

# The Alabama Municipal JOURNAL

July/August 2014

Volume 72, Number 1



## 2014 Annual Convention



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# The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

July/August 2014 • Volume 72, Number 1

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*The Alabama Municipal Journal is published six times a year by the Alabama League of Municipalities, 535 Adams Avenue, Montgomery, Alabama 36104.*

*Telephone (334) 262-2566. Website: [www.alalm.org](http://www.alalm.org).*

*Subscriptions are \$24.00 per year. Advertising rates and circulation statement available at [www.alalm.org](http://www.alalm.org) or by calling the above number. Statements or expressions of opinions appearing within this publication are those of the authors and not necessarily those of the Alabama League of Municipalities. Publication of any advertisement should not be considered an endorsement of the product or service involved. Material from this publication may not be reprinted without permission.*

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## On the Cover:

The League had a total of 1,146 registrants for its 79th Annual Convention in Mobile May 3-6. Governor Robert Bentley visited with delegates during the Monday morning roundtable discussions and Lt. Governor Kay Ivey addressed delegates during Opening Session.

## Active Members (451)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arton, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileyton, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Cusseta, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, 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, Heflin, 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, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberley, 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, Milroy, 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, North Johns, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orville, 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, Robertsedale, 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, Slocumb, Smiths Station, Sneed, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Talladega Springs, Tallahassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twinn, 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.

# Social Media and Local Governments



Carrie Banks • Communications Director • ALM

During the League's Annual Convention this past May, I joined former League President, Mayor Walt Maddox of Tuscaloosa, and Teresa Lee, Prattville's webmaster, to discuss how municipalities can use social media to reach citizens. Judging from the full room of more than 200 attendees, there's definitely a lot of interest in this topic – as well there should be!

As was reported in an earlier issue of the *Journal*, I spent a couple of days last September going through ALM's directory of incorporated municipalities to determine which cities and towns had websites and which ones were using some form of social media. I personally visited every active municipal website. At that time, only 227 out of 462 municipalities had a viable web presence – just under half of Alabama's cities and towns. Of those, only a handful were easily navigable and updated regularly. I also discovered that 90 municipalities were using some form of social media, with Facebook being the most popular, meaning just under 20 percent of Alabama's municipalities had a social media presence. By the time our annual convention arrived, the numbers had crept up slightly; however, Alabama still has *a lot* of ground to cover.

I certainly understand the financial and staffing challenges associated with designing and maintaining a municipal website so we'll hold off discussing web development until another time. Social media platforms, however, are *free* and extremely easy to set up and administer. In addition, they have tremendous reach and are a highly efficient and effective means for both sharing information with constituents and gathering feedback from them. Social media also helps municipalities raise awareness on community issues, strengthen relationships, build community support, increase government transparency and allows you to communicate *directly* with citizens in a common language.

If your municipality has yet to launch a social media presence, I recommend developing and getting comfortable with *one* platform, such as Facebook or Twitter, before adding others. It doesn't take a lot of time to manage a Facebook or Twitter account, but the account *does* have to be maintained in order to be relevant and effective. Daily posts or feeds aren't necessary; however, **regular activity** is essential if you want to generate interest and keep your followers engaged. An inactive

Facebook page or a silent Twitter feed does absolutely nothing for your municipality and makes those responsible seem inept. Social media platforms are meant to be *social*.

The City of Tuscaloosa is a firm believer in the power of social media and uses three platforms to disseminate relevant information: Facebook (City of Tuscaloosa – Government), Twitter (@Tuscaloosa City) and Instagram (@TuscaloosaCity). "Social media is crucial in times of disaster or crisis," Mayor Maddox said. "It helps the City of Tuscaloosa get out the official, accurate, unfiltered message on what's happening so that citizens can make the best decisions. These channels have been instrumental in times of natural disasters like weather events and disasters at the hand of man such as a bar shooting.



While our social media channels are critical in a crisis, we also try to engage with our followers almost every day. The benefits are two-fold: we get to tell them about good news and City events and we get insight on how best to use social media in the next incident. We have to talk to our constituents in a way they want to be talked to – using language they understand and delivering it in a way they'll get it."

When Tuscaloosa joined Facebook in January 2011, the city had less than 100 "likes" three months later. By November 2011, however, the page had 3,310 "likes". In April 2014, the City's page had more than 10,500 followers. The experience with Twitter was similar: 1,200 followers in April 2011 grew to

*continued on page 40*



# The President's Report

By Mayor Wally Burns, Southside



## President's Address May 5, 2014 Annual Convention, President's Banquet

It's an honor for me to serve you as President of the Alabama League of Municipalities. I'm extremely proud to accept the responsibilities of this office, and I will do my very best to earn your respect – just like those sitting up here have done in the past.



*2014-2014 League President Mayor Wally Burns of Southside delivers his acceptance speech during the President's Banquet on May 5th.*

First of all, I would like to give you a quick geography lesson. Lots of you are thinking: "Where is Southside, Alabama?" Southside is located in the southern tip of Etowah County in Northeast Alabama. We are about three or four miles south of Gadsden; we are just across the Coosa River from Rainbow City; and Glencoe is to our east and Ohatchee in Calhoun County is to our south. We have approximately 8,450 citizens. Southside has been an active member of the Alabama League

of Municipalities since well before I took office in 1996.

At this time, I'd like to thank some truly special people for their support. First of all, I want to thank my wife, Retha, and our family. We have three daughters and four grandchildren. As many of you know, serving as Mayor or on the Council takes a lot of time away from home. You must have a family that supports you, and I am very fortunate to have that support from my family. I also want to thank my City Council. John Hatley and wife, Janice are here tonight. My council members and I work great together. I especially want to thank my City Clerk, Cindy Osborne. Cindy started as City Clerk the same time I started as Mayor. I don't know what I would do without her. Thanks, Cindy! In addition, I'd like to thank all of my city employees. The great job they do makes my job and the councils much easier.

Another person who I would like to thank is sitting behind me tonight – former, long-time Mayor of Rainbow City, Sue Glidewell. Like I said, Rainbow City is our neighbor and Sue is one person I turned to many times when I became Mayor. I had been Mayor for about a year when Sue called me one day and asked if I would like to serve on the Executive Board of the League. I didn't know what the Executive Board was but I didn't want to tell her no, so I said yes.

Since being on the Board, I have learned a lot, made many good friends and have seen first-hand just how good our League is and how great a staff we have in Montgomery. Serving as Vice-President of the League under President Walt Maddox this past year has been a privilege.

I appreciate Walt including me in all the meetings, emails, texts and phone calls during the past year. Walt has been very active as President and his leadership ability is outstanding. I hope in the near future that he will consider higher offices. He would certainly be a great asset to our State. Would you join me in thanking Mayor Maddox for his service to our League this past year?

I look forward to working with Sadie Britt, Council lady from Lincoln. Congratulations on being elected as Vice-President of our League and I look forward to working with you in the coming year!

I would like to thank the City of Mobile, Mayor Stimpson, the Mobile City Council and City employees for their wonderful hospitality during this year's convention. Mobile has always been a very popular convention site for our League members. Please join me in a thank you to our Mobile friends.

I would also like to thank Executive Director Ken Smith and the League staff for the outstanding job that they do day in and day out. As League members, if you are not utilizing the tremendous resources that we

have at our League office in Montgomery, then you are only hurting yourself. I encourage you to please take advantage of what we have at our League. I would like for our League staff to stand. Please join me in a thank you to our staff.

This coming year I want to continue the listening tour that Mayor Maddox started last year. The listening tour works hand in hand with our CMO program. Ken and I have talked and the League is working on CMO dates for the coming months. We have two dates scheduled now on Saturday in Montgomery. The Saturday CMO sessions in Montgomery were scheduled for those who can't attend during the week due to work or other commitments. The two dates are June 28<sup>th</sup> and July 12<sup>th</sup>. I plan to be at each session and the first few minutes of each session I want to hear your comments. If there is something the League can do different and better, I want to hear it.

I want to encourage all of you to reexamine your municipal websites and also look closely at social media participation. City websites can be a huge asset to your community. Less than half of our members have websites. Websites provide citizens with a way to access important information without calling City Hall.

If you have a city Facebook site it can be directly linked from your city website. If you don't have a website, creating a Facebook page for your city is FREE and simple. So if you don't already have one, I strongly encourage you to look at implementing a city Facebook presence. You'll be surprised at how many people you will reach. My city started a Facebook page this past year and the response had been tremendous. We posted road conditions back during the winter storms and had many hits and many who said thank you for the road updates. Facebook is just a simple, easy way to reach your citizens and keep them informed on matters concerning your city.

Also, if you have a personal Facebook account, please take the time to "like" the League's Facebook page. It's updated



*ALM President Mayor Wally Burns of Southside accepts the gavel from Immediate Past President Mayor Walt Maddox of Tuscaloosa.*

regularly throughout the work week, and – as you've already heard – convention pictures will be posted there.

You and I have heard time and time again that local politics are the hardest. That's very true because we see our citizens every day – at the gas station, grocery store, church, school functions, local restaurants, or maybe at City Hall. Our citizens want – and EXPECT – to see a mayor and council that work together for the good of our community.

Please don't pattern yourself after the Senate and Congress in Washington or our state legislators in Montgomery. They don't know the meaning of cooperation and compromise. None of us are right all the time, but when we as a Mayor and Council can sit down and work out a tough issue, that's what it's all about. That's what our citizens want. That's what they expect.

Thank goodness mayors and councilmembers are not called names like republicans, democrats, liberals and conservatives. Ladies and gentlemen, we are much better than that.

In closing, I want to tell you about a speaker I heard a few years ago that had nothing to do with city government. I serve on a board at a financial institution in Gadsden and our board was attending a conference a few years ago. The speaker we had that day was talking about having confidence in yourself. He said confidence is arrogance under control. Think about it: *confidence is arrogance under control*. We all should push the pendulum of confidence as far as we can without crossing the line into arrogance. We will never operate at our full potential without confidence. However, arrogant people stop growing and developing – so don't go there. Confidence is based on how you think, and what you believe about yourself. Some people don't think well of themselves and this will destroy confidence. Think well of yourself and develop good work ethics. I've never seen a hard worker struggle with confidence. The sure-fire way to improve your confidence is by hard work. We owe it to our citizens who we serve.

Again, thank you for this tremendous honor you have given me. If I can ever be of assistance to you, please don't hesitate to contact me.

May God bless you, your community, our great state and our great nation. Thank you. ■

# Municipal Overview

By Ken Smith, Executive Director



## Director's Report Annual Convention, May 5, 2014

It has been a privilege to hold the League's 2014 Annual Convention here in Mobile, Alabama's Port City. Mayor Sandy Stimpson, the Mobile City Council and their staffs have worked hard with us to make this a great convention, and we thank them for their efforts.

I'd also like to thank your League President, Mayor Walt Maddox of Tuscaloosa, and your Vice President, Mayor Wally Burns of Southside, for their outstanding leadership, assistance and guidance throughout the past year. The League derives its strength from our members, and they have truly represented you well.

This year, convention attendance remains strong. Well over 1,100 municipal officials and employees, and their guests, preregistered to attend. We also had a large number of on-site registrations. In addition, almost 400 exhibitors, representing more than 150 companies, showed their wares in our expo hall, bringing our total attendance to well over 1,400. We are proud of these numbers and want to thank our sponsors and exhibitors for their role in helping us put on such a great event. We couldn't do it without them.

I hope you enjoy your time here, but more importantly, I hope you'll gain knowledge and information that will help you better serve your community back home. In the past, this part of the Business Meeting has been the Director's opportunity to take a look back over the past year and review the League's accomplishments. If you'll indulge me, I'd like to do something different today. After the convention, I'll provide you with a detailed written report covering last year and I hope you'll take the time to read it. We had a very good year and I'm proud of your staff accomplished.

