

The Alabama Municipal JOURNAL

May 2012

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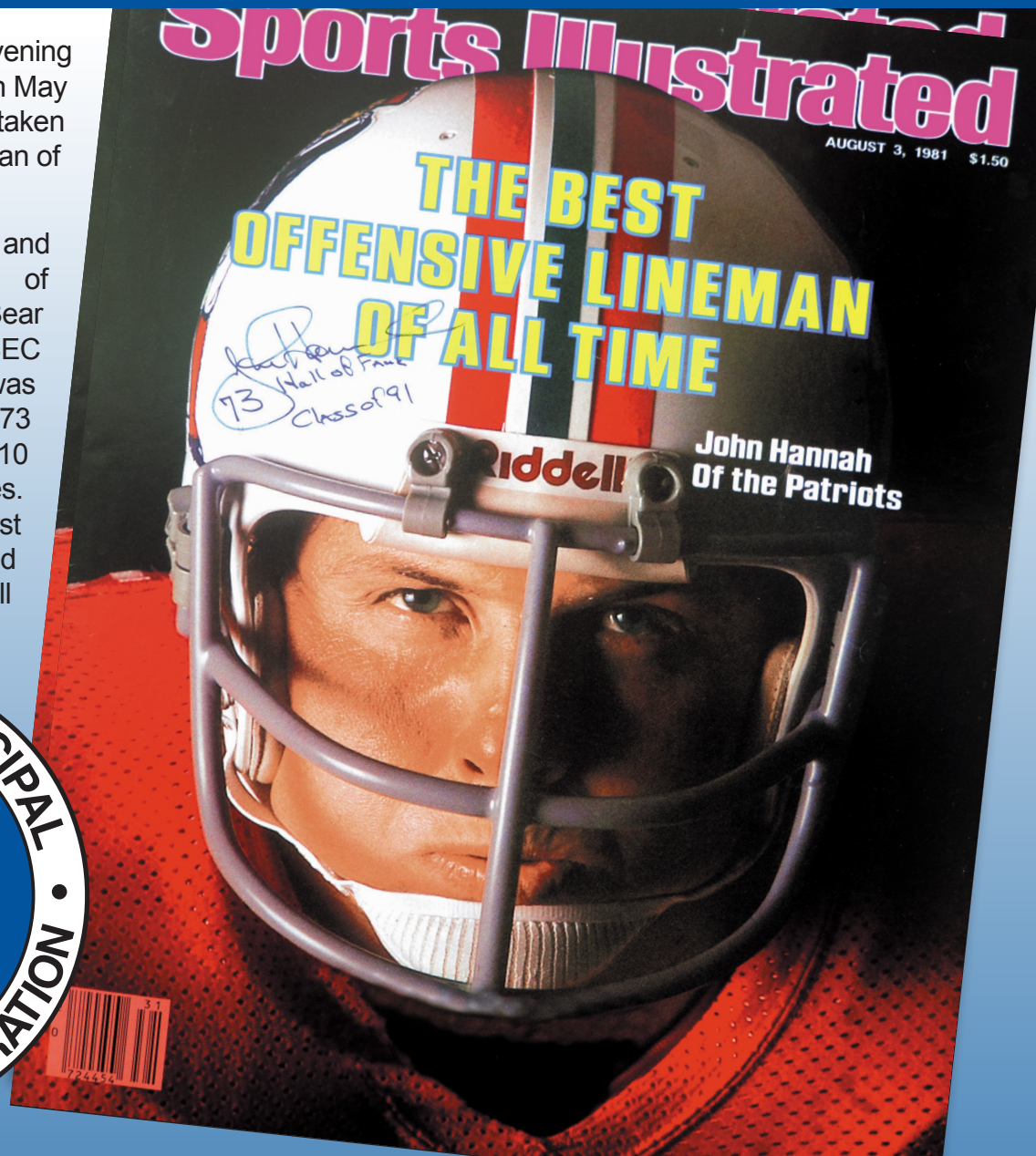
2012 ANNUAL CONVENTION, May 19-22

BIRMINGHAM

Meet John Hannah!

Join us during the Sunday evening reception in the Expo Hall on May 20 and have your picture taken with the best offensive lineman of all time!

Hannah played tackle and guard for the University of Alabama under Coach Bear Bryant and was part of an SEC championship team. He was drafted by the Patriots in 1973 and was named All-Pro 10 times and All-AFC 11 times. In 1991, Hannah was the first Patriots player to be inducted into the Pro Football Hall of Fame.



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The Alabama Municipal JOURNAL

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On the Cover:

Join us in Birmingham May 19-22 for the League's Annual Convention. Program information has been included in this issue of the *Journal*.

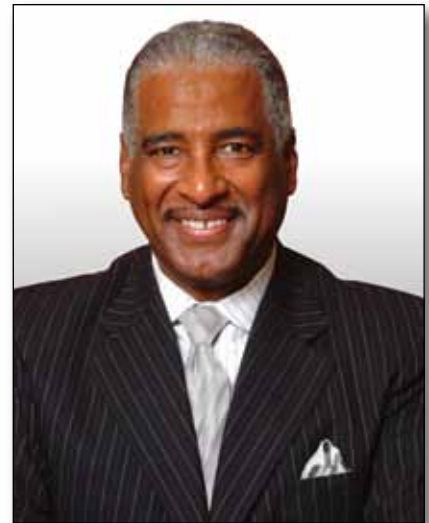
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OFFICE OF THE MAYOR
CITY OF BIRMINGHAM

WILLIAM A. BELL, SR.
MAYOR



April 4, 2012

Alabama League of Municipalities
2012 League Annual Convention
Birmingham, Alabama

Dear Friends:

On behalf of the City of Birmingham, it gives me great pleasure to extend a cordial welcome to the members and guests of the Alabama League of Municipalities. We are excited that Birmingham was selected as host city for the 2012 League Annual Convention, which will be held May 19 – 22, 2012 at the Birmingham-Jefferson Convention Complex and the Sheraton Hotel.

The greatest asset of the State of Alabama is its cities and communities, of which Birmingham serves as the largest municipality. To that end, it is imperative that we continue to make available for our citizens, informative and resourceful events such as the League's Convention—for areas of common interest with the intent to make each of our municipalities, and the entire state of Alabama, a better place to live, work, raise families, and grow businesses.

During your visit, you will discover, not only is Birmingham a friendly city, but we are a city on the move, poised for unprecedented growth in the 21st Century. Evidence of our progressive spirit abounds, from the steady growth of our commercial and industrial sectors to the ever-expanding range of recreational, cultural, and educational opportunities available to residents and visitors alike. I know the League Convention will provide ample entertainment, but I hope you can find some time to enjoy some of the exciting attractions and fine dining our city has to offer.

Again, welcome to Birmingham and best wishes for a successful convention!

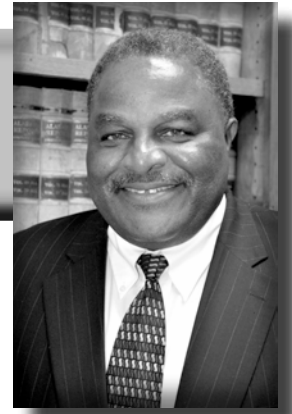
Sincerely,

A handwritten signature in black ink that reads "William A. Bell, Sr.".

William A. Bell, Sr.
Mayor

The President's Report

Councilmember Thomas O. Moore • Demopolis



Join Me in Birmingham May 19-22!

As you're well aware by now, the League's annual convention will take place in Birmingham this month. Convention highlights can be found throughout this issue of the *Journal*. If you're still considering whether or not to attend, I wholeheartedly encourage you to join us!

For those of you who have chosen not to seek reelection, the convention is a great opportunity to wrap up loose ends; find possible solutions to issues facing your community; benefit from some final face time with your peers; and thank the League staff for their support. If you *are* running for reelection, however, the convention not only provides you with a variety of resources such as important educational seminars, exposure to key municipal vendors and state agencies, dedicated time for peer networking and opportunities to share ideas – your attendance demonstrates that you're continuing to learn and work on behalf of your constituents and the good of your community.

Of course, the convention is also an opportunity for you to assess the status of our League and to be included in shaping its future. The Monday afternoon Business Session features a report from Ken Smith, our executive director, as well as reports from three critical League programs: AMFund, AMIC and MWCF – all of which were developed specifically for Alabama's cities and towns. In addition, officers are elected for 2012/2013. Your participation is important. An active, unified membership is what ensures the League's viability – and has also made us a well respected organization for more than 75 years. Since 1935, the Alabama League of Municipalities has endeavored to represent municipal interests – be it locally through educational opportunities, legal advice and information exchange; statewide through passing or defeating critical legislation; or nationally by working closely with the National League of Cities and other state leagues to affect public policy. Our annual convention is truly a culmination of these efforts.

