

# The Alabama Municipal JOURNAL

June 2010

Volume 67, Number 12

## 2010 League Convention



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# The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

June 2010 • Volume 67, Number 12

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## On the Cover:

Municipal officials and delegates at the 2010 Annual Convention May 15-18 in Mobile.



# A Message from the Editor



About a year ago, Perry cruised into my office with the inspired idea of creating a “book on the League’s history” that could be distributed to delegates during our 75th Anniversary convention in Mobile. As a journalist, the challenge to develop a single publication preserving the League’s unique story was very exciting; however, researching the 75-year history of a distinguished organization completely *from scratch* was, quite frankly, daunting. And so, from that day forward, I began working ... backwards. When we decided to simultaneously tackle the production of a companion tribute video chronicling the League’s history, I began to commiserate with Willie Wonka: *So much time and so little to do. Wait a minute. Strike that. Reverse it.*

How does one begin an epic project? By not reinventing the wheel. Before becoming completely engrossed in the Alabama League’s backstory (and I’m quite serious when I say *completely engrossed*), I sent out a request for help (actually, a plea is more accurate) to our sister Leagues. North Carolina and Virginia had recently celebrated their 100-year anniversaries and had produced impressive commemorative books honoring that milestone. Likewise, Arkansas celebrated its 75th anniversary in 2009 with a special historical publication. The fine communications staffs of these three Leagues were extremely gracious in sharing copies of their publications as well as insights about their process. And I rolled up my sleeves, switched into investigative journalist mode and tried not to panic.

Through old fashioned sleuthing and a hefty dose of serendipity, Perry and I meticulously retraced the League’s formative years. We located boxes of old photos stacked on shelves in the basement, tucked away in closets and filed away randomly in drawers. We poured over *Journals*, letters, minutes and League publications dating back to 1937. There were moments of discovery akin to Christmas morning and we were constantly running back and forth to the other’s office with: “LOOK AT WHAT I JUST FOUND!” Of course, then we had to decide what to *do* with it all.

And here’s where I want to sincerely thank Perry for allowing me to run with this project and for giving me the freedom to do what I do best. He trusted me to take our research and turn it into a publication worthy of our organization and the members we serve. I use the word “trust” because, in deciding how to chronicle the information, it became very clear to me that the League’s history should be organized into three distinct eras led by executive directors Ed Reid (1935-1965), John Watkins (1965-1986) and Perry Roquemore (1986-present). Therefore, not only were we about to put the League’s history into a single publication (for the first time), we would also be preserving the legacy of three extremely successful leaders.

I recruited Dr. Lee Anna Maynard because I was familiar with her enviable writing skills and felt she could conjure the appropriate “voice” for the historical narrative. I also knew she would approach the project without the unintentional biases that form when one works with an organization for many years. I asked Dr. Maynard to set the stage by encapsulating Alabama and the nation during the early 20th Century. From there, she and I spent a lot of time sorting through information, talking to Perry, exchanging ideas and, hopefully, creating a narrative that’s not only educational and historically accurate, but interesting to read. Dr. Maynard is to be commended for an outstanding final product. Thanks to her unique skills, the League’s history has been captured in an intriguing, memorable voice. The remainder of the book comprises a variety of articles, time lines, historical excerpts and, of course, pictures (which meant *lots* of quality time spent with the scanner and Photoshop). The finished publication – a year-long journey – was distributed to delegates during last month’s annual convention in Mobile. In addition, each municipality will be mailed a copy in the next few weeks. I hope you will enjoy learning about your League as much as Perry and I enjoyed bringing this project to fruition.

I would also like to thank Ken Gabehart, the League’s videographer and business systems analyst. He and I spent many hours collaborating on the tribute video – taping interviews with Perry and various past presidents as well as determining B-roll and shot sequence. I couldn’t have asked for a better or more enthusiastic partner on this project. The video, which debuted during last month’s annual convention, can be viewed on the League’s website at [www.alalm.org](http://www.alalm.org). If you think you recognize the narrator’s voice in the video, then you probably do. Special thanks to Council President Dean Argo of Prattville for taking a morning out of his busy schedule to read (and re-read) the League’s story aloud for this project. His broadcast background was invaluable!

Again, please take some time to read through the anniversary publication and view the tribute video online. The League is a dynamic organization with a fascinating story. Yes, I’m *completely* biased. Fortunately, however, history speaks for itself. Happy 75th Anniversary to our Alabama League of Municipalities!

Carrie



# The President's Report

Charles Murphy • Mayor of Robertsdale

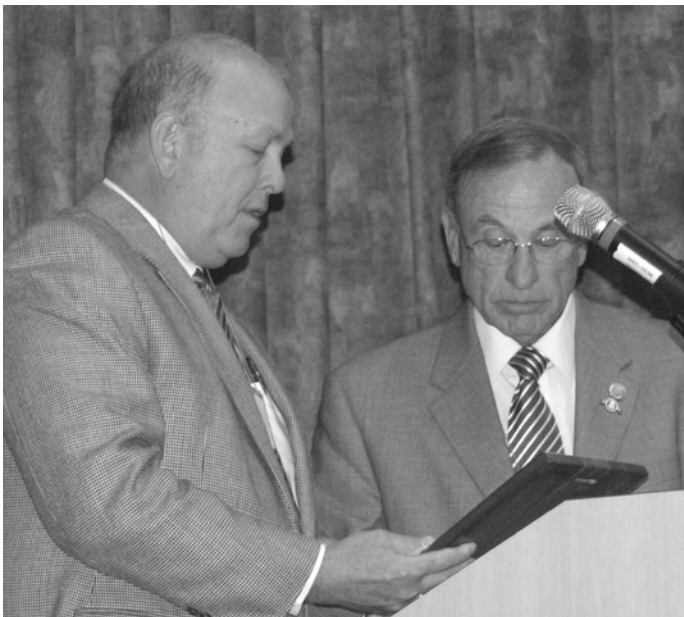


## President's Address Tuesday, May 18, 2010 Annual Convention President's Luncheon

As I take the gravel from my good friend, Roy Dobbs, it's difficult to adequately express my deep feelings of gratitude. I've known Roy for a number of years and have the utmost respect for him and for the office of League president. Mayor Dobbs has done an excellent job in serving as our League President this past year, and we express our sincere gratitude to him and his wife, Phyllis, for all that they have given in assisting the League during his tenure.

I am truly honored and humbled to be elected to this leadership position and I will endeavor to represent our League – and you – with the same level of professionalism and the same high standards our fine organization has built its reputation on for the past 75 years.

I look forward to working with Vice-President Councilmember Thomas Moore of Demopolis over the next year. I congratulate you on your election and I'm very



Newly elected League President Mayor Charles Murphy of Robertsdale reads plaque honoring immediate past president, Mayor Roy Dobbs of Berry, for his service to the League.

pleased to have the opportunity to work with you.

At this time I wish to express my sincere gratitude to Perry and his staff, the past League Presidents, and those of you in the audience today for allowing me to serve in the coming year as your president. Most of all, I am grateful for all that has been given to me and I know today that I'm only with you through the will and grace of Jesus Christ and without him I would have never been selected to serve in this position. Also, I need to thank at this time the Robertsdale City Council Members, for their help and support in all our endeavors with the league and to thank each of you for all you give each day in making our city better. Mrs. Cooper, Mr. Grant, Mr. Hollingsworth, Mr. Kendrick, and Mr. Kitchen, our Mayor Pro-Temp, each of you do a fantastic job and thank you so much for allowing me to serve with you.

I realize today that the past success that I've had would not have happened, if it were not for the wonderful employees that we have with the City of Robertsdale, and to each of you I render my full appreciation for all you have give in making our city better.

Last, but certainly not least, my appreciation to my family and especially my wife, Lynn, for all they have done for me during my time in public service through both the good and not so good times, but always accepting the course that I was traveling and providing help at anytime the need arose. Lynn, you've always provided support, sound judgment, and valuable advice during our walk together, and most of all you have created the love that keeps our family centered.

I also want to thank the entire League staff for their continued hard work. As you well know, Perry Roquemore has a remarkable team. Without their guidance and insight, our jobs as municipal officials would be much more difficult. The League staff truly understands that our association is about member service. Whether it's working for new legislation to make life better for our citizens, fighting bad legislation, providing legal advice or training elected officials and personnel on a variety of important topics, the

*continued on page 10*





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- Court Administrator  
Large Municipal Court

"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk  
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge  
Georgia Municipality

### Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of Corrections  
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- Court Clerk  
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge  
Alabama Court

### Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant  
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant  
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

- Craig A., Defendant  
Foley, Alabama

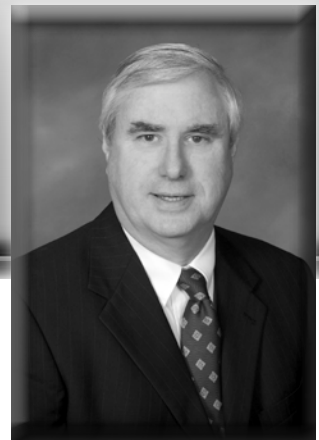
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# Municipal Overview

Perry C. Roquemore, Jr.  
Executive Director



## Director's Report Annual Convention, May 18, 2010

Well, it's been another 12 months since we last met in convention in Montgomery. A lot of you were attending your first League meeting following the 2008 municipal elections. Now, you are back as veteran municipal officials. I wish to thank Mayor Sam Jones, the Mobile City Council and Mobile employees for making this a great convention.

During the past year your League staff has been busy preparing for this 75<sup>th</sup> Anniversary Convention. I hope you have all enjoyed the book on the League's history, our 75<sup>th</sup> anniversary tribute video which was shown last night and the other anniversary-related happenings.

Thanks go to the thousands of municipal officials, municipal employees, League officers, and League staff members who have made our League's first 75 years possible. For the first time, the history of this organization has been compiled into a single publication. I encourage each of you to take time to read about your League and its 75 years of accomplishments. Even though I have been here for over 36 years, I learned some things about our League which even I never knew.

Special thanks goes to Carrie Banks for taking the lead on this project – and for her excellent editing of the book as well as the book design and layout. Special thanks are also extended to freelance writer, Dr. Lee Anna Maynard, for bringing the League to life through her superb historical narrative; Laura Anne Whatley for the book cover design; and Ken Smith for his excellent article on the League's legal history.

Tremendous accolades also go to Carrie and Ken Gabehart of our staff for putting together an excellent tribute video on the League's history as well as the video of comments from past League presidents on what our League means to them. I wish to also thank Council President Dean Argo of Prattville for providing the voice-over for the tribute video.

### League Staff

I cannot say enough about our staff for going the extra mile at this year's convention. A few days before we left to come to Mobile, we received word that a lot of the convention center had been taken over for use as the command post for operations relating to the tragic oil spill in the gulf. This meant that many of the locations for meetings had to be moved.

Further, program notes and letters to speakers had to be resent. We also had to reprint many documents that contained room locations.

Theresa Lloyd, who became the manager of our convention upon the retirement of Edye Goertz on January 1, received a real baptism by fire. But folks, she came through it with flying colors.

Cindy Price was asked several weeks ago to work the trade show after one of our employees left the League to take care of her newborn baby. With able assistance from Sharon Carr and Greg Cochran, I felt the trade show was very successful. Monty Paggeot and his IT staff of Ken Gabehart and Chuck Stephenson did an admirable job on all power point and DVD presentations. Ken Smith, your Deputy Director and General Counsel, did his usual great job on the golf tournament and all other assignments he was given.

Accolades to our other staff members who worked hard at this convention: Lori Lein, Tracy Roberts, Twanna Walton, Steve Martin, Faith Ann Gunn, Rachel Wagner, Krystle Bell, Todd McCarley, Sonya McCarley, Hal Bloom, Steve Wells, Stan Fant, Roger Owens, Myra Forest, Will Strength, Richard Buttenshaw, Danny Ransom, Jim Chamblee, Doranne Newton, Caroline Cox, Cyndi Wells, Debbie Meadors, Mike Gardner, Jay Powell, and Kelly Maltby.

### League Committees

The Executive Committee, presided over by our President Roy Dobbs of Berry, 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 *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

*continued on page 25*



# MINUTES OF THE GENERAL BUSINESS SESSION

## ALABAMA LEAGUE OF MUNICIPALITIES

### MOBILE, ALABAMA, MAY 18, 2010

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 8:45 a.m., May 18, 2010, by President Roy Dobbs, Mayor of Berry, at the Renaissance Riverview Hotel in Mobil, Alabama. Mayor Roy 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 also expressed thanks to Mayor Sam Jones of Mobile, the Mobile City Council, and the employees of the City of Mobile for helping to make the 2010 League Convention a great success. He stated that the League membership was now at 443 cities and towns and that League finances would be adequate for fiscal year 2009-2010. He also discussed the current legislative session and numerous League services and programs. A copy of his report is attached to these minutes.

