

The Alabama Municipal JOURNAL

June 2009

Volume 66, Number 12



2009 League Convention

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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

June 2009 • Volume 66, Number 12

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A Message from the Editor



Congratulations, Edye!!

With nearly 1100 attendees representing over 210 municipalities, the League's annual convention was a tremendous success. The City of Montgomery should be extremely proud of its outstanding new downtown facilities. I repeatedly heard comments praising the Renaissance Montgomery Hotel and Spa at the Convention Center and more than one person expressed both pleasure and surprise that such a facility is located in our Capital City. The League especially thanks Mayor Todd Strange, Council President Charles Jinright and the Montgomery City Council for their exuberant support and is very grateful for the invaluable assistance from the City's fine staff in assuring that our convention ran seamlessly from start to finish.

Mark your calendars for next year's convention scheduled May 15-18, 2010, at the Arthur R. Outlaw Convention Center in Mobile. Also, if you have suggestions for future workshop topics (convention or CMO programs), we'd love to hear from you!

Congratulations to Mayor Roy Dobbs of Berry and Mayor Charles Murphy of Roberstdale who were elected League President and Vice President for 2009-2010. We look forward to working with you over the next year!

Congratulations also to Edye Goertz, League Member Services Director, who will be retiring in January and was honored during the final day of convention. Edye is meticulously organized. She's also an innate, detail-oriented planner. For many years, she's been the League's behind-the-scenes coordinator for meetings and conferences, including (and especially) annual convention. It goes without saying that she'll be missed! Although with three grandchildren in Montgomery and three in Birmingham (triplets born in March!), Edye will have plenty to keep her busy.

The following resolution recognizing Edye's invaluable service to this organization was passed during the May 5th Business Session:

WHEREAS, Edith P. "Edye" Goertz, Member Services Director and second-longest serving employee for the Alabama League of Municipalities, will retire in January 2010 after 28 years of outstanding and commendable service to the cities, towns and municipal entities of this state; and

WHEREAS, Edye began her career with the League in 1982 as an administrative assistant and, through diligent work and demonstrated ability, advanced to positions of increasing responsibility; and

WHEREAS, Edye has been responsible for coordinating and troubleshooting the League's Annual Convention – the largest such convention in the state with more than 1200 attendees – for many years;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that we do hereby applaud Edye's outstanding work ethic and proven professionalism and extend our sincere and grateful appreciation for her dedicated service to the Alabama League of Municipalities and its membership.

BE IT FURTHER RESOLVED that we congratulate her on her well-earned retirement and extend our best wishes to Edye and her family for continued success, happiness and good health in the years to come.

Carrie

The President's Report



Roy H. Dobbs
Mayor of Berry

President's Address Tuesday, May 5, 2009 President's Luncheon

As I take the gravel from my good friend, Melvin Duran, it is difficult to adequately express my deep feelings of gratitude. I have known Melvin, and his wife, Linda, for many years and have grown to love them dearly. I look forward to working with Vice President Charles Murphy in 2009-2010.

There are a number of people who have influenced me throughout my life. Jimmy Madison, our Mayor Pro Tem, has been a friend and faithful councilor for the past 17 years. Calvin Madison, Clyde Pendley, Georgia Moore and Jan Magouirk, likewise, have been wise councilors. My city clerk, Marie McCluskey, is an incredible right arm. She performs numerous duties as city clerk, financial officer, magistrate of our municipal court as well as assists with the day-to-day operation of our gas board. Our police chief, Bart Norris, and water manager, Neal Sandlin, have worked with me throughout my tenure and both have worked diligently in making improvements in their departments.

From 1992 until now, there have been many changes in the way a town or city can apply for state and federal funds. The project budgets have grown, but the money available

from the state and federal levels has been cut while more of us are competing for those limited dollars. I have been very fortunate to be associated with a great grant writer, Terry Acuff of Community Consultants in Huntsville. I advise you to work closely with whomever your town/city uses, whether it is your Regional Commission or an independent grant writer.

My wife, Phyllis, has always been my greatest supporter and critic. She is untiring in her dedication to me and my work. I appreciate all that she does that makes it possible for me to give my time in service to my town and to you as a League of Municipalities.

There are monumental issues facing all of us. The financial and economic complexion in this nation, as in most of our municipalities, is bleak. We are facing some very grim times. Not since 1929 has this nation experienced such wide-spread economic decline. Our state, counties, municipalities and, yes, our friends and families are feeling the crunch.

Many of you here today are first-term mayors and councilmembers. This past November, you may have been presented with the same challenges I was 17 years ago. As a new mayor in 1992, I discovered my town was in serious financial difficulty. There was little money in the bank and the bills were piling up. I quickly sought advice. I called on the wise counsel of retiring mayor, and a past president of the League from 1964-1965, Guthrie Smith of Fayette. Guthrie quickly became my mentor. His wise counsel was what I needed to right my ship in my town. I also learned much from the first meeting I attended at the League convention and I continue to learn each year I attend.

Our fellow mayors provide an arsenal of knowledge. Call on them as I did Mayor Smith. Let's pool our knowledge and roll up our sleeves, meet the challenge head-on and solve the problems facing each of us – and do it as a team effort. I encourage each of you to continue attending League meetings. Through this medium, we can share information and return to our respective communities better informed. I also encourage you to become a Certified

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League President Mayor Roy Dobbs of Berry reads plaque honoring immediate past president, Mayor Melvin Duran of Priceville, for his service to the League.

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Municipal Overview

Director's Report 2009 Convention May 5, 2009



Perry C. Roquemore, Jr.
Executive Director

The last 12 months since our last convention have been very busy ones for the League and League staff. Since we met in Birmingham, your League officers and staff have been busy implementing new programs and trying to protect the interests of Alabama municipalities at both the national and state levels. Last August and October, most of Alabama's cities and towns conducted municipal elections. When these new officials assumed office on the first Monday in November, almost 46% were in new positions. Shortly before the date of taking office, the League conducted four full-day workshops across the state for both veteran and new municipal officials. Nearly 1000 officials attended one of these sessions held in Huntsville, Montgomery, Birmingham, or Mobile. New editions of the Selected Readings for the Municipal Official and the Handbook for Mayors and Councilmembers were sent to each city hall for distribution to the new officials. A new Manual for Municipal Clerks was also prepared and sent to each city or town clerk in the state. I wish to again publicly thank our legal, media, and membership staffs for their hard work in making these revised publications a reality.

League Committees

The Executive Committee, presided over by our able President Melvin Duran, met three times and dealt with a number of issues. Our five policy committees met on separate days at League Headquarters in Montgomery last summer to hear resource advisors speak on issues of importance to the committee. Following the presentations, the committee members revised their respective policy statements, which will be presented for your approval this morning. This *Polices 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 past 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 continued to be well represented at NLC meetings and activities during the past year. The National League of Cities Congress of Cities was held in November in Orlando, Florida. Mayor Jim Byard, Jr. of Prattville was elected to a two-year term on the NLC Board of Directors. Council Member Debbie Quinn of Fairhope has one more year on the Board. At the NLC Congressional-City Conference in Washington, D.C. in March, the Alabama delegation consisted of 250 municipal officials and spouses. Mayors Leon Smith of Oxford and Ted Jennings of Brewton continue to serve on the NLC Advisory Committee. Numerous other Alabama officials represent us well on NLC steering and policy committees, and the NLC Small Cities Council. I ask all Alabama officials who serve on NLC boards and committees to stand and be recognized. I would like to also encourage all of our officials who have not attended an NLC meeting to consider joining the rest of your colleagues at these important sessions.

