

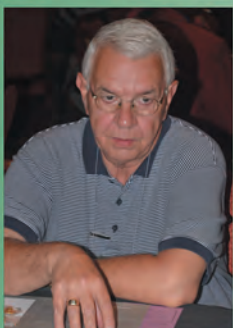
The Alabama Municipal JOURNAL

June/July 2013

Volume 71, Number 1



ALM Annual Convention 2013 • May 18-21 • Montgomery





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Official Publication, Alabama League of Municipalities

June/July 2013 • Volume 71, Number 1

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Montgomery Mayor Todd Strange welcomed delegates to the League's Annual Convention during the May 18th Opening Session.

Active Members (449)

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, Cljo, 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, 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, Florida, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Fredonia, Frisco City, Fruithurst, 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, Grimes, Grove Hill, Gu-Win, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Hefflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irondale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jamison, 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, Luverne, 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, Ohatchee, 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, River Falls, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, 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, Sylvania, 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, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.



ALM Annual Convention 2013 • May 18-21 • Montgomery



The President's Report

Mayor Walt Maddox • Tuscaloosa



President's Address May 20, 2013 Annual Convention, President's Banquet

To the members of the Alabama League of Municipalities, I am honored to represent you as President.

This sacred responsibility is a reflection of so many who made me a better husband, father, friend and mayor.

My greatest supporter is my beautiful wife Stephanie. Steph and I could not have foreseen that the majority of our marriage would be in the shadow of April 27th, which has required us to be separated more than we wanted. Through it all, she has been a rock for me, our daughter Taylor and soon to be, in July, our son, Elijah. Stephanie, I want to thank you for always believing in me. And, I want to thank all of the spouses who share in the commitment of leading our respective municipalities.

I am also honored to have a number of my City Council members here. Our City Council is led by President Harrison Taylor who has been my mentor, leader and dear friend. Ignoring political and geographical boundaries, our entire Council works harmoniously for all of Tuscaloosa – I am a very blessed Mayor to work with such an amazing group of elected officials.



Newly-elected League President Mayor Walt Maddox of Tuscaloosa (left) accepts the gavel from Immediate Past President Mayor David Bradford of Muscle Shoals.

I also want to recognize Mayor Al DuPont for his faithful work to the City of Tuscaloosa and the Alabama League of Municipalities. Tuscaloosa has a long tradition of leadership in this great association, and I feel fortunate to join Mayor DuPont, Mayor George Van Tassel, and Mayor Frank Livingston in serving as President.

Joining our Council members, we have a contingent of department heads and senior staff members from the City. Every day, I work with the most talented and dedicated public servants who have provided me wise counsel. More importantly, for our citizens, they demonstrate extraordinary leadership that touches every corner of our community.

For all of us in this room tonight, we can have the best equipment, the latest facilities and the most sophisticated technology; however, it is our employees who make the real difference. To say the least, it has been, and continues to be an honor of a lifetime to work with my staff in transforming Tuscaloosa, and I am humbled that you would be here with us.

As the gavel is formally passed, it is proper that we thank Muscle Shoals Mayor David Bradford. Being the leader of a City known for its rich music history is pretty cool, but Mayor Bradford has become a rock star in his own right. In the past year, he has led the League with energy, passion and dedication which have greatly benefited municipalities across our state. I hope you will all join me in thanking Mayor Bradford for his service to our League.

I look forward to working with Vice-President Wally Burns from Southside over the next year. Mayor Burns, I congratulate you on your election and I'm very pleased to have the opportunity to work with you.

As with our own employees, the League is served by a dedicated and talented staff. From the corridors of the capital, to the council chambers, Ken Smith and his team serve as our advisors, our attorneys and our advocates. On behalf of the Executive Committee, I would like to thank the League staff for your hard work and excellence!

Haven't we had a great time in Montgomery these past few days? To be in this vibrant City and in this beautiful

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- 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, May 20, 2013

The 12 months since our convention in Birmingham have been extremely busy for your League and its staff. League officers and staff have implemented a number of new programs and have worked long hours trying to protect the interests of Alabama municipalities at both the national and state levels.

Last August and October, most of Alabama's cities and towns conducted municipal elections. When these new officials assumed office on the first Monday in November, almost 35 percent were in new positions. Around the date these officials took office, the League conducted four full-day workshops across the state for both veteran and new municipal officials. Nearly 900 officials attended one of these sessions in Huntsville, Montgomery, Birmingham or Mobile. New electronic editions of the *Selected Readings for the Municipal Official* and the *Handbook for Mayors and Councilmembers* were sent to each city hall for distribution to the new officials. A new *Manual for Municipal Clerks* was also prepared and sent to each city or town clerk in the state. I wish to publicly thank our legal, communications and membership departments, as well as the entire League staff, for their hard work in making these revised publications a reality.

How many of you are newly elected municipal officials, serving in your first term? Congratulations on your election. I hope you are making the most of your time here at the convention – networking with experienced officials, attending training sessions, visiting the exhibitors and introducing yourself to your League staff members. I know you are facing issues and challenges that you probably didn't anticipate. If there is any way the League can help you serve your citizens better, I hope you will let us know.

I'd like to take a moment to thank Mayor Todd Strange, the Montgomery City Council and Montgomery employees for making this a great convention. They have truly rolled out the red carpet for our guests from around the state and made us all feel welcome. If you would, please join me in applauding them for their efforts this year.

This is one of our best attended conventions in recent memory. Well over 1,000 municipal officials, clerks, personnel administrators and spouses preregistered to attend this year.

We also had a number of on-site registrations. In addition, approximately 350 individuals, representing 150 companies, exhibited in our EXPO Hall, bringing our total attendance to approximately 1,400. We are proud of these numbers and want to be sure to thank our sponsors and exhibitors for their role in helping us put on such a great event.

I'd also like to thank our President, David Bradford, for his service, his assistance and guidance – and most of all for his friendship – during this past year. He and Vice President Walt Maddox have served you well. A League President who serves in an election year soon learns that he or she has a number of extra duties as the League introduces itself to our newly elected officials and helps them get off on the right foot. David had double duty – breaking in a new Executive Director and serving in an election year. I know the time it takes pulls these officials away from their cities, their jobs and their families, and I cannot say enough about the job David and Walt have done during this year.

League Committees

The Executive Committee, presided over by our President, Mayor David Bradford of Muscle Shoals, with the assistance of our Vice President, Mayor Walt Maddox of Tuscaloosa, met three times this year and dealt with a number of issues. Thanks to each of you for your hard work and participation throughout the year.

The League Committee on State and Federal Legislation, led by its Chair, Councilmember Sadie Britt of Lincoln, and its Vice Chair, Councilmember Donald Myers of Guntersville, met in January and developed the League's Legislative Package for 2013. I'll have more to say on this in a minute.

Our five policy committees also met on separate days at League Headquarters in Montgomery last summer to hear resource advisors speak on issues of importance to the committee. Following those presentations, committee members revised their respective policy statements, which will be presented at this meeting for your approval. This *Policies and Goals* is a very important document that is used to guide your League staff throughout the year and to assist the Committee on State and Federal Legislation when it meets

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Mayor Wally Burns of Southside Elected Vice President of The Alabama League of Municipalities



On May 20, Mayor Wally Burns of Southside was elected by his municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2013-2014. He was elected and took office during the League's annual convention, which was held in Montgomery May 18-21.

Mayor Burns also serves as Chairman of the Board of Directors for the Alabama Municipal Funding Corporation (AMFund), a program developed by the League to provide low-interest loans ideal for equipment financing, capital improvement projects and debt refinancing. In addition, Mayor Burns serves on the League's Executive Committee and has attended many League workshops and training sessions. He has completed the League's Basic and Advanced Certified Municipal Official (CMO) programs. Both programs require 40 hours each of training through a series of one-day continuing education programs designed especially for mayors and councilmembers who voluntarily wish to receive formal training in municipal government. Through these programs, Mayor Burns has received formal classroom training in subjects such as council meeting procedures; parliamentary procedure; the

Open Meetings Law; public records; ordinance drafting; conflicts of interest; the State Ethics Law; duties of the mayor and council; tort liability; the competitive bid law; zoning and planning; annexation; municipal regulatory powers; municipal revenues and expenditures; personnel actions; and leadership development. ■

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The Legal Viewpoint

By Lori Lein
General Counsel



“To Meet or Not to Meet” ... That Is the Question! Alabama Supreme Court Rules on Open Meetings Act

The plain language of the Alabama Open Meetings Act (the OMA), Section 36-25A-1 *et seq.* of the Code of Alabama 1975, is clear that the requirements of the OMA apply to meetings of a covered governmental body and any committee or subcommittee of the governmental body. Specifically, the notice requirements of the OMA, which allow for public awareness of the time and location of meetings, apply to not only the underlying governing body but also any committee or subcommittee of the governing body which may “meet” to discuss or deliberate matters within their purview. The Alabama Supreme Court, in *Slagle v. Ross*, --So.3d--, 2012 WL 2161651 (2012) (application for rehearing denied,--So.3d--, 2013 WL 1277141 (March 29, 2013)) has narrowed the scope of the OMA somewhat by holding that a “meeting” occurs only if a committee or subcommittee meets for the purpose of deliberating on a matter that will come back before *that* committee or subcommittee.

In *Slagle*, the former interim superintendent of the Montgomery County School System filed suit against the Montgomery County School Board and its members alleging violations of the OMA as a result of what the interim superintendent called a series of meetings of “special committees” which never amounted to a quorum of the school board itself. The facts of the case provide that the board president sent a memo to the school board members asking them to attend one of three back to back meetings with the incoming superintendent to discuss her goals and plans for the school district. Each board member was assigned to one of the three meetings along with the board president, who attended all three meetings, and one other board member for a total of three board members at any one “meeting”. At the time the facts in this case arose, a quorum of the Montgomery County School Board consisted of four

members of the board. It was undisputed that the board members discussed the exact same matters in each of these serial meetings and that no public notice was provided for these meetings.

The plaintiff first argued that the three back to back meetings were “in substance and in essence” one meeting of the entire board and that even though a quorum of the entire Board was not present in any one place at precisely the same time, a “meeting” of the board occurred during a 2 hour and 45 minute period in light of the sequential and serial nature of the gatherings which were conducted and knowingly attended by *all* the board members. Relying on the rule of law that if a statute is “plain and unambiguous” the Court will not derive some other meaning from the plain language, the Court determined that a plain reading of Section 36-25A-2(6)(a)(3), Code of Alabama 1975, yields the conclusion that a “meeting” occurs when a majority of the members of a governmental body come together at the same time. As such, the Court held that in the case of the back to back meetings as presented, there was no gathering of a majority of board so as to constitute a meeting of the board within the meaning of Section 36-25A-2(6)(a)(3) because there was not a quorum present “at the same time.”

Next, the plaintiff argued that each separate gathering of three board members constituted “meetings” of a committee of the board and that each such “meeting” of the committee was subject to the OMA. The Court agreed with the plaintiff that the manner in which the board members were assigned times to meet in groups of three created “special committees” of the school board and that committees are subject to the OMA under certain circumstances.

After establishing that the small groups of board members were “committees” of the school board, the Court

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venue has been an absolute pleasure. To Mayor Strange, the League would like to thank the City of Montgomery for its hospitality. Clearly, what you and the City Council are doing is a road map to how we can improve our respective cities and towns.

In accepting this responsibility, I do so not to occupy a seat or be satisfied with a title. The challenges are too numerous and the stakes are too high.

In recent years, from corrections, to education, to mental health and transportation, our Federal and State governments have passed more and more responsibilities to municipalities while simultaneously searching for avenues to reduce our existing revenues. Although it may make for good political theater, the real impacts of these unfunded mandates are being felt in our neighborhoods, business corridors, utilities and road networks. With a reliance on the politics that divide, instead of a focus on policies that unite, too many decisions emanating from Washington D.C. and Montgomery are negatively impacting how we effectively serve our citizens. Unfortunately, this trend will be unabated as budgets and political discourse continues to evaporate.

