

The Alabama Municipal JOURNAL

January/February 2019

Volume 76, Number 4



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#LiveLocallyAlabama

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On the Cover:

Infrastructure, online sales tax and employee liability top the list of legislative issues ALM will be monitoring and advocating for during the 2019 Regular Session.

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Greg Cochran Named League Deputy Director

On December 10, 2018, Greg Cochran was appointed to serve as the League's Deputy Director. Since 1996, Greg has served the League's members in a governmental relations role, most recently as Director of Advocacy and Public Affairs, and will continue to lead ALM's legislative, advocacy and governmental efforts as Deputy Director while he also assumes responsibility for managing most of the League's departments.

Greg is well qualified for his new role. With more than 30 years' experience in governmental affairs, he has developed crucial relationships at every level of government and has served as the League's lead lobbyist for more than two decades. During the mid-1980s, he began working on political campaigns as a volunteer, including Montgomery Mayor Emory Folmar's re-elections in 1984 and 1988. In 1990 Greg joined the staff of the Medical Association of the State of Alabama representing Alabama physicians for three years as the Director of Legislative Affairs. From 1993 until 1994 he served as Vice President of Governmental Relations for the Mobile Area Chamber of Commerce. Greg returned to Montgomery in 1994, serving as the Vice President of Legislative Affairs for the Business Council of Alabama until 1996 when he was hired by Perry Roquemore, ALM Executive Director from 1986 until 2011, as Director of Intergovernmental Relations – the League's first full-time staff lobbyist solely dedicated to state and federal legislative endeavors and governmental affairs.

In 2006, Greg was named Executive Vice President of the Alabama Municipal Funding Corporation (AMFund), which was developed by the League to assist municipal members with refinancing existing debt and funding local projects and purchases through low-interest, cost-effective loans. He was elected AMFund President in 2008.

Greg is a longtime member of the Alabama Council of Association Executives where he was elected to serve as Treasurer (2007-08), Vice President (2008-09) and President (2009-10). He has also served on the Character Council of Alabama Board of Directors and was elected Vice Chairman for 2010-11. He has served as the Vice Chair of the Permanent Joint Legislative Committee for Energy Policy and has served on the National League of Cities' Public Finance Consortium where he was elected as Vice Chair for 2010-2011. Greg also served on the Board of Directors of the Southeastern Chapter, International Association of Expo Managers from 2003-2005.

Greg earned the Certified Association Executive (CAE) designation from the American Society of Association Executives and graduated from the U.S. Chamber of Commerce, Chamber Institute. He is a 2018 graduate of the prestigious Delta Regional Executive Leadership Institute, a year-long executive leadership academy formed by the Delta Regional Authority (DRA) to train leaders from diverse backgrounds, sectors and industries across eight states to improve the economic competitiveness and social viability of the Mississippi River Delta and Alabama Black Belt. Greg attended the University of North Alabama and Troy State University majoring in Political Science.

Greg was raised in a military family, growing up in Norfolk, VA, and Jacksonville, FL, where his father served in the U.S. Navy. He is married to Kelly Barclay Cochran and has two grown sons, William and Sanders.

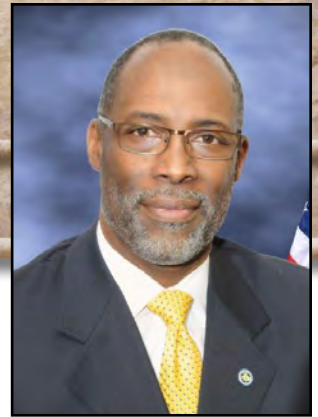


Greg Cochran with Senator Richard Shelby in Washington D.C. during the National League of Cities' annual Congressional City Conference.

Congratulations, Greg!

The President's Report

Council President Jesse Matthews, Bessemer



Advocacy Matters – And it Begins at Home!

As we prepare to navigate this year's legislative session, I want to remind you that municipal officials CAN make a difference in the laws and revisions that potentially affect the cities and communities we serve. We cannot blame others if we – municipal officials elected by *our* constituents to serve *our* communities – don't do our part to protect the interests of our citizens and the quality of life of our communities. As in years past, we expect an intense legislative session requiring defensive vigilance to ensure we do not lose any of our local governing powers as state lawmakers struggle with numerous ongoing statewide challenges.

In addition, our League will be advocating on behalf of municipal government in several specific areas: infrastructure, online sales tax, employee liability and unfunded mandates. Mayors serving on our Executive Committee have written articles on each of these important issues beginning on p. 17. Please read this information and be prepared to engage when ALM asks. As you well know, each year, *hundreds* of bills are introduced in the Legislature. Many of these directly impact our municipalities. In order to be effective leaders, we must be involved, be knowledgeable and be well versed. We cannot assume state lawmakers understand the impact of every bill and how it will affect local government. Other groups are also contacting our legislators and some of these groups are not concerned with how a particular bill may affect our cities and towns.

Each year when the Legislature meets, critical decisions are made. Our elected representatives will determine which laws and policies best serve our communities. They rely heavily on the input from many different sources. To make a difference in the legislative process, we must develop a relationship with our legislators. It is unlikely we will agree on every issue, but a positive relationship can be built on the common ground we share – the best interest of our cities and our state.

While the League is instrumental in this process – arranging for Executive Committee members and policy committee chairs to meet with their legislators over scheduled dinner and/or breakfast meetings – it is *our* responsibility as the leaders of our communities to reach out to our legislative delegation – not just during the legislative session but throughout the year. Being engaged means being educated on important municipal issues and being able to succinctly articulate the challenges our cities and towns face.

To make an impact on the decision making process, local officials must understand how the legislative process works and stand ready to explain to our legislative delegations the consequences specific legislation will have – both positive and negative – on the cities and towns where we live. Municipal officials are the driving force behind legislative success.

Throughout the legislative session, our League keeps us informed about issues that will affect our communities. It is incumbent upon us to respond when our help is needed with our local legislators. *It is our duty.* Local voices have more influence on our legislators than special interest groups. Our League does an outstanding job working for us; however, the League's efforts carry more impact when they have our support back home. Please read the *State House Advocate*, the League's weekly e-newsletter that's sent on Friday afternoons during the Session, so you will know when you are needed on an important issue – and always have your local delegation's contact information handy! Also, please be sure to register for the League's March 19 Advocacy Day/ Advocacy CMO Session in Montgomery and plan to visit with your legislative leaders that afternoon. The larger the crowd, the louder the voice, the greater our impact! ■

2019 Policy Committee Dates League Headquarters, Montgomery

- **FAIR:** Tuesday, March 26
- **EENR:** Tuesday, April 2
- **CED:** Tuesday, April 9
- **TPSC:** Tuesday, April 16
- **HD:** Tuesday, April 23



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Celebrating 200 years of Alabama



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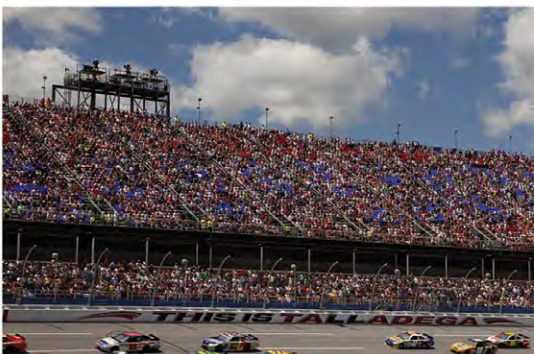
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Images courtesy of the Alabama Department of Archives and History and The Library of Congress



Municipal Overview

By Ken Smith, Executive Director



We Have Everything We Need

Recently, my church started a new capital campaign to raise funds to meet our infrastructure needs. In discussing this, one of our former ministers gave us the good news and the bad news.

The good news, he said, is that our church has more than enough money to meet all needs of the capital campaign and fully fund our stewardship goals.

The bad news is that all that money is in our pockets!

Last year, the League leadership and I decided that the time was right for us to conduct the League's first strategic plan. We engaged Katherine Webb, with Auburn University at Montgomery, to oversee the project in order to give us an objective overview of the League's strengths, weaknesses and opportunities for the future.

We had several reasons for conducting a strategic plan at this time. We wanted to know where our membership felt League resources should be utilized. As with all strategic plans, we wanted to know what we were doing right and take steps to improve areas that were seen as weaknesses.

But the overall goal was to position the League for a future that may look very different from today.

By any measurement, the League has always been one of Alabama's most successful and respected organizations. Over the years, we have shifted as our leadership felt necessary to meet the needs of our members, adding new programs and staff, eliminating outdated ways of doing things and staying up-to-date with technology as needed and as our resources allowed.

But to keep the League in a leadership position, to address changing legislative priorities, new legal challenges and other needs, the time felt right to reach out to our members in a way we had never done before and develop a roadmap for the future.

I've had the opportunity to watch other associations -- including some of our sister municipal leagues -- take various approaches to address these new challenges and wanted to be sure we were avoiding as many mistakes as possible with input from our membership.

Katherine met with League leadership, our Past Presidents, the staff, representatives from our affiliate

programs and others. She surveyed our membership for their input. She conducted phone interviews and held focus groups.

Following an exhaustive year-long process, the Executive Committee established a subcommittee to review the data and direct the process. Our staff took the subcommittee's instructions and put together a final plan that I feel takes a cohesive and comprehensive approach. The plan makes many of our current programs interdependent on each other and will help develop leaders not just for our communities but for the League itself. (See page 8.)

The strategic planning process isn't over. In fact, it's just beginning. New training programs will have to be developed. New requirements will be put in place for League leadership. It will provide new opportunities for our members to engage with League staff and enable them to better use League resources to meet their needs.

It will be a lot of hard work.

But overall, the adoption of the strategic plan is a remarkable first step. It creates a wonderful blueprint for us to follow and measure ourselves against and I commend everyone who contributed to its creation.

The document that was adopted by the Executive Committee in October, 2018 is, and must continue to be, a living and evolving playbook. Adjustments will have to be made. Some ideas may prove unworkable, or have to be restructured. New thoughts and approaches are likely to occur to us as we move forward. We will make adjustments as necessary.

The good news is that we have everything we need to achieve all of our goals. The better news is that reaching those goals is in your hands. The best news is that you've always come through for this wonderful organization in the past, and I know you will again.

We may not all sit under the trees we plant today, but when those trees reach maturity, our future municipal leaders will have this generation to thank. A little heavy lifting and backache now will be well worth the effort. The reward is in playing our roles in the process, working together as a team and knowing that we have everything we need. ■

ALABAMA LEAGUE OF MUNICIPALITIES

STRATEGIC PLAN • 2018-2023

The mission of the Alabama League of Municipalities is to empower municipal government through advocacy, education, programs and the advancement of effective local leadership to protect and enhance quality of life services for its citizens.

Our vision: *The voice of Alabama's municipalities since 1935.*

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

- Increase member engagement in the legislative process.
- Improve relevance of the League through increased League interaction with legislators and education of legislators regarding municipal government and the League's role.
- Collaborate and build strong bonds with other stakeholders (e.g., the retail association, universities, media and the counties) to help find solutions to problem situations.
- Use Live Locally Alabama campaign to encourage localized civic engagement.

Goal II. Improve the knowledge and understanding of municipal government for citizens of Alabama.

- Provide an educational program for citizens, potential candidates for municipal office and newly elected officials on state laws regarding the powers and authority of municipal government.
- Provide access to all individuals interested in elected municipal office in Alabama to training on the powers and authority of municipal government in Alabama as well as the specific duties and responsibilities of the mayor and council.
- Mandate participation in the Certified Municipal Official (CMO) program to serve in a higher level with the League:
 - Institute CMO Orientation Session participation as a requirement to serve on a policy committee.
 - Establish Basic CMO Program completion as a requirement to serve on the Executive Committee or hold a leadership position on a policy committee and require on-going participation in the CMO program to continue to serve.
 - Give preference to those candidates for Vice President of the Executive Committee who have participated in advanced CMO training.
- Develop a mentorship program that will pair newly elected municipal officials with more seasoned municipal officials for the period of one year to exchange ideas and serve as a coach.
- Reconstitute the joint legislative interim committee on local government.
- Provide a Legislature 101 orientation session to members of the Legislative Committee each cycle that new members are added.

