

The Alabama Municipal JOURNAL

January/February 2020

Volume 77, Number 4



ALABAMA COUNTS! 2020 CENSUS

See p. 9



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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

January/February 2020 • Volume 77, Number 4

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

Telephone (334) 262-2566. Website: www.alalm.org.

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

Editor: CARRIE BANKS

Graphic Design: KARL FRANKLIN

#LiveLocallyAlabama

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On the Cover:

The 2020 Census is critical to Alabama. Along with determining the number of congressional seats allotted to each state, Census data is also used to identify where certain kinds of federal funding is distributed.

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Administrative Services

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For staff bios and contact information:

www.alalm.org

A Message from the Editor

2020 will be intense and features several significant events: the decennial Census, which will be critical for Alabama (see p. 9); statewide municipal elections (our website has an entire section dedicated to this topic); a very crowded and contentious upcoming legislative session; and an annual spring convention that includes a retirement reception for ALM's fourth executive director, Ken Smith, who will begin the next phase of his life journey June 1st.

Looking at the League's calendar makes one realize why this organization has been the recognized voice of Alabama's municipalities for 85 years. We begin the year with a series of eight legislative dinners throughout the state – which allows our Executive Committee, policy chairs and vice chairs and members of the Committee on State and Federal Legislation to spend some quality time with their legislators prior to the beginning of the February 4th Regular Session.

Advocacy Day. On February 11th, our annual Advocacy Day will be held at the Alabama Department of Archives and History in downtown Montgomery. If you've not yet registered, please do so immediately (see p. 15) because *seating is limited*. This year's event will feature panel discussions with Alabama House and Senate leadership on pressing state issues; the Alabama Transportation Institute on how we can address future infrastructure needs; a media specialist to advise attendees regarding best practices when

ATTENTION!

Please make sure we have correct **contact information on file!**

ALM is using a new database system with enhanced capability. Please visit our website at alalm.org and check the listing for your municipality (via the "Municipal Directory" quick link on the home page) to make sure we have the correct individuals and contact information (email addresses) for them as well as your city or town. This will ensure we distribute information regarding CMO training and credit hours to the correct people as well as affect how ALM's weekly e-newsletter, *This Week*, and critical e-blasts, including legislative alerts are received. Questions? Contact us at 334-262-2566!

using the media to share local narratives; and a closing reception where you will have an opportunity to more closely interact with your legislators.

Webinars. The League will be offering a number of webinars throughout the year with topics ranging from elections to the 2020 Census, Dealing with Difficult People, Cyber Security and Best Practices for Communities. For complete information, including dates and topics, visit alalm.org and click on the Training & Resources tab. The first webinar of 2020 is set for January 28th – "What Every Candidate Needs to Know About Municipal Government."

Policy Committees. ALM's five policy committees will meet at League Headquarters in April and early May to review and update legislative and policy statements that govern the League. See p. 17 for complete details.

Convention. The League's annual convention is scheduled for May 16-19 in Tuscaloosa (see p. 7 and p. 29) and will offer a variety of topics and opportunities for you to learn and network leading up to the municipal election cycle this summer. For those not seeking reelection, the 2020 convention will be their opportunity to spend quality time with their statewide colleagues and to offer final words of wisdom during the annual roundtable discussions. It will also be an opportunity for all attendees to wish Ken Smith well as he retires with 30+ years of service, nine as executive director.

Elections. The municipal election cycle will be an extremely busy period for the League's Legal Department – particularly early July through the run-off elections in October. The influx of calls and emails to League Headquarters during this time is mind boggling. Rest assured, however, that ALM's legal staff will rise to the challenge!

Orientation Conferences. Immediately following the elections, beginning late October, the League will hold four Orientation Conferences around the state:

- October 21-22 in Birmingham
- October 26-27 in Mobile
- November 5-6 in Huntsville
- November 12-13 in Montgomery

These fast-paced orientation events are always well attended and loaded with synergy and information. It's an excellent introduction (or re-introduction!) to the League and municipal government!

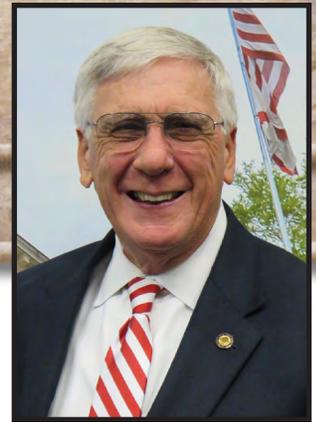
Municipal Leadership Institute. We round out 2020 in early December with our Municipal Leadership Institute (MLI) and CMO Graduation Ceremony, where we expect capacity attendance!

Quite a list, right?! What's even more impressive is that these are just the highlights. Your staff is continually meeting with stakeholders, legislators, state agencies and others; researching new programs; developing strategy; watching for opportunities and pitfalls. As you well know, the work is never done! *Here's to a very successful 2020!*

Carrie

The President's Report

Mayor Ronnie Marks, Athens



2020 Census: What is your community doing to make sure everyone is counted?

I recently asked a group of community-minded citizens what the census meant to them personally and the number one reply was a tool for genealogy research. As a mayor with a long background in government and public service at the local and state level, that answer scared me to death! This is when I realized we had our work cut out for us.

The City of Athens started by partnering with our county government and our local 911 office and expanded the group to include local civic organizations, schools, communities of faith, tourism, our Chamber of Commerce and Athens State University. We expanded our group further to include community leaders from our very diverse population to ensure that all ethnicities are included. Our immediate goal, of course, is to get a complete count of all the citizens of Athens and Limestone County; our long-range goal is to use

this opportunity to build and strengthen relationships where we have gaps in cultural understanding and trust.

The 2020 Census is an opportunity not only to increase federal funding and representation for our state but to build stronger local communities by developing relationships with all segments of our population. Additionally, it is part of our responsibility as municipal leaders to ensure that our citizens are counted so we don't lose the federal resources our communities and our state deserve. If you have not yet formed a local committee, I encourage you to visit www.census.alabama.gov and start that important process immediately. Alabama Counts! ■



Left to right: Limestone County Commission Chairman Collin Daly; Limestone County Community Relations Coordinator Michelle Williamson; City of Athens Customer Relations Manager Amy Golden; Athens Mayor Ronnie Marks.

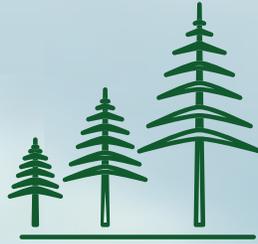
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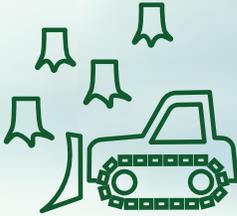
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Municipal Overview

By Ken Smith, Executive Director



Top 10 Reasons to Stay Home from the 2020 League Annual Convention

Reason Number 10: I know everything and everyone I need to know to do my job. Wow. Few of us can make that claim, but I certainly understand why you don't need to attend the Convention. Would you please do me a favor, though? Call me and I'll put you on the program. In fact, call me and you can be the whole program.

Reason Number 9: I don't have the time to attend the Convention. But you have time to deal with the consequences of making a bad decision in your elected role? Give us four days and we'll most likely save you four weeks.

Reason Number 8: I don't like meeting new people and learning new things. Learning will happen whether you want it to or not. You can either attend a training session so you can be better prepared when something happens, or you can learn on the job. The choice is yours.

With over 1,300 of your fellow officials, municipal employees and vendors attending the Convention, you'll be hard-pressed to avoid striking up a conversation with someone new. Odd thing about that, though – you might meet someone you actually like, and who can help you do your job better. Isn't it worth the risk?

Reason Number 7: I don't need to learn the latest information. We've always done things the same way and it works for us. Hear that? It's the sound of your fax machine stuck in 1995.

Why should you change your procedures just because Congress or the legislature or some court somewhere has changed the rules on you? It's much better to stay in the dark about these things – especially since doing things the way you always have means you'll always be successful.

Or stuck in 1995.

Reason Number 6: Conventions are nothing but a boondoggle. That's a mouthful. I even had to look it up to be sure what it meant. A boondoggle is "a wasteful or impractical activity or project usually paid for with public money."

Is it impractical to attend training sessions conducted by your peers and recognized experts on topics designed to make your municipality more efficient and effective? Or talk to vendors about services or products that can make your life easier?

But I have to admit, learning something might make your life easier. And who wants life to be easy?

Reason Number 5: The Convention is just an excuse to have fun. You've got me on that one. The annual Convention can be fun. The League has somehow even managed to sneak in

hidden fun. Some attendees have actually acknowledged enjoying our training sessions. Just how sneaky is that?

You might even discover other individuals who find serving the public fun because it's rewarding and enjoyable. You wouldn't want that attitude to rub off on you.

Reason Number 4: The exhibitors' area is too confusing. I never know who to talk to! The Municipal Marketplace at the League's Convention is huge. There's just no way around that. You could spend hours browsing through the Marketplace, window shopping for solutions to your local problems. Never fear! We'll provide you with tools to make navigating this area. Trust me. It's an adventure well worth having. But I hope you'll spend a little time browsing among the other vendors, as well as state and local expo booths. You may find just the solution you need.

Reason Number 3: I'm comfortable in my routine. The Convention gets me out of my rut. Doesn't everyone love their rut? We know what to expect each day. We know the people we're likely to see, the problems that are likely to arise. We know how to respond. Staying in that rut is the ultimate in contentment, right? That's why you show up for work each day with a smile on your face and a song in your heart.

Reason Number 2: Sessions at the Convention are designed only to help small municipalities/Sessions at the Convention are designed only to help large municipalities. Yes. Exactly. Now we're seeing things the same way.

Reason Number 1: I'm an Auburn fan. I don't want to go to Tuscaloosa. Well, at least this is a legitimate concern. You wouldn't want to be infected with Crimson Tide cooties. Why tempt fate by visiting the enemy camp? You might actually find yourself enjoying your time in Tuscaloosa. You may even want to return. After all, Auburn has had some past successes in Tuscaloosa.

Wait just a minute! I almost think you're trying to convince me I should attend the Convention!!! Okay. You got me. The agenda for the League's 2020 Annual Convention has been set. There will be several significant changes in the program schedule this year and the goal of this article is to call several of them to your attention. This year, the League convention will be held in Tuscaloosa at the Bryant Conference Center and the Hotel Capstone, starting on Saturday afternoon, May 16, 2020 and concluding on Tuesday, May 19, 2020.

Every year, municipal leaders across Alabama face new challenges and questions. Municipal decision makers and those

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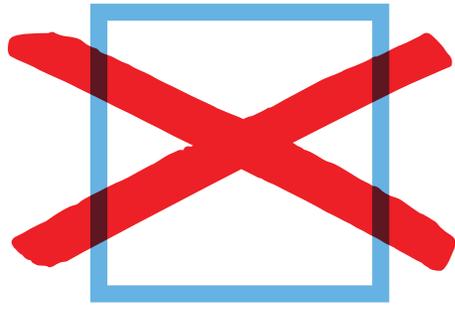
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Alabama 2020 CENSUS

Kayla Bass • Public Affairs Associate • ALM

Not only does the year 2020 bring about municipal and federal elections and marks the centennial of the women’s suffrage movement, it also provides Alabamians an opportunity to participate in the 22nd decennial Census.

