

The Alabama Municipal JOURNAL

July 2011

Volume 69, Number 1

Ken Smith

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ALM's Fourth
Executive Director



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On the Cover:

On June 27, 2011, Acting Executive Director Ken Smith was elected Executive Director by the voting delegates at the League's annual business session. He is only the fourth executive director to serve the Alabama League of Municipalities since its inception in 1935.

Active Members (444)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Ariton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileyton, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florala, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Frisco City, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grove Hill, Gu-Win, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Huntsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, LaFayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisville, Lowndesboro, Loxley, Luveme, Lynn, McIntosh, McKenzie, Madison, Madrid, Magnolia Springs, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mulga, Munford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Oatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orrville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Perdido Beach, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pinson, Pisgah, Pleasant Grove, Pleasant Groves, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samsom, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Sheffield, Shiloh, Shorter, Silas, Silverhill, Sipsy, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Talladega, Talladega Springs, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

2011 Annual Convention

Huntsville, AL



The President's Report

Councilmember Thomas O. Moore • Demopolis



President's Address Monday June 27, 2011 Annual Convention President's Banquet

As I take office tonight, I want to echo what Mayor Murphy said on Saturday during the Opening Session: our prayers are with the communities that were devastated by the epic tornadoes on April 27th, and the League is solidly behind our municipalities as the rebuilding process begins. I also commend the City of Huntsville and the League staff for their efforts to reschedule our convention. Clearly the additional work and coordination paid off.

Thank you for the tremendous honor you have given me, my family and my community this evening. I am extremely proud to accept the gavel of the office of President of the Alabama League of Municipalities and will do my best to live up to the trust and confidence you have placed in me. Over this next year, I pledge to work diligently to maintain your faith in my abilities and to meet your expectations of this respected office.

There are several people I'd like to thank this evening. Without their support, I wouldn't be standing before



Immediate Past President, Mayor Charles Murphy of Robertsdale, (left) passes the gavel to newly-elected League President, Councilmember Thomas Moore of Demopolis.

you tonight.

My sincere gratitude goes out to Mayor Mike Grayson, the members of the Demopolis City Council and our outstanding city staff for their hard work and devotion to our community. They work together to ensure the well being of our hometown and I sincerely appreciate their efforts and their support of me in this leadership role with the League.

I'd also like to thank Mayor Tommy Battle, members of the Huntsville City Council and their spouses and staffs for the genuine hospitality shown to all our delegates during this year's convention. I congratulate Mayor Battle and the Huntsville City Council for their hard work and a job well done.

Serving next to Mayor Charles Murphy this past year was an honor and a privilege. Charles is a skilled yet humble leader and has provided an excellent example for me to follow. I'm sure that each of you will join me in thanking him for his willingness to always do more than what was expected. I'll strive to match his dedication to our fine organization.

I'd also like to thank Johnny Ford, former mayor of Tuskegee. In 1989, Johnny became the League's first African-American president and, in many ways, his year as president opened a door for diversity within this organization. Without his service and contributions to the League, I might not be standing before you today.

I also want to thank Councilmember Don Moore of Uniontown. Don has been an excellent colleague and a very good friend. He's always supported and encouraged me and I truly appreciate his efforts on my behalf.

Last, but certainly not least, I thank my wonderful family and especially my wife, Charlie, for all they have done for me during my years in public service, and for always accepting the course that I was traveling and providing encouragement the entire way. It hasn't always been an easy journey, but they've always supported me and I wouldn't be standing in front of you now without their love and support.

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- Court Clerk
Large Municipal Court

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- Judge
Alabama Court

Benefiting the Defendants...

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- 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

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- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Ken Smith • Executive Director



Director's Report Annual Convention • June 27, 2011

It's been 13 months since we last met in convention in Mobile. Over that time, our state – in fact, our nation – witnessed one of the worst natural disasters ever as tornados ripped through Alabama on April 27, just three days before our annual convention was originally scheduled to begin. The damage resulting from these tornados left us with no choice but to postpone the convention until the present time. I want to commend the City of Huntsville for their assistance and foresight in helping us make an early decision to cancel the convention and then for helping us reschedule quickly.

Mayor Tommy Battle, the Huntsville City Council and Huntsville employees are due our deep-felt gratitude for making this a great convention, especially under the unique circumstances.

I also want to thank the League staff for the tremendous efforts they made in notifying the attendees, vendors, sponsors and others regarding the cancellation and for working diligently to reschedule the convention. The few minor changes in our schedule that the postponement required are a testament to their ability and hard work. It took a team effort, and I hope you will join me in thanking them for what they did to make this happen.

We recognize that it will take many years for the municipalities that were struck to recover, and that they will never truly be the same. We continue to keep those who lost their lives or are still suffering from the devastation caused by these storms in our prayers. The League will continue to work with these communities and state and federal officials to ease their recovery.

As you know, former Executive Director Perry Roquemore made the difficult decision to retire this year after being part of the League family for 37 years. Perry's remarkable longevity and service to this organization will be recognized further this evening at a reception in his honor. I hope you will make plans to attend and express your thanks for what Perry has accomplished. I have been proud to have worked with and helped Perry for 25 years, since the day he first became Executive Director.

Since the Mobile convention, the political landscape in our state and nation has changed significantly. Alabama now has a Republican State House of Representatives, a Republican State Senate and Republicans also hold most State constitutional

offices. In Washington, the U.S. House of Representatives has a Republican majority and a Republican House Speaker. The Democratic majority in the U.S. Senate is less than last year.

League Committees

The Executive Committee, presided over by our President, Mayor Charles Murphy of Robertsedale, with able assistance from our Vice President, Councilmember Thomas Moore of Demopolis, met three times this year and dealt with a number of issues. I would like for members of the Executive Committee to stand and be recognized.

The League Committee on State and Federal Legislation led by its Chair, Council Member Debbie Quinn of Fairhope, and its Vice Chair, Council Member Sadie Britt of Lincoln, met in January and developed the League's Legislative Package for 2011. I would like the members of this committee to stand and be recognized for their hard work.

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 afternoon. This *Policies and Goals* document is very important as it is used to guide your League staff throughout the year and to assist the Committee on State and Federal Legislation when it meets each year to develop the League's legislative package. I want to personally thank our Committee chairs and vice chairs for their leadership and hard work. I also want to thank all the officials who served on our committees this year for their valuable input. Would all officials who served on League policy committees this year please stand so that we can all applaud you for your efforts? As I like to do each year, I would encourage any of you who did not serve on a League committee this 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

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I look forward to working with Vice-President David Bradford over the next year. I congratulate you on your election and I'm very pleased to have the opportunity to work with you.

This moment is somewhat bittersweet for me because I'm stepping into the role of League President as Perry Roquemore retires. Like many of you, I've known Perry my entire elected career and highly respect his wisdom and accomplishments. Perry's contributions to this organization are too numerous to cover but I think we would all agree that he's been much more than our Executive Director; he's been our friend. And while it's always difficult to say goodbye to a valued friend, Perry has earned our respect and admiration. He's also definitely earned his retirement!

All of us owe a great deal of gratitude to Perry and his staff. Their guidance and expertise make our jobs as municipal officials less difficult. Since its inception in 1935, the Alabama League of Municipalities has been an association dedicated to serving its membership. Our staff truly understands the importance of member service and strives every day to provide our cities and towns with the best information and representation possible.

Whether it's through training elected officials and

personnel on a variety of important topics, representing and protecting municipal government at the State House or providing legal advice, our League has been the most steadfast resource available to municipalities for the past 76 years.

Thanks to the Alabama League of Municipalities – and especially to Perry Roquemore for his leadership – our cities and towns have access to superior services including municipal insurance programs, comprehensive educational training for municipal officials and outstanding legislative and legal representation.

I pledge to you tonight that I will work closely with Ken Smith and the League's exceptional staff as we move forward with our fourth executive director in the League's 76-year history. For now, however, I want to sincerely thank Perry Roquemore for all he's done for us. We are, indeed, blessed.

Again, I look forward to working with you as League President and I urge you to continue to look to the League for guidance and educational opportunities.

Thank you and may God continue to bless our municipalities and the great state of Alabama! ■

Mayor David Bradford Elected Vice President of The Alabama League of Municipalities

On June 27, Mayor David Bradford of Muscle Shoals was elected by his municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2011-2012. He was elected and took office during the League's annual convention, which was held in Huntsville June 25 through June 28.

Prior to being elected mayor of Muscle Shoals in 2000, Mayor Bradford served as the Assistant Chief of Police. He is a 27-year veteran of the Police Department and received an appointment and graduated from the FBI National Academy. He was the recipient of three commendations and one Governors Life Saving Commendation during his career. In 2002 he received the University of North Alabama Political Service Award and the Shoals Chamber of Commerce Leadership Award. He currently serves on the League's Executive Committee and has received the League's Basic and Advanced CMO designation. In addition, he serves on the Alabama Municipal Insurance Corporation (AMIC) board of directors, is a member of the North Alabama Mayors Association and is chair of the Northwest Alabama Council of Local Governments.





The Legal Viewpoint

By Lori Lein
General Counsel



Tips for Preparing Municipal Ordinances

Ordinances are adopted by municipalities to protect public health, safety and welfare by regulating people, property and businesses. Under Alabama law, if a regulation adopted by a municipality is permanent in nature and applies generally throughout the municipality then it must be formally adopted as an ordinance. In contrast, a municipality would adopt a resolution if the regulation is not general and permanent in nature but is more of an administrative regulation such as approval of municipal contracts or a municipal personnel policy.

This brief article outlines some basic considerations to keep in mind when preparing ordinances. For more information on preparing ordinances please see the article titled “Drafting Ordinances in Plain English” in the [Selected Readings for the Municipal Official](#) (2008 ed.) beginning on page 73.

