

THE ALABAMA MUNICIPAL JOURNAL

February 2007

Volume 64, Number 8

Mayor David Bradford Named 2006 Newsmaker of the Year



Muscle Shoals Mayor, David Bradford, was named the 2006 *TimesDaily* Newsmaker of the Year for his contributions to the North American Lighting Project which will bring more than 300 jobs to the area. He is pictured above in front of the North American Lighting plant. Photo by Matt McKean, *TimesDaily*. **Story, page 4.**

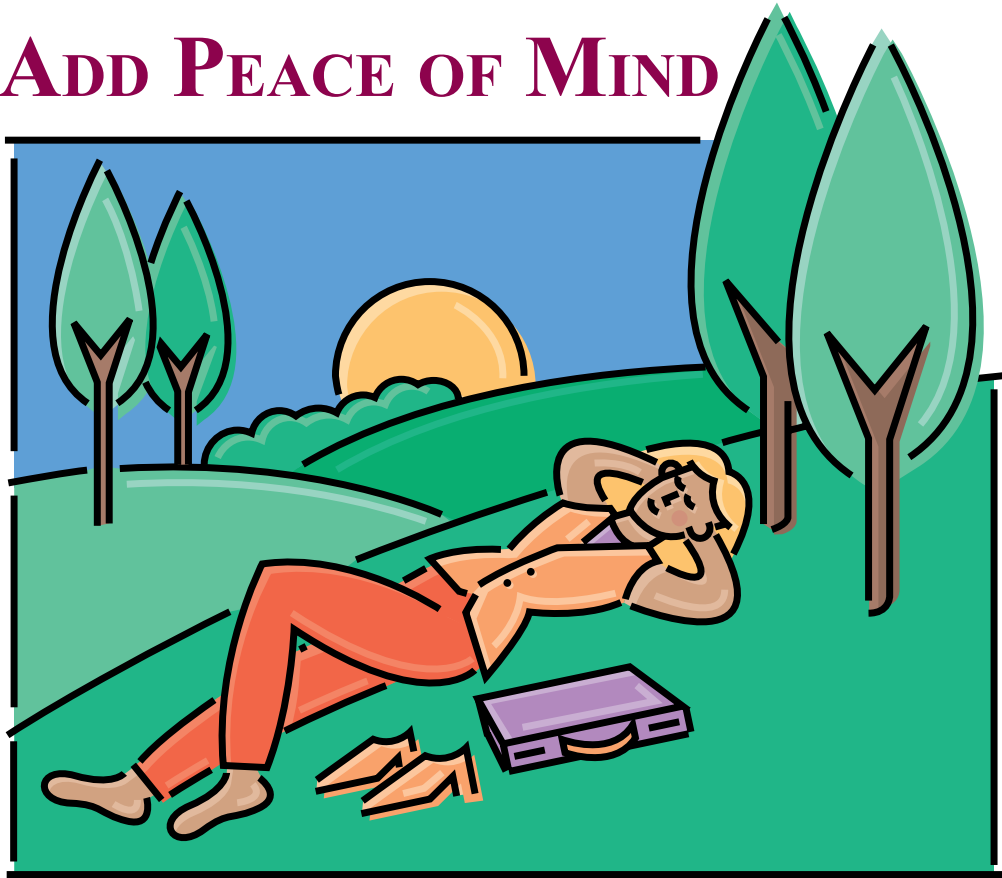
Inside:

- **League Newcomer Magnolia Springs Has Been Around for a Long Time**
- **Rep. Bill Dukes – A Champion for Cities**
- **Convention Subcommittee Makes Its Report**

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Editor: CARRIE BANKS

Staff Writers: NIKO CORLEY, TRACY L. ROBERTS

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Muscle Shoals Mayor, David Bradford, Named Top Newsmaker of 2006

Special to *The Journal* written by Russ Corey, Staff Writer, *TimesDaily*

The following story is reprinted with permission from the TimesDaily, a New York Times Regional Media Group newspaper serving Florence, Muscle Shoals, Sheffield, Tuscumbia and Northwest Alabama.

It's just part of David Bradford's makeup to find many places to give credit for the positive strides being made in Muscle Shoals these days. He certainly isn't going to take credit for himself.

Bradford has been mayor for six years and the city has continued to move forward since he took over the reigns from Charles Mitchell. This past year, however, Bradford added another task to an already full plate that comes with being mayor. He suddenly added the enormous responsibility of making sure North American Lighting, once it announced plans to operate a plant in the city's new industrial park, had everything it needed to keep its project on schedule.

For the countless hours he spent keeping the project moving forward as well as juggling day-to-day operations, Bradford has been selected as the **TimesDaily Newsmaker of the Year**.

Bradford's contributions to the North American Lighting project, which will provide 320 jobs immediately with a promise of more to come, actually began before the Japanese company began considering the Shoals Research AirPark site.

Bradford was among the first to recognize the need for an industrial site near the airport and then worked with his council to develop the site. That made the Shoals a frontrunner in the competition to land North American Lighting. When the manufacturer of automotive lighting products announced intentions to build in the Shoals at the end of 2005, the work was just beginning in many respects. The announcement put completion of the industrial park project on the fast track.

Already the "quarterback" for the team that runs Muscle Shoals, Bradford became the point man for North American Lighting.

"Projects of this size and magnitude require a tremendous amount of effort and coordination," said Forrest Wright, executive director of the Shoals Economic Development Authority. "As a general rule, that falls on the area in which it's located."

In this case, the company is building in Muscle Shoals and the job of making sure everything the company needs happened yesterday fell on the shoulders of Bradford and others in the city.

Wright and SEDA are still involved as well. Wright, in fact, said he meets with Bradford and others involved with the project on a weekly basis.

"There are a lot of people who have been involved, utilities, electricity board and the county," Wright said. "Mayor Bradford, in this particular case, is really the point person. If things are not going good, he'll be the person on the firing line."

So far, the project is developing as it should. Company officials have the project on a tight schedule. Bradford said they've crammed 18 months worth of infrastructure work into nine months. He said the company wants production to begin by June.

Bradford acknowledges that he is the person who gets called when things need to get done, but is quick to add that nothing would get done without help from others.

"The only way we've accomplished a lot of these projects is because we've got a good staff, good employees and a good council," Bradford said. "You can't accomplish anything unless you work together as a team. No one can do it alone."

He adds SEDA to that group of team players involved in the North American Lighting project. He also praised the work of the city's engineering firm, White, Lynn & Collins as well as the Northwest Alabama Council of Local Governments.

Even though the project has been a priority, Bradford said the city has had several other major accomplishments in 2006.