Whether it is Congress, the State Legislature or City Hall, our citizens demand results oriented government, and they are not interested in the blame game. For us municipal officials, our covenant with our citizens is reinforced every day in our local supermarkets, parks and churches. Neither time nor distance can serve as a refuge from effectively executing our duties because the people we work for know where we live and they know how to find us.

Here is the good news: We accept this responsibility with open arms.

Whether it is landing global companies in Thomasville, or revitalizing downtown in Andalusia, mayors and council members are approaching real problems with real solutions which do not require a Republican or Democrat seal of approval. In Alabama's municipalities, progress reins over partisanship and people soar above party.

We are indeed fortunate to serve in offices where we can make a difference. We are also fortunate to have the Alabama League of Municipalities standing with us and we will need it more than any time in our history.

In the months and years ahead, our League must remain strong, vibrant and well-positioned to compete in the race for relevance during this time of monumental economic, social and technological changes. To compete in this race, we must galvanize the vast amount

of intellectual capital that comprises our membership.

Our League is not an abstract organization in a faraway place. To the contrary, it belongs to Priceville - it belongs to Gadsden - it belongs to Atmore - It belongs to all of us. As stockholders, it is our obligation to guide this League as it strives to support Alabama's municipalities.

In the coming months, working with the League staff, we will begin a listening tour across the State with the intent of designing and enhancing our services around your needs. Therefore, your wisdom, your ideas and your active involvement will be paramount as we work to connect your League with your community.

As a League, and as elected officials, we must never allow the status quo to become our operating norm, nor should we believe that future successes will be based on reputation or tradition. That is why we must continue to challenge, we must continue to innovate, and must continue to lead.

As I close, I want to share a core value that I often discuss with our staff. We serve people and not bureaucracies. Our work, which is time honored and predicated on the belief that we are serving something greater than ourselves, requires us to never forget that behind every statistic is a father, mother, friend or fellow citizen who is striving for a better quality of life. Fulfilling this core value is never easy, and the journey is often exhilarating and exhausting; however, as a member of the League, you will not travel this road alone.

This we pledge to you with our words, and more importantly, in the months to come, with our actions. ■



Mayor Todd Strange, Montgomery with Mayor Walt Maddox, Tuscaloosa

President's Address

Mayor David Bradford • Muscle Shoals
Opening Session • May 18, 2013

Mayor Maddox, Mayor Strange, Governor Bentley, Ladies and Gentlemen, thank you so much for joining us in our capital city for the League's 78th annual convention!

Mayor Strange, I want to personally thank you, the Montgomery City Council and your staff for working closely with the League to make this convention a reality. We're all looking forward to the Reception at the Train Shed this evening as well as the opportunity to spend several days learning and networking with our colleagues.

I also want to thank Mayor Walt Maddox for representing us as our League Vice President this past year. Walt has been actively involved with the League since he first took office and is a focused and dedicated elected official.

He has worked tirelessly to ensure a successful recovery from the unprecedented destruction of the EF-4 tornado that ripped a nearly 6-mile long path through his city just two short years ago. The citizens of Tuscaloosa are fortunate to have him at City Hall, and I'm fortunate to call him my friend.

Governor Bentley, we especially thank you for joining us this afternoon. We know you understand and appreciate that effective government starts locally and that the municipal officials here today interact with their constituents on a daily basis – at church and school, in the grocery store and the post office, through local sporting events, community functions and charitable endeavors.

Municipal officials are held accountable on a continual basis by the people who elected us.

Some of you entered elected office for the first time this past fall. Given the ongoing economic challenges that have gravely affected our cities and towns, you may very well be questioning the wisdom of seeking office! And if you

attended one of the League's four orientation sessions, you realized very quickly that local government is a complex maze of rules and legalities.

Ours is not an easy job. And it shouldn't be. We are public servants who must also be thoughtful, discerning decision makers.

We were elected by our constituents to be responsible for making very important decisions on behalf of our communities. Many times these decisions – such as whether to cut services or to find additional revenues to pay for services – affect the quality of life for our citizens.

No, it's

definitely not an easy job. I was a 27-year veteran of the Muscle Shoals Police Department before being elected mayor in 2000. And as someone who's served my city for nearly 40 years, I can tell you without hesitation that, even with the significant challenges, public service at the municipal level is an honorable and rewarding endeavor.

Every victory, every accomplishment, every achievement is on behalf of the place where families *live* – where they raise their children, where they worship, where they work, where they learn and where they leave their legacy to the next generation.

What is your legacy?

Fortunately for all of us, the Alabama League of Municipalities provides a wealth of services and information to help us with difficult decisions and to guide us as we strive to wisely and *lawfully* fulfill our duties.

Since 1935, the League has worked to strengthen local government. As the recognized voice of Alabama's cities and towns, the League's 450 members benefit from a variety of programs and services that we'd never be able to accomplish on our own.

Of course, the legislative support and legal guidance we

continued next page



receive through the League is invaluable, but the League also provides us with information and training we can't get anywhere else.

The websites, weekly e-newsletters, monthly magazine, as well as the many reports, handbooks, surveys and e-blasts made available to us, are important tools we should all be using daily.

Another critical service provided through the League is education. The fact that you're attending this convention demonstrates your understanding that professional development is very important for us to be effective.

The League established our Certified Municipal Official training program in 1994. Credit hours are earned through this convention and by attending League CMO sessions as well as other approved training, such as National League of Cities conferences.

Officials who earn 40 credit hours receive their basic CMO designation. With an additional 40 credit hours, you become an Advanced CMO. From there, continuing credit hours are required to maintain your certification.

I've earned both my Basic and Advanced certifications and encourage each of you to actively work towards yours. If you're not already signed up for the CMO program, please be sure to do so during convention. You certainly can't miss the forms since we receive them at every session!

One of the most rewarding experiences of my life has been my involvement with the League – where I've had the

privilege to know and work with many outstanding public servants. As a dedicated municipal official – someone who believes in the importance and vitality of local government – I salute each of you.

I want to also take the time to applaud our League staff.

This convention is one of the largest in the state, bringing together more than 1,000 officials, clerks, attorneys, personnel administrators, exhibitors and guests.

From the networking opportunities to the concurrent sessions to the exposure to vendors and state agencies that support cities and towns, our Annual Convention is always a high-energy opportunity for us to learn and grow – and we have our staff to thank for that.

The League has 20 full-time employees who rise to every occasion and answer every inquiry – even when we don't like the answer or if the answer is "it depends".

The volume and quality of their work is impressive and it's comforting to know we can always rely on their professionalism and expertise. They anticipate problems before they arise, and I certainly appreciate their help and support throughout my year as president. The League staff works as hard to serve us as we elected officials work to serve our citizens.

The past couple of years have been unique in Alabama politics. When our Legislature convened in February 2012, it was only the second time in 136 years that they did so with a Republican majority. As was the case last year,



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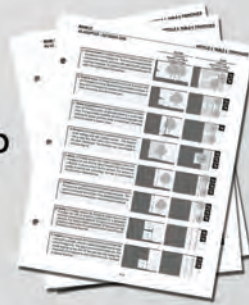


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the tremendous budget deficient has made the legislative process even more convoluted than usual.

Therefore, the League’s strategy has been one of vigilant and aggressive **defense** – and we successfully advocated against several unfunded mandates and tax exemption bills introduced this Session. In addition, we were able to amend several other bills – such as rental property business licenses and handgun rights – to lessen their impact on municipalities.

However, our work is not yet done. Five bills from the League’s Legislative package are in position for final passage on Monday, the last day of the Regular Session. Please take the time to contact the members of your legislative delegation this weekend and request their support of the following League bills:

- Mayoral vacancy procedures for Class 7 and 8 municipalities with populations greater than 12,000;
- Weed abatement revisions;
- Meeting cancellation authority;
- Municipal pretrial diversion programs authority; and
- Municipal debt set-off authority.

At the federal level, the U.S. Senate passed the Marketplace Fairness Act on May 5th. This legislation will

have a tremendous impact on both our state and municipal budgets, restoring *millions* of dollars in sales tax revenue that has previously gone uncollected. Please make it a priority to thank Senators Shelby and Sessions for their support of this critical legislation and encourage your Congressional delegation to continue that support in the U.S. House of Representatives.

Several of our League staff members – particularly Greg Cochran, our Director of Intergovernmental Relations – have worked long hours throughout the Session to make sure our interests are represented. Their efforts continue year-round.

The state’s legislative leadership has already informed us they will propose legislation next year to reform business licenses at the state, county and municipal levels by allowing businesses to file their licenses online. The League has been asked to serve on a Study Commission formed by Senator Jimmy Holley of Elba to work with all stakeholders in developing that legislation.

In every session of the Alabama Legislature since 1935, the League of Municipalities has safeguarded municipal interests. But the League cannot be successful working in isolation.

The *unified* voices and *collective* actions of energized municipal officials have always played an important role in our legislative success.

continued next page

As a group, we are a compelling force in articulating the concerns; solving the problems; and achieving the goals of our municipalities. This is a legacy we **MUST** continue as we strive to keep our cities and towns solvent.

We must work together to make sure our State Legislature does not forget the important role local government plays in today's society. Many of the day-to-day services enjoyed by our citizens are the **direct result of municipal government**.

Therefore, it is extremely important that we *all* build relationships with the members of our legislative delegations. We must treat them as partners when showcasing municipal accomplishments and include them in conversations on economic and community development.

Most importantly, we must continue to educate them on the role of local government and the balancing act required to provide crucial services such as police protection, fire protection, utility services, garbage collection, zoning and planning as well as many other services needed *and expected* by our citizens.

We must be especially vigilant in fighting unfunded mandates and pass-through legislation which take money, people power and resources from our municipalities.

As significant state and educational budget shortfalls continue to take a toll on Alabama, our cities and towns remain vulnerable. Therefore, it is imperative 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.

Ladies and Gentleman, we are *extremely fortunate* to have an organization such as the Alabama League of Municipalities to protect our interests at the Legislature; to provide us with timely, important information; to educate us through structured training programs; and to give us sound legal advice regarding the many challenges we face daily.

Throughout its nearly 80-year history, the League has accomplished many great things on behalf of Alabama's municipalities. Through our *united* efforts, this list of achievements will continue to grow.

I'll close today with the parting thoughts from a speech Mayor Guthrie Smith of Fayette gave to attendees during the 1992 convention. At that time, after nearly 44 years of consecutive service, Guthrie was about to retire.

He had been extremely active in the League and served as League president in 1965 – the year our first executive director, Ed Reid, died. Guthrie was one of the rare few to work directly with all four of our executive directors. He passed away in 2010 at age 97, but his words will resonate forever:

*My town is the place where my house is found.
Where my business is located and where my vote
is cast.*

It is where my children are educated, where my neighbors dwell, and where my life is chiefly lived.

It is the home spot for me.

*My town has a right to my civic loyalty.
It supports me and I should support it.*

*My town wants my citizenship, not my partisanship;
my friendliness, not my dissensions; my sympathy, not
my criticism; my intelligence, not my indifference.*

*My town supplies me with protection, trade,
friends, recreation, education, schools, churches, and
the right to free, moral citizenship.*

*It has some things better than others. The best
things I should seek to make better; the worst things
I should help to suppress.*

*Taken all in all, it is my town and it is entitled to
the best there is in me.*

Thank you for making my year as your League president an incredible and memorable journey. You have not only impressed me this year with your participation, but you have inspired me beyond words. It was, indeed, a privilege to serve alongside you and our fine staff. May God bless you, your communities and our Alabama League of Municipalities! ■

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Resolutions Adopted at the 2013 Convention

RESOLUTION NO. 1

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they express their deep appreciation to Mayor Todd Strange and members of the Montgomery City Council and their spouses, and their respective staffs for their hospitality and assistance in planning and promoting this convention and for their help in the daily operation of this very successful meeting. Their work and dedication has made this year's convention extremely successful and enjoyable.