Types of Ordinances:

Ordinances are normally classified under four general types: (1) Police ordinances are enacted by virtue of the police power and prescribe penalties for specific commissions and omissions; (2) Franchise or contract ordinances grant franchises or special privileges; (3) Public improvement ordinances provide for public works; and (4) Administrative ordinances guide and regulate municipal officers and businesses.

General ordinances have an obligatory force on the entire community and upon the administration of the municipal government. Ordinances are special ordinances when they grant special privileges, provide for public works or improvements or authorize officials to do certain acts on behalf of the city.

Ordinances are further classified as penal or non-penal. A penal ordinance imposes a fine or imprisonment for violation. An example of a non-penal ordinance is one providing for the construction of public improvements.

It is important to always keep in mind that Alabama municipalities can only adopt ordinances on topics for which state law gives express or implied authority to do so and any ordinances adopted by a municipality must be consistent with state and federal law. It is recommended that a municipality state the authority they are using to adopt an ordinance and describe its purpose. This can be included as an introductory section of the ordinance.

Use of sample ordinances:

Sample ordinances may be a good starting point for drafting an ordinance, but always remember that research and revisions may be necessary before adopting an ordinance that was adopted by another Alabama municipality. Be very careful when using sample ordinances that are more than a few years old as they may be outdated due to new laws or court decisions that have been passed or decided since the ordinance was originally passed. Likewise, be cautious when using sample ordinances from other states because they may be based on laws that are different from Alabama law.

It is also important to be cautious of “model ordinances” promoted by special interest groups other than municipal organizations such as Municipal leagues, the National League of Cities and the International Municipal Lawyers Association. Other than these municipal organizations, many of the special interest groups do not have the municipality’s best regulatory interests in mind when drafting their model ordinances.

Use clear and simple language:

One of the goals of any ordinance is to let the people and businesses being regulated understand what actions are required or prohibited. Try to use short sentences with plain language that any average person can understand. Avoid the temptation to choose language simply because it sounds more “official.” For example, instead of using

the words “prior to” use the word “before,” and instead of using the word “cease” use the word “stop.” Some other points to remember:

- Use the active voice instead of the passive voice. For example, instead of stating: “when the forms have been submitted, a hearing will be set,” state “when you submit the forms a hearing will be set.”
- Define words carefully and often to avoid conflicts over interpretations of words.
- Avoid using cross-references because they are confusing.
- Separate different topics into different sections and use descriptive headings. Doing this will help should you ever need to amend the ordinance because state law allows you to amend an ordinance by section rather than having to amend the entire ordinance.
- Use maps and drawings to clarify regulations when helpful. For example, it is easier for most people to understand what a cul-de-sac is by looking at a drawing rather than reading a wordy definition of one.

Cautiously preserve discretion:

An ordinance generally should not require municipal employees or officers to take specific actions, but instead should regulate the conduct of residents and businesses. Sometimes, however, it is necessary to outline certain actions taken by municipal employees and officials. Keep in mind that a city could face liability if its employees and officers fail to perform actions specified in an ordinance as mandatory rather than discretionary. For example, consider using the word “may” for action to be taken by an employee rather than “must” or “shall.” It is easier to defend a discretionary action rather than a mandatory action that wasn’t taken.

Use caution, however, when vesting complete discretion in an employee or official. Ordinances have been condemned which vest arbitrary discretion in public employees or officials without prescribing a uniform course of conduct or standard of rules to guide officials. If no standards are imposed to control the officials, the ordinance is suspect. This is true in cases where the ordinance refers to the rights of persons, rights of dominion over property or the business of individuals.

Comply with procedural requirements:

Under Alabama law, an ordinance of general and permanent operation may not be passed at the same meeting it is introduced unless unanimous consent of those present is given for its immediate consideration and then only if, on final passage, the ordinance receives the affirmative votes necessary for passage.

In municipalities of 12,000 or more, general and permanent measures must be approved by a majority of the members elected to the council, not merely a majority of a quorum or a majority of those voting. The measure is then sent to the mayor who may either veto the ordinance or approve it according to law. The mayor may generally only veto general and permanent measures, not administrative matters.

In municipalities of less than 12,000, an affirmative vote of a majority of the whole number of members of the council to which the municipality is entitled, including the mayor, is required to enact any ordinance of permanent operation. This consent should be shown by a yea-and-nay vote and entered on the minutes of the municipality. General and permanent ordinances must then be published or posted according to law to become effective.

Seek advice of city or town attorney:

We recommend that you have your city or town attorney directly involved in the process of preparing and passing ordinances. It is vital that this be done *before* you adopt an ordinance. A legal review is important because of potential legal and constitutional issues an ordinance may present. For example, zoning and nuisance ordinances impact individual property rights and parade and sign ordinances impact individual free-speech rights. Paying your attorney to review proposed ordinances or assist in drafting them up front is far less expensive than defending a lawsuit that could have been avoided.

For more information about ordinances please look to the [Selected Readings for the Municipal Official](#) (2008 ed.). Sample ordinances on some issues relating to municipal government can be obtained from the Alabama League of Municipalities. ■

League Publications

**For more information about
[Selected Readings for the Municipal
Officials \(2008 ed.\)](#) and the League’s other
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Opening Session Address of the 2011 League Annual Convention

*By Mayor Charles Murphy, Robertsdale
Immediate Past President*

Councilmember Moore, Mayor Battle, Councilmember Mitchell, Ladies and Gentlemen, I am humbled to stand before you this afternoon for the Opening Session of our 2011 annual convention – a convention we weren't sure would happen following the catastrophic tornadoes that slammed through Alabama two days before the League staff was to travel to Huntsville to set up for the original schedule.

On Wednesday, April 27th, many of our municipalities – our neighbors ... our friends ... our *families* – were irrevocably changed when at least 60 tornadoes ravaged the northern two thirds of our state – obliterating homes, businesses and lifestyles and killing more than 240 people. The devastation caused by these tornadoes was beyond unprecedented; it was *epic*.

The Alabama Department of Insurance estimates *insured* losses range between \$1.9 and \$2.6 *billion*. The colossal EF-5 monster that obliterated parts of Marion County destroyed nearly *75 percent* of the Town of Hackleburg as well as significant portions of Phil Campbell. In Tuscaloosa, where an EF-4 tornado pulverized 6.5 square miles – taking out the City's EMA and environmental services facility as well as the city's main communications tower its east police precinct and a fire station – the Army Corp of Engineers estimates nearly 2 million cubic yards of debris – enough to fill Bryant Denny Stadium six times.

Nearly a million people were without power following this epic tornado outbreak, including most of Huntsville, which didn't have full power until several days later. Needless to say, the League had no choice but to postpone our convention until now.

Mayor Battle, I want to personally thank you, the Huntsville City Council and your staff for working so diligently to reschedule our annual convention. I know your city has been dealing with significant and overwhelming circumstances since April 27th, and yet you've still



welcomed us with open arms. We're all looking forward to the Reception at the Space and Rocket Center this evening as well as the opportunity to spend several days communing and learning with our colleagues in your outstanding city.

I also want to commend the League's staff for mobilizing quickly to notify registrants that the convention had been postponed and for taking the necessary steps to ensure our rescheduled event was as close to the original plan as possible.

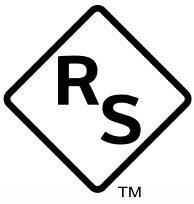
Certainly our prayers remain with the communities that have been irreversibly changed by the epic tornadoes, and the League is solidly behind our municipalities as the rebuilding process begins. In fact,

the Alabama Municipal Insurance Corporation, which was founded by the League in 1989 and on whose board I serve, insures many of the affected municipalities.

AMIC's response was immediate, and I commend this fine organization for its outstanding efforts following one of the state's worst natural disasters. Within 24 hours, claims adjustors and underwriters were phoning, emailing and visiting decimated areas. Statewide, AMIC received claims from 68 members and, as of June 1st, had distributed nearly \$14 million in response to those claims. A total dollar amount for the damage to structures insured through AMIC is still being determined; however, this outstanding League organization remains committed to *insuring the future* of Alabama's municipalities.

Because our convention had to be postponed – something that has only happened one other time in the our organization's history when the League's first executive director, Ed Reid, died just prior to convention in 1965 – the League's Executive Committee held a special meeting on May 26th to name Deputy Director Ken Smith acting executive director following Perry Roquemore's retirement on May 31st. Ken, who has been with the League for 25 years, will become executive director by vote of the membership during Monday's annual business session.

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Also during that meeting, I resigned as League President and Vice President Councilmember Thomas Moore of Demopolis became interim president. I wanted to make sure Councilmember Moore did not miss any of his year-long term as League president because the convention had to be postponed. I also want to thank Thomas for representing us as our League Vice President this past year. He is a focused, driven and dedicated elected official. The citizens of Demopolis are fortunate to have him on their leadership team and I'm fortunate to call him my friend.

This has also been an unprecedented year in Alabama politics. When the Alabama Legislature was called into Special Session this past December, it convened with a Republican majority for the first time in 136 years. Members of the House and Senate then passed unparalleled ethics reform – making Alabama's new rules some of the most stringent in the nation.

The new ethics laws affect every elected official as well as many people who work for and with state and local government.

Jim Sumner and Hugh Evans of the Alabama Ethics Commission will be with us Tuesday morning to discuss the new laws and what we as locally elected officials need to know. I encourage each of you to attend that important session!

The Regular Session of the Alabama Legislature convened on March 1st and, folks, it was *not* business as usual. In fact, the legislative process moved at warp speed, and our staff – particularly Greg Cochran, our Director of Intergovernmental Relations – worked long hours to keep pace with it.

