

THE ALABAMA MUNICIPAL **JOURNAL**

March 2007

Volume 64, Number 9



Cochran Earns CAE Designation

Congratulations to Greg Cochran, the League's director of intergovernmental relations, for earning his Certified Association Executive (CAE) designation – the most prestigious professional credential within the association industry. **Story, page 9.**

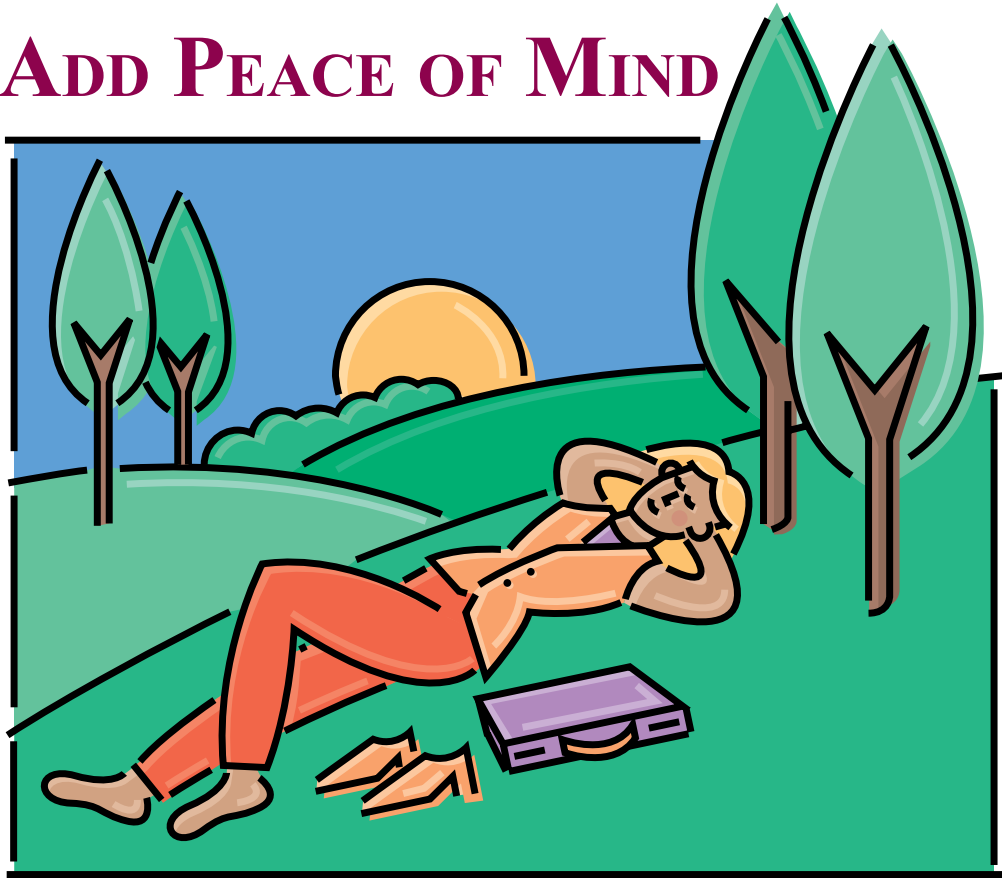
Inside:

- **Bond Issues and the Public Market**
- **2007 AAMA Update**
- **Sen. Lowell Barron – 40 Years of Service to Alabama**
- **Sen. Hinton Mitchem – Working to Unify the Alabama Senate**

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One Small Step by a City Can Establish a Quality Future for its Residents

Special to *The Journal* written by Robert Ryant
Building Inspection Superintendent, Gardendale, AL

In my city – Gardendale, Ala – growth has been happening fast. With approximately 1,200 new homes slated for construction in the next two years and new businesses opening frequently, the city council, mayor and I were facing the challenge of preserving the heritage and character of the city.

Located just eight miles from Birmingham, Ala., Gardendale has always been a characteristically “brick city.” However, as we had seen in other fast-growing cities, quality construction can often fall to the wayside as builders try and keep up with the increasing demand for new homes and businesses.

In 2004, to ensure our city continued to experience quality growth and prevent poor construction, the mayor, city council and I began looking for ways to promote sustainability. We explored building codes and ordinances – eventually deciding that, by requiring brick or masonry on the exterior of new structures, we could accomplish our goal.



Because brick lasts for more than 100 years, structures with brick or masonry exteriors last longer and require less maintenance than buildings with other siding materials.

We knew additionally, by doing this, we would help increase property values for our residences and create structures that would last longer and require less maintenance than other building materials. Because brick lasts for more than 100 years, compared to many siding materials with only a 50-year warranty, we realized we could additionally save our residents and business owners – and their descendents – money in the future by requiring a building material that wouldn’t warp or need to be replaced later down the road.

In just three months, we developed, proposed and passed the ordinance – and it received a unanimous vote from the city council. On Aug. 7, 2006, Gardendale adopted an ordinance requiring 70 percent of the exterior wall construction for all commercial/non-residential, multi-family, town homes, garden homes or planned unit development structures be built with masonry.

Because this masonry ordinance is new, we have yet to truly see the long-term effects from it. We do believe the community’s feedback will be positive – and expect the other surrounding areas will take notice. After all, we are helping to ensure this community keeps growing strong – not only today, but also 100 years from now. ■





The President's Report

Lew Watson
Mayor of Lincoln

Bond Issues and the Public Market

The past several months we have explored bond financing. This will be my final article on bond financing. These articles were not designed to make everyone a financial expert on the subject; however, the more you understand the business the better equipped you will be to understanding how bond financing can assist your community. This month's article will touch on the public market.

Let's begin by supposing that your community has a project and you need a million dollars for it. This project is not related to expanding the water or waste water system or other proprietary type activities that would require a pledge of the revenues. The source of the repayment for this project would be the general revenues of the municipality. That revenue (also known as "full faith and credit") is made up of sales taxes, property taxes, business licenses or similar types of revenue your community receives to operate the city or town.

As you know you need money for your project, the next step is finding a source of funding. Your city attorney or your local banker could advise you. Many banks in our state have a securities or investment department or have a banking relationship to provide public financing. This puts you on the road to securing public financing for your project with an investment banker, also known as the underwriter.

The investment banker will likely meet with you to hear about your project. The investment banker will or should request copies of audits to determine the repayment capacity of the municipality and at the same time determine the constitutional debt limit. Once the determination has been made that the city or town has the ability to repay the debt and the amount does not exceed the debt limit, the next step is the selection of bond counsel. Bond counsel is an attorney who specializes in the preparation and review of the documents needed by the municipality for the legal issuance of bonds. This person may be recommended by the investment banker, the city attorney or your municipalities' auditor.

Bond counsel will prepare much of the paper work needed for the borrowing of the money for the project. This paper work consists of preparing the preliminary and official statement, authorizing documents, legal opinions as to the taxable or tax exempt status of the bonds, the legal status of the municipality and the obligations of the municipality as it relates to the debt. For this service, bond counsel is typically paid a fee from the proceeds of the debt issue. Our project has now grown from the original million dollars to include the cost of bond counsel.