And speaking of effort, it takes a great deal of behind-the-scenes teamwork and organization to make our annual convention a success. I commend our fine staff for their hard work and attention to detail on our behalf. They book the

facilities, negotiate the contracts, plan the program, handle the registrations and vigorously manage the countless details necessary to pull off a successful multi-day event. Our convention is one of the largest in the state, bringing together more than 1,000 municipal officials, clerks, attorneys, personnel and administrators as well as guests and vendors. Thanks to our staff, we have relevant topics, interesting speakers, appropriate meeting space, planned networking opportunities, an efficient schedule and a first-rate Expo hall filled with vendors and state agencies that work specifically with municipalities. Of course, not only do they plan the convention, the staff then facilitates every aspect. They meet and greet you at the registration desk, answer questions, fix last minute snags, assist with the concurrent sessions, make sure speakers and presiders are where they are supposed to be when they are supposed to be there, take lots of pictures and manage vendor setup and break down in the Expo Hall. They work long hours (with a smile!) to make sure we have every opportunity to make the most of our convention experience.

Planning for the League's annual convention is ongoing – once this year's convention ends on May 22nd, arrangements will begin for the 2013 convention in Montgomery. Our ALM staff works very closely with each host city to ensure your time is well spent and enjoyable. My compliments to Mayor Bell, his staff and the Birmingham City Council for their assistance in making this year's convention a reality. I look truly forward to an outstanding experience in the Magic City!

Let me close by thanking all of you for making my year as your League president a wonderful, memorable journey. It has been an absolute honor to work so closely with our state's local leaders. Thank you for your insight, your support and your enthusiasm. I've grown not only as an elected official, but as a person. It's also been a true privilege to forge close relationships with our League staff. They, too, have supported me throughout the year and I am truly grateful.

Our Alabama League of Municipalities is an outstanding organization led by thoughtful, enthusiastic, knowledgeable professionals. We are fortunate. I'll see you in Birmingham! ■



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

- Court Clerk
Large Municipal Court

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

- Judge
Alabama Court

Benefiting the Defendants...

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

- Emma G., Defendant
Florida State Court

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

- Danny B., Defendant
Marshall County, Alabama

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

- Craig A., Defendant
Foley, Alabama

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Municipal Overview

Ken Smith • Executive Director



ALM's Annual Convention Offers Many Opportunities to Learn, Network and Brainstorm

Every year, municipal leaders throughout Alabama face new challenges and questions. Municipal decision makers and those advising them establish the policy and direction for the future of their communities. To help them set the right course, it is crucial that they stay informed on current issues and remain up to date on developments that affect them. They must be prepared to address the complex issues facing their communities.

In this day of tightening budgets and increasing state and federal mandates, the need for immediate and accurate information has become even more vital. Making a decision based on incorrect data can waste valuable time and money and may even lead to increased liability costs through lawsuits or the assessment of state or federal penalties.

How can you find out about recent legislative and legal activities and learn what other cities and town are doing to provide positive changes in their communities? The Alabama League of Municipalities' annual convention provides municipal leaders with the opportunity to learn about current issues and how they may impact their cities and towns. Annual convention is another value-added service offered to you via the League and is your primary source for professional development, continuing education and networking opportunities. It is also one of the best ways to prepare yourself to serve your municipality.

This year, the League's convention will be held in Birmingham at the Birmingham-Jefferson Convention Complex (BJCC) and the Birmingham Sheraton Hotel, this year's host hotel. Starting on Saturday afternoon, May 19, and concluding at Noon Tuesday, May 22, the convention is jam-packed from start to finish with pertinent information you need to help your municipality reach its goals. The convention brings together over 800 municipal leaders from across the state to hear presentations and share information with each other. These policy makers and their advisors will be joined by hundreds of state and federal officials; experts in specific areas of concern; and vendors offering solutions that will enable them to better serve their citizens.

How can you best take advantage of attending the convention? First, it is important to study the program

carefully and to understand what takes place at each session. If this is your first convention, you may find yourself overwhelmed or at a loss as to where to start. Perhaps the most popular sessions at the convention year after year are the Sunday afternoon roundtable discussion groups. These sessions provide attendees with a chance to sit down with other officials from similar-sized municipalities and discuss solutions to mutual problems. Substantive training and updates take place at the general and concurrent sessions as well as the opening session. League policy and business takes place at the resolutions committee and, of course, during the business session.

The presentations at the convention feature some of the most knowledgeable speakers on their subjects in Alabama and beyond. On Monday morning, League General Counsel Lori Lein will conduct a general session on how to prepare for the municipal elections that will be held across the state this summer. She and the other League attorneys will be joined by Attorney General Opinions Chief Brenda Smith to answer your questions in the very popular Tuesday morning "Ask Your Attorney" panel session.

The Monday concurrent sessions focus on a variety of topics: the dangerous but growing sovereign citizen movement; complying with the immigration law; how to build a sustainable city; using LED lighting and ecomagination to help meet energy needs of the future; using the Main Street program to revitalize your downtown; how to save on your workers compensation costs; and overviews of the Forever Wild program and the Alabama Trails Commission. The Tuesday morning general session will feature a discussion on how to address community needs following a disaster by two mayors whose municipalities were among the hardest hit by the April 27, 2011, tornadoes: Walt Maddox of Tuscaloosa and Ken Sunseri of Haleyville. They will be joined by Rocky Milliman, ADECA's State Disaster Coordinator, who will discuss how to design and plan after disasters.

If you are attending the convention strictly for training, it may seem unnecessary for you to attend the business sessions. However, I think these sessions also offer educational

opportunities and provide you with a good overview of the League. They also allow your municipality to directly impact the direction your League takes in the future. Associations similar to ALM exist in 49 states and were formed to help advocate state and federal governments and to provide educational assistance and legal advice for their members. Municipal leagues are cities and towns working together for their mutual benefit.

One of ALM's past presidents has called the League the "community of communities." A former president of the Oklahoma Municipal League has been quoted as saying, "Each community has but one small voice when it stands alone, but together cities and towns provide strong influence and effort for achieving common goals."

The strength and effectiveness of the League is derived from uniting its member municipalities and merging their divergent views, interests and initiatives. Since the League was founded in 1935, we have a long and proud tradition of serving our members as the unified voice of local government in Alabama. Annual convention an opportunity for League members come together as one to learn and to act as a singular entity. The business sessions provide attendees with the chance to be heard as part of this unified voice.

Another way to take full advantage of your convention attendance is to mark your program to keep track of the sessions you want to attend. You may also want to update your PDA or calendar with a reminder or download the Convention Quick Guide to your smart phone (<http://alalm.org/ConventionQuickGuideMobile.html>). It's often easy to lose track of time and find yourself immersed in conversation with someone outside a training session and miss a session you specifically wanted to attend. Not that there's anything wrong with conversing with other officials – in fact, you should take advantage of every chance you have to get to know your peers and discuss municipal business with them.

Another valuable way to take advantage of being at the convention is to *get out of your comfort zone*. If you're attending the convention with other officials from your municipality, split up and attend different concurrent session. If each of you attends a different session, your city or town gains broader coverage out of your attendance. Spend time with people you don't know. At meal functions, sit with groups from other municipalities. During breaks, make a point to introduce yourself to strangers. Nowhere else will you have this tremendous opportunity to meet this many

continued on page 32



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The Legal Viewpoint

By Lori Lein
General Counsel



Public Employees, Public Property and the Political Process

Since the early days of our country, the political activity of public employees and the use of public property for political or campaign purposes has been a concern to government officials. Thomas Jefferson, the third President of the United States, was among the first to give voice to concerns about this issue. Jefferson stated, as part of an Executive Order, “the right of any officer (federal employee) to give his vote at elections as a qualified citizen... it is expected that he will not attempt to influence the votes of others nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution...” See U. S. Office of Special Counsel, Political Activity and the Federal Employee (Rev. 2005).

Every municipal election cycle, the League receives numerous calls asking about the political activity of public employees and the use of public property for political or campaign purposes. This article summarizes the rights and restrictions applicable to public employees participating in the political process as well as those that apply to the use of public property for political purposes.

Political Activity of Government Employees

In Alabama, public employees were given the right to fully participate in political activities with the passage of the “Equality of Citizenship Act” in 1983. Acts 1983, No. 83-497. This Act gave city employees the right to participate in county and state elections, county employees the right to participate in city and state elections and state employees the right to participate in county and city elections. Simply put, when this Act was first passed it provided that public employees could participate in election and campaign activities so long as it was at a different level of government from the one they were employed with. This provision was amended in 1995 by Acts 1995, No. 95-378, to allow public employees to participate in the political process at any level of government, regardless of their employment.

These provisions are now codified at Section 17-1-4, Code of Alabama 1975.

Section 17-1-4, Code of Alabama 1975, provides that no city employee, whether classified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the state, including the endorsing of candidates and contributing to campaigns of his or her choosing. The law also provides that all employees of any city, county or state have the right to join local political clubs and organizations and state or national political parties. Section 17-1-4(a)(4). Further, public employees have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums and contribute freely to those of his or her choosing. Section 17-1-4(a)(5). And finally, Section 17-1-4(c) provides that when off duty, out of uniform and acting as a private citizen, no law enforcement officer, firefighter or peace officer shall be prohibited from engaging in city, county or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this section. As such, the law is clear that public employees cannot be denied their right to engage in political activities.