I'm pleased to report our efforts this session resulted in the passage of six League bills – one, in particular, the publication of municipal ordinances, was a bill we've sought to pass for several years. We also passed bills for annexation validation, competitive bid law, codification of municipal ordinances, reduction of ADEM penalties and appropriation for SRF funding while managing to block several bills that would have been dangerous to municipal government.

Unfortunately, the state and educational budgets continue to point to a bleak forecast for Alabama, especially following

the unprecedented destruction from the April tornadoes. This means our cities and towns remain particularly vulnerable.

As locally elected officials, we not only *see* the impact of deficient revenues; we *experience* it right along with our citizens. Therefore, it is more vital than ever that we work with our League to uphold municipal rights while guarding against legislation that would hinder our ability to maintain

critical services in our communities. We must be especially vigilant in protecting our communities from unfunded mandates – a threat that looms larger and larger on both the state *and* federal horizons.

In every session of the Alabama Legislature since 1935, the League of Municipalities has served as the champion of municipal interests and repeatedly demonstrated that the *unified voices* and *collective actions* of dedicated municipal officials are a compelling force in articulating the concerns, solving the problems and achieving the goals of its member municipalities. This is a legacy we **MUST** continue as we strive to keep our cities and towns solvent.

As you well know, the League staff continually monitors legislative issues. Several times this past session you received urgent legislative email alerts asking you to respond quickly to a particular issue. Your phone calls to your representatives

absolutely made a difference and I encourage you to continue to respond immediately to alerts sent by the League. If you're not on the League's blast email list, please notify a League staff member and you'll be added to the list after convention.

As municipal officials we know better than anyone the extreme economic challenges faced by our cities and towns. These challenges will become even more difficult as our state and federal

governments struggle to identify nonexistent funds – most likely by making decisions that will adversely affect our already compromised municipal budgets. Even so, I congratulate my municipal colleagues for already taking up the challenges of streamlining your budgets and finding creative ways to do more with less. Thanks to our municipal belt-tightening, our city budgets are, for the most part, in much better shape than the state.



Huntsville Mayor Tommy Battle welcomes ALM delegates at the Opening Session.



As the elected officials closest to the community, we *must* continue to transcend political quagmires and become innovative in dealing with challenges such as unfunded mandates. We *must* remain energetic and vigilant. We *must* educate our citizens. Municipal officials are the first to be held accountable because we truly represent government at its very foundation.

Thankfully, our League of Municipalities understands our unique challenges and will continue to provide us with invaluable guidance and support. In fact, this past January the League launched a completely redesigned website – an updated, streamlined version that makes it much easier to find relevant, timely information.

The launch of this superior new site followed a six-month research and design process. The League initially planned to hire an outside vendor for the new design and structure; however, after receiving exorbitant quotes from several providers, it was decided there was enough talent and ability on staff to muscle through the process. Congratulations to the League's Communications and IT Departments for taking on the significant challenge of creating a user friendly, visually impressive website that features information on all the League's services as well as a Municipal Directory searchable by city, mayor, city clerk, class, legislative district, county and population.

Last year we celebrated the 75th anniversary of our fine

organization and this year we acknowledged yet another milestone when our executive director, Perry Roquemore, retired on May 31st after 37 years of service. Perry was only the third person in the history of the Alabama League of Municipalities to serve as its executive director. That, ladies and gentlemen, is *significant*. It's a clear indicator of strong, effective leadership.

Perry was hired as the League's staff attorney in 1974 and became executive director at the 1986 League Convention following the retirement of John Watkins. 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 has tripled.

Perry's legacy also consists of many key legislative accomplishments, including passing legislation which provided financial enhancement for all municipalities through the oil and gas trust interest payments; the passing of the revolving loan fund for wastewater improvement; and many other critical state bills to support revenues streams for cities and towns. Throughout his tenure with the League, Perry has been a front-line protector of municipal rights

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Resolutions Adopted at the 2011 Convention

RESOLUTION NO. 1

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they express their deep appreciation to Mayor Tommy Battle and members of the Huntsville 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they express their deep appreciation to Councilmember Mack Arthur Bell of Roanoke 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they express their deep appreciation to James E. Mitchell, Jr., Councilmember, Charlotte, NC and President, National League of Cities for his address during the Opening Session on Saturday afternoon of our convention.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Governor Robert Bentley 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they sincerely thank the Alabama Congressional Delegation, namely Congressman Jo Bonner, Congresswoman Martha Roby, Congressman Michael Rogers, Congressman Robert Aderholt, Congressman Mo Brooks, Congressman Spencer Bachus, Congresswoman Terri Sewell, 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 Huntsville, Alabama, on this the 27th day of June, 2011, 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: Mike Hubbard, Speaker of the House; Victor Gaston, Speaker Pro Tem; Micky Hammond, Majority Floor Leader; Craig Ford, Minority Floor Leader; Blaine Galliher, Committee on Rules Chair; and Steve McMillan, Committee on County & Municipal Government Chair.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they thank the House Members who sponsored League legislation: Representatives Jack Williams, Dan Williams, Marcel Black, Barry Mask, Steve Clouse, Chris England and Rod Scott

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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: Kay Ivey, President of the Senate; Del Marsh, Senate President Pro Tem; Jabo Waggoner, Majority Floor Leader; Gerald Dial, Majority Floor Whip; Roger Bedford, Minority Floor Whip; Scott Beason, Committee on Rules Chair; and Jimmy Holley, Committee on Governmental Affairs Chair.

BE IT FURTHER RESOLVED, by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank the Senators who sponsored League legislation: Senators Scott Beason, Dick Brewbaker, Cam Ward, Bill Holtzclaw, Linda Coleman, Del Marsh, Jabo Waggoner and Jimmy Holley.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do wish to thank the lobbyists representing Atmore, Brewton, Center Point, Dothan, Foley, Gulf Shores, Huntsville, Jackson, Jasper, Mobile, Montgomery, Orange Beach, Pike Road, Thomasville and Tuscaloosa for supporting League legislation and providing invaluable assistance to the League when possible during the legislative process, namely: Hal Bloom, Allen Sanderson, Martin Christie, Greg Jones, Beth Marratta Lyons, Joe Vallely and Mark Gaines.

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LEGAL CLEARINGHOUSE

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

ALABAMA COURT DECISIONS

Arrests: A person's refusal to obey a police officer's commands to stop talking to detained offenders, coupled with his shouting at the officer, did not include the physical interference necessary to support the charge of Obstruction of Governmental Operations. Oral outbursts were words alone rather than words coupled with actions sufficient to amount to physical interference. Under the express provisions of the statute, the interference would have to be, in part at least, physical in nature. *D.A.D.O. v. State*, 57 So.3d 798 (Ala.Crim.App.2009)

Courts: Although a probationer does not have an unqualified right to counsel at a probation revocation hearing, it is incumbent upon the sentencing court to determine whether the probationer has such a right before revoking his probation. *Dean v. State*, 57 So.3d 169 (Ala.2010)

Gambling: The Governor acted consistently with his constitutional authority in creating the Governor's Task Force on Illegal Gambling and appointing a special prosecutor as its commander. The governor took the position that the term "bingo" as used in local constitutional amendments authorizing charitable bingo games referred to the game traditionally known as bingo, he asserted there were electronic gaming devices in the state that no reasonable observer could assert to be the ordinary game of bingo, and for a substantial period of time neither the attorney general nor the district attorney for the area where the devices were located had made any effort to enforce criminal laws against gambling devices. *Riley v. Cornerstone Community Outreach, Inc.*, 57 So.3d 704 (Ala.2010)

Miranda: Once *Miranda* warnings have been given and a waiver made a failure to repeat the warnings before a subsequent interrogation will not automatically preclude the admission of the inculpatory response. Whether *Miranda* warnings should be given before each interrogation must depend upon the circumstances of each case. The length of time and the events which occur between interrogations are relevant matters to consider. *Ex parte Landrum*, 57 So.3d 77 (Ala.2010)

Worker's Compensation: In applying the last-injurious-exposure rule to determine which of multiple employers is

liable under the workers' compensation act for a subsequent injury sustained by a worker, the trial court must determine whether the second injury is a new injury, an aggravation of a prior injury, or a recurrence of an old injury. If the second injury is characterized as a recurrence of the first injury, then the first insurer is responsible for the medical bills, but, if the injury is considered an aggravation of the first injury, then it is considered a new injury and the employer at the time of the aggravating injury is liable for the medical bills and disability payments. *Water Works Bd. of City of Birmingham v. Isom*, 56 So.3d 659 (Ala.Civ.App.2010)

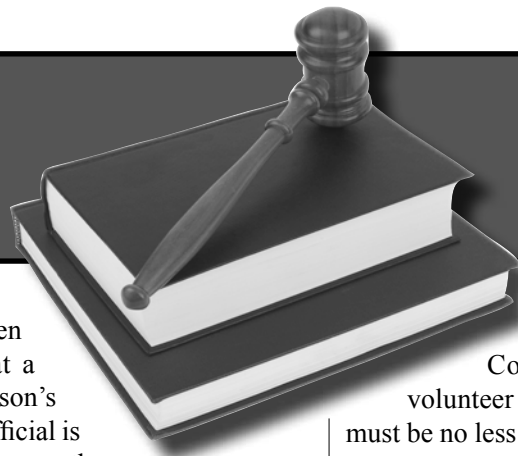
Worker's Compensation: An authorized treating physician had implied authority to refer a city employee to a neurosurgeon for treatment, even though the city had not expressly authorized the treating physician to make the referral. The employer may not limit the power of a selected physician to refer an employee for reasonably necessary medical treatment and may not deny such a referral on the basis that the referral had not been previously expressly authorized by the employer. *Ex parte City of Prattville*, 56 So.3d 684 (Ala.Civ.App.2010)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Immigration: The provision of Arizona's unauthorized alien employment law, which authorized state courts to suspend or revoke an employer's business licenses if that employer knowingly or intentionally employed an unauthorized alien, was not impliedly pre-empted for conflicting with federal law. *Chamber of Commerce of U.S. v. Whiting*, --- S.Ct. ---, 2011 WL 2039365 (U.S.2011)

