

# The Alabama Municipal JOURNAL

September/October 2019

Volume 77, Number 2



**Legislative Diligence**  
Firefighter Cancer Bill Becomes Law

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# The Alabama Municipal JOURNAL

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#LiveLocallyAlabama

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## On the Cover:

ALM worked closely with the Alabama Association of Fire Chiefs and other key stakeholders to ensure that HB360 providing cancer benefits to full-time certified firefighters passed during the 2019 Regular Session. Pictured with League Vice President Mayor Leigh Dollar of Guntersville and League President Mayor Ronnie Marks of Athens are Athens firefighters (left to right) Driver Colton Hill, 5 years service; Fire Chief Bryan Thornton 23 years service; Battalion Chief Torrey Downs, 17 years service; and Driver Chad Green, 10 years service. For complete story, see pages 4 and 9.

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# Protecting Those Protecting Our Communities

## Firefighter Supplemental Cancer Benefit Policy – A Profile of Legislative Diligence

Kayla Bass, Public Affairs Associate & Greg Cochran, Deputy Director • ALM

The trend of providing cancer coverage to firefighters has been discussed and debated across our nation. As firefighters are exposed to more and more synthetic materials during incidents, there has been a rise in firefighter cancer diagnoses; in fact, firefighters are 14 percent more likely to be diagnosed with cancer than the average municipal worker.

Many state legislatures, including several of our sister states, have passed presumption laws establishing that cancer diagnoses for firefighters are workers' compensation eligible while other states have legislated additional benefits programs outside workers' compensation to assist firefighters. In Alabama, we understood that finding a way to protect our firefighters without jeopardizing municipal budgets was imperative – and that it couldn't be done without collaboration, research and critical conversations.

In every session of the Alabama Legislature since 1935, the League has served as the guardian and the voice of municipal interests. This year was no different – and this issue was about protecting our own. Throughout the 2019 legislative session, our advocacy, workers' comp and legal teams spent countless hours joining forces with Gene Necklaus, Immediate Past President of the Alabama Association of Fire Chiefs; Steve Pegues, retired firefighter; Senator Garlan Gudger, Senate sponsor; Representative Phillip Pettus, House sponsor; and Representative Tommy Hanes researching the best way to cover cancer diagnoses for our valued firefighters. After much consideration and research, we agreed to the creation of a supplementary benefit program to specifically assist firefighters when diagnosed with cancer.



ALM Deputy Director Greg Cochran (right) and Public Affairs Associate Kayla Bass (left) with HB360 sponsors Rep. Phillip Pettus and Sen. Garlan Gudger.

During this process, it was imperative that the League and our members participate in identifying a solution to the financial challenges faced by firefighters when addressing treatment costs and lost time from work after being diagnosed with cancer. By collaborating with all stakeholders on this critical issue, we were able to craft legislation to address the challenges faced by firefighters and design a program that is fiscally responsible to taxpayers.

### Provisions of the Legislation

Beginning January 2020, ACT#2019-361 provides cash benefits and disability payments to firefighters diagnosed with cancer. Full time career firefighters will be eligible for this benefit provided by their employing municipality. Certified volunteer firefighters may have their fire districts provide this benefit, paid for by fundraising events or through other funds. Volunteer firefighters may also purchase these benefits on their own. We also built in a safety net for retirees employed during the time these benefits were provided, so that they, too, could continue coverage.

This policy will ensure cash benefits are available for multiple cancer diagnoses including bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, thyroid, leukemia, multiple myeloma, Hodgkin's lymphoma and non-Hodgkin's lymphoma. Depending on the cancer diagnosis, a firefighter will be eligible for \$6,250 or \$25,000 in cash benefits as well as access to \$3,000 in monthly disability for up to 36 months should they not be able to work during and post treatments.

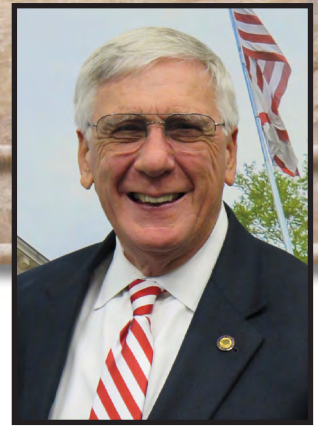
This approach will allow the firefighter to pursue treatment and focus on healing without the fear of facing financial turmoil in the process of his or her treatment plan. This approach will also allow the firefighter and general health insurer to determine the best treatment plan for his or her wellbeing. Keeping these decisions in the hands of the firefighter was a major goal we wanted to accomplish through this benefit program.

### Alabama First Responders Benefits Program

ALM will be working with Alabama First Responders Benefits Program, LLC (ALFRBP) – a League-endorsed program – in the coming weeks to provide marketing materials and additional details to our municipal officials. This new law is effective January 2020, so *now* is the time to build the cost of providing these benefits for your firefighters into your budgets. ■

# The President's Report

Mayor Ronnie Marks, Athens



## Legislative Diligence

In his Foreword for the 1955 publication *Some Facts About Municipal Government in Alabama*, ALM's first Executive Director, Ed E. Reid (1935-1965), wrote: *In addition to the services it supplies, there are other reasons why municipal government is of the utmost importance in our whole scheme of democratic government. Municipal government is a training ground in democracy and governmental statesmanship. Municipal government is also the level at which the citizen can most directly participate in the democratic process. Our state and national governments cover such a wide scope of activities that we cannot hope, as individuals, to follow all of them. We cannot enjoy frequent contacts with our representatives on those levels and often lack the information necessary to understand their problems. On the municipal level, however, we can become thoroughly familiar with local problems, understand the policies of the city or town government and manifest opinions on these matters through direct contact with our elected officials. For these reasons, and many others, it is important to each of us that we have a good municipal government – that it must be honest, efficient, economical and progressive.*

I echo those thoughts, which are as relevant today as they were nearly 65 years ago. Additionally, I will take this opportunity to remind you that, in order for our cities and towns to be efficient, economical and progressive, we must work closely with the League to ensure *we* control the municipal narrative presented to our statewide officials – not just during the legislative session but throughout the year.

### The Importance of Being Strategic

Goal I of ALM's formal strategic plan, which was adopted by the Executive Committee October 2018, stipulates improving relevance with legislators, increasing member engagement and building strong bonds with stakeholders:

*Goal I. Effectively advocate for municipal resources and regulatory authority needed to provide quality of life services to their constituents.*

- Increase member engagement in the legislative process.
- Improve relevance of the League through increased

*League interaction with legislators and education of legislators regarding municipal government and the League's role.*

- Collaborate and build strong bonds with other stakeholders (e.g., the retail association, universities, media, and the counties) to help find solutions to problem situations.
- Use Live Locally Alabama campaign to encourage localized civic engagement.

Over the past year, our Advocacy/Communications team worked diligently to achieve the objectives of Goal I leading up to and during the 2019 legislative session. Their efforts paid off, particularly with statewide media. Our state's major political reporters are now using the League as a *resource* rather than an afterthought. In addition, ALM's significant legislative successes, particularly Gov. Ivey's Rebuild Alabama infrastructure initiative and our firefighter supplemental cancer coverage bill that is now law, quite frankly, would not have happened without member engagement; daily (often hourly) interaction with legislators and legislative leadership; and strategic collaboration with numerous stakeholders.

This past session, 1,070 bills were introduced. The League engaged on 339 general application bills, 29 tax exemption bills and 192 local bills. We opposed 10 major legislative proposals that failed to pass – legislation that would have limited our local authority and implemented unfunded mandates. We collaborated on 12 major legislative proposals that passed the Legislature and received Act numbers, becoming part of our legal landscape. It was an intense and often hard-fought endeavor; however, it's why the League was founded in 1935 – and why we must continue to be vigilant, strategic and part of *every* discussion that could impact our municipalities and our citizens. We must continue to be the voice of Alabama's cities and towns and *never* cede control of our narrative.

### Protecting our Firefighters

I am immensely proud of the efforts resulting in ACT 2019-361, which requires municipalities to provide full-time, certified fire fighters with a supplemental cancer benefit policy. This new, necessary benefit didn't happen in

a few days or over a few meetings and is a prime example of why collaboration, member engagement and legislative diligence are critical. ACT 2019-361 was a multi-tiered endeavor that took months, requiring many conversations, significant data, the support of multiple stakeholders and the buy-in of our firefighters. I commend ALM Deputy Director, Greg Cochran, for his diligence and leadership on this issue. Richard Buttenshaw, the Operations Manager for our outstanding Municipal Workers Compensation Fund, Inc. (MWCF), provided invaluable insight and data regarding how to move forward. And perhaps most important of all were the efforts of Gene Necklaus, Fire Chief for the Scottsboro Fire Department and Immediate Past President of the Alabama Association of Fire Chiefs as well as retired firefighter Steve Pegues. Without their vigilance and willingness to bring all the players to the table, this law would not have become a reality. I also sincerely thank the bill sponsors, Rep. Phillip Pettus and Sen. Garlan Gudger, who championed this critical initiative from start to finish.

Folks, the League doesn't exist just to defend against detrimental legislation – although certainly that takes up a great deal of time, effort and focus. We are also the *foundation* for developing equitable, fiscally responsible laws that enhance the quality of life for our citizens and improve the health, welfare and future of Alabama.

Legislative diligence and strategic advocacy matter. ■



ALM President Mayor Ronnie Marks of Athens and ALM Vice President Mayor Leigh Dollar of Guntersville.

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# Municipal Overview

By Ken Smith, Executive Director



## Preparing for the 2020 Legislative Session – Seven Steps to Take Now

This month's issue of the *Alabama Municipal Journal* focuses on year-round lobbying efforts and ways that you can prepare now for upcoming legislative efforts. The League had a very successful 2019 Regular Session. Our Advocacy staff, Greg Cochran and Kayla Bass, along with strong support from Carrie Banks and Karl Franklin in the Communications Department and our attorneys, Lori Lein, Rob Johnston and Teneé Frazier and myself, worked tirelessly alongside other municipal lobbyists on your behalf.

