berry, Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report.

The President then called upon Councilmember Charles Woods of Childersburg, Chair of the Resolutions Committee, for the committee's report. Councilmember Woods reported that the Resolutions Committee had met on Saturday, May 17, and had recommended that the League's *Policies and Goals for 2008* be adopted with the following amendments:

1. Amend Policy Position **F-8.1** to read as follows: "F-8.1. That restrictions be enacted to prevent incorporation of new municipalities with fewer than 500 inhabitants within the police jurisdiction of an existing municipality."

2. That a new Policy Position **P-1.10** be added to read as follows: "P-1.10. That the League urges Congress and the Alabama Legislature to enact tougher laws against identity theft."

3. That Policy Position **H-2.4** be amended to read as follows: "H-2.4. That the League supports adequate funding to maintain the Community Services Block Grant program in all 67 counties. Further, all funds should stay with the

Community Action Agencies."

Councilmember Woods moved adoption of the *Policies and Goals for 2008*, as amended, and the motion was seconded by Councilmember Mack Arthur Bell of Roanoke. The motion carried.

Councilmember Woods then presented the resolutions for adoption. He pointed out that members were given summaries of 55 resolutions recommended by the Resolutions Committee. Councilmember Wood moved adoption of Resolutions 1 through 50. The motion was seconded by Councilmember Ed Carroll of Orange Beach. The motion was adopted.

Council Membermoods moved adoption of Resolution No. 51 honoring Mayor Charles W. Sonny Penhale for his service as League President. The motion, which was seconded by Councilmember Ed Scott of Adamsville, passed unanimously.

Councilmember Woods moved adoption of Resolution No. 52 memorializing former League General Counsel Robert C. "Bobby" Black. Mayor James Byard of Prattville seconded the motion. The motion passed unanimously.

Councilmember Woods moved adoption of Resolution No. 53 memorializing former League loss control employee Robert Jason Humphries. Mayor Rena Hudson of Warrior seconded the motion. The motion passed unanimously.

Councilmember Woods moved adoption of Resolution No. 54 memorializing former League President George Van Tassel of Tuscaloosa. Councilmember Robert Earnest of Winfield seconded the motion. The motion passed unanimously.

Councilmember Woods moved adoption of Resolution No. 55 memorializing active and former officials who have passed away since the last League convention. Councilmember Henry Barnes of Bayou La Batre seconded the motion. The motion passed unanimously.

The President then called upon Mayor Bobby Payne of Tallassee to present the report of the Nominating Committee. Mayor Payne said the Nominating Committee had a tough assignment choosing officers for the next year from an abundance of very qualified candidates. He reported the Nominating Committee had met and had recommended the following persons:

President – Mayor Melvin Duran, Priceville
Vice President – Mayor Roy H. Dobbs, Berry

Executive Dir. – Perry C. Roquemore, Jr., Montgomery

Chair and Vice Chair of League Standing Committees:

State and Federal Legislation

Chair – Councilmember Charles Woods, Childersburg
Vice Chair – Mayor Bobby Bright, Montgomery

Finance, Administration and Intergovernmental Relations

Chair – Councilmember Debbie Quinn, Fairhope
Vice Chair – Mayor Garry Fuller, Opelika

Energy, Environment and Natural Resources

Chair – Mayor Howard Shell, Atmore
Vice Chair – Council Member Dean Argo, Prattville

Community and Economic Development

Chair – Mayor Dan Deason, Scottsboro
Vice Chair – Council President Ben Reed, Gadsden

Transportation, Public Safety & Communications

Chair – Mayor Cecil Williamson, Demopolis
Vice Chair – Council Member Marva Gipson, Aliceville

Human Development

Chair – Council President George Evans, Selma
Vice Chair – Mayor Vanessa Hill, Greensboro

Executive Committee

First Congressional District:

Mayor G. Richard Long, Jackson
Mayor Ken Williams, Saraland
Mayor Tim Kant, Fairhope
Mayor Sam Jones, Mobile
Mayor Charles Murphy, Robertsedale

Second Congressional District:

Mayor Jay Jaxon, Eufaula
Mayor Frank Houston, Coosada
Mayor Fred McNab, Pinckard
Council Member Isabell Boyd, Brundidge
Council Member Russell Chandler, Tallassee

Third Congressional District:

Mayor Charles Fagan, Piedmont
Mayor Joseph K. Roberson, Ohatchee
Council Member Sadie Britt, Lincoln
Councilmember Ray Edwards, Valley
Councilmember Mack Arthur Bell, Roanoke

Fourth Congressional District:

Councilmember Robert Earnest, Winfield
Mayor Charles O'Rear, Attalla
Mayor Wally Burns, Southside
Councilmember Bill Stewart, Gadsden
Mayor Phil Seagraves, Guin

Fifth Congressional District:

Mayor Loretta Spencer, Huntsville
Councilmember Cynthia McCollum, Madison
Council Member Wayne Dunkin, Priceville
Mayor Kenneth Copeland, Littleville
Mayor David Bradford, Muscle Shoals

Sixth Congressional District:

Council Member Bobby Phillips, Calera
Mayor Harvey Fretwell, Northport
Mayor Walt Maddox, Tuscaloosa
Mayor Tom Henderson, Center Point
Councilmember Ed Scott, Adamsville

Seventh Congressional District:

Mayor John Lammers, Carrollton
Councilmember Roberta Jordan, Pine Hill
Mayor James Perkins, Selma
Councilmember Jesse Matthews, Bessemer
Councilmember Don Moore, Uniontown

Ex Officio Members (Active Past Presidents)

Mayor Johnny Ford, Tuskegee
Mayor Bobby Payne, Tallassee
Mayor Leon Smith, Oxford
Mayor Ted Jennings, Brewton
Mayor Billy Joe Driver, Clanton
Mayor George Roy, Calera
Mayor Dan Williams, Athens
Mayor Jim Byard, Prattville
Mayor Bobby Hayes, Pelham
Mayor Carroll L. Watson, Lincoln
Mayor Charles W. "Sonny" Penhale, Helena

Mayor Payne moved adoption of the Nominating Committee report. The motion was seconded by Mayor Leon Smith of Oxford. Following a request for nominations from the floor and having none, Mayor Cecil Williamson of Demopolis moved that nominations be closed. The motion was seconded by Councilmember Edward Carroll of Orange Beach. The President called for the vote on the election of all officers and the motion carried unanimously. The President declared all officers elected.

League Director Perry C. Roquemore, Jr. was called upon to present the report of the Site Selection Committee.

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Tuscaloosa

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Tusculum

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He stated that the League Convention would be held in future years as follows: May 2-5, 2009, Montgomery; May 15-18, 2010, Mobile; April 30-May 4, 2011, Huntsville; and May 19-22, 2012, Birmingham. Councilmember Edward Scott of Adamsville moved adoption of the report, which was seconded by Mayor Leon Smith of Oxford. The Site Selection Committee report was approved.

There being no further business, the meeting was adjourned.

Perry C. Roquemore, Jr.
Acting Secretary

RESOLUTION NO. 1

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their deep appreciation to Mayor Larry Langford and members of the Birmingham City Council and their spouses, and their respective staffs for their hospitality and assistance in planning and promoting this convention, and for their help in the daily operation of a very successful convention. Their work and dedication has made this year's convention extremely successful and enjoyable.

RESOLUTION NO. 2

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their deep appreciation to Chief Justice Sue Bell Cobb for her address at the Opening Session on Monday during our convention.