But today, instead of looking behind us, I'd like to look forward and spend a few minutes talking about what the League is, what we do and how you can become more involved with this wonderful organization it has been my honor to serve for 28 years. Or, as your General Counsel likes to say, for almost three decades.

I've always heard that the most important part of any journey is the first step. But a wise man recently told me that isn't true. Instead, he said that the most important part of any journey is identifying your destination. If you only tell people the first step, after that step, they have to look back to you for

instructions on what to do next. But if you can clearly define the destination, folks can generally find their own way there. My hope today is to move us further along on that journey together.

In 2013, your League of Municipalities reached a milestone I'm very proud of. For the first time in our history, our membership reached 451 municipalities. This was the largest membership the League has ever had. I had hoped that we would retain all 451 members this year. Unfortunately, that didn't happen. At least not yet. Like last year, some municipalities may join us as the year progresses. For example, at last year's convention, our membership stood at 449, then climbed to 451.<sup>1</sup> Even though we didn't retain our record membership level, we only lost one member from last year. Presently, 450 municipalities out of the 462 in Alabama belong to the League. If not for the fact that we had 451 municipalities last year, 450 would be the largest membership we've ever had.

This is a remarkable achievement, one for which your staff deserves all the credit. It is their hard work that makes us successful. I'd like to ask our staff members who are in the room to stand and be recognized.

To put our membership figures in perspective, only 1,587 people live in the 12 towns that are not League members. Despite the fact that this is a small number, we would love to add them to our list of members.

While obtaining full membership is certainly an important goal, perhaps it is even more important for us to improve participation by the members we do have. In my opinion, the need for a unified voice and spirit among our municipalities has never been more crucial than it is right now. The League doesn't have themes for our conventions like some other groups do, but if we did, the theme for this year would need to be unity. That would probably need to be the theme next year as well and the year after that as well. Because if we don't speak with a unified voice, entities opposed to municipal interests will continue to gain a stronger foothold in Montgomery. In order for us to find that common voice, it is vital that we work together to find those areas of common interest and concern, and that we avoid becoming bogged down debating issues that divide us and prevent us from presenting a unified front and a singular message.

We all want to be remembered for something. Recently,

my church launched a new campaign to encourage members to become involved in the mission of the church. The campaign is called "The Footprints We Leave." The goal is to remind each of us that we are following in the footsteps of those who went before us and that we will leave our own set of footprints behind for those who will follow. Each of us leaves footprints as we make our way through life. Even our tiniest actions leave "footprints." And these footprints define how we are remembered. Whether we choose to carve new trails for others to follow or simply stay the course, we leave footprints. If we choose to stand on the sidelines and let others act, we leave behind a trail of indifference and apathy for others to follow. I hope few of us will choose to take that trail.

An anonymous person has been quoted as saying, "*Some people come into our lives and quickly go. Some stay for a while and leave footprints on our hearts. And we are never, ever the same.*" The steps you take today will influence others who will follow. Isn't it better to try to leave positive footprints behind?

We can't control whether we are remembered individually for the actions we take. The way history views us is shaped by circumstance, popularity and opinion. But regardless of whether we are remembered, there will be those who follow our lead. Are we working to leave footprints on the hearts of others? And if so, what kind of footprints are they? Even though we can't force people to remember us a certain way, we need to ask ourselves a couple of questions: What do we want others to remember about us? And how do we go about creating those memories?

We may never know the true impact of the steps we take. But we can try to leave positive memories behind.

According to the 2010 census, approximately 2,887,470 citizens live in the 450 municipalities that belong to the League. This represents 60.4 percent of the citizens of Alabama. These figures were based on the 2010 census. Municipal populations have continued to grow since the 2010 census was conducted, so these figures are outdated. Additionally, these figures do not include the large number of citizens who benefit from residing in police jurisdictions or in close proximity to these municipalities.

According to a nationwide analysis by Reuters, in 2010 a total of 80.7 percent of Americans lived in urban areas, which was up from 79 percent in 2000. Conversely, 19.3 percent of the U.S. population lived in rural areas in 2010, which was down from 21 percent in 2000. At the same time, the population of urban areas grew by 12.1 percent, much faster than the overall national growth rate of 9.7 percent from 2000 to 2010. These figures indicate that cities and towns will continue to grow in importance to the success of our states and nation. Larger populations in urban areas will drive up demand for housing, public transportation, road repairs and social services such as schools and healthcare, at a time when city budgets are starving from cuts in state and federal aid and when cities and towns are having to manage increasing state and federal mandates.

I'm grateful the League doesn't have to use our energy and resources encouraging our members to respond when needed. Over the years, the quick reaction of our members has been instrumental in preventing the passage of a great deal of legislation that could have devastated our municipalities. Likewise, your work has helped pass legislation a great deal

*continued on page 10*

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# The Legal Viewpoint

By Lori Lein, General Counsel



## Whose Decision is it Anyway – the Mayor or the Council?

For those officials who have attended our training sessions on the Duties of the Mayor and Council, the following information will hopefully be familiar to you. Despite our repeated training on this issue, however, some of the most frequent questions the League’s Legal Department answers relate to the powers exercised by the mayor and council. Typically these questions arise because of heated disputes and disagreements between the mayor and the council over who gets the final say over decisions involving hiring employees, spending money and entering into contracts.

This article will address these three areas and provide your municipality with guidance so that when these disputes arise, everyone involved has the same information and understanding of who makes the final decision.

### Hiring Authority

Section 11-43-81, Code of Alabama 1975, states that the mayor has the power to appoint all officers whose appointment is not otherwise provided for by law. In *Scott v. Coachman*, 73 So.3d 607 (Ala. 2011), the Supreme Court of Alabama held that the mayor has the authority to hire most municipal employees. This overturned a long-standing interpretation that allowed the council to remove the mayor’s power by ordinance. *Coachman* interpreted Section 11-43-81 of the Code, which provides that the mayor has the “power to appoint all officers whose appointment is not otherwise provided for by (state) law.” Since at least 1957, the Attorney General had interpreted this phrase to mean that the council could pass an ordinance (a law) to assume the power to appoint employees and officers. *Coachman* overturned this interpretation and stated that unless a state statute authorized a different appointment method, the mayor had the power to appoint all officers and, presumably, employees. So, to be clear, except in very rare circumstances, as discussed below, the council cannot remove the mayor’s authority to appoint/hire employees by ordinance. To determine those rare circumstances, we must look to state law.

In cities having a population of more than 6,000, there shall be elected by the council, at its first regular meeting or as soon thereafter as practicable, a city treasurer and a city clerk, who shall hold office until the next general election and until their successors are elected and qualified, and such council may

elect an auditor, and any officers whose election is required by ordinance, and, except as otherwise provided, the council shall have authority to fix the terms of office, prescribe their duties and fix the salaries of the officers. Section 11-43-3, Code of Alabama 1975. (Emphasis added). This section specifically gives the council the authority in municipalities of over 6,000, to identify “officers” of the city by ordinance and provide for their election by ordinance.

In towns and in cities with a population of less than 6,000, the council shall elect a clerk and fix the salary and term of office, and may determine by ordinance the other officers of the city or town, their salary, the manner of their election and the terms of office. The clerk and such other officers elected by the council shall serve until their successor or successors are elected and qualified. Section 11-43-4, Code of Alabama 1975. (Emphasis added). While worded differently than §11-43-3, this section also gives the council, in municipalities of under 6,000 population, the authority to identify officers of the city by ordinance and to elect those officers or provide for another “manner of appointment” by ordinance. The council may provide for a tax assessor, tax collector, chief of police and chief of the fire department and shall specifically prescribe their duties. The council shall designate the persons who shall administer oaths and issue warrants of arrest for violations of law and the ordinances of the city or town and the persons authorized to approve appearance bonds of persons arrested. This section identifies specific officers of a municipality and gives the council the authority to provide for these officers should it choose to do so by ordinance.

In combination with Section 11-43-3 and Section 11-43-4 of the Code of Alabama 1975, the council, in providing for these officers could, by ordinance, provide for their manner of appointment, including appointment by the council rather than the mayor. In addition to the above listed code sections, Section 12-14-30 of the Code of Alabama 1975, specifically gives the council the authority to appoint, by vote of a majority of its members, the judges of the municipal court. Also, Section 11-43-20 of the Code of Alabama 1975, authorizes the city council to provide for, by ordinance, a city manager. The council is authorized to establish a police force under the general supervision of a police chief. Section 11-43-55, Code

*continued on page 44*

of useful legislation. We can't do it without you. We depend on you for both guidance and assistance. Our members have always defined our policies and helped us set our course for the future.

We at the League consider ourselves your partner in improving the lives of the citizens who benefit from living in

He wanted to know how our members felt about the League and what we do. Mayor Burns and I joined him in the project. Overall, we were all very pleased with the level of satisfaction our members expressed. And personally, I was deeply gratified for the appreciation our members showed for the hard work of your staff. You have a great staff working for you in Montgomery. It's always nice when our members recognize and acknowledge their efforts.



*League Executive Director Ken Smith with Councilwoman Sadie Britt of Lincoln, 2013-2014 Chair of the Committee on State and Federal Legislation*

or near your municipality. But, what is the League's role in this partnership? By any measurement, the League is a very successful organization. Because of that, I am convinced that the future of the League must be built on the successes of our past. After all, as the old saying goes, when things are fixed, you don't want to break them. So, in my opinion, as we build toward the future, ironically, we have to look first to the past. We have to look first to footprints of those who came before us help us determine what our next steps should be.

Back in the early 2000's, I attended a seminar being conducted by a staff member from another municipal League. I don't recall who the speaker was, or even the topic. What I do recall was a three word phrase on the speaker's PowerPoint slides – "Education. Assistance. Advocacy." The more he spoke, the more I found myself focusing on those three words.

Just three little words. "Education. Assistance. Advocacy." And the more I thought about those three words, the more I realized that they perfectly describe the role of a municipal league. I liked them so much, I added them to my own PowerPoint slides when I got back to Alabama. In fact, I tried to convince our former Executive Director to adopt those three words as the slogan for the Alabama League. But he didn't like slogans and didn't think they were necessary. He was probably right. But for me, those three little words summed up what a League should be for its members.

Last year, Mayor Maddox approached me with the idea of conducting a Listening Tour of Alabama's municipal officials.

At each Listening Tour event, though, I was struck by how the questions and comments seemed to echo the importance of those three little words. Our members stressed their need for effective training. They wanted a strong advocacy effort, especially at the legislative and state agency level. And they were grateful for the assistance they receive from our office, particularly from our great legal team. "Education. Assistance. Advocacy." I heard those desires expressed over and over again during the Listening Tour.

I'm a strong believer in a team concept. The more minds and hands working on a project or problem, the better. In fact, my wife gave me a plaque for my desk when I became Executive Director. It says, in effect, that there is no limit to what can be accomplished by people who don't care who gets the credit. I've worked hard my first three years as Director to install a team approach among our staff. We're not a group of individuals or even separate departments. We are a team and we have to function as a unit. Of course, we do have departments to help us simplify the delivery of services. And, we are blessed with outstanding employees who are dedicated to serving your needs. Each of our departments and the work they do is vital to the overall success of the League. But I try not to be a stickler for duties and functions. After all, you never know where a great idea is going to come from.

In my mind, every department has to be fiscally responsible, not just Finance. Today's technology allows – even requires – employees in each of our departments to communicate directly with our members, not just by working through Communications. We all have to take the responsibility for learning new technologies and putting them to use ourselves without leaning heavily on IT to solve our problems. When the legislature is in session, we're all involved in the legislative process. We all have a responsibility to consider the legality of our actions and raise questions when necessary. Each of us has a duty to maintain and protect the beautiful building our members have entrusted to our care. And I hope it goes without saying that every person on our staff is engaged in member services every day, even if we aren't assigned to that department.