Another protection public employees have is Section 17-17-5(c), Code of Alabama 1975. This provision of state law provides that it shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced, or both, as provided by Section 13A-10-63. It goes on to provide that it is also unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity.

In addition to state law allowing public employees to engage in political activity as they choose, a public employee has a First Amendment right under the United States Constitution to be free from coercion or retaliation by a superior regardless of their participation in the political process. Supervisors and employers may not coerce employees to campaign nor can they retaliate or discharge an employee based solely on their political beliefs and activities. If the First Amendment protects a public employee from discharge based on what he or she says, then it also protects them from discharge based solely on what he or she believes. See *Branti v. Finkel*, 445 U.S. 507 (1980); but see *Elrod v. Burns*, 427 U.S. 347 (1976) (a State provides a compelling interest in infringing First Amendment rights when it can show that party affiliation is an appropriate requirement for the effective performance of the public office involved). The rule that the First Amendment forbids public employers from discharging or threatening to discharge employees solely for non-support of the political party in power extends to decisions on hiring, promotion, transfer and recall after layoff. See *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990).

There is no doubt that employees do not give up their right to participate in political activities just because they work for a municipality. But what happens when a municipal employee decides he or she wants to run for office? Section

17-1-4(b) provides the following:

Notwithstanding Section 17-17-5, any employee of a county or a city, whether in the classified or unclassified service, who qualifies to seek a political office with the governmental entity with which he or she is employed, shall be required to take an unpaid leave of absence from his or her employment, or use accrued overtime leave or use accrued vacation time with the county or city from the date he or she qualifies to run for office until the date on which the election results are certified or the employee is no longer a candidate or there are no other candidates on the ballot. For purposes of this subsection, the term “employing authority” means the county commission for county employees or the city council for city employees. Any employee who violates this subsection shall forfeit his or her employment position. In no event shall this subsection apply to elected officials.

Therefore, to be a candidate in an election in the municipality where an employee works, the employee must take an unpaid leave of absence or use personal leave or compensatory time from the date he or she files qualifying papers to run for office. For municipal elections, qualification of candidates begins on July 3, 2012, and goes through July 17, 2012. The employee/candidate’s leave of absence would begin on the date he or she formally qualifies. Keep in mind that persons running for municipal office can begin campaigning long before they actually qualify to run.

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Employees running for municipal office may very well have “announced” the they are running and begin campaigning before they are required to take a leave of absence. Again, keep in mind that they are only required to take a leave of absence if they are running for office in the municipality where they work. For example, the public works director of the City of Luverne could run for Mayor of Luverne but she must take a leave of absence from her job as public works director. The same would not be true if she is running for County Commissioner for Crenshaw County. While she wouldn’t have to take a leave of absence from the City of Luverne to run for County Commissioner, the public works director can only engage in political activities while she is on approved leave, off duty and on personal time, before or after work, and on holidays. See AGO 2005-187. Employees who violate this provision must be dismissed. Unpaid reserve officers do not have to take a leave of absence to run for municipal office unless the council establishes a policy requiring this. AGO 1997-00034. A personnel policy that allows employees during an unpaid leave to continue their health insurance coverage, provided they pay the premiums, would permit an employee taking time off to run for office to do the same. AGO 1998-00090.

No discussion of the political rights of public employees would be complete without referencing the Hatch Act. The Hatch Act is a federal law covering federal employees and officers and employees of a state or local agency if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States government or a federal agency. Generally, this law does not restrict activity in nonpartisan elections. Municipal elections are nonpartisan. Additional information and advisory opinions on the application of the Hatch Act may be obtained from the U.S. Office of Special Counsel office.

Finally, with regard to employees and their right to vote, employers, whether public or private, must provide employees with the opportunity to vote in elections. Section 17-1-5, Code of Alabama 1975, provides that every employee in the state shall, upon reasonable notice to his or her employer, be permitted by his or her employer to take necessary time off from his or her employment to vote in any municipal, county, state or federal political party primary or election for which the employee is qualified and registered to vote on the day on which the primary or election is held. The time off cannot exceed one hour. If the employee’s work schedule commences at least two hours after the opening of the polls or ends at least one hour prior to the closing of the polls, then the employer is not required to grant time off for voting. Further, the employer may specify the hours during which the employee may be allowed off to vote.

Use of Public Funds or Property for Campaign Activities

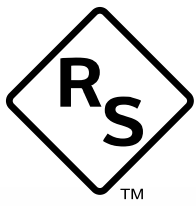
As mentioned in the example above regarding the public works director for the City of Luverne running for County Commissioner, one restriction on a public employee’s right to participate in the political process, whether they are a candidate or not, is that they can only engage in political activity on their own time. They are also prohibited from using any public resources. State law provides that “no person in the employment of the State of Alabama, a county, a city, a local school board, or any other governmental agency, whether classified or unclassified, shall use any state, county, city, local school board, or other governmental agency funds, property, or time, for any political activities.” See Section 17-17-5(a), Code of Alabama 1975. Public employees may not use public property for political activities, nor may they use their official positions to influence voters. AGO93-00108.

In addition to requiring public employees to use their own time and resources for any political activities, Alabama law also prohibits them from arranging, by salary deduction or otherwise, for any payments to a political action committee or for the payment of dues to a membership organization which uses any portion of the dues for political activity. Section 17-17-5(b)(1). Political activity for these purposes is limited to the following:

- a. Making contributions to or contracting with any entity which engages in any form of political communication, including communications which mention the name of a political candidate.
- b. Engaging in or paying for public opinion polling.
- c. Engaging in or paying for any form of political communication, including communications which mention the name of a political candidate.
- d. Engaging in or paying for any type of political advertising in any medium.
- e. Phone calling for any political purpose.
- f. Distributing political literature of any type.
- g. Providing any type of in-kind help or support to or for a political candidate.

Id. If a public employee wishes to have membership dues paid by salary deduction, he or she must provide to his or her public employer a certification from the membership organization stating that none of the membership dues will be used for political activity. Further, at the end of each calendar year, any organization which has arranged for public employees to have membership dues deducted from their salary must provide to the public employer a detailed breakdown of the expenditure of membership dues. The constitutionality of Section 17-17-5, Code of Alabama 1975 has been challenged and is currently in litigation. See *AEA v. Bentley*, CV-11-S-761-NE (N. Dist. Ala. 2011). The U.S. District Court for the Northern District of Alabama

continued on page 13



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has issued an injunction enjoining the enforcement of this Section of state law. Municipalities should seek the advice of their attorney on any matter relating the withholding of membership dues for employees.

Municipal officers, in addition to employees, are also restricted in the use of public property or funds by the Alabama Ethics Law. There have been numerous opinions of the Ethics Commission over the years relating to the use of public property and funds by public officers and employees. For example, a municipal planning commission director may run for a seat on the city school board, but he must campaign on his own time and may not use public property to aid his campaign. If elected, the director may perform school board business only on his own time. If the director's spouse works for the school system, he may vote on an across-the-board pay raise that affects all school employees the same, but he may not participate in the discussion of any matter that will affect his spouse in a manner different from the rest of the class to which she belongs. AO No. 96-45.

A public official may not use a public vehicle to attend a campaign function, nor may the vehicle be used in matters related to the campaign. The vehicle may be used to attend political party functions when the official is attending in his or her official capacity. AO No. 97-86. A Parks & Recreation Department Director may run for a seat on the County Commission provided all campaign activities be conducted on his own time – whether after hours or on annual leave – and that no public equipment, facilities, time, materials, human labor or other public property under his discretion or control be used to assist him in either running his campaign or in performing the duties of County Commissioner, if elected to that seat. AO No. 99-57

During the election cycle, the League also gets calls asking about the use of public property and facilities by candidates, regardless of whether or not they are also public employees. Often candidates will want to hold a forum to talk about their campaign and they would like to use city meeting facilities. Or, they may wish to display campaign materials on public buildings, rights of ways or bulletin boards. Article 4 of Chapter 12 of Title 36 of the Code of Alabama 1975 governs the use of state property for campaign activities and in a nutshell provides that it is unlawful for any state owned property to be used for the advancement of any candidate for office and that political materials may not be displayed on buildings that are owned, rented or leased by the state. While there is no similar provision for property owned by municipalities, it appears that municipalities may adopt ordinances to control the placing of political advertising on municipal property.

Based on opinions of the Attorney General, it is the opinion of the League that common or public areas of public buildings and grounds can be used for holding press conferences or videotaping political advertising, provided that access to these areas is available to all candidates on an equal basis, subject to reasonable restrictions. Any areas in public buildings that are not open for equal access to all candidates, such as individual offices, should not be used by any candidate, including public officials and employees. AGO 1998-00211.