The investment banker has several decisions to make, such as whether bond insurance should be purchased or if the debt issuance will be a private placement or public issue. The insurance decision is made based on whether or not the premium paid to insure the bonds is cost effective. The bond issue will likely carry a higher rate of interest without insurance. However, the cost of insurance may increase the overall cost to a point that exceeds that of the higher interest rate. A private placement will result in the sale of the bonds to an investor who is expected to hold the bonds to maturity. That is, the bonds are not publicly traded. This will usually result in a higher rate of interest for the bonds but the issuance costs will be lower as the paper work requires less documentation from bond counsel for a private placement. Typically a private placement is sold to an investor who is very sophisticated and can make investment decisions on its own (without an official statement).

The opposite of private placement is to publicly market the issue to customers of the investment banker who have monies to invest. Bonds are typically issued in \$5,000 dollar increments. The buyers of the bonds receive interest on the bonds every six months during the holding period and receive principal at maturity. Whether it is a private placement or public offering of the debt, after the bonds are sold the municipality will begin the repayment of the interest and principal on the debt.

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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Overview of the President's FY 2008 Budget

The National League of Cities has provided the League with an overview of the President's FY2008 Budget. This month's article will provide a summary of the proposed budget and its effects on municipalities.

The \$2.9 trillion budget for fiscal year 2008 submitted by the President would balance the budget by 2012, while continuing to cut taxes by eliminating or severely reducing billions of dollars in spending for programs critical to our nation's cities.

Funding for Community Development Block Grant (CDBG), transit programs, Amtrak, first responders, emergency management training, and the COPS program would be reduced or eliminated.

"We are disappointed the Administration's budget does not provide adequate funding for programs critical to our nation's cities," said NLC President Bart Peterson, mayor of Indianapolis, Ind. "Despite overwhelming support by cities and the Congress in 2006, the Administration's budget significantly reduces federal funds available for the critically important Community Development Block Grant (CDBG) program – one of the most flexible and successful programs used by cities – large and small – to improve their communities. Given the rise in violent crime across the country, we are concerned by the Administration's proposal to cut funding for major public safety programs. And while we sincerely appreciate the increased funding for the Section 8 voucher housing program and the increases proposed in other areas, they are not enough to offset the losses to crime prevention and other housing and community development programs.

"Cities are obligated to provide critical public safety, housing, community development and environmental protections to our residents and businesses. This budget does not recognize the importance of the federal funding allocated to these programs," Peterson concluded.

The budget requests \$145.2 billion for the war in Iraq and Afghanistan for fiscal year 2008 in addition to a supplemental request for \$99.6 billion for the rest of this fiscal year. In order to balance the budget by 2012, spending for nonmilitary and homeland security programs would grow by one percent. Even in the public safety and homeland security area, funds to help cities combat violent crime, prepare for and respond to emergencies would be cut back from current levels. With the submission of the President's budget, Congress will begin the 2008 budget cycle with hearings on spending requests before the Appropriations Committees in the House and action on an overall spending package by the Budget Committee. Congress is still completing action on the fiscal year 2007 spending bill. Fiscal year 2007 began on October 1, 2006 but the last Congress left with a continuing resolution that funded federal programs until February 15. The House has adopted a spending bill for the balance of the fiscal year, H.J. Res. 20, a long term Continuing Resolution (CR), and the Senate must act before February 15.

Effects on Programs of Importance to Cities

Department of Housing and Urban Development

The President's proposal renews previous themes of consolidation and reduction in the HUD budget, while allowing for modest increases to a select few programs. Among the programs that would benefit under the FY08 proposal include:

- The HOME Investment Partnership program would increase \$200 million to \$2 billion;
- The Homeless Assistance Grants program would increase \$170 million to \$1.5 billion; and
- The Section 8 tenant-based voucher program would increase \$80 million to \$16 billion, an amount HUD assumes to be sufficient to renew all existing housing vouchers.

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Cochran Earns CAE, One of 34 in Alabama

By Niko Corley, Communications Coordinator

Greg Cochran, the League's director of intergovernmental relations, recently earned his Certified Association Executive (CAE™) credential, the highest professional credential in the association industry. Less than five percent of all association professionals have earned their CAE, and Cochran joins an elite group of only 33 other Alabamians and 3,300 people nationwide who have earned this prestigious designation.

According to the American Society of Association Executives (ASAE), the CAE credential requires that applicants have a minimum of three years experience in nonprofit organization management, complete a minimum of 75 hours of specialized professional development, pass a stringent examination in association management and pledge to uphold a code of ethics. Maintaining certification requires ongoing professional development and activities in association and nonprofit management.

"The CAE is great training for managing an association and building board and staff relationships," Cochran said.

Seven subjects, Cochran said, make up the CAE: strategic management; planning and research; leadership; administration; knowledge management; governance and strategy; and governmental and external policy. The training he has received, he feels, has been extremely beneficial and helps him to perform at the peak of his abilities.

"The CAE is designed around those seven domains," Cochran said, and "they are important in the day-to-day operation of an association."

Cochran has been with the League for 11 years, and is responsible for federal and state legislation as well marketing the League's new bond program, AMFund. In that time, he has helped pass numerous bills in the state legislature that have been beneficial to municipalities, as well as having worked diligently to block those that would harm Alabama's municipalities. He has been a member of the Alabama Council of Association Executives since 1990 and has served on the organization's board of directors since 2002.

"We at the League are proud of Greg for taking the time and making the effort to better his skills for the benefit of municipal government," League Executive Director Perry Roquemore said.

ASAE has more than 22,000 members, and these association executives and industry partners represent nearly 11,000 organizations worldwide. ASAE members run leading trade associations and nonprofit organizations in the U.S. and in 50 countries around the world. The association is the main voice for the nonprofit sector and strives to continually improve life in the U.S. through its efforts.

For more information on ASAE, please visit, www.asaenet.org. ■

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The budget proposal cuts the Community Development Block Grant program by \$735 million for a total of \$2.97 billion. Of that amount, \$200 million would be set-aside to fund competitive challenge grants. Other programs in the Community Development Fund, including Brownfields, Economic Development Initiative grants, and Rural Housing and Economic Development would be consolidated into CDBG, effectively eliminating them.

Department of Education

The Administration proposal cuts \$1.5 billion from the funding levels of the House-passed 2007 Continuing Resolution and eliminates 44 discretionary education programs. These include Federal Supplemental Educational Opportunity Grants, Leveraging Education Assistance Grants, Education Technology State Grants, school counseling, Even Start, mentoring, parent information and resources centers and dropout prevention.

No Child Left Behind, which expires at the end of September, would receive \$13.9 billion, an 8.6 percent increase over the fiscal 2006 spending level for expanding testing into high schools. The budget also proposes \$500 million for a new grant program to help chronically underperforming schools and would double, to \$199 million, an incentive program for teachers that was funded at \$99 million in fiscal 2006. IDEA, Individuals with Disabilities Education Act, would be reduced \$291 million below the recently adopted 2007 Continuing Resolution-funded level of \$10.7 billion, and Head Start would be funded at \$6.78 billion, \$107 million below the 2007 CR funded level.

