

The Alabama Municipal JOURNAL

January/February 2018

Volume 75, Number 4



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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

January/February 2018 • Volume 75, 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.

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#LiveLocallyAlabama

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On the Cover:

#LiveLocallyAlabama is a recently launched grassroots campaign spearheaded by the League to highlight the crucial role municipal government plays in the daily lives of Alabama's citizens. See page 4.

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#LiveLocallyAlabama

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The Alabama League of Municipalities is in the process of developing a "Live Locally Alabama" grassroots campaign to advance favorable community narratives that generate positive synergy while reminding and educating citizens that municipal government is responsible for the quality of life services (police, fire, infrastructure, parks, etc) they not only expect but demand. ALM is strategically working towards a Live Locally Alabama platform that allows us to enhance the profile of municipal government and local leadership while encouraging civic engagement and mindfulness.

To that end, the League secured the web domain livelocallyalabama.org and will, over the next few months, develop a website that reflects the importance of Alabama's cities and towns – a place to post community stories as well as calendar events. There will also be a Statewide Resources section that will link to many state agencies, such as ADECA, ADOR, Commerce and Tourism, that directly impact our communities as well as organizations and nonprofits such as Main Street Alabama, Alabama Communities of Excellence (ACE), DesignAlabama and the David Mathews Center for Civic Life, that provide services and resources to improve and uplift our cities and towns. In addition, we encourage our communities to actively use the #LiveLocallyAlabama hashtag in all your social media posts that promote positive developments in your community or that highlight quality of life posts from anywhere in Alabama! Did you spend some quality time in an area park? Eat at a local restaurant? Attend a community festival, ball game or local event? Visit a farmers market, Main Street merchant or community landmark? Adopt a pet from your local animal shelter? Participate in a civic project or attend a meeting? Hashtag your photos and experiences with #LiveLocallyAlabama and highlight our state and all the wonderful reasons we're proud to live here!

Kayla Farnon, ALM's Advocacy Communications Coordinator, will be responsible for maintaining livelocallyalabama.org. If you have questions or suggestions as we move forward, please feel free to contact Kayla at kaylaf@alalm.org.

#LiveLocallyAlabama

The President's Report

By Dr. Howard Rubenstein, Mayor, Saraland



Digital Economy Task Force Update and Five Advocacy Pearls

Digital sales continue to be an area of major concern for our member municipalities. Each year, a staggering number of purchases are being made online. In fact, according to data from Adobe Digital Insights, which tracks 80 percent of online spending at America's 100 largest retail websites, American shoppers spent a record \$5 billion in 24 hours during this year's Black Friday, which marks a 16.9 percent increase in dollars spent online compared with Black Friday 2016. This alarming digital sales trend will only increase.

Digital Economy Task Force Update

While hurting our "brick and mortar" businesses, online shopping also deprives our cities and towns of sales tax and business license revenues, which account for the lion's share of income that our municipalities rely on to provide essential quality of life services for our residents. In an effort to address this increasingly challenging issue, the League formed a Digital Economy Task Force to examine



Mayor Walt Maddox, Chair of ALM's Digital Economy Task Force, hosted the inaugural meeting on Monday, November 13th in Tuscaloosa.

this problem and work on solutions to prevent what could very well decimate our municipalities over the next few years. The Task Force is made up of one ALM Executive Committee member from each congressional district and several at-large members. ALM Past President Mayor Walt Maddox of Tuscaloosa serves as chair. Also serving are ALM Past President Mayor Charles Murphy, Robertsdale; Councilmember Mack Arthur Bell, Roanoke; Mayor Ronnie Marks, Athens; Mayor Tom Henderson, Center Point; Mayor Darrio Melton, Selma; ALM President Howard Rubenstein, Saraland; ALM Vice President and Council President Jesse Matthews; Mayor Todd Strange, Montgomery; Mayor Leigh Dollar, Guntersville; Mayor Frank Brocato, Hoover; and ALM Executive Director Ken Smith.

The first meeting of this Task Force was hosted by Chairman Mayor Walt Maddox on Monday, November 13th in Tuscaloosa. In his opening statements, Mayor Maddox emphasized this is not a simple issue: "We are dealing with a 21st century economy with a 20th century revenue code." He estimated that Tuscaloosa is losing nearly \$5 million a year due to internet-based sales, a projection that led to a 5-percent reduction in city departmental spending for fiscal 2018. "I believe this to be probably the most critical issue facing cities across Alabama," he said.

Dr. Henry Mabry, a former finance director for the State of Alabama who now operates Mabry & Co specializing in public funding issues, provided a comprehensive analysis of the problem, outlining its potentially devastating consequences for municipalities. Mike Gamble, Deputy Commissioner with the Alabama Department of Revenue, and his staff outlined how our legislators have attempted to offer some relief through the Simplified Sellers Use Tax and Remittance Program (SSUT), a voluntary program through which online retailers can pay a flat, reduced tax rate on certain online sales. However, most online businesses refuse to participate in the SSUT, including "third party sellers" using the Amazon and Walmart.com platforms. The result is that, unless something changes, cities and towns only receive a very small fraction of the tax income from online sales.

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Municipal Overview

By Ken Smith, Executive Director



Alabama Municipal Courts Play a Vital Quality of Life Role for Alabama's Citizens

Municipal courts across the country have come under increasing criticism in recent years. They have been accused of existing solely to make money, of taking advantage of the underprivileged and a number of other abuses in a series of highly-publicized lawsuits in Alabama and elsewhere.

The Alabama Legislature authorized the creation of municipal courts in 1975. Municipal courts are recognized as being part of Alabama's Unified Judicial System, which was ratified by the voters in 1973. Amendment 328 of the Alabama Constitution, 1901, provides that, "the judicial power of the state shall be vested exclusively in a *unified judicial system* which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and *such municipal courts* as may be provided by law."

The jurisdiction of municipal courts is limited to original jurisdiction of cases arising under municipal ordinances.

Perhaps one of the most important steps in the adoption of the Unified Judicial System involving municipal courts is that judges of municipal courts are required to be licensed to practice law in Alabama. While today that may seem obvious, prior to the adoption of the Judicial Article, municipalities in Alabama operated under Recorder's Courts, which were authorized by Title 37, Sections 582, et seq, Code of Alabama, 1940, Recompiled 1958).

Pursuant to Title 37, Section 583, a municipal council had authority to appoint a recorder to hear cases involving violations of municipal ordinances. Interestingly, in the absence of a recorder, Section 583 provided that "any councilman may preside over such court and have authority herein granted to recorders." Further, Section 600 provided that in cities and towns without a recorder, the mayor was required to serve as "ex-officio recorder."

Recorders had authority to fine municipal ordinance violators up to \$100 and imprison them for up to six months imprisonment or hard labor. If allowed by the council, the recorder could hire out anyone convicted of a municipal ordinance violation in order to pay fines and costs. The recorder also had authority to punish for misdemeanor violations of state law. If convicted of a state misdemeanor violation, the recorder had authority to assess the penalties prescribed for the state violation.

Former Chief Justice and United States Senator Howell

Heflin championed the passage of the Alabama Judicial Article in 1973. The passage of this constitutional provision was seen by most observers as a huge step forward for Alabama's judicial system. In "Alabama Court Reform an Exception", an article published in the *Mobile Register*, December 11, 1994, author Sam Hodges points out that:

Constitutional reform meant a unified court system, standardized rules and procedures, greatly improved record-keeping, an end to non-lawyer judges in state courts other than probate court and increased efficiency in clearing civil and criminal cases.

Alabama has actually been a model for some other states looking to change their court systems. "What we were trying to do, and what we did, was bring a 19th century court system into the 20th century," said Mike House, Heflin's chief aide on the Supreme Court, who helped him direct the campaign for a new judicial article.

The author of *Still on the Backburner: Reforming the Judicial Selection Process in Alabama*, 52 Ala. L. Rev. 1269 (2001), notes that, "Before 1971, the disjointed structure of the court system and the supreme court's lack of authority over procedural and administrative matters often thwarted the ordered administration of justice; however, as a result of the 1971-75 reforms, the supreme court rewrote the rules of procedure, made pivotal administrative changes, and effectively controlled its caseloads as well as those of the lower courts. As Chief Justice Heflin wrote, the new judicial article 'laid to rest a system that served well in the 18th and 19th centuries, but which was strained by the economic, political and social conditions of the 20th century.'"

In my opinion, one of those huge improvements was ensuring that a person trained and licensed in law administered justice in municipalities, pursuant to orderly rules set out by the Alabama Legislature and the Alabama Supreme Court. While there may have been shortfalls in the court system, it is important to keep in mind that the primary roles of all courts are protection of the public and dispensing justice, and it is important that we not lose sight of how far we've come.

National developments also likely influenced the passage of the Alabama's Judicial Article. In *Tumey v. Ohio*, 273 U.S. 510 (1927), the defendant was convicted by the mayor of the Village of North College Hill, Ohio, for unlawful possession of alcoholic

beverages. The mayor ordered the defendant to be imprisoned until the fine and costs were paid.

Under state law and city ordinance, the mayor received \$12 for each conviction. He received nothing if he found the defendant innocent.

The United States Supreme Court held that it violates due process to subject a defendant to the rulings of a judge with a direct, substantial, pecuniary interest in reaching a conclusion against him. Although \$12 was not a substantial amount of money, the court stated that “every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused denies the latter of due process.”

This issue arose in several Alabama cases just prior to the passage of the Judicial Article. In *Bennett v. Cottingham*, 290 F.Supp. 759 (N.D. Ala. 1968), and *Callahan v. Sanders*, 339 F.Supp. 814 (M.D. Ala. 1971), justices of the peace received a fee for each traffic conviction and nothing if they found the defendant not guilty. The courts held that this practice violated due process.

Similarly, following the passage of the Judicial Article, the practice of paying a judge upon a defendant’s conviction in municipal court was held unconstitutional in *Tucker v. City of Montgomery Board of Commissioners*, 410 F.Supp. 494 (M.D. Ala. 1976).

Adoption of the Judicial Article makes municipal courts subject to Supreme Court rule-making authority, thus, where possible, making regulations consistent across the court system. Municipal courts help protect the public health, safety and welfare. Most ordinances are enacted to preserve public peace, to safeguard public order and tranquility and to protect the public against offenses in violation of public morality and decency. Health measures regulate sanitation in its various aspects, including disposal of garbage and waste and protecting the purity of food

and drugs. This power is also exercised when protecting the public from the civil effects of industry, commerce, trade and occupation. These ordinances may relate to zoning or control of air or stream pollution, noises, etc. Fire protection and prevention are a common exercise of the police power, as is the regulation of traffic on public streets. The list is virtually endless, but these examples demonstrate how ordinances help protect the public.

While popular culture and most news stories focus on the commission and enforcement of felonies – the “serious crimes” that can result in years of prison time or even punishment by death – the enforcement of local ordinances has been seen as even more important to the development of effective and orderly conduct of daily life for the public. In their book *Fixing Broken Windows*, George Kelling and Catherine Coles contend that the key to preventing serious crimes is maintaining order. This, they argue, creates an environment where serious crime is discouraged. Part of maintaining order on the local level is by enforcement of local ordinances.

Alabama’s municipal courts face many challenges these days. Court decisions and legislative developments have called into question the purpose and import of municipal courts. Yet, these courts play a vital role in the protection of quality of life for Alabama’s citizens and their authority to enforce municipal ordinances must be preserved.

Justice must be administered fairly and in an even-handed manner. More people will have contact with municipal courts than any other level of court. Orderly society depends on meeting the expectation that they will be treated fairly. Where mistakes have been made in the enforcement of ordinances, the League has been and continues to work with other stakeholders to find solutions while protecting the ability of municipal courts to protect the public.

The League will monitor developments affecting municipal courts and their ability to protect the public closely and keep our members up-to-date. ■

Municipal Marketplace Prize Program - 2018 Annual Convention EXPO

The League’s 2018 Tradeshow is going through an exciting makeover! This year we are *Celebrating Main Street* with a Market Square theme and transforming our extremely popular Passport Prize Program into the **Municipal Marketplace Prize Program**, which is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 20-21) as well as the chance to win a prize at three well publicized prize drawings throughout the convention. See page 32 for more information.

How it works: Each day, delegates “shop” the Marketplace by visiting participating vendor’s booths to receive tickets of a specific color for the day. Once the vendor has determined that the delegate has spent sufficient time speaking with him/her a ticket will be given. Delegates can then deposit his/her tickets in the raffle barrel located at the Market Square to be eligible for prize drawings. Prizes will be drawn based on the ticket color for that day. On Tuesday, ticket colors will be combined for the GRAND drawings. A listing of names and booth numbers of participating vendors will be distributed to convention delegates during registration. Participating vendors will also be listed in printed convention material. **NOTE: Only registered convention delegates – mayors, councilmembers, municipal clerks and personnel – are eligible to participate in this prize program.** (Spouses and guests are not eligible). Drawings will be held several times during the convention. Delegates must be present to win.

The Task Force concluded its inaugural meeting by briefly discussing possible strategies to combat the problem and then determined that the next scheduled meeting should be dedicated to examining and initiating workable solutions. I ask that *all* municipal officials keep this crucial issue at the forefront of their attention. The very survival of our municipal governments is at stake.

Five Advocacy Pearls

As the theme of this issue of the *Journal* is advocacy, I would like to offer some “pearls of wisdom” for optimizing your essential efforts to advocate for our municipalities.

1. Please remember that we are stronger together than apart. Cities and towns need to stand together on issues of importance to our municipalities.

2. We know that our members are the most effective advocates on local issues, which is why the League needs your voice speaking up for municipal government during the 2018 Legislative Session. Recently, the ALM Advocacy Team added several new grassroots resources to the League’s website which are designed to help our members effectively engage with their legislators. The resources include step-by-step actions to take when scheduling a meeting with your



Mayor Leigh Dollar of Guntersville serves on the Digital Economy Task Force and attended the inaugural meeting in Tuscaloosa.



legislator, calling your legislator and writing your legislator. They can be found on the League’s website (alalm.org) under the Legislative Advocacy tab. Click on “Grassroots Advocacy”.

3. Please be respectful when communicating with state and federal officials. While we may not be able to have each legislator agree with us on a particular issue, keeping a positive dialogue open with all of our legislators will be essential for other issues that will arise in the future.