On August 20, 2018, by way of an Executive Order, Governor Kay Ivey established the Alabama Counts! 2020 Census Committee. The committee, chaired by ADECA Director Kenneth Boswell, is comprised of representatives from local government, which includes the League of Municipalities, education, health care, rural, outreach, faith-based and economic development. Since August, the committee has been tasked with promoting the 2020 Census to ensure maximum participation in every city and county across the state.

As Governor Ivey has repeatedly stressed, an accurate census count is critical to the entire state. “Alabama has anticipated the 2020 Census for some time now because we have much riding on our participation,” she said. “There is much to lose by simply not taking the time to complete the form. Alabama, let’s be proactive with the upcoming census. Let’s remember that by taking a short five minutes to fill out your census form, you are helping our state receive important federal

dollars for health care, education and infrastructure. Let’s ensure we are getting what we deserve from the federal level, and you can do that by completing the forms in mid-March.”

www.census.alabama.gov

What is the 2020 Census?

Every 10 years, beginning in 1790, the U.S. Census Bureau has been responsible for conducting a census of every living person in the United States. The information collected has a vital impact on our communities’ quality of life. According to Alabama Counts!, the state’s census committee, “the data collected during the census is used in a variety of ways that affect decisions regarding community services provided to residents and the distribution of more than \$675 billion in federal funds to local, state and tribal governments each year. This funding supports local programs for schools, health care, community assistance, infrastructure and other important needs. The census also determines the number of representatives each state will have in Congress.”



League Public Affairs Associate Kayla Bass (above, third from right) serves on the Alabama Counts! 2020 Census Committee, an advisory group established by Gov. Kay Ivey composed of public and private statewide organizations to ensure maximum participation from every community across the state. Governor Kay Ivey signed an executive order on Aug. 20, 2018, establishing the committee. The director of the Alabama Department of Economic and Community Affairs (ADECA), Kenneth Boswell, serves as the chair. ADECA serves as liaison between the State of Alabama and the Census Bureau. Photo by Hal Yeager, Governor's Office.

When is the 2020 Census and how do I submit my information?

The next census will be held on April 1, 2020. During that time, every household in Alabama will receive a postcard from the Bureau with instructions on how to complete the census. There will be three ways to respond: online, telephone or paper. This will be the first time that there will be an online response option. In order to submit your response online, simply visit the link/information provided on the postcard and fill in your information using a computer, tablet or smartphone. If your information has not been submitted by one of three ways on or before May 2020, a U.S. Census Bureau employee will visit your residence and conduct an in-person count.

Why does the 2020 Census matter?

As stated above, maintaining funding for several critical programs in Alabama is just one component that is at risk if a complete count is not obtained. According to George Washington University, a total of more than \$13 billion was allocated to Alabama in 2016 from 55 programs that are guided in some part by data derived from the census. A few of those programs include: Medicaid, Head Start, Community Development Block Grants and Supplemental Nutrition Assistance Program (SNAP).

In addition to federal funding distribution, the Census also determines allocation of the 435 seats in the U.S. House of Representatives. States that gain the most in population are expected to gain additional seats, while states that have a loss in population are at risk of losing seats. Alabama is projected to have a slowed population growth, which places our state in danger of *losing* a congressional seat. To avoid this, *all* citizens must participate in the 2020 Census and be accounted for.

Economic development is another key factor in the 2020 Census. Having a growth in population could result in additional retail and restaurant growth in communities, resulting in more jobs and a more robust quality of life.

How can you be involved?

While Alabama Counts! serves as the state's committee, there are still options for involvement! Several communities are creating their own local committees in an effort to promote the census and the importance of being counted within their county, city and town. For more information, visit census.alabama.gov.

Also, as an elected official or local leader in your community, you have opportunities to speak in front of larger groups. As you are out in your community or traveling the state meeting people, be sure to discuss the importance of the 2020 Census, how citizens can respond and why it is critical that everyone is counted. ■



Communities throughout Alabama are creating local committees in an effort to promote the census and the importance of being counted within their county, city and town. Pictured above are Vincent Councilwoman Bridgette Jordan-Smith and Westover Councilwoman Susan Lane in front of the Shelby County Census float, which was featured in the 2019 Christmas Parade.

2020 Census: Important Dates

Counting every person living in the United States is a massive undertaking, and efforts begin years in advance. Here's a look at some of the key dates along the way:

- **January 2020:** The Census Bureau begins counting the population in remote Alaska.
- **April 1, 2020: Census Day is observed nationwide.** By this date, every home will receive an invitation to participate in the 2020 Census. Once the invitation arrives, you should respond for your home in one of three ways: online, by phone, or by mail. When you respond to the census, you tell the Census Bureau where you live as of April 1, 2020.
- **April 2020:** Census takers begin visiting college students who live on campus, people living in senior centers, and others who live among large groups of people. Census takers also begin conducting quality check interviews to help ensure an accurate count.
- **May 2020:** The Census Bureau begins visiting homes that haven't responded to the 2020 Census to make sure everyone is counted.
- **December 2020:** The Census Bureau delivers apportionment counts to the President and Congress as required by law.
- **March 31, 2021:** By this date, the Census Bureau will send redistricting counts to states. This information is used to redraw legislative districts based on population changes.

Source: 2020census.gov

The Legal Viewpoint

By Lori Lein, General Counsel



2020 Census: Impact on Municipal Government Operations and Revenues

The Code of Alabama 1975, establishes two effective dates for the census, one for non-revenue related matters and one for the collection and distribution of state-shared revenue to municipalities. Section 1-3-5, Code of Alabama 1975 provides:

“The one hundred twentieth day after the first day of the first regular legislative session held next after the publication by the federal government of the regular federal decennial population census for Alabama is hereby fixed as the date for any reclassification under any law requiring classification based on such said census. The provisions of this section shall not apply to any law which provides for the levying or collection of license taxes on a population basis or the distribution of state and county collected or administered revenue or funds on a population basis, and the population as disclosed by any federal decennial census, as soon as the same is proclaimed, published or certified by the Director of the United States Census Bureau, shall be used in administering any such law.”

In construing the first sentence of Section 1-3-5, the Alabama Supreme Court has determined that in using the word “publication” the Legislature meant a “final, formal, official publication.” *Harralson vs. State*, 71 So.2d 79 (1953). The Court, however, also stated that by saying in the second sentence that the census figures take effect for revenue purposes when they are “proclaimed, published or certified,” the Legislature did not require any formal publication.

With effective dates in mind, what are the legal and practical impacts of the 2020 census on municipal government operations and revenue collection?

Effect of the Census on Non-Revenue Matters

Municipalities with a mayor-council form of government have different organizational structures depending upon the population of the municipality.

Municipalities with populations of 12,000 or more are governed by a council which operates without a vote of the mayor. While the mayor has no vote with the council, he or she has veto power over certain ordinances passed by the council. In municipalities with populations of less than 12,000, the mayor sits as a voting member of the council and also serves as the presiding officer of the council. Therefore, once a municipality reaches a population of 12,000 or more inhabitants, the council procedures change. But exactly when does that change in municipal operation occur? Section 11-40-6 of the Code of Alabama 1975, provides in part:

“At the next election more than four months after the one hundred twentieth day after the first day of the first regular business session of the legislature held next after the publication by the federal government of the regular federal decennial population census for Alabama, if the municipality shows a population which authorizes a change in its government under this title, the proper officers for such a city shall be elected and perform the duties prescribed in this title.”

Based on this, a change in the operation of the municipality as a result of a population change will not take place until the next municipal election which, in most (but not all) of Alabama’s municipalities, will be in August, 2024.

Further, municipalities with a population of 12,000 or more inhabitants are given the authority, within certain limitations, to establish the number of members on their council. See Section 11-43-40, Code of Alabama 1975. However, like the change in the operation of the council, these changes will not take place until the next municipal election.

We often get calls from municipalities questioning whether their class of municipality changes when their population changes. Section 11-40-12 of the Code of Alabama 1975 establishes eight classes of municipalities based on population. Section 110 of the Official

Compilation of the Alabama Constitution of 1901 (formerly Amendment 375), allows the Legislature to adopt legislation affecting one or more classes of municipalities based on the population classifications set out in Section 11-40-12. It is important to note, however, that the classifications found in Section 11-40-12 are based on the 1970 federal decennial census and are not affected by subsequent census changes in population. Once a municipality is classified in a particular class, the class never changes even if the population of the municipality changes significantly.

In addition to potential changes in the form and operation of municipal government based on population, the municipal police jurisdiction is also affected by population changes. With certain exceptions, the police jurisdiction of municipalities having 6,000 or more inhabitants extends out 3 miles from the corporate limits and for municipalities with a population of less than 6,000 it extends out one and one-half miles from the corporate limits. Section 11-40-10, Code of Alabama 1975. While there is no Alabama case interpreting the extension of the police jurisdiction as a result of a population change, it is the opinion of the League of Municipalities that the change would take effect on the date of reclassification set out by Section 1-3-5, Code of Alabama 1975, which will be sometime in 2021.

Changes in population as a result of the census may also affect municipal court systems. The procedures for abolishing or re-establishing a municipal court are set out in Sections 12-14-17 and 12-14-19 of the Code of Alabama 1975. If a municipality takes such action on or after the time set in Section 1-3-5, Code of Alabama 1975, the waiting time prior to the change taking effect might be extended or shortened as a result of the 2020 census.

While it won't be affected by the 2020 census, it is worth noting here that when it comes to the publication or posting of ordinances, population also matters. Section 11-45-8 of the Code of Alabama 1975, provides, in part, that all municipalities with populations of less than 2,000 as shown by the 1950 federal decennial census have the option of posting their ordinances or publishing them in a newspaper. Since this section refers specifically to the 1950 census, the 2020 census has no impact on this option.

Although it is not possible to list all of the state laws governing municipalities that are affected by the upcoming 2020 federal decennial census, following is a list of the major ones that may come into play once the 2020 census is finalized:

Article 3 of Chapter 42 of Title 11, Code of Alabama 1975, creates a method of annexation available to municipalities having a population of 25,000 or more inhabitants.

Section 11-40-6 of the Code of Alabama 1975, that all municipalities with less than 2000 inhabitants shall be known as "towns" while those with 2000 or more inhabitants shall be known as "cities."

Article 4 of Chapter 6 of Title 14, Code of Alabama 1975, gives the Department of Corrections the authority to inspect and supervise municipal jails in all cities with a population of more than 10,000. Municipalities

whose populations reach this figure will be subject to the jurisdiction of the Department of Corrections upon the effective date of the 2020 census.

Section 25-5-13 of the Code of Alabama 1975, requires all municipalities of more than 2,000 in population to provide worker's compensation for their employees.

Sections 11-86-1 through 11-86-6 of the Code of Alabama 1975, provide for the creation of unincorporated recreation boards by municipalities of 100,000 population or less.

Section 16-11-1 of the Code of Alabama 1975, gives all municipalities with a population of 5,000 or more the authority to establish a city board of education.

Sections 11-43-180 through 11-43-190 of the Code of Alabama 1975, require all municipalities of 5,000 or more to have a personnel system for their law enforcement officers.

Section 3-7A-7 of the Code of Alabama 1975, requires all municipalities over 5,000 in population, in which a county animal shelter is not located, to maintain a suitable animal shelter.

Article 1 of Chapter 2A of Title 28, Code of Alabama 1975, authorizes municipalities with populations of 1,000 or more to conduct an election upon the petition of 30% of the number of voters voting in the last preceding general election of the municipality to determine whether a dry municipality goes wet or vice versa for alcoholic beverage sales.