Membership

The League's membership now stands at 443 municipalities out of the 460 in the state representing over

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~~\$14~~ Million Dollars



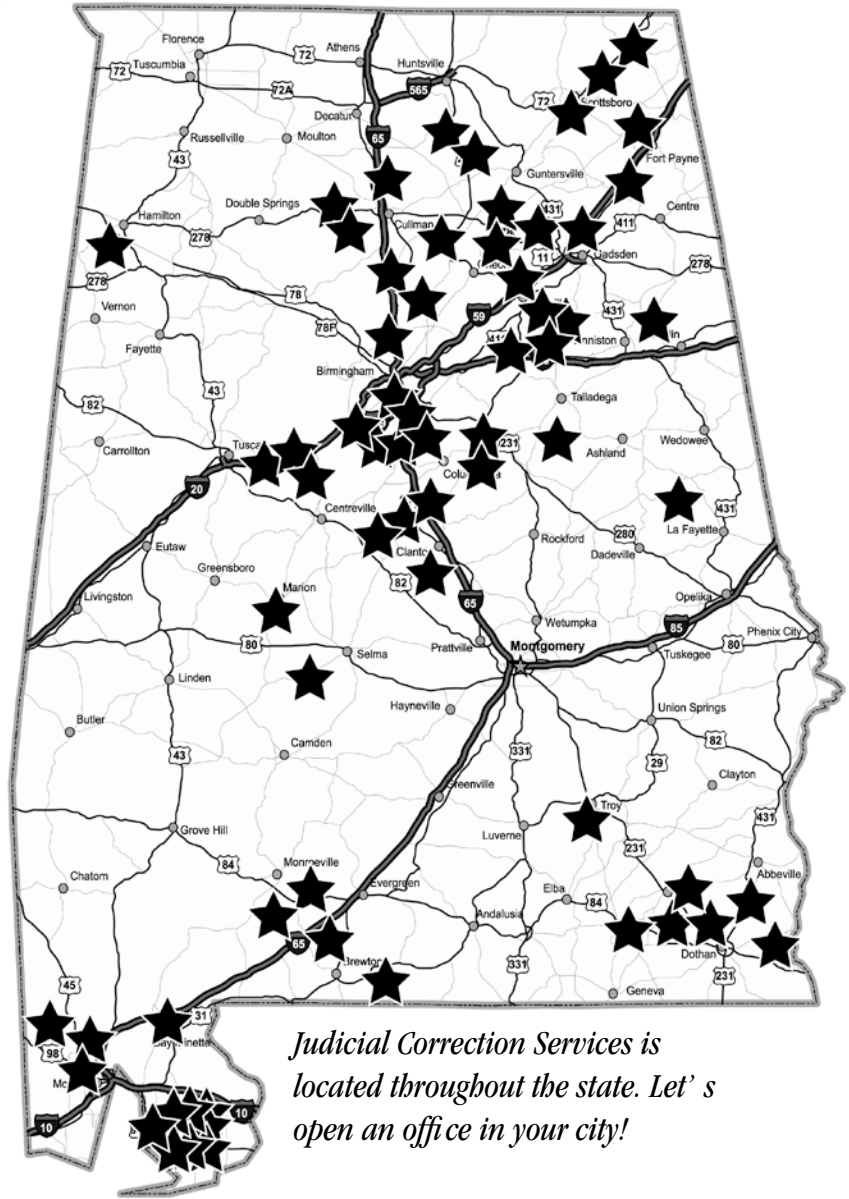
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MINUTES OF THE GENERAL BUSINESS SESSION

ALABAMA LEAGUE OF MUNICIPALITIES

MONTGOMERY, ALABAMA, MAY 5, 2009

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 8:30 a.m., May 5, 2009, by President Melvin Duran, Mayor of Priceville, at the Renaissance Montgomery Hotel & Spa at the Convention Center in Montgomery, Alabama. Mayor Duran 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 2008-2009. He also discussed the current legislative session and numerous League services and programs.

President Duran then called on Mayor Ted Jennings of Brewton, Vice President of the Municipal Workers' Compensation Fund, Inc., for an annual report. Mayor Billy Joe Driver of Clanton, 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 Thomas Moore of Demopolis, Chair of the Resolutions Committee, for the committee's report. Councilmember Moore reported that the Resolutions Committee had met on Saturday, May 2, and had recommended that the League's *Policies and Goals for 2009* be adopted with the following amendments:

1. Delete Policy Position **F-4.4** relating to industrial development boards as the Legislature has enacted legislation to accomplish this goal.

2. Delete Policy Position **F-5.13** relating to the voting power of mayors in municipalities of less than 12,000 people and renumber subsequent statements as appropriate, since the Legislature has enacted legislation to accomplish this goal.

Mayor Jim Byard, Jr. of Prattville moved adoption of the *Policies and Goals for 2009*, as amended, and the motion was seconded by Councilmember Lewis Washington of Wetumpka. The motion carried.

Councilmember Thomas Moore then presented the resolutions for adoption. He pointed out that members were given summaries of 49 resolutions recommended by the Resolutions Committee. Councilmember Don Moore of

Uniontown moved adoption of Resolutions 1 through 46. The motion was seconded by Council President Richard Showers of Huntsville. The motion was adopted.

Councilmember Thomas Moore moved adoption of Resolution No. 47 honoring Edey Goertz for her 28 years of service to the League. The motion, which was seconded by Council President Richard Showers of Huntsville, passed unanimously. Councilmember Thomas Moore moved adoption of Resolution No. 48 commending Mayor Melvin Duran for his services as League President. Mayor George McCain of Talladega seconded the nomination. The motion passed unanimously. Councilmember Thomas Moore moved adoption of Resolution No. 49 memorializing active and former officials who have passed away since the last League convention. Councilmember Jesse Matthews of Bessemer seconded the motion. The motion passed unanimously.

The President then called upon Mayor Ted Jennings of Brewton to present the report of the Nominating Committee. Mayor Jennings 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 Roy H. Dobbs, Berry

Vice President – Mayor Charles Murphy, Robertsdale

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

For Chair and Vice Chair of the Standing Committees of the League:

Committee on State and Federal Legislation

Chair – Councilmember Thomas Moore of Demopolis

Vice Chair – Council President Debbie Quinn, Fairhope

Committee on Finance, Administration and Intergovernmental Relations

Chair – Mayor Gary Fuller, Opelika

Vice Chair – Councilmember David Hooks, Homewood

Committee on Energy, Environment and Natural Resources

Chair – Mayor Howard Shell, Atmore

Vice Chair – Council President Dean Argo, Prattville

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President's Report continued from page 5

Municipal Official and to support your city clerk to attend educational classes and become a Certified Municipal Clerk. Your town/city will benefit greatly from the exposure to the educational opportunities.

On the road ahead we most likely will encounter some difficult times, but I can assure you the staff at the Alabama League of Municipalities is very capable and are ready to help us solve our problems.

All of us can profit greatly by fully utilizing our League services, including their legal advice, help with ordinance construction and financial assistance. With CDBG and other funding becoming more difficult to obtain, the AMFund formed in 2006 to assist local governments with their funding needs may provide you with an additional financial solution. It offers competitive interest rates, application simplicity and one call assistance. Greg Cochran is president and will be happy to talk with you about your funding needs.