Conclusion

It is important for public employees, public employers and candidates running for public office to be mindful during the election process of the rights and restrictions that apply to public employees and the use of public property. Hopefully, this article will help answer some of the questions that will arise between now and the 2012 municipal elections on August 28, 2012. For further information on municipal elections issues, please contact the League of Municipalities at 334-262-2566. ■



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: An officer's traffic stop of a defendant for operating a motor vehicle with a cracked windshield was improper. The motor vehicle laws do not prohibit driving a vehicle with a cracked windshield. *J.D.I. v. State*, 77 So.3d 610 (Ala.Crim.App.2011)

Contracts: A mayor was not authorized to enter into and execute a contract where the council never authorized the agreement. The municipality was not equitably *estopped* from denying the validity of the mayor's unauthorized

agreement. *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (Ala.2011)

Tort Liability: A government employee satisfied the burden, for state agent immunity, of establishing that he was exercising judgment in discharging his duties. *N.C. v. Caldwell*, 77 So.3d 561 (Ala.2011)

Worker's Compensation: A worker's compensation claimant was required to show that her fall while she was on duty at work arose out of her employment. *Ex parte Patton*, 77 So.3d 591 (Ala.2011)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Family Medical Leave Act: Congress did not validly abrogate states' sovereign immunity from suits for money damages in enacting FMLA's self-care provision. *Coleman v. Court of Appeals of Maryland* --- S.Ct. ----, 2012 WL 912951 (U.S.2012)

ATTORNEY GENERAL'S OPINIONS

Appropriations: Absent statutory authority to promote the general welfare and development of citizens who are mentally and developmentally disabled, a county or municipality may not use and appropriate government funds to a nonprofit corporation such as a County Association for Retarded Citizens for the payment of fire and hazard insurance on a building owned by the Association. AGO 2012-044

Competitive Bid Law: Volunteer fire departments and organized rescue squads are public entities. A contract between a municipality and nonprofit volunteer fire departments and/or organized rescue squads is not subject to the Competitive Bid Law. AGO 2012-040

Contracts: A city may pay to have buildings demolished on land owned by a nonprofit entity in exchange for a land swap if the city determines that there is a benefit flowing to both parties and a public purpose is served. Such an arrangement should be memorialized in a contract or some other written agreement. 2012-041

Contracts: There is no statutory authority for a city to endorse a private business in marketing services to its residents. AGO 2012-048

Environmental Protection: A municipality is prohibited from establishing its own local air pollution control program pursuant to the Alabama Air Pollution Control Act of 1971,



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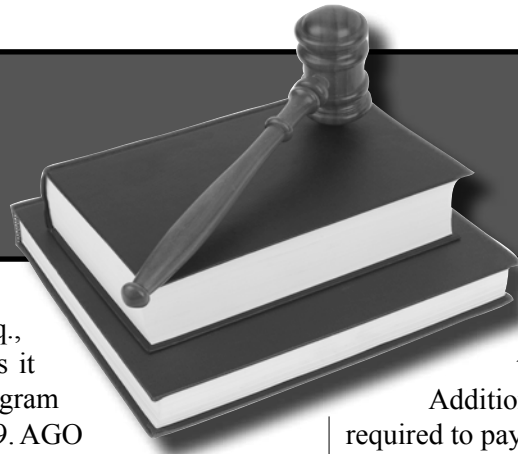
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codified in section 22-28-1, et seq., of the Code of Alabama, unless it had an air pollution control program in place on or before July 1, 1969. AGO 2012-049

Fair Campaign Practices Act: Nothing in section 17-5-7 of the Code of Alabama or the Fair Campaign Practices Act authorizes a candidate, public official or principal campaign committee to return excess campaign contributions to the persons who contributed the funds. AGO 2012-042

Licenses and Business Regulations: Section 34-36-16(b) of the Code of Alabama prevails over section 34-36-13(a), and therefore, every electrical contractor operating in Alabama must obtain a state license from the Board of Electrical Contractors before engaging in the business of electrical contracting, except as provided in section 34-36-16(c). AGO 2012-046

Officers and Offices: Section 11-43-160 of the Code of Alabama gives the city council the authority to remove any officer in several departments, but not employees. The term “officer” includes all those positions specifically set forth in the Code of Alabama as “officers,” as well as any position created by the city council pursuant to ordinance. An officer is limited to a person that exercises some level of authority, presumably over employees, and performs some discretionary, policy-making functions. A city council is not authorized to fire an “employee” pursuant to section 11-43-160 of the Code. AGO 2012-039

Public Records: A municipality should, under the Public Records Act, allow members of the general public to inspect and obtain copies of completed Alabama Uniform Traffic Accident Reports. A municipality should redact a person’s home address and telephone number from an accident report. A person’s date of birth is public and may not be redacted from any Uniform Traffic Accident Report that the municipality produces. AGO 2012-045

Tort Liability: A radio/alert notification communications district created under section 11-31-1 of the Code of Alabama is a governmental entity with the protection of the liability caps for the recovery of damages for bodily injury, death or damage to property found in section 11-93-2 of the Code of Alabama. Such protection applies to any department, agency, board or commission of any municipality. AGO 2012-038

Subdivisions: The subdivision regulations of a County apply to the industrial park in the county. The county may

inspect facilities in the park to ensure they are being used for industrial purposes. Additional facilities that locate in the park are not required to pay for building permits. AGO 2012-047 ■

F.A.Q.

Why are municipalities divided into classes and will the class of a municipality ever change?

Section 104(18) of the Alabama Constitution prohibits the Legislature from creating or amending by local legislation the charter powers of municipal corporations. As a result Amendment 397 of the Alabama Constitution was passed authorizing the Legislature to establish no more than eight classes of municipalities based on population according to any designated federal decennial census. This Amendment also allows legislation to be passed which affects one or more of such classes and provides that any such legislation shall be deemed to be general laws rather than local laws. Sections 11-40-12 and 11-40-13 of the Code of Alabama, established the eight classes of municipalities based on the populations in the 1970 federal decennial census, as follows:

- **Class 1** – Cities of 300,000 inhabitants or more
- **Class 2** – Cities of not less than 175,000 and not more than 299,999 inhabitants
- **Class 3** – Cities of not less than 100,000 and not more than 174,999 inhabitants
- **Class 4** – Cities or not less than 50,000 and not more than 99,999 inhabitants
- **Class 5** – Cities of not less than 25,000 and not more than 49,999 inhabitants
- **Class 6** – Cities of not less than 12,000 and not more than 24,999 inhabitants
- **Class 7** – Cities of not less than 6,000 and not more than 11,999 inhabitants
- **Class 8** – Cities and towns with a population of 5,999 or less.

The class of a municipality will not change if its population increases or decreases since the population figures refer to the 1970 federal census. Any municipality incorporated after June 28, 1979, will be placed in one of the above classes according to the population of the municipality at the time of its incorporation. ■

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2012 Annual Convention

Birmingham-Jefferson Convention Complex (BJCC)
Birmingham, Alabama • May 19 - 22, 2012

2012 Convention Schedule

Meetings and/or events subject to change. CMO credits can be earned. See official convention program for details.

Saturday May 19, 2012



photo by Jeffery Greenburg



10:00 a.m. – 5:00 p.m.

Registration
East Exhibit Lobby • BJCC

11:00 a.m.

Resolutions Committee Meeting
East Meeting Room E-F • BJCC

1:00 p.m. - 2:30 p.m.

AMIC Annual Meeting
East Meeting Room E-F • BJCC

2:30 p.m. to 3:00 p.m.

Coffee Break
East Ballroom Foyer • BJCC

3:00 p.m. – 5:00 p.m.

Opening Session
East Ballroom • BJCC

- Invocation
- Presentation of Colors
- Pledge of Allegiance
- National Anthem
- Welcome: William A. Bell, Sr., Mayor, Birmingham
- President’s Address: Thomas Moore, Councilmember, Demopolis
- Address: Governor Robert Bentley (invited)
- 2012 Quality of Life Awards Presentations

6:00 p.m.

City of Birmingham Welcome Party
Birmingham City Hall • Second Floor Gallery of Distinguished Citizens



2012 Convention Schedule



Sunday May 20, 2012

7:30 a.m.

44th Annual Municipal Masters Golf Tournament
Ballantrae Golf Club • Pelham (see below)

10:00 a.m.

Prayer Service
Birmingham Ballrooms 1&5
Birmingham Sheraton Hotel

1:00 p.m. – 5:00 p.m.

Registration - East Exhibit Lobby • BJCC

1:30 p.m. – 4:30 p.m.

Roundtable Discussions by Population • BJCC

- Municipalities under 2,500
- Municipalities 2,500 - 5,000
- Municipalities 5,001 - 12,000
- Municipalities 12,001 - 20,000
- Municipalities over 20,000

4:30 p.m. – 6:00 p.m.

ABC -LEO Reception
East Meeting Room M • BJCC

5:30 p.m. – 7:00 p.m.

Exhibitors Showcase and Reception
East Exhibition 2-3 • BJCC
Entertainment: Kings of Swing (see page 29)

2012 Alabama Municipal Masters



The 44th Annual Alabama Municipal Masters Golf Tournament will be held at the Ballantrae Golf Club in Pelham on Sunday morning, May 20, 2012, starting at 7:30 a.m. The tournament will be a four-player scramble with a shotgun start. All registered delegates and guests are invited to participate in the golf tournament by registering online at www.alalm.org.

Teams must be as equal as possible. Teams registering as foursomes must consist of an A, B, C, and D player.