Department of Energy

Overall, the DOE budget would receive a spending increase of less than 3 percent over enacted levels. Savings on environmental cleanup programs would finance major increases in programs to develop alternative fuels highlighted by the President in his State of the Union Address. The Energy Department said the budget also includes almost \$495 million for the development of the proposed radioactive waste site at Yucca Mountain, with the goal of opening the facility in 2017. The Administration also proposed reducing spending on weatherization projects to \$205 million from \$318 million in fiscal 2006, according to Energy Department documents. The program supports state and local efforts to help families insulate their homes to reduce heating and air-conditioning bills.

Department of Health and Human Services

The budget for the Department of Health and Human Services would see drastic cuts for preventive health and

health services and social programs, with a sharp increase for Centers for Disease Control (CDC) infectious disaster programs. The proposal includes elimination of a \$99 million block grant under the Centers for Disease Control and Prevention (CDC) for preventive health and health services, while funding for a new CDC pandemic flu initiative of \$1.8 billion.

A social services block grant would be cut by nearly \$1 billion, to \$1.2 billion; and community-service programs, including the \$630 million Community Services Block Grant, would be eliminated due to "poor performance." Budget documents note that other programs "can achieve greater results and better focus on communities most in need of assistance."

Spending programs providing home energy subsidies for low-income families, the Low Income Heating and Energy Assistance Program (LIHEAP), would be funded at \$1.8 billion, a nearly \$400 million cut from the levels adopted in the FY 2007 continuing resolutions.

Department of Homeland Security

The White House's \$34.6 billion Homeland Security budget request for fiscal 2008 would slash state and local grant programs while increasing support for border security programs. Funding for the department's first-responder grant programs, including grants for states, cities and local law enforcement agencies and funding for training and exercises would be dramatically reduced. Overall, funding for state and local programs would drop to \$1.9 billion from last year's total of \$2.7 billion, a proposed 63 percent reduction.

Funding for the port security grant program, enacted last year by Congress, would receive \$210 million in the president's budget proposal, down from the \$400 million authorized by Congress.

Federal programs for surface transportation security would receive \$41 million in the budget proposal, only a \$4 million increase from fiscal 2007 spending. A new \$1 billion grant program for interoperable communications would be jointly administered by the FCC and DHS and would be funded through the sale of electromagnetic spectrum. Funds would then be available for cities to use for 700 MHz communications equipment.

Department of Justice

Federal assistance to state and local law enforcement would be cut by more than half in the Bush Administration's fiscal 2008 Justice Department budget request, despite the recent surge in urban violent crime.

Unlike in the past, however, the Bush administration has not proposed eliminating the Byrne grant program for

state and local governments. Instead, the president wants to consolidate several separate law enforcement grant programs – which totaled more than \$2 billion in fiscal 2006 – into four grant programs that would total \$1 billion in new budget authority. The original COPS program that funded local law enforcement programs, is proposed to be cut \$510 million below **the \$542 million in funds adopted as part of the 2007 Continuing Resolution** to \$32 million.

The 2008 budget proposes to combine 70 distinct programs into four “flexible” and competitive grant programs including the Byrne JAG program, which has been expanded to encompass funding for methamphetamine clean up and enforcement (this was formerly in the 2006 COPS program), drug courts, firearms crime prosecution, efforts to combat domestic trafficking and other priorities based on local needs.

The budget also proposes eliminating funding for the State Criminal Alien Assistance Program (SCAAP), which has strong state, local and Congressional support.

Department of Labor

President Bush is once again looking to overhaul and cut spending on federal job training programs as part of a reduced discretionary spending plan for the Department of Labor.

A key target of the cuts are training and employment programs – core elements of the 1998 Workforce

Investment Act (PL 105-220). The President requested \$4.3 billion for these programs, a 17 percent reduction from \$5.2 billion in fiscal 2006.

However, the budget also points toward legislation the administration will propose again this year that would consolidate a handful of existing grant programs into so-called Career Advancement Accounts. That legislation would add another \$745 million that is not accounted for in the budget.

The plan would increase states’ flexibility to administer the programs, require that a greater percentage of resources be directed to training services for workers instead of administrative overhead, and consolidate various programs into a single state grant.

The Administration also proposed cutting spending on a program that provides part-time community service jobs for low-income adults 55 and older. The budget recommends \$350 million for these programs, down from \$432 million in fiscal 2006.

Department of Transportation

The FY 2008 budget requests \$67.4 billion for transportation programs. The spending request would cut Amtrak funds by \$518 million, fund the federal highway program at SAFETEA-LU authorized levels but cut transit substantially below authorized levels. In addition, DOT

continued page 26

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By Ken Smith
Deputy Director/General Counsel



THE LEGAL VIEWPOINT

2007 AAMA Update

Dues statements for membership in the Alabama Association of Municipal Attorneys (AAMA) for 2007 were mailed several weeks ago. Membership is voluntary, but any attorney who represents municipalities is eligible for membership. Pursuant to AAMA bylaws, membership is open to all attorneys who are admitted to practice law in Alabama and who represent a League member on either a full or part-time basis. This includes municipal attorneys and prosecutors, and their assistants and deputy attorneys. Membership is also open to retained counsel – those well-known “out-house” attorneys – whose representation may be limited to only a few cases.

Applications for membership continue to come in, and we encourage any attorney who serves in any of the above categories to apply. If you are an attorney who represents one or more municipalities, I hope you will strongly consider joining your fellow attorneys in this organization. The cost of an annual membership is only \$75.

Joining AAMA

Since its creation, AAMA members have worked closely with the Alabama League of Municipalities by conducting educational seminars for municipal attorneys and prosecutors, as well as the development and passage of legislation and ordinances. Additionally, AAMA has helped keep members informed about current developments in municipal law both in Alabama and nationwide. AAMA has also provided the means for members to communicate with each other when seeking legal advice or assistance with court advocacy through the filing of amicus briefs.

One of the greatest benefits AAMA provides municipal attorneys and prosecutors is the opportunity to meet and confer with other attorneys in Alabama who face many of the same problems. Municipal lawyers confront unique

issues that don't arise in the day-to-day practice of law in the private sector. From the application of federal regulations through the implementation and enforcement of local ordinances, municipal lawyers are on the front lines, advising officials and employees on a broad range of legal topics involving an endless variety of fact situations. Answers frequently must be given immediately, with little or no advance warning. An attorney's response influences public policy and can, potentially, subject the municipality or its representatives to liability. An attorney who tries to keep up with every law and regulation affecting municipalities alone has an impossible mission.