Goal III. Enhance and expand awareness regarding the importance of municipal government and civic engagement.

- Actively promote Live Locally Alabama.
- Meet with the press corps.
- Use the CMO program beyond the borders of the organization.
- Meet with stakeholders to determine partnership opportunities.
- Identify members who have great stories and testimonials to share with legislators and civic groups.
- Increase membership outreach by staff.
- Increase speaking opportunities before community stakeholder groups.

Goal IV. Provide additional opportunities to further engage the League Membership

- Convention
 - A committee of the membership and employees will plan the convention
 - Include additional advocacy and communication topics such as grassroots advocacy practices, use of social media and the Live Locally Alabama campaign.
- Restructure the policy committees to make them more effective – better use of time, giving CMO credits to go to the State House.
- Development of an “Advocacy 101” program that will be taken on the road that covers best practices when talking to your legislator and will be available for all members (e.g., mayors, council members, clerks) and includes an interactive component (e.g., video or local legislator).
- Development of a training program that teaches municipal officials how to be leaders, mentors and ambassadors of the organization.

Goal V. Enhance internal processes and communication

- Training
 - Provide supervisory training
 - Provide access to external training opportunities
 - Provide communications training
- Develop a new hire packet and training to cover the essentials of basic operations and expectations.
- Rearrange office space upstairs to meet a great number of staff needs.
- Implement team building strategies into the periodic employee calendar.
- Review, revise and supplement current League Policies and Procedures to meet current and future anticipated needs.
- Implement Employee Recognition Programs.
- Establish a baseline for employee satisfaction with communication and work environment.

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2019 ALABAMA LEAGUE
OF MUNICIPALITIES
ANNUAL CONVENTION



BORN TO CELEBRATE



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FOR MORE INFORMATION ABOUT CONVENTION AND EXPO, SEE PAGES 40-42



The voice of Alabama's municipalities since 1935.

2019 Regular Session

Infrastructure, Online Sales Tax Critical to Municipal Stability

Greg Cochran • Deputy Director • ALM



As we exhale from the statewide elections and contemplate the new legislative landscape, our state lawmakers are preparing to address several challenges that have immediate and long-term effects on our state's prosperity.

The 2018 elections brought about expected results – Republicans won all statewide offices and expanded their numbers in the Senate and House. The legislative leadership seems to be lining up very much like last quadrennium, with Senator Del Marsh being nominated for the position of Pro Tem of the Senate and Representative Mac McCutcheon being nominated for the Speaker of the House of Representatives by their respective caucuses. Your ALM advocacy team began working immediately to build relationships with newly elected lawmakers. In addition, we have participated in numerous committee and task force meetings, met with legislative leadership and continued roundtable discussions with many different stakeholders in preparation for the upcoming legislative session.

There's really no break in the process – advocacy is a concerted year-round effort. That being said, Alabama's leaders must now carefully examine issues that will dictate our state's economic success and quality of life for this generation and those to come. Infrastructure funding and distribution, work readiness incentives, Medicaid expansion, on-line sales tax collections and distribution, prison reform, workers' compensation, unemployment compensation and our state courts are just a few of the heavy-lift issues that will be scrutinized in 2019 – the year of Alabama's Bicentennial. Each affects your community's economic vitality and, ultimately, your citizens' quality of life; therefore, your engagement in the legislative process is imperative as these concerns are considered.

League Legislative Priorities

On December 6, 2018, the League's Committee on State and Federal Legislation met to determine ALM's 2019 legislative priorities. It was unanimously determined that the following concerns are where resources should be directed as your advocacy team – *with your help* – continues to reach across political, geographical and demographic boundaries to collaborate with state stakeholders to resolve challenges and shortcomings.

Infrastructure Funding. The need for additional infrastructure funding has been debated the past two legislative sessions and continued to be studied by the Joint Legislative Infrastructure Study Task Force since the conclusion of the 2018 Regular Session.

continued on page 15



ALM's Committee on State and Federal Legislation met in Montgomery on December 6, 2018 to determine 2019 legislative priorities.

Mark Your Calendars!

2019 Advocacy Day/Advocacy CMO Session

Tuesday, March 19 • Capitol Auditorium/Alabama State House

More info to come: www.alalm.org

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

ALM's 2018 Municipal Advocacy Day/Advocacy CMO Session was a success.

Join us this year on March 19 in Montgomery!



To solve the puzzle: Relationships Matter

Kayla Bass • Advocacy Communications Coordinator • ALM

The 2019 Regular Session of the Alabama Legislature begins March 5th and **your** relationships with your legislators will be extremely important to the success of your League throughout this next legislative marathon. With more than 30 percent of new legislators in office and numerous issues effecting municipal government, it is critical that you make the effort to reach out often to those state legislators who also represent your constituents. As we near the upcoming session, legislators are relying on you to help them understand the important role municipal government plays in our state.

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 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.*

League Efforts to Build Relationships

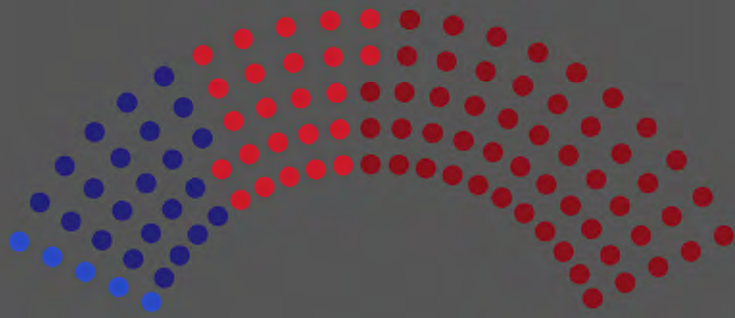
Our members are the most effective advocates on local issues. It is essential that legislators hear from YOU - their constituents – during policy making decisions. Legislators are often most responsive when speaking to those from their district. The ALM Advocacy Team has taken several steps to assist you in making sure your voice is heard, whether at the State House or during hometown visits, which you can read about below.

Get Involved Through Grassroots Advocacy

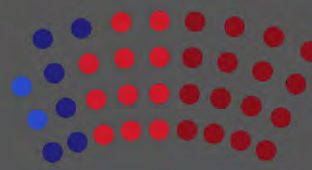
Recently, our team added several grassroots resources to our website which are designed to help our members effectively engage with their legislators. The resources include the steps to take when scheduling a meeting with your legislator,

continued on page 16

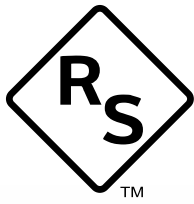
Alabama House of Representatives
53 Incumbent Republicans, 24 Incoming Republicans,
23 Incumbent Democrats, 5 Incoming Democrats



Alabama Senate
16 Incumbent Republicans, *11 Incoming Republicans,
6 Incumbent Democrats, 2 Incoming Democrats



* There are four members in the Senate that previously served as House members in the last quadrennium.



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2019 Regular Session

continued from page 11

Their recommendations would add an additional motor fuel excise tax of 6 to 12 cents onto each gallon of motor fuel and place an annual license fee in the range of \$100-\$150 on vehicles using hybrid or electric engines. Task force members and stakeholders agree that this is needed to address infrastructure demands for ongoing maintenance as well as expansion of current roadways.

Where the League membership takes issue is in the **distribution** of new funds. The current distribution formula was implemented in the 1960s and does not reflect the 2019 demographics of our state. Cities and towns are where 65 percent of Alabama's citizens live, work, shop and find entertainment, yet the current proposals would only provide a meager 10 percent of the distribution to municipalities. *The League's Executive Committee instructed the advocacy team to propose a change to the distribution of local funds to reflect the state's 21st century demographics. Therefore, we encourage legislators to support a distribution formula of 50 percent to the state DOT, 25 percent to counties and 25 percent to municipalities based on population.*

On-line Sales Tax Collections. In 2016, the League worked with state and county officials to implement the Simplified Sellers Use Tax (SSUT) program allowing for the voluntary collection and remittance of sales taxes to Alabama by out of state on-line retailers. This program generated more than \$60 million in 2017 with \$15 million for municipal governments. In 2018, we amended the SSUT laws to include the collection of sales tax by marketplace facilitators – which are basically on-line malls hosted by national retailers. These additional collections should increase to approximately \$120 million in 2019.

Additionally, the US Supreme Court provided a ruling this past summer that seems to allow for the **mandatory** collection and remittance of sales taxes by online retailers, as long as the process is simple and non-discriminatory to the retailer. We believe our SSUT statute will allow Alabama to implement the mandatory provisions in the 2019 Session. *The League will advocate for the mandatory implementation of SSUT with an additional one cent added to the existing 8 cent tax to be distributed directly to local governments.*

Municipal Employee Liability Protection. Over the past few years we have experienced a major shift in municipal litigation with lawsuits now aimed directly at municipal employees for accidents that occur in the workplace. Plaintiff lawyers have included municipal employees as co-defendants when suing the municipality on behalf of a plaintiff. In several cases, state courts have ruled these employees are exposed to liability via on-the-job accidents. This has jeopardized the financial security of our municipal employees. *The League advocates for placement of municipal employees under the protection of the municipal liability caps.*

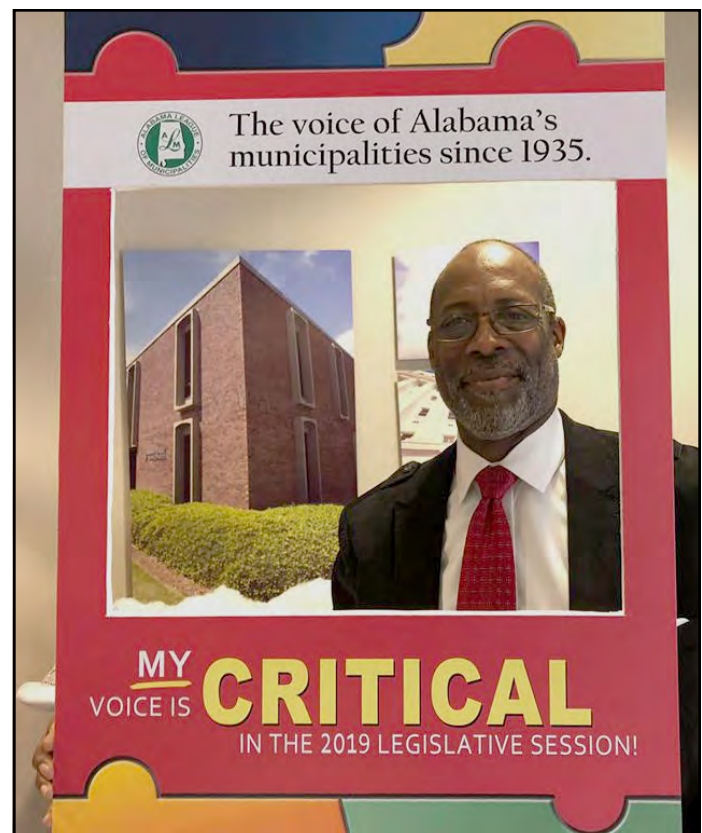
Unfunded mandates. We believe there will be several proposals in 2019 to preempt or exempt sectors of the business community from paying municipal business licenses or collecting and remitting municipal sales taxes. Pharmacies and other businesses regularly lobby the Legislature to decrease their business license responsibilities. In addition, each year bills are

introduced that would hinder municipalities from managing the resources in their communities and push the financial burden of administering programs onto our cities and towns. Several employee groups continually lobby for enhanced benefits to be paid by their employers. ALM has also vehemently opposed legislation that would preempt police jurisdictions. We expect to defend against similar proposals in 2019. *The League will advocate against any unfunded mandates on municipal governments.*

Other. The League expects there to be much debate on state prison reforms, Medicaid and state courts as well as possible consideration of a state lottery. Please continue to discuss the impact these will have on your citizens with your local legislators.

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 2019 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. ■



League President Jesse Matthews, Council President, Bessemer

Relationships Matter

continued from page 13

tips for calling your legislator and tips for writing your legislator. They can be found on our website under the Legislative Advocacy tab.

