

The Alabama Municipal JOURNAL

March/April 2014

Volume 71, Number 7

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ATHENS

WINNER 5,001 TO 12,000

GUNTERSVILLE

WINNER UNDER 5,000

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The Alabama Municipal JOURNAL

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On the Cover:

Congratulations to this year's Municipal Quality of Life Awards winners! Excel, Guntersville and Athens were chosen as the winners for their population categories – Under 5,000, 5001 to 12,000 and Over 12,000, respectively. They will be recognized during the Opening Session of the League's 2014 Annual Convention in Mobile on May 3rd. See page 25 for more information on the winning projects.

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WHERE IN THE WORLD IS ALABAMA? EVERYWHERE

MADE IN
ALABAMA

By Carrie Banks, Communications Director, ALM

From a Dollar General in southern Monroe County's Town of Excel (pop. 723) to a \$110 million Remington gun plant that will create up to 2,000 jobs in the City of Huntsville (pop. 183,739), Alabama is making great strides in economic development – and with a rebranded Department of Commerce, more exciting advances are underway.

Formally known as the Alabama Development Office (ADO), the Alabama Department of Commerce was restructured in 2011 when Governor Robert Bentley appointed Greg Canfield, a successful business executive, former Vestavia Hills Council President and former state legislator as Secretary of Commerce. In early 2013, after working closely with Birmingham-based Big Communications to rebrand Alabama's economic development presence, a dynamic website, madeinalabama.com, and progressive marketing campaign were launched and "Made in Alabama" was born.

Made in Alabama

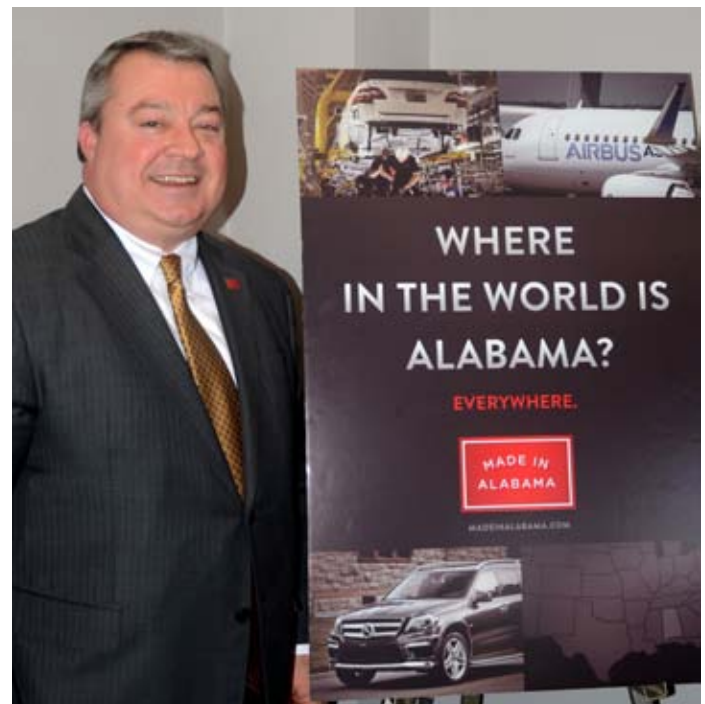
"When the Governor appointed me to this position, he also had at the same time executed an executive order that created the Alabama Economic Development Alliance that he charged with putting together a strategic plan for economic development for the state called Accelerate Alabama," Canfield said. "Among other things, Accelerate Alabama identifies certain strategies that not only include targeting different industry sectors, but the need to rebrand Alabama. So that is where "Made in Alabama" came from. It is an offshoot of the strategy found in Accelerate Alabama."

Canfield said the strategy also called for globally projecting Alabama in a more positive and clearly understood fashion. "When you travel internationally and you tell a company president from South Korea, Japan or China that you are the Director of the Alabama Development Office versus telling them you are the Secretary of the Alabama Department of Commerce, the two translate differently with different connotations," he said. "So now when you say you

are from the Alabama Department of Commerce, it has a universal translation. It's internationally understood what it means to be from a Department of Commerce."

From cutting edge print ads, bright red Made in Alabama lapel pins and an interactive website featuring news articles as well as everything one needs to know about Alabama, it's very clear the Department of Commerce has put a great deal of energy, thought and effort into the Made in Alabama brand. "We believe very strongly that in today's world you've got to be relevant, timely and forward thinking," Canfield said. "If you want to be serious about economic development, you need to have a powerful web presence. The days of just throwing up a handful of static pages that might be updated once a year are gone. Our content changes

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Greg Canfield was appointed Secretary of the Alabama Department of Commerce by Governor Bentley in 2011.

The President's Report

By Mayor Walt Maddox, Tuscaloosa



Municipalities are in the Best Position to Lead Economic Development

Jobs! Jobs! Jobs!

Does the refrain sound familiar? Whether a candidate is seeking to become President, Governor, Mayor or a City Councilmember, it is likely that “attracting jobs” is a critical component of his or her campaign platform. As we well know, talking about jobs is a lot easier than creating them – and it is never as simple as the media and the public believes it to be. That being said, I believe municipalities are in the best position – better even than the federal and state governments – to lead economic development.

Small Can be the New Big

Economic development is not just limited to the larger municipalities such as Birmingham, Mobile, Montgomery and Huntsville. Recently, the Town of Excel was awarded the 2014 Municipal Quality of Life Award for its innovative approach to economic development. With just over 700 residents in southern Monroe County, Excel is growing by leveraging its outstanding public schools, accessing to broadband technology and using federal matching funds to invest in infrastructure, recreation and public facilities. I believe Mayor Jenny Countryman’s success in Excel is through amplifying the opportunities that exist there today. She also realizes that economic development strategy builds on itself – and is not something that happens overnight. When recruiting Dollar General, she found out who to contact and called weekly until a site visit to Excel was finally arranged. Even then, it took two visits and quite a lot of encouragement to land a Dollar General, which is now one of the most profitable in the state.

The City of Thomasville (population just over 4,000) in so many ways has implemented this strategy with great success, including the ability to attract international companies. According to Thomasville’s Mayor Sheldon Day, rural communities have a secret weapon they can use to compete for business and industry: being rural. Mayor Day believes that many companies would rather locate in a rural area if the community is capable of fulfilling the industry’s infrastructure and workforce needs. In leading the economic charge for his City, Mayor Day feels that all of the industries that have visited and located in Thomasville counted community vision and honesty as critical factors in the decision-making process.

He emphasizes this by saying a rural municipality has to be true to “who you are.” Further, the Mayor and Council must passionately argue the community’s greatest strength, which is being a hometown community.

According to Mayor Day: “One of our best attractions to some industries is being rural. To more companies than you realize, it is attractive to say come to Thomasville where you can grow with us and we can grow with you. Our community is where your plant manager will be an immediate community leader and, when he goes to the grocery store, a grandmother will know who he is and pat him on the back and say ‘thank you for hiring my grandson.’ If you want that kind of special relationship with a community, you want your company in Thomasville.”

I know firsthand how good this strategy is. Several years ago, the City of Thomasville and the City of Tuscaloosa were finalists for a large manufacturing plant. Thomasville landed the plant, and one of the major reasons why was the sense of community and importance this particular manufacturer would have in Mayor Day’s city.

Excel and Thomasville are not alone in being a vanguard for creating jobs in Alabama’s smaller municipalities. Our state is fortunate to have numerous success stories of towns and cities being leaders in economic development. It is clear that economic success can be achieved in many forms, and a key strategy for the City of Guin and Mayor Phil Segraves is collaboration. “The City of Guin is an inaugural member of the Alabama Communities of Excellence (ACE) and a huge promoter of this organization,” said Mayor Segraves. “Their evaluation of your City and the principles for success they provide you are excellent for economic development. The City of Guin is also involved in a regional effort to promote the Northwest Alabama area known as C3. This regional effort is under the direction of a full time recruiter pooling our assets with our regional partners.”

A More Genuine Partnership is Emerging

I have served as Mayor of Tuscaloosa since 2005 and was on the City Council for four years prior to that. I have been part of major economic development projects, especially as



continued page 8



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Municipal Overview

By Ken Smith, Executive Director



Learn and Grow at ALM's Annual Convention May 3-6 in Mobile

The agenda for the League's 2014 Annual Convention has been set for May 3-6 in Mobile. As mentioned in a previous article, this year there will be a number of substantive changes in the program schedule. I encourage each of you to take a close look at the schedule – even if you've attended the convention for many years. You wouldn't want to overlook your favorite session or event. A Convention Quick Guide can be found on page 34 and more detailed information is posted on our website at www.alalm.org.

Every year, municipal leaders throughout Alabama face new challenges and questions. Municipal decision makers and those advising them establish the policy and direction for the future of their communities. To help set the right course, it is crucial that they stay informed on current issues and remain up to date on developments that affect them. They must be prepared to address the complex issues facing their communities. In this day of tightening budgets and increasing state and federal mandates, the need for immediate and accurate information has become even more acute. Decisions based on incorrect data can waste valuable time and money and may even lead to increased liability costs through lawsuits or the assessment of state or federal penalties.

How can you find out about recent legislative and legal activities and learn what other cities and town are doing to provide positive changes in their communities? The Alabama League of Municipalities' annual convention provides municipal leaders with the opportunity to learn about current issues and how they may impact your city or town. The League convention is your primary source for professional development, continuing education and networking opportunities and is one of the best ways to prepare yourself to serve your municipality.

