

The Alabama Municipal JOURNAL

November/December 2018

Volume 76, Number 3



Municipal government is a training ground in democracy and governmental statesmanship. Municipal government is also the level at which the citizen can most directly participate in the democratic process.

~ Ed Reid, ALM Executive Director, 1935-1965
Some Facts About Municipal Government in Alabama
Published by the Alabama League of Municipalities, 1955

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The Alabama Municipal JOURNAL

Official Publication, Alabama League of Municipalities

November/December 2018 • Volume 76, Number 3

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

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

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

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#LiveLocallyAlabama

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On the Cover:

Ed Reid was ALM's first Executive Director, serving from 1935 until his death in 1965. He built the League from the ground up, turning a small but efficient organization into a nationally recognized powerhouse of influence. His leadership and acumen resulted in the passage of key legislation and he was voted "Most Effective Lobbyist in the Legislature" five times.

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From the Editor

Live Locally Alabama, Municipal Youth Groups and Civic Mentoring: Activating YOUR Community!

In his Foreword for the 1955 publication *Some Facts About Municipal Government in Alabama*, ALM's first Executive Director, Ed E. Reid (1935-1965), made the following observations:

It is an alarming fact that many people take their municipal government so much for granted. They become interested in it only when some controversial issue develops and otherwise assume that its routine operations are of little importance to them. They overlook the fact that the whole

ALM Communications Director Carrie Banks with Guntersville Mayor Leigh Dollar promoting Live Locally Alabama at the Alabama Mountain Lakes Tourist Association Annual Meeting in Lake Guntersville. Photo credit: Juergen Beck

pattern of daily life is constantly influenced by their municipal government. It supplies water; sewage service, garbage collection, police and fire protection, streets, traffic control, recreational facilities and countless other functions. Some of these are primarily a convenience, but many of them vitally affect the health, safety and welfare of the municipality's residents. Moreover, they are financed by the residents of the municipality through taxes and other revenue devices. In short, every citizen has much at stake in the operations of his municipality's government and should show a degree of interest which reflects this. Certainly, he ought not simply take it for granted.

This handbook, which we recently discovered in a tucked away file, was intended to be “distributed by the organization, primarily for the benefit and information of high school students who may study municipal government in their schools.” We don't know if that ever happened; however, the intent was certainly commendable. Unfortunately, the study of municipal government and civics has been absent from mainstream high school curricula for many years. Additionally, 21st Century Americans are now hyperconnected yet have fewer “nonvirtual” friendships, face-to-face interactions and in-person conversations than ever before. A 2017 study by global tech protection and support company Asurion found that the average person struggles to go more than 10 minutes without checking their phone and one in 10 check their phones on average once every four minutes. Couple that with nearly 40 percent of those 18 to 29 online almost every waking minute (according to a 2018 Pew survey) and it becomes clear that we are quickly losing our sense of real-time, physical community. As for civic *engagement* – fundamental, show-up-in-person-and-participate engagement – well, that is challenging across all ages.

Reid continues in his Foreword: *In addition to the services it supplies, there are other reasons why municipal government is of the utmost importance in our whole scheme of democratic government. Municipal government is a training ground in democracy and governmental statesmanship. Municipal government is also the level at which the citizen can most directly participate in the democratic process. Our state and national governments cover such a wide scope of activities that we cannot hope, as individuals, to follow all of them. We cannot enjoy frequent contacts with our representatives on those levels and often lack the information necessary to understand their problems. On the municipal level, however, we can become thoroughly familiar with local problems, understand the policies of the city or town government and manifest opinions on these matters through direct contact with our elected officials. For these reasons, and many others, it is important to each of us that we have a good municipal government – that it must be honest, efficient, economical and progressive. This cannot be fully achieved without the active interest and participation of every citizen, which in turn requires some knowledge of municipal government.*

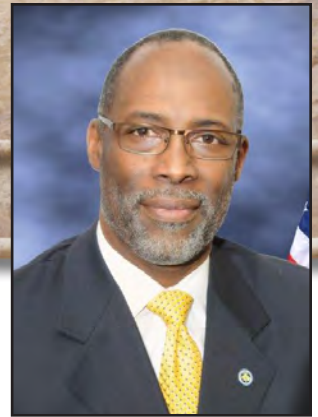
Live Locally Alabama

Today probably more than ever before, it is critical that municipal government takes an active role in encouraging civic engagement, which was the driving factor behind ALM's Live Locally Alabama grassroots campaign launched earlier

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The President's Report

Council President Pro Tem Jesse Matthews, Bessemer



How ALM Communicates with You

In addition to publishing the *Alabama Municipal Journal* six times a year, our League monitors, manages and disseminates a lot of information relevant to municipal government, officials and employees throughout the year. While the *Journal* is a printed, archival publication that is mailed directly to you at either your home address or to your city hall, ALM also manages two electronic newsletters that contain timely information regarding training, grants and legislative updates as well as important topics affecting our cities and towns

This Week is our weekly e-newsletter that is distributed year-round every Tuesday morning at 8 a.m. It contains information on upcoming League and CMO training, such as webinars and workshops, as well as training, grant opportunities and important announcements from critical state agencies such as ADECA, ADEM, the Bicentennial Commission and others.

The State House Advocate is another League e-newsletter that's sent on either Monday or Friday afternoons when

the Legislature is in session depending on the legislative schedule. *The State House Advocate* is the **best** way for you to stay informed on what's happening at the Legislature throughout the Session that could impact your community as well as our way of letting you know when critical, immediate action is needed from our membership.

E-blasts are sent periodically whenever we receive emergency announcements and proclamations from the Governor's office (such as natural disasters like Hurricane Michael this past October) as well as directives to lower the flag half-mast. These e-blasts are sent whenever we receive the information and could end up being emailed to you after hours or on weekends. In addition, the League will send deadline reminders for upcoming League training, workshops and meetings. The staff makes a concerted effort to make sure e-blasts are used sparingly so that you are not receiving multiple messages throughout the week from our office.

Because we have to use a service (MailChimp) to send these electronic notifications and e-newsletters to you, please be sure to check your "junk" and "spam" folders throughout the week to ensure you've not missed something from us. Also, please be advised that you are able to unsubscribe at any time from this service; however, **by unsubscribing to an e-blast or *This Week*, you are unsubscribing to everything from ALM, including critical legislative updates via *The State House Advocate*.** Unfortunately, this is not something the staff has any control over; it's the way MailChimp operates.

In addition to the e-newsletters and e-blasts, important announcements (such as emergency declarations and flag-lowering directives) are also posted to our Facebook page (www.facebook.com/ALALM) and our Twitter account (@AL_League). If you are not following ALM on these social media platforms, I encourage you to do so. Facebook is also where you will find downloadable photos from League events such as the October CMO graduation ceremony.

We don't want you to miss important information from the League! ■



Five Takeaways for Cities from the FCC's Small Cell Preemption Order

On Wednesday, September 26, the Federal Communications Commission [voted to approve a declaratory ruling and report and order](#) that would enact harsh new preemptions of local authority over small cell wireless facility deployment and management of local rights-of-way. The order is expected to go into effect 30 days after publication of the final version in the Federal Register. The order will:

- Shorten the time cities have to process applications for small cells to either 60 or 90 days, depending on whether they are being mounted on an existing or new structure;
- Limit application fees for small cells to \$100 per site, and recurring fees to \$270 per site, per year, for small cells in the rights-of-way;
- Prohibit cities from assessing fees that include anything other than a "reasonable approximation" of "reasonable costs" directly related to maintaining the rights-of-way and the small cell facility; and
- Limit aesthetic review and requirements (including undergrounding and

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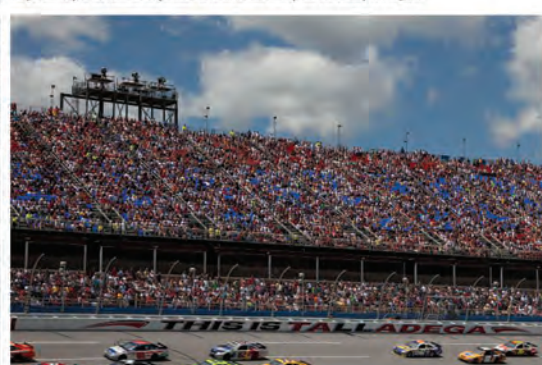
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Municipal Overview

By Ken Smith, Executive Director



Municipal Autonomy

Of the People, By the People, For the People ...

Alabama is a diverse state. Geographically, there is a tremendous difference between the foothills of the Appalachian Mountain in North Alabama and the sandy beaches along the Gulf of Mexico in South Alabama. The soil is different. The terrain is different. The climate is even a little different, with the northern part of the state more likely to suffer ice storms and occasional snow (although I did have to evacuate a conference in Gulf Shores once due to a snow storm).

We are a state that is blessed to have both major urban areas and smaller rural communities. We have vast woodlands, open fields, lakes and rivers and we have heavily-paved metropolitan areas. These variations give us many options in lifestyle choice, to explore so much variety from one end of the state to the other.

Alabama – like all states – is composed of people of differing interests, different religions, different opportunities and different challenges. We don't all like the same foods, the same entertainment options or have the same ideas. In other words – we are not all alike. There is no one size fits all solution to problems, even similar problems. A solution that works in one part of Alabama might prove to be a colossal waste of revenue in another part, even if the communities are of similar size. And local governments need the flexibility and freedom to resolve issues based on local needs and goals, taking into consideration their own resources, opportunities and attitudes.

The recognition of the differing needs among different localities is one of the primary reasons – in fact may be THE primary reason – municipal governments exist. Abraham Lincoln most famously used the phrase “government of the people, by the people, for the people” in the Gettysburg Address. He was, of course, referring to his desire to retain the United States as a unified governmental entity, not split between the Union and the Confederacy. But when you speak of governance of, by and for the people, no form of government in Alabama more clearly fits that definition than municipal government.

There is a common misconception that municipalities are simply another level of government in a hierarchy. Many people look at the federal government as the top of a four-level pyramid, with state governments under them, counties under them, then, at the bottom, municipalities.

The implication is that each level of government has control and authority over the level below it.

Nothing could be further from the truth. Instead, each level of government has its own sphere of governance and a role to play in conjunction with – not subservience to – the others. In reality, powers and duties often overlap and co-exist. And all levels of governments must work with each other to achieve the common goal – serving the people.

The federal government's powers are listed (and limited) by the United States Constitution. State governments have all authority that isn't restricted to the federal government or limited by the U.S and state constitutions. County governments were created by the states themselves and were intended to function as the administrative arm of the state. Counties were created to help the state better provide basic state-supported services on a local level. As such, counties were intended to be agents of the state and the state generally closely supervises and regulates how the counties perform those duties.

Municipalities, though, exist to serve a different governmental need and, as a result, need much greater flexibility. Municipalities exist to serve the interests and needs of the citizens of that municipality. They are created by the residents themselves and their elected representatives are chosen based on how voters feel they will be able to serve the residents and public. In fact, in Alabama, only the residents in an area can create a municipality. The legislature is constitutionally prohibited from doing so.

How Municipalities are Formed

Section 104 of the Alabama Constitution, 1901, is a simple provision, adopted by the voters of Alabama as the “Law of the Land.” This simple provision is a limitation on legislative power that the citizens of Alabama thought important enough to include. One part of Section 104, Subsection (5), prohibits the Alabama Legislature from enacting a local law “Incorporating a city, town, or village.” This provision prevents the state legislature from creating a municipality. Instead, the legislature enacted a general law, Sections 11-41-1 to 11-41-8, Code of Alabama, 1975, that sets out how municipalities are incorporated.

Pursuant to these provisions, municipalities are formed by a petition and referendum of the citizens. The county probate judge has to appoint three qualified electors within the proposed city or town to conduct an election of residents in the proposed corporate limits. The municipality is created only if a majority of those living in the boundaries of the proposed city or town vote in favor of incorporation.

Think about it. The Alabama Legislature is the highest legislative
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2018 CMO Graduation Commencement Address

Leadership: Door Openers vs. Gatekeepers

Cristin F. Brawner • Executive Director • David Mathews Center for Civic Life

Good afternoon! It is an honor to be with you. Thank you to the Alabama League of Municipalities for the privilege of speaking with you today. Congratulations on becoming a certified municipal official! I am thankful Alabama has so many municipal officials committed to continued learning and excellence in governance. Thank you for your service and leadership in your communities and across our state.

In my role as Executive Director of the David Mathews Center for Civic Life, I have the privilege of getting to know Alabamians just like you who are making a difference to address deep-rooted issues, build on incredible assets, and engage their communities to accomplish great things by working better together.

We work alongside elected officials like yourselves who have made sacrifices to live a life of public service and servant leadership. For example, Mayor Hollie Cost of the City of Montevallo – my hometown – works tirelessly to ensure her city’s residents have opportunities to be involved in decision making and leadership. Mayor Cost has worked to equip the next generation for active citizenship and civic leadership through the formation of the Montevallo Junior City Council. She also regularly invites citizens into the decision-making process and ensures that all viewpoints are heard. I’ve also seen her work relentlessly to build coalitions across our community to address deep-rooted challenges around issues ranging from education to poverty.

We also have the joy of supporting Alabamians who don’t necessarily have a fancy leadership title, yet they dedicate their lives to improving their communities in ordinary and extraordinary ways. Like Ms. Tina Nolen, Director of the Ashland Public Library in Clay County. She writes grants, hosts community forums, builds relationships with folks of all

backgrounds across Clay County and works with persistence and tirelessness to improve the lives of families and children across her area. All in addition to getting folks, including the youngest children in her community, excited about reading!

Mayor Cost and Ms. Nolen are two of my personal civic heroes. I’m also deeply inspired by the young Alabamians I have the privilege of meeting every week: young Alabamians who know that age is just a number when it comes to active citizenship. I’ve seen youth across our state accomplish great things – they have founded junior city councils, created community centers, started their own businesses and volunteered their time to make their communities better. They, and dozens of other Alabamians I’ve met through my work with

Effective leaders realize that every person has a valuable viewpoint to share and that each individual is an expert on their own experience. Effective leaders make time to listen.

the Mathews Center, inspire me every day to work harder to improve civic engagement and civic education, and thereby the future of our great state. I’ve learned a great deal about what it truly means to be a great leader from these active citizens and engaged community leaders from across the state.

Leadership Lessons

I’d like to share a few of the lessons I’ve learned about leadership that increases active citizenship and improves

communities. These lessons come, not from me, but from observing brilliant, humble, kind, thoughtful, engaging local leaders, just like yourselves, from across Alabama. Far be it from me to tell a group of seasoned leaders anything about leadership. So, I'd like to share the following stories, not as a lecture, but as an encouragement to keep on keeping on!

One of the greatest lessons I've learned comes from something our namesake, Dr. David Mathews, a native of Grove Hill, Alabama, former President of the University of Alabama and Secretary of Health, Education, and Welfare for President Gerald Ford said at our annual Civic Institute this past August. He shared that a hallmark of a great leader is that they are a "door opener" rather than a "gatekeeper." That got me thinking a lot over the past month.

What does it mean to be a door opener rather than a gatekeeper? My perspective is that rather than jealously guarding power and trying to make decisions on their own like a "gatekeeper," a "door opener" pursues a path of servant leadership. They view their leadership role as an opportunity to connect their community, and to provide possibilities for others to speak up and lead. Door openers work to equip and engage those around them for leadership. They see the potential in others, even when they don't see that potential in themselves. Door openers seek to foster the growth and development of active citizens and engaged leaders. They focus on others, rather

*Effective leaders open doors to expand
"leaderfulness" rather than
keeping people out by
guarding gates in their communities.*

than themselves, and they dedicate their lives to improving the community rather than simply their own self-interest.