RESOLUTION NO. 3

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their deep appreciation to Cynthia McCollum, Councilmember, Madison, Alabama, and President, National League of Cities, for her outstanding address during the Opening Session on Monday morning of our convention.

BE IT FURTHER RESOLVED, that we do hereby acknowledge and congratulate Councilmember McCollum for her unprecedented accomplishment in being elected President of the National League of Cities and commend her for her grace and dignity in representing not only Alabama's elected municipal officials, but *all* municipal officials. We wish the best for her and our national organization as they continue, at the federal level, to oversee the interests of municipal government throughout the country.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the participating municipal clerks for their Elections Skit during the Monday luncheon of this convention.

RESOLUTION NO. 5

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they sincerely thank the Alabama Congressional Delegation, namely Congressman Jo Bonner, Congressman Terry Everett, Congressman Michael Rogers, Congressman Robert Aderholt, Congressman Bud Cramer, Congressman Spencer Bachus, Congressman Artur Davis, Senator Richard Shelby and Senator Jeff Sessions for their interest in promoting the affairs of Alabama municipalities in the Congress of the United States. We urge them to continue the spirit of unity which prevails in our Congressional Delegation.

RESOLUTION NO. 6

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank the leadership of the Alabama House of Representatives for supporting League legislation and assisting the League when possible during the legislative process, namely: Seth Hammett, Speaker of the House; Representative Ken Guin, Chair of the House Rules Committee; Representative Bill Dukes, Chair of the House County and Municipal Government Committee; and Representatives Randy Wood, Steve McMillan, Mike Curtis, Owen Drake, Chris England, Earl Hilliard, Richard Laird, Jim McClendon, Frank McDaniel, Jeremy Oden, Rod Scott, Peblin Warren and Jack Williams of the Committee on County and Municipal Government.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank the House Members who sponsored League legislation: Representatives Mike Ball, Steve McMillan, Rod Scott, Marcel Black, Bill Dukes, Ron Johnson, Warren Beck, and Cam Ward.

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do wish to thank the leadership of the Alabama

continued on page 13

Opening Address, continued from page 5

services, garbage collection, zoning and planning as well as many other services needed by our citizens.

In my opinion, it has become much more difficult to pass legislation to help municipalities provide these services. We are also being called upon each year to fight an increasing number of bills at both the federal and state levels that would diminish our ability to provide these and other services. This year, we saw bills introduced at both the state and federal levels requiring cities to collectively bargain with union representatives over wages, benefits and other conditions of employment for certain employee groups. These bills could have resulted in the decision-making power as to wages and conditions of employment of city employees being taken away from elected city officials and given to outside arbitrators.

We also faced bills to limit municipal powers to regulate the placement of cell towers and billboards, and to limit the ability of a city council to determine all the provisions of its local building code. These are but a few examples. The list goes on and on.

Many of our state and federal legislators recognize the important role played by municipal government. I call upon

the rest to become reacquainted with the important role played by cities and towns and to refrain from introducing legislation which would make it much more difficult to protect our citizens.

We are blessed to have an organization such as the Alabama League of Municipalities to protect our interests at the Legislature and to give us legal advice on the many challenges we face daily. In November we will see a large number of new faces entering into municipal government for the first time. It is important that these individuals become aware of our League and the services provided as soon as possible. Our League has accomplished many great things since its creation in 1935 – and through our united efforts, this list of accomplishments will continue to grow.

I'll close by thanking the members of the Helena City Council and all the City staff. They have graciously allowed me to serve you this year, and have always supported me and our League. Again, I thank you for the privilege of serving as your League president. May God bless you and your communities. ■

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Senate for supporting League legislation and for assisting the League when possible during the legislative process, namely: Jim Folsom, Lieutenant Governor; Senator Hinton Mitchem, Senate Pro Tem; Senator Wendell Mitchell, Chair of the State Governmental Affairs Committee; and Senators Scott Beason, Kim Benefield, Linda Coleman, Bobby Denton, Larry Dixon, Vivian Figures, Larry Means, Myron Penn, Jim Preuitt, Quinton Ross, Harri Ann Smith, Zeb Little and Jabo Waggoner, members of the Committee on Government Affairs. We also want to thank the Senators who chaired committees vital to local government legislation.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the Senators who sponsored League legislation: Senators Parker Griffith, Linda Coleman, Jabo Waggoner, Zeb Little, Larry Dixon, Larry Means, Pat Lindsey and Ted Little.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Bent Owens, Senior Partner, Starnes & Atchison for his presentation during the Annual Meeting of the Alabama Municipal Insurance Corporation on Saturday afternoon of this convention.

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: Cindy Yarbrough, Field Office Director, Birmingham HUD Office; John Gemmill, Operation Specialist, Birmingham HUD Office; Brad Bain and Chris Lummus, Managers, ISO Community Mitigation Department; Greg Fender, Local Government Services; Lynn Coker, Charter Communications, Birmingham; and Robert Smith, Brighthouse Network, Birmingham.

RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the following persons for their presentations during the second set of concurrent sessions held on Monday afternoon of this convention: Sharon Tinsley, President, Alabama Broadcasters Association; Terry Kellogg, Executive Vice President, Blue Cross/Blue Shield; Rosemary Blackmon, Executive Vice President, Alabama Hospital

Association; Cary Kuhlmann, Executive Director, Medical Association of the State of Alabama; Ben Spratling, Esq., Haskell Slaughter, Birmingham; Mark Bentley, Executive Director, Alabama Clean Fuels Coalition; Jerry Andrews, Mayor, Andalusia; Ricky Buckner, Mayor, Springville; Jim Byard, Mayor, Prattville; Larry Fluker, Mayor, Evergreen; Darrell Meyer, Sr., Vice President, Division of Planning, KPS Group; Cheryl Morgan, Professor of Architecture, Auburn University; and Larry Watts, Director of Community Planning, Goodwyn, Mills & Cawood.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their appreciation to the Honorable Brenda Flowers Smith, Assistant Attorney General, for her considerable help during the past year and for her continued assistance in answering the requests of Alabama municipalities. We also thank Brenda Smith for participating in the program of this convention.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Honorable Troy King, Attorney General, State of Alabama.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do express their sincere appreciation to Ken Smith, Deputy Director, ALM for his presentation on elections to delegates and clerks during the Monday general session.

RESOLUTION NO. 13

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Gregg Woodward, Elections Specialist, Elections Systems and Software, Birmingham; Gail Busbey, MMC Finance Officer, Decatur; Gail Duffey, CMC, City Clerk, Scottsboro; Trey Granger, Director of Elections, Montgomery County Elections Center; Brenda Smith, Assistant Attorney General; Lori Lein, Deputy General Counsel, ALM; and Tracy Roberts, Assistant General Counsel, ALM.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Mayor Melvin Duran of Priceville for his

continued on page 23



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Website: www.amea.com

Contact: Tom Bartels

Alabama Municipal Electric Authority is the joint action agency for 11 Alabama cities who distribute electricity as a city service. AMEA is also the Alabama sales affiliate for Hometown Connections products and services, including Philips Defibrillators which are available to all municipalities at discounted prices. This affiliation allows all Alabama municipal electric systems access to a wide array of products and services at discounted prices. AMEA members are: Alexander City, Dothan, Fairhope, Foley, LaFayette, Lanett, Luverne, Opelika, Piedmont, Sylacauga and Tuskegee. See ad, page 127 Annual Directory.