RESOLUTION NO. 2

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank Governor Robert Bentley for his address during the Opening Session of this convention and for his dedication to the State of Alabama.

RESOLUTION NO. 3

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they express their deep appreciation to Clarence Anthony, executive director of the National League of Cities for his address during the General Session on Monday morning of our convention.

RESOLUTION NO. 4

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they express their appreciation to Gary McCaleb, Vice President, Abilene Christian University, Executive Director, Center for Building Community and Professor of Management at ACU, for his "Building Communities" presentation during the General Session on Monday morning of our convention.

RESOLUTION NO. 5

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery,

Alabama, on this the 20th day of May, 2013, 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; Mac McCutcheon, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank the House Members who sponsored League legislation: Representatives Steve Clouse, Mike Jones, John Merrill, Steve McMillan, Dan Williams and Jack Williams.

RESOLUTION NO. 7

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, 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; Senator Vivian Figures, Minority Floor Leader; 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank the Senators who sponsored League legislation: Senators Billy Beasley, Slade Blackwell, Arthur Orr, Brian Taylor, Dick Brewbaker, Jerry Fielding and Jabo Waggoner.

RESOLUTION NO. 8

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do wish to thank the League's municipal lobbyists group for supporting League legislation and providing invaluable assistance to the League when possible during the legislative process, namely: Hal Bloom, Allen Sanderson and Perry Roquemore, Jr., with The Bloom Group; Martin Christie and Maeci Martin with Christie Strategy Group; Greg Jones and Chris Lee with the Jones Group; Beth Marratta Lyons with Lyons & Crane; Michelle Jordan and Steve Raby with the City of Huntsville; Mark Gaines and Britton Bonner with Adams & Reese; Curt Lee and Bobby Tom Crow.

RESOLUTION NO. 9

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank the cities and towns that participated in the Municipal Flag Showcase during the Sunday evening reception in the EXPO Hall.

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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. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. 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

Board of Education: A city board of education, as an agency of the State, was absolutely immune from a suit on a contractor's claims for breach of contract and quantum meruit related to the construction of school facility. *Ex parte Phenix City Bd. of Educ.* 109 So.3d 631 (Ala.2012)

Courts: In analyzing prejudice to a defendant from delay, the Court of Criminal Appeals considers the interests of defendants whom the speedy trial right was designed to protect: (1) prevention of oppressive pretrial incarceration, (2) minimization of anxiety and concern of the defendant, and (3) limiting the possibility that the defense will be impaired. Of these forms of prejudice, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. *Yocum v. State*, 107 So.3d 219 (Ala.Crim.App.2011)

Courts: Where police investigators were not proffered as experts or accepted as experts by the trial court, the appellate court would consider their testimony to be that of lay witnesses, even though the prosecution asked the witnesses questions typically asked when eliciting opinion testimony from expert witnesses, and the trial court instructed jurors that they had heard the testimony of experts. *Naylor v. State*, 108 So.3d 1063 (Ala.Crim.App.2012)

Forfeitures: Forfeiture of an owner's car, in which drugs were found, pursuant to the Alabama Controlled Substances Act, did not violate the owner's due process rights or the excessive fines clause of the Eighth Amendment. Marijuana was a controlled substance, the car owner had acquired it in violation of the law, the owner concealed and transported the illegally acquired marijuana in his car, and that was all that was required under the forfeiture statute. Additionally, the owner entered a plea of guilty to possession of marijuana in the second degree, which is a Class A misdemeanor. *Hitchcock v. State*, 106 So.3d 896 (Ala.Civ.App.2012)

Forfeitures: In a drug forfeiture case, it is not enough to show that a drug trafficker owned the automobile. Without evidence of illegal drugs in the automobile, evidence indicating that illegal drugs had been transported in the automobile, or evidence that the

automobile had been purchased with funds derived from illegal drug transactions, the circuit court committed plain and palpable error in ordering forfeiture of the automobile. *Lee v. State ex rel. Broussard*, 108 So.3d 1037 (Ala.Civ.App.2012)

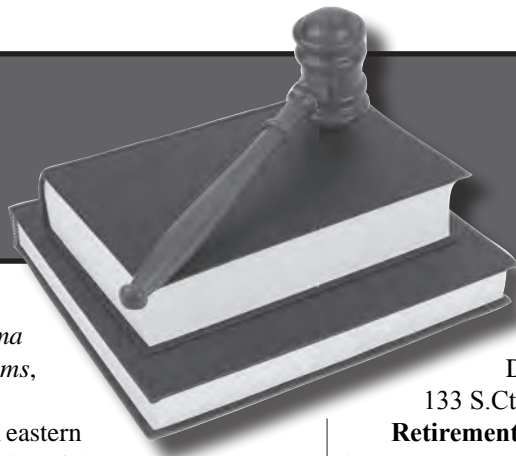
Open Meetings Act: "Special committees" composed of three members of a seven member county board of education that met in individual sessions with an incoming school district superintendent to discuss her goals and objectives for the district did not engage in "meetings" for purposes of the provision of the Open Meetings Act defining a "meeting" as "the gathering of a quorum of a governmental body or a quorum of a committee or a subcommittee of a governmental body during which members of governmental body deliberate specific matters that, at time of exchange, participating members expect to come before the body, committee, or subcommittee at a later date," as this definition of a "meeting" applied when members amounting to a quorum of a given body gathered to deliberate a matter that the participants expected to come at some later date before the same body as to which those members constituted a quorum. *Slagle v. Ross*, --- So.3d ---, 2012 WL 2161651 (Ala.2012)

Nuisances: A property owner was not entitled to statutory notice of the city's demolition of a residential structure on the property, where he purchased the property at a tax sale after the city had notified the then-current owners of impending demolition pursuant to Section 11-53B-1, *et seq.*, Code of Alabama. *Ross v. City of Huntsville*, 107 So.3d 1093 (Ala.Civ.App.2012)

Subdivisions: A contract requiring a home builder to purchase lots in a new subdivision from the developer violated a local subdivision regulation requiring an owner or developer of a subdivision to submit and gain approval of a proposed subdivision plat before the sale or offering for sale of any lots for the purpose of creating, establishing or modifying a subdivision, and thus the contract was void. Contracts found to violate the law will not be enforced even if the defaulting party failed to properly plead the affirmative defense of illegality. *Limestone Creek Developers, LLC v. Trapp*, 107 So.3d 189 (Ala.2012)

Subdivisions: An adequate-access-street provision in a city ordinance was not an essential or indispensable (*sine qua non*) condition for approval of a developer's proposed planned unit development (PUD) and did not deprive the city planning commission of the authority to approve the PUD, as action on the development plan provision in the ordinance expressly allowed approval of a PUD application "with conditions." *City of Mobile v. Grizzard*, 109 So.3d 187 (Ala.Civ.App.2012)

Unemployment Compensation: A claimant will be disqualified from receiving unemployment compensation after being terminated from a position due to misconduct, even though the claimant's misconduct was a single incident rather than repeated conduct, where a dishonest or criminal act is committed



in connection with the job. *Alabama Dept. of Indus. Relations v. Williams*, 109 So.3d 657 (Ala.Civ.App.2012)

Waterways: Owners of plot on eastern shore of Mobile Bay had a common-law right to build a pier in the waters in front of their property extending out to the point of navigability. Issuance of a permit to construct a pier along the riparian boundary, in disregard of setback requirements, was reasonable. *Schramm v. Spottswood*, 109 So.3d 154 (Ala.2012)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Civil Rights: State court proceedings arising out of a city's efforts to evict the plaintiff from city-owned property had not ended when the plaintiff filed a §1983 action alleging, *inter alia*, that the city deprived him of his Constitutional rights and retaliated against him, and thus the *Rooker-Feldman* doctrine, under which federal courts cannot review final state court judgments, did not deprive the Federal District Court of subject-matter jurisdiction. *Lozman v. City of Riviera Beach, Fla.*, --- F.3d ---, 2013 WL 1285868 (11th Cir.2013)

DUI: Natural metabolization of alcohol in the bloodstream does not present a *per se* exigency that justifies an exception to the Fourth Amendment's search warrant requirement for non consensual blood testing in all drunk-driving cases, and instead, exigency in this context must be determined case by case based on the totality of the circumstances. *Missouri v. McNeely*, 133 S.Ct.1552 (U.S.2013)

First Amendment: When determining whether a governmental body's prayer violates the Establishment Clause of the First Amendment, the content of the prayer is not of concern if there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other faith or belief. The impermissible motive standard for determining whether a government action violates the Establishment Clause of the First Amendment does not require that all faiths be allowed the opportunity to pray, but instead prohibits purposeful discrimination. *Atheists of Florida, Inc. v. City of Lakeland, Fla.*, --- F.3d ---, 2013 WL 1197772 (11th Cir.2013)

Public Records: The federal Health Insurance Portability and Accountability Act (HIPAA) preempts a state law that requires nursing homes, upon request, to release the medical records of deceased residents to their spouses and attorneys-in-fact. *OPIS Management Resources, LLC v. Secretary, Florida Agency for Health Care Administration*, --- F.3d ---, 2013 WL 1405035 (11th Cir.2013)

Public Records: A state may limit access to its public records to residents of that state without running afoul of either

the Privileges and Immunities Clause or the Dormant Commerce Clause. *McBurney v. Young*, 133 S.Ct. 1709 (U.S.2013)

Retirement Systems: When the words of an ERISA plan leave gaps, a court may look outside the plan's written language to decide what the agreement means. *US Airways, Inc. v. McCutchen*, 133 S.Ct. 1537 (U.S.2013)

Searches and Seizures: The customary invitation of homeowners allowing visitors to approach a home and knock on the front door did not constitute an implied license by defendant homeowner for law enforcement officers to physically invade the curtilage of his home in order to conduct a search by using a drug-sniffing dog on the front porch of the home to investigate an unverified tip that marijuana was being grown in the home. *Florida v. Jardines*, 133 S.Ct. 1409 (U.S.2013)

Wreckers: State or local regulation of the physical location of motor-carrier operations falls outside the preemptive sweep of the Federal Aviation Administration Authorization Act of 1994 (FAAAA) provision prohibiting the enforcement of state laws related to a price, route, or service of any motor carrier with respect to the transportation of property. Local laws regulating the removal, storage, and disposal of abandoned motor vehicles do not hamper the operations of tow truckers and are not the kind of burdensome state economic regulation that Congress sought to preempt under the FAAAA. *Dan's City Used Cars, Inc. v. Pelkey*, --- S.Ct. ---, 2013 WL 1942398 (U.S.2013)

DECISIONS FROM OTHER JURISDICTIONS

Eminent Domain: A city's mobile home rent control ordinance was rationally related to the conceivable public purpose of protecting existing tenants, and thus did not violate a mobile home park owner's substantive due process rights or constitute a private taking. *MHC Financing Ltd. Partnership v. City of San Rafael*, --- F.3d ---, 2013 WL 1633067 (9th Cir.2013)

ATTORNEY GENERAL'S OPINIONS

Building Codes: A municipality does not have the authority to adopt an ordinance that would prohibit the water and sewer board from providing water and/or sewer service to residential and commercial buildings that do not meet the minimum standards of the municipality's building codes. The municipality does not have the authority to require the owner of a substandard property to bring the property up to minimum standards before water and/or sewer service can be restored. AGO 2013-039

E-911: Section 11-98-5.2 of the Code of Alabama, states that it seeks the base emergency telephone service charges for the previous five consecutive years for emergency telephone services. In an effort to clarify this statement and make sure that the highest dollar amount is used, the statute further states that if the rate is

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increased at any time up to seven months after September 30, 2011, then that increased rate should be used and calculations should be based on the higher rate for the entire fiscal year. AGO 2013-045

Law Enforcement: A municipality may contract with another municipality for the performance of policing duties within its jurisdiction. The contract must comply with the specifications set forth in section 11-102-1, *et seq.*, Code of Alabama. Each municipality must adopt an ordinance approving the contract, and each municipality should adopt all ordinances, resolutions, and policies necessary to authorize law enforcement officers of one municipality to carry out policing duties within the jurisdiction of the other municipality or municipalities. AGO 2013-041