Our staff will continue to work as a unified team to serve and protect the interests of Alabama's cities and towns. My view of the Alabama League requires us to work across departmental lines to share responsibilities and duties with each other. It requires each of us to recognize that we share a common goal – serving our members.

So, where do you, our members, fit in? As I hope you understand by now, you are the most important part of the League team. You are the linchpin of the League, what holds us together. You are the very reason the League was created. Without your interest and involvement, there's very little reason for the League to exist. I never want us to lose sight of the fact that the League is a service organization. And we depend on your guidance to help us determine the services you want and how we can better use your resources.

If I'm asking you questions about your city or about the League – even if we're just chatting in the hallway between meetings – chances are I'm picking your brain for information. Information I'm going to evaluate and use to determine if we're on the right track, or if we need to adjust any of our services. My door is always open to good ideas for serving you better while maintaining the spirit of unity and oneness that we share.

I'm happy to say that Mayor Burns has indicated a desire to continue the Listening Tour process at upcoming CMO events. I hope you will participate and provide us with your input. Your comments will help ensure that we continue to meet your

needs. Of course, we can't do everything we're asked to do. Even if we had unlimited resources, we would have to choose between conflicting desires. But any organization with limited resources has to make choices about how to use those resources. And part of setting the future destination for an organization is taking stock of your resources, recognizing your limitations and determining how best to use what you have.

Your input is vital to help us make the best use of those resources. In addition to providing your input and guidance, there are many other ways you can become involved in the League. I hope you'll attend our training sessions. I can't over-emphasize how important it is for you to take advantage of the opportunities you have to learn and grow as a municipal official. Your participation in League training demonstrates your commitment to developing the skills and knowledge necessary for you to become a more effective civic leader. Additionally, it is often through your participation in training sessions that we are able to identify future leaders of the League.

You can also join a policy committee. You have probably seen the ribbons on the name badges of members who serve on one of our five policy committees. Our five policy committees help develop our legislative agenda and the policies that guide your staff each year. Participation in these committees is often the door that leads you as an official to become a member of our Legislative Committee, Executive Committee or even League President someday. I hope you'll attend the policy committee

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meetings for educational purposes as well. Resource advisors from state and federal agencies address each committee meeting to let members know what is happening in their agency. You can learn a lot from them.

Another way to get involved is by mentoring other officials. The roundtable discussion sessions are the most perhaps our most visible mentoring program. During these sessions, experienced officials often share stories of their own successes – and failures – to help provide answers to their peers. The mentoring aspect helps make these sessions one of the most popular we hold each year. In addition to participating in the roundtables, if you have a topic you think would be beneficial to other officials you want to present at a future convention, let us know. Training our members receive from their peers is often the most effective.

Of course, the best mentoring program ever invented is simple – a warm handshake, a smile and the words, “I don’t believe we’ve met before.” We’ve all been the new kid on the block somewhere so we know how that feels. I hope you’ll take the time to make those you don’t know feel welcome. It will broaden your experience and who knows – you may even learn something new from the people you meet.

I encourage each of you to explore participation in one of the League’s major affiliate programs, MWCF for workers compensation insurance, AMIC for property and casualty insurance, the League’s delinquent insurance license program


and our newest program designed to help you finance projects and equipment, AMFund. And soon, you will see a new program designed to help you collect unpaid debts. Your Executive Committee authorized the creation of each of these programs to meet your specific needs and they are there to serve you.

I hope you’ll notice the names of the companies that sponsor the League and this convention as well, and reach out to them when you need their services. In addition to helping your city or town, hiring one of our affiliated, endorsed or sponsoring companies benefits the League. One of the keys to our continued growth as an organization is increasing and diversifying our resources. Participation in these programs is an investment in a strong and independent Alabama League of Municipalities. The endorsement and sponsorship fees these entities pay help keep your dues low and help us defray the costs of the services we provide.

While not everyone wants or has time to get directly involved, I hope each of you will contact your legislators when requested. We try not to burden you unless we feel it is crucial. I hope you will read the communications and publications we send. Sign up for our electronic publications. Answer our surveys and share information about your municipalities with other member municipalities.

I challenge each of you to find your place in the League.


*continued on page 16*



The graphic features the number '100' in a large, bold font. Each digit is filled with a collage of black and white photographs showing various people in professional and community settings. Below the '100' is the text 'Celebrating 100 years of putting clients first.'

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# President's Address

Mayor Walt Maddox • Tuscaloosa  
Opening Session • May 3, 2014

I want to welcome you to the Alabama League of Municipalities' 79th Annual Convention. Beyond the great fellowship and networking this convention provides, we have an agenda that is loaded with educational sessions, roundtable discussions and opportunities to meet with vendors in the Expo Hall.

We have also added a special Passport Prize Program – the information regarding this program is in your registration bag. In order to keep our convention dynamic, yet cost effective, we rely on our vendors and our sponsors for their generosity. This year's Keystone sponsorship belongs to Alabama Power and I would like to thank them personally for their investment. I hope you will join me in giving them a round of applause.

Isn't it great to be in Mobile? What a beautiful, historic City that is being transformed before our eyes. I want to thank Mayor Stimpson, the Mobile City Council and their staff members for working with the League to make our 2014 convention a reality. Mayor Stimpson, I know this is your first opportunity to work with the League and we are very pleased to welcome you to the fold.

There are many honors that come with being President of the Alabama League of Municipalities. One of the greatest honors has been working with Vice-President Wally Burns. Mayor Burns has been actively involved with the League for many years and he is a dedicated public servant who exemplifies character and class. Most notably, Mayor Burns has chaired the League's AMFund Program which has provided towns and cities across Alabama the ability to access the credit market. On a personal level, I have enjoyed getting to know Mayor Burns as we have crisscrossed the state at various League events. The citizens of Southside are fortunate to have Mayor Burns at City Hall and I feel fortunate to call him my friend. Clearly, over the next year, the League will have an active and insightful president

working for Alabama's municipalities. I hope you will join me in recognizing our Vice-President, and soon to be President, Mayor Wally Burns.

Before, beginning my prepared remarks, it is only proper that I offer my sincere thanks to the Tuscaloosa City Council for their friendship and partnership. Our City is doing amazing things thanks to their leadership. As every mayor knows in this room, you're only as strong as your council, and to that end, I want to thank our Council for their unwavering support and strength. The City Council is also excited about hosting the 2015 League Convention. To say the least, we are honored that you chose Tuscaloosa and we plan on rolling out the red carpet. Our staff has already started working on this and it is going to be a really fun and unique experience. During the convention, you will receive more information about Tuscaloosa 2015.



A month ago today, the Legislature concluded its 2014 Regular Session. Of the 1,102 bills introduced, 274 passed, including three of the League's five legislative priorities which were municipal debt recovery, weed abatement revisions and funding for the ADEM SRF Wastewater Program. Unfortunately, our municipal election revision bill, which was poised for passage, died in the final hours. Needless to say, we'll be bringing it back again next year, along with our Local Government Employee Liability Protection bill, which would clarify the status of municipal employee liability protection and ensure employees are protected under the caps provided to municipal governments. In layman's term, a dedicated municipal employee should not have to risk their future serving their town or city. The League will stand steadfast with you and our employees until we make this right.

As most of you know, too often, it is not what you passed in the Legislature; rather, it is about defending against harmful legislation. Thanks to Greg Cochran and his team, the League

was able to fend off bills that would perpetuate the culture of creating unfunded mandates including more than 80 tax exemption or preemption proposals impacting municipalities. Our League does not have millions of dollars of PAC funds to leverage, but what we do have is even more powerful – we have 450 cities standing strong with a lobbying team that performs at the highest levels. Please join me in congratulating Ken Smith, Greg Cochrane, Hal Bloom, Perry Roquemore and entire lobbying team for a very successful legislative session!

Whether it is AMFund, Municipal Worker’s Compensation Fund or CMO training, our League continues to be value added to all of us. This year, the Alabama Municipal Insurance Corporation, which is better known as AMIC, is celebrating its 25th birthday. Tuscaloosa knows firsthand the strength of AMIC as do so many of you here. Born out of the hard markets of the 1980s, AMIC continues to provide competitively-priced coverage and is the only company writing municipal liability insurance in Alabama that offers first dollar defense coverage as well as co-volunteer liability. AMIC’s strength is our strength and we certainly have reason to celebrate this silver anniversary.

The writer Victor Hugo correctly stated that “no power on earth can stop an idea whose time has come.” In the macro of American history, it is simple to identify cases that validate Hugo’s belief, such as the Civil Rights Movement or women’s suffrage. However, it is in the micro in which we work as municipal leaders; therefore, in every city and in every town,

we are uniquely positioned to deliver on the ideas that can transform our communities.

Nearly a year ago, when you provided me the honor to serve as your president, I pledged not to bide time or inherit a title because the challenges we faced were too great for pomp and circumstance. I have endeavored to be engaged with our members and discuss ideas and issues that were meaningful and relevant to our roles as public servants and to the League.

What I have experienced at listening tours, CMO trainings and League meetings is that towns and cities across this state are demonstrating that the public sector can work effectively when the focus is on results and not rhetoric. Clearly, municipalities are demonstrating the capacity and the wherewithal to address infrastructure, economic development, education and so much more. From Loxley to Southside, from Alexander City to Jackson, I have seen the amazing work of mayors and city councilors who believe in the power of local of government and its ability to improve the quality of life by simply believing in an idea and working it to its logical conclusion.

My greater hope is that in the near future our work will inspire the federal and state levels of government to place people ahead of partisanship. As municipal leaders, we have the ability to effect positive change across political and geographical boundaries. Our formula for success is simple – our priorities are without shades of red or blue and our

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work is never subjected to the review of political bosses who place ideology ahead of innovation. Every day, in hundreds of municipalities across Alabama, local elected officials forgo the politics of fear to chart a course where listening, understanding and working together are considered essential duties of the office. Quite simply, municipal leaders get things done regardless of race, religion, politics or socioeconomic status – we are the standard bearers of results-oriented government.

Our results are grounded in our relationships.

We are not lobbied in spacious government corridors or upscale restaurants by special interest groups. The people we have the honor of working for know where to find us whether it is at home, at the grocery store or at the ballpark. We are fortunate to have a covenant with our fellow citizens that cannot be broken by time and space. As we move forward, we must strengthen these relationships because our challenges are ever increasing, especially unfunded mandates.

Rising to this occasion will require us to leverage the bonds we have with our constituents, and use it as a call to action, especially when holding everyone accountable. When a state road or highway is crumbling leaving potholes large enough to swallow a car – the public deserves to know whose responsibility it is. When our prisons are full, and dangerous

individuals are released back into our communities without punishment and rehabilitation – the public deserves to know whose responsibility it is. When our mental health system is struggling to provide care to those in acute distress which ultimately becomes our issue to solve – the public deserves to know whose responsibility it is.

For too long, blaming the other party or handing down the responsibility to local governments has been the modus operandi. I believe that you join me in saying enough is enough. To change the dynamic will not be easy, because the entrenched forces of the status quo are not easily moved. That being said, we come to this fight with our own unique talents including our relationships with our citizens. I strongly encourage you to begin this conversation about the future of our communities and the absolute necessity of our state and federal governments in meeting their obligations.

We also come to this fight with the Alabama League of Municipalities. Our League ensures you will not be alone when meeting these difficult situations. As I stated at last year's League meeting, we are not an abstract organization in a faraway place. We are Priceville, we are Gadsden, we are Robertsdale and we are all the great cities and towns throughout Alabama. Understanding this, I would encourage each of you to utilize the services provided by this League and its amazing staff.