President Dobbs then called on Mayor Leon Smith of Oxford, 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 Jim Byard of Prattville, Vice Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report. Copies of these reports are attached to these minutes.

The President then called upon Councilmember Thomas Moore of Demopolis, Chairman of the Resolutions Committee, for the committee's report. Councilmember Moore reported that the Resolutions Committee had met on Saturday, May 15, and had recommended that the League's *Policies and Goals for 2010* be adopted with the following amendments:

1. That Policy Position **F-10.38** be amended by deleting the last sentence as the "equipment" portion was accomplished by passage of Act 2010-586 during the 2010 Regular Session.
2. Delete Policy Position **F-11.2** relating to amendments needed to municipal election laws as this was accomplished by passage of Act 2010-687.
3. That Policy Positions **P-7.11** and **P-7.12** be deleted as accomplished by passage of Act 2010-185.
4. That Policy Position **P-8.14** be deleted as accomplished by passage of Act 2010-586. The subsequent statement should be renumbered.

A copy of his report is attached to these minutes.

Councilmember Thomas O. Moore of Demopolis moved adoption of the *Policies and Goals for 2010*, as amended, and the motion was seconded by Mayor Melvin Duran of Priceville. The motion carried.

Councilmember Thomas Moore then presented the resolutions for adoption. He pointed out that members were given summaries of 55 resolutions recommended by the Resolutions Committee. Councilmember Moore moved adoption of Resolutions 1 through 51. The motion was seconded by Councilmember Mack Arthur Bell of Roanoke. The motion was adopted.

Councilmember Thomas Moore moved adoption of Resolution No. 52 honoring Mayor Roy Dobbs of Berry for his service as League President. The motion, which was seconded by Councilmember James Harris of Wedowee, passed unanimously.

Councilmember Thomas Moore moved adoption of Resolution No. 53 mourning the death of former League President and Mayor of Fayette Guthrie Smith. Councilmember Edward H. Carroll, Sr. of Orange Beach seconded the nomination. The motion passed unanimously.

Councilmember Thomas Moore moved adoption of Resolution No. 54 mourning the death of former League President and Council President of Birmingham Nina Miglionico. Councilmember Jesse Mathews of Bessemer seconded the nomination. The motion passed unanimously.

Councilmember Thomas Moore moved adoption of Resolution No. 55 memorializing active and former officials who have passed away since the last League convention following the addition of names from the floor. Councilmember Bud Kitchens of Lincoln seconded the motion. The motion passed unanimously.

The President then called upon Mayor Leon Smith of Oxford to present the report of the Nominating Committee. Mayor Smith 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 Charles Murphy, Robertsdale

**Vice President** – Councilmember Thomas O. Moore, Demopolis

**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 – Council President Debbie Quinn, Fairhope

Vice Chair – Councilmember Sadie Britt, Lincoln

**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 – Council President Dean Argo, Prattville  
Vice Chair – Mayor Rusty Jessop, Riverside

**Committee on Community and Economic Development**

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 – Councilmember Tayna Rains, Dutton  
Vice Chair – Mayor Jamie Tillery, Bay Minette

**Executive Committee**

**First Congressional District:**

Mayor G. Richard Long, Jackson  
Mayor Ken Williams, Saraland  
Mayor Tim Kant, Fairhope  
Mayor Sam Jones, Mobile  
Mayor Howard Shell, Atmore

**Second Congressional District:**

Mayor Jay Jaxon, Eufaula  
Councilmember Charles Meeks, Troy  
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 George Evans, Selma  
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 Dan Williams, Athens  
Mayor Jim Byard, Prattville  
Mayor Carroll L. “Lew” Watson, Lincoln  
Mayor Charles W. “Sonny” Penhale, Helena  
Mayor Melvin Duran, Priceville  
Mayor Roy Dobbs, Berry

Mayor Smith moved adoption of the Nominating Committee report. The motion was seconded by Mayor George A. McCain of Tallassee. 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. A copy of the full report is attached to these minutes.

Mayor Sam Jones of Mobile 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: April 30-May 4, 2011, Huntsville; May 19-22, 2012, Birmingham; May 18-21, 2013, Montgomery; and May 3-6, 2014, Mobile. Mayor Sam Jones of Mobile moved adoption of the report, which was seconded by Mayor Walt Maddox of Tuscaloosa. Mayor Maddox asked the League to consider Tuscaloosa as a site for a future League convention. 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



## *President's Report continued from page 5*

League has been the most steadfast resource available to municipalities for the past 75 years.

Services offered to our member communities have expanded tremendously over the League's 75-year history. Many in this room can remember when there was no municipal insurance program, no comprehensive municipal officials' training program, no municipal workers' compensation fund and no municipal funding corporation. Thanks to the Alabama League of Municipalities, our cities and towns now have access to superior services in each of these areas. In addition, Perry has encouraged all of us to become members of the National League of Cities. Alabama now has one of the largest delegations at NLC's national meetings and has had several officials elected to serve on NLC's board, including the esteemed president's position just a few years ago.

All of us owe a great deal of gratitude to Perry and his staff. Thank you Perry and League staff members for all you do for us.

Of course, one of the best ways for us to solve problems and expand municipal programs is to learn from each other.

Our fellow elected officials have a great deal of knowledge and insight. We are each other's greatest resources. Therefore, I encourage each of you to continue attending all League meetings and to share information. I also encourage you to become a Certified Municipal Official and to send your clerks to educational classes and support them in becoming Certified Municipal Clerks. I assure you, your communities will benefit greatly from the exposure to such educational opportunities.

In the year ahead, I look forward to working for you as president of the League. I would like to give my compliments to Mobile Mayor Sam Jones, the City Council and the City's staff for their gracious hospitality as our host city.

God bless you all in your service to your communities, and on behalf of the League we hope you have a safe trip back to your homes this afternoon and **Happy 75th Anniversary to the Alabama League of Municipalities!**

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## Councilmember Thomas Moore of Demopolis Elected League Vice President

On May 18, Councilmember Thomas Moore of Demopolis was elected by his municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2010-2011. He was elected and took office during the final day of the League's annual convention, which was held in Mobile May 15-18.

Councilmember Moore also serves on the Board of Directors for the Municipal Workers Compensation Fund (MWCF), a program developed by the League to provide workers comp insurance, loss control and risk management services to Alabama's municipalities and municipal entities. He has also chaired the League's Committee on State and Federal Legislation as well as served on numerous League committees throughout the years. In addition to his committee involvement, Councilmember Moore has attended many League workshops and training sessions and has completed the League's Basic and Advanced Certified Municipal Official (CMO) programs.



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# *Resolutions Adopted at the 2010 Convention*

## **RESOLUTION NO. 1**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they express their deep appreciation to Mayor Sam Jones and members of the Mobile 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 Mobile, Alabama, on this the 18th day of May, 2010, that they express their deep appreciation to Chaplain Percy Harris of the Mobile Fire-Rescue Department for leading the Sunday morning prayer service during our convention.

## **RESOLUTION NO. 3**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they express their deep appreciation to Don Borut, Executive Director, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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; 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 Mobile, Alabama, on this the 18th day of May, 2010, that they thank the House Members who sponsored League legislation: Representatives Marcel Black, Ron Johnson, , Cam Ward, Warren Beck, Rod Scott, Randy Hinshaw, Jeff McLaughlin, Jack Page, Chris England, Jack Williams, David Grimes, Bill Dukes and John Knight.

## **RESOLUTION NO. 7**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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; Roger Smitherman, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the Senators who sponsored League legislation: Senators Zeb Little, Ted Little, Linda Coleman, Steve French, Hari Ann Smith, Jabo Waggoner, Mark Keahey, Quinton Ross, Larry Means, Rodger Smitherman and Roger Bedford.

## **RESOLUTION NO. 8**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the following League staff members for their presentations during the concurrent session held on Monday of this convention: Ken Smith, Deputy Director/General Counsel, Alabama League of Municipalities; Perry C. Roquemore, Jr., Executive Director, Alabama League of Municipalities; Lori Lein, Deputy General Counsel, Alabama League of Municipalities; and Tracy L. Roberts, Assistant General Counsel.

## **RESOLUTION NO. 9**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: William F. Kringel, Ph.D., Ombudsman and District 1 Chairman for the Alabama Committee-Employer Support of the Guard and Reserve; Maury Mitchell, Director, ACJIC; and Donna Eich

Brooks, Attorney at Law, Lehr Middlebrooks & Vreeland, P.C.

**RESOLUTION NO. 10**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the following persons for their presentations during the second set of concurrent sessions held on Monday afternoon of this convention: Ken Johnson, City Horticulturist, Prattville; Don Lupo, Director, Mayor's Office of Citizens Assistance, City of Birmingham; Anna Pritchett, Associate Director, AARP Alabama; Candi Williams, Executive Director, Hands on Birmingham; Brock Long, Director, AMEA; and Jessica Dent, Director, Alabama Broadband Initiative.

**RESOLUTION NO. 11**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do express their sincere appreciation to Jessica Dent, Director, Alabama Broadband Initiative and Dr. Don Terry Veal, Center for Governmental Services, Auburn University, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Kathy Woodard, President AMROA; Haley Burford, Vice President, AMROA; Lynnette Ogden, MMC, AAMCA President; Gina Antolini, CMC, AAMCA Secretary; Lee Frazier, MMC, Assistant City Clerk, Birmingham; and Richard Buttenshaw, Loss Control Representative, AMIC/MWCF.

**RESOLUTION NO. 14**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank Mayor Charles Murphy of Robertsdale 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do thank former mayor and League past president 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they thank Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor David Bradford of Muscle Shoals, Mayor Charles Murphy of Robertsdale and Council President 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

*continued on page 16*



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# OPENING SESSION ADDRESS OF THE 2010 LEAGUE CONVENTION

*By Mayor Roy Dobbs, Berry  
Immediate Past President*

What a tremendous honor it is to serve as your League President during the 75<sup>th</sup> Anniversary of *our* outstanding municipal organization!

Mayor Murphy, Mayor Jones, Don Borut, Ladies and Gentlemen, I am humbled to stand before you this morning for the Opening Session of our 2010 annual convention.

While this past year has been a significant personal milestone for me, this convention marks an even more significant accomplishment for The Alabama League of Municipalities. This year we are celebrating seventy-five years of achievement. Seventy-five years of leadership. Seventy-five years of *outstanding municipal representation!* It has truly been a great privilege to serve as your 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 Jones, the hospitality of Mobile has been outstanding and I want to personally thank you, the Mobile City Council and your staff for welcoming us with open arms.

I also want to thank Mayor Charles Murphy of Roberstdale, who has represented us well as our League Vice President this past year. Charles and I have been friends for many years. He's a focused, driven and dedicated mayor and the citizens of Roberstdale are fortunate to have him at the helm.

My tenure as president of the League has certainly deepened my respect for Perry Roquemore and his fine staff. Municipal officials and employees throughout Alabama are supported by a talented, dedicated *team* of seasoned professionals – 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 exceptional – particularly this year as they prepared to honor our organization's 75<sup>th</sup> anniversary. They don't ever seem to slow down and I certainly appreciate their help and support throughout my year as president. Our jobs



as elected officials would be much more difficult if it weren't for their efforts.

The Alabama League of Municipalities was established in May 1935 as a full-time, voluntary association of Alabama's cities and towns. Prior to this date, there was a part-time organization of local officials known as the Alabama Association of Mayors and City Commissioners which was formed at a gathering in Fairfield in 1926. Because the organization had no full-time office or staff, it communicated with its meager membership – which was made up of elected officials rather than municipalities – through the president and secretary-treasurer.

In 1928, a meeting was held in Selma and the name was changed to the

Alabama League of Municipalities to make it an association of *municipalities* rather than one of elected officials. During the 1935 convention in Montgomery, with the assistance of grant funds arranged by the American Municipal Association, the predecessor to the National League of Cities, our current Alabama League of Municipalities was established in the City of Montgomery.

Mayor John Burton of Jasper was elected President of the new organization. He, along with Hon. M.L. Robertson of Cullman and Birmingham City Comptroller C.E. Armstrong, were appointed as a nominating committee to hire the League's first Executive Director.