This is the main reason AAMA was formed. The association's success depends on the input and participation of its members. AAMA members represent municipalities of all sizes, from some of the smallest in Alabama to the largest, and come from all parts of the state. They have various fields of interest and experience. By sharing information with each other, members frequently receive input and time- and energy-saving suggestions from other members who have already faced and resolved the same issues. Through this process, members even develop friendships with other members they might never have met otherwise.

To help foster this sharing process, AAMA hosts two conferences each year and brings in expert speakers from around the country. Members are provided ample opportunities at these meetings to discuss common concerns and potential solutions. Additionally, AAMA has an e-mail listserve for its members to share their thoughts, suggestions and news. An AAMA member can post a message to the listserve and have his message automatically sent to every

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other municipal attorney who is a member of the list. Members who post questions to the listserve can receive nearly instantaneous responses. AAMA also has a web page, courtesy of the League's web site. News that is pertinent to attorneys is posted on this page. AAMA's page can be accessed at www.alalm.org, then by clicking on "Legal Department." Here, members can find a membership directory that provides them with contact information for other members. Members can also learn about upcoming educational opportunities and obtain registration information.

Members may join one or more AAMA committees. There are six committees: Litigation; Prosecution; Ordinances; Legislation; Conference Planning (attorneys) and Conference Planning (prosecutors). In addition, the AAMA Board of Directors meets from time to time as a Strategic Planning Committee, to direct the growth and development of the association. These committees benefit the League and its members, as well as AAMA members. The Conference Planning Committees have been instrumental in the success of both the spring and fall conferences. Evaluations for these meetings have been extremely high since AAMA was organized and this accomplishment can be traced directly to the effort and assistance of the attorneys who give of their own time to serve on these committees. Members of the Legislation Committee have reviewed bills and offered public comments to legislative committees. And, members of the Ordinance Committee have assisted the Alabama Law Institute's Ordinance Review Service.

The AAMA bylaws were amended significantly by the Strategic Planning Committee in 2006. The amendments were approved by the AAMA membership at the 2006 fall conference. These amended bylaws are included below. If you aren't a member of AAMA and represent municipal attorneys or prosecute municipal cases, I hope will join with your fellow municipal attorneys and prosecutors in AAMA. If you were a member in 2006, I hope you will rejoin.

2007 Spring Meeting

Until 2006, AAMA held two meetings each year – a one-day seminar in the spring held in conjunction with the League convention and a fall conference whose location changed and that offered several days of instruction. Starting in 2006, the spring meeting was moved to a separate time and location from the League convention so that League legal staff can concentrate more time and energy into the meeting.

This past year, AAMA held its spring meeting in Birmingham. The fall conference was held in Panama City. Due to the varied interests of prosecutors and attorneys,

these meetings are split into two concurrent sessions, one with topics of interest to prosecutors and one for municipal attorneys. Of course, attendees are free to attend part or all of either session. Evaluations of these meetings have demonstrated that this format is popular with attendees, giving them the opportunity to hear discussions of issues that interest them and affect their municipalities.

In 2007, the spring meeting is again in Birmingham and we encourage all attorneys and prosecutors to attend. It will be held on March 23, 2007, at the Birmingham-Marriott Hotel. Although all AAMA training seminars are open to any attorney, even those who aren't members in AAMA, registration fees are significantly lower for AAMA members. Topics for both attorneys and prosecutors at this year's meeting are:

- Ex Parte Communications and Judicial Ethics
- Tort Liability for Releasing DV Offenders
- Electronic Discovery Issues
- Attorney General's Opinion Update

Topics of special interest for attorneys are:

- Municipalities and Copyright Licensing Problems
- New Developments in Wrecker Regulation
- What Lawyers Need to Know About GASB Regulations and Municipal Audits
- Electronic Billboards and Sign Regulation
- Smart Growth for Dummies

Topics for municipal prosecutors are:

- Difficult Concepts in Prosecuting Drunk Drivers
- Diversion for First Time Offenders – Use of Deferred Prosecution Programs
- Criminal Prosecution of Domestic Violence
- Use of Interpreters and Translators in Municipal Court

In 2006, AAMA began working with the newly reformed Alabama Association of Municipal Judges. Municipal judges, although not eligible for membership in AAMA unless they also represent a municipality in some other legal capacity, are involved in planning the prosecutors' segment of the meeting and are encouraged to attend these AAMA training seminars.

2007 Fall Meeting

Even if you can't attend the 2007 Spring Seminar, we hope you will be at the fall conference. In 2007, AAMA will return to the Baypoint Marina in Panama City, Florida. The dates for the meeting are Thursday, Friday and Saturday, October 11-13, 2007. The AAMA Conference Planning Committees will be meeting soon to plan this event.

If you've attended one of AAMA's fall conferences before, you know this is an excellent time of the year to be

continued next page

on the coast. The Baypoint Marina offers first-class meeting facilities, as well as a wide variety of vacation activities including swimming pools, health club and licensed massage therapists, rental bicycles and boats, island trips and numerous special events. Baypoint has outstanding restaurants on-site in addition to golf and fishing. We hope you will take advantage of this by bringing your families for an extended weekend stay. We look forward to seeing you in Panama City.

**CHARTER OF THE ALABAMA ASSOCIATION
OF MUNICIPAL ATTORNEYS OF THE
ALABAMA LEAGUE OF MUNICIPALITIES**

Governing Document

This Charter governs the organization known as the Alabama Association of Municipal Attorneys (AAMA), a Section of the Alabama League of Municipalities (ALM), a nonprofit association of Alabama municipalities.

ARTICLE I

Name: The name of this organization shall be the Alabama Association of Municipal Attorneys (referred to as "AAMA" or the "Section"), which shall be a section of the Alabama League of Municipalities (referred to as ALM).

ARTICLE II

Purposes: The purposes of AAMA shall be to do all of the following, but not for pecuniary profit:

1. To strengthen the quality of legal representation of municipal corporations through continuing education and the publication of newsletters and other works of interest in the field of municipal law;
2. To be an educational and research organization for the benefit of corporate counsel representing Alabama cities and towns which are members of ALM.
3. To provide corporation counsel representing public entities the opportunity to exchange ideas, to consult with one another and to meet with persons in or associated with public corporation law.
4. To recognize persons who have made significant contributions to the area of municipal law.
5. In the performance of its purposes AAMA shall take no action in conflict with the constitution of ALM, nor jeopardize the tax-exempt status of ALM.

ARTICLE III

Offices: The principal office of AAMA shall be the principal place of business of ALM.

ARTICLE IV

1. Membership: Any attorney admitted to practice law in the State of Alabama who represents an ALM member

on either a full or part-time basis, including municipal prosecutors, municipal attorneys and their assistant or deputy attorneys, retained counsel and ALM staff members, shall be eligible for full membership in AAMA.

Any active or inactive member of the Alabama State Bar who does not qualify for full membership and who has a substantial interest in municipal law may become an associate member upon written application and approval as directed by the Board of Directors.

Any attorney who has been a member of AAMA for at least ten years and who has retired from the active practice of law and who continues to have a substantial interest in municipal law may be approved by the Board of Directors for special membership in AAMA.