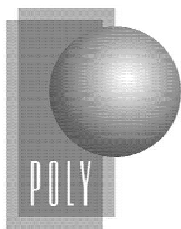
Let us not grow weary and burdened down with self pity over the sad state of our economy. Rather, let us join together as a unified body of municipal government officials to uncover and implement a road to recovery for our city, town, state and nation. When in retrospect we evaluate our tenure as local government officials, let's pray that we can take pride in a positive recovery program to again set our communities back where we can proudly declare: "Job Well Done!"

In the year ahead, I look forward to working for you as president of the League. My wife, Phyllis, and I enjoy traveling this great state and will do everything we can to promote this organization and the State of Alabama.

I want to thank the entire League staff for their hard work throughout the year. I specifically want to thank Perry Roquemore, Ken Smith and Greg Cochran whom I've been associated with closely this year. I also want to thank Carrie Banks for her assistance and I especially want to thank Edye Goertz for all her work on our annual conventions.

I would like to give my compliments to Montgomery Mayor Todd Strange for his gracious hospitality as our host city.

God bless you. Have a safe trip back home this afternoon! ■



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Mayor Charles Murphy of Robertsdale Elected League Vice President

Mayor Murphy was elected to the Robertsdale City Council in 1988 and elected as Mayor in 1992. He is the past chair of the Baldwin County Mayors' Association and has served as an executive board member on the Baldwin County Economic Development Alliance. He has served on the Homeless Coalition for Baldwin County as well as the county's Public Transportation Committee. Mayor Murphy serves on the Board of Directors for the Alabama Municipal Insurance Corporation (AMIC), a program developed by the League to provide insurance, loss control and risk management services to Alabama's municipalities and municipal entities. In addition, he has completed the League's Basic and Advanced Certified Municipal Official (CMO) programs.

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Minutes continued from page 9

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Chair – Council President Ben Reed, Gadsden

Vice Chair – Councilmember Jimmy Madison, Berry

Committee on Transportation, Public Safety and Communications

Chair – Councilmember Marva Gipson, Aliceville

Vice Chair – Councilmember Jeddo Bell, Greenville

Committee on Human Development

Chair – Council President George Evans, Selma

Vice Chair – Councilmember Sadie Britt, Lincoln

Executive Committee

First Congressional District:

Mayor G. Richard Long, Jackson

Mayor Ken Williams, Saraland

Mayor Tim Kant, Fairhope

Mayor Sam Jones, Mobile

Mayor Ron Davis, Prichard

Second Congressional District:

Mayor Jay Jaxon, Eufaula

Mayor Frank Houston, Coosada

Mayor Fred McNab, Pinckard

Councilmember Mike Renager, Prattville

Councilmember Russell Chandler, Tallassee

Third Congressional District:

Mayor Todd Strange, Montgomery

Mayor Anna Berry, Heflin

Councilmember Billy Pearson, Lincoln

Councilmember Ray Edwards, Valley

Councilmember Mack Arthur Bell, Roanoke

Fourth Congressional District:

Councilmember Donald Myers, Guntersville

Mayor Gary Beam, Arab

Mayor Wally Burns, Southside

Councilmember Bill Stewart, Gadsden

Mayor Phil Segraves, Guin

Fifth Congressional District:

Mayor Tommy Battle, Huntsville

Councilmember Tommy Perry, Priceville

Mayor Melton Potter, Scottsboro

Mayor Kenneth Copeland, Littleville

Mayor David Bradford, Muscle Shoals

Sixth Congressional District:

Councilmember Karyl Rice, Pelham

Councilmember Barbara F. Hyche, Helena

Mayor Walt Maddox, Tuscaloosa

Mayor Tom Henderson, Center Point

Mayor Dennis Stripling, Brent

Seventh Congressional District:

Mayor John Lammers, Carrollton

Councilmember Roberta Jordan, Pine Hill

Mayor Sheldon Day, Thomasville

Councilmember Jesse Matthews, Bessemer

Councilmember Don Moore, Uniontown

Ex Officio Members (Active Past Presidents)

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 Carroll L. Watson, Lincoln

Mayor Charles W. “Sonny” Penhale, Helena

Mayor Melvin Duran, Priceville

Mayor Jennings moved adoption of the Nominating Committee report. The motion was seconded by Councilmember Adam Bourne of Chickasaw. Following a request for nominations from the floor and having none, the President called for the vote on the election of all officers and the motion carried unanimously. The President declared all officers elected.

Mayor Todd Strange of Montgomery was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: May 15-18, 2010, Mobile; April 30-May 4, 2011, Huntsville; May 19-22, 2012, Birmingham; and May 18-21, 2013, Montgomery. Mayor Jim Byard, Jr. of Prattville moved adoption of the report, which was seconded by Mayor Sheldon Day of Thomasville. The Site Selection Committee report was approved and a copy is attached to these minutes.

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 Montgomery, Alabama, on this the 5th day of May, 2009, that they express their deep appreciation to Mayor Todd Strange and members of the Montgomery City Council and their spouses, and their respective staffs for their hospitality



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(adjective)

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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 Montgomery, Alabama, on this the 5th day of May, 2009, that they express their deep appreciation to Gordon G. Martin, Senior Vice President and General Counsel, Alabama Power Company for his 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they express their deep appreciation to Kathleen Novak, Mayor, Northglenn, Colorado and President, National League of Cities for her address during the Opening Session on Monday morning of our convention.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in

Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank Governor Bob Riley for his address 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they sincerely thank the Alabama Congressional Delegation, namely Congressman Jo Bonner, Congressman Bobby Bright, Congressman Michael Rogers, Congressman Robert Aderholt, Congressman Parker Griffith, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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,

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OPENING SESSION ADDRESS OF THE 2009 LEAGUE CONVENTION

*By Mayor Melvin Duran, Priceville
Immediate Past President*

Mayor Dobbs, Mayor Strange, Mayor Novak, Ladies and Gentlemen, I am honored to stand before you this morning for the Opening Session of our 2009 annual convention. It has been a great privilege to serve as League 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 Strange, the hospitality of the Capital City has been exceptional. I want to personally thank you, the Montgomery City Council and your staff for welcoming us with open arms.

I also want to thank Mayor Roy Dobbs of Berry, who has represented us well as our League Vice President this past year.

Roy and I have been friends for many years. He's a focused, driven and dedicated mayor and the citizens of Berry are fortunate to have him at the helm.

My tenure as president of the League has deepened my respect for Perry Roquemore and his entire staff. Municipal officials and employees throughout Alabama are supported by a talented, dedicated team – people who continuously strive to help us make our cities and towns a better place to live. The volume and quality of work produced by our League staff is tremendous. They don't ever seem to slow down and I certainly I appreciate their help and support this past year. Our jobs as elected officials would be much more difficult, if not impossible, if it weren't for the League.

Many of you were elected for the first time this past fall. Given the ongoing economic crisis that's gravely affected our municipalities, you may very well be questioning the wisdom of seeking elected office! In my 29 years as Mayor of Priceville, I can't remember a more crucial time for our cities and towns. Unless you've been hiding under a rock the past few months, you are all aware of the dire fiscal conditions our country currently faces and that the federal government has made some funding available to states and local governments for economic stimulus. You've already had the opportunity to hear presentations on the recovery package and have no doubt learned it can be overwhelming trying to wade through what money is available and for what



purposes. I would strongly encourage every municipality to do the following:

- Establish a committee or individual to coordinate efforts and brainstorm.
- Assess your local projects and opportunities by funding category.
- Prioritize “ready to go” projects.