Acting on the strong recommendation of Governor Bibb Graves, they nominated Ed E. Reid, a dynamic, energetic young man with a background in journalism and government to be the League's full-time Executive Director – a position he would hold for the next 30 years. He was elected during the Montgomery 1935 Convention and, with a membership of 24 cities and towns, the foundation was laid for the extremely successful, often formidable, service organization the Alabama League of Municipalities soon became.

The beginning was far from easy. The year 1935 was a

*continued on page 28*

# Resolutions *continued from page 13*

of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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, AMFund's President, for his 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, 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.

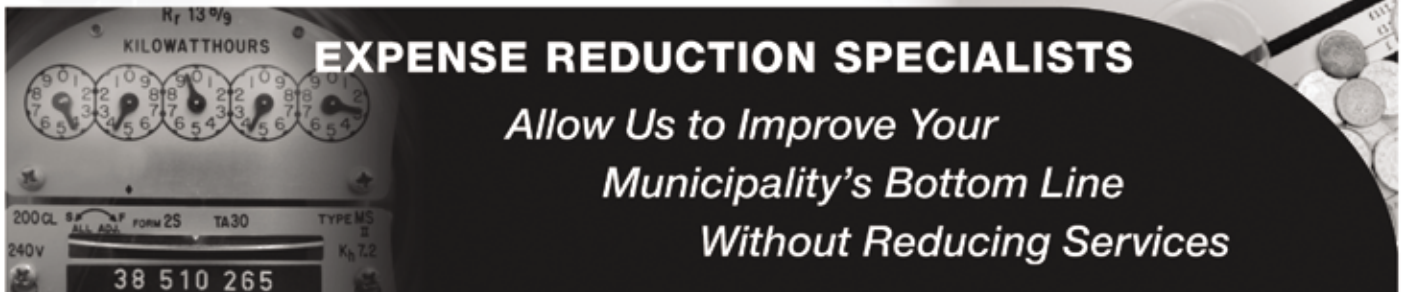
## RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they thank the City of Mobile Police and Fire Color Guard 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 Mobile, Alabama, on this the 18th day of May, 2010, that they thank Shelia Jackson for singing the National Anthem during the Opening Session of this convention.

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**RESOLUTION NO. 27**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do sincerely thank Wilson, Price, Barranco, Blankenship & Billingsley, P.C. for co- sponsoring the Welcome Reception on Saturday night of our convention.

**RESOLUTION NO. 29**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do express their appreciation to the Alabama Municipal Electric Authority for sponsoring the League’s Reception held in the Expo Hall on Sunday night of this convention.

**RESOLUTION NO. 30**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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. 31**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, thank Alabama Municipal Electric Authority; Electric Cities of Alabama; and Tennessee Valley Authority for sponsoring the luncheon on Monday afternoon of this convention.

**RESOLUTION NO. 32**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do sincerely thank Carr, Riggs and Ingram and Merrill Lynch for sponsoring the reception on Monday night of our convention.

**RESOLUTION NO. 33**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank Alabama Power Company for co-sponsoring the entertainment for Monday night of the convention.

**RESOLUTION NO. 34**

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

on this the 18th day of May, 2010, that they do thank the City of Mobile 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do thank Shelia Jackson 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 Mobile, Alabama, on this the 18th day of May, 2010, 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 Mobile, Alabama, on this the 18th day of May, 2010, that they express their deep appreciation to American Traffic Solutions and Sterne, Agee & Leach, Inc. for their sponsorships.

**RESOLUTION NO. 38**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do hereby express their appreciation to the commercial 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: A to Z Muni-Dot Company, AARP, Advanced Disposal, Alabama Cable Telecommunicaions Association, Alabama Employer Support of the Guard & Reserve, Alabama One Call, Alamo Industrial, Allied Waste, Ameresco, Inc., American Traffic Solutions, AMFund, AMIC, Arsenault Association, AT&T, AUM, Auntie Litter, Inc., Badger Meter, BancorpSouth Equipment Finance, Barfield Murphy Shank & Smith, Barge, Waggoner, Sumner & Cannon, Inc., Black Mountain Software, Inc, Blackboard Connect, Bridge & Watson, Bright House networks, Carr, Riggs & Ingram, CB&I Inc., CDG Engineers, CGI Communications, Civic Plus, Clear Water Solutions, Cloud Technologies, Columbia Southern University, CPM Construction Program Management, CXT, Inc., Data Ventures, Dauphin Environmental Equipment, Dixie Decorations, Inc., DMD Engineers, Empire Pipe and Supply, Employers Support of the Guard & Reserves Group, Employment Screening Services, Inc., ESG Operations, GovDeals, Inc, Grasshopper Company, Hammill Recreation, LLC, Harris Corporation, Harris Corporation, Hatch Mott McDonald, Holiday Designs, Holphane Lighting, Honeywell, Hullett, Kellum & McKINNEY, Ingram Equipment, JA Dawson and Company, Jackson Thornton, Jefcoat Recreation and Construction, Johnson & Associates, Inc., Johnson Controls, Judicial Correction Services, Kel-Ar Energy Consulting, LLC, KHA Fra Engineers and Architects, Kidz Zone Play Systems,

Krebs Architecture & Engineering, Kronos Inc., Lasercraft, Local Government Corporation, LossControl, Mauldin & Jenkins CPA, LLC, Municipal Code, mccInnovations & mccAdvantage, Municipal Revenue Services, Municipal Worker's Compensation Fund, Musco Sports Lighting, NAFECO, National League of Cities, Playscapes of Alabama, PMT Publishing, Polyengineering, Premirus, Provident Agency, RDS, Reflex Traffic Systems Inc., Roll Call Pro, Sansom Equipment, Schwarze Industries Inc., Sentell Engineering, Severn Trent Services, Slaughter & Associates, SMW Engineering, Southern Playgrounds, Star Recycling, Sternberg Lighting, Sunbelt Fire, Tank Pro, Inc., Tennant Company, Thompson Tractor, TriNovus, Tyler Technologies, UA Assurance, Universal Concepts, US Bank Corporate Trust Services, USDA Rural Development, Utility Cost Analysts, Utility Engineering Consultants, Inc., Utility Service Co, Inc., Veolia Environmental Services, Volkert, Inc., Wachovia Bank / Wells Fargo, Waste Pro of Alabama, Wilson Price CPAs & Consultants and Woodard and Curran.

**RESOLUTION NO. 39**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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 Attorney General's office of Consumer Affairs, AL City/County Management

Assoc., AL Dept. of Environmental Management, Alabama Association of Municipal Clerks, Alabama Clean Fuels Coalition, Alabama Cooperative Extension System, Alabama Correctional Industries, Alabama Dept. of Agriculture and Industries, Alabama Emergency Management Agency, Alabama Recreation and Parks and Association, Alabama Surplus Property, Alabama Tourism Department, ALL Kids, Center for Governmental Services, Design Alabama, Inc., RSA and the State Employees Insurance Board.

**RESOLUTION NO. 40**

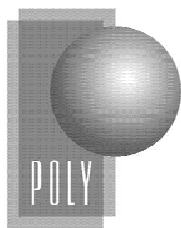
BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they sincerely thank Walker360 and the Municipal Revenue Service for their golf tournament sponsorships.

**RESOLUTION NO. 41**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the members of the 2009-2010 Executive Committee for their expertise, advice and assistance regarding League operations.

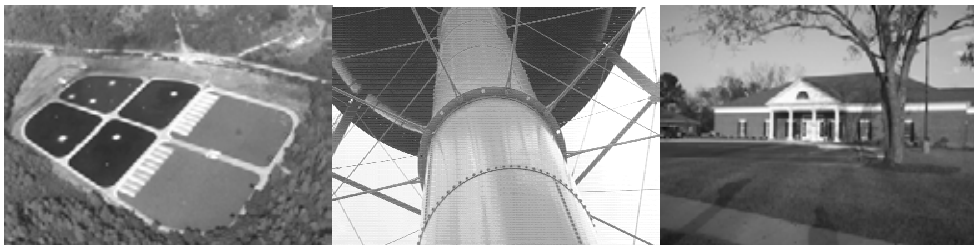
**RESOLUTION NO. 42**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do thank ABC-LEO for



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

hosting a 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do thank the Kings of Swing for playing at the 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 Mobile, Alabama, on this the 18th day of May, 2010, that they do thank Goodwyn, Mills & Cawood for sponsoring the hospitality room on Sunday and Monday nights of the convention.

**RESOLUTION NO. 45**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, 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. 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 Mobile, Alabama, on this the 18th day of May, 2010, 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, on average more than 1,600 legislative proposals are introduced each regular session of the Alabama Legislature;

and

WHEREAS, the League monitors all legislative proposals supported by special interest groups having both positive and negative effects on municipal governments; and

WHEREAS, the League supports its own legislative package of proposals each session; and

WHEREAS, it takes tremendous resources and team work to combat special interests from winning legislative approval of proposals detrimental to municipal governments; and

WHEREAS, the League scheduled weekly meetings during the 2010 Regular Session of the Alabama Legislature to include lobbyists representing municipal interests in an effort to facilitate cooperation, communication and advocacy on behalf of Alabama's municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that Hal Bloom, Martin Christie, Beth Marietta Lyons, Greg Jones and Joe Vallely be recognized for their tireless efforts and assistance to the League during the 2010 Regular Session of the Alabama Legislature; and

BE IT FURTHER RESOLVED that we do also hereby recognize the invaluable work they provide to our League and the municipal governments they serve.

**RESOLUTION NO. 48**

WHEREAS, Congress is close to enacting legislation that would make federal funding available for the creation of jobs; and

WHEREAS, this legislation should focus on municipal job creation to assist employment at the municipal level; and

WHEREAS, municipal governments are in the best position to impact the local job markets with decisions on job creation;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that we do hereby urge the Alabama Congressional delegation to support any federal legislation that provides federal funding with municipal government's job creation; and

BE IT FURTHER RESOLVED that we do also hereby urge the Alabama Congressional delegation to support federal legislation that would provide assistance to municipal governments with main street funding.

**RESOLUTION NO. 49**

WHEREAS, the National Guard and Reserves are essential to the strength of our nation and the well-being of our communities; and

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession; and

WHEREAS, these men and women train to respond to their community and their country in a time of need, regardless of the circumstances; and

WHEREAS, these selfless individuals deserve the support of every segment of our society and increased public understanding is required of the essential role of the Guard and Reserve in

*continued on page 25*



# 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

**Contracts:** A city failed to provide a contractor with sufficient notice of default and an opportunity to cure non-performance before terminating a contract for construction of a reactor basin on a wastewater treatment plant, and, thus, the city's termination was a breach relieving the contractor of any further duty under the contract. The project manager's letter, stating that the contractor's failure to provide a requested schedule of completion within ten days "will be grounds for finding" a default by the contractor, was not itself notice of default. *Board of Water & Sewer Com'rs of City of Mobile v. Bill Harbert Const. Co.*, 27 So.3d 1223 (Ala.2009)

**Courts:** Although a non-indigent defendant may waive his right to counsel by appearing at a proceeding after having been afforded a reasonable opportunity to retain counsel, the same action on the part of an indigent defendant who has refused appointed counsel does not constitute an implied waiver. Determination of whether, under the totality of the circumstances, a non-indigent defendant knowingly, intelligently, and voluntarily waived his right to counsel by terminating the services of his attorneys a week before trial and appearing at trial unrepresented would include consideration of whether the defendant was attempting to delay or manipulate the proceedings and whether the trial judge had warned the defendant about the potential consequences of appearing at trial unrepresented. *Ex parte State*, 27 So.3d 582 (Ala.2008)

**Courts:** A defendant's guilty pleas were invalid where the court failed to inform the defendant that his sentences could be ordered to run consecutively. *Hatfield v. State*, 29 So.3d 241 (Ala.Crim.App.2009)

**DUI:** The Circuit Court lacked jurisdiction to sentence a defendant for felony DUI using a municipal DUI conviction for purposes of sentence enhancement. *Nelson v. State*, 28 So.3d 816 (Ala.Crim.App.2009)

**Elections:** The Circuit Court lacked subject matter jurisdiction to entertain an election contest from a municipal general election in a multi-candidate field when no candidate secured a majority of votes cast. A runoff election must first be held so that a person can be "declared elected" before a contest will lie, with the anomalous result that a potentially unnecessary runoff will be held. *Smith v. Burkhalter*, 28 So.3d 730 (Ala.2009)