What are some hallmarks or characteristics of leaders who are door openers? Three characteristics come to mind immediately for me. The most effective leaders I know listen well; they ask good questions; and they invite others to join them to work better together for their community. First, they know the wisdom of being slow to speak and quick to listen. It's tempting to speak first, isn't it? We live in a culture that does not always reward those who listen first and talk second, and all too often we too are guilty of listening in order to *respond* instead of listening in order to *understand*.

It sometimes seems that everyone is racing to deliver the first soundbite in a war of words. Folks would often rather dominate air time and control the message than find ways to work through an issue with those they disagree with. Our ability to speak immediately about any issue, potential policy or community opportunity has grown exponentially in this age of technology. It's a bit terrifying to think of the sheer

volume of communication that each of us engages in each day. In the cacophony of communication surrounding us, the need for more listening grows daily. Effective leaders realize that every person has a valuable viewpoint to share and that each individual is an expert on their own experience. Effective leaders make time to listen.

So, what are they listening for? Effective leaders want to hear people's stories. As they hear folks' stories, they listen for the values that motivate a person's opinions, and the life experiences that shape their perspective. They listen to learn and understand rather than to refute and diminish. They particularly make time to listen to differing perspectives so that they can make wise decisions after having heard multiple perspectives from their community.

Effective leaders also know the importance of asking questions, which is closely tied to active listening. Leaders ask questions that elicit stories, personal perspectives and the things each individual holds valuable – what is deeply important to them. They ask questions that uncover unique assets and raise possibilities. They also probe to discover and understand the challenges and barriers that make moving forward so hard. They ask questions to uncover common ground for acting, questions that help their community move from talk to action.

Asking questions opens possibilities. When you ask "What makes this issue or problem real for us?" you're opening the door for others to be involved in defining the issue. Asking "What can we do together that we can't do separately?" opens pathways for collaboration and working better together. One of the most important questions we can ask is "Who is not in the room or at the table?". Asking that question, and then working to get those folks in the room, helps us ensure that we're building capacity within our community by encouraging all corners of the community to be involved.

Finally, effective leaders understand the power of extending an invitation. This is the South after all. We try to be polite here. We often feel that unless invited or asked, we don't have a role, a voice or power in our communities. Leaders who seek to open doors work to unleash the potential within their citizens by inviting them to learn together and engage in the hard work of citizenship.

I'm not just talking about inviting folks to City Council meetings, community gatherings or local events, important though those are. I'm primarily talking about inviting folks to become *actors* in your community. Too often, citizens in our country are primarily bystanders, clients and consumers in our democracy rather than *producers* of democracy. Our democracy is an experiment – it's not in our DNA – it requires renewal with each successive generation.

If you're struggling to think about who to invite to be a part of good work going on in your community, consider asking whoever has been a thorn in your side. Who is it that complains the most about a particular problem or issue? Perhaps that person would be ideal to include on a committee or in an action planning conversation around that particular thing. They're clearly passionate

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Congratulations, 2018 CMO graduates!

2018 CMO Emeriti

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Councilmember Bobby R. Cook, Clanton
Mayor Allen J. Dunavant, Glen Allen
Councilmember Bridgette Jordan-Smith, Vincent
Councilmember Linda Kennemur, Center Point

Councilmember Donald Myers, Guntersville
Councilmember Willie B. Sconiers, Andalusia
Mayor Johnny L. Smith, Jacksonville
Councilmember Mary Mell Smith, Clanton
Councilmember Cleophus Stephens, Chatom

2018 Advanced CMOs

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Councilmember Dianne Ruffin Green, York
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Mayor Yank Lovelace, Brewton
Councilmember Marquetta L. Madden, Valley

Councilmember Alex L. Moses, Clayton
Councilmember Tonya Moss, Creola
Councilmember Clementine P. Pugh, Georgiana
Mayor Scott Reeves, Hokes Bluff
Councilmember Robbie Roberts, Pinson
Councilmember Jennifer Williams Smith, Jasper
Mayor Wayne Smith, Dadeville
Councilmember William J. Whisenhunt, Adamsville
Councilmember Ronnie L. Whitehead, Ashford
Mayor Ezell Woodyard-Smith, Camp Hill

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Councilmember Carrie R. Brown, Brewton
Councilmember Jerry L. Caylor, Evergreen
Councilmember Audrey Colvin, Alexander City
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Councilmember Bobby R. Hardrick, Daleville
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Mayor Terry Holley, Florala
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about that issue or problem! Why not use that for the benefit of the community?

What I've observed is that when leaders listen well, ask good questions, and extend an invitation to others, communities thrive. Communities become "leaderful" rather than reliant on the charismatic personality and dynamism of an individual leader. I believe "leaderfulness" sets a democracy apart from a dictatorship. Dictatorships have strong leadership, right? They just have one leader, or a small handful of leaders. The hallmark of a democracy is that we have many leaders. We have WE THE PEOPLE.

As Dr. David Mathews says, "We don't need less from the people thought of as leaders; we need more leadership from everyone else." My primary observation from my travels and

work across our great state is summed up in that quote. *YOU*, the leaders of our communities, don't necessarily need to be doing more. What we truly need is for a more engaged citizenry to take on more leadership so that our communities become stronger, healthier and better able to leverage our greatest assets to address our most deep-rooted challenges.

Effective leaders open doors to expand "leaderfulness" rather than keeping people out by guarding gates in their communities.

I applaud you for your leadership and encourage you to not take it all on yourself. Open doors. Listen actively. Ask questions. Invite participation. And engage "leaderfulness" in your community! Best wishes as you lead your hometowns forward! Thank you. ■

Cristin Brawner is the Executive Director of the David Mathews Center for Civic Life (mathewscenter.org) in Montevallo, Alabama. Cristin coordinates Mathews Center signature programming, moderates deliberative community forums across Alabama, and collaborates with K-16 schools and community partners to facilitate active civic learning for young Alabamians. A graduate of the University of Montevallo, Cristin has worked for the Mathews Center since 2011. She can be reached at cfoster@mathewscenter.org.



Become a Certified Municipal Official!

In 1994, the League established the Elected Officials Training Program for elected municipal officials. This specialized, voluntary program was the second in the nation and provides elected officials an opportunity to receive year-round continuing education training. Mayors and councilmembers can earn three professional certifications: Certified Municipal Official (CMO, 40 credit hours), Advanced Certified Municipal Official (additional 40 credit hours) and Emeritus (continuing education plus points). League staff members provide training for municipal officials and municipal staff frequently throughout the year, both at League events and those held by other entities.



Visit www.alalm.org for more information.

It may only be 2018, but the components of a successful 2020 census count are already being assembled in Alabama. By the time spring 2020 comes around, Alabama plans to have put into place a well-oiled machine as capable of counting heads as a modern tractor is of harvesting every grain of corn or boll of cotton.

That’s because as far as Alabama is concerned there is *a lot* counting on the 2020 census.

Kenneth Boswell, director of the Alabama Department of Economic and Community Affairs (ADECA), said the census is one of the more important issues he has faced since taking the helm at ADECA in May 2017.

“We do so many important things at ADECA, but in my time as director this may rank at the top of that list,” Boswell said. “The ramifications of this census to our state are so crucial, and I cannot emphasize enough that the outcome will impact every Alabamian in some manner. We need the help of our local government leaders to educate their residents about the importance of completing a census form for their household in 2020.”

An undercount in the 2020 Census could result in the loss of federal funding.

For years ADECA has served as the liaison between the U.S. Census Bureau and the state of Alabama. The agency works continuously to keep open a line of communication between the two and to assist the public with census-related inquiries. An undercount in Alabama’s population in the 2020 census could result in a loss of federal funding in the areas of education, healthcare and infrastructure. A recent George Washington University study estimates that each Alabamian represents \$1,567 that comes to the state in federal funding, a total of about \$7.6 billion for programs like Medicaid, school lunches, Title 1 education funding and Community Development Block Grants, among other programs.

The state is also at risk to lose one of its seven seats in the U.S. House of Representatives. The census is used to allocate representation among the states meaning Alabama’s projected slow growth compared with other states puts the state at risk of losing a seat to a state with high population gains. In addition to less representation, it would mean one less vote in the Electoral College for Alabama.

Alabama Counts! 2020 Census Committee

Aware of the significant and serious consequences of an undercount, Gov. Kay Ivey has helped lead the charge toward an accurate and thorough count. In late August, she signed an executive order establishing

the Alabama Counts! 2020 Census Committee.

The committee, representing education, government, faith-based organizations, community-based organizations, business and industry, health care and rural areas, provides an across-the-board representation of people and subcommittees to ensure that every Alabamian is aware of the census and its importance to the state and is ready to fill out a census form in spring 2020.

Many areas of the state, where local municipal leaders are aware of the importance of the census, have aligned with U.S. Census Bureau representatives to wage a “Complete Count Campaign” to ensure maximum census participation. In northeast Alabama, Calhoun County officials have embarked on a CCC effort involving all the municipalities in that county while just up the street the East Alabama Regional Planning and Development Commission has undertaken a similar task, but on a larger scale to involve every local government in its 10-county service area.

Anniston City Councilman David Reddick, who participated in a recent census workshop in Anniston, said it will take a cohesive effort to improve census participation. “If you look at the areas where we have the highest challenge involving things we need to do to improve participation, you will also see they are also areas with the highest poverty rates,” Reddick said.

During the recent workshops, census representatives said grassroots efforts are essential to preparing for and obtaining

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Municipal leaders from Calhoun County attend a workshop to become more familiar with the census process and to learn about local complete count committees.



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The Legal Viewpoint

By Lori Lein, General Counsel



Working with Municipal Boards

As municipalities grow to serve the needs of their residents, it becomes difficult, if not impossible, for a municipal official to stay abreast of developments affecting all municipal departments and agencies. Some municipalities have created council committees which function as an arm of the council. Council committees, usually composed of members of the council, observe the work of the various municipal departments and report back to the council regarding implementation of needed changes. The formation of committees enables council members to split the workload and concentrate their efforts toward improving specific areas.

Often, though, a service becomes so complicated that the council no longer feels qualified to deal with it themselves. The solution is often the creation of a separate board.

What is a Board?

Black's Law Dictionary, Ninth Edition, defines a board as “[A] committee of persons organized under authority of law in order to exercise certain authorities, have oversight or control of certain matters, or discharge certain functions of a magisterial, representative, or fiduciary character.” In other words, a board functions in a representative capacity. The council may elect to delegate its power over a municipal function to a board which is created for a single purpose.

Municipalities in Alabama have the authority to create numerous types of boards. Some of the more common types include utility boards (water, sewer, electric and gas), library boards, industrial development boards, zoning boards and planning commissions. These boards exercise only the authority granted them by the legislature.

Categories of Boards

It is important to remember that Alabama municipalities operate under the Dillon Rule, which provides that municipalities, being creations of the state legislature, can exercise only the powers the legislature chooses to delegate to them. So, in order to create a board and vest it with specific powers and duties, there must be legislative authority for the

board. Under Alabama law, all municipal boards fall into one of three distinct categories, depending upon legislative authority and the means of creation. There are incorporated boards, unincorporated boards and advisory boards.

Alabama law specifically provides for the creation of incorporated boards and unincorporated boards. An incorporated board is a totally separate entity from the municipality. Once it is created, an incorporated board has plenary power to act within its sphere of power, unfettered by the municipal governing body. Board members cannot be removed by the council. Generally speaking, board members serving on separately incorporated boards can only be removed by impeachment. AGO 1997-276.

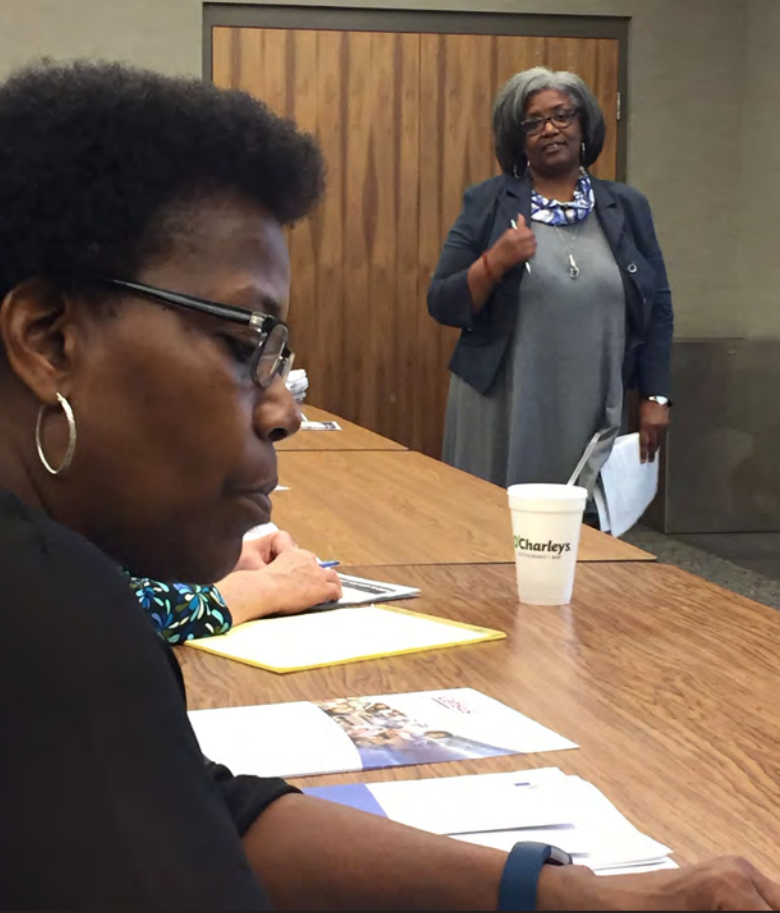
Incorporated boards generally cannot be dissolved by the municipality except as provided for by law. For example, with regard to a water works board organized pursuant to Section 11-50-310 of the Code of Alabama 1975, the city council of the municipality which authorized the incorporation of the board may offer to pay the debt of the corporation, which if accepted by the board, would result in either the dissolution of the corporation or the corporation's dissolution by a resolution of the board, but only if it does not have outstanding bonded debt. AGO 2002-104; see also *Water Works Bd. Town of Bear Creek v. Town of Bear Creek*, 70 So.3d 1186 (Ala. 2011)

Unincorporated boards are less autonomous. They still have the power to act without interference from the governing body and the positions of the board members are secure. They cannot be removed other than according to the statutes governing them. However, unless otherwise provided by law, the council has the power to dissolve an unincorporated board and assume its duties or create a new board to perform those functions. AGO 1985-264 (to Hon. Anthony Miele, March 18, 1985).

Municipal boards may only exercise powers authorized by law. Unincorporated boards and incorporated boards are both created pursuant to statutory authority. The powers of these boards are outlined in the statutes under which they are created. Therefore, in order to determine who is eligible

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Census Bureau specialist Carletta O. Singleton leads a local workshop in Oxford on preparing for the 2020 census.



accurate counts. While the U.S. Census Bureau will be conducting the counts, local people, governments and committees can go a long way in increasing participation because they involve people who are well-known and trusted in communities.

Local Update of Census Addresses (LUCA)

More than a year ago ADECA and the Governor’s Office contacted each municipality and county in the state to encourage them to enroll in the Local Update of Census Addresses, or LUCA, process. This important step ensured that the Census Bureau has the most up-to-date address lists for every area of Alabama by asking local governments to verify active addresses used during the 2010 Census and submit new ones where new development occurred during the past 10 years. Alabama’s municipalities have answered that challenge, more than doubling participation in LUCA from 2010 numbers.

