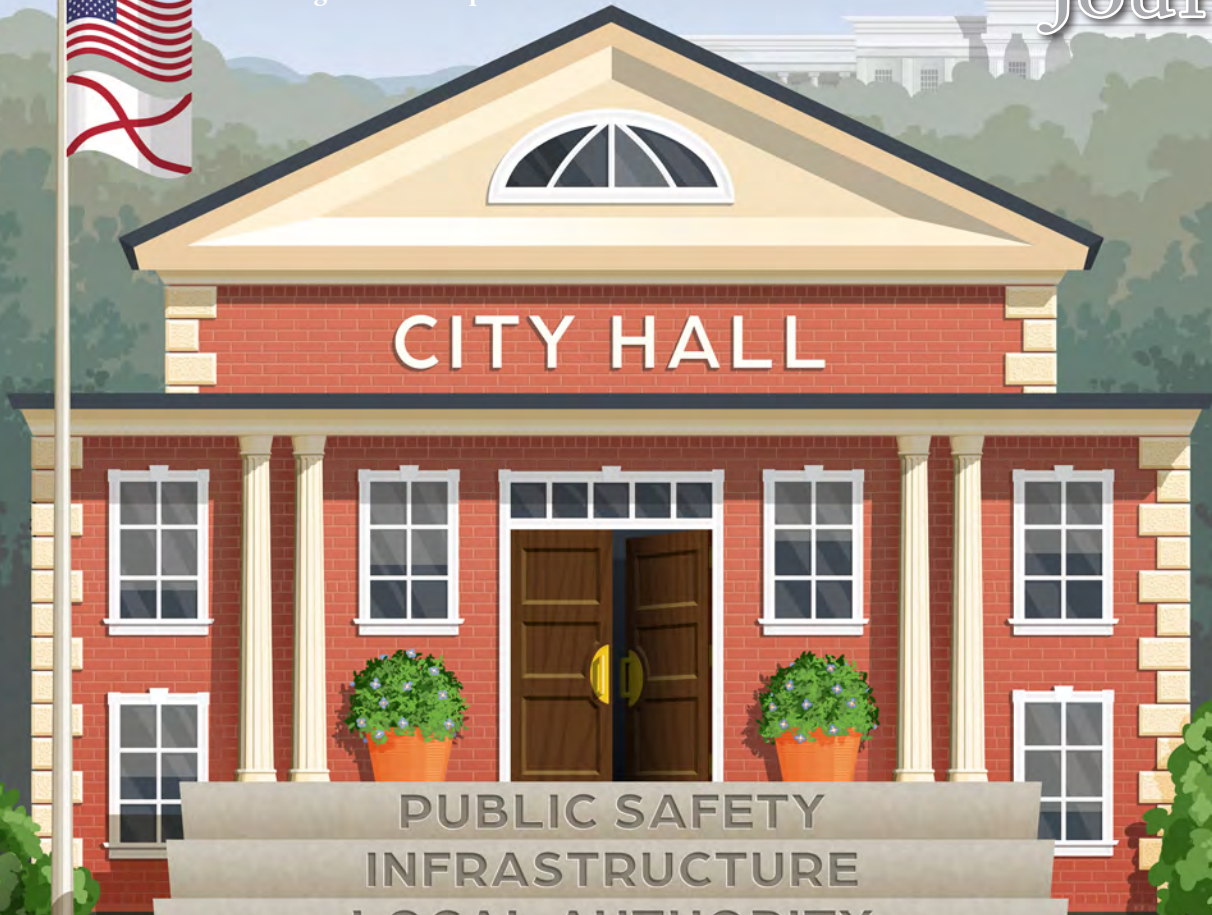


The Alabama

MUNICIPAL

Official publication of the Alabama League of Municipalities

Journal



PUBLIC SAFETY
INFRASTRUCTURE
LOCAL AUTHORITY
ECONOMIC DEVELOPMENT

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Broadband, first responders, local authority and unfunded mandates top the list of legislative issues ALM will be monitoring and advocating for during the 2021 Regular Session.

Success begins with Relationships

Gregory D. Cochran • Executive Director

Since 1935, the Alabama League of Municipalities has worked intentionally to cultivate individual relationships as well as strategic partnerships that ensure the municipal challenges and opportunities faced by local leaders are articulated to and understood by state lawmakers and our Congressional delegation. With more than 30-plus years of experience in governmental affairs, I have seen firsthand the benefits of building crucial relationships across all levels of government. As the Executive Director for an organization that serves as the voice for *all* municipalities, it is essential that our staff provides you with the tools and resources you need to be successful as you advocate for your community. As the elected leaders of your communities, legislators are relying on *you* to help them understand the important role municipal government plays throughout our state.

As we near the 2021 Regular Session of the Alabama Legislature, *your* relationships with your legislators will be extremely important to the success of your League throughout this next legislative marathon. With so many issues impacting municipal government, it is critical that you make the effort to reach out often to those state legislators who also represent you and your constituents. Also, as opportunities arise throughout the year to interact with your Congressional delegation, we encourage you to make every effort to attend and use your voice on behalf of your city or town. It takes every level of government, as well as everyone in the community pulling together, to create sustainable solutions and a community where citizens want to live, work, play and prosper.

We know that our members are the most effective advocates on local issues. Legislators are often most responsive when speaking to those from their district, which is why the League's Advocacy Team has taken several steps to assist you in making sure your voice is heard, whether at the State House, meeting with your Congressman or Congresswoman or during hometown visits.

It is my hope as you begin your conversations with your lawmakers that you will use the tools outlined in this article to assist in your advocacy efforts, and that you will remind your state and federal leaders that municipalities are the closest to the people and the foundation of our state's economy.



Greg Cochran with Governor Kay Ivey.
Photo by Hal Yeager/Governor's Office

Get Involved Through Grassroots Advocacy

Several grassroots resources are available on our website and 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, tips for calling your legislator and tips for writing your legislator. They can be found under the legislative advocacy tab at almonline.org

Monday Morning Huddle

Each Monday morning during the legislative session, the League's Advocacy Team hosts a conference call at 10 a.m. to provide you the most timely information on the issues being acted on by the legislature; strategies for coordinated advocacy; and messaging by your advocacy staff. Call-in information will be sent a week before the 2021 Legislative Session begins. If you would like to receive this information, please be sure to sign up for the *State House Advocate*.

State House Advocate (weekly e-newsletter)

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

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Leadership Perspective

Mayor Leigh Dollar • Guntersville • ALM President



As we look toward 2021 and prepare for the February Regular Legislative Session (that will most likely be anything but "regular"), I want to congratulate the municipal officials elected to serve their communities – particularly those elected for the first time. The decision to run for public office requires commitment, integrity and a genuine desire to be part of a collaborative solution. Running for office during a pandemic – not knowing how long or how intense the impact will be for our cities and towns – takes an additional gut-check. While I believe any further challenges brought on by COVID-19 are not insurmountable, I know we are a long way yet from being able to exhale. Thankfully, we have an incredible resource through the Alabama League of Municipalities.

When many organizations, agencies and businesses were forced to take a step back due to unprecedented circumstances, our staff doubled down and has been working seemingly nonstop to ensure our municipalities have been represented and informed at every turn – from multiple statewide pandemic orders to federal relief distribution to the implementation of a safe and uninterrupted municipal election cycle. Had we – elected officials – not had our League, I literally do not know where we would be today. Which is why I want every new official to understand the importance of this association and the benefits the League provides – from legal guidance to educational training specifically designed for municipal officials to year-round advocacy at both the state and federal levels, we are represented by the best in the business. Please become involved. Learn all you can. Read this publication as well as the e-newsletters and eblasts sent from the League. Attend training sessions and sign up for our webinars. Visit our website (almonline.org) and learn about the history of this organization as well as our many beneficial programs. Call or email if you have questions. We have a lot to do in 2021 and it will take *all* of us working together to make our state and our communities whole again. ■



Mayor Gary Fuller • Opelika • ALM Vice President

Imagine that you, like me, are ready to put 2020 in the rear-view mirror. It has been one of the most intense and unpredictable years I've experienced during my many years of service to my community. And we're not done yet. We're also facing a great deal of uncertainty as we head into 2021. As elected officials, we will need to be more vigilant and resilient than ever before.

I join ALM President Mayor Leigh Dollar in congratulating those who won their municipal elections and welcoming new leaders to the fold. Municipal service is like none other. And municipal service during a pandemic has no playbook. That being said, I'm so proud of our League staff. They have been incredibly focused and we could not have better representation. We have a legislative session looming that will most likely be very different from anything we've seen in the past. The 2020 session was abbreviated due to the pandemic and many areas of concern were left unaddressed. In addition, the 2021 session will begin with the possibility of limited physical access to our legislators due to COVID; therefore, our legislative relationships will be more important than ever before. We must *all* be ready to reach out at a moment's notice to our state lawmakers. They will need to hear from us to understand our positions on many issues that will be before them beginning in February – from broadband accessibility to Alabama's mental health and opioid crisis to prison reform. If you don't know your state lawmakers, make a point to reach out now and begin forging a relationship. The League will continue to partner with state and federal officials, stakeholders and strategic partners from throughout Alabama to help us ensure our communities overcome the many challenges brought on by the pandemic – as well as those we knew would be coming. But it will take a concerted and collaborative effort for us to be successful. We can't afford to relax. ■

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Theresa Cook Retires with 28 Years of Service

The League congratulates Theresa Cook, who retired September 1st with more than 28 years of service in several staff capacities.

Theresa was born in Montgomery, educated in the Autauga County school system and received a Business Administration diploma from Patterson College. She joined the Alabama League of Municipalities in 1992 as an administrative assistant and over the years filled several roles, including administration of the League's Certified Municipal Official (CMO) training program, member services and meeting planning as well as working closely with the ALM Administrative Services Team on planning and performance of the registration process of ALM events. Prior to joining the League's staff, Theresa worked with the State of Alabama's Treasurer Office.

"We appreciate Theresa's time and contributions to the League during her 28 years and wish her the best in the next chapter of her life," said ALM Executive Director Greg Cochran. "Her long tenure is an excellent example of the importance of our organization and the dedication of our outstanding staff." ■



On behalf of ALM's staff and membership, Executive Director Greg Cochran wished Theresa well during her retirement reception.

ADEM: Asbestos & Demolition in Alabama

The Alabama Department of Environmental Management (ADEM) is pleased to provide information to local governments regarding the requirements for asbestos management and demolition in Alabama. ADEM is the regulating authority for asbestos rules in Alabama, as ADEM has fully adopted the federal asbestos regulations.