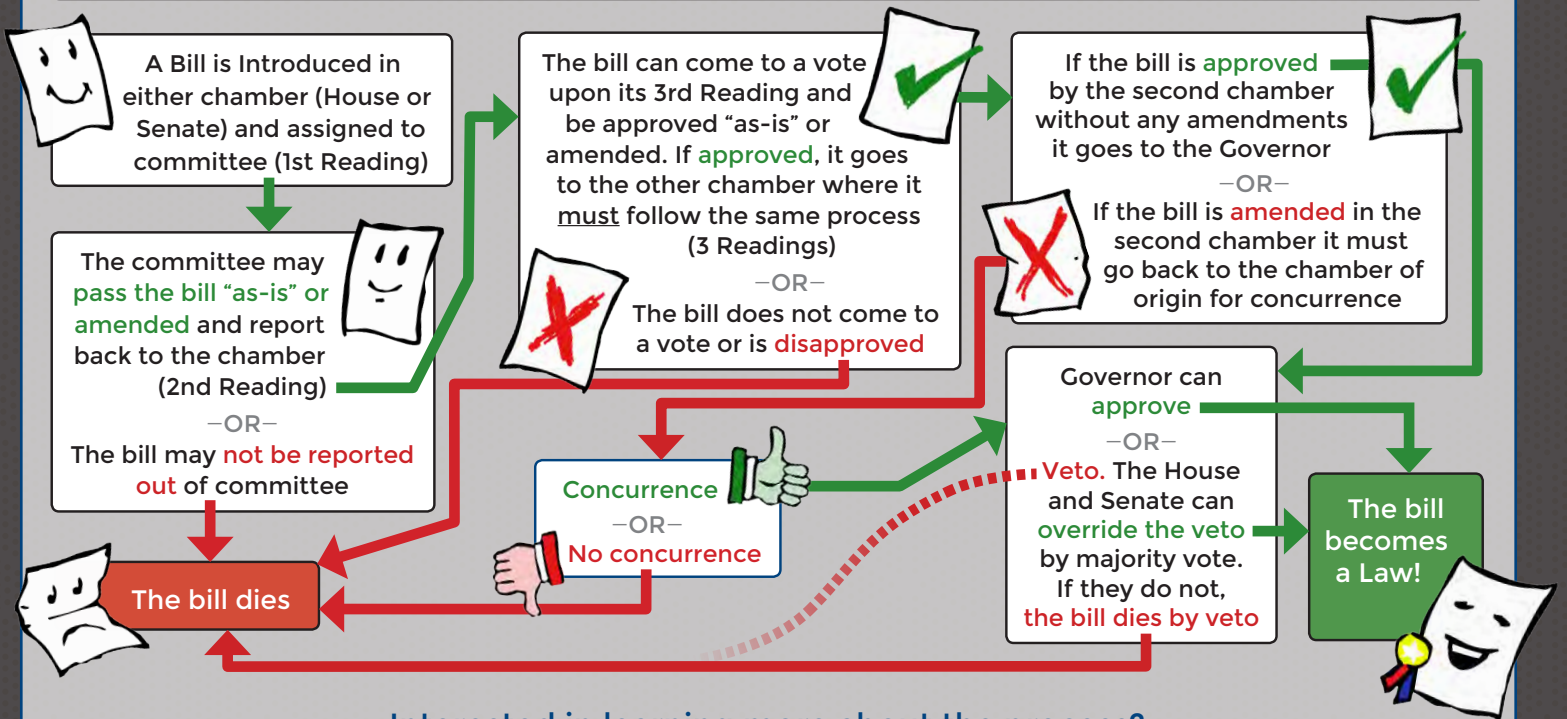
4. During the upcoming State legislative session, please stay informed on crucial bills that will affect our ability to provide quality municipal government and services. The League’s website is an excellent resource for this purpose. Also, please read the advocacy emails as well as the legislative e-newsletter, *State House Advocate*, that the League Advocacy Team will send during the Session – and if ALM asks us to reach out to our legislators, please act immediately.

5. If you have any questions regarding an issue or bill that the League is supporting or opposing, please contact the League staff. They will be happy to explain the rationale for the League’s position and how this could very well be crucial to your municipality.

It is my honor and privilege to serve as your League President. I appreciate your support as we work together for the betterment of our communities. ■



How a Bill Becomes a Law in Alabama

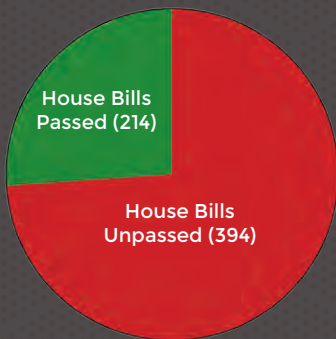


Interested in learning more about the process?

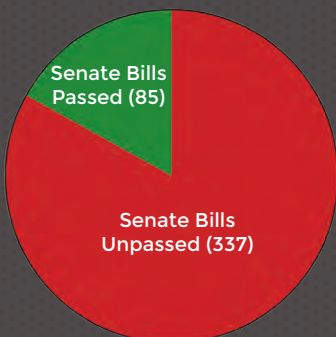
See the full article on the ALISON website! http://www.legislature.state.al.us/aliswww/ISD/AlaLegProcess_Desc.aspx

Bills Introduced and Passed in the 2017 Regular Session

House Bills Introduced (608)



Senate Bills Introduced (422)

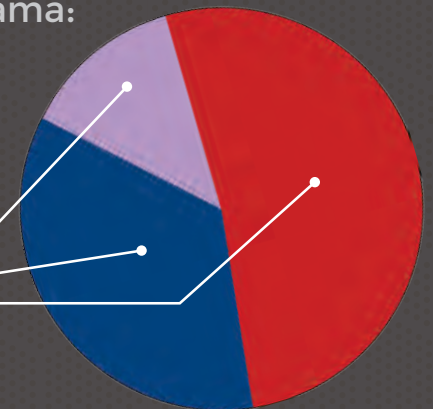


Representation across Alabama:

Alabama Population - 4.863 Million
 (2016, U.S. Census Bureau)

Active Registered Voters - 3.321 Million
 (2017, AL Secretary of State)

AL self-reported party affiliation:
 Independent - 13%
 Democrat - 35%
 Republican - 52%
 (Pew Research Center, 2014)

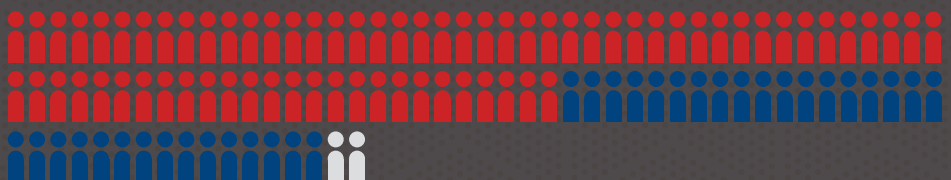


Alabama Senate - 35 Members



26 Republican, 1 Independent, 7 Democrat, 1 Vacant

Alabama House of Representatives - 105 Members



70 Republican, 33 Democrat, 2 Vacant

Preparing for the 2018 Regular Session

Building a Legislative Agenda to Move Alabama Forward

Greg Cochran • Director of Advocacy and Public Affairs & Kayla Farnon • Advocacy Communications Coordinator • ALM

The League's Committee on State and Federal Legislation met on October 4 at League Headquarters in Montgomery to examine the issues impacting our municipalities and identify workable solutions to those challenges that will allow our state and local governments to move forward in a way such that Alabama's cities and towns can continue to provide the services our citizens expect from their communities. ALM's committee members identified areas such as infrastructure, commerce, courts and corrections where local and state leaders can and should work together with other stakeholders to identify proactive approaches to our comprehensive challenges.

Infrastructure. It is imperative to our economic development and community sustainability to have quality infrastructure plans with adequate funding in place. Our local infrastructure, as well as the state's infrastructure, needs immediate attention for growth and maintenance. Transportation infrastructure is a top priority. The current state excise funding levels are experiencing a shortfall of \$360 million annually. The previous two legislative sessions brought forth proposals offering motor fuel tax increases as a solution to this shortfall. The League supports the adoption of new state motor fuels taxes and will advocate for a fair and equitable distribution of funds to assist all local governments. The League's Advocacy Team will continue to participate in the stakeholder meetings organized by legislative leadership as well as advocate for the additional funding to address Alabama's failing infrastructure. ALM will also continue to protect the authority of local governments to implement local fuel taxes based on their municipal needs.

Water and Sewer. The League will advocate for the annual state funding of the ADEM State Revolving Finance (SRF) programs to support local drinking water and clean water infrastructure needs.

Broadband. The League understands that access to

highspeed broadband is critical to our municipalities for everything from healthcare and education to economic development and job force sustainability. Your Advocacy Team will continue to participate in the stakeholder meetings organized by legislative leadership and strongly advocate for the expansion of the state's broadband infrastructure while protecting the local right-of-way authorities of municipal governments.

Internet Sales Tax Collection. ALM's Committee on State and Federal Legislation recognizes the challenges our state and local governments face due to the inability to collect sales and use tax on the majority of internet sales in Alabama. The League is currently working with state and local stakeholders to identify proactive solutions for the collection and remittance of sales tax by out-of-state retailers. In addition, the League will advocate for closing current loopholes in Alabama's Simplified Sellers Use Tax (SSUT) laws to require third party vendors using platforms that have a voluntary SSUT agreement with the state to collect and remit the 8% SSUT tax. The League will also advocate for the use of improved auditing compliance methodology to identify the use of sales tax suppression software by unscrupulous retailers.

Municipal Business License Renewals. The League continues to participate in the Alabama Small Business Commission and stakeholder meetings to address simplification of municipal business license renewal remittance as well as the impact of municipal business licenses on locally owned pharmacies.

Municipal Courts. During the past two legislative sessions, the League and other interested parties have proposed several bills affecting our municipal courts. Some of these proposals have the support of our members while others would place unreasonable unfunded mandates on our

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ALM's Committee on State and Federal Legislation met in Montgomery on October 4 to determine 2018 legislative priorities.

MUNICIPAL LEGISLATIVE ADVOCACY

Alabama State House and RSA Plaza Terrace • Downtown Montgomery

Tuesday, January 23 • 8:30 a.m. until 4:00 p.m.

Registration – \$125 • Four (4) CMO Credit Hours (Basic, Advanced, Emeritus)

www.alam.org to register

The League's Annual 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 take their messages to the State House – and for the power of the ALM membership's collective voice to be heard. A strong municipal presence at the State House demonstrates the effectiveness of the state's cities and towns in building a stronger Alabama economy.

- 8:30 – 9:00 a.m. **Registration (Alabama State House, Room 200)**
- 9:00 – 9:10 a.m. **Welcome:** Mayor Gary Fuller, Opelika, Chair, Committee on State & Federal Legislation
Ken Smith, Executive Director, ALM
- 9:10 – 9:45 a.m. **Live Locally Alabama Campaign**
Carrie Banks, Communications Director, ALM Advocacy Team
- 9:45 – 10:30 a.m. **Grassroots Advocacy Resources**
Social Media Platforms, Web Resources, ALISON, Text Alerts, "Statehouse Selfies"
Kayla Farnon, Advocacy Communications Coordinator, ALM Advocacy Team
- 10:30 – 11:45 a.m. **State Agency Reports**
Commissioner Jeff Dunn, Alabama Department of Corrections
Director John Cooper, Alabama Department of Transportation
Commissioner Vernon Barnett, Alabama Department of Revenue
Commissioner Lynn Beshear, Alabama Department of Mental Health
- Noon – 1:00 p.m. **Lunch at RSA Plaza Terrace**
Keynote: Legislative Challenges & Opportunities
Greg Cochran, Director of Advocacy & Public Affairs, ALM Advocacy Team
- 1:00 – 2:00 p.m. **Media Relations 101** (RSA Plaza Terrace, immediately following lunch)
Dean Argo, Government Relations Manager, Alabama ABC Board
- 2:00 – 4:00 p.m. **Legislative Visits:** Alabama State House

**Please make appointments ASAP to visit with your legislators
on January 23 between 2 p.m. and 4 p.m.**

To visit House Members call 334-242-7600. To visit Senate Members call 334-242-7800.

Are we being heard? *Relationships matter.*

Greg Cochran • Director of Advocacy and Public Affairs & Kayla Farnon • Advocacy Communications Coordinator • ALM

The 2018 Regular Session of the Alabama Legislature begins January 9th and *your* relationships with your legislators will be extremely important to the success of your League throughout this next legislative marathon. As a locally elected official representing the citizens of your community, it is important that you take the time and make the effort to reach out often to those state legislators who also represent your constituents.

Relationships matter.

Vital relationships between local and state officials start at home – in church and at the grocery store; at sporting events and the post office; and in offices, restaurants and community events throughout the state. After all, you represent the same people, the same region. You share similar goals for your communities – at the grassroots level, where shared values and relationships are critical. Therefore, successfully achieving those goals is often a direct product of teamwork – and a team cannot be effective unless the relationship between all the members is dynamic and resilient. No one can localize and personalize a situation facing your community – or discuss it at the grassroots level with your legislators – better than *you*. *Relationships matter.*

Your ALM advocacy staff is a team fused together by many years of professional experience and a strong, interactive relationship. This becomes readily apparent each legislative session as we work diligently with you on behalf of Alabama's municipalities. Our ability to navigate the political landscape is built on relationships – both at the State House and throughout Alabama. However, it's not just the staff that relies on solid relationships. As locally elected officials, you also understand their significance – and that it's never too early to build upon existing relationships or to forge new ones. *Relationships matter.*

Relationships are the bridge to success in grassroots advocacy and legislative achievements. Once your relationships are in place, *use them*. Keep your legislators on task. Make sure they *understand* the effects of legislation on your municipality and your constituents. Remind them that your constituents are also *their* constituents. Hold them *accountable* for what they do and how they vote. *Relationships matter.*

Resources to Help You Build Relationships

ALM's members are the most effective advocates on local issues. It is essential that legislators hear from YOU – their constituents – during policy making decisions. Legislators are often most responsive when speaking to those from their districts. Your ALM Advocacy Team has taken several steps to assist you in making sure your voice is heard, whether at the State House or during hometown visits. In addition, the League's website, www.alalm.org, provides a wealth of resources – just click on the Legislative Advocacy tab at the top of the homepage.



Get Involved Through Grassroots Advocacy

Recently, your ALM Advocacy Team added several grassroots resources to the League's website designed to help you effectively engage with your legislators. These resources include the steps to take when scheduling a meeting with your legislator, tips for calling your legislator and tips for writing your legislator. Visit alalm.org and click on the Legislative Advocacy tab.

ALM Action Alerts

This year, members will receive text alerts from the ALM Advocacy Team during session when we need you to *immediately* contact a member in the House or Senate regarding an issue critical to cities and towns. These action text alerts will be brief and will only refer to the issue/bill and the action needed. **To be included in ALM's text alert system, please contact Kayla Farnon at kaylaf@alalm.org with your preferred cell phone number.**

Get Social With Us

The League has expanded its social media platforms and is now on Facebook, Twitter and Instagram. To find us on Facebook, simply search for Alabama League of Municipalities and like our page to receive updates. For Twitter, search for the handle @AL_League and click the follow tab. For Instagram, we can be found by searching @alabamacitiesandtowns.

continued next page

Relationships matter.

continued from page 13

State House Advocate

The *State House Advocate* is emailed to members on Friday afternoons when the Legislature is in session and highlights upcoming legislative issues, details any actions needed by our members and provides links to ALISON, Senate and House contacts, text of bills and legislative information posted on the League's website. Please carefully read the League's weekly legislative e-newsletter, *State House Advocate*, and be ready to respond to Legislative Alerts from the League when immediate action is needed.

Building Relationships with Your Legislators Is a Year-Round Effort

This past December, the League concluded nine legislative dinners held from Muscle Shoals to Mobile. The goal of each dinner was to update our members and legislators on issues and concerns facing cities and towns. We encourage you to continue to build relationships with your legislators throughout 2018 – invite them to your communities to attend local events as well as civic and town hall meetings. ***Relationships matter.***

Building relationships is a year-round effort – and legislators want to and *expect* to hear from the local leaders in the communities they represent. That being said, you will have to be responsible for reaching out and establishing these critical connections:

Meet with your legislator(s) in person. If you don't know your legislator, make an appointment to introduce yourself. This can take place in your hometown or during the legislative session. If you're unsure the steps to take when meeting with your legislator, view our grassroots resources under the Legislative Advocacy tab of the ALM website at alalm.org. Also, you will have a unique opportunity to speak with your legislator(s) in person on the afternoon of January 23rd immediately following the League's Legislative Advocacy CMO session in Montgomery. If you have not already done so, please call the State House and make appointments to visit with your legislators between 2:00 and 4:00 p.m. **To visit House Members** call 334-242-7600. **To visit Senate Members** call 334-242-7800. If you've not yet registered for ALM's Legislative Advocacy Session, you can register online at alalm.org. A complete agenda is on page 12. This workshop is extremely important to every municipal official.