**Searches and Seizures:** An officer did not exceed the permissible scope of a vehicle stop by asking a suspect, whom he reasonably believed to be armed, to raise his shirt. The officer was not attempting to conduct a full-blown search nor did he exceed the boundaries of a typical stop-and-frisk situation, he simply gave the suspect another manner by which the suspect could demonstrate that he was not carrying a weapon. *B.A.H. v. State*, 28 So.3d 29 (Ala. Crim.App.2009)

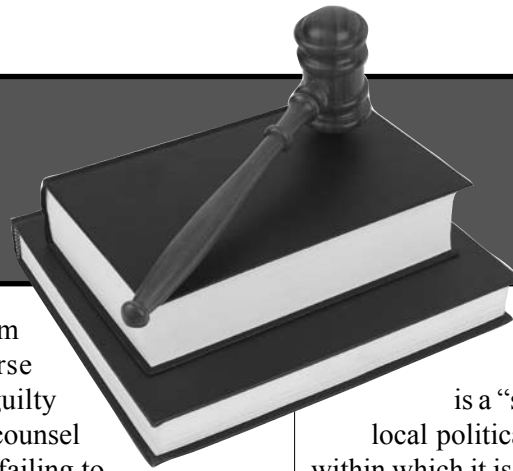
**Searches and Seizures:** A defendant's attempt to avoid a driver's license checkpoint provided reasonable suspicion justifying a stop and frisk. *State v. White*, 28 So.3d 827 (Ala. Crim.App.2009)

**Tobacco:** An ordinance banning smoking in bars was not in conflict with Clean Indoor Air Act which exempted bars and lounges but authorized additional forums to smoking prohibition. An ordinance which merely enlarges upon the provisions of the statute on the subject by the requirement of more restrictions than the statute requires creates no conflict unless the statute limits the requirement for all cases to its own prescription. *Gann v. City of Gulf Shores*, 29 So.3d 244 (Ala.Crim.App.2009)

**Tort Liability:** A pedestrian failed to establish that a city board caused or had knowledge of a hazard created by an uncovered water meter hole. Evidence submitted by the pedestrian, who stepped into an uncovered hole containing a water meter, was not sufficient to show that the agents, servants, or employees of the city board of water and sewer commissioners had created the hazard or that they had actual or constructive knowledge that the hole was uncovered before pedestrian stepped into it. *Gooden v. Board of Water and Sewer Com'rs of City of Mobile*, 26 So.3d 1246 (Ala. Civ.App.2009)

## UNITED STATES COURT DECISIONS AFFECTING ALABAMA

**Courts:** A criminal defense attorney has a duty under



the Sixth Amendment to inform a noncitizen client of the adverse immigration consequences of a guilty plea. A defendant's claim that his counsel provided ineffective assistance by failing to advise him that his guilty plea could result in deportation was subject to the "Strickland" ineffective assistance test, not only to the extent that he alleged affirmative bad advice, but also to the extent that he alleged omissions by counsel. *Padilla v. Kentucky*, 130 S.Ct. 1473 (U.S.2010)

**First Amendment:** A statute criminalizing the commercial creation, sale, or possession of depictions of animal cruelty regulated expression based on content, and thus, the statute was presumptively invalid under the First Amendment, and the Government had the burden of rebutting that presumption. *U.S. v. Stevens*, --- S.Ct. ---, 2010 WL 1540082 (U.S.2010)

**Immigration:** If an employer hires 10 or more illegal aliens with knowledge that they are unauthorized aliens who have been illegally brought into this country, the employer may be fined, sentenced to as much as five years in prison, or both, under the Racketeer Influenced and Corrupt Organizations Act (RICO). *Edwards v. Prime, Inc.*, --- F.3d ---, 2010 WL 1404280 (11<sup>th</sup> Cir.2010)

#### DECISIONS FROM OTHER JURISDICTIONS

**Zoning:** Local governments may limit the location of adult entertainment establishments in order to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial districts, and the quality of urban life, but not to suppress the expression of unpopular views. If a zoning ordinance serves a substantial governmental interest and allows for reasonable alternative avenues of communication, the First Amendment is satisfied. *TJS of New York, Inc. v. Town of Smithtown*, 598 F.3d 17 (2<sup>nd</sup> Cir.2010)

#### ATTORNEY GENERAL'S OPINIONS

**Competitive Bid Law:** An agreement for the naming rights of facilities of a separately incorporated board or authority is not subject to the competitive bid law. The granting of an exclusive contract or a franchise that does not comply with the competitive bid law constitutes an exclusive grant of special privileges in violation of Section

22, Alabama Constitution of 1901, however a separately incorporated board is a "separate entity from the state and from any local political subdivision, including a city or county within which it is organized" and therefore, it is "not one of the governmental entities within the contemplation of the prohibition of Section 22 of our State Constitution." AGO 2010-054

**Elections:** The wording "last preceding general election of the municipality," as used in section 28-2A-1(b) of the Code of Alabama, refers to the general election in cities and towns usually held on the fourth Tuesday in August. The provisions of sections 28-2A-1(e) and 28-2A-3 of the Code of Alabama, as amended, require that the municipal option election encompass the entire city limits, even when crossing county lines. Section 28-2A-1(e) of the Code of Alabama requires that the entire city limits come into compliance with

*continued next page*

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## *Legal Clearinghouse continued from previous page*

the results of a municipal option election. All of the qualified electors of a city which lies in one or more counties should be allowed to vote in a special municipal option election. AGO 2010-058

**Fire Districts:** An action to enforce a lien for unpaid fire dues by a Fire District is subject to a twenty-year statute of limitations. AGO 2010-056

**Insurance:** The provisions of section 36-29-14(f) of the Code of Alabama requiring a six-month notice of withdrawal and the payment of claims incurred prior to the date of withdrawal apply to the request of a local Library Board for withdrawal from the Local Government Health Insurance Program. AGO 2010-057

**Licenses and Business Regulations:** Whether to issue a business license is a factual determination that may only be made by the city. Under section 11-51-90.2(c)(1) of the Code of Alabama, a city may amend its business license classification ordinance for a business not specifically classified by creating a subcategory within a classification applying generally to that business. AGO 2010-059

### **ETHICS COMMISSION ADVISORY OPINIONS**

**AO No. 2010-04:** A member of the Bessemer City Council, who was indicted and prosecuted in her official capacity for violating the Alabama Ethics Law, but who was acquitted of the charges, may not seek reimbursement for

payment of her attorneys' fees, expert fees and other fees by the City of Bessemer, as there is no proper corporate interest involved on the part of the City of Bessemer.

**AO No. 2010-05:** An appointed member of a municipal agency, board or commission may not represent clients before the municipal agency, board or commission on which he or she serves, regardless of whether he or she recuses himself or herself. The employer of a member of a municipal agency, board or commission may represent clients before the municipal agency, board or commission on which that employee serves; provided, the member recuses himself or herself from all activities relating to that matter, including but not limited to voting, attempting to influence or in any manner participating in the issue. For a period of two years after their term expires, former members of a municipal agency, board or commission may not represent clients, including their employer, before the municipal agency, board or commission on which they served. For purposes of the Alabama Ethics Law, it does not matter whether an individual appointed to serve on a municipal agency, board or commission is compensated for that service for the provisions of the Ethics Law to apply. A member of a municipal agency, board or commission may not use his or her position as a member of that municipal agency, board or commission to solicit clients without violating the Alabama Ethics Law.



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# *Resolutions* continued from page 19

persevering our national security;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that we do hereby urge all employers to fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA) so managers and supervisors will have the necessary tools to effectively manage those employees who serve in the Guard and Reserve.

BE IT FURTHER RESOLVED that we do also hereby urge employers to continually recognize and support our country's service members and their families in peace, in crisis and in war.

## **RESOLUTION NO. 50**

WHEREAS the Alabama League of Municipalities was organized in 1935 and has served for 75 years as the recognized voice of Alabama's cities and towns; and

WHEREAS, through the years, the League has grown steadily and now serves more than 440 member municipalities; and

WHEREAS, this voluntary membership brings officials of cities and towns together in a fellowship of public service which strengthens and guides local government in a progressive, responsible fashion; and

WHEREAS, the League conducts continuing studies of the legislative, administrative and operational needs, problems and functions of Alabama's municipal governments; holds conferences and meetings at which views and experiences of officials may be exchanged; encourages in the people of Alabama a sympathetic appreciation of the duties, responsibilities and rights of both municipal government and the citizen; and works to secure enactment of legislation which will enable all cities and towns to perform their functions more efficiently and effectively; and

WHEREAS, the League continually strives to promote the understanding and importance of municipal government and administration, thereby advancing the welfare of the people of Alabama; and

WHEREAS, the League has benefited from outstanding leadership and talented, dedicated staff members who work tirelessly to service Alabama's cities and towns while continually moving the organization forward;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that we do hereby commend the Alabama League of Municipalities on its 75<sup>th</sup> Anniversary and praise the leadership that has made it a membership organization second to none.

## **RESOLUTION NO. 51**

WHEREAS, House Speaker Seth Hammett has announced his retirement from elected office after 32 years of outstanding and commendable service to the people of Alabama; and

WHEREAS, Speaker Hammett has been the presiding officer of the Alabama House of Representatives for the past 12 years where

he consistently demonstrated leadership through a willingness to be fair and work with both political parties for the good of the State; and

WHEREAS, Speaker Hammett has been a long-time advocate of municipal government and its critical role in the success and wellbeing of Alabama's cities and towns;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that we do hereby applaud Speaker Seth Hammett's outstanding leadership, work ethic and proven professionalism and extend our sincere and grateful appreciation for his dedicated service to the people of Alabama.

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

## **RESOLUTION NO. 52**

WHEREAS, Roy Dobbs, Mayor of Berry, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Dobbs' 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 Dobbs' years of unselfish service and untiring efforts to promote the programs, projects and philosophy of the League;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do recognize and commend Mayor Dobbs 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. 53**

WHEREAS, Guthrie Smith, former mayor of Fayette, Alabama, faithfully served his community and its citizens for 44 consecutive years as an elected official from 1948 until his retirement in 1992; and

WHEREAS, Mayor Smith was elected by his municipal colleagues from the State of Alabama to serve as President of the Alabama League of Municipalities from 1965 to 1966; and

WHEREAS, during Mayor Smith's tenure in office he worked closely with all three League Executive Directors – Ed Reid, John Watkins and Perry Roquemore; and

WHEREAS, on May 2, 1992, Mayor Smith was invited to speak during the Opening Session of the Annual Convention of the Alabama League of Municipalities where he delivered his inspirational speech "We Must Move with the Tides of Change"; and

*continued next page*

# *Resolutions continued from previous page*

WHEREAS, on May 14, 1992, U.S. Senator Howell Heflin, who had heard Mayor Smith's speech at the League Convention, made the following remarks concerning the speech on the floor of the U.S. Senate: "His address to that body on May 2, 1992, in my judgment, is one of the most impressive statements about government I have ever read. While it is directed toward local government, many of his thoughts are applicable to Federal and State governments. Therefore, I ask unanimous consent that his speech, "We Must Move with the Tides of Change," be printed in the CONGRESSIONAL RECORD in order that all Members of this body and all readers of the CONGRESSIONAL RECORD will have an opportunity to share the wisdom of a great leader in government."; and

WHEREAS, Mayor Smith's speech continues to serve as a source of inspiration and was reprinted in the Alabama League of Municipalities' 75<sup>th</sup> Anniversary historical publication distributed at the 2010 Annual Convention in Mobile, Alabama; and

WHEREAS, after his tenure in office Mayor Smith continued to serve as a resource and mentor to the League staff as well as officials from cities and towns throughout the state; and

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

WHEREAS, Mayor Smith passed away on May 7, 2010, just a few months short of his 98<sup>th</sup> birthday;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do memorialize Mayor Guthrie Smith and pay tribute to the many years of dedicated service he gave to the City of Fayette 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. 54**

WHEREAS, Nina Miglionico, former Council President of Birmingham, Alabama, faithfully served her community and its citizens for 22 years as an elected official from 1963 until 1985; and

WHEREAS, Ms. Miglionico was elected by her municipal colleagues from the State of Alabama to serve as the first female President of the Alabama League of Municipalities from 1981 to 1982; and

WHEREAS, Ms. Miglionico was the first woman elected to Birmingham's city government and was the first woman to serve as Council President; and

WHEREAS, Ms. Miglionico was a lifelong Birmingham resident and earned her law degree from the Alabama School of Law in 1936 to become one of the first female lawyers in the state; and

WHEREAS, Ms. Miglionico is thought to be the first woman in Alabama to have established her own firm and, with 73 years of service, held the unique distinction of being the longest practicing female attorney in the history of the State of Alabama; and

WHEREAS, Council President Miglionico's belief in hard work and caring service to her community and its citizens were her guiding principles; and

WHEREAS, Ms. Miglionico passed away on May 6, 2009, at age 95;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they do memorialize Council President Nina Miglionico and pay tribute to the many years of dedicated service she gave to the City of Birmingham and the Alabama League of Municipalities. Her devotion to municipal government and her friendship will be missed by her colleagues throughout the state.