ALM Action Alerts

Much like last year, members will receive action alerts from the ALM Advocacy Team during session when we need you to contact a member in the House or Senate. If you would like to be enrolled in text alerts, please contact Kayla Bass at kaylab@alalm.org with your preferred cell phone number. The action alerts will be brief and will only refer to the issue/bill and the action needed.

Get Social With Us

The League has expanded its social media platforms and can now be found 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.

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.

Legislative Dinners

Beginning in January, the League will host seven legislative dinners across the state from Montgomery to Mobile. The goal of each dinner is to update our members and legislators on issues and concerns facing cities and towns. If you are a member of our legislative committee, executive committee or chair a policy committee, we encourage you to take advantage of this opportunity in 2019. This is a fantastic way to spend time with your local legislators and develop lasting relationships. For more information on times and locations, email Kayla Bass at kaylab@alalm.org.

Relationships matter.

Building Relationships with Your Legislators Is a Year-Round Effort

Meet with him/her 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 mentioned above. Also, you will have a unique opportunity to speak with your legislator(s) in person on the afternoon of March 19th immediately following the League's Legislative Advocacy CMO session in Montgomery. This workshop is extremely important to every municipal official. For additional information, visit www.alalm.org.

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 his or her legislative assistant.

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 getting 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.

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

Relationships matter. ■



Alabama's Infrastructure

Our municipal voice is critical!

Mayor Marty Handlon • Alabaster

Marty Handlon is a Certified Public Accountant with a Master's in Business Administration and more than 20 years' experience in accounting and financial management. She was elected Mayor of Alabaster in October 2012. She serves on the League's Executive Committee.

Alabamians use municipal infrastructure throughout the state to access jobs, schools, grocery stores, hospitals, parks, entertainment venues and church services – making infrastructure a significant and urgent quality of life issue. The state's infrastructure needs are at a critical point, especially relative to their impact on our cities.

Alabaster, a medium sized municipality, is struggling to provide the road infrastructure to adequately move a population of approximately 34,000 (and growing) in and around our city, as well as accommodate the traffic associated with our economic footprint of over 100,000. Alabaster is not alone in this struggle. Infrastructure challenges will continue to escalate through the trickle-down effect as metro/urban areas understandably remain in the posture of revitalization and attracting additional growth in the surrounding suburb communities. Like many suburbs, Alabaster is appealing to families for the quality of life provided through excellent public safety, great schools, plenty of parks with children's programs and safe roads to travel.

Motor Fuel Tax Increase – Why this is critical!

As you well know, the Legislature is considering adopting an additional motor fuel tax to address the rapidly escalating statewide demands of infrastructure maintenance and enhancement. Therefore, it is important for us as municipal officials, as well as our citizens, to be knowledgeable about road funding and how it is distributed so we can boldly and confidently express to legislators the need for adequate and equitable funding for all local governments.

Alabama's demographics have shifted significantly in the last 50 years. Across the state, greater than 64 percent now live in cities or towns. In Shelby County, 148,641 of the total 213,605 population – almost 70 percent of citizens – live in cities and towns, according to the statistical data for 2017. As the largest city in Shelby County, Alabaster encompasses 25.46 square miles, almost 10 percent of the County's incorporated land area, which includes a combination of state, county and city roadways.

The city currently faces more need in *minimum* maintenance projects on city streets than the current gas tax allocation supports. For educational purposes, the current annual gasoline tax allocation of approximately \$260,000 provides for the resurfacing of three to five residential neighborhood streets each year, depending on distance and the degree of repair necessary. However, when the base of the roadway is severely impaired due to earth movement or sink-hole conditions, repairs have to be completed in phases pending availability of funds.

Our city has experienced this multi-phase type project with Alabaster Blvd – approximately one mile of city street *repairs* (not resurface) with a *low bid* of more than \$600,000 in 2014 to complete all at one time. The total cost of the project increases dramatically when done in phases, due to mobilization and other economic factors. This multi-year project, in progress for the last four years, is still not complete. We are consistently addressing roads in priority order as it relates to safety – and we're more often reactive instead of preventative.

The major arteries for traffic to move through and around our city belong to either the state or county. In order to address a major congestion issue, the city has to become a willing partner contributing funds in a collaborative effort towards improvements. One example is the widening of State Highway 119, which moves traffic from one end of our city to another into the city of Montevallo. In 2013, Alabaster was awarded a Federal grant of up to \$10 million for approximately 2 miles of roadway widening, with the city participating in a 20 percent match to the 80 percent of federal dollars. Currently, *no* state funds are allocated to this project. The project was put on hold earlier this year because the estimated cost of \$20+ million exceeded the grant funding, and ALDOT had no available resources to assist in the completion of the project. After

two months of conversations with representatives of the Federal Highway Administration, we were granted permission to break the project into two phases and move forward utilizing our existing grant funds.

Many times, collaboration between government agencies allows for projects a local government cannot afford to do on its own. However, as it relates to roads, excessive time and additional requirements, as well as other inefficiencies, are the downsides when collaborating with the Federal Highway Administration and the State due to so many other ongoing projects. It is not quite as bad when a municipality partners with a local county government, but the efficiency inhibitors are still present.

Alabama counties and municipalities, as well as the taxpayers statewide, benefit from savings in eliminating red tape and inefficiencies. Future economic and community development projects in the Shelby/Jefferson County areas will be defined by the infrastructure it can offer. The same is true with every region of the state.

Current Motor Fuel Tax Distribution Is Inadequate

The current motor fuel tax distribution formula, which provides 50 percent of funds to the State and 50 percent to local governments with counties receiving 80 percent and municipalities receiving 20 percent, was developed in the 1960s and is no longer equitable to citizens living in municipal jurisdictions to address the growing demands on our municipal infrastructure. Therefore, our League of Municipalities is advocating that the Legislature adopt a 21st Century distribution formula that would provide 50 percent of the funds to the State, 25 percent to counties and 25 percent to municipalities. As municipal officials we must support our League in this effort by engaging in crucial conversations with the members of our legislative delegations. Changing a 50+ year old distribution formula is a heavy lift for our statewide elected lawmakers. We must commit the time and energy necessary to make our voices heard on this key component of the municipal gas tax.

Contact your legislators!

We are proud of the State's history of fiscally conscientious leaders making Alabama a great and affordable place to live. No one is to blame for the rising cost of goods and services over periods of time; it just costs more to maintain the same in every industry, including government. That being said, Alabama is not the same as it once was – we have grown and developed, shifting from rural areas to bustling suburbs.

State and local leaders cannot afford to sacrifice the public's safety and quality of life by adhering to inadequate funding formulas of the past. As we have implored people and businesses to invest in our communities and our state for the benefit of our citizens, we owe them the return on their investment of providing the infrastructure needed for safe success in their mobility.

That being said, I can't stress enough how important it is for our legislators to hear from their constituents about the public safety issues and escalating need in their communities. It would be wonderful if the voice of local government and public safety professionals were enough; however, it is *always* going to take the voices of the voters to make the difference between crumbling congested roads and safe highways.

Please contact your legislators and let them know that infrastructure is a priority issue for *you* and your citizens and for *us* as a state! ■

To contact
your legislators:

House
Members
334-242-7600

Senate
Members
334-242-7800

Online Sales Tax Collection

What does this really mean for Alabama's Municipalities?

Mayor Frank Brocato • Hoover

Mayor Brocato began his career with the Hoover Fire Department in 1973. During that time he became the first paramedic for Hoover. After 42 years of service, Mayor Brocato retired in 2015 as the Chief of Operations and Fire Marshal. He was sworn in as the 10th mayor of Hoover on November 7, 2016. He currently serves on the League's Executive Committee and Digital Economy Task Force.



The steady increase of online sales over the past decade has triggered an alarming shift in consumer purchasing habits from shopping at local brick and mortar establishments (which supports community-owned businesses) to buying via remote sellers. The significant decrease in local sales and use tax collections make it more difficult for Alabama's municipalities to provide basic services such as police and fire protection, road resurfacing, solid waste collection and disposal, educational funding and other essential services.

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 \$6.22 billion in 24 hours during Black Friday in 2018, which marks a 23.6 percent increase in dollars spent online compared with Black Friday 2017. The Friday after Thanksgiving this year was also the first day in history to see more than \$2 billion in sales stemming from smartphones according to Adobe.

What is SSUT and how does it need to be adjusted?

In 2016, the State passed the Simplified Sellers Use Tax (SSUT) to allow sellers to *voluntarily* pay tax on sales that would otherwise be outside the municipal taxing authority under current law.

In 2018, the Alabama Legislature passed HB470 *requiring* marketplace facilitators – on-line malls – to collect and remit sales taxes from *all* vendors marketing their products through these platforms and limiting the sales tax collection discount for online retailers to one percent. HB 470 also enhanced the split of local governments' SSUT revenues to 60 percent to cities and 40 percent to counties.

As of January 1, 2019, marketplace facilitators having sales made into Alabama through the marketplace of \$250,000 or more will be required to register, collect and remit all marketplace sales, including those of marketplace sellers, or report such sales to the Alabama Department of Revenue and provide customer notifications. This is a positive change for municipalities that will result in more revenue collections.

What does this mean for Alabama's municipalities?

In an effort to address this increasingly challenging issue, the Alabama League of Municipalities formed an ongoing Digital Economy Task Force in 2017 to examine shifts in consumer shopping and develop solutions to prevent what could very well decimate our municipal budgets over the next few years. I am honored to serve on this task force and have participated in many SSUT discussions over the past year. Recognizing that there continues to be a discrepancy in sales tax rates between local brick and mortar and online sales, the League and we, as municipal officials representing our citizens, are now advocating for parity in the sales tax rates between local vendors and on-line retailers during the 2019 Legislative Session.

We believe a nominal tax increase for online sales of 1% would lower the disadvantage to local stores, which are currently collecting and remitting more than online retailers, while adding millions of sales tax dollars back into our local economies. This will provide necessary tax revenue for police and fire protection as well as the many quality of life services our citizens not only expect but demand.

As the number of vendors remitting taxes via the SSUT portal increases, even with the 60/40 split between counties and municipalities, Hoover will continue to be at a disadvantage compared to its prominence in retail sales for the State of

Alabama overall. Therefore, attempting to equalize the rates is definitely a positive step to making the playing field between online retailers and brick and mortar stores more equitable; however, the formula (by population) for tax distribution across municipalities should also be reconsidered by the Legislature. Making this change will increase the effectiveness of the SSUT in capturing the loss of revenues from online shopping for the City of Hoover as well as other municipal retail hubs throughout the state.

What's the effect on regional municipal retail hubs?

Speaking for my municipality, the increase in online retail sales has *substantially* impacted the City of Hoover's sales tax collections, as well as those communities that are regional retail hubs. For the State of Alabama, in calendar year 2017, the Alabama Department of Revenue received over \$66.7 million through its Simplified Sellers Use Tax (SSUT) program to be distributed to counties and municipalities across the state. During that time, Hoover represented 2.82 percent of the population formula for distribution and received only \$471,400 of the total \$16.7 million disbursement related to municipalities. However, the revenue distribution to municipalities does not recognize regional retail hubs around the state or the impact of lost brick and mortar sales on those communities.

Hoover, for example, represents a larger percent of retail sales compared with other municipalities statewide. Based on conservative 2012 census retail sales estimates, Hoover represents 5.14 percent of all retail sales across the state (compared with 2.82 percent of population). Thus, due to the SSUT formula being based on population, Hoover is collecting 45 percent *less* than if it was based on the estimated retail composition percentage. Consequently, as dollars spent online increase, under the current distribution methods, municipal retail hubs will likely continue to experience less revenue collections through the SSUT portal than it would likewise receive from brick and mortar sales.

As the Legislature considers modifications to the SSUT program and the ramifications of our society moving to online sales, we are hopeful our state lawmakers will also carefully consider additional formulas and data points that recognize current retail hubs around the state. I am confident that local and state leaders can identify a measure and distribution method that will treat *all* Alabama's municipalities fairly. ■

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Municipal Employees Deserve Protection

Mayor Billy Joe Driver • Clanton • AMIC Board Chairman

Mayor Driver worked with the Chilton Co. Engineering Department from 1953 until retiring in 1984. He was first elected to the Clanton City Council in 1972 and then elected mayor in 1984. He is a past president of the Alabama League of Municipalities and serves on the League's Executive Committee. Mayor Driver joined the Board of Directors for the Alabama Municipal Insurance Corporation (AMIC) in 1998 and has served as Chair since 2008.