Offer assistance to your legislators. Be sure to ask: "What can I do for you?" Don't wait until you need their assistance on an issue. This will go a long way in strengthening your legislative relationships.

Prepare a brief summary of legislative issues that are important to your municipality. If your city or town has a particular issue (or issues) that you wish to discuss, prepare a one-page summary of the issue that you can leave with your legislator(s). This will also help keep your thoughts organized once you are in the meeting. Don't forget to also provide this same information to the legislator's staff.

Invite legislators to attend local and regional meetings. This will give them an opportunity to meet with their constituents and to discuss priorities.

Become personally acquainted with the legislative staff.

Always be courteous. They are often your gateway into securing an appointment and can help you with your legislative issues.

Brief legislators on what's going on in your community.

Add legislators to your city mailing list (both electronic and snail mail) for important issues.

Invite legislators/staff to visit your municipality. This is a critical factor in building strong relationships. Show them your quality of life projects, such as water treatment plants, parks, schools, transportation projects, revitalization efforts, etc. Invite them to ribbon cutting ceremonies and press announcements on economic development and other projects.

Publicly recognize legislators for good deeds and remember to *personally thank* them for their support.

Relationships matter.

Preparing for the 2018 Regular Session

continued from page 11

courts and municipalities. The League will continue to advocate for legislation to codify the authority of municipal judges to waive penalties, fines and bonding for indigent defendants as well as the authority of municipal judges to issue bench warrants. In addition, ALM will advocate for codifying municipal authority to issue civil penalties for parking violations and will continue to participate in the stakeholder meetings to revise the DUI Interlock use laws and the cost sharing of juvenile inmates.

Conclusion

While the challenges facing our state and local governments can seem overwhelming and divisive, we *must* continue to collaborate with community and statewide stakeholders to find and implement solutions to these challenges. Our citizens are counting on you as their locally elected officials to sustain communities providing them a place to build their lives, raise their families and recognize their dreams. As always, the League will serve as the voice for municipal government throughout the 2018 Legislative Session and beyond; however, we ask that you remain vigilant and engaged and that when we ask for your assistance on a legislative issue, you act immediately. We need your participation to be successful. ■

Q&A with Governor Kay Ivey

Given your many years of service as a state official and now as Governor, you have a unique insight to the challenges municipal governments face daily – particularly involving quality of life issues. With operational costs increasing, coupled with funding shortfalls at both the state and local levels, what is your advice to municipal officials regarding working with state officials for the best outcomes for all Alabamians?

I firmly believe that the best policies are most often developed and implemented at the local level. Decisions that are made in Montgomery often have great effect on municipal leaders. Therefore, it is imperative that local leaders reach out to my office, as well as to their local legislators, and share with us what is working in their communities and where they need some help. To best serve the people of Alabama, leaders at all levels need to communicate with each other and not be afraid to work together. We must shy away from turf wars and embrace what is best for all Alabamians.



As infrastructure discussions continue within the State House and throughout Alabama, do you foresee any legislative response this Session? What is the outlook for creating sustainable new revenues for adequately addressing the state’s road and bridge deficiencies?

Investment in our infrastructure is an investment in economic development. We must have adequate roads and bridges for the wheels of commerce to continue moving. It is unacceptable for school buses to travel 12 miles out of the way just to avoid an unsafe bridge. To attract new businesses, help existing businesses grow and to improve the quality of life of all Alabamians, improvement in our infrastructure is a must.

In addition to infrastructure, prisons and mental health are two critical issues facing our state that directly impact municipal governments as they struggle to provide for the safety, health and welfare needs of their citizens. How would you encourage the Legislature to address these two looming problems – particularly with an upcoming election cycle?

The Alabama Department of Corrections is currently under a court order to improve mental health offerings and staffing levels. These problems must be addressed by Alabamians, and not a federal court. My office and the Department of Corrections have been working closely with the legislature to fix these issues, and I am confident we will come up with a solution. All options are, and should be, on the table.

With so many issues facing our state – from infrastructure to Medicaid, law enforcement, loss of rural healthcare systems, lack of broadband access and a stagnant General Fund – how is the Legislature working with stakeholders and constituency groups to find common ground and develop long-term solutions?

When I became governor, the relationship between the Governor’s Office and the Legislature was very strained. I have worked closely with the leadership of both houses, and of both parties, to create dialogue and share ideas to address the issues our state faces. I have also spent significant time outside of the “Montgomery bubble” as part of my Listen, Learn, Help and Lead Tour. By listening to people outside of the capital city, we are able to learn about real problems and then go to work on real solutions. ■

For more information on Governor Kay Ivey visit www.governor.alabama.gov. Connect on Facebook: [facebook.com/KayIveyAL](https://www.facebook.com/KayIveyAL). Follow on Twitter: @GovernorKayIvey

Q&A with Senate Pro Tem Del Marsh

Given your many years of service in both the Legislature and your community, you have unique insight to the challenges municipal governments face daily – particularly involving quality of life issues. With operational costs increasing, coupled with funding shortfalls at both the state and local levels, what is your advice to municipal officials regarding working with the Legislature for the best outcomes for all Alabamians?

My advice to local officials is to stay involved with their Legislators. Ultimately, we are responsible to the people back home and communicating with our constituents on a regular basis is key. Local officials know what issues are affecting their localities, so they are the best resource to help Legislators know the best course of action to take in order to improve situations within a locality – whether that is some kind of a weekly update or just visiting them in Montgomery. Legislators want to help improve lives for those in their districts, and I can tell you that just a few phone calls from constituents makes a big difference in influencing a vote on a particular piece of legislation.



As infrastructure discussions continue within the State House and throughout Alabama, do you foresee any legislative response this Session? What is the outlook for creating sustainable new revenues for adequately addressing the state's road and bridge deficiencies?

Recently Representative Bill Poole and I created a task force to address infrastructure. The task force includes both the University of Alabama and Auburn University who have already done quite a bit of research on infrastructure in the state. In addition, we have included representatives from the business community, as well as cities and counties, with the goal to get information from experts across the infrastructure spectrum. We want to methodically move through this process so that we can make the best decisions possible on how to go forward with any infrastructure changes in the future. I do not think we will see any infrastructure legislation in the upcoming session, but my goal is to let this group take a thorough look at the needs of the state and report back so that we can begin discussions on what is needed to make improvements in our infrastructure for the 2019 Session.

Do you feel the Legislature is receptive to a more equitable infrastructure distribution to local governments? Why or why not?

One of the big issues we are tackling when it comes to infrastructure is the distribution of funds. As mentioned, we have working groups which have been put together to address this issue in any type of legislation which will be discussed. We are also welcoming all ideas on how to address this situation. Any type of legislation that leads infrastructure changes will not be brought up until all stakeholders have been afforded the opportunity to give their input.

In addition to infrastructure, prisons and mental health are two critical issues facing our state that directly impact municipal governments as they struggle to provide for the safety, health and welfare needs of their citizens. How will the Legislature address these two looming problems – particularly with an upcoming election cycle?

Obviously, there is never an appetite in the legislature to find new sources of revenue and I would expect the same to be true this year. Due to smart budgeting by our General Fund chairmen, we have nearly \$100 million in reserve. We are optimistic that, between that money leftover in reserve and the natural growth, we will see in revenue this year that we will be able to provide support for mental health and corrections.

With so many issues facing our state – from infrastructure to Medicaid, law enforcement, loss of rural healthcare systems, lack of broadband access and a stagnant General Fund – how is the Legislature working with stakeholders and constituency groups to find common ground and develop long-term solutions?

I think that the Legislature is currently working with stakeholders and constituency groups better than it ever has before. Currently we have several task force groups which include Senators, House members, and stakeholders from all

levels engaging in discussions and recommendations that include education, infrastructure and criminal justice reform. We always welcome input from anybody who is interested and always encourage participation as it is good to have as many ideas as possible from all sides when working to craft quality legislation.

Are there any other pertinent topics you would like for our members to be aware of?

As I'm sure most of you are aware, education continues to be a big issue in Alabama. Education touches almost everything in the state, from our ability to recruit businesses to overall quality of life, and even our growing Medicaid costs and prison overcrowding; all of these are intertwined with our education system. Last spring, I gathered all the stakeholders within the education community (the K-12 system, Higher Education, Community Colleges, and the Alabama Education Association to name a few) and asked them to present reports on what they needed to be successful going forward and how they can work with each other to provide the best chance at success for our students. We have already heard many great ideas and suggestions from the differing groups and it is my hope that we will be able to gather these reports together and create a comprehensive education plan that will work as a road map on how we improve education in the future. It might surprise you, as it did me, that this has never been done before now. I am extremely optimistic that this will be a way forward as we look for ways to create sustainable growth and improvement in our education system in Alabama. ■

Del Marsh represents Calhoun County and portions of Clay and Talladega Counties. He has served as President Pro Tempore of the Alabama Senate for the previous four years. You may reach Senator Marsh by phone at (334) 242-7877, or by e-mail at Del.Marsh@alsenate.gov.



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A selection of the 130+ Unexpected Destinations to discover in North Alabama are pictured (left to right, top to bottom): U. S. Space & Rocket Center - Huntsville; Jesse Owens Memorial Museum - Oakville; Helen Keller Home - Tuscumbia; Alabama Veterans Museum - Athens; Evelyn Burrow Museum, Hanceville; the new Cook Museum of Natural History (scheduled to open in Fall 2018), Decatur.

Q&A with Speaker Mac McCutcheon

Given your many years of service on the Huntsville Police Force, you have unique insight to the challenges municipal governments face daily – particularly involving quality of life issues. With operational costs increasing, coupled with funding shortfalls at both the state and local levels, what is your advice to municipal officials regarding working with the Legislature for the best outcomes for all Alabamians?

It is vitally important for local government officials to remain in constant contact with their legislative delegation and keep them apprised of the needs, wants, and demands of their community. While the media usually focuses its coverage on the statewide issues that we debate, I know that each of us in the Legislature take very seriously our responsibility of helping address the problems that exist on the local level. Legislators have access to community service grants, funding requests we can hand straight to the governor, federal grants administered by the Alabama Department of Economic and Community Affairs and other financial resources, but we must be kept in the loop by local officials in order to know when those dollars are needed and where they should be directed.

I always encourage local officials to take the time to visit the State House when we are in session, meet with their lawmakers, and let their presence be known and felt by the officials who serve in the governor’s cabinet and work in state government. It is much easier, after all, for a department head to deny a request from afar than it is for them to say “No” in a face-to-face meeting. I guess all of this is the long way of saying that communication is they key for state and local officials to work together in a symbiotic manner.

As infrastructure discussions continue within the State House and throughout Alabama, do you foresee any legislative response this Session? What is the outlook for creating sustainable new revenues for adequately addressing the state’s road and bridge deficiencies?

Infrastructure plays an important role in many aspects of our state – recruiting and retaining jobs and industries, simple quality of life and ensuring public safety are just a few that immediately come to mind. Our sister southeastern states have recognized these same hard truths, and most are taking solid steps toward addressing the issue. If Alabama continues to ignore the issue, I can state with certainty that we will be left behind. For the past several years, Alabama has led the nation – not just the southeast, but the entire nation – in economic development and job recruitment, but those companies demand adequate roads and bridges in order to move their goods and, on an even more basic level, to ensure their workforce can get to their jobs.

Before I became Speaker of the House, I sponsored a bill that raised infrastructure revenue, so my commitment to the issue is obvious. Next year, however, is an election year, and I anticipate members will be eager to convene the Regular Session, complete the duties that our constitution requires and return home as soon as possible. I do believe addressing infrastructure needs will become the major focus of a future session.

Do you feel the Legislature is receptive to a more equitable distribution to local governments? Why or why not?

I believe the Legislature is committed to finding a distribution formula that is fair to all and meets the infrastructure needs of state, county and municipal governments.

In addition to infrastructure, prisons and mental health are two critical issues facing our state that directly impact municipal governments as they struggle to provide for the safety, health and welfare needs of their citizens. How will the Legislature address these two looming problems – particularly with an upcoming election cycle?

The departments of Corrections and Mental Health are executive branch agencies, not legislative branch entities, so we will be working closely with Gov. Ivey and her cabinet and staff in order to find solutions to the problems that plague these areas of state government. The governor will likely send us an initial plan that we can then debate, amend and refine within the State House based upon the Legislature’s view of the issue. With a federal lawsuit on prison conditions and the



medical and mental health care provided to inmates pending in Judge Myron Thompson's court, the judicial branch will certainly provide its input, as well.

With so many issues facing our state – from infrastructure to Medicaid, law enforcement, loss of rural healthcare systems, lack of broadband access and a stagnant General Fund – how is the Legislature working with stakeholders and constituency groups to find common ground and develop long-term solutions?

Alabama has serious fiscal problems, infrastructure issues and fundamental faults in state government that have lingered for decades without resolution. Everybody knows the problems are there and freely admits to them, but no one has ever had the courage to fully solve them. Historically, the Alabama Legislature has excelled at finding short-term fixes, but finding long-term solutions has met with less success. One-time pots of money prop up the General Fund, creative accounting keeps Medicaid solvent, and our prisons continue to decay.

I was elected Speaker on a promise of putting us on the road to finally resolving these lingering problems, and we are beginning to make progress – slow progress, perhaps, but also steady progress. When viewed through any prism, it is obvious that our budgeting process is broken and in desperate need of repair, so the House and Senate formed a bi-partisan, 14-member Joint Task Force on Budget Reform. The committee is empowered to conduct the most comprehensive, forensic audit of Alabama's finances ever attempted and recommend the changes necessary to put the state on the road toward fiscal health. To put it in the most simple and easy-to-understand terms, the committee is basically adopting the Dave Ramsey approach to state finances: Determine exactly how much money you have. Cut out the things that you cannot afford. Reduce your debt. Live within your means.

The group, for example, is reviewing all of the tax credits, exemptions and deductions that the state offers, many of which have been on the books for decades. A preliminary report released by the committee notes that state government loses roughly \$4.5 billion annually by offering these tax breaks, but no one reviews what we get in return for offering credits and exemptions or how they are being utilized. Even half of the \$4.5 billion we lose annually could solve almost every problem in our state budgets.

The task force is continuing our efforts to implement zero-based budgeting practices. For many years, state agencies have come to the Legislature with budget requests that are based upon the amount they received the prior year and add any anticipated new needs on top of it. Because that process does not allow the Legislature to review how dollars were previously spent, it encourages waste and inefficiency to become institutionalized. With the new zero-based budgeting approach, agencies must begin their budget requests at zero and justify how each dollar they previously received was actually used. The task force will decide how to best fully implement this revolutionary new process that will help identify programs in need of elimination and potentially save or redirect substantial amounts of taxpayer dollars.

Earmarking is another focus of the task force. Alabama currently earmarks roughly 91 percent of the tax dollars sent to Montgomery which is, by far, the highest percentage in the nation. The next highest state is Michigan, which earmarks 60 percent of its revenues. Earmarking handcuffs our ability to effectively manage state dollars, and it prevents us from directing funding to the most pressing priorities or the most serious needs. Without the ability to shift dollars as needed, like family household budgets, government cannot run efficiently, so the task force will examine the possibility of freeing at least some tax dollars from earmarks.

