

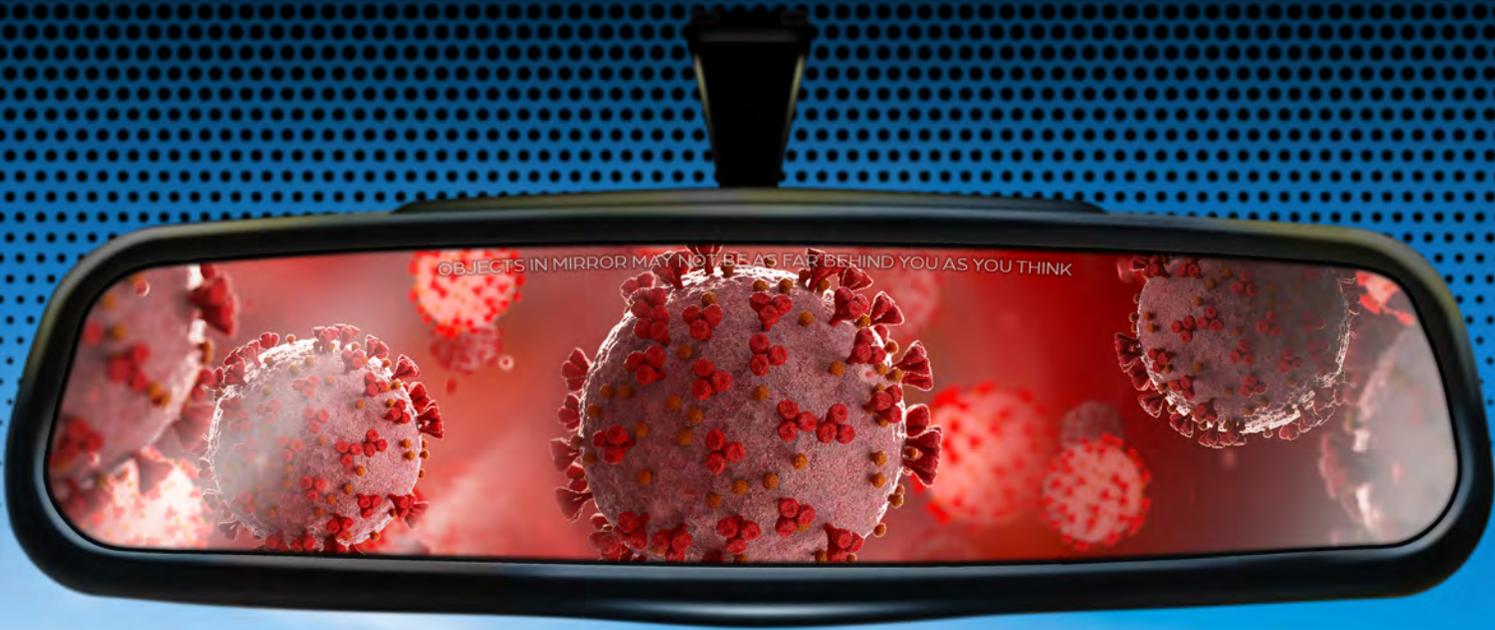
Spring 2021 Volume 78, Issue 4

The Alabama

MUNICIPAL

Official publication of the Alabama League of Municipalities

Journal



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COVID-19

BEYOND STATEWIDE MANDATES

SEE PAGE 7



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On the Cover:

On March 4, Governor Kay Ivey issued her 23rd supplemental emergency proclamation extending the Safer at Home Order that included a statewide mask requirement until Friday, April 9, 2021 at 5:00 p.m. She further declared the mask order would not be renewed beyond April 9th and so, from that time forward, businesses and other organizations will be responsible for their own policies related to the COVID-19 pandemic. See page 7.

Reimagining Outreach Efforts and Finding Solutions

Gregory D. Cochran • Executive Director

February marked six months since the board nominated me to be the 5th Executive Director in the history of the League, and in that time our organization has expanded the advocacy team; hosted several successful events, virtually and in person; invested in the renovation of our building; and strengthened our relationships with other state associations while working to reimagine our outreach opportunities aimed at improving municipal leadership and, ultimately, the quality-of-life for all citizens.

Most recently, ALM hosted its Annual Advocacy Day on February 9th in Montgomery with more than 200 elected officials in attendance! This event is specifically designed to allow municipal officials to share their ideas and concerns with the state's political leadership, and for the power of the ALM membership's collective voice to be heard. Recognizing the vital role our municipalities play in economic development and community enhancement, we feel it is imperative they have the resources, opportunities and tools necessary to be able to articulate this to their lawmakers. This year, attendees heard from Senate and House leadership, cabinet members and Peritus Public Relations. Each session delivered intentional dialogue with the goal of improving communication with media and legislators.

In addition to Advocacy Day, ALM continues to work diligently to find creative ways to share our narrative. With limited access to the State House, and legislative issues arising swiftly, it is critical that our advocacy efforts are the best they have ever been. In doing so, when legislators returned to Montgomery on February 2nd, we kicked off Coffee and Conversations, a series of thoughtful discussions with state leaders. Each week throughout



2021 Advocacy interns Cade Dollar, a senior at Auburn, and Allison Cole, a junior at Alabama State University.



Greg Cochran welcomes attendees to the League's 2021 Advocacy Day held in Montgomery on February 9th.

the legislative session special guests, such as elected officials and state leaders, virtually join municipal officials to discuss their legislative priorities, department updates and resources available to municipalities. In addition, ALM has begun hosting weekly dinners with various legislators at our headquarters in downtown Montgomery. The goal of each dinner is to update legislators on issues and concerns facing cities and towns. Together, the virtual calls and dinners have proven to be a fantastic way to spend time with state leaders and develop lasting relationships.

Right around the corner is the League's Annual Convention and Expo! This year we hope you will join us in Huntsville May 12-15 for a great opportunity to attend timely general and concurrent sessions on topics ranging from generational communication to community branding to federal relief funding. You will also have extended access to municipal vendors and state agencies through our Expo Hall as well as outstanding networking opportunities throughout the entire convention. This multi-day event is the largest event hosted by the League and is carefully planned to maximize the time and attention of attendees. For more information or to register, visit almonline.org.

Lastly, we are excited to have two advocacy interns working with us during the legislative session. Cade Dollar is a senior at Auburn and Allison Cole is a junior at Alabama State University. It is our hope that throughout their internship they will have a greater understanding of not only the legislative process, but the importance of municipal government and the critical role local government plays in quality-of-life issues.

Even though COVID-19 has made it difficult for us to continue our efforts like we always have, ALM remains committed to finding solutions that ensure the voice of municipal government is heard and that our communities are provided the resources they need to be successful.

Remember, municipalities are the foundation of our state's economy. Our goal is to provide our municipal leaders with the resources, tools and opportunities to build vibrant communities for businesses to invest, create jobs and create communities where people will choose to live, work, play and prosper.

Peace be with you. ■

Leadership Perspective

Mayor Leigh Dollar • Guntersville • ALM President



It's hard to believe a year has passed so quickly and my time as your President is about to end. It has been an honor to serve and represent you over the last year. *Thank you* for entrusting this position to me! We have all been challenged with the most unprecedented circumstances that none of us could have ever imagined. However, we continue to stay the course, understanding that the challenges we've faced – and are facing – will make us stronger and better – and that our League will continue to work tirelessly to ensure Alabama's municipal leaders have the information and resources necessary to make the best decisions possible.

As we continue to navigate the COVID pandemic, it is so important that you remain an engaged member of the League. Your engagement will result in the most current information to lead your municipality. In addition, the League continues to offer many opportunities for training, including our Annual Convention this May in Huntsville, as well as webinars and other CMO sessions scheduled throughout the year. These trainings are specifically designed to ensure that you are a better educated and more informed leader. The more you know, the better you are able to make informed, educated decisions. Additionally, the in-person opportunities, such as Convention, allow you to meet and network with other municipal officials. This is one of the most important things you can do. We can all learn from each other. As one former elected official was always fond of saying: "If you don't go, you won't know."

Advocacy is also very important in being engaged with the League. ALM's weekly *State House Advocate* eblast keeps us updated on what is going on with the Legislature and lets us know when we need to reach out to our representatives regarding specific legislation. After all, the issues that impact our municipalities may not matter to our legislators unless they hear directly from us. So please stay engaged!

Thank you again for allowing me the honor to serve you. Thank you for supporting our outstanding organization. And thank you most of all for selflessly serving your communities. We still have much to do – your engagement matters! ■



Mayor Gary Fuller • Opelika • ALM Vice President

As League members, we are fortunate to have opportunities to attend events and meetings such as the Annual Convention in Huntsville May 12-15. It's a great place for us to learn and grow as city leaders. We are so often faced with hard decisions and challenges throughout the year. It's reassuring to know that we have a team of colleagues that we can lean on when we need advice and feedback.

I'd like to remind each of you that it is important for you to attend League functions. During the Annual Convention, the Business Session is your opportunity to shape the structure and future of the League. Please be sure that your city is represented by appointing a delegate for that session. In addition, the League staff has crafted an outstanding agenda for our convention, with impressive and inspiring keynote speakers and a number of concurrent sessions covering topics that will help you work smarter and

more effectively on behalf of your communities.

By staying engaged with the League and your colleagues, you can gain valuable knowledge through training and networking, as well as obtain guidance on governing, management and leadership. And most importantly, the League is your legislative advocate – representing you at the Alabama Legislature and in Congress.

As we navigate our way through the coming year, it is our duty to lead by example. Listen to your constituents. Talk about problems in your communities. Find solutions that create positive outcomes for your citizens. Each of you are leaders. Let your actions guide your outcome.