We worked with other stakeholders to pass a new motor fuel tax, with firefighters to pass cancer benefits legislation and with other interested parties on lodging tax revisions, Financial Institutions Excise Taxes revisions, rural broadband deployment and state grants for broadband, along with many other bills. Perhaps more importantly, we were able to defeat many negative measures, such as the elimination of the police jurisdiction, funding for inland ports, small cell preemption legislation, public records access, fireworks preemption and others.

But our legislative process is a team effort and depends heavily on your involvement. Although we can't know for sure what issues will take center stage for municipalities in 2020, there are steps we can all take now that will help us all once the session starts. While the word "lobbying" leaves a nasty taste in the mouths of many, most of us engage in some form of the lobbying process every day. The word literally refers to the process of persuading a person or a group of persons to make a decision in your favor. When you asked your parents to borrow the keys to the car on a Saturday night, and had to explain why you needed it and how you would use it, you were engaged in lobbying them for permission.

Similarly, when we attempt to convince members of the Alabama Legislature to support or oppose legislation affecting municipalities, we must explain how that legislation impacts local government and why it should or should not pass. The process of lobbying the Legislature is one of the primary functions that the League performs for its members. However, the League cannot perform this alone. We fully

acknowledge that passing or defeating legislation requires teamwork. This is one reason why the League places a strong emphasis on promoting grassroots lobbying by our municipal officials. Contacts and input from our members have enabled the passage of many positive bills and – more importantly – prevented the passage of uncounted negative bills.

It is important to know that other associations and stakeholders have their lobbyists poised and ready to present their views to members of the Legislature. Often, we seek to find common ground with these lobbyists and manage to find solutions to problems by working together. But other times, we find ourselves unable to resolve the differences between our views and have to simply work extra hard to try to make sure members of the Legislature agree with us when the votes are taken. Input from other officials that a Legislator knows and respects can make all the difference in passing or defeating legislation.

### How You Can Assist

The following suggestions can help you know that your municipality's views are heard – and listened to by the Legislature:

**1. Get Personally Acquainted with Your Legislators.** Make it your business to become personally acquainted with your senators and representatives. Now, while the legislature is not in session, is a great time to visit them. You may have heard a local rumor about potential legislation. Ask your legislators what they've heard. Ask them their position on those potential bills. Explain to them just how the legislation will impact your city or town. Even if you don't have a specific issue to discuss with them – or, perhaps, especially if you don't have an issue in mind – you can discuss issues confronting your municipality.

Where does your revenue come from? How important are those revenues to the daily operation of your municipality and to the safety and protection of your citizens? Be prepared to provide details. Know where your revenues come from and how you use them. Do you have infrastructure needs? What road or bridge projects

*continued on page 33*

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## Firefighter Cancer Benefit Act Momentous for Firefighters and Municipalities

Gene Necklaus • Immediate Past President • Alabama Association of Fire Chiefs

The recent passage of the Firefighter Cancer Benefit Act is being celebrated across Alabama and by Fire Service organizations nationally as a significant step in protecting our firefighters from the dangers they face. Increased cancers in firefighters have been recognized for years and while we work to increase prevention efforts, we know we can't eliminate toxic exposures or erase those already experienced. Multiple past attempts at added protection for firefighters have been tried but each one failed in the Legislature, often because of the significant financial burden employers (mostly municipalities) would incur. This is why the passage of Act 2019-361 is momentous for both our firefighters and our cities.

The members of the Alabama Association of Fire Chiefs (AAFC) share a focus on providing for and protecting our firefighters, to allow them to perform the absolute best possible job for citizens and be able to live fruitful and healthy lives both during their careers and afterwards. We also recognize that we must take care of firefighters with respect to maintaining strong municipalities and budgets – that without those municipalities, we simply can't provide services. Similarly, while the League exists primarily to strengthen municipal governments, League staff and the almost 450 member cities and towns realize that taking care of public employees is vital to effective governance.

As our organizations recognized the complementary values and positions of each other, a beneficial partnership formed. Both groups embraced that it was our duty to support firefighters experiencing this occupational hazard and, at the same time, to do so without jeopardizing the soundness of our cities and towns. Over the course of multiple meetings and countless emails and phone discussions, the AAFC and the League bounced ideas, thoughts and concerns back and forth. In the end, we had language that we all could stand together and proudly support.

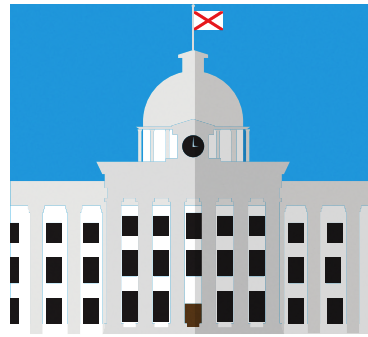
The productive working relationship our groups enjoy made drafting the language the easy part. Yet, even the best worded legislation can take multiple sessions to succeed, and I had concerns we would have that same struggle. This leads to another facet we are extremely grateful for – the experience and labor League staff shared in terms of legislative advocacy. Together, we were able to see the fruits of our efforts pass both chambers *unanimously*.

On behalf of the Alabama Association of Fire Chiefs, I share sincere appreciation for the extraordinary work League staff put into this. No doubt many contributed to this success, but my personal thanks goes to Greg Cochran, Richard Buttenshaw and Kayla Bass for their months of discussing, brainstorming, and advocating a real advancement for our firefighters and municipalities. The officers and members of the League should be confident in the strength and future of your organization. ■

*Gene Necklaus is the Immediate Past-President of the Alabama Association of Fire Chiefs and has more than 20 years' experience in municipal public safety, serving as the Fire Chief for the City of Scottsboro since 2014.*



*On July 24th, Governor Kay Ivey held a ceremonial bill signing for several bills including HB360, which provides full-time certified firefighters with a supplemental cancer benefit policy. HB360 also allows volunteer firefighters and retired firefighters the option of purchasing the supplemental coverage. The League is grateful to Gov. Ivey for her support and to Sen. Garlan Gudger for sponsoring the bill in the Senate and Rep. Phil Pettus for sponsoring in the House. Photo courtesy of the Governor's Office.*



# A BIRTHDAY AS BIG AS *The State*

**October 4**

**Old Cahawba Bicentennial Celebration**  
Orrville/Old Cahawba

**October 5**

**Old St. Stephens Days Bicentennial Year Celebration**  
St. Stephens

**November 3-December 31**

**“We the People Alabama’s Defining Documents” Exhibition**  
Alabama Department of Archives & History  
Montgomery

**November 11**

**Alabama Bicentennial Veterans Day Celebration**  
USS Alabama Battleship Memorial Park  
Mobile

**November 28-29**

**49th Poarch Creek Bicentennial Thanksgiving Pow Wow**  
Atmore

**December 1-3**

**2019 City of Montgomery Bicentennial Celebration**  
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# A Commendable Legacy & A Compelling Vision for Alabama



## Dr. Joe Sumners Retires

By Amelia Stehouwer • Research Manager • GEDI

*Live Locally Alabama is an ALM grassroots campaign designed to encourage civic engagement, instill community pride and highlight the crucial role municipal government plays in the daily lives of Alabama's citizens. As part of this campaign, a Live Locally Alabama feature is included in each issue of the Journal highlighting important community topics and quality of life issues that will help municipal officials and employees improve their cities and towns for the people they serve.*

Sixteen years ago, I was planning to temporarily leave Alabama, pursue a PhD at a “public ivy”, and eventually return to help fight poverty and work to alleviate its toll on my home state and its citizens. Instead, I met Dr. Joe Sumners, a man of modest stature with a “wicked-smart” intellect and a huge heart. I saw his clear and compelling vision for the state we both loved. I heard his message. I watched his impact and quiet influence on Alabama and its communities. I bought in. I decided to change course and pursue a graduate degree at Auburn when I learned of an assistantship that would enable me to join Dr. Sumners in the work he was doing as Director of the Auburn University Economic Development Institute<sup>1</sup>. So, I did it a little backwards: I met with Dr. Sumners to discuss the opportunity for (and secure) a GRA position at EDI; THEN, I applied to Auburn’s MPA program. Seven months later, I joined EDI’s full-time staff, and I have been extremely fortunate to work with and for Joe Sumners.

I came to Auburn because of Dr. Sumners (“Joe”) and his commitment to the parts of Alabama that had been “left behind”, and I have stayed at Auburn for the past 15 years because of his leadership, vision, and impact. Joe has taught me invaluable lessons about how communities work – and how we can most effectively work in and with communities. I have come to affectionately refer to some of these recurring themes as tenets of the “GEDI gospel”:

- the power of citizens to collectively change their world;
- the value of the public good and the honorable calling of public service;
- the necessity of partnerships, planning, and perspective;
- the value of people and the fact that, adequately prepared and working together, people form the foundation of strong communities, upon which strong economies are built;
- a belief in leaderful communities and the power of a strong civic infrastructure: that community vitality is determined

by the quantity of leaders in a community – and how, individually and collectively, they talk, decide, act, and interact with one another;

- the vision of a more progressive Alabama that we can proudly leave to our children and grandchildren; and
- the persistence to see this dream realized.

In July, Dr. Sumners retired as Executive Director of Auburn’s Government & Economic Development Institute (GEDI). As Joe moves on to his next chapter, I know he will continue to find meaningful ways to make a difference in Alabama communities. In the meantime, the way I approach my work with and for communities will be forever changed by his vision, leadership, and influence. And I know many of my colleagues and fellow public servants across Alabama feel the same way. I have always admired Joe’s belief in and commitment to a greater vision and a greater good. Joe is the epitome of what it means to “live life on purpose”, and I am honored to have this opportunity to share *a small glimpse* into Joe’s vision for Alabama and his mission-driven approach to public service – in his own words (i.e., through *select* excerpts from some of his writing). It is my hope that you will also be inspired by Joe’s message and legacy, and that we will all recommit ourselves to working together towards his compelling vision for Alabama and the promising future of the state we all love.