The Joint Task Force on Budget Reform recently released an interim report that is filled with valuable information on our state finances and appropriations process. I encourage you to take a look at the interim report, which is available online at www.lfo.state.al.us, and I encourage you to share with us any of your own ideas on ways we can improve. Your cities and counties may utilize practices that would be useful on the state level, or you may have your own innovative suggestions. We need input from stakeholders and constituents who might have ideas to contribute.

Implementing these ideas could be challenging. Ronald Reagan spoke the truth when he said, "The closest thing to eternal life on earth is a government program." But I am confident that with the help and determination of the citizens we seek to serve, we can fundamentally reform how Montgomery operates, change its mindset and bring a new, commonsense approach to Alabama's state government. ■

Mac McCutcheon (R-Capshaw) serves as Alabama's Speaker of the House and represents District 25 which encompasses the communities of Madison City, Huntsville, Capshaw, Monrovia and East Limestone. Follow Speaker McCutcheon on Twitter via @MacDistrict25 and Facebook at www.facebook.com/speakermccutcheon.

Meet ALISON:

Alabama Legislative Information System Online

By Kayla Farnon • Advocacy Communications Coordinator • ALM

For those of you who are new to municipal office, legislative advocacy is a primary function of your Alabama League of Municipalities. In fact, it's so important that the League staff relies heavily on our members to be an active part of the process. That being said, we make sure you have all the necessary information to be an effective advocate throughout the legislative session. You will receive weekly reports from our office during each legislative session via our legislative e-newsletter, the *State House Advocate*, a critical part of our advocacy process that reviews the actions taken by the Legislature the previous week and outlines what we expect to take place during the upcoming week. Often times we will ask you to personally advocate on behalf of your municipality during the session to enhance our lobbying efforts. The *State House Advocate* will provide you with key information as well as important contact information and online resources to help you with those efforts. Online resources that will assist you with those efforts, such as how to schedule a meeting with your lawmaker and tips on meeting with your lawmaker, can be found on the League's website under the legislative advocacy section. Of particular importance is ALISON (Alabama Legislative Information System Online), the website for the Alabama Legislature.

ALISON – A Valuable Advocacy Resource

Please familiarize yourself with ALISON, the Alabama Legislature's website and legislative tracking system: www.legislature.state.al.us. Built in-house by the Legislature's tech staff, not only is ALISON the resource we will direct you to most often for information the League is tracking, you may also find that you want to independently research a legislative action, read a bill or know how your local representatives voted on certain legislative actions. ALISON provides a wealth of information, including an overview of the legislative process, House and Senate Rules, contact information for the House and Senate, session information (House and Senate Special Order Calendars, prefiled bills, bills, resolutions, confirmation, committees, etc.), meetings and announcements as well as links to other resources.

ALISON's web address, www.legislature.state.al.us, will take you to their opening page. There you will see a banner across the top with the

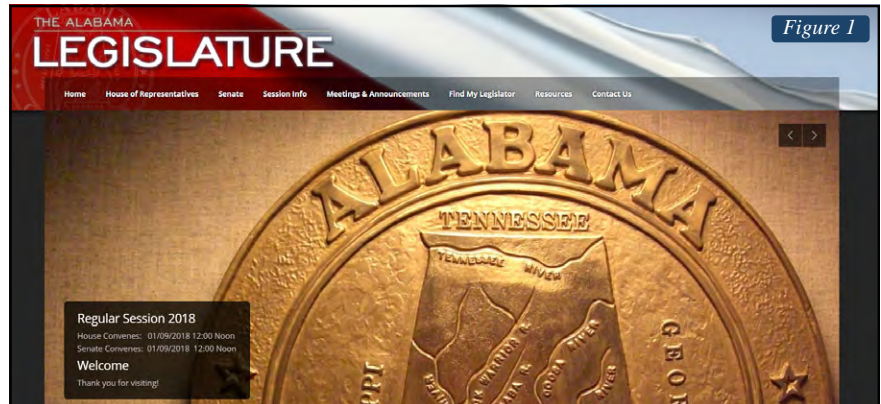


Figure 1

following tabs: Home, House of Representatives, Senate, Session Info, Meetings & Announcements, Find My Legislator, Resources and Contact Us (see Figure 1).

Who are my legislators and what committees do they serve on?

To quickly reach your legislators, click on the “House of Representatives” or “Senate” tab at the top of the opening page. Scroll down the page and you will find an assortment of buttons (see Figure 2) that will link you to information about your legislators. The “Members” and “Standing Committees” buttons are the most important for this purpose as they will allow you to quickly see who serves on which committee and then circle back to their contact information. These links will be particularly important when you are asked by the League to reach out to a committee to advocate for or against a bill being debated by that committee.

Session Info

Another important resource via ALISON, is the “Session Info” tab on the homepage, which will link you to a variety of options

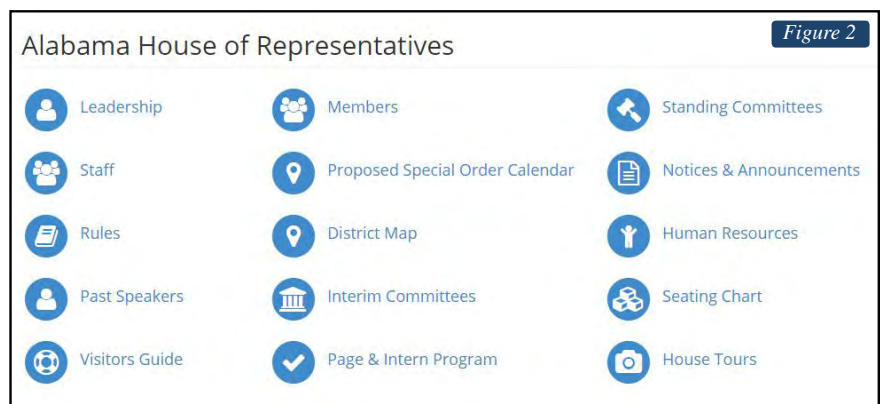


Figure 2

regarding the legislative session. Click on “Regular Session 2018” located in the black box along the top left side of the page (see Figure 3).

This will take you to a page allowing you to quickly access several important categories via the “Quick Links” box along the right-hand side of the page (see Figure 4). For instance, you can “Search Text of a Bill,” view the Special Order Calendars, find the “Status of an Instrument (bill),” visit the “Code of Alabama” or view “Prefiled Bills.” Several House and Senate bills have already been pre-filed for consideration.

Finding the Status of a Bill (Instrument)

Under the Quick Links from the page described above, select “Find Status of an Instrument” (“instrument” is the same as “bill”) and then click on the SB (Senate Bill) or HB (House Bill) button and enter the bill number you’re seeking in the “Instrument Number” box near the top. This will link you to the bill and provide you the names of sponsors and committee assignment (see Figure 5).

Legislative Day

The “Legislative Day” tab along the top the ALISON website will provide you with House and Senate First Readings, Special Order Calendars (as they are adopted), Current Matter before the bodies and Legislative Audio/Video (see Figure 6).

Conclusion

While ALISON can be somewhat counterintuitive, it is the *best* resource for staying current during the legislative session. The League will absolutely need your participation throughout the 2018 Regular Session to promote our legislative priorities and to stop any bills that threaten local government. As mentioned above, your weekly *State House Advocate* will review the session week by week and will ask for specific engagement. A link to ALISON is always prominently displayed along the right-hand side of the e-newsletter – and you will most likely find yourself visiting ALISON often during the legislative session so please take some time to become comfortable navigating the site. As always, we appreciate your engagement and thank you for your support! ■

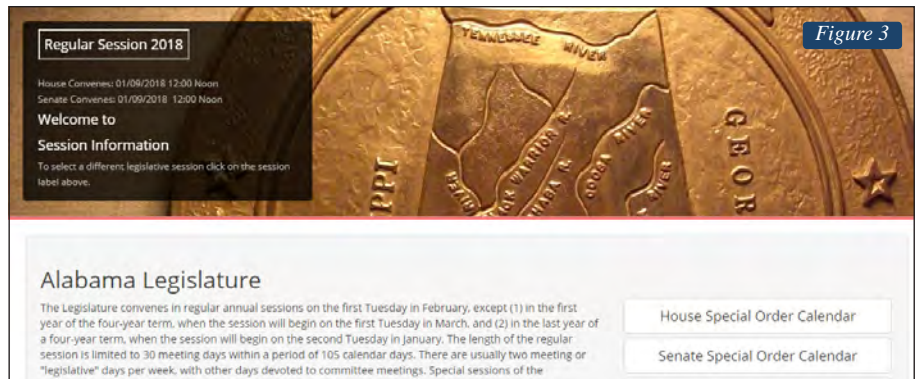


Figure 3



Figure 4

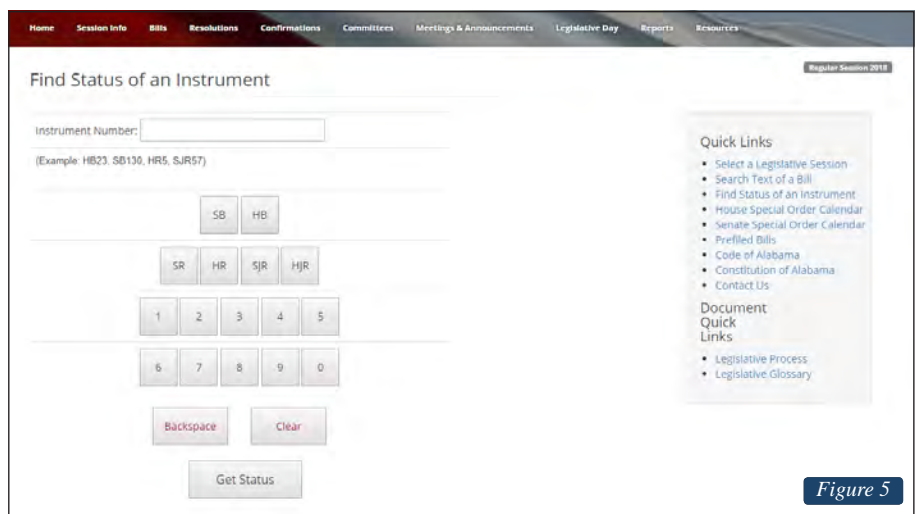


Figure 5

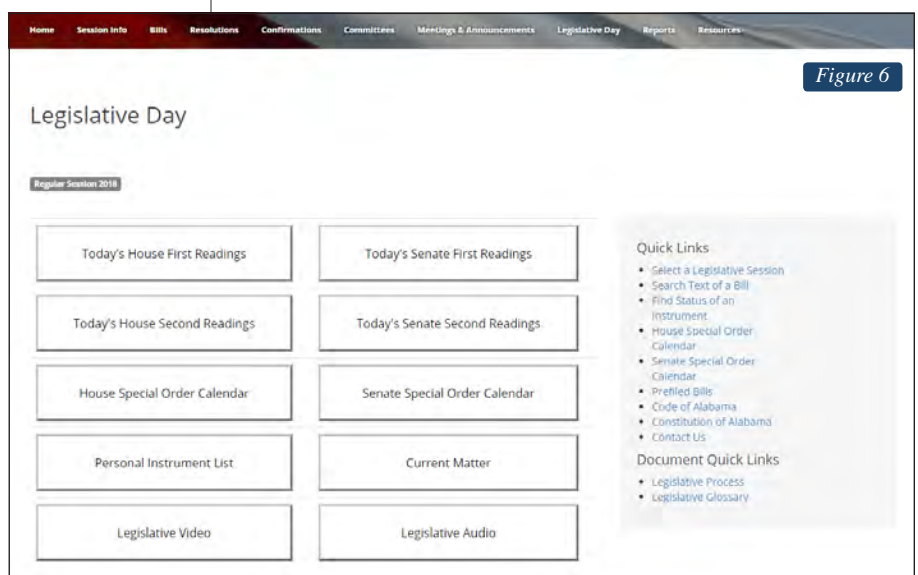


Figure 6

Census 2020:

Missing the Jan. 30 Local Update of Census Addresses Deadline Could Cost Your City or Town Money

While the 2020 U.S. Census count is more than two years away, the deadline for a critical first step for Alabama's cities and towns to ensure an accurate count is closing in fast. **Alabama communities have until Jan. 30, 2018 to register for the 2020 Census Local Update of Census Addresses (LUCA) Operation.** The U.S. Census Bureau extended the deadline – originally set for mid-December – for LUCA, which gives cities and counties their *only* chance to update local address data before the 2020 Census. The process ensures that accurate, up-to-date addresses and enumeration are used to distribute Census forms. Municipalities received registration packets from the U.S. Census Bureau earlier in 2017.

Why the Census is Critical for Alabama

The 2020 Census is critical to Alabama, and even small undercounts can have significant economic impacts to the state and its communities. A recent study by George Washington University estimated that the federal government returns \$1,567 to the state for every Alabamian counted in the Census. Here are just a few of the ways the Census impacts your community:

- Serves as the basis for allocation of federal funds through many programs including Medical Assistance Program (Medicaid), Supplemental Nutrition Assistance Program (SNAP), Medicare Part B (Supplemental Medical Insurance) - Physician Fee Schedule Services, Highway Planning and Construction and Title I Grants to Local Education Agencies
- Determines Alabama's number of Congressional representatives
- Helps communities plan for future growth and population shifts

Free LUCA Workshops Scheduled for January

The Alabama Department of Economic and Community Affairs serves as the state's liaison to the U.S. Census Bureau and is available to assist communities that are participating in LUCA. The state's 12 Regional Councils are helping as well. "I urge all Alabama communities to send your LUCA registration forms to the U.S. Census Bureau as soon as possible to ensure the address list used in the 2020 Census is as accurate and up-to-date as possible," ADECA Director Kenneth Boswell said. "Not participating will cost your community thousands of dollars per year in ADECA grants and other federal and state funding due to Census undercounts. For any community, ADECA is here to assist."

Also, a series of free LUCA technical training workshops will be held throughout the state in January at the following locations:

- Central Alabama Regional Planning & Development Commission – Jan. 10 - 1 p.m.
- South Alabama Regional Planning Commission – Jan. 17 - 9 a.m.
- Southeast Alabama Regional Planning & Development Commission – Jan. 18 - 1 p.m.
- Regional Planning Commission of Greater Birmingham – Jan. 19 - 9 a.m.
- Northwest Alabama Regional Council of Local Governments – Jan. 22 - 9 a.m.
- Huntsville-Madison Public Library – Jan. 23 - 9:30 a.m.
- Gadsden Public Library – Jan. 24, 2018 - 9 a.m.
- West Alabama Regional Commission – Jan. 25, 2018 - 9 a.m.

For more information and assistance from ADECA, contact Nancy Lawrence at (334) 353-1590 or Nancy.Lawrence@adeca.alabama.gov.

You wouldn't be wrong to call Mayor Kenneth Nail a frugal spender. But considering that it is taxpayer money that Nail, the mayor of Hanceville, is spending – improving city services in the process – you must admire his shopping habits.

Over the years, Nail has purchased vehicles, generators, tools and more, all at drastically reduced prices, to save money in the city coffers and benefit Hanceville residents. Nail's shop of choice is Alabama State Surplus Property. For decades, this division of the Alabama Department of Economic and Community

Affairs (ADECA) has been offering state and local governments, schools, nonprofit organizations and others surplus state and federal equipment at low prices they cannot get anywhere else.