Questions as to the status of an applicant as either a full or associate member shall be resolved by the Board of Directors.

2. Dues: All full and associate members of AAMA shall pay dues. The amount of dues to be paid by each full member and associate member of the Section shall be determined by a majority vote of full members attending their annual meetings.

3. Meetings, Notice: AAMA shall hold an annual business meeting each year. This meeting may be held on the same dates and locations of an AAMA training session for members.

4. Quorum: The number of full members of the Section present in person at any membership meeting of members shall constitute a quorum.

5. Voting Rights: Each municipal attorney present in person who is a full member shall have one vote upon each matter to be considered at the annual meeting, or at any special meeting. Voting shall not be cumulative nor by proxy. Associate members shall be entitled to participate in the meetings and affairs of AAMA, but shall not have a vote.

ARTICLE V

1. Board of Directors: The Board of Directors shall consist of all current officers and past presidents who are full members of AAMA. The Board of Directors shall hold an annual meeting in conjunction with the planning session for the Fall AAMA Conference and may meet at other times as determined by the AAMA President.

2. Officers: AAMA shall have the following officers: President, Vice President, and Secretary/Treasurer, who shall be the ALM attorney.

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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.

UNITED STATES COURT DECISIONS

First Amendment: Even if county employee's tasteless and vulgar *personal* attack on county commissioner during public comment time of meeting of board of county commissioners was protected speech under the First Amendment, county's termination of employee for directly insulting and showing contempt for county commissioner did not violate the First Amendment; the First Amendment does not require a public employer to tolerate an embarrassing, vulgar, vituperative, *personal* attack, even if such an attack touches on a matter of public concern; if the manner and content of an employee's speech is disrespectful, demeaning, rude and insulting and is perceived that way in the workplace, the public employer is within its discretion to take disciplinary action. *Mitchell v. Hillsborough County*, 468 F.3d 1276 [C.A.11 (Fla.),2006]

DECISIONS FROM OTHER JURISDICTIONS

Discrimination: Although state had a compelling interest in diversity in law enforcement, board of police and fire commissioners violated equal protection rights of white male police officers by following discriminatory promotion practices favoring women and minorities since commissioners failed to establish that they had narrowly tailored the remedy consistent with that interest; record disclosed no policy, no set parameters and no means of assessing how race should be weighed with other promotional criteria. *Alexander v. City of Milwaukee*, — F.3d —, 2007 WL 117491 [C.A.7 (Wis.),2007].

Family and Medical Leave Act: An employee who disclosed a series of health problems to his employer over a four-month period—including “feeling sick,” frequent urination, and the need for a prostate biopsy – provided sufficient notice of a serious health condition protected by the Family and Medical Leave Act. *Burnett v. LFW Inc.*, 472 F.3d 471 [C.A.7 (Ill.),2006].

Schools: School district's fee-waiver rule for after-hours use of school facilities, containing catch-all provision stating that district reserved right to “waive any or all charges as determined to be in the district's best interest,” violated First Amendment's prohibition against viewpoint discrimination in limited public forum by conferring unfettered discretion on district administrators. *Child Evangelism Fellowship of S.C. v. Anderson School*, 470 F.3d 1062 [C.A.4 (S.C.),2006].

Search and Seizure: District court had jurisdiction to authorize interception of communications to and from a mobile phone used by defendant even though that phone and its area code were located outside of court's territorial jurisdiction, where government's listening post was located within it and intercepted communications would be first heard by government within court's district. *U.S. v. Luong*, 471 F.3d 1107 [C.A.9 (Cal.),2006].

ATTORNEY GENERAL'S OPINIONS

Appropriations: A City Board of Water and Sewer Commissioners is not authorized to expend its funds for a dinner for a retiring Board member. 2007-028

Competitive Bid Law: The contracts for cutting grass in public cemeteries in the city should be bid pursuant to the Competitive Bid Law if the costs exceed \$7500. Contracts for the construction, repair, and maintenance of markers, headstones, and walls are “public works” subject to bid under the Public Works Law if the costs are in excess of \$50,000. 2007-030

continued next page

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Leases: Under section 40-12-222 of the Code of Alabama, a lease tax is levied upon the lessor of tangible personal property measured by the gross proceeds received by the lessor. The economic burden of the lease tax may not be passed on to the state, a municipality, or a county unless the flat amount collected by the lessor includes both the tax and the leasing fee. Each contract entered into by the municipality must be reviewed by the municipality to determine whether the total rental price includes the lease tax. 2007-038

Open Meetings Act: Community action agencies are established pursuant to section 11-96-1, et seq., of the Code of Alabama and such agencies receive federal funding, state funding, and private donations. The provisions of the Open Meetings Act (“OMA”) apply to community action agencies that are established by a county; a municipality; a combination thereof; or a private, nonprofit agency newly established by local ordinance. Such entities may either voluntarily or as a result of requirements placed on the agency by the Department of Economic and Community Affairs follow the requirements of the OMA. 2007-039

Public Records: A letter or any other written, typed, or printed document received by a public official in pursuance of law is a public record. The final document generated in response to the taking of notes, if any, is a public record, but the notes themselves are not public records. 2007-031

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2007-01: The Mayor may rent real property he owns to the City Career Center, when City funds are involved; provided, that the transaction is an arms-length transaction; that there is no other satisfactory space available; that the Mayor did not use his position to influence the decision to rent his property; and, where the Career Center instituted the transaction. A copy of the contract/rental agreement entered into between the Mayor and the City Career Center must be filed with the Ethics Commission within ten days after its having been entered into.

AO No. 2007-03: The Mayor and City Council may appoint an attorney to the Commercial Development Authority of the City when that attorney does title work for the bank with which the Commercial Development Authority conducts its business; however, should the board vote to undertake a project involving the purchase of property to be financed by that bank, the attorney may not do the title work on that loan.

AO No. 2007-05: A member of the City Water Works and Sewer Board may submit a bid to perform work for an LLC, when that project involves a contract entered into

between the LLC and the Water Works and Sewer Board; provided, that he did not vote, attempt to influence or otherwise participate in the original contract between the LLC and the Water Works and Sewer Board when he knew or had an understanding that he would be awarded the bid, when he intended on submitting a bid, or when he has had discussions with the members of the LLC regarding his interest in the bid prior to the vote on the contract between the Water Works and Sewer Board and the LLC. If the member of the Water Works and Sewer Board is allowed to bid on the project with the LLC, and he is the successful bidder, he may not vote, attempt to influence or otherwise participate in any aspect of the project while serving on the Water Works and Sewer Board. A member of the City Water Works and Sewer Board may not use confidential information obtained in the course of his service on the Water Works and Sewer Board to assist him in bidding on the project with the LLC. *This opinion addresses only the applicability of the Alabama Ethics Law to the facts as presented, and it does not discuss or attempt to interpret the applicability of 41-16-60, Code of Alabama, 1975.*

AO No. 2007-06: A City and a member of the City Police Department, may enter into a rental agreement allowing the officer to live rent-free in a mobile home owned by the City and located on City property in exchange for the officer providing security for the City property during the officer’s off-duty hours, when the arrangement is subject to a rental agreement made a part of the officer’s employment contract with the City, and clearly sets out the obligations of all parties concerned; and further, where a public interest is served.