I look forward to seeing you at Convention in Huntsville! ■

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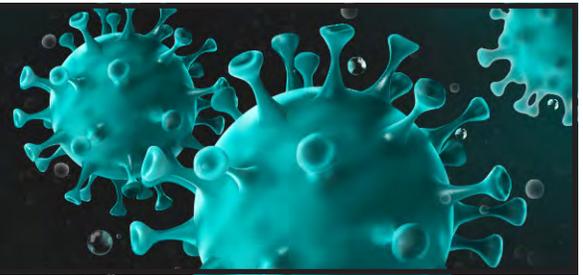


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COVID-19 FAQs

Beyond Statewide Mandates



When does the statewide mask order end?

The State Health Officer's order was most recently amended on March 4, 2021, and is set to expire on April 9, 2021, at 5:00 p.m. This includes the expiration of the state's current mask order.

Will the Governor's declaration of a public health emergency end too?

Possibly. Governor Ivey's 23rd Supplemental Proclamation extended the state's public health emergency until May 7, 2021. It is worth noting that the Governor emphasized that the need for the continued declaration of a state public health emergency may be coming to an end and that she intends to provide ample notice of any decision to terminate the state of public health emergency.¹

¹If and when the state's public health emergency ends, all of the Governor's Proclamation orders, including the ability to conduct virtual or teleconference council meetings under the Open Meetings Act, will come to an end.

Does a municipality have authority to implement a local mask order once the statewide mask order ends?

Yes. Section 11-47-130, Code of Alabama 1975, authorizes a municipality to maintain health and cleanliness within the municipality and its police jurisdiction. Section 11-47-131, Code of Alabama 1975, also gives municipalities the power to adopt ordinances and regulations deemed necessary to "prevent the introduction of contagious, infectious, or pestilential diseases."

While a statewide mask order supersedes a local mask ordinance, the authority from these statutes does not require a Governor's state of emergency declaration in order for a local mask order to be valid. However, the Attorney General's Guidance for Municipalities issued on April 8, 2020, emphasizes that local powers are limited by constitutional requirements. Ordinances should include exemptions for people with underlying health problems and for any constitutionally protected right (e.g. voting, religion).

Any local orders mandating the use of masks should be adopted by the council.

Do mayors have the authority to regulate residents and businesses (stay at home orders, curfews, occupancy rates, hours of operation, sanitation)?

With few exceptions, the mayor must have authority from the council. When regulating businesses based on public health, safety and welfare as a result of COVID-19, the Attorney General has advised mayors to err on the side of caution by only taking action through municipal ordinances or resolutions adopted by the council. (Attorney General's Guidance for Municipalities, April 8, 2020.) According to the Attorney General, the mayor must be acting at the specific direction of the city council, as expressed by ordinance or resolution, and further advised that mayoral orders purporting to impose more restrictive mandates on residents and businesses that are not issued in response to specific authorization by the council may not be enforceable.

Municipal ordinances enacted in response to COVID-19 should recite the specific circumstances; be limited in duration; and allow for periodic reevaluation in light of new information. Section 11-47-131, Code of Alabama 1975, allows a municipality to "regulate for the protection of its citizens' health" but "is not a license to abuse the police power by applying it arbitrarily and capriciously." See *Pritchett v. Nathan Rodgers Constr. & Realty Corp.*, 379 So. 2d 545, 547 (Ala. 1979).

Before considering local regulation relating to COVID-19 precautions after the expiration of the Governor's mask order and/or the state of public health emergency, please seek the advice of your local attorney. For more information, please visit the "COVID-19 Resource Links" page under the "Legislative Advocacy" tab of the League's website at www.almonline.org.

The League Welcomes New Team Member Keely Smith

A graduate of Auburn University in Montgomery with a Bachelor of Business Administration, Keely spent nearly two decades working for the Montgomery Chamber Convention & Visitor Bureau – first as a Membership Sales Associate and then Director of Sales – where she led a team to recruit conventions, meetings, sports and special events to the City of Montgomery as well as coordinated details for such events.

In March 2021, she joined the League in the newly created role of Conferences and Events Manager where she is directly responsible for the logistics of all conferences and workshops as well as the League's Annual Convention. Keely's natural desire for organization and a healthy appreciation for details makes this career path more fun than work. When she's not updating an agenda, budgeting expenses, lining up speakers or managing vendor relationships, Keely is active in her church or enjoying time with family and friends. She can also be found on the tennis courts in local USTA Leagues, walking or reading. She enjoys a good dessert and can't say no to chocolate. ■



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By Lori Lein, ALM General Counsel

Meeting Behind Closed Doors: The Executive Session

More often than we'd like in the legal department, a call comes in that goes something like this: "This is Mayor Jones. I've just called for an executive session meeting for tomorrow night to discuss an employee's bad attitude. I really want the clerk to be in the meeting to take minutes but she tells me that the League says she shouldn't attend and there should never be minutes of an executive session. Is that true?" While I wish the simple answer to the question could be your clerk is absolutely right (as they often are), there are many other issues with the scenario presented by the mayor warranting further discussion beyond the actual question asked.

Before we break down this hypothetical question and discuss proper executive sessions under Alabama Law, it is important to start with the understanding that the Open Meeting Act (OMA) specifically states that executive sessions are not required for any reason. Section 36-25A-7(a). A city council is never, under any circumstances, required to hold an executive session. In fact, the OMA specifically states that members of the covered entity and any of its employees participating in a meeting complying with the law have an absolute privilege and immunity from suit for any statement made during a legally called open public meeting. This immunity is in addition to all others that may apply. See Section 36-25A-8, Code of Alabama 1975.

Even though you're never required by law to hold an executive session, there are times when a closed-door discussion may be necessary and prudent. An executive session – sometimes called a closed meeting or an in camera session – is a useful tool for handling issues that are best discussed in private and can foster robust, candid and, hopefully, confidential discourse. Thankfully, the OMA recognizes reasons why a city council can go into executive session. But before we get to that, let's get back to Mayor Jones calling for an executive session and the other issues his scenario raises.

What is the procedure for going into Executive Session?

First, the law does not allow for the mayor or presiding officer to call for an executive session meeting. A council can only go into an executive session from a legally convened regular or special called meeting which has been properly noticed to the public under the OMA. The OMA also spells

out a specific procedure for entering into an executive session, other than one held for a quasi-judicial or contested case hearing. This procedure must be followed in order to comply with the OMA:

- (1) A quorum of governmental body must first convene a meeting as defined in the OMA.
- (2) A majority of the members of the governmental body present must adopt, by recorded vote, a motion calling for the executive session. The motion must state the reason for the executive session. If the stated reason requires an oral or written declaration to justify the executive session as set out above, the oral or written declaration must be made prior to the vote.
- (3) The vote of each member, as well as the written or oral declaration, shall be recorded in the minutes.
- (4) Prior to calling the executive session to order, the presiding officer shall state whether the governmental body will reconvene after the executive session and, if so, the approximate time the body expects to reconvene. See Section 36-25A-7(b), Code of Alabama 1975.

Stated another way, in order to go into executive session, the council must be in a properly noticed meeting, a member must make a motion, it needs a second and is debatable. Before voting, an oral or written declaration stating the reason for needing an executive session must be presented. It takes a majority vote to adopt the motion and go into executive session. The minutes might state something like the following:

"Attorney Lein advised the city council that it would be appropriate to go into executive session to discuss matters relating pending litigation. Councilmember Hill moved to go into executive session to consult with the city attorney. The motion was seconded by Councilmember Dale. There was no debate or discussion. The council voted as follows to go into executive session:

| | |
|--------------------|-----|
| Mayor Jones | yea |
| Councilmember Hill | yea |
| Councilmember Dale | yea |

continued on page 32

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Pump & Tank

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Drive Train

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Chassis

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23,000# rear axle

Dimensions

Overall Height: 109"
Overall Length: 368"
Wheelbase: 216"

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18,000# SteerTek front axle
24,000# rear axle

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Bringing Commerce to your Community

Mary Helmer Wirth • President/State Coordinator • Main Street Alabama

Bringing commerce to your community, or in many cases, back to your community is one of the most often asked questions I receive when I work in communities or speak at conferences. The answer is not always complicated but that does not make the answer easy either. I have been working in the Main Street world for more than 20 years now and there are some tried and true initiatives that every community should look toward when answering this question at their local level.

Many years ago, when I was a local Main Street director in Kansas, we worked hard to recruit a specific high-end gift shop from a major metropolitan area to our district. At the end of the discussion, the owner of the store made it clear that she understood why we wanted her but did not understand why she should want us. You see, she clearly understood the market she was in was not the market we had in my community. And she knew making that jump to our district would be an unwise business decision on her part. That is something I have carried with me ever since that day. I never wanted to feel like our district, our community, was not desirable or did not have the opportunity to be successful. We came back home, sat around the table, and determined there were some things we needed to take care of – number one was to understand our own market potential, our economic data and our demographics before we could ever look to recruit or work with businesses to improve the commerce in our district.

Eight Important Steps

Step one: Market Awareness – good market data specific to the district. When you get a market study done, it is important to understand that a broad study that is done for the entire city will not be very helpful in bringing commerce to the traditional commercial district. You will need the market analysis to be more focused on the specific commercial district you are trying to revitalize. We work very hard at Main Street Alabama to provide a market analysis that focuses on how to help existing businesses be stronger because, frankly, it is difficult to recruit businesses to a district that is already suffering. Always work with the existing businesses first to strengthen them and help them be successful. They have been supporting the community all along and deserve the assistance.

Step two: Infrastructure within the district. Put together a checklist of things that will be needed to attract and sustain future development within the district. Look for essentials such as water mains – when were they last updated? If your proposed district has unoccupied buildings that are two or more stories, do you have the capacity within your existing water system to support life safety requirements such as sprinkling the upper stories? What is the capacity of the power structure within the district? When was the last time storm sewer/flood prevention was reviewed in the district?

Step three: Codes and Zoning. The next thing to look at would be the current codes and zoning – what is required within the district? Is it necessary to have parking requirements within the district? Is small scale manufacturing allowed



in the district? Is upper story residential allowed? Many of the communities I have worked with over the years have not updated their zoning and codes for existing districts in a very long time. Are you making it easy for people to do business within that district by having updated codes and zoning?