This year, the League convention will be held at the Arthur R. Outlaw Convention Center in Mobile from Saturday afternoon, May 3, until Noon on Tuesday, May 6, and is jam-packed from start to finish with pertinent information you need to help your municipality reach its goals. ALM's convention brings together more than 1,000 municipal leaders from across the state to hear presentations and share information. These policy makers and their advisors will be joined by hundreds of state and federal officials, experts in specific areas of concern and vendors offering solutions that will enable them to better serve their citizens.

Agenda Overview

Perhaps the most popular sessions at the convention year after year are the roundtable discussion groups. This year, roundtable discussion population groups will be held on Monday morning. These sessions provide attendees with a chance to sit down with other officials from similar sized municipalities and discuss solutions to problems they're facing. Monday afternoon, the League's attorneys will be joined by Assistant Attorney General Brenda Smith to answer your questions at the very popular Ask Your Attorney panel session.

Presentations by professionals provide you with an outstanding opportunity to learn and grow as a local government leader. This year's presentations at the convention feature some of the most knowledgeable and important speakers on their subjects in Alabama and beyond. In addition, Governor Robert Bentley has been invited to address this year's attendees at the Opening Session Saturday afternoon. You will also hear from the League's President, Mayor Walt Maddox of Tuscaloosa.

This year's Closing General Session Tuesday morning will include a discussion on "Board Management and Effective Communication" by Joyce E. Brooks (see page 31 for bio). Ms. Brooks is a nationally-recognized speaker who helps individuals within businesses and organizations improve performance, realize more success and experience a better quality of life by focusing on individual, professional and leadership development. She is the author of the book *Self-Inflicted Overload: Five Steps to Achieving Work-Life Balance and Becoming Your Very Best*.

This year's convention schedule features several carefully planned concurrent sessions allowing attendees to choose from a variety of topics that may affect their municipalities. Additionally, if your municipality sends more than one person to the convention, the best way to take advantage of these sessions is to split up and each attend a different session. Concurrent sessions start at 1:30 Sunday afternoon. The first set of topics will be: Using Social Media to Reach Citizens; Improving Mayor/Council Relations; Budgeting and Finance for Municipal Officials; and Street Festivals, Food Truck and Related Issues.

Another set of concurrent sessions will start at 3:15. The topics to choose from during this series are: Long Term Disaster Recovery Panel; Retail America: What's Ahead for Your Community; Municipal Liability (this session satisfies core training requirements of the Certified Municipal Official

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it relates to the expansion of the product lines at MBUSI and suppliers. These efforts have generated thousands of jobs for our community and have necessitated agreements with the State of Alabama regarding incentives.

I have personally experienced the good and the not so good of reaching these funding agreements. Early in my life, I wanted to be a college football coach, and I had an opportunity to work under Watson Brown after my playing days at UAB. Coach Brown often said something that we have all heard before, "praise loudly and criticize privately." This truly stuck with me. To that end, I want to sincerely thank Governor Robert Bentley and Commerce Secretary Greg Canfield for their approach to economic development.

Including local governments on the frontend, and when appropriate, allowing local governments to take the lead, has created an environment in Alabama where we can recruit and retain business and industries more effectively. Like a marriage, the relationship isn't always perfect, but I believe there is a genuineness to create a more inclusive partnership culture when looking to create economic development in our municipalities.

I encourage every Mayor and City Council to continue to explore ways to leverage their existing assets for economic development. I also encourage you to make contact with local

economic agencies/authorities and/or the Alabama Department of Commerce. For us to create economic development, we are all going to have to position ourselves for success. Otherwise, if you believe new companies, businesses and industries will just magically appear without effort or enthusiasm, you can expect to see a candidate in the near future who is going to be talking about "jobs, jobs, jobs." ■



Mayor Jenny Countryman has successfully taken an active, in-person approach to economic development in the Town of Excel.

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The Legal Viewpoint

By Lori Lein, General Counsel



THE PUBLIC HEARING PLAYBOOK: Conducting Orderly, Efficient and Fair Public Hearings

Regardless of the reason for conducting a public hearing, municipal officials can rest assured that the people who attend and speak at a public hearing will not all sing from the same song book. Disagreements are to be expected. It can be difficult for municipalities to balance the rights of the public to voice their opinions and concerns with the need to conduct an orderly, efficient and fair hearing. This article will address some of the best practices for finding this balance.

Public Meetings v. Public Hearings

First, it is important to understand the difference between a public *meeting* and a public *hearing*. A common misconception is that the word “public” in public meeting means that the public is accorded the right to be heard during the meeting. The purpose of a public meeting, however, is for a governmental body, board, commission or authority to conduct business and, while the public has the right to attend a public meeting under the Alabama Open Meetings Act (OMA), Sections 35-25A-1 *et seq.*, Alabama Code 1975, the law does not guarantee the public the right to speak up and be heard at a public meeting.

In Opinion No. 98-00134, the Attorney General addressed the question of whether members of the public have a right to speak at a meeting held pursuant to the Sunshine Law. The Attorney General stated that “[a] public body has the right to determine whether public comments will be allowed, except in those cases where the law requires a public hearing. While the law does not mention public participation at meetings of a public body, it is good public policy to allow citizens and taxpayers to express their views.” The Sunshine Law was repealed when the Legislature passed the OMA in 2005. Nothing in the OMA, however, contradicts this Opinion.

A public *hearing*, on the other hand, is not for conducting the official business of a governmental entity but is specifically set up to allow the public to comment and express opinions and concerns on matters related to the purpose of the hearing. Stated another way, a public hearing is an official proceeding during which the public is accorded the right to be heard on specific issue.

Some public hearings are required by law. For example, Section 11-52-77, Code of Alabama 1975, requires that a public hearing be held before passing any zoning ordinance (or amendments to zoning ordinances). Another example of a mandated public hearing relates to increases in ad valorem taxes.

Subsection (f) of Section 217, as amended by Amendment 373 of the Alabama Constitution of 1901, provides that a municipality may, under certain conditions, increase ad valorem taxes after a public hearing.

There are circumstances, however, where even if the law does not require a public hearing, a governmental body may want to conduct a hearing to gauge public opinion on a matter before it takes any formal action. For example, state law does not require a municipality to hold a public hearing before issuing an alcoholic beverage license, but it is certainly prudent for a municipality to hold a hearing and take steps to protect an applicant’s due process rights in the event of a denial of a license. In instances like this, the public input and testimony may help support the basis for the Council’s decision.

Notice and Location

Consideration should be given as to the location for a hearing before giving notice to the public. Space, furnishings and equipment needs should be assessed as soon as possible, keeping in mind the nature of the public hearing and expected attendance, to the extent that it can be ascertained, of people who are likely to provide comment.

Regardless of the reason for the public hearing, the public must be put on notice of the hearing. While particular statutory requirements may come into play in the case of a mandated public hearing, all notices should, at a minimum provide the date, time and location of the hearing as well as a brief statement of the purpose of the hearing. Other considerations for the notice include:

- A name and contact information for additional information.
- Information on where copies of relevant documents can be reviewed or obtained.
- Information on how individuals or groups may testify during the hearing, including any applicable rules for the public hearing if they are available.

Establishing “Ground Rules” for the Hearing

In order to run a smooth public hearing and cut down on disorder, it is advisable that the city council – or other governmental entity conducting the public hearing – establish

continued next page

ground rules balancing the public’s right to be heard with the need to maintain order. In addition to being stated verbally at the beginning of the public hearing, these rules may be published and provided in advance of the public hearing. Whether they are provided in advance or not, however, the rules should be publicly announced at the beginning of the public hearing and may need to be repeated during the course of the hearing if it is clear that they are not being followed or if there appears to be any confusion. Ground rules are only effective if they are enforced consistently and fairly.

The rules must respect the public’s first amendment right to free speech given that a public hearing is a designated public forum. As such, any rules or restrictions should only apply to time, place and manner of the speech as opposed to the content of the speech. In a public forum, the government may impose reasonable restrictions on the time, place or manner of protected speech, provided the restrictions “are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.” *Ward v. Rock Against Racism*, 491 U.S. 781,791 (1989) (quoting *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984)). With this general principal in mind, following is a suggested framework, including some suggested ground rules, for conducting public hearings:

1. Opening Comments. The person responsible for conducting the public hearing, such as the chair of the planning commission for zoning, should welcome the public and state the

purpose of the hearing. It might also be a good idea to acknowledge the manner in which notice was provided for the hearing and state that everyone wishing to speak on the subject at issue will be given the opportunity to speak. The procedures to be followed for the hearing should be stated clearly and the public should be put on notice that failure to follow the procedures or otherwise causing disruption will lead to them being asked to leave the hearing immediately. For example, if there is a time limit on speaking or a limit on the number of people who may speak on either side of an issue, it should be made clear to attendees up front. This will help the public understand and – hopefully – follow the procedures established.

2. Sign-up Sheets. A common practice for any public hearing is to require individuals or groups to sign-up if they wish to speak. A sign-up sheet should be easily accessible to attendees at the public hearing and announcements should be made before and during the hearing that if people want to speak, they must sign-up to do so. Also, keep in mind that individuals with disabilities must be accommodated with assistance in both signing up to speak and speaking if necessary.

In an effort to maintain fairness and efficiency, testimony and comments should be taken in the order listed on the sign-up sheet. This also helps avoid people bunching up or crowding at the podium where people are speaking. It is also recommended, unless the circumstances warrant otherwise, that people who wish to speak multiple times must wait until everyone has had their chance to speak initially. Whatever approach is taken, it should be enforced consistently and fairly.

