

The Alabama Municipal JOURNAL

May/June 2017

Volume 74, Number 6



NLC Congressional City Conference • Washington D.C. • March 11-14, 2017

Nearly 200 Alabama delegates attended this year's NLC Congressional City Conference. In addition to attending a variety of meetings and workshops, delegates heard important legislative updates from NLC and White House staff and from Greg Cochran, ALM's Director of Advocacy and Public Affairs. League President Mayor Howard Rubenstein of Saraland is pictured above with Representative Bradley Byrne (1st Congressional District of Alabama) and by the NLC floor projection in the lobby of the host hotel.

Add Peace of Mind

The Municipal Workers Compensation Fund has been serving Alabama's Municipalities since 1976 and is the second oldest league insurance pool in the nation!



- Directed by Veteran Municipal Officials from Alabama
- Over 600 Participating Municipal Entities
- Free Safety Video Library & Online Training
- Dividends
Over the past 35 years, MWCF has returned \$55 million to its members as Renewal Dividends.
- Free Medical Cost Containment Program
- New Member Discounts
- Loss Control Services Including:
 - Skid Car Training Courses
 - Fire Arms Training System
- Claims Analysis
- Safety Discounts Available

Contact Us!
Quick Quotes
available online.
www.almwcf.org

Richard Buttenshaw
Operations Manager, MWCF
P.O. Box 1270
Montgomery, AL 36102
334-262-2566

Terry Young
Marketing Manager, MWCF
P.O. Box 43769
Birmingham, AL 35243
1-888-736-0210
email: terry@alalmwcf.org

The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

May/June 2017 • Volume 74, Number 6

OFFICERS

HOWARD RUBENSTEIN, Mayor, Saraland, President

MELVIN DURAN, Mayor, Priceville, Vice President

KEN SMITH, Montgomery, Executive Director

CHAIRS OF THE LEAGUE'S STANDING COMMITTEES

Committee on State and Federal Legislation

JESSE MATTHEWS, Councilmember, Bessemer, Chair

GARY FULLER, Mayor, Opelika, Vice Chair

Committee on Finance, Administration and Intergovernmental Relations

CHARLES BLACK, Councilmember, Priceville, Chair

VERONICA HUDSON, Councilmember, Saraland, Vice Chair

Committee on Energy, Environment and Natural Resources

LEIGH DOLLAR, Mayor, Guntersville, Chair

LAWRENCE HAYGOOD, Mayor, Tuskegee, Vice Chair

Committee on Community and Economic Development

JOCELYN TUBBS-TURNER, Councilmember, Marion, Chair

CHARLES GILCHRIST, Mayor, Glencoe, Vice Chair

Committee on Transportation, Public Safety and Communication

JONATHAN GRECU, Mayor, Ashford, Chair

OPEN, Vice Chair

Committee on Human Development

BRIDGETTE JORDAN-SMITH, Councilmember, Vincent, Chair

OPEN, Vice Chair

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.

Subscriptions are \$24.00 per year. Advertising rates and circulation statement available at 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.

Editor: CARRIE BANKS

Staff Writers: LORI LEIN, ROB JOHNSTON, CHUCK STEPHENSON

Graphic Design: KARL FRANKLIN

For a complete list of the ALM staff, visit www.alalm.org.

Table of Contents

From the Editor	4
The President's Report	5
Have you Downloaded ALM's FREE Convention app?	
Municipal Overview	7
Learn and Grow at the 2017 League Convention	
NLC Congressional City Conference	8-9
The Legal Viewpoint	11
Paying Legal Expenses of Officers and Employees	
Municipal Clerks Week	13
ALM's Annual Advocacy Seminar Featured NC League of Municipalities: Lessons Learned	15
Reviewing a Request for an Amicus Curiae Brief	19
Flirtin' with Disaster: Is Your Data Safe?.....	21
Municipal Intercept Services FAQs.....	23
ALM Welcomes New Staff Member.....	24
Legal Clearinghouse	27
Legal FAQ	29
2017 Annual Convention Information.....	33-42



Greg Cochran, League Director of Advocacy and Public Affairs, and League President Mayor Howard Rubenstein of Saraland at the 2017 NLC Congressional City Conference .

On the Cover:

Nearly 200 Alabama delegates attended the National League of Cities' 2017 Congressional City Conference in Washington, D.C. March 11-14.

Active Members (449)

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, Bakerhill, Banks, Bay Minette, Bayou La Batre, 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, Chio, 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, Flomata, 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, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, 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, Jacksons' Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, La Fayette, 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, Madison, Madrid, Magnolia Springs, Malvern, Maplesville, Margaret, Marion, Maytown, McIntosh, McKenzie, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mulga, Munford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, New Brockton, New Hope, New Site, Newbern, 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, River Falls, Riverside, Riverview, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, Sheffield, Shiloh, Shorter, Silas, Silverhill, Sipsey, Skyline, Slocumb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Talladega Springs, Tallahassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York

A Message from the EDITOR

Municipal Clerks Week is May 7-13 (see p. 13!)

and I know everyone reading this will agree with me that your clerk's position is *vital* for the day-to-day operations of municipal government! In fact, earlier this year, the League revised its *Municipal Clerks Manual*. Originally written several decades ago, this manual is revised every four years immediately following elections to answer many of the questions the League receives concerning the duties and responsibilities of clerks working for municipalities operating under the mayor-council form of government. It's designed to be a quick reference when time is not available for extensive research and is available as a PDF file on the League's website under the Legal Services tab (click "Resources").

So ... just how important is the municipal clerk? Well, in one of the first textbooks on municipal administration (1934), Professor William Bennett Munro, a renowned political scientist, stated: "No other office in municipal service has so many contacts. It serves the mayor, the city council, the city manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

The fact that the League found it necessary, beginning many years ago, to write a manual on the role of the clerk further supports the critical nature of this position. And, really, it should go without saying that, regardless of a municipality's size, the municipal clerk is paramount. Therefore, in deference to the many hats worn by the clerk; the many hours worked on behalf of the municipality and its citizens; the records kept, meetings attended, elections held, problems researched and financial sleuthing measures taken to ensure a healthy community, the League applauds and commends our state's municipal clerks. We thank you for your outstanding service, your dedication, your professional integrity and for embracing your cities and towns in a way very few people truly understand.



Sunday, May 21 is

City Shirt Day

at the League Convention in Birmingham.
Wear your city's logo shirts with pride!



2017 Annual Convention and CMO Mini Boot Camp

The League's 2017 Annual Convention and Expo will be held in downtown Birmingham May 20-23. Information about this year's convention, including a Quick Guide, list of Expo vendors and information about keynote speakers and Monday night entertainment can be found beginning on p. 33. In addition, the League is offering a special CMO Mini Boot Camp – "The State of Health in Alabama's Municipalities" – on Tuesday afternoon immediately following Convention. This program requires a separate registration and an additional fee. Registrations will be accepted through May 15. See page 41 for details. Also, be sure to download the League's FREE convention app (see p. 5 for complete information). We look forward to seeing you in Birmingham!

Thank you to Paul Meyer with the North Carolina League of Municipalities for sharing difficult lessons learned

Paul, who was named Executive Director for the North Carolina League of Municipalities (NCLM) in 2014, was the luncheon keynote speaker at ALM's Annual Municipal Advocacy Session this past February. He shared some very difficult lessons learned by NCLM regarding legislative effectiveness and what happens when relationships are taken for granted. See p. 15 for an overview of his sobering presentation.

Carrie

The President's Report

By Dr. Howard Rubenstein, Mayor, Saraland



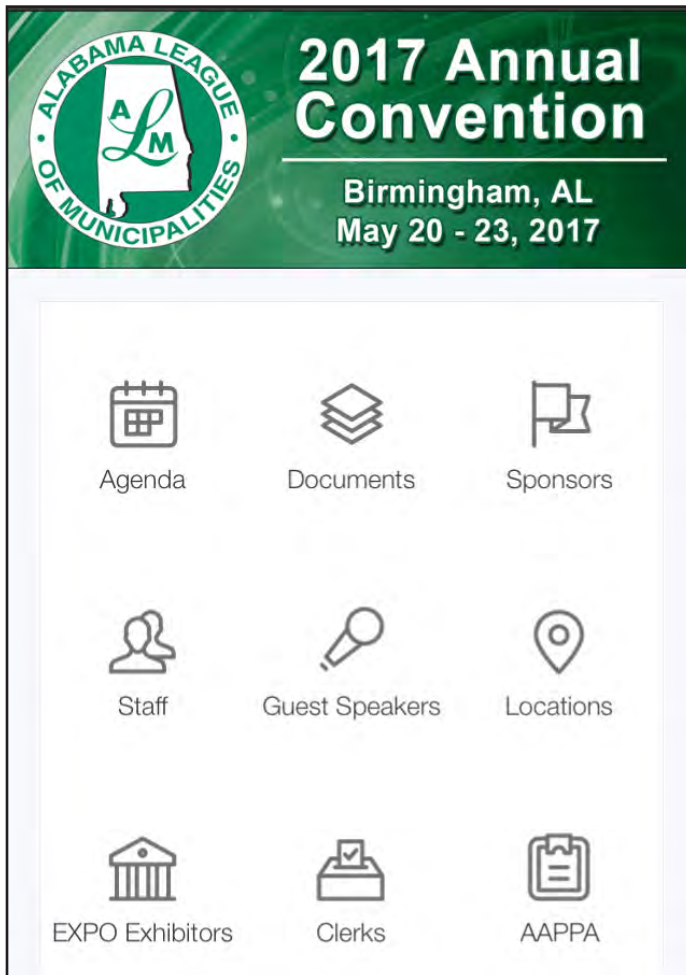
Have you Downloaded ALM's FREE Convention App?

Our 2017 Convention is almost upon us and I look forward to being with you in Birmingham as we hear from a number of statewide professionals on topics including cyber security, ethics, the future of Alabama's municipal courts, protecting municipal officials and employees, preparing for the 2020 Census, low-impact landscaping and improving police-community relations. For those of you who will be

attending convention as a newly elected official, or as a first time attendee, I encourage you to not only attend the general and concurrent sessions but to make the most of every networking opportunity – and there are many! The municipal roundtable discussions, which are broken down by city/town population, will be held Monday morning following the concurrent sessions and are always a wealth of information as well as an excellent way to expand your municipal connections and build relationships with officials from communities similar in size to yours. Be sure to sit with people you don't know and to actively participate in the discussions at your table – you never know when someone will have a creative solution or unique insight to an issue you're facing in your city or town. We'll also hold a brief convention orientation for new officials from 9:00 to 9:30 on Saturday morning, May 20, just prior to our Resolutions Committee Meeting where we'll discuss how to make the most of your time as well as provide an overview of our free convention app and its features.

The League launched our convention app in 2015. It was immediately popular with the folks who used it and we expect its popularity to grow. I find it especially useful to quickly determine where a session is located, look up information on a session speaker or learn more information about the Expo Hall vendors. Our staff has continued to tweak the features and I strongly encourage you to download and use this free resource. It can be found under "ALM Events" from both the iTunes App Store and Google Play. Of course, the League will still provide a printed program; however, for pictures and bios of speakers, you'll have to download the app, which also features the full schedule, event sponsors and exhibitors as well as information for clerks, AAPPAs and spouses/guests. Please note that when you download the app, be sure to *allow* notifications. Staff will be updating information throughout convention so, should there be a venue or time change, the app will be the quickest and most reliable way for you to receive that information.

I'll see you in Birmingham! ■



Screen shot of the League's convention app, which can be found under "ALM Events" from the iTunes App Store and Google Play.