Officers and Offices: Pursuant to section 11-44G-2(a)(1) of the Code of Alabama, in any Class 7 or Class 8 municipality the chair pro tempore serves on governmental bodies in which the mayor is an ex officio member until the vacancy in the office of mayor is filled. AGO 2013-043

Public Records: A public entity may charge a reasonable fee for extensive research required to comply with a public records' request. AGO 2013-040

Public Records: Although email addresses of the citizens of a municipality are public records pursuant to section 36-12-40 of the Code of Alabama, they are exempt from disclosure. The municipal clerk, as the custodian of records for the municipality, is authorized to determine which public records are subject to disclosure, subject to limitations established by the governing body of the

municipality. Each request for public records' disclosure must be considered on its own merits, with public policy generally favoring disclosure. The question of whether a disclosure would result in undue harm or embarrassment to an individual, or adversely affect the public interest, is a factual question. The party refusing disclosure has the burden of proving that the writings or records sought are within the exception. AGO 2013-046

Retirement System: The Boards of Control ("Boards") of the Employees' Retirement System ("ERS") and Teachers' Retirement System ("TRS") may promulgate rules setting forth guidelines to determine whether retirees who provide services to participating ERS and TRS employers through a contract are independent contractors or employees subject to the limitations of sections 36-27-8.2(a) and 16-25-26(a) of the Code of Alabama. Under sections 36-27-8.2(c) and 16-25-26(c) of the Code, it is the duty and responsibility of the participating employer to report to RSA the name of any ERS or TRS retiree who performs work for it so that the Retirement Systems of Alabama can comply with the law and exercise its duty to apply the pension-suspension provisions appropriately. AGO 2013-044

Utilities: A public utility corporation incorporated under section 11-50-230, *et seq.*, of the Code of Alabama, is not a governmental unit as defined by section 41-16-141(2) of the Code under the Guaranteed Energy Cost Savings Act. AGO 2013-047 ■



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- Storm Water Retention & Treatment
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- Water Treatment & Supply
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RESOLUTION NO. 10

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank the following persons for their presentations during the concurrent sessions held on Monday of this convention: Greg Lein, Alabama State Parks Director; Brent Krause, General Manager & Golf Pro, Wynlakes Country Club; Brian Barksdale, Carr, Riggs and Ingram; Darrell Howard, Deputy Director of Planning, Regional Planning Commission, Greater Birmingham; Charlene Lee, SmartCoast; Jason Fondren, KPS Group, Inc.; Philip Anthor, Senior Planner, Regional Planning Commission, Greater Birmingham; Tim Kant, Mayor, Fairhope; Mickey McInnish, Montgomery Legal Department; Sergeant Christina Thornton, Montgomery Police Department; Barbara Wells, Capell & Howard PC; Mike Deer, Area Sales Manager, ShoreTel; and Jeff Byard, Executive Operations Officer, Alabama Emergency Management Agency.

RESOLUTION NO. 11

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank Jim Sumner and Hugh Evans with the Alabama Ethics Commission for providing the required state ethics law training for public officials and employees on Tuesday morning of the convention.

RESOLUTION NO. 12

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do express their sincere appreciation to the participants of the AAPP Program and particularly thank Sammy Smith, Training Manger for the Mobile Area Water and Sewer System, for his presentation.

RESOLUTION NO. 14

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they express their thanks to the participants on the Municipal Clerks Program: Richard Buttenshaw, AMIC/MWCF Loss Control Representative; Toni McKelvey; Bill Kelley, Director of Benefits, RSA; and John Paradise, Senior Tax Analyst, ADOR.



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RESOLUTION NO. 15

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank Mayor Walt Maddox of Tuscaloosa 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank Mayor Leon Smith of Oxford, Mayor Phil Segraves of Guin; Mayor Billy Blackwell of Ozark; Mayor Tom Henderson of Center Point and Councilmember Don Moore of Uniontown 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank Mayor Billy Joe Driver of Clanton, Mayor Melvin Duran of Priceville, Mayor David Bradford of Muscle Shoals, Mayor Charles Murphy of Robertsdale and Mayor Richard Long of Jackson 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank Mayor Wally Burns of Southside, Mayor George Evans of Selma; Mayor Dennis Stripling of Brent; Mayor Jon Graham of Calera; and Mayor Howard Rubenstein of Saraland for serving on the Board of Directors of the Alabama Municipal Funding Authority, Inc. (AMFund). AMFund is the League’s latest venture and we urge our municipalities to consider this 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank the Montgomery Police Department 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank Sgt. John Mackey, Officer Roderick Montgomery; Lt. K.O. Jones; and Brenda Mitchell, Director of Montgomery EMA and 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they commend Ken Smith and the members of the League staff for their 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do sincerely thank the City of Montgomery 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do express their appreciation to the Piper Jaffray for sponsoring the Kings of Swing performance during 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they thank the Alabama Municipal Funding 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 Montgomery, Alabama, on this the 20th day of May, 2013, thank Alabama Municipal Electric Authority; Electric Cities of Alabama; PowerSouth Energy Cooperative; and Tennessee Valley Authority for sponsoring the lunch in the Expo Hall 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do sincerely thank Carr, Riggs and Ingram; Goodwyn Mills & Cawood, Inc; and Runkle & Associates/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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank the Montgomery Music Project for performing at the Spouses Breakfast on Monday morning of this convention.



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RESOLUTION NO. 35

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do sincerely thank Sterne Agee for sponsoring the Michael and Amy 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they express their sincere appreciation to those who gave invocations during convention: Dr. Lawrence Phipps, Vaughn Forest Church; Pastor Cromwell Handy, Dexter Avenue Memorial Church; and Elder Yvonne Jones, Covenant Ministries International.

RESOLUTION NO. 37

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they express their deep appreciation to Alabama Manufactured Housing Association; Alabama Municipal Electric Authority; Alabama Municipal Funding Corporation; Alabama Power Company; Carr, Riggs and Ingram; Davis Direct; Electric Cities of Alabama; Goodwyn, Mills Cawood, Inc.; Millennium Risk Managers; Municipal Revenue Service; Municipal Workers Compensation Fund, Inc.; Piper Jaffray; PowerSouth Energy Cooperative; Runkle & Associates/Merrill Lynch; 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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: Absolute Aeration, LLC; Ad Comp Systems, Inc.; Advanced Disposal Services, LLC; AIA Alabama Council - Disaster Assistance Task Force; Air Evac Lifeteam; Alabama 811; Alabama Association of Municipal Clerks and Administrators; Alabama City/County Management Association; Alabama Clean Fuels Coalition; Alabama Employer Support of the Guard & Reserve; Alabama Municipal Funding Corporation; Alabama Municipal Insurance Corporation; Alabama Municipal Revenue Officers Association; Alabama Recreation and Parks Association; Alabama Retired State Employees' Association; Alabama Urban Forestry Association; AlaGrants, LLC; Alliance Insurance Group, LLC; Allied Waste Services; Ameresco, Inc.; American Lung Association - SmokeFree Alabama; American Municipal Services; American Traffic Solutions; AMIC/MWCF - Loss Control Division; Arrow Disposal Service; Asset Engineering; AT&T; BB&T; Badger Meter; BancorpSouth Equipment Finance; Caldwell Tanks, Inc.; Carr, Riggs & Ingram; CDG Engineers & Associates, Inc.; CH2M Hill; CIMSgts; CivicPlus; Columbia Southern University; Converged Networks, Inc.; Crews & Associates, Inc.; Croy Engineering, LLC; CXT,

Inc.; Design Alabama; Dixie Decorations, Inc.; DMD Engineers; Empire Pipe and Supply; Employer Support of the Guard and Reserves; Energy Systems Group; Engineered Restorations, Inc.; ESG Operations, Inc.; Facility Dude; Giffen Recreation Company, Inc.; Gorrie Regan; GovDeals, Inc.; Great West Retirement Services; Hancock Bank; Harris Computer; Holiday Designs, Inc.; Hollon Accounting Services; Holophane; Honeywell; InCare Technologies; Ingram Equipment Company, LLC; J. A. Dawson & Company, Inc.; Jackson Thornton & Company, P.C.; Jacksonville State University; JMCM Consulting; Judicial Correction Services; Junior Davis and Associates; Kellum, Wilson & Associates, P.C.; Kidz Zone Play Systems; KORKAT; KPS Group, Inc.; Laserfiche; Lee Helms Associates, LLC; Local Government Corporation; M3 Fire Apparatus / HME, Inc.; Mauldin & Jenkins, LLC; Municipal Revenue Services; Municipal Workers Compensation Fund, Inc.; Municode/Municipal Code Corporation; Musco Sports Lighting; Mutual of Omaha / United American Assurance; NAFECO; National Center for Sports Safety; National League of Cities; nCourt; NexcheckGov; Nov Ameron International Corporation; Overnight Parts Alliance - Town & Country Ford; Pinnacle Network; Playscapes of Alabama, LLC; Polyengineering, Inc.; Precision Concrete Group; Provident; Qscend Technologies, Inc.; ReFlow Services, LLC; Revenue Discovery Systems; Safe-T Shelters; Sansom Equipment Company, Inc.; Scenic Alabama; SealMaster/Alabama; Sentell Engineering, Inc.; Servpro; Severn Trent Services; Siemens Industry, Inc.; SIP Oasis, Inc.; Southern Playgrounds, Inc.; Southland International Trucks, Inc.; Sunbelt Fire; Synovus; Tank Pro, Inc.; Taylor Power Systems, Inc.; The Brick Industry Association; The Grant Book Company; The Kelley Group; The Reinforced Earth Company; Thompson Tractor Company, Inc.; Trident Insurance; Tuscaloosa Tourism & Sports Commission; United Systems; Universal Concepts; University of North Alabama; Utility Service Co., Inc.; Volkert, Inc.; Warren Averett, LLC; and Waste Pro.

RESOLUTION NO. 39

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, 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: Alabama Attorney General's Consumer Affairs Office; Alabama Cooperative Extension; Alabama Correctional Industries; Alabama Department of Agriculture & Industries; Alabama Department of Archives & History; Alabama Department of Conservation and Natural Resources; Alabama Department of Economic and Community Affairs; Alabama Department of Environmental Management - Nonpoint Source Pollution; Alabama Department of Labor - Montgomery Career Center; Alabama Department of Revenue - Sales and Use Tax Division; Alabama Emergency Management Agency; Alabama Forestry Commission; Alabama Industries for the Blind; Alabama Public Library Service; Alabama Surplus Property Division; Alabama Tourism Department; Auburn University Center for Governmental Services; Retirement Systems of Alabama; SDE SafeRoutes to School; State Employees' Insurance Board; U.S. Census Bureau; and USDA Rural Development.

RESOLUTION NO. 40

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank the members of the 2012-2013 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, 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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do thank Executive Director Ken Smith, League Attorneys Lori Lein, Rob Johnston and Tracy Roberts, as well as Perry Roquemore with the Bloom Group and Brenda Smith, Assistant Attorney General, for their participation in the Ask Your Attorney Panel Discussion on Tuesday morning of the convention.