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3. Limiting subject matter. The prohibition against regulating the “content” of speech doesn’t mean that the rules cannot limit speakers at the public forum to the subject matter of the public hearing. The 11th Circuit Court of Appeals had held that limiting testimony or remarks to a particular subject matter or topic does not violate the First Amendment to the United States Constitution. *See Jones v. Heyman*, 888 F.2d 1328 (11th Cir. 1989). Therefore, if a public hearing involves the potential rezoning of an area of land from residential to commercial, it would be proper to limit comments to this subject. It is important to note, however, that both positive and negative comments on the subject matter at hand must be permitted. *See, e.g. Madison Joint Sch. Dist. No. 8 v. Wisconsin Employment Relations Comm’n*, 429 U.S. 167 (1976) (prohibiting negative comments violates the First Amendment).

4. Time Limits and Repetitive Comments. Reasonable time limits on an individual’s comments during a public hearing may be imposed; however, since there isn’t a one-size-fits-all as to the amount of time, this should be looked at carefully depending on the subject matter of the hearing. Limiting oral comments encourages witnesses to be focused and direct. While time limits of three to five minutes during public comment at a public *meeting* might be appropriate, when there are specific parties in interest at a public *hearing* (such as a land use applicant), time limits may need to be considerably longer. A party in interest is one whose property rights are directly affected by or at issue and limiting their time to speak at a public hearing should be imposed only if absolutely necessary. For those individuals who are not a party in interest, three to five minutes may be more acceptable depending on the subject matter and nature of the hearing. Another option or consideration, if it appears that there will be a large number of people wishing to speak, is to limit the time for individuals to speak but allow for written comments to be submitted in addition to their oral comments.

What about limiting the number of times an individual may speak? Again, it is important to keep in mind that the purpose of a public hearing is to allow the public to speak and to gather input and comments from the public. As such, limiting an individual, especially individuals directly affected by the issue at hand, to speaking only once is inadvisable. There is no clear guidance from the courts with regard to limiting the number of times an individual may speak. What is reasonable will depend on the subject matter and whether the individual is simply repeating the same comments over and over rather than adding additional comments. Certainly if an individual is making repetitive comments that are disruptive and are preventing the hearing from progressing in an orderly fashion, that person may be interrupted and asked to stop.

5. Disorderly People. Perhaps the most challenging aspect of a public hearing, especially if the issue is a contentious one, is dealing with disorderly people who refuse to cede the floor when asked or who interrupt and disturb other people who are providing comment. There are numerous ways a person may disrupt a public hearing. He or she may speak too long, be unduly repetitious or get completely off the subject matter and start discussing irrelevancies. No one has the right to disrupt a public proceeding (meeting or hearing) and interfere with the business at hand. While an individual has a First Amendment right to free speech and expression, that right does not extend to disrupting proceedings

in a manner that prevents a governmental entity from being able to proceed in an orderly manner. In fact, the governmental body may need to act to maintain order so that the rights of others, to speak on the matter at hand, are protected. *See generally White v. City of Norwalk*, 900 F.2d 1421 (9th Cir. 1990).

A good practice is for the person responsible for conducting the public hearing to be clear with anyone who interrupts, refuses to cede the floor or insists on making irrelevant and/or repetitive comments that they must come to order or leave the hearing. If a person is asked to stop the behavior and refuses to do so, he or she should be directed to exit the hearing and, if necessary, be escorted out by a police officer.

For a more detailed and in-depth discussion about disorderly people in public proceedings, please see the article titled “Council Meeting Procedure and Public Participation” in the *Selected Readings for the Municipal Official* (2012 ed.) published by the Alabama League of Municipalities.

6. Recesses/Continuances. Depending on the circumstances and subject matter of the public hearing, it may become necessary at some point during a public hearing to take a recess or even call for a continuation of the hearing at another date and time. In the case of a recess, it should be made clear to everyone in attendance at the public hearing the length of the recess and when it will reconvene. The hearing should not reconvene until the time announced.

If a public hearing has gone on longer than anticipated due to the volume of people who wish to be heard or the length of their comments, it may be necessary to continue the hearing to another date and time. It is never advisable to put an absolute time limit on a public hearing because this could frustrate the purpose of the hearing if people are prevented from being heard. It is certainly acceptable, however, to place a time limit at which a continuation will be called. Should a continuance be necessary, the date, time and location of the continuation should be announced to those in attendance before suspending the hearing. While a second notice is not specifically required by law, it is always a good practice to formally re-notice the continuation of the public hearing in the same manner as the notice for the underlying hearing.

7. Closing the Meeting. A public hearing is concluded when all attendees who wish to comment have been given the opportunity to do so. Generally there is no vote or action taken at the close of the hearing and the person responsible for conducting the hearing simply calls it to a close. If the public is going to be allowed to submit written comments, it should be announced how long those comments will be accepted and where they should be turned in. It is appropriate to thank the attendees for attending and providing comment and the steps the governmental entity will take to use the information gathered should be explained.

Conclusion

Public hearings are a necessary, and sometimes required, function of a properly administered municipality. Hopefully this article has clarified some of the procedures to assist in running a smooth public hearing. For additional information, please do not hesitate to contact the League Legal Department. ■

CMO Program Celebrates 20 Years!

In 1994, the League established its Certified Municipal Official (CMO) Program, which was only the second such training program in the nation. Designed specifically for elected municipal officials – mayors and councilmembers – who voluntarily wish to receive formal educational training in municipal government, the first session of the Elected Officials Training Program was held at the Adams Mark Hotel in Mobile on September 22, 1994.



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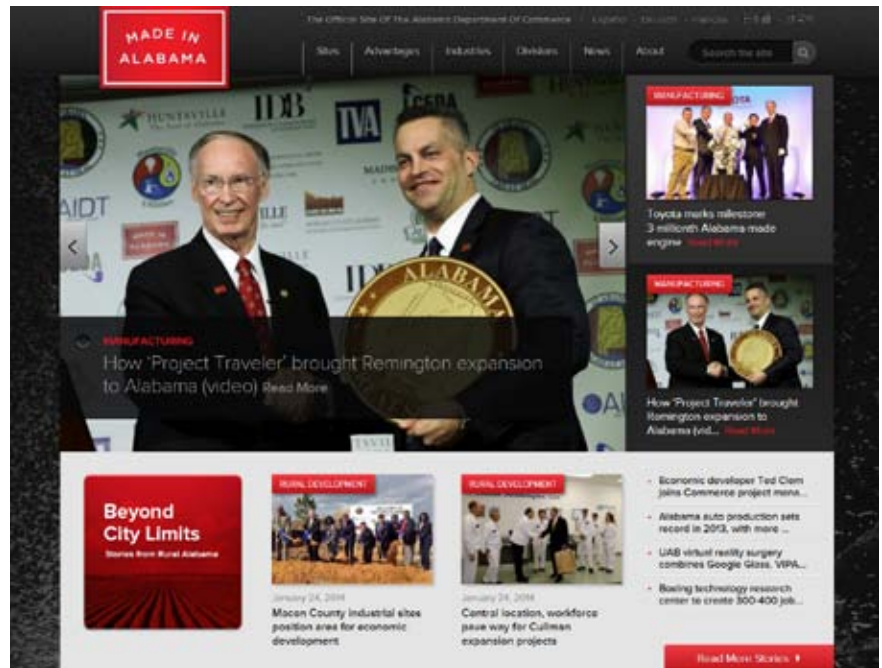
daily, sometimes hourly, because our goal is to become a trusted source of news content in the digital world because we're trying to do everything we can to seek out unearned media opportunities where our content can be picked up by other news sources. I don't think you'll find another state's website that works, looks and feels like *madeinalabama.com* does today."

According to Canfield, the newest addition to *madeinalabama.com* is language translation landing spaces for Spanish, French, German and Korean. "We have an international outreach, and, interestingly, as we launched *madeinalabama.com*, we began to keep up with the metrics associated with where visitors were originating from – by country and then by city," he said. "Part of our goal with *madeinalabama.com* and the Made in Alabama branding we've been engaged in since March 2013 was to target our content to decision makers across the globe in a way we've never really done before. The landing page in different languages is a necessary part of that goal. Our next phase is to provide access for local economic developers and for cities and counties to be able to access through *madeinalabama.com* a full menu of GIS-based data that will allow local communities and practitioners of economic development who represent those communities and regions around the state to have access to the same data."

Technology Matters

Not only has the Department of Commerce embraced a new brand and a sophisticated website, it's also embracing additional technology. "We have taken on more technology in the two years since I've been here and advanced our technical platforms because I do think it's important," Canfield said. "We are becoming more data driven. We're becoming more digital in how we view content, in how we are supplied content and how we want to receive content. We found in talking with companies and site consultants who are professional third parties that assist companies in where they locate a project in one state or another, that they are becoming more digitally conscious, more technology driven. And so *madeinalabama.com* was our first foray into becoming more digitally focused.

"We are in the process of adopting a new project management system that is cloud-based. We've provided all our project management team a MacBook Air as well as cloud access to enable them to access their project management system from anywhere in the world as long as they have an internet connection. Until now, they had to be physically in



the (Department of Commerce's) building and physically attached to the network to access that database – and that's just not practical in today's world."

Broad Reach

The Department of Commerce has a broad reach, including activities beyond development. For instance, international trade, the Alabama Film Office, Alabama Industrial Development Training (AIDT) and the Office of Small Business Advocacy are all found within the Department of Commerce. In addition, Commerce works collaboratively with other state departments, such as Tourism, on specific projects.