Section 1-2A-8 of the Code of Alabama 1975 exempts municipalities with a population of 1,000 or less from the requirement that the Alabama State Flag be flown at municipal buildings.

Section 11-43-5.1 of the Code of Alabama 1975 authorizes municipalities with a population of 5,000 or less to establish or abolish a civil service/merit system for municipal employees.

Section 11-47-241 of the Code of Alabama 1975 authorizes municipalities with a population of 34,000 or more to plan, build and operate parking facilities.

Section 11-49-40 of the Code of Alabama 1975 provides that municipalities with a population of more than 35,000 "have full power and authority to require railroad companies to construct and maintain within the city limits viaducts, bridges, and tunnels or parts of viaducts, bridges, and tunnels and their approaches over, along, or under the tracks at their own expense, such bridges and their approaches, tunnels or other conveniences at public crossings and such viaducts and their approaches over their tracks where the same cross or extend along public highways or streets."

Section 32-5A-171 of the Code of Alabama 1975 prohibits municipalities with a population of less than 19,000 from enforcing speed limits on interstate highways.

continued on page 37

Protecting Local Authority

A Top Priority in 2020

Wireless Small Cell Legislation is Resurfacing

Greg Cochran • Deputy Director • ALM

A majority of Alabama's citizens live and work in municipalities – 463 incorporated cities and towns throughout the state. Therefore, it is imperative that Alabama maintains sustainable communities where businesses will want to invest; families will want to live; and people will want to spend their time. This requires not only solid municipal governance but working with all levels of public and private stakeholders to create collaborative solutions to address current and future challenges facing not only our cities and towns, but our state.

The League introduced its 2020 Advocacy Campaign, “Focusing on Alabama’s Success” just prior to the holidays. Topping this year’s list of objectives is a focus on *local authority*, particularly as it relates to police and planning jurisdictions; municipal building code enforcement; and oversight of municipal public rights-of-way. Since quality of life is the driving force behind municipal government – and since municipalities derive their powers and authority from the Legislature – it is extremely important that municipal officials pay careful attention to what goes on before, during and after each legislative session. Legislators must be kept informed and held accountable by their constituents, especially by locally elected officials who are closest to the citizens.

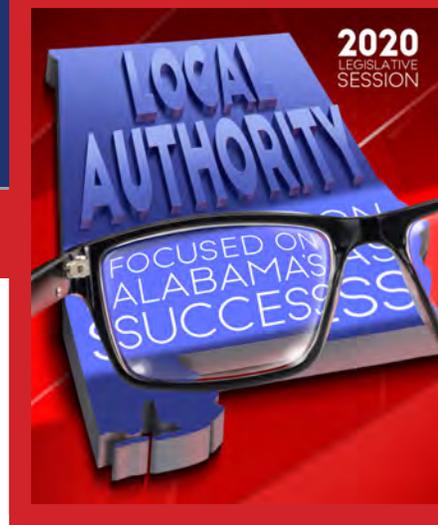
Wireless Small Cell Legislation Impedes Local Authority

First and foremost, small cell innovation (5G mobile broadband) is *currently* happening in Alabama; slowly – as with the rest of the country. Local agreements have been crafted between municipalities and providers – as has been the precedent for many years – to ensure this technology becomes a reality in the communities that are willing and able to proceed with infrastructure upgrades. This, however, did not stop an intense campaign during the 2019 Regular Session by providers to legislate wireless small cell deployment to eliminate the municipal agreement process and override any local authority by Alabama’s cities and towns.

With *your* engagement, the League was able to fend off this detrimental wireless small cell deployment legislation that would have removed *your* ability to control *your* rights-of-way. Unfortunately, last session was just the pregame warm-up. The providers are still highly energized, have extensive resources and are already mapping out a new

version of this legislation that will be front and center during the 2020 Regular Session. The League has made multiple good faith attempts to negotiate with the small cell providers; however, *all* efforts have been for naught. Therefore, this issue, which is now quite contentious, will require a Herculean effort – not just from your Advocacy Team, but from *you* – in order to defeat detrimental legislation pushed by national providers. As we move forward, keep in mind:

- Rights-of-way have an impact not only on community aesthetics but on public safety. Public spaces are paid for by *your* citizens’ tax dollars. Part of your charge as an official elected by *your* citizens is to protect public spaces. You are also responsible for public safety.
- Small cell deployment is already happening in Alabama through locally negotiated agreements – often at great expense to public resources paid for by tax dollars. These negotiations were done in good faith to balance the demand for new technology while protecting public assets and aesthetic qualities unique to each community.
- Not passing small cell deployment legislation **WILL NOT** impede or prevent the deployment of small cell (5G mobile broadband) technology in Alabama.
- State policy makers must resist the temptation to pass unnecessary statewide legislation that will override the ability for communities to make decisions locally.
- Several states that have passed legislation in recent years are currently involved in costly litigation. Those states, like Alabama, have constitutional provisions protecting the right of cities and towns to regulate the public rights-of-way.
- Alabama’s local communities are in the *best* position to make policy decisions for their local citizens regarding use of public rights-of-way, and these agreements are *already happening* around the state.



Small cell deployment is not necessarily a simple issue. Utility poles, street lights, traffic signal poles, signs and similar structures are used to place the equipment necessary to enhance network coverage and data speeds for the communities served. Moving from the current 4G wireless to 5G capability requires significantly more “small cell” antennas because 5G cannot travel as far as 4G. Small cell installations generally cover much smaller geographical areas (measured in hundreds of feet) than traditional macrocell towers (cell towers) that can cover miles in each direction. Clusters of small cells can be visually unappealing and



detract from the aesthetic of the community. Additionally, deployment and installation of small cells can potentially interfere with existing technology, such as wireless traffic signals and other municipal technology in the same proximity.

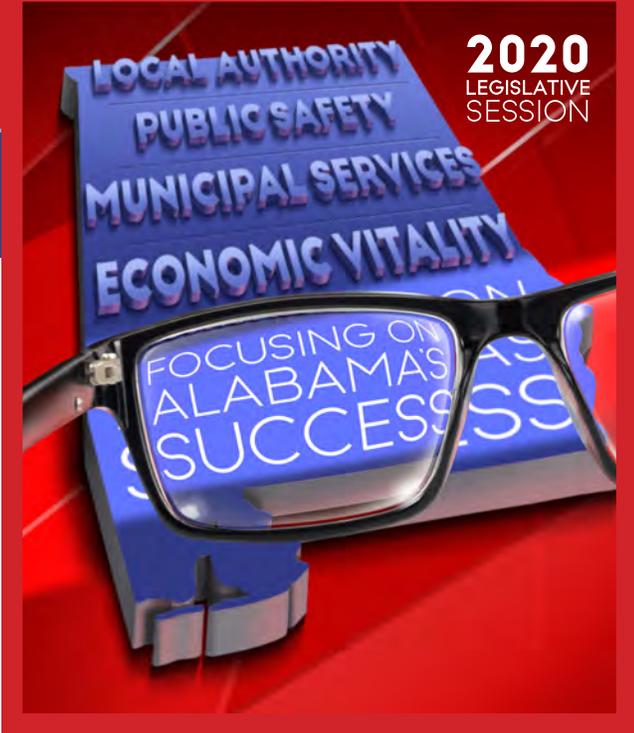
“Local governments have long advocated for universal access to high-speed broadband services, as these services are critical for the delivery of education, economic development, employment and a variety of essential services necessary for success and progress in the 21st Century,” wrote Opelika Mayor Gary Fuller and League Executive Committee member in a recently published statewide op-ed. “Local governments have been leaders in developing innovative solutions for ensuring reliable high-speed broadband wireline and wireless services are widely available in their communities through the management of public streets and other public assets in a manner that balances competing interests and needs of various constituents. In Alabama, most wireless infrastructure siting is governed by local governments. Cities and counties assess applications for permits to build new or other existing wireless facilities for a variety of purposes, including public safety, overall management of public property and rights-of-way, environmental issues, land use and community aesthetics ... Proposed legislation will significantly impede local governments’ ability to serve as trustees of public property, safety and well-being. This legislation

will transfer significant local resources to private companies without securing any guarantee of public benefit in return. The bill will deprive Alabama cities of their authority to regulate public rights-of-way and will leave municipalities minimal ability to control the aesthetics of their rights-of-way.”

Engage Now!

Please contact your legislators now and have a crucial conversation about this effort to override local authority of public rights-of-ways. Urge your state policy makers to resist the temptation to pass statewide legislation that will override *your* community’s ability to make decisions locally – decisions that impact local residents. Remind your legislators that Alabama’s communities are in the best position to make decisions for their citizens regarding the use and safety of public spaces and that these agreements with small cell providers are already happening throughout the state.

Bottom line: providers would rather influence a few state lawmakers than work with individual cities and towns. However, safety, aesthetics and local authority are not a convenience. They are directly tied to quality of life. We cannot allow the small cell providers to take away a municipality’s ability to safeguard the quality of life for its citizens. ■



REGISTER NOW!

2020 Advocacy Day

Tuesday, February 11

Alabama Department of Archives and History

Seating is limited to 140 registrants!

The League's Annual Advocacy Day/Municipal Legislative Advocacy CMO is specifically designed to allow municipal officials to share their ideas and concerns with the state's political leadership. It is important that the vital role our municipalities play in economic development, community enhancement and quality of life is repeatedly articulated to our state representatives. The League's Municipal Legislative Advocacy Session provides a unique opportunity each year for municipal leaders to discuss their messages with their legislative delegations – and for the power of the ALM membership's collective voice to be heard. A special legislative

reception has been scheduled at the Department of Archives and History for this purpose following the annual group photo. CMO credit will be given. To register: www.alalm.org (upcoming training).



8:30 - 9:00 a.m.

Registration: Alabama Department of Archives and History (ADAH)

9:00 - 9:10 a.m.

Welcome

Councilmember Adam Bourne, Chickasaw, Chair, Committee on State & Federal Legislation; Ken Smith, Executive Director, ALM

9:10 - 10:30 a.m.

Senate and House Leadership Panels



10:45 a.m. - Noon

Media Training

Transition to RSA Plaza for lunch

Noon - 1:00 p.m.

Lunch: RSA Plaza (a block from ADAH)



1:00 - 1:30 p.m.

Keynote: Lt. Governor Will Ainsworth

Transition back to ADAH for afternoon agenda and reception

1:45 - 3:00 p.m.

Alabama Transportation Institute (ATI)

3:00 - 3:45 p.m.

Legislative Update: Greg Cochran, Deputy Director, ALM

4:00 p.m.

Group Photo in front of the State House

4:30 - 6:00 p.m.

Legislative Reception (ADAH)



Please plan to stay for the reception to visit with your legislators!

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League Policy Committees

Kayla Bass • Public Affairs Associate • ALM

In the Spring of 2020, Mayors and councilmembers from rural and urban municipalities will convene to shape and update the Alabama League of Municipalities Policies and Goals, while also networking with fellow municipal elected officials and legislators. The Policies and Goals are legislative and policy statements that govern the League. The Proposed Policies and Goals are voted on by the membership at the Annual Convention each year. Once the document is adopted, it becomes the Policies and Goals that serve as guidance for the upcoming year. None of this would be possible without the input and leadership of the League’s five standing Policy Committees. There is no more important function of the League than identifying the policies and goals that assist in developing the League’s Legislative Package for the Regular Session. Policy committees provide you with an opportunity to strategically guide the League forward during its policy making decisions. If you are not currently involved with the League and are looking for introductory ways to interact with League staff and fellow officials, consider joining one of the five Policy Committees.