“You name it, we've bought it,” Nail said. “Every time I go I am always thinking about ongoing projects we have in our city and how something at Surplus can benefit that project.



Hanceville Mayor Kenneth Nail, right, and his brother, Paul, are regular visitors to both the Eva and Montgomery surplus warehouses.

We have bought hundreds of things to help do a better job, and we have really saved the taxpayers a lot of money.”

Two Locations; Hundreds of Items

Operating in two locations – Montgomery and Eva in Morgan County – Surplus Property regularly acquires and sells property of every description, including kitchen sinks. “We had a governor who visited our Montgomery warehouse tell us that we were Alabama's best kept secret,” said Shane Bailey, director of ADECA's Surplus Property Division. “I think it was meant as a compliment, but I would prefer if everyone knew about us so they could also benefit from what we offer.”

Items collected by Surplus Property are acquired from 164 of the 167 Alabama state government agencies. The division also obtains equipment from U.S. military installations around the

world. Often smaller items, like laptop computers, electronics and tools, make their way to Surplus from several southeastern U.S. airports where they are collected after being abandoned voluntarily by passengers at security checkpoints.

“Most of the people that walk through our warehouse are not aware that a piece of equipment came from a military installation in Korea or somewhere else overseas,” Bailey said.



Employees at the Montgomery Surplus Property warehouse



The staff of the Eva warehouse is shown with Surplus Property Director Shane Bailey, far right.



ADECA Surplus Property Division
Director Shane Bailey

“They just know it’s at Surplus Property, it’s available, it’s cheap and it’s something they can use.”

Additionally, some surplus items never make it to the warehouse, but are instead sold online. State items are sold on govdeals.com and federal items are available through gsaauctions.gov.

Surplus Property has existed in some form since the 1940s when it was formed to make federal property available. The department began acquiring and dispensing state property

in the 1960s under the authority of the state Department of Finance. Surplus Property became a part of ADECA a year after the department was created by a legislative act in 1983. Surplus operated in a rental building in Montgomery until 2010 when it purchased its present and much larger 210,000-square-foot building off U.S. Highway 31 (Mobile Highway) and U.S. Highway 80, where it employs 15 people. The 25,000-square-foot Eva warehouse employs five people.

Bailey, who has led Surplus for almost 20 years, said anywhere from 10 to 20 state agencies or nonprofit groups visit the warehouses daily to fulfill their needs. “We send a lot of customers back and forth between each warehouse,” Bailey said. “It’s amazing that what comes into the Montgomery warehouse a lot of times is completely different than what comes into the Eva warehouse.”

Excellent Resource for Cities and Towns

ADECA Director Kenneth Boswell, who formerly served as mayor of Enterprise, said Surplus Property is a great resource for municipalities looking to stretch their budgets. “At Surplus Property, you can obtain a wide variety of equipment – from computers and office furniture to backhoes, vehicles and other large equipment – for pennies on the dollar of what these items would cost new,” Boswell said. “I encourage every municipality to visit our warehouses and see what we have to offer. If we don’t currently have it in our warehouses, we can put it on a list and see if we can obtain it for you.”

Recently two employees from

the city of Clayton made a successful venture to the Montgomery warehouse where they purchased several chairs and filing cabinets needed at City Hall and at the Public Works Building. “We have found many treasures at Alabama Surplus Property and have been able to put them back to use,” Clayton Mayor Rebecca Beasley said. “It is an economical way that those of us in municipal government can afford to purchase some needed items that would otherwise be unavailable because of their prohibitive cost.”

Nail and his brother, Paul, who works with a public water authority in northeast Alabama, regularly visit the warehouses in Montgomery and Eva for needed items. “I’m giving away my secret, but I try to go to one or both of the warehouses every 10 or 14 days,” Nail said. “That’s the trick. When good stuff comes in it goes out very quickly and if you don’t make regular visits you are probably missing out on some really useful items.”

Nail should know; he’s had plenty of training. As children, he and his brother would accompany their father, who worked with the city of Cullman, when he visited Surplus. Nail is so sold on the Surplus Property program that several years ago he was one of many officials from across the U.S. to testify before a Congressional panel on the importance of federal surplus to small governments.

Law Enforcement Support Office Program

Another important asset to Surplus is the federal Law Enforcement Support Office (LESO) program which is benefitting 273 law enforcement agencies across the state. Administered by Surplus Property since 2014, the U.S. Department of Defense program enables municipal police and county sheriff’s

Surplus Property conducts three public auctions annually at its Montgomery warehouse.





Clayton City Clerk Rachel Miller looks over chairs at the Montgomery warehouse.

“I want my officers to have the best equipment possible to perform their duties to the best of their abilities,” Bowen said. This program has been very beneficial to police departments all over the state, but it’s especially beneficial to small departments that operate on a tight budget. I’m very thankful for the program and the equipment that we’ve obtained.”

Law enforcement agencies that participate in the LESO program are required to attend a compliance workshop and pay an annual fee to defray administration costs. They also agree to inventory inspections from the Surplus Property employees who oversee the program.

departments, drug task forces and police-related agencies to obtain surplus military equipment on first-claim, first-served basis at no charge other than having to pick up the equipment wherever it may be in the United States. As a result, qualifying law enforcement agencies have been able to obtain vehicles, generators, bullet-proof vests, night vision glasses and even aircraft.

Abbeville Police Chief Noel Vanlandingham learned about the LESO program in the mid-1990s as an undercover officer with the Jackson County Florida Sheriff’s Department and immediately put it to use when he came to Abbeville, which employs 10 full-time officers. “The LESO program has been instrumental in us getting equipment never possible for our department,” Vanlandingham said. “These items have helped in operator safety and saved our department literally right at \$1 million dollars.”

Among the items acquired by the Abbeville Police and a multi-jurisdictional SWAT team are armored vehicles, a robot, a tractor trailer to transport heavy equipment and generators for use in natural disasters. Vanlandingham gets a nod in agreement from Collinsville Police Chief Gary Bowen whose department also has capitalized on the program. Bowen said heavy all-terrain vehicles obtained through the program have assisted the department in rescues during ice and snow storms, transported medical personnel to a medical clinic when other means of transportation were unworthy during storms. Other vehicles, along with thermal-imaging devices, have assisted the four-person department and rescue crews in maneuvering the area’s rugged, mountainous terrain in search and rescue missions or capturing criminals.

Public Auctions and Natural-Disaster Assistance

Surplus items not sold after a certain period are put up for bid at three annual public auctions at the Montgomery warehouse with much of the proceeds, as in all Surplus Property sales, returned to the state’s General Fund. “We have our auction pretty much down pat because we have been doing them for so long, but it can still get hectic because we have 200 to 400 people in here,” Surplus Property warehouse supervisor Jamey Hollingsworth said. “When bidders return to get their buys, we will have trucks backed up from the warehouse all the way out to the highway.”

Surplus Property also steps in to assist during natural disasters. During a series of tornadoes which devastated north Alabama in 2011, Surplus Property, through ADECA, responded by supplying trailers, generators and equipment to help the areas overcome the destruction. “I tell people I have the best job in state government,” Bailey said. “A lot of towns do not have budgets that will support them spending \$60,000 on a backhoe, but they can and have obtained that equipment through us. You can see a direct impact you have on schools and small governments, and you know you have helped make lives better.” ■

More information about Surplus Property programs is available at
adeca.alabama.gov/surplus

ALABAMA DEPARTMENT OF CORRECTIONS

ADDRESSING NUMEROUS CHALLENGES THROUGH SOLID LEADERSHIP

Kayla Farnon • Advocacy and Communications Coordinator • ALM



Once you grasp the basics that, yes, we do have this incarceration role, but at our core we (DOC) are a public safety institution – you realize that these are human beings made in God’s image. However marred and scarred they are, 90 percent of them eventually go back into the communities of which they came. That puts a different perspective on what we want to happen while they are in the state’s custody. It makes sense to invest in things we know will help them and take advantage of the time that they are incarcerated, not to coddle or pamper them, but to create an environment in which – when they walk out the door you’ve given them at least the opportunity to make better choices.

– Alabama Department of Corrections Commissioner Jeff Dunn

It’s that perception that drives Commissioner Jeff Dunn to have the passion and vision to confidently lead Alabama’s Department of Corrections. “This is a people’s business in which you can really change lives,” he said.

A Proven Leader

Colonel Jeff Dunn was appointed Commissioner of the Alabama Department of Corrections on April 1, 2015, by former Governor Robert Bentley. A native of Alabama, Dunn joined the department after serving 28 rewarding years in the United States Air Force.

“In one sense, as I look back on my career, the Air Force prepared me for my career as Commissioner because fundamentally the military is about service and that’s what this job to me is about,” he said. “I spent 28 and a half years serving my country and then I got an opportunity to give back to the state that has been so good to me. It was an opportunity the Lord provided me to serve. The second thing it prepared me for was this area of leadership. Whether it’s a state agency like DOC or a military unit, leadership is leadership. Understanding people, understanding the complexities of how organizations work, being able to create vision that people can buy into and believe in – there’s no difference in those things whether it’s military operations or corrections.”

Dunn is a graduate of Birmingham Southern College where he earned a degree in English and a military commission through the Air Force Reserve Officer Training Corps. He holds a Master of Arts in Non-Profit Management from Regent University, a Master of Science in Transportation & Logistics from the Air Force Institute of Technology and Masters in Operational Design and Strategic Studies from the Air University, Maxwell AFB AL. During his military career, Dunn held many flying assignments

and amassed over 3,400 flying hours. In addition to serving as military planner for U.S. European Command Headquarters in Stuttgart, Germany, Dunn served at the Pentagon as Deputy Director Combating Terrorism and Support Activities for the Office of the Secretary of Defense and as the Senior Military Assistant to the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs. His command assignments included Vice Commander of the 14th Flying Training Wing, Columbus AFB, Mississippi; Commander, Air Force Reserve Officer Training Corps; and Commander, Thomas Barnes Center for Enlisted Education at Maxwell AFB, Montgomery, Alabama.

Alabama’s Corrections System

Alabama’s Department of Corrections is still the most crowded system in the country. However, due to several legislative initiatives in the last six to seven years, which includes Senate Bill 67 of the 2015 Legislative Session, the state has seen inmate population decrease by almost 5,000 inmates in the last five years – more than a 20 percent decrease and the largest percentage decrease in the nation.

Dunn emphasized that while Alabama is currently 165 percent over capacity, the state is a long way from being close to 200 percent capacity, where it was five years ago. “Currently, the inmate population is roughly 21,500 and we expect that to continue to go down and maybe get down to as low as 20,000 over the next couple of years,” he said. “That has been done mainly through sentencing reform. Even with that, the cost per inmate, the amount of money we spend on the entire system is still the lowest in the country on a per inmate basis.”

Q&A WITH COMMISSIONER DUNN

What do you hope to achieve as Alabama Department of Corrections Commissioner?

When I think about where I would like this Department to be in five to 10 years, I think of it in several different areas. First, I want to lead this department to become known for correctional excellence. Everything we do in our responsibilities to incarcerate and rehabilitate – that it's done with excellence. We use proven and accepted operational procedures, our folks are well trained and developed, they're professional, they represent their state well – that everything about the department – from the culture to the people to the practice – exudes a sense of excellence.

Second, my goal is that we would have been able to significantly, if not completely, modernize our infrastructure. Unfortunately, we have a system that has been neglected for years, which has created many problems we have and are facing. I think if we can modernize our infrastructure we could do our incarceration job more effectively. Even more importantly we could do our rehabilitation job more effectively.

Lastly, I'd like to see a renewed focus on the corrections team (about 3,000 law enforcement professionals). Whether that's the appropriate levels of pay and benefits/compensation, educational opportunities, safer working environment, etc. If I can look back in five to 10 years and see that we've made progress in those three areas, then I will be very proud.

How do we as a state address some of the issues arising in Alabama's prison system?

We have to identify the problem, which to a large degree we have done. Internally we have spent a lot of time looking at data to see what our core issues are. We've highlighted those issues – overcrowding, understaffing, violence, etc. I think our partners in the Legislature, Governor Ivey's Office and justice systems across the state recognize the issues, too. The second step is the building plan, which we believe we have done with some of the proposals that we're going to make with respect to taking care of our people, as well as the plans that we've put forward to modernize our infrastructure.

Something people don't see on the outside is that we have undergone a top-to-bottom review and analysis of everything we do. We are putting into place the structures and processes to lead us to that environment of correctional excellence. Lastly, we must look at how to resource this issue. We are preparing for the 2018 Legislative Session by identifying where we think the resources need to go and how much resources we need. It will be very significant. There is only one other state in the union that pays less per inmate for incarceration, and Alabama is near the bottom in our investment. When you don't invest in something over time you should not be surprised at the outcome.

What are some of the educational initiatives DOC has introduced for inmates, aimed at reducing recidivism rates?

Today we have about 15 percent of our inmate population (3,200) involved in some sort of education or re-entry program to help them prepare for life outside of prison. We do the full range of education all the way down to literacy. It is tragic, but we get a significant portion of our inmates that either cannot read or at are such a low reading level that they need to be provided adult basic literacy to get them up to a certain level so that we can get them into some sort of GED program.

We offer vocational training from welding to brick masonry to upholstery. We have a sewing plant in which we teach commercial sewing. All are done through community colleges. We have terrific partners with Calhoun Community College, Coastal Community College, Lawson State and Ingram State Technical College, which are just a few. In addition to that we provide general education which includes financial literacy, decision making skills and conflict resolution.

Recently, through the Alabama Prison Arts and Humanities Project out of Auburn, we have begun to offer a four-year degree program. The beauty of the bachelor's program, it's all being paid for with either private funding or pell grant funding. Some of our inmates come to us having previously been eligible for pell grants. Last year, Congress approved a pilot program that lifted a restriction in which incarcerated individuals could not take advantage of federal funding for education. Now they can. We have taken great advantage of that to increase the amount of education that we can offer to inmates.

We have 25 of our inmates in the River Region that are going through a four-year degree program. We call it a four-year program because that's the common vernacular, however it will take an inmate more than four years to go through the program. The reality is that a majority of them will get out before they finish, so we are in the process now with building those pathways so they can transfer credits to a university or community college.

In the area of drug and behavior treatment:

We recently started a nationally recognized and accredited program called Thinking for a Change. It is a cognitive behavior therapy program. Thinking for a Change really helps them think through how to interact with your environment as a person who makes choices; who has the ability to choose good or bad; and giving them skills when they're confronted with those situations.

We do pre-release training for every inmate before they leave. We have relationships with people throughout the state in which the inmate gets access to services that they need. One of the most challenging things for an inmate is something as simple as getting their driver's license when they get out of prison. Often, they have restrictions on that, so we help them navigate that system.

One vision I have is a one-stop shop. If you're an inmate and getting close to EOS (end of sentencing) we would take you from where you are and place you to another facility that is a transition facility. We would bring all services that are available into one place so that when they walk out of the door they have

a packet of information that holds everything they may need - such as paperwork to receive their driver's license if eligible or information to receive their social security card. This gives them a leg up on normal barriers that often aren't there for you and me.

Prisons and mental health are two critical issues facing our state that directly impact municipal governments as they struggle to provide for the safety, health and welfare needs of their citizens. How would you like to see the Legislature address these two looming problems – particularly with an upcoming election cycle?

It goes without saying that the fact we're entering an election cycle makes this legislative session particularly challenging to really tackle hard and difficult problems. However, I see the prison and mental health issue, which is not insignificant, as the issue that we're really faced with immediately, as a subset of a larger statewide and national mental health issue. While I am focused on providing the proper care and treatment of those with mental health issues inside the prison, I think that very possibly this could be the next major social issue for the state and other states as well.