Wadley Mayor Donna McKay said all available preparations have been to ensure that the city’s population, which includes Southern Union Community College, is accurately recorded. “We think we are right on target,” McKay said. “We are putting a much greater effort than

maybe we have done in the past because we realize how important the census is to our community and to Alabama.”

For the most part, Alabama’s 2010 census participation surpassed that of the 2000 census, except for many Black Belt counties. Yet, even with increased statewide participation, only a few counties reached the 80 percent mark and some counties – primarily rural – fell below.

“Getting a complete count census is going to be a challenge, but it is one that is attainable, and certainly it is worth the effort,” Boswell said. “I am certainly impressed with the enthusiasm that many of our local governments have shown, and I think the momentum is just getting started.”

Local leaders asked to encourage Census participation.

The actual census head count will begin in mid-March 2020 when residents begin receiving notifications. Residents will have the option of responding by Internet via a computer or smart phone, or they may call a toll-free number to provide their Census information or request a paper form.

The Alabama Counts! 2020 Census Committee will be working in the coming months through its subcommittees to develop a statewide action plan that includes statewide outreach and awareness efforts. The Alabama League of Municipalities is joining Alabama’s regional planning and development councils and several other groups on the Alabama Counts! Government and Outreach subcommittees. Additionally, the U.S. Census Bureau has hired a team of partnership specialists who will work with local governments throughout the state to organize local complete count committees.

“With congressional representation and billions in federal funding at stake, there is a sense of urgency to our efforts at the state level. We ask our local leaders to join us by hammering home the importance of the 2020 Census at any opportunity - whether it be a speech to a civic club or a newsletter or social media post,” Boswell said. “With a full count, everyone in the state benefits.” ■



Gov. Kay Ivey appointed key leaders throughout the state to the Alabama Counts! Census Committee to obtain maximum results during the 2020 census count.

Youth as Authentic Partners in Municipal Leadership

Mayor Hollie C. Cost • Montevallo



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

As municipal leaders we are charged with many responsibilities. We assume the role of ensuring that our community not only meets the basic needs of our citizens, but that our citizens have the highest quality of life possible. We want vibrant, thriving communities that serve as desirable destinations for visitors, as well as havens for residents. Historically, our commitments have focused on serving our adult population - those who have elected us to serve. In doing this, we identify the need for specific industries, businesses, infrastructure improvements and city ordinances. What we have come to discover is that by focusing on this narrow audience and these narrow needs, we are slowly losing a great and valuable subset of our population - our youth.

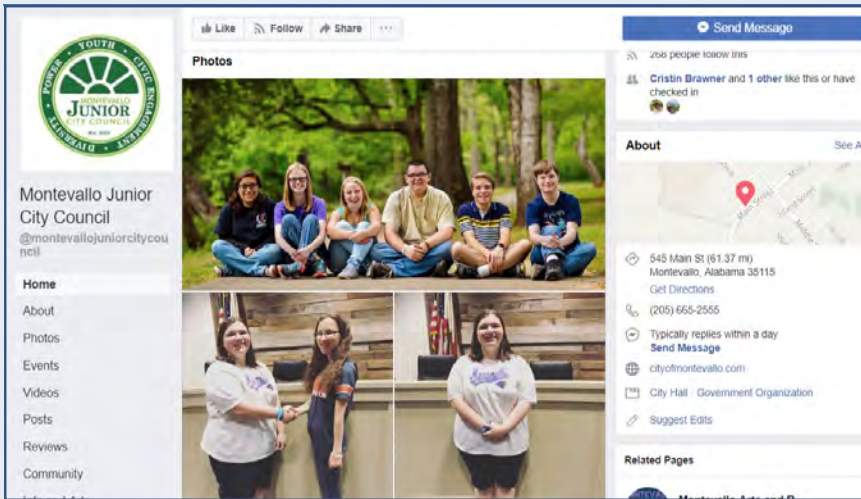
Rural communities across the country are suffering from brain-drain. The allure of the larger metropolitan areas pull away our best and our brightest young citizens. The result of this across the country is dismal and can be witnessed by ambling down many Main Streets in the South. While we may not see true tumbleweeds, there is an eerie, sleepy feel to areas that once thrived. Many explanations exist for this regression ("The Amazon Effect", urban sprawl, joblessness), and there are many ways to respond. In the unconventional oasis of Montevallo, Alabama, we have chosen to

take multiple approaches with one common thread: fully engaging our youth as authentic partners in municipal leadership.

From a distance, this sounds a bit insane. We are inviting youth to the table to assist in making key decisions when their cerebral cortex is not even fully developed. Many of them can't even bother to pick up their socks around the house, much less have the capacity to serve in an advisory role to community leaders. As the mother of two teenage boys, I couldn't agree more. Our teens have a long way to go before they are ready to fully assume the reins of leadership. This serves as solid justification that we as mayors and councilmembers should include them in leadership development at a young age. In Montevallo, we chose to do just that by mentoring a group of our youth to develop their own Junior City Council.

Our journey began through a partnership with the David Mathews Center for Civic Life. Each year, this organization puts out a call for proposals to higher education institutions to develop internships that immerse university students in rural communities. I was able to pursue this opportunity since, in addition to serving as mayor, I am also a university professor. At The University of Montevallo, we chose to involve our intern in developing a "Students' Institute" to engage 5th-12th grade students in a series of field trips and community forums based upon the question: "What would Montevallo need to look like in order for you to live here





throughout your adult life?” At the risk of sounding a bit overly dramatic, the result has been truly transformational.

More than 60 students participated in the 2012-2013 Students’ Institute. At the end of that experience, they had proposed a Teen Center, requested that numerous businesses come to Montevallo and proposed changes in their school. Eight of them requested to be more deeply involved in the civic landscape of our community so that they could work toward implementing these changes. Stated quite simply, they wanted to *do something*. I quickly realized it would be important to take advantage of the enormous energy being generated by this dynamic group. They were a fierce force that would not back down. So, I did the only thing I could do: I embraced them. I brought them into City Hall and asked them exactly what they meant and what they wanted. At this juncture, they didn’t know specifically in what direction they wanted to proceed, but they did know they wanted to make an impact on our city. So I sought to determine the best way to support them in accomplishing this.

Through connections at a subsequent League of Municipalities meeting, I had the fortune of meeting Leigh Dollar, the Mayor of Guntersville. We began talking about our local youth and she introduced me to the idea of a Junior City Council. When I returned home to propose the idea, our “Elite 8” fully embraced and ran with it, creating the Montevallo Junior City Council (MJCC) in 2013.

Their first order of business was creating a leadership structure comprised of a Junior Mayor, a Vice Mayor, Secretary, Treasurer and Social Media Officer. There was surprisingly little discord regarding who would serve in each of these roles. Within a short period of time, they began conducting regular meetings each week at a location on the University of Montevallo campus. These meetings gradually moved to City Hall. The inaugural MJCC established by-laws, developed a mission and vision statement and delineated guidelines for membership. They even created their own application and established a Google account for email and storing documents. Each year, through a voting process, a new MJCC is born with their own distinct personality, providing their own unique twist to the rules and processes. There have definitely been struggles along the way with respect to issues such as the way meetings are conducted, personal disputes and project follow-through, but as the group has evolved, I can say without

hesitation they have made a tremendous impact on our community.

Over the last five years the MJCC has taken a lead in the following projects: starting a local teen center, installing soccer goals in the park, proposing summer camp programming, raising funds to purchase new baseball helmets, volunteering at local events, hosting a mayoral candidate forum, developing a downtown business discount card, bringing Taco Bell to town, creating a shadowing program for middle school students to transition to high school, serving as ushers for our Hometown Heroes breakfast and fully participating in community forums. Current projects include establishing a Pride Day event, hosting holiday celebrations for youth and raising funds to begin a Moonlight

Movies series in a new park.

Our Junior Mayor sits alongside the regular City Council during each meeting, presenting a full report to those in attendance. Our Junior Council participates in an opening retreat each year and is sworn in each one-year term. Last year, MJCC presented an ordinance to the City Council which established their organization as a standing committee in the city. This is particularly impactful as it ensures their longevity regardless of the city leadership composition.

In closing, it should be noted that developing a Junior City Council is not for the faint of heart. Working with a strong-willed group of youth can be challenging and exhausting at times. But I can say without hesitation that it is absolutely worth the investment in every sense of the word. I am confident through this endeavor that our community is better and stronger and that we have created a framework to retain our best and brightest and end the cycle of brain-drain in our 12.59 square mile oasis. In fact, on October 18, 2018, the MJCC won the American Civic Collaboration Committee Choice Award (Civvy) at the National Conference on Citizenship in Washington, DC – and they were the only group to receive a standing ovation. I’m extremely proud of them and the example they’re setting. These youth are truly making their mark on their corner of the world!

To learn more about the MJCC, visit Montevallo’s website at www.cityofmontevallo.com as well as the MJCC Facebook page at www.facebook.com/montevallojuniorcouncil. ■

Hollie C. Cost is the Mayor of the City of Montevallo and Professor of Special Education at the University of Montevallo. She has participated in learning exchanges and professional development through the David Mathews Center for Civic Life, The Kettering Foundation, The Aspen Institute, Leadership Shelby County and Leadership Alabama. She joined the University of Montevallo in 2000 and the City of Montevallo as a councilmember in 2004, serving two terms before being elected mayor in 2012. Dr. Cost earned a Ph. D. in special education from Auburn University. Her honors include the Outstanding Service-Learning Collaboration in Higher Education Award, UM Commitment to Service Award, Academy for Civic Professionalism Award, Outstanding ACE Mayor Award and the 2018 Vulcan Game Changer Spear Award.

Our Voices Finally Matter

Abigail Heuton • Junior Mayor • Montevallo Junior City Council

I first learned about MJCC through one of my friends who brought me to one of their meetings. It really interested me. Seeing all of these people from high school doing something that was impacting the community in a positive way made me want to join. Afterwards, Mrs. Hollie (Hollie Cost, Mayor) spoke to me and my other friend about how the interview process works and what being involved with MJCC entails. Now I have been a part of the group for almost two and half years and I have never been more thankful for an organization.

Being involved with a wonderful group like the Montevallo Junior City Council (MJCC) has brought me closer with my community while teaching me about politics and what being a mayor entails. Each day I see the work and effort Mrs. Hollie (Mayor Hollie Cost) puts toward the city and it has inspired me to become more active with my school and Montevallo. Becoming Junior Mayor has helped me to grow as a person and become more mature. It definitely has helped me with my confidence and ability to speak in front of a large group of people. Before, I used to be timid. If I had an idea during meetings I would get one of my friends to tell the group what my idea was. Now I lead the meetings, keep the group on task and write agendas for each meeting. Additionally, sitting in the actual city council meetings allows me to understand the process of how new ideas are voted on and how each member on the council brings something different to the table. I have even been able to contribute to the meetings with MJCC's report on what we have been doing and our future goals for the year.



Junior Mayor Abigail Heuton at a Montevallo City Council meeting.



MJCC member Brett Terrill and Junior Mayor Abigail Heuton fundraising for a Movies in the Park project.

One of our biggest accomplishments, in my opinion, was getting an ordinance passed for MJCC making it the first junior city council to pass an ordinance. It also declared MJCC an official committee of Montevallo. We also have helped with community events such as Artwalk, ArtStalk, The Warrior Challenge and City-Wide Pick Up Day. This year we have several activities planned such as Moonlight Movies – we encourage Montevallo to keep a watch out for new announcements and events.

Overall, MJCC has allowed my voice and others

to be heard. Because of MJCC, kids my age know that our opinions matter as much as anyone else's opinions. ■

Abigail is a high school junior who loves her community and began focusing her efforts to help enhance Montevallo long before she could even drive. She and her fellow MJCC members serve as role models for other youth and continually work to be a partner with the City. In October, the MJCC traveled to Washington, D.C. where they received the American Civic Collaboration Committee Choice Award (Civvy) at the National Conference on Citizenship.

YOUTH IN ATHENS LEARN TO 'ARISE AND BUILD'

CITY OF ATHENS

When rocks crashed through windows of a community center built on a historic site in Athens, and the community learned boys ages 9, 10 and 14 were the vandals, the prevailing question of, "Why?" was forefront in many minds.

The Pincham-Lincoln Center stands as a testament to how a community can work together to enhance a blighted area, provide an asset for citizens and preserve history. The center is part of the Trinity site, where runaway slaves joined the Union Army, fought for their freedom, and later received an education when missionaries established Trinity School there. The center's design resembles the Trinity School, houses some of the school's memorabilia and serves as a gathering place for community programs. The vandals who threw rocks through the front windows lived near the center.

As the Athens-Limestone Community Association, which operates the center, worked to clean up shattered glass, and for many, shattered hearts, the Athens Mayor's Youth Commission members started asking: "What can we do?"

Activating Young People

Athens Mayor Ronnie Marks, community activist Jackie Warner, and City of Athens Grant Coordinator/Communications Specialist Holly Hollman formed the AMYC in 2012 to encourage high school students to learn about local government's role and their role as citizens.

"I could tell students were only hearing about national politics and the constant rhetoric of party politics," said Mayor Marks, who often visits various schools and school activities. "I finally asked myself what I was doing about that, so when Jackie Warner approached us about a program through the Mayor's Office to work with students, I realized this is how we could reach them and show them that if you want to make a difference, you start at the local level."

Warner provided examples of applications, mission statements and goals. Our main goal was for them to be engaged and informed citizens of Athens and in any city they choose to live. A secondary goal was for them to learn about the Athens community and realize that even if they move away for college or a career, Athens is a location they could once again call home.

An advisory committee comprised of Mayor Marks, Warner and Hollman recruited other city staff members

to join in serving as mentors. Mayor Marks met with the superintendent and principals of the local high school and private schools to discuss support of the project. They agreed the school counselors could assist in coordinating activities with students chosen for the AMYC.

Since 2012, the committee has learned that lunch hour is the best time to coordinate with three school schedules and home school programs. The students are in grades 10 through 12 and meet once a month from October through May from 11:30 a.m. to 1 p.m. The city provides box lunches, with some local restaurants providing discounts to feed the group. Throughout the year, the students visit city departments, historic sites, businesses and non-profit groups to learn about services and activities in Athens. They also must volunteer with at least three groups during the year. Here are some examples of their programs and community service projects:

- Learn about police procedure through the shooting simulator Athens officers use for their training on how to handle potentially dangerous encounters;
- Learn about fire procedures by observing firefighters during a training exercise, try on turnout gear and operate the hose;
- Visit the Birdie Thornton Center to learn from its mentally and physically challenged clients about services provided for them;
- Distribute Christmas gifts to Boys and Girls Club youth during a community tree lighting event;
- Be a guide during Tourism's Haunts Walks through Downtown Athens;
- Accept grant proposals from community non-profits and choose which projects receive funding (Dekko Foundation has provided money for this project).

During the year, the students must also attend at least one City Council meeting and one Board of Education meeting.

There have been times members of the advisory committee wondered if the students were learning, but then graduating seniors send their graduation invitations with personal notes for us to read. One participant who joined AMYC to meet peers because she was new to the community wrote: "I am happy you've believed in me every step of the way. Without you or (Mayor) I would not have the confidence I have now. Thank you for showing me that a woman can be anything



Athens-Limestone Community Association and Youth Commission mentors join Youth Commissioner Raven Warner in presenting a \$250 check to the Athens-Limestone Community Association to help repair a vandalized structure beloved by the city. Two additional community organizations donated to the Association after the Youth Commission announced its support.

she wants to be.” This student now is in college and sends us updates on her work with youth literacy.