GMC



Building Communities

Big Spring International Park
Huntsville, Alabama

For more information on our design
services visit gmcnetwork.com

Municipal Overview

By Ken Smith, Executive Director



Learn and Grow at the 2017 League Convention

The agenda for the League's 2017 Annual Convention has been set. There will be several significant changes in the program schedule this year and the goal of this article is to call several of them to your attention. In addition, I encourage each of you to take a close look at the schedule – even if you've attended the convention for many years. You wouldn't want to overlook your favorite session or event.

This year, the League convention will be held in Birmingham at the Birmingham-Jefferson Convention Complex, starting on Saturday afternoon, May 20 and concluding on Tuesday, May 23. The convention is jam-packed from start to finish with pertinent information you need to help your municipality reach its goals. The convention brings together over 1,100 municipal leaders from across the state to hear presentations and share information. These policy makers and their advisors will be joined by hundreds of state and federal officials, experts in specific areas of concern and vendors offering solutions that will enable them to better serve their citizens.

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

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

The League convention is your primary source for professional development, continuing education and networking opportunities and is one of the best ways to prepare yourself to serve your municipality.

Agenda Overview

Perhaps the most popular sessions at the convention year after year are the roundtable discussion groups. These sessions provide attendees with a chance to sit down with other officials from similar sized municipalities and discuss solutions to problems facing them. This year, population-based roundtable discussion groups will be held on Monday. In addition, we have scheduled topical roundtable discussions for Sunday afternoon. In these sessions, you will hear a short presentation from a speaker, have time to discuss the issue with other attendees, then ask the speaker questions that you've developed. The topics for the topical roundtables are:

- The Future of Alabama's Municipal Courts, presented by Birmingham Municipal Judge Andra Sparks
- Ethics, presented by Alabama Ethics Commission Director Tom Albritton
- Working with Municipal Boards, presented by League General Counsel, Lori Lein

Presentations provide you with an outstanding opportunity to learn and grow as a local government leader. This year's presentations at the convention feature some of the most knowledgeable and important speakers on their subjects in Alabama and beyond. Governor Kay Ivey has been invited to speak at the Opening Session Saturday afternoon. You will also hear from Joyce E. Brooks, a nationally-recognized speaker who helps individuals within businesses and organizations improve performance, realize more success and experience a better quality of life by focusing on individual, professional and leadership development. She is the author of several books including *Self-Inflicted Overload: Five Steps to Achieving Work-Life Balance and Becoming Your Very Best* and *It Ain't Over!*.

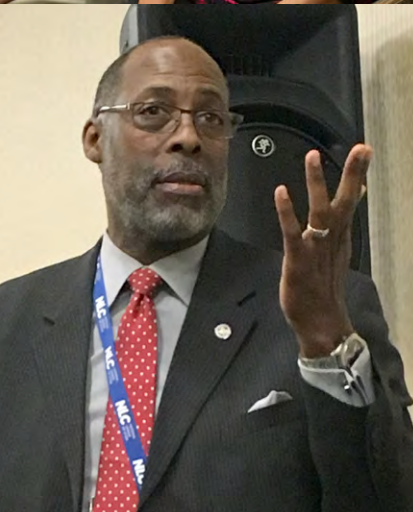
Monday afternoon, the League's attorneys will be joined by Alabama Association of Municipal Attorneys President Kelly Butler and Vice President Ben Goldman to answer your questions at the very popular Ask Your Attorney panel session.

continued on page 10

NLC Congressional City Conference • Washington D.C. • March 11-14, 2017

In addition to attending meetings and workshops, Alabama's caucus heard key legislative updates from Greg Cochran, ALM's Director of Advocacy and Public Affairs as well as updates from NLC and White House staff. Unfortunately, due to inclement weather, the Tuesday morning meetings with Senators Shelby and Strange had to be cancelled.





This year's convention schedule is jam-packed with concurrent sessions. This allows attendees to choose from a variety of topics that may affect their municipalities. Additionally, if your municipality sends more than one person to the convention, the best way to take advantage of these sessions is to split up and each attend a different session. In addition to the topical roundtables, other concurrent sessions include:

- The new Building Operator Certification Program, Elizabeth M. Grimes, Energy Program Manager, Alabama Department of Economic and Community Affairs
- Low-Impact Landscaping and Development, Eve Brantley, Auburn Extension Service
- Preparing for the 2020 Census – Local Update of Census Addresses (LUCA) Program, Leatha Lamison-White, Intergovernmental Specialist, U.S. Census Bureau
- General Powers of Municipalities, Rob Johnston and Tenée Frazier, League Assistant General Counsels
- Harmony at City Hall, Saraland City Officials

- The National Initiative: Improving Police-Community Relations, Chief A.C. Roper, Birmingham Police Chief
- Cybersecurity, Chuck Stephenson, League IT Director
- Broadband Commission Update, Kathy Johnson, Director, Alabama Broadband Initiative
- Council/Manager Discussion Group, led by Jeff Downes, Vestavia Hills City Manager

Additionally, the Alabama Municipal Clerks and Administrators Association and the Alabama Association of Personnel Administrators hold specialized training sessions for their members in association with the convention.

If your municipality is like most around the country, you have specific concerns and issues that you face on a daily basis. Attending the convention can help you address these current problems and be prepared when new issues arise. Do you wish your mayor and council communicated better? There are sessions designed to improve your communication skills and ability to work together. Are you concerned about

continued on page 20



Get in the Driver's Seat

RED WING
SOFTWARE

CSAsolutions
Accounting & Billing Specialists

CenterPoint® Fund Accounting and Payroll Software
www.csasolutions.com • 800.264.4465

The Legal Viewpoint

By Lori Lein, General Counsel



Paying Legal Expenses of Officers and Employees

From time to time the League receives questions concerning the payment of legal expenses for the defense of its officers or employees involved in civil suits or criminal actions. The officer or employee may be the subject of a suit by or against the municipality or may be defending a suit for actions rendered on behalf of the municipality. The officer or employee might be the subject of a criminal action for actions taken in his or her official position.

The overriding question is whether the council has the power to pay such legal expenses when requisitioned to do so by the officer or employee. Also, what are the steps or procedures involved to approve the payment of such legal expenses? And then there is always the question of whether the city must pay the expenses or whether the city has merely the discretion to pay such expenses.

These issues become very complicated when the officials being sued are members of the governing body that must decide whether to pay the charges.

The Three Part Test

The issue of paying legal expenses of municipal officers and employees was first examined in the case of *City of Birmingham v. Wilkinson*, 194 So. 548 (Ala. 1940), where the question was raised of whether a city was obligated to employ an attorney to defend two members of the governing body against charges of fraud, corruption and graft. The charges were ultimately dismissed at trial for lack of proof.

The Alabama Supreme Court set out a three-part test as to when a municipality can pay legal expenses. The court held that a municipal corporation has the implied power to employ counsel to render services in: (1) matters of proper corporate interest, including the prosecution or defense of suits by or against the corporation, (2) and the defense of suits against municipal officers or employees for acts done on behalf of the corporation (3) while in the honest discharge of their duties. *Id.* at 552.

The court stated that members of the governing body cannot employ legal counsel to shield themselves from the consequences of their own unlawful and corrupt acts. The city, however, has the power and the duty to defend the members of its governing body against unfounded and unsupported charges of corruption and fraud. If a proper corporate interest is found and the officer or employee acts on behalf of a municipality

in the line and scope of his or her duties and furthermore the duty was discharged in honest and good faith, then the city has the power and discretion to pay the legal expenses involved. *Id.* at 552.

The court in *City of Birmingham* pointed out that a difficult situation arises when the officials charged with fraud and corruption are members of the governing body who must decide whether to defend the suit at public expense while the suit is still pending. The court points out that while the suit is still pending, it is questionable whether the city can pay the legal fees. *Id.* at 552.

The officials being accused are called upon as members of the governing body to act on the propriety of defending the suit at public expense. Little guidance is provided by the court as to whether such fees can be paid while the suit is pending, so it puts the burden on municipalities to determine on their own the truthfulness of the accusations. Of course, where the suit ends favorably to the city and its officers – and the legal fees are then requisitioned – there is no problem with the city paying the expenses if it wishes to do so and the test is met.

In the end, the *City of Birmingham* court casts doubt upon the payment of expenses while a suit is pending. It suggests that a city wait until the outcome of the suit to determine whether to pay the legal expenses. If a decision is favorable, then the city has less problem paying the bill. But, the court never states that a city is prohibited from paying legal expenses while a suit is pending. Arguably, as long as there are matters of proper corporate interest involved and the officer or employee is being sued for actions done on behalf of the municipality while in the honest discharge of his or duty, a municipality can pay for legal counsel expenses even while the case is still pending.

Of course, it is a difficult task for a municipality to conclude whether or not the allegations are true. But the governing body should make this determination as to the three-part test before any expenses are paid and such findings should be put into the minutes. Is the city, however, *required* to pay the expenses? What if the municipality determines there is a corporate interest involved, and the officer or employee is being sued for actions taken on behalf of the municipality while in the honest discharge of his or her duty? Nowhere does the *City of Birmingham* court state it is mandatory that the cities pay such expenses. Therefore, it should be remembered that a city retains the discretion to pay the expenses or not to pay them. If the city

pays the bill, though, it must make sure that the three-part test set out by the *City of Birmingham* court is met.

What Is Proper Corporate Interest?

The phrase “proper corporate interest” was interpreted in the case of *City of Montgomery v. Collins*, 355 So.2d 1111 (Ala. 1978). In that case, city taxpayers brought a class action to enjoin the city of Montgomery from expending municipal funds to defend city police officers indicted for perjury.

In looking at the issue, the Alabama Supreme Court had to decide whether it was in the proper corporate interest for the city to defend its police officers who were not only accused but indicted for the crime of perjury. The court held that it was in the proper corporate interest for the city to do so. *Id.* at 1114-5.

The initial charges against the police officers included a claim of conspiracy by the officers to violate the civil rights of the plaintiffs. The court reasoned that a claim of violation of civil rights might also later include the city as a defendant under agency principles. It would be within the reasonable scope of proper corporate interest for the municipality to then attempt to protect itself and its officers against future civil litigation brought under agency principles by defending their agents against criminal charges arising out of the same general circumstances in order to gain their acquittal. *Id.* at 1114-5. The city’s stake in gaining the officers’ acquittal was high, since a judgment of conviction in a criminal case against its officers could be later admissible in a civil action brought against the city based on the officers’ conduct on behalf of the city.

Therefore, the *City of Montgomery* court concluded that a matter of “proper corporate interest” might depend upon the existence of a risk of litigation against the city itself should the perjury prosecutions have proved successful. Moreover, the court determined that the officials in charge of the administration of the city could reasonably conclude that defending the officers was necessary to the good morale of the police department or for recruitment and retention purposes. *Id.*

There may exist other equally compelling reasons that fall within the proper corporate interest. Even though the court in *City of Montgomery* did not give a clear definition of the phrase “proper corporate interest,” it gave good examples of situations in which it considered the phrase applicable.

Even if Indicted?

The fact that the officer was indicted in the *City of Montgomery* case made no difference to the court. It held that an indictment casts not a single pebble of guilt in the scale against a criminal defendant. Its function is merely to inform the accused of the crime with which he is charged. *Id.* at 1115.