For several years, our municipal employees have been vulnerable to civil liability because plaintiff lawyers have been suing our employees in their “personal” capacity. Adding insult to injury, some judges in the state are actually finding for the plaintiff, thus circumventing the tort cap – *even though these judges agree that the employee is simply performing his/her job.*

What does this mean to cities and towns? It's simple. If the current tort cap of \$100,000 is increased, all insurance companies in the State of Alabama will be forced to raise their rates – significantly, depending on the increased cap. Currently, Alabama's municipalities pay approximately \$27 million for liability insurance/self insurance. Actuarial numbers indicate rates would skyrocket **to more than \$49 million** if the tort caps were raised to \$400,000 as some have recommended. Obviously, this equates to **a lot** of money from our municipal budgets in the short term and an enormous unfunded mandate on citizens over time.

Where do our municipalities find an additional \$22 million for insurance? By reducing the quality of life in their communities? Raising taxes? Both?

In the mid-1980s, a similar crisis occurred nationwide. Insurance rates were so exorbitant that cities had to shut down their parks, tear out playground equipment and discontinue bus routes. One city even pulled its police department off the street. It was so bad, in fact, that *Time Magazine* devoted 14 pages to the problem: *Sorry America, Your Insurance Has Been Canceled* (March 24, 1986). “... buyers of liability policies face crippling bills – if they can obtain coverage at all. The crisis is hampering the operations of countless businessmen, professionals and government officials. But in the end it affects everyone, since the exploding cost of insurance is inevitably passed on to consumers.”

What would the increases listed above mean to your communities?

What services would you be forced to eliminate?

Is there a solution?

Every Judge and Legislator in the State of Alabama *must* be reminded that municipalities exist for one main reason: to provide public services that no other entity can or is willing to provide, particularly when the profit margin is nonexistent. Garbage service, police and fire protection, public transportation, parks and playgrounds ... these are all provided by municipalities via our taxpayer dollars to improve the safety and quality of life for our citizens – you, me, our children and grandchildren. These services, many we consider to be absolute necessities, are funded on shoestring budgets – budgets that can't tolerate an additional *\$22 million or more increase* in insurance premiums.

Because our cities and towns provide these unique, special services, laws were created to protect Alabama's municipalities – *and their employees* – from excessive exposure to lawsuits. After all, if a city has to pay a multimillion-dollar verdict, the taxpayers are ultimately going to be asked to cover that expense through much higher insurance premiums.

As they exist today, Alabama municipal statutes are a set of laws that were created to limit municipal liability. These laws have been on the books and effectively enforced for years, and – until the past few years – the Alabama court system has interpreted them as they were intended.

continued on page 23



Unfunded Mandates Inhibit Municipal Work Comp Programs and Negatively Impact Local Governments and Citizens

Mayor Tom Henderson • Center Point • MWCF Board President

Tom Henderson earned his B.S., Masters and Doctoral Degrees in Education from the University of Alabama. He retired after 40 years teaching and coaching and was elected mayor of Center Point in 2002. He currently serves on the League's Executive Committee and is the President of the Municipal Workers Compensation Fund (MWCF).

As municipal officials, we spend much of our time in office determining the best way to utilize our resources to provide the quality of life and economic benefits our citizens expect of their communities and from their leaders.

Workers' Compensation Programs Designed to Protect

As you know, workers' compensation programs are designed to provide medical expenses, lost wages and rehabilitation costs to employees who are injured or become ill in the course and scope of their job. It also pays death benefits to families of employees who are killed on the job. The League's Municipal Workers Compensation Fund, Inc. (MWCF) was established in 1979 during a "hard market" when private carriers were not interested in insuring many of Alabama's municipalities. MWCF is the second oldest League insurance pool in the nation and provides workers compensation insurance coverage to municipalities, housing authorities, utility boards and other city agencies.

Unfunded mandates legislated by state lawmakers greatly inhibit our ability to serve Alabama's municipal employees.

Firefighter and First Responder Benefits

We value the men and women who serve as our first responders and firefighters. Our communities rely on these individuals to protect and serve our citizens and we want to provide these employees with the best equipment and work environment possible to do their jobs each and every day. As local leaders, we invest in new vehicles, equipment and training for these men and women to best prepare them to face the difficult challenges their profession may bring.

However, there is a balance that must be maintained in providing benefits to these men and women with the costs of not providing benefits to other municipal employees or forgoing services to our citizens. Each municipality has limited resources to pool for employee benefits and compensation. Limited resources are then balanced with the demands of citizens for essential services within their communities.

During the past several legislative sessions, proposals were introduced to enhance firefighter benefits via cancer coverage. MWCF and ALM worked with the bill sponsors to consider the impacts and practicalities of these enhanced benefit proposals that are unfunded mandates. We found the unfunded cancer mandates would be particularly perilous for the state's largest cities – such as Montgomery, Huntsville, Birmingham and Mobile – because they are self-insured. They also have the largest paid fire departments. As stated earlier, any new provision would spur a significant increase in workers comp premiums – especially for smaller cities and towns that are already stretching every dollar. An unfunded cancer provision mandate would be beyond financial reach.

Fortunately, firefighters and first responders already have two potential avenues to pursue cancer claims. Under the existing Workers' Compensation Act there is an "occupational disease" clause that could already be used to cover cancer when this condition is determined to be related to the employee's job duties. Alabama also has a separate law (11-43-144) that is known as the "Heart and Lung Act" that *specifically* addresses firefighter cancer.

It is extremely hard to define a definitive list of cancers that should be covered. Every state that has some form of firefighter cancer provision defines which cancers are covered and how they are covered. Any open-ended definition

would mean Workers' Compensation essentially becomes solely a cancer insurance provider since every type of cancer might be covered even if there is no relation to occupational exposure. *Workers' compensation was never designed to be a broad cancer insurance policy.*

In addition, there is a danger in covering *specific* individual groups (such as firefighters) under the Workers' Compensation Act differently from others because it could trigger a domino effect of similar exemptions for other industries. Therefore, this sets a dangerous precedent. No type of presumptive coverage should be included within the Workers' Compensation Act. Employees should *always* have to prove a link to employment. Not the other way around.

Many states are attempting to revamp their State's version of the Heart and Lung Act to better clarify firefighter cancer coverage under that law rather than trying to cover it through workers' compensation programs. Georgia's Legislature recently included cancer claims under its workers' compensation act and the Governor vetoed the bill due to the crippling cost projections to Georgia's cities. Ultimately, Georgia's lawmakers enacted a separate bill setting up a requirement for a *separate* cancer policy for firefighters *outside* of workers' compensation. This law went into effect January 1, 2018.

We must be vigilant.

More work is yet to be done regarding cancer coverage. MWCF and ALM will remain engaged in this issue and ask that you support our efforts on behalf of our municipal entities and our citizens. Our goal as municipal leaders is to balance the best compensation and benefits for *all* municipal employees while continuing to provide the quality of life services our citizens not only expect but demand. ■

Employees Deserve Protection ————— **continued from page 21**

We are not opposed to raising tort caps in an equitable fashion. However, a \$22 million increase isn't remotely feasible. An equitable tort cap would allow Alabama's municipalities to continue to provide *essential* services, although a reduction in quality of life services could still be a reality.

Remaining silent on this subject is not an option.

Failure to act can and will be catastrophic for municipal budgets throughout the state. Alabama's cities and towns are in no way prepared to face the financial burden created by exorbitant insurance rate increases. Without favorable action from our legislative leaders, we'll be stepping backwards 40+ years – only this time it could be worse.

It is imperative that we bring this critical issue to the forefront by discussing it with our judges and by contacting our legislators and asking their position on municipal statutes. We must also *continually* remind them that the reason municipalities have built-in protections is to, ultimately, protect the taxpayer – and that there should not be another avenue for plaintiffs attorneys to have access to taxpayer money. Even more importantly, we must be vigilant in pointing out that in order for cities and towns to recruit and keep qualified employees, municipalities *must* have ways to protect our employees against backdoor assaults that are now coming in the form of very costly individual lawsuits.

Contact your legislators.

Talk to your judges.

Protect your employees, your municipality and our taxpayer dollars. ■



League Past President Councilwoman Sadie Britt of Lincoln and League Advocacy Communications Coordinator Kayla Bass

Understanding ALISON: Alabama Legislative Information System Online

By Kayla Bass • 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. Oftentimes 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.

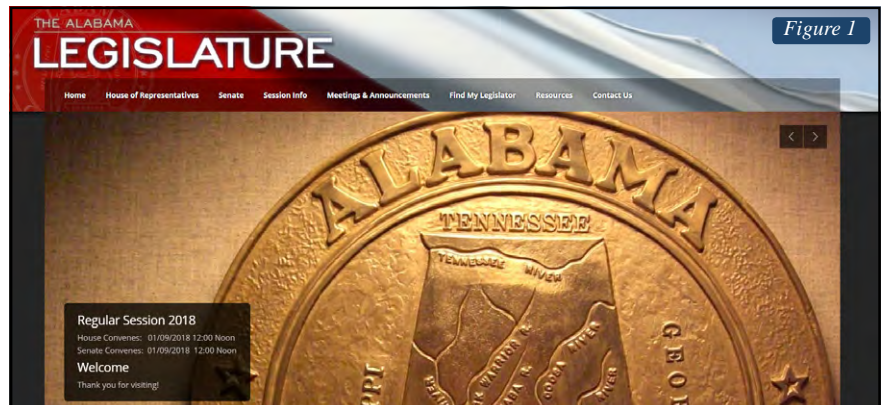


Figure 1

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 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.

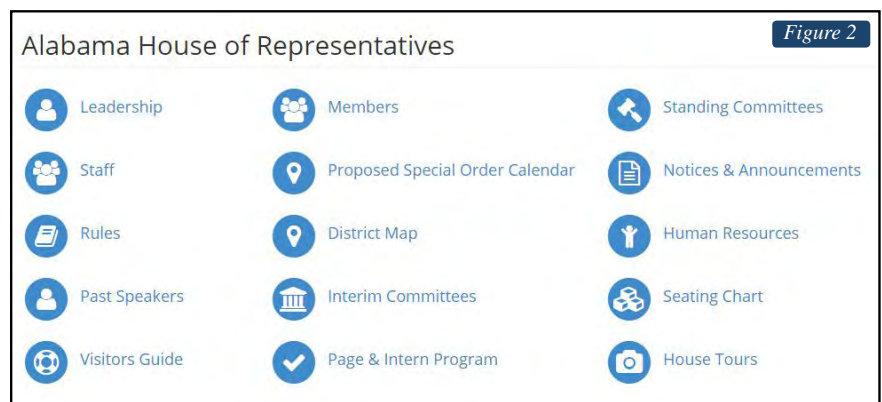


Figure 2

Session Info

Another important resource via ALISON, is the “Session Info” tab on the homepage, which will link you to a variety of options regarding the legislative session. Click on “Regular Session 2019” 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 2019 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! ■