These regulations establish criteria for demolition and renovation activities. As such, the regulations require thorough asbestos inspections to be conducted for all commercial structures prior to demolition and, in some instances, residential structures as well. Also, a 10-working day notification is required to be submitted to ADEM prior to the removal of any regulated asbestos, any regulated renovation and demolitions (with some residential exceptions).



In recent years, municipalities across the State have conducted demolition and remodeling efforts to reduce blight. It is ADEM's responsibility to ensure that these efforts are being conducted in accordance with 40 CFR Part 61, Subpart M. Therefore, you are encouraged to familiarize yourself and/or your staff with these regulations. Some municipalities have accredited asbestos inspectors on staff to help reduce the cost of inspections.

Should you need information or clarification of these regulations and how they may apply, please feel free to contact any of the following: **Statewide – Don Barron (334) 271-7879; Jefferson County – Craig Tucker (205) 930-3019; City of Huntsville – Scott Cardno (256) 427-5750.** ■



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2021 LEGISLATIVE SESSION



MUNICIPALITIES
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ECONOMY

Since 1935, the Alabama League of Municipalities has been the voice of Alabama's cities and towns. Regardless of shifting political dynamics, citizens expect critical services to continue – services derived through municipal policies and programs. Therefore, strong, proactive municipal government will remain paramount, and the Alabama League of Municipalities will continue to promote and protect Alabama's cities and towns as well as this form of government closest to the citizens.



“We must do everything within our power to ensure Alabama’s cities and towns continue to provide essential resources and services that foster safe, vibrant spaces for businesses to thrive and citizens to live, work, play and prosper.”

~ Gregory D. Cochran, ALM Executive Director

PUBLIC SAFETY

The League will continue to engage with stakeholders, partners and local leaders to:

- Provide additional benefits to first responders without jeopardizing municipal budgets.
- Address Alabama's mental health crisis and prison reform.
- Collaborate in the statewide effort to overcome the opioid epidemic that continues to threaten the future of Alabama and her people.

The League will also continue to work with Alabama's Congressional delegation and state lawmakers to ensure our cities and towns receive recovery support for COVID-19 as well as for any unforeseen events that disrupt or threaten the health and welfare of Alabama's citizens.

Over 98% of Firefighters are employed at the local level.

INFRASTRUCTURE

Only 44.4 percent of Alabamians have access to affordable broadband internet. For technology to continue to transform the lives of citizens within Alabama's municipalities, it is critical that the state expands its investment in broadband deployment. In addition to broadband initiatives, the League will continue to:

- Support policies and funding opportunities that will provide municipalities with safer streets and expanded transportation networks, such as sidewalks, bike lanes and walking trails.
- Partner with state and federal officials to support direct funding and technical assistance for clean water and wastewater infrastructure services in Alabama.
- Partner with stakeholders to discuss opportunities that will allow municipalities to enact and promote healthy communities that further extend quality of life services to citizens, including environmental resources and protections.
- Continue to partner with state, local and federal leaders to ensure reliable, affordable energy distribution.

Only 20.8% of Alabamians have access to fiber-optic service.

Alabama ranks 38th in state broadband access.

LOCAL AUTHORITY

Maintaining local authority is vital to the health, safety and welfare of Alabama's municipalities. The League will continue to guard against unfunded mandates and preemptions that jeopardize quality of life for Alabama citizens. Additionally, the League supports:

- Preserving municipal police and planning jurisdiction authorities.
- Protecting public rights-of-way authority.
- Supporting building code enforcement in extraterritorial jurisdictions.
- Local control regarding moving or renaming historically significant buildings and monuments.

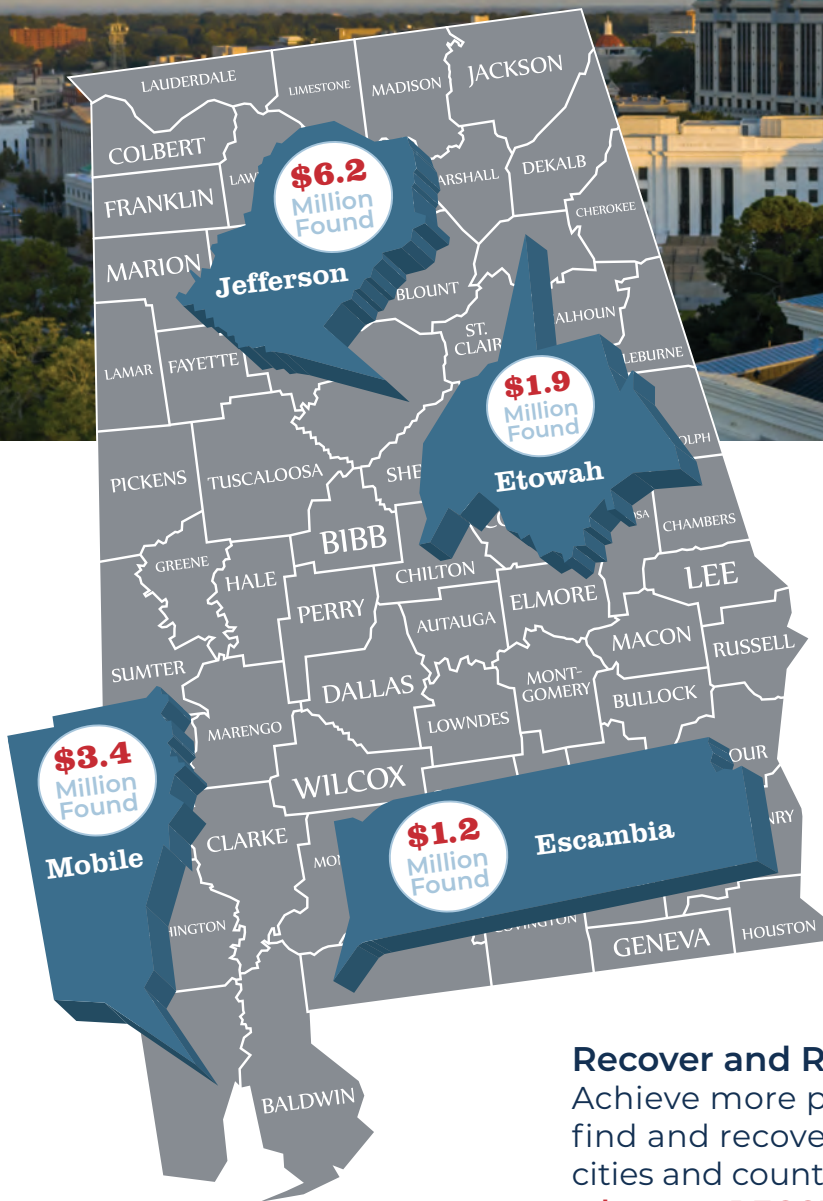
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ECONOMIC DEVELOPMENT

For Alabama's municipalities to continue to foster communities where citizens want to live, work and play, the League will continue to strategically engage with stakeholders to encourage and identify rural economic and community development opportunities that will empower Alabama's traditionally underserved rural areas.

Additionally, the League will partner with public and private stakeholders to identify and expand tourism opportunities as an economic driver for the entire state, as well as engage with public and private stakeholders to identify and address municipal revitalization opportunities and challenges within our communities.

Alabama announced \$7.1 billion in new capital investment and 13,454 new jobs created by its 2019 economic development projects.

In appreciation for their exemplary service, the Alabama League of Municipalities recognizes the following departing officials:

ALM Executive Committee

Mayor David Bradford
City of Muscle Shoals

Mayor Wally Burns
City of Southside

Mayor Melvin Duran
Town of Priceville

ALM Board of Directors

Councilmember Mack Arthur Bell
City of Roanoke

Councilmember Bobby Cook
City of Clanton

Mayor Hollie Cost
City of Montevallo

Mayor Marva Gipson
City of Aliceville

Mayor Marty Handlon
City of Alabaster

Councilmember Rick Hayes
City of Pelham

Councilmember Don Moore
City of Uniontown

Mayor Mickey Murdock
City of Elba

Mayor Gena Robbins
City of York

Mayor Loxcil Tuck
City of Tarrant

Mayor Thomas Williams
City of Satsuma

Councilmember Darrell Wilson
City of Tallassee

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Broadband Expansion A High Priority

Governor Kay Ivey

During the 2020 State of the State address, I previewed my administration's plans to tackle some of the most critical issues facing Alabama. Everyone was hopeful the 2020 Legislative Session would prove to be even more productive than the previous year and we were off to a great start to find solutions on issues such as prison reform, rural healthcare, education reform and many others. Unfortunately, a global pandemic sidelined many of our goals.



COVID-19

As our state shifted its attention to combatting COVID-19, many hard decisions had to be made to produce the best possible outcomes for all Alabamians. State Health Officer Dr. Scott Harris and the distinguished individuals serving on the Coronavirus Task Force helped us respond in the most prepared way possible.

Most of 2020 has been hard for people around our state and across the country. Our fellow Alabamians have lost loved ones, their businesses have faced hardships and we all are struggling with our "new normal." Whether it be from a public health or economic standpoint, this pandemic has created challenges that must be faced head-on. Since the initial state of emergency declaration in March, we have taken numerous steps in efforts to mitigate the effects of this public health crisis and provided economic relief for Alabamians that have been most affected.

April's Stay at Home order was focused on keeping Alabamians safe and giving our hospitals the necessary time to prepare for what has been an intense six months. Unfortunately, this order created a very difficult situation for many of our state's businesses. In matter of weeks, we saw our state's unemployment rate rise from a record low of 2.7 percent to over 13.6 percent and more Alabamians requested unemployment benefits during April than the past two years combined.

Our hospital ICU's faced an overwhelming number of patients; however, because of the Stay at Home Order, and subsequent Safer at Home Orders, they have yet to reach a breaking point. Not a single Alabamian who has needed a ventilator has been denied one.

A stay at home order was not sustainable long term - nor was it intended to be. We explored every possible avenue to avoid this order, but, in the end, it gave us the possible chance to slow the spread of COVID-19. Finding a way to safely reopen Alabama and put people back to work is vital to our state's success and what ultimately led to the statewide mask ordinance in July. I understand that no one enjoys wearing a mask - *I don't either!* However, the overall decline in the daily increase of cases that we have seen since this order was put in place is worth every bit of inconvenience. After just one month of being in effect, we began to see an encouraging downward trend of new cases.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act sent \$1.8 billion in relief funds to the state of Alabama. The CARES Act funds have been a vital tool in restoring our state's economy and creating innovative solutions to the problems that COVID-19 has created. \$1.5 billion in relief funds have been allocated to our state's businesses, healthcare facilities, nonprofit groups and school systems.

Alabama is blessed to have strong partners in our state agencies, private organizations and local governments to help guide these tough calls. The role that our local leaders have played in containing this virus and putting people back to work has been invaluable.