We're hearing a lot about the opioid crisis. I think the challenges we face with mental health are going to be potentially equal to that as well. It starts at the very beginning, within our school system and in our ability to address, at a young age, indicators that would suggest someone is going to have mental health challenges. In my judgment, there are some gaps in the

community's ability to provide mental health services. We see that in the prison system. Around the mid-90s, we closed most psychiatric hospitals in the state, and we pushed mental health services into the communities. I think there were good reasons to do that, but it left some gaps at the high end and, unfortunately, the result of that was there was not anywhere for people with significant mental health issues to go other than prison. Right now, I have a higher mental health case load than the department of mental health.

Tell me something about yourself I wouldn't read in your bio.

I carry a DOC Commissioner's coin with me at all times. We had them made for the Department and I give them out to people who display our core values, integrity and professionalism. The history of the coin goes back to WWI. When American pilots were flying with the French (Lafayette Escadrille), they used coins to identify one another in a country in which they didn't speak the same language. They were very conscious of not revealing information or secrets. The pilots used coins to identify who was their friend or foe. That evolved into the military tradition of units having coins, emblems and symbols. Every unit I was a part of in my military career, I had a coin. It's a great tradition that builds camaraderie. ■

For more information about the Alabama Department of Corrections, visit www.doc.state.al.us.

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ALABAMA DEPARTMENT OF REVENUE

BUILDING RELATIONSHIPS AND SHAPING ALABAMA'S FUTURE

CARRIE BANKS • COMMUNICATIONS DIRECTOR • ALM

With 17 divisions and more than 1150 employees, the Alabama Department of Revenue (ADOR) administers many taxpayer services ranging from vehicle titles, maintenance of vehicle records, the administration of the Mandatory Liability Insurance law and the issuance of motor vehicle regulatory licenses to collecting and enforcing different taxes, including sales tax and consumers tax, as well as the administration of individual income tax, business privilege tax, corporate income tax, partnerships, S-Corporation, fiduciary and estate tax, financial institution excise tax and withholding tax for businesses and individuals.

Commissioner Vernon Barnett Brings Diverse Background

ADOR has long been one of the state's premiere agencies and because it also plays a critical role in the function of government at the state and local levels, the Commissioner is a Cabinet position appointed by and serving at the pleasure of the governor. Vernon Barnett was named ADOR Commissioner by Governor Kay Ivey in May 2017. A graduate of Vanderbilt University and the University of Alabama School of Law, Barnett served as Executive Counsel at the Alabama Department of Environmental Management (ADEM) managing its external relationships prior to his appointment. From 2006 to 2011, he was the Chief Deputy Commissioner of the Alabama Department of Corrections. He also served as a Deputy Legal Advisor to the Governor. Barnett began his career in the Alabama Office of the Attorney General, eventually serving as Deputy Solicitor General and Assistant Division Chief.

"I started out a little over 20 years ago at the Attorney General's office," Barnett said. "That was a remarkable experience. As with any good state entity, we were short-staffed, which meant you got thrown in the fire immediately. Especially those first three years, we were working 80 hours a week and it was crazy – a fantastic experience, great folks. Wonderful team. I had a lot of opportunities."

From there, Barnett went to the Governor's legal office as a Deputy Legal Advisor. "That was the first time that I really had interaction with state government," he said. "In the AG's office I was prosecuting, doing appellate work and that kind of thing. As part of the Governor's staff, I was working with representatives from all the different agencies, so I learned a lot of lessons on how state government really works and met a lot of great folks across state government."

Barnett said the Governor's office was also where he learned to bring people to the table and to build stakeholder coalitions, an especially valuable skillset when he moved to the Department of Corrections where he spent five years as the Chief Deputy Commissioner. "I received tremendous training on how an organization should be run – personnel, budgeting, I learned how to read the state budgets and personnel codes and how that fits together," Barnett said. "It was a challenging job, but I learned a lot from the merit system staff there as well as from folks we brought in from the field, folks we brought in from the outside. We had a very good team there and I would like to think we made some real and positive impacts."

From Corrections Barnett made his way to ADEM, which he said was a distinct change of pace. "It was completely different from anything I'd done before," he said. "In that role I was largely a lobbyist and public relations type of person. I represented the department at the Legislature." After serving six years and building solid relationships in his advocacy role, he reached out to Governor Ivey's office following the 2017 administration change because he was particularly interested in the Department of Revenue, which he said had a good reputation but that the lines of communications with some groups had been neglected.

"The previous commissioner had done some really exciting things in the area of income tax refund fraud and IT upgrades" Barnett said. "There have been a lot of positives. Unfortunately, the narrative on the positives had been overshadowed by some of the negatives. It's very easy in politics for there to be animosity as a result of conflict, and I felt like I could come in and reestablish those lines of communication and make a positive impact. I was really honored to be appointed. I think we've already made some strides, and it was a fantastic opportunity to come into because the department was in no way broken."



Building Relationships and Working with the Legislature

Part of his role as ADOR Commissioner is to build stakeholder coalitions as well as work with the Alabama Legislature. Given his diverse background in state government, Barnett is uniquely qualified. “Politics is completely relational,” he said. “It’s important to try to get along with folks and, really, our system, I think, is designed to be messy because there are many competing interests. But if we’re able to get around the same table and express those interests and find middle ground, that’s when government works the way it’s supposed to. We’re all walking down this road together one way or the other and we need to communicate. It’s not personal. Never let it be personal. It can get passionate – we can have a good meeting where someone takes off their shoe and pounds on the table – but at the end of the day, we have to be professional and we can’t let ourselves get upset. Because if we do, and we stop talking, that’s when things really go off the rails.”

Barnett said that even though he’s not yet been through a full budget cycle and legislative session with ADOR, he is pleased with how receptive both the Governor’s office and the leadership at the Legislature have been. “I must say, I’ve been very impressed with the relationships the Department has with various members independent of any higher-level politics,” he said. “There seems to be a trust level (by legislators) where they can ask the Department for data and rely on getting it in a timely fashion and it be accurate. Having those types of relationships are extremely important.”

ADOR is often called to testify on tax matters; however, the Department also provides opinions on the long-term fiscal impact of a bill. In addition, any legislator who wants to raise or cut revenue can request that ADOR provide technical assistance with their bills. “It doesn’t mean we’re going to support their bill,” Barnett said, “but we strive to give them very accurate information and we will draft their bill if they want us to draft language.” Barnett emphasized that in working with a legislator to draft language, it doesn’t mean the Department is endorsing the bill. “Often we may not be in favor of what they want to do but we will provide them the language they need to do it in a way that we could implement if it were to pass.”

Top Priorities Include Working Closely with Local Governments

Barnett emphasized that over the last few years ADOR has made great strides in its relationships with local governments and wants the Department to work “hand-in-hand” with the municipalities that use ADOR to collect their taxes while serving as a resource or in an advisory capacity for those that use private sector collection services.

“One of my main priorities is the Department’s relationship with the cities and counties,” he said. “I think that’s an area where the Department has done some great work and we want to continue and improve on that and keep those lines of communication strong – be it technical advice or if they have legislative interests they want to run up the flag pole with us.

We obviously work a lot more closely with some municipalities than others. Some we collect their taxes, and we work closely with those who have their own employees collecting their taxes. We want to work even more closely with them – especially on the coordination at the local level with some of our audits.”

20th Century Tax System; 21st Century Economy

Along with the rest of the country, Alabama continues to struggle with collecting sales tax from Internet purchases – a problem that grows exponentially as online sales increase. These purchases are not tax free; however, Federal court rulings limiting the authority of states to require sellers to collect the use tax places the burden on the buyer – a collection method that is not only inefficient but nearly impossible since consumers rarely report their purchases and pay the taxes owed.

For Alabama’s municipalities, sales tax is always the elephant in the room. Thanks to the dramatic expansion of ecommerce, the discrepancy in tax remittance and collection has become an issue of vital importance, not just to local retailers but to the citizens who rely on their communities for a safe, desirable place to live. While there should be enough tax revenue generated through brick-and-mortar purchases combined with online sales to provide the quality-of-life services citizens not only expect but demand, the inability to collect the taxes owed from online sales has strained municipal budgets to a critical point. The City of Tuscaloosa estimates it’s losing nearly \$5 million a year because of internet-based sales, which led to a 5-percent reduction in city departmental spending for fiscal 2018 – and could ultimately lead to a decrease in quality-of-life services for citizens.

In an effort to ease the burden, the Alabama Legislature created the Simplified Sellers Use Tax and Remittance Program (SSUT) in 2015 to collect a portion of the revenue from online sales. Through this voluntary program administered by ADOR, participating retailers charge a flat 8 percent tax to Alabama customers, which is close to the combined state, county and city rates for much of the state. Half the revenue from the SSUT goes to the State while cities and counties each receive 25 percent allocated according to population. For the fiscal year ending September 30, 2017, ADOR collected \$56 million from the SSUT – up from just \$4 million the previous year. Many more online retailers signed up for the SSUT during its second year, including the largest, Amazon, resulting in the increase. Unfortunately, however, even though nearly 150 companies now participate, and the amount collected is increasing, the state is unable to capture sales tax from third-party sellers (independent vendors) that use platforms such as Amazon and Walmart.com to sell products, which, according to ADOR, is at least half of the sales for those platforms.

“Legally there’s no way to force a third-party seller to do anything because of Nexus,” Barnett said. “Under Nexus in the United States, a business has to have a physical presence tying it to the state or locality for them to be required to pay taxes.”

Barnett said that the frustrations and challenges associated with sales tax collection are based in using a 20th Century tax system for a 21st Century economy – one that is changing so fast none of us can keep up. “A few years ago, if you went to visit some place, either you rented a house, a hotel room or stayed in a bed and breakfast,” he said. “Now you can stay in somebody’s spare room that’s not being taxed and the hotels and others are missing out on those rents. And that’s only one facet. Digital goods. I remember not so long ago going to Block Buster and renting movies. That option no longer exists. We now have all these other options that are not tangible goods and are not being taxed. Technology is changing so fast – the way we make a living, the way we pay our bills, the way we get our food, the way that we do everything is changing so fast ... we’re all flailing around in it. Which comes back to, we’ve got to be working together. We’ve got to be talking and exchanging ideas and where we can agree, we need to go for it.”

According to Barnett, Alabama has been very active in the national movement to collect sales tax from online purchases. Alabama Attorney General Steve Marshall has signed on to an amicus brief that includes 35 states and Washington, D.C. asking the United States Supreme Court to revisit its 1992 decision in *Quill Corp. v. North Dakota* blocking states from collecting sales and use tax from online retailers, arguing that the rule is costing them billions in revenue and infringing their sovereignty. “For better or for worse, a lot of this question is in the courts,” Barnett said. “It may be that we’ll be better able to address this question (through *Quill*).”

Fighting Fraud

In addition to its involvement in online sales tax collection, ADOR is continually working on ways to recover tax dollars that have previously been uncollected due to tax suppression software and other mechanisms used by some businesses to avoid paying. For instance: “I’m a gas station or bar or restaurant owner and I decide that I’d like to have 50 percent less sales, so I plug that into my software and at the end of every month or every accounting period I get a perfect set of books that shows 50 percent less sales,” Barnett said. “Obviously, I’ve collected sales taxes on those sales so not only do I get the sales tax free, I collected the tax, so I get to keep that. I’m stealing. But it gets even better. I’m now reducing my income tax liability by half. So, if I’m doing that, I’m also probably not recording any cash sales. And if I’m doing all that and I sell tobacco, I may be getting it out of Florida tax free. If I’m selling gas, I may be getting gas from another state with a lower tax rate.”

According to Barnett, ADOR has made significant improvements to its technology resources, which makes a tremendous difference in fighting fraud. “The IT capabilities here are extraordinary,” he said. “We’re much better able to tell who’s cheating and who’s not. I’ve been very impressed with what the agency has done but, unfortunately, the bad guys get better every year, too. So, it’s an ever-evolving area that we have to continue to stay abreast of and we’re working hard to do that.”

In fact, Barnett said ADOR is forming a dedicated unit within the Department to drill down on how to collect lost revenue due to illegal activity as well as identify businesses that aren’t filing taxes. The Department is currently researching options for how the dedicated unit will function and hopes to launch in early 2018. “It’s illegal to have the software and use it,” he said. “It’s also tax fraud. This is a national problem. Some states are processing people for theft of government property because sales taxes are government property.”

Barnett said this move by the Department coincides with the Wholesale to Retail Accountability Program (WRAP) passed by the Alabama Legislature in 2017 that standardizes the informational reporting of licensed beer and wine distributors and sellers of tobacco products making sales for resale purposes within this state on which sales or use tax was not collected at the time of the sale. “This is a priority for the agency that’s an outgrowth of WRAP,” he said. “We’re trying to bring accountability into an area that’s not had much over the years – at least not systemically. It’s just going to take time and coordination, especially with the locals (municipalities and counties). My vision moving forward is a more seamless working relationship between us and the locals. We all need each other. We’re developing the expertise. No one knows the municipalities like the locals do. That partnership is the linchpin of this working.”

Looking Ahead

Barnett emphasized that moving forward ADOR will continue to work closely with cities and towns and to develop programs and expand resources that strengthen Alabama’s communities. “I think Revenue has done an outstanding job championing programs that have made things smoother,” he said. “We have a very strong agency and a *great* team. I have really enjoyed working with these folks. It’s been so much fun to learn a new area, learn new people and to move forward.”

For someone who describes himself as a “frustrated archeologist at heart” who figured one day he would retire and “go dig in the dirt someplace and make grand discoveries,” working with ADOR to improve the quality of life for Alabamians by collecting significant amounts of owed revenue may prove to be Barnett’s greatest achievement yet. ■

For more information on the Alabama Department of Revenue’s many programs and services, visit revenue.alabama.gov.

The **NEW** Municipal Marketplace

ALM EXPO 2018 • May 20-21 • Montgomery

The Alabama League of Municipalities trade show is going through an exciting makeover! This year we are *Celebrating Main Street* with a Market Square theme. On May 20, the 2018 Municipal Marketplace doors will open to more than 50,000 square feet of city solutions! This unique showcase offers an excellent opportunity for the League's 1,000+ delegates and guests to network and make valuable connections with more than 300 vendor representatives. The Marketplace will offer convention attendees several events and extended time for face-to-face interaction with exhibitors.

The Marketplace will open Sunday afternoon at 12:15 p.m. with a Break Service and opportunity to visit vendors until 4:30 p.m. The Marketplace will re-open at 5:30 p.m. – 7:00 p.m. for the *Extravaganza and Reception* and to kick off the *Municipal Marketplace Prize Program*. The League's 41st annual expo will feature over 150 vendors in the Exhibitor's Showcase, the Municipal Marketplace Prize Program, a prize drawing and a casual reception with heavy finger foods and an open bar. Monday the show will open at 8:00 a.m. to 10:30 a.m. for a half day of exhibiting, continued Municipal Marketplace Prize Program, break service with a prize drawing and breakfast. Breakfast will be served beginning at 8:00 a.m. for all attendees and vendors. There will be plenty of seating available at breakfast.

The **Municipal Marketplace Prize Program** will offer delegates the opportunity to “shop” the Marketplace by visiting participating vendors' booths to receive tickets of a specific color for the day. Once the vendor has determined that the delegate has spent sufficient time speaking with him/her a ticket will be given. Delegates can then deposit his/her tickets in the raffle barrel located at the Market Square to be eligible for prize drawings. Prizes will be drawn based on the ticket color for that day. On Tuesday, ticket colors will be combined for the GRAND drawings.