What are Policy Committees?

The League has five standing policy committees comprised of mayors and councilmembers from each congressional district in the state. The committees convene in the Spring at League headquarters to hear from state and federal resource advisors and to update their policy statements for the League’s Policies and Goals document. This important document will be used by the Committee on State and Federal Legislation when it meets to develop the League’s Legislative Package for the Regular Session.

What are the five Policy Committees?

Committee on Finance, Administration and Intergovernmental Relations (FAIR): FAIR reviews and develops policy on fiscal matters affecting municipalities, including municipal administration, intergovernmental mandates, personnel policies, liability, public records retention/destruction, workers and unemployment compensation and revenues and finance. The Committee also reviews trends relating to

consolidation of jurisdictions and potential threats to the integrity of local government.

Committee on Energy, Environment and Natural Resources (EENR): EENR reviews and develops policy on environmental issues, energy initiatives and quality of life considerations, including water and air quality, solid waste, hazardous/toxic wastes and pollution control. The Committee also reviews Alabama trends relating to hazardous and solid waste disposal and air and water pollution as well as garbage disposal methods, regional disposal areas, incineration, land fill and rodent and vector control.

Committee on Transportation, Public Safety and Communication (TPSC): TPSC reviews and develops policy on transportation programs and their revenue sources and allocations; public works programs, particularly those related to infrastructure development; public and private utilities, including telecommunications; and public safety issues, including crime prevention, law enforcement, fire prevention and protection, emergency medical services, emergency management and response, motor vehicle safety and animal control.

Committee on Human Development (HD): HD reviews and develops policy on social service and educational issues affecting municipalities. The Committee also reviews ways municipalities may improve the local environment for health care, mental health programs, juvenile and senior citizen programs, developing training and employment opportunities, welfare reform and Medicare and Medicaid programs.

Committee on Community and Economic Development (CED): CED reviews and develops policy on factors affecting the physical development of cities and towns, including community, industrial and economic development; tourism and recreation; housing; planning and zoning; code enforcement; enterprise zone development and regulation; and downtown redevelopment.

When do the Policy Committees meet?

Policy Committees meet once a year, typically during the Spring. This is done in conjunction with the legislative session, so members of each committee have an opportunity at the end of the program to walk over to the State House and visit with their legislative delegation.

How do I sign up to volunteer on a Committee?

To be placed on a policy committee, email Kayla Bass, Public Affairs Associate, at kaylab@alalm.org. Please specify your name, title and what committee you have an interest in serving on.

How long are Policy Committee appointments?

The Chair and Vice – Chair of each committee are each elected for two-year terms. Committee members are assigned by the policy chair and Executive Director. Assignments are reevaluated yearly. If committee members have been active and wish to remain on that committee, no changes are made. ■

2020 Policy Committee Dates	
League Headquarters • Montgomery	
• CED:	Tuesday, April 7
• TPSC:	Tuesday, April 14
• HD:	Tuesday, April 21
• EENR:	Tuesday, April 28
• FAIR:	Tuesday, May 5



2020 CMO WEBINARS

2020 Certified Municipal Official Program Training Calendar

2020 Webinar Schedule:

- **January 28** What Every Candidate Needs to Know About Municipal Government
- **February 25** Before/During/After Election – Candidate FCPA and Ethics
- **March 31** Alabama Census 2020
- **April 28** Dealing with Difficult People
- **May 26** 2020 Legislative Recap
- **June 30** Ways to Improve your City or Town
- **July 28** Cyber Security Update
- **September 29** The Public Purpose Doctrine
- **October 20** Starting the Next Term on The Right Foot (or Exit Gracefully)
- **November 24** Conflicting Office and Interests

The League has expanded the Certified Municipal Official Training Program to include LIVE webinar training and ANYTIME training. For mayors and councilmembers, webinar training and successful completion of a test on material presented will meet credit hours in the Basic, Advanced or Emeritus programs. Need core curriculum hours? Watch for core curriculum training offered by webinars. You can ask questions live during the training or submit questions by email to our legal staff following a live or anytime training. Our in-person League events are valuable and we'll always offer them, but online and anytime training will have a place too. We think you will find the addition of webinars a helpful resource to provide training for elected officials and municipal personnel. We hope to “see” you online soon!

How it works:

- Watch for the online training schedule through ALM’s website, newsletter, *Alabama Municipal Journal* and blast emails.
- Find the registration link in the information received or on the ALM website.
- Register for the training.
- Receive an email with the training link and a reminder email at the time of the training.
- On the day of training, click the link in the email to be connected.
- Following the webinar, receive a link to the recorded training session for future reference.

Questions? Contact Cindy Price at 334-262-2566 or via cindyp@alalm.org



League Policy Committee Chairs and Vice-Chairs



Councilmember Adam Bourne, Chair Committee on State and Federal Legislation

Adam Bourne is a Chickasaw city councilman, first elected in 2008. Bourne is Chair of the Council's Finance Committee and currently serves as Chair of the League's Committee on State and Federal Legislation. A lawyer and former Alabama Assistant Attorney General, Bourne is a graduate of the University of Alabama and a former division manager for the Mobile County Sheriff's Office. He currently works as Mobile County's Deputy License Commissioner. Bourne is a member of the Chickasaw United Methodist Church, married to Jenny Parker and has one daughter, Mary Elise.

Councilmember Jocelyn Tubbs-Turner, Vice Chair Committee on State and Federal Legislation

Jocelyn Tubbs-Turner serves on the Marion City Council and is the Vice Chair for the League's Committee on State and Federal Legislation. She has previously served at the Vice Chair and then Chair of the League's Committee on Community and Economic Development. Jocelyn is an AMSTI Science Specialist with Wallace Community College.



Councilmember Ruthie Campbell, Chair Committee on Finance, Administration and Intergovernmental Relations (FAIR)

Robertsdale Councilmember Ruthie Campbell is a lifelong resident of Central Baldwin County. In addition to being a graduate of Robertsdale High School, Ruthie runs her own business in Robertsdale. Her family background was part of the original agricultural families who settled in Robertsdale in the early 20th Century and her roots are still a part of this industry today in our area. Having been raised on the family farm, Ruthie refers to herself as the "Farmer's Daughter" and remains active in farming and ranching activities. She is an active member of the Alabama League of Municipalities, Rotary Club and the Central Baldwin Chamber of Commerce. She has previously served on the Robertsdale Planning Commission. One of her goals during her time on the City Council is to work on the Central Baldwin Beautification Project, and she has a keen interest in preserving the historical heritage of our area.

Councilmember Charles Black, Vice Chair Committee on Finance, Administration and Intergovernmental Relations (FAIR)

Charles Black has served on the Priceville City Council since 2008. He is a member of the Planning Commission & Park/Recreation Board as well as the treasurer for the Industrial Emergency Association. In addition, he has volunteered with the Priceville Fire Department since 1997 where he has held the position of Fire Chief since 2006. Prior to volunteering with Priceville's Fire Department, he served as assistant chief with Talucah Fire Department, which is where he grew up. He has multiple fire and HAZMAT certifications and is currently the Shift Fire Chief at Ascend Materials in Decatur.





League Policy Committee Chairs and Vice-Chairs



Mayor Lawrence Haygood, Jr., Chair

Committee on Energy, Environment and Natural Resources (EENR)

Lawrence “Tony” Haygood, Jr. was elected Mayor of the City of Tuskegee in 2016. Prior to that time, he served four years on the Tuskegee City Council as Councilman-at-Large, Mayor Pro Tem. He is Chair of the Committee on Energy, Environment, and Natural Resources with the Alabama League of Municipalities and serves on the Committee for Federal and State Legislation. In addition, he serves on the board of the Alabama Municipal Funding Corporation (AMFund), a League program.

Haygood was appointed by Gov. Bentley to the Alabama Workforce Development Board in 2016 where he continues to serve. Additionally, he has served as Economic/Business Development Specialist at the Tuskegee-Macon County Community Development Corporation (TMCDC) for more than 10 years while working closely with the Tuskegee University

Cooperative Extension Program and as a member of the Booker T. Washington Economic Summit Planning Committee. Haygood works with the TMCDC staff to promote business and industrial development; has launched improvement efforts for community corridors; coordinates housing rehabilitation projects; conducts entrepreneurial training; and manages a business incubator with a community revolving loan fund. As a grant writer, he worked with TUCEP and TMCDC staff to acquire substantial grant funding for community programs. Additionally, he serves as a local tour guide and planner for Tuskegee tourism. Recently he served as Vice-Chairman of the Historically Black Colleges and Universities (HBCU) Community Development Action Coalition (CDAC) national board.

Haygood previously served as President of Southern Community College for more than 20 years. He has served as Chairman of the Tuskegee Area Health Education Center, as well as State Vice-President for Alabama New South Coalition, among other positions. He was selected as the Alabama State Tree Farmer of the Year in 1998 and received the Tuskegee University Merit Farm Family award in 2005 at the 113th Tuskegee University Annual Farmer’s Conference.

A member and past president of Alpha Nu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., Haygood graduated from Rhodes College with a major in Political Science and a minor concentration in Economics. He earned an MBA Degree from Auburn University Montgomery with additional studies in Management Science at Krannert School of Management at Purdue University in West Lafayette, Indiana, and The Georgia Institute of Technology in Atlanta, Georgia. In the summer of 2011, Haygood completed the Intensive Economic Development Training Course at Auburn University.

Mayor Johnny Smith, Vice Chair

Committee on Energy, Environment and Natural Resources (EENR)

Dr. Johnny L. Smith earned his Bachelor of Science degree in mathematics from Jacksonville State University, Master of Mathematics degree from The University of South Carolina and Ed.D. degree with emphasis in mathematics education from The University of Alabama. Additionally, he studied one year of graduate study in mathematics at Emory University.

Following his education, Dr. Smith retired from JSU as Professor of Mathematics after having taught mathematics there for 34 years. He also taught mathematics at the University of West Georgia for five years. Dr. Smith was a member of the Jacksonville City Council for 12 years (Mayor Pro Tempore for six years). He has served as mayor for the past 15 years.

Dr. Smith is Professor Emeritus of Mathematics at JSU; a member of First Baptist Church of Jacksonville, the Jacksonville Exchange Club and Alabama League of Municipalities; and serves of the Board of Directors for the East Alabama Regional Planning and Development Commission; East Alabama Metropolitan Planning Organization, East Alabama Co-Operative Purchasing Association and the State of Alabama Trails Commission.

He has been awarded the designation of Certified Municipal Official, Advanced Certified Municipal Official and Certified Municipal Official Emeritus through the Alabama League of Municipalities and currently serves as Vice Chair for the League’s Committee on Energy, Environment and Natural Resources.

Dr. Smith is married to Sarah Lewis Smith. Together they have three children and six grandchildren.





Mayor Charles Gilchrist, Chair

Committee on Community and Economic Development (CED)

Charles C. Gilchrist was born and raised in Glencoe, Alabama. He graduated from Glencoe High School in 1965 and began working at Goodyear Tire & Rubber Company. In March 1968, Charles was drafted into the U.S. Army and in November 1968 was deployed to the Republic of Vietnam with the 173rd Airborne Brigade. In 1978 he married Kayron Barclay and they have 4 children and 14 grandchildren. Charles has owned and operated several businesses in Alabama from 1983-2000. He was elected to the Glencoe City Council as a Councilman in 2000 and as Mayor in 2004. He is currently still serving Mayor of Glencoe.