It is important to note that this relationship is not a one-way street. If Alabama's municipalities are going to succeed, it is going to require all of us to be more active and involved. As stockholders, we must invest our time, talent, treasure and ideas so the League can educate, advocate and be our voice in Montgomery.

As I close my final remarks as your president, I want to reinforce a core belief that I have lived by as mayor – we serve people and not bureaucracies. We are very fortunate to be serving something greater than ourselves. This path 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. As municipal leaders, we have a statutory and moral obligation to provide top-tier services, eliminate red tape and create a culture of innovation. By meeting the high expectation of putting people first, we elevate our politics, and most importantly, we elevate the communities we have the honor of serving.

Without a doubt, the honor has been mine to serve you as League president. I am truly thankful for this opportunity, and I look forward to the new ideas whose times are coming. ■

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# Municipal Overview

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The footprints you leave will guide and influence those who come after us. Even if you simply make contacts with your legislators when asked, you are contributing a vital component to the League's success. By working together, there is no limit to what we can accomplish. In fact, earlier this year, something happened that illustrates this fact better than any comment I can make. At the risk of stirring up bad memories, I want you to think back to the day hotel rooms came available for this year's convention. I know several of you called the hotel to make reservations and were told to call back later. And, by the time you called back, in most cases the rooms were all gone. I know this caused a great deal of frustration and inconvenience, and I apologize for the trouble, although it truly was beyond our control. But what I want you concentrate on right now is what caused the problem? Why were so many of our members told that they could not make reservations when they called?

We demanded answers from the hotel and were very surprised by the answer. What caused the problem was that so many of our members called at one time, a portion of the hotel call center's

computer system crashed. Think about this for a minute. I've got a friend who operates call centers for several international organizations. It is a very stressful job. The owners of those businesses insist that he design and operate call centers that are adequate for the traffic. They don't want to lose business. So these systems are built with a great deal of redundancy. They've got to be able to handle significant numbers of simultaneous callers. They take being available to all callers very seriously.

We've been told that reservation calls for the Renaissance Hotel are routed to a call center that employs over 2,000 operators to handle calls for their various hotels. Despite all the preparation, despite every effort to have operators available to make reservations, despite technological advances to address every conceivable scenario, Alabama's municipal officials crashed a portion of a major international call system.

Incredible.

What could we accomplish if we dedicated the same effort to addressing our legislative needs that we make trying to get a hotel reservation? If every member who called to make a

*continued on page 20*

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## Councilwoman Sadie Britt of Lincoln Elected Vice President of the Alabama League of Municipalities



On May 5, Councilwoman Sadie Britt of Lincoln was elected by her municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2014-2015. She was elected and took office during the League's annual convention, which was held in Mobile May 3-6.

League Executive Director Ken Smith looks forward to working with Councilwoman Britt over the next year. "Sadie has been actively involved with the League for many years," Smith said. "She has served on a number of League committees, including Chair of our Legislative Committee, and her municipal knowledge and leadership skills have been an asset to our organization. She will serve us well as Vice President."

Councilwoman Britt is only the fourth woman in the League's 79-year history to be elected to this position. She 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, Councilwoman Britt 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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# Legal Clearinghouse

Rob Johnston, Assistant General Counsel

**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

**Elections:** A 1994 regulation promulgated by the Secretary of State allowing voters who had moved within a county to cast ballots at their old polling place if they had not updated their voter registration violated Alabama election law. Alabama's statutory provisional ballot procedures comply with the federal statutory requirements for dealing with voters who have moved between precincts and updated their address with the registrar. *Davis v. Bennett*, --- So.3d ---, 2014 WL 1508700 (Ala.2014)

**Zoning:** A neighbor to a dance studio operator had standing to challenge the city board of adjustment's decision granting a variance to the dance studio operator and the trial court had authority to attach conditions to granting the variance. Further, the variance condition that the studio use a shuttle bus for transporting students did not constitute an impermissible injunction, and the condition was not unreasonable, arbitrary or oppressive means to address traffic congestion. *Brown v. Jefferson*, --- So.3d ---, 2014 WL 1328337 (Ala.Civ.App.2014)

**Zoning:** The city properly denied applicant's application for dance permit pertaining to planned adult-entertainment establishment in an area zoned for light industrial use, based on statements at hearing, from owners of residences located within 750 feet of the proposed adult establishment who noted the adverse effects on traffic and parking that had resulted during the two-year operation of the former adult establishment on the premises and their concerns that similar problems would result if application was granted. *The Birmingham Derby Club, Inc. v. City of Birmingham*, 134 So.3d 419 (Ala.Civ.App.2013)

## UNITED STATES COURT DECISIONS AFFECTING ALABAMA:

**First Amendment:** Local governments may open their meetings with prayers that are explicitly religious. Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. So long as the town maintained a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to achieve religious balancing. The town's prayer practice did not violate the Establishment Clause because it did not compel its citizens to engage in a religious observance. *Town of Greece v. Galloway*, 134 S.Ct. 1811, 572 U.S. \_\_\_ (2014)

**Tort Liability – Immunity:** Police officers who fired 15 times into a car in the course of a high-speed vehicular pursuit, killing the driver, are entitled to qualified immunity in a civil rights action claiming that they employed unconstitutionally excessive force; their actions were reasonable under the Fourth Amendment and even if they had not been, there was no clearly established law at the relevant time that their use of lethal force in these circumstances was unconstitutional since the qualified immunity claims raise legal issues rather than factual ones. *Plumhoff v. Rickard*, --- S.Ct. ---, 2014 WL 2178335 U.S. (2014)

**Tort Liability:** Since a police officer is not entitled to immunity for an unlawful arrest claim, Alabama's statutory, discretionary-function immunity under section 6-5-338, Code of Alabama 1975 does not extend immunity to the city. Since the alleged conduct of a police officer's assault was intentional, the city is entitled to protection under section 11-47-190, Code of Alabama 1975. There is no Alabama state law claim for negligent training or supervision against a city. Since the police chief is entitled to discretionary-function qualified immunity for failure to train, supervise or monitor a subordinate under section 6-5-338, the city is entitled to qualified immunity as well. *Black v. City of Mobile*, 963 F.Supp.2d 1288 (S.D.Ala.2013)

**Police:** Probable cause existed to believe that police officer violated Alabama statute prohibiting the improper disposing of a traffic citation, and thus, the officer could not prevail in his § 1983 claims for unlawful arrest and malicious prosecution, arising from his arrest and prosecution for violating that statute. *Woodard v. Town of Oakman, Ala.*, 970 F.Supp.2d 1259 (N.D.Ala.2013)



## DECISIONS FROM OTHER JURISDICTIONS

**First Amendment – Free Speech:** A municipal ordinance prohibiting picketing or protesting within 50 feet of any dwelling unit did not, on its face, violate free speech rights, but an ordinance allowing city officers to enforce a “no loitering” sign posted by a person residing in a dwelling unit on which the sign was posted violated, on its face, free speech rights. *Bell v. City of Winter Park, Fla*, 745 F.3d 1318, (C.A.11 Fla. 2014)

**Tort Liability – Section 1983:** City was not deliberately indifferent to rights of detainees, and, thus, was not subject to municipal liability in a § 1983 action brought by detainees and personal representative of estate of detainee who was shot and killed during investigatory stop, where there was no evidence of a custom or policy supporting use of excessive force. *Shehada v. Tavss*, 965 F.Supp.2d 1358 (S.D.Fla.2013)

**Americans with Disabilities Act - Employees:** City satisfied the business necessity exception under the Americans with Disabilities Act (“ADA”) for requiring an employee to undergo a fitness for duty examination when it had legitimate, non-discriminatory reasons to doubt an employee’s capacity to perform his duties. *Franklin v. City of Slidell*, 969 F.Supp.2d 644 (E.D.La.2013)

## ATTORNEY GENERAL’S OPINIONS

**Courts - Bonds:** The Municipal Court for a city may accept credit cards for payment of cash bail subject to the authorization of the governing body of the municipality. The agreement with credit card issuers, surcharges and liability for final payment must comply with the requirements set forth in sections 11-103-1 through 11-103-5 of the Code of Alabama. AGO 2014-052

**Boards:** An E-911 Board (“Board”) has the authority to enter into a cooperative/collaborative agreement with similarly situated E-911 agencies and a third-party vendor, and expend funds in furtherance thereof, for the acquisition of a hosted internet protocol (“IP”) system agreement for the purpose of receiving and dispatching emergency “911” calls. The E-911 Board is authorized to receive and evaluate requests for proposals relating to a customized hosted software system that would be compliant with the specifications for the Alabama Next Generation Emergency Network (“ANGEN”) specifications, if the Board determines that the purchase of a system of this nature involves a high degree of professional skill; custom software; or contractual services of personal property that is impossible to award by competitive bidding; or contractual services having an impact

on the security or safety of persons, structures, facilities or infrastructures. AGO 2014-053

**Conflicts of Interest:** A member of a city council may not vote for himself or herself to be appointed to a compensated position on a board or agency for which the city council is the appointing authority. The city council for city has no authority to remove a sitting member of the Utilities Board for the city. AGO 2014-055

**Appropriations:** A city may establish a tuition assistance program for the employees of the city provided that the city determines that courses of study provided for therein are related to the duties of the employee seeking assistance and that the expenditure serves a public purpose. The city may establish, by ordinance, a tuition assistance program for employees whose compensation is not otherwise fixed by statute. AGO 2014-057 ■

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reservation contacted their legislators to let them know their feeling on the issues?

Wow.

Can you imagine the impact this would have? Because I sure can. I have a vision of a united League of Municipalities working together to accomplish great things on behalf of cities and towns across Alabama. I've seen the collective strength of our membership accomplish amazing things time after time. Bad bills that were flying through the legislature died after our members started contacting their legislators. Good bills that didn't have a chance suddenly moved for the same reason.

I hope as each of us leaves this Convention we will ask ourselves, "What footprints will I leave behind?" and then begin by taking the first step. Municipalities will continue to be vital in the development and growth of our nation. As municipal populations grow, new solutions must be found to address needs for housing, jobs, infrastructure, and other issues too numerous to count. Municipalities are forced to be on the cutting edge of meeting these important demands.

We are proud to be the government closest to the people, although it is often not the most comfortable place to be. Our

members are the problem solvers, making do with whatever resources you have at your disposal and often achieving results only through personal sacrifice.

Our staff is honored to work with so many great Alabama municipal officials. By working with you as a team to find solutions, we hope to help ease those burdens. Thank you for your continued support, guidance and input as we serve the cause and interests of municipal governments in Alabama. The League will continue to provide you not only with resources, but perhaps more importantly with a spirit of collaboration and a sense of state-wide community. Together, we improve society by improving the quality of life for the millions of people who choose to live in Alabama's cities and towns.

My goal is to make you as proud to be a member of the League as I am to serve as your Executive Director. It is only by working together today that we make tomorrow successful. May our footprints always be positive. Thank you. ■

**Endnote:**

1. The League's membership now stands at 451. Akron joined the League shortly after the convention.



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# League Resolutions Adopted at the 2014 Convention

Resolutions 1-43 thank the various individuals, organizations, businesses and agencies for their participation in the 2014 Annual Convention and are listed here as summaries. Full text is provided for substantive resolutions 44-51. The complete text of the 2014 Resolutions is provided online at [alalm.org](http://alalm.org).