A graduating student last year wrote: “Your support and time means the world to me, and thanks to AMYC I have a strong love for Athens and the people in it. I hope to, at some point, come back to Athens.”

Making a Difference

As to the Youth Commission’s reaction to the vandalism at the Trinity site, Hollman said the memory still makes her grab a tissue.

“Their reaction exemplifies exactly what we want to accomplish through this program,” she said. “I cannot express how proud we were and still are of these students.”

The students voted to give \$250 of their activity money to the Athens-Limestone Community Association to help pay the group’s insurance deductible and to challenge the community to step up. In addition, the students wrote a letter to the community, the young vandals and the association which was run, in its entirety, in *The News-Courier*

above the fold on the front page. Here is part of that letter:

To our community, the three boys who vandalized Trinity and the Athens-Limestone Community Association:

Earlier this week three boys did more than damage the Pincham-Lincoln Center by breaking windows and spraying fire extinguishers. They shattered feelings of accomplishment held by volunteers who worked to create that facility. They drew the ire of our community, raising questions about the disrespect of youth, boredom, and parental control.

To our community we say that although we wonder why, we choose not to speculate on their reasons for the vandalism. We choose to lead by example, and we ask you to do the same by involving youth in planning, decisions, and projects that benefit the City of Athens.

Please do not judge the youth of Athens on the actions of three boys. We as youth are invested in this city. Our Youth Commission mentors are invested in us. As citizens of Athens, what can you do to show your investment in your community and its youth?

To the three boys, we offer these words from Youth Commissioner Molly Kirkpatrick: “Giving back is worth so much more than rebellion or pulling some prank just for the fun of it. To be able to make someone’s day by just

EDITOR'S PICK

MAYOR'S YOUTH COMMISSION: Members pen letter to vandalism suspects

The News Courier Jul 2, 2016

Just days after three juveniles vandalized the Pincham-Lincoln Center, causing \$18,000 in damages, members of the Mayor's Youth Commission penned a letter to the community and the suspects.

The teens also voted to donate \$250 from a Dekko Foundation grant received earlier this year to help with the center's insurance deductible. The letter was provided to The News Courier and we are pleased to publish it in its entirety.

To our community and the three boys who vandalized Trinity and the Athens-Limestone Community Association:

Earlier this week, three boys did more than damage the Pincham-Lincoln Center by breaking windows and spraying fire extinguishers. They shattered feelings of accomplishment held by volunteers who worked to create that facility. They drew the ire of our community, raising questions about the disrespect of youth, boredom, and parental control.

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NFPA National Fire Protection Association 2016 National Fire Protection Association Award

LIMESTONE COMMUNITY ASSOCIATION 2016 National Fire Protection Association Award

Chair: James Smith, Vice Chair: Lynn Smith, Secretary: Nancy Smith, Treasurer: Nancy Smith, 300 Highway 28 North Athens, Alabama

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participating in community events or helping out with a service project is more rewarding than anything else you do as a teenager. No rule breaking or rebellion could ever top being able to make people so happy by just giving them your time and effort.”

To the Athens-Limestone Community Association, we offer more than words of sympathy and encouragement. Through the Athens Mayor’s Youth Commission some of us joined Athens Rotary volunteers to help with landscaping at your facility. We visited the Trinity/Fort Henderson site and walked the 1930s era bridge used by Trinity students to cross the stream. We learned from author Charlotte Fulton how the site tells the story of slave to soldier to student. We learned how Trinity graduates, association volunteers, and the late Councilman Jimmy Gill did more than dream about reclaiming the deteriorating site. They acted. Through persistence, fundraising and community outreach, they created a landmark that honors Trinity’s legacy and improves the city.

Your example teaches us we too must act. We cannot replace the more than \$18,000 in damages done by three youth from our community. The members of our Youth Commission

can donate to you \$250 toward your deductible and rental losses. We can demonstrate our faith in your mission, our commitment to our community and our challenge to other youth to be a positive force in Athens.

As Youth Commissioner Raven Warner further stated, “Hopefully this incident was a lesson learned to the three boys arrested for first-degree criminal mischief, and the Pincham-Lincoln Center will be restored, creating a stronger and more unified community.”

Your association exemplifies your motto “Arise and Build.” You will Arise and Build, and we will stand with you. ■

Holly Hollman is the Grant Coordinator/Communications Specialist for the City of Athens. She is a mentor and program organizer for the Athens Mayor’s Youth Commission. She also volunteers with the Athens Arts League Board and City of Athens Relay for Life. She is a graduate of the University of North Alabama, where she obtained a degree in journalism with a minor in public relations.

Tips for cities interested in starting a youth group

- Clearly define your mission by creating a mission statement.
- Determine two to three goals you want to achieve. Do not overwhelm yourself with more than you can possibly accomplish.
- Decide on a program timeline. How often will you meet with students? When will the program start and end? What is the best time to meet with your students?
- Choose your target group such as students from specific schools and specific grade levels. Decide how many students you can work with each year.
- Create a budget. Are you providing food, transportation or group T-shirts?
- Find your support team and create an advisory group. Choose people who can multi-task and be available to volunteer their time.
- Find at least one organized person who can develop the program and keep things on track.
- If you are working with schools or youth groups to recruit students, visit with those leaders first to get their support.
- You need to promote the program and the achievements of these students to garner and keep community support. Make sure students sign a media release form so you can use their name and/or image on social media and news media. Only use images/names of those who sign the form.
- Reach out to community leaders who could collaborate with you for speakers, field trips, funding and other needs.
- Create expectations for these students and emphasize the importance of meeting these expectations. Your program is not about them getting out of school or padding their resume. They are part of your program to learn.

How Your Municipality Can *Engage* its Young People: Creating Civic Youth Programs

Cristin F. Brawner • Executive Director • David Mathews Center for Civic Life

One of my favorite aspects of working for the David Mathews Center for Civic Life is working with Alabamians and Alabama communities to develop programming that engages young people in active civic learning. Active civic learning not only increases students' civic knowledge, but also provides them opportunities to build civic skills and exercise civic dispositions. I believe that providing opportunities for young people to build civic skills and exercise civic dispositions is vital to creating and preserving a healthy democracy where citizens are involved as *actors* rather than *spectators*, and as *producers* rather than *consumers*.

Over the past decade, a call has gone out for a renewed focus in education on preparing young people not only for college and career, but also for citizenshipⁱ. A growing number of articles, research and best practices on civic learning and youth engagement have made one thing clear to me: young people in the United States need more opportunities to engage in active civic learning – civic learning that goes beyond the passive receipt of knowledge. Youth need opportunities to improve and apply their civic knowledge in real-world settings in their own hometowns.

Lisa Guilfoile and Brady Delander stress the importance of engaging youth in active civic learning in *Guidebook: Six Proven Practices for Effective Civic Learning*. Young people, they claim, “can only learn how to be civically engaged by *being* civically engaged.”ⁱⁱ The Campaign for the Civic Mission of Schools outlines four key civic competencies young people must develop to be prepared for active citizenship. These competencies include: civic knowledge, civic intellectual skills, civic participatory skills and civic dispositions.ⁱⁱⁱ

I believe that we must work together not only in our classrooms, but also in our communities, to develop civic learning programs and initiatives that focus on developing and improving the four civic competencies. A handful of Alabama communities – Alabaster, Athens, Guntersville and Montevallo – are doing just that through the development of municipal youth councils or commissions. Municipal youth councils provide incredible opportunities for students to increase their civic knowledge about their communities; build and apply civic intellectual and participatory skills; and exercise civic dispositions in their

own hometowns. Additionally, municipal youth councils give students an understanding that democracy happens locally, not just in Montgomery or in Washington D.C.

So how can municipalities create youth councils as they work to become civic educators? Inaugurating a municipal youth council requires strong partnerships across a community. An effective youth council includes diverse students from every corner of your community. After a community has formed a municipal youth council, preparing, educating, and supporting students as they begin taking civic action is the most important work. Throughout the youth council's lifecycle, continued learning opportunities should be emphasized and included in the council's routine and schedule.

Partner with Others

Effective, sustainable youth councils must begin with strong partnerships. The Center for Information and Research on Civic Learning and Engagement (CIRCLE) at Tufts University asserts: “to have a significant impact on youth civic engagement, we must work together across venues, programs, and sectors to create a climate in which youth have not only opportunities to learn and participate, but also the skills and efficacy to do so.”^{iv} Engaging the support of parent groups, school leadership, adult mentors, youth organizations and others across the community will bolster and strengthen your youth council.

Begin by asking: “Who else works with youth in our community?” and “How can they support the work of the youth council?” Potential partners might include Boys and Girls Clubs, faith community youth groups, student clubs, school administration and faculty, parent teacher organizations, and local nonprofits. Partners can be helpful in myriad ways: by identifying young people to participate; by providing skill-building and training opportunities once the council has been formed; by introducing students to citizens making a difference; by engaging and equipping adult mentors; and by sharing information and resources for addressing the issues students decide to tackle through the council.

The partnerships you develop to support your municipality's youth council should be as unique as your community. In fact, they should emphasize what sets your community apart. There is no one or “right” way to do this work!

Recruit Youth Participants

Once you form partnerships to support your municipality's youth council, then the fun part begins – recruiting students to participate! To start, you will want to choose a maximum number of participants and an age range for participation. For example, Montevallo's Junior City Council members must be in middle or

Youth need opportunities to improve and apply their civic knowledge in real-world settings in their own hometowns.

high school to participate and the council is generally composed of fewer than 20 members. You may choose to limit participation to high school sophomores and juniors, or to primarily focus on middle school students. I would caution restricting participation to high school seniors as they will not have enough time to become a cohesive team, develop their skills and design and implement sustainable projects. Starting at a younger age and allowing students to participate for two or more years provides a much better chance for students to make an impact in your community. Additionally, keeping the council at a reasonable size ensures students can get to know one another and not become bogged down by a cumbersome bureaucracy.

As you think about the composition of your municipal youth council, I would put forward that the most important characteristic you want in a youth council member is commitment. Regardless of grades, previous volunteering or leadership experience, dedication to the work of the council is critical. Students will develop leadership skills by participating in the youth council. They will need to already demonstrate a willingness to commit, work hard and persevere when things get tough. Because as you already know, community work can be challenging for even the most dedicated!

The recruitment process can be as simple or as complex as you choose. Some communities require a recommendation from a teacher or other trusted adult, some have an open application period with individual interviews, while others ask schools to send representatives. Regardless of how you recruit participants, it is important to encourage diverse participation. Youth council members should represent different parts of your community. Raising awareness of the youth council during neighborhood association meetings and through faith communities can assist in getting broad participation across the community. Rely heavily on your partners to recruit diverse participation. Once your municipal youth council has completed a successful first year, consider allowing the current youth council to assist with nominating, and even selecting, their future peers.

One of the most important lessons participating students will learn is that failure is part of learning.

Prepare Students for Leadership

Once your municipal youth council has been formed, now what? Educating participating students about your community and preparing them for civic leadership must precede any actions the youth council may take. Work with your partners to provide opportunities for growth, learning and development. The youth council can explore civic spaces in your community, interact with public servants, learn from citizens who are making a difference, map community assets and identify the youth-related issues they would most like to address. Beginning with education is essential as many young people are unfamiliar, or only vaguely aware of, the assets in their community and the challenges currently facing their community.

Educating the youth council can be done through team-building exercises, interactive field trips to community assets, meetings with community leadership and skill-building activities and workshops with nonprofits or leadership development organizations. Extending learning opportunities beyond city hall to include local business and industry, main street, parks and recreation, schools and educational facilities, arts and cultural spaces, historic places and even public works gives students a fuller picture of their hometown. Additionally, going beyond city hall allows them to meet “regular” citizens who may not have a leadership title, but who contribute in small and large ways every day to the success of the community. Opportunities like these enhances a student’s understanding of what active citizenship and civic leadership looks like in their hometown.

After students develop good working relationships with one another and with community leadership, as well as a strong understanding of their community, they are ready to begin working in earnest. Then begins the fun of engaging their passion, perspective and hard work in community-based, youth-related projects and initiatives. As the students continue processing all they have learned about their hometown, ask them regularly during youth council meetings to identify the top issues facing young people in their community. In addition to bringing their own perspectives forward, the students should be encouraged to ask their peers at school, church and student clubs their perspectives or concerns on whatever issues or ideas the youth council would like to address.

Students should then narrow down the list of issues and concerns to their top priorities. The youth council, with the help of supportive adults, can then identify the role youth should play in addressing that particular issue, concern or unrealized asset. Developing a plan of action comes next. Moving from talk to action around their initiative will require them to develop partnerships, work

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Montevallo civic skill-building workshops with 4th-12th grade students.

Communities as Classrooms: Overcoming Civic Deserts

Gabrielle Lamplugh • Assistant Program Director • David Mathews Center for Civic Life

We know that civic engagement is at a crisis point, especially youth civic engagement. Both inside and outside of the classroom, civic skills have continued to decline, evidenced in metrics ranging from test scores to voter turnout and often cited in anecdote as much as in statistics. The National Association for Educational Progress revealed that only 23 percent of eighth-graders scored at or above proficient level on their most recent Civic Assessment.ⁱ In Alabama, the November 2016 voter turnout for 18 to 24-year-old Alabamians was a mere 41.8 percentⁱⁱ. However, these challenges are not unique to Alabama.

Over the past decade, civic engagement and volunteering rates among young Americans have declined across race, income and education levels. Youth and young adults living in “civic deserts” (communities that lack adequate opportunities for young people to learn about and participate in civic and political life) are overrepresented among the disengaged. Youth in civic deserts are less engaged in politics, are less likely to vote in elections, and are less likely to believe in the influence of their own voice and the collective potential of their community. In America, 40 percent of youth and young adults live in civic deserts, a rate which climbs to 60 percent in rural areas. As a result, civic deserts disproportionately affect states like our own.ⁱⁱⁱ

Communities as Classrooms

While the statistics are harrowing, they are not inevitable. The “desertification” of civic life in our communities can be addressed through many approaches, one of which is improving civic education. And, possibilities for strengthening civic education extend far beyond the hallowed halls of the school. At the David Mathews Center for Civic Life, we often

talk about the concept of “communities as classrooms.” That is, the ability of our public spaces, nonprofit organizations, informal associations and elected leaders to provide educational experiences beyond the scope of the classroom that prepare students for their future as citizens.

Think back on your own childhood and young adulthood. What were some of the greatest lessons you learned? Where did you learn them? Who taught you? Chances are, when you think of the great “teachers” in your life, you aren’t only thinking of your high school history class or your favorite elementary teacher. You probably think of coaches, scout leaders, parents,

Civic education is about more than classroom learning. It is about community partnerships.

grandparents, camp counselors, spiritual leaders or even your supervisor at your summer job. Therefore, when we think about civic education, and equipping our youth with civic skills, I challenge you to think of the role that you and your community can play outside of the formal classroom.

We have observed how municipalities across the state have created opportunities for youth to immerse themselves in the day-to-day work of democracy, in a way that not only provides learning experiences for youth, but also capitalizes on and cultivates the unique skills that they bring to the table. One resource we’ve found especially helpful in casting a vision for the “community as classroom” approach is the Campaign for the Civic Mission of Schools.

In “Guardians of Democracy: The Civic Mission of



Community Showcase: Montevallo 4th-12th grade students present their ideas from a civic skill-building workshop to parents, teachers and community leaders.