Broadband and Education

Expanding access to broadband has been a priority of many advocates and state leaders for several years. Simply put, too many have too little access to what is becoming a necessity in the 21st century. During this pandemic, it has become more evident that we must tackle the issue of the inequity of broadband access in rural Alabama. With the onset of COVID-19, the digital divide in our state demands our immediate attention.

The ability to educate our children remotely or work from home isn't an option for many Alabamians in rural communities. This unfortunate reality is what guided me to allocate over \$270 million in CARES Act funding aimed at increasing access to internet and providing devices for K-12 students attending school in the fall who may need internet service for distance learning. While this is most certainly a big step in the right direction, there is still much work to be done in bridging the gap between reliable internet access and rural Alabama. In the coming year, I look forward to working with the legislature, local government and members of the business community to strengthen our public-private partnerships and find permanent solutions to this critical issue.

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Military Stability Commission to Push Legislation Protecting Alabama's Defense Presence

Lt. Governor Will Ainsworth



Alabama has a proud and storied military tradition. Our citizens have fought, died and shed their blood in every war our nation has fought since Alabama achieved statehood, and veterans from every conflict, including the American Revolution, have been laid to rest within our soil. The military bases located in Alabama – from Rucker to Redstone to McClellan/Anniston and Maxwell/Gunter – have served our nation dutifully in times of peace and war, and they play vital roles in the economies, culture and quality of life in the communities in which they operate.

Maxwell Air Force Base in Montgomery, for example, has an estimated economic impact of \$2 billion annually in the River Region, and every officer in the U.S. Air Force passes through its gates to attend the Air War College at some point in their military career.

But we must be mindful that Alabama's military tradition and defense presence did not come naturally and without much hard work and influence. Virtually every city, county and state across the nation competes to attract military infrastructure and the jobs and investment that comes with it, and if Alabama is going to retain and build upon our current bases, we have to continually make a strong and convincing case to federal officials and the Pentagon.

That is why the Alabama Military Stability Commission was created. The commission, which I chair by virtue of my office, came into being through state statute in 2011, and it is comprised of elected officials, cabinet members and regional appointees from areas of Alabama with a heavy defense concentration. Our panel is tasked with recommending and implementing the steps necessary to protect, preserve and promote, the federal military presence across the state, and among the ways we accomplish this mission is by drafting, introducing, and passing needed legislation.

The commission unveiled an ambitious legislative agenda at the beginning of the 2020 regular session, but it was unavoidably left unfinished when the COVID-19 pandemic dramatically shortened the Legislature's available meeting days and limited the issues that could be considered. Among the bills that we hope to revisit next year is a measure that ensures military dependents who attend colleges and universities in Alabama and pay in-state tuition while stationed here will continue paying in-state tuition even if their service member or family is transferred out-of-state. We will also continue our efforts to extend the deadline for active service families to apply for enrollment in magnet schools to the first day of the school year. While the new law does not guarantee a military dependent will be admitted into a magnet school to which they apply, extending the deadline provides them every opportunity to attend if they meet qualifications and slots are available.

But despite the challenges that coronavirus presented, we were successful in passing at least a portion of our legislative agenda. One example of our success occurred when we convinced legislators to create a redevelopment corporation designed to address, improve and attract investment to blighted areas surrounding Maxwell AFB. Because of the commission's efforts, Alabama was also among the first states in the nation to pass legislation ensuring occupational licensing reciprocity for military dependents, which is a complicated way of saying a military spouse who, for example, is licensed to practice accounting in another state is also allowed to practice locally while stationed in Alabama. We are currently working with state boards and agencies overseeing dozens of professions to ensure that they are complying with the law.

The transient and nomadic nature of military service can be stressful for spouses and dependents who have to join their service member in moving from one base assignment to another, so the Military Stability Commission was also responsible for creating and recently unveiling the "Heroes Welcome" website, which provides relocating military and veteran families a central resource for information about employment opportunities, education, and other important community information. Providing military families and personnel with an easy-to-find clearinghouse of essential community information demonstrates Alabama's deep commitment to their service, and it also displays just a hint of our state's famous southern hospitality. Alabama is already the most military-friendly state in the nation, and creating the website, which is available at HeroesWelcome.Alabama.Gov, makes us even more welcoming.

Just like our nation's servicemen and women hold the line and protect American interests against all known threats,

continued on page 25

Looking Past 2020

Senate Pro Tem Del Marsh

The 2020 Regular Session will go down as one of the strangest in recent memory. Because of the COVID-19 pandemic, the legislative session was abruptly halted before concluding with a week-long push to complete the Education and General Fund appropriations. Many good bills went unaddressed.

Due to the shortened session and the uncertainty that still exists as a result of the pandemic, planning for the 2021 Session began this past summer. We are always looking to address issues which improve the quality of life for all Alabamians and broadband connectivity is the most pressing issue facing Alabama at this time. We have learned in the past several months that internet connectivity is a necessity for everything from education to healthcare and working remotely. As you may know, I have been working to see if it is possible to use funding from the CARES Act to help provide both access and devices to those who need them. It seems like a no brainer to me that we use this one-time money to go to something that provides long term benefits to our citizens.

As schools began to reopen virtually, a public-private partnership was created between the state of Alabama and service providers to make it easier for low income families to access the internet through a voucher program. This program provided eligible participants an opportunity to purchase internet to meet a student's educational needs. Although this program does not cover the cost of installing broadband infrastructure, I am confident that it will be a bridge to a time when fiber is put in the ground and access to the internet and devices will become standard across Alabama.

Of course, there is always the chance the Governor will call a special session to address things that were left undone during the 2020 regular session. Although I do not currently see the need for this, that is the Governor's right and if she does, I can promise you that the Senate will be ready and prepared to answer that call if it should happen.

Lastly, I would like to thank Greg Cochran and his staff at the League of Municipalities. They do an outstanding job each and every year of representing your interests in the Legislature. As we get closer to the session, please do not hesitate to contact my office at (334) 261-0712 with any questions or concerns you may have. ■



Priority List for 2021

Speaker Mac McCutcheon

When the Legislature convened its 2020 regular session in February, Alabama enjoyed record low unemployment and record high revenues in our state budgets. Pay raises for educators and state employees were foregone conclusions; unprecedented improvements in mental health services offered to Alabamians were being passed; and new and expanded education programs were on the table.

But reports of a strange and highly contagious virus soon began to appear, and a global pandemic forced a weeks-long suspension of our legislative efforts. When the end of the mandatory shutdown period finally allowed lawmakers to return to Montgomery a little less than three months removed from the session's start, an entirely new landscape greeted us.

Our record high employment numbers had turned into record high applications for unemployment benefits, and our state revenues had been negatively impacted by an economy gone sour. Drafting responsible and prudent General Fund and Education Trust Fund budgets that accurately reflect the current economic climate is the Legislature's only constitutional obligation, and it became our single focus.

The other initiatives, improvements and ideas that seemed to offer so much promise at the beginning of the 2020 session unavoidably fell by the wayside, so we must revisit those efforts in the coming session in addition to the new work that awaits us.

High on our priority list for the 2021 regular session will be passage of a state income tax exemption on the federal

continued on page 25



EMPLOYER BENEFIT SOLUTIONS FOR THE PUBLIC SECTOR

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Jobs Are Key to Alabama's Future Senate Majority Leader Greg Reed

This year has been a strange one for all of us and the Alabama Legislature is no exception. If you told members when the 2020 session started that we would be facing a global pandemic halfway through, I'm not sure many would have believed you.

Since the session ended, there has been much speculation about a special session. While there are good arguments on both sides, a final decision has not yet been made. What is certain is that if the Governor calls the Legislature back to Montgomery for a special session, the Senate is willing and will be prepared to handle whatever the subject of the special session might be.

As we look toward our goals and agendas for the 2021 Legislative Session, business development and job recruitment will be number one. Anybody will tell you that the Alabama Jobs Act and the Alabama Incentives Modernization Act (AIM) have been incredibly important and ultra-successful as we work to stay competitive – not just in the Southeast region but in an increasingly international market and we have seen increased interest in our state from all over the world as a result of our incentives.

Job recruitment is, has and always will be the top priority for the Senate. Recruiting businesses both large and small to Alabama benefits the entire state. We continue to look for new ways to get businesses to invest in both rural and urban areas. However, both the Jobs Act and AIM will expire in 2020 so it is imperative that we renew these incentives in the 2021 Regular Session. I would like to thank Secretary Greg Canfield and Representative Bill Poole for their efforts in working with me to ensure that happens.

I would also like to thank the entire staff at the League of Municipalities. They do an excellent job representing you professionally and bringing to our attention the issues that affect localities across the state. There is no doubt that we have a tough road ahead as we recover from the economic effects of the COVID-19 pandemic, but I look forward to working with the League of Municipalities as we continue our work to make Alabama a better place to work and live. ■



We Are Optimistic About Moving Alabama Forward in 2021

Senate Minority Leader Bobby Singleton

As we prepare for the upcoming 2021 Alabama Legislative Session, the Alabama Senate Minority Caucus is hard at work crafting legislation we feel will be beneficial for all Alabamians.

Although we are faced with new challenges, our Caucus remains steadfast in our efforts to improve and expand healthcare for all uninsured residents; to revamp our criminal justice and prison systems; and to improve our educational system for students and teachers alike.

As the state deals with the devastation caused by the COVID-19 pandemic, we are optimistic about working with our majority senators to provide improved access to health care for all of our citizens and to once-and-for-all deal with the broadband disparities which plague our state, especially in our rural and impoverished communities.

Virtual education was not the same for students in affluent communities as it was for students and teachers at schools in my Senate District 24. As legislators we must do more to provide the same access to technology for students in every county.

My colleagues and I have held meetings with various stakeholders in the business, academic and law enforcement communities to develop new initiatives to address diversity disparities within our workforce and educational systems. We must embrace diversity if Alabama is to move forward. Additionally, the death of George Floyd sparked a nationwide conversation related to our criminal justice system and shined a new light on racial-profiling and social injustice. I see this as a unique opportunity to put in place real criminal justice reform in our state.

My Democratic colleagues and I are excited and optimistic about the upcoming legislative session and the opportunity to make significant changes in our state for the better. ■



Improvements in Mental Health Service Will Rank High on Priority List for 2021 Regular Session House Majority Leader Nathaniel Ledbetter

When the Alabama Legislature convened its 2020 regular session this year, optimism ruled the State House, and expectations were high that we would produce one of the most successful and productive sessions in history.

An ambitious agenda that included improvements in public education, economic development incentives and other needed measures was well on its way to becoming reality when COVID-19 struck and halted our work for several months. Ultimately, the two state budgets, local legislation and a handful of other bills were all that became law.