*continued page 27*

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# IS YOUR PAYROLL AT RISK?

## Tips on Protecting this Pillar of Your City Operations

By Nathan Eisner • COO • Sophicity

**P**ayroll. One of the key essential activities of your city operations. Without paying your city employees in a clockwork fashion and carefully following all regulations, your city may get into staff retainment, financial and even legal trouble. That's why threats to payroll need to be taken seriously. And there are more technology-related threats than ever – from cyber criminals to internal issues with data processing. Let's look at a few of these threats and how IT can help you combat them.

### 1. Phishing

A few months ago, Sophicity's Director of Finance and Human Resources received an email from "me." (Note that this was not the first of its kind.) Take a close look and see if anything appears suspicious.

---

**From:** Nathan Eisner admin@ocess.net  
**Sent:** Tuesday, October 02, 2018 10:57 AM  
**To:** [OMITTED FOR EXAMPLE]  
**Subject:** Direct Deposit Info Update

Sue,  
I changed my bank and i ll like to change my paycheck dd details, can the change be effective for the current pay date?

Regards  
Nathan

---

If you glance at it quickly, the email almost looks legit. But there are two glaring red flags:

1. The FROM email address is clearly not from our company (and specifically from my work email address).
2. The grammar is slightly not right, and the sentence is unusually direct without any helpful context. Unfortunately, these kinds of emails often trick employees at organizations. KnowBe4 talked about a recent case at Wichita State University in Kansas: "Three employees of [Wichita State University] fell prey to a common phishing scam asking for their credentials, giving cybercriminals access to change banking details. We've said it time and time again: the bad guys do their homework. In the

case of the attack on WSU employees, cybercriminals spoofed the university's payroll system and sent emails to employees tricking them into providing their university ID and password. That was all the attackers needed to gain full control to the employee's profile, personal data, and most importantly – banking information."

We suggest reading our phishing tips, reviewing some of the FBI's phishing tips about payroll scams, and continually training your payroll and finance department employees about how to spot phishing attacks.

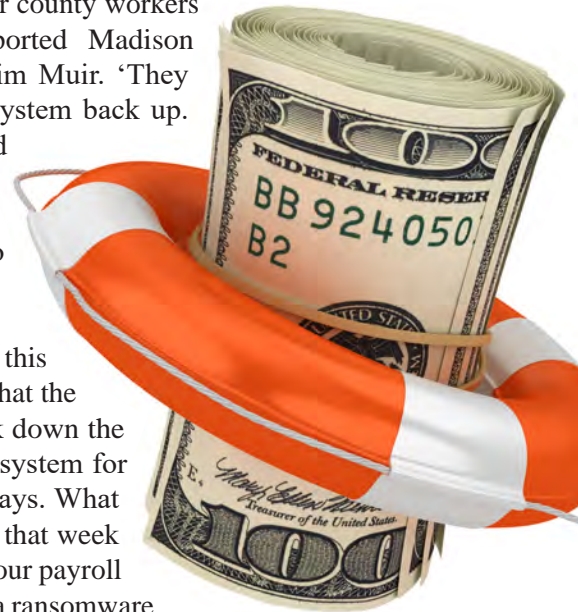
### 2. Ransomware

Not having defenses or preparation against ransomware can affect your payroll. Madison County, Idaho experienced such a situation in October 2018. The *Rexburg Standard Journal* said, "The hacker demanded money to restore files and access, but Madison County officials declined to pay. Instead, officials turned to their IT specialists to fix the problem. [...] IT workers succeeded in restoring the county's pay system, which allowed for county workers to be paid, reported Madison County Clerk Kim Muir. 'They got the payroll system back up. Otherwise we'd be cutting paper checks, and we don't want to do that,' she said."

Despite the optimistic tone of this article, consider that the ransomware took down the county's payroll system for more than four days. What if the Tuesday of that week was payday? Is your payroll system ready for a ransomware attack? We suggest reading our 2018 blog post, "Ransomware Cripples City for Weeks – and What We Can Learn" at [sophicity.com/ResourcesBlog.aspx?CNID=3186](http://sophicity.com/ResourcesBlog.aspx?CNID=3186) to find out.

### 3. Hacking through security vulnerabilities

Hackers take advantage of unpatched, vulnerable software to break into servers and extract information such as payroll data. Sometimes, vendors (especially



those with outdated or poorly managed software) may not proactively keep up to date with the software patching you need (as seen by the example of Click2Gov last year). Other times, cities fail to stay up on patching – leaving financial systems exposed. We recommend reading “Why Is Patching a Problem? Reasons Behind Resisting a Surefire Cybersecurity Best Practice” at [sophicity.com/ResourcesBlog.aspx?CNID=3252](https://sophicity.com/ResourcesBlog.aspx?CNID=3252). If you address the root causes of why you don’t proactively patch your software, then you will make your payroll systems more secure.

#### 4. Risk of permanent data loss

What if your payroll software experiences a server failure? What if a natural disaster occurs and wipes out your servers? Can you recover your payroll data in hours or days? As part of your disaster recovery plan, you need to make sure you can recover important data such as payroll data sooner than you recover less critical data. And also work with your IT staff or vendor to make sure your payroll data is all – and not partially – recoverable (which you can confirm by regularly testing your data backup).

#### 5. User access and authorization

Who can access your payroll software? Who is authorized to access specific information? Does everyone in the finance department have “admin” (or full) access? Thinking through your user access and authorization policies can help you lessen the risk of incidents that expose data. This includes third party access to your applications. Do vendor employees have access to sensitive payroll data for no clear reason? Do contractors unnecessarily have access to sensitive data? Your IT staff or vendor can help you perform an audit of who can access your payroll software and what they can see. Then, you can create policies that more clearly define who has access to what information.

#### 6. Data processing and integrity

Sloppy, weak or error-prone data processing and integrity doesn’t serve you well. A few tips include:

- **Ensuring that you have reliable transaction logs:** In a previous blog post, we noted, “These logs record all electronic information about transactions that take place within an application. For example, you may enter payroll information each week into your accounting application for each employee. Each completed set of data that you input for each employee counts as a transaction if the data is processed between, for example, your system and a bank. Transaction logs must match what are known as ‘source documents.’ For example, payroll information may originate from a timesheet (either on paper or sent electronically). If the timesheet and the paycheck doesn’t

match, then there may be a transaction error. Experiencing many transaction errors may indicate a problem with your application or with the way your employees are using it.”

- **Set up proper controls and processes.** The right controls and processes help prevent data input errors or fraud – such as an employee changing payroll data or deleting payment records.
- **Put field edit checks in place to reduce errors.** You can require that employees fill in certain fields, information gets autocorrected, and autofilled data populates fields.

#### 7. Software best practices

Your payroll system, beyond patching, is affected by software quality. Make sure you:

- **Use updated operating systems:** Unsupported operating systems (like Windows XP) opens your payroll software up to cyberattacks. Windows 7 will be unsupported as of January 14, 2020, and your payroll software is at risk if you are running it on this soon-to-be-outdated operating system.
- **Run your payroll software on a server or servers (preferably in the cloud):** Some cities run important software like payroll software on a single PC. There are so many reasons why this is a bad idea, from data backup uncertainty to lack of cybersecurity oversight. Run your software on servers or, better yet, through the cloud so that you don’t have to maintain hardware onsite.
- **Use modern software:** Using old, outdated software opens your city up to many security risks such as ransomware, viruses, unauthorized access, and permanent data loss. You also will risk your payroll software freezing, slowing down, and crashing. Don’t skimp on your payroll software. ■

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*Nathan has more than 20 years of experience in delivering technology consulting to metro Atlanta businesses in the accounting, construction, telecommunications, real estate, and health care industries. Before coming to Sophicity, Nathan owned and operated a local technology consulting company called ThinkIT. ThinkIT was acquired by Sophicity in 2011. Nathan’s knowledge of information security, disaster recovery planning, and network infrastructure has allowed him to work directly with cities to maximize the results that they get out of their technology investments. Nathan has worked side by side with city officials to cut costs related to technology and ensure that best practices are in place to meet or exceed industry standards.*

# How Alabama's Public Pension Fund (RSA) Enhanced the State's Economy Over 50 Years

by Mark Fagan, Professor Emeritus, Jacksonville State University

In 1973, George C. Wallace was governor of Alabama. Dr. David G. Bronner became Secretary-Treasurer of RSA. The Judicial Retirement Fund was created at RSA. There were no state health insurance programs and no state-managed individual retirement accounts for public employees and public education employees. There was no monthly newsletter and no publicly distributed annual report. There were 204 ERS units and 195 TRS units with a total of 112,000 members and 15,000 of them were retired members. RSA paid \$40 million in benefits. RSA had 55 staff members and no investment staff.

In 1973, RSA had a total of \$623 million under management. RSA's funded ratio was 25% and RSA's total income was \$179 million. RSA's investment income was \$32 million with an investment yield of 6.3%. RSA's asset classes consisted mostly of bonds and mortgages with no real estate and a small percentage of stocks. RSA did not own any buildings, golf courses, hotels, media companies, railcar plants, and was not working with cities in Alabama to recruit or finance industrial expansion.

Alabama's economy in 1973 was based on agriculture, timber, metals, and textiles. The largest agricultural commodities were cotton, peanuts, soybeans, corn, hay, poultry, cattle, hogs, and dairy. Military installations were prominent, and the space industry was developing in Huntsville. Birmingham had the steel industry and Mobile had shipbuilding, maritime, and shipping. Alabama's Gross Domestic Product (GDP) was \$17.4 billion. Alabama had 1.2 million non-farm employees that did not have relatively high salaries.

From 1973 to 1990, RSA decided to invest in Alabama when the return was at least equal to investments in other places. RSA bought mortgages, zero-coupon treasuries, public and corporate bonds. In 1990, RSA began development of The RTJ Golf Trail and began investing in media companies which provided free publicity for Alabama tourism. Since 1990, RSA has provided financing for 53 corporations in Alabama communities plus 10 more statewide and helped to recruit corporations to 11 Alabama communities.