"In June of 2013, Tourism worked with us fairly closely on a *Delta Sky* magazine piece – a 44-page spread," Canfield said. (That issue of *Sky* can be found at: www.pageturnpro.com/MSP-Communications/50783-Alabama/index.html#22) "It was 22 pages of editorial content that we got to direct the content for and 22 pages of advertising from private industry and communities. It was one of the biggest pieces that *Sky* magazine has ever had. For the Department of Commerce, we were able to leverage that because of the participation from other communities and other companies such that it only cost us \$15,000 to have 44 pages in *Delta Sky*, which has 5.1 million readers a month, in the month of June – the same month executives were getting on their aircraft in the U.S. to fly to France for the Paris Air Show. We leveraged relationships in a way that it was cost effective for more communities to participate and tell their stories."

Working with Alabama’s Municipalities to Spur Economic Development

Canfield said that both the Department of Commerce and the Economic Development Partnership of Alabama (EDPA) partner with Alabama’s municipalities to recruit industries and jobs. However, they don’t pick and choose. Instead, they work closely with companies, or the company’s representatives, as they decide where they want to be. Interested industries have many considerations beyond demographics that factor into decisions about where they want to locate within a state. This list can include everything from site size, greenfield status, sites with an existing building, transportation and logistical considerations, who controls the land, workforce availability, school system vitality and energy costs. Financial incentives also play a part.

“The way we work with communities is they have to have a product,” Canfield said. “Those communities that want to be serious about economic development need to make sure they’ve got readily available, *developable* land and/or buildings that they have some semblance of control over. Companies typically don’t want to locate on a site where you have to go to multiple owners to try to assemble a defined area for the project or building site. So the first thing to do for a community wanting to participate in economic development at any level is to make sure they’ve got their inventory of properties listed on the EDPA database of available commercial and industrial sites around the state.”

Canfield also stressed the importance of regional cooperation. “As I travel around the state and speak to different groups, I emphasize that a necessary component to the most successful economic development results is working within some type of structure that creates regional cooperation,” he said. “Many times smaller communities don’t have the resources to do everything on their own; however, if they pool their resources with surrounding communities – and they can set aside the political barrier issue – they can work very effectively on economic development projects to create an environment where projects will look at their communities.”

Such was the case with Golden Dragon Copper’s decision in 2012 to locate its \$100 million copper tubing plant in Wilcox County. Canfield said the Town of Pine Hill was able to land Golden Dragon thanks to a cooperative effort. The mayor in one community the company was originally considering worked with the surrounding communities to identify an alternate site in the Black Belt region when Golden Dragon found the original site was not going to be suitable.

In addition to stressing regional cooperation, Canfield said the Department of Commerce works two ways: “We operate with any municipality that has and is actively engaged in economic development. If they have a project that comes

to them – a company or an existing company that wants to expand – and if they’re in a competitive situation, we partner with those cities or towns. We assist them through our project management team, assigning them a project manager to help them work the project and understand what actions are necessary to secure tax abatements for the company and what incentives might be available at the state level – whether it be recruitment and training provided by AIDT or tax credits that are available through our capital credit program at the state level, or whether it be discretionary incentives offered through the Department of Commerce approved by the Governor.

“The second way is if we get projects that come to us at the state level. Those companies will define the parameters they’re interested in and then we’ll go to the EDPA database. Those companies will often say ‘we want you to submit your five communities that most closely fulfill our requirements’ – so it’s a highly variable situation because every project is different. Companies have different personalities and different requirements for how they operate and where they operate. They have different goals and outcomes.”

Role of the Municipal Official in Economic Development

Canfield said the Department of Commerce has a very good working relationship with elected officials across the state, and – having served on the Vestavia Hills City Council – he believes the role of an elected official in developing strategies and working on economic development projects is to have a solid grasp of the municipality’s strengths and weaknesses.

“You have to be able to objectively say ‘we’re good at this’ – whether it’s physical characteristics of where major highways or interstates lie within your municipal limits, whether you have rail lines that serve your particular area or navigable waterways that flow through,” he said. “You need to also understand how good your school system is – what its weaknesses are, and, where you find weaknesses, take a proactive approach in working with your school system to try to find a way to create partnerships with private industry and the schools so that you better assist those local schools in developing real educational programs that engage the business community.

“As a local official you need to understand your *livability*– how livable is your community and what is your quality of life? Do you have sidewalks? Do you have a library? Do you have street lights? How safe is your community? What’s your infrastructure? Demographics? What percentage of your population has college degrees? In what? Do you have a high concentration of accountants and engineers or do you not have a lot of college degreed individuals in your population? Perhaps you have more trade oriented occupations in your area. Know your strengths and then market to those strengths.

continued page 16



WHERE IN THE WORLD IS ALABAMA?

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Understand your weakness and understand which ones you can change and which ones you can't. Don't worry about what you can't change. You can't change the fact that you're five miles from a navigable waterway."

Canfield explained that many times a project locates in a particular area because that community has been aggressive and has developed a strategy for economic development



rather than waiting for projects to come to them. "We don't wait for projects to come to Alabama at the Department of Commerce," he said. "We're out there

hunting every day. Communities that really want to be serious about growing jobs have to take a real active role in that. They need to be out hunting. They identify their strengths and then identify the types of industries that play to those strengths and then they begin a strategy of prospecting within those industry sectors that they have the strengths to attract."

He suggested that municipalities interested in developing a strategy download the Accelerate Alabama strategic plan from madeinalabama.com to get a feel for which sectors the Department of Commerce is targeting. We have 11 sectors that we're currently targeting," Canfield said. "Towns and cities can look at those 11 sectors and maybe identify a certain number of those sectors that complement their strengths. Then they can begin to reach out to those types of companies and sell their communities."

Alabama Offers Numerous Incentives to Entice Industries

According to Canfield, Alabama offers a number of incentives to encourage companies to locate within the state. "What we offer on the nonmonetary side is a high degree of touch from our project managers with companies as they are evaluating Alabama as a potential site," Canfield said. "We assemble a team that includes everyone needed at the table representing the state and local government that are going to be potentially involved with the project so that in one place they have access to anyone they need to ask a question or need assistance from. We may, as part of our team, have the



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mayor of a particular city or the chief economic developer from the Industrial Development Board. We might also have someone from the Alabama Department of Environmental Management (ADEM) to answer permitting questions. We may have a representative from the Department of Revenue (ADOR) to help explain how to take advantage of certain tax credits that are available if the company locates in a particular community in the state. We do lots of things to make it easy to do business in Alabama.”

On the monetary side, Canfield said workforce development is a unique and exceptional element the Department of Commerce offers industry locating to the state: “AIDT is probably our best incentive available to a company. They’ve been around a long time and have proven over and over again that they can recruit a pool of workers and provide pre-employment training to a degree that the company can select those workers and have them trained to a point that they can begin production or operation much more quickly in Alabama. AIDT is the only state-funded organization of its type in the 50 states that is ISO certified, an international certification of quality recognized throughout the world by industries as a standard of excellence. It’s a difficult certification to achieve and maintain.”

Expectations for the Department of Commerce

Canfield said he wants Alabama to transform itself into a highly diversified economy offering a full spectrum of career opportunities for the people who live here – from entry level positions allowing those with a lower skill set or education level to advance, to offering professionals and highly technically trained people careers with competitive salaries so they won’t leave the state.

“We’re not completely dependent as a state on agriculture and forestry,” Canfield said. “We are an agricultural society that’s transformed into an industrial society with a lot of manufacturing. We’re more diversified in that respect, but we’ve got to build on that and become more of a knowledge-based economy. States that do the best job of creating knowledge-based opportunities create the new products of tomorrow and the new opportunities that will exist as new markets open – and if that knowledge-based activity takes place in Alabama, then we will not only anchor the industry that’s here, we will become a much more diversified economy with broader opportunities. Made in Alabama is helping us to project that goal internationally.”

Even though there’s always more to be done, Canfield is proud of the accomplishments his department has achieved over the past two years. “I’m most proud of the fact that we’ve got a comprehensive, strategic plan for the state that encompasses a collaborative opportunity to work with all the regions and communities across Alabama,” he said. “I’m also very proud of the fact that we have begun to build an image of Alabama that is a true projection of the success that companies have had by taking a risk in Alabama. We’ve had companies that have come here for the first time never knowing anything about our state and, since they’ve been here, they’ve expanded four or five times. That is the best testament to a state – to have companies and industries locate and then decide to stay and expand as opposed to going somewhere else.” ■

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Legal Clearinghouse

Rob Johnston, Assistant General Counsel

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

ALABAMA COURT DECISIONS

Contracts: Assignment of rights under contract did not automatically relieve assignor of liability for duties not performed under contract. *Industrial Development Bd. Of City of Montgomery v. Russell*, 124 So.3d 127 (Ala.2013)

Water: Property owners brought action against town seeking declaration of the respective rights and obligations of the parties in and to a public street, including the existence of riparian rights to the portion of river that was associated with street and the right of the town to convert portion of the street into a recreational area. Property owners also sought an injunction preventing town from making any improvements to public landing. Trial court's finding that town possessed no riparian rights was inconsistent with relief order in property town owners' action. *Fuller v. Town of Magnolia Springs*, 124 So.3d 124 (Ala.2013)