A listing of names and booth numbers of participating vendors will be distributed to convention delegates during registration. Participating vendors will also be listed in printed convention material. **NOTE: Only registered convention delegates – mayors, councilmembers, municipal clerks and personnel – are eligible to participate in this prize program.** (Spouses and guests are not eligible). Drawings will be held several times during the convention. Delegates must be present to win.

ALM vendors are here for you! This one-stop shopping opportunity only happens once a year. Take the time to experience the entire 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 a booth space in Birmingham, contact Cindy Price at (334) 262-2566, or via e-mail at cindyp@alalm.org.**

The Legal Viewpoint

By Lori Lein, General Counsel



The Opioid Crisis and Your Community

What do a sanitation worker with an injured back and suffering from chronic pain, a teen who just had his wisdom teeth removed and a woman recovering from joint replacement surgery all have in common? And no, this is not the lead-in to a bad joke. Most likely, they have all been prescribed opioids to manage their pain. Ten years ago, this fact may have seemed harmless, but it now raises serious concerns for all levels of government due to the prevalence of these potentially highly addictive drugs which can lead to severe drug abuse across all political and socio-economic aspects of a community.

Opioid drugs, such as oxycodone (Percocet, OxyContin), hydrocodone (Lortab, Vicodin), morphine and fentanyl, to name a few, are the most prescribed class of medication in the United States, with more than 5.8 million prescriptions written in 2015 in Alabama alone according to the C.D.C. In fact, Alabama has the highest per capita level of prescription opioid use in the United States and three Alabama municipalities are ranked as being in the top 25 cities for opioid abuse nationwide according to a 2016 Castlight Health Report.

Regardless of the source of one's news, you would be hard pressed to find someone in Alabama who doesn't know that we are facing an opioid crisis. In August 2017, Governor Kay Ivey established the Alabama Opioid Overdose and Addiction Council by executive order. The Council, which consists of doctors and dentists, public and private leaders in public health, law enforcement agencies and many others, is charged with studying the state's current crisis and identifying strategies for reducing the number of deaths and adverse consequences of opioid addiction. This past October, the President of the United States characterized the United States opioid crisis as a national public health emergency thus freeing up federal resources and allowing for the quick hiring of personnel to deal with the issue and the flexibility in the use of grant money to deal with the emergency.

Impact on Law Enforcement

The impact of this crisis on our communities isn't just on individuals faced with addiction. Law Enforcement relates many crimes they respond to daily as being somehow tied to drug abuse and opioids in particular. Once addicted to opioids, many

addicts turn to cheaper street drugs which are easier to obtain than expensive prescriptions. A lethal street drug dubbed "gray death" by authorities that is dangerous to even touch with gloves has been linked to overdose cases across Georgia, Alabama and Ohio. This high-potency cocktail, which combines heroin, fentanyl, the elephant tranquilizer carfentanil, and a synthetic opioid called U-47700, can kill users with a single dose.

It is also a potentially life-threatening situation for first responders. In May of this year, an Ohio police officer overdosed at the scene of a traffic stop when suspects hurried to destroy drug evidence. While searching the vehicle he was exposed to the drug and upon returning to the police station began to feel the effects of an opioid overdose and passed out. Fortunately, the police department was equipped with Narcan (Naloxone) which saved the officers life. As a result of situations such as this, many police departments across the country, including here in Alabama, have changed the way they approach suspected drug situations. From keeping kits in each vehicle which include gloves, bags and masks to life saving Naloxone kits. Many departments no longer field test drugs for fear officers might inhale a deadly substance.

Naloxone is an antidote to opioid drugs. It works to restore an overdose victim's breathing. Since it was first introduced in 1971 under the brand name Narcan, the price of naloxone has grown 4,000 percent even as more manufacturers have entered the market. Most distressing for first responders, and especially law enforcement, is that it can currently cost upwards of \$4500 per kit which contains 2 doses of a proven life-saving drug with a shelf life of 18-24 months.

To address the issue of first responder access to naloxone, the State of Alabama accessed 600 kits of the lifesaving drug in late 2017 as a result of the collaborative efforts of the Alabama District Attorneys Association, the Office of Prosecution Services, a partnership between Air University and Harvard University, and the state department of public health. In Lee County, this provided 2 kits each for the Sheriff's department and the Auburn and Opelika police departments.

Opioid Litigation

As arguably the worst drug epidemic in U.S. history continues to escalate, the companies that manufacture and

continued page 40

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

Criminal Appeals: The defendant's appeal from a municipal court conviction was not perfected when he filed a notice of appeal and signed an appeal bond that was not marked as approved. *Bradshaw v. Town of Argo*, 200 So.3d 680 (Ala.Crim.App.2015).

Forfeitures: Federal jurisdiction over a forfeiture proceeding begins the moment the currency seized from the arrestee pursuant to a traffic stop and arrest by city police is controlled by federal agents, so long as the state court has not exercised in rem jurisdiction. Since the U.S. marshals had actual possession of the currency before the claimant filed his complaint in the state trial court, federal jurisdiction attached, and as a result, the state trial court had no in rem jurisdiction to entertain the claimant's complaint, seeking return of currency. *Ruiz v. City of Montgomery*, 200 So.3d 26 (Ala.Civ.App.2015).

Forfeitures: Action against a city seeking the return of a motor vehicle and property that had been seized pursuant to a search warrant was an impermissible collateral attack on forfeiture of property in federal administrative proceedings, where police surrendered property to federal agents for federal forfeiture proceedings approximately seven years earlier, and the property owner failed to file a claim to challenge the forfeiture, either directly or on appeal, despite having had notice of proceedings. *Norman v. City of Montgomery*, 200 So.3d 32 (Ala.Civ.App.2015).

Appeals: Defendant's substantial rights were not prejudiced by an amendment of a DUI charge for a circuit court bench trial following a conviction in municipal court. *Hubbert v. City of Hamilton*, 197 So.3d 538 (Ala.Crim.App.2015).

Utilities: The Emergency Telephone Service Act gave emergency-communications districts a right of action against providers for failure to bill charges correctly. *Century Tel of Alabama, LLC. V. Dothan/Houston County Communications Dist.*, 197 So.3d 456 (Ala.2015)

Ordinances: City ordinance governing offense of carrying a pistol on a premise not one's own was not in conflict with

statutes allowing a municipality to make a violation of a state handgun law a violation of a municipal ordinance to the same extent as other state law violations. The penalty provided in the ordinance complied with statute governing penalties that could be imposed for violations of ordinances, and there was nothing to indicate that legislature intended to prohibit municipalities from imposing fines and sentences different than those authorized for a state conviction of the same. *Tulley v. City of Jacksonville*, 199 So.3d 779 (Ala.Crim.App.2014).

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Labor and Employment: Employees who worked in city school cafeterias met their burden of producing sufficient evidence of their hours worked, in their Fair Labor Standards Act (FLSA) action for unpaid overtime compensation. While the employees did not produce documents showing precise times actually worked, they testified about their daily custom and habit of arriving and departing work at a particular time and working a specified amount of time during their lunch break. *Murray v. Birmingham Board of Education*, 172 F.Supp.3d 1225 (N.D.Ala.2016)

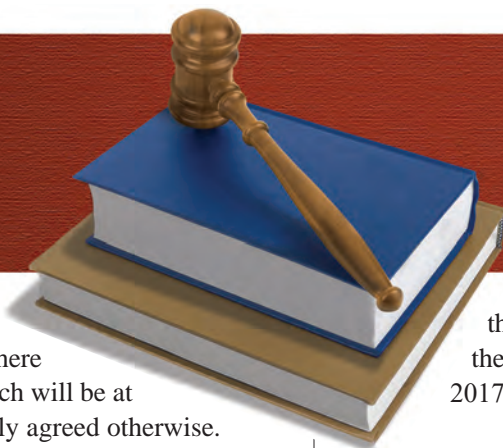
DECISIONS FROM OTHER JURISDICTIONS

Labor and Employment – Minimum Wage: The Department of Labor, in promulgating a final rule requiring executive, administrative, and professional workers to have a minimum salary in order to be exempt from the Fair Labor Standards Act's (FLSA) overtime requirement, exceeded the authority delegated to the Department by Congress, where the Congress defined the executive, administrative, and professional exemption with regard to duties, without mention of salaries. *State of Nevada v. U.S. Dept. of Labor*, ---F.Supp.3d--- (E.D.Tex.2016).

Traffic Cameras: City's traffic camera system, which issued citations automatically to drivers caught violating traffic laws on camera, did not shock the conscience, and thus did not violate drivers' substantive due process rights. The use of the system was not so disproportionate the need presented or so inspired by malice or sadism rather than a merely careless or unwise excess of zeal that it amounted to brutal and inhumane abuse of official power, and it did not otherwise offend judicial notions of fairness. *Hughes v. City of Cedar Rapids*, 840 F.3d 987 (C.A. 8, Iowa 2016).

ATTORNEY GENERAL'S OPINIONS

Purchasing: A county commission is not authorized to enter into a commercial credit card agreement for purchases made through the procurement or purchasing program. AGO 2016-053



Sales Tax – Common Carrier:

Local tax is due in the jurisdiction where title to the goods is transferred, which will be at the time of delivery, unless explicitly agreed otherwise.

If parties to a retail sales transaction are not using a common carrier for delivery and so agree to allow title to transfer at the place of the sale, then local tax is due in the jurisdiction where the sale takes place. If, however, common carrier is the method of delivery, then local tax is due in the jurisdiction where delivery is completed, regardless of any agreement to allow title to transfer at the place of the sale. AGO 2017-001

Public Purpose – Economic Development: A city may guarantee the mortgage of a nonprofit organization to support the construction of soccer fields for the purpose of promoting economic development if the city council complies with the conditions of Section 94.01(c) of article IV or Section 3 of

the Local Amendments for Baldwin County of the Recompiled Constitution of Alabama. AGO 2017-006

ETHICS OPINIONS

Campaign Funds: A candidate may use campaign funds to pay for legal advice sought for compliance with the Fair Campaign Practices Act (FCPA), as well as expenses incurred when requesting an Advisory Opinion from the Commission, as a “necessary and ordinary expenditure of the campaign.” For officeholders, in order to be reimbursable as “reasonably related to performing the duties of the office held” under subsection (2), the fees and costs can only be incurred as a result of advice sought to stay in compliance with the Ethics Act and the FCPA or other state or federal laws specifically related to the performance of the officeholder’s duties. AO 2016-30. ■

F.A.Q.

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

Local Legislation: Bill Passage

How does a municipality get a local bill passed by the Alabama Legislature?

Local bills are necessary when legislation is needed to address a local issue that general law does not address or authorize such as Sunday alcohol sales or the annexation of non-contiguous land. Not everything can be handled by local legislation, however. Section 104 of the Alabama Constitution of 1901 lists those subjects which cannot be addressed by local law.

Once an issue needing local legislation is identified, a municipality should seek the support of its local legislative delegation. Without a consensus from the Senators and Representative representing the municipality, it is virtually impossible to pass local legislation at the State House. Once consensus is gained, you should work with those state legislators and the Alabama Legislative Reference Service to have the proposed local bill prepared for advertisement as required by law. In order to inform the affected people of the substance of the proposed local law, advance notice stating the substance of the proposed bill must be published at least once a week for four (4) consecutive weeks in a newspaper published in the involved county or counties. See, Section 106, Alabama Constitution, 1901. If no newspaper is published in the area, notice must be posted for four (4) consecutive weeks at five (5) different places in the county or counties prior to the introduction of the bill. Proof by affidavit of notice must be provided to each legislative house, and the proof must be placed in the legislative journal. ■

ALABAMA 200 Rolls Out New Projects, Theme and Grant Cycles in 2018

Jay Lamar, Executive Director, Alabama Bicentennial Commission

With one year down and two to go, ALABAMA 200 opens 2018 with new projects, a fresh theme and a second series of grant cycles.

Beginning in January, several major bicentennial projects will debut. The Alabama PastPort Project, a traveler's guide to historic sites in the state, will be available for download and purchase. It will be accompanied by an app so virtual travelers – including students in classrooms around the state – can visit every county with their computers or smart phones.



The PastPort is supported by Mercedes-Benz, Airbus and Verizon. The Alabama News Center is its content partner. For information about the PastPort, visit www.ALABAMA200.org.

“Aviation in Alabama,” a traveling exhibit on the state’s rich history of aerospace innovation and accomplishment sponsored by Airbus, will open at the Alabama Shakespeare Festival in conjunction with its first bicentennial production, “Fly,” a play about the Tuskegee Airmen. Alabama Humanities Foundation and ALABAMA 200 will announce exhibit locations and schedules later this spring. Be sure to check the ALABAMA 200 website for details.

In March, the much anticipated “Making Alabama: A Bicentennial Traveling Exhibit” will debut at the Alabama State Capitol. The exhibit will be open to the public at the capitol and will travel the state thereafter. “Making Alabama,” a series of interpretive displays on periods in Alabama history, is a signature bicentennial project created by the Alabama Humanities Foundation for the commemoration. Four sets will be on the road simultaneously so that, by November 2019, it will have visited every one of the state’s 67 counties. For more information about “Making Alabama,” go to www.makingalabama.org for locations and a full schedule. For information about other projects scheduled to debut in 2018, check www.ALABAMA200.org.

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Honoring Our People

Alabama Bicentennial Commissioner Tami Reist, co-chair of the Alabama Bicentennial Commission’s Local Activities Committee and CEO of Alabama Mountain Lakes Tourist Association, notes, “People are the heart of our communities. We couldn’t celebrate our history – or make our future – without them!”

There is no better explanation for why the 2018 Alabama bicentennial commemoration theme is “Honoring

Our People.” ALABAMA 200 encourages communities to celebrate local heroes who have contributed to the community, the state and even the nation. And for every celebrated hero, there is at least one unsung hero who deserves recognition.

This is a perfect year for reunions, including family, school and community gatherings. It is also a great time to focus on capturing community history, researching family history and celebrating the generations that have come before and the ones still with us.

Communities won’t be alone in focusing on “Honoring Our People.” This summer’s Alabama Bicentennial Schools Teacher Institutes participants will learn how to teach oral history interviewing and how to incorporate interviews and other activities in the classroom. Thanks to the Alabama Bicentennial Schools projects, announced by Governor Kay Ivey last December, communities and schools can even partner on projects that focus on local history and use oral history interviews to record the memories and experiences of community elders.

Support and Grants

Thanks to Tami Reist and her co-chair Carrie Banks, communities and counties throughout the state have already begun projects and plans, and many more are turning attention to their commemorations. The Alabama Bicentennial Commission and the Alabama Bicentennial Commission Local Activities Committee are here to help. The Local Activities Committee has members throughout the state who can help connect you to information and support for your committee’s activities. For a list of members and their contact information, visit the ALABAMA 200 website.