Since an indictment is merely informational, the court held that a city retains the discretion to determine whether the city’s interests required a defense to the charges against the officers. The court stated that whether the city’s decision is wrong in these types of cases is for their constituency to decide. The Attorney General’s office has ruled along the same lines. *Id.* at 1115.

continued on page 25

PUBLIC FINANCE PRACTICE

HELPING CITIES CAPITALIZE ON OPPORTUNITIES FROM WALL STREET TO MAIN STREET

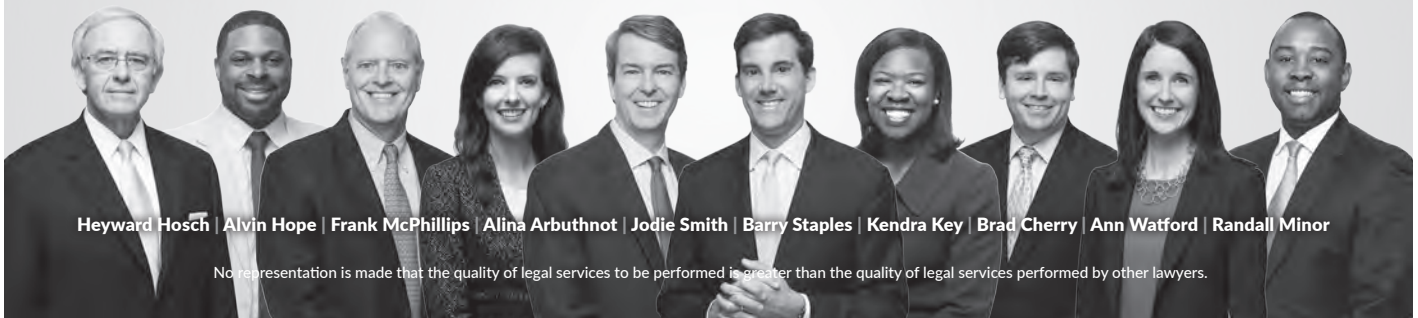
Serving as bond counsel to Alabama cities in matters involving

- ▼ Bond and warrant issues ▼ Negotiation of agreements for economic development projects and incentives packages ▼ Industrial development project finance ▼ Post-issuance tax and securities compliance ▼ Urban redevelopment ▼ Historic tax credits ▼ New markets tax credits

MAYNARD
COOPER GALE

maynardcooper.com

BIRMINGHAM | HUNTSVILLE | MOBILE | MONTGOMERY | TUSCALOOSA
NEW YORK | SAN FRANCISCO



Heyward Hosch | Alvin Hope | Frank McPhillips | Alina Arbuthnot | Jodie Smith | Barry Staples | Kendra Key | Brad Cherry | Ann Watford | Randall Minor

No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

MANY THANKS
TO OUR

MUNICIPAL CLERKS

Municipal Clerks Week May 7-13, 2017





TM

RICE SIGNS

Your Leader In Transportation Safety

- Traffic Signs
- Roll-Up Construction Signs
- Sign Stands
- Traffic Cones & Barricades
- Custom Street Name Signs
- Sign Posts & Hardware



Free Traffic Sign Catalog:

Call 888-728-7665

- or -

Visit www.RiceSigns.com

Contact Us / Bids / Quotes:

Toll-Free: 888-728-7665

Fax: 877-546-6165

Email: sales@RiceSigns.com

Web: www.RiceSigns.com

RICE SIGNS LLC

P.O. DRAWER 3170

AUBURN, AL 36831-3170

ALM's Annual Advocacy Seminar Featured NC League of Municipalities: Lessons Learned

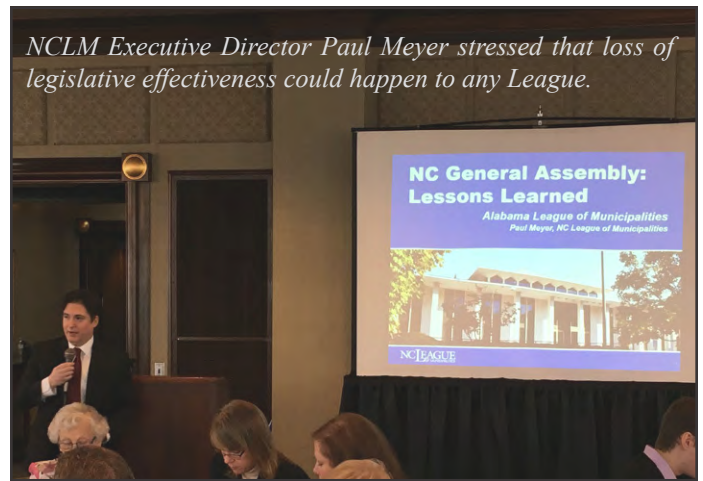
This past February, shortly after the 2017 Regular Session began, the League held its Annual Municipal Advocacy training seminar at the Alabama State House for a capacity crowd of 150 municipal officials and employees from across the state.

Specifically designed for municipal officials to visit with their legislative delegations throughout the afternoon hours, the morning and lunch sessions featured a variety of speakers, including the League's Director of Advocacy and Public Affairs, Greg Cochran, who discussed several bills that could have a negative, if not detrimental, impact on municipalities, including the Pharmacy Business License Preemption bills, SB31 and HB58, through which cities and towns would lose significant revenues that currently fund public works, police and fire protection, infrastructure as well as other services in their communities.

Carrie Banks, the League's Communications Director, discussed the importance of messaging, particularly at the grassroots level ("Are We Being Heard?"), and referenced two very successful campaigns launched this past year by Alabama associations: DriveAlabama.org, developed by the Association of County Commissions in Alabama to educate the public and build awareness and support for a comprehensive infrastructure plan to meet the 21st century mobility needs of our state, and ShopAlabama.org by the Alabama Retail Association which is designed to take a specific message to retailers and citizens across the state through a #ShopAlabama social media campaign, news interviews and dedicated website explaining how shopping local creates a powerful ripple effect.

She also discussed several initiatives by three Southern state Leagues developed specifically to enhance public awareness and educate citizens about the function and

NCLM Executive Director Paul Meyer stressed that loss of legislative effectiveness could happen to any League.



importance of municipal government, including: the "Here We Grow" campaign (herewegrownc.org) by the North Carolina League of Municipalities (NCLM); "Cities Mean Business" (citiesmeanbusiness.org) by the Municipal Association of South Carolina; and "Great Cities Make a Great State" (greatcitiesgreatstate.com) by the Arkansas Municipal League.

Lessons Learned by the North Carolina League of Municipalities (NCLM)

During lunch attendees heard from NCLM Executive Director Paul Meyer, who discussed his League's "Here We Grow" campaign in greater detail as well as the difficult legislative lessons NCLM learned that led to the five planning pillars of their comprehensive 2030 Strategic Plan: 1. Reaching and empowering NC Cities; 2. **Improving NCLM political positioning and influence**; 3. Expanding effectiveness and value of membership services; 4. Bolstering leadership development of city officials; and 5. Building the League into





College of
Continuing Studies

2017
CAPSTONE
SPONSOR

UPCOMING MUNICIPAL TRAINING OPPORTUNITIES

The University of Alabama College of Continuing Studies is proud to support the Alabama League of Municipalities as their **2017 Capstone Sponsor**. Here's what's happening in 2017:

MUNICIPAL CLERKS TRAINING

Alabama Association of Municipal Clerks and Administrators

SPRING MUNICIPAL CLERKS INSTITUTE	March 29 - 31, 2017, Hoover
FALL MUNICIPAL CLERKS INSTITUTE	August 23 - 25, 2017, Tuscaloosa
MUNICIPAL CLERKS WINTER CONFERENCE	December 6 - 8, 2017, Florence
<i>IIMC approved webinars coming soon!</i>	

MUNICIPAL REVENUE OFFICERS TRAINING

Alabama Municipal Revenue Officers Association (AMROA)

SPRING REVENUE TRAINING INSTITUTE	April 12 - 14, 2017, Tuscaloosa
AMROA SUMMER CONFERENCE	July 19 - 21, 2017, Guntersville
FALL REVENUE TRAINING INSTITUTE	October 3 - 5, 2017, Tuscaloosa

FINANCIAL ASSISTANCE AVAILABLE FOR MUNICIPAL CLERKS AND REVENUE OFFICERS TRAINING!

CERTIFIED GOVERNMENTAL ACCOUNTING TECHNICIAN PROGRAM

All held at the Bryant Conference Center in Tuscaloosa

GENERAL LEDGER	April 6, 2017
CGAT BUDGETING	April 27, 2017
FUND ACCOUNTING	May 18, 2017
PURCHASING/ACCOUNTS PAYABLE	August 24, 2017
BILLINGS/ACCOUNTS RECEIVABLE	November 2, 2017
PAYROLL	January 11, 2018

Register today! Visit us at: **municipaltraining.ua.edu**

Questions? Contact Pamela Harvey at 205-348-6605 or pharvey@ccs.ua.edu.

THE UNIVERSITY OF ALABAMA®

a great place to work that is cohesive and highly effective. He stressed that professional, long-term *strategic planning* is crucial to identifying and then attaining critical goals.

Meyer, who joined NCLM as Chief Legislative Counsel in 2009 and was named League Director in 2014, explained that, due to resistance to change and the “inability to shift to a new normal” by the association’s previous leadership, NCLM lost *significant* ground with the NC state legislature (General Assembly) and was unable to stop several legislative mandates that fundamentally reduced the power of NC’s municipal governments. In particular, annexation authority was gutted, limitations were added to eminent domain and local sales tax was redistributed. He said that because NCLM’s cities had become complacent over many years and the association had failed to tell its own story or continue to maintain its legislative relationships, NCLM was viewed as a partisan organization unwilling to negotiate and was labeled as obstructionist.

Further, Meyer emphatically stated that NCLM’s loss of legislative effectiveness could easily happen with any state League and that *sustaining and protecting* an effective advocacy program – which includes developing key messaging as well as maintaining and expanding critical relationships on many levels – requires strategic planning, structured leadership, willingness to partner and adequate professional staffing.

Earlier that morning, attendees also heard from House Speaker Mac McCutcheon and Senator Jabo Waggoner, Chair of the Senate Rules Committee as well as League Past President Mayor Walt Maddox of Tuscaloosa, who discussed four grassroots strategies for municipal officials and employees to use in working with their legislative delegations:

1. *Earn* the trust and respect of your legislative delegation.
2. Have an organized legislative agenda and make your staff available to your legislators – it builds trust, respect and camaraderie. Don’t invite discourse. Make sure you identify your priorities – one or two issues. He said each year



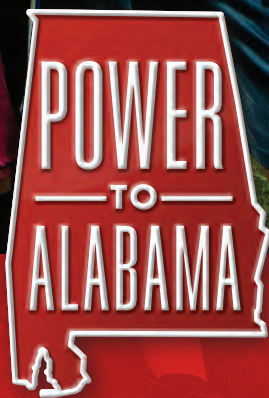
the Tuscaloosa City Council, by unanimous vote, passes a resolution setting a legislative agenda. He emphasized the resolution needs to be unanimous and should have a common thread to everyone on the Council.

3. Activate and accelerate your relationships. This is the responsibility of the municipal official, not the legislator. Maddox said the fault lies with the municipal official if you don’t have a good relationship with your legislators. He explained that one way Tuscaloosa builds its relationship is through an annual legislative breakfast – it’s quick and the legislators leave with an understanding of the City’s priorities. “When you eat with someone it changes the whole dynamic,” Maddox said. “Creating that bonding experience is important. Be intentional about keeping contact. Every time you have contact, don’t always have a reason for it. Just build a relationship. Also be solutions-oriented. Come to the table with solutions and you will find a delegation that will hear you.”

4. Share real stories about real people and use real life examples when talking to your legislators. “We have to make this about real people,” Maddox emphasized. “The people we talk to at the grocery store. The people whose children play baseball with our children.” ■

League Past President Mayor Walt Maddox shared Tuscaloosa’s strategies for working with its legislative delegation.





Every day thousands of men and women come together to bring you the wonder that is electricity, affordably and reliably, and with a belief that, in the right hands, this energy can do a whole lot more than make the lights come on. It can make an entire state shine.