Schools,” the Campaign for the Civic Mission of Schools highlights the crisis of civic education, as well as the multifaceted changes we need to make in the skills our students are learning to see sustainable change in civic engagement. One thing the Civic Mission of Schools highlights is that civic competency extends far beyond content knowledge – it requires civic skills (such as communication skills, critical thinking, collaboration and the ability to be a community organizer) and dispositions (such as a sense of responsibility and duty and tolerance and respect for others).

While it may be challenging to fit lessons about the Supreme Court into local youth programming, it is often easier to develop opportunities for students to work together collaboratively; to contribute to projects that provide a sense of personal efficacy; or to experience and gain a greater appreciation for diversity. The success of civic education is just as dependent upon cultivating these everyday democratic skills as it is upon having the content knowledge to pass a standardized exam, which prompts a final thought.

It is not only possible for young people to be civic leaders in our country, it is, in fact, their legacy.

Reversing Trends of Youth Disengagement

In order to reverse trends of youth disengagement, we must focus on holistic civic education that ensures the experiences of young people are valued in the classroom and the Capitol. We need to immerse students in democratic practices and focus on providing them with a chance to not only learn about their community’s past and present but help construct its future. We need to not only consider what we can do to better educate youth, but also how we can give youth more opportunities to educate us: What are we doing to ensure they have an impactful role in influencing the society they will soon inherit? How are we involving young people in policy discussions and community forums on issues that primarily affect them, such as educational inequality, economic development, and violence?

Cultivating civic skills, just as in all content areas, requires not only knowledge but also application. Civic education, therefore, is about more than classroom learning. It is about community partnerships. We need to provide adequate opportunities in our communities for students to apply the civic skills they learn. Across Alabama, municipalities, libraries, law enforcement officials and nonprofit organizations have created innovative programming that extends student learning beyond the classroom and into the everyday work of the community. I invite you to consider ways that your community can create, or improve upon, the programs that are already in place for young people, so that they have an opportunity to put civic skills to work and create impactful change in their hometowns.

Despite the pessimistic outlook many today have about

youth, it is not only possible for young people to be civic leaders in our country, it is, in fact, their legacy. We easily forget that many of our nation’s Founding Mothers and Fathers were in their teens and early twenties when the Declaration of Independence was written. Or, that many of the names etched into the historical placards that line the streets of Selma, Montgomery, and Birmingham recognize not seasoned activists, but children, who were willing and able to speak out and stand up when adults were not. Impactful civic change has often been ushered in by the young. But collectively, I believe we have lost sight of that fact. I do not believe there is anything fundamentally different between the young people of the American Revolution or the Civil Rights movement and those of today, except – perhaps – the opportunities we have provided them with, and the expectations we have set for them.

When left to their own devices, young people are nothing if not curious, adaptable, and willing to take risks. It is time to remove the civic training wheels and provide youth in our state the opportunity to rise to the democratic occasion. I am confident, when given the chance, that they will do what generations of young people before them have: affect great change.

If you are curious about learning more, or if you would like us to help you transform your community into a classroom for improving civic education, send me an email at glamplugh@mathewscenter.org. We would love to partner with you to equip the next generation for active civic learning and engaged citizenship in your hometown! ■

Gabrielle Lamplugh was born and raised in Fairhope, Alabama. After high school she attended Auburn University where she was a University Honors Scholar, earning her undergraduate degree in English Literature with a minor in Community and Civic Engagement. During her undergraduate studies she was awarded a fellowship in Community and Civic Engagement, participated in the Appalachian Teaching Project, served as a resident assistant, and helped charter a sorority on campus. She loved Auburn so much she returned to complete her graduate degree in Communication, during which she taught public speaking to undergraduates. Prior to beginning her position at The David Mathews Center, Gabrielle completed her graduate internship at The Carter Center in Atlanta, Georgia.

Endnotes:

- ⁱ The Nation’s Report Card, “2014 Civics Assessment,” www.nationsreportcard.gov/hgc_2014/#civics
- ⁱⁱ U.S. Census Bureau, “Voting and Registration in the Election of November 2016,” Table 4c, May 2017, <https://census.gov/data/tables/time-series/demo/voting-and-registration/p20-580.html>.
- ⁱⁱⁱ Kawashima-Ginsberg, K. & Sullivan, F. “Study: 60% of Rural Millennials Lack Access to a Political Life,” <http://theconversation.com/study-60-percent-of-rural-millennials-lack-access-to-a-political-life-74513>

Perspective: Civic Mentoring Matters

Jim Byard, Jr. • ALM Past President (2004-2005) • former Prattville Mayor • former ADECA Director

John Quincy Adams once said: “If your actions inspire others to dream more, learn more, do more and become more, you are a leader.” If you are reading this edition of *The Alabama Municipal Journal*, chances are you are a leader. Not quite sure? David Mathews, President and CEO of The Kettering Foundation, put it this way: “Leadership is provided by anyone who carries out any of the tasks in the work of change. This kind of leadership passes to different people at different times. There are many leaders.”

My guess is, you are a leader.

Our cities and towns are not the same places as they were when I took office in the '90s. Back then, most had a local bank, a local car dealership, locally owned stores and shops. Today however, many cities or towns don't have the benefit and influence of these locally owned businesses. They may only have branches of larger banks and the local car dealership may have closed or relocated to another city. Chain stores may have replaced local merchants.



ALM Past Presidents Jim Byard (2004-2005) of Prattville and Leon Smith (1997-1998) of Oxford at the 2010 NLC Congressional City Conference.

I have a sign hanging in my office that reads: “Life is change. Growth is optional. Choose wisely.” Leaders must learn to thrive in this economy: however, I fear some of the civic mentorship that local businesses provide may be missing.

I was elected to the Prattville City Council way back in 1992. It was my introduction to local government – up close and personal. Upon re-election in 1996, I became the City Council President, or leader of the Council. In June of 1999,

That's what leaders, friends and mentors do – they take the necessary time.

our mayor, David Whetstone, suffered a fatal heart attack while traveling overseas. As Council President, I became mayor of my hometown upon his death just a few days later. As I reflect on those early days of my tenure as mayor, almost 20 years ago, I cannot help but remember folks who reached out to offer a helping hand, a word of advice or a shoulder to lean on. Some of these folks were local business or civic leaders and still others were fellow mayors serving across Alabama. Back then, I don't recall using the term “mentor” much, but many of these people were just that – mentors to me, a brand-new young mayor.

One of Webster's definitions of mentor is “someone who teaches or gives help and advice to a less experienced and often younger person.” And Webster defines mentorship as “the influence, guidance or direction given by a mentor.” Most of us can immediately think of that person who influenced us from the earliest of our memories. Your mom, your dad, a grandfather or special grandmother. I am blessed to have had many good early shapers of my life. Back in that summer of 1999, I immediately heard from Mayor Al DuPont of Tuscaloosa, Mayor Leon Smith of Oxford, Mayor Ted Jennings of Brewton and Mayor Bobby Payne of Tallassee, just to name a few. These men stood out as leaders in our League of Municipalities. They were friends who had shown an earlier interest in me and had helped guide me when I was a newly elected official. Following my unexpected switch from Council President to Mayor, they called or came by

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Engaging youth in the work of improving their community gives them a greater appreciation for their community; an ownership and responsibility for how their community progresses; and a sense of civic efficacy that they can only learn by being active participants in their community.

with adult leaders and persevere as they discover that community work is not easy!

The youth council should continually seek ways to involve their peers as they move from brainstorming to action. Developing leadership skills among a municipal youth council that can, in turn, engage their peers in growing some of those same skills by involving them in their projects and initiatives is key. The result can be powerful and transformative not only for the youth, but also for the entire community.

Promote Continued Learning

As your municipal youth council moves from an idea to a reality, and grows and develops with participating students, you will want to ensure that you promote continued learning. From the beginning of the youth council, make time for regular reflection and shared learning with the students. Ask them what they are learning. Provide outlets for sharing their reflections with one another. One of the most important lessons participating students will learn is that failure is part of learning. Encourage the youth council to try new things, fail well, pursue other avenues and eventually arrive at a project that works. Opportunities to learn from failure will build resilience and perseverance among participants. And, the success will be all the sweeter because of the struggle!

Rewards Outweigh Challenges

Developing a youth council is not for the faint of heart. However, the rewards far outweigh the challenges. Engaging youth in the work of improving their community gives them a greater appreciation for their community; an ownership and responsibility for how their community progresses; and a sense of civic efficacy that they can only learn by being active participants in their community. Providing opportunities for youth to meaningfully participate in their community may even persuade them not to “graduate and get out” like so many, but instead to build their lives in their hometown.

At the Mathews Center, we continually look for opportunities to learn alongside citizens. I have had the privilege to learn a great deal about civic engagement

from the young citizens I’ve encountered across Alabama. I have learned that “age is just a number when it comes to civic engagement” and that young people are willing to devote their creativity and time to strengthen their community when given opportunities to build and exercise their civic skills. I have great hope for the future of our state when I get to know the passionate young people working for the betterment of their hometowns.

Need help?

Are you engaging young people in your community in effective, meaningful ways? Or, are you interested in starting a municipal youth council, but not sure how to prepare young people for civic leadership? The Mathews Center would love to assist and learn alongside you! Feel free to send me an email at cfooster@mathewscenter.org. ■

Cristin Brawner is the Executive Director of the David Mathews Center for Civic Life (mathewscenter.org) in Montevallo, Alabama. Cristin coordinates Mathews Center signature programming, moderates deliberative community forums across Alabama, and collaborates with K-16 schools and community partners to facilitate active civic learning for young Alabamians. A graduate of the University of Montevallo, Cristin has worked for the Mathews Center since 2011.

Endnotes:

- i. Campaign for the Civic Mission of Schools, Guardian of Democracy: Campaign for the Civic Mission of Schools, (2014).
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- iv. Center for Information and Research on Civic Learning and Engagement (CIRCLE), “Quick Facts on Civic Education.” Web. Accessed 11/5/2014. Link: <http://www.civicyouth.org/quick-facts/quick-facts-civic-education/>



Montevallo civic skill-building workshops with 4th-12th grade students.

Mentoring and Tormentoring

Sharon W. Lovoy, SPHR • Lovoy's Team Works, Inc.

“Tim” was in my office. I had just joined the organization, as head of the Human Resources (HR) department, and he had just been transferred to work in my department, as his last stop before being fired. Seems he had ticked off people in four other divisions who kept shuttling him along instead of trying to correct his problems. The report wasn't good. He didn't finish projects on time, his sense of humor was sarcastic to the point of being offensive, he had poor listening skills and behaved immaturely. The list of misdeeds went on and yet, I didn't find records of conversations with him regarding these problems, nothing that looked like shared information.

As I faced Tim, a young guy in his early 20s, I asked him why he thought he was sent to work in our department. He said that he didn't know and from the look on his face, I could tell he had no idea! I asked him about the impact he had made in the other areas and he said he thought he was doing ok. I was disturbed that he either lacked curiosity about why he was being transferred or, because of lack of experience, thought it was normal to be reassigned. I could tell he wasn't playing games; he truly didn't know why he was now being placed in HR. I revealed the few notes from his file with which he did not disagree, and it was evident he hadn't seen those, nor had he received any feedback, positive or negative, on his performance or work habits.

I realistically discussed his status, letting him know that my department was his final chance and that termination was clearly in the forecast if things didn't turn around. I could tell that he was both scared and embarrassed. I told him we were at a choice point. And, I meant *we* – not a version of “how are we feeling today?” I offered him a partnership and an opportunity to rebuild his career and reputation. I told him the road would be rocky, the work time consuming and labor intensive and he would have to be willing to take tough feedback, act upon the feedback and make the needed changes. I went on to say that while I needed a commitment, I did not want it that day. I knew the meeting had been overwhelming and I preferred that he take a step back, go home, talk it over with his family and consider my proposition carefully. I wanted him to take the next day off and over the weekend, surrounded by the people that he loved, to make his decision. I did not want his decision to be driven by raw emotion but rather clear consideration.

When I came in the following Monday, he was waiting in my office. He said that he had done a lot of thinking and talked with his wife. She said that she knew why his sense of humor was causing problems – his sarcasm was not his best attribute and he was rarely willing to consider other people's ideas, thinking he was always right. Regarding the work completion issues, she reminded him he had taken on household projects that were over his head and never finished them because he refused to ask for help. He said it was hard hearing his wife agree with his bosses. I was secretly giving his wife a virtual “high five” for not automatically taking

his side and undermining our conversation. He said that he was committed to making a change. This was the key component in our coaching success. A total makeover was in order.

Frankly, it felt like the *My Fair Lady* project but “Tim” started bringing in the wins by visiting other departments, asking for feedback, using their input and thanking them for contributing to the projects' success. He learned to quit using sarcasm after I showed him that his humor never translated well in texts, emails or in person. He also quit using sarcasm as a disguised way of being negative or disrespectful. He openly admitted his mistakes, described the steps he took to fix the mistakes and what he had learned from those mistakes. He came to realize he did not have to be the smartest guy in the room and that noticing the accomplishments of others went a long way towards good team camaraderie.

Through careful coaching, he made every deadline or gave advance notice if there were circumstances that were out of his control that interfered with the deadline. His confidence was growing, and he carried himself with a different demeanor. He would connect the dots and explain to others how he was factoring their input into plans. He was being called upon to participate on projects and he met every deliverable.

Feedback

Speaking of feedback, I teach training classes on performance management and coaching in organizations and I ask each class who loves giving feedback? No hands have ever gone up. I then ask who has ever gotten tough feedback that was really hard to hear (in other words, someone cared enough about them to let them know how they were really performing)? About half the class will raise their hands. I then ask who thought positively about the feedback giver immediately after. No hands are ever raised! I then ask how long ago the feedback took place. I usually hear a range from 5-20 years. I then ask, who *now* has respect for the feedback giver? One hundred percent of hands go up. Then they share their stories about the issues the feedback addressed: *I was young and stupid. I was mean. My work was not well done. I was late, a lot. I thought highly of myself.* Everyone has a chance to soak in the fact that the feedback giver changed their lives for the better.

Back to “Tim.” What were the results of our year of intensive coaching? The four divisions that had booted him out all put in requests to have him bid on openings in their areas. My own leader came to me and asked me if I was disappointed that after all the work I had put into working with “Tim” I was going to lose him to another area. I replied: “Absolutely not. He is getting a well-deserved promotion and this saved me from having to fire him – something I never wanted to do. And frankly, I was doing it for Fred.”

Who is Fred?

Investment vs. Feedback

Fred was a manager who had the misfortune of having a young, arrogant know-it-all working for him. Through some well-deserved feedback, he turned that whippersnapper around and saved *my* career. I will never forget the investment Fred made in me.

Notice the word “investment.” I believe we need to quit thinking about it as “feedback.” Frankly, feedback conjures up the foreboding sense of a terrible reaction from the employee. Leaders get so focused on how badly the session could go, they forget there can be a positive outcome. That’s why the word investment is so important. Investment in another human being takes the focus off the internal dread of the feedback giver and instead speaks to the opportunity that the leader has to mentor the employee.

Also, never assume feedback only goes one way. My daughter, Casey, graduated with a master’s in social work and was really struggling trying to determine where to go with her newly minted degree. I made a proposition. Why not join me for an internship before joining the world of the fully employed? Now let’s be clear about what was I picturing. I was Yoda, of course. I had tons of

wisdom that I was going to impart to Casey, who was clearly Luke Skywalker, in my mental scenario.