RSA partnered with Alabama state government, utility companies, and industrial leaders in virtually every major recent economic development success in Alabama.

This included expansion of the following industries: automotive, aerospace, biotech, information technology, distribution, metals, chemical, forestry products, electronics, plastics and rubbers, railcar manufacturing, oil and gas, maritime, and agribusiness. RSA played a large roll in recruiting Mercedes-Benz, Honda, Toyota, Navistar, Hyundai, Airbus, and Thyssenkrupp to Alabama. RSA helped secure the Mercedes-Benz agreement for Tuscaloosa in 1994 with financing. RSA built a railcar plant in the Shoals.

Manufacturing output began increasing in Alabama in 1997 when Mercedes-Benz began production of vehicles and accelerated when aerospace production began. Durable goods manufacturing in Alabama showed a 130% increase from 1994 to 2017. As durable goods manufacturing increased, nondurable goods manufacturing decreased.

*continued next page*

## 2019 Session

The League played a significant role in passing **ACT 2019-32, Tier II Retirement Benefits for ERS Employees**, by Sen. Waggoner and Rep. Ledbetter, granting municipal and county governments the authority to allow Tier II employees to participate under the Tier I program under certain circumstances. RSA has stated that it appears the Tier II reforms were an overcorrection that have caused recruitment and retention issues for local governments. Spearheaded by the Alabama Retired State Employees' Association and supported by the League, a solution was brought to the Legislature and local governments now have the authority to make better decisions for their personnel.

**PASSED!**

The increase in durable goods manufacturing increased the number of higher paying jobs and the overall income for the state. Non-farm employment increased to 2 million by 2017.

The GDP for Alabama in 2017 was \$211 billion which was an increase of \$193.6 billion over the GDP in 1973. Alabama's main industries in 2018 had become automotive and truck manufacturing, aerospace, metals, chemical, distribution, forestry products, information technology, bioscience, rubber and plastics, railcar manufacturing, shipbuilding, maritime, and offshore gas and oil. Automotive assembly and shipbuilding companies had the largest numbers of employees.

By 2018, there were state health insurance programs and state-managed individual retirement accounts for public employees and public education employees. There were 874 ERS units and 210 TRS units with a total of 358,000 members and 146,000 of them were retired members. RSA paid \$3.3 billion in benefits. RSA had 362 staff members with 17 investment staff members (12 CFAs). Dr. Bronner finished his 45th year as CEO of RSA.

By 2018, RSA had 24 funds with \$43.8 billion under management. RSA's total income was \$5.4 billion with \$3.4 billion in investment income and an investment yield of 9.35%. RSA asset classes were mostly in domestic and international stocks, fixed income bonds, and real estate. RSA had 16 buildings and 14 parking decks, 26 golf courses, 8 hotels, 6 spas, 29 restaurants, a railcar plant, 2 residential communities, 100 newspapers, investment in a company with 142 television

stations with free publicity for Alabama tourism, 59 real estate leases with the Alabama state government, and a total of 52 specific real estate assets in Alabama.

RSA has grown substantially and contributed significantly to Alabama's economic expansion over the last 46 years by developing assets in Alabama, financing industry in Alabama, and promoting Alabama as a place to visit and work. Tourism spending in Alabama has increased from \$3.3 billion in 1990 (before The Trail and RSA tourism promotions) to \$15.6 billion in 2018. The credit for this growth goes to the public employees, public employers, RSA staff, and RSA board members. It is truly a compelling story how a public pension fund improved the quality of life in a Southern state. ■

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*Mark Fagan is Professor Emeritus at Jacksonville State University. He has been writing about projected economic impacts, economic history and economic development for 35 years. He is the author of Attracting Retirees for Economic Development; Retirement Development: A How-To Guidebook; The Robert Trent Jones Golf Trail: Its History and Economic Impact; Coastal Alabama Retirement Guide; and Coastal Alabama Economic History. The above information came from a new book titled Alabama's Public Pension Fund Growth and Economic Expansion Since 1973 by Mark Fagan available at [store.bookbaby.com/profile/MarkFagan](http://store.bookbaby.com/profile/MarkFagan).*

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When Jonathan Mills (Mills) Thornton was discharged from World War I military service in April 1919, he had a vision for a firm that would bear his name. But he had no idea the business he would establish later that year would endure to celebrate its centennial. Nor could he have imagined it would grow and prosper to become the oldest privately-owned investment banking firm in Alabama.

In many ways, it was an opportune time to start an investment banking firm. The pace of economic activity increased in the aftermath of the war. Significant pent-up demand resulting from the war translated into large purchases of consumer goods. Heavy domestic spending by the federal government kept the economy moving forward, and the automobile and construction industry further stimulated economic activity.

In short, the 30-year-old entrepreneur, a native of Montgomery who served in General Pershing's headquarters in France, saw a need and established the business now known as Thornton Farish Inc. Like other businessmen, he faced an array of challenges – he persevered through the Great Depression; the economic recovery following it; and another world war. In 1947, his son, Jonathan Mills Thornton, Jr., and Addie Lee Farish joined the firm. The younger Thornton had served with distinction as a naval officer in World War II from 1940 to 1946. Addie Lee Farish, a native of Camden, joined the firm after finishing her tenure as the first female Superintendent of Banks.

As improbable as it was for that time and place, Ms. Farish had become superintendent in 1940. She excelled in her leadership role during a challenging era characterized by preparation for war and painful adjustments to peacetime activities. As it turned out, serving as superintendent of banks was not the final chapter in her storied life. She gained respect in the investment banking arena by bringing the commercial banking industry together with corporate and municipal clients to finance their infrastructure needs. In partnership with Mills Thornton and Sidney Mohr, she established the company of Thornton, Mohr, and Farish.

Bill Gauntt, also a World War II veteran, joined the firm in 1953. Gauntt served in the U.S. Army from 1941 to 1945 and later worked with the United Nations Relief and Rehabilitation Administration in Shanghai through 1947. In many ways, Gauntt was the connecting link – the bridge between the earlier business and the one today. Mills Thornton retired in 1956, Addie Lee Farish passed away in 1974, Mohr moved to Birmingham with another firm and Gauntt retired in 1989.

Today, Thornton Farish Inc. maintains a strong presence in Alabama municipal financing as well as corporate finance. Thornton Farish has represented many of the state's municipalities, utility boards, public and private universities and colleges as well as public healthcare entities. The firm has extensive experience at the state level with environmental infrastructure financing, responsible for developing in collaboration with the Alabama Department of Environmental Management, Alabama Water Pollution Control Authority and the Alabama Drinking Water Finance Authority.

In corporate finance, Thornton Farish is a national industrial development and solid waste financing leader. Its reach extends nationwide with the exception of Hawaii. Although based in Montgomery, Alabama, it has closed tax-exempt issues for some of the largest corporations in the country. A partial list includes Archer Daniels-Midland, Austal USA, BASF, Cargill, Kroger, Tate and Lyle, Total USA, and Weyerhaeuser. The current principals, Scott W. Bamman, Louis C. Cardinal, III and Joseph A. (Andy) Whitehead, have more than 120 years of collective investment banking experience.

Little could Mills Thornton, a man of great vision and strong entrepreneurial spirit, have dreamed of the successes and recognition received by the organization he gave birth to a century ago. Changes of immense proportions have occurred in the intervening years. The firm has adjusted to a challenging financial landscape and prospered by providing innovation and a high level of service to its clients. ■

*In 2005, when the Alabama League of Municipalities was in the process of creating AMFund to assist cities and towns with their financing needs, we reached out to Louis Cardinal with Thornton Farish to be our financial advisor. Thornton Farish was chosen because of their integrity, energy and reputation as a trusted financial advisor to our municipalities. ALM and AMFund have remained partners with Thornton Farish in providing financial assistance to municipalities since AMFund's inception. We congratulate them on their Centennial – 100 years of outstanding service is, indeed, a notable accomplishment.*

*~ Greg Cochran CAE, President AMFund*

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*Wayne Curtis, Ph.D., former Superintendent of Banks, is a retired Troy University business school dean and professor emeritus of banking and finance.*



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# The Legal Viewpoint

By Lori Lein, General Counsel



## 2020 Municipal Elections: Calendar Now Available; Important Changes to Election Laws

Your League Legal and Communications Departments have been hard at work preparing a calendar for the 2020 Municipal elections, which most Alabama municipalities will hold on August 25, 2020. While the municipal election cycle doesn't start in earnest until candidates can officially begin to qualify on July 7, 2020, the election process actually began on August 25, 2019 when potential candidates could begin raising and spending money as authorized by the Fair Campaign Practices Act (FCPA). In the months ahead, please look for sidebars in the *Alabama Municipal Journal* notifying you of important upcoming Election dates and deadlines.

In addition to notifying you about the availability of the elections calendar from the League, there were several important changes to election laws in the 2019 Legislative session impacting municipal elections which municipal clerks and officials need to be aware of.

### Elections Calendar & Manual

In August, the League mailed to every municipal clerk and probate judge a detailed Elections Calendar outlining the significant deadlines for the 2020 municipal general election. New to the calendar this time is a separate list of filing deadlines for candidates, even ones who have not officially qualified yet, under the FCPA. This calendar is available for download at the League's webpage at [alm.org](http://alm.org). We encourage every municipal official and potential candidate to download the calendar and have it available for reference as they move through the next year towards election day.

In addition, every four years the League prepares a special report on municipal elections commonly referred to as "The Elections Manual" among clerks and officials. As has been the practice in the past, this manual will be available in late November in advance of the comprehensive elections training provided to municipal clerks through the Alabama Association of Municipal Clerks and Administrators. The training this year will be December 4-6, 2019 at the Lodge at Gulf State Park.

While there will be other training opportunities as we move towards election day, we encourage municipalities to make this comprehensive training available to their municipal clerks. Not only will the training cover municipal elections from start to finish but it will provide clerks with opportunities to network

with other clerks, representatives from the Secretary of State's Office, and representatives from the providers of election equipment and materials.