Among the major initiatives that fell victim to the coronavirus shutdown was a package of bills that I helped craft in order to expand and improve the mental health services available to Alabama citizens. Alabama's last effort to emphasize mental health services without a court order occurred in the 1960s when Lurleen Wallace passed a \$43 million bond issue, which is equivalent to roughly \$300 million today. Among the measures included in the legislative package were:

- A School Service Coordinator Bill that required each school system within the state to employ a mental health service coordinator that will be funded by legislative appropriation.
- A 72-Hour Hold Bill that authorized law enforcement officers to place individuals who are believed to have mental illness and pose a threat to themselves or others under 72-hour protective custody, which includes transportation to a hospital for evaluation and treatment.
- A CIT Training Bill that required the Alabama Peace Officers Standards and Training Commission to provide mandatory crisis intervention training and continuing education to law enforcement officers.
- A Crisis Care Center joint resolution that called for the immediate creation and funding of three 24-hour crisis care centers, which serve as an alternative to costly hospital and emergency room visits by providing suicide prevention and other mental health services on an immediate, walk-in basis.

Even though Republicans and Democrats in Alabama are traditionally on opposing sides of most issues, the entire mental health package passed the House unanimously, but it failed to receive Senate consideration before COVID-19 intervened.

Improving and expanding the mental health services offered by the state will give new hope and needed help to thousands of our fellow Alabamians and the friends and family members who love them, so finishing the important work we have begun in this area will rank high on the priority list when lawmakers gather once again for the 2021 regular session in January. ■



Building a COVID-Proof Alabama for the Future House Minority Leader Anthony Daniels

At this time last year, we looked to 2020 as a fresh opportunity to take on some of the most pressing issues facing Alabama's municipalities, communities and families.

Little did we know how greatly those challenges would be reframed and redefined only a few months later. The coronavirus pandemic and our ongoing recovery have significantly heightened the urgency and severity of the outstanding issues facing Alabama and Alabamians. Encouraging job and economic growth, ensuring access to quality healthcare, supporting public education and strengthening our tech infrastructure are now more important than ever. We must not only address them effectively and efficiently, but we must also do so with new perspective and renewed hope.

Municipalities throughout Alabama are facing a revenue crunch due to business closures and the fiscal fallout of the pandemic. While federal CARES funding has helped, it's not going to be enough. The legislature must step up to support local economies with innovative and sustainable solutions. Two things we can do and should do: reauthorize important incentives like the Alabama Jobs Act (set to expire at the end of this year) and the Growing Alabama Act.

The coronavirus has also forced us to reexamine our approach to public health and healthcare. It's high time that we expand Medicaid to provide vital coverage to the more than 340,000 uninsured Alabamians. We've been talking about doing it for more than a decade and every delay along the way has only cost us more in the long run. Medicaid expansion will also provide a much-needed boost for our public health system, which is facing an ongoing physician shortage and a crisis of rural hospital closures.

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Local Leaders: Building Relationships with Your Congressional Counterparts is Crucial

U.S. Representative Martha Roby (AL-02)

As an elected official, I am tasked with making critical decisions that impact the future of my community. The responsibilities that accompany such a position are not taken lightly, as I am a voice of the people I represent and an advocate on their behalf.

Seventeen years ago, after much prayer, my husband Riley and I decided I would put my name on the ballot for the first time. Never would we have thought that the decision to run for Montgomery City Council would lead us to serve five terms in the United States House of Representatives. As I look back on the past several years of my tenure in public service, I am reminded of the incredible relationships I formed along the way. Some of the most important of those relationships are with those who serve the state of Alabama at the local level.

Elected officials all share one common goal: to serve our people the best we possibly can. My position in Congress allows for a collective overlap with the roles of our mayors, city councilmembers, county commissioners and all other elected officials. We each work our hardest to put forth the interest of those in our communities, and we dedicate our careers to ensure they are well served.

Leaders should work to build and maintain solid relationships. This concept was a guiding force for me as a member of the Montgomery City Council, and it is one I continue to value immensely in my role as a Member of Congress today. When leaders have the chance to come together and talk through challenges and concerns faced among their shared constituency, a unique opportunity is presented for those leaders to exchange advice, guidance and solutions to best suit the people they serve. Partnerships among local elected officials and congressional representatives largely benefit their shared constituency.

As a Member of Congress, we represent a greater number of people than most local officials do. The population size of a congressional district averages about 700,000 people. Specifically, Alabama's Second Congressional District is substantially larger than our neighboring districts in terms of square miles. Therefore, it is vitally important for Members of Congress to stay abreast of the issues most important to our shared constituents by consistent interaction with our local officials. By maintaining these strong relationships with leaders who are well-versed on the towns and cities they represent, we are collectively putting the interests of our people at the very forefront of our jobs.

Through these relationships, local officials can provide insight on specific matters in their communities and help us as Members of Congress better understand what we can do to be supportive and helpful. I believe it is crucial for our local leaders to keep their congressional counterparts informed and up to date on what is happening in their respective communities in order for us to best know the needs of those we collectively represent and the issues that require attention on a larger level. In turn, as a Member of Congress, I must always make myself available to listen to local leadership and hear their concerns.

No matter the size of the town, city or area you represent, we are all faced with similar problems and challenges, and it is each of our responsibilities to address those issues. All levels of government should leverage their networks with other leaders and reciprocate thoughts and ideas with one another.

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Pandemic Challenges Can Lead to New Opportunities

U.S. Representative Bradley Byrne (AL-01)

The coronavirus pandemic has introduced a completely new set of experiences that has challenged us all in unforeseen ways and forced a reexamination of almost every aspect of our daily lives. Factors influencing routine questions Americans have asked for generations, such as how – and even if – we commute to work, have been completely upended. While cities and towns have certainly faced challenges, new opportunities will present themselves as our institutions rebuild and realign, and many municipalities in Alabama may come out the other side with new opportunities.

First, some good news. Many of the dire economic projections from the spring were not realized. For example, Treasury Secretary Steven Mnuchin warned that we might see unemployment above a whopping 20 percent – numbers not seen since the Great Depression. Yet unemployment nationwide appears to have topped out in April at 14.6 percent and has continued to drop since. Pandemic aid passed by Congress, which included expanded Unemployment Insurance benefits

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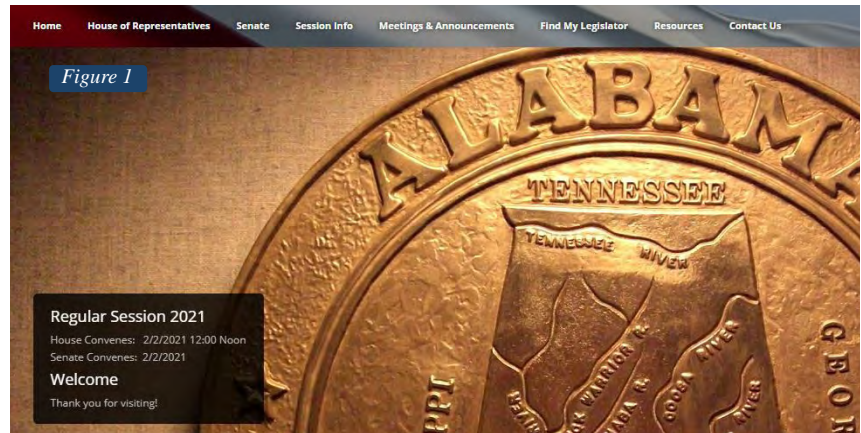
Understanding ALISON: Alabama Legislative Information System Online

By Kayla Bass • Director of External Affairs • ALM

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

ALISON – A Valuable Advocacy Resource

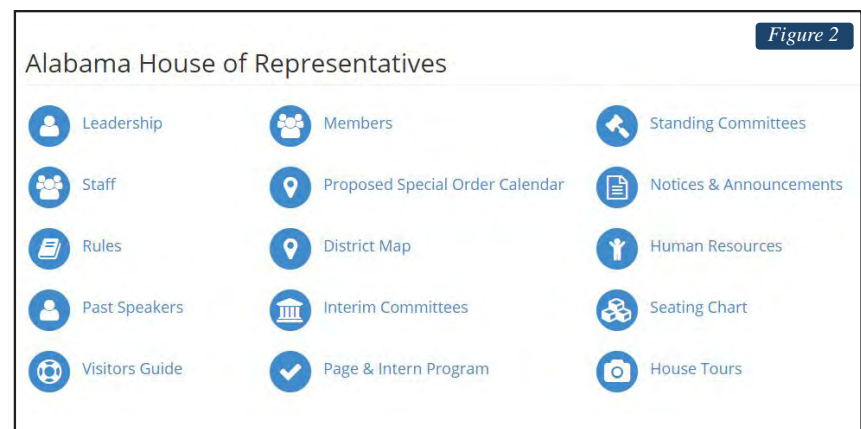
Please familiarize yourself with ALISON, the Alabama Legislature's website and legislative tracking system: www.legislature.state.al.us. Built in-house by the Legislature's tech staff, not only is ALISON the resource we will direct you to most often for information the League is tracking, you may also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



ALISON's web address, www.legislature.state.al.us, will take you to their opening page. There you will see a banner across the top with the following tabs: Home, House of Representatives, Senate, Session Info, Meetings & Announcements, Find My Legislator, Resources and Contact Us (see Figure 1).

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

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



Session Info

Another important resource via ALISON, is the “Session Info” tab on the homepage, which will link you to a variety of options regarding the legislative session. Click on “Regular Session 2021” 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. For instance, you can “Search Text of a Bill,” (see Figure 4) 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

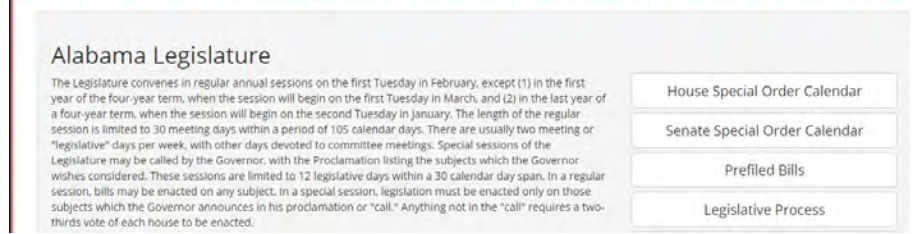
The “Legislative Day” tab along the top of the ALISON website will provide you with House and Senate First Readings, Special Order Calendars (as they are adopted), Current Matter before the bodies and Legislative Audio/Video (see Figure 6).