1. Thanks Mayor Sandy Stimpson and members of the Mobile City Council and their staffs for assistance in planning the convention and for their hospitality during convention.
2. Thanks Lieutenant Governor Kay Ivey for her address during the Opening Session.
3. Thanks Governor Robert Bentley for rearranging his schedule to visit with delegates and guests on Monday morning.
4. Thanks Alabama Power for their Keystone Sponsorship.
5. Thanks the companies who sponsored the 2014 convention.
6. Thanks Alabama's Congressmen and Congresswomen for their work for Alabama's municipalities in Congress.
7. Thanks the leadership of the Alabama House of Representatives as well as the House members who sponsored League legislation for their help during the Regular Session.
8. Thanks the leadership of the Alabama Senate as well as Senate members who sponsored League legislation for their help during the Regular Session.
9. Thanks the municipal lobbyists group for supporting League legislation and providing assistance to the League during the legislative process.
10. Thanks Ken Smith and League staff for their work.
11. Thanks League staff members for organizing and planning the golf tournament.
12. Thanks the Municipal Revenue Service for their golf tournament sponsorship.
13. Thanks the City of Mobile for planning and sponsoring the Saturday Night Welcome Reception.
14. Thanks the participants in the Sunday and Tuesday concurrent sessions.
15. Thanks officials who presided over programs and made presentations during the convention.
16. Thanks ABC-LEO for hosting a reception on Saturday evening.
17. Thanks Councilmember Mack Arthur Bell of Roanoke for leading the Sunday morning Prayer Service.
18. Thanks the Mobile Police and Fire Color Guard for presentation of colors during the Opening Session.
19. Thanks Crystal Womack for singing the National Anthem during Opening Session.
20. Thanks Mayor Bobby Payne of Tallassee for serving as Master of Ceremonies at the Spouses' Breakfast.
21. Thanks the Prichard Preparatory School Choir for performing at the Spouses Breakfast.
22. Thanks the City of Fairhope for planning the Monday spouses outing.
23. Thanks the seven attorneys for their participation in the Ask Your Attorney session on Tuesday morning.
24. Thanks Melodee Colbert-Kean, 2nd Vice President of the National League of Cities and Mayor of Joplin, Missouri, for her address during the Tuesday morning Closing General Session.
25. Thanks the Joyce E. Brooks for her presentation during the Tuesday Closing General Session.
26. Thanks those who gave invocations during the convention.
27. Thanks the cities and towns that participated in the Municipal Flag Showcase.
28. Thanks Alabama Municipal Funding Corporation, Municipal Workers Compensation Fund and Millennium Risk Managers for sponsoring coffee breaks during the convention.
29. Thanks the Kings of Swing for playing at the Expo reception on Sunday evening.
30. Thanks the exhibitors for their participation during the convention.
31. Thanks the state and federal agencies that had exhibit booths.
32. Thanks participants in the AAPP Program.
33. Thanks participants in the Municipal Clerks Program.
34. Thanks Mayor Wally Burns for his service as League Vice President.
35. Thanks the members of the 2013-2014 Executive Committee for their expertise, advice and assistance regarding League operations.
36. Thanks chairpersons, vice chairpersons and members of the League's standing committees for their work during the past year.
37. Thanks members of the Board of Directors of the Municipal Workers Compensation Fund.
38. Thanks members of the Board of Directors of the Alabama Municipal Insurance Corporation.
39. Thanks members of the Board of Directors of the Alabama Municipal Funding Corporation, Inc.
40. Thanks municipal clerks for their outstanding work and for their program during this convention.
41. Thanks city managers and city administrators for their work and for their participation in the convention program.
42. Thanks state and federal departments and agencies for their assistance to municipalities.
43. Thanks Brenda Flowers Smith, Assistant Attorney General, for her invaluable assistance to municipalities.

**RESOLUTION NO. 44**

WHEREAS, On Friday, March 14, 2014, the Alabama Supreme Court issued its decision in *Morrow v. Caldwell*, --S.3d--, 2014 WL 982969 (March 14, 2014) and held that the cap on damages for claims against a municipality does not limit the recovery on a claim against a municipal employee in his or her individual capacity; and

WHEREAS, this case follows a disturbing trend in the state where judges are actually finding for the plaintiff in these "individual" 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 Legislature, in the 2014 Legislative Session passed Act 2014-124 extending immunity to state employees, including educational employees both state and local, but refused to extend the same protections to other local government employees; and

WHEREAS, the Alabama League of Municipalities continues to actively pursue legislation to clarify that municipal

employees acting within the line and scope of their employment are protected from liability and unlimited damages recovery; and

WHEREAS, the Alabama League of Municipalities continues to be 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 Mobile, Alabama, on this the 5th day of May, 2014, that we respectfully encourage every judge and Legislator in the State of Alabama to recognize that municipal employees are protected from liability and unlimited damages when acting within the line and scope of their employment with a municipality.

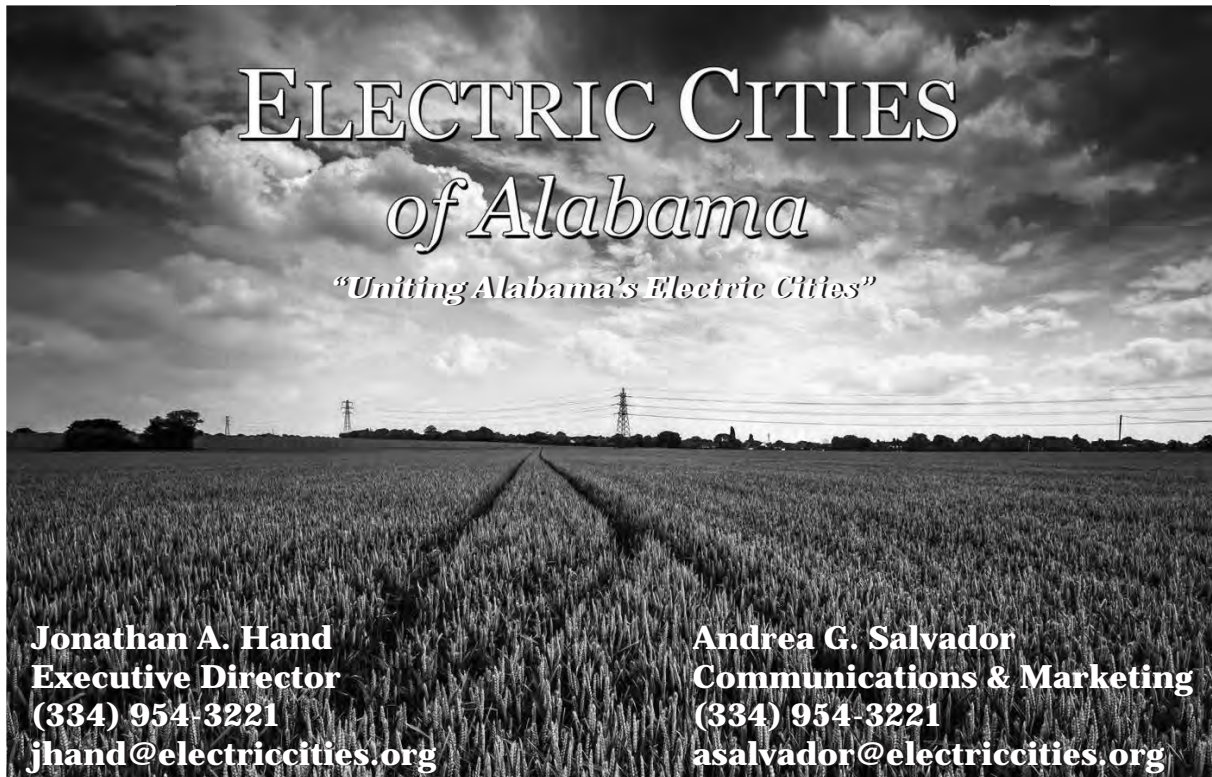
**RESOLUTION NO. 45**

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



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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; and

WHEREAS, this critical legislation will fail if the U.S. House of Representatives does not pass the Marketplace Fairness Act during the current term;

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

assembled in Mobile, Alabama, on this the 5th day of May, 2014, 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, 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

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- Court Clerk  
Large Municipal Court

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

- Judge  
Georgia Municipality

### Benefiting the Community...

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

- Former Director of Corrections  
Large Florida State Court

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

- Court Clerk  
Large Municipal Court

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

- Judge  
Alabama Court

### Benefiting the Defendants...

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

- Emma G., Defendant  
Florida State Court

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

- Danny B., Defendant  
Marshall County, Alabama

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

- Craig A., Defendant  
Foley, Alabama

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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 Mobile, Alabama, on this the 5th day of May, 2014, 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. 47

WHEREAS, during the 1980s Alabama's cities and towns were faced with a serious dilemma when, due to a "hard" insurance market, they were either unable to secure liability insurance or were charged exorbitant prices for the service; and

WHEREAS, the Alabama League of Municipalities responded to this crisis by forming the Alabama Municipal Insurance Corporation (AMIC) in 1989; and

WHEREAS, now, 25 year later, AMIC continues to provide competitively-priced coverage to many League member municipalities and is the only company writing municipal liability insurance in Alabama that offers first dollar defense covers as well as co-volunteer liability;

NOW, THEREFORE, BE IT RESOLVED by the Delegates

of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 5th day of May, 2014, that we commend and thank AMIC and its staff for the exceptional services provided to Alabama's cities and towns for the past 25 years and we will continue to support AMIC's endeavors to insure the future of local government.

#### RESOLUTION NO. 48

WHEREAS, education and training are critical services provided by the Alabama League of Municipalities; and

WHEREAS, in 1994 the League established a comprehensive Certified Municipal Official Training Program through which officials who earn 40 credit hours receive their basic CMO designation and, with an additional 40 credit hours, an Advanced CMO certification; and

WHEREAS, learning about the expectations, restrictions and possibilities of municipal office has now equipped more than 4,000 local government leaders to make effective decisions on behalf of their communities; and

WHEREAS, the Alabama League was the second in the nation to implement a formal education program for municipal officials; and

WHEREAS, not only has the League cultivated better-educated local municipal leaders and future League leaders, but has served as a model program for several sister organizations throughout the country;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 5th day of May, 2014, that we commend the League on this 20-year milestone



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of the Certified Municipal Officials Training Program and thank the staff for continuing to expand this exceptional educational opportunity for Alabama's local government officials.

**RESOLUTION NO. 49**

WHEREAS, the Alabama Legislature concluded its 2014 Regular Session on April 3<sup>rd</sup>; and

WHEREAS, of the 1,102 bills introduced only 274 passed: and

WHEREAS, three of the League's five legislative priorities, municipal debt recovery, weed abatement revisions and funding for the ADEM SRT Wastewater Program, were signed into law; and

WHEREAS, the League supported municipal members in the passage of several critical bills including Wind Conservation Regulation for Etowah and Cherokee counties, Sovereign Immunity for Education Personnel, Direct Pay of Municipal Employees, Criminal Record Expungement and Public Contracts; and

WHEREAS, the League's defensive strategy was successful in opposing several bills deemed harmful to local governments including Ad Valorem Tax Breaks on Section 42 Housing; Gun and Ammo Sales Tax Holidays; Administrative Court Costs and Docket Fees Diversion to the State General Fund; Traffic Schools Oversight by AOC; Firefighter Occupational Disease

Revisions, as well as more than 80 tax exemption or preemption proposals; and

WHEREAS, the League provided critical advocacy for amending several bills to make them more amenable to our municipal members;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 5th day of May, 2014, that they do recognize and commend Greg Cochran, Director of Intergovernmental Affairs, and the League staff for their successful efforts to protect and empower local government during the 2014 Legislative Session.