## **RESOLUTION NO. 55**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 18th day of May, 2010, that they memorialize the following persons who have died in office since our last convention, namely: Charles W. Harben, councilmember and former mayor, Saraland; James T. Johnston, mayor, Crossville; Geraldine Allen, council president, Selma; Enola Holley, councilmember, Jackson; and Luise Hardman, former clerk, Alexander City.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Nina Miglionico, former council president, Birmingham; Perry Ray, former mayor, Dodge City; B.D. Kimbrough, former mayor, Muscle Shoals; Roy Drake, former councilmember, Gardendale; H.B. Thompson, former councilmember, Gardendale; Raynova Bernabe Burck, former councilmember, Riverside; Douglass "Doug" Goss, former councilmember, Piedmont City; Robert Allen Tinnon, former mayor, Athens; Cecil R. Crews, former mayor, Centreville; Robert L. Wilson, former councilmember, Georgiana; Jane Keenum, former mayor, Southside; Danny Hicks, former mayor, Oneonta; Major General Ivan R. Smith, former mayor, Childersburg; Gene Mayhall, former mayor, Hokes Bluff; Rex Wright, former mayor, Guin; S.P. Hudson, former mayor, Grove Hill; Vic Foster, former mayor, West Blocton; Anne H. Farish, former mayor, Monroeville; Mervin T. Huff, former councilmember, Brewton; Dr. Joseph R. Benson, former councilmember, Wetumpka; James Vann, former councilmember Uniontown; Lee "Pete" McGriff, former mayor Mountain Brook; William "Bell" Given, Jr., former mayor, Mountain Brook; Thomas "Tom" Phillips, former councilmember, New Hope; former councilmember Denton Nichols, Ashland; Wyatt Finch, former councilmember, Valley; Woodrow Raines, former councilmember, Centre; Orven Clayton, former councilmember, Graysville; Franklin Myers, former mayor, Dutton; Nash Nelson, former councilmember, Glen Allen; Howard Kennedy, former mayor, York; Victor Guarisco, former mayor, Daphne; and Guthrie Smith, former mayor, Fayette.

# Director's Report *continued from page 7*

served on our committees this year for their valuable input. 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 San Antonio, Texas. Mayor Jim Byard, Jr. of Prattville is currently serving on his second year of a two-year term on the NLC Board of Directors. At the NLC Congressional-City Conference in Washington, D.C. in March, the Alabama delegation consisted of approximately 200 municipal officials and spouses. Mayors Leon Smith of Oxford, Ted Jennings of Brewton, and Councilmember Debbie Quinn of Fairhope continue to serve on the NLC Advisory Committee. Councilmember David Hooks of Homewood serves as Vice Chair of the NLC FAIR 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 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 2009-2010 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. In addition to the previously mentioned videos on our League's history, our staff also produced the video shown Monday

morning honoring our League 2010 Quality of Life 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 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.

## **Legislative Program**

The 2010 Regular Session ended on April 22, 2010. The League Committee on State and Federal Legislation met on December 4 and adopted an ambitious League Legislative Package for the 2010 Regular Session. I am happy to report that four measures in this package received final passage:

**Appropriation for Wastewater Treatment SRF – HB290** by Rep. Knight: In the late 1980's, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The General Fund Budget contained \$428,640 in additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program. ACT 2010-553

*continued next page*



**Municipal Election Amendments** – HB161 by Rep. Hinshaw: This League bill relates to municipal elections; to amend Sections 11-46-25, 11-46-27, 11-46-39, 11-46-44, 11-46-45, 11-46-46, 11-46-50, 11-46-55.1, 11-46-55, 11-46-57, 11-46-58, and 11-46-67, Code of Alabama 1975, to further provide for the affidavit relating to the statement of candidacy by candidates for municipal office; to further provide for the appointment of election officers; to delete the provisions relating to the voting of challenged ballots and certain offenses related to thereto; to provide for the voting of provisional ballots of a person's name is not on the voter list used at an election; to further provide for recount procedures; to provide for the canvassing of returns; to provide that the town or city clerk would perform duties relating to absentee ballots and to delete references to registers; to amend Sections 17-7-25, 17-11-14, and 17-11-15, Code of Alabama 1975, relating to elections, to provide that procedures relating to electronic vote counting systems would apply to municipal elections if practicable and to delete certain references to municipal elections held separate from primary or general elections. ACT 2010-687

**Corrections Fund** – HB437 by Rep. Grimes: To amend Section 11-47-7.1 of the Code of Alabama 1975, authorizing municipalities to levy and assess additional court costs in the municipal courts for the operation and maintenance of the municipal jails and similar facilities or court complexes, to specify that the funds may be used for the purchase of land and for the construction and equipment of the facilities; and to provide for retroactive effect. ACT 2010-586

**Absentee Municipal Officials** – SB395 by Sen. Smith: This League bill would provide that certain municipal officials who miss all council or commission meetings under certain conditions would be removed from office by operation of law; to provide for a record of attendance by municipal officials at council or commission meetings even where a quorum is not present; and to provide for an exception for military service as well as reinstatement based on extenuating circumstances as approved by a majority vote of the council or commission. ACT 2010-611

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 15 years. Since the program began, we have had 3391 officials participate in the program. As of last week, 859 officials have obtained the required 40 credit hours of training for Basic CMO certification and 395 officials have earned their Advanced CMO designation. At this Convention, additional officials will earn their Basic and Advanced CMOs. The names of the 2010 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 web site 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](http://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 9,000 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**

Extremely competent 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. These extremely competent people provide excellent service our members on a daily basis. Please join me in thanking the best League staff in America for a job well done.

### **Looking Ahead**

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. We all enjoy the fruits of our League's first 75 years. One can only imagine what the next 75 years will bring.

In closing, I want to thank all of our municipal officials who have participated in League activities during the past year. I also want to express thanks to your President, Vice President and the other leaders of this League for their continuing hard work on your behalf. 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! ■

# Final Report on the 2010 Regular Session

The Alabama Legislature completed its 2010 Regular Session on Thursday, April 22, 2010. This year, 1425 bills were introduced and 298 bills received final passage. By comparison, in 2009, 1622 bills were introduced and 415 received final passage.

## Final Status of the League Legislative Package

**Appropriation for Wastewater Treatment SRF – HB290** by Rep. Knight: In the late 1980's, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF). The purpose of the SRF was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment projects. The General Fund Budget contained \$428,640 in additional matching funds from the legislature to continue Alabama's nationally recognized Wastewater Treatment SRF program. ACT 2010-553

**Municipal Election Amendments – HB161** by Rep. Hinshaw: This League bill relates to municipal elections; to amend Sections 11-46-25, 11-46-27, 11-46-39, 11-46-44, 11-46-45, 11-46-46, 11-46-50, 11-46-55.1, 11-46-55, 11-46-57, 11-46-58, and 11-46-67, Code of Alabama 1975, to further provide for the affidavit relating to the statement of candidacy by candidates for municipal office; to further provide for the appointment of election officers; to delete the provisions relating to the voting of challenged ballots and certain offenses related to thereto; to provide for the voting of provisional ballots of a person's name is not on the voter list used at an election; to further provide for recount procedures; to provide for the canvassing of returns; to provide that the town or city clerk would perform duties relating to absentee ballots and to delete references to registers; to amend Sections 17-7-25, 17-11-14, and 17-11-15, Code of Alabama 1975, relating to elections, to provide that procedures relating to electronic vote counting systems would apply to municipal elections if practicable and to delete certain references to municipal elections held separate from primary or general elections. ACT 2010-687

**Competitive Bid Law – GSA Prices – HB382** by Williams (J): This League bill would amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 2009-760, 2009 Regular Session, (Acts 2009, p. 2249), relating to the Competitive Bid Law, to allow local governments to purchase goods and services through vendors with a current and valid contract with the Government Services Administration without further competitive bidding. **POCKET VETO**

**Corrections Fund – HB437** by Rep. Grimes: To amend Section 11-47-7.1 of the Code of Alabama 1975, authorizing municipalities to levy and assess additional court costs in the municipal courts for the operation and maintenance of the municipal jails and similar facilities or court complexes, to specify that the funds may be used for the purchase of land and for the construction and equipment of the facilities; and to provide for retroactive effect. ACT 2010-586

**Absentee Municipal Officials – SB395** by Sen. Smith: This League bill would provide that certain municipal officials who miss all council or commission meetings under certain conditions would be removed from office by operation of law; to provide for a record of attendance by municipal officials at council or commission

meetings even where a quorum is not present; and to provide for an exception for military service as well as reinstatement based on extenuating circumstances as approved by a majority vote of the council or commission. ACT 2010-611

The League wishes to thank the following persons for sponsoring League bills this session: Representatives David Grimes, John Knight, Randy Hinshaw, Rod Scott, Jack Page, Marcel Black, Chris England, Jack Williams, Cam Ward, Bill Dukes, Jeff McLaughlin and Senators Quinton Ross, Zeb Little, Ted Little, Linda Coleman, Steve French, Hari Ann Smith, Jabo Waggoner, Mark Keahey, Larry Means, Rodger Smitherman, and Roger Bedford.

## Final Status of Bills with a Negative Impact on Cities and Towns

There were a number of bills introduced this session that would have had a negative impact on municipalities had they received final passage. Bills in this category that died this session included legislation to require municipalities to collectively bargain with their employees, to exempt over-the-counter drugs from sales tax, to cap sales tax on weapons and ammunition, to prohibit all occupation taxes statewide, to prohibit municipal regulation of fertilizer, to propose an initiative procedure for city ordinances, to make it permissive to take municipal sales taxes off of groceries, to increase the homestead exemption, to regulate law officer internal investigations, to drastically reduce business licenses derived from the sale of prescription drugs, to allow many dilapidated billboards to be replaced when destroyed, and to establish that public officials present copies of requested public records within 5 business days. We can expect to see many of these bills reintroduced next session.

## General Bills of Interest to Municipalities that Passed

**TVA In-Lieu-of-Taxes Payments – HB44** by Rep. McLaughlin: To amend Section 40-28-2, Code of Alabama 1975, relating to the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, to provide for the redistribution of the payments; and to reallocate certain liquor tax revenues. ACT 2010-135

**Fire Department License Plates – HB62** by Rep. Wood: To amend Section 40-12-250, Code of Alabama 1975, to provide for the determination of the registration fees for governmental and volunteer fire department license plates by the Department of Revenue; to provide that the fees may not exceed the fees required for standard passenger license plates as provided for in Sections 40-12-242 and 40-12-273, Code of Alabama 1975; to provide for an issuance fee in the amount as provided for in Section 40-12-271; to specify that governmental and volunteer fire department license plates may be transferred to another vehicle upon certain conditions being met; to provide for the replacement of license plates; to provide that all fees associated with governmental and volunteer fire department license plates would be retained by the Department of Revenue to cover the costs to administer the law. ACT 2010-689

**Graduated Driver's Licenses – HB65** by Rep. Gipson: To  
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# Opening Session Address *continued from page 15*

time when Alabama, like the rest of the nation, was trying to fight its way out of the Great Depression. Unemployment was the rule rather than the exception. Municipalities had kept services going on borrowed money and were heavily in debt.

Sources of revenue were scarce and pay scales for municipal employees were pathetically inadequate. There was a tremendous need to increase revenue for cities and towns; a need to revise the municipal borrowing powers; a need to enable cities and towns to engage in projects that would improve the economic climate and provide for the health of local communities.

There was also a need to unshackle local governing bodies so they could actively participate in the recovery that President Roosevelt and the Congress were stimulating through special public works programs. The League played an important role in moving municipalities forward during a critical time in early 20th century history.

Following Ed Reid's untimely death from cancer in 1965, Staff Attorney John Watkins, who was hired in 1956, became the League's second executive director. Many landmark pieces of legislation for the betterment of Alabama cities and towns were passed during his years as director. In addition, he was responsible for the creation of several critical League member programs, including the highly successful Municipal Workers Compensation Fund.

It was during Watkins' tenure that the League acquired property on Adams Avenue in Montgomery, a block from the State Capitol, and built a new headquarters building. The original building, which opened in 1970, was expanded in 1990 and continues to serve League members today.