“A” Player = Avg. score 80 or below; “B” = Avg. 81 to 90; “C” = Avg. 91 to 100; “D” = Avg. 101 or Above

An awards luncheon will be held following the tournament at the golf course. Prizes will be awarded to the first, second and third place finishing teams. Individual Prizes will also be awarded: Closest to the Pin, Longest Drive, and many great door prizes. You must be present at the luncheon to win a door prize.

Prize Eligibility: To be eligible to win an individual prize, a participant must be a municipal official or a municipal employee or their spouse, and the participant must be registered for the convention. Neither vendors nor sponsors are eligible for individual prizes. To be eligible to win a team prize, a foursome must include at least one convention delegate.

2012 Convention Schedule

Monday May 21, 2012



Monday May 21, 2012

- 8:00 a.m. – 5:00 p.m.** **Registration**
East Exhibit Lobby • BJCC
- 8:00 a.m. – 8:30 a.m.** **Coffee Break**
East Exhibit Lobby • BJCC
- 7:00 a.m. – 8:00 a.m.** **Clerks Breakfast and Business Meeting • BJCC**
(See convention program for Clerks agenda/schedule)
- 8:30 a.m. – 5:00 p.m.** **AAPPA Program**
East Meeting Room D • BJCC
- 9:00 a.m. – 10:30 a.m.** **GENERAL SESSION: Municipal Elections**
East Ballroom • BJCC
- 9:30 a.m. – 11:00 a.m.** **Spouses Breakfast • Birmingham Sheraton Hotel**
- 10:30 a.m. – 4:00 p.m.** **EXHIBITS OPEN • East Exhibition 2-3 • BJCC**
- 10:30 a.m. – 11:00 a.m.** **Coffee Break in Exhibit Hall**
East Exhibition 2-3 • BJCC
- 11:00 a.m. – 12:00 p.m.** **Concurrent Sessions (choose from the following)**
 - Session 1**
East Ballroom A, BJCC
 - Session 2**
East Meeting Room M, BJCC
 - Session 3**
East Meeting Room B, BJCC
- 12:15 p.m. – 2:15 p.m.** **LUNCHEON and DESSERT (in the Expo Hall)**
East Exhibition 2-3 • BJCC

continued on next page



2012 Convention Schedule

Monday May 21, 2012 (continued)



2:30 p.m. – 3:30 p.m.

Session 1
East Ballroom A, BJCC



Session 2
East Meeting Room M,
BJCC



Session 3
East Meeting Room B,
BJCC

3:30 p.m. – 3:45 p.m.



3:45 p.m. – 5:30 p.m.



6:00 p.m. – 7:00 p.m.

7:15 p.m.

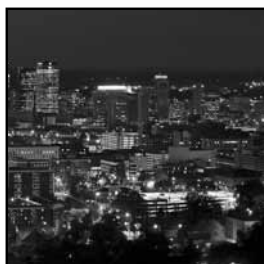
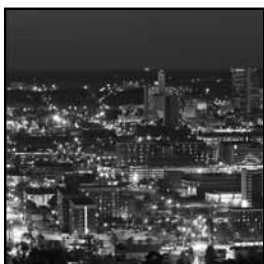


photo by Dennis Lathem

Concurrent Sessions (*choose from the following*)

Main Street: A Downtown Revitalization Program that Works

Trisha Black, Executive Director, Spirit of Athens;
David Fleming, President, Operation New Birmingham;
Kennedy Smith, Principal, Community Land Use & Economics Group, LLC;

Alabama Trails Commission

Rob Grant, Recreation Programs Unit Manager, ADECA
Forever Wild
Greg Lein, Assistant Division Director, AL Conservation Department, State Lands Division

3 on 3: Learn 3 Risk Management Techniques and 3 Cost Containment Steps to IMPACT Your Work Comp Program

Terry Young, Marketing Manager, MWCF

Coffee Break

East Ballroom Foyer • BJCC

ANNUAL BUSINESS SESSION

East Ballroom B • BJCC

- Report of the Executive Director
- Report of the Municipal Workers Compensation Fund, Inc.
- Report of the Alabama Municipal Insurance Corp.
- Report of the Alabama Municipal Funding Corp.
- Presentation of Resolutions
- Report of Nominating Committee
- Report of Site Selection Committee

Reception

President's Banquet

Birmingham Ballroom • Birmingham Sheraton Hotel

- Invocation
- Presentation of League Distinguished Service Awards
- Installation of Officers and President's Address

Entertainment - Three on a String

Immediately following the President's Banquet
(see page 34 for more about Three on a String)

2012 Convention Schedule



Tuesday May 22, 2012

8:00 a.m. – 12:00 p.m.

Registration -
East Exhibit Lobby • BJCC

8:00 a.m. – 8:30 a.m.

Coffee Break
East Exhibit Lobby • BJCC

8:30 a.m. – 10:30 a.m.

GENERAL SESSION:
After the Storm – Dealing with Natural Disasters
East Ballroom B • BJCC
Speakers:
Mayor Walt Maddox, Tuscaloosa
Mayor Ken Sunseri, Haleyville
Rocky Milliman, State Disaster Coordinator, ADECA

10:30 a.m. – 10:45 p.m.

Coffee Break
East Exhibit Lobby • BJCC

10:45 a.m. – 12:00 p.m.

ASK YOUR ATTORNEY PANEL
East Ballroom B • BJCC
Ask Your Attorney Panel Speakers:
Ken Smith, Executive Director, ALM
Lori Lein, General Counsel, ALM
Tracy L. Roberts, Deputy General Counsel, ALM
Rob Johnston, Assistant General Counsel, ALM
Brenda Smith, Assistant Attorney General

Noon

Adjourn

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2013 Annual Convention May 18 - 21

General and Concurrent Session Speakers

Monday Morning General Session

NLC Address: Mayor Ted Ellis, Bluffton, Indiana

Ted Ellis is mayor of Bluffton, Indiana, and President of the National League of Cities (NLC), the nation's oldest and largest organization representing municipal government. Mayor Ellis is a native of Bluffton and was elected mayor in 1995 after serving nine years on the Wells County Council. He is a graduate of Indiana University with a degree in economics and is the elected treasurer of United Cities and Local Governments (UCLG), the international association representing local and regional governments and their national associations. He was the recipient of a John J. McCloy fellowship in Urban Affairs to study city issues in Germany and is past president of the Indiana Association of Cities and Towns as well as a founding member of the Northeast Indiana Regional Partnership. Mayor Ellis was named a "Sagamore of the Wabash" by the Governor of Indiana and awarded the Russell Lloyd Award for "outstanding contributions to local government" by the Indiana Association of Cities and Towns. He is Moderator of the First Baptist Church in Bluffton, a past board member of the American Baptist Churches of Indiana and serves on the boards of the Ossian State Bank, Bluffton the Regional Medical Center and the Wells County Foundation. He is also a life member of the American Mensa Society. He and his wife, Marge, have four children and five grandchildren.

Municipal Elections: Lori Lein, General Counsel, ALM

Lori joined the League's legal department in 2001, bringing with her a solid background in local government issues after practicing law in Montgomery, Alabama, where her primary clients were county officials. In addition, she gained in-depth experience working with the state legislature while serving as a legislative analyst for the Alabama Legislative Reference Service for two years. Lori presently serves as the League's General Counsel. She also works closely with the League's state and federal legislative agenda and is a frequent speaker on issues relating to municipal law in Alabama. Originally from Las Cruces, New Mexico, Lori received a bachelor of science degree from Auburn University's College of Engineering in Textile Management and Technology in 1992 and then returned to New Mexico and earned her law degree from the University of New Mexico School of Law in 1996.

Monday Morning Concurrent Sessions Session 1

Sustainable Cities: Chuck Hall, Senior National Manager, Siemens Infrastructures and Cities Building Technologies Division

In his position as senior national manager for Siemens Infrastructures and Cities Building Technologies Division, Chuck is responsible for the strategic relationships, marketing and business development for the Public Sector markets (K12 schools, cities, counties and public funded higher education) in the United States. During his 16 years with Siemens, the company has expanded its market shares in the public sector to become a recognized market leader among Energy Services Companies (ESCO's). His involvement in the public sector markets includes his participation in a number of professional associations and groups including the U.S. Conference of Mayors, the National League of Cities and the International City/County Managers Association. He is the co-creator of the NACo Caucus Courthouse Award (sponsored by Siemens) that celebrates excellence found in the deeds of county officials. Additionally, he is a founding member and on the Board of Directors for the NACo Green Government

General and Concurrent Session Speakers

Initiative (GGI) and on the Business Partners Advisory Board of the National League of Cities. He has also been a long-standing member of the Energy Services Coalition (ESC), which is a public-private partnership with the objective of advancing performance contracting, where he served on the Board of Directors for more than 10 years and twice held the office of Private Sector Vice President. Chuck is married for 30 years and has four children. He is a native of Denver, Colorado, and played college football in Louisiana.