Step four: Make it easy to do business within the district, consider forming a team of the following: Code & Zoning Enforcement, Fire Marshall, City Planner, rotating Architect or Engineer, etc. Time is money for businesses opening or expanding. Meet at the property with the potential buyer and go through all the things that need to happen to make this project occur. This was one of the most important changes we made when I was a local director – guiding the prospective buyer through the process. It did not cost us anything, but gave amazing goodwill to the property owner and started the project out on the right foot.

Step 5: Do your research. Is there a redevelopment authority already in place? Is there an entity focused on the revitalization within that district that can assist – such as Main Street Alabama, EDPA, SBDC, Design Alabama, ACE, Your Town Alabama and others? Contact your Regional Planning Commission for assistance and connect with realtors who understand commercial real estate to assist you in promoting the properties that you have available.

Step 6: Work with the developer to understand the opportunities and constraints of development within the district. After proper site investigation and completion of a feasibility study, work with the developer to have a good understanding of construction costs for the proposed development and things they will need to know. What is your current building code? Do you have an existing building code as a companion to the overall building code for your community? Forcing building codes meant for new construction make revitalization of a historic building very difficult.

Step 7: What local incentives do you have available? Remember – not every incentive has to come with a tie to funding. Provide market data specific to the district. Assist with the performance or feasibility of the project.

Review the business plan to see if incentives are needed and then match incentives if they are available. Look at low interest loans, grants or technical assistance that can incentivize appropriate designs and improvements. Perhaps provide free or low-cost design assistance help with signage or facade improvements. Think about technical and or financial assistance to make needed infrastructure improvements such as a water tap to the building for upper story residential or a grease trap or vented hood for restaurants supported by the city, not always by the property owner.

Step 8: Understanding incentives and project funding. There are several opportunities to leverage or stack the capital for projects if you take the time to research and understand how to work them all together. Some examples of a capital stack include utilizing bank financing with historic tax credits. Working with the Alabama property tax incentive to lower property tax on the redevelopment project. Working through your downtown redevelopment authority for incentives. Checking to see if the project is within an Opportunity Zone or if it is within a Business Improvement District, etc. Doing this research in advance is a huge time saver for the proposed project owner – guiding them through the process shows goodwill and builds trust and a long-term positive relationship.

Conclusion

Taking the time to get your ducks in a row will help make forthcoming development much easier and will assist in improving the relationship and reputation of the community as *the* place to do business and build a future. ■

Main Street Alabama is focused on bringing jobs, dollars and people back to Alabama's historic communities. Economic development is the heart of this statewide organization's effort to revitalize downtowns and neighborhood commercial districts across the state. Main Street Alabama stresses public private partnerships, broad community engagement and strategies that create jobs, spark new investment, attract visitors and spur growth. For more information, visit mainstreetalabama.org.



FOUNDATIONS of ECONOMIC DEVELOPMENT

Greg Barker • President • Economic Development Partnership of Alabama

At a time when it can be a challenge to reach agreement on any issue, economic development continues to be one topic in which there's almost universal support. After all, everyone can agree that a growing economy that produces new and better-paying job opportunities is a worthy goal.

That certainly doesn't mean that there aren't strong opinions about how economic development should be conducted. But, regardless of what strategy a state, region or community chooses to pursue, there are certain fundamentals that are necessary in order to achieve success.

Economic development is never a single act or even a set of actions. Most economic development professionals will agree that it's a long-term process requiring that the correct steps be undertaken, and then repeated over and over again.

I have had the honor and pleasure to be associated with economic development, either directly or related, for 35 years. Before joining the Economic Development Partnership of Alabama (EDPA), I had opportunities to work in economic development at the local, regional and corporate levels. That experience has taught me a number of truths regarding what works and what does not. While special situations do exist, I have found that every economic development program can be broken down into three main phases: Plan, Prepare and Pursue. And, in each phase, there's a need to address three primary components: Human Infrastructure, Physical Infrastructure and Financial Infrastructure.

Plan, Prepare and Pursue

In the first step of planning for the future, it is essential to both evaluate the assets currently existing in your community and utilize data-driven analytics to determine growth targets. As an example, let's say your analysis uncovers three sectors that will provide enhanced job opportunities and increase revenue. The information needed at this point would likely include the kind of skills that are needed to support each of the targeted sectors, which, of course, falls under *Human Infrastructure*.

Also, the data gathering stage would likely involve an analysis of the site needs for each, including land or building requirements, transportation access and utility capacity – all part of *Physical Infrastructure*. Finally, the *Financial Infrastructure* needs to be examined. What is needed from firms in each sector to sway a location decision in your community's favor? Among the tools that could be employed are incentives, low-cost financing, help with property improvements, etc.

In gathering information and data, you might also do a competitive assessment to determine your community's current position in the market and what deficiencies you may need to address. Such an analysis can be instructive as you begin the Prepare stage, which is perhaps the most integral. This is where the most work will likely occur and a combination of patience and persistence is required. A workforce training program to be competitive in your selected targets will entail a close partnership between your local economic development organization, the area K-12 school systems, the Alabama Community College System and other workforce providers. This could involve basic work skills (technical and soft skills); upskilling of the existing workforce; and hospitality training and entrepreneurship development.

Preparation steps in the physical infrastructure component would include actions such as adding available properties (buildings and sites) to the EDPA database; identifying new sites that could increase your inventory; and a plan to improve



Growth process illustrated using an auto supplier target as an example.

them to boost their market attractiveness. An additional initiative that you may want to consider is the Main Street Alabama (MSA) program. Recognizing that downtowns are the heart of a community, MSA helps municipalities discover their sense of place and provides expert assistance to create new economic growth.

Programs and initiatives that could be part of the preparation for financial infrastructure are developed to assist companies and entrepreneurs by providing ways to decrease start-up costs and assisting with continued operational savings as companies grow. Among the tools utilized by economic development organizations are grant applications, tax abatements, expedited permitting processes, reduced utility connection fees, low-cost loans, revolving loan funds and ongoing training assistance. A combination of these and other tools can be utilized to match each target company’s unique development needs.

After the work is completed in the Plan and Prepare stages, a community is now ready to pursue their economic growth objectives. For each of the identified sectors, consider available options through existing businesses and industries, entrepreneurs and companies outside your market that are recruitment targets. In the metals sector, this could take the form of helping a local foundry gain new customers or add a product line. For tourism, it may mean helping a group of local entrepreneurs finance a Bed & Breakfast in your downtown. Recruiting a growing AgTech from another part of the country to expand into the Southeast is another possibility in this stage.

The reality is that your community will experience a combination of both proactive and reactive opportunities. And both of them are positive. The proactive opportunities will be a result of your planned targets, the preparation as well as the pursuit of them. The reactive opportunities will come about in all three of the phases – planning, preparation and pursuit. They will be the result of new market opportunities that lead the site selection process to focus on your community. The work you have done in the prior phases will put you in a greater competitive position, and will increase your chances for success.

Based on my experience, this approach is the most reliable path to success in economic development. The good news, and a great strength of ours in Alabama, is that there are multiple resources that can provide assistance – regional planning commissions, utility companies, university centers for economic development, the Alabama Department of Commerce, EDPA and a host of others. It is in all of these organizations’ mission statements to help our communities achieve economic development success, and we stand ready to partner with you on the journey. ■



Greg Barker was named president of the Economic Development Partnership of Alabama in June 2020. He came to EDPA from Alabama Power Company, where he started in 2002 as an economic development project manager and was later named vice president of Economic and Community Development. Greg’s career has also included experience in local and regional economic development, serving as president of the Calhoun County Economic Development Authority and as executive vice president of the Metropolitan Development Board in Birmingham. A graduate of Mississippi State University, he also attended the Institute for Organizational Management at the University of Georgia and the Economic Development Institute at the University of Oklahoma. In 2010, he was the first recipient of the Dave Echols Distinguished Service Award, presented by the Alabama Development Office (now the Alabama Department of Commerce) for exemplary work in economic development. For more information on EDPA, visit edpa.org.

LONG-RANGE COMMUNITY PLANNING: AUTHENTICITY IS KEY TO TELLING YOUR STORY

BRANDON BIAS • GOODWYN MILLS CAWOOD

There's really no better way for a community to tell its story than through a carefully crafted long-range plan for growth. However, authenticity is a critical element of the story that is often overlooked or misunderstood.

That's the role of a professional planner – to guide communities through the process of deciding who they are and where they want to go, then determine how to best leverage those assets to achieve strategic long-range objectives. Authenticity can mean a lot of things – the history of a community, its strengths, where it wants to go and so forth.

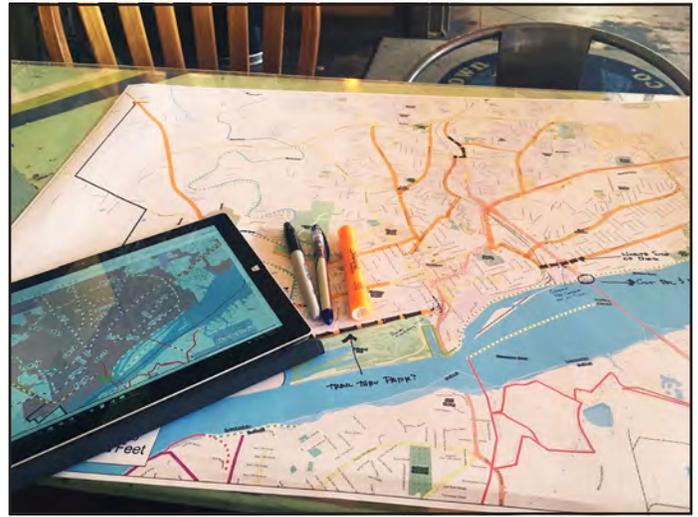
Role of the Planner

Planners first analyze and research the history of a location, why it was founded, how they've grown, why they've grown and the dynamics that got them to where they are today. Each community is unique, and planners use their experience to help find, build upon and emphasize those features that set a community apart. In some places, that history has evolved. A community might have an agricultural or industrial background, for example, but changes in market dynamics have transformed its purpose. Therefore, planners spend a significant amount of time learning about and understanding a community from a data perspective.