Zoning: Resident filed action against town and property owner, challenging procedures by which town amended its zoning code, annexed a portion of owner's property lying outside town's corporate limit, and rezoned owner's property to permit use of property as rock quarry. The town complied with statutory requirement that notice of proposed amendment to zoning code be posted at least 15 days in advance of its passage, and the ordinance annexing 86 acres into town's corporate limits did not rezone the property, and, therefore, annexation ordinance was not subject to statutory 15-day notice requirement. The town complied with zoning statutes in its enactment of zoning code provision relating to rezoning of property as a special district, and the process of annexing 86 acres into town's corporate limits began with property owner's filing of annexation petition, such that subsequent pre-zoning of annexed property complied with statute prohibiting a municipality from zoning territory outside its corporate limits that is not in process of being annexed. *Gibbons v. Town of Vincent*, 124 So.3d 723 (Ala. 2012)

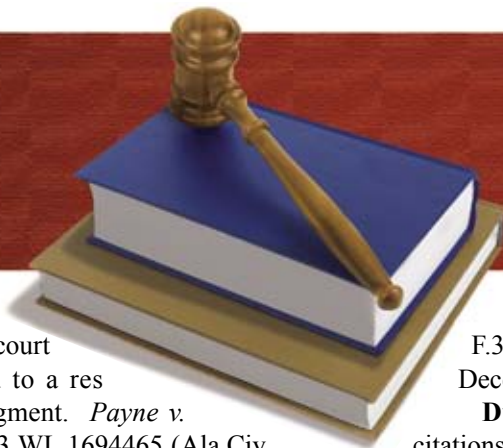
Annexation: City of Leeds brought action against City of Irondale seeking a judgment declaring invalid Irondale's annexation of a land trust property at the point where the Cahaba River intersects a highway and declaring the Irondale corporate limits to be the same as they were before the adoption of the annexing ordinances. The river was navigable at the point where it bordered the land trust property, and so Irondale's purported annexation of the land trust property that was adjacent to the river did not meet the requirement of contiguity. *City of Irondale v. City of Leeds*, 122 So.3d 1244 (Ala. 2013)

Government: A petition filed to incorporate a village pursuant to Ala. Code 1975, Section 11-41-1, where 51 petitioners resided in the village and 296 petitioners designated the village as their place of residence was denied by the probate court. The proposed incorporation was not a "homogeneous settlement or community" as intended under Section 11-41-1, since none of the 296 declarants physically resided in the area to be incorporated and governed as a municipality so as to be "inhabitants of the unincorporated community which has a population of not less than 300." *In re Incorporation of Caritas Village, Ala. v. Fuhrmeister*, --- So.3d ---, 2014 WL 92630 (Ala.2014)

Criminal Procedure: Rule 30.4 provides that the clerk of a municipal or district court has 14 days after a notice of appeal is filed to the circuit court within which to transmit the record of the proceedings. If the appeal is from a municipal court and the clerk fails to transmit the record within the time prescribed, the municipality is deemed to have abandoned the prosecution. *State v. Jackson*, --- So.3d ---, 2014 WL 272320 (Ala.Crim.App.2014)

Zoning: The city's new zoning classification, which placed property within a community business district that permitted only commercial uses was reasonable and substantially related to the general welfare of the community. The city's decision to deny the property owner's application to rezone a portion of the city's largest commercial area for multifamily residential use was not arbitrary or capricious. Judicial review of municipal decisions regarding zoning is severely limited, and when a city adopts a zoning ordinance, it acts in a legislative capacity. Where the validity of a zoning ordinance is fairly debatable, a court cannot substitute its judgment for that of the legislative authority. The Court to determine whether the existing zoning classification is substantively valid and bears a reasonable relationship to the promotion of the health, safety, morals, or general welfare of the community before turning to the "fairly debatable" analysis. *The City of Alabaster v. Shelby Land Partners, LLC*, --- So.3d ---, 2014 WL 272334 (Ala.2014)

Forfeiture: The city, as a successor in title to forfeited property from an "equitable sharing" of the seizure by the city police department and federal Drug Enforcement Administration



(DEA) following a federal district court forfeiture judgment, was entitled to a res judicata benefit of the federal judgment. *Payne v. City of Decatur*, --- So.3d ----, 2013 WL 1694465 (Ala.Civ. App.2013)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Employment: Dismissal of an employee’s action against a municipal housing authority was warranted since the Department of Housing and Urban Development (HUD), a required party, could not be joined. *Weeks v. Housing Authority of City of Opp*. 292 F.R.D. 689 (M.D.Ala., 2013)

Civil Rights: City police officers were not entitled to qualified immunity from § 1983 unlawful arrest and detention claims. *Childress v. Walker*, 943 F.Supp.2d 1332 (M.D.Ala, 2013)

DECISIONS FROM OTHER JURISDICTIONS

Civil Rights: Police officers violated panhandlers’ Fourth Amendment right to be free from unreasonable seizure when they retained the panhandlers’ identification while performing warrant checks, but never obtained reasonable suspicion. This supported the panhandlers’ § 1983 claims, as it was unreasonable for officers to detain panhandlers in absence of reasonable suspicion, i.e., randomly and arbitrarily, for even as little as five minutes while conducting those warrant checks. *Hall v. City of Chicago*, --- F.Supp.2d ----, 2013 WL 5835932, (N.D.Ill., 2013) October 30, 2013

Civil Rights: The special needs served by a city police department interim order, requiring the administration of an alcohol breath test to any officer whose discharge of his firearm within the city resulting in death or injury to any person, greatly outweighed the officers’ reduced expectation of privacy with respect to alcohol testing at the time of any firearms discharge causing death or injury to any person. *Lynch v. City of New York*, 2013 WL 6037215 (C.A.2, N.Y.,2013)

Civil Rights: Under the Americans with Disabilities Act (ADA) and the Rehabilitation Acts, a covered county must provide the blind and visually impaired meaningful access to private and independent voting. *California Council of the Blind v. County of Alameda*, --- F.Supp.2d ----, 2013 WL 5770560 (N.D.Cal.,2013)

Condemnation: Cities have no implied power of eminent domain beyond city limits, in condemning land for the purposes of building electric transmission lines. *Alliance for Property Rights and Fiscal Responsibility v. City of Idaho Falls*, ---

F.3d ----, 2013 WL 6851450 (C.A.9, Idaho 2013) December 31, 2013

Due Process: Towns that send motorists citations issued electronically via speed cameras are not violating constitutional due process requirements. Using the mail to send a speed-camera-generated citation or using the citation as evidence at trial does not violate due process. *Snider Intern. Corp. v. Town of Forest Heights, Md.*, 739 F.3d 140 (C.A. 4, Md. 2014), January 07, 2014

Garbage Collection: County ordinance prohibiting disposal of local solid waste at any site other than designated county landfills does not violate the dormant commerce clause or equal protection clause of the U.S. Constitution. *Sandlands C&D, LLC v. Horry Cnty.*, 2013 BL 335735, 4th Cir., No. 13-1134, 12/3/13

Zoning: The Telecommunications Act does no preempt local zoning authority functions to preserve local land use

continued page 21



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authorities' legislative and adjudicative authority subject to certain substantive and procedural limitations, nor does the Act preempt a city's initiative measure limiting the city's ability to lease or sell city-owned property without voter approval by requiring cellular telephone service provider to obtain voter approval before constructing antennae on city-owned property. *Omnipoint Communications, Inc. v. City of Huntington Beach*, 738 F.3d 192 (C.A.9, Cal.2013) December 11, 2013

Tobacco: Municipal ordinance banning smoking in most buildings does not violate due process, equal protection or freedom of association because "[s]moking does not fall alongside those rights we consider fundamental rights," and the ordinance passed rational basis review. *Goodpaster v. City of Indianapolis*, 736 F.3d 1060 (C.A.7, Ind.2013) November 25, 2013

ATTORNEY GENERAL'S OPINIONS

Fuel Tax: A city may not use the \$.04 per-gallon tax imposed by section 40-17-325 of the Code of Alabama for the installation, maintenance, and repair of traffic lights. AGO 2014-016

Boards: Employees of a board of education must use accumulated sick leave in compliance with the provisions set forth in the board's sick leave policy and section 16-1-18.1 of the Code of Alabama. The board may require those absent from regular duty, based on sick leave, to comply with the board's definition of sick leave as set forth in the board's policy, as long as that policy is in compliance with state law. AGO 2014-020

Garbage: A governmental entity authorized to create solid waste landfill may grant permits during the moratorium for new public solid waste landfill facilities that are not subject to the moratorium. The governmental entity must deny permits for facilities that are subject to the moratorium. The 90-day automatic approval period of section 22-27-48(a) of the Code of Alabama does not apply to applications for permits that are subject to the moratorium. AGO 2014-022

Boards: A water authority and sewer authority may enter into an agreement whereby the water authority manages the accounts of the sewer and discontinues water service for parties with delinquent sewer accounts. Because the authority to discontinue service is based on statutory authority set out in section 11-88-7 of the Code of Alabama, neither the water authority nor the sewer authority is required to have independent written agreements with customers prior to being able to disconnect service. AGO 2014-023

Planning Commission: A subdivision in the corporate limits of a municipality is subject to subdivision regulations adopted by the town after the subdivision plat was recorded on January 19, 2007, without the approval of the county engineer. AGO 2014-024

Boards: A park and beach board possesses the legal authority to create conservation easements on real property owned and maintained by the Board. Any charitable corporation, charitable association, or charitable trust that meets the commonly

understood meaning, as well as the applicable state and federal law requirements, regarding these terms would qualify as a holder for purposes of section 35-18-1 of the Code. AGO 3014-026

Police: A municipality with primary jurisdiction over a death investigation is responsible for reimbursing the county for the actual cost of the transportation of a body to and from the Department of Forensic Sciences for autopsy or other postmortem examination. AGO 2014-029