Conclusion

While ALISON can be somewhat counter intuitive, it is the best resource for staying current during the legislative session. The League will absolutely need your participation throughout the 2021 Regular Session to promote our legislative priorities and to stop any bills that threaten local government. As mentioned above, your weekly *State House Advocate* and Monday Morning Huddle conference calls will review the session week by week and will ask for specific engagement. A link to ALISON is always prominently displayed at the end 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



Search the Text of Bills



Figure 4

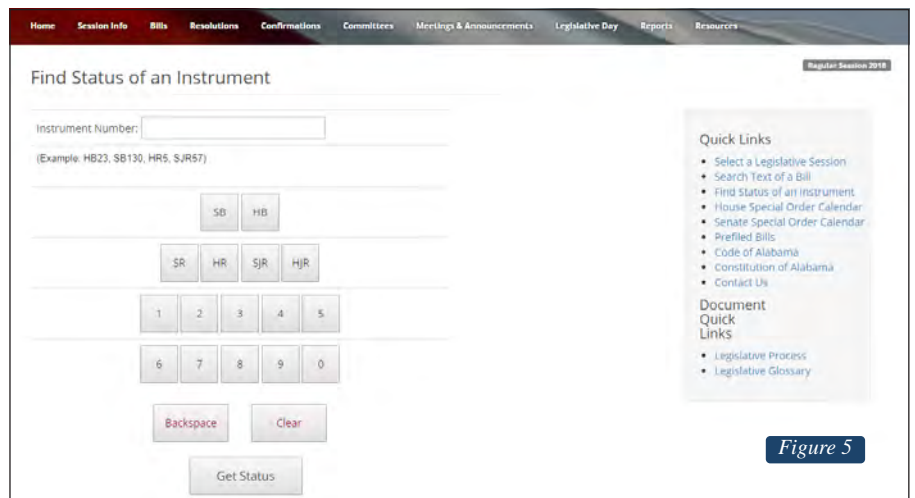


Figure 5



Figure 6

information posted on the League's website. Please carefully read this important e-newsletter and be ready to respond to Legislative Alerts from the League when immediate action is needed.

Get Social with Us

The League has a presence 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.

Legislative Dinners

Beginning in January, the League will host eight legislative dinners across the state. 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 or board of directors, or if you chair a policy committee, we encourage you to take advantage of this opportunity in 2021. This is a fantastic way to spend time with your local legislators and develop lasting relationships. Times and locations will be emailed.



Greg Cochran with Senator Richard Shelby in Washington, D.C.

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 immediately following the League's Legislative Advocacy CMO session in Montgomery in early 2021. Details for this meeting are still pending, and a member of our staff will email you when the date and time has been scheduled.

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.

Gov. Kay Ivey ————— continued from page 15

Workforce Development

Between March and August 2020, over 700,000 Alabamians filed for unemployment insurance. While we believed this drastic increase would be temporary due to COVID-19, this pandemic validated our strategy for transforming our state's education-to-workforce system from a winding backroad into an efficient and accessible highway, boasting multiple on-and-off ramps for individuals progressing towards family-sustaining career pathways.

Under the coordination of the Governor's Office of Education and Workforce Transformation (GOEWT), on August 24, 2020, Alabama applied for the U.S. Department of Education's \$20 million Reimagining Workforce Preparation Grant, which is a discretionary grant created by the CARES Act. Alabama's application would bolster the implementation of the Alabama Workforce Stabilization Program (AWSP). The AWSP will deliver short-term, skills-based training to dislocated workers so they can upskill or reskill into in-demand jobs. Alabama will use the AWSP to assist individuals with entering rapid, industry-specific, and competency-based retraining programs that result in employment within in-demand occupations that will aid our economic recovery.

For many of the individuals displaced by COVID-19 who were not in a job leading to self-sufficiency before the pandemic, now may be the first opportunity that they have had in many years to think about retraining for an in-demand job. Prior to COVID-19, the greatest workforce development challenge facing Alabama was filling in-demand jobs, and this challenge will continue after the pandemic has abated. Therefore, we must acknowledge that by working together to assist those who have been affected by COVID-19 with reentering the workforce, we yield a small COVID-19 dividend by tapping into new sources of human capital to meet our postsecondary education attainment goal of adding 500,000 credentialed Alabamians to our workforce by 2025.

Moving Forward

I am proud of the resolve Alabamians have shown while faced with both hardship and uncertainty. Each day, we continue to make encouraging progress in our fight against COVID-19. As we continue our path towards being COVID-19 free in the state of Alabama, I ask that we all remain vigilant and continue to do our part. Whether it be by wearing our masks or practicing social distancing, each of our actions have a direct impact on the direction we move in. Let's keep it up, Alabama. ■

Lt. Gov. Will Ainsworth ————— continued from page 16

the Military Stability Commission is holding the line and protecting Alabama from those who would siphon our defense presence and take away the jobs and dollars that accompany it. ■

Speaker Mac McCutcheon ————— continued from page 17

stimulus checks that Alabamians received in order to keep the national economy solvent during the coronavirus crisis. A tort package that holds businesses immune from frivolous lawsuits related to the spread of COVID-19 will also command swift and immediate attention when we convene.

The renewal of two economic incentives packages – the Alabama Jobs Act, which provides tax credits and rebates to new industries and expires on Dec. 31, and the Growing Alabama Act, which provides tax credits for donations to economic development organizations and expires Sept. 30 – is essential to our state's job creation and industrial recruitment efforts. I anticipate that both of those measures will be addressed either in a retroactive manner during the regular session or in a special session that Gov. Kay Ivey could convene at some point after the November general election.

There is no doubt that our work agenda will be packed when legislators return to the State House in January, and if the pandemic remains a threat and the virus continues to spread, determining a way for the 105-member House of Representatives to safely gather and do its work will make those efforts even more difficult. But Alabamians have always risen to meet a challenge, and I am confident that we can complete the people's work and once again place our state firmly on the path to prosperity and progress even in the face of COVID-19. ■

House Minority Leader Daniels – continued from page 20

Investments in public education, especially early childhood education, remain crucial, especially as our students and young people recover from unprecedented interruptions in their learning. Furthermore, studies have shown that high-quality early childhood programs can yield a \$4 – \$9 return per \$1 invested. As our schools continue to embrace hybrid and remote learning models, we must continue to provide the resources needed to ensure that every child has the opportunity to reach their top potential.

Speaking of remote learning, our reliance on our tech infrastructure has never been greater. We have a duty to work to bridge the digital divide and expand access to high-speed broadband in underserved rural and urban communities. With more and more employees working remotely, this is a matter of both our public health and our economic vitality. Greater access to reliable, high-speed internet access can better position students and employees for success, while supporting entrepreneurs, startups, and careers in the tech sector.

Finally, the pandemic has also shown the importance of empowering local governments to meet the needs of local residents and businesses. It's time that we take another look at adopting a uniform system of home rule.

Despite the challenges ahead, I call on my fellow legislators and Alabamians to stay strong, stay healthy and remain cautiously optimistic. We have already weathered unprecedented struggles and uncertain times. There may be more ahead, but I have no doubt that we can work together to emerge stronger. We've reopened. We can recover. And we will COVID-proof our economy, our public institutions, and our health care and education systems, while supporting the communities, industries and jobs that Alabama municipalities need to succeed into the future and beyond. ■

U.S. Rep. Martha Roby ————— continued from page 21

If you are a local elected official, I highly encourage you to reach out to your congressional representative and stay engaged with one another. The relationships I have come to rely upon with local officials have provided me with countless resources to fulfill my duties to the best of my ability. These relationships are crucial to the well-being of the Alabamians we represent; working together we can all better execute the jobs we have been trusted to perform. ■

U.S. Rep. Bradley Byrne ————— continued from page 21

and programs like the Paycheck Protection Program to keep American workers employed, prevented our worst unemployment and tax revenue scenarios. To date, Alabama has received over \$14 billion in federal support under the CARES Act and related programs.

We should be thankful that our economic recovery is not only real but is as unprecedented as the crisis that caused this recession. While we are not out of the woods yet, it is important to begin looking ahead now.

Some of the fundamentals of a healthy economy will remain. Alabama has made great strides in recent years with workforce development and career and technical training programs. These programs are key to attracting high-paying career opportunities to our state. Without them, Alabama would not be on the verge of becoming the automobile manufacturing center of the world. As former chancellor of our two-year college system, I can tell you that prospective employers considering our state prioritize states with the existing machinery to partner with to quickly train and mobilize a workforce. In my district, where companies like Airbus and Austal together with their many suppliers employ well over 10,000 Alabamians, these programs were critical factors behind decisions to locate and expand operations here.

Education goes hand in hand with economic development. There is no question, Alabama's future depends on educating our children. That's why I first ran for office for the state school board years ago. But our experiences with the coronavirus have required the greatest change to how we educate our children since perhaps the proliferation of the internet. Look no further than our efforts to safely return our children to school this fall. How we evaluate school schedules, class sizes and extracurricular activities like sports will be forever altered, not to mention the basics of offering instruction to children. Supporting our teachers and schoolchildren is critical, and safely returning all children to in-class instruction must happen sooner rather than later. Studies show that students who lose a year of in-class instruction could lose over a hundred thousand dollars in lifetime earnings, and minorities and kids from lower earning households stand the most to lose from lost opportunities. We could see entire communities fall even further behind. It's important we act proactively to head this off.

The increased use of online learning has put a focus on the lack of broadband access in many areas, including throughout Alabama. Lack of reliable and affordable broadband has been a serious challenge for students, teachers and parents, but most of you already knew how important broadband is for recruiting new industry to your communities. This pandemic should serve as the catalyst to finally make the investments in expanding broadband technology to rural communities. If we don't act soon, we'll miss out on decades of economic opportunities.

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By Lori Lein, ALM General Counsel

Your League Legal Department and Best Practices for Utilizing Your Municipal Attorney

League Legal Department vs. Your Municipal Attorney

One of the League’s most important functions is responding to legal inquiries from its member municipalities. The League maintains a legal department to provide its members with direct legal assistance when needed. While the legal department has many roles, with over 450 members – representing literally thousands of officials, employees, board members and others who may make requests – there are limits to what the department can do. To understand the role of your League Legal Department better, including the limitations we have, please review the article titled “The League Legal Department – A User’s Guide” in the *Selected Readings for the Municipal Official* (2020 ed.).

This article isn’t about what the League Legal Department can do for you, that’s included in the article in the *Selected Readings*. This article is about your local municipal attorney and the important role they serve. **Every municipality should have its own local attorney.** While a handful of our member municipalities have full-time, on-staff, attorneys, most municipalities in Alabama have an attorney available by contract when needed. I cannot overemphasize the vital role your municipal attorney plays in helping your municipality carry out its responsibilities and accomplish its objectives in a lawful manner; a role the League Legal Department cannot fill.