The city continues to develop a system of sidewalks to tie surrounding areas, including Gattman Park and Muscle Shoals High School, to the city center along Avalon Avenue. It's all part of a plan to create a modern downtown area in Muscle Shoals. The city also completed a handicapped accessible playground at Gattman Park, utilizing abandoned tennis courts, and renovated the old recreation department gym.

Another achievement that has flown under the radar is the work Bradford and City Clerk Ricky Williams put in to make sure the city maintained its A-2 bond rating, which is among the best available to a municipality.

Councilman Allen Noles acknowledged that the city's accomplishments are a team effort, but credited Bradford for keeping things running smoothly.

"We work as a team, but David does so much it's unreal," Noles said. "We all have a part, but David's part is bigger. David is at the forefront.

"He puts his heart in this 100 percent," Noles said.

Noles said Bradford routinely keeps council members informed about city issues so they are not caught off guard.

Russ Corey can be reached at 740-5738 or russ.corey@timesdaily.com.



The President's Report

Lew Watson
Mayor of Lincoln

Amendment 772

Continuing in our series of information on borrowing to finance municipal improvements I asked Frank D. McPhillips to provide information on Amendment 772, as it relates to industrial activity. McPhillips presented this information last year at our annual convention in Mobile. If you went to the program he presented then this will be a recap; if you did not then this may be of interest to you if industrial development plans are being considered by your community.

Amendment 772 to the Constitution of Alabama, which was approved statewide in November, 2004, radically alters what cities and counties can do in the area of economic development. Prior to the adoption of Amendment 772, cities and counties were constrained by Section 93 and Section 94 of the Constitution, which prohibit them from lending their credit or granting public money in aid of any individual or corporation.

Although court cases and local constitutional amendments have gradually eroded the effect of Section 93 and Section 94, Amendment 772 essentially repeals those provisions. As a result, cities and counties now may engage in a wide variety of public/private ventures in order to promote economic development. One note of caution: it is not completely clear that Amendment 772 applies to cities and counties which were already covered by local constitutional amendments relating to economic development.

Although Amendment 772 was intended to "level the playing field" by providing the same powers to all cities and counties, it is possible to construe certain language in the amendment as granting broad powers only to those cities and counties which are not otherwise covered by separate, more limited local constitutional amendments. Where that is the case, a city may be required to file a validation proceeding in order to obtain a court order declaring that Amendment 772 is applicable. A validation proceeding is an expedited court proceeding which takes about six weeks and

ensures that no one can later challenge the validity of the city's debt obligations in aid of the economic development project.

The most common type of economic development project for cities involves major commercial and retail centers. For example, a developer may approach a city offering to construct a major shopping center if the city will only bear the cost of developing the roads, utilities and site preparation. When negotiating with a developer, it is important for the city to engage experienced legal and financial advisors to prepare a plan to accomplish the intended goals. The city may want to create a cooperative improvement district consisting of the commercial and retail area. A cooperative district has the power to issue revenue bonds to finance the desired infrastructure improvements. The city has the power to enter into a funding agreement with the cooperative district in which the city may share a portion of the sales taxes generated by the retail establishments within the district. These sales taxes may be earmarked to pay the principal and interest on the bonds issued by the district to pay for the infrastructure needs.

If the sales taxes generated by the cooperative district are not expected to be enough to make the payments on the infrastructure debt, the cooperative district has the power to levy a surcharge on retail sales within the cooperative district in order to generate even more revenues with which to pay off the debt. By earmarking a portion of the new sales taxes as well as the cooperative district's surcharges, the city should be able to protect its general fund for the essential needs of the city.

Public/private arrangements of the type described above can be a winning formula for a city by growing the tax base for the city over the long term. Of course, a city must be careful not to allocate all of the new sales taxes to pay debt on the project because some of the new sales taxes generated by the district may have been paid to the city anyway by neighboring retailers. A professional feasibility report can assist the city in determining how far the city should be willing to go to grow its tax base in this way.

This month's article was to be on investment bankers' role in bond financing. As industrial activity is important to so many communities I thought it best to present this information to all of our members. I wish to thank Mr. McPhillips for providing this information. Next month, back to information on the private sector. ■

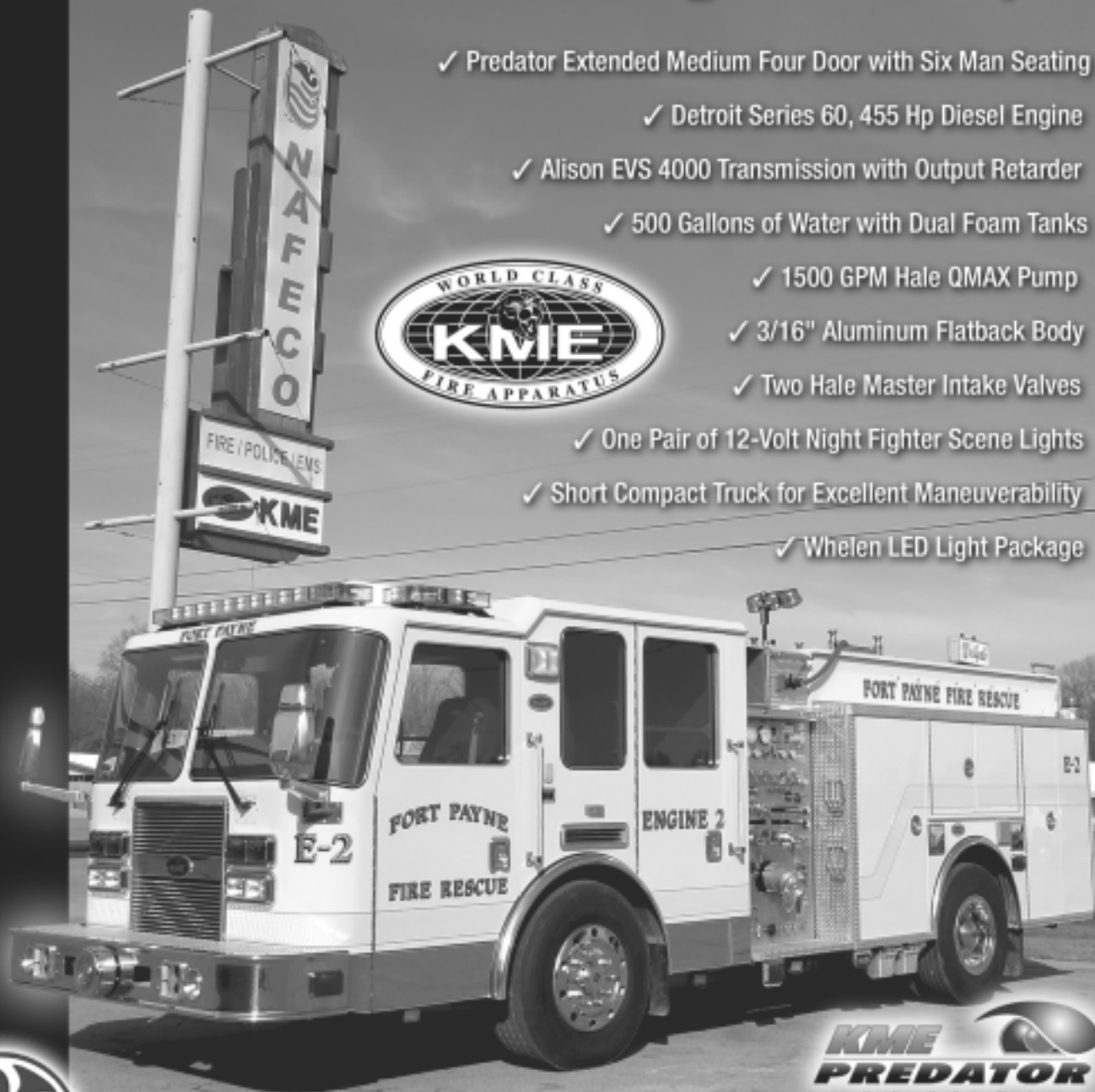
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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Convention Subcommittee Makes Its Report