© 2015 Alabama Power Company

  AlabamaPower.com

**ALABAMA
POWER**
A SOUTHERN COMPANY

Always on.™



Polices and Criteria to be Considered When Reviewing a Request for an Amicus Curiae Brief

Participation as *Amicus Curiae*

- a. Requests.** Requests for the League to appear as *amicus* must be submitted in writing through the League's General Counsel to the Executive Director. Requests should include, at a minimum, the following information:
 - i. Deadline for filing;
 - ii. Summary of the facts;
 - iii. Summary of past administrative and/or legal proceedings;
 - iv. Background of the litigants or other parties;
 - v. Legal issue to be resolved and how it relates to the decision criteria set out below;
 - vi. Potential authors and sources of support to aid in the drafting of the *amicus* brief; and
 - vii. How the League's participation will increase the probability of obtaining a favorable result and the basis for that conclusion.
- b. Process.** After receiving a written request to appear as *amicus*, the General Counsel will confer with the Executive Director and if necessary will convene a committee of municipal attorneys through the Alabama Municipal Attorneys Association (AAMA) to review the request and advise.
- c. Decision Criteria.** When evaluating requests to participate as *amicus curiae* following criteria will be used:
 - i. Whether the legal issue is of statewide significance;
 - ii. Whether the interest of cities is clear, as opposed to the narrow interests of the parties in the underlying litigation;
 - iii. Whether the interest of cities is generally similar and not divergent in any substantial way or number;
 - iv. Whether participation is consistent with the League's principles, policies, or interests such as local control and judicial deference to local government determinations;
 - v. Whether the League's participation will be meaningful to the court's resolution of the matter, such as whether there are indefinable gaps or issues that would otherwise go unaddressed by the parties to the litigation;
 - vi. The timeliness of the request; and
 - vii. The availability of resources to prepare or assist in the preparation of the *amicus* brief.
- d. Final Decision.** The Executive Director will make the final determination on League participation, based on input from the League's General Counsel.
- e. Outside Counsel and Amicus Brief Guidelines.** If outside counsel is drafting a petition or brief, the draft must be submitted to the League's General Counsel a minimum of five business days before the filing deadline in order to permit adequate review. Under no circumstances will a petition or brief be filed with a court without the approval of the General Counsel. Briefs prepared by outside counsel will bear the signature of the primary drafter on behalf of the Alabama League of municipalities along with the signature of the General Counsel and be joined with the name of any attorney who contributed to the brief. Briefs prepared by the League's Legal Department will bear the signature of the primary drafter and, if the primary drafter is not the General Counsel, the name of the General Counsel.

police and community relations? Or the operation of your municipal court? Or just what powers you have, or how to relate to your local boards? Whatever keeps you awake at night, worried about your municipality, this year's convention offers you a chance to find answers.

Maximizing Your Attendance

How can you make the best use of your time at the convention? If you are a municipal clerk or a personnel administrator, you may want to limit your attendance to the training provided by your associations. Otherwise, carefully consider what information and contacts you hope to take back with you to your community.

First, it is important to study the program carefully and understand what takes place at each session. If this is your first convention, you may find yourself overwhelmed and a little confused about where to start. I'd encourage you to attend the Orientation for New Attendees session Saturday morning, May 20, at 9:00. That session will give you an overview of your options.

What type events are available for you to attend? The roundtable sessions provide a wonderful opportunity for you to learn what is happening in similar-sized municipalities around the state. The chance to share information, ask questions and learn how others have addressed issues confronting you simply should not miss. But don't overlook the training sessions. Substantive training and updates take place at the general and concurrent sessions and at the opening and closing sessions. These sessions provide you with detailed information on specific issues. You have the opportunity to learn from recognized experts who can educate you to better serve your citizens.

League policy and business takes place at the resolutions committee and, of course, at the Business Session. If you are attending the convention strictly for training, it may seem unnecessary or not worthwhile to attend the policy and business sessions. I disagree with that conclusion, though. I think these sessions offer unique educational and networking opportunities and provide you with a good overview of how your League functions and operates. These sessions allow

your municipality to directly affect the direction your League takes in the future. Attending the business sessions gives you the chance to help define and achieve those common goals.

Second, to take full advantage of your convention attendance, mark your program to keep track of the sessions you want to attend. Or, even better, the League provides you with a *free* app to keep track of sessions that interest you. (It can be found under "ALM Events" from both the iTunes App Store and Google Play.)

If you don't make plans, it's easy to lose track of time and find yourself immersed in conversation with someone outside a training session and miss a session you specifically wanted to attend. Not that there is anything wrong with conversing with other officials – in fact, you should take advantage of every chance to get to know your fellow officials across the state and discuss municipal business with them.

This leads us to the third way to take advantage of being at the convention – get out of your comfort zone. If you're attending the convention with other officials from your municipality, split up and attend different concurrent sessions. If each of you attends a different session, your city or town gains broader coverage from your attendance.

Spend time with people you don't know. At meal functions, sit with groups from other municipalities. During breaks, make a point of introducing yourself to strangers. Nowhere else will you have this tremendous opportunity to meet this many individuals who share your interests and concerns. Take advantage of these chances to network and learn from others. Offer your input and advice to others. You may find a solution. Or you may be the solution someone else has been seeking. And if you do find yourself lost in conversation with someone who is able to answer a question facing your municipality, that alone may justify attending the convention.

Next, visit the exhibit hall. Exhibitors bring tools and solutions that are designed to help your community. They are happy to discuss what they can do for you. Spending time talking to the exhibitors may bring a new perspective

continued on page 31

**Join us for the Alabama
League of Municipalities
2017 Annual
Convention**

BIRMINGHAM
MAY 20-23
Find out more at www.alalm.org

Flirtin' With Disaster: Is Your Data Safe?

Chuck Stephenson, Director of Information Technology, ALM

In previous issues, we have discussed some of the criminal threats Information Technology faces daily. Natural threats can be equally devastating (if not more so) and need to be discussed as well. The threat from fire, flood, tornadoes, hurricanes, etc. are all *very* real possibilities. Any one of these are enough to bring your business operations to a catastrophic halt for an extended period – time you don't have and can't afford.

Some Shocking Numbers

According to a study done by FEMA, 40 percent of small businesses never reopen their doors following a disaster. In a survey by Nationwide Insurance, 75 percent of small businesses do not have a disaster plan in place but 52 percent say that it would take a minimum of three months to recover from a disaster. Another survey conducted by the Institute for Business and Home Safety showed that at least 25 percent of small and mid-sized businesses do not reopen after a disaster, and those that do struggle to stay in business. Further reports show that these are not isolated incidents. In an article by BackBox, a backup and recovery solutions provider, *half* of all businesses have experienced an outage caused by disaster or criminal hacking activities. Of those outages, 81 percent lasted longer than a single day. The BackBox research also found that only approximately 35 percent of those outages were caused by natural disasters. Cisco, in their 2017 Annual Cybersecurity Report found that one-third of the organizations that were the targets of cyber attacks lost 20 percent of revenue or more.

Closer to Home

It's easy to think these numbers only represent business – that municipal organizations are safe. However, that is just not the case. Per an article in his *CitySmart* newsletter, Dave Mims, CEO of Sophicity, an IT solutions provider to multiple municipalities across the country, points out that municipal and county government offices have recently experienced a number of both natural and manmade technology issues. Two examples include: **A ransomware virus that hit Licking County, Ohio.** This attack caused the county government to shut down its computer and phone systems indefinitely to prevent the virus from spreading, protect data and to preserve evidence. The virus was accompanied by a financial demand to be paid to release the data. They managed to keep their physical offices open; however, online access and landline telephone operations were not available – including the county's 911 system. The outage lasted approximately a week.

In Cockrill Hill, Texas, a ransomware virus led to the loss of “all bodycam video, some in-car video, photos, and some police department surveillance video ...” which negatively impacted active criminal investigations.

Even closer to home, a massive fire in downtown Raleigh on March 16 severely impacted our sister league in North Carolina. The five-alarm fire, the largest in Raleigh since the 1920s, started around 10 p.m. in an adjacent five-story apartment complex that was under construction. It quickly spread to nearby buildings, including the Albert Coates Local Government Center – home to both the North Carolina League of Municipalities (NCLM) and the North Carolina Association of County Commissioners – which sustained extensive damage to five floors. Fortunately, NCLM had a disaster plan in place. Paul Meyer, NCLM Executive Director, said in a statement that the organization's data servers are maintained offsite by a vendor. So, while the fire displaced employees, the organization's

Terms of the Trade

- **Disaster recovery (DR)** – a set of policies and procedures to enable the recovery or continuation of vital technology infrastructure and systems following a natural or human-induced disaster. Disaster recovery focuses on the IT or technology systems supporting critical business functions.
- **Disaster** – Disasters can be classified into two broad categories. The first is natural disasters such as floods, hurricanes, tornadoes or earthquakes. The second category is man-made disasters, such as hazardous material spills, infrastructure failure, bio-terrorism, and disastrous IT bugs or failed software updates/upgrades.
- **Hybrid cloud** – Hybrid cloud is a cloud computing environment which uses a mix of on-premises, private cloud and third-party, public cloud services with synchronization between the two platforms.
- **Business continuity** – involves keeping all critical parts of a business functioning despite significant disruptive events.

business operations could continue without interruption. “It’s a tough situation. All three of the buildings we use have been damaged significantly,” Meyer said. “Thankfully, none of our employees were injured. We have so much gratitude for the city. It could have been so much worse.” The 65 NCLM employees are working remotely until arrangements can be made.

What can you do?

Clearly, having a disaster recovery plan in place is a must. This does not apply solely to IT, but to the entire organization. The Information Technology portion of disaster recovery is what I’ll focus on, but the most successful plans take a holistic approach to the organization.

The Fly in the Ointment

Most businesses perform backups of their critical data. Some of those are done nightly, some more frequently, but those backups are only valid if they are tested on a regular basis. There is also a question as to what type of media is being used for the backup. Are you using tapes, external hard drives (including thumb drives), a cloud-based solution that replicates to several different locations or a combination of these? Many organizations are still using tapes and/or external devices and taking them home at night or having them transferred to a secure location in the same area as the business. The problem with that from a disaster recovery perspective is that when a disaster strikes there is a very real potential that the offsite location is still in the area where the threat is heading.

A Better Solution

The better option is to have a multi-layered backup and recovery model. Having the ability to store backups onsite and then have them replicated to a cloud-based solution is a much better option. In fact, this hybrid cloud solution is recommended by most IT experts. This type of solution generally provides an appliance located in the organization’s facilities. The appliance communicates with the systems that the organization decides to include in the backups via an agent installed on the computer or servers. The appliance then performs the backups on the schedule set by the organization. The backups are stored locally, but – most importantly – are also replicated to remote datacenters. This allows a more robust disaster recovery solution.

Closing Thoughts

As I previously stated, disaster recovery is not just an IT issue. It involves the entire organization. In fact, many experts in the field have ceased referring to it as “Disaster Recovery” and now use the term “Business Continuity”. Of course, given the limited resources of many of our municipal organizations, the luxury of having an on-staff IT professional is not available. Therefore, I highly recommend that our mayors, councilmembers and municipal clerks visit the 40th Annual EXPO during the 2017 ALM Convention in Birmingham May 21-22. There will be several IT solution providers there that can assist you in developing a plan to make sure your municipality is prepared for when disasters strike. ■



BRING COMMUNITIES TOGETHER

Engage people of all ages with fun aquatic play. **All through the wonder of water.**



World leader in aquatic play solutions with over 6,500 installations worldwide
1.866.586.7839 (USA/CA) | info@vortex-intl.com

VORTEX-INTL.COM





Alabama's only state tax refund municipal debt recovery program

www.alintercept.org

Why use Municipal Intercept Services (MIS) when we already have a debt collection service?