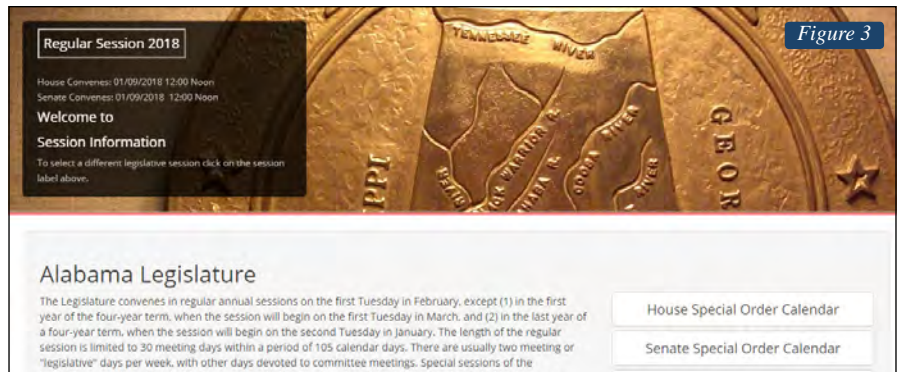


Figure 3



Figure 4

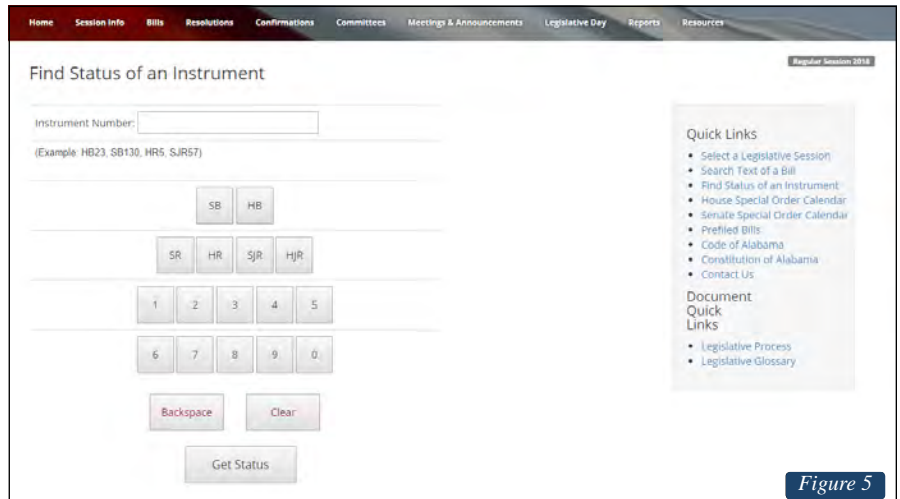


Figure 5

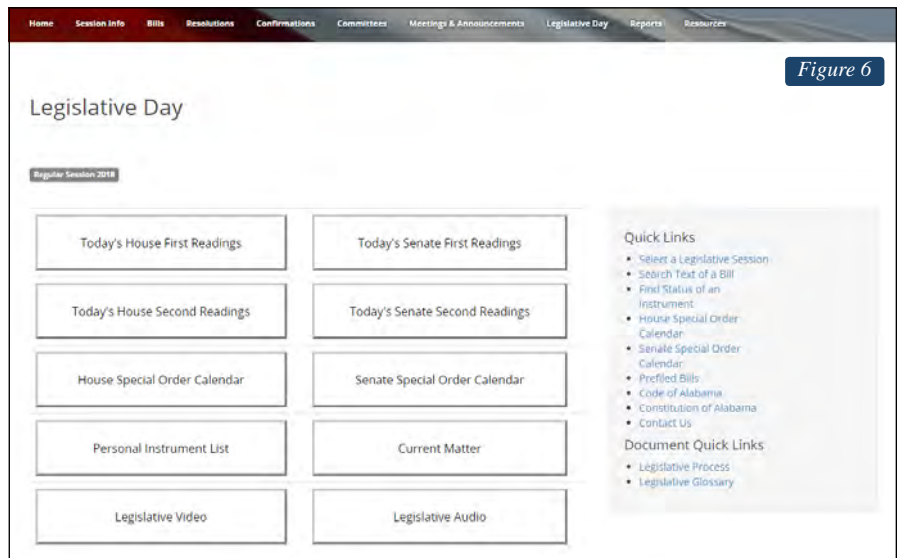


Figure 6

SABIC Industrial Pumper, Burkville, AL



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Alabama's Bicentennial 1819-2019 – The Big Year Begins



Jay Lamar • Executive Director • Alabama Bicentennial Commission

Editor's note: The Alabama League of Municipalities launched Live Locally Alabama in January 2018 – a grassroots campaign to encourage civic engagement, instill community pride and highlight the crucial role municipal government plays in the daily lives of Alabama's citizens. As part of this campaign, we will include a Live Locally Alabama feature in each issue of the Journal highlighting important community topics and quality of life issues that will help municipal officials and employees improve their cities and towns for the people they serve. For additional information on this campaign, visit livelocallyalabama.org.

Back in 2013, on Valentine's Day as luck would have it, the Alabama Legislature approved the formation of the Alabama Bicentennial Commission. Its charge: make the most of Alabama's 200th birthday. Create opportunities for citizens of our great state, young and grown, to learn about its past, explore its places, and celebrate its people. Before long, a commission was formed,



and soon three committees – one on education, one focused on statewide projects and one specifically for communities – went to work.

By the time the official bicentennial commemoration kicked off, which happened on March 3, 2017, the 200th birthday of the Alabama Territory, communities throughout the state were forming their own committees and making plans.

Now, at the start of the final (and biggest!) bicentennial year, here's where we stand: more than 130,000 bicentennial card tags are on the road, four major traveling exhibitions are crisscrossing the state, and more than one hundred (out of two hundred planned) Alabama Public Television Legacy Moments have aired on commercial and public TV and radio. Two-hundred and twenty-five community and county committees are up and running. Two hundred Alabama Bicentennial Schools and 79 honorable mentions are working on their school-community projects. Almost 1000 teachers and administrators have taken part in high-quality, intensive professional development in such areas as civics, social studies, and Alabama history. (See "Alabama200 by the Numbers" infographic on page 28.)

Alabama Bicentennial Commission grants to communities and schools combined are slightly more than \$1.2 million. Independent of the commission, the Alabama State Council on the Arts has funded 250 projects, and other granting agencies, like the Alabama Humanities Foundation and the Alabama Historical Commission, are supporting projects and initiatives throughout the state. Generous corporate sponsors, including

Alabama Power, Regions, Blue Cross Blue Shield, among many others, and the State have made sure that the bicentennial has the support to create projects that educate, entertain, and in some important cases, last beyond the Bicentennial.

What's on the Horizon?

With two years under our belt, what's in store for our biggest bicentennial year? So much! Several projects will debut, including a traveling exhibition on the Supreme Court cases that originated in Alabama but had national impact. "Alabama Justice: The Cases and Faces that Changed a Nation" features well-known cases like the Scottsboro Boys, as well as ones that may be less familiar, like *Frontiero v. Richardson*, which focused on women's rights. "Alabama Justice" started off at Auburn University and is now at Vulcan Museum. It will travel to Mobile, Tuskegee and other locations throughout 2019 and into 2020. It is accompanied by lesson plans and other materials for teachers, making it a great learning opportunity for students as well as the public.

Speaking of which, this year's offerings include several adult education opportunities. A major conference on art in Alabama, hosted by the Montgomery Museum of Art,



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

Alabama 200 By The Numbers

(as of December 2018)



- 25 Corporate and Foundation Sponsors
- 33 Organization and Agency Partnerships
- 154 Community Grants awarded statewide, totaling \$721,500
- 250 Bicentennial grants (totaling \$1.5 million) awarded via Alabama State Council on the Arts, benefitting:

2,009 Schools

5,981 Teachers

146,067 Youth

778
Bicentennial Commission Endorsed Events

226
Bicentennial Community Celebration Committees (50 counties, 176 local)

426,123
Attendees at ASCA funded Events/Programs

852
Schools flying AL200 flags

200
Official Bicentennial Schools

79
Honorable Mention Schools

654
Teachers trained via Bicentennial Summer History Institutes

Alabama200 License Plates purchased:
130,000

Bicentennial PastPort

- A Time-Traveler's Companion to Alabama's 67 Counties

7,500 Bicentennial PastPorts distributed since April 2018

307 PastPort sites featured

1,848 PastPort app downloads since July 1, 2018

Alabama Humanities Foundation Traveling Exhibits

- *Making Alabama* - 84,000 attended in 33 counties (exhibit to visit all 67 counties by November 2019)
- *History of Aviation* - 26,500 attended 7 venues in 6 cities

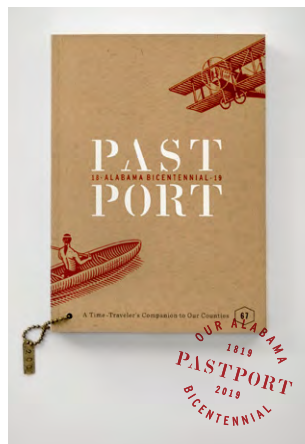
Alabama Public Television

- Outreach Legacy Moments - 128 of 200 produced 133,014 spots on Alabama radio and television stations
- **Two 2018 Bronze Telly national awards:**
 - Craft-Writing for Regional Television
 - General Not-For-Profit-Craft for Online Commercials
- Early Alabama History - Archaeology Adventures
- 6,246 Alabama students reached; 194,241 nationally
- **Five 2018 regional and national awards:**
 - **Three Bronze Telly Awards:**
 - General-Education for Television
 - Craft-Editing for Television
 - Craft-Use of 2D Animation for Television
 - **Two Southeastern Emmy Awards for Excellence:**
 - Non-News Program Writer
 - Graphic Arts and Animation

will take place in November. The very popular subject of genealogy is the focus of three workshops, including “Family History Gaps: DNA for Health and Heritage,” co-sponsored by Alabama Ancestry and HudsonAlpha in February in Huntsville. Workshops will also take place in Gadsden and Montgomery. If you are a genealogy enthusiast or know someone who is, the workshops will offer a wealth of information and resources for researchers of all skill levels.

This summer and fall, the Alabama Department of Archives and History will present “*We the People*”: Alabama’s *Defining Documents*, an exhibition that includes Alabama’s six constitutions and the 1861 ordinance of secession. It will be on view at the Huntsville Museum of Art and the Museum of Alabama at the Department of Archives and History. The work Archives has undertaken to preserve these documents is a fascinating story unto itself, making the exhibit even more impactful.

Joining several important books published for the Bicentennial is *The Future Emerges from the Past: Celebrating 200 Years of Alabama African American History & Culture*, which will be available this spring. Developed and edited by a dedicated committee of historians, artists and educators, and supported by AT&T, the book will debut on state HBCU campuses throughout the year. If you are interested in other books and publications about Alabama, be sure to check the Bicentennial website (alabama200.org) for a new section dedicated to books you may want to read during the commemoration – sort of our “for more information” effort.



If you enjoy the outdoor experience, Ride Alabama 200 is for you! A series of cycling events that follow historical trails and stories, it plans three rides. The first is in May with the existing Chief Ladiga Trail Ride and Noble Street Festival in Anniston. The second, planned for September 11-15, is a four-day, four-city ride focusing on Alabama civil rights history. Starting in Birmingham, riders will follow a route through Tuscaloosa, Selma and

Montgomery before heading back to Birmingham in time for the commemoration of the 16th Street Baptist Church bombing anniversary. A third ride is being planned for the Mobile/Gulf Coast area.

Several national holidays will be “Bicentennial editions” this year. For instance, American Village will host the Bicentennial Memorial Day Celebration, part of a month-long recognition of veterans and active duty military and their families. The Fourth of July will be celebrated with Vulcan’s Thunder on the Mountain and *USS Alabama* Battleship Memorial Park will host Veteran’s Day. In between is the Rosa

Parks Museum Bicentennial Juneteenth celebration, and all of Alabama is invited to Thanksgiving at the 48th Annual Poarch Creek Thanksgiving Pow Wow in Atmore.

When we began populating the calendar for 2019, we hoped we could reach a goal of 200 events. As the calendar developed, though, we quickly realized that the number would go *much* higher. A list of almost 1000 was winnowed to about 300 endorsed and signature events – for starters. The first official Bicentennial event was MoonPie Over Mobile New Year’s event, one of the most authentically Alabama ways to start our big year. The online calendar grows weekly, and from now on, you can literally do something Bicentennial every week of the year. Here are a few examples:

- Feb. 15-19: celebrating the 60th anniversary of the state flower and National Camelia Society meeting in Mobile
- March 2: Opening of the newly restored Constitution Village in Huntsville
- March 30: Tuscaloosa’s Bicentennial Bash, one of many events for the city’s 200th anniversary
- April 2-13: Sylacauga “Magic of Marble” Festival, Bicentennial edition
- May 17: “Alabama Then and Now” art exhibition, Pike Road
- June 23-28: Hartselle Tabernacle Celebrates 120th Consecutive Camp Meeting
- Nov. 22: Franklin County Bicentennial Celebration and Historical Marker Unveiling, Russellville
- October 20: Maple Hill Cemetery Stroll
- December 3: Montgomery opens its sesquicentennial time capsule

Please visit the website www.ALABAMA200.org to see the abundance of Bicentennial programs and events. Make sure your municipality’s events are included.