The League’s legal department is a resource to assist your municipal needs; it is not a replacement for your municipal

attorney. Nothing we do or say is meant to interfere with the critical relationship between your municipality and your attorney. When the law is unclear or the inquiry presents substantial risk of litigation, we will always suggest that you seek advice from your local attorney, because he or she will have to represent you should you have to go to court. When your attorney provides advice, he or she does so in the belief that the recommended action puts the municipality in the most defensible legal position. Your municipal attorney is also in the best position to know local factors which influence the need to proceed in a particular manner. Therefore, we generally encourage municipal officials and employees to follow their attorney’s advice, especially on questions where the law is open to interpretation or factual matters require further development. Of course, we are always happy to discuss an issue with local attorneys or to verify their interpretation of a statute or case.

You should not seek our advice in the hopes that we will second-guess your attorney. We are here to assist, and not compete with, your attorney. Legal opinions are fact-specific and people who are not lawyers are often unaware of how a fact which seems unimportant to them might affect the legal response. Thus, if our opinion differs from that of local counsel, we will generally advise you to follow the advice of your local attorney.

continued next page



Lorelei Lein
General Counsel



Rob Johnston
Assistant General Counsel



Teneé Frazier
Assistant General Counsel



Sharon Carr
Legal Services Administrator

Role of the Municipal Attorney

There are no specific laws outlining the responsibilities of the municipal attorney in Alabama. As such, there are wide variations in the way in which a city or town utilizes its municipal attorney. Although the job of the municipal attorney varies depending on the size of the municipality and the complexity of the issues it faces and the services it provides, here is a list of some, but certainly not all, of the things that municipal attorneys typically do for municipalities:

- Give legal advice and opinions to the governing body, and other boards, commissions and departments;
- Draft resolutions, ordinances, deeds, contracts and other legal documents that the municipality is a party to;
- Represent the municipality's interests in legal proceedings;
- Attend governing body meetings and meetings of other boards and commissions, when requested;
- Review governing body agendas to identify potential legal problems;
- Develop forms, policies and procedures to standardize government operations and ensure that the municipality is proceeding lawfully;
- Ensure that bodies acting in a quasi-judicial capacity do so in a meaningful way that ensures due process and develops an adequate evidentiary record;
- Advise the municipality regarding financial and tax matters;
- Assist in matters relating to land acquisition and development;
- In the case of the municipal prosecutor, prosecute cases involving ordinance violations; and
- Assist in ordinance codification.

Ten Tips for Using Your Municipal Attorney More Effectively

The following list is not intended to be exhaustive but, rather, is a starting point for using your municipal attorney effectively.

1. Remember that you and the municipal attorney are on the same team. The municipal attorney should not be viewed as an obstructionist. It is the municipal attorney's job to protect the municipality by identifying potential legal problems and to assist the municipality so that it exercises its powers in a lawful manner. If you have specific goals, clearly communicate those goals to the attorney. It may be that the goal itself is unlawful. In that case, it is better to know that in advance in order to protect the municipality from liability. Most often, however, the end goal is legitimate and there are a variety of ways to achieve the desired result. The means of achieving the goal are less important than reaching the desired result but using the wrong means can have significant legal consequences. Consult with your municipal attorney and allow the attorney to identify the various legal ways to achieve the desired result and the benefits and pitfalls of taking a particular route. Be open to the attorney's suggestions.

2. Remember who the client is. Municipal officials should bear in mind that the municipal attorney's client is the *municipality*, acting through its governing body, and not the individual officers or employees. Because the municipality is the client and it is often unclear who can speak or act on behalf of the municipality, it can be helpful for both the attorney and municipal officials if the governing body develops clear guidelines regarding who can contact the municipal attorney and under what circumstances it is appropriate to do so. In fact, for those municipalities who contract with an attorney, we would advise that the terms of the contract specifically outline who may contact the attorney on behalf of the municipality. Individual officers and employees must understand that they themselves are not the attorney's client and that the municipal attorney may not be able to keep everything told to the attorney confidential. Moreover, officials and employees should not attempt or expect to persuade the municipal attorney to act in a manner that is inconsistent with the attorney's obligation to the client, the municipality.

3. Involve your municipal attorney early. When a municipality does not have in-house counsel, local officials are sometimes reluctant to call the municipal attorney because it costs money. Although the cost of legal services is a valid concern and it's unnecessary to call the municipal attorney for every little thing, the best advice is don't be penny-wise and pound-foolish. There are many times when an early request for legal assistance can save money and unnecessary headaches down the road.

Consult the municipal attorney whenever the municipality or its officers and employees are the subject of or receive legal documents such as complaints or subpoenas. Legal advice is also warranted whenever municipalities must follow specific statutory procedures in order to exercise certain powers - e.g., annexation of property, creating tax increment finance districts, imposing special assessments and impact fees, razing of buildings, zoning and platting matters, revocation of licenses. It's also wise to consult the attorney when failure to take adequate steps to protect the municipality can result in significant expense for the municipality. For example, in matters relating to development, failure to secure the necessary protections can leave a municipality responsible for making substantial and expensive improvements, completing unfinished work or redoing shoddy work.

It is also a good idea to seek legal advice whenever the municipality will be bound by contracts or other negotiations. With regard to significant contracts or negotiations, it's important to involve the attorney early, before all of the details have been worked out. Once a deal is ready to be concluded, it gains a momentum of its own and it is very difficult for an attorney who is brought in towards the end of the deal to have meaningful input. Furthermore, when an attorney is brought in late and then spots a number of legal issues and potential problems, it is much more expensive to address the problems

and remedy them. Moreover, if the potential problems are not addressed and later become actual problems or lead to litigation, legal assistance becomes very expensive.

And finally, it is important to seek legal advice whenever a city or town is addressing personnel matters – from developing policies on through any disciplinary or termination proceedings. The potential for litigation on employment matters is always high and the municipal attorney needs to be in on any personnel matters from the ground level up.

4. Prepare before speaking or meeting with your municipal attorney. Just as a good lawyer should prepare to meet with a client, a client can and should spend time preparing to meet with an attorney. Doing your homework before meeting with the attorney will give the municipality the best value for the money it spends on legal services. The attorney often comes into a situation knowing very little about it. Take time, before meeting with the attorney, to identify and document the pertinent facts, and to identify what you think the important issues and concerns are. Understand what the municipality’s objectives are and be prepared to explain them to the attorney.

5. Be very clear regarding expectations. Have a clear idea regarding the importance of the matter and convey those expectations to the attorney. Think about the role you expect the municipal attorney to play. Should the attorney write a formal opinion letter laying out the relevant facts and explaining the various options? Should the attorney draft certain legal documents? Is the matter a minor one where the attorney is being used primarily as a sounding board? Make sure the attorney understands the priority of the matter - low, intermediate or high - and that you explain what the municipality’s time frame is regarding the matter and when the answer or work product is needed.

6. Plan ahead for legal services. Give the attorney adequate time to research issues and answer questions. Don’t demand an immediate response from the municipal attorney at a meeting. Municipal law is not a compact, well-defined body of law. Rather, municipal law includes a vast number of areas such as annexation, contracts, employment law, powers of governmental bodies, platting, zoning, open meeting and public record laws, public utilities (just to mention a few). Provisions relating to municipal law are complex and sprinkled throughout the statutes, both federal and state, and in administrative regulations. On top of that, there is often case law where the courts have interpreted these provisions. The municipal attorney should not be expected to have all the various provisions memorized or to “shoot from the hip”.

7. Provide the attorney with the necessary resources to do the job requested or clearly limit the scope of the job. Do not ask your attorney to do a quick review of complex documents or just “look things over.” If a review is to be meaningful, it is necessary to allow the attorney to take the time and measures necessary to do the job. The municipal

attorney can commit malpractice by doing an inadequate job. Therefore, it is only fair to give the attorney some express indication if the attorney’s review is intended to be limited in its scope.

8. Be candid with your municipal attorney. Know that your municipal attorney is not there to judge you. As such it is vital that you disclose all the pertinent facts and don’t be selective. Although being selective in what you tell the municipal attorney may get you the answer you want, it may have significant consequences for the municipality later. With careful thought and planning, a good attorney can deal with bad facts. However, it is very difficult for an attorney to deal with damaging facts when the attorney is blindsided later in the process. In all likelihood, damaging or unfavorable facts will eventually be revealed, so be candid with your municipal attorney and make sure the attorney is aware of all relevant facts so he or she can figure out how they weigh in the equation and deal with them accordingly.

9. Understand that your municipal attorney cannot always give a concrete answer. Contrary to popular opinion, attorneys do not like to waffle. Attorneys like to be able to advise their clients with certainty, but quite often the law does not provide a clear-cut answer to a legal question. Although your municipal attorney should be able to analyze the law in a given area and make an educated prediction regarding the likely outcome, there are times when the attorney will not feel comfortable making a prediction because it is too close for the attorney to call. In those situations, it is reasonable for the attorney to explain the relevant law and why the question is too close to call. The attorney should also explain the consequences given several different outcomes.

10. Remember that lawyers are legal advisors, not policy makers. The municipal attorney is a legal advisor and it is the attorney’s job to help the municipality see what the options are and what the benefits and disadvantages might be of proceeding in a given way. The municipal attorney should not be pulled into politics and should be allowed to maintain independence and objectivity so that the attorney can give the correct legal answer rather than the desired legal answer. Once the legislative body has decided which way to proceed, the municipal attorney can then implement the plan and make sure the municipality carries out its powers lawfully.

Conclusion

While the League Legal Department is available to help advise and guide your municipality, understand that we will often defer to your municipal attorney when there isn’t a clear answer. Remember that the municipal attorney is a vital and valuable part of any municipal team and, when used effectively, can do a lot to help the municipality carry out its responsibilities and lawfully achieve its goals while at the same time protecting the municipality and its officers and employees from significant liability. ■



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Overview of Drainage Law in Alabama and How the Law Impacts Municipalities

By: Phillip D. Corley, Jr., April B. Danielson & Lauren Brasher - Wallace, Jordan, Ratliff & Brandt, LLC

Municipalities in Alabama receive many requests from private property owners for assistance with drainage matters on their property. These requests may range from cleaning out a drainage ditch in the backyard of a private residence to replacing a corrugated pipe in a private easement outside of the road right-of-way that was installed by a developer many years ago. When drainage issues occur on private property, it may be the first instinct of the property owner is to turn to a municipality for assistance. However, municipalities in Alabama are under no obligation to and typically are prohibited from fixing drainage issues on private property. In fact, under the Public Purpose Doctrine, municipalities are prohibited from using government funds for the betterment of private property or a single individual. This article is intended to provide information on the current status of drainage law in Alabama in order to assist municipalities as they navigate such drainage requests.