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The President's Report



Melvin Duran
Mayor of Priceville

Address – President's Luncheon, League Convention

Today I accept the position of President of the Alabama League of Municipalities with tremendous respect and appreciation. To say I'm honored is an understatement. Thank you for your trust and confidence.

Thank you, also, for the opportunity to serve as Vice President along side President Sonny Penhale this past year. His many years of public service are a selfless tribute to his devotion to the City of Helena and to municipal government and I know you join me in commending Mayor Penhale for his leadership.

I look forward to working with Vice President Roy Dobbs and am pleased to have his experience assist me in the coming year.

As always, Mayor Langford and the Birmingham Council members have made our visit a wonderful experience. Our gratitude goes out to every single person involved with this event.



Immediate Past President, Mayor Sonny Penhale of Helena (right) passes the gavel to newly-elected League President, Mayor Melvin Duran of Priceville.

I would like to personally thank Perry Roquemore and the League Staff for the many hours spent making our conventions a success and for providing the knowledge and support that guides our cities and towns through the challenges we face on a daily basis. Our dedicated staff keeps us informed while safeguarding our interests – not only at the Legislature but through programs that provide low interest loans; insurance for public entities and workers compensation; collection of delinquent privilege licenses; and public official and employee training and certification.

We are blessed to be a part of an organization that works tirelessly to ensure cities and towns are not hurt by Special Interest Groups, State Legislation and Federal Regulations and that continually provides us with the tools we need to protect and cultivate our communities.

I pledge my endless support to the League and sincerely thank all of you who have agreed to serve on League Boards and Committees.

I am honored on this special day, but I would not be here if it weren't for the support of many important people. Councilmembers Tommy Perry and his wife, Connie; Wayne Dunkin and his wife, Pat; Sam Heflin and his wife, Jean; John Oakley and his wife, Lisa; Tim Crow and his wife, Tiffany; Town Clerk Kelly Dean and her husband, Patrick; our children Karen Winchester and Chris; Melvin Duran III and his wife, Kristi; Jennifer Burks and her husband, Kevin; our grandchildren Brittney, Abby, Conner, Kassie, Olivia and a 6th on the way; my sister Linda Hudgins and her husband, Jerry; and my wife, Linda, who has worked for Priceville since 1981 and stood by my side for over 41 years.

I share this moment because of her, my family, friends, and foremost by the Grace of God.

I look forward to the upcoming year and may God bless you all. ■



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Municipal Overview



Perry C. Roquemore, Jr.
Executive Director

Director's Report – 2008 Convention May 20, 2008

The last 13 months since our convention in Huntsville have been very busy for the League and League staff. Since we met in Huntsville last year, your League officers and staff have been implementing new programs and trying to protect the interests of Alabama municipalities at both the national and state levels.

League Committees

The Executive Committee, presided over by our able President Sonny Penhale, met three times and dealt with a number of issues. Our five policy committees met on separate days at League Headquarters in Montgomery to hear resource advisors speak on issues of importance to each committee. Following the presentations, the committee members revised their respective policy statements, which will be presented for your approval this morning. This Policies and Goals document is very important as it is used to guide your League staff throughout the year and to assist the Committee on State and Federal Legislation when it meets each year to develop the League's legislative package. I want to personally thank our Committee chairs and vice chairs for their leadership and hard work. I also want to thank all the officials who served on our committees this year for their valuable input. Would all officials who served on League policy committees this year please stand so that we can all applaud you for your efforts? As I like to do each year, I would encourage any of you who did not serve on a League committee this year to let us know if you would like to serve. We would love to have your involvement and ideas.

NLC Activities

The Alabama League of Municipalities continues to be well represented at NLC meetings and activities during the past year. The League had one of the largest state delegations at the National League of Cities Congress of Cities in New Orleans, Louisiana, in November, and at the NLC Congressional-City Conference in Washington, D.C.

in March. At the November meeting in New Orleans, our own Cynthia McCollum, took over the leadership of NLC. Mayor James Perkins of Selma joined Mayors Leon Smith of Oxford and Ted Jennings of Brewton on the NLC Advisory Committee. Councilmember Debbie Quinn of Fairhope was elected to serve on the NLC Board of Directors. Numerous other Alabama officials represent us well on NLC steering committees and policy committees, and the NLC Small Cities Council. I ask that all Alabama officials who serve on NLC boards and committees to stand and be recognized.

Membership

The League's membership now stands at 443 municipalities out of the 460 in the state representing over 99 percent of Alabama's urban population. Although the number of participating municipalities is very high, we believe there are other small communities in our state that could benefit from League membership. We encourage officials in League member cities and towns to urge their neighbors who are non-members to join the League.

Finances, Property and Equipment

The League's finances for the current 2007-2008 budget year are expected to be adequate to meet the Executive Committee's budget that was adopted last July. We have continued the expansion of our League IT Department by adding a third IT specialist to our staff. Since the last convention, the League IT staff has added several new discussion forums and continued the conversion of our information into a digital format. We have also recently replaced our aging phone system with a new state-of-the-art VOIP phone system. We continue to spend a lot of time and effort to insure that our data is completely and accurately backed up and that the security of our system is top notch.

We also continue to produce audio courses for our CMO Program as well as video productions for training purposes. Our latest video production was shown Sunday afternoon to

continued on page 21

LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Ad Valorem Taxes: Status of facilities as nonprofit charitable organizations exempt from federal income taxation did not automatically exempt them from ad valorem taxation. *Surtees v. Carlton Cove, Inc.*, 974 So.2d 1013 (Ala.Civ.App.2007)

Annexation: A city's annexation of property where a gas station was located was valid, where the map was located in a file on the chief probate clerk's desk and at least one person was furnished the map by the office staff after asking to see it. The annexation map was open to inspection during the public notice period of the annexation statute as was required for annexation. *Russell Petroleum, Inc. v. City of Wetumpka*, 976 So.2d 428 (Ala.2007)

Courts: Defendants on probation are entitled to due process before their probation is revoked. The procedures for probation-revocation proceedings are set out in Rule 27.5 and Rule 27.6 of the Alabama Rules of Criminal Procedure. A defendant can assert for the first time on appeal that the court violated his due process rights in revoking his probation. *Andrews v. State*, 975 So.2d 392 (Ala.Crim.App.2007)

Courts: Counsel's preventing defendant who wanted to testify from testifying on his own behalf was ineffective assistance of counsel. *Reeves v. State*, 974 So.2d 314 (Ala.Crim.App.2007)

Schools: A Juvenile Court referee's order dismissing a father's action against a school board was not a final, appealable order, in the absence of confirmation by a judge or rehearing by a judge as required by §12-15-6 of the Code of Alabama, 1975. *C.P. v. Fairfield Board of Education*, 975 So.2d 982 (Ala.Civ.App.2007)

Taxation: An out-of-state railcar company did not derive income from sources within Alabama, and thus, it was not subject to Alabama income tax, even though some of its leased railcars were stored in Alabama. *State Department of Revenue v. Union Tank Car Company*, 974 So.2d 1024 (Ala.Civ.App.2007)

Taxation: A flat tax applied to vehicles moving in interstate commerce discriminates against out-of-state vehicles by subjecting them to a much higher charge per mile traveled in the State, and does not purport to approximate fairly the cost or value of the use of the State's roads. A state may tax an activity in interstate commerce if: (1) there is a substantial nexus between the activity and the taxing state; (2) the tax is fairly apportioned; (3) the tax is nondiscriminatory; and (4) it is reasonably related to services and protection provided by the taxing state. *Boyd Bros. Transp., Inc. v. State Dept. of Revenue*, 976 So.2d 471 (Ala.Civ.App.2007)