Biggest Bicentennial Finale Ever!

Many cities, towns and counties are also celebrating their Bicentennials, the cities of Tuscaloosa and Montgomery included. Both have lots of activities and projects planned, as does Huntsville. For the city that hosted the Constitutional Convention that created Alabama as a state, this is indeed a big year. It will be busy all year, but it is truly the epicenter of Bicentennial events in the summer months. In June, a reenactment of President James Monroe’s surprise visit and a reunion of the convention delegates are complemented by the celebration of the 50th anniversary of the moon landing. Make your plans now!

Those are tough acts to follow, but the December 14, 2019 Bicentennial finale will make us all proud. We can’t tell you everything that will happen over that weekend in the Capitol City of Montgomery, but tuck the thought of celebration and music and parades and dedications and speeches and noisemakers and keepsakes in the back of your mind and mark the date of Alabama’s biggest “**Y’all Come**” on your calendar. We’ll see you then and in your communities in the meantime! ■

HAPPY BIRTHDAY, ALABAMA!

It's Alabama's 200th birthday. Join the celebration!

Special bicentennial events and activities are planned throughout the state in 2019. Here are a few and be sure to visit ALABAMA200.org to find more!



- January 14
Alabama Inauguration Day, Montgomery
- February 23
USPS Alabama Bicentennial Stamp First Day of Issue, Huntsville
- March 30
The Bicentennial Bash, Tuscaloosa
- April 11-13
Anabranch 2019: Alabama's Celebration of Literature and the Humanities, Montgomery
- May
Alabama Bicentennial Military Appreciation Month, Statewide
- May 27
Alabama Bicentennial Memorial Day at American Village, Montevallo
- June 1
"The President Is Here!" Re-enactment of Pres. James Monroe's 1819 Visit, Huntsville
- June 22
Alabama Bicentennial Juneteenth Celebration at Troy University's Rosa Parks Museum, Montgomery
- June 30-August 11
"We the People": Alabama's Defining Documents Exhibition, Huntsville
- July 4
Alabama Bicentennial 4th of July at Thunder on the Mountain, Birmingham
- July 15-20
Rocket City's 50th Anniversary of Apollo 11 Celebration, Huntsville
- September 11-15
Ride Alabama 200: Alabama Civil Rights Ride, Birmingham-Tuscaloosa-Selma-Montgomery
- October 5
Old St. Stephens Days Bicentennial Year Celebration, St. Stephens
- October 11
Old Cahawba Bicentennial Celebration, Orrville/Old Cahawba
- November 3-December 31
"We the People": Alabama's Defining Documents Exhibition, Montgomery
- November 11
Alabama's Bicentennial Veterans Day Celebration at USS Alabama Battleship Memorial Park, Mobile
- November 28-29
48th Poarch Creek Thanksgiving Pow Wow, Atmore
- December 1-3
City of Montgomery Bicentennial Celebration, Montgomery
- December 13-15
Alabama Bicentennial Finale and Alabama Bicentennial Park Dedication, Montgomery



#AL200
#ALABAMA200

200
ALABAMA
BICENTENNIAL



Andi Martin • Communications and Marketing
Alabama Bicentennial Commission

It is not possible to share every terrific project happening in the state this year, but here's a sampling of some. If they inspire a few ideas for your town, that's even better! For more information on community events and important upcoming dates, visit www.alabama200.org.

Athens

While many of us have focused on getting the party started locally, the City of Athens has taken its birthday party "across the pond" to some very special friends. Athens' soon-to-be-confirmed twin city, Stonehaven, Scotland, celebrated its stateside sibling's bicentennial by baking a cake for the occasion and displaying the Stars and Stripes, along with the Alabama state flag. Ellen Wong, principal officer at the U.S. Consulate General in Edinburgh, was a special guest at the event. Back in Alabama, some of the Athens commemorations, like the "Bicentennial Beards" competition, have harkened back to popular events during the sesquicentennial, while others involve current public art projects.

"I have been impressed with the community as a whole," said **Holly Hollman, City of Athens Grant Coordinator/Communications Specialist**. "From an Eagle Scout project by Aiden Harm for Bicentennial benches, to Athens High art students creating not only a mural, but a historic scavenger hunt and collecting oral histories, the community has been feeling a desire to participate."

And participate they did! Athens put out the call to re-create a 1920s-era Trade Day photo in Downtown Athens. Streets filled with Athenians, many of whom reminisced they were standing where their grandfather or great grandfather stood in the original photo. What a beautiful gesture to honor our people!

Cullman

The Bicentennial has been a platform for cities across our state to consider and

celebrate how their local history has contributed to Alabama's story. For many, the chance to celebrate those local histories and illuminate the qualities that make their places special has deepened a sense of pride and dedication to the area. Cullman has been no exception.

"The Cullman County Bicentennial Committee has been a wonderful experience in building community," said **Drew Green, Chairman of the Cullman County Committee**. "From the former slaves of Colony who created a safe haven for African-Americans, which has been a harbor even to the modern civil rights movement, to German immigrant John Cullmann, who dreamed of founding a community, Cullman



Designed by a group of Athens High School art students, the Athens Bicentennial mural wall marks Athens' 200th anniversary and took nearly two months to finish. The mural, which was completed in October 2018, was paid for by a Bicentennial grant from the Alabama Bicentennial Commission and includes images of budding cotton fields, an old steam engine harkening back to the days of the Tennessee and Central Alabama Railway, Big Spring Park and just about every historic building in Limestone County. A group of approximately 14 students and teachers put in countless hours after school and on the weekends to complete the mural that will be a community standout for many years to come.

County is an important part of the history of Alabama and an example of how working together as a community brings success and flourishing to all members.”

Cullman has been leaning into its roots to honor its founders and the settlers whose cultures shaped their city. The Wallace State Community College Singers from nearby Hanceville will be traveling to Europe to represent Alabama and the Bicentennial. They will visit founder John Cullmann’s home in Frankweiler, Germany. North of the city, the town of Colony, founded by many former slaves, is hoping to create a mural about its unique history

Elba

While some communities turn to the arts or cultural events, others are taking this milestone as an opportunity to build interest in restoring historical buildings. From homes of significance to schoolhouses, there has been a wave of revitalization across the state. The Coffee County Jail has a little more life in its bones, and now, thanks to the Elba Bicentennial Committee, a plan has developed to restore the old penitentiary. Not just a former lock up, the site has been a case study for architectural students for many years, with its arches often photographed.

The site bears significance as it is also located next door to the birthplace home of Gov. James E. “Big Jim” Folsom, also being restored after a move from the countryside a decade ago. According to **Nell Gilmer, chair of the Elba Bicentennial Committee**, one project that the community is especially proud of is the restored Evergreen Cemetery summer house (gazebo). It was built in 1907 and is on the Alabama Register of Historic Places.



Bronze Mooresville map depicting the town as it stands today.

Mooresville

Historic Mooresville, incorporated on November 16, 1818, might be the “biggest small town” we know. With a population of 51, the town embraced the Bicentennial from the oldest resident to the youngest and engaged each other and visitors for 15 months in a five-part commemoration called “Behind the Picket Fence: History Lives.” Celebratory events ranged in size from a photography contest to a totally immersive experience when the town transformed itself to the spring of 1864 for “Camped on a Stream.” Citizens donned their finest period clothing and invited Alabamians to join them for historic home tours, interpretative lectures and a Southern afternoon tea party. Even the performing music ensemble used antique instruments!

On its 200th birthday, the Town of Mooresville’s concluded its commemorations with the dedication of its Bicentennial Garden. The jewel of the garden is a beautifully crafted bronze map of the town that captures the essence of today’s Mooresville, complete with facsimiles of cornerstone buildings, including the historic post office. “We wanted a way to commemorate the 200th for future generations to be able to see, so we have a bronze map that depicts the town now as it stands today,” said **Mayor Margaret-Anne Crumlish**.

After the intense coordinating and successful planning for its milestone year, what could possibly be the icing on the cake? The cake itself! The beautiful baked cake complete with vignettes of Mooresville’s historic sites served as the centerpiece at the closing event.

Wetumpka

The first two years of Wetumpka’s bicentennial celebration have brought many in the community together simply from a shared love of history. According to **Jenny Stubbs, Wetumpka Local Committee Chair**, unification has been the key. “Seeing the different organizations, with their own missions, collaborate together on a common goal has been wonderful to see.”

One of those collaborations was the Tulotoma Art Trail coloring contest for local elementary school-aged children. The community came together to offer children a day of art and history, which are so closely intertwined, in their beautiful historic district. This also introduced them to the Tulotoma Snail Trail, Main Street Wetumpka’s cultivating-place project, which recently submitted and had approved the historic Lock 31 for the Alabama Register of Historic Places. “Because of the love this community has for its remarkable history, our Wetumpka Alabama200 Celebration Committee has been very successful in getting different organizations to work collaboratively on history-related projects and events,” said Stubbs. ■

Bicentennial Commission's Focus on Education will Become Statewide Legacy

Among the goals of the Alabama Bicentennial Commission are a focus on K-12 education, the creation of opportunities for all Alabamians to participate in the bicentennial in some way, and the development of initiatives with potential for ongoing benefit beyond the end of the 2019 celebration. These goals converge in the Alabama Bicentennial Schools program, in which young people across our state are identifying needs in their communities and addressing them with inspiring results. Their projects will continue through the 2018-19 academic year and provide rich opportunities for collaboration between schools and municipalities.

Governor Kay Ivey announced the Alabama Bicentennial Schools program on December 14, 2017. She encouraged schools throughout Alabama to develop proposals for community- or civic-engagement projects that would strengthen the bonds between school and community and provide opportunities for active learning by students.

Nearly 400 schools – public, private, and home schools – submitted proposals, creating a tremendous challenge for the volunteer committees charged with selecting 200 of them to be designated Alabama Bicentennial Schools and to receive a \$2,000 grant in support of their projects. On August 3, 2018, Governor Ivey led school officials from across the state in recognizing the 200 Alabama Bicentennial Schools and 79 schools selected to receive Honorable Mentions. While presenting each school with a grant and a banner for display at its campus, the Governor encouraged the designees to embrace the opportunity to make a positive change in their communities.

“Set the bar of expectations high,” she said to the faculty and administrators, “but let the students lead. In doing so, teach them how important it is to be engaged members of their communities and what great satisfaction comes from working together to better our state.”

Each of Alabama’s 67 counties has at least one Bicentennial School. In the summer of 2019, the 200 schools will submit final reports on their projects and compete for designation as an Alabama Bicentennial School of Excellence. Twenty-one schools – three per congressional district – will receive this extraordinary designation and participate in the final Alabama

Bicentennial celebration in Montgomery on December 14, 2019 – Alabama’s 200th birthday.

The range of projects being undertaken by the Alabama Bicentennial Schools reflects thoughtfulness and pride on the part of our young people. From planting community gardens and preserving historic structures to developing public computer centers and creating food pantries, the initiatives aim to improve the quality of life of local residents.

In Rehobeth, the elementary, middle, and high schools are partnering to increase awareness of the Wiregrass agricultural economy, to increase student awareness of local history, and to create an outdoor classroom. Food grown in the outdoor classroom will be donated to local relief groups. Historic preservation is on the minds of students at Springville Elementary School. They are working with community partners to preserve the old Springville Rock School and adapt it for use as a community center, keeping alive a local landmark that was important to generations of St. Clair County residents. At the G. W. Trenholm Primary School in Tuscumbia, students are working with the Helen Keller Foundation, the Alabama Institute for the Deaf and Blind, and parents to improve their outdoor classroom with a water feature. The water feature will include braille tactile signage and will provide sensory play as well as a text-to-world connection for their students. And in Eutaw, students at the Greene County High School are working with the Rho Kappa National Social Studies Honor Society to conduct oral history interviews with members of the community. Their work will populate a new website documenting Greene County history.