Eventually, planners will pivot from a quantitative to qualitative analysis. That's when the true work begins, as they seek to engage the community in order to hear, one-on-one or in groups, from families who have lived and worked there for their entire lives as well as new residents to the community. In the process, the community is given the opportunity to share its voice in creating a vision for the future.

A small group of planners typically leads the process of building consensus and ensuring that residents understand the purpose of the exercise. They recognize that, in the end, “buy in” from a majority of the community is conducive to the long-term success of the plan. Throughout the exercise, planners sometimes lean heavily on the expertise of others, such as landscape architects, urban designers, architects and engineers. They also use the services of various subconsultants for help with economic development or mobility.

Bringing these ideas – typically in the form of recommended actions – back to the city is the closing piece whereby planners capture those inputs they have gathered over a 10- to 12-month period and encapsulate them into



During research, planners often spend time studying a variety of patterns in the community. These patterns can be seen in how neighborhoods developed or how people move around the community. They often help tell the story of the community's history.

a preliminary plan, whether a written document, series of maps or other graphic representations. However, even after a plan is developed and completed, the community should periodically revisit and potentially revise the plan every 5 to 7 years to accommodate any changing conditions or market dynamics.

A comprehensive plan can play a critical role in guiding a community for decades. For example, a community's goal might be to become the best retirement community in the South. In order to achieve that objective, however, there will likely be several steps that can take years to put into place, such as improved health care, diversity in housing options, accessibility, connectivity, retail opportunities and so forth.

Most importantly, there is not a “one-size-fits-all” planning template for every community. That is why it requires the efforts of the residents, community leaders and planners to identify unique aspects of each community to form an authentic vision – supported by specific action steps – for future growth and development.

Case Study: Dauphin Island, Alabama

Sometimes planners must address a specific, targeted goal. The town of Dauphin Island found itself with a distinctly unique opportunity to tell its story after receiving millions in federal funding from the federal RESTORE Act in the wake of the BP oil spill. The money is helping Goodwin Mills Cawood (GMC) work with the community

to create a “town center” master plan that will guide the development of Aloe Bay on Dauphin Island. In the process, they hope to enhance their economy, tourism and residential opportunities.

It has been a long time coming. The lack of a centralized town center has long hindered the Dauphin Island community’s ability to sustain itself financially following the hurricanes that frequently impact its western end. As a potential solution, the town hopes that a centralized town center on the north side of the island will help it generate revenue in a sustainable way. Doing so would enable it to keep tourism dollars flowing into the town, even as the west end of the island recovers.

This has evolved into an opportunity for Dauphin Island to perpetuate its own unique story, even as it resists the temptation to copy nearby beach resort destinations. In the process, the town hopes to become a better version of itself by tapping into its strengths. Through long-standing plans, the funding has allowed the town to take advantage of the opportunity to build around Aloe Bay – an economic center of the island for hundreds of years – in order to take advantage of interactions with the water.

For nearly a year, planners researched the community and initiated an engagement process followed by a week-long virtual design charrette in early 2021. To encourage participation, GMC worked with the island’s steering committee to identify critical groups within the community and crafted messages specific to those groups in order to encourage participation. During the charrette, planners and subconsultants worked directly with the Dauphin Island residents to craft an initial draft of the plan. The charrette included a kickoff presentation whereby GMC presented its initial ideas for the development to the community.

Over the course of the charrette, the planners addressed concerns and made changes to better reflect the desires of the residents. This process included a series of meetings with stakeholders and workshops focused on various issues such as sustainability, fiscal impacts of the projects and so forth. Over time, GMC achieved widespread community buy-in by listening to residents’ concerns and implementing many of their ideas. GMC hopes to complete the plan by the end



Much of the planning for Aloe Bay on Dauphin Island has taken place during the COVID-19 pandemic. Planners worked closely with town leadership to facilitate engagement that was safe and effective. In June 2020 a meeting was held to begin gathering information from the community. This included a brief overview from Mayor Jeff Collier and large chalkboards for the community to write and share ideas.

of April and then determine design and construction needs in later phases.

Telling the Best Story

A community’s story – and the continuation and perpetuation of telling that story – can ultimately serve as a jumping off point for any long-range plan. The authenticity of that story is key. By capitalizing on who they really are, a community can become successful in their own, uniquely tailored way.

Of course, there are obstacles that could potentially impede process. A lack of communication, lack of transparency or general fear of change can quickly sabotage any long-term plan’s success, particularly in a smaller community where families have lived for generations and nostalgia or emotional attachment are high. However, as the saying often proves: “Change needs to happen for things to stay the same.” Writing a story for the future of a community focused around planning and design keeps things moving in the best direction for everyone. ■



Brandon serves as a certified Community and Regional Planner in the Mobile office for Goodwyn Mills Cawood. His background includes a wide range of expertise in both planning and design with proven expertise in master planning emphasizing community design, ecological processes, regional dynamics smart growth principles, and community engagement. His experience includes assisting a variety of communities from quaint rural crossroads to some of the fastest growing cities in the Southeast. Prior to joining the firm, he served as the Planner in the Special Projects Division of the Community Development Department for the City of Birmingham. In this role, he was responsible for management of the City’s CDBG and CDBR-DR funds and coordination with neighborhood stabilization initiatives. Brandon is actively involved with several statewide initiatives as a board member of Design Alabama, Main Street Alabama and Your Town Alabama, as well as serving as the Immediate Past President of the Alabama Communities of Excellence Board. He is also active in his community, serving as the Vice Chair of the Baldwin County, Alabama Planning Commission.

Navigating Grants in the Age of COVID-19

Jessica Taylor - Founder and CEO - Azimuth Grants

Grant funding has been an important piece of the municipal funding puzzle since the 1930s, when the financial and administrative provisions of the federal New Deal reversed the fiscal structure of government from a system dominated by local expenditures, with few intergovernmental transfers, to one controlled by federal government spending, with high volumes of intergovernmental transfers – also known as grants-in-aid. Local governments are now heavily dependent upon federal and state governments to help fund basic operations, with support coming in the form of formula, discretionary and competitive grants. While this type of funding has been around for close to a century, in 2021, during worldwide COVID-19 response and recovery efforts, grants are and will be available at never-before-seen levels, making it essential your community be prepared to locate, secure and strategically manage this type of funding. Not only must local leaders navigate the many challenges associated with effectively, efficiently and expeditiously managing increases in formula funding, they must also find ways to prepare and remain agile enough to pursue federal, state and private discretionary and competitive grants to advance local priorities.

The following information provides a brief history of municipal grant funding, an overview of the types of grants available and a summary of the changing grant landscape during the age of COVID. Hopefully, this information inspires you to think strategically about how to better-utilize grant dollars to support your community.

History of Municipal Grants

The first grants-in-aid to municipalities can be traced back to the Land Ordinance of 1785, which required new townships incorporated from federal lands to reserve one lot for public schools. Today, federal government grants alone finance one-fifth of states' budgets on average, making grants a larger source of revenue for state and local governments than personal, sales and property taxes, according to the Office of Management and Budget. So, how did grants-in-aid grow from land grants for schools to the federal government having a 20 percent controlling interest in local governments? Significant expansion started in the 1930s under President Roosevelt's New Deal programs during the Great Depression. Grant funding increased again during the 1960s under President Lyndon Johnson's Great Society and expanded further in the 1990s and 2000s due mostly to Medicaid expansion as well as additional funding to FEMA to mitigate national disasters. Before COVID-19, the federal government spent in excess of \$500 billion annually on grants-in-aid to state and local governments, making grants the third largest item in the budget after Social Security and national defense (OMB).

continued next page

» TYPES OF GRANTS

Grants awarded by private, corporate, community, and family foundations as well as businesses and individuals.

private grants

Private grant applications can be a simple, one-page letter of request with no deadline or have more complex requirements similar to federal grant applications.

APPLICATION PROCESS

Private grants are usually awarded by a board of directors, a small committee, or individuals who are non-technical and use a combination of objective and subjective determinants to make funding decisions.

AWARDING PROCESS

Private funders typically support nonprofits and non-governmental organizations, but municipalities can partner with those entities whose mission aligns with municipal objectives. Private grants are typically less onerous to manage than public grants.

MANAGEMENT PROCESS

public grants

Grants awarded by federal, state, and local governmental organizations.

Can often be over 100 pages with attachments and strict formatting requirements. Most federal grants are submitted virtually through a portal housed at grants.gov, but some still require proposals to be submitted via hardcopy with onerous formatting requirements.

Government grants, at least competitive grants, often have multiple technical reviewers, who may even be paid, scoring the proposals and making funding recommendations. Scores and reviewer comments are frequently made available to the public.

Securing and managing public grants requires more technical expertise, time, and money than private grants. Often, grantees have to front months of cost while waiting on reimbursement approval and processing, making it difficult for small organizations to utilize this funding.

Types of Grants: Public & Private

At Azimuth, we think about grants in two primary categories: public and private, as they are located, pursued and managed differently. Private funders typically support nonprofits and non-governmental organizations, but that's not always the case, especially in the post-COVID-19 world. Even before COVID, local governments could advance projects and priorities by collaborating with local nonprofits, that are eligible to apply for most private grants. Public-Private Partnerships (P3s) are highly encouraged by most grant-makers and can be an effective way to collaborate. Researching, securing and managing public grants often requires more technical expertise, time and money than private grants.

Private corporate, community and family foundations, as well as businesses and individuals, award private grants, determining their own application processes and requirements, if any. Private grant applications can be a simple, one-page letter of request with no deadline or have more complex requirements similar to federal grant applications, which can often be more than 100 pages with attachments and strict formatting requirements. Most federal grants are submitted virtually through a portal housed at grants.gov, but some federal agencies still require proposals to be submitted via hardcopy. Either way, submitting public proposals is typically more costly, stressful and time consuming with no guarantee of success. Additionally, public applications typically require a unique response, whereas much of the language used in private applications can be reused in future applications, saving time and money; private funders typically ask the same types of questions.