Speaking of networking, we encourage all city clerks in municipalities slated to hold elections in 2020 to prepare a list now of those persons and agencies he or she may need to contact for help during the election cycle. A short list might include other clerks, the Secretary of State, the probate judge, the board of registrars, the Attorney General's Office, your election equipment supplier, and the League of Municipalities. Each of these agencies can help answer questions regarding election procedures.

The county board of registrars can help answer questions related to provisional voting and voter registration, including the voter's lists each municipality must prepare. The probate judge, having conducted elections using the type election equipment your municipality will use and having followed provisional balloting, can offer suggestions and answer questions in these areas. Again, contact their offices and ask if they will be willing to help you prepare for your election.

Your election supplier – which may be the county or a private group such as Election Systems and Software (ESS) – can address questions related to the equipment you will be using during the election. And, of course, the Secretary of State, the Attorney General and the League can help answer general election questions.

### Important Changes to Elections Laws

There were several changes to elections laws during the 2019 Legislative session which will impact, to varying degrees, municipal elections. While some of these are helpful to the municipal election process, others serve to complicate and confuse matters.

### Voter Registration Deadline

On the helpful and clarifying end of the spectrum is Act 2019-358 relating to the deadlines for voter registration. Prior to the passage of this Act, there was an inconsistency between state elections and municipal elections with regard to the deadline for registering to vote. This Act corrected that discrepancy.

While municipal elections are primarily governed by the

provisions of Chapter 46 of Title 11, Code of Alabama 1975, there are many provisions under Title 17 of the Code, relating to elections in general, that also apply to municipal elections. Sometimes when the Legislature amends one Title to solve a problem it can create unintended confusion or lack of symmetry in the other. This is what happened in 2014 when Title 17 was amended to extend the number of days for voter registration in state and county elections. Prior to 2014, a voter could register to vote up to 10 days prior to an election both for state and county elections under Title 17 and municipal elections under Title 11. Act 2014-428 amended Section 17-3-50, Code of Alabama 1975, to extend the time from 10 days to 14 days for state and county elections. In order to maintain the symmetry and cut down on confusion to the public for voter registration, the League successfully amended Section 11-46-38, Code of Alabama 1975, to provide that in municipal elections, a voter must register to vote at least 14 days prior to the election.

### Candidate Statement of Economic Interests

One new Act that is not so helpful and will potentially complicate the preparation of ballots for municipal elections in 2020 is Act 2019-529 relating to the time frame for a candidate to file his or her statement of economic interests.

Prior to the passage of this Act, Section 36-25-15, Code of Alabama 1975, provided that candidates must file with the Ethics Commission a statement of economic interests for the previous calendar year *simultaneously* with the date they file their qualifying papers to run for office. Act 2019-529 amended

this code provision to provide that candidates now have up to five days after filing their qualifying papers to file their statement of economic interests. If a candidate fails to file a statement of economic interest, the law provides that their name shall not appear on the ballot.

On its face, this change seems reasonable and innocuous, but because of the tight timelines found in Title 11 for municipal elections, this creates a problem regarding the deadline for the printing of ballots. Qualifying for the 2020 municipal general election ends on July 21, 2020 and the law requires that ballots for the election be ready for absentee voting on July 28, 2020 – a mere 7 days after qualification ends and possibly only 2 days after a candidate who qualifies to run submits their statement of economic interests to the Ethics Commission in order for his or her name to appear on the ballot. The practical difficulties this presents for getting accurate and final ballots printed by the July 28<sup>th</sup> deadline is clear. The League is working with the Secretary of State and the Ethics Commission to find a solution for the 2020 municipal elections. The League will update on this issue as qualifying time draws near.

### Photographing Ballots

Potentially confusing matters for election officials at the polls on election day is Act 2019-370 relating to the photographing of ballots. The Act provides that it shall be a Class A misdemeanor to photograph a ballot, other than an individual's own ballot or to reveal another voter's ballot in a manner that would disclose its contents to anyone other than an individual lawfully assisting



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the voter. In addition, the Act specifically provides that a voter is not prohibited from making available a photograph of the voter's own ballot by posting the photograph on the Internet or in some other electronic medium, and any transmittal of the photograph to a third party.

In the absence of any statute specifically addressing the issue, the Attorney General, in 2000, issued an opinion indicating that no one can photograph or video tape within 30 feet of a polling location. AGO 2000-160. The opinion is based on what is now Section 17-9-50, Code of Alabama 1975, which prohibits anyone except the voter, the voter's assistant, if needed, and election officials from being within 30 feet of the polls during an election. Arguably, this new Act presumes that a voter can photograph his or her own ballot within the polling location on election day. Election officials will need to be made aware of this and it will add another layer to their already detailed duties on election day.

### **Absentee Voting**

Several bills were passed in the 2019 Legislative session which impact absentee voting. The most significant was Act 2019-507 dealing with voter identification, general absentee balloting, emergency absentee balloting and the absentee voter list.

**Absentee Voter Identification:** Act 2019-507 amends the process for the voter identification for absentee voting. Prior to this Act, an absentee voter was required to submit a copy of the appropriate identification along with their ballot. If a voter failed to provide identification there was a process in place to provide that identification before election day, or if not provided the ballot would be treated as provisional.

Under the new law, a voter is required to submit their identification along with their application before ever being sent an absentee ballot. The law specifically states that "an absentee ballot shall not be issued unless the required identification is submitted with the absentee ballot application." If an application is received on or after the eighth day before the election and it is missing the proper identification, the absentee election manager shall issue the absentee ballot as a provisional ballot.

In issuing a provisional absentee ballot, the absentee election manager must notify the voter why the ballot is provisional and provide a voter re-identification form, an affirmation of provisional voter form and instructions on the procedure followed by the Board or Registrars for verifying and certifying provisional votes. Additionally, the voter must be instructed that they must provide identification to the Board of Registrars no later than 5:00 p.m. on the Friday following the Election.

**Additional Situations Allowed for Voting Absentee:** Act 2019-507 provides for additional situations under which a person may vote by absentee ballot or emergency absentee ballot. Specifically, the Act provides two additional grounds for voting a regular absentee ballot in addition to those already provided for in Section 17-11-3, Code of Alabama 1975; (1) if the person is a caregiver for a family member to the second

degree of kinship by affinity or consanguinity and the family member is confined to his or her home and (2) the person is incarcerated in prison or jail and has not been convicted of a felony involving moral turpitude as provided for in Section 17-3-30.1, Code of Alabama 1975. In addition to a medical emergency requiring treatment within five days of the election, the Act also provides the following additional situations which allow for emergency absentee voting:

1. The voter is required by his or her employer under unforeseen circumstances within five days before an election to be unavailable to vote at the polls on election day;
2. The voter is a caregiver of a person who requires emergency treatment by a licensed physician within five days of the election; or
3. A family member to the second degree of kinship by affinity or consanguinity of the voter dies within five days of the election.

**List of Absentee Voters – No Posting:** One very significant change to absentee voting procedures which will impact municipal elections is the posting of the list of persons who have voted absentee. Prior to the passage of this Act, the absentee election manager was required to post a list of all voters who have applied for and voted by absentee ballot. Act 2019-507 repealed this requirement. In fact, the law now reads that the "list of electors voting by absentee ballot shall remain confidential until the day following the election." The absentee elections manager will now deliver the list to the board of registrars the day following the election and at that point the list becomes a public record.

**Disabled Voters:** Act 2019-359 authorizes the Secretary of State, through the rulemaking process, to establish procedures that would allow for a voter to be placed on a permanent absentee voter list upon proof of having a permanent disability preventing the voter from attending the polls in person and thus allowing the disabled voter to vote by absentee on an on-going basis.

The Act mandates that the rules require the application be signed and notarized by the disabled voter's primary physician and that there be a procedure to provide for automatically mailing absentee ballots before each election to voters who are placed on the disabled absentee voter list.

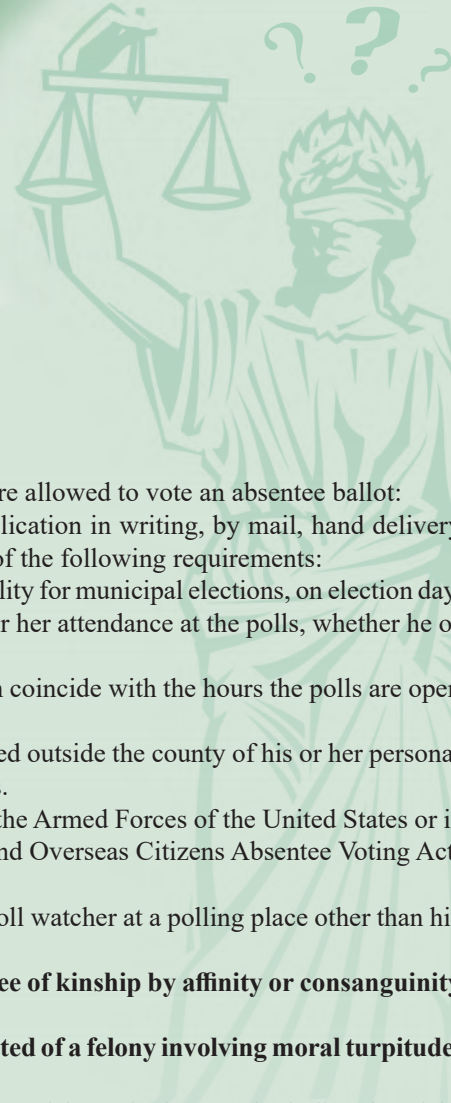
The League will monitor the rulemaking process and provide updates to these procedures as they become available.