Councilmember Wayne Biggs, Vice Chair

Committee on Community and Economic Development (CED)

Councilmember Wayne Biggs has spent most of his life in Saraland as his family moved there in 1953, four years before the City of Saraland was incorporated. Wayne graduated from Satsuma High School and went on to study at The University of Southern Mississippi. He and his wife, Martha, are the proud parents of four and currently have seven grandchildren. In 1987 he founded Azalea Coffee Service, Inc., a regional coffee, water and vending service that serves 4 counties in the Southwest Alabama area. Wayne was first elected to the Saraland City Council in August, 2012 and presently serves as Council Vice-President. He has served as the Council Representative to the Saraland Planning Commission since 2012; chaired the Utilities Committee from 2012-2014, the Police Committee from 2014-2016 and the Fire Committee from 2016-present; was Vice-Chair of the Administration Committee from 2012-2016 and the Parks & Recreation Committee 2016-Present. Wayne attained his ALM CMO Basic designation in 2014, his Advanced designation in 2015 and achieved Emeritus in 2019. He was awarded the NLC Bronze Status in 2017. He is a member of the Saraland Area Chamber of Commerce; Saraland Lions Club; Keep Saraland Beautiful; Shell Community Action Program and the Mobile County Republican Executive Committee; past member of the Alabama Republican Executive Committee; and sponsor of Keep Saraland Beautiful Adopt-a-Spot.



Councilmember Jerry Parris, Chair

Committee on Transportation, Public Safety and Communication (TPSC)



Councilmember Jerry Parris currently serves as the City Council President pro tempore for Jacksonville. He has been a member of the Jacksonville City Council since November 2000 and is the Jacksonville Representative to the Calhoun Area Metropolitan Planning Organization (MPO) supported by The East Alabama Regional Planning and Development Commission (EARPDC). Additionally, he serves as the MPO Chairman. Councilmember Parris serves as the Chair of the Committee on Transportation, Public Safety and Communication for the Alabama League of Municipalities. He is a retired Reliability Engineer for the U.S. Army and a retired Commander in the U.S. Naval Reserve. He has a Master of Business Administration (M.B.A.) degree with a concentration in finance and a Bachelor of Science degree with a major field of

study in Mathematics/Physics.



League Policy Committee Chairs and Vice-Chairs

Councilmember Jerry Starnes, Vice Chair

Committee on Transportation, Public Safety and Communication (TPSC)

Jerry Starnes was elected to the Prattville City Council in 2012. In 2019, he was awarded his Basic Certification Municipal Official (CMO) designation from the League and currently serves as Vice Chair of the Transportation, Public Safety and Communication (TPSC) Committee. He is also a member of the League's Legislative Committee.

Jerry graduated from Prattville High School in 1986 and from Troy State University in 1991 with a B.S. in Criminal Justice with a minor in Psychology. He later earned his master's degree in Justice Public Safety from Auburn University in Montgomery. Starnes began work for the State of Alabama in 1993. He served as a Correctional Officer for three years with the Department of Corrections before going to work with Department of Public Safety as an Executive Security Officer at the Governor's Mansion. In 1998, he began work with Alabama Bureau of Pardons and Paroles and is currently a District Manager. He currently serves as a Lieutenant Colonel in the Alabama Army National Guard where he has served for 25 years. He served a tour in Iraq in 2004 to 2005 as a Military Police Officer and was awarded the Purple Heart in November 2005.

Starnes attends First United Methodist Church where he serves as an usher. He is a Board member at the Prattville Y.M.C.A. and President of the Community Corrections Board for Elmore and Autauga County. He is a member of the Prattville Chamber of Commerce and graduated from Autauga County Leadership.



Councilmember Jennifer Williams-Smith, Chair

Committee on Human Development (HD)

Jennifer Williams Smith was elected in 2012 as the second woman to serve on the Jasper City Council. In 2013 she was appointed to the Alabama League of Municipalities' Committee on Human Development (HD), representing Congressional District 4. Jennifer is currently serving as Chair of the HD Committee. In 2015, Smith represented State Senatorial District 5, serving on the League's Committee on State and Federal Legislation. She obtained her Advanced Municipal Official (CMO) designation in 2018.

Jennifer graduated from Walker High School and Auburn University, receiving her bachelor's degree in Communications. Prior to serving as the District 4 councilmember, she was the Director of Leisure Activities for the City of Jasper. She is the owner and marketing consultant for Just Face It Alabama and founder of dreamFIT, an inclusive dance opportunity for individuals of all ages and abilities.

Jennifer is currently serving on the Alabama Mental Health Discharge Placement/Community Services Workgroup, Walker County 2020 Census Committee and Community Options, ARC of Walker County Human Rights Committee. She is a graduate of Leadership Walker County and Your Town Alabama.

Mayor Barry Moody, Vice Chair

Committee on Human Development (HD)

A graduate of Auburn University, Barry D. Moody has been the Mayor of LaFayette since 2012. He is currently the Director of Human Resources and Safety for Saehaesung, a KIA automotive supplier. He serves as a Deacon at LaFayette First Baptist Church and on the East Alabama Mental Health Board of Directors. He also serves as a past Rotary Club President, youth coach and is a member of the Greater Valley Area Chamber of Commerce. Additionally, he is a supporter of Chambers County Development Authority. Mayor Moody is married to Tammie A. Moody who is retired from Southern Union State Community College. They have two daughters, Nicole Johnson and Meagan Pollard, and four grandchildren, Wrangler, McKenzie, Trenter and Roper.



City of Vincent Addresses Cybersecurity, Data Loss, Tech Support Risks with ALM-Endorsed 'IT in a Box'

Dave Mims • CEO • Sophicity

Less than an hour outside of Birmingham, the City of Vincent describes itself as progressive while retaining an “old towne” feel. The area combines a quiet country living experience (with a population of more than 2,000 people) and untapped economic opportunities. Home to the state’s largest living Christmas tree, the City of Vincent also offers a variety of local shops along with excellent K-12 schools in the Shelby County School System.

Typical of many small cities in the 21st Century, the combination of steady population growth along with the technology and internet revolution affecting how organizations operate has led the City of Vincent to a point where it needed to reassess its information technology.

Challenge

Vincent struggled with several specific technology challenges that made life difficult for city staff:

Performance and support issues. Computers and servers intermittently froze or crashed, and city staff did not have someone to contact about IT issues. Lacking technical help, the city found that its machines either lacked essential

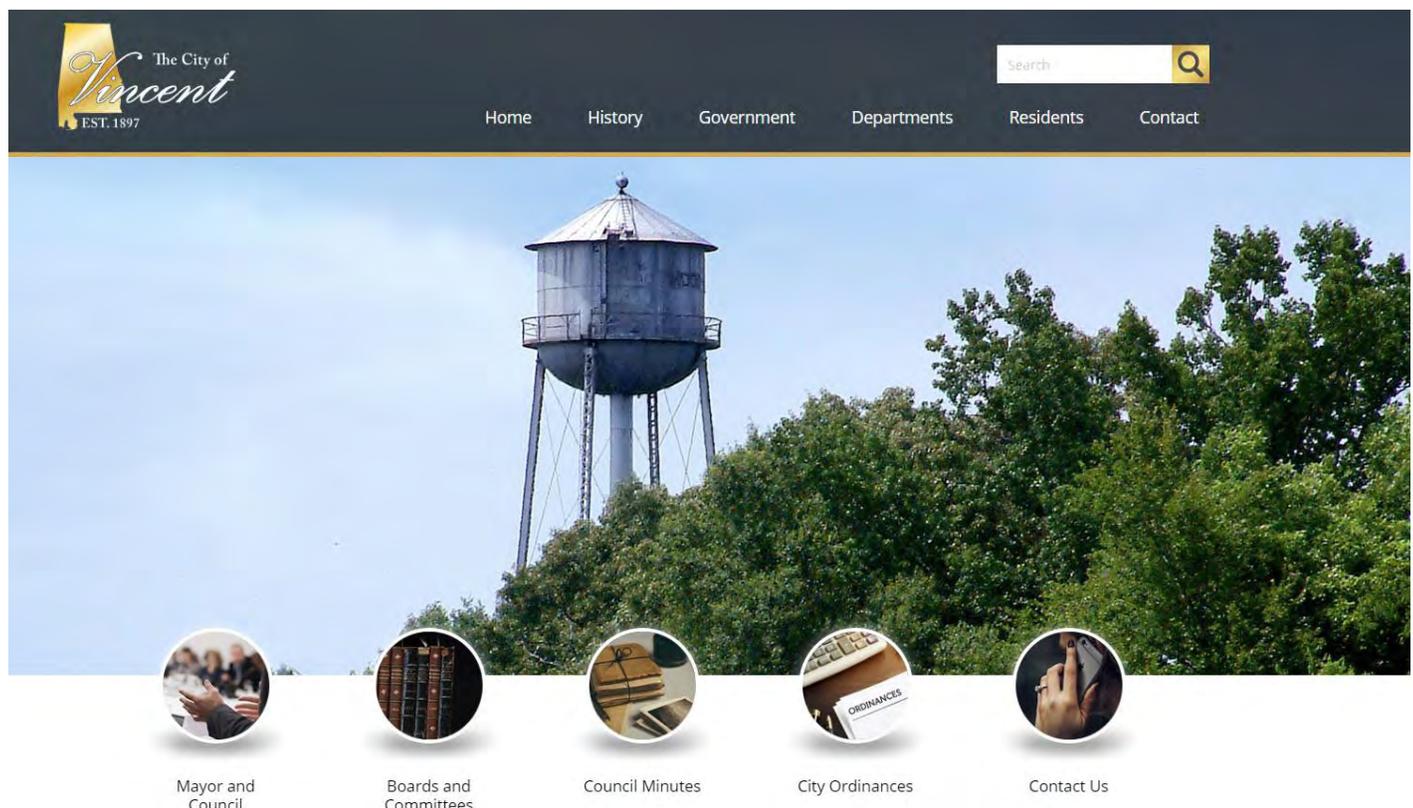
software or ran inconsistent software across servers and PCs that was hard to manage.

Lack of enterprise or business-class software. The city ran free versions of antivirus software and free email software. While this kind of software may work well for individual consumers, it struggled to handle the demands of a city.

Uncertainty around cybersecurity. Cybersecurity best practices were not implemented, followed and monitored, leading to uncertainty if the city were to fall victim to a cyberattack.

Uncertainty around data backup and disaster recovery. While the city had a data backup solution in place, it was unclear who managed the backups; whether the solution comprehensively backed up all critical data (including police body camera video); and if their data could be recovered in case of an incident.

Uncertainty around records retention schedule compliance. The free email software and uncertainty about backing up body camera video led to some ambiguity about whether the city would be able to comply with records retention schedules pertaining to email and body camera video.



Dissatisfaction with website. The city’s website looked outdated, poorly designed and unorganized. It was also difficult for city employees to upload and manage website content without technical help.

Overall, the uncertainty and lack of IT support meant the city needed to consider a cost-effective solution to address these problems in a way that was tailored to their situation. This is where “IT in a Box,” endorsed by the Alabama League of Municipalities, came to the rescue.