Drainage – generally

Under established “drainage law” in Alabama, a municipality is not required to maintain drainage areas which a municipality does not voluntarily choose to maintain. In the state of Alabama, municipalities are authorized to construct and maintain storm water sewers or sewer drainage systems, but a municipality is not required to exercise this authority, and generally, “has no duty to provide and maintain proper drainage of surface water from a resident’s property to prevent flooding and damage to the property.” However, Alabama municipalities may be held liable for damages caused by their negligence in operating and maintaining *public* sewers and drains. This liability is restricted to sewers and drains controlled or accepted by the municipality. The liability does not extend to sewers and drains on private property which the municipality did not construct or accept for perpetual maintenance.

Section 11-50-50 of the Alabama Code states:

All cities and towns may make all needful provisions for the drainage of such city or town, may construct and maintain efficient sanitary and stormwater sewers or sewer systems, either within or without the corporate limits of the city or town, may construct and maintain ditches, surface drains, aqueducts, and canals and may build and construct underground sewers through private or public property, either within or without the corporate limits of such city or town, but just compensation must first be made for the private property taken, injured, or destroyed.

When this statute has been challenged by private citizens, Alabama courts have held that “[n]othing in [this] statute authorizing Alabama municipalities to construct and maintain sanitary sewer systems indicates the establishment of a duty to maintain the sewer lines coming from the residence of private landowners to the primary sewer line.” Additionally, “municipalities are not subject to liability for the failure to inspect

the sewer lines of private landowners.”

Public Purpose Doctrine

Not only is there no duty to maintain stormwater sewers and drains on private property, but municipalities are prohibited by the Alabama Constitution from spending public money on private property, unless the expenditure is deemed to fulfill a “public purpose.” Section 94 of the Alabama Constitution prohibits the Legislature from granting counties, cities, and towns the power to lend credit, grant money, or give any other thing of value to aid an individual, association, or corporation, except as otherwise provided. In *Slawson v. Alabama Forestry Commissioner*, the Alabama Supreme Court interpreted Section 94 to allow the expense of public revenues on private property in aid of an individual, association, or corporation only when appropriation is for a “public purpose.” Therefore, if the expense is for a public purpose, a county, city, or town may contribute public funds for construction or repairs on private property.

A “public purpose” promotes the public health, safety, morals, security, prosperity, contentment, and general welfare of the community. There is no fixed definition of what qualifies as a “public purpose.” Instead, the term “public purpose is a flexible phrase which expands to meet the needs of a complex society even though the need was unheard of when our State Constitution was adopted in 1842.” The Alabama Supreme Court has formulated the test to determine whether an expenditure serves the public purpose. The court stated:

The paramount test should be whether the expenditure confers a direct public benefit of a reasonably general character, that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit ...

The trend among the modern courts is to give the term “public purpose” a broad expansive definition.

Whether or not an expenditure serves a public purpose is a factual determination within the legislative domain. Thus, the determination should be made by the local governing body on a case-by-case basis.

For expenditures on privately owned stormwater sewers or drains to serve a public purpose, the property owner must first dedicate the land to the local governing body for public use. This process, known as “dedication,” may be express or implied. A dedication by a property owner is express when “the intention to dedicate is expressly manifested by a deed or declaration of the owner ... to donate the land to public use.” Conversely, an implied dedication is shown by “some act or course of conduct on the part of the owner from which an inference of the intent to dedicate can be drawn.”

To finalize the dedication and complete the dedication process, the local governing body must then accept the land for the public use. To accept the land for public use, a municipality must respond

to the property owner's dedication in some way that shows an intent to accept the dedication in question. Generally, proof of acceptance must be unequivocal, clear, and satisfactory and consistent with any other consideration. A property owner cannot simply impose dedication on the local municipality. Instead, acceptance of the property owner's dedication requires some distinct act by the municipality. Acceptance can arise by express act of the governing body accepting the dedication (such as a formal resolution), by implication from acts taken by the city (such as repeated and continual maintenance of the dedicated area), or by implication from public use of the property for the purpose for which the property was dedicated.

A municipality's mere approval of a plat of land is not sufficient on its own to show acceptance of a dedication of the proposed streets, alleys or other public places shown thereon. For example, if a municipal planning commission approves subdivision plans which show an area dedicated for drainage, this does not mean the drainage areas have been accepted by the city or that the city has a responsibility to maintain the drainage ditches. Approval of a subdivision plat merely shows that the plat meets municipal regulations for the development of a subdivision. A municipality must do something beyond just accepting the subdivision plans for the drainage ditches to be considered accepted by a city.

Drainage within the Control of a Municipality

Municipalities may be held liable for damages caused by their negligence in the operation and maintenance of stormwater drains within their control if the municipality does not properly maintain such stormwater drains. Once a municipality decides to construct a drainage system, a duty of care arises and a municipality can be liable for damages that stem from negligence relating to the upkeep of the drainage system. In *City of Mobile v. Jackson*, the court found that when a municipality constructs drainage systems, a duty of care arises for upkeep to be maintained properly, and a municipality may be liable for any damages stemming from negligence. A municipality can be liable for damage that is a result of negligence in the construction, maintenance, or operation of the drainage system. The acceptance of an easement or right-of-way where a drainage easement lies, may then make a municipality responsible for upkeep of the easement and liable for any damage caused by failure to keep the easement in good condition. Courts have found municipalities liable because of municipal actions taken regarding drainage within municipal control. For example, if a municipality has incorporated waterways into their drainage system, the municipality may then have a duty to maintain the natural waterway. In *Lott v. City of Daphne*, the City had constructed a series "of underground pipes and junction boxes that eventually discharge[d] storm water from the area...into the head of Mazie's Gulch." Because the City had incorporated the gulch into the drainage system, the court found that the City may now have a duty to maintain and upkeep the system around the gulch. The court further explained that for a city to be found liable for damages resulting from incorporating the waterways into the city's system, "it must be shown that the water from the City's drainage system, rather than the natural drainage of surface water, caused the damage."

When Implied Acceptance of Private Drainage has not Occurred

As previously stated, a municipality that has not expressly accepted the dedication of a drainage easement from a property owner does not have a duty to maintain the drainage easement. Occasional work by a municipality on a drainage easement to alleviate drainage problems does not obligate the municipality with a duty to continually repair or work-on the drainage within the easement as long as the city has not expressly accepted the easement for perpetual maintenance. If a municipality is asked to perform work on private property that the municipality has not accepted, the municipality may complete this work without running the risk of accepting all future work if the private owner repays the municipality for all labor, materials, and equipment used for the work. This work may be completed even if the project benefits only a single individual and serves no public purpose—if there is a repayment in full of all costs associated with the job.

The Alabama Supreme Court has stated that the occasional cleaning and removal of debris from a drainage system does not constitute undertaking the maintenance of a drainage system. In *Hursey v. City of Mobile*, the court refused to impose liability on Mobile. The city had only cleared the ditch in question twice in the past ten years, and the court determined this was not enough to qualify as implied acceptance. Similarly, in *Royal Automotive, Inc. v. City of Vestavia Hills*, the court refused to impose liability on either city because, the court said, the cities had not assumed a duty related to Patton Creek. *Royal Automotive* shows that clearing a ditch three times over a period of twenty plus years is not sufficient to impose a duty on a city to upkeep a system, however, the court has not explicitly said how many instances of clearing a ditch will be enough to impose liability.

Courts have also refused to impose liability on municipalities when a ditch is naturally occurring and the municipality has only responded to emergency calls to clear out the ditch. In *City of Dothan v. Sego*, the court reversed a summary judgment entered against the City of Dothan because the City had not constructed the ditch at issue and only cleared the ditch when called to the property in emergency situations. The court found that this minimal interaction with the property does not arise to the level required to impose liability on the city.

Conclusion

To date, courts have been hesitant to impose drainage liability on municipalities that have not expressly accepted drainage for perpetual maintenance or constructed a drainage system on their own. This is because municipalities cannot, under the Alabama Constitution complete work on private property that is not for the benefit of the public at large. It may also be because imposing drainage liability on a municipality for drainage maintenance not voluntarily assumed by a municipality – either expressly or impliedly – could cause severe financial hardship on the municipality. Courts may, however, impose liability on municipalities if there has been an implied acceptance of a drainage area such as the situation where a municipality has continually and repeatedly maintained a drainage area through work completed thereto. For this reason, municipalities should exercise caution in performing drainage maintenance on private property if the

municipality does not wish to incur perpetual drainage liability in such areas. ■

1. Hendrix v. Creel, 297 So.2d 364, 367 (Ala. 1974).
2. Ala. Op. Att’y Gen. No. 97-00249 (Aug. 4, 1997).
3. See generally City of Dothan v. Sego, 646 So.2d 1363 (Ala. 1994) (holding that because the City of Dothan did not construct the ditch at issue and did not undertake a duty to exercise due care in maintaining the ditch, the plaintiffs could not support a negligence action against the city).
4. ALA. CODE § 11-50-50.
5. Langley v. City of Saraland, 776 So.2d 814, 816 (Ala. Civ. App. 1999).
6. Id. at 816–17 (citing Rich v. City of Mobile, 410 So.2d 385 (Ala. 1982)).
7. ALA. CONST. art. IV, § 94.
8. Id. The Alabama Supreme Court has stated “the evil to be remedied is the expenditure of public funds in aid of private individuals or corporations, regardless of the form which such expenditures may take.” Opinion of the Justices, 49 So.2d 175, 178 (Ala. 1950).
9. Slawson v. Alabama Forestry Commissioner, 631 So.2d 953, 956 (Ala. 1994).
10. Ala. Op. Att’y Gen. No. 2009-105 (Sept. 18, 2009).
11. Opinion of the Justices, 384 So.2d 1051, 1053 (Ala. 1980) (quoting Opinion to the Governor, 308 A.2d 809 (R.I. 1973)).
12. Id.
13. Id.
14. Id. at 1052.
15. Ala. Op. Att’y Gen. No. 2005-029 (Dec. 13, 2004).
16. Ala. Op. Att’y Gen. No. 2005-073 (Feb. 24, 2005). Generally, whether an expenditure serves a public purpose should be decided prior to spending the money. However, there are instances where money can be spent to repair issues on private property before having approval. For example, in the aftermath of a hurricane, a town council did not have to wait to remove trees and other debris from private property that extended onto public roadways. Instead, the state of emergency allowed for approval to take place later. Ala. Op. Att’y Gen. No. 2005-029 (Dec. 13, 2004).
17. 17. Ala. League of Municipalities, Dedication of Lands, 436.
18. 18. Id.
19. 19. Id.
20. 20. See generally Mobile v. Chapman, 79 So. 566 (Ala. 1918).
21. 21. Ala. League of Municipalities, Dedication of Lands, 436.
22. 22. Id. See Oliver v. Water Works and Sanitary Sewer Bd., 73 So.2d 552, 553 (Ala. 1954) (finding that the mere approval of a plat is not an acceptance, but instead the city must do some distinct act to constitute an acceptance such as a formal resolution or acts by city authorities).
23. Tuxedo Homes v. Green, 63 So.2d 812 (Ala. 1953).
24. Ala. Op. Att’y Gen. No. 83-00302 (May 3, 1983).
25. Ala. Op. Att’y Gen. No. 2005-077 (Mar. 1, 2005).
26. Ala. Op. Att’y Gen. No. 83-00302 (May 3, 1983).
27. Ala. Op. Att’y Gen. No. 97-00249 (Aug. 4, 1997).
28. Id.
29. Ala. Op. Att’y Gen. No. 80-00172 (Jan. 23, 1980).
30. Id.
31. Royal Automotive, Inc. v. City of Vestavia Hills, 995 So.2d 154, 160 (Ala. 2008).
32. Hursey v. City of Mobile, 406 So.2d 397, 398 (Ala. 1981).
33. Id.
34. Royal Automotive, Inc., 995 So.2d at 160.
35. Id. at 160. The City of Vestavia Hills had dredged Patton Creek three times over twenty-three years, but the court opined that these occasional cleanings were not enough to say the City had assumed a duty. The City of Hoover, likewise, had occasionally cleaned the creek after requests from citizens, but the court said cleaning occasionally as a response to requests was insufficient to support a finding that the City undertook a duty to maintain the creek.
36. Sego, 646 So.2d at 1366.
37. Id.
38. Id.
39. ALA. CONST. art. IV, § 94.