**For an AAMA
Membership
Application, see
page 20**

3. Terms of Office: Officers shall be elected to two (2) year terms, by a majority of the votes cast for each position by Section members present at annual meetings. Officers shall take office immediately upon their election. Nominations for Officer positions shall be by the Nominating Committee and may be by nominations from the floor at annual meetings. The Nominating Committee shall consist of not less than three nor more than five AAMA members appointed by the President of AAMA.

4. Reelection: Officers shall be eligible for reelection.

5. Qualification: An officer must hold a full membership with AAMA at the time of election and must continue as a full member during his or her term of office. The subsequent loss of eligibility to participate in AAMA as a full member shall disqualify the officer from holding office.

6. Duties of Officers: President: The President shall preside at all meetings of the members of the Section and the Board. The President may appoint members to all standing and special committees except as otherwise provided herein. The President, or designee thereof, shall represent the Section at meetings of the ALM Board of Trustees.

Vice-President: In the absence of the President, the Vice-President shall perform the duties of the President. In the event of a vacancy in the position of President, the Vice-President shall succeed to the office of President for the unexpired term. Vacancies in the office of Vice-President shall be filled by the President.

Secretary/Treasurer: The Secretary/Treasurer shall give notice and keep minutes of all meetings of the Section members and the Board, and shall maintain the Section membership list. The Secretary/Treasurer shall account for all financial matters of the Section and report thereon at their annual meeting, and shall render such financial statements as the Board may require. The Secretary/Treasurer shall also be responsible for the municipal legal news publications of the Section, and their distribution to Section members.

Immediate Past Presidents: Among other assignments identified in this Charter, the Immediate Past Presidents shall serve to promote participation in Section activities. The Immediate Past Presidents shall perform other duties as the Board may request to use the talents and experience of this Officer to the advantage of the Section.

7. Compensation: Directors and officer shall not be compensated for serving in their respective capacities.

ARTICLE VI

Participation in Other Organizations: AAMA may join or cooperate with other national, state and local attorneys organizations which will benefit the Section and its members.

ARTICLE VII

1. Contracts and Finance: AAMA shall not have power to bind its future boards, nor to bind the ALM beyond the authorized budget to pay for goods and services without ALM consent. The President, or the Vice-President, and the Secretary/Treasurer shall be signatories to such agreements as are authorized.

2. Checks and Other Instruments: The Secretary/Treasurer shall have authority to execute any and all checks and other negotiable instruments authorized by the membership, on behalf of the Section.

ARTICLE VIII

Charter Amendment: This Charter may be amended by the members of the Section having full voting membership, who are present in person at any annual meeting of AAMA. Amendment shall require a vote in favor of amendment by at least two-thirds (2/3) of such members present. The written text of any proposed amendment shall be furnished to all members at least thirty (30) days before the meeting at which the amendment is to be considered.

ARTICLE IX

Upon termination of AAMA as a Section of ALM, all assets of AAMA shall become the property of ALM.

CERTIFICATE OF ADOPTION

The undersigned Secretary/Treasurer of the Alabama Association of Municipal Attorneys hereby certifies that the preceding charter was duly approved and adopted by a majority vote of the attorneys present in person at the annual meeting.

Secretary/Treasurer Alabama Association of Municipal Attorneys

Date



ALABAMA ASSOCIATION OF MUNICIPAL ATTORNEYS

2007 MEMBERSHIP APPLICATION

Date: _____

Name: _____

Title: _____

Address for AAMA Mailings (Including Zip Code): _____

Telephone: _____ FAX: _____

Email: _____

_____ (Check here if you do **not** want to participate in the AAMA e-mail listserve.)

Municipality(ies) Represented: _____

Do you prosecute cases in municipal court? _____ Yes _____ No

Amount Due: \$75.00

Amount Enclosed: _____

Would you be willing to serve on an AAMA Committee? _____ Yes _____ No

If yes, please indicate **first** and **second** choice(s) below:

Litigation _____ Prosecution _____ Ordinances _____ Legislation _____

Conference Planning (Attorneys) _____ Conference Planning (Prosecutors) _____

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Sen. Lowell Barron – 40 Years of Service to Alabama

By Niko Corley, Communications Coordinator

Since 1966, State Sen. Lowell Barron has continually served in elected office in Alabama, an achievement few elected officials anywhere can come close to matching. In the 40 years since he first took office as a city councilmember in the Northeast Alabama town of Fyffe, Barron has endeavored to make Alabama a better place to live and work.

Barron was born and raised on a farm in rural Jackson County, Alabama, and graduated from nearby Section High School. After attending Snead State Community College, Barron headed down the road to Auburn University, where he earned a degree in pharmacy.

Upon returning to Sand Mountain in 1966, Barron settled in Fyffe and opened the Sand Mountain Drug Store. It wasn't long after that he got involved in politics, when, in 1967, Barron joined the Fyffe City Council and began a successful and impressive career in public service spanning four decades. In fact, Barron's beginnings in elected office can be traced back not only to Fyffe but directly to the Sand Mountain Drug Store.

"I've always had a real desire to serve," Barron said. "Look at pharmacists; they are always helping people by getting them the medicine they need," Barron said.

After Fyffe's mayor resigned in 1968, Barron was appointed to the position, and after finishing out the unexpired term, he was elected to three consecutive terms as mayor of the city. While there, Barron helped form the DeKalb County Mayor's Association to assist municipal executives in getting together to discuss their cities' problems. As many small-town mayors will attest, being the city's chief executive doesn't afford one the luxury of standing on the sidelines and watching others do all the work. From issuing warrants to serving as judge and a number of other jobs uncharacteristic of a mayoral position, Barron says being mayor of Fyffe was no different.

"In a small town the mayor does everything. If someone called about a dead animal in front of their house I went over in my pickup truck and picked it up," Barron said.

Roadkill and all, serving as Fyffe's mayor was an invaluable experience, Barron says, and one he wouldn't trade for anything. In addition, the daily activities of the



position helped prepare him for his next career move to the Alabama State Senate.

"It was a very easy transition from being mayor to serving in the Senate – I already understood budgeting issues and dealing with people and people's problems," Barron said.

In 1983, Barron made Alabama history in his run for the District 8 Senate seat by becoming the first person elected to state office through a "write-in" campaign. Before the '83 race, Barron won the District 8 seat in 1982 by the traditional means with his name was on the ballot. However, not long after, a federal court ruled new elections had to be held immediately because the state

legislature's makeup was disproportionate to Alabama's population. Barron says special interest groups played a part in his not getting the nomination for the seat he had just won months prior when the new elections rolled around, but he was determined not to go out without a fight.

He took to the streets, going door-to-door asking people for their vote, resolute not to relinquish the District 8 seat. As a result, Barron won his seat back and made state history.