Zoning: A municipal board of zoning adjustment has a statutory duty to transmit a transcript of proceedings regarding variance to the trial court upon neighboring landowner's timely filing of a written notice of appeal with the board. *Carter v. Prattville Bd. of Zoning Adjustment*, 976 So.2d 459 (Ala.Civ.App.2007)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Searches and Seizures: An arrest by state law enforcement officers for an offense for which state law does not authorize an arrest is not an "unreasonable" seizure for Fourth Amendment purposes. Police officers did not violate the Fourth Amendment by arresting a motorist whom they had probable cause to believe had violated a Virginia law by driving with a suspended license, even though, as matter of Virginia law, this misdemeanor offense of driving with a suspended license

Tracy Roberts
Assistant General Counsel



was one for which, under particular circumstances of motorist's case, officers should have issued summons rather than made arrest. *Virginia v. Moore*, --- S.Ct. ---, 2008 WL 1805745 (U.S.2008)

DECISIONS FROM OTHER JURISDICTIONS

Drug Forfeiture: Sovereign Immunity does not bar a claim against the government for interest on wrongfully seized money. *Carvajal v. U.S.*, 521 F.3d 1242 (9th Cir.2008)

Labor Decisions: An energy utility did not violate the Fair Labor Standards Act by not paying its lineman for time when they might be called out to perform emergency work. "An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call." *Jonites v. Exelon Corp.*, --- F.3d ---, 2008 WL 879839 (7th Cir.2008)

Tobacco: An Austin, Texas, ban on smoking in enclosed public places is not unconstitutionally vague in requiring places such as bars and restaurants to take "necessary steps" to prevent patrons from smoking. *Roark & Hardee LP v. City of Austin*, --- F.3d ---, 2008 WL 819509 (5th Cir.2008)

ATTORNEY GENERAL'S OPINIONS

Community Notification Act: The Sex Offender Registration Act does not apply to persons who are adjudicated as youthful offenders. The Alabama Community Notification Act, however, places certain registration and verification requirements upon juvenile and youthful offenders. AGO 2008-071

Courts: Restitution owed a defendant as a victim in another case may be withheld to pay restitution the defendant owes under section 15-18-140, et seq., of the Code of Alabama. AGO 2008-075

Elections: Section 17-4-32 of the Code of Alabama does not authorize the Secretary of State to provide a current statewide voter list without charging the uniform fee required by section 17-4-38 of the Code. AGO 2008-066

Elections: If a person's name does not appear on the voter registration list for the precinct where he or she is attempting to vote, an election official should not add the voter's name to the official voter registration list at the polling place, and the voter should not be allowed to vote except as follows: If the voter presents a certificate of verification from the board of registrars or the election official receives verification by phone that the voter is entitled to vote at that precinct, the election official and the voter must complete the verification form, and the voter may cast a regular ballot. If this verification is not provided, the voter may cast a provisional ballot. AGO 2008-067

Education: The position of a chief school financial officer may be funded under the state Foundation Fund Program. Pursuant to section 16-22-13.5 of the Code of Alabama, chief school financial officers are entitled to the state-mandated raise. AGO 2008-068

Fire Districts: Fire Protection Districts organized pursuant to Act 79 (1966), as amended, are not exempt from motor fuel and gasoline excise taxes. AGO 2008-07 **Note:** This opinion overrules AGO 2005-162. Act 79 (1966) applies only to Jefferson County.

Public Records: Time sheets of employees in the Revenue Commissioner's Office are public records. Certain sensitive information, however, that may be contained in those records is not public record. The custodian of records should redact sensitive personnel information. The custodian of records may recover the reasonable cost involved in providing the requested records to a citizen. The custodian of records must make the records available for copy and inspection during the normal business hours, within a reasonable period of time that the request was made, and may do so in such a manner as to "prohibit work disruption." AGO 2008-073

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Municipal Overview, continued from page 17

honor our 2008 Achievement Award winners.

Let me encourage all municipal officials to drop by your League Headquarters building anytime you are in Montgomery.

League Services

The League exists to serve its member cities and towns and their officials. In addition to our lobbying efforts and our efforts to assist municipal officials by providing information, advice and training, the League also has several programs in place to save money for our member municipalities. These include the Municipal Workers Compensation Fund for workers compensation insurance, the Alabama Municipal Insurance Corporation for liability and property insurance, the Alabama Municipal Funding Authority or AMFund for your financing needs, the Municipal Revenue Service program for collecting delinquent insurance license taxes and our computer software programs – the *ALM Library* and *MunicipalLaw on Disc*.

The League continues to endorse a number of outside programs to benefit our members such as the Gov Deals online auction service, the Revenue Recovery Program, the Cable Television Franchise Management Service, the Model City Ordinance Review Program, the Automated External Defibrillator Program (AED), U.S. Communities purchasing program and CGI Streaming Video.

If you need any of these services, I recommend you contact the League or the endorsed providers. Most of them had displays in our tradeshow. Information on these programs can also be found on the League website.

During the coming year, the League officers and staff will continue to look at new and innovative programs to assist our member municipalities.

Legislative Program

The 2008 Regular Session ended last night in Montgomery. The League Committee on State and Federal Legislation, led by its Chair, Council Member Charles Woods of Childersburg, and its Vice Chair, Mayor Bobby Bright of Montgomery, met in November and adopted an ambitious League Legislative Package for the 2008 Regular Session. In spite of the fact that very few bills were passed this session, six bills in the League package were up for final passage on the last day. Two other measures strongly supported by the League were also passed. A full report on the 2008 Regular Session will be posted on the League's website at the end of the week.

CMO Program

Our Education Program for the Elected Municipal

Official, which gives every elected municipal official in Alabama the opportunity to obtain the designation of Certified Municipal Officer (CMO), is completing 13 years. Since the program began, we have had 2832 officials participate in the program. As of last week, 781 officials have obtained the required 40 credit hours of training for Basic CMO certification and 326 officials have earned their Advanced CMO designation. At this Convention, additional officials will earn their Basic and Advanced CMOs. The names of the 2008 graduates will be announced during today's closing luncheon. A graduation ceremony will be held in Montgomery this summer.

Publications and Information

The Alabama Municipal Journal continues to be one of the country's best municipal publications. The League's website continues to be improved to give members another method of obtaining needed assistance. We are getting a tremendous amount of hits to our site together with many compliments on it. If you haven't had the opportunity, please check out our website at www.alalm.org. It has quite a few features to assist League members.

Legal Services

Our Legal Department continues to provide top notch legal assistance to our members. Last year, over 8,000 of your inquiries were fielded by our legal team. In addition to answering your legal questions, they also provide two training workshops annually for city attorneys and are in constant demand to speak at meetings for lawyers and non-lawyers throughout the state. Our legal staff also prepares monthly articles for the website and the *Alabama Municipal Journal*.

League Staff

League employees are assigned to work in one or more of the following areas or departments – Legal and Research, Finance, Legislative, Communications, Member Services, CMO, IT or Insurance. Although I am biased, I am certain that I have the best staff in America. These extremely competent people provide excellent service to our members on a daily basis. Please join me in thanking them for a job well done.

On a sadder note, this year we lost two individuals who gave many years of service to your League. Jason Humphries was an outstanding member of our Loss Control team until his unexpected death last November. Bobby Black, who passed away in March, served the League as General Counsel for many years. Both will be missed.