LED Lighting and Ecomagination: Nick Chintala, Utility Sales Manager, GE Lighting Solutions

Nick is Lighting Certified by NCQLP, a 15 year IES member and currently serves as sub-committee chair for Industry and Interchange to the IES Street and Area Lighting Conference Full Committee. He earned his Bachelor's degree in marketing from Kent State University and currently resides with family in Columbus, OH. As the National Utility Sales Manager for GE Lighting Solutions out of Hendersonville, N.C., Nick is very knowledgeable of the changes in LED Standards used in outdoor lighting applications.

Session 2

Alabama Immigration: How to Keep your City in Compliance Thomas (Tommy) M. Eden, III, Attorney, Capell & Howard, P.C.

Tommy is a management labor and employment attorney with Capell & Howard, P.C. and a member of the ABA Section of Labor and Employment Law. He has presented throughout the State of Alabama on Immigration Workplace Compliance in 2011 as part of the Alabama Employers for Immigration Reform (AEIR) compliance team and developer of the AEIR Immigration Compliance Checkup Notebook. He has written newspaper and magazine articles on the Alabama Immigration Act and presented statewide webinars for the Alabama Commissioner of Agriculture and Alabama Cooperative Extension Services to help agricultural employers understand their compliance obligations. Tommy is a graduate of Auburn University and the Cumberland School of law at Samford University and has conducted numerous workplace immigration compliance reviews for employers as a part of his employment law practice. He is admitted to practice in Alabama and Georgia and before state and federal courts. Tommy can be contacted at tme@chlaw.com or 334-241-8030. Tommy's more detailed CV and immigration compliance links and resources can be found at his Alabama Immigration blog found at www.immigration.alabamalaw.com

Session 3

Sovereign Citizens: Mark R. Sawyer, Special Agent, FBI

Special Agent Mark Sawyer, Birmingham Field Office, CT Squad/JTTF, joined the FBI in 1998. He served as a Supervisory Special Agent on the SANBOMB Case (Eric Rudolph) and as a Supervisory Special Agent at FBIHQ/National Threat Center. Mark is currently assigned as Assistant Weapons of Mass Destruction Coordinator and Special Agent Bomb Technician.

General and Concurrent Session Speakers

Monday Afternoon Concurrent Sessions

Session 1

Main Street: A Downtown Revitalization Program That Works **Trisha Black, Executive Director, Spirit of Athens**

Trisha Black is the Executive Director of Spirit of Athens, a nonprofit downtown revitalization program and Main Street network member organization. After moving to Athens in 2004, Trisha became involved in the community and volunteered with numerous organizations including Art on the Square Arts League (founding board member), Hospice Chili Challenge Entertainment Chair, Chamber of Commerce Ambassador and Boys and Girls Club board member. She was selected by The News Courier in 2008 as a “Top 20 Under 40.” Trisha is in her third year with Spirit of Athens and also serves a Rotary member, Athens Limestone County Tourism Board member, Art on the Square Arts League Board member and Limestone County Sports Hall of Fame Board member. In her spare time, she is renovating her family’s future home in the historic downtown district. Trisha grew up in southeast Alabama and graduated from Dale County High School in Midland City in 1989. She received a Bachelor’s in Political Science and Journalism from Troy University in 1993.

David Fleming, President and CEO, Operation New Birmingham

David Fleming is the new President and CEO of Operation New Birmingham. He is founding Executive Director of Main Street Birmingham, Inc., a nonprofit organization created to target nine older neighborhood commercial districts for revitalization and development. David is a native of Birmingham having graduated from Vestavia Hills High School in 1990. He received a Bachelor’s in History at Samford University and a Masters in Public and Private Management from Birmingham-Southern College. His professional career has included several years working previously with Operation New Birmingham and stints with Sloss Real Estate Group and Congressman Spencer Bachus in Washington, D.C. He is active in the community by serving as the current chairman of the Birmingham Planning Commission and has served on the Metropolitan Planning Organization and as an officer in a neighborhood association. He was recognized several years ago by the Birmingham Business Journal as a “Top 40 under 40” in Birmingham.

Kennedy Smith, Principal, Community Land Use & Economics Group, LLC

Kennedy Smith is probably best known as the longest-serving director of the National Trust for Historic Preservation’s National Main Street Center. But she is also one of the nation’s foremost experts on economic development planning for older and historic commercial districts. Her work focuses on crafting forward-looking, innovative economic development strategies, then turning them into practical implementation strategies. Her projects have run the gamut from creating development strategies for independently owned businesses for Washington, DC to identifying potential revenue-generating uses for a historic ruin to measuring the impact of federal facilities on central business districts. Kennedy has won numerous accolades for her work, including receiving a Loeb Fellowship at Harvard University, being included in Planetizen.com’s list of “100 Top Urban Thinkers” and being named one of “Fast Company” magazine’s first “Fast 50 Champions of Innovation.” Her work has been featured in news media ranging from Business Week and The New York Times to “CBS Sunday Morning” and “The Donohue Show”. She co-founded the Community Land Use and Economics Group in

General and Concurrent Session Speakers

2004, a consulting firm that helps civic leaders develop innovative downtown economic development, historic preservation, and sustainability strategies. She also teaches a graduate-level course in historic preservation economics at Goucher College and writes articles for several planning and economic development journals.

Session 2

Alabama Trails Commission: Rob Grant, Recreation Programs Unit Manager, ADECA

Rob, a life-long resident of Montgomery, has been employed at ADECA for six years and has held his current position since January 2008. After obtaining a Bachelor of Science in Business Administration from Auburn University at Montgomery in 1982, Rob worked in sales and marketing in the medical supply industry. He also owned and operated a transportation service for the physically impaired and a sheet metal fabricating business. He began his employment with the state eight years ago with the Retirement Systems of Alabama. Rob currently serves as a Board Member of the National Association of State Outdoor Recreation Liaison Officers (NASORLO) and is a member of the Southern Off-Road Bicycling Association's (SORBA) Regional Leadership Advisory Council.

Forever Wild: Greg Lein, Assistant Division Director, AL Conservation Dept., State Lands Division

Greg was raised in Huntsville, AL and attended Auburn University where he received a degree in Wildlife Science in 1991 and a masters degree in Fisheries Science in 1994. During his career, Greg has worked as a field biologist in the southwest and southeastern U.S. serving in several capacities that include status and distributional surveys as well as life history studies of rare and endangered mammals, amphibians, and fish. His population dynamics studies of paddlefish in Alabama have aided biologists in assessing the present moratorium for that species. Past scientific work includes population monitoring, life history and habitat studies of endangered riverine fish and fish communities, as well as crayfish, mussels, turtles and amphibians. Greg currently serves in an administrative role in the Conservation Department's State Lands Division as the Assistant Division Director. He and his family have been residents of Montgomery since 1997.

Session 3

3 on 3 – Learning 3 Risk Management Techniques and 3 Cost Containment Steps to Impact your Work Comp Program: Terry Young, Marketing Manager, MWCF

Over the past 27 years, Terry has been involved in multiple capacities of risk management and insurance. He is insurance licensed in more than 30 states and has earned risk management designations in three programs: CRM – Certified Risk Manager, CIC – Certified Insurance Counselor and CRE – Certified Real Estate Executive. He is fully licensed in the state of Alabama in all lines of insurance and has participated as a student as well as a speaker in all areas of insurance. Terry has acquired an in-depth knowledge of workers compensation insurance covering traditional insurance contracts, self insurance contracts and workers comp pool programs and has spoken throughout the United States on insurance, self insurance and insurance related topics. He currently serves as the marketing manager for the Municipal Workers Compensation Program (MWCF).

General and Concurrent Session Speakers

Tuesday General Session

After the Storm – Dealing with Natural Disasters

Mayor Walt Maddox, Tuscaloosa

In 2009, Walter Maddox was sworn in for his second term as Tuscaloosa's 36th Mayor. Since his first inauguration, Mayor Maddox has led initiatives to increase economic development, improve customer service and provide quality pre-k education for academically at-risk four-year old children. He is continuing these efforts during his second term. Mayor Maddox is a Tuscaloosa native and graduated from Central High School. He earned his bachelor's degree in Political Science and master's degree in Public Administration from the UAB. While at UAB, Mayor Maddox was a four-year letter-winner on the football team. The majority of Mayor Maddox's professional career has been spent in public education. From 1996 – 2001, he served as a Field Director with the Alabama Education Association. In 2001, he was appointed Executive Director of Personnel for the Tuscaloosa City Schools. In that same year, he was elected as City Councilman for the Sixth District. He was named "Elected Public Official of the Year 2008" by the Alabama Chapter of the National Association of Social Workers; is the recipient of the MLK Realizing the Dream 2009 Call to Conscience Award and is a 2007 graduate of Leadership Alabama.