Searches and Seizures: Under the exigent circumstances rule, warrantless entry to prevent the destruction of evidence is reasonable and thus allowed, where the police did not create the exigency by engaging or threatening to engage in conduct that violates the Fourth Amendment. In determining whether a police-created exigency has negated the reasonableness of a warrantless entry based on exigent circumstances, the court considers objective factors, not the subjective intent of police officers. Any warrantless entry based on exigent circumstances must be supported by a genuine exigency. *Kentucky v. King*, 131 S.Ct. 1849 (U.S.2011)

Tort Liability: A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case. No mere dictum however, a constitutional ruling preparatory to a grant of immunity creates law that governs the official's behavior and may invite future lawsuits or deter



the use of practices that have been declared illegal. A decision that a government official violated a person's constitutional right, but that the official is entitled to qualified immunity because the right was not clearly established, is reviewable in the Supreme Court at the behest of an immunized official, as an exception to the general rule that, as a matter of practice and prudence, the Court declines to consider cases at the request of a prevailing party. *Camreta v. Greene*, --- S.Ct. ----, 2011 WL 2039369 (U.S.2011)

DECISIONS FROM OTHER JURISDICTIONS

Searches and Seizures: The question of whether consent to a search was in fact "voluntary" or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances. When government agents seek an individual's cooperation with a government investigation by misrepresenting the nature of that investigation, this deception is appropriately considered as part of the totality of circumstances in determining whether consent was gained by coercion or duress. A court should be especially cautious when this deception creates the impression that the defendant will be in physical danger if he or she refuses to consent to the search. *U.S. v. Harrison*, --- F.3d ----, 2011 WL 1782961 (10th Cir.2011)

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: Residential real property owned by a limited liability company ("LLC") is never entitled to a homestead exemption in the name of the LLC. An individual occupant of the subject property, however, may be entitled to the exemption if occupancy arises from a valid, arms-length executory sales agreement between the individual occupant and the LLC. AGO 2011-065

Motor Fuel Marketing Act: A retail store's purchase of gasoline for the customer at the full pump price, in exchange for the purchase of a qualifying amount of goods, does not violate the Motor Fuel Marketing Act. AGO 2011-062

Volunteer Fire Departments: Firefighters in a Fire Protection District may not perform routine traffic control in nonemergency circumstances. AGO 2011-061

Volunteer Fire Departments: To be certified as a volunteer fire department by the Alabama Forestry Commission, an entity must meet the requirements that are set forth in Section 9-3-17, Code of Alabama. Specifically, fire departments seeking volunteer certification must be an incorporated nonprofit organization or an authority sanctioned by a legal subdivision

to be eligible for assistance from the Forestry Commission. Further, to be classified as a volunteer fire department under Section 9-3-17, there must be no less than 80 percent unsalaried membership in the department. AGO 2011-064 ■

F.A.Q.

How often should financial reports be provided to the council?

The Clerk shall keep such accounts as may be necessary to show the financial condition of the municipality and of each department thereof at all times. See Section 11-43-102, Code of Alabama 1975. A Treasurer must make a report once a month, or more often if required by the council, of the financial condition of the account of each department authorized to draw on the treasurer and shall make a quarterly statement, under oath, of the financial condition of the city or town to the council. See Section 11-43-120, Code of Alabama 1975.

As chief executive, the Mayor must present a written statement to the council at least once every six months to show the financial condition of the city or town – particularly the temporary floating indebtedness of the municipality and the purpose for which this temporary debt was incurred and proposals to protect the credit of the city or town. The Mayor shall require reports to be made to him by any officer of the city or town at such times as he may direct or as may be prescribed by the council in order to facilitate supervision of the activities of the various departments and officials of the municipality and to assist the mayor in making reports to the council. See Section 11-43-84, Code of Alabama 1975.

At least once a year, the mayor must appoint an accountant to make a detailed examination of all books and accounts of the city or town to cover the period since the preceding examination and make a full report thereof, in writing, under oath to be submitted to the council at its first meeting after the completion of the report. The audit report shall be spread upon the minutes of the council. See Section 11-43-85, Code of Alabama 1975. A town cannot waive the requirement of a yearly audit and at least once a year the town must secure an audit and pay an agreed upon sum for the services rendered by either the Department of Examiners of Public Accounts or an independent auditor. AGO 2010-068

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank the following persons for their presentations during the concurrent sessions held on Monday morning of this convention: Glenda Dean, Water Division Director, ADEM; John Tanner, Retired Chief of the Voting Section Civil Rights Division, U.S. Justice Department; Billy Daniels, CPA, CGFM, Wilson Price; and Lee Parks, CPA, Wilson Price.

RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank the following persons for their presentations during the first set of concurrent sessions held on Monday afternoon of this convention: Sally Howell, Executive Director, AASB; Tracy Roberts, Assistant General Counsel, Alabama League of Municipalities; John Tanner, Retired Chief of the Voting Section Civil Rights Division, U.S. Justice Department; Lori Lein, Deputy General Counsel, ALM; and Larry Bryant, PE, Chief, Environmental Services Branch, ADEM.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Jim Sumner, Director of the Alabama Ethics Commission and Hugh Evans, General Counsel for the Alabama Ethics Commission for their presentation on Alabama's New Ethics Law held on Tuesday morning of this convention:

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 13

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do express their sincere appreciation to the participants of the AAPP Program and particularly thank Barbara Montoya, Personnel Director, City of Montgomery and Jeff Downes, Chief of Staff/Deputy Mayor, City of Montgomery.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama

League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they express their thanks to the participants on the Municipal Clerks Program and particularly do they thank Randy Taylor, Finance Director, City of Huntsville; Keith Atchley, Code Enforcement Manager, City of Huntsville; Cherie Cunningham, Housing Specialist II, City of Huntsville; Gail Busby, City of Decatur; Lynn Porter, City Clerk, Trussville; Iva Nelson, City Clerk, Gadsden; and Lee Frazier, City Clerk, Birmingham.

RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Councilmember Thomas Moore of Demopolis for his service during the past year as Vice President of the League. His attention to duty was most commendable.

RESOLUTION NO. 16

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 17

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 18

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they express their thanks to the League staff members responsible for arranging the Municipal Masters Golf Tournament and for their work during the tournament.

RESOLUTION NO. 19

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Mayor Melvin Duran of Priceville for serving as master of ceremonies at the Spouses Breakfast.

RESOLUTION NO. 20

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that

they thank Mayor Leon Smith of Oxford, Mayor Ted Jennings of Brewton, Mayor Charles Penhale of Helena, Councilmember Thomas Moore of Demopolis and Mayor Phil Segraves of Guin 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. 21

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they thank Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor David Bradford of Muscle Shoals, Mayor Charles Murphy of Robertsedale and Councilmember Dean Argo of Prattville for serving on the Board of Directors of the Alabama Municipal Insurance Corporation. We also wish to commend the work of Steve Wells, AMIC's President. Because of the work of these officials, AMIC has proven to be extremely successful and of tremendous benefit to the cities and towns of Alabama. We urge other municipalities to participate in this service offered through the League.

RESOLUTION NO. 22

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they thank Mayor Roy Dobbs of Berry, Mayor Wally Burns of Southside, Mayor Howard Shell of Atmore, Mayor George Evans of Selma and Councilmember Debbie Quinn of Fairhope 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. 23

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 24

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank the city managers and city administrators for the work they perform for the cities and towns of Alabama.

RESOLUTION NO. 25

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 26

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they thank the Huntsville Police Department Color Guard for their participation in the Opening Session of this convention.

RESOLUTION NO. 27

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they thank the Huntsville Fire & Rescue Choral for singing the National Anthem during the Opening Session of this convention.

RESOLUTION NO. 28

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 29

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do sincerely thank the City of Huntsville for planning and sponsoring the Welcome Reception on Saturday night of our convention.

RESOLUTION NO. 30

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 31

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 32

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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. 33

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do sincerely thank Carr, Riggs and Ingram and Merrill Lynch for sponsoring the reception on Monday night of our convention.

RESOLUTION NO. 34

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Lee Marshall for performing at the Spouses Breakfast on Monday morning of this convention.

RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do sincerely thank Sterne Agee for sponsoring the retirement reception honoring Perry C. Roquemore, Jr., on Monday night of our convention.

RESOLUTION NO. 36

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they express their deep appreciation to Alabama Municipal Electric Authority; Alabama Municipal Insurance Corporation; Alabama Power Company; Carr, Riggs and Ingram; Electric Cities of Alabama; Goodwyn, Mills Cawood; Merrill Lynch; Millennium Risk Managers; Municipal Revenue Service; Municipal Workers Compensation Fund, Inc.; Sterne Agee; and Tennessee Valley Authority for their convention sponsorships.

RESOLUTION NO. 38

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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:



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RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, 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 – Alabama Advantage; ADECA – Surplus Property Division; AL City/County Management Association; Alabama Association of Municipal Clerks and Administrators; Alabama Association of Regional Councils; AL Attorney General’s Consumer Affairs; Alabama Career Center; Alabama Clean Fuels Coalition; Alabama Cooperative Extension System; Alabama Correctional Industries; Alabama Criminal Justice Information Center; Alabama Department of Environmental Management; Alabama Department of Environmental Management, Brownfields Voluntary Cleanup Programs; Alabama Department of Revenue, Local Tax; Alabama Emergency Management; Alabama Green Industry Training Center; Alabama Industries for the Blind; Alabama Municipal Revenue Officers Association; Alabama Public Library Service; Alabama Retired State Employees’ Association; Alabama Urban Forestry Association; ALL Kids – Alabama Department of Public Health; Center for Governmental Services Auburn University; Design Alabama; Geological Survey of Alabama; Retirement Systems of Alabama; Scenic Alabama; State Auditor’s Office & NPMA (National Property Management Association); State Employees’ Insurance Board; The Center for Forest Sustainability; U S Census Bureau.