Determine whether the project is “prudent” and look carefully at whether or not it creates jobs as well as other immediate and/or long term economic benefits.

- Make contact with the correct State and/or Federal Agency that has jurisdiction over the funding category of interest.

- Monitor www.recovery.gov as well as the NLC and ALM websites for up-to-date information.

We as elected officials are responsible for making very important decisions on whether to cut services or to find additional revenues to pay for these services. We certainly don't want to miss any funding opportunities because we haven't done the necessary groundwork.

The 2009 Regular Session of the Alabama Legislature will conclude by May 18th. Several League bills have already passed or are likely to pass by the last day of the session.

Throughout the current legislative 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 the 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.

That being said, we must continue to make sure our State Legislature and Congress do not forget 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 municipal government** – not state or federal government. Local government provides police protection, fire protection, utility services, garbage collection, zoning

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Resolutions continued from page 13

namely: Seth Hammett, Speaker of the House; Demetrius Newton, Speaker Pro Tem of the House of Representatives; Ken Guin, Chair of the House Rules Committee; James Buskey, Chair of the House Rules Sub-Committee on Consent Calendar; John Robinson, Chair of the House Rules Sub-Committee on Special Order Calendar; Bill Dukes, Chair of the House County and Municipal Government Committee; and Mike Hubbard, House Minority Leader.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they thank the House Members who sponsored League legislation: Representatives Marcel Black, Ron Johnson, Steve McMillan, Cam Ward, Warren Beck, Rod Scott, Randy Hinshaw and John Knight.

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do wish to thank the leadership of the Alabama Senate for supporting League legislation and for assisting the League when possible during the legislative process, namely: Jim Folsom, Lieutenant Governor; Hinton Mitchem, Senate Pro Tem; Rodger Mitchem, Senate Pro Tem; Lowell Barron, Chair of the Senate Rules Committee; Wendell Mitchell, Chair of the Governmental Affairs Committee; Zeb Little, Senate Majority Leader; and Jabo Waggoner, Senate Minority Leader.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the Senators who sponsored League legislation: Senators Zeb Little, Ted Little, Linda Coleman, Steve French, Hari Ann Smith, Jabo Waggoner and Roger Bedford.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the following League staff members for their presentations during the concurrent session held on Monday morning of this convention: Ken Smith, Deputy Director/General Counsel, Alabama League of Municipalities; Perry C. Roquemore, Jr., Executive Director, Alabama League of Municipalities; and Lori Lein, General Counsel, Alabama League of Municipalities.

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery,

Alabama, on this the 5th day of May, 2009, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: Barbara Patton, Opelika Main Street Board Member and Former Mayor; Nigel Roberts, Fairfield Main Street, Inc. and Economic Development Liaison; Rep. Jack Page, Downtown Gadsden, Inc. Board Member; Billy Parrish, Director, Georgia Main Street Program; Kathy Johnson, Director, Alabama Broadband Initiative; Darryl Lee, Census Bureau; Lynn Northcutt, Small Business Recycling Programs Coordinator, ADEM; and Marcella Roberts, Senior Business Developer, Community Development, Fannie Mae.

RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the following persons for their presentations during the second set of concurrent sessions held on Monday afternoon of this convention: C.W. Colson, Jr., Special Programs Engineer, ALDOT; Wimberly Comer, Executive Director, Black Belt Heritage Area; Doug Purcell, Executive Director, Chattahoochee Trace Heritage Corridor; Nancy Gonce, Project Coordinator, Muscle Shoals Heritage Area; Martha Cato, President, Southern Textile Heritage Area; Chief Louis Zook, Sylacauga Police Department; Chief Jeff Manuel, University of West Alabama; Roger Owens, Police Safety Consultant, AMIC and MWCF; Michele Olson, PhD, Professor, Exercise Science, Auburn Montgomery; Henry Williford, EdD, Professor and Department Head, Physical Education and Exercise Science, Auburn Montgomery; and Michael Esco, PhD Candidate, Instructor, Physical Education, Auburn Montgomery.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, 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.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do express their sincere appreciation to Dr. Keivan

Daravi, Auburn Montgomery and Frank McPhillips and Laveeda Battle, Maynard, Cooper and Gale, P.C., for their General Session address held on Saturday afternoon of this convention.

RESOLUTION NO. 13

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Brenda Smith, Assistant Attorney General; Lori Lein, Deputy General Counsel, ALM; Monica Sheeler, Consumer Specialist, Attorney General's Office; 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank Mayor Roy Dobbs of Berry for his 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

Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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

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Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank Mayor Dan Williams of Athens 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they thank Mayor Leon Smith of Oxford, Mayor Ted Jennings of Brewton, Mayor Dan Williams of Athens, Mayor Charles Penhale of Helena and Councilmember Thomas Moore of Demopolis 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.

RESOLUTION NO. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they thank Mayor Billy Joe Driver of Clanton, Mayor Melvin

Duran of Priceville, Mayor David Bradford of Muscle Shoals, Mayor Charles Murphy of Robertsedale and Councilmember Dean Argo of Prattville 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they thank Mayor Roy Dobbs of Berry, Mayor Wally Burns of Southside, Mayor Jim Byard of Prattville, Mayor Howard Shell of Atmore and Mayor George Evans of Selma 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 consider this new program. We also wish to thank Greg Cochran and Ken Smith for their attention to duties in the management of this program.

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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 willingness ordinance regarding annexation may be rescinded before the special election on the question of annexation to the extent that such rescission does not disturb any vested rights. *Bradley v. Town of Argo*, 2 So.3d 819 (Ala.2008)

Boards: A city board has standing to sue for declaratory judgment when two parties claim the same seat on the board. A complaint against two board members alleged a justiciable controversy in regards to which board member was the proper person to serve as director of the board. *Waterworks and Sewer Bd. of City of Selma v. Allen*, 3 So.3d 846 (Ala.2008)

Drug Forfeitures: Money cannot be seized and forfeited merely because the person to whom it belongs is a convicted drug dealer. The state must prove to a reasonable satisfaction an actual link between the money sought to be forfeited and a violation of the controlled-substances laws. Forfeiture of \$1,415 that was seized from a defendant's person upon his arrest was not justified, as the record contained no evidence indicating that the currency on the defendant's person at the time of his arrest was furnished or intended to be furnished in exchange for a controlled substance in violation of the law, was proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of any law concerning controlled substances. *Dobyne v. State*, 4 So.3d 506 (Ala. Civ.App.2008)

DUI: Prior in-state DUI convictions in a municipal court do not count toward the total number of prior DUI convictions necessary to constitute a felony DUI offense as statutorily defined. A municipal DUI conviction is not a conviction for violating the state DUI statute, but merely a conviction for violating a municipal ordinance. *Ex parte Holbert*, 4 So.3d 410 (Ala.2008)

Searches and Seizures: Police use of ultraviolet light to determine whether a defendant came into contact with a fluorescent substance was not a search. *Williams v. State*, 3 So.3d 285 (Ala.Crim.App.2008)