**RESOLUTION NO. 50**

WHEREAS, Walt Maddox, Mayor of Tuscaloosa, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

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



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NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 5th day of May, 2014, that they do recognize and commend Mayor Maddox 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**

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Mobile, Alabama, on this the 5th day of May, 2014 that they memorialize the following persons who have died in office since our last convention, namely: Mike Wise, councilmember, Gordo; Maxine Parker, council president, Birmingham; Faye Cook, mayor, Woodville; and Charles H. Ayers, Sr., councilmember, Grant.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Randy Scott, former councilmember, Southside; Barbara James Bobo, former mayor, Millport; George Hibbett, Sr., former councilmember, Florence; Dennis Dunaway, former councilmember, Brewton; Fred W. Franks, former councilmember, Guin; Elaine W. Junkin, former councilmember, Guin; John Edd Carmichael, former councilmember, Lincoln; Rev. Pete Clifford, former councilmember, Birmingham; Alfred "Bud" Ericson, former councilmember, Prattville; Bobby Carter, former councilmember, Prattville; Warren

Johnson, former councilmember, Tuscumbia; Randall Avery, former mayor, Slocomb; Jerry Teel, former council president, Opelika; Jack Satterfield, former councilmember, Lineville; Roy Albright, former council member, St. Florian; Jane Mabry, former councilmember, Huntsville; John Lammers, former mayor, Carrollton; Col. John Ritchie, former councilmember, Chelsea; Michael Allegri, former councilmember, Loxley; Marvin "Skooter" Adams, former councilmember, Saraland; C.E. Weldon, Jr., former mayor, Wetumpka; G. Truman Welch, former mayor, Wetumpka; William Neil King, former councilmember, Highland Lake; Luther Nichols, former mayor, Coffee Springs; Howard Richardson, former councilmember, Lexington; Johnny Kile, former councilmember, Leeds; Gregory Lewis, Sr., former mayor, Pine Apple; McDowell Lee, former mayor, Clio; Charles Little, former mayor, Satsuma; Bill Carroll, former councilmember, Ozark; Karla Fields, former councilmember, Robertsedale; Chess Robinson, former councilmember, Roanoke; Kenneth Moss, former councilmember/mayor, Creola; Bobby Dasinger, former councilmember, Grimes; Rosemary Draper Ayers, former mayor, Triana; Naome Flurry, former mayor, Killen; Joe Lott, councilmember, Millbrook; Robert Miles, councilmember, New Brockton; Ronnie "Pete" Cole, councilmember Fairfield; Rennie Coleman, councilmember Marion; and Aldridge Gunn, councilmember, Birmingham. ■

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# 2014 Municipal 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.

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**WINNER**  
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**WINNER**  
**UNDER 5,000**

Excel Economic  
Development  
Project

CITY OF  
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Honorable Mentions were also awarded in each population category. Honorable Mention Under 5,000 - City of Red Bay, Smithsonian Exhibit "The Way We Worked". Honorable Mention 5,001-12,000 - City of Brewton, Brewton Reborn: Barrel Project. Honorable Mention Over 12,000 - Huntsville, Healthy Huntsville Initiative. Congratulations!



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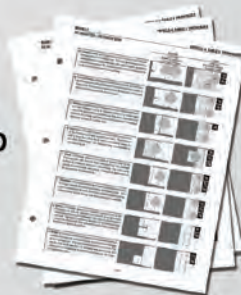
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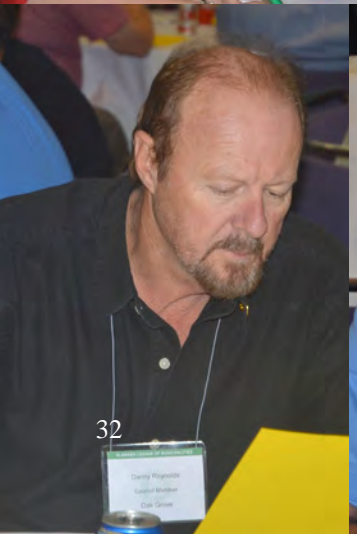
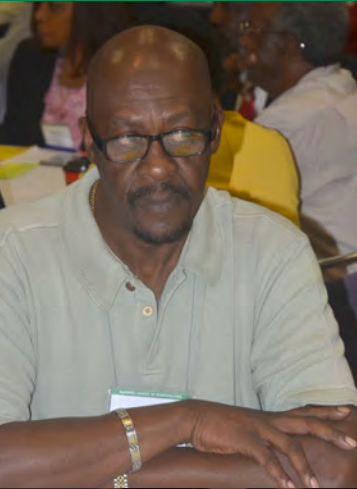


# 2014 Annual Convention





# 2014 Annual Convention





# 2014 Distinguished Service Awards

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 30 awards were announced during the President's Banquet on May 5th in Mobile. Pictured here and on the following pages are the recipients of the 2014 Distinguished Service Awards.

## 30 Year Service Awards



*Jimmy Madison, Mayor, Berry*



*Iva Nelson, Municipal Clerk/Treasurer, Gadsden*



*Bonnie Byrd, Municipal Clerk, Mount Vernon*



*Rebecca Hawkins, Administrative Assistant, Arab*

# 20 Year Service Awards



*Elmo Robinson, Mayor, Double Springs*



*Johnny L. Smith, Mayor, Jacksonville*



*David Wilson, Mayor, Summerdale*



*Warren Carter, Councilmember, Citronelle*



*Brentley C. Kendrick, Councilmember, Robertsdale*



*John Lake, Councilmember, Daphne*

# 20 Year Service Awards



*Donald 'Dink' Myers, Councilmember, Guntersville*



*Cynthia S. Pearson, Councilmember, Brundidge*



*Randall Whitaker, Councilmember, Guntersville*



*Mary Lynn Williams, Municipal Clerk/Treasurer, Spanish Fort*



*Shirley Henson, Municipal Clerk, Oxford*



*Marie McCluskey, Municipal Clerk, Berry*

# 20 Year Service Awards



*Kim Ownby, Municipal Clerk, Double Springs*



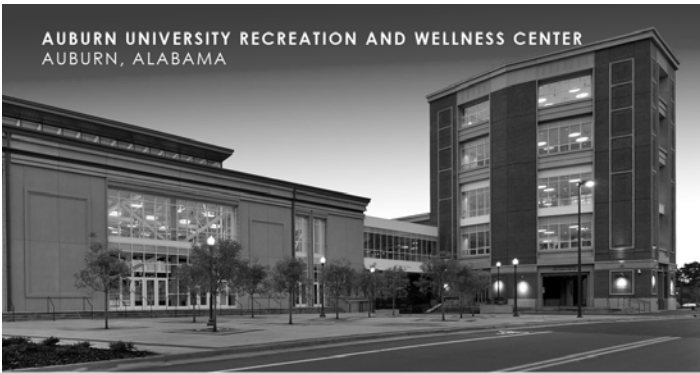
*Alfreda B. Washington, Municipal Clerk, Uniontown*

**Award recipients not pictured:**

*Larry Madison, Attorney/Prosecutor, Falkville (30)*  
*Patricia A. Coffee, Municipal Clerk, Steele (30)*  
*Rhonda Johnson, Municipal Clerk, Riverside (30)*  
*Hazel McGowan, Municipal Clerk, Samson (30)*

*Roger Baine, Councilmember, Samson (20)*  
*Roy Dobbs, Mayor (former), Berry (20)*  
*William N. Fannin, Mun. Judge, Talladega (20)*  
*Arthur Griffin, Councilmember, Brundidge (20)*

*Clay King, Mayor, Samson (20)*  
*Debbie Stepleton, Municipal Clerk, Crossville (20)*  
*Thomas B. Williams, Councilmember, Collinsville (20)*  
*Timothy C. Wilson, Mayor, Silverhill, (20)*



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# 2014 Annual Convention





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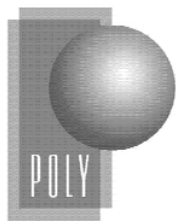
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# 2014 Annual Convention



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5,800 followers in seven months. By April 2014, the City had 15.6K Twitter followers. Additional City social media accounts are set up through the Tuscaloosa Police Department, Tuscaloosa Fire and Rescue, Tuscaloosa Amphitheater, Tuscaloosa River Market and MWW Transportation Museum and are used daily to disseminate information (particularly critical or emergency information), build relationships, highlight City events and milestones, post pictures and stay ahead of the media.

“You’d be surprised how many times you can be ahead of your local media,” Mayor Maddox said. “Because Tuscaloosa does a really good job with social media platforms, we’re able to convey the messages we feel the City needs to send to our citizens. And the information is unfiltered. We don’t have to work through the local media; we can communicate directly.” In so doing, the City has the freedom to send *real-time* information containing exactly what is necessary and important without it being condensed or misunderstood by a reporter. In fact, social media feeds are actually valuable to the local media because when reporters follow a city’s social media platforms, they learn about important potential stories to highlight via their newscasts and articles or who the correct city contact person would be for a topic of interest.

In addition, Mayor Maddox uses his social media accounts as mayor to circulate information to constituents as well as show a personal side. His Facebook page (Mayor Walter Maddox), which launched in August 2012, had nearly 8,000 “likes” by April 2014 and his personal Twitter account (@WalterMaddox), which he uses almost daily, had just under 4,000 followers in April 2014.

According to Teresa Lee, Prattville’s webmaster and the mayor’s executive assistant, the City uses several social media platforms. Twitter is used to make announcements, share website articles, severe weather updates, siren tests, events and photos of City activity. Facebook, which she said drives more traffic to Prattville’s website than all local, traditional media combined, is the City’s most popular platform with nearly 10,000 fans. As with Twitter, Facebook is used to make announcements, share articles and post severe weather updates; however, it’s also used to engage citizen support for local efforts – such as Prattville’s 2012 winning endeavor for the Coca-Cola “America is Your Park” \$10,000 grant challenge. In addition, Facebook is used by residents to ask questions, report problems and make suggestions. Prattville also uses YouTube, Instagram and Pinterest platforms. Instructions for how to use each platform are posted on the City’s website at [prattvilleal.gov](http://prattvilleal.gov) – just click on the link to the middle, left of the homepage.

Teresa encourages municipalities to consider a social media presence and advises cities and towns to brand logically as they move forward. For instance, the City uses PrattvilleAl.

gov for its website and PrattvilleAlgov for all its social media platforms to make it easy for followers and fans. In addition, she points out that social media isn’t social if you don’t allow your constituents to carry on a conversation with your administrator. “Yes, you will sometimes get comments you don’t like,” she said. “However, as long as you are polite and helpful, citizens will generally appreciate your responsiveness. Above all, find someone on your staff with the talent and personality to handle this task successfully.”

Just as computers overtook our offices and homes within two decades and smartphones became ubiquitous in less than five years, digital engagement is quickly becoming a standard and *expected* means of communication. The City of Southside



launched its Facebook page on October 23, 2013, after then League Vice President Mayor Wally Burns heard my report on municipal websites and social media during the October Executive Committee Meeting. Southside’s page currently has 1,076 “likes” (nearly twice the number of the League’s Facebook page at 540) and is used to post a variety of city information. He’s been very pleased with the results – so pleased, in fact, that he urged Alabama’s municipal leaders to consider a social media presence during his president’s acceptance speech at convention (which can be found on page 5 of this issue of the *Journal*). I join Mayor Burns in urging you to consider social media. I especially urge you to “like” the League’s Facebook page at [www.facebook.com/ALALM](http://www.facebook.com/ALALM) – particularly if you’re interested in downloading any convention photos. Several convention albums (including copies of the photos in this publication) have been posted to the League’s Facebook page. To save a copy of a photo, right click on the image and then click on the top choice, “save image as,” to save a jpeg of the picture to your computer.

This brief article only lightly scratches the surface of the importance of social media; however, suffice it to say, digital communication will not wait until the next generation. It’s here now and it’s evolving quickly. Make sure your municipality isn’t left behind – explore your options immediately! ■





# 2014 Annual Convention



# Minutes of the General Business Session May 5, 2014, Mobile

The General Business Session of the Convention of the Alabama League of Municipalities was called to order at 4:00 p.m., May 5, 2014, by President Walt Maddox at the Arthur R. Outlaw Convention Center in Mobile, Alabama. Mayor Maddox welcomed the attendees and thanked the membership for giving him the opportunity to serve as president during the past year.