MIS is **NOT** a debt collection agency or service. MIS does not do what debt collection services do and debt collection services cannot offer what MIS does. MIS is a unique way to attempt to recover money owed to your municipality by "intercepting" an individual's Alabama State tax refund. Debt collection agencies can NOT offer you this service.

MIS is a legislatively sanctioned conduit with the Alabama Department of Revenue (ADOR) that enables ADOR to recover delinquent debts owed by individuals to your municipality by collecting this debt from the individual's Alabama state tax refund. This system was made possible by an Alabama legislative change enacted in 2014 through which ADOR agreed to process these debts through only two clearinghouse organizations: the Alabama League of Municipalities (ALM) for municipal entities and the Association of County Commissions of Alabama (ACCA) for county entities. In 2015, ALM formed MIS to act as the clearinghouse on behalf of its municipal entities.

Who is eligible to use the MIS system?

Only municipal entities within Alabama are eligible to use the MIS system. This includes cities, towns, certain utility boards, housing authorities and hospitals. If your entity is considered a "county" rather than a "municipal" entity, you will need to contact the Association of County Commissions of Alabama (ACCA) at www.alabamacounties.org to apply to participate in their program.

Is there a fee to use the MIS system?

No. This service is **FREE** to eligible participating members. There is a \$25 service fee charged to and paid by the debtor for each successful intercept on each debt.

What debts can be intercepted using the MIS system?

Any municipal debt that is considered final, still within its statute of limitations and is more than 60 days old can be submitted to MIS. Examples of debts include: court fees/fines, judgments, library fees, medical bills, ordinance violations, parking fees, rental/lease agreements, returned checks, sanitation/garbage fees and utility bills.

What information will we need to input into the MIS system?

Each debt submitted to the MIS system requires first name of the debtor, last name of the debtor, social security number of the debtor, debt amount owned by the debtor and a debt type – why the debt is owed. No further information is needed.

NOTE: If the debtor is not eligible for an Alabama State tax refund, no money can be collected.



www.alintercept.org

ALM Welcomes New Staff Member

Emily Sims joined the League as Office Assistant in February 2017 and is part of the Member Services Department. Originally from Lithonia, GA, Emily moved to Montgomery in 2000 and now considers Montgomery “home”. She graduated from Faulkner University in 2009 with a BA in Liberal Arts and a minor in Sociology. Upon graduation, she was employed with Alfa Insurance from 2010-2013. She then worked with the Kia Dealership in Auburn from 2013-2014 and with Auburn Church of Christ from 2014-2017. She and her husband, Drew, live in Pike Road and are active members of the University Church of Christ. Emily enjoys reading, being involved with church activities and spending time with her nieces and nephews.



Jerry Pate Turf & Irrigation

The tools for all your grounds maintenance needs.



**For more information contact :
Jason Gattina (205) 365-5269 or (205) 945-9144**

In an Attorney General's Opinion (AGO) to Hon. Willard Pienezza, February 1, 1978, that office decided that the city of Tallassee had the discretion to pay for the legal defense of an employee, the driver of a city ambulance, which crashed into and killed two women. That the driver was indicted in a criminal action arising from the crash made no difference in the opinion of the Attorney General. The opinion stated that the discretion to pay the legal expenses of the employee, as long as the three part test set out in the *City of Birmingham* is met, does not cease when city officials or employees are indicted for the commission of a crime.

What Is Not Proper Corporate Interest?

In *Greenough v. Huffstutler*, 443 So.2d 886 (1983), the Alabama Supreme Court touched on the issue of proper corporate interest when it looked at a case in which a civil action was brought in order to determine the eligibility of two newly appointed board members to the personnel board of the city of Mobile. The suit sought to enjoin the personnel board from holding meetings or acting unless and until replacements were appointed. The essential allegations charged a lack of legal qualification to hold the positions on the board. The trial court determined that the two members lacked the qualifications to hold the positions and removed them from the board. When the board requisitioned the city of Mobile for the payment of expenses incurred in defending the two men, the city refused to pay. *Id.* at 890.

The court held that a municipality cannot provide funds for the defense of an official in a criminal action or even in a civil action where there is no benefit to the municipality. Thus, a city has no such interest in a suit exclusively directed against its officers, charging lack of legal qualifications to hold office. In fact, the *Greenough* court states that paying such expenses would not only be outside the power of the city to do, it would offend Section 94 of the Alabama Constitution of 1901, which prohibits the grant of public funds for any individual purpose. *Id.* at 890. So Section 94, which most city officials will recognize as a factor in many municipal problems, is also a factor to consider when deciding to pay legal expenses for officers and employees and should be a consideration in determining whether a proper corporate interest exists.

Other Decisions

In other situations the Attorney General's office has ruled that the payment of legal expenses is not within the proper corporate interest.

In an AGO to Hon. Perry C. Roquemore, January 11, 1978, the city of East Brewton attempted to dismiss the police chief. At the termination hearing, the police chief attended the hearing with his attorney and the council decided to retain the services of the chief. The city asked the Attorney General's office if it could pay the attorney's bill in the matter. That office replied that there is no authority for the expenditure of such funds in

circumstances where the council institutes the action against which the officer or employee is to be defended.

In AGO 1992-073, the Pike County Commission asked whether it must pay the legal expenses for three Pike County commissioners who were sued by the county district attorney as a result of an overpayment of salary compensation. The Attorney General's opinion replied that no corporate interest could possibly be served by the county's payment of legal fees spent defending an action filed on behalf of the county.

In AGO 2001-210, a municipality was not required to pay the legal expenses incurred by an employee to appeal a disciplinary action to the personnel board; however, a municipality may pay the legal fees if the city council determines that: (1) the city has a proper corporate interest in the action; (2) the actions allegedly committed were done in the discharge of official duties; and (3) the official acted honestly in good faith. A city may also pay the legal expenses in anticipation of litigation if the city council determines that it is in the best interests of the city to settle the anticipated litigation. *See also*, AGO 2006-116.

AGO 2002-274 opined that a municipality may, but is not required to, reimburse the municipal clerk for legal fees



Get to know us.

At Black Mountain Software, we design, engineer and deliver easy-to-use, efficient, time-saving software solutions for:

- ✓ Accounting
- ✓ Payroll
- ✓ Budget Prep
- ✓ Utility Billing
- ✓ Accounts Receivable
- ✓ Service Orders
- ✓ Cash Receipting
- ✓ and many more

Plus get professional, knowledgeable, "small town" friendly customer support.

Give us a call to schedule a **FREE** online demo.
800.353.8829

Black Mountain Software

www.blackmountainsoftware.com

YouTube f in

incurred by the clerk when he or she is suspended without pay from his or her position, but is later restored and reimbursed for lost pay by the council.

In AGO 2008-020, the Attorney General determined that public funds cannot be used to pay legal fees incurred by an elected official in the defense of an election. Since a candidate who is an incumbent is not acting in his official capacity when he runs for re-election, a city does not have a proper corporate interest in an election contest between an incumbent and his or her opposition.

Conclusion

Municipal officials should be extraordinarily cautious before deciding to pay the legal expenses of its officers and employees. Not only is it difficult to decide whether allegations are true but whether the actions taken were in the line and scope of their duties or whether there is a proper corporate interest in paying the bills. This can be extremely difficult where allegations are against officials who are members of the governing body deciding whether to pay the bills.

It is important for officials making such determinations to remember the three part test outlined in *City of Birmingham*. A determination based upon the three-part test must be made by the council and put into the minutes. Since Section 94 is yet again a factor that must be considered in these types of problems, a council must make sure it is not just individual interests that are being served and that a proper corporate interest is found and written into the minutes. As always, care must be taken in making these determinations as a council would not want

the liability of making unauthorized expenditures coming back to haunt them.

Please feel free to call the League Legal Department if you have any questions. ■

Drone Liability Coverage



AMIC has added **FREE** liability coverage for drones weighing five (5) pounds or less. To add this coverage to your policy, AMIC requires the drone serial number and description as well as the department using the drone. If you have questions or wish to add this coverage, please contact your insurance representative. For additional information on AMIC and its services, visit www.amicentral.org.



NAFECO

Pumper

Aerial

Rescue

Tanker

Quick Attack

Prichard Fire Dept

Recent Delivery

Whelen LED
Emergency Lighting Package

Bostrom SCBA Package
For Officer and (2) Crew

6 SCBA
Spare Bottles
Storage

Poly Tank
300 Gallons Water

Hale DSD-125
1250 GPM Pump

Ford F550 4x2
6.7L Diesel Engine

KME
REV GROUP

ALABAMA: FIRE PREVENTION



➤ Scan QR Code to Subscribe for NAFECO Specials

➤ www.nafeco.com

➤ 888-622-1905

f t y g+ p



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

Zoning: Lot next to neighbors' property was "undeveloped" for purposes of zoning ordinance's requirement that newly constructed houses on undeveloped lots have conforming setback lines with developed lots, and therefore the ordinance applied to construction of house on lot. Even though a single-family house previously existed on lot and sewer, water, and utility connections already existed, the clear intent of city council was to provide front yards in single area have conforming setback lines. The stated purpose of zoning ordinances was to regulate size of yards and open spaces, to provide adequate light and air, and to conserve property values, and "undeveloped" in ordinary usage meant without a structure. *Ex Parte Chestnut*, 208 So.3d 624 (Ala.2016).

DECISIONS FROM OTHER JURISDICTIONS

Zoning: City zoning regulations restricting commercial shooting ranges to manufacturing districts and imposing distancing restrictions violated the city residents' Second Amendment right to maintain proficiency in firearm use. The city claimed that firing ranges attracted gun thieves, caused airborne lead contamination, and carried a risk of fire. Only 2.2% of the city's total acreage was theoretically available, and there was no evidence supporting the city's rationale. *Ezelle v. City of Chicago*, 846 F.3d 888 (C.A. 7, Ill. 2017).

ATTORNEY GENERAL'S OPINIONS

Utilities: The rental of property on a short-term basis by a utility constitutes a "disposition" of property as that term is used in Section 11-50-314(a)(10) of the Code of Alabama. The governing body of a municipality in which the utility is incorporated may not pass an ordinance or resolution prospectively consenting in a continuing manner to actions on the

part of the utility or enter into short-term rental agreements. AGO 2017-022

Ordinances – Tax Liens: Pursuant to Section 11-51-204 of the Code of Alabama, a city is authorized to pass an ordinance that is similar to or expressly adopts the provisions in either Section 40-1-2(c) or 40-29-20 of the Code of Alabama, which would authorize the filing of a Certificate of Taxes Due to collect sales and use, but not business license, tax. The city may not use Section 40-1-7 of the Code of Alabama to hold an agent of a company personally liable for the taxes due by the company. AGO 2017-021

Health Care Authorities: The county health care authority may provide financial support to Community Hospital, a private, nonprofit corporation in the county from the lease revenue or other authority funds that are not ad valorem tax proceeds. AGO 2017-020

Education: The Legislature has not authorized the city to adopt an ordinance requiring the appointment of city board of education members from districts corresponding to the city's council districts. A city council authorized by Alabama law to appoint members of a city school board would not be bound by the policies adopted by the board that purport to set requirements for being appointed to and serving on the board to the extent those policies conflict with an act of Legislature. AGO 2017-019

Boards: The city council's resolution authorizing a fee increase for the members of the municipal water works and sewer board pursuant to Section 11-50-313(a) of the Code of Alabama took effect for all members on proper passage. Prior to the municipal officer who is also a member of the board receiving a fee increase, the board must pass a resolution approving the increase for that member, which may not be retroactive. AGO 2017-018. ■

**Did you know the League's
website is loaded with
legal resources?**

www.alalm.org



Can government be transparent and secure its data at the same time?