John Watkins retired in May 1986 at which time Staff Attorney Perry C. Roquemore, Jr., who had been with the League for 12 years, was named executive director. Under Perry's leadership, additional League member programs have been created, including the Alabama Municipal Insurance Corporation, the Alabama Municipal Funding Corporation and the extremely popular Certified Municipal Official (CMO) program, which was only the second such program in the country when it was established in 1994. In addition, a Loss Control Department was developed, the League headquarters building was expanded and the League staff tripled.

The League's founding fathers courageously pursued their goal to empower municipal government during a formative time in Alabama's history. Seventy-five years later, the Alabama League of Municipalities remains unwavering in this goal – continuing to enable local government to promote the welfare of our citizens and serve *all* the people of our great state.

In 1992, my dear friend and mentor, former League president and former mayor of Fayette for more than 40 years, Guthrie Smith, addressed delegates during the League's opening session. Sadly, Guthrie passed away just over a week ago on May 7<sup>th</sup>, a few months shy of his 98<sup>th</sup> birthday, and Alabama lost a great man who truly understood the importance of local government. Guthrie was nearly 80 when he delivered his speech at the 1992 Convention titled "We Must Move with the Tides of Change". His words were so inspiring that then-Senator Howell Heflin had Guthrie's speech reprinted in the *Congressional Record*. A copy of the entire speech can also be found in the special anniversary publication each delegate received when you picked up your registration materials.

Today, at the League's 75<sup>th</sup> Anniversary convention, it seems extremely appropriate to share a few excerpts with you from Guthrie's moving and inspirational speech – thoughts and observations that remain as timely and as important as they were nearly 20 years ago:

*You, in this audience, have the honor to have been chosen to serve in a leadership and decision-making capacity. I challenge you to live up to your responsibility and duty. Don't be afraid to chart a course of progress and development. Be sure the need is worthwhile – explain that need – never fear to ask for the money, and then spend it wisely. As long as the taxpayers see genuine benefit from their taxes, and we act responsibly, we can survive.*

*As public officials we have no political axes to grind. Constant political battles are sure to ultimately hinder our effectiveness. We must concentrate on services to be provided; facilities to be maintained and rebuilt; and the long list of daily problems to be solved which, if not met, could make a farce of democratic freedom.*

*Our democracy is a challenge. It is a challenge to all of us – and not just to all of us **some** of the time. If we are to maintain, enjoy and develop our democratic system, we must meet this challenge. We simply must work to make democracy work, to make democracy live.*

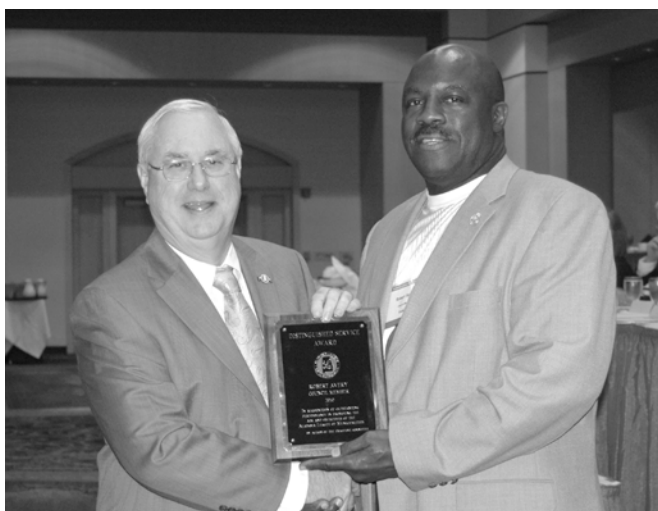
*Democracy in the United States involves more than government by the people through elected representatives. In a very real sense, our democracy is government by public opinion. It is obvious that government by public opinion works best when the opinions held by the public are informed opinions. Therefore, it is our duty to keep ourselves informed on public affairs. Keeping informed is not always an easy task, but it is an essential one. Corrupt political machines and selfish interests breed on public indifference. Democracy flourishes with citizen interest and enlightenment.*

*I do not doubt that our Nation is entering a new era.*  
*continued page 31*

# DISTINGUISHED SERVICE AWARDS PRESENTED MAY 18

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 19 awards were announced during the President's Luncheon at the League Convention in Mobile. Pictured below are the recipients of the 2010 Distinguished Service Awards.

## 20-Year Service Awards



*Robert Avery  
Councilmember, Gadsden*



*Hal Bloom  
ALM Legislative Liaison*



*William Jordan  
Mayor, Fort Payne*

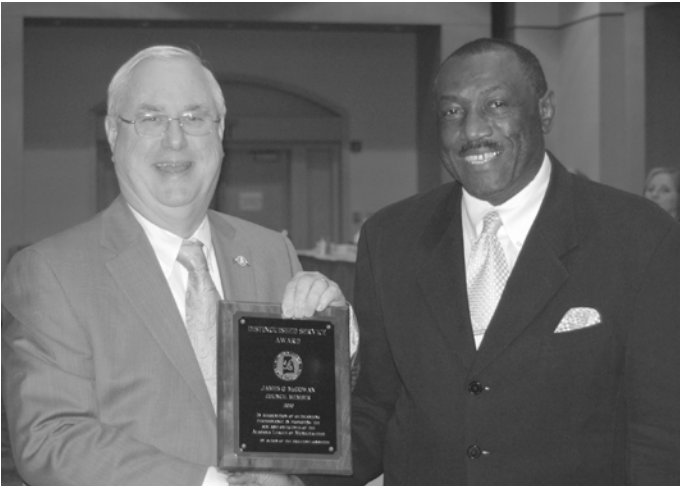


*Rebecca Leavings  
Municipal Clerk, Vestavia Hills*

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## 20-Year Service Awards



*James McGowan  
Councilmember, Pell City*



*Jimmy Slay  
Councilmember, Littleville*

## 30-Year Service Award



*Mary Lee Tucker  
Municipal Clerk, Centre*



*Charles Meeks  
Councilmember, Troy*

## 30-Year Service Awards



*Lynnette Odgen  
Municipal Clerk, Millport*



*Lew Watson  
Mayor, Lincoln*

## 40-Year-Service Award



*Sonny Penhale  
Mayor, Helena*

### Recipients Unable to Attend Convention

#### 40 Year Service Award

- Mayor James B. Grant, Louisville

#### 30 Year Service Awards

- Councilmember Roberta T. Jordan, Pine Hill
- Municipal Clerk Donna H. Gainey, Bayou La Batre

#### 20 Year Service Awards

- Councilmember Frank Cotten, Brewton
- Councilmember Glenn Chandler, Centre
- Councilmember Thomas E. Crossley, Louisville
- Councilmember Ray Weston, Louisville
- Municipal Attorney William Short, Jr., Sylvan Springs

## Opening Session Address continued from page 28

*Particularly is this true in Alabama. Whether the future, which really begins tomorrow, finds us morally spiritually and culturally better off – whether we guide our towns and cities in their growth along planned lines of dignity and decency – depends upon the quality of leadership we exert **now**, in each and every local community.*

*We face problems right now in the conduct of even our small communities that require the same shrewd management, the same mature thinking and planning, the same vision, the same courageous leadership as in business. There is also the need for informing, teaching, and leading all citizens to support quality leadership at the polls. Business does not put its operations in the charge of people who can provide the tastiest barbecue, or think up the fanciest words on a platform. Business seeks those of proven ability to enlarge the operations and put black ink on the operating statement. It seeks those with the wisdom to see opportunities ahead; to keep abreast of the times; and to be ready for changes that are sure to come.*

*Our modern communities are facing important changes, important challenges, and even possible dangers that are inherent in growth. We cannot meet these problems without discarding our old fashioned, worn-out approach to local politics and local government. The leading citizens of every city and town, the best minds, those who once tended to think*

*of local politics as a necessary evil, must begin to involve themselves in the affairs of their communities and view their involvement as the highest type of personal challenge and responsibility. We, as public officials, must set the example for all to follow.*

***We must move with the tides of change or risk municipal decay.***

Ladies and Gentleman, we are *blessed* to have an organization such as the Alabama League of Municipalities to protect our interests at the Legislature; to educate us through special training programs; to provide us with timely, important information; and to give us legal advice on the many challenges we face daily. Our League has accomplished many great things throughout its 75-year history. And through our *united* efforts, this list of accomplishments will continue to grow.

I'll close by thanking the members of the Berry Town Council and all my 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 and **Happy 75th Anniversary to our Alabama League of Municipalities!** ■

# *Final Report Legislative Session continued from page 27*

amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, relating to 3-stage graduated driver's licenses or licensing criteria; to allow the licensed driver accompanying a student in any driver training program to be 21 years of age or older; to further provide for restrictions on driver's licenses for persons 16 or 17 years of age including restrictions on the use of certain communication devices; to provide for the age of the licensed driver occupying the seat next to a driver 16 years of age or older who has a State I learner's permit. ACT 2010-735

**Tax Incentives for Economic Development** – HB109 by Rep. Knight: Relating to certain tax incentives for certain economic development qualifying projects; to further provide for the base wage requirements of certain qualifying projects under certain conditions. ACT 2010-254

**CA – Occupational Tax – Madison County** – HB110 by Rep. Hinshaw: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Madison County. ACT 2010-37

**Permanent Joint Legislative Committee on Energy Policy** – HB128 by Rep. Wren: Relating to the development of an integrated and comprehensive state policy on energy for Alabama; to create the Permanent Joint Legislative Committee on Energy Policy for the purpose of developing an ongoing state energy study and energy plan; to provide for the membership of the committee and the initial committee membership as organized pursuant to Act 2007-150, HJR 152, 2007 Regular Session; to provide specific duties of the committee relating to the formulation of the ongoing state energy plan; to provide for the hiring of a staff and the creation of the Legislative Energy Policy Office to supervise and administer the duties of the committee; to provide for the formation, duties, and reporting of advisory subcommittees; to provide for legislative assistance for the committee and reimbursement of committee and subcommittee meeting expenses; and to provide for specific goals and objectives of the committee and for the reporting of recommendations. ACT 2010-232

**Water, Sewer and Fire Protection Authorities – Board Compensation** – HB180 by Rep. Thigpen: To amend Sections 11-50-15 and 11-50-313, Code of Alabama 1975, relating to boards of directors of municipal corporations providing water and sewer services, and to amend Section 11-88-6, Code of Alabama 1975, relating to boards of directors of municipal and county water, sewer, and fire protection authorities, to provide further for the compensation of members and chairs of such boards, with certain exceptions. ACT 2010-580

**Arrest warrants for Public Education Employees and Law Enforcement Officers** – HB236 by Rep. McCutcheon: Relating to arrest warrants for public education employees and law enforcement officers; to provide procedures for issuing warrants for certain misdemeanor offenses. POCKET VETO

**Availability of Attorney General Opinions** – HB258 by Rep. Ford: To amend Section 36-15-1, Code of Alabama 1975, to eliminate the requirement that the Attorney General print and distribute paper copies of his or her official opinions; and to require the Attorney General to post on the Internet and, upon request of any public official, to e-mail electronic copies of those opinions. ACT 2010-695

**Free License Plates for Widow or Widower of Volunteer Firefighter or Firefighter Who Dies in the Line of Duty** – HB262 by Rep. Laird: To amend Section 32-6-272, Code of Alabama 1975, relating to the issuance of distinctive motor vehicle license plates, to require the Alabama Forestry Commission and the Firefighters' Personnel Standards and Education Commission to prepare lists of persons eligible for distinctive motor vehicle license plates; and to provide for the receipt of a free license plate for a widow or widower of a volunteer firefighter, or any firefighter who dies in the line of duty. ACT 2010-582

**Tax Exemption – Eagles' Wings, Inc.** – HB269 by Rep. Thigpen: To exempt Eagles' Wings, Incorporated, from the payment of all state, county, and municipal sales and use taxes. ACT 2010-749

**Education Budget** – HB274 by Rep. Lindsey: To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2011. ACT 2010-610

**General Fund Budget** – HB290 by Rep. Knight: To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2011. ACT 2010-553

**Relocation of Utility Lines** – HB305 by Rep. Boothe: To amend Section 23-1-5, Code of Alabama 1975, relating to the reimbursement to utilities of the costs of relocations of utility facilities pursuant to an order of the State Director of Transportation when the relocation of any utility facility is necessitated by the construction of any highway, road, or street, other than highways that are a part of the national system of interstate and defense highways; to further provide for the gross income of utilities eligible for reimbursement. ACT 2010-390