### **Questions?**

For any questions regarding these changes or the upcoming 2020 municipal election in general, please contact the League Legal Department. Be sure and download a copy of the *2020 Municipal Elections Calendar* from our website and look for the comprehensive *Elections Manual* on our website in late November 2019. ■

# F.A.Q.

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



## Elections - Absentee Ballots - Voter Requirements

### Who is allowed to vote an absentee ballot?

Per Section 17-11-3 of the Code of Alabama 1975, the following individuals are allowed to vote an absentee ballot:

(a) Any qualified elector of this state who submits an absentee ballot application in writing, by mail, hand delivery, or **commercial carrier**, at least five days before the election and meets one of the following requirements:

- (1) The person **expects** to be out of the county or the state, or the municipality for municipal elections, on election day.
- (2) The person has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election.
- (3) The person **expects** to work a shift which has at least 10 hours which coincide with the hours the polls are open at his or her regular polling place.
- (4) The person is enrolled as a student at an educational institution located outside the county of his or her personal residence attendance at which prevents his or her attendance at the polls.
- (5) The person is a member of, or spouse or dependent of a member of, the Armed Forces of the United States or is similarly qualified to vote absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
- (6) The person has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place.
- (7) The person is a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.**
- (8) The person is incarcerated in prison or jail and has not been convicted of a felony involving moral turpitude, as provided in Section 17-3-30. 1.**

(b) An applicant for an absentee ballot who is a member of the Armed Forces of the United States, including the Alabama National Guard, the United States Naval Reserves, the United States Air Force Reserves, and the United States Army Reserve on active duty or active duty for training or an applicant who is the spouse of any member of the armed forces or any other applicant qualified to vote absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

(c) Any registered elector who requires emergency treatment of a licensed physician within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than noon on the day the election is held.

(d) Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if **any of the following situations arise:**

- (1) The elector is required by his or her employer under unforeseen circumstances within five days before an election to be out of the county on an emergency business trip unavailable to vote at the polls on election day.**
- (2) The elector is a caregiver of a person who requires emergency treatment by a licensed physician within five days before an election.**
- (3) A family member to the second degree of kinship by affinity or consanguinity of an elector dies within five days before an election. He or she is required by his or her employer under unforeseen circumstances to be out of the county on an emergency business trip on election day.**

(e) If the occurrence of a state of emergency as declared in this or any other state, or by the federal government, renders substantial compliance with this article impossible or unreasonable for a group of qualified voters who respond to the emergency, the Secretary of State, pursuant to Section 41-22-5, may promulgate an emergency rule to allow those qualified voters to vote by absentee ballot. ■

# Supreme Court Review for Local Governments 2019

By: Lisa Soronen  
State and Local Legal Center  
Washington, D.C.



*The State and Local Legal Center (SLLC) files Supreme Court amicus curiae briefs on behalf of the Big Seven national organizations representing state and local governments. \*Indicates a case where the SLLC has filed or will file an amicus brief.*

The going theory on the Supreme Court's docket for the 2018-2019 term was that the Court tried to stay out of controversial cases after Justice Kavanaugh's contentious confirmation process. If that was in fact the Court's goal it was mostly able to accomplish it except for the census and partisan gerrymandering cases. As always, the Supreme Court decided numerous cases affecting local governments – big and small. This article summarizes the four most significant cases for local governments. At the time of publication, it remains unclear whether the 2020 census will contain the citizenship question.

## ***Department of Commerce v. New York***

In *Department of Commerce v. New York* five Justices held that the reasons Commerce Secretary Wilbur Ross gave for adding the citizenship question to the 2020 census were pretextual in violation of the Administrative Procedures Act (APA). Since 1950 the decennial census has not asked all households a question about citizenship. In a March 2018 memo Secretary Ross announced he would reinstate the question at the request of the Department of Justice (DOJ), "which sought improved data about citizen voting-age population for purposes of enforcing the Voting Rights Act (VRA)."

According to the Court additional discovery revealed the following: "that the Secretary was determined to reinstate a citizenship question from the time he entered office; instructed his staff to make it happen; waited while Commerce officials explored whether another agency would request census-based citizenship data; subsequently contacted the Attorney General himself to ask if DOJ would make the request; and adopted the Voting Rights Act rationale late in the process."

The Court agreed "to a point" with the federal government that there was "nothing objectionable or even surprising in this." But, the APA requires that federal agencies don't act arbitrarily and capriciously. Here, "viewing the evidence as a whole," Ross's decision to include the citizenship question "cannot be adequately explained in terms of DOJ's request for improved citizenship data to better enforce the VRA."

## ***American Legion v. American Humanist Association***

The Bladensburg Peace Cross may stay the Supreme Court ruled in a 7-2 decision in *American Legion v. American Humanist Association*.\* In 1918, residents of Prince George's County, Maryland, decided to erect a memorial to honor soldiers from the county who died in World War I. The monument, completed in 1925, is a 32-foot tall Latin cross that sits on a large pedestal. Among other things, it contains a plaque listing the names of 49 local men who died in the war. Over the years, memorials honoring the veterans of other conflicts have been added to the surrounding area. In 1961, the Maryland-National Capital Park and Planning Commission acquired the cross and the land it is on in order to preserve it and address traffic-safety concerns. The American Humanist Association sued the Commission claiming the cross's presence on public land and the Commission's maintenance of it violates the Establishment Clause.

The Supreme Court disagreed. Significantly, the Court stated that "retaining established, religiously expressive monuments, symbols, and practices is quite different from erecting or adopting new ones. The passage of time gives rise to a strong presumption of constitutionality."

*continued on page 25*



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According to the Court, the Bladensburg Cross doesn't violate the constitution first because it "carries special significance in commemorating World War I." Second, "with the passage of time" the cross "has acquired historical importance." Third, the monument didn't "deliberately disrespect[] area soldiers who perished in World War I" as no evidence indicates Jewish soldiers were excluded. Finally, according to the majority, "it is surely relevant that the monument commemorates the death of particular individuals."

While the Court acknowledged that the cross "is undoubtedly a Christian symbol," it opined "that fact should not blind us to everything else that the Bladensburg Cross has come to represent."

### ***Nieves v. Bartlett***

In *Nieves v. Bartlett*\* the Supreme Court held 6-3 that the existence of probable cause generally defeats a First Amendment retaliatory arrest case. While police officer Luis Nieves and Russell Bartlett have different versions of what happened at Arctic Man, a week-long winter sports festival in Alaska, even the Ninth Circuit agreed that Sergeant Nieves had probable cause to arrest Bartlett. Sergeant Nieves knew Bartlett had been drinking and talking loudly when he saw Bartlett stand close to another officer and the officer push Bartlett away. But Bartlett claimed Sergeant Nieves really arrested him in violation of his First Amendment free speech rights because he had refused to speak to Sergeant Nieves previously, which Bartlett reminded Sergeant Nieves of when he was being arrested.

The Supreme Court held that probable cause *generally* defeats a retaliatory arrest claim. The Court relied primarily on *Hartman v. Moore* (2006), where it held that probable cause defeats retaliatory *prosecution* claims. In *Hartman*, the Court noted that proving causation is difficult in retaliatory prosecution cases because "the official with the malicious motive does not carry out the retaliatory action himself – the decision to bring charges is instead made by a prosecutor, who is generally immune from suit and whose decisions receive a presumption of regularity." Similarly, it is difficult to determine if protected speech is the cause of an arrest because "protected speech is often a 'wholly legitimate consideration' for officers when deciding whether to make an arrest."

The Court's caveat is the "no-probable cause requirement should not apply when a plaintiff presents objective evidence that he was arrested when otherwise similarly situated individuals not engaged in the same sort of protected speech had not been."

### ***Knick v. Township of Scott***

In a 5-4 opinion in *Knick v. Township of Scott*\* the Supreme Court held that a property owner may proceed directly to federal court with a takings claim. In *Knick* the Court overturned *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City* (1985), which held that before a takings claim may be brought in federal court, a property owner must first seek just compensation under state law in state court. The Township of Scott adopted an ordinance requiring cemeteries, whether located on public or private land, to be open and accessible to the public during the day. Code enforcement could enter any property to determine the "existence and location" of a cemetery. The Constitution's Takings Clause states that "private property [shall not] be taken for public use, without just compensation."

Rose Mary Knick sued the county in federal (rather than state) court claiming the ordinance was invalid per the Takings Clause after code enforcement went onto her property without a warrant looking for (and finding) a cemetery not open to the public during the day. The Court overruled the state-litigation requirement of *Williamson County* reasoning the Takings Clause doesn't say: "Nor shall private property be taken for public use, *without an available procedure that will result in compensation.*"

### **Conclusion**

Perhaps the most interesting fact about the 2018-2019 term is that Justice Kavanaugh was the Justice most in the majority. Whether this is a sign that he will join Chief Justice Roberts to form a center right coalition on the Court is unclear. Notably, Justice Kavanaugh joined his more conservative colleagues in both of the big cases of the term (census and partisan gerrymandering) while Chief Justice Roberts joined his more liberal colleagues in the portion of the census opinion ruling Ross's reasons for adding the citizenship question were pretextual. Only time will tell how the addition of Justice Kavanaugh will impact local governments in big and small cases. ■

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*Lisa Soronen is the Executive Director of the State and Local Legal Center (SLLC). In this role, Lisa files amicus curiae briefs to the United States Supreme Court on behalf of members of the Big Seven (National Governors Association, National Conference of State Legislatures, Council of State Governments, National League of Cities, United States Conference of Mayors, National Association of Counties, and International City/County Management Association) in cases affecting state and local government. Prior to joining the SLLC, Lisa worked for the National School Boards Association, the Wisconsin Association of School Boards, and clerked for the Wisconsin Court of Appeals. She earned her J.D. at the University of Wisconsin Law School and is a graduate of Central Michigan University.*



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## Joe's Vision for Alabama

We have become accustomed to mediocrity, or worse; indeed, it is all we have ever known ... We need a bigger vision for Alabama – a vision of the kind of state we desire for ourselves and for our children and grandchildren. Alabama's vision should include: Ethical leadership from state and local government elected and appointed officials – who are committed to excellence in public service and who subordinate narrow special and personal interests to the needs of the whole;

1. A state Constitution that enables, rather than hinders, solutions to state and local challenges;
2. A tax structure that provides adequate government revenues, fairly distributes the burden, and ensures that funding is reliable;
3. Quality public schools and strong colleges and universities – an educational system that is the envy of other states;
4. Quality healthcare and essential public services in every part of the state – urban, suburban, and rural;
5. A humane criminal justice system that protects citizens and effectively rehabilitates offenders to a productive return to society;
6. Economic vitality and job growth in all areas of the state;
7. Vital, empowered city and county governments aggressively dealing with local problems and working collaboratively to ensure a better quality of life for their citizens; and
8. Citizens who take pride in their state and communities and are actively involved in their own governance.