➤➤ HISTORY OF MUNICIPAL GRANTS

- The first grants-in-aid to municipalities can be traced back to the **Land Ordinance of 1785**, which required new townships incorporated from federal lands to reserve one lot for public schools.
- Significant expansion of federal grants-in-aid started in the **1930s** under President Roosevelt's New Deal as the nation recovered from the Great Depression.
- Grant funding increased again during the **1960s** under President Lyndon Johnson's Great Society.

1785

1930s

1960s

FEDERAL GOVERNMENT GRANTS
AWARDED TO STATE AND LOCAL
GOVERNMENTS PER YEAR
(FY2019 ESTIMATE)

Sources: U.S. Army, *Intergovernmental Relations, Characteristics of Federal Grant-In-Aid Programs to State and Local Governments: Grants from the Federal Government to State and Local Governments* (1955), <http://www.library.usf.edu/gpo/acir/Reports/information/M-195.pdf>; FY1998: David B. Walker, *The Rebirth of Federalism*, 2nd Edition (New York: Basic Books, 2000), p. 100; FY2018: CRS computation, U.S. General Services Administration, *The Catalog of Federal Domestic Assistance* (2018).

Private and public grants are often awarded differently. Private grants are usually awarded by a board of directors, a small committee or even individuals who are likely non-technical and use a combination of objective and subjective determinants to make funding decisions. Government grants, at least competitive grants, often have multiple technical reviewers, who may even be paid, scoring the proposals and making funding recommendations. Scores and even reviewers' comments can be made available to the public.

Federal government funding, pre-COVID, consisted primarily of categorical grants and block grants. Categorical grants represent approximately 90 percent of all federal grant dollars and can only be spent on specific and narrowly defined purposes as defined by Congress. Categorical grants are distributed either on a formula basis or project basis. States compete for project grants. The federal government selects specific projects based on merit and through a competitive process. Formula grants are noncompetitive and are based on a predetermined formula set by Congress. Population, taxable income, unemployment, poverty level, density of housing, students on free or reduced lunch and rate of infant mortality are all quantifiable demographics used to calculate the amount of aid given. Block grants are issued to local governments in support of municipal services such as public safety and education. Block grants are typically less restrictive than categorical grants allowing local governments to experiment with ways of spending the money to achieve a predetermined goal. Block grants replaced revenue sharing, which was the federal policy from 1972 to 1987.

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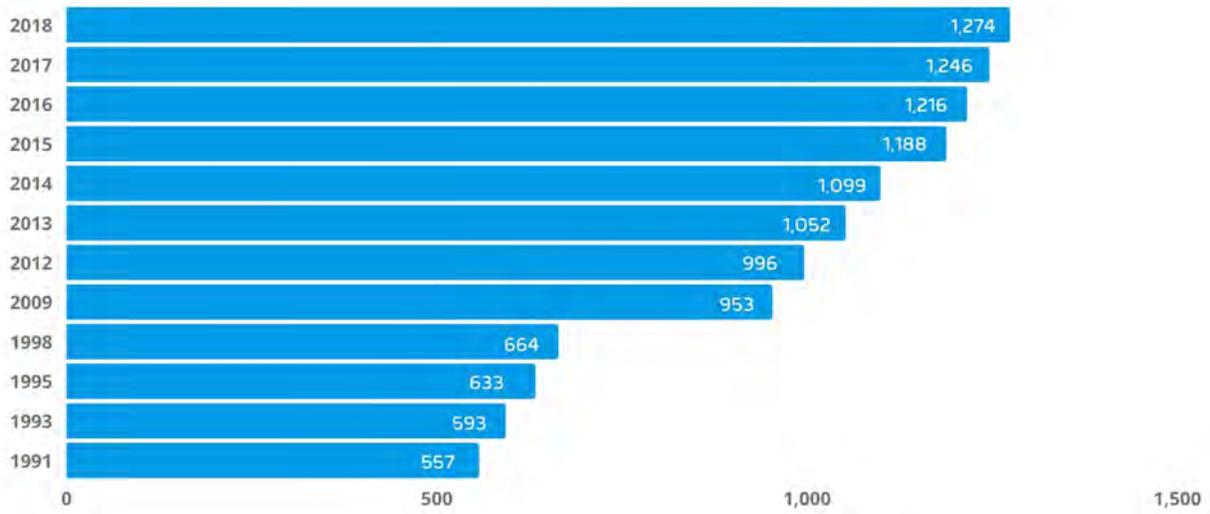


GRANTS

- Grant funding expanded further in the **1990s** due to Medicaid, assisting people with income, medical costs, nursing home care, and personal care services.

- More grants were released in the **2000s** through the Federal Emergency Management Agency (FEMA) to mitigate national disasters.

- Before COVID-19, the federal government spent in excess of **\$500 billion** annually on grants-in-aid to state and local governments, making grants the third largest item in the budget after Social Security and national defense (OMB).
- Today, federal government grants alone finance **one-fifth** of states' budgets on average, making grants a large source of revenue for state and local governments.



GRANTS
LOCAL
YEAR
(MATE)

Advisory Commission on
funded FY 1995, p. 3. at
Edition (NY: Claitor
7; and FY2009, FY2012-
Domestic Assistance at
<https://beta.som.gov/>

Managing public grant funding is far more complex than managing private grants, which is why many nonprofits and businesses choose to skip it entirely. For instance, a grantee could possibly have to comply with federal regulations codified at Title 2 Code of Federal Regulations Part 200 (2 CFR § 200) and up to five additional sets of rules and regulations, despite the intent of 2 CFR § 200 being to create “Uniform Guidance.” 2 CFR § 200’s provisions apply to all federal grant dollars and remain in effect no matter how many times the dollars change hands. In addition to 2 CFR § 200, federal grantees may also have to comply with agency-specific supplemental guidance. Further, a local grantee receiving a grant from a state agency that originated from federal dollars must also comply with state and any state agency specific regulations. Following the chain of federal dollar custody further, local governments may sometimes disperse these funds again to local nonprofits via competitive procurement, adding yet another layer of compliance for the receiving private entity. To recap, it’s possible for a private nonprofit to receive a grant that requires them to comply with the following rules and regulations: 2 CFR § 200, federal agency specific supplemental guidance, state specific rules, state agency-specific guidance, local rules and regulations and possibly any local agency specific guidance; six levels of bureaucracy each with administrative costs. The top-down system created in the 1930s has resulted in overly burdensome and costly compliance requirements in addition to often slow and unclear payment and reimbursement processes, ultimately leaving small and rural local governments that need support from grant funding the most unable to compete.

COVID-19 Grants

The first major aid package of \$2T, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), was released on March 27, 2020, with the goal of providing immediate national fiscal relief. The CARES Act was primarily built upon a framework of re-imbursement to mitigate the sudden impact of lost revenue to businesses, retain a viable workforce, keep schools and businesses open and reach and maintain safety standards to keep the country functioning at the state, city and county levels. Local governments began diligently logging expenses in preparation to file for reimbursement with states before the designated deadline, which was originally the end of the year, December 30, 2020, but has since been extended.

A second major wave of federal funding, the American Rescue Plan Act, totaling nearly \$2 trillion, was signed into law on March 11th and will be distributed to state and local governments within the coming weeks and months. The funds will target re-opening schools and businesses, relieving unemployment and meeting the critical immediate needs of communities during the ongoing COVID-19 pandemic. Additionally, this aid, as well as other upcoming federal grants, will become the major funding resource for new projects to support burgeoning industries focused on mitigating climate change, developing and expanding new avenues of job growth and retooling workforce development programs to meet the vision that is encompassed in President Joe Biden’s Build Back Better vision. This will include infrastructure and construction funding, an embrace of new technologies, such as electric cars, an expansion of new energy resources and increased attention to diversity and inclusion across all industry sectors.

How additional grant funds will be allocated for COVID-19 response and recovery at the federal, state and local levels has yet to be seen. Many federal and state agencies are still determining the rules and regulations needed to govern and disperse CARES Act Phase 1 allocations. While much uncertainty remains, grant funding will certainly be of ever-increasing importance for local governments and will be available from public and private funders like never before. Now is the time to ensure you have the internal expertise and capacity, or a partner like Azimuth Grants, to help successfully navigate grant funding to ensure your community not only recovers but thrives in the post COVID-19 economy. ■



Jessica Taylor is the Founder and CEO of Azimuth Grants, a woman-owned small business headquartered in Montgomery, Alabama, that has provided grant consulting services to state agencies, local governmental organizations, and economic development corporations across multiple states, as well as hundreds of nonprofits, schools, and businesses across the globe, since 2010. By continually striving to provide value to its diverse clientele, Azimuth has identified best practices and discovered ways to help clients avoid common pitfalls of working with grants, reduced the administrative burden of seeking and managing grants, and discovered ways to strategically leverage grants to create better outcomes and increase interest from grant-makers. For more information visit azimuthgrants.com.

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We all understand the importance and critical role that collaborative economic development plays in our communities and across Alabama. The state's most successful economic development achievements of the past 25 years were the result of collaboration between cities, counties, the Alabama Department of Commerce, the legislature and the state's energy providers who are members of the Energy Institute of Alabama (EIA).

Catalyst for Economic Development

EIA is proud to join with the League and continue to foster growth and prosperity in cities where people want to live, work and play. Our members stand ready to serve as active and valued partners with cities working to grow jobs and power the economies in the places we call home. EIA knows that Alabama's energy sector is a catalyst for economic development in both urban and rural communities and it's also a primary component of our mission. Created in 2016, EIA's mission is to promote reliable, affordable and clean energy to help grow our economy, create high-paying jobs and build public support for Alabama's energy industry.