RESOLUTION NO. 45

WHEREAS, the Marketplace Fairness Act is currently being considered by the United States Congress; and

WHEREAS, this legislation would give states the authority to enforce local and state taxes that are already in place and owed by out-of-state online retailers; and

WHEREAS, this legislation would require retailers to collect and remit sales taxes to states and local governments for out-of-state online sales; and

WHEREAS, Alabama will lose an estimated \$350 million in uncollected sales and use taxes this year; and

WHEREAS, all businesses, regardless of their physical location, should be required to collect and remit state and local sales tax; and

WHEREAS, the playing field, as it currently stands, favors out-of-state, internet retailers that exploit a pre-internet loophole allowing them to evade collecting state sales taxes even though they sell the same products in the same communities; and

WHEREAS, as it currently stands, stores with a local retailer must collect sales taxes while online stores do not, thereby

enabling online stores to undercut local retail prices; and

WHEREAS, this legislation is not a new tax or a tax increase, but rather enables states to collect taxes that are already due; and

WHEREAS, this legislation would generate more sales, pay more sales tax to the state treasury, encourage more local retailers, create jobs for local workers and infuse more money into local economies throughout the State of Alabama; and

WHEREAS, the U.S. Senate has now passed the Marketplace Fairness Act;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that we do hereby thank Senator Richard Shelby and Senator Jeff Sessions for supporting the passage of the Marketplace Fairness Act and that we urge Alabama’s members of the House of Representatives to also work for and vote in favor of passage; and

BE IT FURTHER RESOLVED that the Alabama League of Municipalities calls upon federal policy makers to enact legislation requiring the collection and remittance of state and local sales taxes allowing all retailers to compete in a true free market and give every business an equal opportunity to compete, innovate and create jobs.

RESOLUTION NO. 46

WHEREAS, the Alabama Department of Revenue is considering the adoption of a new rule setting out the responsibilities of sellers to collect county and municipal sales and use taxes; and

WHEREAS, present rules of the Alabama Department of Revenue prohibit municipalities from requiring remote sellers to collect use taxes on items that are delivered into the local government; an

WHEREAS, currently only state sales and use taxes on these transactions are being collected from sellers; and

WHEREAS, the proposed rule would establish rules of nexus applicable to these sales that would enable the collection of use taxes by these remote sellers;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they do support the efforts of the Revenue Commissioner and the Department of Revenue to correct this inequity in the collection of Alabama’s sales and use taxes and urge the Alabama Department of Revenue to adopt this rule.

RESOLUTION NO. 47

WHEREAS, Alabama’s cities and towns recognize the significant fiscal challenges facing the federal government; and

WHEREAS, tax exempt municipal bonds are essential financing tools used by Alabama’s municipalities to allow them to build vital infrastructure to serve the public health, safety and welfare of their citizens; and

WHEREAS, the ability of municipal bonds and the 100-year precedent of the Federal tax exemption on municipal bonds assists in providing Alabama’s municipalities with timely access to cost-effective capital; and

WHEREAS, eliminating or capping the deduction amount and thereby limiting the exemption of interest earned on municipal bonds as proposed by the White House will significantly raise the costs for Alabama's municipalities for infrastructure and public safety investments; and

WHEREAS, there is serious concern about the impact that altering the tax treatment of municipal bonds would have on the ability of Alabama's municipalities to manage their finances and invest in the future as well as their ability to provide for essential services and public safety;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that we respectfully encourage the White House and Congress to consider options other than the capping or elimination of tax exempt municipal bonds to find savings for the federal budget.

RESOLUTION NO. 48

WHEREAS, Senate Bill 397 was introduced during the 2013 Regular Session of the Alabama Legislature; and

WHEREAS, Senate Bill 397 would implement an on-line, One Spot location for applying for, purchasing and renewing state and county business licenses; and

WHEREAS, Senate Bill 397 mandates municipal participation in the One Spot system for municipal licenses by 2017; and

WHEREAS, the collection of municipal business licenses through this system raises numerous issues regarding the regulation of businesses to protect the public, as well as the possible loss of revenue; and

WHEREAS, the Senate leadership has created a subcommittee of interested parties to meet before the 2014 Regular Session of the Alabama Legislature to create a workable solution to the possible implementation of the One Spot license system;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that we remain opposed to any legislation that restricts municipal authority to set rates and administer their own local licenses, but we encourage the League staff to participate in subcommittee negotiations in an attempt to find a workable solution to this issue.

RESOLUTION NO. 49

WHEREAS, in recent years lawsuits have exposed municipal employees to personal liability, even where they are acting in good faith, solely in the line and scope of their duties and responsibilities; and

WHEREAS, adding insult to injury, some judges in the state are actually finding for the plaintiff in these "personal" capacity suits, even though the plaintiff and judges agree that the employee is simply performing his/her job, thus denying municipal employees the same protection a municipality would have under state law; and

WHEREAS, if the same protections that exist for municipalities don't exist for municipal employees acting within the line and scope of their employment, municipal employees may be facing personal liability which may not be covered by insurance; and

WHEREAS, the Alabama League of Municipalities is actively

pursuing legislation to clarify that municipal employees acting within the line and scope of their employment are protected by the same limitations on damages recovery that protect municipalities; and

WHEREAS, the Alabama League of Municipalities is actively involved as *amicus curiae* in cases before the Alabama Supreme Court on the issue of municipal employee liability;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that we respectfully encourage every judge and Legislator in the State of Alabama to recognize that municipal employees who are acting within the line and scope of their employment with a municipality are protected from liability and damages to the same extent as the municipality.

RESOLUTION NO. 50

WHEREAS, David Bradford, Mayor of Muscle Shoals, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Bradford'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 Bradford'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 Montgomery, Alabama, on this the 20th day of May, 2013, that they do recognize and commend Mayor Bradford 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. 51

WHEREAS, child hunger in America has increased significantly across communities since the recession of 2008, with more than 16 million children in America experiencing some degree of food insecurity; and

WHEREAS, Alabama has 1 million children who are in families that experience food hardships; while, nearly 60% of public school children in the state participate in the federally-funded free/reduced school lunch program - both statistically higher than the national average; and

WHEREAS, the direct and indirect efforts of child hunger and malnutrition begin at conception and can be lifelong and are manifested as health problems, educational problems, and workforce and job readiness problems - all of these issues directly impacting the overall welfare of our communities; and

WHEREAS, Ending Child Hunger in Alabama (ECHA) is a state-wide, multi-sector initiative launched out of the Hunger Solutions Institute at Auburn University with Lt. Governor Kay Ivey as campaign spokesperson, issuing a bold call to action with a press conference on April 29, 2013; and

WHEREAS, The overall goal of this campaign is to ensure

that Alabama is among the top 25% of most food secure states by 2020, through implementation of a 5 step goal-oriented strategy and systematic efforts of public and private partners working to identify assets and collaborate to reach benchmarks that use private or federal funds that are of no cost to the state or local governments;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama on this the 20th day of May, 2013, support efforts to find solutions to Ending Child Hunger in Alabama and promoting food security for children in all our communities.

RESOLUTION NO. 52

WHEREAS, HB 257 by Rep. Moore has been introduced and is in line for final passage by the Alabama Senate and would prohibit by constitutional amendment a municipality from assessing a business license on the rental of residential real estate on a per unit basis; and

WHEREAS, this bill would drastically alter the way municipalities may assess business licenses on rental property and establishes a terrible precedent of restricting municipal governments from establishing business licenses based on local conditions and needs;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama on this the 20th day of May, 2013, that we respectfully encourage every Senator of the Alabama Senate to oppose the final passage of HB 257.

RESOLUTION NO. 53

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Montgomery, Alabama, on this the 20th day of May, 2013, that they memorialize the following persons who have died in office since our last convention, namely: Dewey Cooper, councilmember, Phil Campbell; Rufus "Tate" McAnnally, councilmember, Garden City; Sam Wright, mayor, Sylacauga; Louise Fields, councilmember, Tuskegee; Dearl Hilyer, mayor, Thorsby; Tom Bamberg, mayor, Centreville; Tim East, mayor, Daviston; Bailey Yelding, mayor, Daphne; Mike Beale, councilmember, Ashland; Max E. Wilkes, councilmember, Phenix City; Roy Quinn, councilmember, Allgood; Jeanette Cantrell, councilmember, Beaverton; Harold Wayne Brannon, councilmember, Elmore; Janis Cooksey Canham, mayor, Jackson's Gap; Clarence Walker, councilmember, Bridgeport; and Jim Landers, councilmember, Russellville.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Larry Cornett, former councilmember, Hanceville; Wiley Gibson, former councilmember, Midland City; John Jackson, former

councilmember Thomasville; Gordon Keel, former councilmember Camp Hill; Thomas Tolbert, Sr., former councilmember, Bessemer; Alfred Saliba, former mayor, Dothan; George Hendrix, former mayor, Piedmont; Gordon Henderson, former mayor, Albertville; Sim Hines, Jr., former councilmember, Eufaula; Robert "Bob" Rust, former councilmember, Northport; Russell Yarborough, former councilmember, Birmingham; Charles Bee Martin, former councilmember, Decatur; Robert Sullivan, former councilmember, Pelham; Ralph Haney, former mayor, Muscle Shoals; Jean Martin, former councilmember, Selma; Austin Caldwell, former mayor, Demopolis; Larry Albright, former mayor, Haleyville; Sandra Moon, former councilmember, Huntsville; Wallace George, former councilmember, Haleyville; Billy "Joe" Chafin, Sr., former councilmember, Garden City; Richard Lowe, former councilmember, Haleyville; J.D. Williams, former mayor, Somerville; Luther Owen Browning, former councilmember, Millport; Edward Daniel, former mayor, Marion; Patricia Hicks, former councilmember, Satsuma; Stevenson Hoyett, former councilmember, Goodwater; Fred Thomas, former councilmember, Robertsdale; Don Thornton, former councilmember, Vernon; Albert Rex White, former councilmember, Vernon; Drannan Carson "Bill" Mangum, former councilmember, Cullman; Bobby Golden, former councilmember, Southside; Ben Shirah, former mayor, Coffee Springs; Joseph Lamar Manley, former councilmember, Elberta; James W. Oliver, former mayor, Collinsville; Jerry Cornelius, former councilmember, Highland Lake; Gary Daffron, former mayor, Ragland; Gene Ford, former councilmember, Ragland; Rayford Seahorn, former councilmember, Red Bay; John Garrard, former councilmember, Atmore; Don Brown, former mayor, Hartselle; James H. "Doc" Ashcraft, former mayor, Reform; former councilmember Lloyd Mac Peters, Killen; former councilmember Frank Stevens, Sheffield; Carrol Daugherty, former mayor, McIntosh; Keith Young, former councilmember, Pennington; Tommy Counts, former councilmember, Decatur; and Louis Payne, former councilmember, Bridgeport. ■

Below: The Resolutions Committee met at 11:00 a.m. on Saturday, May 18, to discuss ALM's Policies and Goals as well as Resolutions to be presented for consideration at the Monday, May 20, Business Session.



2013 Quality of Life Award Winners Honored During Opening Session

The Municipal Quality of Life Awards program was created by the League in November 2006 to recognize successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. This year's winners were chosen by a panel of three independent judges who are not employed by or affiliated with the Alabama League of Municipalities. Judging was based entirely on the written entries and supportive information and winners were chosen on how well entries met the three main objectives of the program: 1. To recognize successful, innovative projects that improve the quality of life for citizens. 2. To share those projects with other municipalities. 3. To demonstrate the value of cities and towns.

This year's Municipal Quality of Life Awards program had 15 entries with winners and honorable mentions in three population categories. Priceville, Andalusia and Talladega were chosen as the winners for their population categories – under 5,000; 5001 to 12,000; and 12,001 and over, respectively. They were recognized during the Opening Session of the League's Annual Convention where a video highlighting each program was shown and commemorative plaques were distributed. The cities of Hartford, Montevallo and Robertsdale (tie in this category) and Ozark were chosen as the Honorable Mentions for those same population categories.



Population Category: Under 5,000
Town of Priceville:
Morgan County Veterans Memorial
at Veterans Park

Population Category: 5,001 to 12,000
City of Andalusia:
AlaTex Monument Park & River Falls
Street Renovation Project



Population Category: 12,001 and Over
City of Talladega:
Community Revitalization and
Project Green



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.

I don't think I can overemphasize how important the *Policies and Goals* are to us at the League. We use this document to help us determine which positions our members want us to take on various issues and to help us develop our legislative package for each session.

If you serve on the Executive Committee, Legislative Committee or one of the five policy committees, I'd like for you to stand and give yourselves a round of applause. Thank you for your time and effort on behalf of Alabama's municipal governments.