Tort Liability: Equitable estoppel does not prevent a city from terminating city services to landowners because the landowners have no vested rights to city services. Doctrine of laches (neglecting to assert a right for an extended time) cannot be applied against municipalities. *City of Huntsville v. Stove House 5, Inc.*, 3 So.3d 186 (Ala.2008)

Tort Liability: A city did not breach a duty to maintain a creek basin, when the city did all it could do to prevent flooding, but was limited by federal regulations. *Furin v. City of Huntsville*, 3 So.3d 256 (Ala.Civ.App.2008)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Courts: When police officers violate a defendant's sixth amendment right to counsel and elicit incriminating statements from a charged defendant, the statement cannot be used in the prosecutions case in chief, but may be used for impeachment purposes. The interests safeguarded by excluding tainted evidence for impeachment purposes are outweighed by the need to prevent perjury and to assure integrity of the trial process. *Kansas v. Ventris*, --- S.Ct. ---, 2009 WL 1138842 (U.S.2009)

Courts: Delays caused by appointed defense counsel generally must be attributed to the client, not the state, in determining whether there has been a violation of the Sixth Amendment right to a speedy trial. The state could be charged, for speedy trial purposes, with time periods a defendant lacked an attorney if gaps resulted from the trial court's failure to appoint replacement counsel in a timely manner or if there was breakdown in the public defender system. *Vermont v. Brillon*, 129 S.Ct. 1283 (U.S.2009)

Elections: Only a racial minority that makes up at least 50 percent of an election district will be "sufficiently large" to pursue a vote dilution challenge under Section 2 of the Voting Rights Act. The Act's vote dilution provision, prohibiting practices imposed or applied in a manner which results in a denial or abridgment of the right to vote based on race, does not protect any possible opportunity or mechanism through which minority voters could work with other constituencies to elect their candidate

of choice. The Act does not guarantee minority voters an electoral advantage. *Bartlett v. Strickland*, 129 S.Ct. 1231 (U.S.2009)

Searches and Seizures: The “search incident to arrest” doctrine does not allow law enforcement officers to conduct a warrantless search of an arrestee’s car after the arrestee has been handcuffed or otherwise prevented from regaining access to the car. If there is no possibility that an arrestee could reach into the area that law enforcement officers seek to search, both justifications for the search-incident-to-arrest exception to the warrant requirement, namely protecting arresting officers and safeguarding any evidence of the offense of arrest that an arrestee might conceal or destroy, are absent, and the exception does not apply. *Arizona v. Gant*, --- S.Ct. ---, 2009 WL 1045962 (U.S.2009)

DECISIONS FROM OTHER JURISDICTIONS

Elections: The Voting Rights Act does not guarantee minority success at the polls, but it does require that minorities not have less opportunity than others to participate in the political processes and to elect representatives of their choice. In this case, the court held that a Georgia county’s Democratic Executive Committee and its chairman violated Section 2 of the Voting Right’s Act by obtaining disproportionately large numbers of defective absentee ballots from black voters taking steps to make sure the votes were counted, and allowing improper assistance of black voters. *U.S. v. Brown*, --- F.3d ---, 2009 WL 485709 (5th Cir. 2009)

Public Records: A county’s geographic information system basemap must be disclosed to a public interest group despite its claimed revelation of sensitive infrastructure data. *County of Santa Clara v. Superior Court*, 89 Cal. Rptr.3d 374 (Cal. App. 6th Dist. 2009)

ATTORNEY GENERAL’S OPINIONS

Conflicts of Interest: Uncompensated county park and recreation board members serving on a board created pursuant to Section 11-22-1, et seq., of the Code of Alabama, 1975, do not hold an office of profit. AGO 2009-064

Contracts: A city may join with nonprofit organizations to finance a community center if a public purpose is served. The city should enter into a contract with these organizations setting out the benefits to be conferred on the citizens. Once

public funds are given to a private entity, those funds cease being public, and the competitive bid laws do not apply. Possession and fees for use of the facility are issues to be decided by the parties involved. The use of grant funds is limited to the terms of the grant. AGO 2009-061

Courts: Traffic cases (other than parking offenses) and Fish and Wildlife cases are “criminal cases.” Accordingly, all applicable court costs should be assessed to such cases. AGO 2009-062

Courts: The prosecution may charge both retained and appointed counsel a reasonable fee for copying discovery materials. With regard to indigency status, the rules of discovery require that the prosecution allow the defendant to inspect and copy documents specified in the rule. The rule does not require that the prosecution provide the copies. AGO 2009-065

Volunteer Fire Departments: Volunteer firemen at the scene of a vehicle accident do not have arrest powers other than those of a private citizen. The chief of a municipally sanctioned volunteer fire department may, under certain limited circumstances as set forth in AGO 2005-198, issue citations. A volunteer firefighter’s privately owned vehicle is not an authorized emergency vehicle unless designated as such by the chief of police of an incorporated city or the Director of Public Safety. Only authorized emergency vehicles may use red lights visible from the front of such vehicle. No vehicle other than an authorized emergency vehicle may have flashing white lights other than signal lights and emergency flashers authorized by section 32-5-241(d)(3) of the Code of Alabama. AGO 2009-063

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2009-06: A former employee of the Alabama Oil and Gas Board may have an informal contact with his former employer, the Alabama Oil and Gas Board, within two years of his retirement; provided, the contact does not involve lobbying, or representing the interests of clients and/or his current employer. The former employee may not participate in informal meetings between the Board’s staff and clients or potential clients, when the meeting involves furthering the interests of that client, regardless of whether or not the matter will be heard by the Board at some future date.

Resolutions continued from page 19

RESOLUTION NO. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they thank the Montgomery 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they thank Corporal John Mackey 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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.

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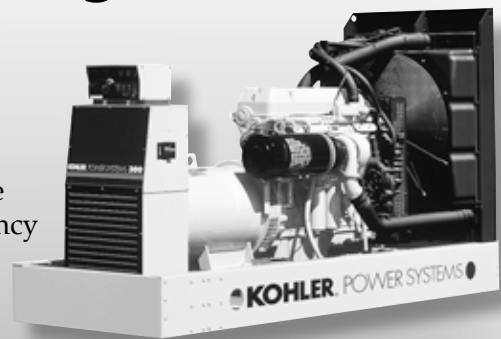


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RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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.

RESOLUTION NO. 31

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do sincerely thank Carr, Riggs and Ingram and Merrill Lynch 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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 Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the City of Montgomery 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. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that

they do thank Three on a String for performing at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they express their sincere appreciation to the companies and businesses which sponsored parties for delegates on Sunday night of the convention.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they express their deep appreciation to the Alabama Cable Telecommunications Association for their sponsorship of the Spouses Breakfast.