## On Citizens, Democracy, and Home Rule

The highest office in a democracy is that of citizen. All other offices are filled by action of the people, and the people delegate to elected officials certain responsibilities. The 1901 [Alabama] Constitution, however, provides very limited power to the people ... [It] is a formidable barrier to citizens who want to control their government. Government closest to the people is most responsive to the people ... By making government more responsive to local citizens, home rule would address the growing feeling of powerlessness and distrust that citizens have toward government ... Local citizens should have the right to decide how they will be governed.

## On Education and Talent

In the 21st Century knowledge economy, outstanding education – pre-K, K-12, and post-secondary – is essential for successful economic development. States and communities that fail to produce and attract educated and skilled workers are at a huge disadvantage in the competitive world of economic development, which is increasingly shifting from an emphasis on recruiting industry to recruiting talent.

## On Leadership and Citizen Participation

Successful communities all over the United States understand the importance of an expansive view of community leadership. The traditional notion of the community leader – often a mayor or other powerful “position-holder” – as chief community problem-solver has given way to a new, more dynamic model of the community leader as catalyst, connector and consensus-builder. Dr. David Mathews, President and CEO of the Kettering Foundation, in summarizing the findings of the Foundation's research on community politics, writes:

*What stands out in the high-achieving community is not so much the characteristics of the leaders as their number ... The high-achieving community had ten times more people providing leadership than communities of comparable size ... And its leaders function not as gatekeepers but as door openers, bent on widening participation.*

A community with a strong civic infrastructure has many diverse leaders. It mobilizes the knowledge, talents and perspectives of every segment of the community and builds strong connections and partnerships among community stakeholders. However, in my 30 years of working in Alabama communities, one of the most common deficiencies I find is disconnectedness. Most communities have many excellent people, programs and projects. All communities have at least some institutional assets – city government, churches, schools, civic clubs and Chambers of Commerce. But far too often, individuals and organizations work independently rather than in concert with one another. There is a critical need to

connect fragmented community assets and initiatives and to engage key stakeholders and citizens in working together to address community concerns.

You really cannot take action and achieve results until the right people are engaged and moving in a common direction. The folks who are making decisions and doing the work need to be talking with one another, looking at all of their options together, and finding common ground for action. Positive change in communities requires people to begin getting together in a public space and interacting and talking and learning from one another.

### On Investment

While it is true that businesses do not like to pay taxes, what they like even less are substandard school systems that fail to educate children and provide a skilled workforce, and governments too poor and feeble to provide the vital infrastructure investments needed to build an economy on. There is no escaping the old adage that “you get what you pay for.” When we fail to provide revenues to adequately maintain and grow our physical and human infrastructure, public services deteriorate, the economy stagnates, and people and businesses look for opportunity elsewhere. In the 21st Century knowledge economy, this is truer than ever.

### Joe’s Motivation and Focus

What motivated me [early on], and still does, is the desire to change Alabama for the better. I feel that everything I do should have some connection to building a state that is

more prosperous and progressive – a place with effective government and opportunities for folks to have good jobs and improve the lives of their families. I spent a lot of my time early in my career working on major reform initiatives for the state ... I thought if we could conquer those big issues, then we could change our state for the better. However, while we did great research and outreach work around these issues, not much really changed. Consequently, I changed my focus – but not my passion. I still wanted to change Alabama, but now I believed that the real change was less likely to come from the state legislature ... I adopted the view that instead of thinking big, we need to think small. We can change the state for the better by focusing at the local level, community by community. I really believe that if we can focus on individual communities, then we have a chance to really make a difference ... If we can begin to do that, then we will see stronger communities, and thus, a stronger state – a better state.

### GEDI’s Role (as Community Catalysts and Facilitators)

We understand that ... many communities are not really looking for technical assistance, service, or education, but rather ways to come together as a community. Expertise and specialized programs do not have much to say about that ... Outsiders coming in to define and solve problems does not build community capacity or facilitate community ownership of problems. Indeed, it may have the reverse effect of perpetuating a continued feeling of dependency. What communities really need from us is to listen to how they define

their needs, to help connect stakeholders with local assets and other resources, and to facilitate community deliberations and interactions.

That role is not expert, but catalyst – a facilitator who understands that the people in the communities have assets of their own, and if we can help them just see and unleash their own capacities, they can solve the problems themselves. If that is the case, it will be much more sustainable than simply an expert coming in to try to deal with a particular problem.

The truth is, issues like economic development, poverty, race relations, and workforce development – and other issues for which there is no simple solution that a single expert can provide – are not really subject to the kind of tools in our normal “bag of tricks.” We have to go in with a little more humility, understand our limits, and often simply provide space and serve as catalysts. We have to help people in communities figure out that, if they talk together and work together, they can do a lot of things to solve their own problems. We have to listen.



*A visual representation of some of the places Dr. Joe Summers and GEDI have worked in recent years. However, Joe has touched nearly every Alabama community throughout his impressive career.*

## On the Future: Our Choice

The State of Alabama is once again at a crossroad. One road, the road we have been traveling for over a century, is for those who think things are fine just as they are – ranking near the bottom of southern states is not too bad. The other road is for those who believe that Alabama has the potential for so much more. The question facing us is, will we strive to be champions, or once again be willing to settle for less – content in our state of low expectations?

If we make the right choice, Alabama's best days are certainly ahead of us. We are a great state with abundant natural resources and good, hard-working people, situated in the heart of the Sun Belt ... In a Pulitzer-Prize-winning series, editors for *The Birmingham News* wrote,

*We are a people who carved a world healing center out of a mountain of iron; who turned cotton fields into moon ship factories; who, even in the shackles of poverty and the disunity of prejudice, relentlessly crawled forward. And we have done all that though our state has not been on our side.* (Casey, Jackson, & Kennedy, 1990)

## On the Future: A Personal Perspective

I am a father and a grandfather. I hope that if my children and grandchildren choose to stay in Alabama, they will have a different kind of environment to grow up in than I did. If you look at all the measures of economic prosperity, we're at or near the bottom. I think that Alabama has the potential to be so much better. That motivates me. We can and must do better ... We have to figure out how we can work together in this state and in our local communities ... Overall, I'm optimistic. I see so many opportunities for positive change in Alabama.

## Alabama Reflections on Dr. Joe Sumners, His Message and Influence

"Joe is truly a homegrown Alabama leader who has remained committed to the entire state, especially its rural communities and most vulnerable citizens. He is uniquely skilled at helping citizens tackle and talk through tough issues to find sustainable solutions that leverage local assets and partnerships. As an Auburn man, I particularly respect and appreciate his role as a steward of – and champion for – the University's land-grant mission, leading to a better Alabama for all." – **Jeremy Arthur, President, Chamber of Commerce Association of Alabama**

"There was a time in Alabama when economic development success was viewed as an event: a groundbreaking or ribbon cutting. Joe helped create a new economic development paradigm in this state: he taught us that it was important to have your community prepared so that you could realize success – and that job creation and capital investment would inevitably follow." – **Greg Barker, Executive Vice President of Customer Services, Alabama Power Company**

*continued page 31*

## Editor's Note



I don't remember exactly when I met Dr. Joe Sumners; however, I also don't remember a time during my tenure with the League that I've not known him – or at least who he was and his significant impact on our cities and towns. As Executive Director of the Government & Economic Development Institute at Auburn University (GEDI), Joe was a steadfast advocate throughout the state. Before joining GEDI, he served for 15 years as Director of the Auburn University Economic & Community Development Institute (ECDI) and seven years as Training Director for the Auburn University Center for Governmental Services (CGS). He directed the Auburn University Intensive Economic Development Training Course and was a member of the Auburn University graduate faculty where he taught the graduate seminar, "Economic Development and Competition," as the core course in the University's Graduate Minor in Economic Development.

Joe is the author of numerous publications on the topic of rural economic and community development, including *Beyond the Interstate: The Crisis in Rural Alabama* (January 2003) and *Crossroads and Connections: Strategies for Rural Alabama* (October 2004). He wrote the chapter, "Politics and Economic Development in the Southern Black Belt," for the *Oxford Handbook of Southern Politics* (Oxford University Press, 2012). He has coordinated a multi-year Kettering Foundation research project in Alabama's Black Belt and published articles that focus on the link between civic engagement and community economic prosperity. He authored the publication, *Community Questions: Engaging Citizens to Address Community Concerns*.

He has more than 30 years of outreach experience working with communities and local governments in Alabama, with extensive experience assisting communities with strategic planning and civic engagement initiatives. He served as a technical advisor to the Alabama Commission on Tax and Fiscal Policy Reform, Alabama Task Force on Economically Distressed Counties, Alabama Black Belt Action Commission, Alabama Rural Action Commission, Alabama Small Business Task Force; is a founding Board member of the Alabama Communities of Excellence Program; and serves on the Board of Directors for the David Mathews Center for Civic Life and Main Street Alabama.

And even though Joe has "retired", he has now begun the next phase of his quest to empower Alabama through Wicked Solutions, LLC, ([www.wickedolutions.online](http://www.wickedolutions.online)) where he will *help individuals, organizations, and communities tackle "wicked" problems and realize their best future* by focusing on analysis, engagement, planning and education to address complex issues by bringing everyone necessary to the table to shift the paradigm.