We got into the car at the end of the first day and I asked how she thought it went. I settled in waiting for the praise to come in my direction. She told me the story I used at the end of the session needed some editing and updating to more clearly emphasize my point. I was frankly shocked, but I did agree with her. The next day I asked the same question at the end of the day and she pointed out that I was a really good listener but that I needed to quit furrowing my brows together because it looked like I was being critical versus a good listener. I reluctantly agreed to “fix my face.” The next day, it was: “Mom, you need to fix your wardrobe. I mean really, ‘Paging Janet Reno,’ the late queen of boxy suits and shoulder pads!” So, I gritted my teeth and took a harder look at my wardrobe. It was clear to me that this was NOT going the way I expected. I was not the mentor, and Casey was definitely the *tormentor*! But a funny thing happened. We began engaging in some rich give and take about how we could both be better. Her internship was one of the better learning experiences of *my* career.

Guidelines for Being a Mentor

- Pay attention to situations where colleagues or subordinates are struggling.
- Use your own failures what you learned as a way to offer help.
- Let them know how the investment from others changed your life and why you would like to pay it forward by offering help. Give them time to think over the request, but there should be a deadline attached. Instead of the “Give me a call if you ever need help,” consider saying, “I know what it’s like to struggle with XYZ. I’d be happy to help you with this and maybe we can share some wisdom on how to get through this. I’ve got a busy schedule, but you can call me by [date] if you are interested in working on this.
- If there is an agreement made to enter into this relationship, exchange some expectations: The actual length and dates of the meetings, the need to give each other at least a 24-hour notice if the meeting time cannot be honored, with the specific plan for the makeup session.
- Choose a place to meet where neither of you will be interrupted. Firm rules about phones being put aside and avoiding interruptions should be discussed.
- Avoid “yes or no” questions. Instead of “Did you tell your boss about that?” (requiring a yes or no response)
- ask, “When you talked to your boss about that, what happened?” Ask questions that require the person being mentored to share information. Be careful not to use the session as a chance to lecture. Watch how much airtime you are using.
- If there are any books, articles, trainings that both of you decide would be helpful, always require a presentation from the person being mentored that showcases what knowledge was gained and how it’s being used.
- Think specifically about helping the person being mentored to mindfully make connections both inside and outside the organization. Encourage them to offer help to others as a way to build relationships.
- Celebrate any successes along the way and use failures as opportunities to learn some great lessons. Continue to offer up your own failures as ways you learned valuable skills.
- Never hold back when you’ve got some tough information to deliver. Don’t use the “brutal truth” as a way to be harsh, but look at the information as a key investment that can avoid problems in the future.
- Remember, you are not trying to make replicas of yourself. The ultimate goal is to help others reach their highest potential.

Guidelines for Working with a Mentor

- Watch others to see who has skills that you admire that you would like to learn. They could even be peers. Remember to notice skills in dealing with others as well as work skills. Be imaginative. Don't just look inside your own organization—think about other organizations or groups.
- Look specifically for others who are quite different from you: different personalities, different approaches, different ways of thinking, etc.
- Ask if they would mind meeting together and spending time helping you learn the skillsets that you want to improve. Tell them what you noticed about their skills and the gap in your own situation that needs to be closed. Don't be ashamed to reveal how you learned about the gap. The more truthful you are, the easier it is for the potential mentor(s) to figure out if they can help you.
- In thinking about your request, be clear about the number and length of meetings that you are requesting as well as how long you would like the process to continue. Be realistic and remember that meetings don't have to be long and drawn out if you stay focused.
- Always be on time for every session. Remember, lost time can never be replaced.
- Ask the mentors if there are articles, books, trainings, etc. that might enhance your competencies.
- Be ready to share failure that you experienced and ask questions about what you could have done differently. Present yourself as someone who is not afraid to hear tough feedback. Take notes on all advice given.
- At each session, be proactive and share how you applied the advice and what you learned as a result.
- Expect to fail along the way. These setbacks are great learning opportunities if you approach them that way!
- Finally, express appreciation to your mentors. And look for someone to mentor yourself as a true expression of gratitude.

Structured Mentoring Programs

I now facilitate highly structured mentoring programs, pairing individuals with trained mentors who are teaching them the business. Concentrated effort is put into face-to-face feedback. The cohorts of potential talent are intentionally populated with both seasoned and new employees. The thinking is that everyone has value to offer. They work hard to become a tight team. Skin is put in the game by sharing personal struggles and asking for help. This rite of passage is always the hardest part of the process because many members have perfected hiding problems and acting confident. It is fascinating to watch a group get to the gritty truth only to find that they are even more admired by others.

The participants in the mentor program focus on making strong connections across all lines of business; attending meetings from other functions to increase their business literacy; and consciously building a network that encompasses every single function. They learn the value of getting out of the silo. Additionally, we focus on:

- developing their emotional maturity
- noticing the impact of their actions on others
- learning to make it a habit to give and ask for help
- admitting mistakes without fear of blame or shame
- expressing gratitude
- asking questions with curiosity

While being developed, this group looks outward for others to actively recruit for the next cohort and afterwards they stay connected to the programs by becoming mentors. The results are that blame and fear are being replaced with openness and curiosity. Competition to get into the program is stiff and being part of the investment process is a coveted position on the team

Conclusion

What's the latest on "Tim"? The exciting part is that after I left the organization, I still run into him often. He did well in the division where he was promoted and later left the organization to join a larger company and has enjoyed several promotions since then. He is happy, vibrant and loving life. I don't take credit for his success. He was the one who had to initially commit to the plan. We both had sweat equity invested in his success and it's a joy knowing he continues to thrive.

And I call Fred every January to thank him from keeping me from imploding my career. ■

Sharon W. Lovoy, SPHR, owner of Lovoy's Team Works, Inc. (www.ltwinc.com), has a thriving consulting practice with more than 300 clients. She works with nonprofits, government agencies and large and small organizations in the private sector. She is completing a book with the working title, Cure Your Staff Infection: The Leader's Guide to Dealing with Contagious Bad Behavior, Drama in the Workplace, and Knots in the Pit of Your Stomach. She can be reached at swlovoy@ltwinc.com.

City Hall to visit; they helped calm me during an uneasy time of transition. They understood the old adage: “we should always be reaching up and, at the same time, reaching down to pull someone up.” They took the time to reach down and help pull me up. That’s what leaders, friends and mentors do – they take the necessary time.

At the same time, locally in Prattville, a bank president, a real estate developer, a cotton farmer, a car dealer as well as others were taking the time to reassure and assist me. They modeled leadership. They taught leadership. Little did I know at the time, that some of these folks would be people I would come to depend on to help me make decisions. These are people who are still supporting and ‘mentoring me’ to this day. From Albert Striplin, who today is the City Council President in Prattville, I learned the art of discernment. He modeled how to surround an issue and study it from all sides.

Younger, or newly elected, officials need seasoned officials to help show them the way. We all know something, or have some piece of information tucked away, that can be helpful to others.

Tom Newton demonstrated to me the value of relationships in all things – personal, business, civic or even in church-life. Jimmy Sanford reminded me to step back and take a breath before making any decision – relax, sleep on the issue. In time, the correct answer will become quite evident. Larry Puckett taught me how to navigate shark infested waters, keeping the end goal in mind. He wouldn’t let deadly sharks cause us to sway too far off our charted course of action.

Younger, or newly elected, officials need seasoned officials to help show them the way. We all know something, or have some piece of information tucked away, that can be helpful to others. In fact, mentors can be found all around us. Sometimes, our egos may argue against asking for help. Thankfully, other parts of our brain take over and prod us to seek advice and counsel from others.

In 2011, when I took on the role of leading the team at the Alabama Department of Economic and Community Affairs as ADECA Director, a former municipal official would become an invaluable mentor as I stepped into this new chapter. Former ADECA Director, John Harrison, also

a former mayor of Luverne, is someone I came to depend on for wise counsel. He had walked the path I was now traveling: a former mayor who found himself as a member of the Governor’s Cabinet, leading a vital state agency. He modeled civility and purpose while dealing with local officials and other partners across our state.

Since leaving ADECA, I have been blessed to continue to work with friends in cities and towns across Alabama. I truly believe in the value of relationships. Investing in relationships at every step is the key to success. Just think about it, you don’t do business with companies. You do business with *people*. People represent companies. Therefore, it’s all about the relationship. When I began my consulting firm, I turned to Jimmy Lunsford to help mentor me on this journey in uncharted waters. As it turns out, Jimmy, who is a friend and a former mayor of Troy, had begun doing some consulting work when he left office several years ago. We served together and competed against each of on several economic development projects. He gave advice and offered wise counsel as my business began to take shape.

As we are all on the journey to make our cities and towns better and, in fact, improve Alabama, I encourage you to reach out to those who can help. There are many great organizations that can guide you: ADECA, the Department of Commerce, Alabama Communities of Excellence, Main Street Alabama, DesignAlabama, Your Town Alabama, Leadership Alabama and Alabama Tourism to name just a few. In addition, our universities and community colleges offer a wealth of resources.

Having served 19 years at Prattville City Hall and more than six years leading ADECA, I have a unique perspective that has allowed me to develop friendships all over our State and region. Relationships help influence decisions in meaningful ways. I encourage you to look around and find someone who needs a hand up, then take the next step and reach out. And should someone be reaching down to help pull you up, don’t be afraid to take the offer and grab their hand. You’ll be glad you did. ■

Jim Byard, Jr. served as mayor of the City of Prattville from 1999 to 2011. He served as Director of the Alabama Department of Economic and Community Affairs (ADECA) from 2011 to 2017 and then formed Byard Associates, LLC in 2017, a consulting firm specializing in business development, community and economic development as well as strategy. He can be reached at jim@byardassociates.com or via LinkedIn at www.linkedin.com/in/jimbyardjr.

Mentoring in the Workplace: A Culture of Integration and Relationships

Barbara Alexander • Operations Manager • ALM

You recently hired some new talent and, although they are experienced in their field, they have no experience or knowledge of the inner workings of your organization. What is the best way to integrate the new employees into the organization as effortlessly as possible?

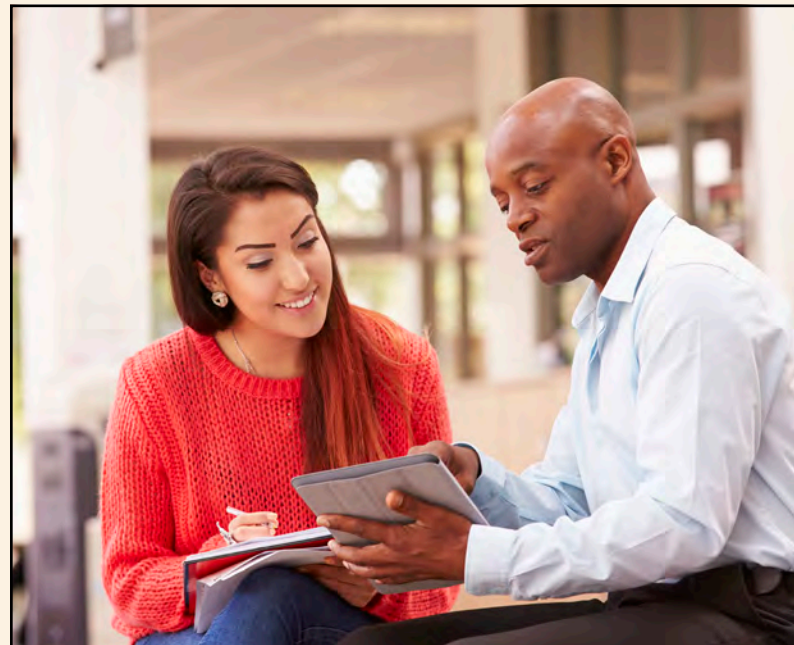
While the usual options of in-house training, staff meetings and emailing information can effectively acclimate newcomers to your organization, it may still take time for recent hires to find their footing. From their resumes and a few calls to references, you are aware of their experience and education and you now have mouth-to-ear knowledge of their capabilities. You may even have knowledge of their eagerness to take on tasks. However, how do you *ensure* that your new hires receive the tools and training they need to be innovative, creative, feel supported and are part of the team?

One way is through mentoring in the workplace. I'm not just talking about letting new hires follow veteran employees around so they will learn how to make copies and locate the rest rooms. I'm referencing a *relationship building* mentor/mentee culture that creates accountability, encourages idea sharing, inspires commitment and results in true team building – one that embodies a culture that is not only supportive but inviting. For workplace mentoring to be successful, you must:

- **Build a strong program.** This will require planning, training and participation, which will involve both internal and external marketing. Use it as a recruitment tool to attract and develop potential top talent to your organization. Additionally, management must be willing to buy-in and *participate* for your program to truly be successful. Everyone on the team must understand that their support is vital to success.
- **Don't expect the program to run itself.** Establish roles and responsibilities. Mentoring is not telling someone what to do or assigning tasks. Mentors provide *guidance* and give *advice*. They *support* and *encourage* the mentees.
- **Set goals and provide resources.** Team members should have clear goals that coincide with the mission and purpose of the organization. Mentors should support goal setting for mentees that align

with the organizational goals by ensuring mentees have access to training and professional development and by providing feedback and recognition for work performed.

- **Follow through.** Make mentoring an integral part of your organization. Regularly check in with all participants to ensure that the program is running smoothly and to show your support. Don't just use mentoring as a tool following the recruitment of new talent, nurture it so that it becomes a part of the relationship-building culture you desire for your organization's success.



According to the Association of Talent Development (ATD), 71 percent of Fortune 500 companies offer formal mentoring programs to their employees. Mentoring in the workplace not only benefits mentees by helping them develop new skills, build their careers and attain new knowledge, it provides an opportunity for mentors to guide and prepare mentees for the roles they may one day retire from while developing leadership skills and building lasting relationships. In addition, mentoring increases your organization's ability to achieve goals, increase knowledge, motivate employees, expand teamwork and ensure accountability. ■

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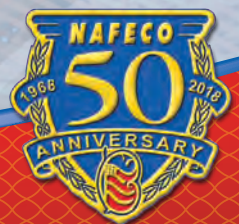
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Panther Legacy Pumper

North Chilton Fire Dept.
2500 Gallon Wetside Tanker



Prattville Fire Dept
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Towns and Cities: "YOU, TOO!"

The Impact of the "ME, TOO! Movement" in Municipal Offices

By Nancy Richards-Stower, Esq.

This article originally ran in the July/August 2018 issue of New Hampshire Town and City and is reprinted here with permission.

In January 2017, the day after the president's inauguration, millions of women marched in the streets of America, and many hundreds of thousands of them wore pink hats. They marched to demand respect, to end gender discrimination generally, and specifically in the workplace. Despite the smiles, and energy of those marchers, they were angry! From that anger exploded a new determination to take action by speaking out for equal pay, for equal opportunity, and against sex discrimination and sexual harassment in the workplace. For New Hampshire municipal employers, the United States Constitution has an equal protection clause that can be triggered by gender discrimination, despite the lack of an equal rights amendment. Indeed, the New Hampshire state constitution promises equality from all its governmental entities ([Art.] 2 [Natural Rights] ... Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.).

For municipal employees seeking equality, more useful is the network of federal, state and municipal laws against gender/sex discrimination. The upshot for municipal leaders: pay closer attention, ask questions, and establish a regular routine of reminding your employees that they have legal (and moral) rights to be free of sexual harassment.

Since those marches, the "Me, Too" movement erupted from the publicity generated by revelations of the serial sexual assaults of movie mogul Harvey Weinstein. Women all over America related their own sexual harassment experiences - some for the first time, years and even decades after the events. These experiences live on and continue to bring upset and distress and real suffering. I remember listening to a 70-something employee of a grocery store, in my office on an age discrimination matter, tearing up as she recalled her produce manager some 30 years earlier slapping her on the butt when she bent over to pick up a fallen head of broccoli. I was the first person she ever told: not her husband, not her best friend, not her children. Why? She had not been told that she had a right to not be slapped on the butt.