Every Alabama Bicentennial School project would benefit from engagement by local officials. Municipal and county governments, chambers of commerce, and civic organizations are encouraged to reach out to participating schools to ask how they can be of assistance in making this year’s project successful and, equally important, how they can support the students in extending their work beyond the current school year. To find an Alabama Bicentennial School in your community, visit www.alabama200.org/educators. ■



In 2018, Governor Kay Ivey announced Alabama’s 200 Bicentennial Schools at a special ceremony in Montgomery.

CYBERSECURITY IN 2019: ENDEAVOR TO STAY SAFE

CHUCK STEPHENSON, DIRECTOR OF INFORMATION TECHNOLOGY, ALM

As we all know, change is inevitable. In the world of information technology, that is doubly true. New technology seems to arrive on a daily (sometimes hourly) basis. Now that the New Year has arrived, it is a perfect time to review current security measures for threats that are already present while gaining valuable insight regarding new threats possibly heading our way. Fun times!

Familiar Threats

Ransomware: By now most of us have heard of ransomware. (Unfortunately, some of you know of it firsthand.) While ransomware has been around for a while, it became one of the best-known forms of malware thanks to the NotPetya and WannaCry variants that came on the scene in 2017. The good news is that ransomware/malware infections began dropping significantly in December of 2017. In fact, over the last 12 months, ransomware attacks fell nearly 30 percent according to the cybersecurity firm Kaspersky. Not only has ransomware, the former overall number one payload used in malware campaigns, fallen in popularity, it has dropped all the way to number six. This puts it behind miners, banking trojans, adware, backdoors and spyware. Is this drop permanent? Only time will tell, but it is unlikely. Like many things, usage of payloads is cyclical.

Phishing: Emails ... oh my, *all the emails*... How many emails do you receive per week (how many per day) that ask you to enter information about personal accounts or promise you some reward that seems too good to be true? These are phishing emails. While ransomware may be on the decline, phishing seems to have filled the void. Why is that? Simple: because it works. The path of least resistance to your municipality's data is, unfortunately, through *you*. Don't be discouraged, however – it's the same for all organizations. Criminals know this; therefore, they use it to try and gain access to your data. Phishing can also be used to deliver other malicious items. It is a perfect delivery system for malware and viruses. In fact, according to Verizon's 2018 Breach Investigations report, **92 percent of malware is still delivered by email**. If you have an IT staff, I am sure they are constantly reminding everyone NOT to arbitrarily open

attachments or click links in emails. If you do not have an IT staff, consider this your reminder!!!

Malware: Like phishing, malware has not dropped in popularity. Criminals still use it to try and gain information, to turn your PC into a bot (think zombie being controlled by bad guys) and to crash PCs and networks just for fun. Malware generally resides in the attachments and links that are included in the phishing emails. There are also many instances of websites being exploited and used to deliver malware and spyware. According to the website CSO Online, out of 1,300 IT security decision makers surveyed for their CyberArk Global Advanced Threat Landscape Report 2018, **56 percent said that targeted phishing attacks were the top security threat they faced.**

Threats in 2019

There are many new technologies and updates/upgrades to existing technology that will take place in 2019. That means that the attack surfaces for criminals will also expand. The advent of 5G networks will change much of the technology landscape. There will be greater deployment of artificial intelligence (AI). The Internet-of-Things (IoT) will continue to grow.

Let's delve into what this might mean for cybersecurity.

5G network deployment: 2018 saw the limited introduction of 5G network infrastructure to the mobile communications market. 2019 will ramp-up that deployment. It will take time for 5G networks and 5G capable devices to be widely distributed. However, once it starts, it will spread rapidly. Symantec, in their online article "Cyber Security Predictions: 2019 and Beyond", predicts that the 5G and 5G-related network infrastructure will grow from approximately \$528 million in 2018 to \$26 billion in 2022, a compound annual growth of 118 percent. This growth will not be restricted to mobile devices and their networks. Many of the mobile providers are already planning to offer 5G mobile hotspots and 5G-equipped routers for homes. Additionally, some cable providers are now entering the mobile communications market to try and maintain their market share in the Internet Service Provider realm.

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The Legal Viewpoint

Municipal Court Judge Sybil Cleveland, Huntsville
President, Alabama Municipal Judges Association



Alabama's Municipal Courts: A Critical Judicial Institution for Local Communities

Having been a municipal court judge for nearly 20 years, I am often invited to speak to a variety of audiences and, when I do, I am often asked about the differences between municipal court and district court. It's been my experience that people are usually surprised to learn that, with some exceptions, the function of municipal courts is nearly identical to that of district courts. While most citizens understand municipal courts to handle parking tickets, traffic citations and the collection of fines, they are surprised to learn that municipal courts, like district courts, also adjudicate misdemeanor criminal cases such as Driving Under the Influence, Domestic Violence, Criminal Mischief and Theft of Property to name a few – issues that are very important for the overall public safety and protection of municipal citizens and property.

Municipal Courts in the Structure of the Alabama Unified Judicial System

Article VI, Section 6.02 (a) of the Constitution of Alabama of 1901, places municipal courts under the State's Judicial Department – Administrative Office of Courts – and 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 district court, a probate court, and such municipal courts as may be provided by law.” Alabama's State Constitution, which is similar in effect to the United States Constitution, establishes all courts to be a separate branch of government afforded independence and thus providing for the preservation of checks and balances. It is through this construction of government that Alabamians can take comfort in and maintain the expectation of fairness and equal treatment under the law, regardless of which court they may find themselves in front of.

Why are Municipal courts critical institutions for local communities?

Alabama's 4.8 million citizens are served by 67 district courts, one in each county, and more than 270 municipal courts.

Given the municipal population density within some counties coupled with the volume of misdemeanor and traffic cases commonly handled by a municipal court, it is clear to see why this phrase, “court of first impression”, has been associated with municipal courts.

Municipal courts are critical to local communities because it is through this limited reference point that citizens will formulate their opinion about the quality of justice in their community, their State and in the United States. Given the fact that municipal courts are courts with such broad influence, it is understandable that the highest burden lies in municipal judges, and their key court personnel to provide Alabama citizens with the most professional and orderly experience with the justice system possible. Therefore, municipal judges and their key personnel must be chosen carefully as citizens generally behave with respect to the law when they perceive that law and order exist. The public's sense of law and order in their community, emanates from their experience in municipal courts.

Selection of Judges for Municipal and District Courts

Judges, and the manner in which they administer their duties, are central to the look and feel of the moral fabric collectively sensed within a community. Gone are the days where judges could simply be selected regardless of whether they were trained in law and certified by the State Bar. Today, all judges, must be qualified electors and, with the exception of probate judges, licensed to practice law in this state. Unlike district court judges who are elected, municipal court judges are appointed by the city council. Both municipal and district courts are courts of limited jurisdiction, however, municipal courts have jurisdiction to handle ordinance violations and state violations adopted by ordinance provided the violation occurs within the municipality. Section 12-12-1 (a), Code of Alabama 1975, establishes the district court system and gives district courts the authority to hear criminal misdemeanor cases occurring within the county in which they are located. Neither district nor municipal courts conduct jury trials, rather that authority as well as the authority to hear appeals resides with their respective circuit courts.

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What does this mean for cybersecurity? 5G speeds are unlike anything we have seen so far. 5G speeds are 10 times faster than current 4G speeds (10 Gbps versus 1 Gbps). This means great downloads for consumers and businesses alike. Unfortunately, it means the same thing for criminals. The speed that 5G will introduce means that criminals and legitimate consumers will have the ability to back-up or transmit massive amounts of data to cloud-based storage easily. This will give attackers a broad base of new targets to breach. Symantec predicts that over time, 5G IoT devices will connect directly to the 5G network rather than a WiFi router. This will make the attack surface to those devices much more accessible to criminals, while making it more difficult for the owners to monitor them.

Artificial Intelligence (AI): AI is already being utilized by attackers to morph their hacks to account for anti-virus/endpoint software. This has been the case for some time. Thankfully, there is now some good news for the good guys! Artificial Intelligence is already being used to garner machine learning. This allows for the identification of new threats much earlier. AI is also being used in security assessments to probe for vulnerabilities. In the League’s first security assessment that took place in the 2nd quarter of 2018, our assessment vendor utilized AI technology to quickly find vulnerabilities that would have previously taken days to discover. This allowed us to close those openings before they could be taken advantage of by attackers.

Data in Transit: Attackers are already using home WiFi routers and other security-lacking IoT devices to launch cryptojacking attempts. This allows them to “mine” cryptocurrencies like Bitcoin. We can expect these types of attacks to increase. Hackers will attempt to capture data being passed through routers and IoT hubs. Malware infected routers could allow the theft of online banking credentials and credit card information. Criminals are also increasingly using “formjacking” – a technique that occurs when malware inserted into web forms on your website allows hackers to intercept the information entered by consumers prior to it being transmitted.

Endeavor to Stay Safe!

The New Year is a great time to make resolutions. Unfortunately, many of us don’t keep to those resolutions. I hope this year, we will *all* endeavor to remain vigilant to protect our data as well as the data of our customers and citizens. Let’s do this! ■

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Like the League on Facebook!

Visit www.facebook.com/ALALM to “like” ALM on Facebook and receive timely information about ALM’s legislative endeavors; League events such as upcoming CMO sessions, policy committee meetings, annual convention and national conferences; and articles of interest for municipal officials and employees. This is also where the League posts photos from its events that you can download, share and save!



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

Utilities: Municipalities and sewer services company had standing to challenge amendments expanding water, sewer, and fire protection authority's service area. *Ex parte Town of Summerdale*, 252 So.3d 111 (Ala. 2016).

Nuisances: Circuit court was without power to act on defendant's attempt to reinstate the city's voluntary dismissal of nuisance abatement action. *Walker Bros. Investment, Inc. v. City of Mobile*, 252 So.3d 57 (Ala. 2017).

Licenses: City's business-license tax did not violate the Constitution's Import-Export Clause in including gross revenue from international sales. *P.J. Lumber Company, Inc. v. City of Prichard*, 249 So.3d 1135 (Ala. Civ. App. 2017).

Sales Tax: Taxing authorities could not use sampling method, rather than audit all of retailer's invoices to determine tax assessments. *84 Lumber Company, Inc. v. City of Northport*, 250 So. 3d 567 (Ala.Civ. App. 2017).

Historic Preservation: Historic preservation commission could not deny a noncontributing building's application for certificate of appropriateness based on nonconforming windows. The commission's window-design standards did not apply to noncontributing buildings. *Shoal Creek Land & Cattle, LLC v. City of Arab*, 250 So.3d 602 (Ala.Civ.App. 2017).

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Elections: The preclearance section of the Voting Rights Act did not bar the city's implementation of a change from the mayor-council form of government to a council-manager form of government. The Voting Rights Act section could not be enforced after the Supreme Court's decision in *Shelby v. Holder*, which held unconstitutional the Act's coverage formula

that determined which jurisdictions were subject to preclearance, so that neither the city, nor any other jurisdiction, were thereafter covered by preclearance requirements. *Voketz v. City of Decatur, Alabama*, 904 F.3d 902 (11th Cir. Ala. 2018).

DECISIONS FROM OTHER JURISDICTIONS

Religion: City violated the establishment clause by providing maintenance for 34-foot Latin cross in a public park. *Kondrat'yev v. City of Pensacola, Florida*, 903 F.3d 1169 (11th Cir. Fla. 2018).

ATTORNEY GENERAL'S OPINIONS

FCPA: School employees may volunteer to work on campaigns, contribute to candidates, and endorse candidates for school superintendent or for school board position as long as the employees do not use public property, time, or funds to do so. The school board may promulgate rules that regulate the wearing or displaying of political buttons or banners. The common areas of school buildings and grounds can be used for holding press conferences or videotaping political advertisements provided that access to those areas is available to all candidates on an equal basis and subject to reasonable scheduling restrictions to ensure that such activities do not interfere with school business. AGO 2019-001.

SAVE THE DATE! Upcoming League Events

NLC Congressional City Conference
March 10-13, 2019, Washington, D.C.

Municipal Legislative Advocacy Day*
March 19, 2019 - Montgomery

*CMO Credit Available. For additional details and updates for the events, check the "League Calendar" at www.alalm.org.