Economic Development Expertise

EIA member companies employ economic development professionals to assist cities as they develop and recruit high-value projects. Our members' employees work every day to ensure reliable, diverse and affordable sources of energy are readily available to meet the needs of existing and potential industry across their coverage areas. Like the League, we are focused on job creation and capital investment by supporting

new and existing businesses through professional expertise for economic development projects throughout the recruiting and site selection process and through incentives.

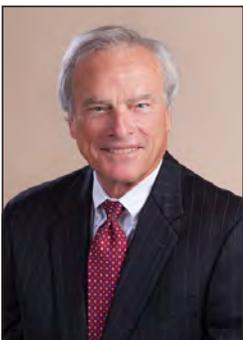
Broadband Deployment

Because access to broadband is a key element in economic development and quality of life in rural Alabama, EIA is a leading advocate for the expansion of rural broadband across the state. Bridging the digital divide will ensure that Alabama is fully prepared for a 21st century economy and that our citizens have access to quality education via distance learning and quality medical care through telemedicine. All are vital factors affecting communities' ability to attract and retain companies and employees.

Workforce Development

Lastly, a highly skilled and quality workforce is essential for prospering communities and overall economic development. EIA members are actively involved and invested in Alabama's official workforce development efforts, supporting skilled and trade job opportunities that lead to high-wage, in-demand careers and ultimately increase Alabama's labor participation rate.

Electric energy providers across Alabama are true community partners and strive to be actively engaged. Whether it's sponsoring the local little league team or recruiting the next blockbuster manufacturing announcement, we are proud to be a part your team furthering economic development across Alabama. ■



Seth Hammett is a native of Covington County, Alabama, and serves as Vice President of Business Development for PowerSouth Energy. He was a member of the Alabama House of Representatives for 32 years, including 12 years as Speaker of the House. Upon his retirement from the Alabama Legislature in 2010, Hammett was named Speaker Emeritus. For more information about EIA, visit energyinstituteal.org.

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Leading When the World is On Fire!



Tasha Scott • The Tasha Scott Group

Tasha engaged attendees with her "Leading When the World is On Fire!" presentation at the League's Municipal Leadership Institute in Montgomery this past October. She has provided a synopsis of her presentation below.

Leadership Expert Dr. John Maxwell said it best: "Everything rises and falls on leadership." While examining our current time and circumstances, I came to the realization that this is the leader's finest hour. When looking at everything happening in the world from a leader's perspective, we have to look at it as a glass half full. At the end of the day, the world is looking for hope. Who is the one who can lead the charge and be the one full of hope for everyone else? A leader! At a time like this when the world is on fire, we must lead effectively.

1. As leaders, we have to clearly define what is happening.

At any given time, the world can be in a crisis. A crisis is defined as any event that is going to lead to an unstable and dangerous situation affecting an individual, group, community or whole society. A crisis is also an intense time of difficulty requiring a decision that will be a turning point. As a leader, we must understand that crisis is quite common. Often, there are no two good consecutive days in a leader's life; leaders must accept and become familiar with rough and challenging times. The challenge for the leader is to stay strong and steady during the duration of the crisis. It is important that we as leaders know and live our values because we are not made in a crisis; we are revealed in one.

The good news is people are not looking for perfect leaders. At this point in time, there is a lot of uncertainty happening in our world, and our followers are not expecting us to have all of the answers. They know we don't have all the answers. What they are looking for is certainty, understanding, and empathy. They are looking for leaders to be honest and authentic about where we are right now. During a crisis, bad leadership precipitates a faster fall while good leadership offers steadiness and perseverance! We have to be leaders who are willing to stand out front, be uncertain, and be uncomfortable. In the uncertainty, we can be the glimmer of light to say "we are here, but we don't have to stay here." We can be part of the solution. It starts with us seeing the people in front of us.

2. As leaders, we have to learn how to battle distractions.

Crisis is a distraction for a leader! Distractions cause leaders to experience three things: mind-wandering, negative thinking and uncertain anxiety. One of the things we can do to battle distractions is watch our mind-wandering.

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MIS is **NOT** a debt collection agency or service. MIS does not do what debt collection services do and debt collection services cannot offer what MIS does. MIS is a unique way to attempt to recover money owed to your municipality by "intercepting" an individual's Alabama State tax refund. Debt collection agencies can NOT offer you this service. MIS is a legislatively sanctioned conduit with the Alabama Department of Revenue (ADOR) that enables ADOR to recover delinquent debts owed by individuals to your municipality by collecting this debt from the individual's Alabama state tax refund. This system was made possible by an Alabama legislative change enacted in 2014 through which ADOR agreed to process these debts through only two clearinghouse organizations: the Alabama League of Municipalities (ALM) for municipal entities and the Association of County Commissions of Alabama (ACCA) for county entities. In 2015, ALM formed MIS to act as the clearinghouse on behalf of its municipal entities. **NOTE:** If the debtor is not eligible for an Alabama State tax refund, no money can be collected.

Who is eligible to use the MIS system?

Only municipal entities within Alabama are eligible to use the MIS system. This includes cities, towns, certain utility boards, housing authorities and hospitals. For more information, visit: www.alintercept.org.

Mind-wandering involves thinking about what COULD happen instead of focusing on what IS happening. When we allow our minds to wander, we can fall into negative thinking. Negative thinking often involves feeling as if everything that could possibly go wrong is going wrong. This can lead to uncertain anxiety, which is the fear of the unknown; this fear has a tendency to amplify other fears. If we do not learn how to battle these distractions as a leader, they can overtake us in a vicious, never-ending cycle.

When leaders get distracted, they lose sight of reality, lose touch with hope and fall prey to anxiety, which in turn, affects their people. Leaders must discipline themselves to stay focused in times of crisis. Guess who gets to control what we think about? We do! When the thoughts of negativity and anxiety arise, we get to insert the thoughts of positivity. We can find something to be positive about and celebrate. Once the positivity starts with us, it can spread to everyone else. As we go about our days, what is our mind focused on? Commit to being the most positive person you know during this time.

3. As a leader, you must be someone of character and integrity when no one is looking.

Crisis shows who a leader is on the inside and puts the leader’s ability to adapt to shifting circumstances on display. Who are we willing to be when no one is looking? We have to be willing to do the inner work and accept the responsibility to show up for not only others, but for ourselves. We have to adopt the mentality of “I don’t see impossible.” Our choices shape our character, and a crisis simply reveals the results of those choices. We all have untapped potential, and crisis is the breeding ground for untapped potential. As a leader during a crisis, we have to evaluate how we can help others grow as leaders and influencers.

As leaders, we must tap into our resilience muscle. Leaders can learn to shift for the better, even in the midst of a crisis. We have to beware of lapsing into complaining mode. It’s easy to get fatigued with so many things coming at us at once. It is important to find our way to recharge to be our best selves for others. We cannot give what we don’t have. We cannot show up strong if we’re not willing to do the inner work on ourselves. What people really need to see is how well do we show up and respond during a crisis.

4. As leaders, we must display R.E.A.L leadership in a crisis.

Displaying R.E.A.L leadership involves relationships, equipping, attitude and leadership. The truth is, people want to see and connect with their leader when things are uncertain. Having solid relationships means staying in constant communication with your team. Once you have those solid relationships as a leader, you can begin equipping your team by delegating responsibilities and building other leaders. Your attitude involves being deliberate in your thinking and present with your team. With your relationship, equipping, and attitude, you can implement leadership, which involves aligning your thinking and decision making with core values.

Leaders can afford to be uncertain, but they cannot afford to be unclear. The most effective leaders show up early, show up with clarity and, most importantly, show up with hope. Showing up with hope means having the confidence that, together with your team, you can make things better. Hope is an active virtue; it doesn’t stand by passively waiting for things to improve.

Many of the world’s greatest leaders are remembered as remarkable because of their example in the most challenging of times. Adaptable leaders turn adversity into advantage. Always remember, leaders are not MADE in a crisis; they are REVEALED in a crisis! ■



Tasha M. Scott is an Independent Executive Director with the John Maxwell Team. Her responsibilities include Executive Leadership Training, Coaching, and Keynote Speaking nationally and internationally. She is also a Certified D.I.S.C. "Personality Assessment" Consultant under the Maxwell brand. In addition, Tasha owns Maximized Growth, LLC where she serves nonprofits, state agencies, and for-profit businesses of all sizes through workshop facilitation, leadership training, team development, and executive coaching. Tasha also serves numerous educators, including the Alabama State Department of Education, through customized courses and training programs specific to leadership, communication, and personal growth. She is a graduate of Leadership Montgomery, Class XXXIII, and was recently selected as a member of Leadership Alabama, Class XXXI. Tasha thrives on helping individuals and organizations bridge communication gaps that lead to progressive growth.



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Improving Healthcare Access in Rural Alabama

Submitted by the Alabama Medical Education Consortium

It is often reported that 62 of Alabama's 67 counties suffer from a shortage of primary care physicians. Alabama ranks in the bottom five of 50 states in both primary physicians per capita and healthcare outcomes for its citizens. However, recent changes are revolutionizing physician education in Alabama. These changes hold great promise to provide a surge of primary care physicians to Alabama's underserved areas.

Community-Based Training

In 2005, the Alabama Legislature funded a new program, the Alabama Medical Education Consortium (AMEC). AMEC's mission was to increase the number of physicians practicing in Alabama, with an emphasis on service to rural and underserved areas of the State. AMEC was founded on the ideas of a group of people who had been seeking a solution to Alabama's physician shortage since the 1970s. In the previous year, Dr. Wil Baker and Dr. Robert Bentley (who was at that time a member of the Alabama Legislature) approached Governor Bob Riley. They presented Dr. Ken McLeod's idea to bring students from osteopathic medical schools throughout the country to complete their clinical training in sites to be developed in Alabama. Based on national survey data, the group believed that many medical students who trained in Alabama would remain to practice in the state.

Approved and funded in 2005, the AMEC idea was simple: we should train our physicians where we need them to practice – in Alabama's suburban and small-town community hospitals and clinics. By contrast, the tradition of training medical students in large tertiary-care hospital complexes located in urban areas led to results that failed to meet our most pressing healthcare needs. First, these medical school graduates frequently rejected primary care and instead sought to practice in specialties and subspecialties, like their medical school mentors. In addition, physician graduates tended to establish their practices in large urban areas, close to the hospitals where they trained.