Competitive Bid Law: The purchase of cameras, lighting, and security fencing for installation at a courthouse is a public work as defined in section 39-2-1(6) of the Code of Alabama. If the cost of these improvements does not exceed \$50,000, competitive bidding is not required. The purchase of personal panic alarms for judges is not a public work, but is exempt from competitive bidding pursuant to section 41-16-51(15) of the Code. AGO 2014-031

Annexation: The area comprising public streets and rights-of-way should be included in the total property to be annexed for purposes of calculating whether the owners of 60 percent of the property to be annexed have joined in and consented to the petition for annexation as required by section 11-42-2(10) of the Code of Alabama. The owner of the acreage comprising the public streets and rights-of-way may consent to annexation. If the county is determined to be the owner, the commission chairman, upon approval of the county commission, may execute the appropriate consent. 2014-032

Elections: The Election Commission ("Commission") can call an election to fill a vacancy on the Birmingham City Council ("Council"), regardless of whether the Council has chosen to appoint a person in the interim to the Council. The Commission may call an election to fill a vacancy on the Council in conjunction with the next election of any kind. Any person so elected is authorized to serve the unexpired term of office for that city council position. NOTE: This opinion applies section 3.09 of Act 452 (1955), as amended by Act 123 (1965), which applies only to the City of Birmingham. AGO 2014-033

Competitive Bid Law: A single disclosure statement filed each fiscal year by a vendor awarded multiple contracts, grants, or purchase orders does not satisfy the requirements of section 41-16-82 of the Code of Alabama. AGO 2014-037

Appropriations: A county commission may appropriate funds to a town to complete a highway beautification project, purchase land for a farmer's market, and complete welcome center for the purpose of promoting economic development if the commission complies with the conditions of section 94.01(c) of the Recompiled Constitution of Alabama. AGO 2014-038

Improvement Districts - Annexation: A preserve improvement district was validly incorporated, and the land included in the district was annexed to a town under section 11-99A-52(a) of the Code of Alabama. AGO 2014-040 ■

program); and Maximizing the Value of Your Rights of Way.

There will also be a special roundtable discussion session held on Sunday afternoon for municipalities which operate under a council/manager form of government. This session, which begins at 1:30, will be moderated by Mountain Brook City Manager Sam Gaston, one of the longest-serving and best-respected city managers in Alabama, and will provide representatives from council/manager governments an opportunity to discuss issues unique to their form of government.

Another set of concurrent sessions will be held on Tuesday morning. The topics for these sessions will be: Avoiding Negligent Employment Claims; General Powers of Municipalities (this session satisfies core training requirements of the Certified Municipal Official program); and Economic Development Considerations for Municipalities.

Additionally, the Alabama Municipal Clerks and Administrators Association and the Alabama Association of Personnel Administrators hold specialized training sessions for their members in association with the convention.

If your municipality is like most around the country, you have specific concerns and issues that you face on a daily basis. Attending the convention can help you address these current problems and be prepared when new issues arise. Are you

concerned about attracting jobs to your community? Do you face financial hardships? Sessions at the convention will help learn how to attract retail and other businesses that can provide jobs and increase your tax revenue. Do you wish your mayor and council communicated better? There are sessions designed to improve your communication skills and ability to work together. Do you worry about disaster preparation and how to address them? Again, there are sessions that will help you in this area. Whatever keeps you awake at night, whether it is liability, jobs, finances, communication, or other issues, this year's convention offers you a chance to find answers.

Maximizing Your Attendance

How can you make the best use of your time at the convention? If you are a municipal clerk or a personnel administrator, you may want to limit your attendance to the training provided by your associations. Otherwise, carefully consider what information and contacts you hope to take back with you to your community.

For all attendees, it is important to study the program carefully and understand what takes place at each session. If this is your first convention, you may find yourself overwhelmed and a little confused about where to start. What type events are

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available for you to attend? The roundtable sessions provide a wonderful opportunity for you to learn what is happening in similar-sized municipalities around the state. The chance to share information, ask questions and learn how others have addressed issues confronting you simply should not be missed.

Don't overlook the training sessions. Substantive training and updates take place at the Opening Session Saturday afternoon as well as the general and concurrent sessions, which have been carefully planned to you with detailed information on specific issues. By attending these sessions, you have the opportunity to learn from recognized experts who can educate you to better serve your citizens.

League policy and business takes place at the resolutions committee and, of course, at the business session. If you are attending the convention strictly for training, it may seem unnecessary or not worthwhile to attend the policy and business sessions. I disagree with that conclusion, though. I think these sessions offer unique educational and networking opportunities and provide you with a good overview of how your League functions and operates. These sessions allow your municipality to directly affect the direction your League takes in the future. The strength and effectiveness of the League is derived from pulling member municipalities together and pooling their divergent views, interests and initiatives into a single, unified voice. Since the League was founded in 1935, we have a long and proud tradition of service to municipal governments in Alabama. The convention allows League members to develop policies and consensus. The business sessions provide attendees with the chance to be heard as part of this unified voice.

Associations like the League exist in forty-nine states and were formed to help advocate state and federal governments and to provide assistance and education for their members. Municipal leagues are cities and towns working together for their mutual benefit. One of the Alabama League's past presidents has called your League the "community of communities." A former president of the Oklahoma Municipal League has been quoted as saying about the Oklahoma League, "Each community has but one small voice when it stands alone, but together cities and towns provide strong influence and effort for achieving common goals." Attending the business sessions gives you the chance to help define and achieve those common goals.

To take full advantage of your convention attendance, mark your program to keep track of the sessions you want to attend. You may want to update your smart phone or calendar with a reminder. At the 2013 convention in Montgomery, the League experimented with a web-based app that contained the agenda, Expo hall information and other material to help you plan and stay organized during the convention. We expect to have a similar app available in Mobile.

If you don't make plans, it's easy to lose track of time and find yourself immersed in conversation with someone outside a training session and miss a session you specifically wanted to attend. Not that there is anything wrong with conversing with other officials – in fact, you should take advantage of every

chance to get to know your fellow officials across the state and discuss municipal business with them.

I also strongly encourage you to get out of your comfort zone. If you're attending the convention with other officials from your municipality, split up and attend different concurrent sessions. If each of you attends a different session, your city or town gains broader coverage from your attendance. Spend time with people you don't know. At meal functions, sit with groups from other municipalities. During breaks, make a point of introducing yourself to strangers. Nowhere else will you have this tremendous opportunity to meet this many individuals who share your interests and concerns. Take advantage of these chances to network and learn from others. Offer your input and advice to others. You may find a solution. Or you may be the solution someone else has been seeking. And if you do find yourself lost in conversation with someone who is able to answer a question facing your municipality, that alone may justify attending the convention.

Be sure to visit the Exhibit Hall during convention. Several time slots have been set aside specifically for this purpose. Exhibitors bring tools and solutions that are designed to help your community. They are happy to discuss what they can do for you. Spending time talking to the exhibitors may bring a new perspective to your convention experience and open doors that you didn't even realize existed. This year we are holding the Monday luncheon in the Exhibit Hall to provide you with plenty of time to learn what the exhibitors have to offer.

In the exhibit hall, you will also find exhibitors from state and federal entities that attend the convention to share information from their departments or agencies. They have information on new laws and regulations you must know about. They also have information about the services they can provide your city or town and who to contact to request assistance. Often these services are available to you at no cost. Well worth the time it takes you to stroll through the exhibit hall and expose yourself to the many offerings you will find there.

Of course, the best way to take advantage of the convention is very basic – **attend**. You can't learn if you aren't present. It's just that simple. Municipal leaders in Alabama share a common bond – the desire to improve the quality of life in their communities. Once they take office, though, municipal officials soon realize that much of what takes place locally is affected by decisions and developments that take place far beyond their borders. Municipalities affected by these changes share similar concerns and the convention allows their officials to discuss the impact of these changes and how they should respond to best serve their citizens.

ALM's annual convention offers you with an *ideal* opportunity to learn about local government, network with other local officials, share experiences and brainstorm ideas for improving your community. I hope that by the time you're reading this, you have already registered to attend the convention. If not, I hope you will make plans to join us in Mobile. For more information or to register, visit www.alalm.org.

I look forward to seeing you there! ■

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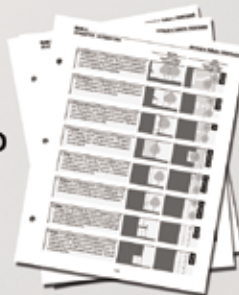
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2014 Municipal Quality of Life Award Winners

This year's Municipal Quality of Life Awards program had 14 entries with winners and honorable mentions in three population categories. Excel, Guntersville and Athens were chosen as the winners for their population categories – Under 5,000, 5001 to 12,000 and Over 12,001, respectively. The cities of Red Bay, Brewton, and Huntsville were chosen as the Honorable Mentions for those same population categories. Excel, Guntersville and Athens will be recognized during the Opening Session of the League's 2014 Annual Convention in Mobile on May 3rd.

The Municipal Quality of Life Awards program was created in 2007 to recognize outstanding projects in local government and to share those success stories with other municipalities. Winners were chosen by a panel of three independent judges who are not employed by or affiliated with the Alabama League of Municipalities. Judging was based entirely on the written entries and supportive information and winners were chosen on how well entries met the three main objectives of the program: 1. To recognize successful, **innovative** projects that improve the quality of life for citizens. 2. To share those projects with other municipalities. 3. To demonstrate the value of cities and towns. The following summaries highlight the winners and honorable mentions in this year's Awards program.