RESOLUTION NO. 37

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, 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: Accufund; ADL/Constantine Engineering; Advanced Disposal Service; Alabama Cable Telecommunications Association; Alabama Manufactured Housing Association; Alabama One Call; Allied Waste Services; AMEA; AMFund; AME Engineers; AMIC; Artesian Utilities System Management; Asphalt Zipper Inc.; At Work Uniforms; Auburn Montgomery Outreach; Auntie Litter; Aviation Council of Alabama, Inc.; Badger Meter; Berney Office Solutions; Black Mountain Software, Inc.; Buxton; CDG Engineers & Associates, Inc.; CGI Communications; Chameleon Ways, Inc.; City of Pelham; Columbia Southern University; Daniel Communications, Inc.; Dauphin Environmental Equipment; Dixie Decorations; DMD Engineers; Eagle Recognition; Empire Pipe and Supply Company; ESG Operations, Inc.; Fleet Management, LLC; Fire Rescue Help Group; Giffen Recreation Co. Inc.; GovDeals; Grasshopper Company; Hatch Mott; MacDonald; Holiday Designs, Inc.; Honeywell International; Howard Technology Solutions; Hullett, Kellum & McKinney, P.C.; ION Interactive Video Technologies; Ingram Equipment; InLine; Integrated Paving Concepts; J.A. Dawson and Co.; Judicial Correction Service; Junior Davis & Assoc.; Kidz Zone Play Systems; Kossen Equipment, Inc.; Krebs Architecture & Engineering; LaserCraft; Local Government Corporation; Local Government Services, LLC; Loss Control; Mauldin & Jenkins, CPA, LLC; MACTEC Engineering and Consulting; Municipal Code Corporation & MccInnovations; Municipal

Revenue Service; Musco Sports Lighting; MWCF; NAFECO; National Bond & Trust Co.; NLC Prescription Discount Card Program; Polyengineering; PReMA Corp; Protective Securities; QS/1 Governmental Solutions; RDS - Revenue Discovery Systems; RedflexTraffic Systems; Samson Equipment Co.; Schwarze Industries; Sentell Engineering; Severn Trent Services; Slaughter and Associates, PLLC; SmartWAVE Technologies; Southern Playgrounds; Southland International Trucks, Inc.; Star Recycling, Inc.; Sternberg Lighting; Sunbelt Fire; Syscon; Tank Pro, Inc.; Temple, Inc.; The McPherson Oil Companies, Inc.; The Public Group; Town of Dutton; TTL, Inc.; Tyler Technologies; United Consulting; Universal Concepts; Utility Engineering Consultants, LLC; Utility Service Company, Inc.; Veolia Environmental Services; Verinx Systems; Wachovia Bank; Ward International Trucks, Inc.; Wilson Price; and the World Conference of Mayors.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, 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;

AIDT; AL City/County Management Assoc.; AL Dept. of Mental Health; AL. Dept. of Environmental Management; Alabama Association of Municipal Clerks and Administrators; Alabama Association of Regional Councils; Alabama Attorney General's Consumer Office; Alabama Correctional Industries; Alabama Department of Agriculture and Industries; Alabama Department of Revenue; Alabama Dept. of Public Health - ALL Kids; Alabama Emergency Management Agency; Alabama Municipal Revenue Officers Association; Alabama Public Library Service; Alabama Recreation and Parks Association; Alabama Retired State Employees' Association; Alabama Surplus Property; Alabama Tourism Department; Center for Governmental Services - Auburn University; DesignAlabama; Keep Alabama Beautiful/ Keep America Beautiful; National Safety Council; RSA; and USDA Rural Development.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they sincerely thank Municipal Revenue Service for providing the golf prizes for tournament winners.

BE IT FURTHER RESOLVED that they do thank the

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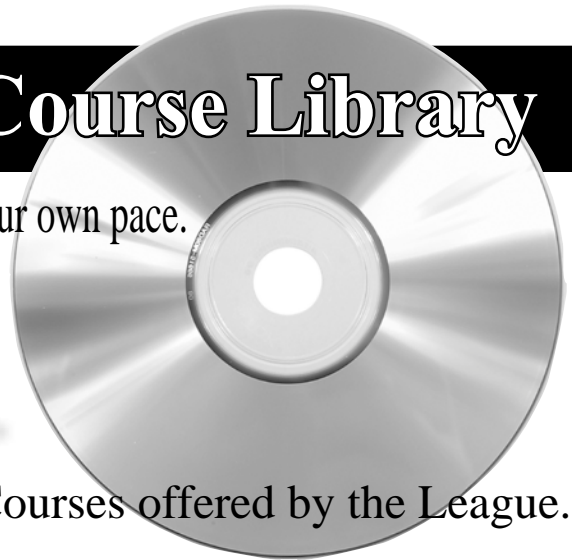
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1. Order the courses you wish to take by printing and completing the Order Form found on the ALM website (www.alalm.org/CMO/CMO.html). Mail the completed Order Form together with the payment, either by check or credit card, to the address on order form.
2. You will receive the CD(s) ordered and a true/false test for each course. Listen to each course and complete the test as you listen. Return the completed test(s) to League Headquarters. The CD(s) are yours to keep.
3. The League will grade your test(s). If you receive a grade of 70 or above, you will be awarded the appropriate credit hours in the CMO Program.

To order from the list of courses, visit
www.alalm.org/CMO/CMO.html.



following for their sponsorships: Ball, Ball, Matthews & Novak; Blue Line Solutions; Stanley A. Martin, Attorney at Law; Carlisle & Associates; Community Consultants, Inc.; Wooten Thornton Carpenter O'Brien Lazenby & Lawrence; Lusk & Lusk, Attorneys at Law; Turnbach, Warren, Roberts & Lloyd, P.C.; Fann & Rea, P.C.; Constangy, Brooks & Smith, LLP; Black & Hughston, P.C.; C. Robert Gottlieb, Jr. P.C; Zieman, Speegle, Jackson & Hoffman, LLC; and GENEX.

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the members of the 2008-2009 Executive Committee for their expertise, advice and assistance regarding League operations.

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank ABC-LEO for hosting a reception on Sunday evening of the convention.

RESOLUTION NO. 42

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank the Kings of Swing for playing at the reception on Sunday evening of the convention.

RESOLUTION NO. 43

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank Goodwyn, Mills & Cawood for sponsoring the hospitality room on Saturday, Sunday an Monday nights of the convention.

RESOLUTION NO. 44

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they do thank League Attorneys Perry C. Roquemore, Jr., Executive Director; Ken Smith, Deputy Director/ General Counsel; Lori Lein, General Counsel; and Tracy Roberts Assistant General Council as well as Brenda Smith, Assistant Attorney General, for their participation in the Ask Your Attorney Panel Discussion on Tuesday morning of the convention.

RESOLUTION NO. 45

Whereas, a commitment to improving the quality of life

for all Alabamians must encompass protection of the economic basis that sustains the state's middle class, as well as providing for a clean, healthy environment; and,

Whereas, current legislation being considered by the United States Congress would require as much as 20 percent of electricity provided to consumers be generated from renewable fuel sources such as biomass, solar, geothermal, wind and other renewable sources; and,

Whereas, such legislation explicitly disallows existing hydro generation and nuclear generation from counting toward the federally established requirement for generation from renewable sources; and,

Whereas, proposed federal renewable portfolio standard legislation would impose significant additional cost to Alabama industries and home owners through higher energy bills, while at the same time providing no guaranteed improvement in environmental quality; and,

Whereas, because federal renewable portfolio standards would have a disproportionate effect on the states, imposing a greater burden on states without readily available renewable fuel sources, Alabama would experience significant harm to efforts to attract new industries and businesses as well as expand existing operations; and,

Whereas, significant increases in energy costs would have the unavoidable effect of increasing further loss of jobs during a time of unprecedented economic hardship; and,

Whereas, proposed federal renewable portfolio standard legislation would diminish the social and economic well being of families and businesses throughout the state;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that we do hereby call upon the state's congressional delegation to make known to federal policy makers that efforts to impose renewable portfolio standards that do not appropriately protect the economic as well as the environmental wellbeing of the state are unacceptable.