Mayor Ken Sunseri, Haleyville

Ken Sunseri graduated from Point Park University in Pittsburgh, Penn., in 1974 with a degree in operations management. He began his career with Whitt Jewelry Co., Inc. in 1974 and spent 34 years as a retailer in Haleyville. His military career included a tour in Vietnam as an infantry platoon leader with the 1st Infantry Division. He also served a tour of duty on the DMZ in Korea as a company commander. Mayor Sunseri is a graduate of the Command and General Staff College and the Air War College and retired in 1995 as a colonel with 29 years of combined service with active Army National Guard and Army Reserve Duty. His service with local community organization and agencies includes Haleyville's library board, housing authority, merchants association, chamber of commerce and Dixie Youth Baseball Association. He has served as coordinate for the Alabama Communities of Excellence and as vice president of the Alabama Jewelers Association. Currently Mayor Sunseri serves on the boards of Northwest Alabama Mental Health, Northwest Alabama Resource Conservation and Development Region 1 Workforce Development, Northwest Alabama Gas District and on the Winston County Industrial Development Authority.

Rocky Milliman, State Disaster Coordinator, ADECA

Rocky Milliman is the State Disaster Recovery Coordinator, appointed by Governor Bentley, overseeing the effective and sustainable long term recovery process of Alabama communities impacted by the April 2011 storms. His primary responsibilities include assisting with the planning and implementation of projects developed by FEMA and local community action workshops. Prior to this appointment, he was the Director, of the Autauga County EMA for three years, helping to educate, prepare, mitigate and coordinate first responders and citizens for both natural and man-made disasters. Rocky served with the United States Air Force for 11 years in communications and worked on both HAZMAT and response teams at several installations to support training and exercise evaluations. He graduated from the University of Maryland with a degree in Business Administration.

2012 EXPO Vendor Listing

The Alabama League of Municipalities' Annual EXPO provides convention delegates an opportunity to visit with numerous companies and state offices to learn about products and services for municipal officials and employees. Please take a moment to look over the list of this year's EXPO vendors and make sure to visit their booths during the convention.

**EXPO
2012**

Birmingham
Birmingham - Jefferson
Convention Complex
May 20 - May 21



2012 Schedule for ALM's 35th Expo

5:30 - 7:00 p.m. • Sunday, May 20 • Exhibitor Showcase and Reception featuring heavy hors d'oeuvres and the Kings of Swing (p. 29)
10:30 a.m. • Monday, May 21 • Exhibits open in the East Exhibition 2-3, BJCC following General Session. **NEW THIS YEAR:**

- Luncheon and Dessert will be served in the Expo Hall on Monday May 21.
- Door Prizes - Winners will be posted during the Monday luncheon AT THE VENDOR BOOTHS giving away prizes. If you registered for a door prize, check with the vendor during the Monday luncheon in the Expo Hall to see if you won. Delegates are responsible for picking up any prizes they may have won PRIOR to close of the Exhibit Hall on Monday at 2:30 p.m.

2:30 p.m., Monday, May 2 - Exhibits Close

(The following is a list of vendors that had registered at press time. A final list will be included in the convention registration packets.)

Company	Booth #	Company	Booth #
A T & T	514	DesignAlabama, Inc.	813
Alabama 811	511	Dixie Decorations, Inc.	400
Alabama Municipal Funding Corporation	206	DMD Engineers	210
Alabama Municipal Insurance Corporation	200	Empire Pipe and Supply	811
Alabama Power Company	609	EMS Management & Consultants, Inc.	321
Alagrants	523	Engineered Restorations, Inc.	619
Allied Waste	704	ESG Operations, Inc.	603
ALM Loss Control Division	202	Falcon Direct, Inc.	805
American Municipal Services	722	Garver, LLC	503
American Traffic Solutions, Inc.	700	Gorrie Regan & Associates	612
Applied Industrial Technologies	214	GovDeals, Inc.	512
Arrow Disposal Service, Inc.	504	Grasshopper Company	211/310
Badger Meter, Inc.	301	Hancock Bank	604
BancorpSouth Equipment Finance	312	Holiday Designs, Inc.	618
Black Mountain Software, Inc.	319	Holophane Lighting	518
Caldwell Tanks	403	Ingram Equipment	701
Carr, Riggs & Ingram	407	InLine	718
CDG Engineers and Associates, Inc.	502	J.A. Dawson & Company, Inc.	411/413/415
CH2M Hill	515	Jackson Thornton & Company, P.C.	810
CitiTech Systems	401	Jacksonville State University - Center for	
Clear Water Solutions, LLC	814	Economic Development	900
CodeRED	602	Jefcoat Recreation	424/325
Columbia Southern University	825	Judicial Correction Services	601
Construction Program Management	102	Kellum, Wilson & Associates, P.C.	422
Converged Networks, Inc.	605	Kidz Zone Play Systems	807/906
Croy Engineering	506	Kossen Equipment / Taylor Power Systems	817
Crusher Works	815	Lee Helms Associates, LLC	525
CSI Technology Outfitters	507	Legal Shield	819

2012 EXPO Vendor Listing continued from previous page

Company	Booth #	Company	Booth #
Local Government Corporation	624	Southern Playgrounds, Inc.	305/303
Mauldin & Jenkins, LLC	500	Southern Risk Services, Inc.	213
Municipal Code Corporation		Southland Trucks	614
& MCC Advantage	400	Southwest Water Company	801
Municipal Workers Compensation Fund, Inc.	204	Star Recycling, Inc.	218
Musco Sports Lighting	604	Sunbelt Fire, Inc.	421
Mutual of Omaha Insurance Company	111	Sweeping Corporation of America	715
NAFECO	201	Tank Pro, Inc.	510
National Center for Sports Safety	103	The Kelley Group	404
Nexcheck, LLC	625	The McPherson Companies, Inc.	100
Official Payments	720	The Public Group, LLC	606
Polyengineering, Inc.	501	Thompson Tractor Company, Inc.	309
Providence Service Corporation	524	T-Mobile	314
Provident	519	Tuscaloosa Tourism & Sports Commission	104
RDS (Revenue Discovery Systems)	610	U.S. Census Bureau	812
Redflex Traffic Systems, Inc.	212	Universal Concepts	402
Rexel	216	Utility Service Company, Inc.	823
S & ME - 2D Studio	513	Veolia Environmental Services	419
Safeware, Inc.	110	Volkert, Inc.	215
Sansom Equipment Company, Inc.	719	Warren Averett, LLC	521
Select Medical Systems, Inc.	505	Waste Pro of Alabama	605
ServiceWear Apparel, Inc.	405	Wells Fargo	803
Severn Trent Services	101	Whitehead & Associates, Inc.	702
Siemens Industry, Inc.	425		

State Agencies that will be in Birmingham (Check convention registration packets for booth assignments.)

Alabama Attorney General's Office Consumer Affairs	Alabama Emergency Management Agency
Alabama Center for Governmental Services at Auburn University	Alabama Forestry Commission
Alabama Clean Fuels Coalition	Alabama Industries for the Blind
Alabama City/County Management Association	Alabama Municipal Revenue Officers
Alabama Cooperative Extension System	Alabama Public Library Service
Alabama Correctional Industries	Alabama Retired State Employees Association
Alabama Department of Agriculture & Industries	Center for Forest Sustainability – Auburn University
Alabama Department of Economic & Community Affairs	NLC Prescription Discount Card Program
Alabama Department of Environmental Management	Retirement Systems of Alabama
Alabama Department of Revenue, Sales & Use Tax Division	Scenic Alabama

Kings of Swing to Perform During Sunday Evening Expo Reception

Back by popular demand, “Kings of Swing”, directed by former mayor Steve Means of Gadsden, will play for convention attendees during the Sunday evening reception from 5:30 until 7:00 in the Expo Hall. Delegates and guests will enjoy a variety of toe-tapping Swing-era music as they mingle with more than 125 vendors exhibiting at this year’s tradeshow.

Means formed Kings of Swing in 1994 with the help of Rip Reagan, the band director at Gadsden State Community College, when the Center for Cultural Arts in Gadsden needed a swing band for a party celebrating the 50th anniversary of the United States victory in World War II. The band was an instant success, playing covers such as Woody Herman’s “Woodchoppers Ball” and Glenn Miller’s “Moonlight Serenade,” as well as some original pieces written by Reagan. The World War II celebration was such a hit that the Kings of Swing have been playing ever since.

Kings of Swing, which is made up of a variety of area musicians, was profiled in the June 2004 issue of *Southern Living* and has performed several times for the League’s annual convention.

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What is the CMO Program?



In early 1994, the Executive Committee of the Alabama League of Municipalities unanimously voted to appoint a subcommittee to study the feasibility of establishing a certification program for elected municipal officials. In July 1994, the Executive Committee agreed to the subcommittee's recommendation and approved the League's CMO program. The League's CMO program was the second elected municipal officials training program in the country.

The Elected Officials Education Program is voluntary and open to all elected municipal officials. The League conducts a one-day continuing education session at least twice a year at four regional sites. These sessions are for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal training in municipal government. Participants earn 5 credit hours by attending these sessions. Credit hours may also be earned by attending other League or National League of Cities conferences or through service on League committees and boards. Outside credit is also awarded for attendance of approved seminars.

Any official who earns 40 credit hours in the program will be awarded the designation of Certified Municipal Official (CMO). Currently, 2823 elected municipal officials are enrolled in this program. There have been 772 elected municipal officials to complete the basic 40 hours of training required for the CMO designation. There have been 326 officials to complete their advanced hours.