Last summer, the League's Executive Committee appointed a convention subcommittee to evaluate the League's annual convention. The subcommittee was composed of Mayor Carroll L. Watson, Lincoln, League President; Mayor Charles "Sonny" Penhale, Helena, League Vice President; Mayor Bobby Payne, Tallassee; Mayor Jim Byard, Prattville; Councilmember Dean Argo, Prattville; and Councilmember Roberta Jordan of Pine Hill.

The subcommittee asked the League staff to prepare a Convention Survey and send it to all municipal officials, clerks, managers, and administrators. Of the approximately 4,000 surveys sent out, the League received 286 responses. Based on the responses, the subcommittee made several recommendations which were approved by the Executive Committee at its meeting on January 11, 2007.

Due to prior contractual commitments, the length of the convention could not be altered for the 2007 Convention. However, the following changes will be implemented at the Huntsville convention:

(1) The exhibit hall will be open on Sunday evening from 5:00-6:30 p.m. for a delegate's reception and will be open from 10:30 a.m. until 5:00 p.m. on Monday, at which time the exhibit hall will close.

(2) Workshop sessions will be held on Sunday afternoon from 2:00 until 4:00 p.m.

(3) Instead of a break for lunch, box lunches will be brought into the Roundtable Discussion Rooms beginning at 11:30 a.m. on Tuesday so that delegates can continue their discussions.

(4) Delegates will be asked to evaluate each presentation on the CMO form. At the Business Session, delegates will be asked to evaluate items other than speakers.

(5) The Convention Subcommittee will remain in place for future conventions.

Additional changes were recommended for the 2008 League Convention:

(1) The schedule for Tuesday of the convention will be altered by placing the Business Session on Tuesday morning. It will be followed by a President's Luncheon at 11:30 a.m., at which time the new officers will be inducted.

(2) Following lunch, the roundtable discussions will be held. At approximately 3:30-4:00 p.m., the roundtable discussions will conclude and the convention will be over. Members will be able to return home late Tuesday afternoon rather than having the expense of another hotel night.

Below is the tabulation of the complete Convention Survey.

Total Number of Surveys Received: 286

Delegate Information

How many League Conventions have you attended?

0:	34	12.06%
1:	34	12.06%
2 - 5:	87	30.5%
More than 5:	128	45.39%

if you have never attended a League Convention, please tell us the reason(s) why:

Municipality cannot afford it:	17
Takes too many days from my job:	28
Takes too much time from my family:	16
Programs do not interest me:	2

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VENDOR PROFILE

AlaTax Revenue Discovery Systems

2317 Third Avenue North, Suite 200
Birmingham, Alabama 35222
Phone: 205-324-0088 • FAX: 205-324-1538
Website: www.alatax.com

Contact: Yolanda Thomas, 800-556-7274, ext. 505
Email: ythomas@alatax.com
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What is your age range?

Under 35:	16	5.67%
35 – 55:	109	38.37%
Over 55:	157	55.67%

What is the population range of your municipality?

Under 5,000:	145	51.06%
5,000 – 50,000:	125	44.33%
Over 50,000:	10	3.55%

Do you have a regular job in addition to you municipal position?

Yes:	104	36.52%
No:	174	61.7%

Is your position with the municipality Full time or Part time?

Full Time:	129	45.39%
Part Time:	152	53.55%

What influences your decision to attend or not attend the League Convention? Please rank your choices from 1 to 5 with 1 being the most significant influence, 2 being the second most significant influence & so on.

Most Significant:

- 1. Personal Time Conflicts (100)
Program Topics (81)
Location (68)
Cost (42)
Speakers (26)
- 2. Location (62)
Program Topics (54)
Speakers (48)
Personal Time Conflicts (41)
Cost (23)
- 3. Program Topics (46)
Cost (46)
Location (46)
Speakers (43)
Personal Time Conflicts (24)
- 4. Speakers (60)
Cost (47)
Program Topics (38)
Location (34)
Personal Time Conflicts (15)

Least Significant:

- 5. Cost (67)
Personal Time Conflicts (55)
Speakers (49)
Location (26)
Program Topics (16)

Does your spouse/guest usually attend the League Convention with you?

Yes:	140	No:	124
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If your spouse/guest attends the League Convention, does he/she participate in activities for a spouse/guest?

Yes:	111	No:	76
------	-----	-----	----

Would your spouse/guest who attends the League Convention like for us to continue to offer programs for a spouse/guest or would he/she rather have the time for personal use?

Continue Spouse/Guest Programs:	124
Use Time for Personal Use:	55

Should the dress for daytime workshops and meals be:

Business Casual:	260	Suit & Tie/Dresses:	10
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Should the dress for evening events/entertainment and meals be:

Business Casual:	152	Suit & Tie/Dresses:	114
------------------	-----	---------------------	-----

What type of program would you prefer for the evening banquets? Please rank the following items from 1 to 5 in order of preference with 1 being most preferred and 5 being least preferred.

Most Preferred:

- 1. Singer/Musician (129)
Comedian (70)
Motivational Speaker (59)
Politician (27)
Magician (13)
- 2. Comedian (87)
Singer/Musician (56)
Motivational Speaker (46)
Politician (37)
Magician (11)

continued next page

- 3. Motivational Speaker (58)
Magician (49)
Singer/Musician (45)
Comedian (38)
Politician (31)

- 4. Magician (61)
Politician (44)
Motivational Speaker (50)
Comedian (37)
Singer/Musician (16)

Least Preferred

- 5. Magician (96)
Politician (90)
Motivational Speaker (26)
Singer/Musician (8)
Comedian (6)

Pre-Convention Information and Registration Process

How do you usually learn the details of the League Convention?