BE IT FURTHER RESOLVED that the Alabama League of Municipalities calls upon federal policy makers to provide credit in any renewable portfolio legislation for electricity generated through existing hydro generation, existing nuclear generation, new nuclear generation or clean coal technologies.

RESOLUTION NO. 46

WHEREAS, Congress is close to enacting legislation that would force state, county and municipal governments 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 on issues such as 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 Montgomery, Alabama, on this the 5th day of May, 2009, 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. 47

WHEREAS, Edith P. "Edye" Goertz, Member Services Director and second-longest serving employee for the Alabama League of Municipalities, will retire in January 2010 after 28 years of outstanding and commendable service to the cities, towns and municipal entities of this state; and

WHEREAS, Edye began her career with the League in 1982 as an administrative assistant and, through diligent work and demonstrated ability, advanced to positions of increasing responsibility; and

WHEREAS, Edye has been responsible for coordinating and trouble-shooting the League's Annual Convention – the largest such convention in the state with more than 1200 attendees – for many years;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that we do hereby applaud Edye's outstanding work ethic and proven professionalism and extend our sincere and grateful appreciation for her dedicated service to the Alabama League of Municipalities and its membership.

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Public Housing Capital Fund Stimulus HUD Accepting Grant Applications from Public Housing Authorities

HUD is offering nearly \$1 billion in competitive grants to make substantial improvements to thousands of public housing units nationwide. The competitive Public Housing Capital Funds will be awarded to public housing authorities to improve the quality of their housing stock, promote energy efficiency and create jobs. These funds are in addition to the \$3 billion that was allocated by formula to public housing agencies in March.

Grants will be awarded in the following 4 categories:

- Energy Efficiency: \$600 million is available for PHAs to create more energy efficient public housing units.
- Financing Stalled Projects: \$200 million is available to allow PHAs to develop or renovate public housing projects stalled due to lack of resources.
- Public Housing Transformation: \$100 million is available to transform obsolete public housing projects into newly built or renovated developments.
- Housing for the Elderly/Persons with Disabilities: \$95 million is available to improve public housing units and create community facilities for the delivery of medical and other services to this vulnerable population.

HUD began accepting applications from public housing authorities on June 1. Applications for grants in the Energy Efficiency category are due by **July 21**. Applications for the other three categories are due by **August 18**.

Public Housing Competitive Grants: <http://www.hud.gov/recovery/phcapfundh.cfm>

Application guidance: <http://www.hud.gov/recovery/recovery-comp-grants.pdf>

HUD Office of Capital Improvements: <http://www.hud.gov/offices/pih/programs/ph/capfund/ocir.cfm>

Director's Report continued from page 7

99% 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 2008-2009 budget year are expected to be adequate to meet the Executive Committee's budget that was adopted last July in spite of the current economic situation. Since the last convention, the League IT staff has continued our conversion of our information into a digital format. 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 continue to produce audio courses for our CMO Program as well as video productions for training purposes. Our latest video production was shown Saturday afternoon to honor our 2009 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, which recently negotiated a model services agreement for municipalities to use when negotiating for ATT's U-Verse System, 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 trade show. Information on these programs can also be found on the League web site. During the coming year, the League officers and staff will continue to look at new and innovative programs to assist our member municipalities. We have just sent out our first survey electronically using a new survey tool from Qualtrics. The response has been excellent. Our contract with Qualtrics allows cities who wish to use the software to do so at a much discounted rate.

Legislative Program

It looks like the 2009 Regular Session will end three days early on May 15. They must conclude by midnight May 18. The Regular Session is limited to 30 meeting days within 105 calendar days. The League Committee on State and Federal Legislation met on December 4 and adopted an ambitious League Legislative Package for the 2009 Regular Session.

Two League bills have received final passage:

- a bill to give a city permissive authority to appoint up to two members of the Industrial Development Board from persons who reside outside the corporate limits of the city but within the jurisdictional territory served by the IDB

- a bill to make sure a mayor vote can be counted when the council votes on the upholding of the mayor's termination of an employee

A number of other good pieces of legislation have passed or should pass by the end of the session. Weekly reports on the Legislature appear on the League's website. A full report on the 2009 Regular Session will be posted on the League's website at the end of the session.

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 14 years. Since the program began, we have had 3036 officials participate in the program. As of last week, 823 officials have obtained the required 40 credit hours of training for Basic CMO certification and 363 officials

continued next page

have earned their Advanced CMO designation. At this Convention, additional officials will earn their Basic and Advanced CMOs. The names of the 2009 graduates will be announced during today's closing luncheon. A graduation ceremony will be held in Montgomery this summer. The League staff has prepared a DVD set of the sessions in the Orientation Conference held last fall. The set is available for purchase from the League. It is a way to get the training to officials who were unable to travel to one of the regional sites.

Publications and Information

The *Alabama Municipal Journal* continues to be one of the country's best municipal publications. The League's Web Page 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 web site 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 12,000 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 web page and the *Alabama Municipal Journal*.

League Staff

League employees are assigned to work in one or more of the followings 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 our members on a daily basis. Please join me in thanking them for a job well done.

I want to especially thank Edye Goertz for her 28 years of hard work and dedication to the Alabama League of Municipalities. Edye has been great to work with over the years. She has a great respect for the organization and the municipal officials and employees who serve our cities and towns. In every decision, Edye has always considered what was in the best interest of the League. After 28 years, Edye will be leaving the League at the end

of the year. Theresa Lloyd will assume Edye's position upon her retirement. Recently Edye's daughter Meredith gave birth to triplets in Birmingham. So, I know we all know how Edye will be spending her retirement years. Let's all give Edye a standing ovation for her career with our League.

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. Cities and towns will have to face economic and budget issues unseen in our history. Municipal officials will have to find new and innovative 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 continue work hard to improve all of our services and develop new services to meet the challenges facing our cities and towns.

Next year at Convention we will celebrate the 75th year of our great League. We hope to plan several special events in honor of this milestone.

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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DISTINGUISHED SERVICE AWARDS PRESENTED MAY 5

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 34 awards were announced during the President's Luncheon at the League Convention in Montgomery. Pictured below are the recipients of the 2009 Distinguished Service Awards.