In response to requests from CMO graduates, an Advanced CMO Program was established in early 1997. This program allows elected municipal officials who have achieved the basic CMO designation to obtain additional training. Several seminars are conducted each year for the Advanced CMO Program.

Graduates of the Advanced CMO program can retain their status by obtaining 10 hours of continuing CMO credit during a two year period.

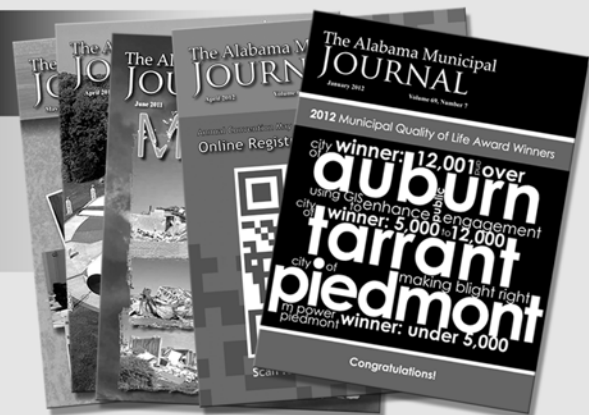
Registration for CMO sessions is not limited to elected municipal officials. Registration is open to all municipal employees who will benefit from the topics covered.

For additional information on either program, contact Cindy Price at 334-262-2566 or cindyp@alalm.org.

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The Alabama League of Municipalities is partnering with the SUSTAINABLE COMMUNITY DEVELOPMENT GROUP from Washington, D.C. to present this CMO session. SCDG is a not-for-profit corporation at the forefront of working with the public, private and community sectors to advance environmental sustainability, equitable development and global smart growth.

Registration forms are online at www.alalm.org/CMOUcomingTraining.html

9:00 a.m. – 9:25 a.m.	Registration
9:25 a.m. – 9:30 a.m.	Welcome and Opening Remarks Ken Smith, Executive Director, Alabama League of Municipalities
9:30 a.m. – 9:35 a.m.	Greening of Brownfields Program: Workshop Goals and Objectives Deeohn Ferris, JD, President, Sustainable Community Development Group (SCDG)
9:35 a.m. – 10:00 a.m.	Federal Perspectives – Green Economy Tools, Green Jobs and Workforce Development Gail A. Cooper, Deputy Director, US EPA, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response
10:00 a.m. – 10:45 a.m.	Cleaning Up Our ACT: Needs and Access Curtis Flakes, Chief, Planning and Environmental Division, Army Corps of Engineers Kathy Horne, Executive Director, Alabama Rural Water Association
10:45 a.m. – 10:55 a.m.	Break
10:55 a.m. – 12:00 p.m.	Greening By the Numbers: Sustainability and Science Wanda Jennings, Brownfields Revolving Loan Fund Coordinator, US EPA Region IV John Paradise, Local Government Liaison, Alabama Department of Revenue Larry Bryant, Chief, Environmental Services Branch, Land Division, Alabama Department of Environmental Management
12:00 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 1:15 p.m.	Break
1:15 p.m. – 2:30 p.m.	Keeping It Real: Real Opportunities for Real Access to Real Resources Ronnie Davis, State Director, USDA Rural Development, Alabama Charles Franklin, Director, HUD Community Office of Community Planning and Development, Birmingham Field Office (invited) Dave Harris, Planning and Right-of-Way Manager, FHWA
2:30 p.m. – 2:55 p.m.	Resource Integration at Ground Level Barrett Vaughan, PhD, Assistant Professor of Agricultural and Biological Engineering, Tuskegee University Patrick Rose, PhD, Research Manager, Center for Governmental Affairs, Auburn University (invited)
2:55 p.m. – 3:00 p.m.	Closing Remarks and Adjourn Deeohn Ferris, Sustainable Community Development Group Ken Smith, Executive Director, Alabama League of Municipalities

individuals who share your interests and concerns. Take advantage of these chances to network and learn from others. Offer your input and advice to others. You may find a solution you've been searching for – or you may have the solution someone else has been seeking. So if you do find yourself lost in conversation with someone who is answering a question facing your municipality, it may have been worth it.

Visit the exhibit hall while you're at convention. Exhibitors bring tools and solutions that are designed to help your community and are very happy to discuss what they can do for you. Spending time talking to the exhibitors may bring a new perspective to your convention experience and open doors that you didn't even realize existed. This year, for the first time, we are holding the Monday luncheon in the exhibit hall to provide you with plenty of time to learn what the exhibitors have to offer.

Also in the exhibit hall you will find representatives from state and federal entities who exhibit during the convention to share information from their departments or agencies. They have information on new laws and regulations you need to know. They also have information about the services they can provide your city or town and who to contact to request assistance. Often these services are available to you at no cost. It's certainly well worth the time it takes you to stroll through the exhibit hall and expose yourself to the many

contacts and options you will find there.

The final way to take advantage of the convention is very basic – **attend**. You can't learn if you aren't present. It's just that simple.

Municipal leaders in Alabama share a common bond – the desire to improve the quality of life in their communities. Once they are in office, though, municipal officials soon realize that much of what happens locally is affected by decisions and developments that take place beyond their borders. Municipalities affected by these changes share similar concerns and issues and the League's annual convention allows officials to discuss the impact of these changes and how they should respond to best serve their citizens.

The Alabama League of Municipalities' staff has instinctively designed a convention offering you ideal opportunities to learn about local government, network with others local officials, share experiences and brainstorm ideas for improving your community. As you read this, I hope you've already registered to attend the convention. If not, I hope you will make plans to join us in Birmingham. I look forward to seeing you there! ■

ALM Welcomes New Assistant General Counsel

Last month, Rob Johnston joined the League staff as Assistant General Counsel. Rob has a solid background in election law after serving as the Elections Attorney with the Alabama Secretary of State's Office for nearly five years where he was responsible for providing prompt legal information to public officials regarding election law and procedures as well as written and verbal communication to the general public and media. In addition, Rob assisted in writing and editing elections material published by the Secretary of State's office and in conducting workshops and seminars throughout the state. He spent several years in private practice, specializing in civil litigation and appeals, and also served as a law clerk with the Alabama Court of Criminal Appeals on the Fifteenth Judicial Circuit in Montgomery.

Born in Georgetown, South Carolina, Rob grew up in Prattville, Alabama. He received his B.A. degree from the University of Alabama in 1996 and his J.D. degree from Thomas Goode Jones School of Law in 2001. He is a member of the Alabama State Bar, the Alabama State Bar Leadership Forum and the Alabama State Bar Elections, Ethics and Government Relations Law Section.

Outside the office Rob is involved in church activities and is a member of a local civic club. He enjoys running and reading and is an adjunct instructor at South University in Montgomery where he teaches legal studies. Rob and his wife, Sarah, an attorney, have three young children, Joseph, Caleb and Sophia.





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Three on a String



This past August, Three on a String celebrated 40 years in the entertainment business – a remarkable feat in today’s fast-changing society. Three on a String has entertained throughout the United States and Canada, performing with symphony orchestras and with some of the top names in the business including Bill Cosby, Red Skelton, Barbara Mandrell, George Lindsey, Ray Stevens and Lee Greenwood. Their repertoire includes all types of music – old standards, country, classical, bluegrass and folk. Their three-part harmony has a unique and pleasing blend, from a heart-rending country song to an unexpected a cappella rendition.

Brad Ryan was six years old when the adventure began in 1971. Fifteen years later he became the bass player and remains in that role today. Brad, along with Bobby Horton and Jerry Ryan have logged many, many miles and still enjoy presenting their music and humor to anyone who will listen. Jerry and Bobby first got together at the urging of Warren Musgrove at his folk festival at Horse Pens 40 and performed as a duet one entire show. George Pruitt, who Bobby worked for at a music store at the time, suggested that they add a bass and,

thus, Three on a String was born. Many changes of musicians and a lot of club work eventually evolved into performances with symphony orchestras in several states, including a nine-city tour with the Alabama Symphony.

Jerry Ryan left a career as a teacher, coach and high school principal to pursue his performing dream as a guitar player, vocalist and harmonica player. He never looked back. He keeps the show rolling delivering timely one-line quips and stories with an impish twinkle in his eye.

Bobby Horton started taking trumpet lessons as a child and eventually became proficient at more than 20 instruments including the banjo, dobro, mandolin, guitar, violin/fiddle and the Irish pipes. He has worked with PBS producer Ken Burns on at least 10 documentaries including “The Civil War,” “Lewis and Clark” and “Baseball” and is in constant demand for his musical presentation of Civil War music on the college lecture circuit. However, he still finds time to tour with Three on a String.

Brad watched Bobby and Jerry learn their way around the music business before becoming the regular bass player and tenor singer in the close-knit harmony structure of the group’s vocal arrangements. Once the music was in place, Brad developed one of the funniest comedy skits in Three on a String’s collection.

Three on A String will perform Monday evening, May 21, following the President’s Banquet.

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Pictured left to right: Mayor Ed McGuffie and Bob Christmas, City Clerk, in front of the doors to the new City Hall.

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