President Maddox then called on Mayor Phil Segraves of Guin, Vice President of the Municipal Workers' Compensation Fund, Inc., for an annual report. Mayor Billy Joe Driver of Clanton, Chair of the Alabama Municipal Insurance Corporation (AMIC), gave AMIC's annual report. Mayor Wally Burns of Southside, Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to give the AMFund annual report.

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 and discussed the future of the Alabama League. He stated that the League membership was now at 450 cities and towns and discussed ways members can better participate as part of the League team.

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, Chair of the Resolutions Committee, for the Committee's report. Councilmember Britt reported that the Resolutions Committee met on Saturday, May 3, and recommended that the League's *Policies and Goals for 2014* be adopted with certain amendments

Mayor John Bartholomew of Opp moved adoption of the *Policies and Goals for 2014*. Councilmember Shannon Phillips of Lake View seconded the motion, which passed unanimously. The *Policies and Goals for 2014*, 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. Mayor John Bartholomew moved adoption of Resolutions 1 through 43. The motion was

seconded by Councilmember Frank Cobb of Piedmont. The motion was adopted. Councilmember Britt then called on General Counsel Lori Lein to read Resolutions 44 through 51. Mayor John Bartholomew moved adoption of Resolutions 44, 45, 46 and 49. Mayor Johnny Ford of Tuskegee seconded the motion, which passed unanimously.

Councilmember Marva Gipson of Aliceville moved adoption of Resolution No. 47, congratulating AMIC on its 25 year anniversary and thanking them for their service. Mayor Gary Donner of West Blocton seconded the motion. The motion passed unanimously. Mayor Bud Kitchens of Lincoln moved adoption of Resolution No. 48, congratulating the League on the 20<sup>th</sup> anniversary of the CMO program. Councilmember Arthur Day of Phenix City seconded the motion. The motion passed unanimously. Mayor Johnny Ford moved adoption of Resolution No. 49, commending Mayor Walt Maddox for his service as League President during the past year. The motion, which was seconded by Mayor Ronnie Marks of Athens, passed unanimously. Mayor Bobby Payne of Tallassee moved adoption of Resolution No. 50, memorializing active and former officials who have passed away since the last League convention, and moved to leave the motion open to include any additional names that were received by the end of the Closing General Session the next day. Councilmember Ruthie Campbell of Robertsdale seconded the motion, which passed unanimously.

Mayor Maddox next presented the report of the Nominating Committee. Mayor Maddox 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 met and recommended the following persons: **For President: Mayor Wally Burns, Southside. For Vice President: Councilmember Sadie Britt, Lincoln. For Executive Director: Ken Smith**

#### **Committee on State and Federal Legislation:**

Chair: Councilmember Donald "Dink" Myers, Guntersville  
Vice Chair: Mayor Howard Rubenstein, Saraland

#### **Committee on Finance, Administration and Intergovernmental Relations:**

Chair: Councilmember Charles Black, Priceville  
Vice Chair: Mayor Claude "Bud" Kitchin, Lincoln

**Committee on Energy, Environment and Natural Resources:**

Chair: Councilmember Herman Graham, Florence  
Vice Chair: Mayor Leigh Dollar, Guntersville

**Committee on Community and Economic Development:**

Chair: Mayor Alberta McCrory, Hobson City  
Vice Chair: Mayor Mike Grayson, Demopolis

**Committee on Transportation, Public Safety and Communication:**

Chair: Mayor Kenneth Coachman, Fairfield  
Vice Chair: Mayor Melton Potter, Scottsboro

**Committee on Human Development:**

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

**EXECUTIVE COMMITTEE**

**First Congressional District:**

Mayor Jim Staff, Atmore  
Mayor Tim Kant, Fairhope  
Mayor G. Richard Long, Jackson  
Mayor Sandy Stimpson, Mobile  
Councilmember Adam Bourne, Chickasaw

**Second Congressional District:**

Mayor Bill Gillespie, Prattville  
Mayor Fred McNab, Pinckard  
Mayor Billy Blackwell, Ozark  
Mayor Jason Reeves, Troy  
Councilmember Darrell Wilson, Tallassee

**Third Congressional District:**

Mayor Barry Moody, Lafayette  
Councilmember Billy Pearson, Lincoln  
Mayor Todd Strange, Montgomery  
Councilmember Mack Arthur Bell, Roanoke  
Mayor Oscar Crawley, Lanett

**Fourth Congressional District:**

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

**Fifth Congressional District:**

Mayor William "Ronnie" Marks, Athens

Mayor Tommy Battle, Huntsville  
Mayor Don Kyle, Decatur  
Councilmember Tommy Perry, Priceville  
Mayor Troy Trulock, Madison

**Sixth Congressional District:**

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

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

Seeing no nominations from the floor, the President declared the nominations closed. Mayor Johnny Ford moved adoption of the Nominating Committee report. Mayor Gena Robbins of York seconded the motion, which carried unanimously. The President declared all officers elected.

Mayor Sandy Stimpson of Mobile was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: May 16-19, Tuscaloosa; May 14-17, Huntsville; May 20-23, 2017, Birmingham; May 19-22, Montgomery; and May 4-7, Mobile. Mayor Stimpson moved adoption of the report, which was seconded by Mayor Ronnie Marks. The Site Selection Committee report was approved and a copy is attached to these minutes.

There being no further business, the meeting was adjourned. ■

Ken Smith, Acting Secretary

of Alabama 1975.

Where a municipality has created, by ordinance, the office of city attorney and the ordinance fails to designate the appointing authority, the mayor is the appointing authority for the city attorney. AGO 2009-054. **NOTE:** Where a municipality contracts with an attorney to provide legal services for the municipality, the council must approve the contract and its terms.

The Attorney General, in Opinion 2012-039, held that the specific language of Sections 11-43-3 and 11-43-4 doesn't limit the council's appointment power only to statutorily listed "offices." Instead, the Attorney General noted that "Section 11-43-3 authorizes a city council to elect any officer whose election is required by ordinance, to prescribe the duties, to fix salaries and to set the terms of office for these officers." Therefore, the Attorney General concluded that the Legislature has created a method for the council to designate other positions than those specifically listed by statute and designate those positions as "officers." The Attorney General, though, stated that there are limitations on the council's power to designate certain positions as officers. Using the definition in Black's Law Dictionary, the Attorney General concluded that: "any office created by a city council must be assigned specific duties and hold a position of

authority. Paramount to the authority of an officer is the ability to discharge some portion of the sovereign power."

The Supreme Court of Alabama, in defining the term "office" stated the following: "We apprehend that the term "office" implies a delegation of a portion of the sovereign power, and the possession of it by the person filling the office; and the exercise of such power, within legal limits, constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments, and sometimes to another; still, it is a legal power, which may be rightfully exercised, and, in its effects, will bind the rights of others, and be subject to revision and correction only according to the standing laws of the state. An employment, merely, has none of these distinguishing features." *State v. Stone*, 240 Ala. 677,680, 200 So. 756, 758 (1941). An employee, instead, is someone who "works within the service of another person (the employer) under an express or implied contract for hire ... (A)n officer must have responsibilities and hold a position that is superior to that of an employee. Accordingly, an officer is limited to a person that exercises some level of authority, presumably over employees, and performs some discretionary, policy-making functions."

*continued on page 50*

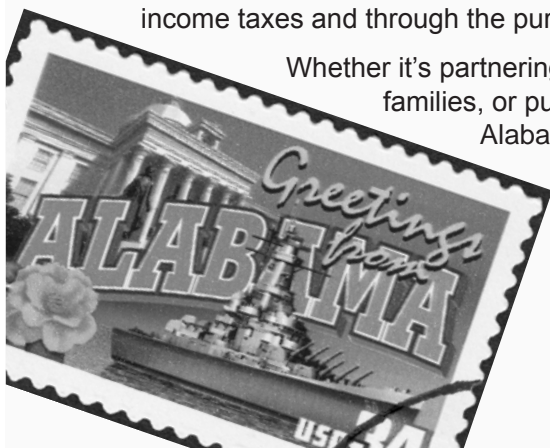
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# One Team – One Goal – One Board: 2014 Convention Closing Session Keynote Highlights

By: Joyce E. Brooks



Imagine planning for your family’s annual summer vacation. The first question that must be answered is: “Where will we go?” The kids would like to go to an amusement/water park. The wife would love to go to a resort complete with a salon and spa. The mother-in-law has no particular destination; however, she wants to travel the back roads of Alabama by car, stopping in every town to shop for unique treasures. The husband would be happy to spend the summer vacation in his lounge chair for a “stay-cation”.

In the end, the family will come together, communicate, weigh all the options, compromise and finally *agree* upon a destination. As a result, the family will achieve their goal: summer vacation.

This simple example can be compared to what happens weekly in Alabama cities and towns. Whether it is a council, board, authority or committee, they are expected to come to the table to answer questions, set goals, discuss issues, make plans and achieve goals on behalf of those who entrust their leadership. Much of the future success or failure of the community rests in the hands of the elected, appointed and volunteer leadership.

This past May, I had the privilege of providing the closing keynote speech



during your 2014 Annual Convention. Because communication and teamwork are critical for municipal entities, I was asked to highlight the key points of my message for those who were unable to attend. My first objective was to thank everyone for their sacrifice and service as elected, appointed and volunteers leaders. From there, I outlined and reviewed what it takes to be a successful council, board, authority or committee – how to be not just good, but *excellent*.

“One Team – One Goal – One Board” emphasized understanding the role of a board member as an advocate as well as having fiduciary duties. We reviewed the signs of a dysfunctional board and then went through the key elements of an effective board. There were four critical take-a-ways from my “One Team – One Goal – One Board” presentation:

- The best, most effective boards start with the best, most **committed individuals**.
- If it doesn’t matter who gets the credit, **everyone WINS!**
- Never underestimate the value of establishing and maintaining **RELATIONSHIPS**.
- **SUCCESS** can be found at the intersection of **HARD WORK** and **OPPORTUNITY**.