20-Year-Service Awards



*John D. Lammers,
Mayor, Carrollton*



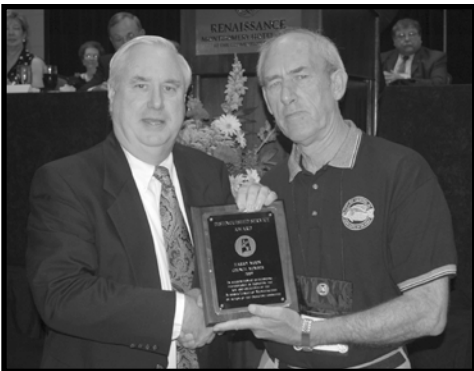
*Richard Long,
Mayor, Jackson*



*Charles Murphy,
Mayor, Robertsdale*



*Tracy Sanders,
Councilmember, Brent*



*Harry Moon,
Councilmember, Centre*



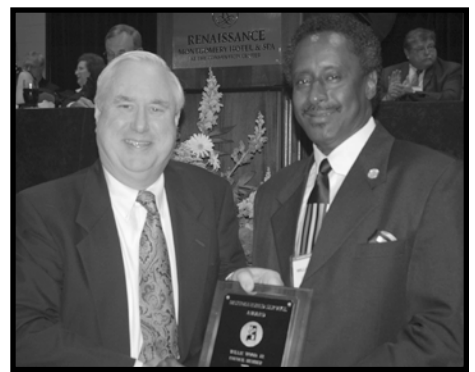
*Bess Yarbrough,
Councilmember, Centre*



*Roy Linn,
Councilmember, Graysville*



*Richard Showers, Sr.,
Councilmember, Huntsville*



*Willie L. Wood, Jr.,
Councilmember, Prattville*

continued next page

20-Year-Service-Awards



*Bennie Harton
Councilmember, Reform*



*Alberta Dixon
Councilmember, Thomasville*



*James Harris
Councilmember, Wedowee*



*Rebecca Grisham
Municipal Clerk, Anderson*



*Teresa Freeman
Municipal Clerk, Jackson's Gap*

30-Year-Service-Awards



*Billy Joe Driver
Mayor, Clanton*



*Edmon McKinley
City Attorney, Thomasville*

40-Year-Service-Award



Cora Smith, Councilmember, Brighton

Unable to Attend Convention

20 Year Recipients

Lonnie W. Caldwell, Mayor, Goodwater

Frankie Kelly,
Councilmember, Centre

Shirley Middleton,
Councilmember, Harpersville

George Hendon,
Councilmember, Arley

Phillip David Butler,
Councilmember, Brookside

Joseph Kitchens,
Councilmember, Robertsdale

P. Richard Hartley,
Municipal Attorney, Greenville

Pamela W. Richardson,
Municipal Clerk, Ranburne

Denise Jernigan,
Municipal Clerk, Saraland

30 Year Recipients

Roger McCondichie, Mayor, Brookside

Robert K. Easterling,
Councilmember, Clanton

Charles Harben,
Councilmember, Saraland

Gaines C. Smith,
Councilmember, Thomasville

Hubert Lucas, Councilmember, Wilton

Jesse Miller,
City Administrator, Jackson

40 Year Recipients

Joe H. Fancher, Mayor, Wilton

Wendell Phillips,
Councilmember, Gardendale

Opening Session Address continued from page 15

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 again saw bills introduced at both the state and federal levels that would make cities and towns collectively bargain with union representatives over wages, benefits and other conditions of employment for certain employee groups. If enacted, these bills will result in much of 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 critical importance of municipal government. I call upon the rest to become reacquainted with the invaluable 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. Our League has accomplished many great things throughout its 74-year history. And through our united efforts, this list of accomplishments will continue to grow.

I'll close by thanking the members of the Priceville City Council and all the City staff. They have graciously allowed me 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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**Contact Theresa Lloyd, CMO Program Administrator, at
334-262-2566 or via e-mail at theresal@alalm.org.
www.alalm.org**

Resolutions continued from page 26

BE IT FURTHER RESOLVED that we congratulate her on her well-earned retirement and extend our best wishes to Edye and her family for continued success, happiness and good health in the years to come.

RESOLUTION NO. 48

WHEREAS, Melvin Duran, Mayor of Priceville, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Duran'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 Duran'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 Montgomery, Alabama, on this the 5th day of May, 2009, that they do recognize and commend Mayor Duran 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. 49

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 5th day of May, 2009, that they memorialize the following persons who have died in office since our last convention, namely: John Watkins, Jr., councilmember, Atmore; Grady Hobbs, councilmember, Florala; David Bandstra, councilmember, Elba; Roy Pascal "Pat" Vice, Sr. mayor, Linden; Charles H. Couch, mayor, Union Grove; Walter Byrd Buie, mayor, Webb; Eugene Shannon, mayor, Ardmore; Eldred Pritchett, mayor pro-tem, Atmore; Miriam Witherspoon, councilmember, Birmingham; and W.L. Jenkins, mayor pro-tem, Tarrant.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Donnie Nelson, former councilmember, Clanton; Betty Ziglar, former mayor, Roanoke; Billy Ray Weathington, former councilmember, Southside; William "Bill" King, former councilmember, Selma; Windell Owens, former mayor, Monroeville; Charles Gerald "Gerry" Elliot, former councilmember, Ashland; Billy Smith, former councilmember, Millport; R.L. Webb, former councilmember, Bessemer; Walter O. "Jake" Lewis, former councilmember, Brewton; Bill R. Maddox, former councilmember, Cullman; Ronald Dale West, former mayor and police chief, Crossville; Patsy Sumrall, former mayor, Thomaston; Mark Gilmore, former councilmember, Montgomery; James DeWitt Garrett,

former councilmember, Athens; John Herbert Beasley, Jr., former councilmember, Eufaula; Renald "Renny" Breazeale, former mayor, Sheffield; Edward Lamar Turner, former mayor and councilmember, Luverne; Lambert Mims, former mayor, Mobile; Julia Mae Bence, former mayor pro-tem and councilmember, Abbeville; James Abbott Peavy Sr., former councilmember, Greenville; Eldon Milford "Mutt" Green, former councilmember, Oak Grove; Victor Guarisco, former mayor, Daphne; Hollice Kendrick, former councilmember, Scottsboro; Gerald Young Allen, former councilmember, Alexander City; Dr. Paul C. Bailey, former mayor, Baileyton; James Agee Kelly, former mayor pro-tem, Montevallo; Joe Adkins, former mayor, Ashville; Debra Hood, former councilmember, Greenville; Scott Carrier, former councilmember, Florence; Hal Self, former councilmember, Florence; Marvin Leachman, former councilmember, Prichard; Ray Wright, former councilmember, Sheffield; Virgil Buck, former councilmember, Robertsedale; Fred Ziderhook, former councilmember, Atmore, Gordon Napper, former councilmember, Chickasaw; Harold Davenport, former mayor, Alabaster; J.W. Andrews, former councilmember, Jackson; Ray Sherrer, former mayor, Brewton; Eugene Wright, former councilmember, Moundville; and Ted Pounders, former councilmember, Muscle Shoals. ■



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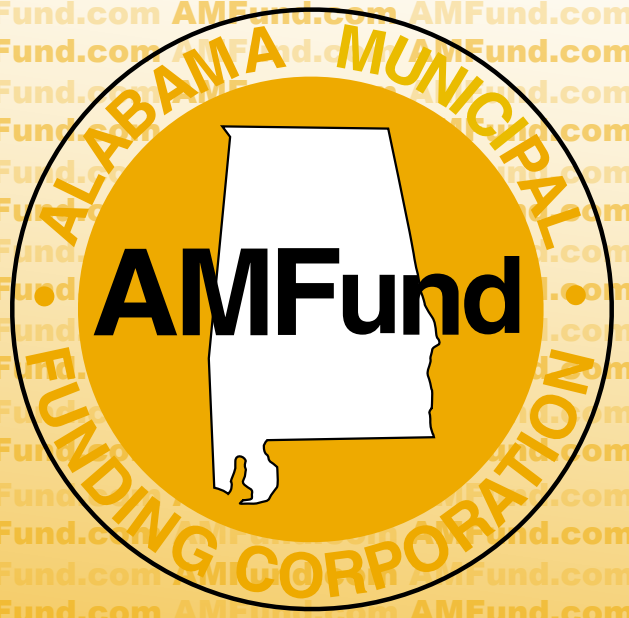
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