League Website:	26
League's Alabama Municipal Journal:	88
Mail from the League:	226
Electronic Mail from the League:	32

Is the Pre-convention notification adequate to enable you to determine if you would like to attend?

Yes:	268	No:	5
------	-----	-----	---

Does the Pre-convention notification adequately explain how to register and make hotel reservations?

Yes:	269	No:	5
------	-----	-----	---

Convention Format

How satisfied are you with the current League Convention format?

Very Satisfied:	153
Somewhat Satisfied:	101
Not Satisfied:	5

Do you feel the League Convention is:

Too Long:	62
Too Short:	6
Just Right:	193

Currently, the League Convention is held for four days on Saturday, Sunday, Monday and Tuesday. In your opinion, how many days should the League Convention last?

Four:	123	Three:	105	Two:	37
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Please check the four best days of the week for you to attend the League Convention.

Saturday:	173	Wednesday:	84
Sunday:	197	Thursday:	72
Monday:	195	Friday:	83
Tuesday:	178		

Please rate each part of the League Convention that you have attended in the past from 1 (most favorite) to 5 (least favorite):

1. Welcome Reception:	79
Opening Session:	74
Roundtable Discussions:	73
Exhibit Area:	72
Monday & Tuesday Night Banquets:	60
Entertainment:	59
Clerks Meeting:	56
Governor's Luncheon:	55
Concurrent Sessions:	50
Monday & Tuesday Night Receptions:	49
Ask Your Attorney Sessions:	47
Other General Sessions:	37
Business Session:	21
Box Lunches on Tuesday:	14
Resolutions Committee Meeting:	18
2. Other General Sessions:	50
Concurrent Sessions:	49
Roundtable Discussions:	49
Exhibit Area:	45
Entertainment:	41
Ask Your Attorney Sessions:	39
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Box Lunches on Tuesday:	20
Clerks Meeting:	18

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AAMCA Elects New Officers

The Alabama Association of Municipal Clerks and Associates held its 41st annual conference on November 15-17 in Birmingham. President Geniece Johnson (Fairhope) presided over the event, which included educational sessions and a business meeting. IIMC (International Institute of Municipal Clerks) representatives in attendance were 2nd Vice President Dyanne Reese (Savannah, GA) and Region III Directors Cheryl Ratliff (Greenville, SC) and Glenda Morgan (Mobile, AL).

At a banquet on Thursday night, past presidents of the association were honored and members who chaired various committees during 2006 were recognized. The oath of office was administered to incoming officers by Councilman Marvin "Scooter" Adams of Saraland. Denise Jernigan-Bush (Saraland) will serve as President, Iva Nelson (Gadsden) as Vice-President, Karen Duncan (Pleasant Grove) as Secretary, and Lynette Ogden (Millport) as Treasurer. Under their leadership in 2007, the association will further its mission to provide educational opportunities and support to municipal clerks throughout the state.

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League Newcomer Magnolia Springs Has Been Around for a Long Time

By Niko Corley, Communications Coordinator

Despite the fact that it's Alabama's most recently incorporated municipality, Magnolia Springs existed and thrived long before the League was even established. Records show the area was an active community as far back as the mid 1800s, when turpentine production in the area was a booming industry.



Mayor Charles Houser of Magnolia Springs, the League's newest municipality, checks the mailbox on the dock behind his house on the Magnolia River in Baldwin County. (Photo by Niko Corley)

Nestled along the banks of the Magnolia River between Foley and Fairhope on Highway 98, Magnolia Springs, which takes its name from the abundant magnolia trees and freshwater springs that early settlers found there, is about as far south as you can go in Baldwin County before getting wet. With its oak-canopied streets lined by coastal cottages and bungalows, Magnolia Springs is an idyllic, sleepy Southern town.

The river, which meanders its way through Magnolia Springs, is indeed the city's focal point. Many residents still utilize the water-delivery route for their mail. For them, checking the mailbox means walking to the boat dock in the back yard, stopping on the way to check the crab traps tied to the pier or maybe cast a line to a feeding redfish or school of trout. It's not surprising then, that Mayor Charles Houser says there are more boats in the city than cars. One would think its beauty and serenity would be world renowned, but Magnolia Springs, if you weren't specifically looking for it, would be hard to find.

"It's like a lot of small towns; if you drove through on the highway, you wouldn't know it was there," Houser said.

With a population of 729 and around 600 acres in size, Magnolia Springs isn't the smallest of Alabama's municipalities and it isn't the largest – which is just how the city founders want to keep it.

"We have no aspirations to be a major community," Houser said. "If anything, we want the exact opposite."

As area land developments around them began closing in on Magnolia Springs, an incorporation committee was formed to look at forming a municipality to protect their way of life. Not everyone was on board with the idea, but a majority of the citizens were behind the incorporation and the mayor says the dissenters eventually came around.

"We incorporated because we wanted a say-so in our community," Houser said, "and now that we've done so, our community has come together so quickly that even those who were against it now ask me 'what can I do to help?'"

That being said, Magnolia Springs' incorporation did not happen overnight. Houser says continually educating the public about what was going on was made a priority,



Magnolia Springs' Mayor Charles Houser and Councilmember Reva Hinson reminisce about how "the spring" used to look. City officials are working on plans to restore the site. (Photo by Niko Corley)

and as many meetings as possible were held in order to keep people abreast of information regarding the community's incorporation. Some people were cautious, Houser says, that there wouldn't be enough money to form a municipality. Questions abounded, and the incorporating committee needed more information about what their rights were and how to legally go about forming a municipality, etc. For assistance in these matters, the incorporating committee turned to nearby cities, all of which were more than happy to help.

"We went to similar-sized towns around us and talked to the mayor and town councils, and not one of them said 'we are too busy to talk to you,'" Houser said.

These cities also got Magnolia Springs' incorporating committee in touch with the League, where Houser says all of their remaining questions, either through phone calls or face-to-face meetings, were answered.

"I can't even imagine incorporating without this book [*Selected Readings for the Municipal Official*]," Houser said. "It seems like every time I have a question, the League has a service available to help."

Karen Biel, former clerk of nearby Elberta, recently came to work for Magnolia Springs, and her 11 years of

experience there have been of great benefit to the newly-incorporated municipality.

"It's been exciting working with a new municipality and it seems the mayor and council are excited to have me here," Biel said.

Being a part of his community's incorporation into a municipality with the power to plan its own future, Houser says, is like piecing a large puzzle together.

"It's been like a big civics lesson," Houser said.