Looking Ahead

Our League continues to be one of the most successful in the country. The reason is simple – the untiring efforts of our membership. Your President and Vice President have done a super job on your behalf. Your past presidents continue to offer needed advice as we move forward.

The next year will be full of challenges for municipalities. Most of our cities and towns will hold elections in August and October and new administrations will assume office on the first Monday in November. We will lose many dedicated officials through retirement. Hopefully, the voters will elect new officials to replace this great loss of experience and know-how. Three of the League's past presidents have chosen not to seek reelection this year – Mayor Henry V. "Spec" Bonner of Roanoke, Mayor George Roy of Calera, and Mayor Bobby Hayes of Pelham. We all thank you for your years of service to this League and to Alabama municipal government. Would all of those persons who have elected to not seek reelection this year please stand so that we can thank you for your service.

Municipal officials will have to find ways to deal with rising fuel costs, rising health care and pension costs and the threat of legislation to eliminate or restrict municipal power to control our own affairs during the upcoming year.

The League will work hard to improve all of our services and develop new services to meet the challenges facing our cities and towns.

In closing, I want to thank all of our municipal officials who have participated in League activities during the past year. Individuals from large cities and small towns from all parts of Alabama have worked together for the common good of municipal government in Alabama. Alabama municipalities are truly blessed with dedicated officials. Remember, this is your League. Our ability to produce positive results for our members depends upon the involvement and teamwork of our municipal officials.

Thank you! ■



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Storm Water Retention & Treatment
Urban Revitalization
Utility Relocation
Wastewater Collection & Transmission
Wastewater Treatment & Disposal
Water Treatment & Supply
Water Storage & Distribution

Resolutions continued from page 13

service during the past year as Vice President of the League. His attention to duty was most commendable.

RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the Chairs, Vice Chairs and members of the League's standing committees for their excellent work during the past year. We thank them for their work on the League's Statement of Policies and Goals.

RESOLUTION NO. 16

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do express their sincere appreciation to the mayors, councilmembers, clerks and administrators who presided over the programs during this convention and to those who made presentations during the sessions of this convention.

RESOLUTION NO. 17

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008,

that they express their thanks to Ken Smith and Sharon Carr for arranging the Municipal Masters Golf Tournament and for their work during the tournament.

RESOLUTION NO. 18

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Mayor Bobby Payne of Tallassee for serving as master of ceremonies at the Spouses Breakfast.

RESOLUTION NO. 19

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank Mayor Leon Smith of Oxford, Councilmember Cynthia McCollum of Madison, Mayor Ted Jennings of Brewton, Mayor George Roy of Calera and Mayor Dan Williams of Athens for their excellent work as directors of the Municipal Workers Compensation Fund, Inc. We also wish to thank Steve Martin and Faith Ann Gunn for their dedicated attention to duties in the management of the workers compensation program. This company has been an outstanding success and we urge other cities to participate in its program and utilize its services.

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RESOLUTION NO. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank Mayor Bobby Payne of Tallassee, Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor David Bradford of Muscle Shoals and Mayor Charles Murphy of Robertsedale for serving on the Board of Directors of the Alabama Municipal Insurance Corporation. We also wish to commend the work of Steve Wells, AMIC's President. Because of the work of these officials, AMIC has proven to be extremely successful and of tremendous benefit to the cities and towns of Alabama. We urge other municipalities to participate in this service offered through the League.

RESOLUTION NO. 21

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank Mayor Roy Dobbs, Berry, Chair; Councilmember Charles Woods, Childersburg, Vice Chair; Mayor Wally Burns, Southside; Mayor Jim Byard, Prattville; and Mayor Howard Shell, Atmore for serving on the Board of Directors of the Alabama Municipal Funding Authority, Inc. (AMFund). AMFund is the League's newest venture and we urge our municipalities to participate in this new program. We also wish to thank Greg Cochran and Ken Smith for their attention to duties in the management of this program.

RESOLUTION NO. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their appreciation to the clerks of the cities and towns of this state for the outstanding work they do on our behalf. We also commend them for their excellent and timely program at this convention.

RESOLUTION NO. 23

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the city managers and city administrators for the work they perform for the cities and towns of Alabama.

RESOLUTION NO. 24

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank the various departments and agencies of the state and federal government that have been most helpful to the cities and towns of this state during the past year. We

commend them for their cooperation and thank them for their assistance.

RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank the Birmingham City Police Department for their participation in the Opening Session of this convention.

RESOLUTION NO. 26

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank James Seay for singing the National Anthem during the Opening Session of this convention.

RESOLUTION NO. 27

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they commend Perry Roquemore and the members of the League staff for their deep devotion to the interests of the municipalities of this state and that we thank them for their unselfish labors in fulfilling the responsibilities of their assignments.

RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do express their appreciation to Maynard, Cooper and Gale, P.C. sponsoring the League's Reception held in the Expo Hall on Sunday night of this convention.

RESOLUTION NO. 29

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they thank the Alabama Municipal Insurance Corporation, Municipal Workers Compensation Fund and Millennium Risk Managers for sponsoring the coffee breaks for delegates during the convention.


RESOLUTION NO. 30

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, thank Alabama Municipal Electric Authority; Electric Cities of Alabama; PowerSouth Energy, Inc.; and Tennessee Valley Authority for sponsoring the luncheon on Monday afternoon of this convention.

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RESOLUTION NO. 31

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do sincerely thank Alabama Gas Corporation for sponsoring the reception on Monday night of our convention.

RESOLUTION NO. 32

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Alabama Power Company for co-sponsoring the entertainment for Monday night of the convention.

RESOLUTION NO. 33

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do express their appreciation to Alabama Manufactured Housing Association; Honeywell Building Solutions; and Wachovia Bank for sponsoring the League Welcome Reception on Saturday evening of the convention.

RESOLUTION NO. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the City of Birmingham for sponsoring the banquet on Monday night of this convention. Their sponsorship is another example of the excellent hospitality shown by the city during our convention this year.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank The Lamb Family Violin Ensemble for performing at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their sincere appreciation to the companies and businesses which sponsored parties for delegates on Sunday night of the convention.

RESOLUTION NO. 37

BE IT RESOLVED by the Delegates of the Alabama

League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they express their deep appreciation to the Alabama Telecommunications Association for their sponsorship of the Spouses Breakfast.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Lee Sentell, State Tourism Director, Alabama Bureau of Tourism and Travel for his presentation to delegates during the Sunday General Session.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do hereby express their appreciation to the exhibitors at this convention for their participation and note that their contributions have meant much to the success of this convention. Specifically, we thank the following exhibitors: AARP, ADAPCO, Inc., Advanced Disposal, Affordable Billing Solutions, Alabama Cable Telecommunications Association, Alabama Card/Data Equipment, Alabama City County Management Association, Alabama Correctional Industries, Alabama Manufactured Housing Institute, Inc., Alabama Municipal Electric Authority, Alabama One Call, Alamo Industrial, ALATAX, Allied Waste, AME Engineers, Ameron International Corp, AMFund, AMIC, Arcadis U.S., Argent Trust, Asphalt Zipper, AT&T, Auburn Montgomery Center for Government, Auntie Litter, Barfield Murphy Shank & Smith, Berney Office Solutions, Burk-Kleinpeter, Inc., Buxton, CDG Engineers, Central Pipe and Supply, CGI Communications, City Tech, CSI Technology Outfitters, D&D Case Management, Dixie Decorations, Eagle Recognition, Embassy Suites Montgomery, Empire Pipe and Supply, ESG Operations, Inc., Espionage Detection Services, Fire Rescue Help Group, GovDeals, Inc., Grasshopper Company, HADCO, HAGEMEYER, N.A., Hammill and Associates, Hancock Bank, Holiday Designs, Holophone Lighting, Honeywell International, Howard Technology, Hullett, Kellum & McKinney, P.C, Ingenuity Inc., Ingram Equipment, InLine, J A Dawson and Co. Inc., JB & A, Inc., Johnson Controls, Judicial Correction Services, Junior Davis and Associates, KHAFRA, Krebs Architecture and Engineering, Inc., Landscape Structures Inc., LaserCraft, Inc., Laserfiche, Lee Helms Associates, L.L.C., Local Government Corporation, Local Government Service, Long Lewis Sterling, Montgomery Convention and Visitors Bureau, Municipal Code Corporation & MCCi, Municipal Revenue Service, MUSCO Lighting, MWCF, NAFECO, Official