The "Me, Too" movement has knocked from power



the rich and famous: a U.S. Senator, a Senate candidate, several members of Congress, (and probably, soon a governor), along with television celebrities, news anchors, actors, musicians, artists, famous educators and many other previously “important” men. “Me, Too!” became the chant of women world-wide that they had been held back in their careers just because they were women. Their gender had provided all the permission needed by more powerful males, to grope, ogle, and assault. Their gender relegated them to accept a workplace that would place roadblocks between them and jobs and pay worthy of their talents.

It is axiomatic that a diverse workplace, where gender bias is minimized, results in better and more production (and in the corporate setting, a bigger bottom line). LGBT-supportive policies (equal treatment for lesbian, gay, bi-sexual, and transgender) similarly result in increased and measurable benefits. Surveys have proven over and over again that a workplace that respects the realities of its workers will thrive; and those looking backwards to the “good old days” set themselves up for disaster (and lawsuits).

Admit it: sexual harassment is underreported among your employees. You know it, but there’s so much on your plate, that you are not about to go looking for violations, right? There is no upside to turning up last year’s bad acts, right? If there’s no report, there’s no liability right? And, if she doesn’t come forward, you don’t have to do anything, right? Wrong. Dead wrong.

What is workplace sexual harassment?

Sexual harassment is unwanted, unwelcomed sexual advances, requests for sexual favors, or other verbal or physical harassment of a sexual nature, which conduct is severe or pervasive. “What? Even jokes?” Yes. Even jokes. “What? Can’t I even compliment her on her outfit?” It depends. “How will I know?” Here’s a good rule: If your mother, spouse and daughter were watching you right now on a closed-circuit television, would you do it or say it – including with your gestures and tone of voice? No? Then don’t do it or say it. Period. End of story.

Statistics should shock: Even before the news reports that Harvey Weinstein sexually harassed and assaulted a long list of actresses over decades, a summer 2017 Pew Research survey found that 42% of women said they had experienced some kind of gender discrimination (which includes sexual harassment) at work. 42%! Almost half. An October 2017 ABC/Washington Post survey found that 33% of all American women suffered sexual harassment at work, and that 85% of those victims remained angry about it. In the financial industry, 62% of all survey respondents said they witnessed or were the victims of sexual harassment, according to a WealthManagement.com

survey. Warning: those who witness the sexual harassment of another also can have the same legal claims against the employer as those who were the direct target. That’s a lot of liability, and there is no reason for you to assume that your workplace is any different.

Practice Pointer: You cannot continue to ignore Highway Department Charlie’s crude comments when he comes into the office for his paycheck. A “that’s just Charlie” response will create stress for your workers and liability for your taxpayers.

The “Me, too!” movement is transforming the workplace and has catapulted human resource directors and support staff into increased importance, for they exist at the fulcrum of past and future workforce conduct.

Practice Pointer: If your top official annually distributes two copies of your sexual harassment policy, one to remain with the employee, the other to be signed and dated and filed in the personnel file, you are sending a clear, provable message that sexual harassment will not be tolerated. The annual notice should include your municipality’s specific steps for reporting the harassment, the anticipated steps after you receive a report and should provide your employees the contact information for the N.H. Commission for Human Rights and the Equal Employment Opportunity Commission, the deadlines for filing at each, how to count dates to meet the deadline, along with a clear statement that retaliation for reports will not be tolerated and is itself illegal and yields the same remedies as the underlying discrimination claims.

Wait! Won’t that foment new charges of sexual harassment made to our human resources department? You should hope so! Why? Because then you can deal with and stop the behavior before it further disrupts your workplace and before liability occurs (and, if liability already has been triggered, then before the damages skyrocket). Harassers will be reminded annually of what will happen if they continue to harass. As importantly, your employees will be empowered to reject the harassment before they are further harmed and damages are incurred. Under New Hampshire law, both the employer and the harasser are jointly and severally liable for retaliation and actions deemed to interfere with an employee’s filing charges of harassment. Make this clear: retaliate against anyone who reports harassment at the retaliator’s own financial risk. On a cost/benefit analysis, legal and moral: stop the harassment before it starts, protect those who report harassment. Make it clear that sexual harassment is no joke.

Embrace the opportunities for the increased worker production and workplace satisfaction that all studies show results from clarity of policy. Make it clear, and make it clear often, that work is for work, that equality of opportunity is the spine of your workplace, and that whatever prejudices

are carried into the workplace by your employees, cannot be manifested in conduct.

You need not be reminded that sexual harassment litigation against a municipality brings public attention and disruption of the workplace dynamics. (I will share that over my four decades of employee representation, the only front page newspaper articles my lawsuits have yielded – and I do not seek the publicity-- have been sexual harassment claims.) Also keep in mind that New Hampshire juries award large damages in employment discrimination cases, and that is why most municipal sexual harassment claims are settled. Depending on the deductibility of a city or town's insurance policy (if there is an employment policy), the financial hit on the local government for bad management of sexual harassment can be significant, and the "Me, Too!" movement has not only empowered your employees, but the female jurors you will face at trial.

Before the "Me, Too!" movement, there was much more angst about the public nature of lawsuits. Not so much, today. In fact, a public announcement of an employee rejecting and reporting sexually harassing conduct along with a corresponding demand for compensation is the new normal.

Recent Changes to Non-Disclosure/Confidentiality Provisions in Sexual Harassment Settlement Agreements

Publicity can encourage other victims to come forward, which is one reason why confidentiality provisions were routinely inserted into the sexual harassment settlement agreements negotiated by town counsel. But no longer! Why? Because the "Tax Cuts and Job Act of 2017" wiped out all employer deductions for payments paid to settle sexual harassment cases and the attorney fees incurred, when the settlement agreement carries a non-disclosure agreement (NDA's). What, you don't have to worry about deductions because municipalities don't pay income taxes? It's not always about the employer: your employees pay those taxes, and because the law was poorly written, it snags attorney fee deductions of employees whose counsel fees are awardable in discrimination cases, and are thus often included in settlement agreements. Thus, the employee-attorney fee deductions that had enjoyed an "above-the-line deduction status" in 2004, have also been zapped by the 2017 tax act, so no mindful employee will agree to non-disclosure provisions in her settlement agreement (whether or not they are enforceable in light of New Hampshire's Right To Know statute, RSA 91A) until or unless the new tax law is amended or the IRS issues a guidance limiting the penalty to the employers).

What about non-disparagement paragraphs in settlement agreements? If they muzzle an employee's truthful statements about the sexual harassment, the tax law

will be triggered. What if, for example, during a layoff, you provide a departing employee with a severance payment along with a simple form severance agreement with a universal release that contains a non-disclosure provision? Unless it specifically exempts sexual harassment-related claims from the release: the employee seeking to deduct any attorney fees that she incurred as the result of her layoff would be well-advised to require an amended severance agreement.

Sexual Harassment is Life-Changing for the Victim

I know. I get the employee calls and have gotten these calls for over four decades. They are disturbingly similar, despite the passage of time, except that now I get calls much earlier, and mostly while the victims are still employed. Women are still asked to sleep with their bosses; they continue to slink away from a boss's "lean-in" at the office copier, and from his hands on her shoulders as he towers above her chair, where she sits, frozen, at her computer. Women continue to attend business meetings and hear corridor conversations replete with sexist comments. BUT NOW, they are less hesitant to reject the harassment, less hesitant to report it and less hesitant to demand that it end. And that is good, for which one of you municipal leaders dreamed of protecting sexual harassers as a career choice? The one constant over my decades advocating for workplace equality is the penchant of too many supervisors to underestimate the importance and impact of sexual harassment; and an almost knee-jerk response to minimize the conduct, implying the victim is overreacting: "He said he didn't touch her; he didn't say anything. He just looked at her. How can that be sexual harassment?"

Well, ask the former town administrator of Grafton, Massachusetts after the First Circuit Court of Appeals ruled that staring (a/k/a "leering") at a woman's chest can constitute actionable sexual harassment. "But, later, the town ultimately won the case at trial!" Yes, after years of litigation and \$400,000 in attorney fees. ■

Nancy Richards-Stower was inducted into the College of Labor and Employment Law Attorneys in 2003, earlier having served as member and then chair of the N.H. Commission for Human Rights 1979-1985. She has operated her solo employee civil rights law firm in Merrimack, New Hampshire since 1988, and is a member of the bars of New Hampshire, Massachusetts and Virginia. She is the inventor and owner of the on-line settlement service, Trytosettle.com®.

#LiveLocallyAlabama is a recently launched grassroots campaign spearheaded by the Alabama League of Municipalities to encourage civic engagement, instill community pride and highlight the crucial role municipal government plays in the daily lives of Alabama's citizens.



www.livelocallyalabama.org

Legal Clearinghouse

Rob Johnston, Assistant General Counsel



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

ALABAMA COURT DECISIONS

Tort Liability: City police officers were entitled to state-agent immunity in action stemming from police call related to repossession of motor vehicle. *Ex parte City of Selma*, 249 So.3d 494 (Ala.2017).

DECISIONS FROM OTHER JURISDICTIONS

Public Records: Disclosure of the suicide note that a Navy Admiral had written to his wife could reasonably be expected to constitute an unwarranted invasion of personal privacy, as required for the Freedom of Information Act (FOIA) disclosure exemption for records or information compiled for law enforcement purposes if their production could reasonably be expected to constitute an unwarranted invasion of personal privacy. *Sikes v. United States Dept. of Navy*, 896 F.3d 1227 (11th Cir., Ga. 2018).

ATTORNEY GENERAL'S OPINIONS

Courts: A county commission may not build a new courthouse located in the current city limits, but outside the city limits that existed at the time the city was named the county seat unless an election is held pursuant to section 41 of article II of the Recompiled Constitution of Alabama. The procedures to be followed when conducting such an election are set out in sections 11-16-33 through 11-16-38 and sections 11-81-81 through 11-81-90 of the Code of Alabama. AGO 2018-045.

Gasoline Tax: A city may use the \$.07 per-gallon gasoline to pay the outstanding balance on a backhoe used exclusively in the building, maintaining, and rehabilitation of the roadways and bridges located in the municipality. A city may use the \$.07 per-gallon gasoline tax to construct a building to house equipment used in the building, maintaining, and rehabilitating

of the roadways and bridges located in the municipality. A city may pay use the \$.07 per-gallon gasoline tax to pay a proportionate share of the cost to construct a building to house the public works department used for the building, maintaining, and rehabilitating of roadways and bridges located in the municipality. AGO 2018-047.

Commercial Development: The Commercial Development Authority (CDA) may take actions and expend funds related to the acquiring, owning, and/or leasing of projects to induce new commercial enterprises to locate in the city and to expand existing facilities. The CDA may make improvements to property acquired as projects. The CDA may sell or donate such property to businesses or structure leases with beneficial terms related to a project. The CDA may not award financial grants to businesses. The city may make improvements to its property unrelated to a project through the net earnings of the CDA remaining after the payment of all expenses. The CDA may provide financial assistance to its board members attending conferences, seminars, and workshops related to the promotion of commerce and trade. The CDA may hire employees. While it may not hire them to work for other agencies, it may enter into an employee-sharing agreement with another agency so long as each compensates the employee in proportion to the work performed for that agency. The CDA may share its conference room if used for business related to the purposes in section 11-54-170. AGO 2018-051.

Council-Manager Act of 1982: The petition process contained in the Council-Manager Act of 1982, as amended, only provides for the election of councilmembers in single member districts pursuant to section 11-43A-8(a) of the Code of Alabama. Because Act 2018-569 did not modify the petition process set forth in section 11-43A-2 of the Code of Alabama, petitions submitted after passage of the act should not specify whether councilmembers will be elected at large or in single member districts. Such petitions are valid and must only comply with the provisions in section 11-43A-2. Section 11-43A-1, et. seq., of the Code of Alabama sets out the applicable process for the election of officers and the division of a municipality into districts in the instance of a successful election to change the form of government in a municipality. AGO 2018-053.

Competitive Bid Law: Changing the consumer price index for a renewal term of a waste disposal contract constitutes a material change rendering the exemption in section 41-16-

51(a)(10) of the Code of Alabama inapplicable. AGO 2018-054.

Retirement: A 1996 retiree under the Mobile Police and Firefighters Retirement Fund cannot modify or revoke his selected retirement benefit option after retirement. AGO 2018-055.

ETHICS OPINIONS

Conflicts of Interest: A public employee changing jobs within the public sector may represent the interests of his or her new public employer before his or her former public employer without violating section 36-25-13(c) provided that new employer is not a principal. The employee does not have to register as a lobbyist. The employee has not used his or her position as leverage to obtain the new employment in violation of section 36-25-5(a), and the employee does not violate section 36-25-8. AO 2018-12.

Conflicts of Interest: A public official or public employee who has accumulated a bonus for official travel that has been paid for with public funds may keep and personally use whatever bonus was received as result of that travel. This encompasses any bonuses that are accumulated from any type of travel including, but not limited to, sky miles, frequent flier miles, points for fuel purchased, or hotel stays. AO 2018-13. ■

SAVE THE DATE! Upcoming League Events

Webinar - Conducting Public Hearings*
November 27, 2018

Training - Municipal Intercept Services
December 5, 2018 - Montgomery

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



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to serve on a board, whether they can be paid or what powers the board has, it is crucial to know the board's statutory authority.

The statutory authority for an incorporated board will be found in the board's articles of incorporation or in the ordinance the council adopted authorizing the incorporation of the board. The code sections which govern an unincorporated board will be found in the ordinance the council adopted creating the board. Often, the statutory authorization for a board can also be found in the board's bylaws or other controlling documents. Once the statutory authority for the board is determined, it is a simple matter of checking the Code of Alabama to learn the board's powers and duties.

What if the articles of incorporation and bylaws are silent regarding the statutory authority for the creation of the board? This probably means that the board falls into the third category mentioned above and it is an advisory board.

Nothing in Alabama law specifically allows municipalities to create advisory boards. A municipality wishing to create a board for which no statutory authority exists should exercise caution in granting powers to the board. Legislative powers, or those exercised by the council as a public agency, cannot

be delegated. McQuillin, *Municipal Corporations*, 3rd Ed., Section 12.38. Where the legislature has granted exclusive authority to the council to act, the council cannot delegate that power to a board. However, advisory boards, while they cannot act for the council, provide several benefits.

Like council committees, an advisory board enables the council to stay informed about the multiple activities of the city or town. The board can process information submitted by citizens to ensure that the council receives only pertinent data for decision making. Advisory boards are like subcommittees. They are responsible for seeing that the council is fully informed on matters within their authority.

Also, an advisory board can buffer the council's actions. Rather than the council acting alone, they are somewhat insulated by recommendations made by a board which was able to devote much of its time to the full study of an issue.

Because the Code is silent on the subject of advisory boards, the council can decide for itself who is eligible to serve. Membership requirements and an appointment procedure should be stated clearly in the ordinance creating the board. Many councils want a councilmember or the mayor to serve on all boards. As long as the board is advisory (and not created pursuant to statute), nothing



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prohibits elected officials from serving. Council members, however, may remain liable for the actions of advisory boards. Therefore, it is crucial that the council not exceed its authority to empower the board and board members fully understand the nature and limitations of their roles.

Why Create a Board?

The simple answer to this question is that the municipal council may feel that the public is better served by the creation of an entity solely devoted to the performance of a single function. But the board may also have broader powers than the municipality itself, which allows them to do certain things the city is unable to do.