Solution

IT in a Box offered the City of Vincent municipal-experienced, Criminal Justice Information Services (CJIS)-trained technology professionals who were ready to address these ongoing problems. Once implemented, IT in a Box’s comprehensive, multi-faceted solution included:

24x7 helpdesk. Dedicated 24x7x365 helpdesk support staff now provide Vincent with IT support both remotely and onsite, depending on the issue. City staff now simply place a call to receive immediate support for their technology needs.

Cybersecurity and computer maintenance. IT in a Box guards Vincent against cyberattacks, viruses, ransomware and data breaches by keeping their servers and computers patched, protected and healthy – 24/7. IT in a Box includes always-on monitoring and alerting for issues, enterprise-class antivirus protection, automated computer maintenance,

ongoing software patching to keep the city secure and regular training to keep city staff on guard and alert.

Policy and compliance. Vincent now uses enterprise-class email that not only offers better usability and performance for city staff but also helps the city comply with records retention schedules. In addition, IT in a Box now ensures that sensitive information such as body camera video is properly backed up and following records retention schedules.

Onsite and offsite data backup and disaster recovery. Uncertainty went away with onsite and offsite data backups that help ensure both quick recovery after small incidents (like a server failure) or a larger incident (such as a tornado). Quarterly testing and audits ensure the city’s data is safe and recoverable.

Vendor management. Sophicity now handles any technical issues with hardware and software vendors, resolving issues that used to take up valuable city staff time. In addition, Sophicity started an audit of the city’s telecom and internet services to explore where they might save money and improve overall services.

New city website. Vincent received a modern, fresh custom-designed website with Sophicity hosting the website and managing the content. Plus, city staff can now also edit and update website content themselves.

EMPLOYER BENEFIT SOLUTIONS FOR THE PUBLIC SECTOR

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Results

After the city switched over to IT in a Box, they experienced many positive results:

Responsive IT support led to increased productivity and employee morale. Instead of struggling to figure out IT issues on their own or just putting up with frozen computers, employees now receive remote or onsite IT support for issues that are often resolved in minutes or hours. Hardware and software now work – and that lightens the burden on city staff.

The city is now prepared for a cyberattack. Ransomware, malware or viruses will strike when least expected. Through a combination of proactive IT support, cybersecurity best practices, enterprise-class antivirus software and offsite data backup, the city has the right pieces in place to protect itself.

The city reduced the risk of permanent data loss. No more uncertainty about data backup and recovering data after a disaster such as a fire, flood, tornado or ransomware attack. IT in a Box's onsite and unlimited offsite data backup storage components – tested regularly – reassures the city that it can recover its data after an incident.

The city now knows it can comply with records retention schedules. Enterprise-class email software and unlimited offsite data storage for body camera video following retention policies ensures that the city can comply with records retention schedules.

Vendor management saved the city time and money. With municipal-experienced senior engineers supporting the city, all hardware and software vendor issues now get handled by IT in a Box – saving valuable staff time and eliminating frustrating vendor calls. Plus, our audit of the city's internet and telecom services will most likely save the city money.

Productivity and online reputation improved with a modernized website. Sophicity modernized and redesigned the city's website to give its online presence a fresh look and feel. The current website now presents visitors with bold visuals that show off the city to website visitors, clearer organization of information, and the ability for city staff to now update and edit content.

According to Becky Landers, Vincent City Clerk/Treasurer: "The City of Vincent began using IT in a Box back in October of 2018. They have been extremely timely in resolving any IT issues we have. The real test came when my computer completely crashed (it was not even a year old) and they were able to retrieve all my files and take care of the entire situation with Dell. I was very impressed!!!!"

About Sophicity

Sophicity provides the highest quality IT products and services tailored to city governments. Among the features Sophicity delivers in "IT in a Box" are cybersecurity and computer maintenance, 24x7 U.S.-based helpdesk for remote and onsite support, data backup with unlimited offsite data

backup storage for disaster recovery, records and document management, email, body camera and squad car camera video archiving with unlimited offsite video storage following record retention policies, information security policy and compliance, a custom designed website that is ADA-compliant and mobile-ready and vendor management and procurement. **For more information, visit sophicity.com.** ■

Dave Mims wears many hats, including developing the future of the company and working with clients to solve their business technology needs. Prior to founding Sophicity, Dave ran a successful IT consulting firm Mimsware Corporation for 10 years and held software development positions with IBM and Intertech Information Management, Inc. He is a Microsoft Certified Solutions Developer, Microsoft Certified Database Administrator, and a Microsoft Certified Application Developer, and has over 20 years of professional IT experience. Dave holds a Bachelor of Science degree in Computer Science from Southern College of Technology (now Southern Polytechnic State University). He lives in Woodstock, GA with his wife and three children, and enjoys all his free time with them. Dave is a board member with High Tech Ministries and attends First Baptist Church Woodstock with his family.



IT in a Box
A complete IT solution for city governments.

Alabama League of Municipalities

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Chuck Stephenson
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www.alalm.org

CBD Oil Employee Drug Tests

Who bears the burden of proof in the event of an employee drug test with possible “false positives” due to the use of CBD oil?

A positive drug test could be grounds for discipline or dismissal (zero tolerance policy) even if an employee claims the “false positive” was due to their use of CBD oil. In at will employment states such as Alabama, the burden falls on the employee to show that the positive drug test was caused from their use of CBD oil. However, in cities with a personnel board or commission, the burden is on the city to investigate a positive drug test when an employee claims it is a “false positive”. The League recommends that cities give their employees a pre-questionnaire inquiring if they have used any drugs, including CBD oil, prior to administering an employee drug test. If the employee indicates the use of CBD oil or other drugs which may result in a positive drug test the city is now on notice that they may need to investigate the results further.

We are proud to support Alabama’s Firefighters through the state’s first supplemental cancer benefits policy!



www.alfrbp.com

1-800-23-CANCER

cancerinsurance@alfrbp.com

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TUSCALOOSA 2020
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Alabama League of Municipalities
ANNUAL CONVENTION

May 16 - 19
2020
BRYANT CONFERENCE CENTER

Legal Clearinghouse

Rob Johnston, Assistant General Counsel



NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Tort Liability: Local airport authority was immune, pursuant to statute, from wantonness action by traveler who allegedly slipped and fell in airport terminal. *Ex parte Birmingham Airport Authority*, 274 So.3d 964 (Ala.2018).

ATTORNEY GENERAL'S OPINIONS

Fire Districts: Absent the passage of new legislation, a Fire District is not authorized to call for an election on a fee for the withdrawal of a property owner from the District. AGO 2020-001.

Boards: The utilities board of the city is authorized to waive the commercial capacity fee for connecting a building to its water and sewer system for a sports complex if it determines that the waiver is reasonable and nondiscriminatory. AGO 2020-002.

Conflicts of Interest - Boards: An individual who is employed by a healthcare provider that transacts business with or offers similar services as the regional mental health authority is not prohibited from serving as a member of the board of the Authority. Pursuant to common law, a board member should not financially benefit from the business of the Authority and is prohibited from voting or participating in any matter in which he or she has a personal beneficial or financial interest. AGO 2020-004.

Rebuild Alabama Act: The state's portion of license taxes and registration fees collected pursuant to the Rebuild Alabama Act shall be deposited into the State General Fund until the total annual registrations of battery electric and plug-in hybrid electric vehicles exceed four percent of the total annual registrations of all motor vehicles. The act does not authorize the State Treasurer to distribute proceeds to counties or cities from license taxes and registration fees for battery electric and plug-in hybrid electric vehicles collected before the four percent threshold is met. Such taxes and fees must be prorated in the same manner as automobiles and motorcycles. If a prorated amount is collected, it must be distributed first to the state, counties, and cities, as proportionally allocated, and then to the Rebuild Alabama Fund if monies are remaining. AGO 2020-005.

ETHICS OPINIONS

Conflicts of Interest: A firm in which a member of a

board of education is a shareholder and employee, may contract to provide professional services to that board of education provided the public official does not influence or attempt to influence any contracts between the firm and the board of education or otherwise use his position on the board for private financial gain – for himself, a family member or a business in which he is associated. A copy of any contract entered into between a firm in which a member of a board of education is a shareholder and an employee and the board upon which he sits that is paid out of state, county or municipal funds must be filed with the Ethics Commission within ten (10) days after its execution. A member of a board of education may fully participate on behalf of his architecture and engineering firm on any project or contract involving the appointing authority for the board on which he sits provided the project or contract does not use his position as a member to help his architecture and engineering firm obtain business with the city. A member of a board of education may not share any confidential information he obtains as a member of the Board that could result in financial gain for himself, his firm or any other person. AO 2019-09. ■

Congratulations Iva Nelson! 2019 Municipal Clerk of the Year



Gadsden City Clerk Iva Nelson (pictured with ALM Executive Director Ken Smith) was named 2019 Municipal Clerk of the Year at the Clerks Conference in December. Iva has worked in the City Clerk's office since March 1984 and was appointed City Clerk in April 2002.

The Municipal Marketplace • #ALMCon20

ALM EXPO 2020 • May 17-18 • Tuscaloosa

The Alabama League of Municipalities' 43rd annual expo will feature more than 150 vendors offering convention attendees several events and extended time for face-to-face interaction with exhibitors. **On May 17, the Marketplace will open with 33,000+ square feet of city solutions!** Experience the Marketplace “in the round” located on the concourse of the beautiful Coleman Coliseum on The University of Alabama’s campus – across the street a short walking distance from the Bryant Conference Center. This unique showcase offers an excellent opportunity for the League’s 1,000+ delegates and guests to network and make valuable connections with 300+ vendor representatives.

Join us Sunday evening at 5:30 p.m. for the opening event – the *Municipal Marketplace Showcase and Reception* – a casual reception with heavy finger foods and an open bar. On Monday, the Marketplace will be open from 8:00 a.m. to 1:30 p.m. for Exhibiting, COFFEE with YOUR Exhibitors, LUNCHEON with YOUR Exhibitors and DESSERT with YOUR Exhibitors. Lunch will be served for all attendees and vendors beginning at 11:00 a.m. with dessert at 1:00 p.m.

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



2020 Annual Convention Information

Tuscaloosa, Alabama • May 16-19, 2020 • #ALMCon20

REGISTRATION OPENS FEBRUARY 3, 2020!!

Online Registration: To make the registration process more efficient and to prepare for your attendance at the 2020 Convention, delegates are encouraged to pre-register. **The deadline for pre-registration is no later than 2:00 p.m. on April 17, 2020. After 2:00 p.m. on April 17, delegates must register at the Convention Registration Desk.**

In order to ensure that there are no duplicate registrations, each registrant must use a separate email address. In the event that you do not have a separate email address for each registrant, you can go to Gmail.com or Yahoo.com and create a free email account.

We are committed to keeping your email address confidential. We do not sell, rent, or lease our contact data or lists to third parties, and we will not provide your personal information to any third-party individual, government agency, or company at any time without your permission unless compelled to do so by law.

CONVENTION REGISTRATION FEES

\$400 from February 3 - April 3, 2020 by 2:00 p.m.	(\$60 non-refundable registration fee for one (1) Spouse/Guest*)
\$425 from April 4 - April 17, 2020 by 2:00 p.m.	(\$70 non-refundable registration fee for one (1) Spouse/Guest*)
\$475 after April 17, 2020 (on-site registration)	(\$90 non-refundable registration fee for one (1) Spouse/Guest*)
Additional Guest Registration	(\$150 per additional Guest, fee is non-refundable** See Spouse/Guest/Child Registration information)

Payment in full must be received by the deadlines above, or the registrations will be subject to a fee increase.