With these forces in play, a shortage of primary care

physicians continued to plague Alabama's small towns and rural counties. AMEC leaders believed that if we could train medical students in Alabama community hospitals, with an emphasis on primary care, then those physician graduates would be more likely to provide the needed primary care to those communities.

Osteopathic Medicine

The idea of community-based medical training was not unique to AMEC; it is the model of medical education used by many colleges of osteopathic medicine. Osteopathic medicine was established by Andrew Taylor Still, MD, in the late 1800s. Dr. Still advocated for medical care that was holistic, patient-centered and focused on disease prevention and health promotion, rather than primarily focused on treating disease. Many of Dr. Still's ideas are mainstream in medicine today; however, in the late 1800s, the medical community largely rejected Dr. Still's ideas, so he established the profession of osteopathic medicine and founded the first osteopathic medical school in 1892.

From Dr. Still's first osteopathic medical school class of 21 students, the osteopathic profession has grown. Today, more than 127,000 osteopathic physicians (DOs) practice in the United States. Along with MDs, DOs are fully licensed to practice all branches of medicine. Many DOs practice in medical and surgical specialties. For example, in the mid-size city of Dothan, Alabama, three of the town's five neurosurgeons are DOs. However, because osteopathic schools emphasize Dr. Still's philosophy of preventive, patient-centered care, a large majority of graduating DOs choose to practice primary care.

In seeking to bring medical students to Alabama for clinical training, AMEC chose to partner with osteopathic medical schools because of their focus on primary care. In both DO and MD schools, students spend two years in largely campus-based education, followed by two years of clinical training in healthcare facilities. AMEC brought third- and fourth-year medical students from osteopathic medical schools across the US to receive two years of community-

based medical education in hospitals and clinics located throughout Alabama.

AMEC became a pipeline that eventually led to more than 375 students completing their final two years of medical education in clinical training sites developed by AMEC. Today, 102 of those students practice medicine in more than 35 locations across Alabama. Even though many of these medical students were not originally from our state, they found a home in Alabama.

Osteopathic Medical Schools in Alabama

AMEC's community-based medical education model in Alabama was so successful that several medical schools sought to use AMEC's network of clinical training sites to establish branch campuses in our state. However, a group of leaders in Dothan explored the idea of partnering with AMEC to build an osteopathic college within Alabama.

Under the leadership of Ron Owen, then-President of Southeast Health, the Houston County Healthcare Authority in Dothan sought accreditation for a new osteopathic medical school. The Alabama College of Osteopathic Medicine (ACOM) was built on a 200-acre tract of land just a mile east of the Southeast Health Medical Center. Ground-breaking for ACOM was held in January 2012 and the first class was admitted in July 2013. In 2015, ACOM students began their third- and fourth-year clinical education in the training sites

developed by AMEC throughout Alabama.

The first class of ACOM physicians graduated in 2017. To date, ACOM has graduated 580 physicians. Building on the network of training sites inherited from AMEC, ACOM has grown a network of 31 clinical training sites in Alabama and adjoining states. ACOM receives no funding from the state and is owned by the Houston County Healthcare Authority. Today ACOM is the largest of Alabama's colleges of medicine, with 210 students entering the school each year.

In 2015, the Virginia-based Edward Via College of Osteopathic Medicine opened a branch campus in Auburn, Alabama. Together with ACOM, these two Alabama osteopathic colleges provide training for a combined total of up to 370 medical students per year. Across the United States, approximately one in four medical students is enrolled at an osteopathic medical school. By the year 2030, DOs are projected to represent more than 20 percent of practicing US physicians. In Alabama, more than half of all students entering medical school are enrolled at an osteopathic medical school. With the focus of osteopathic medicine on primary care, this has great potential to alleviate Alabama's shortage of primary care physicians.

Residency Training

The Alabama Medical Education Consortium has taken on a new challenge in its efforts to grow Alabama's supply



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of primary care physicians by focusing on increasing opportunities for medical school graduates to complete their residency training in Alabama. In order to become a licensed physician following medical school, graduates must complete residency training. As resident physicians, they complete three to seven years of on-the-job clinical training in primary care or a specialty field. DOs and MDs train together in the same residency programs, accredited by the Accreditation Council on Graduate Medical Education.

Alabama's medical schools – ACOM, VCOM-Auburn, UAB and USA – now produce more than 600 graduating physicians who apply to enter residency training each year. When AMEC began its effort to help develop more post-graduate residency training programs, Alabama had 65 residency programs that provided training opportunities for only 418 graduating physicians. Because of this, many graduates from Alabama medical schools have been forced to seek residency training in other states, and often they choose to practice in the communities where they complete their residency training. To address the shortfall of residency training programs in Alabama, the Alabama Legislature has provided funding for AMEC to assist up to 12 Alabama hospitals with startup funding and consulting support to develop new residency programs. As of 2020, hospital programs developed through AMEC's startup efforts have added 100 new slots for residents.

Establishing new residency programs is a two-step process. First, a hospital must gain institutional accreditation with the Accreditation Council for Graduate Medical Education (ACGME); then the hospital must gain specialty-specific ACGME accreditation for its residency program(s). With AMEC's funding provided by the State, seven Alabama hospitals have received ACGME institutional accreditation and four have established ACGME-accredited residency programs. Southeast Health in Dothan recruited its first class of internal medicine residents in 2018 and today has a total of 39 residents in training. Southeast Health currently is developing two additional residency programs. South Baldwin Regional Medical Center in Foley established a family medicine residency program in 2018 and today has 24 residents. A new internal medicine residency program at North Alabama Medical Center in Florence has 24 residents. A new program at Thomas Hospital in Fairhope has 13 internal medicine residents. Other Alabama hospitals are in

various stages of developing their residency programs. A total of 100 DOs and MDs are training in these newly accredited training programs in Alabama today.



More Primary Care Physicians for Alabama

Within the past 10 years, the founding of two new osteopathic medical schools in Alabama and the development of new in-state residency training programs has created a dramatic positive change in medical education in Alabama. Between ACOM and VCOM-Auburn, Alabama will benefit from approximately 370 osteopathic medical school graduates each year. This will more than double our previous number of physician graduates, for a total of more than 600 new physicians in Alabama each year. With a majority of osteopathic medical school graduates choosing primary care specialties, we can expect to

see an increase in Alabama medical school graduates choosing to practice primary care.

AMEC continues to focus on developing new Alabama residency programs to provide post-graduate training for these medical school graduates. By providing funding for AMEC to promote new residency programs, the Alabama Legislature recognized the reality that physicians tend to practice near where they train. AMEC's development program is expected to create up to 400 new positions for residency training in Alabama. AMEC is particularly focused on developing primary care residency programs. Within the next few years, we are likely to see these efforts produce an increase in the number of primary care physicians training and practicing in Alabama.

Although a great majority of Alabama counties continue to suffer from a shortage of primary care physicians, there is cause for optimism. Significant and successful efforts are being made to train more primary care physicians for our state. ■

For more information on AMEC and its programs, visit www.amecdo.org. For more information about the Alabama Osteopathic Medical Association, visit www.aloma.org; for more information on the Alabama College of Osteopathic Medicine (ACOM), visit www.acom.edu; and for more about the Virginia-based Edward Via College of Osteopathic Medicine, which opened a branch campus in Auburn (VCOM-Auburn), visit <https://www.vcom.edu/locations/auburn>.

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ALM's Standing Committees

Kayla Bass • Director of External Affairs

The League has six standing committees, formerly known as policy committees, comprised of mayors and councilmembers from each congressional district in the state. Per a change to the League's Constitution at the 2020 Annual Convention, these are now known as standing committees and they convene each year at League headquarters to hear from state and federal resource advisors. Additionally, committee members recommend any pertinent legislative considerations to the Committee on State and Federal Legislation for the upcoming Regular Legislative Session.

Officials may serve on up to two committees listed below, and should contact Kayla Bass, the League's Director of External Affairs, at kbass@almonline.org for more information or to serve.

Committee on Finance, Administration and Intergovernmental Relations (FAIR)

FAIR reviews and recommends policy on fiscal matters affecting municipalities, including municipal administration, intergovernmental mandates, personnel policies, liability, public records retention/destruction, workers and unemployment compensation and revenues and finance. The committee also reviews trends relating to extraterritorial authority and consolidation of jurisdictions as well as other potential threats to the integrity of local government.

Committee on Energy, Environment and Natural Resources (EENR)

EENR reviews and recommends policy on environmental issues, energy initiatives and quality of life considerations, including water and air quality, solid waste, hazardous/toxic wastes and pollution control. The committee also reviews trends relating to hazardous and solid waste disposal and air and water pollution as well as garbage disposal methods, regional disposal areas, incineration, land fill and rodent and vector control.

Committee on Transportation, Infrastructure and Communication (TIC)

TIC reviews and recommends policy on transportation and infrastructure programs and their revenue sources and allocations as well as public works programs, particularly those related to infrastructure development. In addition, the committee reviews and recommends policy on public and private utilities, including telecommunications, and matters relating to municipal rights of ways and franchise authority.

Committee on Public Safety (PS)

PS reviews and recommends policy on public safety issues, including crime prevention, law enforcement, fire prevention and protection, emergency medical services, emergency management and response, motor vehicle safety and animal control. The committee also reviews trends relating public safety training and legal issues pertaining to law enforcement.

Committee on Human Development (HD)

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

Committee on Community and Economic Development (CED)

CED reviews and recommends policy on factors affecting the physical development of cities and towns, including commercial, industrial and economic development, tourism and recreation, housing, planning and zoning, code enforcement, enterprise zone development and regulation, and downtown redevelopment.

For more information: www.almonline.org

Councilmember Lake yea
Councilmember Rivers yea

Before moving into executive session the presiding officer notified those in attendance that they expected to be in executive session approximately 30 minutes. The executive session began at 10:15 a.m. and ended at approximately 10:45 a.m.”