**Accident Response Service Fees** – HB306 by Rep. Thigpen: To prohibit any person or other entity from imposing an accident response service fee on or from an insurance company, the driver or owner of a motor vehicle, or any other person or entity. ACT 2010-698

**Class 7 Cities – Weed Abatement** – HB319 by Rep. Bridges: Relating to Class 7 municipalities; to authorize the city council of the municipality to adopt procedures for overgrown grass and weeds to be declared to be a public nuisance and to provide for the abatement of the nuisance. ACT 2010-562

**Transfer or Sale of State-owned Property** – HB329 by Rep. Baker (A): To amend Section 9-15-82, Code of Alabama 1975, exempting the transfer or sale of certain state-owned real property from the normal statutory procedure; to decrease from five to three years the time frame in which the state may repurchase property sold by the state; to include municipal commercial development authorities within the exemption; and to provide for a retroactive effective date. ACT 2010-563

**Assault on Utility Workers** – HB368 by Rep. Coleman: To amend Section 13A-6-21 of the Code of Alabama 1975, as amended by Act 2009-586, 2009 Regular Session (Acts 2009, p. 1722), relating to assault in the second degree; to include utility workers as a protected class from intentional assault. ACT 2010-565

**CA – Taxes by Municipalities in Blount County** – HB379 by Rep. Thomas (E): Proposing a local constitutional amendment to

the Constitution of Alabama of 1901, relating to Blount County, to prohibit any municipality located partially in Blount County from imposing any tax it is otherwise authorized to impose in that portion of the municipality located in Blount County or the police jurisdiction located in Blount County; and to provide that a municipality prohibited from imposing any tax under this amendment is not required to provide police and fire protection services in any portion of the municipality or its police jurisdiction located in Blount County. ACT 2010-439

**Watercraft Sales and Use Tax Exemption Clarified** – HB448 by Rep. Collier: To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, relating to sales and use tax exemptions, to clarify the exemption for watercraft. ACT 2010-514

**Public Safety Employees – Benefits for Death in Line of Duty** – HB546 by Rep. Payne: To amend Section 36-30-2 of the Code of Alabama 1975, providing a death benefit for the dependents of a peace officer, fireman, or volunteer fireman as a result of injuries received in the line of duty, to delete the requirement that the death be within 10 years of the injury if the death results from the injury. ACT 2010-709

**Restriction on Municipal Ordinances Concerning the Care and Handling of Livestock or Animal Husbandry** – HB561 by Rep. Howard: Relating to agriculture; to prohibit a county or municipal government from adopting any ordinance, rule, or resolution concerning the care and handling of livestock or animal husbandry practices on any private property and to reserve the entire subject of care, handling, or animal husbandry to the Department of Agriculture and Industries and the State Board of Agriculture and Industries; to amend Section 2-4-1 of the Code of Alabama 1975, relating to the State Veterinarian, to further specify the enforcement by the state laws relating to livestock and the control of infectious disease in livestock; to amend Section 13A-11-14 of the Code of Alabama 1975, relating to cruelty to animals, to further provide for the penalties. ACT 2010-550

**Housing Authorities – One Commissioner Must be Public Housing Resident** – HB668 by Rep. Johnson: To add Section 24-1-24.1 to the Code of Alabama 1975, relating to municipal housing authorities, to provide that one commissioner be a resident of public housing or a recipient of housing assistance. ACT 2010-714

**CA – Calhoun County – Municipal Business Licenses on Rental of Residential Real Estate** – HB763 by Rep. Wood: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of a municipal business license tax in Calhoun County on the rental of residential real estate based on a per unit basis. ACT 2010-605

**CA – Occupational Tax – Lawrence County** – SB13 by Sen. Little (Z): To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Lawrence County. ACT 2010-134

**CA – Occupational Tax – Cullman County** – SB15 by Sen. Little (Z): To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Cullman County. ACT 2010-255

**Death of Firefighter or Police Officer – Presentment of Claims** – SB25 by Sen. Brooks: To amend Section 36-30-5, Code of Alabama 1975, relating to claims for the death of a peace officer or firefighter, to extend the time limit for presentment of the claim to within two years of the death of the peace officer or firefighter and would provide

for retroactive effect. ACT 2010-533

**Alabama Family Farm Preservation Act** – SB61 by Sen. Benefield: To enact the Alabama Family Farm Preservation Act, to provide that farm operations, if operated lawfully under certain conditions, may not be characterized as public or private nuisances or be determined to be in violation of a municipal or county ordinance. ACT 2010-397

**Penalties for Disturbing Burial Grounds** – SB71 by Sen. Mitchell: To amend Section 13A-7-23.1, Code of Alabama 1975, 12 relating to the crime of desecration or defacement of certain 13 memorials and to provide exemptions. ACT 2010-723

**Military Leave of Absence – Civil Air Patrol** – SB91 by Sen. Bedford: To amend Section 31-2-13, Code of Alabama 1975, to grant a military leave of absence for members of the civilian auxiliary of the United States Air Force known as the Civil Air Patrol. ACT 2010-535

**Fortified Wine Taxes** – SB98 by Sen. Bedford: To amend Sections 28-1-3.1, 28-3-1, 28-3-53.2, 28-3-187.1, 28-3A-8, and 28-7-16, Code of Alabama 1975, and to repeal Section 28-7-2, Code of Alabama 1975, relating to the sale of fortified wine, to allow fortified wine to be sold by any licensee of the Alcoholic Beverage Control Board; to levy a tax on fortified wine; and to provide for the distribution of the tax. ACT 2010-607

**CA – Limestone County Occupational Taxes** – SB99 by Sen. Butler: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Limestone County. ACT 2010-128

**Alabama Electronic Security Board of Licensure** – SB102 by Sen. Little (Z): To amend Sections 34-1A-1 and 34-1A-4, Code of Alabama 1975, relating to the Alabama Electronic Security Board of Licensure; to provide further for definitions and for licensure based on classification of work performed. ACT 2010-399

**CA – Alabama Trust Fund – Ten Year Road and Bridge Construction Program** – SB121 by Sen. Barron: To propose an amendment to the Constitution of Alabama of 1901, to provide for a ten year road and bridge construction program to be funded with appropriations from the Alabama Trust Fund and to provide for a transfer of funds to the County and Municipal Government Capital Improvement Fund. ACT 2010-555

**CA – Occupational Tax – Morgan County** – SB122 by Sen. Orr: To propose an amendment to the Constitution of Alabama of 1901, to prohibit the imposition of an occupational tax in Morgan County. ACT 2010-112

**Storage and Transportation of Bodies – Reimbursement of Costs** – SB232 by Sen. Denton: Relating to coroners; to provide that the coroner would store and transport bodies for the purpose of autopsies or any other post-mortem examination under certain circumstances; and to provide reimbursement of the expenses incurred for the storage and transfer. ACT 2010-542

**Availability of Attorney General Opinions** – SB255 by Sen. Means: To amend Section 36-15-1, Code of Alabama 1975, to eliminate the requirement that the Attorney General print and distribute paper copies of his or her official opinions; and to require the Attorney General to post on the Internet and, upon request of any public official, to e-mail electronic copies of those opinions. ACT 2010-369

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**Enhanced Use Lease Area Act of 2010** – SB283 by Sen. Butler: To create the Enhanced Use Lease Area Act of 2010; to amend Sections 11-99-1, 11-99-2, 11-99-4, 11-99-5, 11-99-6, 11-99-10, and 40-18-70, Code of Alabama 1975, and to add Chapter 9E to Title 40, Code of Alabama 1975; to make legislative findings and define terms; to provide for the utilization of underutilized real and personal property located in enhanced use lease areas and funding the costs thereof through tax increment financing; to entitle certain qualified property within a tax increment district in which not less than 50 percent, by area, of the real property within the tax increment district is an enhanced use lease area, to an abatement of state property taxes; to provide that in lieu of paying state property taxes, the taxable owner of certain qualified property must make a payment to the public entity which created the tax increment district in which the qualified property is located and that this payment to the public entity would be used to pay for project costs and to repay tax increment obligations issued to fund project costs; to ensure that withholding amounts for wages paid to certain construction workers are reported and paid to the state; and to provide an effective date, including retroactive effect for certain districts created on or after January 1, 2010. ACT 2010-184

**ERS – Calculation of Accrued Liability Contribution** – SB292 by Sen. Sanders: To amend Sections 16-25-21 and 36-27-24, Code of Alabama, 1975 to increase the maximum funding period for which the accrued liability contribution is calculated for the Teachers' Retirement System and the Employees' Retirement System from 20 years to 30 years. ACT 2010-221

**Alabama Firefighters Annuity and Benefit Fund** – SB299 by Sen. Bedford: To create the Alabama Firefighters Annuity and Benefit Fund for paid and volunteer firefighters; to provide for a board of commissioners to administer the act and the fund created by the act; to provide that assets in the fund shall be invested and reinvested by the Employees' Retirement System (ERS) of Alabama for a reasonable fee in accordance with ERS administrative policies; to provide for qualified service, the process for applying for and receiving benefits, refunds for members who leave the fund, disability and death benefits, annual audits and reports of the fund, and administrative duties of the board. ACT 2010-726

**Alabama Energy and Residential Codes** – SB315 by Sen. Keahey: To amend Sections 41-23-80, 41-23-81, 41-23-82, 41-23-83, 41-23-84, and 41-23-85, Code of Alabama 1975, relating to the Model Energy Code and the advisory role of the Alabama Residential Energy Code Board; to require the adoption of the Alabama Energy and Residential Codes by the Alabama Residential and Energy Codes Board in compliance with certain federal energy and building requirements; to expand the board membership and provide further for diversity, membership, service, and meetings of the board; to provide an exclusion for farm structures; to prohibit state or local entities from amending federally required codes or from adopting ordinances, policies, or codes that would require the installation of sprinkler systems in certain family dwellings; and to preserve a consumer's ability to install sprinkler systems in certain family dwellings. ACT 2010-185

**Code Update** – SB321 by Sen. Mitchell: To adopt and incorporate into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2009 Regular Session and Act 2009-814 of the 2009 First Special Session as contained in the 2009 Cumulative Supplement to certain volumes of the code and 2009

Replacement Volume 15A; to initially adopt and incorporate into the Code of Alabama 1975, 2009 Volume 22E (Local Laws Conecuh - Cullman Counties) and to adopt and incorporate into the Code of Alabama 1975, 2009 Cumulative Supplements to local law volumes; to make hierarchy, formatting, and internal reference corrections to subdivision (21) of subsection (a) of Section 19-3B-816, found on page 386 of 2007 Replacement Volume 14, relating to specific powers of trustees under the Alabama Uniform Trust Code; and to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any other 2009 Special Session statutes or 2010 session statutes; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements, replacement volumes, and initial volume. ACT 2010-598

**CA – Taxes by Municipalities in Blount County** – SB339 by Sen. Beason: Proposing a local constitutional amendment to the Constitution of Alabama of 1901, relating to Blount County, to prohibit any municipality not located entirely in Blount County from imposing any municipal ordinance or regulation, including, but not limited to, any tax, zoning, planning, or sanitation regulations, and any inspection service in its police jurisdiction located in Blount County; and to provide that a municipality prohibited from imposing any tax or regulation under this amendment shall not provide any regulatory function or police or fire protection services in its police jurisdiction located in Blount County, other than public safety mutual aid. ACT 2010-226

**Class 7 Cities – Council-Manager Form of government** – SB363 by Sen. Waggoner: Relating to the council-manager form of government, to amend Sections 11-43A-16, 11-43A-18, and 11-43A-32, Code of Alabama 1975; to add Section 11-43A-3.3 to the Code of Alabama 1975; to provide an alternate method for adopting a council-manager form of government in certain Class 7 municipalities; to provide for a five-member council with a mayor and four council members elected at large; to provide that the governing body of certain Class 7 municipalities, by resolution and without petition, could call for an election on the adoption of a council-manager form of government using the alternate method; to provide a limited period of time in which the alternate method may be used; and to provide when the change to the alternate method would be effective. ACT 2010-544

**CA – Taxes by Municipalities in Blount County** – SB423 by Sen. Beason: Proposing a local constitutional amendment to the Constitution of Alabama of 1901, relating to Blount County, to prohibit any municipality not located entirely in Blount County from imposing any municipal ordinance or regulation, including, but not limited to, any tax, zoning, planning, or sanitation regulations, and any inspection service in its police jurisdiction located in Blount County; and to provide that a municipality prohibited from imposing any tax or regulation under this amendment shall not provide any regulatory function or police or fire protection services in its police jurisdiction located in Blount County, other than public safety mutual aid. ACT 2010-552