Councilmember Reva Hinson, whose son was the first Iraq War veteran of Magnolia Springs to return home, says incorporating has allowed her to take an active role in preserving the community's history while simultaneously planning for managed growth. The assurance that Magnolia Springs can now plan its own future has lured many who grew up here and moved off back home.

"It's like the birds are coming back," Hinson said.

To coastal residents, bird migrations signal the change of seasons, and through the efforts of Magnolia Springs' concerned citizens, a new season is coming for the municipality. With its strong sense of community, rich history and promising future, it is likely the birds Hinson speaks of are coming back to Magnolia Springs to stay. ■

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VIEWPOINT

How to Drive Your City Attorney Crazy

Note: This article was written by Patrick Cronan and is reprinted with permission from the Texas League of Municipalities.

It may be that your city attorney is already insane, and you will not require the advice which follows. To determine the sanity of your counselor-at-law, one should carefully observe him during the next discussion of your city's dog ordinance. After three or four hours of discussion, glance over in his direction and observe the expression on his face. If he appears to be grinning wildly, you can conclude that either he just remembered his compensation is based upon the hours he spends on city business, or he is truly insane.

Assuming that following your investigation you determine that your attorney needs assistance from you to reach the Land of Eternal Bliss, we offer the following suggestions:

Editor's note: For purposes of clarity, the pronoun he is used when referring to the city attorney.

1. If you are holding regular conferences with your attorney, stop doing so at once. This will keep him from finding out what you have in mind until it is too late to do anything about it. If you have been in the habit of sending him copies of correspondence that threatens litigation, stop immediately. If you like to threaten taxpayers with physical abuse for being chronic complainers, try to keep the knowledge of this from your attorney. Although this procedure may take several months or even years to drive your lawyer to drink and/or a psychiatrist, when combined with the strategies discussed below, quicker results can be expected.

2. Call him at least once each day on minor problems. If you can time the calls for mid-morning or mid-afternoon (instead of first thing in the morning or afternoon) your expected result can be achieved more quickly.

Combine this tactic with the first, so your attorney knows all about minor problems, but nothing about major ones. Doing so will almost guarantee a suitable result.

3. Never accept a statement from his secretary that he is in conference. Always try to break in on him at anytime. After all, the job of city attorney involves exciting work and great prestige, and the city attorney should stop whatever other work he has to assist you. If you have managed (through a stroke of luck) to convince your city attorney to work for you on a monthly retainer, this tactic will work particularly well. When you do this, try to insure that the question you have involves something that you have asked your attorney about at least two times previously.

4. Once you have started the city attorney on a project, do not inform him of changes. Let us suppose you have asked your attorney to draw up a lease. Three weeks later you call and say one or more of the following:

a. "You mean I forgot to tell you that we wanted the lease by 3 o'clock this afternoon?"

b. "We decided to make it for one year, and to charge \$50 per month more, and to get the insurance ourselves."

c. "I'm sure I told you about needing a lease. I remember now, it was between the third and fourth beer after the last council meeting."

5. Do not tell your lawyer what you are going to do; always tell him after it has been done. This is a particularly good tactic when you know there are potential problems. For example, if you are going to fire the chief of police, let him know after the deed is done.

6. Always tell the newspaper and TV what you have done, and why, before you tell the city attorney. For example, you could tell a TV reporter (on video tape would be even

continued next page

better) that “I fired the chief of police because everybody knows that a woman can’t do the job.” The more doubtful the legality of your action, the more success you will have with this tactic. Combined with the other suggestions presented here, you should be able to institutionalize your attorney. However, even when used by itself, this tactic is almost guaranteed to result in a satisfactory demonstration of hair pulling and shouting.

7. Start campaigns of enforcement of minor laws. After all, the laws are supposed to be enforced, aren’t they? After decades of not enforcing the stop sign ordinance, instruct the police department to issue at least 15 tickets a day. Obviously, there is no need to give warning tickets, because “ignorance of the law is no excuse.” If your city attorney also serves as city prosecuting attorney, this suggestion will be particularly effective; however, satisfactory results can be obtained even if he is not.

8. Never send your attorney a council agenda. If you cannot get by with that, make sure the agenda arrives at his office no more than two hours before the council meeting. It is always interesting to observe what happens when the attorney learns for the first time at the meeting about some legally doubtful course of action.

9. Make him a glorified secretary. Let him do a lot of the routine clerical work, such as drafting standard ordinances (which will be copies from an identical one used last year) or contracts. Perhaps he should retype the airport lease, in which no changes are required except the date. Ask him to write routine letters for the mayor’s signature. Of course, if you are paying by the hour for your lawyer’s services, this tactic may not work. In fact, your lawyer may be overjoyed. Only if a monthly salary is paid will this be truly effective.

10. Do not keep your files. Destroy written decisions or opinions which you have received from your attorney. In that way you can get him to go back and resurrect his own materials from his files. Since you will not be asking for a new opinion, you can justifiably complain if he charges you for the three hours his secretary spent going through cardboard boxes in his back room.

11. Always consult other legal sources. Perhaps you can demand that your attorney obtain an Attorney General Opinion. Such an opinion, after all, will be written by an assistant six months out of law school and is clearly superior to what your lawyer will tell you. If there is an attorney in the audience at a council meeting, ask that individual’s opinion and rely upon it. The attorney in the audience might be an expert on the Internal Revenue Code, but since his opinion doesn’t cost you anything, clearly it is superior to the city attorney’s.

You can vary this tactic by seeking other opinions before you ask your lawyer (naturally keeping them secret from

your lawyer). Sometimes, when you don’t like the result, you can loudly demand a second opinion in writing. While your attorney is unlikely to be upset by your getting a second opinion, if it is loudly and publicly demanded it will be a successful tactic.

12. Demand his opinion at public meetings. If he suggests that a particular course of action is illegal, do it anyway. Then he can see his opinion quoted against him in court. There is obviously no need to allow your attorney time to do research, because he is intimately familiar with all 13,248 books in his law library. Your attorney will particularly enjoy seeing himself quoted in the newspaper as saying “I don’t know the answer to that question.”

13. Slant the facts. Since the answer to almost every legal question depends upon its factual basis, conceal or change the facts to compel the attorney to give you the answer you want. Some attorneys have developed tricks to keep you from hiding facts from them. Always be on the lookout for these. For example, if your lawyer asks, “What does the other side say?”, you must not answer fully. If there are ordinances that apply to the question, try to be certain that your attorney is not given a copy.

14. Answer legal questions yourself. This always makes for an interesting situation, particularly at a public meeting. Your attorney must either publicly point out your ignorance and make it appear that you do not know what you are talking about or he must keep quiet and allow a decision to be made on the basis of incorrect information.