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RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do hereby express their appreciation to the state and federal agencies that had exhibit booths in the Expo Hall at this convention. Specifically, we thank the following agencies: ADECA - Recreation Programs, AIDT, Alabama Association of Municipal Clerks and Administrators, Alabama Association of Regional Councils, Alabama Bureau of Tourism and Travel, Alabama Chapter of the American Planning Association, Alabama Chapter, National Safety Council, Alabama Clean Fuels Coalition, Alabama Cooperative Extension Systems, Alabama Department of Agriculture and Industries, Alabama Department of Environmental Management, Alabama Department of Mental Health and Mental Retardation, Alabama Department of Public Health Office of Radiation Control, Alabama Department of Rehabilitation Services, Alabama Department of Revenue - Local Tax, Alabama Emergency Management Agency, Alabama Forestry Commission, Alabama Municipal Revenue Officers Association, Alabama Public Library Service, Alabama Recreation and Parks Association, Alabama Retired State Employee's Association, Alabama State Employment Service/Career Center, Alabama State Parks, Alabama Surplus Property, All Kids Children's Health Insurance Program, Attorney General's Office, Center for Governmental Services at Auburn University, DesignAlabama, Inc., Geological Survey of Alabama, Governor's Mansion Gift Shop, Keep Alabama Beautiful, Retirement Systems of Alabama, US Department of Housing and Urban Development, USDA Rural Development

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they sincerely thank Carr, Riggs and Ingram, LLP for providing the Hole-In-One prize for the Municipal Masters Golf Tournament. Also, we are most appreciative to Municipal Revenue Service for providing the golf prizes for tournament winners.

BE IT FURTHER RESOLVED that they do thank the following for their sponsorships: **Birdie:** Carlisle and Associates; Fann & Rea, P.C.; C. Robert Gottlieb, Jr.; Landscape Structures, Inc. **Par:** Ball, Ball, Matthews & Novak; Black & Hughston, P.C.; Eyster, Key, Tubb, Roth, Middleton & Adams, LLC; GENEX; Lusk & Lusk, Attorneys at Law; Porter, Porter & Hassinger, P.C. ; RADARSIGN, LLC; Stanley A. Martin; Tank Pro, Inc.; TTL, Inc.; Turnbach, Warren, Roberts & Lloyd, P.C.; Wooten, Thornton, Carpenter, O'Brien, Lazenby & Lawrence

RESOLUTION NO. 42

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the members of the 2007-2008 Executive Committee for their expertise, advice and assistance regarding League operations.

RESOLUTION NO. 43

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank ABC-LEO for hosting a reception on Sunday evening of the convention.

RESOLUTION NO. 44

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank the River City Band for playing at the reception on Saturday evening and the Kings of Swing for playing at the reception on Sunday evening of the convention.

RESOLUTION NO. 45

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Goodwyn, Mills & Cawood for sponsoring the hospitality room on Saturday, Sunday and Monday nights of the convention.

RESOLUTION NO. 46

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do thank Jeff VanKooten for his generational presentation on Tuesday morning of the convention.

RESOLUTION NO. 47

WHEREAS, Congress is considering legislation that would force municipalities to enter into collective bargaining agreements with their public safety employees, regardless of state and local laws; and

WHEREAS, this legislation would place the federal government in charge of establishing the rules and procedures governing collective bargaining around salaries, hours, benefits and conditions of employment at the municipal level; and

WHEREAS, states and local governments are in the best position to make decisions about collective bargaining; and

WHEREAS, federally mandated collective bargaining for public safety employees would interfere with existing civil service laws;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that we do hereby urge the Alabama Congressional delegation to oppose any federal legislation that interferes with a municipal government's right to determine for itself whether the salaries, hours, benefits and conditions of employment for its employees shall be subject to collective bargaining; and

BE IT FURTHER RESOLVED that we do also hereby urge the Alabama Congressional delegation to oppose federal legislation that would provide any single class of employees – in this case public safety workers – with special rights and privileges.

RESOLUTION NO. 48

WHEREAS, municipal governments provide police, fire, sanitation, utility and many additional services for their citizens on a daily basis; and

WHEREAS, the citizens of Alabama cities and towns rely upon the provision of these services on a regular and quality basis; and

WHEREAS, the provision of these services cost money which must be raised from taxes and fees levied on the taxpayers of our municipalities; and

WHEREAS, numerous bills introduced in the Alabama Legislature during the 2008 Regular Session, if enacted, would limit the ability of a municipal governing body to levy and collect taxes and fees for the provision of these services or would provide how certain revenues raised from

locally-levied taxes should be spent; and

WHEREAS, these limitations or restrictions would result in a city or town having to eliminate or reduce certain services;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that we do hereby urge the members of the Alabama Legislature to oppose any legislation that proposes to limit the ability of a municipal governing body to levy taxes or fees or to restrict the manner in which such revenues can be expended.

RESOLUTION NO. 49

WHEREAS, the telecommunications industry has made great technological advances to improve the availability of television video, streaming video, audio and data services to Alabama communities in recent years; and

WHEREAS, municipal officials must protect and maintain the public's health and welfare when new technologies are implemented in their communities; and

WHEREAS, municipal officials have a duty to protect public rights-of-way, municipal revenue streams, and powers of permitting, planning and zoning; and

WHEREAS, the Alabama Legislature has recently been debating legislation which, if enacted, would erode municipal authority over local placement of cell towers, and

WHEREAS, municipalities have been approached by providers of other new technologies seeking franchises with more favorable terms than contained in franchises with existing providers of similar services;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that we do hereby urge the Alabama Legislature to oppose any legislation that would diminish the authority of municipal officials to manage their local rights-of-way, raise revenue or enforce permitting, planning and zoning laws; and

BE IT FURTHER RESOLVED that we do hereby encourage municipal officials to carefully consider the impact of any new franchising agreements before entering into them.

RESOLUTION NO. 50

WHEREAS, 2008 is an election year for the majority of Alabama's municipalities; and

WHEREAS, a number of our elected officials have opted not to seek reelection but to retire after many years of public service; and

WHEREAS, many of these officials have been active participants in the Alabama League of Municipalities,

serving on boards and committees, attending workshops, training sessions, annual conferences, national meetings and graduating from the League's CMO programs; and

WHEREAS, their belief in hard work and caring service to their communities and citizens were their guiding principles as they strove to stimulate growth, implement positive change and secure the future of local government in the State of Alabama;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, they do recognize and commend Alabama's retiring elected municipal officials for their service in the State of Alabama and as leaders of our state organization and that they do wish them well in all their future endeavors.