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they sincerely thank the Municipal Revenue Service for their golf tournament sponsorship.

RESOLUTION NO. 41

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank the members of the 2010-2011 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank ABC-LEO for 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 Huntsville, Alabama, on this the 27th day of June, 2011, 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank Goodwyn, Mills & Cawood for sponsoring the hospitality room on Saturday and Sunday nights of the convention.

RESOLUTION NO. 45

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do thank League Attorneys Perry C. Roquemore, Jr., Ken Smith, Lori Lein and Tracy Roberts 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, Wednesday, April 27, 2011, became the most prolific and catastrophic tornado outbreak in United States history when more than 200 tornados bombarded the South; and

WHEREAS, an unprecedented 67 tornadoes, including eight EF-4s and two EF-5s, were confirmed in Alabama; and

WHEREAS, these horrific tornadoes destroyed homes, businesses and lifestyles while killing more than 230 people across the northern two-thirds of the state; and

WHEREAS, the devastation to many municipalities was epic, requiring immediate mobilization of emergency services

and steadfast leadership from local and state officials; and

WHEREAS, Governor Robert Bentley activated 2,000 National Guard troops to help secure decimated areas while committing State resources toward recovery efforts; and

WHEREAS, on April 29th, President Barak Obama pledged immediate federal aid after touring Tuscaloosa, the site of an EF-4 tornado that killed 41 people and severely damaged or destroyed more than 5,000 structures; and

WHEREAS, the Army Corps of Engineers has estimated that at least 3.5 million cubic yards of debris must be removed from nearly 40 counties; and

WHEREAS, Alabama's Emergency Management Agency in conjunction with FEMA has been working nonstop to provide assistance to counties, municipalities and individuals affected by the April 27th weather siege;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do commend the State and Federal Governments for their immediate and unequivocal response to Alabama's municipalities and unincorporated communities following this unprecedented natural disaster; and

BE IT FURTHER RESOLVED that the President and Governor are urged to continue providing aid for as long as is necessary for Alabama's municipalities to stabilize after suffering through the historic and catastrophic tornado outbreaks of April 27, 2011.



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RESOLUTION NO. 47

WHEREAS, on Wednesday, April 27, 2011, an unprecedented 67 tornadoes, including eight EF-4s and two EF-5s, were confirmed in Alabama – becoming one of the most prolific and catastrophic tornado outbreaks in the state’s history; and

WHEREAS, these horrific tornadoes destroyed numerous municipal structures insured by the Alabama Municipal Insurance Corporation (AMIC); and

WHEREAS, AMIC was founded in 1989 to provide property and casualty insurance to municipal entities; and

WHEREAS, the devastation to the municipal infrastructure of many cities and towns was immense and the total damage amounts to municipal structures throughout the state will be a multi-million dollar figure; and

WHEREAS, AMIC representatives were in the affected municipalities within 24 hours surveying and photographing damage and consulting with experts to take the necessary steps to secure the areas; and

WHEREAS, more than 60 AMIC members filed claims following the epic tornado outbreaks; and

WHEREAS, within one month of the tornadoes, AMIC had already distributed nearly \$12 million to its municipal members so the rebuilding process could begin;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do commend the leadership and employees of the Alabama Municipal Insurance Corporation for their immediate and exemplary response to its municipal members following this unprecedented natural disaster.

RESOLUTION NO. 48

WHEREAS, Alabama’s municipalities rely heavily on the collection of fees, taxes and business licenses to deliver essential services such as police and fire protection to their citizens, businesses and industries; and

WHEREAS, Alabama’s municipalities are under tremendous pressure to do more with less without reducing essential services to citizens, businesses and industries in this climate of extreme financial distress; and

WHEREAS, Alabama’s municipalities are dependent upon the Alabama Legislature for the authority to levy and collect any fees, taxes and licenses; and

WHEREAS, the Alabama Legislature is continually asked by business and industry advocates to support exemptions and preemptions of municipal authority to raise revenue locally; and

WHEREAS business and industry should be expected to contribute their fair share without continual special concessions that place potentially crippling financial burdens on municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do request the Alabama Legislature to oppose any legislation limiting the authority of municipal governments to tax or license business and industry in their prospective communities.

RESOLUTION NO. 49

WHEREAS, Alabama’s municipalities are under tremendous pressure to do more with less without reducing essential services to citizens, businesses and industries in this climate of extreme financial distress; and

WHEREAS, federal and state unfunded mandates on local governments have the cumulative effect of placing acute duress on local government budgets and taking away policymaking flexibility; and

WHEREAS, whenever state or federal government mandates force new and increased expenditures on Alabama’s local governments, the municipalities are left struggling to determine how to fund the required mandate while still providing the essential services citizens, businesses and industries have come to rely on; and

WHEREAS, Alabama’s municipalities must have the continued ability and authority to establish local solutions to local problems without excessive and costly micromanagement from the state or federal level; and

WHEREAS, during formidable economic climates, it is especially important for the federal and state governments to consider the dire impact unfunded mandates have on the much smaller and extremely limited budgets of local governments; and

WHEREAS, the current economic deterioration will indefinitely impact Alabama’s municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do request the Alabama Legislature and Congress refrain from creating any new unfunded mandates to be passed down to local governments.

BE IT FURTHER RESOLVED that the Alabama Legislature and Congress will not create new mandates on local governments without providing sufficient funding sources for such programs.

RESOLUTION NO. 50

WHEREAS, Perry C. Roquemore, Jr., Executive Director and longest serving employee for the Alabama League of Municipalities, retired on May 31, 2011, after 37 years of outstanding and commendable service to the cities, towns and municipal entities of this state; and

WHEREAS, Perry began his career as a staff attorney with the League in 1974 upon his graduation from the University of Alabama School of Law; and

WHEREAS, Perry became an expert in municipal law as well as a respected and loyal advocate of municipal interests; and

WHEREAS, Perry was named the League’s third Executive Director in 1986 following the retirement of John Watkins; and

WHEREAS, Perry led the efforts to successfully promote crucial constitutional amendments that restricted the Alabama Legislature’s authority to force unfunded mandates onto municipalities and preserved the municipal portion of the state’s oil trust-fund revenues; and

WHEREAS, under Perry’s leadership the League created

many invaluable programs benefiting its membership including the Alabama Municipal Insurance Corporation, the Certified Municipal Officials Program and the Alabama Municipal Funding Corporation; and

WHEREAS, during Perry's tenure the first African-American was elected League President; the first municipal official from Alabama was elected President of the National League of Cities; the League's headquarters building was expanded twice; and the League staff grew to nearly sixty professionals; and

WHEREAS, Perry has been a champion of municipal government by working diligently and effectively to protect municipal interests, enact proactive legislation and expand educational, financial and quality of life opportunities for Alabama's municipalities, their staffs and their elected officials;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that we do hereby commend Perry C. Roquemore, Jr., for 37 years of outstanding service to the Alabama League of Municipalities and for his dedication and leadership which have made the League a membership organization second to none.

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

RESOLUTION NO. 51

WHEREAS, Representative Bill Dukes retired from elected office in 2010 after more than four decades of outstanding and commendable service to the people of Alabama; and

WHEREAS, Representative Dukes was the Mayor of Decatur from 1976 until 1994 and was an active member of the Alabama League of Municipalities, serving on numerous committees and as League President from 1987 to 1988; and

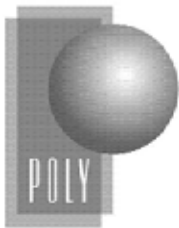
WHEREAS, Representative Dukes was one of the original board members of the Alabama Municipal Insurance Corporation and served for several terms on the board of directors of the Municipal Workers Compensation Fund, Inc.; and

WHEREAS, Representative Dukes was elected to the Alabama State Legislature in 1994 and served as chair of the House County and Municipal Government Committee 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, Representative Dukes was the commencement speaker for the graduation ceremony of the Alabama League of Municipalities' Certified Municipal Official Training Program for fourteen consecutive years; and

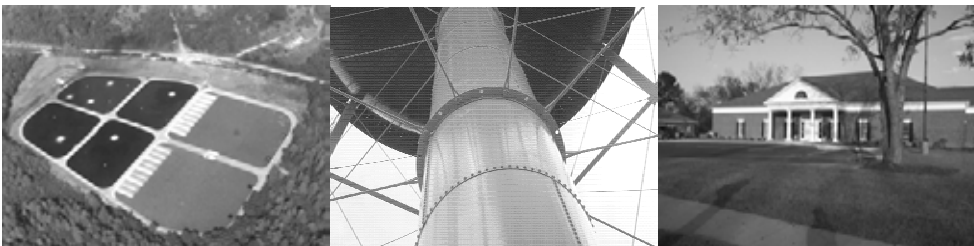
WHEREAS, Representative Dukes has been a long-time advocate of municipal government and its critical role in the success and wellbeing of Alabama's cities and towns;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in



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- Utility Relocation
- Wastewater Collection & Transmission
- Wastewater Treatment & Disposal
- Water Treatment & Supply
- Water Storage & Distribution

Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that we do hereby applaud Representative Dukes' outstanding leadership, work ethic and unwavering willingness to aid Alabama's municipalities and extend our sincere and grateful appreciation for his dedicated service to the people of Alabama.