And, if you're not on one of these committees and are curious about what is involved in serving, you now can identify someone sitting near you to ask. As always, if you are not currently serving on a League committee, I encourage you to become involved. Please let us know if you are interested. We would love to add your input.

NLC Activities

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

At the November meeting in Boston, NLC elected a new Executive Director, Clarence Anthony, from Florida. Clarence addressed our membership at a General Session earlier in the convention and I'm sure you will agree that he brings a great deal of enthusiasm and excitement to the position. We look forward to working closely with Clarence for many years to come.

At the Boston meeting, Jesse Matthews, Councilmember from Bessemer, was re-elected to the NLC Board of Directors. Your Executive Director was also selected to serve on the NLC Board of Directors and on the NLC Steering Committee.

Councilmember Robert Avery of Gadsden was elected to Chair the NLC Finance, Administration, and Intergovernmental Relations (FAIR) Policy and Advocacy Committee.

Numerous other Alabama officials represent us well on NLC steering committees and policy committees, and the NLC Small Cities Council. I would like to encourage all of our officials who have not attended an NLC meeting to

consider joining the rest of your colleagues at these important sessions and to consider becoming active in NLC activities.

Membership

The League's membership now stands at 449 municipalities out of the 461 in the state, an increase of four municipalities from last year. This represents well 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.

In this day of tough economic decisions, the fact that so many of our members elect to remain as members of the League is both a testament to the hard work of the Member Service department and the staff as a whole. We are grateful for the trust you place in us.

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, Sonya McCarley, Melissa Chapman and Jennifer Frakes work in the Member Services department and provide valuable assistance.

CMO Program

Our Education Program for Elected Municipal Officials, gives every elected municipal official in Alabama the opportunity to obtain the designation of Certified Municipal Officer (CMO). Cindy Price does an outstanding job administering the CMO program, while also planning and managing the EXPO Hall for us during the convention.

This year, our Executive Committee approved the first core curriculum for our CMO program. As a result, in order for new participants in the program to obtain the designation of Certified Municipal Official, they must attend training in certain selected topics that will help them obtain a basic knowledge and understanding of the laws that affect them and their municipality. The policies that govern participation in the CMO program were also updated.

Our goal was not to make obtaining the CMO designation more difficult. In fact, we plan to make it possible for our members to obtain credit for these core courses by listening to an audio CD. Instead, we wanted to make receiving the CMO designation even more meaningful and significant by guaranteeing that graduates have a basic knowledge of subjects all municipal officials should know.

Since the program began, we have had 3,953 officials participate in the program. As of last week, 1,001 officials have obtained the required 40 credit hours of training for Basic CMO certification and 463 officials have earned their Advanced CMO designation. At this Convention additional

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Minutes of the General Business Session

Montgomery • May 20, 2013

The General Business Session of the Convention of the Alabama League of Municipalities was called to order at 3:55 p.m., May 20, 2013, by President David Bradford, at the Renaissance Hotel in Montgomery, Alabama. Mayor Bradford thanked everyone for their attendance at the annual business session and for their efforts on behalf of the League during the past year. He also thanked the membership for giving him the opportunity of serving as president during the past year.

The president then called upon Ken Smith, Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Smith expressed his appreciation for the support of the officers, staff and membership during the past year. He stated that the League membership was now at 449 cities and towns and that League finances would be adequate for fiscal year 2013-2014. He also discussed the current legislative session and numerous League services and programs. A copy of his report is attached to these minutes.

President Bradford 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), gave AMIC's annual report. Mayor Wally Burns, Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report. Copies of these reports are attached to these minutes.

The President then called upon Lori Lein, League General Counsel, who read the rules for voting during the League Business Session. Following this, the President called upon Councilmember Sadie Britt of Lincoln, Chairman of the Resolutions Committee, for the committee's report. Councilmember Britt reported that the Resolutions Committee had met on Saturday, May 18, and had recommended that the League's Policies and Goals for 2013 be adopted.

Councilmember Britt moved adoption of the *Policies and Goals for 2013*. Mayor Icie Wriley seconded the motion, which passed unanimously. The *Policies and Goals for 2013*, as amended, was declared adopted.

Councilmember Britt then presented the resolutions for adoption. She pointed out that members were given summaries of 51 resolutions recommended by the Resolutions Committee. Councilmember Britt moved adoption of Resolutions 1 through 44. The motion was seconded by Mayor Bud Kitchens of Lincoln. The motion was adopted.

Councilmember Richard Showers of Huntsville moved adoption of Resolution No. 45, supporting the Marketplace Fairness Act. The motion, which was seconded by Mayor Mike Grayson of Demopolis, passed with one vote in opposition.

Mayor Sheldon Day of Thomasville moved adoption of Resolution No. 46, supporting a rules change by the Department of Revenue to collect taxes due on remote sellers. Councilmember Ruthie Campbell of Robertsdale seconded the motion. The motion passed unanimously.

Mayor Gena Robbins of York moved adoption of Resolution No. 47, supporting keeping the federal tax exemption on municipal bonds. Mayor Howard Rubenstein of Saraland seconded the motion. The motion passed unanimously.

Mayor Richard Long of Jackson moved adoption of Resolution No. 48, expressing League opposition to legislation that restricts municipal authority to set rates and administer their own local licenses, but encouraging the League staff to work to find solutions to the creation of a single collection point on municipal licenses. Councilmember Lillian Dean of Flomaton seconded the motion, which passed unanimously.

Councilmember Joyce Loyd of Millbrook moved adoption of Resolution No. 49, supporting efforts to protect municipal employees from individual tort liability when the employee acts in the line and scope of their duties. Councilmember Annette Johnson seconded the motion, which passed unanimously.

Mayor Tim Kant of Fairhope moved adoption of Resolution No. 50, commending Mayor David Bradford for his service as League President during the past year. The motion, which was seconded by Mayor Theo Perkins, passed unanimously.

Councilmember Richard Showers of Huntsville moved adoption of Resolution No. 51, memorializing active and former officials who have passed away since the last League convention following the addition of names from the floor. Mayor Paul Murray of Satsuma seconded the motion, which passed unanimously.

Councilmember Tayna Rains of Dutton presented a resolution from the floor supporting the Governor's efforts to end child hunger. Councilmember Lillian Dean of Flomaton moved adoption of the Resolution. Councilmember Vera Davis of Uniontown seconded the motion, which passed unanimously.

The League staff then recommended the addition of a new motion opposing House Bill 257, which prohibits municipalities from licensing residential property on a per unit basis. Councilmember Mack Arthur Bell of Roanoke moved adoption of the Resolution. Mayor LaFaye Dellinger of Smiths Station seconded the motion, which passed unanimously.

Mayor Leon Smith of Oxford next presented 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:

- For President: Mayor Walt Maddox, Tuscaloosa
- For Vice President: Mayor Wally Burns, Southside
- For Executive Director: Ken Smith

For Chairmen and Vice Chairmen of the League's Policy Committees:

Committee on State and Federal Legislation:

Chairman: Councilmember Sadie Britt, Lincoln
Vice Chair: Councilmember Donald "Dink" Myers, Guntersville

Committee on Finance, Administration and Intergovernmental Relations (FAIR):

Chairman: Councilmember Adam Bourne, Chickasaw
Vice Chair: Councilmember Charles Black, Priceville

Committee on Energy, Environment and Natural Resources (EENR):

Chairman: Mayor Rusty Jessup, Riverside
Vice Chair: Councilmember Herman Graham, Florence

Committee on Community and Economic Development (CED):

Chairman: Councilmember Newton Cromer, Saraland
Vice Chair: Councilmember Carolyn Doughty, Gulf Shores

Committee on Transportation, Public Safety and Communication (TPSC):

Chairman: Mayor Gary Livingston, Eva
Vice Chair: Mayor Kenneth Coachman, Fairfield

Committee on Human Development (HD):

Chairman: Mayor LaFaye Dellinger, Smiths Station
Vice Chair: Councilmember Marva Gipson, Aliceville

For Executive Committee

From First Congressional District:

Mayor Yank Lovelace, Brewton
Mayor Tim Kant, Fairhope
Mayor G. Richard Long, Jackson
Mayor Sam Jones, Mobile
Mayor Howard Rubenstein, Saraland

From Second Congressional District:

Mayor Bill Gillespie, Prattville
Mayor Fred McNab, Pinckard
Mayor Billy Blackwell, Ozark
Mayor Jason Reeves, Troy
Mayor Frank Rives Houston, Coosada

From Third Congressional District:

Mayor Alberta McCrory, Hobson City
Councilmember Billy Pearson, Lincoln
Mayor Todd Strange, Montgomery
Councilmember Mack Arthur Bell, Roanoke
Mayor Oscar Crawley, Lanett

From Fourth Congressional District:

Mayor Jimmy Madison, Berry
Councilmember Bill Stewart, Gadsden
Mayor Phil Segraves, Guin
Councilmember Donald Pennington, Littleville
Mayor Bobby Herndon, Northport

From Fifth Congressional District:

Mayor William "Ronnie" Marks, Athens
Mayor Tommy Battle, Huntsville
Mayor Don Kyle, Decatur
Councilmember Tommy Perry, Priceville
Mayor Melton Potter, Scottsboro

From Sixth Congressional District:

Mayor Dennis Stripling, Brent
Mayor Tom Henderson, Center Point
Councilmember Cris Nelson, Helena
Councilmember Karyl Rice, Pelham
Councilmember Bobby Cook, Clanton

From Seventh Congressional District:

Councilmember Harrison Taylor, Tuscaloosa
Mayor Loxcil Tuck, Tarrant
Mayor Roberta Jordan, Pine Hill
Mayor George Evans, Selma
Councilmember Don Moore, Uniontown

Ex Officio Members (Active Past Presidents)

Mayor Leon Smith, Oxford
Mayor Billy Joe Driver, Clanton
Mayor Melvin Duran, Priceville
Mayor Charles Murphy, Robertsdale
Mayor Johnny Ford, Tuskegee
Mayor Bobby Payne, Tallassee
Councilmember Harold Swearingen, Pine Hill
Mayor David Bradford, Muscle Shoals

Mayor Smith moved adoption of the Nominating Committee report. Seeing no nominations from the floor, the President declared the nominations closed. Mayor Smith's motion to adopt the Nominating Committee Report was seconded by Councilmember Jim Holland of Muscle Shoals. The motion carried unanimously. The President declared all officers elected.

Mayor Todd Strange of Montgomery was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: May 3-6, 2014, Mobile; April 25-28, 2015, Tuscaloosa; May 14-17, Huntsville; and May 20-23, 2017, Birmingham. Mayor Strange moved adoption of the report, which was seconded by Councilmember Joe Watson of Brewton. The Site Selection Committee report was approved and a copy is attached to these minutes.

Due to a scrivener's error, the dates for the Tuscaloosa convention in 2015 were incorrect in the report present to the committee. These minutes have been updated to reflect the correct dates. The resolutions presented from the floor that were adopted will be renumbered so that Resolution No. 51, memorializing active and former officials who have passed away since the last convention, can be renumbered as Resolution No. 53.

There being no further business, the meeting was adjourned.

Ken Smith
Acting Secretary



Mayor David Bradford, Muscle Shoals, ALM President 2012-13

FUTURE ELECTION DATES FOR ALABAMA'S CITIES AND TOWNS

2013

- Birmingham – 4th Tuesday in August
- Dothan – 1st Tuesday in August
- Mobile – 4th Tuesday in August
- Tuscaloosa – 4th Tuesday in August

2014

- Auburn – 4th Tuesday in August
- Bessemer – 4th Tuesday in August
- Gadsden – 4th Tuesday in August
- Huntsville – 4th Tuesday in August for 3 council seats
- Mountain Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

2015

- Montgomery – 4th Tuesday in August
- Talladega – 4th Tuesday in August

2016

- **All municipalities not specifically listed in the years above or below – 4th Tuesday in August**
- Huntsville – 4th Tuesday in August for mayor and 2 council seats
- Mountain Brook – 4th Tuesday in August for mayor and 2 council seats
- Scottsboro – 4th Tuesday in August for mayor and 2 council seats

2017

- Birmingham – 4th Tuesday in August
- Dothan – 1st Tuesday in August
- Mobile – 4th Tuesday in August
- Tuscaloosa – 4th Tuesday in August

2018

- Auburn – 4th Tuesday in August
- Bessemer – 4th Tuesday in August
- Gadsden – 4th Tuesday in August
- Huntsville – 4th Tuesday in August for 3 council seats
- Mountain Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

The League Salutes its 2013 Convention Sponsors!