In public service, the right network partner is critical.

Meet Spectrum Enterprise. Our thing? Delivering the right data, voice, video and cloud solutions via our nationwide fiber network. And local teams who understand your mission-critical needs. With our superior network and IT infrastructure, you're free to do your thing.

Contact Jacob Erwin at 205-572-1779 or Jacob.Erwin@charter.com

Spectrum
ENTERPRISE

©2017 Charter Communications. All Rights Reserved. Not all products, pricing and services are available in all areas. Restrictions may apply. Subject to change without notice. All trademarks remain property of their respective owners.

ATTENTION LEAGUE MEMBERS

Important email information. Please read!

In order for the League to notify you in a timely manner, we need your **individual** email address. It has come to our attention that several of our municipalities have created bundled email accounts on behalf of their municipal officials. This means they are using one email account/address for several individuals. The current technology used by the League doesn't allow for our email notifications (i.e. newsletters, event registration and grassroots advocacy) to be sent to bundled accounts. If you wish to receive our email notifications, you must establish individual/unique email accounts for each municipal official.

Example: *JohnDoe.CityofAnywhere@gmail.com or Councilmember1.CityofAnywhere@yahoo.com.*

If it is not possible to create municipal email accounts, we request that you send your personal email account. We will keep this information confidential and it will only be used by the League – it will not be shared. Further, you may unsubscribe from mailings at any time. **Thank you!**

F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Teneé Frazier

City Officials and Employees – Vendors – Receptions, Meals and Events

Can city officials and employees accept invitations to receptions, meal functions and other events hosted by vendors or companies during the League's annual convention?

Yes, **BUT** based on the conclusions in Ethics Advisory Opinion 2011-01 city officials and employees should exercise caution before accepting an invitation to dinner, etc. from a vendor that is not a registered participant in the Convention. The opinion indicates that a non-registered vendor or company who desires to interact with attendees during the conference may provide meals and other food and beverages, but they **may not** under any circumstances use the interaction as an opportunity to influence official action on the part of the city official or employee, lobby attendees or use it for a sales opportunity. ■

STREAMLINED FOR SPEED.
TO THE TUNE
OF 5,000 READS
PER HOUR.



Neptune's **MRX920™ mobile data collector**. It's just five pounds – but it punches way above its weight with a 72-channel receiver that can process more than 5,000 reads an hour. Save time and money by getting feet off the street and faster data.

LEARN HOW NEPTUNE PROVIDES 1-OF-A-KIND CONFIDENCE
THROUGH THE MIGRATABLE R900® SYSTEM AT NEPTUNETG.COM.



NEPTUNE
TECHNOLOGY GROUP

TAKE CONTROL | neptunetg.com



ANDALUSIA | PRATTVILLE

Civil Southeast provides professional civil engineering services for municipal, utility, private, and transportation markets. Services include project development, engineering design, and construction management. The Civil Southeast Team strives to deliver prompt and defined solutions which meet their client's objectives.

CIVIL DESIGN & PROJECT MANAGEMENT

866.245.0584

civilse.com

Through our Partnership,

employers get an experienced partner and employees get diversified investment choices and personalized planning support.

Features for Employers:

- A full service 457(b) retirement plan solution *(a cost-effective employee benefit that can help you attract and retain quality employees)*
- Financial education programs and personalized planning services to help improve plan participation and retirement readiness

Benefits for Employees:

- A dedicated local financial professional available for one-on-one consultations to help employees navigate the complex financial world
- **Complimentary Plan & Savings Analysis** report includes Alabama Retirement System pension calculations, savings gap analysis and investment recommendations
- Professionally managed portfolios and access to many of the nation's most recognized mutual fund and insurance companies



PlanMember
FINANCIAL CENTER
*Innovative
Financial Solutions*

Phone: (866) 319-6500
askifs@planmembersec.com
www.planmember.com/ifs

Before investing, carefully read the prospectus(es) or summary prospectus(es) which contain information about investment objectives, risks, charges, expenses and other information all of which should be carefully considered. For current prospectus(es) call (800) 874-6910. Investing involves risk. The investment return and principal value will fluctuate and, when redeemed, the investment may be worth more or less than the original purchase price.

Asset allocation or the use of an investment advisor does not ensure a profit nor guarantee against loss.

Representative registered with and offers only securities and advisory services through PlanMember Securities Corporation (PSEC), a registered broker/dealer, investment advisor and member FINRA/SIPC. PlanMember is not liable for ancillary products or services offered by this representative. Innovative Financial Solutions and PSEC are independently owned and operated companies.

to your convention experience and open doors that you didn't even realize existed. This year we are holding the Monday luncheon in the exhibit hall to provide you with plenty of time to learn what the exhibitors have to offer.

In the exhibit hall, you will also find exhibitors from state and federal entities that attend the convention to share information from their departments or agencies. They have information on new laws and regulations you must know about. They also have information about the services they can provide your city or town and who to contact to request assistance. Often these services are available to you at no cost. Well worth the time it takes you to stroll through the exhibit hall and expose yourself to the many offerings you will find there.

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

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

The convention offers you with an ideal opportunity to learn about local government, network with other local officials, share experiences and brainstorm ideas for improving your community.

I hope that by the time you're reading this, you have already registered to attend the convention. If not, I hope you will make plans to join us in Birmingham.

I look forward to seeing you at the convention. ■



www.VC3.com | info@VC3.com | 800-787-1160

IT for local government

Managed Services

Cloud Desktop

Cloud & On-Premises Voice

Cloud Backups

Website Design and Hosting

Technology Assessments

VCIO Services

Application Development

On-line Forms Design

AUDITS UNDER
YELLOW BOOK &
OMB STANDARDS



CRI CARR
RIGGS &
INGRAM
CPAs and Advisors

CYBERSECURITY
ASSESSMENTS
& AUDITS

**Governmental
Entity**
FEATURED SERVICES

CRIcpa.com
governments@CRIcpa.com

FORENSIC
ACCOUNTING &
INVESTIGATIONS

INTERNAL CONTROL
& COMPLIANCE
EVALUATIONS

Text **CRI** to **66866** to receive CRI News and Alerts.

know

achievement happens when we
work together.

pnc.com/ideas

Russell D. Johnston, Jr.
205-421-2466
russell.johnston@pnc.com



©2016 The PNC Financial Services Group, Inc. All rights reserved.
PNC Bank, National Association. **Member FDIC**



OFFICE OF THE MAYOR
CITY OF BIRMINGHAM

WILLIAM A. BELL, SR.
MAYOR

May 1, 2017



As Mayor of the City of Birmingham, it is my distinct pleasure to extend warm welcome to the Alabama League of Municipalities. We are excited that Birmingham is once again selected to host your members and guests for your 2017 Annual Convention.

The people are the heart of the city. Birmingham has the distinct honor of serving as the largest municipality in the state of Alabama. ALM Facilitators have created an itinerary that will bring some of the brightest minds in this state, being the mayors, councilmembers, appointed municipal officials, municipal personnel, and guests to the table and share how to make our municipalities the best places to work, live and grow.

While you are here, Birmingham has a generous assortment of attractions to keep you well entertained. From the world's largest collection of vintage motorcycles to a Baron's baseball game at the new downtown Regions Field, your attendees are in for a great time in the Magic City. Other places of interest include the Birmingham Civil Rights Institute which is part of our newly acclaimed area designed as a National Monument. Included in this historic tour of our city are surrounding districts which tell a poignant story about Birmingham's pivotal role in the fight for Civil Rights and for Human Rights as well.

You will also discover that we are a city continuing to move forward. Evidence of our progressive spirit abounds, from the steady growth of our commercial and industrial sectors, to the ever-expanding range of recreational, cultural and educational opportunities available to residents and visitors alike.

In closing, it is an honor to have the Alabama League of Municipalities in Birmingham and I have no doubt that you will find that our city is an excellent choice for your conference. Please enjoy all that Birmingham has to offer. And once again, welcome.

Sincerely,

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

William A. Bell, Sr.
Mayor



2017 Convention Quick Guide

Birmingham, Alabama • May 20-23

www.alalm.org

All information subject to change.

CMO credits can be earned. See convention app/program for details.

Download our **FREE** convention app, "ALM Events," from the Apple App Store or Google Play!

ALM proudly recognizes the University of Alabama College of Continuing Studies as our 2017 Capstone Sponsor!

Saturday, May 20

8:30 a.m. - 5:00 p.m.

9:00 a.m. - 9:30 a.m.

10:00 a.m. - 11:00 a.m.

1:00 p.m. - 1:45 p.m.

2:00 p.m. - 4:30 p.m.

Registration: BJCC

Orientation for New Attendees

Resolutions Committee Meeting

AMIC Annual Meeting

OPENING SESSION: BJCC

Keynote: "Surviving Change: The Good, The Bad, The Ugly and The Opportunities,"

Joyce E. Brooks, Author/Motivational Speaker; ACE Awards

City of Birmingham Welcome Reception at City Hall: "Taste of Birmingham"

6:00 p.m. - 8:00 p.m.

Sunday, May 21

10:00 a.m.

10:00 a.m. - 11:30 a.m.

12:00 p.m. - 5:00 p.m.

12:15 p.m. - 4:00 p.m.

2:00 p.m. - 3:15 p.m.

1:15 p.m. - 2:45 p.m.

2:00 p.m. - 3:15 p.m.

2:45 p.m. - 3:15 p.m.

3:15 p.m. - 4:45 p.m.

5:30 p.m. - 7:00 p.m.

Prayer Service

Vendor Solution Sessions

Registration: BJCC

EXPO Hall (Break Service available in the Hall): BJCC *

Spouse/Guest Reception

Concurrent Sessions/Topical Roundtables: BJCC

Spouses/Guests Reception (registration and fee required)

Break Service in the EXPO Hall: BJCC *

General Session – Protecting Municipal Employees and Officials: BJCC

EXPO Extravaganza: BJCC *

Monday, May 22

8:00 a.m. - 5:00 p.m.

8:00 a.m. - 11:00 a.m.

8:00 a.m. - 9:30 a.m.

9:00 a.m. - 4:30 p.m.

8:30 a.m. - 5:00 p.m.

9:30 a.m. - 10:30 a.m.

10:30 a.m. - 11:00 a.m.

11:00 a.m. - 1:15 p.m.

1:30 p.m. - 3:00 p.m.

3:00 p.m.

3:45 p.m. - 5:30 p.m.

6:15 p.m.

7:30 p.m.

Registration: BJCC

EXPO Hall *

BREAKFAST in the EXPO Hall (all convention registrants and spouses/guests): BJCC *

Municipal Clerks Training Program

Alabama Association of Public Personnel Administrators

Concurrent Sessions: BJCC

Break Service in the EXPO Hall: BJCC *

Roundtables by Population (Working Lunches served in the rooms at Noon): BJCC

Ask Your Attorney Panel: BJCC

Voting Delegate Check-In Desk Opens

ANNUAL BUSINESS SESSION: BJCC

President's Banquet: Birmingham Sheraton

Reception and Entertainment – Taylor Hicks: Birmingham Sheraton

Tuesday, May 23

8:00 a.m. - 11:00 a.m.

8:15 a.m. - 9:45 a.m.

10:00 a.m. - 11:45 a.m.

11:45 a.m.

Registration: BJCC

Concurrent Sessions: BJCC

CLOSING GENERAL SESSION – "How to Get Your Whack Back," Dr. Dale Henry: BJCC

Adjourn

CMO MINI BOOT CAMP (Separate registration/fee required.)