What are the reasons for going into Executive Session?

The next issue presented by my hypothetical question from Mayor Jones involves the reasons for going into executive session. Unlike the old Sunshine Law, the OMA provides a number of scenarios where a city council may go into executive session. Arguably, an employee’s bad attitude, alone, is not one of them. The reasons allowed for executive session are listed in Section 36-25A-7(a), Code of Alabama 1975. A council can only go into executive session in the following circumstances:

(1) **GOOD NAME & CHARACTER:** To discuss the general reputation and character, physical condition, professional competence or mental health of individuals, or to discuss the job performance of certain public employees. The entity may not go into executive session to discuss the job performance of an elected or appointed public official, an appointed member of a state or local board or commission, or any public employee who must file a Statement of Economic Interests with the Alabama Ethics Commission pursuant to Section 36-25-14, Code of Alabama 1975. The salary, compensation, and job benefits of specific public officials or specific public employees may not be discussed in executive session.

The Attorney General has ruled that this exception permits governmental boards to convene an executive session to interview current public employees in connection with promoting these employees to fill vacant positions when those positions do not require the interviewee to file a Statement of Economic Interests with the Alabama Ethics Commission. Only the portions of the meeting that involve the general reputation and character, physical condition, professional competence, mental health, and job performance of the employee may be discussed in executive session. The professional competence of a person may be discussed in executive session only when that person’s position qualifies as a profession as specified in Section 36-25A-2(8) of the Code of Alabama. AGO 2006-088. Further, the AG found that OMA permits the Alabama Aviation Hall of Fame Board to convene an executive session to discuss the general reputation and character of nominees for induction into the Hall of Fame and only those portions of the meeting that involve general reputation and character may be discussed in executive session. AGO 2010-011

(2) **DISCIPLINE OR DISMISSAL UNDER CERTAIN CIRCUMSTANCES:** To consider the discipline or dismissal of, or to hear formal written complaints or charges brought against a public employee, a student at a public school or college, or an individual, corporation, partnership, or other legal entity subject to the regulation of the governmental body, if an executive session is expressly allowed by federal law or state law.

(3) **CERTAIN DISCUSSIONS WITH LEGAL COUNSEL:** To discuss with the attorney the legal ramifications of and legal options for:

- a) Pending litigation;
- b) Controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action; or
- c) To meet or confer with a mediator or arbitrator with respect to any litigation or decision concerning matters within the jurisdiction of the governmental body involving another party, group, or body.

Prior to voting to convene an executive session under this exception, an attorney licensed in Alabama must provide a written or oral statement reflected in the minutes that this exception applies to the planned discussion. This declaration does not constitute a waiver of attorney/client privilege. However, any deliberation between the members regarding what action to take relating to pending or threatened litigation based upon the advice of counsel must be conducted in the open portion of the meeting.

(4) **SECURITY ISSUES:** To discuss security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or other infrastructures, the public disclosure of which could reasonably be expected to be detrimental to public safety or welfare. If the discussion involves critical infrastructure or critical energy infrastructure information, the owners and operators of such infrastructure must be given notice and an opportunity to attend the session.

(5) **UNDERCOVER LAW ENFORCEMENT:** To discuss information that would disclose the identity of an undercover law enforcement agent or informer or to discuss the criminal investigation of a person, other than a public official, who is alleged or charged with specific criminal misconduct allegations or against whom charges of specific criminal misconduct have been made or to discuss whether or not to file a criminal complaint.

Prior to entering executive session for any of these purposes, the entity must obtain a written or oral declaration entered on the minutes that the discussions would imperil effective law enforcement if disclosed outside of an executive session from a law enforcement officer with authority to

make an arrest or a district or assistant district attorney or the Attorney General or an assistant Attorney General.

(6) **PRELIMINARY REAL ESTATE DISCUSSIONS:** To discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. However, the material terms of the contract must be disclosed in the public portion of a meeting prior to the execution of the contract. Only persons representing the interests of the governmental body in the transaction may be present during an executive session held pursuant to this exception. The entity cannot hold an executive session for this purpose if:

- a) Any member of the entity involved in the transaction has a personal interest in the transaction and attends or participates in the executive session concerning the real property; or
- b) A condemnation action has been filed to acquire the real property involved in the discussion.

(7) **CERTAIN ECONOMIC DEVELOPMENT DISCUSSIONS:** To discuss preliminary negotiations involving matters of trade or commerce in which the entity is in competition with private individuals or entities or other governmental bodies in Alabama or other states or foreign nations, or to discuss matters or information defined or described in the Alabama Trade Secrets Act.

Prior to holding an executive session pursuant to this exception, a person involved in the recruitment or retention effort or who has personal knowledge that the discussion will involve matters or information defined or described in the Alabama Trade Secrets Act must advise the governmental body in writing or by oral declaration entered into the minutes that the discussions would have a detrimental effect upon the competitive position of a party to the negotiations or upon the location, retention, expansion, or upgrading of a public employee or business entity in the area served by the governmental body if disclosed outside of an executive session, or would disclose information protected by the Alabama Trade Secrets Act.

(8) **CERTAIN LABOR NEGOTIATIONS:** To discuss strategy in preparation for negotiations between the governmental body and a group of public employees. Prior to holding an executive session pursuant to this exception, a person representing the interests of a governmental body involved in the negotiations must advise the governmental body in writing or by oral declaration entered into the minutes that the discussions would have a detrimental effect upon the negotiating position of the governmental body if disclosed outside of an executive session.

(9) **QUASI-JUDICIAL PROCEEDINGS:** To deliberate and discuss evidence or testimony presented during a public or contested case hearing and vote upon the outcome of the proceeding or hearing if the governmental body is acting in the capacity of a quasi-judicial body, and either votes upon its decision in an open meeting or issues a written decision

which may be appealed to a hearing officer, an administrative board, court, or other body which has the authority to conduct a hearing or appeal of the matter which is open to the public.

These nine reasons are the only legal reasons allowed for holding an executive session under Alabama Law. Please note that many of these require a written or oral statement recorded in the minutes before going into executive session.

Who can attend an Executive Session?

The third point of discussion in our hypothetical question is who can and should attend an executive session. The League advises that only those persons absolutely needed for the discussion in executive session should attend. Often this only includes the members of the governing body. If asked the question, we advise that the city clerk should not attend an executive session and there are no minutes for the executive session.

What if someone discloses what was said in Executive Session?

Finally, one of the other questions we get in the legal department about executive sessions is “what, if anything, can be done about a council member who leaves an executive session and then goes and tells a reporter or citizen what took place in the executive session?” Clearly one of the reasons for going into executive session is to foster candid discussions and there is a sense that what goes on in executive session is confidential in nature. But the law does not prohibit someone from sharing with others what went on behind closed doors. While it can be awkward, embarrassing, and in some cases show a lack of judgment, a council member in attendance at an executive session is not prohibited from coming out of the executive session and sharing what went on in the executive session. Mayors and councilmembers who attend an executive session need to keep in mind that if a claim is made relating to improper discussions during executive sessions, monetary penalties may be assessed against members of the governmental body who voted to go into the executive session *and who remained in the executive session during the improper discussion*. See Section 36-25A-9(g), Code of Alabama 1975.

In conclusion, while there is little question that an executive session can be a useful tool for city councils to handle sensitive issues not warranting a full public discussion, they must be conducted properly and only when absolutely necessary. It is important that all members of the city council understand when executive sessions are proper and how they are legally conducted. This article should be kept on hand and used as a resource whenever the city council is considering the need for an executive session. For further questions, please contact the League Legal Department. ■



2021 Convention Quick Guide

Von Braun Center • Huntsville • May 12-15

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All information subject to change.

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Wednesday, May 12

1:00 p.m. - 5:00 p.m.

5:00 p.m. - 8:00 p.m.

Registration: Von Braun Center

City of Huntsville Welcome Reception

Thursday, May 13

8:30 a.m. - 5:00 p.m.

9:00 a.m. - 10:30 a.m.

10:45 a.m. - Noon

Registration: Von Braun Center

OPENING SESSION: Gov. Kay Ivey (invited)

General Session: Vision for Victory

Dr. Kevin Elko

Noon - 1:30 p.m.

Lunch on your own

1:30 p.m. - 2:30 p.m.

2:45 p.m. - 3:45 p.m.

AMIC Annual Business Meeting

General Session: The Keys to Unlocking Your Community's Full Potential

Hollie Cost and Herman Lehman, Keys to the City

Community Coaching

4:00 p.m. - 5:00 p.m.

General Session: Generational Communications

Kristin Scroggin, genWHY Communication Strategies

5:00 p.m. - 7:00 p.m.

Municipal Marketplace Showcase and Reception

AAPPA: 8 a.m. until 5 p.m.

Friday, May 14

8:00 a.m. - 5:00 p.m.

8:00 a.m. - 11:00 a.m.

9:00 a.m. - 10:30 a.m.

Registration: Von Braun Center

Municipal Marketplace Open

Concurrent Sessions: Session 1 – Branding Your Community; Session 2 - It's All About Relationships; Session 3 – Presentation by C-Spire

Concurrent Sessions: Session 1 – Federal Update; Session 2 - Creating a Vibrant Community; Session 3 – Bond/Warrant Insurance 101

11:00 a.m. - Noon

Noon - 2:00 p.m.

Lunch on your own

2:00 p.m. - 3:00 p.m.

3:30 p.m. - 5:00 p.m.

6:30 p.m. - UNTIL

Ask Your Attorney Session

Annual Business Session

President's Reception

Saturday, May 15

8:00 a.m. - 9:00 a.m.

8:00 a.m. - 9:15 a.m.

Registration: Von Braun Center

General Session: NLC Update; ALM Economic Development Academy Overview; Distinguished Service Awards for mayors and councilmembers and special presentations

9:45 a.m. - 11:00 a.m.

Closing General Session: Condoleezza Rice (invited)

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