Alabama Manufactured Housing Association
Alabama Municipal Electric Authority
Alabama Municipal Funding Corporation
Alabama Power Company
Carr, Riggs & Ingram
Davis Direct
Electric Cities of Alabama
Goodwyn, Mills & Cawood, Inc.
Millennium Risk Managers
Municipal Revenue Service
Municipal Workers Compensation Fund
Piper Jaffray
PowerSouth Energy Cooperative
Runkle & Associates/Merrill Lynch
Sterne Agee
Tennessee Valley Authority

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Special thanks to the exhibitors below for purchasing space at this year's EXPO during the League's Annual Convention in Montgomery. We look forward to seeing you next year in Mobile!

- Absolute Aeration, LLC
- Ad Comp Systems, Inc.
- Advanced Disposal Services, LLC
- AIA Alabama Council - Disaster Assistance Task Force
- Air Evac Lifeteam
- Alabama 811
- Alabama Association of Municipal Clerks and Administrators
- Alabama City/County Management Association
- Alabama Clean Fuels Coalition
- Alabama Employer Support of the Guard & Reserve
- Alabama Municipal Funding Corporation
- Alabama Municipal Insurance Corporation
- Alabama Municipal Revenue Officers Association
- Alabama Recreation and Parks Association
- Alabama Retired State Employees' Association
- Alabama Urban Forestry Association
- AlaGrants, LLC
- Alliance Insurance Group, LLC
- Allied Waste Services
- Ameresco, Inc.
- American Lung Association - SmokeFree Alabama
- American Municipal Services
- American Traffic Solutions
- AMIC/MWCF - Loss Control Division Arrow Disposal Service
- Asset Engineering
- AT&T; BB&T
- Badger Meter
- BancorpSouth Equipment Finance
- Caldwell Tanks, Inc.
- Carr, Riggs & Ingram
- CDG Engineers & Associates, Inc.
- CH2M Hill
- CIMSgts
- CivicPlus
- Columbia Southern University
- Converged Networks, Inc.
- Crews & Associates, Inc.
- Croy Engineering, LLC
- CXT, Inc.
- Design Alabama
- Dixie Decorations, Inc.
- DMD Engineers
- Empire Pipe and Supply
- Employer Support of the Guard and Reserves
- Energy Systems Group
- Engineered Restorations, Inc.
- ESG Operations, Inc.
- Facility Dude
- Giffen Recreation Company, Inc.
- Gorrie Regan
- GovDeals, Inc.
- Great West Retirement Services
- Hancock Bank
- Harris Computer
- Holiday Designs, Inc.
- Hollon Accounting Services
- Holophane
- Honeywell
- InCare Technologies
- Ingram Equipment Company, LLC
- J. A. Dawson & Company, Inc.
- Jackson Thornton & Company, P.C.
- Jacksonville State University
- JMCM Consulting
- Judicial Correction Services
- Junior Davis and Associates
- Kellum, Wilson & Associates, P.C.
- Kidz Zone Play Systems
- KORKAT
- KPS Group, Inc.
- Laserfiche
- Lee Helms Associates, LLC
- Local Government Corporation
- M3 Fire Apparatus/HME, Inc.
- Mauldin & Jenkins, LLC
- Municipal Revenue Services
- Municipal Workers Compensation Fund
- Municode/Municipal Code Corporation
- Musco Sports Lighting
- Mutual of Omaha/United American Assurance
- NAFECO
- National Center for Sports Safety
- National League of Cities
- nCourt
- NexcheckGov
- Nov Ameron International Corporation
- Overnight Parts Alliance - Town & Country Ford
- Pinnacle Network
- Playscapes of Alabama, LLC
- Polyengineering, Inc.
- Precision Concrete Group
- Provident
- Qscend Technologies, Inc.
- ReFlow Services, LLC
- Revenue Discovery Systems
- Safe-T Shelters
- Sansom Equipment Company, Inc.
- Scenic Alabama
- SealMaster/Alabama
- Sentell Engineering, Inc.
- Servpro
- Severn Trent Services
- Siemens Industry, Inc.
- SIP Oasis, Inc.
- Southern Playgrounds, Inc.
- Southland International Trucks, Inc.
- Sunbelt Fire
- Synovus
- Tank Pro, Inc.
- Taylor Power Systems, Inc.
- The Brick Industry Association
- The Grant Book Company
- The Kelley Group
- The Reinforced Earth Company
- Thompson Tractor Company, Inc.
- Trident Insurance
- Tuscaloosa Tourism & Sports Commission
- United Systems
- Universal Concepts
- University of North Alabama
- Utility Service Co., Inc.
- Volkert, Inc.
- Warren Averett, LLC
- Waste Pro.

officials will earn credit hours toward their Basic and Advanced CMOs. The names of the 2013 graduates to date will be shown on the screen during tonight's banquet. Additional officials will join them at a graduation ceremony in Montgomery this summer.

The League staff has also prepared a number of DVD's of CMO training sessions we have available for order. Some of these sessions qualify for CMO credit, others are given just for informational purposes. This provides a way for officials who are unable to travel to one of the regional sites to still get training. A full list of available subjects is available on the League website.

Publications and Information

The Communications Department supports the League's legislative and membership activities as well as develops and implements marketing, PR and strategic planning initiatives for the League and its constituent groups – AMIC, MWCF, AMFund, Loss Control, AAMA and AMJA.

The *Alabama Municipal Journal* continues to be one of the country's best municipal publications. Communications Director Carrie Banks and Graphic Designer/Webmaster, Karl Franklin, work hard with all League departments to make improvements to all our publications, and keep members up-to-date. They are also responsible for our website, which continues to grow and improve, as well as three additional independent websites for our affiliate programs.

I hope all of you take the time to visit our website regularly. It is, we hope, very user friendly and easy to navigate. If you haven't seen it, go to www.alalm.org. Once you're there, I hope you spend some time exploring the information that is posted there.

Technology

Like all League departments, the League's IT Department, led by Monty Paggeot and his staff of Chuck Stephenson and Ken Gabehart, prides itself on doing what's best for the organization long term, while keeping a close eye on the costs.

Since the last convention, our IT Department has clouded our file and e-mail infrastructure, saving thousands of dollars in equipment and licensing costs. This also added a disaster recovery process at no additional cost. They have combined multiple network communication lines and increased our bandwidth capabilities by utilizing Fiber Optic broadband technology to its fullest. They also took this opportunity to revamp our switching infrastructure as well, which improves on support in mission critical scenarios. The IT Department also performed a total revamp of our entire hardware infrastructure, updating much of our outdated equipment.

Sometimes, when Monty explains to me what IT is doing, it's a little like when you hear your children suddenly get quiet

in the next room. You know they're still up to something, you just hope it's good. So, if you want more information on the technical details of these developments, I'll have to refer you to Monty and his staff for a better explanation.

But when you see the results of what IT has accomplished, faster speeds, and you realize they were able to complete all of these projects with zero down time and no interruption in our business service ... Now that part I DO understand.

League Staff

The descriptions I'm giving you of the duties performed in each of our departments do not come close to adequately conveying the hard work each of your employees perform on your behalf.

We have extremely competent League employees assigned to work in each of our departments. This staff provides 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 hard work, teamwork and assistance.

Most of our staff members are at the convention. I would like for those in attendance at this business session to stand and be recognized for their hard work. If there are any of them that you haven't met, I hope you will use the opportunity presented by this convention to introduce yourself.

As you can tell from these brief descriptions, all of our departments, while they have their own clearly defined duties and responsibilities, work closely with each other to provide the services and functions our members have come to expect. With a staff our size, it could not work any other way. Each of our employees pitches in to do whatever is necessary to serve our members and complete our tasks in a timely manner.

I admit that I am biased but I believe . . . No, I KNOW that we have the best staff of any League in the country. Please join me in thanking the League staff for a job well done.

Finances, Property and Equipment

The League's finances for the current 2013-2014 budget year are expected to be sufficient to meet the Executive Committee's budget that was adopted last July. League Finance Director Steve Martin and his staff composed of Faith Ann Gunn and Rachel Wagner have kept us on a strong financial footing.

While the economy remains stagnant, the League has remained economically strong. In the previous year, I asked our staff to join me in finding ways to cut our overhead and costs.

These actions help reduce our publication and mailing costs. Every League department, Communications, Member

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2013 Distinguished Service Awards

40 Year Service Award

Each year during its Annual Convention, the League presents Distinguished Service Awards to mayors, councilmembers, municipal clerks, municipal administrative assistants, city managers, city administrators, municipal attorneys, municipal judges and League employees who have completed 20, 30 and 40 years of service in municipal government. A total of 12 awards were announced during the President's Banquet on May 20th in Montgomery. Pictured here and on page 37 are the recipients of the 2013 Distinguished Service Awards.

Award recipients not pictured:

Councilmember Caswell McCurdy, Lowndesboro (40 Years)

Councilmember Michael Harris, Sipsy (30 Years)

Councilmember James Adams, Lowndesboro (20 Years)



Alberto C. "Butch" Zaragoza, Jr., Mayor, Vestavia Hills

30 Year Service Award



Michael A. "Mike" Ford, Councilmember, Fairhope



Gwendolyn T. Hughley, Municipal Clerk/Treasurer, Tuskegee

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Services, Legal, IT, Legislative, Loss Control and Finance, has found ways to reduce costs in their area. In the upcoming year, we will continue this process. By making small adjustments across the board, we become better stewards of the money you entrust to us.

We have taken actions that reduce costs without eliminating services you rely on. We've moved to electronic publications and used e-mail blasts to provide you with important updates. We have not had to reduce our staff, or the hours we are available. Instead, what we have tried to do is find more efficient ways to provide the services our members need.

Legislative Programs

The 2013 Regular Session ends tonight, Monday, May 20. As always, Greg Cochran and the legal staff have done a fantastic job of lobbying for our members. This year, the legislative staff worked with Carrie Banks and Karl Franklin in the Communications Department to further develop our electronic publications. We decided to combine our two legislative publications - the *Legislative Bulletin* and *The Statehouse Advocate*, into a single publication, which is sent each Monday during the session to inform our members

about legislative developments. We retained the name *The Statehouse Advocate*. If you are not already receiving the League's electronic publications, *This Week from the League*, an annual publication sent each Tuesday and *The Statehouse Advocate*, I hope you will sign up for them. It is absolutely crucial that you stay informed, and these publications will help you do just that.

This process was particularly successful this Session when more than 100 municipalities responded to our request to send resolutions to their legislators against legislation prohibiting new business licenses on rental or residential real estate on a per unit basis.

This year, the Legislative Department continued to host a weekly luncheon for municipal lobbyists during the session. These lunches have led to increased success by expanding the delivery of our messages among members of the Legislature at the Alabama Statehouse. By forming a working partnership with this group, the League benefits from having more individuals directly involved in our day-to-day lobbying endeavors. These lunches enabled the lobbyists to share information and work together to pass and defeat legislation.