Located in Southern Monroe County, the Town of Excel is booming and its population is growing. With just over 700 residents, the population has increased 20 percent since the 2000 Census. The K-12 public schools are racially diverse with award-winning academic and sports programs. In addition to a grocery store, the town has a barbecue restaurant, Dollar General, pizza restaurant, a new Town Hall, an Internet company and an ice-cream parlor.

The economic development in Excel is innovative, as the approach was to develop numerous small businesses instead of going after one large employer. Cumulatively, the smaller businesses created a sense of community and allowed the Town to succeed. For instance, the Town's pizza

shop provides a safe place for the teenagers to congregate before football games; the Dollar General is one of the most profitable in the state; and Conexus Wireless, the Internet company headquartered in Excel, is successfully providing Internet access to residents in rural communities.

Additional tax revenue has been used as matching funds for numerous grant-funded projects that continue to generate excitement for the community. In the last two years, the Town of Excel has been awarded funds for road improvements, sidewalks and downtown development and a Community Safe Room. These projects, totaling more than \$2,000,000, have reinvigorated the Town's sense of community pride and the sports programs and other community activities are at all-time high enrollments. Further, the Excel school has more than 1,000 students, most of whom live in the community. This is a unique narrative as many rural Alabama schools are broken into public and private institutions or are closing through consolidation.

The long-term value to the community is being realized through infrastructure projects funded by federal grants. Without the substantial tax revenue from Excel's economic development endeavors, matching funds for grant projects could not have been secured.



On the morning of December 4, 1999, a fatal fire paralyzed Guntersville's Northtown Historic District when flames engulfed a century-old building on Gunter Avenue in the heart of downtown. For some time afterwards, vacant lots occupied the area. Retired educator and arts patron, Errol Allan, was very concerned about the district's predicament and the impact on the city's character. He began considering alternatives for the empty space. He purchased the land and approached the City of Guntersville in 2009 with an offer to donate the land for construction of a downtown multi-use park.

Both city leaders and citizenry enthusiastically embraced the idea and an advisory committee was formed to assist the Mayor's Office in developing the project. Thus began a collaborative community effort partnering city personnel with members of the private sector. The City's Building Official served as the project manager and

continued next page

he and the park committee coordinated various aspects of the venture from architect and contractors who designed and constructed the beautiful timber-frame structure and fountain to the construction of new sidewalks and lighting by Public Works and decorative landscaping by the Horticulture Department.

At the time, the City was in the final stages of refurbishing its streetscape in the Downtown Historic District, funded in part by a Transportation Enhancement Downtown Streetscape Renovation Grant. City funds were used in concert with the grant money to install decorative lighting and construct new sidewalks complete with landscape islands and the strategic plan was modified to include the new park.

This entertainment venue has proven to be a boon for Guntersville. Immediately after the grand opening, the Mountain Valley Arts Council moved its annual six-week summer concert series to Errol Allan Park. Locals and visitors now go downtown to enjoy park events, such as a weekly “Movies in the Park” sponsored by the public library during the fall.

Guntersville is delighted with the new opportunities Errol Alan Park has provided for personal interaction and appreciation of the cultural arts. This historically vibrant area has literally emerged from the ashes of tragedy and desolation to be reborn as an open-air entertainment park that has become the cultural heart of the historic downtown district.



Save money, improve the environment and decrease dependency on foreign fuel. Those were the three selling points for the City of Athens and its CNG (compressed natural gas) fast-fill station – a program that’s not only benefitting the city fleet, but the public as well.

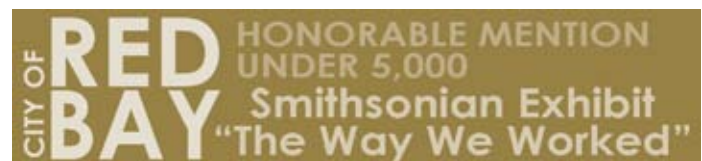
The fast-fill CNG station began as a need for the City to save on fuel. Faced with increased gasoline and diesel costs each fiscal year, City leaders began brainstorming ways to reduce fuel costs. Parking police cars and cutting garbage/recycling routes were not feasible for a city that has seen a 15.4 population growth since the 2000 Census.

The Athens Gas Department Manager approached City leaders about converting the municipality’s larger fleet vehicles to CNG, which is less than \$1.80/gallon and better for the environment. He agreed to install a slow-fill CNG station at his department’s training facility to provide overnight fueling for garbage trucks. As the City’s non-CNG vehicles are put out of service, department heads

must replace them with a CNG vehicle. Based on the City’s current CNG fleet, which includes three garbage trucks, three Dodge pick-up trucks, a Honda civic and five Chevorlet Tahoes, fuel cost savings are projected at \$76,481 per year. Because CNG is a cleaner fuel, the City also expects maintenance costs to decrease.

To service these vehicles, the Athens Gas Department installed a second slow-fill station at Public Works and then opted to construct a \$614,360 fast-fill station on the Interstate 65 corridor open to the public, making it the only public station on or near the corridor between Nashville and Birmingham providing a mid-way fueling stop, thus promoting the use of vehicles not dependant on foreign fuel. CNG Now offers mobile apps that feature maps of CNG locations, including Athens’ fast-fill station.

The City’s program is receiving statewide support from the Alabama Clean Fuels Coalition, which has sent information to nationwide, industry-related publications and included Athens in training programs and educational material. To further expand the program, the City is in discussions with the local school systems about converting their buses to CNG vehicles. Athens is committed to promoting and using CNG and its public fast-fill station. In so doing, the City aims to save taxpayer money through lower fuel costs, reduce emissions for better air quality and decrease dependency on foreign fuel.



The Smithsonian came to Red Bay as the destination point for a historic traveling exhibit from Washington, D.C. – the inaugural Alabama tour for the Smithsonian Institution’s Museum on Main Street (MoMS), “The Way We Worked.”

October 2012 began the planning stages for a six-week tour with an official press announcement that the exhibit would open September 14, 2013. The first planning meeting was held under the direction of Alabama Humanities Foundation’s Tom Bryant, Alabama Tourism Director Lee Sentell and Alabama State Representative Johnny Mack Morrow. The project then began moving forward with the guidance of local Project Director Rosalyn Fabianke and an army of more than 100 volunteers known as Doodlebugs (named for Red Bay’s first train) and docents. The project evolved from a round-table discussion to a reality on the streets of Red Bay in a 12-month period.

“The Way We Worked” was on view from September 14 until October 24, 2013, and was a free exhibit. Museum on Main Street (MoMS) is the Smithsonian’s connection

to rural and small town America. Red Bay's local heritage took center stage in "The Way We Worked" exhibition that engaged visitors by exploring America's work history while enlivening and expanding local community culture in a variety of ways. The focus on work over time and place highlighted Red Bay, Northwest Alabama and the work experience of American's as part of the nation's story. The City of Red Bay was one of six towns in Alabama selected to host this exhibit and was the inaugural host town welcoming the Smithsonian to Alabama.



The City of Brewton launched a comprehensive nine-month project in July 2013 designed to promote a sense of community. Each month under the "BREWTON REBORN" initiative, city residents took part in performing simple tasks. Because Brewton faced a growing problem along highly traveled thoroughfares where litter was becoming a noticeable issue, picking up trash was among the first month's activities.

Upon further examination, officials determined a need not only for additional trash cans, but for public art as well

and so the Barrel Project was launched. This project used empty 55-gallon metal drums from a local industry that would otherwise have been recycled. City workers picked up barrels from Natural Decorations Incorporated as they became available and removed the tops with a cutting tool. They then drilled holes in the bottom to allow for proper drainage. Volunteers painted the cans as individual or business-sponsored artwork (limit of two per business) with a \$20 donation to help pay for paint. Those who wished to pay for the paint and create the artwork themselves did so with the paint purchase counting as an "in-kind" donation. Once the painting was done, the cans were delivered to City Hall for photographing before volunteer crews deployed them along city streets and in parks.

The cans are currently checked by volunteers twice weekly. On average, volunteers collect approximately ten 55-gallon bags of litter weekly that might otherwise have landed in the streets. Response to the brightly colored cans has been overwhelming with more than 80 cans sponsored by over 30 businesses and individuals since the project's launch. The barrels are moved periodically so the passersby don't lose interest in the cans and the project will be repeated each spring to allow for fresh artwork.

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Healthy Huntsville Initiative

News reports and statistics regarding the rise in obesity caught the attention of Huntsville Mayor Tommy Battle. His administration was working on employee wellness and weight-loss programs when a local biotech company, HudsonAlpha, approached him about creating an obesity awareness campaign to help prevent Type 2 diabetes. Leaders from Huntsville Hospital joined the conversation and the idea for Healthy Huntsville was born – a campaign to create an atmosphere with a healthy lifestyle for everyone.

The Healthy Huntsville Initiative launched in January 2013 with a goal to reduce obesity by promoting healthy eating and active lifestyles. The initiative focused attention on the many ways residents could improve their health and quality of life through a series of *free* well-being and fitness-related programs and events.

To spearhead Healthy Huntsville, the Mayor assembled a leadership team to shape the 2013 program that included the City of Huntsville, HudsonAlpha Institute for Biotechnology, Huntsville City Schools, Huntsville Hospital and the Madison County Health Department. The non-profits worked to create activities throughout the year, and they encouraged other community organizations to join the cause.

All activities were free with the exception of the occasional 5K run registration fee. Since there was no budget for advertising and promotion, the team relied on local news media and online strategies to help spread the word. Print materials such as posters and flyers were produced in-house by the City and a Healthy Huntsville web page was launched through the City's website. A Facebook page helped round out the promotional effort. Volunteers kept the page fresh with updates and pictures.