RESOLUTION NO. 51

WHEREAS, Charles W. "Sonny" Penhale, Mayor of Helena, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Penhale's diligent attention to duty and outstanding leadership on behalf of the League and its members has led to the growth and well-being of the League especially during the past year; and

WHEREAS, the members of the League shall always be most grateful for Mayor Penhale's years of unselfish service and untiring efforts to promote the programs, projects and philosophy of the League;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do recognize and commend Mayor Penhale for his service as a municipal official in the State of Alabama and as a leader of our state organization and that they do wish him well in all of his future endeavors.

RESOLUTION NO. 52

WHEREAS, the Alabama League of Municipalities lost a great friend and supporter when Robert C. "Bobby" Black passed away on March 24, 2008; and

WHEREAS, Mr. Black began service as the League's General Counsel in May 1990 and served in that capacity for many years; and

WHEREAS, Mr. Black also served as an attorney for the City of Montgomery for a number of years; and

WHEREAS, Mr. Black provided legal assistance to municipal officials throughout the state; and

WHEREAS, Mr. Black and his law firm handled all of the legal work involved with the expansion of the League Headquarters building in the early 1990s; and

WHEREAS, many municipal officials fondly remember his unique reading of the resolutions at the business session

of each League Convention as well as his entertaining officials with his humorous stories;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that we do hereby memorialize the late Robert C. "Bobby" Black for his loyal service to the Alabama League of Municipalities and the citizens of Alabama.

RESOLUTION NO. 53

WHEREAS, Robert Jason Humphries faithfully served the Alabama League of Municipalities, the Alabama Municipal Insurance Corporation and the Municipal Workers Compensation Fund as a Loss Control Representative from October 2001 until his untimely death on November 22, 2007; and

WHEREAS, during his tenure as a Loss Control Representative he visited AMIC and MWCF members in many counties throughout central and east Alabama; and

WHEREAS, Jason's belief in hard work and caring service to Alabama's municipal entities were his guiding principles as a League Loss Control Representative;

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do memorialize Robert Jason Humphries and pay tribute to the many years of dedicated service he gave to the Alabama League of Municipalities, the Alabama Municipal Insurance Corporation, the Municipal Workers Compensation Fund and to the State of Alabama. Jason's friendship, enthusiasm and infectious energy, as well as his devotion to municipal government, will be missed by his colleagues and the members of his accounts throughout the state.

continued next page



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RESOLUTION NO. 54

WHEREAS, George Van Tassel, former mayor of Tuscaloosa, Alabama, faithfully served his community and its citizens from 1956 to 1969; and

WHEREAS, Mayor Van Tassel was elected by his municipal colleagues from the State of Alabama to serve as President of the Alabama League of Municipalities from 1963 to 1964; and

WHEREAS, after his tenure as President of the League, Mayor Van Tassel continued to faithfully support the League through active involvement on League standing committees; and

WHEREAS, Mayor Van Tassel's belief in hard work and caring service to his community and its citizens were his guiding principles,

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they do memorialize Mayor George Van Tassel and pay tribute to the many years of dedicated service he gave to the City of Tuscaloosa and the Alabama League of Municipalities. His devotion to municipal government and his friendship will be missed by his colleagues throughout the state.

RESOLUTION NO. 55

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Birmingham, Alabama, on this the 20th day of May, 2008, that they memorialize the following persons who have died in office since our last convention, namely: Stanley Herring, Mayor, Citronelle; Bob Shackelford, Councilmember, Hackleburg; Bucky Howe, Councilmember, Guntersville; Billy Litton, Councilmember, Centreville; R.R. "Bud" Johnson, Mayor, Dozier; Ernest Gene "Curley" Mooney, Councilmember, Geraldine; Virginia C. Henry, Councilmember, Good Hope; Elem Hill, Councilmember, Clanton; Grady Hobbs, Councilmember, Florala; and David Bandstra, Councilmember, Elba; John Watkins, Councilmember, Atmore; Dorothy Henderson, Councilmember, Brighton; Jason Humphries, League Loss Control Representative since 2001; and Robert C. "Bobby" Black, who served as General Counsel for the League for many years.

BE IT FURTHER RESOLVED that the following former officials be memorialized: John Alpha Lowe, former mayor, Vincent; Marvin R. Wilson, former mayor and councilmember, Russellville; James O'Neal Pogue, former councilmember, Prichard; James Ernest Willingham, Sr., former mayor, Collinsville; Armand Rex Fronduti, former mayor, Millbrook; Charles Mitchell, former mayor, Muscle Shoals; Dewitt Dodd, former councilmember, Sylacauga; George A. Swift, former councilmember, Selma; Virginia McCann Womack, former mayor, Oak Grove; George Van Tassel, former mayor, Tuscaloosa; John Bennett "Bennie"

Bentley, former councilmember, Sylacauga; Jim Armstrong, former councilmember, Gadsden; Dawson Partee, former councilmember, Gadsden; Joseph Edward McCarron, Jr., former councilmember, Orange Beach; Dr. Gordon A. Ridgers, Jr., former councilmember, Anniston; John A. Sewell, former mayor, Glencoe; Chester Weeks, Jr., former councilmember, Anniston; Buford Lee Bryant, former councilmember, Bayou La Batre; Billy M. Turner, former councilmember, Montgomery; M.H. "Pokey" Forrester, former council president, Homewood; Larry D. Herring, former councilmember, Pinckard; Billy Smith, former councilmember, Millport; Roy Woods, former councilmember, Clanton; Patsy DeLoach, former councilmember, Valley; Richard L. Lewis, former mayor, Brighton; Robert Cheatham, former councilmember, Georgiana; Robert J. Burns, former mayor, Tarrant; Bob Hembree, Sr., former mayor, Guntersville; William "Bill" King, former councilmember, Selma; Howard Smith, former councilmember, Stevenson; Marvin Milton, former councilmember, Selma; Thomas Stroud Jackson, former councilmember, Clio; J.R. Key, former councilmember, Clio; William E. Belk, former councilmember, Valley; Ted Bohnhoff, former councilmember, Loxley; Betty Ziglar, former mayor, Roanoke; and R. L. Webb, former councilmember, Bessemer. ■

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DISTINGUISHED SERVICE AWARDS PRESENTED MAY 20

Each year, the League presents Distinguished Service Awards to municipal officials who have completed 20, 30 and 40 years of service in municipal government. A total of 51 awards were announced during the President's Luncheon at the League Convention in Birmingham. Pictured below are the recipients of the 2008 Distinguished Service Awards.