This has been a particularly difficult session for municipal governments and other public entities. Budget concerns are

continued on page 39



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2013 Distinguished Service Awards

20 Year Service Award



Sue R. Arnold, Municipal Clerk/Treasurer, Greenville



Rebecca P. Beasley, Mayor, Clayton



Jerry Brasseale, Mayor, Pleasant Grove



Loxcil Tuck, Mayor, Tarrant



Theresa Lloyd, Member Services Director, ALM



Rachel Wagner, Finance Dept. Assistant/Librarian, ALM

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reaching a critical point. For the first time since the late 1980's, the Legislature failed to include in the budget matching funding for the state revolving loan fund programs for clean water and drinking water. Numerous bills were introduced to expand and protect the rights of gun owners, including some that presented serious public safety issues for public entities and employees. We faced efforts to restrict the way you assess business licenses on rental property and to give you less time to pay contractors for work they perform, although we were successful in lobbying to these bills amended to lessen their impact. The legislature is meeting today, so there is still a possibility that one or both of these bills may pass. We continue to work against the passage of those bills right now.

We managed to hold off the passage of legislation that mandated municipal participation in a single collection point for municipal licensing. This is an issue that is likely to come up again in the next legislation session. The League has also been successful in advocating against many bills deemed harmful to municipal governments from being passed during this regular session. There were several unfunded mandates and tax exemption bills introduced this session that were opposed to by the League.

On the positive side, we have worked to pass bills allowing municipalities to establish pre-trial diversion programs in their courts, to set up a procedure to help collect unpaid municipal debts, to ease the process of abating weeds, to fill mayoral vacancies in certain municipalities and to establish a procedure for you to cancel council meetings. These bills remain viable and we continue to work for their passage right now.

Additionally, on the federal level, we worked closely with the National League of Cities to promote the passage of the Marketplace Fairness Act. This legislation, which has passed the Senate and now awaits action in the House of Representatives, will allow for the collection of sales and use taxes by remote sellers, including those who sell over the Internet. The President has indicated he will sign this legislation into law. We would like to express our appreciation to Senators Shelby and Sessions for supporting the passage of this Act. I'd also like to thank each of you for your help in this effort.

Several other League measures failed to pass this session, including a bill to protect municipal employees from individual tort liability when they act in the line and scope of their authority, to increase the local bid preference, island annexation and others. I'm sure these bills will be reintroduced in the next or a future session.

This session, 694 bills were introduced in the House and 482 were introduced in the Senate, a total of 1,176 bills. The League was following 403 House bills and 258 Senate bills, a total of 661 bills. At this point, 72 House bills have been

passed by both houses, while 69 Senate bills have passed both the Senate and the House.

I want to commend our League lobbying team and thank the hundreds of municipal officials who voiced their opposition and support to various measures this session.

We need your help to keep these bad bills from passing. You must remain alert to rapid developments in Montgomery and express your feelings to your legislators. Your League staff simply cannot be effective without your help.

A full report on the 2013 Regular Session will be sent to you and posted on the League's website soon.

Legal Services

League General Counsel Lori Lein, Deputy General Counsel Tracy Roberts, Assistant General Counsel Rob Johnson and Legal Services Administrator Sharon Carr continue provide top notch legal assistance to our members. Election years are by far the busiest for your Legal Department, which this year responded to over 10,000 legal inquiries.

In addition to answering your legal questions, the legal staff drafted and updated the manuals that were used by municipal clerks across the state to conduct their elections, and conducted numerous training sessions for clerks and others on the election process. The Legal Department also updated the *Selected Readings*, the *Handbook for Mayor's and Councilmembers*, and the *Clerks Manual* and, for the first time, developed them into a digital format in cooperation with the Communications Department.

League Services

The League is a service organization. Our top priority has always been, and will remain, assisting our members. In addition to the functions that most of our members are familiar with, such as lobbying and daily assistance we provide through legal assistance, information, advice and training, the League also has several programs in place to help our members save money. These include the Municipal Workers Compensation Fund, for workers compensation insurance, the Alabama Municipal Insurance Corporation for liability and property insurance, and the Alabama Municipal Funding Authority, or AMFund, which can help you finance projects and the Municipal Revenue Service program for collecting delinquent insurance license taxes.

AMIC and MWCF jointly have an excellent loss control team, many of whom have been here in Montgomery 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 Legal Department continues to operate the Alabama Association of Municipal Attorneys and the Alabama Municipal Judge's Association. AAMA and AMJA provide outstanding training at two seminars each year specifically designed to help them serve you better. If your attorneys, prosecutors and judges are not members of one of these fine League programs, I hope you will encourage them to join.

The League continues to endorse several 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.

Looking Ahead

I'd like to end this report in the same way I ended it last year. I'd like for you to take a moment to look around the room. Look at the faces of the people who are here. Some you know, others you don't. Take in the number of people you see. And realize that this represents only a small number of municipal officials throughout the State of Alabama.

I think it's easy to think of the League of Municipalities as a building located in Montgomery. It's easy to think of the League as the people who work there, the ones who represent

you and answer your questions. It's easy to think of the League as the services we provide.

But I think it is more important to remember that you are the Alabama League of Municipalities. You are the engine that drives our office and the work that we do. Without each of you, there is no League of Municipalities. We serve as your unified voice and we rely on your input to help us find that voice.

We succeed as a team and we fail as a team. And the League is only successful if our members participate and join in the League. Our ability to serve our membership depends on the participation and involvement of our members. I urge each of you to become involved with us in serving the interests of municipalities throughout the state.

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

In the end, though, it isn't about the work the staff does. It isn't about the Executive Director. It isn't even about the outstanding leadership of your President and Vice President.

In the end, the success of the League boils down to its membership, working together with the staff in Montgomery. Together, we are the Alabama League of Municipalities. Thank you for everything you do.

And thank you for the opportunity to serve as your Executive Director. ■

Municipal Revenue Service



The League's Municipal Revenue Service for collection of delinquent insurance license taxes has more than 50 years experience of responsible and aggressive collection of lost revenue.

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What Does **One Spot** Mean for Your Municipality?

With RDS as your tax administrator, your jurisdiction should not feel any negative impact from One Spot. There are no changes that will affect the responsibilities of your local government. We will continue to provide you with the capability to effectively serve your taxpayers and efficiently collect your local taxes.

One Spot does not include administration of local taxes; it simply creates a portal where taxpayers can electronically remit to multiple jurisdictions. RDS will continue to manage, on your behalf, the day-to-day functions such as tax administration, disbursement of funds, compliance, auditing, and taxpayer assistance. The 275+ cities and counties administered by RDS will continue to receive the highest quality of tax administration services offered in Alabama.

Please visit our website - www.revds.com - to find more information or to see the latest announcements about One Spot. As always, if you have any questions about One Spot or the administration of your local taxes, please contact us directly at 800-556-7274 x34111 or by email at AlabamaSales@revds.com.

One Spot does not include free administration of local taxes.

One Spot Information

Act 2012-279 Central Point of Electronic Return & Remittance

then turned its attention to whether or not the gatherings of these committees constituted “meetings” in violation of OMA. Section 36-25A-2(6)(a) provides three grounds upon which a group (or committee) may be considered to hold a “meeting” subject to the requirements of the OMA. While the Court noted that the second ground, Section 36-25A-2(6)(a)(2), Code of Alabama 1975, which provides that a “meeting” includes any prearranged gathering of a committee “to exercise the powers which [the committee] possesses” could likely apply under the facts of this case, the plaintiff did not argue this particular ground and, therefore, the Court did not consider it when rendering its holding. The plaintiff, rather, focused on the third ground which provides that a “meeting” includes:

“[t]he gathering, whether or not it was prearranged, of a quorum of a governmental body or a quorum of a committee or subcommittee of a governmental body during which the members of the governmental body deliberate specific matters that, at the time of the exchange, the participating members expect to come before the body, committee, or subcommittee at a later date.”
Section 36-25A-2(6)(a)(3), Code of Alabama 1975.

Using the plain language rule of law yet again, the Court held that the school board’s “special committees” as created by the board president which met in individual sessions with the incoming school district superintendent to discuss her goals and objectives for the district did not engage in “meetings” for purposes of Section 36-25A-2(6)(a)(3) as this definition of a “meeting” applied when members amounting to a quorum of a given body gathered to deliberate a matter that the participants expected to come at some later date *before the same body* as to which those members constituted a quorum. Stated another way, according to the Court’s holding, a “meeting” under this Section of the OMA occurs only if a committee or subcommittee meets for the purpose of deliberating on a matter that will come back before *that* committee or subcommittee. In this case, there was no evidence that these “special committees” were meeting to deliberate matters that were going to come back before them at a later date.

In conclusion, there is no doubt that this is a significant ruling by the Alabama Supreme Court with regard to “meetings” of less than a quorum of governing bodies. The holding of this case, however, comes with a strong word of caution. As with many cases ruled upon by the Alabama Supreme Court, the ruling itself is not only factually dependent but also dependent upon the arguments presented to the Court by the parties to the case. The plaintiff in this case relied solely on one provision of the law in making the argument that the serial meetings of the board members in this case amounted to “meetings” of committees in violation of the OMA. Therefore, cities and towns should not rely solely on this opinion when looking at compliance with the OMA when it holds gatherings of less than a quorum of the city or town council. Any decisions with regard to such gatherings should be looked at very closely with your city or town attorney in light of not only this opinion but the other provisions of the OMA not specifically addressed by this opinion. ■



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A Message from the Editor

On May 2, 1992, Mayor Guthrie J. Smith, who was nearing retirement after 44 years of consecutive service as an elected official to the City of Fayette, was invited to speak during the Opening Session of the League's Annual Convention. Mayor Smith served as League President from 1965-1966 and was an active member on numerous League committees. During his elected tenure, he was one of the rare officials who actually worked with each of the League's first three Directors – Ed Reid, John Watkins

and Perry C. Roquemore, Jr. In fact, he became League President during the 1965 convention, which was postponed several months due to Ed Reid's death from cancer that July.

Aside from helping John Watkins make the transition from staff attorney to executive director, Mayor Smith's year as president was ground breaking, so to speak, as he worked diligently to raise support and funds for the construction of the building the League has owned and operated from at 535 Adams Avenue since its completion in 1970. Prior to building a permanent headquarters, the League rented a small, seven-room structure in downtown Montgomery for 24 years.

Mayor Smith witnessed many of the League's milestones, including the formation of the Municipal Workers Compensation Fund (MWCF) in 1976 and the Alabama Municipal Insurance Corporation (AMIC) in 1989. He served on the Nominating Committee when Council President Nina Miglionico of Birmingham became the League's first female president in 1981 and when Mayor Johnny Ford of Tuskegee was the first African American elected League President in 1989. He celebrated the League's 50th Anniversary in 1985 at the League's Annual Convention and congratulated John Watkins as he retired in 1986 and Perry Roquemore moved from staff attorney to executive director. He also worked with current executive director, Ken Smith, when Ken was the League's staff attorney.

Mayor Smith remained a passionate and active supporter of the League until his death in 2010 at age 97. In fact, I was very fortunate to visit with him in September 2009 at his home in Fayette to interview him for the League's 75th Anniversary video. (If you're interested in watching the video, it can be found under the Quick Links section on the homepage of our website at www.alalm.org. Click on the link under Videos titled "ALM's 75th Anniversary Video". Particularly for those of you who are new to office, the video offers an interesting historical perspective of the League and its mission.) But as passionate as we was about the League, Mayor Smith was even more passionate about good municipal government and the ability to "Move with the Tides of Change", which was the title of the speech he gave during the 1992 convention. The closing remarks of his speech were so powerful that Immediate Past President Mayor David Bradford included them in his Opening Session address during the League's Annual Convention on May 18 (see page 11 to read Mayor Bradford's full speech):



Former League President and Mayor Guthrie Smith of Fayette on September 16, 2009 at age 97.

My town is the place where my house is found. Where my business is located and where my vote is cast.

It is where my children are educated, where my neighbors dwell, and where my life is chiefly lived.

It is the home spot for me.

My town has a right to my civic loyalty. It supports me and I should support it.

My town wants my citizenship, not my partisanship; my friendliness, not my dissensions; my sympathy, not my criticism; my intelligence, not my indifference.

My town supplies me with protection, trade, friends, recreation, education, schools, churches, and the right to free, moral citizenship.

It has some things better than others. The best things I should seek to make better; the worst things I should help to suppress.

Taken all in all, it is my town and it is entitled to the best there is in me.

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