BE IT FURTHER RESOLVED that we congratulate Representative Dukes 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, Charles Murphy, Mayor of Robertsdale, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

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

WHEREAS, the members of the League shall always be most grateful for Mayor Murphy's 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 Huntsville, Alabama, on this the 27th day of June, 2011, that they do recognize and commend Mayor Murphy 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, Carol Jean Smith faithfully served the State of Alabama and its citizens for 30 years as an Assistant Attorney General and Chief of the Opinions Division until her retirement in 2004; and

WHEREAS, Ms. Smith was an exceptional public servant, inherently safeguarding the trust bestowed upon her while serving under eight Attorneys General; and

WHEREAS, Ms. Smith provided invaluable assistance to municipal officials and employees throughout her tenure with the Attorney General's Office; and

WHEREAS, Ms. Smith was recognized as one of Alabama's leading experts in the field of municipal law and was well known for her diligent efforts on behalf of many leaders and elected officials in performing their duties to the citizens in their communities throughout the State of Alabama; and

WHEREAS, Ms. Smith worked closely with the Alabama League of Municipalities to educate municipal elected officials, employees and attorneys through her contributions as a speaker at many League functions; and

WHEREAS, Ms. Smith's contributions to the knowledge and understanding of municipal law through the drafting of innumerable Attorney General's Opinions cannot be overestimated; and

WHEREAS, Ms. Smith passed away on March 20, 2011, at age 63;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they do memorialize Carol Jean Smith and pay tribute to her dedication, professionalism and many years of sound legal judgment. Her devotion to the State of Alabama and her friendship will be sorely missed.

RESOLUTION NO. 54

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Huntsville, Alabama, on this the 27th day of June, 2011, that they memorialize the following persons who have died in office since our last convention, namely: Ken Williams, mayor, Saraland; Willie Cook, councilmember, Montgomery; Grady Gould, councilmember, Coffeetown; Gregory "Greg" Pendleton, councilmember, Montevallo; James W. "Bill" Rawson, councilmember, Orange Beach; Keith A. Young, councilmember, Pennington; Tim Pirtle, councilmember, Littleville; Dr. William Lazenby, councilmember, Opelika; Darrell Shankles, councilmember, Henagar; Ronnie J. McLeary, councilmember, Sheffield; Bill Brantley, councilmember, New Brockton; Marie Middlebrooks, councilmember, Valley Grande.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Ed Bullen, former mayor, Red Bay; Orville Parker, former mayor, Red Bay; Margie Sanford, former councilmember, Childersburg; Jimmy Watson, former councilmember, Lincoln; Charles "Charlie" Sutton, former council president, Homewood; Luther Latham, former mayor, Arab; Ralph Hammond, former mayor, Arab; James "J.R." Richard Countryman, former councilmember, Gadsden; Ross Palmer, former councilmember, Rogersville; Joyce Routon, former councilmember, Southside; Jackie Whittemore, former councilmember, Southside; Herbert C. "Hoot" Chaffin, former mayor, Douglas; Charles E. McKinney, former councilmember, Ashland; William Murphy, former mayor, West Blocton; Garland Justice, former councilmember, Childersburg; Willie B. Arrington, former councilmember, Alabaster; Charles Ebert, Jr., former councilmember, Foley; James Rufus Dockery, former councilmember, Tuscaloosa; Burk Dunaway, former mayor, Pelham; Al Robbins, former mayor, Florala; Muriel Savage, former councilmember, Florala; Bill Johnson, former mayor, Muscle Shoals; George "Moody" King, former councilmember, Ardmore; Charles Tinsley, former mayor, Sardis City; Mike Mattox, former mayor, Collinsville; Jackie Biddle, former councilmember, Rainbow City; Donnie Gentry, former councilmember, Phil Campbell; Gene Hughes, former mayor, Daleville; Owen Drake, former councilmember, Leeds; Sarah McBroom, former councilmember, Tuscaloosa; Walter Majors, former mayor, Rainbow City; William Poole, former mayor, Ohatchee; L.C. Keasler, former councilmember, Reform; Jessie Phillips, former councilmember, Chickasaw; and Fulton Duck, former councilmember. ■

and has guarded our cities and towns against the infringement of our authority by state and federal legislation.

Under Perry's leadership, the League achieved milestones in the progression and diversification of our organization through the election of the first African-American league president, former Mayor Johnny Ford of Tuskegee, as well as former Councilwoman Cynthia McCollum of Madison becoming the first Alabama official elected president of the National League of Cities.

As I look back on my personal relationship with Perry, I'm amazed at all he's accomplished for us during his tenure and how strong and decisive the League has become due to his leadership. My tenure as president of the League certainly deepened my respect for Perry Roquemore and, on behalf of the membership, I sincerely thank him for the leadership, dedication and hard work he selflessly gave during his nearly 38 years with the League. Not only did he provide our membership with sound judgment as our executive director, he has become a dear friend to us all.

I know you join me in wishing Perry and his family the very best in their future journeys.

Of course, we all greatly appreciate the numerous contributions Perry has made to this organization, but I would be remiss if I didn't recognize the rest of our 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 employees is exceptional. They rise to every occasion, answer every inquiry (even when we don't like the answer) and anticipate problems before they arise. Our jobs as elected officials would be much more difficult if it weren't for their efforts. I certainly appreciate their help and support throughout my year as president.

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



NLC President James Mitchell, Jr. encourages ALM delegates to become involved nationally.

accomplished many great things throughout its long history. And through our *united* efforts, this list of accomplishments will continue to grow.

I'll close by saying it's been a tremendous honor 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. I also want to thank the members of the Robertsdale Council and all my staff. They graciously allowed me to serve you this year, and have always supported me and our League.

Again, I thank all of you for the privilege of serving as your League president. May God bless you, your communities and our Alabama League of Municipalities! ■

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Ken Smith Elected Fourth Executive Director in League History

On June 27, 2011, Acting Executive Director Ken Smith was elected Executive Director by the voting delegates at the League's annual business session following the May 31st retirement of Perry C. Roquemore, Jr., who had been with the League for 37 years. Ken is only the fourth executive director to serve the Alabama League of Municipalities since its inception in 1935.

Born in Union Springs, Alabama, Ken received a B.S. degree in journalism from the University of Alabama in 1982 and a J.D. degree from the University of Alabama School of Law in 1985. He completed a one-year clerkship to Justice Hugh Maddox of the Alabama Supreme Court and was then hired as the League's staff attorney in June 1986. He later became the League's Deputy Director/General Counsel.

During his 25 years with the League of Municipalities, Ken has been responsible for advising municipal officials and employees from over 440 member cities and towns. He has written numerous articles and manuals on municipal government; has helped write the handbook and guides used by all elected municipal officials in Alabama; and has addressed numerous gatherings of municipal officials, employees and attorneys on municipal matters. He has also assisted League lobbyists in their efforts through which many laws benefiting municipalities have been enacted by the State Legislature. In addition, he serves as liaison between the League and other interest groups on matters affecting municipal government.



Ken addresses officials at the 2011 Legislative CMO session in Montgomery.



In 2003, he was presented the Award for Teaching Excellence by the College of Continuing Studies at the University of Alabama.

"My time with the League has allowed me to fully appreciate the services the League provides to its members," Ken said. "I believe that there is no higher calling than public service, so I have a great deal of respect for the officials and employees who serve the League's member municipalities. They give freely of their time, often for little or no money, in an effort to make their city or town the best it can be. The function of the League is to help them achieve that goal."

Ken is the former President of the Alabama Municipal Funding Corporation, also known as AMFund, and presently serves as Secretary/Treasurer of that organization. He is also the Secretary/Treasurer of the Alabama Municipal Insurance Corporation (AMIC). He is active in the International Municipal Lawyers Association (IMLA), an international organization that works to improve the practice of municipal law throughout the United States, Canada,

continued on page 31



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Distinguished Service Awards

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 10 awards were announced during the President's Banquet this year at the League Convention in Huntsville. Pictured below are the recipients of the 2011 Distinguished Service Awards.

30 Year Service Award



Melvin Duran
Mayor, Priceville

30 Year Service Award



Wayne Tucker
Councilmember, Springville

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www.alalm.org/CMOPage.html

30 Year Service Award



Carolyn May
Municipal Clerk, Grant

Not Pictured: Grant A. Paris,
Municipal Attorney, Jacksonville
30 Year Service Award

Distinguished Service Awards

20 Year Service Award



*Faye Cook
Mayor, Woodville*

20 Year Service Award



*Virgil Skipper
Mayor, Midland City*

20 Year Service Award



*Cynthia Osborne
Municipal Clerk, Southside*

20 Year Service Award



*Sue Raper
Municipal Clerk, Vina*

20 Year Service Award



*Steve Martin
ALM Finance Director*

20 Year Service Award



*Twanna Walton
ALM Researcher*

Mexico and Europe. He has served on the IMLA Board of Directors, the IMLA Restructuring Committee, Technology Committee, Model Licensing Agreement Committee, Conference Planning Committee and the Policy Action Committee. He has also chaired the IMLA Personnel Section and the IMLA State League Attorneys Department.

He is a member of the American Bar Association, Alabama State Bar, the Montgomery County Bar Association and serves on the Advisory Committee on Municipal Courts, the County and Municipal Liaison Committee and has been a member of the Statewide Taskforce for Domestic Violence Training. He and his wife Brenda, Opinions Division Chief for the Alabama AG's office, are active members of the First Methodist Church in Montgomery.