"I got elected the old fashioned way," Barron said. "I got out and worked for it."

Because the federal ruling calling for new elections came so soon after he won the seat in '82, Barron's campaign apparatus was still in place, and he was able to crank it back up, motivate his team and win back his seat in an overwhelming victory. The '83 run, Barron said, helped him connect on a new level with his constituents.

"It endeared me to my district and my district to me because we stood up to the political bosses," Barron said.

Barron is currently serving his sixth term and is in his 25th year in the District 8 Senate seat. Over the last quarter-century, Barron says he is, for the most part, proud of the things the Legislature has accomplished, most notably, during his eight-year term as president pro-tem of the Alabama Senate, passing tort reform laws to clean up frivolous lawsuits and not raising taxes in Alabama. Though he has now passed on the gavel, Barron said he is honored to have

continued next page

served as pro-tem of the senate and looks forward to serving as the Rules Committee Chair, a position he was elected to in January.

Barron said his top priority this year will be the statewide school bond issue that will allow schools across the state to update rundown and outdated facilities. Given that his political career began by serving in municipal office, Barron hasn't forgotten where he came from and wants to set aside time, whether it be a full day or portion of a day, where the Senate only addresses issues affecting municipalities. This way, he said, bills can be voted on that might otherwise not have a chance to be heard.

"Good bills should be passed whether or not they have a lobbyist pushing them," Barron said.

As chair of the Rules Committee, Barron has the power to transform these issues from his priorities into the Alabama Senate's priorities.

"I want to make some changes from what I've seen the Rules Committee do in the past," Barron said, and "...I intend to work very closely with the pro-tem to get this done."

League Director of Intergovernmental Relations Greg Cochran said Barron has long-been an ally of the League

and is interested in what is best for Alabama's cities and towns.

"Senator Barron has always been responsive to municipal issues and concerned that legislative proposals not hinder municipal governments from serving their constituents," Cochran said. "I consider Senator Barron a friend to our organization and the municipal members we represent."

Barron's work over the 25 years he's been in state office has helped Alabama grow and prosper. Currently, Alabama has the lowest unemployment rate the in the state's history, along with a growing automotive manufacturing industry and a healthy climate overall for industry and jobs.

"We in Alabama enjoy the lowest tax burden of anywhere in the U.S., and we have comparable services to those surrounding states," Barron said.

Clearly, these are good times for Alabama, and as a 25-year veteran of the Alabama Senate, Barron's hand in guiding the state to where it is today cannot be denied.

"The programs we have put in place over the last quarter-century are working marvelously well. I've never been more optimistic for the state," Barron said. "...Alabama is poised to be the leader in the Southeast." ■

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– Jeff Barrom, President, Sunnyside Economic Development Association Board, Sunnyside WA

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Sen. Hinton Mitchem – Working to Unify the Alabama Senate

By Niko Corley, Communications Coordinator

Now that the turmoil and media attention surrounding his election as president pro-tem of the Senate has subsided, Sen. Hinton Mitchem is ready for his new job, one he says will require mending damaged relationships and nurturing new ones.

“I hope it’s going to be a healing role,” Mitchem said. “... I’m going to do everything I can to bring everyone together.”

Mitchem’s selection as pro-tem at the 2007 Organizational Session, where Senate Democrats and Republicans fought tooth and nail for control of the Alabama Legislature’s upper house, caused great rifts between parties and individual senators.

“You had Democrats and Republicans fighting, and it was almost like you were going for the jugular,” Mitchem said.

His ability, however, to work both sides of the aisle many say, will allow the fissures made this year over the election of the pro-tem easier to smooth over. Mitchem, who says he has the most Republican district with an elected Democratic senator, is known for being able to maintain good relationships with members of both parties.

“I get along well with all of them and I go out of my way to help them,” Mitchem said, adding that this is not the time for partisanship. “When you get elected you represent all of the people ... we pledged to come together for the betterment [of the entire state].”

Greg Cochran, the League’s director of intergovernmental relations and an 18-year veteran of the Alabama Legislature, said if anyone can bring the senators from both sides back together, Mitchem can.

“Sen. Mitchem has shown he is more than capable of unifying the Senate and putting everyone on the same page again,” Cochran said.

Mitchem was born in Oconee County, Georgia, and attended the University of Georgia, where he graduated in 1961 with a degree in education. He moved to Albertville in 1962 and in 1965 founded the Hinton Mitchem Tractor Company, which he sold two years ago. From 1968-1972, Mitchem served on the Albertville City Council, and in 1974 was elected to a term in the Alabama House of



Representatives. In 1978, he was elected to the first of nine terms to Alabama’s Senate District 9, which includes all of Blount and Marshall counties and part of DeKalb County.

Looking back over Mitchem’s 32-year legislative career (which makes him the senior member of the Alabama Senate), he said serving as a city councilmember taught him a great deal about elected office and spurred him on to later serve the state in a broader capacity.

“It [the city council] really broke me in and gave me an insight on politics,” Mitchem said.

During his years in the Alabama Senate, Mitchem has been involved

in the passage of number of bills that greatly benefited Alabama, including sponsoring a bill to create the Alabama Housing Finance Authority, which has sold more than \$2.5 billion in bonds to provide low interest loans for single-family dwellings to more than 185,000 Alabama families.

Mitchem’s extensive career in public service is not limited only to his work in elected office. Mitchem was appointed by governors James (twice), Wallace and Hunt as chair of the Alabama Commission on Physical Fitness. In addition, for 18 years, Mitchem served as chair of the Alabama Special Olympics, working for the benefit of thousands of handicapped citizens across the state.

Beyond his top priority of getting the senate working together on issues, Mitchem wants to see the legislature pass a bond issue for schools to improve education in Alabama, something he said “everyone ought to be on board for.” In addition, Mitchem said he wants to see PAC to PAC transfers banned and both a good general and education budget passed.

Despite the divisions in the Senate at this time, a hurdle he is convinced the group can overcome, Mitchem said that between the state’s hardworking people, the current lowest-ever unemployment rate, the strong Alabama Development Office and the auto industry that is putting the state in good financial shape, this is great time for Alabama.

“We [now] have a time in Alabama history when we have everything to look forward to,” Mitchem said.

With his reputation as a unifier, Mitchem is prepared to help guide the state toward that bright future. ■

proposes new aviation fees that will eventually replace airline ticket taxes when the Airport Improvement Program expires in September 2008.

Amtrak would receive \$800 million in direct payments, plus another \$100 million for new matching grants to states for intercity passenger rail projects, a cut from the House-passed continuing resolution level of \$1.3 billion. The budget request also proposes \$39.6 billion in federal highway funding for fiscal 2008, the amount called for under the 2005 highway law (PL 109-59) and \$500 million more than the House-passed continuing resolution would provide for 2007. However, the Administration's budget proposal does not honor several funding guarantees enacted as part of SAFETEA-LU. Transit funding enacted as part of SAFETEA-LU set spending at \$9.7 billion. The DOT budget would provide only \$9.4 billion for transit programs. SAFETEA-LU also established a new mechanism for funding highway programs, the Revenue Aligned Budget Authority (RABA), which allowed highway funding to exceed the authorization if gas tax revenues surpassed projections. Based on these calculations, the states were guaranteed an additional \$631 million RABA adjustment in fiscal 2008, but this amount was not included in the president's budget.