Although the above suggestions are not exclusive (surely you can think of 20 or 30 more), this should allow you to get started. If you keep firmly in mind your goal to drive your attorney insane, you should succeed within six months. Best wishes.

Patrick Cronan is a former city attorney. His current whereabouts are now unknown. ■

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

ALABAMA COURT DECISIONS

Licenses and Business Regulations: A residential home builder who performed residential remodeling at request of homeowner was not exempt from licensing requirements under home builders' licensure statute, which exempted from licensing requirements owners of property provided they met certain criteria, since language of the statute extended the exemption only to owner of the property, not to those who might perform work at owner's direction, and because home builder was not licensed and was not exempt from the licensing requirements of the home builders' licensure statute, home builder was not entitled to maintain a breach-of-contract action against homeowner. *Hooks v. Pickens*, 940 So.2d 1029 (Ala. Civ. App., 2006).

Criminal Law: Imposition of fine and requirement that defendant attend anger-management class did not violate right to counsel of defendant who was not represented by counsel when he pleaded guilty to domestic violence, and who did not voluntarily waive his right to counsel. *Scott v. State*, 939 So.2d 950 (Ala. Crim. App., 2005).

Unemployment Compensation: The Supreme Court held that an employer was entitled to assert the doctrine of collateral estoppel (issue preclusion) as a defense to employee's retaliatory-discharge claim to bar the re-litigation of an issue raised and decided in an unemployment-compensation hearing. *Ex parte Buffalo Rock Co.*, 941 So.2d 273 (Ala., 2006).

DECISIONS FROM OTHER JURISDICTIONS

Searches and Seizures: Police officer's parking of patrol car in manner that prevented defendant from leaving rose to level of "investigatory stop," and thus, absence of any reasonable suspicion that defendant was engaged in criminal activity rendered stop and subsequent search illegal. *Stennes v. State*, 939 So.2d 1148 (Fla. App. 4 Dist., 2006).

ATTORNEY GENERAL'S OPINIONS

E-911: A volunteer search and rescue squad not associated with the state or a political subdivision is not a public safety agency for purposes of an emergency communications district. The commissioners of the Emergency Communications District have the authority to determine if volunteer fire departments and rescue squads are to be dispatched as primary responders to a request for emergency services. 2007-021

Personnel Board: A municipality with a population of less than 5,000 persons can establish and maintain its own civil service merit system, independent of the County Personnel Board, pursuant to section 11-43-5.1 of the Code of Alabama. 2007-020

Law Enforcement: A police chief may not prohibit a constable from performing a statutorily proscribed duty within the police jurisdiction where the jurisdiction of the police and the jurisdiction of the constable overlap. A constable may perform those duties granted him or her by statute within the county. 2007-018

Law Enforcement: Failure to produce proof of liability insurance, if the offense is observed by an officer, provides grounds for the issuance of a citation under section 32-7A-16 of the Code of Alabama. When issuing a citation for violations of the Mandatory Liability Insurance Act, revenue enforcement officers may use the Uniform Non-Traffic Ticket and Complaint as the charging instrument. The charging instrument for all other law enforcement officers is the Uniform Traffic Ticket and Complaint. 2007-024

Police Jurisdiction: Where a business is located within the police jurisdiction of more than one municipality, only that municipality with corporate limits closest to the business may collect license and sales tax on the business. 2007-23

Public Records: A Water, Sewer and Fire Protection District must follow the procedures of the Local Government Records Commission established pursuant to section 41-13-23 of the Code of Alabama, regarding the destruction of any of its records, including the length of time the records must be kept. 2007-016

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See you in Birmingham!!

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Rep. Bill Dukes – A Champion for Cities

By Niko Corley, Communications Coordinator

As one of 13 children growing up in rural Kentucky, Alabama Representative Bill Dukes had to fight to survive. Things haven't changed much for him since childhood, and you might even say those early years served as a prep course.

Today, Dukes' "family" has grown to include all of Alabama's cities and towns, and the battles he fights at the Alabama State House on behalf of those municipalities are just as much for their survival as the battles he fought during childhood were for his siblings' well being.

As a former president of the Decatur City Council, administrative assistant to the mayor and later mayor with more than a quarter-century of experience as a city official, Dukes commands a vast understanding of municipal issues on a local and statewide level. He has also served as an executive board member and past president of the League. Since taking office as representative of Alabama's eighth

district in 1994, Dukes has been one of the strongest supporters of Alabama's municipalities' in the state legislature.

Born in Mulenberg County, Kentucky in 1927, Dukes was brought up in the middle of America's coal country. His father was a miner and his family was poor, and those early years helped shape the man Dukes would become.

"If anyone came from extreme poverty I did," Dukes said, "but so did everybody else in our area of Kentucky."

He was the first of his siblings to graduate high school, and after an honorable discharge from the U.S. Army, Dukes married Juanita Willoughby and attended Bowling Green College on the G.I. Bill. From his first job out of college as a high school teacher in Florida to the present day, Dukes' entire career has been about service.

"My adult life has been in the public sector," Dukes said.

continued next page



Rep. Bill Dukes poses with a prize-winning rock project his granddaughter made in his honor. (Photo by Niko Corley)

He first became involved in politics in Florida, where he worked on a congressional campaign, and his interest in the political arena followed him through Mississippi, back to Kentucky and finally to Decatur, where he ran for a seat on the city commission there in 1957. Although he was saddened when he lost the election, Dukes didn't let defeat sour him to politics, and he worked hard to make sure it didn't happen again.

"I was devastated when I lost, but that was the first and only time I was defeated," Dukes said.

Indeed, since 1968, when he ran for a seat on Decatur's City Council, Dukes has won every race he ran in, and has served half a term as a city council president (he resigned to run for mayor), five terms as mayor and he recently celebrated his fourth election to the Alabama State Legislature. That first loss, though difficult to bear at the time, helped Dukes in the long run. After the city switched to a mayor-council form of government in 1968, some of the public had bad feelings about the former city officials who had been in office under the commission-style of government Dukes says, and had he been elected when he ran in 1957, Dukes says he wouldn't have survived the transition politically.

"Had I won then, I wouldn't be here today," Dukes said. Dukes served 18 years as mayor of Decatur, the longest of any mayor in the city's history. While in office, he helped form the Morgan County Mayor's Association and strengthened the relationship between municipal and county government in order to develop industry in the county. Teamwork, he says, is essential for progress.

"We knew we couldn't get industry without everyone's cooperation," Dukes said.

All told, Dukes spent 27 ½ years in municipal government, and his vast experience landed him a prominent position in the Alabama House of Representatives when he was elected in 1994 to the District 8 (Morgan County) seat. Upon arriving in Montgomery, then-Speaker of the House Rep. Jimmy Clark told Dukes he wanted him to serve as chairman of the County and Municipal Government Committee, an honor for any member of the House, especially someone beginning their first term.