"I am proud to have been a part of this organization for 25 years," Ken said, "and I look forward to many more years of service here. As executive director, I pledge to continue to work to improve the League's services and the assistance we provide our members." ■



Ken Smith at the 2011 Legislative CMO Session in Montgomery

Rep. Bill Dukes, Former League President, Honored During Convention

Rep. Bill Dukes, who retired from the Alabama Legislature last year, was honored during the 2011 League convention in Huntsville for his many years of service. The League presented him with the following special resolution:

WHEREAS, Representative Bill Dukes retired from elected office in 2010 after more than four decades of outstanding and commendable service to the people of Alabama; and

WHEREAS, Representative Dukes was the Mayor of Decatur from 1976 until 1994 and was an active member of the Alabama League of Municipalities, serving on numerous committees and as League President from 1987 to 1988; and

WHEREAS, Representative Dukes was one of the original board members of the Alabama Municipal Insurance Corporation and served for several terms on the board of directors of the Municipal Workers Compensation Fund, Inc.; and

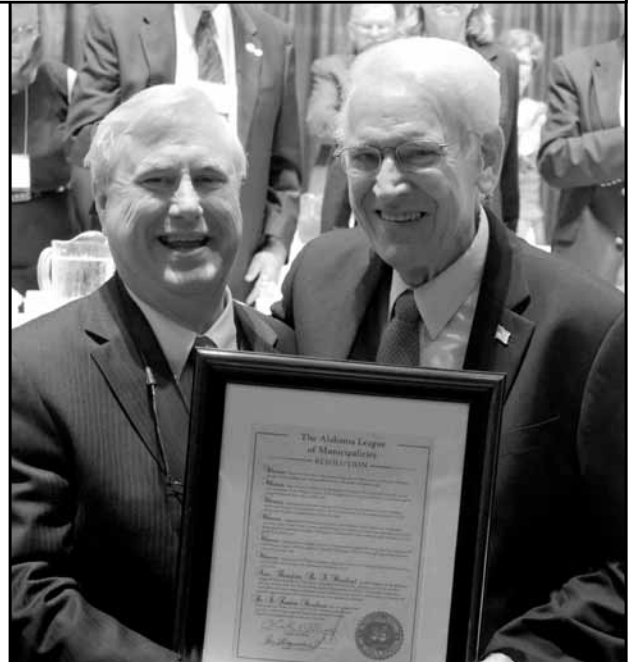
WHEREAS, Representative Dukes was elected to the Alabama State Legislature in 1994 and served as chair of the House County and Municipal Government Committee where he consistently demonstrated leadership through a willingness to be fair and work with both political parties for the good of the State; and

WHEREAS, Representative Dukes was the commencement speaker for the graduation ceremony of the Alabama League of Municipalities' Certified Municipal Official Training Program for fourteen consecutive years; and

WHEREAS, Representative Dukes 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 Huntsville, Alabama, on this the 2nd day of May, 2011, that we do hereby applaud Representative Dukes' outstanding leadership, work ethic and unwavering willingness to aid Alabama's municipalities and extend our sincere and grateful appreciation for his dedicated service to the people of Alabama.

BE IT FURTHER RESOLVED that we congratulate Representative Dukes 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. ■



December in Denver, Colorado. The NLC Congressional-City Conference was held in Washington, D.C. in March.

Mayor Leon Smith of Oxford, Mayor Ted Jennings of Brewton, and Council Member Debbie Quinn of Fairhope continue to serve on the NLC Advisory Committee. Council Member David Hooks of Homewood serves as 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

Theresa Lloyd, our Member Services Director, has done an excellent job preparing for this year's convention as the Convention Coordinator. Krystle Bell, Cindy Price, and Sonya McCarley work in that department and have provided valuable assistance. The League's membership now stands at 442 municipalities out of the 461 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 2010-2011 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. League Finance Director Steve Martin and his staff composed of Faith Ann Gunn and Rachel Wagner have kept us on a strong financial footing.

Since the last convention, the League IT staff, led by Monty Paggeot and his staff of Chuck Stephenson and Ken Gabehart, 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 at multiple sites and that the security of our system is top notch.

We continue to produce video productions for training purposes. The League staff produced the video you saw on Saturday honoring the League 2011 Quality of Life Award winners.

This year we enclosed a three-space garage at your League Headquarters building and made three new much-needed offices. 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 led by Operations Manager Steve Martin, and the Alabama Municipal Insurance Corporation for liability and property insurance led by Steve Wells, and his excellent staff. AMIC and MWCF jointly have an excellent loss control team, many of whom have been here in Huntsville at the booth in the Expo Hall. The loss control team and the rest of the AMIC staff and MWCF staff work very hard to make sure your city has the best liability and property coverage and service available.

The Alabama Municipal Funding Authority or AMFund is available for your financing needs. Greg Cochran serves as President of this company.

Two other League-operated services are 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 Cable Television Franchise Management Service, the Model City Ordinance Review Program, the U.S. Communities purchasing program, and CGI Streaming Video program.

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

Legislative Program

The current Alabama Legislature came to Montgomery last December and promptly enacted a package of ethics reform bills. They returned on March 1 to begin the 2011 Regular Session, which concluded on June 9, 2011. During this session, the Legislature debated and passed a long list of controversial bills dealing with immigration, tort liability, photo ID at the polls, abortion, among many other measures.

The League Committee on State and Federal Legislation met on January 13 and adopted an ambitious League Legislative Package for the 2011 Regular Session. I am happy to report that the League had a very successful session. We were successful in obtaining the final passage of six bills.

- Act No. 2011-618: The League has tried to pass this measure for several years. It eliminates the requirement of publishing certain general and permanent ordinances in full following passage and instead allows for the publication of a summary of the ordinance following adoption. This law will save municipalities in Alabama thousands of dollars every year.

- Act No. 2011-530: This law allows municipalities to purchase items off GSA bids and utilize life cycle costs in determining the lowest responsible bidder.
- Act No. 2001-214: This law validates and ratifies municipal annexations despite certain procedural defects.
- We also were successful in the passage of appropriations for the State Revolving Loan Fund for Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority.
- Act No. 2011-680: Consolidates certain municipal offenses into a single statute.

Although not part of the League's legislative package, another bill that was strongly pushed by the League also passed, and has been enacted as Act No. 2011-612. This law amends Section 22-22A-5, Code of Alabama 1975, to remove minimum civil penalty amounts for certain violations of environmental laws.

As always, Greg Cochran and the legal staff have done a fantastic job of lobbying for our members.

But be aware that the state continues to face a severe financial crisis. We saw a number of bills introduced this session that reduced municipal powers and eliminated or reduced certain municipal taxes. We cannot let this happen. If you want to keep these bad bills from passing, you must contact your legislators and make your feelings known. Your League staff cannot be effective without your help.

A full report on the 2011 Regular Session is posted on the League's website.

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 16 years. Since the program began, we have had 3401 officials participate in the program. As of last week, 900 officials have obtained the required 40 credit hours of training for Basic CMO certification and 406 officials have earned their Advanced CMO designation. At this Convention additional officials will earn credit hours toward their Basic and Advanced CMOs. The names of the 2011 graduates to date were shown on the screen during today's luncheon. Additional officials will join them at a graduation ceremony in Montgomery this summer. Cindy Price has done an outstanding job working on this program.

Publications and Information

The *Alabama Municipal Journal* continues to be one of the country's best municipal publications. Last year the staff considered proposals for a completely new League website. After reviewing the proposals and considering the abilities of our own staff, we decided to update the site with League staff under the direction of our Communications Director Carrie Banks. We added Graphic Designer/Webmaster, Karl Franklin,

to Carrie's department and he and Carrie designed the new site. Our IT staff helped to get it online.

What a great decision. I hope all of you have gone to our website. In fact, we get from 3500-3700 hits per week. Our new website has a number of new features. It is much more reader friendly. An up-to-date League Directory can also be found on our new web page in addition to numerous videos. If you haven't seen it, go to www.alalm.org for a peek.

Legal Services

Our Legal Department is led by our new General Counsel, Lori Lein. Lori and Tracy Roberts continue to provide top notch legal assistance to our members. During the last years, approximately 8,000 of your inquiries were fielded by our legal team. In addition to answering your legal questions, they also provide two training workshops annually for city attorneys, judges and prosecutors 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*. Supporting our attorneys in the Legal Department are Sharon Carr, Legal Services Administrator, and Twanna Walton, League Researcher.

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, IT and Insurance. These extremely competent people provide excellent service to our members on a daily basis. I have been blessed with an outstanding staff at the League. They truly make the Executive Director's job much easier. Our accomplishments would not have been possible without their leadership and assistance. I know you join me in thanking the League staff for a job well done.

Looking Ahead

The next year will be full of challenges for municipalities. The Federal government, the State of Alabama and cities and towns will have to face economic and budget issues unseen in our history. 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.

Finally, on a personal note, I am honored that the past presidents of this organization have unanimously nominated me to fill the very large shoes Perry leaves behind. I look forward to serving you to help keep the Alabama League the strongest and best in the country.

Alabama municipalities are truly blessed with dedicated officials. Remember, this is your League. The ability to produce positive results for our members depends upon the involvement and teamwork of our municipal officials.

Thank you! ■



RDS
Smart Government Awards

2010
 Small Municipality Award Winner

Presented to
 City of Guntersville, Alabama



From left to right: Pete Yonce (RDS); Councilman Wayne Sellers; Stephen Morris (RDS); Lesa Bellin (Recycling Coordinator); Carl Fulmer (Ordinance Enforcement Officer); Milla Sachs (Executive Assistant to the Mayor); Councilman Rudy Cornelius; Dan Warnes (City Attorney); Mayor Robert L. Hembree, Jr.; Councilman Charlie Williams; Renea Bradley (Personnel Director); Councilman Randy Whitaker; Betty Jones (City Clerk); Grant DeMuth (Director Economic Development); Leigh Dollar (City Auditor, Dollar & Watson, Sponsor of the State of the City).

Revenue Discovery Systems (RDS) presented its final 2010 Smart Government Award (SGA) in the Small Municipality category to the City of Guntersville, Ala. Under the leadership and direction of Mayor Robert L. Hembree, Jr., the city expanded recycling collection efforts, implemented “paperless” practices in the police department, and motivated community members to contribute to litter prevention among other

cleanup efforts.