DOT has requested an additional \$175 million for an urban congestion initiative to fund local pilot programs such as rush hour toll measures and staggered work hours. The

budget again calls for authority to set fuel-economy standards for passenger cars based on vehicle size and weight, known as the Corporate Average Fuel Economy (CAFE) standard, although Congressional leaders continue to assert their authority over these standards rather than leave it up to the Administration.

Environmental Protection Agency (EPA)

President Bush's budget would continue the Administration's trend of slashing EPA funding, with the bulk of the proposed cuts directed toward a popular clean-water infrastructure program.

The EPA would receive \$7.1 billion, a \$500 million cut compared with fiscal 2006 funding (PL 109-54), and an \$800 million reduction below fiscal 2005 funding (PL 108-447).

The Clean Water State Revolving Fund has been slated to be eliminated by the end of 2009. The program would receive \$688 million in fiscal 2008, a drop of about \$312 million from the fiscal 2007 spending package (H J Res 20) awaiting Senate action. The Administration's position is that it wants to allow for more private investment to help with water infrastructure funding.

The Administration did not seek increased funding for the EPA's climate-change activities, requesting \$216 million on climate research and \$439 million on programs such as voluntary industry partnerships — nearly level funding from fiscal 2006. ■

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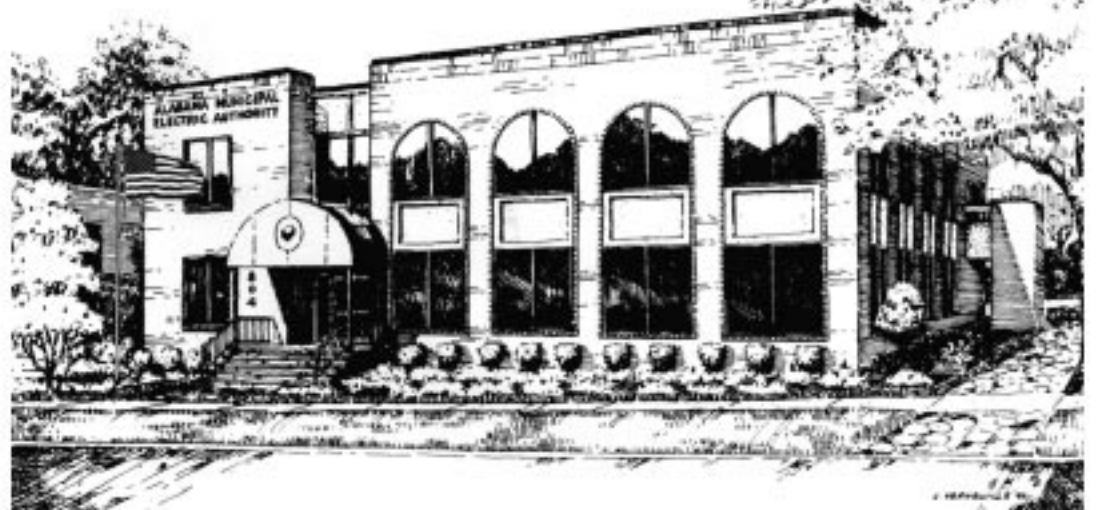
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ACCMA Holds Successful Winter Conference

The Alabama City/County Management Association's 2007 Winter Conference, held recently at the Marriott at Grand National in Opelika, Alabama, was a winning combination of good topics, informed speakers and a receptive audience. The conference theme "Power in Legislation" set the scene for presentations on state legislation that affects both city and county government - Open Meetings Law, proposed Open Records Law, Business License Legislation, cooperative purchasing, GASB regulations, and Workers' Compensation. Perry Roquemore, Alabama League of Municipalities Executive Director, and Buddy Sharpless, Association of County Commissions of Alabama Executive Director, addressed the 2007 Legislative Session and the bills that will be sponsored by ALM and ACCA.

Keynote speaker Dick Burlison, author of "You Better Be Right", combined his experience as an SEC football official with his "Twelve Mandatory Leadership Traits for Success" to motivate and bring leadership training to the conference attendees.

The Auburn-Opelika Tour "Now and Then" was coordinated by the Auburn/Opelika Tourism Bureau and the city of Opelika. Tour guide Mike Moore, a native of Opelika, did an outstanding job describing both old sites and new development in the fast-growing city of Opelika.

The ACCMA 2007 Summer Conference will be held at the Perdido Beach Resort, Orange Beach, Alabama, July 11-13, 2007. The conference theme "Power in Administration" will provide useful tools for professional management in city and county government in Alabama. For summer conference information, contact Mignon Bowers at 256-777-6701 or by email at accma@pclnet.net. ■

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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.	Spouses' 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.

CMO SESSION 024

LEADERSHIP & COMMUNICATION

Cost: \$100 per person

Leadership

- Building Character and Integrity
- Financial Management of Cities and Resources
- Economic Development: The Heart of the City's Fiscal Health
- Customer Service: What City Personnel Do Impacts the Mayor's Office

Communication

- Developing a Communication Style in the Public Arena
- Narrowing a Topic by Identifying Your Purpose
- Analyzing Your Audience: Communicating Your Message to a Hostile Audience
- Preparation for Delivery
- Techniques for Good Delivery

9:00 a.m. – Welcome • 4:00 p.m. – Adjourn
Lunch served at facility

Huntsville March 9, 2007
 Huntsville Marriott Hotel

Montgomery March 27, 2007
 Auburn University at
 Montgomery

Loxley March 29, 2007
 Loxley Civic Center

For more information, contact
Theresa Lloyd
CMO Program Administrator, at
334-262-2566 or via e-mail at
theresal@alalm.org.

Bond Issues

continued from page 5

The interest rate is determined by many factors. The size of the issue, the length of the bond issue, current economic conditions, government borrowing at that time, inflation rates, the political climate, expected changes in the market and the past history of the municipality in the bond market all play a key role in setting the interest rates. There are other costs that will be added to the million dollars needed for the project: bond counsel fees, the paying agent (the financial institution that actually pays the principal and interest to bond holders), the underwriting fee (cost associated with issuing the debt), bond insurance (if purchased) and miscellaneous fees such as printing costs.

The length of time required to complete the bond issue process will depend on the ability of the municipality to provide the documentation needed by the investment banker and the bond counsel and the time it takes for the underwriter to review the financial position of the municipality. This all comes back to the efforts of the municipality to insure good financial practices such as monitoring your taxes on sales, motor fuel, tobacco, property and business licenses.

The information that has been presented on bond financing has been general. Please don't hesitate to call the League if you have specific questions. I hope this information will allow you to make a more informed decision if you elect to borrow money to finance your next project. ■

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