"It's a rare thing when a freshman comes down and is made chair of a committee," Dukes said.

Since first taking office, Dukes has remained chairman of his committee through three full terms and now into a fourth. Being in the legislature has been another vehicle to keep him going, he says, and he says he hopes that through his efforts, different entities have been able to come together to work for the common good of all Alabamians. "I may represent north Alabama, but when I go to vote I represent the state of Alabama," Dukes said. "I've always had top concern for what I felt is best for all the people, not just one group."

Now that the 2007 Organizational Session is over, Dukes' committee has some fresh faces on it and he believes it will be a good and interesting group. He says he would like to see more home rule given to local governments and, like he has in the past, will work to strengthen municipalities' powers and fight to keep the powers already in place. In fact, Dukes says his efforts on behalf of Alabama's municipalities have been the highlight of his career.

"My work with the Alabama League of Municipalities is the most gratifying thing I've done," Dukes said.

League Intergovernmental Relations Director Greg Cochran says Dukes has unwavering support for the League, its programs and agenda.

"Whenever there is an issue relating to municipalities, Mr. Dukes is the go-to man," Cochran said. "He is definitely a champion for cities."

Having served in various elected offices for more than three decades, Dukes has been through many elections and says he is proof that there is an opportunity for anyone who wants to better themselves. He is incredibly blessed, he says, for his family's support and for those who lent a helping hand.

"So many people helped me along the way the way...I have absolutely been blessed," Dukes said.

Accountability, he says, is something all elected officials should strive for, and never violating the trust and confidence of the people is crucial to success and survival in politics.

"The first thing in any elected office is to report to your constituents," Dukes said. "Some seem to forget why they are serving."

Success, Dukes says, shouldn't be measured in how far someone goes but in how far someone has come to get to where they are. He is proud of his life's work, public service, and will never forget his background, those who helped him and what it took to get to where he is today.

"I'm proud of my record," Dukes said, "but the people who are most proud of Bill Dukes are those people in that little coal mining area of Kentucky." ■

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Public depositors, such as municipalities, also bear responsibility under the SAFE Law. As a public depositor you are required to ensure that your deposits meet the

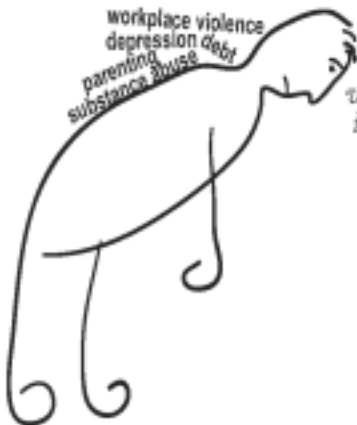
definition of a public deposit. Public deposits are defined as funds of the various governmental units of the state or covered public official deposited in a bank or financial institution, such as time deposit accounts, demand deposit accounts and certificates of deposits. Funds not defined as public deposits include, but are not limited to, bonds, notes, money market mutual funds, repurchase agreements, and similar instruments.

Public depositors are also required to ensure that the financial institution in which deposits are made is a Qualified Public Depository (QPD) in the SAFE Program. Each financial institution that has met all the necessary requirements of the SAFE Program to accept and retain public deposits will receive a "Certificate of Qualified Public Depository". You may ask your bank for a copy of this certificate for your files. All Qualified Public Depositories are listed on the State Treasury's website address, www.treasury.alabama.gov.

Should you ever have any question concerning the SAFE Program please feel free to contact Mickey Daughtry, Director of the SAFE Program. You may contact him directly by phone at (334) 353-3927. ■

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3.	Concurrent Sessions:	34
	Other General Sessions:	33
	Opening Session:	32
	Roundtable Discussions:	31
	Governor's Luncheon:	30
	Box Lunches on Tuesday:	30
	Ask Your Attorney Sessions:	30
	Business Session:	24
	Exhibit Area:	23
	Entertainment:	22
	Monday & Tuesday Night Banquets:	21
	Monday & Tuesday Night Receptions:	20
	Welcome Reception:	21
	Resolutions Committee Meeting:	16
	Clerks Meeting:	3
4.	Exhibit Area:	28
	Resolutions Committee Meeting:	27
	Monday & Tuesday Night Banquets:	26
	Monday & Tuesday Night Receptions:	24
	Business Session:	23
	Roundtable Discussions:	21
	Concurrent Sessions:	20
	Governor's Luncheon:	20
	Ask Your Attorney Sessions:	19
	Box Lunches on Tuesday:	18
	Entertainment:	16
	Other General Sessions:	16
	Welcome Reception:	15
	Opening Session:	11
	Clerks Meeting:	8
5.	Box Lunches on Tuesday:	49
	Monday & Tuesday Night Banquets:	24
	Monday & Tuesday Night Receptions:	20
	Entertainment:	19
	Roundtable Discussions:	19
	Business Session:	18
	Exhibit Area:	16
	Governor's Luncheon:	14
	Resolutions Committee Meeting:	14
	Ask Your Attorney Sessions:	13
	Other General Sessions:	12
	Opening Session:	12
	Clerks Meeting:	10
	Welcome Reception:	10
	Concurrent Sessions:	8

Content of Education Courses

How would you rate the workshop topics discussed at the League Convention?

Excellent: 100
Average: 143
Poor: 2

The League uses both outside speakers and League staff for presenters. Would you rather hear:

More from outside speakers: 34
Less from outside speakers: 11
Keep the current balance: 211

If more time was made available for workshops, would you rather have the time allotted for:

Concurrent Sessions: 89
Roundtable Discussions: 111
General Sessions: 56

Do you feel more time should be devoted to basic municipal training such as annexation, council meeting procedure, etc. or should more time be devoted to advanced, more specialized training?

More Basic Topics 92
More Advanced Topics 47
The time devoted to each is about right 119

Questions for Golfers

What influences your decision to participate in the League Golf Tournament? Please rank your choices from 1 to 4 with 1 being the most significant influence, 2 being the second most significant influence & so on.

1.	Location (24)	2.	Start Time (14)
	Start Time (16)		Cost (13)
	Cost (14)		Location (13)
	Prizes (4)		Prizes (3)
3.	Start Time (11)	4.	Prizes (31)
	Location (9)		Cost (12)
	Cost (9)		Start Time (8)
	Prizes (8)		Location (3)

Would you be more likely to participate if the tournament started later?

Yes: 22 No: 36

To keep costs down, would you prefer to pay less expensive courses?

Yes: 25 No: 31

Would you prefer playing nicer courses with better services even if the cost is higher?