Municipal judges, before assuming office shall take, and sign the Oath of Office required by the Alabama Constitution and file a copy as set out in Section 12-14-30, Code of Alabama 1975. The term of office for a full-time municipal judge is four years and the term for a part-time judge is two years. If a municipality has more than one judge, the mayor shall designate a presiding judge who will have such additional powers and duties and be entitled to receive additional compensation as provided by ordinance. In the interest of avoiding conflicts of interest and the appearance of impropriety, no full-time municipal judge shall, while serving as judge, engage in the practice of law or receive any compensation for judicial service except the salary and allowances as authorized by the municipality.

Key Powers and Duties of Municipal Court

Alabama's municipal court powers are vast and are specified in the Sections 12-14-1 thru 12-14-31, Code of Alabama 1975. The duties authorized in these code sections gives a Municipal court a great deal of authority and influence over the everyday lives of citizens who appear before the court.

Related to the powers of municipal courts, Section 11-45-9(f), provides that the enforcement of a Class A misdemeanor, including a domestic violence offense, the fine may not exceed \$5000 and the sentence of imprisonment shall not exceed one year. Section 12-14-12 authorizes municipal courts to impose penalties of fines not to exceed \$500, and to impose jail sentences not to exceed 6 months. However, there are exceptions. One is made for adopting DUI offenses found in Section 32-5A-191 where such fines shall not exceed \$5000 and such sentence of imprisonment shall not exceed one year. Another exception is found in Section 11-45-9(c), which provides the maximum fine for violation of certain enumerated misdemeanor offenses adopted as municipal ordinance violations or adjudicated as a youthful offender shall be \$1,000.

Municipal courts are required by law to hold trials and hearings, accept pleas, render judgements, issue arrest and search warrants, set and/or forfeit bail, approve bonds, and provide a process for less serious traffic and some non-traffic cases without requiring a court appearance. Section 12-14-5, Code of Alabama 1975 limits the amount of bail in municipal offenses to \$1000 and allows the court in its discretion to admit bail to such persons on a personal recognizance bond.

Section 12-14-10, Code of Alabama 1975, gives municipal court the authority to continue cases to allow time for payment of fines and cost and fees; remit fines, costs and fees; impose intermittent sentences; establish work release and alternative sentencing programs, suspend driving privileges and order hearings to determine defendant's competency to stand trial. Section 12-14-13, Code of Alabama 1975, provides that municipal courts may suspend execution of sentences and place defendants on probation for varying times not to exceed

two years. Speaking of fines, it often surprises people to learn that many of the fines and costs imposed and collected by the municipal court, do not stay in the municipal court or even in the municipality, but rather are sent to the state to support the Administrative Office of Courts and other programs as determined and authorized by the Legislature

Ethics and Training for Municipal Judges

For good reason, Judges throughout the Alabama Unified Judicial System are held to a very high standard when considering their fitness for office. Given that municipal court is a "court of first impression", its judges must be of high moral character and conduct themselves in a competent and ethical fashion both behind the bench and in their personal lives.

Under Alabama law, a person holding office of judge or justice shall be governed by standards of professional conduct known as the Canons of Judicial Ethics. The Canons of Judicial Ethics apply to all municipal court Judges regardless of their status of full-time or part-time.

As mentioned previously, municipal judges, like other judges, must swear and affirm an Oath of Office to uphold the laws and constitution of the State of Alabama and the United States of America. In addition, municipal Judges, are required to obtain a minimum of 6 hours of judicial training credit designed specifically for municipal courts and part of this training must be in ethics. The State of Alabama goes to great lengths to preserve the appearance of impartiality by establishing and maintaining a Judicial Inquiry Commission where any citizen can file an inquiry into the ethical practices of any judge within the state, including municipal judges. Additionally, each year the State of Alabama requires its judges to file and maintain a public Statement of Economic Interest with the Alabama Ethics Commission.

Judicial Independence in Municipal court

One widely misunderstood fact around the construct of the Alabama Unified Judicial Court System is its oversight of municipal courts. Unlike district and circuit courts, Article VI of the Alabama Constitution of 1901, specifically provides that municipalities have the authority to establish and abolish municipal courts as authorized by statute. Because of this fact it is easy to see why oversight of municipal courts can be easily misunderstood. Despite the laws allowing municipal courts to be abolished by the municipal governing body, the fact remains that all courts including municipal courts are co-equal branches of government within the municipal government structure however the court's oversight is governed by the State's Judicial hierarchical structure and not the municipalities in which they reside.

The Founders of our Constitution established the judiciary as an independent, co-equal branch of government for two enduring reasons:

1.) Making the judiciary independent of inappropriate outside influence within and without government would better enable the judiciary to render impartial decisions in individual cases' hence, the need for decisional judicial independence. (Source: American Bar Association, An Independent Judiciary: Report of ABA Special Commission on Separation of Powers and Judicial Independence. 197)

2.). Making the judiciary a third branch of government independent of the legislature and executive would enable the judiciary to check over-concentration of power in the political branches, hence the need for institutional judicial independence. (Source: American Bar Association, An Independent Judiciary: Report of ABA Special Commission on Separation of Powers and Judicial Independence. 197)

In order for basic constitutional guarantees to be realized, all persons holding the office of Judge, regardless of what level court they preside over, are empowered to act with independence. This means a Judge on every judicial level is a neutral arbiter, separate and apart from the Legislative and Executive branches. This premise is vital to dispensing justice at all levels of our judiciary, including Alabama's municipal courts.

Impact of Municipal Courts in Local Communities

One of the most profound and important reasons that municipal courts are critical to municipalities is the direct and positive effect they can have on communities in the administration of justice. With only 67 district courts and over 270 municipal courts, and the volume of defendants that must be processed, it isn't hard to appreciate the value of municipal courts and the important role they play in the fair, and expeditious administration of justice. Because they are a court closest to the citizens of their community, they can play a very important role with regard to special areas of concern or interest. Rarely a day goes by that we aren't reminded about the grave nature of prescription and opioid drug abuse, or tragedies around domestic violence, the increasing prevalence associated with Mental Health Issues and matters disproportionately affecting our Veterans such as Post-Traumatic Stress Disorder and Traumatic Brain Injuries. Municipal courts, through the creation of Specialty Courts, and the flexibility to provide for education, are uniquely positioned to address some of these issues in ways that may not be as feasible in district court.

Specialty Courts, when implemented properly can dramatically improve the quality of life for the individual defendants, as well as the safety and wellbeing of the community at large. Specialty Courts share three key features. First, they are specialized and work on a particular issue or behavioral group. Issues can be anything prevalent in the municipality and often include mental health, drug addiction, or similar category. Specialty Courts can also be constructed around a particular group such as domestic violence offenders, or on a particular crime type, like domestic abuse. Second, Specialty Courts focus on interventions like drug treatment or counseling which target

the factors that lead people to crime and implement policies that monitor offenders to make sure they are engaging and complying with treatment. Finally, Specialty Courts establish a highly skilled team capable of understanding nuanced problems. Judges and other key courtroom officials often undergo extensive training in a particular area and collaborate frequently with highly credentialed community partners. These highly credentialed/accredited partners provide various types of services to handle specific issues for substance abuse, mental health, veteran and crisis intervention.

Specialty courts are still relatively new in Alabama and are slowly becoming more commonplace. The relatively few municipal courts that have endeavored to establish Specialty Courts have embraced the idea given they understand that traditional sentencing practices are not always the most effective way to administer and dispense justice. Specialty Courts put judges at the center of rehabilitation and require a great deal of effort to manage as they combine the authority of the court with the services necessary to reduce re-offending while effectively addressing the issues that drive crime.

The installation of Specialty Courts are a classic example of the Judicial Branch working hand in hand with other branches of government. In many cases the availability and marshaling of limited resources can only happen with the support of the executive and legislative branches. When done right, the result are innovative programs that lead to the betterment of local communities.

There are many Specialty, Courts currently operating in some of Alabama's municipal courts. Among them include: Mental Health Court, Drug Court, Veteran's Court, Domestic Violence Court, Jail Diversion Court, Environmental Court, Gun Court, DWI Court, Bilingual Court, Re-Entry Court and Homeless Court.

Conclusion

Alabama's municipal courts are critical to local municipalities and are important to the proper administration of justice. The Alabama Municipal Judges Association, with its membership spanning the state's 67 counties and over 270 municipalities, doggedly strives to preserve municipal courts as an independent judicial institution entrusted with the duty to render fair and just resolutions of disputes; preserve the rule of law; and protect constitutionally guaranteed rights and liberties of all individuals appearing before our courts. ■

Judge Sybil Cleveland was appointed Municipal Court Judge for the City of Huntsville May 7, 1999, by the Huntsville City Council. She is currently serving her fifth four-year term. Prior to her appointment to the bench, she served as an attorney in the general practice of law in Birmingham and as a Municipal Prosecutor for the Cities of Birmingham and Ensley.

She was hired in September 1992 by the Madison County District Attorney to serve as an Assistant District Attorney and remained in that position until her appointment to the bench.

The Municipal Marketplace • #ALMCon19

ALM EXPO 2019 • May 5-6 • Mobile

The Alabama League of Municipalities' 42nd annual expo will feature more than 150 vendors offering convention attendees several events and extended time for face-to-face interaction with exhibitors. **On May 5, the City Hall themed Marketplace will open with 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. Join us Sunday evening at 5:30 p.m. for the opening event – the *Municipal Marketplace Showcase and Reception* – a casual reception with heavy finger foods and an open bar, as well as the *Municipal Marketplace Prize Program*. On Monday, the Marketplace will be open from 8:00 a.m. to 11:00 a.m. for a half day of exhibiting, continued Municipal Marketplace Prize Program, breakfast and break service with a prize drawing. Breakfast will be served beginning at 8:00 a.m. for all attendees and vendors. Plenty of seating will be available for breakfast.

The Municipal Marketplace Prize Program will offer delegates the opportunity to “shop” the Marketplace by visiting participating vendor 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 should then deposit his/her tickets in the raffle barrel located at City Hall 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 PRIZE drawings.

A listing of names and booth numbers for 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 booth space in Mobile, contact Cindy Price at (334) 262-2566 or via e-mail at cindyp@alalm.org.**



2019 Annual Convention Information

Mobile, Alabama • May 4 - 7, 2019

REGISTRATION OPENS JANUARY 25, 2019!!

Online Registration: To make the registration process more efficient and to prepare for your attendance at the 2019 Convention, delegates are encouraged to pre-register. **The deadline for pre-registration is no later than 2:00 p.m. on April 12, 2019. After 2:00 p.m. on April 12, 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 January 25 - March 29, 2019 by 2:00 p.m. (\$60 non-refundable registration fee for one (1) Spouse/Guest*)

\$425 from March 30 - April 12, 2019 by 2:00 p.m. (\$70 non-refundable registration fee for one (1) Spouse/Guest*)

\$475 after April 12, 2019 (on-site registration) (\$90 non-refundable registration fee for one (1) Spouse/Guest*)

Additional Guest Registration (\$150 per additional Guest, fee is non-refundable**)

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

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

The astronomical cost of putting on a convention makes it impossible to allow free admittance of guests of delegates at any function. Delegates are urged to pre-register guests. For children ages 6 and over as well as other guests, the full registration fee must be paid.

To view a list of events that registered spouses/guests/children are eligible to attend, please visit www.alalm.org. There is no extra charge for children under 6; however, children must be pre-registered.

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

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

HOTEL ACCOMMODATIONS:

The hotel room blocks will open on February 1, 2019. For hotel contact and room block information, go to www.alalm.org.

ONLINE REGISTRATION:

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

1. Go to www.alalm.org to complete registration.
2. **DO NOT** email, mail or fax credit card information.

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



If you need assistance due to disability or other special services, please call Theresa Cook at (334) 262-2566 before April 12, 2019.

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 12, 2019. 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.**

2019 MUNICIPAL FLAG SHOWCASE:

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

Distinguished Service Awards

The League presents municipal service awards during its convention to municipal officials and staff recognizing 20, 30, 40 and 50 years (in 10 year increments) of service earned during the previous calendar year. **Awards are only presented to individuals who notify the League of a service milestone by March 1, 2019.** 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.

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