In 2017 the bicentennial grants program received grant applications from 76 communities and 35 counties. As of December 1, 2017, 34 grants totaling more than \$97,000 have



Sen. Arthur Orr, Chair of the Bicentennial Commission, distributes community grants during the 2017 grant cycle.

been awarded to Alabama counties and communities. The monies are being used across the state for initiatives such as historic marker placement, mural commissions and historic preservation projects. **The 2018 application cycles open on Feb. 1. Grants are available in the following categories:**

Community Grants

- Grant amount: up to \$2500
- Purpose: to fund bicentennial-related events, projects, and activities in communities
- Who can apply: municipal governments, 501c3 organizations, or local bicentennial committees
- Requirements: explicit support of local bicentennial committee with resolution on file and local municipal government

County Grants

- Grant amount: up to \$5000
- Purpose: to fund bicentennial-related events, projects, and activities in a county
- Who can apply: county commission offices, 501c3 organizations, or local bicentennial committees
- Requirements: explicit support of local bicentennial committee with resolution on file and local county government

Criteria

To be considered for either a community or county grant, the applicant must meet the following required criteria:

- Be relevant to the commission's mission
- Have the support of the local community or county's bicentennial committee
- Have the support of the local municipal or county government
- Be open and accessible to the public
- Be culturally inclusive
- Be achievable

Deadlines

The application and notification deadlines for January through June 2018 are as follows:

- Feb. 1, notification on Mar. 1
- Mar. 9, notification on Apr. 6
- Apr. 20, notification on May 18
- June 1, notification on June 29

Dates after June will be announced if funds are still available.

Please note that the Alabama Bicentennial Commission Foundation will not fund individuals (i.e., candidates for public office), for-profit ventures or political organizations. Grant forms can be filled out and submitted online. For forms and other information go to alabama200.org/communities/community-grants/.

If you have questions or want to discuss specifics about applying, contact Graydon Rust, operations specialist at ALABAMA 200, at Graydon.Rust@archives.alabama.gov or 334-242-4514.

Bicentennial Participation and Local Committees

This year, ALABAMA 200's goal is to get bicentennial committees in all counties and most communities. Not only does having a committee mean that your town or county is included on the list of official bicentennial partners, but having a committee is a requirement for applying for grants. If you are not sure if your community or county has a committee, go to www.ALABAMA200.org, click on "Communities," and then on the "Directory of Local Committees." An up-to-date list of all officially recognized committees is available there.

Also under the "Communities" tab is information about creating bicentennial projects and events and how to get them endorsed. Of course, the bicentennial celebration is an excellent opportunity to start a new event to commemorate the anniversary. However, if a festival, fair, play, or other event is already a tradition in your community, it can take on a bicentennial focus for a year or two.

Once you have a project or event, be sure to submit it for endorsement. Endorsement means that the project or event is officially part of the statewide bicentennial commemoration and gives the applicant access to the bicentennial community toolkit. The kit includes sample logos in various formats, brand guidelines for usage, event signage templates and additional information to help make your event a success. The commission can also provide a letter for endorsement, which can be an asset for events and projects seeking funding beyond the bicentennial grants.

Also be sure to post your events and projects to the online calendar. The calendar is the source of information for many of ALABAMA 200's promotional materials, including quarterly

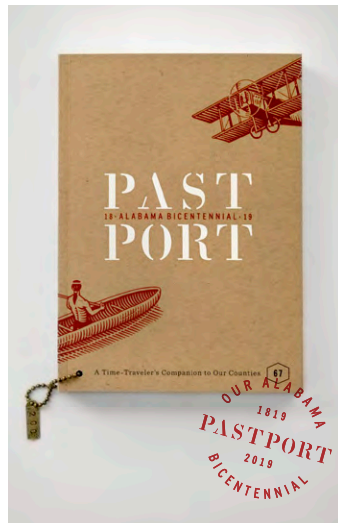
newsletters and social media.

If you would like to talk directly with ALABAMA 200 about plans, resources or additional information for your community, please contact Jerald Crook, community relations specialist, at Jerald.crook@archives.alabama.gov or 334-353-4755. Jerald will be working with communities to establish committees, connect them to resources and help in planning.

For More Information

Bookmark the ALABAMA 200 website and check it often for updates on projects, events and resources. Be sure to sign up for the ALABAMA 200 newsletter. The newsletter is posted about every six weeks and includes information about funding, calendars and bicentennial projects. Each issue showcases work by local committees, so be sure to submit information on what your community is doing via the calendar and endorsement tabs. If you are a social media user, be sure to connect with us via Facebook and Twitter.

Last but not least: the staff of ALABAMA 200 is here to help! If you have questions about grants or the endorsement process, contact the Alabama Bicentennial Commission office at 334-242-4537. We'd love to talk with you about the bicentennial, available resources and your plans! ■





2018 Annual Convention Information

Montgomery, Alabama • May 19 - 22, 2018

Online Registration: To make the registration process more efficient and to prepare for your attendance at the 2018 Convention, delegates are encouraged to pre-register. **The deadline for pre-registration is 5:00 p.m. on April 27, 2018. After 5:00 p.m. April 27, 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.

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.

CONVENTION REGISTRATION FEES:

- \$400 from February 1 - April 13, 2018 by 5:00 p.m.** (\$60 non-refundable registration fee for one (1) Spouse/Guest*)
- \$425 from April 14 - April 27, 2018 by 5:00 p.m.** (\$70 non-refundable registration fee for one (1) Spouse/Guest*)
- \$475 after April 27, 2018 (on-site registration)** (\$90 non-refundable registration fee for one (1) Spouse/Guest*)
- Additional Guest Registration** (\$150 per additional Guest, fee is non-refundable**)

All payments by check must be postmarked by the dates above, or registrations will be subject to current registration fee.

The full convention fee covers the following events for each delegate: Saturday Night Welcome Reception, Municipal Marketplace Exhibitors Extravaganza and Reception, Municipal Marketplace Breakfast and Boxed Luncheon on Monday, Monday evening reception, President's Banquet and Entertainment. The astronomical cost of putting on a convention makes it impossible to allow free admittance of guests of delegates at any function. Delegates are urged to pre-register guests. For children ages 6 and over and guests, the full registration fee must be paid.

The registration fee for spouses/guests and children over 6 includes Saturday Night Welcome Reception, Municipal Marketplace Exhibitors Extravaganza and Reception, Municipal Marketplace Breakfast, Monday evening reception, President's Banquet and Entertainment. There is no extra charge for children under 6; however, children must be pre-registered. Children under the age of 6, if registered, may attend the following events: Saturday Night Welcome Reception, Municipal Marketplace Exhibitors Extravaganza and Reception, Monday evening reception, President's Banquet and Entertainment.

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 attend only the Spouse/Guest events and to accompany a full convention registrant to receptions, Monday evening reception, President's Banquet and Entertainment, and the Municipal Marketplace and events specifically listed in the official convention program as open to a Spouse/Guest. Eligibility of guests may be subject to verification. **Attendance at any other Convention event requires registration as a full-convention attendee.*

***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 Officials Program.*

HOTEL ACCOMMODATIONS:

The hotel room blocks will open on February 1, 2018. For hotel contact and room block information, go to www.alalm.org.

IF NOT REGISTERING ONLINE:

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

1. Download and Complete the convention registration form on www.alalm.org to register yourself and your Spouse/Guest (if applicable). Use one form for each delegate registered.
2. Enclose a payment by check for the appropriate convention registration fee. Payment in full must accompany registration form. All registration fees must be paid/postmarked by the applicable registration dates.
3. Return the form and payment to Alabama League of Municipalities, Attention: 2018 Convention Registration, P.O. Box 1270, Montgomery, AL 36102. **Credit card payments are accepted ONLY online. DO NOT email, mail or fax credit card information.**

NOTE: Although a separate convention registration must be completed for each delegate, the municipal clerk may send registration forms and a payment for all municipal officials and employees to the League in a single envelope.

NO CONVENTION REGISTRATIONS BY PHONE WILL BE ACCEPTED.



If you need assistance due to disability or other special services, please call Theresa Cook at (334) 262-2566 before April 27, 2018.

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 27, 2018. 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.**

2018 MUNICIPAL FLAG SHOWCASE:

The League will hold its Annual Municipal Flag Showcase at this year's ALM Annual Convention in Montgomery. More information and entry form for the Municipal Flag Showcase 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 and 40 years of service earned during the previous calendar year. **Awards are only presented to individuals who notify the League of a service milestone by March 16, 2018.** 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.

distribute opioids are facing numerous lawsuits for the devastation their products have caused in communities across the country. Within the past few years, and mostly in the last year, dozens of civil lawsuits have been filed by states, cities and counties against manufacturers, distributors and large drugstore chains that make up the \$13 billion-a-year opioid industry, and that number is rising rapidly as of the date of this article.

Plaintiffs in many of the lawsuits currently filed across the country have petitioned a federal judicial panel to consolidate the cases before a single federal judge in either Ohio or Illinois. In a motion filed on September 25th with the Judicial Panel on Multi-District Litigation (JPML), the plaintiffs requested transfer and coordination by way of Multi-District Litigation (MDL) of all pending federal lawsuits filed by governmental entities against the distributors and manufacturers of prescription opioid painkillers. There appear to be two different lines of cases for local governments and/or states:

(1) Suing the pharmaceutical companies and several key doctors for giving false information to prescribing doctors about the addictive properties of these drugs. In the 1990s, pharmaceutical companies began an aggressive marketing campaign to create a false impression that opioids were

safe for long term use. Lawsuits filed by government claim misrepresentation, consumer fraud/violation of consumer protection laws, false/negligent advertising, public nuisance, RICO and unjust enrichment.

(2) Suing the drug distributors and pill mills for failing to report or to underreport the amount of controlled substances to the Drug Enforcement Administration, alleging negligence, violation of fair business practices, public nuisance and unjust enrichment.

The damages sought in these cases are intended to help repay the costs incurred by governmental entities related to the opioid epidemic. Of course, not all of these will apply to municipalities and, in fact, they may be more applicable to counties and states. Some of the damages sought nationwide include:

Government as Employer

- Healthcare costs for employees and dependents related to opioid addiction, substance abuse treatment, hospitalizations, etc.
- Loss of productivity
- Increased sick time
- Frequent firings
- Workers' compensation

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- Storage of bodies
- Increased staffing
- Indigent burials

Criminal justice system

- Employee overtime
- Narcan/Naloxone Hydrochloride Injection purchase and training
- Establishment of task forces
- Increase in investigation/crime increase
- Specialized courts: juvenile, surrogate, drug, DUI, drug treatment, juvenile, probate
- Public defender offices/prosecution
- Jail/prison costs
- Probation
- Victim/family
- Human trafficking
- Adult detention
- Neighborhood safety
- Victim witness

Healthcare and first responders

- Public hospitals
- Public health
- Medicaid/Medicare
- Substance abuse programs
- Drug education programs
- Drug prevention programs
- Treatment centers/rehab
- Mental health facilities
- Veterans' affairs
- Fire
- EMT/ambulance
- Social services

“Loss” in various forms

- Travel and tourism
- Premature death
- Decrease in labor participation
- Increased Crime
- Quality of life
- Price gouging
- Government assistance

Many plaintiff law firms/attorneys are confident they can come into your municipality and pull together the requisite information necessary without much or any effort from the local government – no matter how limited the resources of the local government. Not everyone is so confident. Putting

this information together will require a tremendous amount of personnel and resources. Also, it is important to keep in mind that this will be a 6 to 8-year process minimum and will cross over multiple administrations within your municipality.

On December 5, 2017, the JPML issued a transfer order consolidating the pending opioid litigation. Specifically, the order transfer order provided that “the actions in this litigation involve common questions of fact, and that centralization in the Northern District of Ohio will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation.” As many of you are already aware, local and national plaintiff firms are competing to get as many clients as possible as quickly as possible. The firms are hoping that their firm can have a seat on the plaintiffs’ steering committee appointed for the MDL. That is why the push to sign on is so great now. The current thinking is that 1,000 plaintiffs is enough to make the industry negotiate a settlement rather than try the case.

What does this mean for your municipality?

The Alabama League has been participating in an opioid working group put together by the International Municipal Lawyers Association (IMLA) to discuss the issues around the litigation. Like IMLA, the League can help serve as a clearinghouse for information and a resource to connect our members on this issue. As far as whether filing suit is in the best interest of any particular municipality, that will have to be looked at on a city by city basis in conjunction with your city attorney. Every municipality is different and not everyone will have a viable claim. Law firms approaching your municipality should be able to evaluate whether you have a potential claim and not just assume you do. But beware of the promise that “you won’t have to do a thing, we’ll handle it for you” because there is no way around the significant effort and personnel investment that will be required for data mining to determine if you have a claim and what types of damages might be available.

One area of law that some experts believe these cases will hinge on is federal preemption. When approached by law firms seeking to represent your municipality, it is important to inquire not only about their mass tort experience but specifically their experience litigating federal jurisdiction issues and preemption as they relate to pharmaceutical cases and the Federal Drug Administration compliance.

To further the discussion of these issues, the Alabama Association of Municipal Attorneys (AAMA) in conjunction with the Alabama Municipal Judges Association (AMJA) will hold its Spring Law Conference on March 23, 2018, at which a large portion of the agenda will be dedicated to this issue both from the practical and the legal issues impacting local government in Alabama. In addition, the League will continue to monitor the on-going litigation and issues surrounding the opioid epidemic and will pass along information to its members. For any questions, please contact the League Legal Department. ■

A total of 40 Municipal Officials were honored at the 2017 CMO graduation ceremony on December 4, 2017. The graduation ceremony was held in conjunction with the Municipal Leadership Institute at the Rooss Bridge Renaissance in Hoover. The officials listed below completed the required number of hours to receive their CMO (18 recipients), Advanced CMO (18 recipients) and CMO Emeritus (4 recipients) designations. Congratulations, Graduates! Well done.

2017 CMO Emeriti

Councilmember Fred Barton, Brewton
 Mayor Carroll L. Watson, Lincoln
 Mayor Billy J. Middleton, Loxley
 Councilmember Lewis Edward Washington, Sr., Wetumpka

2017 Advanced CMOs

Councilmember Warren Lavender, Aliceville
 Councilmember Donna Thigpen, Bessemer
 Councilmember Ben Thackerson, Clay
 Councilmember Joe Lee Powell, Eutaw
 Councilmember Danny Joe Wagnon, Glencoe
 Mayor Leigh Dollar, Guntersville
 Councilmember Richard Bittinger, Haleyville
 Councilmember Randy K. Curtis, Hayden
 Councilmember Deneva T. Barnes, Hobson City

Councilmember John W. London, Irondale
 Councilmember Shelly L. Barnhart, Lincoln
 Councilmember Cynthia Lacey Hood, Millport
 Mayor Hollie C. Cost, Ph.D., Montevallo
 Councilmemberr Jay H. Jenkins, Pell City
 Councilmemberr Stan Cooks, Union Springs
 Councilmember Geneva Jones Watts, Uniontown
 Councilmember Jeanne Champion Fisch, Westover
 Former Councilmember Percy B. Gill, Wetumpka

2017 Certified Municipal Officials

Councilmember Nathan Broadhurst, Albertville
 Mayor Louis Harper, Boligee
 Mayor Harold L. Crouch, Chatom
 Councilmember Loretta Presnell, Citronelle
 Mayor Raymond Steele, Eutaw
 Mayor Jerry Bartlett, Good Hope
 Councilmember O'Mildred Ball, Hobson City
 Mayor Vivian J. Covington, Hurtsboro
 Mayor Jeff Walker, Jackson's Gap

Councilmember Mary Carter, Oak Grove
 Councilmember Eddie Barton, Phil Campbell
 Mayor Patricia B. Gunter, River Falls
 Councilmember Corey D. Bowie, Selma
 Mayor David R. Baker, Semmes
 Councilmember Katrina R. Hennings, Springville
 Mayor Leonard Riley, Valley
 Councilmember Larry King, Vincent
 Mayor E. Lee McCarty, III, Wilsonville



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