For more information on “One Team – One Goal – One Board”, a copy of the slide presentation can be downloaded from the ALM website at [alalm.org](http://alalm.org). ■

*Joyce E. Brooks is a former corporate executive turned motivational speaker, the author of Self-Inflicted Overload and the managing member of Brooks Consulting, LLC, which specializes in assisting businesses and organizations with gaining a competitive advantage by focusing on the well-being and development of leadership and staff. As a stress awareness expert, Joyce understands that overloaded individuals can adversely affect the bottom line of a business and limit success. For more information, visit [joyceebrooks.com](http://joyceebrooks.com).*

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# Future Election Dates for Alabama's Cities and Towns

## 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
- Mt. 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

- Mt. 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
- Mt. Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

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– Oscar Wilde

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- Alabama Association of Municipal Clerks and Administrators
- Alabama Clean Fuels Coalition
- Alabama Council of the American Institute of Architects
- Alabama Green Distributing, LLC
- Alabama Industries for the Blind
- Alabama League of Municipalities
- Alabama Municipal Funding Corporation
- Alabama Municipal Insurance Corporation
- Alabama Power Company
- Alabama Recreation and Parks Association
- Alliance Insurance Group, LLC
- Ameresco, Inc.
- American Municipal Services
- AMIC / MWCF Loss Control Division
- AmpliFund Public Sector
- Arrow Disposal Service of Alabama, Inc.
- AT&T Alabama
- Badger Meter
- Bancorpsouth Equipment Finance
- Berney Office Solutions
- BNY Mellon
- Cahaba River - Urban Feral Hog Trapping
- Carr, Riggs & Ingram
- CDG Engineers & Associates, Inc.
- CH2M Hill
- Clarke Mosquito Control
- ClearWater Solutions, LLC
- Columbia Southern University
- Converged Networks, Inc.
- Croy Engineering, LLC
- CXT, Inc. - Precast Buildings
- Dade Paper Company
- Dixie Decorations, Inc.
- DMD Engineers
- Energy Systems Group
- ESG Operations, Inc.
- Giffen Recreation Company, Inc.
- Godwin Jones Architecture and Interior Design, Inc.
- GovDeals, Inc.
- Great Southern Recreation
- Great West Retirement Services
- Gulf Atlantic Supply
- Hancock Bank
- Harris Local Government
- Highgrove Consulting Services, LLC
- Holiday Designs, Inc.
- Holophane
- iCity Corporation
- InCare Technologies, Inc
- Ingram Equipment Company, LLC
- Insituform Technologies, LLC
- J. A. Dawson & Company, Inc.
- Jackson Thornton
- Jacksonville State University
- Judicial Correction Services
- K & K Systems, Inc
- Korkat, Inc.
- Lathan Associates Architects
- Lee Helms Associates, LLC
- Leisure Lines, Inc. Playground & Recreation Equipment
- Master Meter
- Mauldin & Jenkins, LLC
- McKee and Associates Architecture and Interior Design
- Municipal Code Corporation
- Municipal Revenue Services
- Municipal Workers Compensation Fund
- Musco Sports Lighting
- Mutual of Omaha / United American Assurance
- NAFECO
- National Center for Sports Safety
- National Highway Maintenance System, Ltd., LLC
- National League of Cities
- NaturChem Inc
- Nexcheck, LLC
- Nov / Ameron Pole Products
- Overnight Parts Alliance
- Playscapes of Alabama, LLC
- PNC Bank
- Polyengineering, Inc.
- Precision Concrete Cutting, LLC
- Provident
- Public Financial Management, Inc.
- RDS (Revenue Discovery Systems)
- Republic Services
- Robins and Morton
- Roy Dobbs
- Safe-T-Shelter
- Sansom Equipment Company, Inc.
- SealMaster / Alabama
- Sentell Engineering, Inc.
- Severn Trent Services
- Siemens Industry, Inc.
- SmokeFree Alabama
- Southern Playgrounds, Inc.
- Southland International Trucks, Inc.
- Spring City Electrical
- State Agency Exhibit Space
- Sunbelt Fire, Inc.
- Tank Pro Inc.
- Temple, Inc.
- Tennant Company Sales & Service
- Terracon Consultants, Inc.
- The Kelley Group
- The McPherson Companies, Inc.
- The Retail Coach, LLC
- Thompson Tractor Company, Inc.
- Trustmark National Bank
- Tuscaloosa Tourism and Sports Commission
- Tyler Technologies
- U.S. Bank
- U.S. Communities



- United Systems
- Universal Concepts
- Utility Service Co., Inc.
- VC3
- Volkert, Inc.
- Warren Averett
- Waste Pro
- WES - Street Lighting

- Alabama Dept. of Environmental Management  
- Land Division
- Alabama Emergency Management Agency
- Alabama Industries for the Blind
- Alabama Municipal Revenue Officers Assoc.
- Alabama Public Library Service
- Alabama State Parks
- Alabama Tourism Department
- ARSEA / APEAL
- Auburn University Center for Governmental Services
- Employer Support of the Guard and Reserves
- Retirement Systems of Alabama
- SEIB - State Employees Insurance Board
- USDA Rural Development

## State/Federal Agencies

- AL Cooperative Extension System
- AL Correctional Industries
- AL Dept. of Economic and Community Affairs
- AL Dept. of Environmental Management
- Alabama Dept. of Revenue
- Alabama Surplus Property Division
- Alabama Trails Commission
- U.S. Census Bureau
- Alabama Attorney General's Office
- AL Dept. of Agriculture and Industries
- Alabama Dept. of Archives and History

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In summary, according to the *Coachman* case, the mayor has the power to appoint anyone whose appointment “is not otherwise provided for by (state) law.” State law clearly provides that the council shall appoint certain positions, such as clerk and treasurer. State law also allows the council to designate certain positions as “officers” by ordinance and, therefore, fill those positions. However, not every position within the municipality can be designated as an office. In order to hold an office, a person must exercise some “level of authority, presumably over employees” and perform discretionary, policy-making functions. If so, the council may pass an ordinance making these positions officers of the municipality.

### Municipal Finances and Spending Money

While the mayor plays an important role in the disbursement of municipal funds, the council, with one primary exception discussed below, has complete control over municipal funds and determines when and how those funds may be spent. Warrants must be drawn by the clerk, approved by the mayor or such other person as the council designates and presented to the treasurer for payment. The Alabama Supreme Court held in *Edwards v. 1st National Bank of Brewton*, 377 So.2d 966 (1979), the council may, by ordinance, remove the mayor’s authority to

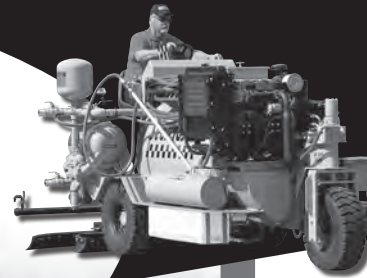
sign checks. *See*, AGO 1990-284; *see also*, AGO 2001-260.

All expenditures of municipal funds must be specifically approved by the mayor or by some other person designated by the council. Section 11-43-120, Code of Alabama 1975. (Emphasis added). The council, however, may make a purchase over the objection of the mayor. AGO to Hon. Norman Plunkett, June 22, 1977.

Further, Section 11-43-120 provides that no warrant shall be drawn except by the authority of law or ordinance, and the treasurer shall allow no expenditure unless it is approved by ordinance or by the mayor. If the mayor questions the legality of an expenditure, the clerk and treasurer and, if necessary, the city attorney, should be consulted about the matter. It is important for mayors to understand that they may be held *personally* responsible for expenditures not authorized by the council and made on the basis of his or her sole approval. *See, Altmayer v. Daphne*, 613 So.2d 366 (Ala. 1993). Additionally, the council should stress that only those with authority to authorize expenditures should do so, because in *Brannan and Guy, P.C. v. Montgomery*, 828 So.2d 914 (2002), the Alabama Supreme Court held where the council has authorized the mayor to set the compensation rates of contract attorneys, a discussion of rates between the city attorney and the contract attorney at

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the request of the mayor does not create a unilateral contract that binds the city.

While it is unnecessary for the council to validate each disbursement individually, Section 11-43-120 requires that all claims, requisitions and demands against a municipality for goods purchased or debts incurred be presented to the council for approval, unless already provided by ordinance or resolution. Before spending money, the mayor should always ask “where is the authority from the council for me to spend this money?”

The one exception to the council authorizing spending money is the hiring of an accountant by the mayor to perform the annual municipal audit. Section 11-43-85, Code of Alabama 1975, requires the mayor to appoint an expert accountant to make a detailed examination of all books and accounts of the city and to make a full report in writing, under oath, to be submitted to the council at its first meeting after completion of the report. This report must be placed in the minutes of the council. Section 11-43-85 also authorizes the mayor to request the Examiners of Public Accounts to audit the municipality. AGO 1992-322.

The council does not have authority to appoint its own accountant in lieu of the mayor’s appointment. Further, the mayor is authorized to fix the accountant’s fee without the approval of the council and the council is legally obligated to pay a reasonable amount for these services. If the council is not satisfied with the audit provided by the mayor’s accountant, the council may order an additional audit to be made by an auditor of its choice. In the League’s opinion, absent some further finding by a court with jurisdiction, this additional audit would not take the place of the official audit obtained by the mayor pursuant to Section 11-43-85, Code of Alabama 1975.

The council is required to appropriate the sums necessary for the expenditures of city departments, and for interest on indebtedness, not exceeding in the aggregate 10 percent of its estimated receipts. In addition, the council cannot appropriate in the aggregate an amount in excess of its annual legally-authorized revenue. Section 11-43-57, Code of Alabama 1975.

While a city is not required to adopt a budget, most municipalities do so to ensure that citizens obtain maximum service for each tax dollar. As chief executive officer, the mayor is in the best position to determine the requirements of the various municipal departments. While the mayor does not draft the final budget, he or she compiles estimates of revenues and expenses and presents those figures to the council along with recommendations for appropriations and for revenue-raising procedures, if necessary. The municipal budget is not considered permanent and, therefore, is not subject to the mayor’s veto. AGO 1991-180.

One final note about municipal finances. Section 11-43-84, Code of Alabama 1975, requires the mayor, as chief executive officer, to present a written statement to the council at least once every six months showing the financial condition of the municipality and the steps the mayor proposes to take for the

protection of the city or town. This section also states that the mayor shall require any officer of the city or town to make a report at such times as the mayor or the council directs. This authority is intended to facilitate supervision of the various municipal departments and officials and to assist the mayor in making reports to the council.

### **Municipal Contracts**

The Alabama Supreme Court has held that, absent authorization from the council, the mayor does not have the authority to enter into and execute a contract on behalf of the municipality. While the Court recognized that the mayor is authorized to enter into and to execute contracts, it determined that the authority cannot be exercised without the direction and authorization of the council. *Town of Boligee v. Greene County Water & Sewer Auth.*, 77 So.3d 1166 (Ala. 2011). Accordingly, the general rule is that the only method by which an employee or official may expend funds or be given authority to bind the municipality to a contract is by an affirmative vote of the council reflected in the minutes. An exception is the mayor’s authority to contract for an annual municipal audit pursuant to Section 11-43-85, Code of Alabama 1975.

The mayor is required to see that all contracts with the municipality are faithfully performed or kept. The mayor is required to execute all deeds and contracts and bonds required in judicial proceedings for and on behalf of the city or town. No sureties shall be required on the bond. Section 11-43-83, Code of Alabama 1975.

### **Conclusion**

Keeping in mind the exceptions noted in this article, the decision making authority as between the mayor and council can be summed up this way:

1. With regard to hiring, the mayor determines who is going to be hired assuming the council has authorized the money to fund the position;
2. With regard to spending money, the council is in control of and has the final decision over how municipal money is spent and who may spend it; and
3. With regard to municipal contracts, while the mayor is charged with executing contracts, the council has the final decision making authority to enter into contracts which bind a municipality.

For additional information or questions, please contact the League’s Legal Department at 334-262-2566. ■

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# 2014 Annual Convention



# Convention Concluded with High Energy Passport Prize Drawings

The League's inaugural Passport Prize Program was designed to give convention delegates the opportunity to speak more directly with participating EXPO Hall vendors as well as the chance to win one of five prizes at the conclusion of the Tuesday morning Closing General Session (three flat screen TVs, a \$500 AMEX gift card and a paid registration to the 2015 Convention). Only registered delegates were allowed to participate and they had to be present to win. Immediately following Joyce E. Brooks' outstanding presentation on Board Management and Effective Communication, ALM Executive Director Ken Smith rallied the crowd of more than 500 with Alabama and Auburn cheers as Loss Control reps Terry Sanders and Will Strength rolled in the cart with the ticket tumbler. EXPO Administrator Cindy Price drew the winning tickets to tremendous fanfare, and the 2014 convention ended on a wave of positive energy as five lucky winners left with very nice mementos. We look forward to next year's Passport Prize Program in Tuscaloosa!



Tuesday, May 6, 2014  
Passport Prize Drawing  
2015 Convention Registration -  
Councilmember Christine White, Uniontown

46" TV - Councilmember Roderick Clark, Union Springs

42" TV - Councilmember Mary McDaniel, Summerdale

42" TV - Municipal Clerk Tony Willis, Arab

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