**Gold or Precious Item Buying Business Permits** – SB530 by Sen. Marsh: To provide for permit requirements and record keeping that would prevent the transient operation of a gold or precious item

buying business; to provide that a violation of this act is a Class B misdemeanor. ACT 2010-732

### Proposed Constitutional Amendments

- HB239, Act 2010-39** – Etowah County court costs
  - HB340, Act 2010-383** – Etowah County elected officials in ERS
  - HB492, Act 2010-384** – Randolph Co. Cap Improvement Fund
  - HB495, Act 2010-440** – Montgomery Co Rev, Commissioner in ERS
  - HB499, Act 2010-515** – Jefferson County Sex Offenders
  - HB521, Act 2010-199** – Cullman County Sheriff and Revenue Commissioner in ERS
  - HB552, Act 2010-231** – Macon County court costs
  - HB553, Act 2010-229** – Franklin County court costs
  - HB555, Act 2010-385** – Marengo County court costs
  - HB589, Act 2010-230** – Lamar County court costs
  - HB606, Act 2010-386** – Fayette County court costs
  - HB789, Act 2010-606** – Baldwin County Stockton Landmark District
  - HB791, Act 2010-442** – Chambers County ad valorem Tax
  - SB60, Act 2010-111** – Etowah County elected officials in ERS
  - SB95, Act 2010-280** – Franklin County personnel appeals board
  - SB336, Act 2010-225** – Etowah County Board of Education
  - SB425, Act 2010-227** – DeKalb County Special Election for Commission Vacancy
  - SB581, Act 2010-608** – Baldwin County landfills
- ### Local Bills
- HB56, Act 2010-688** – Marshall County additional Circuit Judge
  - HB107, Act 2010-108** – Madison County TVA Payments
  - HB147, Act 2010-382** – Madison County dogs
  - HB164, Act 2010-265** – Chambers County Sale of Draft or Keg Beer
  - HB176, Act 2010-109** – Dale County Governing Body
  - HB190, Act 2010-267** – Mobile Library Board
  - HB191, Act 2010-110** – Coffee County Fire Protection and Emergency Medical Services
  - HB341, Act 2010-612** – Etowah County sales and use tax
  - HB390, Act 2010-196** – Monroe county sales and use tax
  - HB401, Act 2010-214** – Montgomery Entertainment Districts
  - HB417, Act 2010-566** – Baldwin Co. personnel appeals board
  - HB418, Act 2010-567** – Blount County Constable abolished
  - HB458, Act 2010-396** – Mobile Tax Sale Properties
  - HB493, Act 2010-708** – Montgomery Co. Work Release Program
  - HB516, Act 2010-269** – Escambia County court costs
  - HB535, Act 2010-216** – Cullman County court costs
  - HB554, Act 2010-281** – Limestone Co. Sheriff compensation
  - HB565, Act 2010-271** – Tuscaloosa Sunday Sales of Alcoholic Beverages
  - HB566, Act 2010-711** – Tuscaloosa Auto Traffic Infraction Device
  - HB609, Act 2010-569** – Lawrence County court costs
  - HB610, Act 2010-518** – Winston County licenses by mail or electronically
  - HB613, Act 2010-519** – Jefferson County debt issuance
  - HB641, Act 2010-588** – Baldwin County privilege licenses
  - HB650, Act 2010-571** – Etowah County Solicitor's Fee
  - HB657, Act 2010-572** – Lauderdale County circuit judges salary supplement
  - HB694, Act 2010-574** – Oxford Civil Service board
  - HB705, Act 2010-589** – Citronelle oil and gas revenue
  - HB726, Act 2010-596** – Lauderdale County lodging tax
  - HB727, Act 2010-577** – Lauderdale County governing body
  - HB733, Act 2010-590** – Pickens County drug enforcement fee
  - HB734, Act 2010-591** – Pike County Solicitor's Fee
  - HB735, Act 2010-592** – Escambia County tax exemption

**HB736, Act 2010-718** – Morgan County, Hartselle, Falkville, and Decatur Bingo further defined

- HB737, Act 2010-578** – Brewton pretrial diversion program established
  - HB739, Act 2010-719** – Baldwin County zoning and planning
  - HB757, Act 2010-721** – Birmingham Mayor and Councilmembers elected at same time
  - HB759, Act 2010-524** – Macon County Economic Development Authority
  - HB760, Act 2010-525** – Macon County road maintenance
  - HB762, Act 2010-526** – Chambers County sales and use tax
  - HB767, Act 2010-527** – Talladega County Board of Equalization
  - HB768, Act 2010-528** – Talladega County draft or keg beer
  - HB781, Act 2010-594** – Shelby County court costs
  - HB782, Act 2010-530** – Shelby County Probate Court recording fees
  - HB787, Act 2010-531** – Franklin County court costs
  - HB790, Act 2010-722** – Baldwin County subdivision controls
  - HB797, Act 2010-736** – Elmore County Board of Registrars
  - HB801, Act 2010-738** – Wilcox County contingent fund
  - HB803, Act 2010-739** – Henry and Houston County pretrial diversion program
  - HB807, Act 2010-740** – Lowndes County contingent fund
  - HB815, Act 2010-741** – Selma automated traffic infraction device
  - HB818, Act 2010-743** – Colbert County court costs
  - HB819, Act 2010-744** – Autauga County work release
  - HB821, Act 2010-745** – Cherokee County TVA payments
  - SB64, Act 2010-275** – DeKalb County Board of Registrars
  - SB131, Act 2010-113** – Hartselle City Board of education
  - SB184, Act 2010-130** – Coffee County fire protection and emergency medical services
  - SB230, Act 2010-131** – Etowah County sales and use tax
  - SB249, Act 2010-132** – Morgan County source water protection areas
  - SB332, Act 2010-400** – Chambers County tobacco tax
  - SB348, Act 2010-401** – Clay County tobacco tax
  - SB350, Act 2010-279** – Talladega County Board of Registrars
  - SB376, Act 2010-391** – Franklin County personnel appeals board
  - SB459, Act 2010-393** – Limestone County sales and use tax
  - SB467, Act 2010-394** – Lawrence County court costs
  - SB485, Act 2010-546** – Geneva County fire districts
  - SB488, Act 2010-547** – Etowah County Solicitor's Fee
  - SB490, Act 2010-402** – Randolph County tobacco tax
  - SB550, Act 2010-733** – Franklin County court costs
  - SB551, Act 2010-601** – Morgan County TVA payments
  - SB575, Act 2010-549** – Limestone County TVA payments
  - SB582, Act 2010-684** – Washington County Act 91-282 repealed
  - SB586, Act 2010-682** – Lowndes County contingent fund
  - SB592, Act 2010-681** – Autauga County work release program
- ### Annexation Bills
- HB389, Act 2010-195** – Monroeville
  - HB391, Act 2010-136** – Monroeville
  - HB518, Act 2010-516** – Franklin
  - HB636, Act 2010-272** – Collinsville
  - HB664, Act 2010-273** – Stevenson
  - HB723, Act 2010-575** – Hayden
  - HB770, Act 2010-593** – Spanish Fort
  - HB799, Act 2010 -737** – Foley
  - SB443, Act 2010-223** – Fort Payne
  - SB509, Act 2010-395** – Stevenson
  - SB542, Act 2010-600** – Hayden
  - SB557, Act 2010-602** – Piedmont

# 2010: The Great Alabama Homecoming!

## Year of Small Towns and Downtowns

### June • July • August

6/4	Alabaster	Alabaster CityFest	7/10	Geraldine	Picnic in the Park
6/4	Gordo	Mule Day/Chickenfest	7/10	Graysville	Mayberry Days
6/4	Pell City	Pell City Homecoming	7/17	Hayneville	Founders Day
6/5	Florence	Frontier Days	7/17	Opelika	Summer Celebration
6/5	Haleyville	Haleyville Alumni Day	7/17	Tallassee	Homecoming Weekend
6/5	Rogersville	Rogersville Heritage Homecoming Celebration	7/23	Ensley	Function at Tuxedo Junction
6/5	Skyline	Skyline Day	7/31	Harpersville	Harpersville Homecoming
6/6	Wedowee	Wedowee Arts Festival	7/31	Vina	July Fest
6/11	Alexander City	20th Annual Alexander City Jazz Fest	8/7	Fairfield	Fairfield Music Festival
6/12	Eutaw	Family & Friends Community Day	8/7	Valley	Cotton Mill Reunion
6/12	Sheffield	Sheffield Founders Day	8/13	Five Points	Back to School Homecoming First Consolidated School Celebration
6/19	Brewton	30th Annual Alabama Blueberry Festival	8/13	Lipscomb	Centennial Celebration
6/19	Gainesville	Gainesville Day	8/14	Hobson City	111th Hobson City Founders Day Celebration
6/19	Jasper	Memorial Park Homecoming	8/14	Littleville	Littleville Fun Fest
6/19	Slocomb	Slocomb Tomato Festival	8/18	Birmingham	Centennial Celebration of Rickwood Field
6/19	Susan Moore	Small Town Celebration	8/20	Athens	Athens Homecoming Celebration
6/23	Tuscumbia	Helen Keller Festival	8/21	Fultondale	Fultondale Founder's Day
6/25	Brighton	Brighton Homecoming	8/21	Priceville	Priceville's Annual Cruise-In
6/25	Clanton	Peach Jam Jubilee	8/21	Russellville	Watermelon Festival
6/25	Columbiana	Liberty Day	8/27	Killen	Killen Founder's Day
6/25	West Blocton	Wild West Blocton Days	8/28	Wadley	A Homecoming Celebration
6/26	Floral	Annual Masonic Day Celebration			
6/26	Shorter	Town of Shorter Liberty Day			
6/26	Sylvan Springs	Sylvan Springs Homecoming			
6/27	Wilsonville	God and Country Celebration			
6/28	Albertville	Happy Birthday Albertville			
7/2	Guntersville	Celebrate Guntersville			
7/3	Bay Minette	Homecoming Celebration			
7/3	Brent	Heroes and Patriots Weekend			
7/3	Cherokee	Independence Day Celebration			
7/3	Lincoln	100th Anniversary, City of Lincoln			
7/3	Midway	Midway Homecoming			
7/3	Pickensville	Pre 4th of July Fireworks and Heritage Celebration			
7/3	Red Level	2010 Fourth of July Homecoming			
7/3	Scottsboro	Fourth of July Celebration on the Tennessee River			
7/3	Taylor	2010 Homecoming Weekend			
7/4	Magnolia Springs	Fourth of July Homecoming			

**This list of events is provided by the Alabama Tourism Department. The municipalities listed are participants in the 2010 Year of Small Towns and Downtowns program. If you have questions about this program, please contact Brian Jones with Alabama Tourism at 334-242-4665.**



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- ✓ Code 3 LED warning light package
- ✓ Hale DSD-1250, 1250 GPM pump
- ✓ Through the tank ladder storage
- ✓ 14" deep upper/29" deep lower compartments
- ✓ Smart Power 6200 watt PTO/Hydraulic generator
- ✓ Storage for six (6) SCBA bottles
- ✓ Whelen Opti-Scene scene lights



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# 2010 Convention • Mobile



Standing (left to right): League Vice President Councilmember Thomas Moore, Demopolis; League Executive Director Perry Roquemore; League Past President (2006-07) Mayor Lew Watson, Lincoln; League Past President (2004-05) Mayor Jim Byard, Prattville; League Past President (1986-87) former mayor Arthur Holk, Foley; League Past President (1997-98) Mayor Leon Smith, Oxford; League Past President (1998-99) Mayor Ted Jennings, Brewton; League Past President (2008-09) Mayor Melvin Duran, Priceville; League Past President (1999-00) Mayor Billy Joe Driver, Clanton; League Past President (1991-92) former mayor Al DuPont, Tuscaloosa; League Past President (1996-97) former mayor Bobby Payne, Tallassee; League Past President (2007-08) Mayor Sonny Penhale, Helena; League Past President (1982-83) former mayor Jim Nix, Fairhope; and League President Mayor Charles Murphy, Robertsdale. Seated (left to right): League Past President (1989-90) former mayor Johnny Ford, Tuskegee; League Past President (2009-10) Mayor Roy Dobbs, Berry; NLC President (2007-08); former councilmember Cynthia McCollum, Madison; and League Past President (1985-86) former mayor Harold Swearingen, Pine Hill.

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