The full convention fee covers all events for each delegate. To view events, go to www.alalm.org.

The astronomical cost of putting on a convention makes it impossible to allow free admittance for guests of delegates at any function. Delegates are urged to pre-register guests.

PROGRAM INFORMATION

As the Convention Program is designed for municipal officials and municipal personnel, we do not recommend that spouses/guests/children attend these sessions. This Program is designed to be a professional environment of learning and education. If the registrant's spouse/guest/child is interested in an activity, please visit the convention registration desk or the visitor's bureau for suggestions of nearby attractions.

SPOUSE / GUEST / CHILD REGISTRATION

Spouse/guest registration cannot be paid by the municipality; therefore, registration must be paid by the official at the time of registration.
The spouse/guest registration fee is restricted to persons who are not municipal or public officials, are not affiliated with any exhibitor, and would have no professional reason to attend the convention. Spouse/Guest registration is available ONLY for a person who accompanies a full convention registrant, and only to those who do not have any other reason to attend the ALM Convention. Spouse/Guest registration does not include session attendance. The spouse/guest registration permits an individual to accompany a full convention registrant to events specifically listed in the official convention program as open to a Spouse/Guest. Eligibility of guests is subject to verification.

For children ages 6 and over, as well as other guests, the full registration fee must be paid. There is no extra charge for children under 6; however, children must be registered and receive a name badge.

To view a list of events that registered spouses/guests/children are eligible to attend, please visit www.alalm.org.

*****To register additional guest(s), there is an additional non-refundable fee of \$150 per guest. Spouses/Guests are not eligible to attend the convention training sessions or obtain credit hours in the Certified Municipal Official Program.***

HOTEL ACCOMMODATIONS

Hotel room blocks will open February 6, 2020. For hotel contact and room block information, see www.alalm.org.

ONLINE REGISTRATION

★ ★ Save \$50 on Delegate Registration by registering and paying online! ★ ★

1. Go to www.alalm.org to complete registration.

2. **DO NOT** email, mail or fax credit card information.

NO CONVENTION REGISTRATIONS WILL BE ACCEPTED BY PHONE, FAX OR EMAIL.



If you need assistance due to disability or other special services, please call Theresa Cook at (334) 262-2566 before April 17, 2020.

CONVENTION REFUND / CANCELLATION POLICY

In order to receive a partial refund of your registration fee, your cancellation request must be received in writing by April 17, 2020. A **\$60 administrative fee will be charged for all cancellations regardless of the reason for cancellation, including medical emergencies.** No refunds will be given after this date. Registration fees for spouses/guest are nonrefundable. **ALM cannot make exceptions to this policy.**

2020 MUNICIPAL FLAG SHOWCASE

The League will hold the Municipal Flag Showcase at this year's Convention. Details and entry information can be found at www.alalm.org.

DISTINGUISHED SERVICE AWARDS

The League presents municipal service awards during its convention to municipal officials and staff recognizing 20, 30, 40 and 50 years (in 10-year increments) of service earned during the previous calendar year. **Awards are only presented to individuals who notify the League of a service milestone by March 6, 2020.** Awards will not be given to those who fail to notify the League by the deadline. More information can be found at www.alalm.org.

ETHICS ADVISORY!

Please note that some events scheduled during the Convention are held by outside groups and are not affiliated with the League or the Convention.

Based on the conclusions in Ethics Advisory Opinion 2011-01 and an informal opinion the League has received from the Ethics Commission, attendees at the League Convention should exercise caution before accepting an invitation to dinner, etc. from a vendor that is a not a registered participant in the Convention.

While the opinion indicates that a non-registered vendor or company who desires to interact with attendees during the conference may provide meals and other food and beverages, they may not under any circumstances use the interaction as an opportunity to lobby attendees or otherwise use it for a sales opportunity.

League events are listed in the official program or on the app. If you have questions regarding whether an event is part of the Convention or is affiliated with the League, please contact the League directly.

advising them establish the policy and direction for the future of their communities. To help set the right course, it is crucial for local leaders to stay current about issues and developments that affect them. They must be prepared to address the complex issues facing their communities. In this day of tightening budgets and increasing state and federal mandates, the need for immediate and accurate information has become even more acute. Decisions based on incorrect data can waste valuable time and money and may even lead to increased liability costs through lawsuits or the assessment of state or federal penalties.

The League convention is your primary source for professional development, continuing education and networking opportunities and is one of the best ways to prepare yourself to serve your municipality. I think the Convention can make your life as a municipal official better and easier, and you should attend. And when you do, I have some suggestions on how to maximize your attendance and improve the time you spend there:

First, it is important to study the program carefully and understand what takes place at each session. If this is your first convention, you may find yourself overwhelmed and a little confused about where to start. I'd encourage you to attend the Orientation Session Saturday morning, May 16, at 9:00. That session will give you an overview of your options and suggest ways to best use your time. In addition, I encourage each of you to take a close look at the schedule – even if you've attended the convention for many years. You wouldn't want to overlook your favorite session or event and it may have been relocated to a new time or day.

What type events are available for you to attend? The roundtable sessions provide a wonderful opportunity for you to learn what is happening in similar-sized municipalities around the state. The chance to share information, ask questions and learn how others have addressed issues confronting you simply should not miss.

But don't overlook the training sessions. Substantive training and updates take place at the general and concurrent sessions and at the opening and closing sessions. These sessions provide you with detailed information on specific issues. You have the opportunity to learn from recognized experts who can educate you to better serve your citizens.

League policy and business takes place at the resolutions committee and, of course, at the business session. If you are attending the convention strictly for training, it may seem unnecessary or not worthwhile to attend the policy and business sessions. I disagree with that conclusion, though. I think these sessions offer unique educational and networking opportunities and provide you with a good overview of how your League functions and operates. These sessions allow your municipality to directly affect the direction your League takes in the future. Attending the business sessions gives you the chance to help define and achieve those common goals.

Second, to take full advantage of your convention attendance, mark your program to keep track of the sessions you want to attend. Or, even better, the League provides you with an app to keep track of sessions that interest you. If you

don't make plans, it's easy to lose track of time and find yourself immersed in conversation with someone outside a training session and miss a session you specifically wanted to attend. Not that there is anything wrong with conversing with other officials – in fact, you should take advantage of every chance to get to know your fellow officials across the state and discuss municipal business with them. But be sure to conclude those discussions before the sessions start in order to learn as much as possible and to get full credit in the Certified Municipal Officials program.

This leads us to the third way to take advantage of being at the convention – get out of your comfort zone. If you're attending the convention with other officials from your municipality, split up and attend different concurrent sessions. If each of you attends a different session, your city or town gains broader coverage from your attendance. Spend time with people you don't know. At meal functions, sit with groups from other municipalities. During breaks, make a point of introducing yourself to strangers. Nowhere else will you have this tremendous opportunity to meet this many individuals who share your interests and concerns. Take advantage of these chances to network and learn from others. Offer your input and advice to others. You may find a solution. Or you may be the solution someone else has been seeking. And if you do find yourself lost in conversation with someone who is able to answer a question facing your municipality, that alone may justify attending the convention.

Next, visit the Municipal Marketplace. Exhibitors bring tools and solutions that are designed to help your community. They are happy to discuss what they can do for you. Spending time talking to the exhibitors may bring a new perspective to your convention experience and open doors that you didn't even realize existed. In the Marketplace, you will also find exhibitors from state and federal entities that attend the convention to share information from their departments or agencies. They have information on new laws and regulations you must know about. They also have information about the services they can provide your city or town and who to contact to request assistance. Often these services are available to you at no cost. Well worth the time it takes you to stroll through the exhibit hall and expose yourself to the many offerings you will find there.

A final way to take advantage of the convention is very basic – attend. You can't learn if you aren't present. It's just that simple. Municipal leaders in Alabama share a common bond – the desire to improve the quality of life in their communities. Once they take office, though, municipal officials soon realize that much of what takes place locally is affected by decisions and developments that take place far beyond their borders. Municipalities affected by these changes share similar concerns and the convention allows their officials to discuss the impact of these changes and how they should respond to best serve their citizens.

The convention offers you with an ideal opportunity to learn about local government, network with other local officials, share experiences and brainstorm ideas for improving your community. I hope that by the time you're reading this, you have already registered to attend the convention. If not, I hope you will make plans to join us in Tuscaloosa. I look forward to seeing you there! ■



Alabama's only state tax refund municipal debt recovery program

www.alintercept.org

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

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

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

Who is eligible to use the MIS system?

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

Is there a fee to use the MIS system?

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

What debts can be intercepted using the MIS system?

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

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

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

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



www.alintercept.org

History, Preservation and Economic Development: This Place Matters



Andi Martin • Marketing and Public Relations Manager
Alabama Historical Commission

*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.*

Over the last three years, Alabamians have celebrated the statewide bicentennial commemoration. Our communities have reflected upon their collective memories to identify the stories, local histories and places that have shaped their identities. We have paused to honor our rich and diverse history and heritage that continues to impact who we are as a state, explore the unique characteristics of our cities and towns and examine how our state has shaped the nation.

Mr. Lee Sentell, Executive Director of the Alabama Department of Tourism, has often said, “What happened here changed the world.” That notion resonates in every community, in every conversation with historians and in the halls of Alabama’s amazing historic structures. In our past, we see the native people who so carefully curated these lands for prosperity; enslaved people and immigrant workers whose labor built the state and whose traditions crafted the international profile of our buildings and cuisine; ordinary foot soldiers who stood against inequality during the Civil Rights Movement; and scientific innovation that took us to the stars. There is tremendous power in walking in the footsteps of history, treading on the same hallowed grounds where gamechangers, boundary-breakers and storytellers courageously fought for change and looked toward a better future. With these great achievements and testimonies also comes the great responsibility of caring for these cultural treasures for generations to come.

At the Alabama Historical Commission (AHC), the State Historic Preservation Office, we are tasked with protecting, preserving and interpreting Alabama’s historic places. To meet our mission, the AHC has two main divisions – the Historic Sites Division that manages 15 state-owned historic sites and the Historic Preservation Division that administers the tools with which we empower communities to care for their resources at a local level and, through archaeology, tell the stories written in the soil.

Our statewide preservation programs are based on the National Historic Preservation Act of 1966 as amended. For more than 55 years, AHC has been working with state and local leaders to safeguard state resources and foster our rich history and heritage. As we encourage decision makers to lead



The Freedom Rides Museum is the only state-owned Civil Rights site in Alabama. The historic Greyhound Bus Station and Freedom Rides of 1961 are the subject of the forthcoming film, “Son of the South” which was filmed on location in Montgomery. Photo Jarob Ortiz

with historic preservation in mind, the question often arises: “Why does this place matter?” Historic preservation is more than saving buildings and sites of importance; it is an investment in the future. It can enhance the quality of life for communities when they present diversity of histories and styles; take pride in the protection of historic buildings and local histories; and grow through the teaching and sharing of local stories.

There has been a considerable amount of study and recognition given to the economic value of historic preservation efforts. In a study published by Americans For the Arts, historic preservation benefits can be directly translated to dollars. “Annual direct economic effects, calculated conservatively, include \$123 million in historic rehabilitation, \$432 million in heritage tourism spending and \$25 million in net spending by historic sites and organizations – for a total of \$580 million. The landmark properties are valued at \$6 billion.”