Joe's passion for Alabama, particularly our rural communities, is authentic and infectious. It has been an honor to learn from his vast institutional knowledge, but it has been my good fortune to know Joe as a friend and mentor. My cup runneth over.

Thank you, Joe. Onward!

*Carrie*

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“The thing that has always struck me about Joe is that he possesses a very rare blend of intelligence, passion, and humility, as well as a compelling drive to make Alabama a better state. Joe always strived to make better professionals out of people in economic development and local government. He compelled us forward by increasing public service professionalism throughout the state.” – **Sam Gaston, City Manager of Mountain Brook, Alabama**

“Joe has been a huge inspiration to me. He has been invaluable as a powerful advocate for our state and its rural areas. In a rural area, we don’t have a large economic development staff. It’s just us, so we have to rely on every available resource. Joe is at the top of my list as a resource, sounding board, and source of encouragement – for good ideas. He taught me that four-lane highways don’t bring development, that I didn’t have to wait for an interstate to push for change and make things happen.” – **Sheldon Day, Mayor of Thomasville, Alabama**

“I draw upon what I learned from Joe in the work I do every day. He influenced my approach to economic development and strategic planning. In my current role, I draw upon his influence when serving as an advisor to other economic developers. In working with new communities, Joe taught me to listen to local residents first and realize that any successful plan must be locally-driven and community-owned. When I worked for Joe as a GRA, one thing that impacted me most was watching how cool and calm he was in the midst of difficult and tumultuous situations; he remained focused on the work and vision. That has really influenced and impacted my professional life.” – **Eric Basinger, CEcD, Manager of Economic and Business Development at Southwestern Electric Power Company**

“I have long admired Joe for his great capacity as a scholar, educator and writer. But what is even more amazing is his power of communication. His impact on students, elected officials, the local citizen he comes across in his work is immediate and lasting. Born of his humility and gentle nature, he easily gains the trust and respect of those with whom he interacts. Joe’s commitment to the betterment of Alabama is genuine and informed by his firsthand involvement in projects throughout our state’s small, rural communities. He understands our issues and has a masterful ability in illuminating the causes and the vision to chart courses of action.” – **Nisa Miranda, Director, UA Center for Economic Development, The University of Alabama**

“The thing about Joe is that he has this quiet sensibility about him, and when he speaks, people listen.” – **Mary Helmer, President and State Coordinator of Main Street Alabama.** ■

**Endnote:**

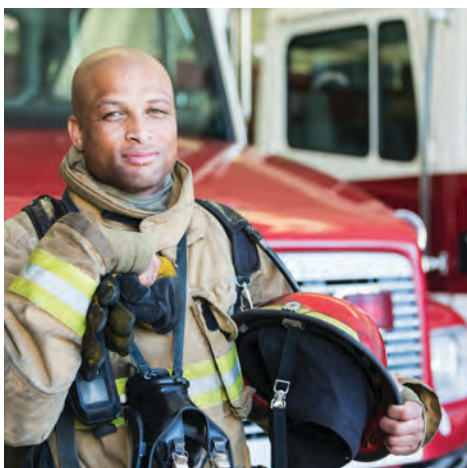
<sup>1</sup>During my tenure at Auburn, Dr. Sumners served as Director of EDI and the Economic & Community Development Institute (ECDI), followed by his final position as Executive Director of the Government & Economic Development Institute (GEDI). He was Director of EDI from 2002 to 2006. In June 2006, Auburn University and the Alabama Cooperative Extension System combined forces and resources to create ECDI, with a mission “to promote economic prosperity and improved quality of life for communities throughout Alabama.” In October 2015, Joe was named Executive Director of our current organization, GEDI. GEDI unifies the resources and programs of two existing University Outreach units, the Center for Governmental Services (CGS) and ECDI, to form a higher-capacity unit with a broader range of coordinated services for Alabama communities.

*Amelia Hall Stehouwer serves as GEDI Research Manager. Since joining the Economic Development Institute (now part of GEDI) in 2004, she has served in numerous capacities, designing and managing some of the Institute’s largest economic development training programs, federal grant initiatives, community outreach efforts, and economic and applied research projects. She is a published author with research interests in social capital and civic engagement, the Southern Black Belt, and Alabama public policy and governance. She previously worked in the non-profit sector, focusing on poverty alleviation. Amelia has an M.P.A., with a graduate minor in economic development, from Auburn University, where she was a Phi Kappa Phi graduate. She graduated magna cum laude from Samford University, with a B.A. in Sociology and a minor in Christianity, Women, and Leadership Studies.*



*Dr. Joe Sumners with Amelia Stehouwer*

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do you have coming up? What revenues will you have available, and what other resources can you count on to help meet those needs? Is there preemption legislation – legislation by the Legislature that is designed to prevent you from adopting an ordinance or resolution affecting a local concern – you need to discuss? Explain to your legislator why it is important for you to retain local control over that issue. In most cases, municipal officials are in the best position to know how something will affect them, and statewide legislation prevents you from acting in the best interests of your citizens.

Regardless, take the time to visit your legislators. Take a sincere interest in them and get to know their political philosophy. If you contact your legislators only when you want their support on a legislative matter, it might be too late. It's better to stay in touch with your senators and representatives throughout their terms of office. But be careful – while it's fine to discuss previous actions your legislator has taken, this isn't the time to scold or attack them, even in private. Express any disappointment in a courteous and respectful manner, in the way you would want to be treated by your constituents. But, at the same time:

**2. Express Yourself.** Surprisingly few people ever contact their legislators. This reluctance usually results from the belief that legislators have no time or inclination to answer their phones or read their mail, and that one single contact won't make any difference anyway. In most cases, these views are incorrect. Thoughtful, factually persuasive contacts can cause legislators to review their positions and even change their minds. Although a telephone call or a letter can be very effective, personal face-to-face contact generally has the best impact. Try to talk to your legislators when they are back home in the districts; they are more likely to listen and respond positively in a local environment.

Also, when you are in Montgomery during the session, don't miss the opportunity to drop by and talk to your senators and representatives. While members of the legislature are extremely busy, don't assume that they won't have time to see you. After all, they are there to represent your interests and views. Your senators and representatives need to be directly exposed to people they represent – including you. They need to know what you think about the issues facing your city or town and how pending legislation affects you. That's why they're in the legislature.

The League holds a number of meetings in Montgomery during the session, offering our members time to visit with their legislators. We urge you to take advantage of these opportunities. Be sure to have accurate facts and

good arguments about any issues you discuss with your legislators. Make sure you understand the particular bill in question. And if you have questions, please don't hesitate to contact the League's legislative staff for assistance.

**3. Keep Well Informed.** Each session, the League's electronic publication, the *Statehouse Advocate* remains our primary means of communicating legislative information. Between sessions, the members of the League Advocacy Team and I make frequent presentations on legislative issues. I encourage you to attend those seminars. Often, we will discuss issues that we see on the horizon.

Legislative committees and task forces often meet between sessions. Sometimes these groups meet in Montgomery and sometimes they meet in other parts of the state. We try to have representatives at those meetings when possible. If you know of a task force meeting in your area, check to see if you or a staff member can attend. And be sure to let us know what you learn, which leads to my next point:

**4. Keep the League Staff Informed.** Always forward copies of your letters and emails to Kayla Bass at the League. She will keep the League Advocacy Team and the rest of our legislative staff updated on your efforts. Your League staff needs to know to whom you write, when you write, and what you say. And if you receive a response from a legislator, let us know about that, too. The League's Advocacy Team reads your letters and may incorporate your arguments and local circumstances into League testimony. The League legislative staff may also cite your letters when we talk with your legislators. Staying informed on legislative developments is definitely a two-way street. We depend heavily on you not only to make contacts, but to let us know what your legislators tell you.

**5. Recognize the Potential Problems Legislators Face.** Legislators are often caught in a crossfire between conflicting interests and opinions. Consequently, their votes may be contrary to your opinion as a municipal official. Your legislators represent all the constituents in your area – even those who may not share your views. Their duty is to represent all the people to the best of their ability. There may be times when you think your legislators are on the wrong track, but they may have facts that are not available to you. Try to understand their problems, outlook, and objectives.

Never threaten political or other consequences if a senator or representative refuses to see an issue your way. Most controversial legislation is the result of compromise – that's the way the system operates. There will be times when legislation does not go your way, so don't be too critical when it happens. Remember that you can civilly

agree to disagree. Be very wary of publicly criticizing your legislator's actions. Some legislators rarely vote with municipalities yet come through on crucial votes. Taking them to task in a public forum for a series of votes on relatively unimportant issues can lose their votes permanently on much more vital issues. It's much more effective to sit down with a legislator in private to discuss areas of disagreement.

**6. Say Thank You.** Remember to thank legislators regularly and publicly for their work, support and votes. Never discount the importance of a thank you; it really can make a difference. This is one of the most important things you can do, because so few people remember to thank their legislators – and legislators will remember those who do.

**7. Do Unto Others.** Approach legislators the way you, as a city official, want to be approached by your constituents – with courtesy and respect.

### Conclusion - The Unified Voice

The goal of taking a team approach to our legislative efforts is to have the League's membership speak with a unified voice. We are all better served if municipal officials either support or oppose the same legislation. Of course,

the same bill may affect municipalities in different ways. Some bills have a positive effect on one municipality and a negative effect on another. Clearly, officials from those municipalities will have different views and ask legislators to take different positions on that bill. Further, each municipality is composed of individuals. The officials who are elected or appointed to serve that municipality all have their own views and interests.

From the League's legislative viewpoint, though, it is important that our members speak with a unified voice. It does us little good to approach legislators as a house divided. As the Bible says, a house divided against itself cannot stand. If League members take different stands on the same legislation with their legislators, our position on that legislation is weakened.

Fortunately, League members generally find themselves in agreement regarding the impact of most legislation and can speak as one. One of the League's roles is to be the point of the spear for that unified voice. Working together, we can ensure continued success on behalf of our Alabama municipalities before the legislature. Thank you for your efforts on behalf of your community and municipalities throughout the State of Alabama! ■

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