Phillip Corley joined Wallace, Jordan, Ratliff & Brandt in 1995 and served as managing member of the firm from 2008-2013. He practices in the areas of real estate law, commercial lending, commercial transactions and municipal law. He is a member of the Alabama State Bar, the American Bar Association and the Birmingham Bar Association. According to Martindale-Hubbell®, he is rated “AV®,” the highest possible peer review rating for legal ability and ethical standards. Phillip was selected by his peers as a Top Attorney (Commercial Real Estate) in Birmingham Magazine’s 2012 Top Attorneys survey. Born in 1969 in Birmingham, Alabama, Phillip attended the University of Alabama, and graduated in 1991 with a Bachelor of Arts degree in history. He graduated from the University of Alabama School of Law in 1994.

April Danielson joined Wallace, Jordan, Ratliff & Brandt in 2016. She specializes in municipal law and has worked as an attorney representing the City of Hoover, Alabama – the sixth largest municipality in the state – since 2004. April is admitted to practice before the United States District Court, Northern District of Alabama and all Alabama State courts. She is a member of the Alabama Association of Municipal Attorneys and the Alabama State Bar. She received her Juris Doctorate degree in 1996 from Cumberland School of Law at Samford University. During law school, April was on the Dean’s List and interned with the United States Attorney’s Office in Birmingham, Alabama. April also attended Auburn University and graduated in 1992 with a Bachelor of Science in Business Administration. While at Auburn, she was on the Dean’s List and a member of Alpha Omicron Pi.

Lauren Brasher is a second year law student at Samford University, Cumberland School of Law. She is the Executive Editor of Cumberland Law Review, Vol. 51, and was a Summer Associate with Wallace Jordan, Ratliff & Brandt.

If you're like me, the pandemic has required you to access healthcare differently. Telemedicine has long been promoted as the wave of the future, but the pandemic has accelerated its implementation. Many Alabamians, particularly rural Alabamians, have lacked the health care options present in more densely populated areas. Telemedicine has the potential to upend the status quo by bringing health care to even the most remote areas of our state, including those starving the most for economic opportunities. However, again, broadband expansion must happen now for this to become a reality. This could be a transformational development for our state that cannot be understated.

Something talked about a great deal in the media is the fundamental and radical changes to the American workplace. Most of us, myself included, have gained a new appreciation – and, sometimes, frustration – with conducting work by videoconference. But it isn't all doom and gloom; there is opportunity for Alabama! The pandemic has undoubtedly forced many companies to reevaluate how – and where – they conduct business. Employers have seen that much of the work traditionally done in expensive, high-rent office buildings can be done at home. On the other side of the coin, many employees who have gained the freedom to work when and where they want are questioning the practicality of remaining in expensive cities. Alabama, with our incredible natural beauty and resources, recreational opportunities, low cost of living and conservative governance, has a huge opportunity to attract new and vibrant residents. And companies paying an arm and a leg to headquarter in cities like New York and San Francisco will increasingly look to smaller market cities. There is an opportunity to attract new industries and people we may never see again.

Finally, as my time in Congress will close in January, I want to express my gratitude and appreciation to all those in local government who are on the front line in addressing these and so many other challenges. Our entire system of government works best when all levels of government partner together to solve problems. That will be especially true with the months and years following this pandemic. We need to continue strong collaboration between local, county, state, and federal officials. Some of my proudest achievements during my time in Congress have come from projects partnering with city officials to secure important grants, recruit new industry, and solve burdensome roadblocks with federal agencies. Our state is strongest when all our leaders work together, and I encourage each of you to maintain a robust partnership between your communities and your federal officials.

We have all struggled together through the coronavirus pandemic. But there are opportunities to strengthen Alabama and provide better lives for our fellow citizens. It is so important for our elected officials, from the local to the federal level, to work together with all stakeholders to make the necessary investments to position Alabama to emerge with new opportunities and to promote our state on the national – and a global – scale. ■

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Three Steps to Securing Your Retail Future

By Matt Petro | Chief Development Officer | Retail Strategies



For the past decade, our team at Retail Strategies has partnered with communities across the state to take a proactive approach to retail recruitment, placemaking and supporting local businesses. COVID-19 has changed the way that retailers can operate, adjusted how consumers purchase goods and services and created new challenges for communities and their marketplaces.

The Good News

In Alabama, our communities depend on retail and restaurants to provide quality of life, essential amenities that help attract and retain industry, jobs, and sales taxes that fund municipal operations. The good news is that the retail make-up of most communities in Alabama includes categories that reported year-over-year sales percentage increase during pandemic months such as grocery, general merchandise, fast food and home improvement. Compounded by people staying at home and online sales tax collections, rural communities are faring better than their neighboring major metropolitan neighbors. As community leaders, you have to be forward-thinking and always have a plan. With the multiplying effect of retail's recent evolution and the impacts of COVID-19, it is imperative that you take these three steps: 1. Support Your Marketplace, 2. Restore Your Marketplace and 3. Invest in Your Marketplace.

Support Your Marketplace: Shop Local

There are many signs that our collective efforts to combat COVID-19 are working, however, businesses are not out of the woods yet. It is critical is to be creative and identify ways of supporting the businesses open and operating in your market. You should begin Strategic Planning for reimagining public spaces (e.g. downtown, retail nodes, interior core) in a safe and economically productive way. Implementing placemaking tactics to the existing environment such as design and streetscape enhancements, tourism opportunities and policy measures will help businesses thrive. Tools and resources to place in the hands of small business owners, such as training for how to sell online, will be critical for adaptation in this new ever-changing world of e-commerce.

To Do:

Begin by making the best use of public space. Do you have parking spaces on your Main Street that aren't in demand due to current conditions? Consider designing a "streetery" or street deck to provide additional outdoor dining spaces that can be shared by adjacent restaurants. Next, cities should be flexible as it relates to policy. Relaxing regulations regarding temporary patios, sidewalk cafes and outdoor retail expansions so businesses can create more space for their customers in alignment with CDC guidelines, are measures that will support your local businesses and give consumers the confidence they need to return to the marketplace. Finally, get creative. Back alleys that are currently cluttered and not well-utilized can be cleaned-up and repurposed for outdoor seating and gathering spaces with overhead string lighting. Walk-up windows for retail or quick service food pick-up, and even queuing and pick-up lanes temporarily designated for pedestrians on existing sidewalks will provide peace of mind for shoppers, which ultimately supports local business.

Restore Your Marketplace

For your community, you want to be the driving force for positive change and coming out of this pandemic stronger than ever. From a retail perspective, closures create an opportunity to maximize properties and recruit businesses that bolster the goods and services offered in the community. This process will involve backfilling vacancies, assisting property owners, and making outreach to targeted businesses to secure interest and potential openings in the community. Further, if you have a downtown, square, Main Street or a place in town you'd like to be your entrepreneurial hub – invest in placemaking. National retailers can pay premiums to be on your best intersections and highways, but local entrepreneurs need to occupy spaces in more "rent friendly" areas.

To Do: First, develop a list of available real estate within your marketplace. Reach out to those property owners to see how you can help. Second, create a realistic prospect list of businesses, or types of businesses, that are missing and/or would fit your community. When you identify a prospective

business, look at the real estate within your marketplace to match up where that businesses would fit.

Invest in Your Marketplace

Recruiting new businesses and supporting local businesses is an ongoing effort and a constant commitment. As a local government leader, you need to ensure that your community is investing appropriate time and resources to achieving this goal. This can include regular updates to your commercial real estate inventory, investing in sources to understand how your trade area is evolving, taking inventory of need and always know the businesses you need to attract, and developing a process to make your local businesses stronger. I can guarantee you that many businesses have reviewed your market and said no for a reason that you could answer easily. It is important that you take control of your future and drive conversations with businesses that maximize your marketplace. By doing this, you can attract complimentary businesses that do not cannibalize but maximize your marketplace making everyone stronger and creating long-term success.

To Do: Make supporting and recruiting businesses a priority. Engage stakeholders in this dialogue to get their feedback and ensure they understand this is a commitment you are making to enhance your community. Be persistent

and know that this effort takes a major time commitment, but it will position yourself for success in the future.

Get Started

The most important thing you can do as a city leader is to get started in your community. Having a plan and steps to execute on your plan will multiply the retail in your community. Retail Strategies has worked with communities all over the state of Alabama and are available to discuss the needs of your community. ■

As Chief Development Officer, Matt Petro works with elected and city officials to make a positive impact on communities nationwide. His primary focus is understanding the needs of communities and providing solutions that help them achieve their goals. Matt's passion to succeed, willingness to help others and relentless work ethic brings tremendous value to our team and the communities we serve. He has been a featured speaker for organizations such as the National League of Cities, the Community Development Institute, the Kansas Economic Development Alliance and the Alabama Association of Regional Councils. He has also spoken at his alma mater in classes at the Culverhouse College of Business at the University of Alabama. Matt received his bachelor's degree in marketing with a specialization in sales from the University of Alabama (Roll Tide). He can be reached at matt@retailstrategies.com.



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