Yes: 27 No: 24



TENTATIVE CONVENTION PROGRAM

APRIL 21 – 24, 2007, HUNTSVILLE

Most meetings and activities will take place in the Von Braun Center unless otherwise noted. Casual dress is appropriate for all meetings. Business attire is appropriate for the Monday and Tuesday evening banquets. Attendees can earn CMO credits for the Certified Municipal Officials Training Program by attending sessions at this convention. The official Convention Program will contain the amount of credit hours that can be earned.

Saturday, April 21

1:00 p.m. – 5:00 p.m.	Registration for Full Convention – Von Braun Center
3:00 p.m.	Alabama Municipal Insurance Corporation (AMIC) Membership Meeting
4:00 p.m.	Resolutions Committee Meeting
6:00 p.m.	City of Huntsville Welcome Party

Sunday, April 22

7:30 a.m.	2007 Annual Municipal Golf Tournament
1:00 p.m. – 5:00 p.m.	Convention Registration
2:00 p.m. – 4:00 p.m.	General Sessions
4:00 p.m. – 5:30 p.m.	ABC-LEO Reception
5:30 p.m. – 7:00 p.m.	League Exhibit Hall Opens with Delegate Reception

Monday, April 23

8:00 a.m. – 5:00 p.m.	Registration
9:00 a.m. – 10:30 a.m.	Opening Session
9:00 a.m. – 5:00 p.m.	Clerks Meeting
9:00 a.m. – 5:00 p.m.	Alabama Association of Public Personnel Administrators
9:30 a.m.	Spouse's Breakfast – Embassy Suites Hotel
10:30 a.m. – 5:00 p.m.	Exhibits Open
10:45 a.m. – 12:15 p.m.	General Session
12:30 p.m.	Luncheon
2:00 p.m. – 5:15 p.m.	Concurrent Workshop Sessions
6:00 p.m.	Reception
7:15 p.m.	Banquet and Entertainment

Tuesday, April 24

8:00 a.m. – 2:00 p.m.	Registration
9:00 a.m. – 1:00 p.m.	Ask Your Attorney and Roundtable Discussions (includes lunch)
2:00 p.m.	Annual Business Session
6:00 p.m.	Reception
7:15 p.m.	Banquet and Entertainment

Meetings and/or events are subject to change.

EXHIBIT INFORMATION

For exhibit information, contact Laura Anne Whatley of the League staff at 334-262-2566. The exhibits will open on Sunday night with a reception in the Trade Show and on Monday from 10:30 a.m. to 5:00 p.m.

Preparing for Retirement

Financial Planning with Feed the Pig

The American Institute of Certified Public Accountants (AICPA) in conjunction with the Advertising Council created a Web site, www.feedthepig.org, to educate Americans about how financial issues affect their lives. The goal of the campaign is to encourage the 40 million Americans age 25 to 34 to take control of their finances. The campaign, Feed the Pig, is a new component of the 360 Degrees of Financial Literacy effort encouraging people to take small steps today to build a solid financial tomorrow. It features a Web site, www.360financialliteracy.org, offering free tools and resources to help Americans manage their finances through every stage of life.

The American Institute of Certified Public Accountants (AICPA) is the national professional association of CPAs, with approximately 330,000 members in business, industry, public practice, government and education. The AICPA sets the ethical standards for the profession and the auditing standards for private companies, non-profit groups, and federal, state and local governments.

The Advertising Council has produced thousands of PSA campaigns addressing the most pressing social issues of the day. The Ad Council aims to foster tremendous positive change by raising awareness, inspiring action and saving lives.

On the Feed the Pig Web site you will find:

- Tips on Saving
- Calculators for savings and credit card payoff
- Free weekly email savings tip
- Articles on financial planning and how to save more money
- Tips for every stage of life

On the 360 Degrees of Financial Literacy web site you will find these gems:

- Tips for any stage of life
- Financial guidance book
- You can ask them questions via email
- Financial topics for every situation
- Financial planning and saving for women
- Links to other sites on financial literacy

Money should not drive your future. But neither should debt. It is time for you to take control. Get what you deserve. Not just today - your whole life. Just remember: small changes add up. Take steps to start saving today and you will build a solid financial future tomorrow.

Prepared by the Communications staff of the Retirement Systems of Alabama. To have your questions answered in "Preparing for Retirement", please address them to: **Mike Pegues, Communications, Retirement Systems of Alabama, P.O. Box 302150 Montgomery, Alabama 36130-2150 • www.rsa.state.al.us**

Obituaries

Judge Stringer

Judge Stringer, former mayor of Hobson City, died December 20, 2006. He was 66. Stringer served two terms as mayor of Hobson City and as also served as pastor of New Hope Missionary Baptist Church for 41 years. During his time in office, Stringer was instrumental in getting city hall built and in hiring a city planner. He also served as president of Snow Creek District, an association of Baptist churches, and as president of the SCLC's local chapter.

Maurice "Mushie" Nichols

Maurice "Mushie" Nichols, former mayor of Athens, died December 25, 2006, at the age of 88. Nichols served as mayor from 1984-1988, during which time the city council's chambers were built and the city's cemeteries were cleaned.

Tom H. Kennedy, Sr.

Tom H. Kennedy, Sr., former Prattville city councilmember, died December 26, 2006. He was 74. Kennedy served on the city council from 1968 until 1972. He was a Korean War veteran and was a member of the city council when the present city hall was built. His wife, Rubye E. Kennedy, was long-time city clerk of Prattville, serving from 1980 until 1993.

Alfred T. Sims

Alfred T. Sims, former Talladega city councilmember, died December 27, 2006, at the age of 78. He was appointed to serve out the unexpired term of his late wife, Talladega City Councilmember Edythe Sims. He was the city of Lincoln's first black police officer and also rose to the rank of chief with the city.

Dorothy W. Aydelott

Dorothy W. Aydelott, former Linden city councilmember, died December 29, 2006. She was 97. Aydelott served for more than 20 years as probate clerk of Marengo County and was a charter member and past president of the Linden Business and Professional Women's Club.

Leonard O. Allen, Jr.

Leonard O. Allen, Jr., former mayor of Russellville, died Jan. 9, 2007, at the age of 83. Allen was mayor of Russellville from 1980-1984 and served in the Navy during both WWII and the Korean War. During his lifetime, Allen worked as a civilian for the Air Force, as a Veteran's Service Officer, as a tax collector and as a host for Royal Cruise Line.

AMFund



To assist municipalities throughout the state, the Alabama League of Municipalities (ALM), has developed the Alabama Municipal Funding Corporation (AMFund) to provide low-cost financing to ALM members.

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- For equipment, construction, repairs or debt refinance
- Low cost of issuance
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For more information, visit www.alalm.org or contact AMFund Marketing Director Greg Cochran at 334-262-2566 or via email at gregc@alalm.org.

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