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

Registration: BJCC

2:00 p.m. - 5:00 p.m.

The State of Health in Alabama's Municipalities

5:00 p.m.

Adjourn

*** PASSPORT PRIZE PROGRAM:** Our Passport Prize Program is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 21 and 22) as well as the chance to win a prize during the Sunday night EXPO Extravaganza, Monday morning EXPO Hall break and the Tuesday morning Closing General Session. **Delegates MUST be present to win!**

Surviving Change - The Good, The Bad, The Ugly and The Opportunities

Editor's note: *The Alabama League of Municipalities is delighted that Joyce will once again be joining us as a keynote speaker during our Annual Convention. Be sure to attend our Opening Session in Birmingham on Saturday afternoon, May 20, for Joyce's inspiring and uplifting message about surviving change!*

What happened to phone booths? When did pets start wearing sweaters? Why did airlines start serving peanuts and pretzels? The boils down to one word: change. *Change is not always welcomed. However, change happens.*

Depending on your perspective, change can be positive or negative. Change can propel or paralyze. Change can challenge the norms and spur action. Change is inevitable. It does not discriminate. No person is immune to the good, bad and ugly change offers. Learning how to cope and adapt to change can be beneficial personally and professionally. Some changes are expected and are not as difficult to prepare to accept – *the seasons, age, stock market, time, etc.* On the other hand, unexpected change can be a hard pill to swallow – illnesses, politics, job loss or whom your son or daughter chooses to marry. When faced with change, it can be very stressful. Racing thoughts may cross your mind: *This is not what I was expecting. What happened? This is different. This is not fair. I am not comfortable with this. Is this a good thing? Who made this decision? I can't survive all these changes!*

Yes, you can survive change.

I am looking forward to talking with the members of the Alabama League of Municipalities at your Annual Convention about “Surviving Change – The Good, The Bad, The Ugly and The Opportunities”. I'll see you during Opening Session on May 20th!

About Joyce:

Joyce E. Brooks is owner and managing member of Brooks Consulting, LLC whose mission is to assist businesses and organizations gain a competitive advantage by focusing on leadership development, organizational strategy, and individual well-being. Joyce holds a Bachelor of Science degree in Electrical engineering from the University of South Alabama and a Master's degree in electrical engineering from the University of Alabama at Birmingham. She started her corporate career more than two decades ago as an electrical engineer at Alabama Power Company where she gained experience in power delivery, marketing, governmental relations, community and economic development. She retired from Alabama Power Company after 21 years of loyal service.

Joyce is the author of three books titled “*Self-Inflicted Overload*”, “*Stress Less and Live More*” and “*It Ain't Over!*” Through her written words and her public speaking, she encourages individuals to live a more balanced, stress free and fulfilling life. Additionally, she has set her sights on encouraging the next generation, the millennials, K5, tweens and teens with the release of her first two children's/young adult books titled, “*The Power of Two Words – A Little Motherly Advice*” and “*Mr. Brown, Will You Please Open The Door!*”

Joyce's journey and purpose is authentic and inspiring. As an entrepreneur, mother, cancer survivor, and widow, she wakes up every morning with three little words on her mind: “*It Ain't Over!*” Joyce lives out her purpose by encouraging others to realize that no matter what you have gone through, are presently experiencing or will face in the future, “*It Ain't Over!*” She resides in Birmingham with her two sons, Jae, 15 and Matthew, 12.



For more about Joyce, visit www.joyceebrooks.com.

Caring About Alabama.

Waste Pro services the solid waste removal and recycling needs of over 2 million residential customers in more than one hundred and sixty towns and municipalities all over the southeast. Our impressive growth stems from an unwavering discipline towards service for our residents and cost-savings for our communities—all while promoting greater sustainability, cleanliness, and safety in our environment.



855-355-4072
www.wasteprousa.com



PReMACORP

Public Resource Management Alliance Corporation

Increase your tax revenues without increasing IT and personnel costs or changing your tax base.

PReMA Corp., with a combined 25 years of experience in tax collection and administration in Alabama, is uniquely suited to align with your staff and community to achieve your revenue goals.

www.premacorp.com

American Idol Taylor Hicks to Perform Monday Night!

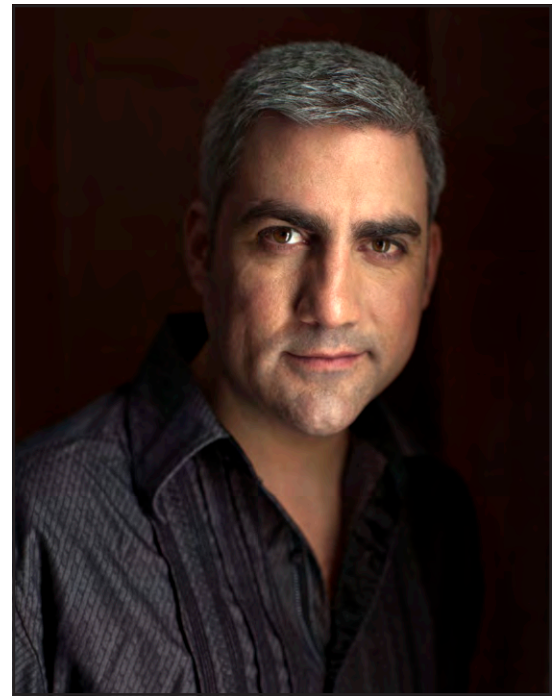
Taylor Hicks, one of the most beloved and popular American Idol winners of all time, will be performing at the League's Annual Convention immediately following the Monday Night President's Banquet.

Hicks, who hails from Birmingham, had music on his mind from childhood. As a young adult, he became a fixture around the Southeast, playing concerts and club dates with visiting stars like James Brown, Tom Petty, Jackson Browne, Robert Randolph, Keb' Mo' and Widespread Panic, among others. Hicks also released the independent albums "In Your Time" and "Under the Radar." Later, these albums were compiled and released by Vanguard Records as "Early Works."

Hicks has also performed with artists like Willie Nelson, Snoop Dogg, Gladys Knight, Earth Wind and Fire and The Allman Brothers, appearing in concerts worldwide.

From the start, Hicks' material on the mega-hit American Idol set him apart, with a unique take on Southern soul, R & B, country and blues. Sixty-four million votes were cast and nearly 37 million American viewers and more than 200 million viewers worldwide tuned in to crown Hicks the Season 5 winner, making it one of the most-watched TV events of the last decade.

Hicks' star continued to rise after he stepped off the Idol stage. Less than three weeks after his victory, his debut single, "Do I Make You Proud," entered at #1 on Billboard's Hot 100, Pop 100, and Single Sales Charts. On Broadway, Hicks starred in the hit musical "Grease" as Teen Angel. In June 2012, he began a residency at Bally's Las Vegas. **For more information on Hicks, visit taylorhicks.com.**



How to Get Your Whack Back!

Dale Henry • Closing Keynote Speaker • Tuesday, May 23



Everyone has run out of the necessities of life: bread, milk, eggs, butter ... and whack. What's whack? Oh, you may not know what it is, but you have run out of it many times. So where do we go when we are out of whack? We go back to the basics. This light-hearted look at the essentials of effective leadership will help get your whack back.

During Dr. Dale Henry's closing keynote presentation on Tuesday morning of convention, you will learn to: Watch your life balance and be where you are right now. Help team members perform better and have more fun. Align your goals with those of your customer. Communicate and relate better with everyone. Know the warning signs of being out of whack. So relax and laugh As Dr. Henry helps you Get Your Whack Back!

Dr. Henry grew up in the foothills of the Smoky Mountains, an area that is bountiful in two things – hospitality and story-telling. Dr. Henry has been a teacher, principal, Dean of the oldest college in Tennessee, a businessman, author, and a speaker and trainer. He has been in customer service over half his life. His story-telling ability propelled him as a teacher. This, combined with his customer service and unique ability to captivate

audiences, has sky-rocketed Dale in his speaking career.

Since he began speaking just a few short years ago, corporate, government and educational agencies call on Dr. Henry regularly to have him train their professionals. His client list is a virtual who's who of the top business and agencies in the nation. Dr. Henry is a master teacher in every aspect of the term, and he is what motivational speakers aspire to become. He has presented over 1000 programs to America's top professional and educational organizations. The Fortune Fifty as well as government agencies call on him regularly for programs that entertain and educate their top performers and producers. **For more information on Dr. Henry, visit drdalehenry.com.**

The League salutes our 2017 sponsors and thanks them for helping make our 82nd Annual Convention possible!

Capstone

University of Alabama - College of Continuing Studies

Cornerstone

Alabama Power Company
Carr, Riggs & Ingram, LLC
Innovative Financial Solutions, Inc.
Municipal Workers Compensation Fund (MWCF)
NAFECO
Siemens Industry, Inc.
St. Vincent's Health System

Flagstone

Alabama 811
Alabama Mountain Lakes Tourist Association
American Fidelity
Civil Southeast, LLC
ConEdison Solutions, Inc.
Goodwyn Mills and Cawood, Inc.
Government Finance Officers Association of Alabama
Green Pavement, LLC
Information Transport Solutions, Inc.
Jerry Pate Turf and Irrigation
Maynard Cooper & Gale, P.C.
Mobilitie
Municode/Municipal Code Corporation
Municipal Revenue Service
PNC Bank
PReMA Corp, Inc.
RDS (Revenue Discovery Systems)
Southern Software, Inc.
Southland International Trucks
Spectrum Enterprise Solutions
VC3, Inc.
Volkert, Inc.
Waste Pro

Gateway

Carlisle Medical
CSA Software Solutions / Red Wing Software
Electric Cities of Alabama
Musco Sports Lighting
Runkle and Associates Merrill Lynch
Southern Light
STIFEL
Trilogy Case Management, LLC
Vortex Aquatic Structure, Intl.

Break Service Sponsor

Mobilitie
Municipal Workers Compensation Fund (MWCF)

Entertainment Sponsor

VC3, Inc.
Municipal Revenue Service

Golf Sponsor

VC3, Inc.

President's Banquet Sponsor

St. Vincent's Health System



Join us in Birmingham for our 40th EXPO!



EXPO2017
Birmingham

**Birmingham - Jefferson
Convention Complex**

**MAY
21 - 22**

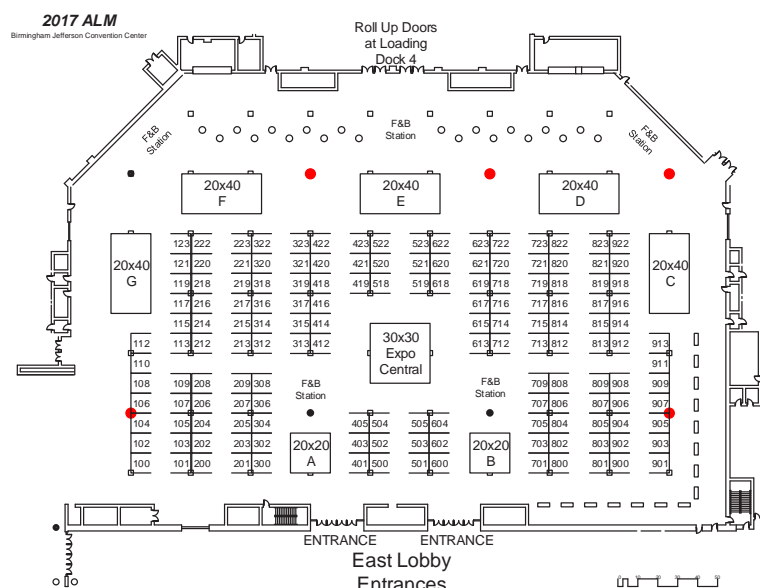
The Alabama League of Municipalities will celebrate its **40th EXPO** this year! On May 21, the 2017 EXPO Hall doors will open to more than 50,000 square feet of city solutions! This unique showcase offers an excellent opportunity for the League's 1,000+ delegates and guests to network and make valuable connections with more than 300 vendor representatives. The EXPO will offer convention attendees several events and extended time for face-to-face interaction with exhibitors.