*Robert L. McKay
Mayor, Ashville
20 Year Service Award*



*Dan Williams
Mayor, Athens
20 Year Service Award*



*Edward Crouch
Mayor, Hodges
20 Year Service Award*



*Billy Middleton
Mayor, Loxley
20 Year Service Award*



*Cleon Bolden
Mayor, Mount Vernon
20 Year Service Award*



*Keith Mahaffey
Mayor, Vance
20 Year Service Award*



*Bobbie J. Steed
Councilmember, Ashland
20 Year Service Award*



*Charles Woods
Councilmember, Childersburg
20 Year Service Award*



*Jo Ann Lindsey
Councilmember, Hartford
20 Year Service Award*



*Paul M. Brown
Councilmember, Holly Pond
20 Year Service Award*



*Billy Pearson
Councilmember, Lincoln
20 Year Service Award*



*Phillip Pace
Councilmember, Littleville
20 Year Service Award*



*Katherine Q. Breeden
Councilmember, Loxley
20 Year Service Award*



*James G. Mosley
Councilmember, Pleasant Grove
20 Year Service Award*



*Mack Arthur Bell
Councilmember, Roanoke
20 Year Service Award*



*Elem Hill, recently deceased
Councilmember, Clanton
20 Year Service Award
Accepting on his behalf: his wife,
Elizabeth Hill, and his son, Rodney*



*Charles Blalock
Councilmember, Tallassee
20 Year Service Award*



*Jane Hicks
Clerk/ Treasurer, Fultondale
20 Year Service Award*

Congrat



*Kathy Chambless
Clerk/Administrator, Jasper
20 Year Service Award*



*Jon Terry
Attorney, Hueytown
20 Year Service Award*



*Ernie Smith
Economic Development Director,
Gulf Shores
20 Year Service Award*



*Bobby Phillips
Councilmember, Calera
30 Year Service Award*



*Raymond Cantrell
Councilmember, Hodges
30 Year Service Award*



*Mary Lee Reynolds
Councilmember, Vincent
30 Year Service Award*



*Ethel M. Wilson
Clerk, Ashville
30 Year Service Award*



*Linda Steele
Clerk, Calera
30 Year Service Award*



*Linda Crump
Clerk, Hoover
30 Year Service Award*

culations!



*Patricia Carden
Clerk/Treasurer, Sylacauga
30 Year Service Award*



The following service award recipients were unable to attend the closing ceremonies:

20 Year Award:

- Howard Shell, Mayor, Atmore
- Jeffrey W. Collier, Mayor, Dauphin Island
- Gary L. Livingston, Mayor, Eva
- Dexter McLendon, Mayor, Greenville
- George W. Duke, III, Mayor, Gulf Shores
- Melba Patton, Mayor, South Vinemont
- Bert L. Collins, Councilmember, Eva
- Richard L. Teal, Councilmember, Loxley
- Barbar Gardner, Councilmember, Millport
- Cecil Earl Driskell, Councilmember, Mount Vernon
- Bonnie Byrd, Clerk, Mount Vernon
- Cathy Constantino, Clerk, Orange Beach
- Patrick H. Tate, Attorney, Collinsville
- Lee Swann, Councilmember, Jasper
- Greg Morris, Councilmember, Fultondale
- Judy Lewis, Clerk, Rainsville

30 Year Award:

- Eddie Reed, Mayor, Jemison
- Arnold Umbach, Attorney, Auburn
- Calvin Cadle, Councilmember, South Vinemont
- Earline Cobb, Deputy Clerk, Auburn



*Janice Wilhite
Clerk/Treasurer, Hueytown
40 Year Service Award*



*George Roy
Mayor, Calera
40 Year Service Award*



*James F. Jett
Councilmember, Warrior
40 Year Service Award*

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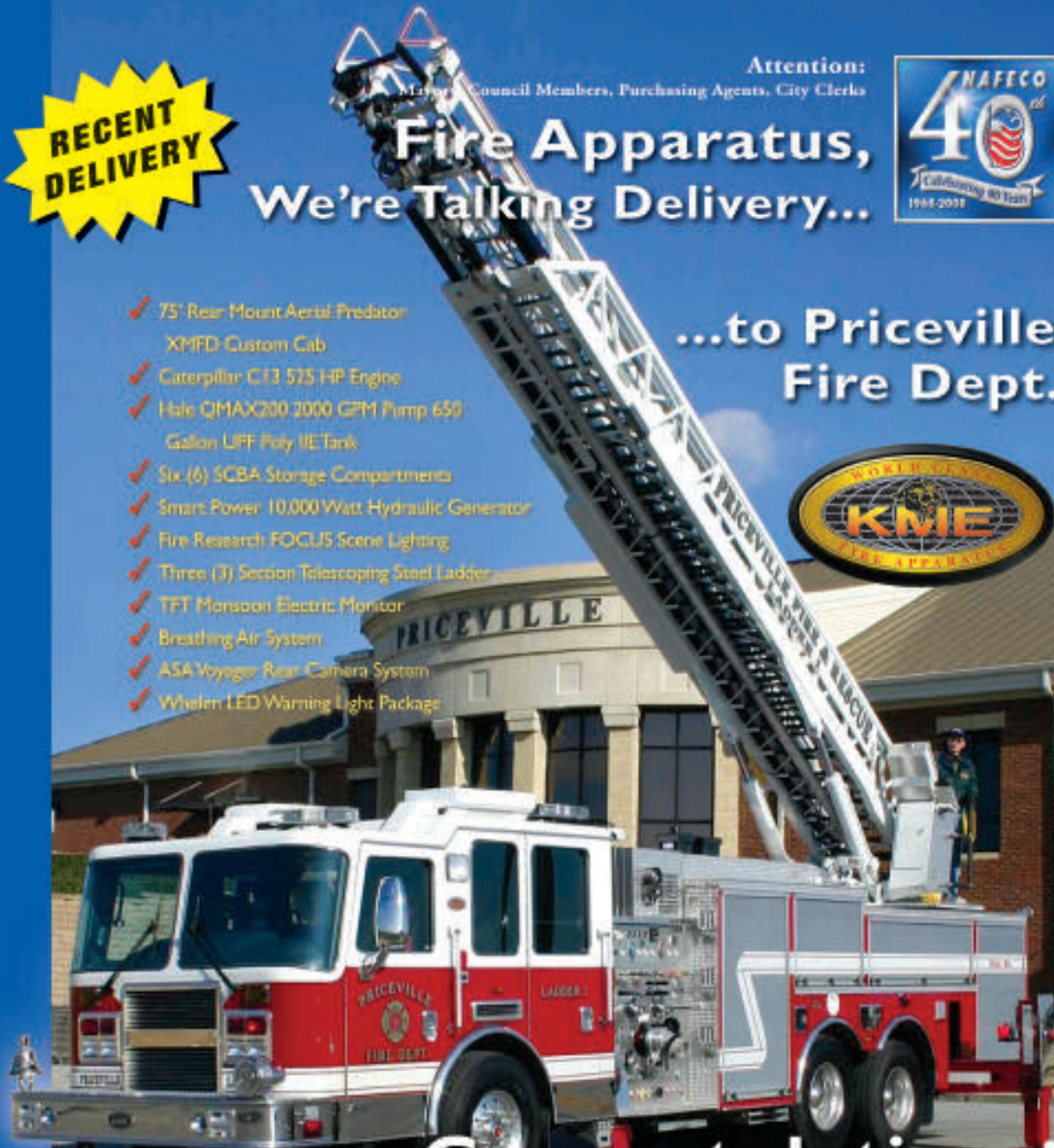
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- ✓ Whelen LED Warning Light Package



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Alabama League of Municipalities President

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*Fire Chief Charles Black
Mayor Melvin Duran
Priceville, Alabama*



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Mayor Roy Dobbs, Town of Berry Elected League Vice President

Elected as mayor of his hometown in 1992, Mayor Dobbs is a charter member of the West Alabama Mayor's Association; Supervisor of the Fayette County Soil & Water Conservation District; serves on the board of the Community Service Programs of West Alabama, Inc.; and has served on the West Alabama Regional Commission Board of Directors since 1992. He is an active member of the League of Municipalities, serving on the Executive Committee as well as several subcommittees. Mayor Dobbs has completed his Basic and Advanced CMO certifications and is the current Chair of the Alabama Municipal Funding Corporation (AMFund), a program developed by the League to provide low-cost financing to Alabama's municipalities.

More Convention Pictures



Birmingham 2008

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