In all, there are three main areas of economic impact resulting from historic preservation 1) increased property values; 2) job creation; and 3) increased heritage tourism. Other notable benefits include decreased criminal activity, increased housing supply, increased pride in cultural assets – all generating a more positive quality of life. Historic preservation is also considered a ‘green solution’ that represents great progress and a way to make significant environmentally responsible decisions. With those foundations in place, we can all make great strides towards producing sustainable development that can revitalize communities.

Programs and Preservation in Action

From cemetery preservation workshops to seminars on historic preservation tax incentives, AHC preservation outreach efforts are for community planners, developers, historic property owners, real estate agents, economic development specialists, historians and municipal leaders who want to learn more about utilizing the existing historic resources and infrastructures within an area.

AHC Preservation Programs:

Alabama Register of Landmarks and Heritage: The Alabama Register documents and recognizes Alabama’s historic properties--buildings, sites, structures, objects, districts.

Alabama Historic Rehabilitation Tax Credit: The Alabama Historic Rehabilitation Tax Credit is a 25% refundable state income tax credit available for private homeowners and owners of commercial properties who substantially rehabilitate historic properties that are at least 60 years old and are listed in or eligible for the National Register of Historic Places. Tax credits are capped at \$5 million for commercial properties and \$50,000 for residential homes.

Each year, there are ear-marked funds set aside specifically for rural communities, making historic preservation and development accessible to *all* across Alabama.

Archaeology Program: The AHC’s Archaeological Program provides advice and archaeological services for the public and the historic sites of the AHC. We answer questions, hold

workshops and make presentations on both archaeology and regulatory topics across the State. AHC also manages the Maritime Heritage Program to protect maritime archaeological sites in Alabama waters and to advance awareness and understanding of the role of maritime affairs in the history of Alabama.

Architectural Program: Architectural surveys identify, document and evaluate a community’s physical historic resources. A survey will preserve a record of an area’s history and provide information to determine eligibility for inclusion in the Alabama Register of Landmarks and Heritage or the National Register of Historic Places.

The Black Heritage Council (BHC): The BHC was created in 1984 as the country’s first African-American advisory council and was established by AHC to advocate and advise the Commission on the preservation of African-American historic places in Alabama.

Cemetery Program: The AHC’s Cemetery Program assists the public in identifying, documenting, registering and



Reenactors bring history to life at Fort Toulouse-Fort Jackson during Frontier Days.
Photo: Fort Toulouse-Fort Jackson/AHCS

protecting Alabama's historic cemeteries through awareness of cemetery preservation guidelines, Alabama's burial laws and issues permits for substantial work in cemeteries that are at least 75 years old.

Certified Local Government (CLG): Local governments strengthen their local historic preservation efforts by achieving CLG status from the National Park Service (NPS), which provides valuable technical assistance and small matching grants to these communities.

Federal Rehabilitation Tax Credit: This is the single-largest federal program that specifically supports historic preservation and is one of the nation's most effective programs to promote historic preservation and community revitalization. The federal credit is a 20% credit available to owners who substantially rehabilitate income-producing buildings that are listed in the National Register of Historic Places.

Historical Marker Program: The AHC's Historical Marker program began in 1975 to inform the public about significant buildings, sites, structures, objects, cemeteries and districts in the state. To qualify for an historical marker or plaque, the property must be eligible for or listed in the Alabama Register, National Register or Cemetery Register.

National Register of Historic Places: The National Register of Historic Places is the nation's official list of cultural resources buildings, districts, structures and objects and worthy of preservation. Maintained by NPS, this register is part of a nationwide program to coordinate and support public and private efforts to identify, evaluate and protect our historic and archaeological places.

Places in Peril: Each year, this program calls public attention to a select number of threatened historic and archaeological sites by highlighting their current situation through publicity, generating support for their preservation.

Section 106 Review: Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of Federally funded projects on historic properties. Section 106 of the NHPA is administered by the Advisory Council on Historic Preservation (ACHP). Commonly known as Section 106, Regulatory Review, or Environmental Review, the process has three main goals: Identify historic and prehistoric properties eligible for or listed in the National Register of Historic Places, assess the effects of the Federal undertaking on those properties, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. Section 106 of the NHPA is administered by the Advisory Council on Historic Preservation (ACHP).



Historic Tax Credit Project, First National Bank Building, Andalusia. Submitted Photo.

Grant Program

In addition to the preservation programs, AHC administers a Grant Program with funds appropriated by the Alabama Legislature. Historic sites meeting the eligibility requirements can submit applications each year for improvements as well as educational programming. Grants are awarded to public or non-profit entities who own and operate historic sites in Alabama, reflect an education-based mission, concentrate on educational programming and reflect the geographical diversity of the state. AHC's 2020 Grant Program was very successful. More than \$2 million dollars were requested from the \$900,000 of appropriated funds.

Opportunity awaits for you and your community to work with AHC!

State-owned Historic Sites

We invite you to visit the 15 state-owned historic sites managed by AHC. If landscapes can be a mirror of change, these sites are an exceptional parallel to that sentiment. From early civilization to Civil Rights, these varied properties represent a wide-range of history, demonstrative of the exceedingly diverse periods that have shaped our lands. Each year, AHC welcomes more than 300,000 visitors to its historic sites. Educational events are held monthly.

Bottle Creek (Mound Island, AL) is one of the most important prehistoric Native American sites in Alabama, second only to Moundville and is the largest mound complex on the northern Gulf coastal plain, containing more than 18 Indian mounds.

Fort Toulouse-Fort Jackson Park (Wetumpka, AL) is a significant archaeological site and National Historic Landmark with influences from American Indians and European explorers and settlers whom all shaped history on this site.

Fort Mims (Tensaw, AL) is the site of an 1813 battle where more than 400 settlers, U.S. allied Creeks, and enslaved African Americans were attacked by warring Red Stick Creeks, starting the Creek War.

Pond Spring, the General Joe Wheeler Home (Hillsboro, AL) boasts an extraordinary family collection of furniture, decorative arts, and militaria.

Old Cahawba Archaeological Park (Orrville, AL) tells the story of Alabama's first state capital, carved out of the wilderness in 1819 and now Alabama's most famous ghost town.

Forks of Cypress (Florence, AL) is the ruins of the only Greek revival house in Alabama to feature a two-story colonnade around the entire house, composed of twenty-four ionic columns.

Fort Morgan (Gulf Shores, AL) was active from the Civil War through World War II. This National Historic Landmark is also an internationally important birding site.

Belle Mont Mansion (Tuscumbia, AL) sited on a commanding hilltop, is one of early Alabama's crowning architectural achievements.

Magnolia Grove (Greensboro, AL) was home to a Spanish American War hero and tells the stories of the family and the enslaved workers and servants who lived there.

Gaineswood (Demopolis, AL) is a National Historic Landmark and "one of the three or four most interesting houses in America," – *The Smithsonian Guide to Historic America: The Deep South*

Alabama State Capitol (Montgomery, AL) is a National



Homewood's iconic "Pink House" was included on the Places in Peril 2019 list. A series of campaigns, public support and awareness helped this endangered site find the right buyer. Submitted Photo

Historic Landmark, a working capitol, and a museum of state and history politics.

Fendall Hall (Eufaula, AL) is an outstanding example of Italianate architecture with spectacular hand-painted murals and a rich family history.

Middle Bay Lighthouse (Mobile, AL) has been a Mobile Bay landmark since 1885.

Confederate Memorial Park (Marbury, AL) was Alabama's Confederate Soldiers' Home from 1902-1939. The museum exhibits the lives of Civil War soldiers from recruit to aging veteran.

Freedom Rides Museum (Montgomery, AL) where 21 college students changed the world, resides in Montgomery's historic Greyhound Bus Station.

Not unlike our fellow state agencies, AHC's main focus is to serve the state and citizens of Alabama. We take the charge of being the guardians of cultural resources seriously. Our passionate and talented preservation staff works to implement the most current practices and procedures along-side our federal partners. Our historic sites division maintains active and engaging living history programs that inform and entertain. Think of us as your friendly, neighborhood history enthusiasts who envision an Alabama growing always for better. We want to be a part of your success stories and the ones who encourage you through the obstacles. We hope to continue building upon the success of Alabama's Bicentennial and look forward to celebrating new milestones. Making history was not always easy, but if we all work together, preserving it can be.

To learn more about AHC, or to connect with one of AHC's program administrators, please visit www.ahc.alabama.gov. ■

Effect of the Census on Municipal Revenue

Many municipal revenue sources are affected by population. Section 1-3-5 of the Code of Alabama 1975, quoted above, provides that the decennial census figures can be used to determine all revenues based on population as soon as the census is proclaimed, published or certified by the Director of the U.S. Census Bureau. Municipalities which gain in population can expect an increase in revenues and those which lose population can expect decreases in revenues.

While not an exhaustive list, taxes affected by population include: Simplified sellers and use tax (SSUT); ABC Board profits; automobile tag tax receipts; state gasoline taxes; privilege tax on oil and gas production; capital improvement fund monies; and municipal license taxes which may be based on population (such as licenses on telephone companies, telegraph companies, insurance companies other than fire and marine, express companies and railroads, waste grease collection).

The 2020 census figures will have no effect on a municipality’s share of certain other revenues including the financial institutions excise tax, TVA payments, the coal severance tax and the state taxes on beer and table wine as these taxes are not based on population.

Effect of the Census on Redistricting

One final aspect of the census warrants discussion – the

impact of the census on municipalities that elect their officials from districts.

Section 11-46-23 of the Code of Alabama 1975 authorizes a municipal governing body to divide the municipality into districts for the election of officers. This adjustment must be made more than three months prior to the election. Additionally, several Alabama municipalities were divided by court order.

A shifting municipal population may require redrawing these district lines. If the current district lines no longer eliminate the problems sought to be redressed by districting, these lines will have to be redrawn.

Further, if a municipality was redistricted pursuant to a court order, it is possible that the court has retained jurisdiction and that the new lines must receive court approval before taking effect. All districted municipalities should closely examine their current districts and determine if they should be adjusted as a result of population shifts.

Conclusion

While this article is a simple overview of the potential impact of the 2020 federal decennial census on Alabama’s municipalities, it is our hope that it helps our members better understand some of the effects of population changes and shifts. Any questions should be directed to the Legal Department of the Alabama League of Municipalities. ■

“I am so proud to know that you all work diligently to make your program the best. Please keep up the good work and thank you all so much.”

- Pamela
Marked Tree, Arkansas



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The League has developed a unique website, LiveLocallyAlabama.org, that reflects the importance of Alabama's cities and towns – a place to post community stories as well as calendar events. Live Locally Alabama offers you an easy and FREE opportunity to highlight the happenings and events in your communities. Using the link under the “Stories” tab, submit a 250 to 500 word narrative that discusses a positive development in your community, such as the opening of a park, grocery store or new economic development project or the renovation of a building/area, infrastructure upgrades, youth engagement programs, community festivals... the list is endless! In addition, we strongly encourage you to submit a high resolution image (with caption) for inclusion with your article. (A picture is definitely worth 1000 words!) Once submitted, your information will be reviewed by ALM's Advocacy/Communications Team for use on LiveLocallyAlabama.org. **Let's do this!**



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

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

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