NEW EXPO SCHEDULE FOR 2017! The EXPO Hall will open Sunday afternoon from 12:15 to 1:15 p.m. with an Expo Break Service and remain open until 4 p.m. Later that evening the EXPO Hall will re-open at 5:30 p.m. until 7:00 p.m. for **EXPO EXTRAVAGANZA**. The League will kick off its 40th Annual Expo featuring over 150 vendors in the Exhibitor's Showcase, the very popular Passport Prize Program, a prize drawing and a casual reception with heavy finger foods and an open bar. Monday the Hall will be open from 8:00 until 11:00 a.m. for a half day of exhibiting, continued Passport Prize Program, break service with a prize drawing and breakfast. Breakfast will be served beginning at 8:00 a.m. for all attendees and vendors. Plenty of seating will be available.



ALSO NEW THIS YEAR—Two Passport Prize Drawings in the EXPO Hall. **EXPO EXTRAVAGANZA** will have a drawing at 6:45 p.m. for a \$500 AMEX Gift Card. A second drawing will be held Monday morning during the Expo Break Service between 10:30 a.m. and 11:00 a.m. The winning names will be drawn from verified passport cards submitted prior to each drawing. See the Passport Prize information on page 42. **Delegate MUST be present at drawings to win!**

ALM vendors are here for you! This one-stop shopping opportunity only happens once a year. Take the time to experience the entire EXPO Hall and visit ALM's vendors to get answers to questions, learn solutions for problems and return home with key information for your municipality. **A vendor listing for this year's EXPO can be previewed at www.alalm.org. To reserve a booth space in Birmingham, contact Cindy Price at (334) 262-2566, or via e-mail at cindyp@alalm.org.**



Expo Hall Information for the 2017 Annual Convention

Times and Locations: The 2017 Expo Hall will be located in the **Birmingham-Jefferson Convention Complex**. Exhibits will open Sunday afternoon 12:15 p.m. – 1:15 with an Expo Break Service and remain open until 4 p.m. Later that evening, the Expo Hall re-open at 5:30 p.m. until 7:00 p.m. for **EXPO EXTRAVAGANZA**. Monday, May 22, the Hall will open from 8:00 to 11:00 a.m. for a half day of exhibiting, continued Passport Prize Program, break service with a prize drawing and **breakfast**. Delegates should bring their passport prize cards with them to the Expo Hall and have them stamped by participating vendors as they visit the 140+ exhibitors registered for our 82nd Annual Convention!

NOTE: Exhibitors listed below purchased exhibit space prior to the printing of this publication. A complete list of exhibitors will be included on the League's FREE convention app, which you can download from the iTunes App Store or Google Play under "ALM Events".

DOOR PRIZE WINNERS will be posted at the exhibitor booths that are giving away prizes. If you registered for a door prize, please check with the exhibitor **Monday morning** in the Expo Hall to see if you won. **Delegates are responsible for checking with the exhibitor and picking up any prizes they may have won PRIOR to the close of the Expo Hall Monday at 11:00 a.m.**

2017 Expo Hall Exhibitors (* indicates ALM 2017 Sponsors. See page 38 for a full list)

AirNetix, LLC	500	Harris Local Government	812
Alabama 811 *	518	InCare Technologies	319
Alabama Mountain Lakes Tourism Association *	519	Information Transport Solutions, Inc. *	308
Alabama Municipal Funding Corporation (AMFund)	709	Ingram Equipment Company, LLC	F
Alabama Municipal Insurance Corporation	701	Innovative Financial Solutions *	401
Alabama Power Company *	A	J.A. Dawson & Co.	208
Alliance Insurance Group	422	Jackson Thornton	617
Ambit Solutions, LLC	315	JSU's Center for Economic Development/Business Research	321
American Fidelity *	809	Jerry Pate Turf and Irrigation *	600
American Public Works Association - Alabama Chapter	207	Jubilee Decor, LLC	300
AMIC & MWCF Loss Control	703	Kamstrup Water Metering	418
AquaWorx USA	302	Key to City	822
Arrow Disposal Service, Inc.	213	Korkat Playground & Recreation Equipment	723
AT&T - Alabama	318	LBYD Engineers	222
BancorpSouth Equipment Finance	316	Leaf Filter North of Alabama	903
Carr, Riggs & Ingram (CRI) *	405	Marriott International Global Sales	320
CDG Engineers & Associates, Inc.	602	Master Meter, Inc.	112
Charter Communications *	804	Municipal Intercept Services, LLC (MIS)	707
Civil Southeast *	713	Municipal Revenue Service *	720
CMH Architects, Inc.	223	Municipal Workers Compensation Fund (MWCF) *	705
ConEdison Solutions, Inc. *	419	Municode/Municipal Code *	604
Croy Engineering	212	Musco Sports Lighting *	313
CSA Software Solutions *	113	NAFECO *	E
DatabaseUSA	912	National Water Services, LLC	423
Dixie Decorations, Inc.	800	Pavecon	714
Fortiline Waterworks	501	Playscapes of Alabama	615
Game Day Athletic Surfaces	717	Playworld Preferred	421
Garver Engineering, Inc.	802	PNC Bank *	101
Goodwyn, Mills and Cawood, Inc. *	209	PPM Consultants, Inc.	715
Gopher Sport	317	Precision Concrete Cutting	621
GovDeals, Inc.	200	PReMA Corp *	323
Grasshopper Company	823	r360 Consulting	801
Great Southern Recreation	416	Radarsign, LLC	414
Green Pavement, LLC *	412	Raymond James	619

RDS (Revenue Discovery Systems) *	618	Tank Pro, Inc.	620
Republic Services	520	The Garland Company, Inc.	908
Sansom Equipment Co., Inc.	D	The Kelley Group	304
SESCO Lighting	202	The University of Alabama College	
Siemens Industry, Inc. *	623	of Continuing Studies *	B
Sophicity	314	Tyler Technologies	502
Southeast Cement Promotion Association	503	Utility Engineering Consultants, LLC	203
Southern Engineering Solutions, Inc.	813	VC3, Inc. *	712
Southern Software, Inc. *	505	Volkert, Inc. *	123
Southland International Trucks, Inc. *	306	Vortex Aquatic Structures Intl. *	312
Specification Rubber Products, Inc.	420	Warren Truck & Trailer, Inc.	403
SUEZ Water Advanced Solutions	205	Warrior Tractor & Equipment Company, Inc.	808
Sunbelt Fire	906	Waste Pro *	613
Sweeping Corporation of America, Inc.	722		

2017 GRID Exhibitors (* indicates ALM 2017 Sponsors. See page 38 for a full list)

AAMCA	D11	Alabama Public Library Service	D7
Alabama Bicentennial Commission	523	Alabama Recreation and Parks Association	D1
Alabama Board of Licensure for Professional Engineers and Land Surveyors		Alabama Tourism Dept.	521
Alabama Clean Fuels Coalition	907	Alabama Trails Commission	807
Alabama Correctional Industries	921	AMROA	806
Alabama Council of The American Institute of Architects	C	ARSEA/APEAL	D6
Alabama Dept. of Archives and History		Government and Economic Development Institute	
Alabama Dept. of Economic and Affairs	900	Auburn University	D5
Alabama Dept. of Environmental Management	D10	Government Finance Officers Association of Alabama *	504
Alabama Dept. of Revenue	805	Green Industry Web Portal/Alabama Urban Forestry Assoc.	D13
Alabama Dept. of Economic & Community Affairs - Surplus Property Division	622 & D8	Keep Alabama Beautiful	D14
Alabama Emergency Management Agency	322	Local Government Health Insurance Board	D4
Alabama Law Enforcement Agency		Main Street Alabama	901
	803	Retirement Systems of Alabama	D3
	D15	State of Alabama Office of the Attorney General	D2
	522	US Census Bureau	D9

CMO Mini Boot Camp May 23 Following Convention! “The State of Health in Alabama’s Municipalities”

ALM is offering a special CMO Mini Boot Camp, “The State of Health in Alabama’s Municipalities”, on May 23 immediately following the close of Convention. **Separate registration is required!**

Location: Birmingham-Jefferson Convention Complex, 2100 Richard Arrington Jr. Blvd. N., Birmingham, AL 35203

Time: 1:30 p.m. - 5:00 p.m. (1:30 p.m. - 2:00 p.m. Registration)

Cost to Attend: \$75.00 (lunch will not be served)

Registrations accepted through May 15, 2017. (This session is not included in the cost of the Convention Registration, a separate registration is required.)

To register, visit http://alalm.org/annual-convention.html#CMO_Mini_Bootcamp . Topics Include: Mental Health, Bike Paths and Recreation, Controlling Zika, and The Impact of Opioids on Your Community. A complete agenda is available online via the link above.

This session has been approved for three (3) Basic, Advanced or Emeritus hours in the Certified Municipal Official Program. Any municipal employee may register, but only elected officials will be awarded credit hours in the CMO Program.



PASSPORT PRIZE PROGRAM

2017 Annual Convention EXPO

Our Passport Prize Program is very popular with delegates and vendors alike. The League will again offer this fun-filled opportunity for our members and vendors during the 2017 EXPO. It is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 21-22) as well as the chance to win a prize at three well publicized prize drawings throughout the convention.

How it works: Passport Prize cards listing the names and booth numbers of participating vendors will be distributed to convention delegates during registration. **NOTE: Only registered convention delegates – mayors, councilmembers, clerks, municipal personnel – are eligible to participate in this prize program. (Spouses and guests are not eligible).** Participating vendors will receive a customized stamp for use on Passport Prize cards. Once the vendor has determined that the delegate has spent sufficient time speaking with him/her, the vendor will stamp the area on the delegate's card that correlates with the vendor's name and booth number. **Participating vendors will be listed in printed convention material and there will be a designated area in the EXPO Hall for delegates to submit their stamped tickets. League staff will verify the eligibility of each submission. If the information is not complete, the card will not be accepted or entered into the drawing. Delegates MUST be present to win.** For more information on the 2017 EXPO, visit www.alalm.org.



SOUTHERN SOFTWARE, INC.
an employee-owned company

FMS

FINANCIAL
MANAGEMENT
SYSTEM



Southern Software's **FMS** is a robust, easy to use Windows™ application with a rich set of features designed to work for municipalities, water authorities, and utility companies. Instantly access complete customer account records. Easily import data from within your meter reading system or service. Generate billings based on flat fees, consumption or a combination. Combine these features with our elite, industry leading support team and watch your operations accelerate.

www.southernsoftware.com

800-842-8190

Insuring the Future of Local Government



Steve Wells,
President
334-386-3863

Jim Chamblee,
Sales Manager
866-239-AMIC (2642)

www.amicentral.org

Rated A- by A.M. Best

Is *YOUR* Future Covered?



Visit **AMIC's** Booth at the
League's Annual Convention
in Birmingham! (**Booth 701**)

The first 30 people to bring this coupon by our booth
(**Booth 701**) will receive a **FREE** Road Hazard Kit



Low-interest loans ideal for:

Equipment Financing · Capital Improvement Projects · Refinancing

Simple two-page application process:

Straight-forward · Quick Turnaround · No Obligation



Complete online
application

Provide 3 most
recent audits.

Sign and Submit.

It's that simple.

Find out if AMFund is right for you. Visit our website for more information, www.amfund.com