City of Guntersville officials made recycling and waste reduction a priority. Existing environmental efforts were further enhanced in a cost effective manner through revised procedures and practices. Many recycling programs have been in place for some time, including the collection of paper, glass, aluminum cans, tin/steel cans, plastics, cardboard, motor oil, and scrap metal.

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Minutes of the General Business Session

Huntsville, AL • June 27, 2011

The General Business Session of the Convention of the Alabama League of Municipalities was called to order promptly at 4:00 p.m., June 27, 2011, by President Thomas Moore, Councilmember of Demopolis, at the Von Braun Center in Huntsville, Alabama. Councilmember Moore 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 on past president Charles Murphy, Mayor of Robertsdale, for his comments. Mayor Murphy thanked the membership and the staff of League for working with him during his term of office.

The president then called upon Ken Smith, Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Smith welcomed the attendees and expressed the continued sympathy and support for those communities that were struck by the devastating tornadoes on April 27, 2011, that had forced postponement of the annual convention until this date. He expressed his appreciation for the hard work by Mayor Tommy Battle, the Huntsville City Council, and the employees of the City of Huntsville for their efforts in rescheduling the convention and for their help in making the 2011 League Convention a great success. He thanked the League officers, staff and membership for their work during the past year. Mr. Smith also recognized and thanked retiring Executive Director Perry Roquemore for his 37 years of service to the League.

Mr. Smith stated that the League membership was now at 442 cities and towns and that League finances would be adequate for fiscal year 2011-2012. He also discussed the current legislative session and numerous League services and programs.

President Moore 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 Roy Dobbs of Berry, Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report.

The President then called upon Councilmember Debbie Quinn, Chairman of the Resolutions Committee, for the committee's report. Councilmember Quinn reported that the Resolutions Committee had met on Saturday, June 25, and had recommended that the League's *Policies and Goals for 2011* be adopted with the following amendment: that Policy Position **F-5.16** be deleted as accomplished by the passage of Act 2011-618.

Councilmember Jesse Matthews of Bessemer moved adoption of the *Policies and Goals for 2011*, as amended, and the motion was seconded by Council Member Don Moore of Uniontown. The motion carried.

Councilmember Quinn then presented the resolutions for adoption. She pointed out that members were given summaries of 54 resolutions recommended by the Resolutions Committee.

Councilmember Richard Showers of Huntsville moved adoption of Resolutions 1 through 45. The motion was seconded by Councilmember Jerry Tingle of Lake View. The motion was adopted.

Mayor Sheldon Day of Thomasville moved adoption of Resolution No. 46, which commends the State and Federal Governments for their immediate and unequivocal response to Alabama's municipalities and unincorporated communities following the unprecedented April 27th tornado outbreak. The motion, which was seconded by Mayor Omar Neal of Tuskegee, passed unanimously.

Mayor Richard Long of Jackson moved adoption of Resolution No. 47, commending the leadership and employees of the Alabama Municipal Insurance Corporation for their immediate and exemplary response to its municipal members following this unprecedented tornado outbreak on April 27, 2011. Councilmember Bill Bledsoe of Butler seconded the motion. The motion passed unanimously.

Councilmember Jeff Cheekwood of Hokes Bluff moved adoption of Resolution No. 48 requesting the Alabama Legislature to oppose any legislation limiting the authority of municipal governments to tax or license business and industry in their prospective communities. Mayor Howard Rubenstein of Saraland seconded the motion. The motion passed unanimously.

Mayor Omar Neal of Tuskegee moved adoption of Resolution No. 49, requesting that the Alabama Legislature and Congress refrain from creating any new unfunded mandates to be passed down to local governments. Mayor Kenneth Coachman of Fairfield seconded the motion. The motion passed unanimously.

Councilmember Marva Gipson of Aliceville moved adoption of Resolution No. 50, commending Perry C. Roquemore, Jr., for 37 years of outstanding service to the Alabama League of Municipalities and congratulating him on his well-earned retirement and extending our best wishes to him and his family for continued success, happiness and good health in the years to come. Mayor Mike Grayson of Demopolis seconded the motion. The motion passed unanimously.

Councilmember James Harris of Wedowee moved adoption of Resolution No. 51, thanking Representative Bill Dukes for his service to the League and congratulating on his well-earned retirement and extending our best wishes to him and his family for continued success, happiness and good health in the years to come. Council Member Bobbie Curtis of Greensboro seconded the motion. The motion passed unanimously.

Councilmember Richard Showers moved adoption of Resolution No. 52, honoring Mayor Charles Murphy of Robertsdale for his service as League President. The motion, which was seconded by Council Member Alex Moses of Clayton, passed unanimously.

Mayor George Evans of Selma moved adoption of Resolution No. 53, mourning the death of Carol Jean Smith and thanking

her for her many years of service as Assistant Attorney General. Councilmember Lewis Washington of Wetumpka seconded the motion. The motion passed unanimously.

Mayor Don Murphy of Pelham moved adoption of Resolution No. 54, memorializing active and former officials who have passed away since the last League convention following the addition of names from the floor. Councilmember Don Moore of Uniontown seconded the motion. The motion passed unanimously.

Following adoption, Councilmember Jesse Matthews moved to reconsider Resolution No. 54 to add an additional name. Councilmember James Harris of Wedowee seconded the motion, which 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: Councilmember Thomas O. Moore, Demopolis

Vice President: Mayor David Bradford, Muscle Shoals

Executive Director: Ken Smith, Montgomery

Committee on State and Federal Legislation:

Chairman – Councilmember Debbie Quinn, Fairhope

Vice Chairman – Councilmember Sadie Britt, Lincoln

Committee on Finance, Administration and Intergovernmental Relations:

Chairman – Councilmember David Hooks, Homewood

Vice Chairman – Councilmember Adam Bourne, Chickasaw

Committee on Energy, Environment and Natural Resources:

Chairman – Councilmember Dean Argo, Prattville

Vice Chairman – Mayor Rusty Jessop, Riverside

Committee on Community and Economic Development:

Chairman – Mayor Phil Segraves, Guin

Vice Chairman – Councilmember Newton Cromer, Saraland

Committee on Transportation, Public Safety and Communication:

Chairman – Councilmember Jeddo Bell, Greenville

Vice Chairman – Mayor Gary Livingston, Eva

Committee on Human Development:

Chairman – Councilmember Tayna Rains, Dutton

Vice Chairman – Councilmember Lewis Washington, Wetumpka

FOR EXECUTIVE COMMITTEE

First Congressional District:

Mayor Sam Jones, Mobile

Mayor Howard Shell, Atmore

Mayor Jamie Tillery, Bay Minette

Mayor Howard Rubenstein, Saraland

Mayor G. Richard Long, Jackson

Second Congressional District:

Councilmember Charles Meeks, Troy

Mayor Fred McNab, Pinckard

Councilmember Mike Renager, Prattville

Councilmember Russell Chandler, Tallassee

Mayor Jay Jaxon, Eufaula

Third Congressional District:

Mayor Todd Strange, Montgomery

Mayor Anna Berry, Heflin

Councilmember Ray Edwards, Valley

Councilmember Mack Arthur Bell, Roanoke

Councilmember Billy Pearson, Lincoln

Fourth Congressional District:

Councilmember Donald Myers, Guntersville

Mayor Wayne Silas, Winfield

Councilmember Bill Stewart, Gadsden

Mayor Wally Burns, Southside

Mayor Gary Beam, Arab

Fifth Congressional District:

Mayor Melton Potter, Scottsboro

Councilmember Donald Pennington, Littleville

Mayor William R. Marks, Athens

Councilmember Tommy Perry, Priceville

Mayor Tommy Battle, Huntsville

Sixth Congressional District:

Mayor Don Murphy, Pelham

Mayor Tom Henderson, Center Point

Mayor Walt Maddox, Tuscaloosa

Councilmember Barbara F. Hyche, Helena

Mayor Dennis Stripling, Brent

Seventh Congressional District:

Councilmember Jesse Matthews, Bessemer

Mayor John Lammers, Carrollton

Councilmember Roberta Jordan, Pine Hill

Mayor George Evans, Selma

Councilmember Don Moore, Uniontown

Ex Officio Members (Active Past Presidents)

Mayor Leon Smith, Oxford

Mayor Ted Jennings, Brewton

Mayor Billy Joe Driver, Clanton

Mayor Carroll L. Watson, Lincoln

Mayor Charles “Sonny” Penhale, Helena

Mayor Melvin Duran, Priceville

Mayor Roy Dobbs, Berry

Mayor Charles Murphy, Robertsedale

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

Mayor Tommy Battle of Huntsville was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: May 19-22, 2012, Birmingham; May 18-21, 2013, Montgomery; May 3-6, 2014, Mobile; May 2-5, 2015, Tuscaloosa; and May 14-17, 2016, Huntsville. Mayor Battle of Huntsville moved adoption of the report, which was seconded by Mayor John McGowan of Union Springs. The Site Selection Committee report was approved.

There being no further business, the meeting was adjourned.

Ken Smith, Acting Secretary ■



Fire Apparatus, Recent Delivery



- ✓ KME Predator Panther Custom Chassis
- ✓ MaxxForce 10, 350 hp engine
- ✓ Hale QMax 150-1500 GPM pump
- ✓ 980 gallons water/20 gallons foam
- ✓ Hale FoamLogix 2.1 foam system
- ✓ Whelen LED warning light package
- ✓ Smart Power HR-10 Series PTO/Hydraulic generator, 10,000 watts
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- ✓ 29" deep compartments



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*Fire Chief Charles Black
Priceville, Alabama*



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2011 Annual Convention

Huntsville, AL



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