For example, municipalities are subject to Sections 68 and 94 of the Alabama Constitution, 1901. Section 68 states that no municipal employee may be paid for work which he or she has already performed. That is, retroactive raises are prohibited. Section 94 prohibits municipalities from giving anything of value to any private individual or group. Separately incorporated boards are not restricted by these sections of the constitution. In *Opinion of the Justices, No. 120*, 49 So.2d 175 (Ala. 1950), Gov. Jim Folsom requested an opinion on the authority of incorporated industrial development boards to spend funds to promote private industry. The court determined that these expenditures did not violate Section 94, holding that it is “clear that (the act authorizing the creation of industrial development boards)

involves no expenditure of public money and the incurring of no liability that must or can be taken care of by taxation.”

The court reaffirmed this holding in *Alabama Hospital Association v. Dillard*, 388 So.2d 903 (Ala. 1980). In this case, the Department of Examiners of Public Accounts had determined that several expenditures by hospital boards, including flowers for hospitalized employees and for special events, payment of awards for employees and Christmas bonuses, violated Sections 68 and 94 of the Alabama Constitution. The department contended that hospital boards, although separately incorporated, remain political subdivisions of the county or municipality which created them. The Alabama Supreme Court disagreed, ruling that “a public corporation is a separate entity from the state and from any local political subdivision, including a city or county within which it is organized.” The only limitation on expenditures by these boards, according to the court, is that funds may only be spent to further legitimate powers of the board.

Bear in mind this does not authorize the council to use an incorporated board to accomplish things the municipality cannot do itself. For instance, funds the municipality gives to a board, generally speaking, remain subject to Sections 68 and 94. Additionally, a municipality gives up its right to control a function by creating a board. As the court pointed out in *Opinion of the Justices* cited above, the only connections between an industrial development board and

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the municipality which created it are: 1) approval of the formation of the corporation; 2) approval of amendments to the certificate of incorporation; 3) appointment of board members; and 4) absorption of the board's property upon dissolution of the board. Other incorporated boards are similarly protected from interference by elected municipal officials.

While the extent of council participation in the activities of a separate board varies depending on the statutes, as a general rule the council is completely excluded from the board's decision-making process. This can become frustrating for municipal officials who want to see the board take some particular action.

In *Water Works Board of the City of Leeds v. Huffstutler*, 299 So.2d 268 (Ala. 1974), the city of Leeds sought to unilaterally increase the number of members serving on its water board from three to five, despite a contrary provision in the board's articles of incorporation. The statutes governing the board were silent regarding the means for amending the articles. The court rejected this attempt, holding that a legislative amendment which authorized the increase could only be implemented "if the directors of the water board and the governing body of the city agree that more effective representation of the community interest will result from such an increase." The court felt this was necessary to protect the independence of incorporated boards. See also, AGO 1996-174 and *Water Works of Wetumpka v. Wetumpka*, 773 So.2d 466 (Ala. 2000).

At least one court has held a separately incorporated utility board was acting merely as an agent of the municipality rather than as an autonomous body, thus making the board subject to restrictions that ordinarily would not apply. In *Wetumpka v. Central Elmore Water Authority*, 703 So.2d 907 (1997), the Alabama Supreme Court held that in this instance, a separately incorporated utility board was actually acting as an agent of the municipality, and therefore, was restricted by Section 11-88-19, Code of Alabama 1975, from duplicating the lines of an existing rural water authority. The court also held that 7 U.S.C. Section 1926(b) protected the rural water authority from encroachment by the municipal water board.

In addition, in *The Water Works & Sewer Bd. of Talladega v. Consolidated Publishing, Inc.* 892 So.2d 859 (2004), the Alabama Supreme Court held that because the separately incorporated water board had the qualities of an agency of the city of Talladega, its employees are public officers and servants of the city for purposes of the Open Records Act. This case has far reaching implications for both cities and separately incorporated boards. As a result, in 2006, the Alabama Legislature, at the request of the League, passed Act 2006-548, now codified as Section 11-40-24 of the Code of Alabama 1975, which specifically provides that

employees of a separately incorporated public corporation are not employees of the municipality which authorized the creation of the public corporation.

Limitations on Board Power

It is always important to remember that incorporated boards are created for specifically enumerated purposes. Although in many cases the powers of these boards are broad and these boards are frequently not subject to many of the constitutional restrictions applicable to cities and towns, the Attorney General has held that boards may expend funds only within their corporate powers and to further the purposes for which the board was created. See, e.g., AGO 2001-238. Expenditures by separately incorporated municipal boards must be necessary, appropriate and consistent with the purpose for which the board was created. AGO 1998-018.

Open Meetings Law

The Alabama Supreme Court, in 2002, issued a decision indicating that the Alabama Sunshine Law did not apply to a public corporation organized under Sections 11-50-310 of the Code of Alabama 1975. See, *Water Works & Sewer Bd. Of Selma v. Randolph*, 833 So.2d 604 (2002). However, in 2005, the Alabama Legislature repealed the Sunshine Law and passed the Alabama Open Meetings Law which is codified at Section 36-25A-1, et seq. of the Code of Alabama 1975. The Open Meetings Law specifically applies to "all corporations and other instrumentalities whose governing boards are comprised of a majority of members who are appointed or elected by the state or its political subdivisions, counties or municipalities ...". Section 36-25A-2, Code of Alabama 1975. All boards, whether incorporated or otherwise, are required to comply with the Open Meetings Law. For more information on the Open Meetings Law, please see the article in The Selected Readings for the Municipal Official titled "The Open Meetings Law."

Conclusion

Municipalities desiring to delegate the responsibility and duties of overseeing municipal functions to a board should first be sure of their statutory authority. This authority should be clearly spelled out in the ordinance which created the board.

If no statutory authority exists and the council does not want to seek legislative authority, the only type of board which can be created is an advisory board. In this case, the council must clearly spell out the board's powers and limitations in the creating ordinance. Also, the ordinance should specify who is eligible to be a member of the board and how members are appointed. Once appointed, board members must fully understand the nature of their position.

For a comprehensive listing of municipal boards which may be created, please see the article in *The Selected Readings for the Municipal Official* titled "Municipal Boards". If you have any questions with regard to the various boards in your municipality, please contact the League Legal Department. ■

body in the State of Alabama. They have authority to enact laws that control the way we as citizens function and operate. The laws they make regulate our daily lives. But when the Constitutional framers gathered to consider limitations on legislative authority, one restriction they felt important to put in place was a restriction on legislatively-formed municipal corporations. That authority is reserved to the citizens.

The Importance of Local Authority

Communities form organically. People decide to live close to other people for many reasons – protection, jobs, transportation, health needs and so on. Communities spring up around those common goals and common needs. But a community is not a municipality. Communities don't generally have the authority to enact or enforce laws to protect the citizens. Their physical limits are usually undefined.

However, if the citizens in that community see the need for more local control over issues arising in their area, if they feel the desire for more than the basic services provided by the county, and if they want the chance to exercise more local control over their own governance and development, citizens can form their own city or town. While these citizens remain citizens of the county in which the municipality is located, they are now citizens of a new, independent government as well – the city or town where they live.

If you are a U.S. citizen and you live in Alabama, you are, simultaneously and automatically, a citizen of the United States, a citizen of Alabama, and a citizen of your county. You don't have a choice. But you do get to decide whether to live in a municipality. In a sense, this makes municipalities the only selective form of government.

Recent statistics you've seen quoted in this publication and elsewhere point out the significance of this fact. Since 1920, when 51% of Americans lived in urban areas, there has been a relatively steady increase in the percentage of citizens residing in urban areas over those living in unincorporated areas. According to the 2010 federal decennial census, approximately 60 percent of Alabamians live in municipalities.

They live in cities and towns because they want to, or because they want to take advantage of some aspect of municipal life. Perhaps they work there. Or they attend college. Or it may just be where they were raised. Whatever the reason, whether a person lives in a city because he or she choose to or because circumstances dictate that he or she takes advantage of what city life has to offer, municipal populations continue to rise as more and more individuals continue to opt to live in incorporated areas.

To me, the fact that citizens create municipal governments and elect their representatives has always been a strong indication that municipal governments were intended, under the Alabama Constitution, to be autonomous entities, given the authority to control their own destiny. This is the reason municipalities have been given so many broad grants of authority.

The legislature has the power, under the Dillon Rule, to enact laws giving or taking away municipal powers. This is authority that should be exercised judiciously. Any errors, should, in my opinion, be made on the side of protecting the authority of the city leaders to make decisions on their own. Similarly, while in some

areas, municipalities and counties are effectively providing shared services through metro-governmental activities, the projects local governments will work together on should be left to the local decision makers and not decided by the legislature. Local officials are in the best position to know where they should share responsibility, and they must have the flexibility to solve local needs as they see fit.

The Importance of Preserving Local Authority

The ability to form a municipality is a very significant power. Once formed, cities and towns become the possessors and guardians of an extensive list of powers designed to protect their residents. While a full discussion of municipal authority is beyond the scope of this article, listing a few powers will give you an idea of the broad powers legislative forefathers intended municipal officials to exercise.

The full police power of the state to provide for the health, safety and welfare is given to incorporated municipalities. Cities and towns form police and fire departments, sanitation departments, building departments and so many others for the sole purpose of protecting those who created their city or town. They have the right to raise revenue to provide those services.

Local control and local authority are crucial for a municipality to adequately serve its citizens. Municipal governments are so much more than service providers. They are the arbiters of how people live and work together. Citizens have more direct input into the goals and structure of their municipality than they have into any other level of government. If they are unhappy with the direction their municipality is headed, they can express those views at council meetings. They can discuss issues with their mayors and councilmembers at church, or work, at local events or while shopping. Their municipal officials are required to live in the areas they serve, meaning the opportunity for direct interaction with their constituents is much more likely than with legislators, Congressional leaders or even county commissioners.

Citizens choose to form cities and towns they live in. Citizens choose if they will live in a city or town. Citizens elect the people who will represent them. As opposed to elections at all other levels of government, municipal elections are nonpartisan. Voters have the right to choose their representation without regard to party. And those elected represent all citizens of the city regardless of their party affiliation.

While all levels of government must work together to serve the public, municipalities are not an arm of the state, and they are not an arm of the county. They are their own, autonomous government, and need the authority and freedom to serve the residents who created them. We are too diverse a state to expect state-level solutions to satisfy so many various local goals.

Working through with their elected representatives, citizens should have the ability to determine their local needs and wants based on local circumstances and how best to resolve those issues. To accomplish this, municipalities must have the flexibility to adjust to meet the needs and desires of their residents. They need the authority to protect the health, safety and welfare of their citizens. They need the ability to raise sufficient revenue to meet those needs. Without a combination of both, cities and towns will struggle, and the state will struggle as a result. ■

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

Highlight your Communities – It's **FREE**.

With this campaign, the League has developed a unique website, **LiveLocallyAlabama.org**, that reflects the importance of Alabama's cities and towns – a place to post community stories as well as calendar events. There will also be a Statewide Resources section that will link to many state agencies, such as ADECA, ADOR, Commerce and Tourism, that directly impact our communities as well as organizations and nonprofits such as Main Street Alabama, Alabama Communities of Excellence (ACE), DesignAlabama and the David Mathews Center for Civic Life, that provide services and resources to improve and uplift our cities and towns. In addition, Live Locally Alabama offers you an easy and FREE opportunity to highlight the interesting, unique, uplifting and/or just downright happy events and happenings in your communities. Using the link under the "Stories" tab, submit a 250 to 500 word narrative that discusses a positive development in your community, such as the opening of a park, grocery store or new economic development project or the renovation of a building/area, infrastructure upgrades, youth engagement programs, community festivals ... the list is endless! In addition, we strongly encourage you to submit one to three high resolution images (with captions) for inclusion with your article. (A picture is definitely worth 1000 words!) Once submitted, your information will be reviewed by ALM's Advocacy/Communications Team for use on LiveLocallyAlabama.org. Tell us your story, and we'll tell the world!

#LiveLocallyAlabama

In addition, we encourage you and your citizens to actively use the #LiveLocallyAlabama hashtag in all your social media posts that promote positive developments in your community or that highlight quality of life posts from anywhere in Alabama! Did you spend some quality time in an area park? Eat at a local restaurant? Attend a community festival, ball game or local event? Visit a farmers market, Main Street merchant or community landmark? Adopt a pet from your local animal shelter? Participate in a civic project or attend a meeting? Hashtag your photos and experiences with #LiveLocallyAlabama and highlight our state and all the wonderful reasons we're proud to live here!

Kayla Farnon, ALM's Advocacy Communications Coordinator, is responsible for maintaining **LiveLocallyAlabama.org** and posting your stories. If you have questions or suggestions, please feel free to contact Kayla at kaylaf@alalm.org. **And remember:** while Live Locally Alabama is a product of the League, it's not *about* the League. Live Locally Alabama is designed for YOUR communities. Therefore, the campaign will not be successful without your participation and support!

Featured in this Issue

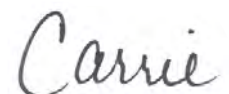
With this issue of the *Journal*, we're circling back around to the concept of "community" and how it affects civic engagement. Of course, young people are the pillars of any community's future and so it makes sense to start with them. On pages 17-26 you'll find several articles that focus on activating the young people in your communities, beginning with our Live Locally Alabama feature by Montevallo Mayor Hollie Cost who discusses her city's unique Junior City Council. There's also an article written by the Montevallo Junior Mayor as well as an inspirational submission from the City of Athens about their Youth Commission, which is a different format from the Montevallo Junior Council and an excellent reminder that, because each community is unique, it's important to develop a program that will fit not only within your local government structure but within your community structure. We are also fortunate to have two articles from the folks at the David Mathews Center for Civic Life: "Creating Civic Youth Programs" and "Communities as Classrooms".

Mentoring is also an important element – not only for youth groups but with municipal officials and in the workplace. To that end, we have three articles (pages 27-33) that examine this topic from different perspectives: "Civic Mentoring", "Mentoring and Tormenting" and "Mentoring in the Workplace".

Also, a special thank you to ADECA for their article on the 2020 Census (page 13). Alabama could face serious consequences if there is an undercount, including the loss of federal funding as well as a Congressional seat, so please read this article carefully. *Every* Alabama municipality will need to be engaged in this effort. Stay tuned for more info.

In closing, *congratulations* to our 2018 CMO graduates! Cristin Brawner, Executive Director of the David Mathews Center, gave the commencement address at the graduation ceremony in October. It was extremely well received so we've provided her remarks in full beginning on page 9.

Happy Holidays!



*Tis the
Season...*

Be SAFE!



The holiday season has arrived and it's now time to begin decorating our cities and towns. Unfortunately, many municipalities often use whatever equipment they have on hand to perform this task. This usually means personnel will be in the front bucket of a back-hoe or on the platform of a forklift while installing lights and decorations. This, of course, is an *extremely* unsafe practice that can lead to serious injury or death.

Forklifts and front-end loaders are not designed to lift personnel or to be used as a work platform. OSHA states that forklifts, front-end loaders and "similar pieces of equipment" shall not be used to support scaffold platforms unless specifically designed by the manufacturer for such use. Keep in mind that while OSHA guidelines may not be *required*, OSHA is still a reliable source of information for developing your public entity's best practices.

The AMIC/MWCF Loss Control Department recommends that municipalities discontinue using front-end loaders and similar equipment when installing holiday decorations, lights and other such items. We recommend using a lift that is designed for passenger use and has been tested for such use. Often times such equipment can be found locally for rent at a reasonable cost.

Choosing to use the proper equipment provides a safer work area for your employees and can possibly save someone's life.

Have a safe and happy holiday season!

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Loss Control Representative
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