About 267 events were posted on the calendar from January through November, ranging from exercise, nutrition and wellness screenings to Farmer's Market days and outdoor recreational options. Attendance ranged from a handful of people to hundreds of participants at team-sponsored 5K run/walk events, Yoga by the River and Yoga in the Park classes, Saturdays in the Park and regular, free health screenings throughout the city.

Healthy Huntsville generated exceptional community-wide support with programs sponsored by partners as varied as the YMCA, Star SuperMarket, Fleet Feet, Sterling Health, the Matrix, Huntsville Botanical Gardens, Mitzi Connel Yoga, *The Huntsville Times*, Regions Bank, Joe Martin Fitness, Green Street Market, Food Bank of North Alabama, Lowe Mill, Robert McAdory Training, Soles Dance Center, SportsMed and North Alabama Dietetic Association. For more information on this initiative, visit:

www.huntsvilleal.gov/healthyhuntsville. ■



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Cable Franchise Negotiation

It has been brought to the League's attention by several of our members that cable companies are recommending cities either sign a document that allows them to perpetually offer cable services under the terms of existing franchises or enter into a new document prepared by the company that contains many provisions that are not in cities interest.

With few exceptions, the cable television renewal process has remained unchanged since it was enacted into law 20 years ago. The renewal process is governed in accordance with the Cable Act (47 U.S.C § 546). It is important for city officials to know and understand their rights in the renewal process. Below, Greg Fender with Local Government Services, LLC, has outlined several key items cities should carefully consider if approached by a company to enter into a cable/video franchise agreement.

1. Franchise Fee. Cities should pursue authority to impose up to the maximum 5% franchise fee on all gross revenues derived from the provision of services within the city consistent with 47 U.S.C. § 542.

- **Gross Revenue.** "Gross Revenues" should be broadly defined to encompass any and all revenue derived from the provision of cable/video services. In particular the definition should include the franchise/video service fee, FCC regulatory fee, late fees, home wire maintenance service revenue, advertising revenue, home shopping commissions, cable service revenue, equipment revenue and related revenue sources. We do not recommend cities use the term subscriber revenue or recurring revenue in the definition of Gross Revenue.
- **Bundled Services.** Language should be included in the Agreement to clarify that if a cable/video company offers voice, video and data services for one bulk fee, cities should still receive a 5% franchise fee on the amount of the bulk fee attributable to video services.
- **Fee Verification.** The Agreement should contain a provision allowing cities the right to verify franchise fee payments by conducting a review or audit of a cable company's books and records. Language should be included to permit such a review and to ensure that no limitation on the relevant state statute of limitation is applied (in Alabama that is 6 years). In other words, a cable company may want to limit the review period to 2-3 years - this type of limitation should be rejected.

2. Grant of Authority. The Agreement should clearly define what authority a city is granting regarding use of the right-of-way. This provision must be carefully drafted to ensure no waiver of rights by cities.

3. Term. Generally the term of an Agreement will extend between five and fifteen years. A ten-year Agreement term has become standard depending upon relevant state law issues.

4. Public, Educational and Governmental Channels (PEG). Language should be included in the Agreement to provide sufficient capacity, connectivity and funding to support local PEG programming as may be desired by a City. These issues will vary depending upon the historical use of such channels within a community and in certain cases depending upon the size of the jurisdiction.

- **Channel Capacity.** Language should be included to ensure that sufficient capacity will be reserved for local PEG channels. Ideally cities should have the ability, should they so desire, to obtain a minimum of one channel regardless of historical use.
- **Capital Support.** If channel capacity is required in the Agreement federal law at 47 U.S.C. § 542 permits cities to obtain additional support for PEG capital purchases over and above the 5% franchise fee.

5. Free Service to Buildings. Language should be included to require the cable company to provide free basic and expanded basic services to various public facilities including police, fire, city hall, libraries, as well as educational institutions (K-12).

continued next page

6. Build Out. The Agreement ideally should deal with some form of build out requirement whether it extends over several years or is based on various benchmarks.

7. Customer Service Standards. Generally most cable companies agree to comply with the FCC's customer service standards found at 47 C.F.R. §76.309. Ideally these standards should be incorporated by reference into the Agreement and, if possible, an exhibit should be added to the Agreement setting forth the customer services standards. These standards include everything from telephone response time to service installations and refunds to subscribers.

8. Emergency Alerts. Standard language should be included for an EAS in compliance with all federal and state requirements.

9. Insurance and Indemnification. Standard language should be included to provide adequate protection for cities as is typically included in any cable franchise.

10. Right-of-Way. The Agreement should include right-of-way protections within the Agreement clarifying how and when cable should be buried, collocation on facilities, restoration issues and other standard right-of-way protections.

This list is by no means complete but it does represent ten (10) key issues, which should be focused on during any negotiations with a cable or video service provider.

For additional information or assistance please contact the League's Legal Department at 334-262-2566 or Greg Fender with Local Government Services, LLC at 1-800-978-0071

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Teneé Johnson Joins ALM's Legal Team



Teneé joined the League staff in January as Assistant General Counsel. She is responsible for advising municipal officials and employees from over 440 member cities and towns, writing legal articles, addressing municipal officials, employees and attorneys on municipal matters and assisting with the League's lobbying efforts. Teneé came to the League with a strong background in local government after working with the City of Tuskegee for more than four years where she assisted the Mayor and the City Manager with a variety of government functions and served as a liaison between the City Council and the citizens of Tuskegee. She also served as a law clerk for Judges Pamela R. Higgins, Troy Massey and Jimmy Pool of the Montgomery County District Court - Fifteenth Judicial Circuit; the Southern Poverty Law Center; and the District of Columbia Office of the Attorney General.

While in law school, Teneé was involved in redrafting Articles of the Alabama Constitution. She received her B.A. from Troy University in 2005 and her J.D. from Thomas Goode Jones School of Law in 2013. She is a member of the Alabama State Bar and the National Bar Association, serves as the Coordinator of the Education Ministry for her church and is very active in her community. She is also the proud parent of two sons, Joseph and Jaylen. ■

Joyce Brooks to Close Annual Convention, May 6

Joyce E. Brooks' mission is to assist businesses and organizations gain a competitive advantage by focusing on individual, leadership and professional development. Joyce is also the author of *Self-Inflicted Overload: Five Steps to Achieving Work-Life Balance and Becoming Your Very Best*, a stress awareness expert and self-proclaimed "Mompreneur". Joyce started her corporate career over two decades ago as an electrical engineer at Alabama Power Company. Within five years, she was being groomed for leadership – working in marketing, public relations, corporate services, community relations, economic and community development, customer service and serving as area manager for the company's largest division. Her career was on the fast track, but in September 2008, a breast cancer diagnosis forced Joyce to step back and reevaluate how she managed her time. She was juggling a lot of balls – professional, mother, wife, daughter, sister, friend, volunteer, church member and the list goes on ...

Joyce realized that her very best was being hindered by her overloaded schedule and lack of work-life balance. So when she was declared cancer free in 2009, she pressed the reset button and started implementing strategies to live a more balanced life. Joyce's new approach led her to start writing, painting and spending quality time with family and friends. Joyce was living a more balanced life; and in the process she found PEACE. Four years after her breast cancer diagnosis, Joyce stepped out on faith and retired from her promising career to focus on her family and helping other professionals achieve work-life balance. Visit joycebrooks.com for more about Joyce. ■





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Benefiting the Court...

"...(JCS's) service has decreased my magistrates' probation workload and court sessions by 65%...collections are at an all time high..."

- Court Administrator
Large Municipal Court

"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge
Georgia Municipality

Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of Corrections
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- Court Clerk
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge
Alabama Court

Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

- Craig A., Defendant
Foley, Alabama

Judicial Correction Services

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F.A.Q.

Your Frequently Asked (Legal) Questions Answered
by Assistant General Counsel Rob Johnston

Revenue

Are contractors and subcontractors entitled to tax exemptions for construction-related contracts on municipal projects?

Yes. For contracts entered into on or after January 1, 2014, Section 40-9-14.1 of the Code of Alabama 1975 makes available a “governmental entity contractor’s exemption”. The act provides sales and use tax exemption for contractors and subcontractors on purchases of building materials, construction materials and supplies, and other tangible personal property that becomes part of the structure that is the subject of a written contract for and on behalf of exempt governmental entities. Municipalities and industrial or economic development boards or authorities are included as governmental entities. Contracts entered into with the federal government and contracts pertaining to highway, road, or bridge construction or repair do not qualify for the exemption.

To qualify for an exemption, the municipality must complete an application (EXC-01) for a sales and use tax certificate of exemption (STC-1) for each tax exempt project, and the municipality must provide a copy of the contract for the project. Contractors and subcontractors licensed by the State Licensing Board for General Contractors must also apply for a certificate of exemption by using the same application form. Applications are available on the Alabama Department of Revenue’s website at <http://revenue.alabama.gov/salestax/ST-EXC-01.pdf>. Applications should be submitted directly to the Sales and Use Tax Division Central Office, P.O. Box 327710, Montgomery, AL 36132-7710. For additional information, contact Sales and Use Tax Division representative Thomas Sims at 334-242-1574 or by email at Thomas.Sims@revenue.alabama.gov. ■



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2014 Convention Quick Guide

Arthur R. Outlaw Convention Center • Mobile, Alabama • May 3-6

www.alalm.org

Meetings and/or events are subject to change. CMO credits can be earned.
See convention program for details.

Saturday, May 3

10:00 a.m. - 5:00 p.m.	Registration
11:00 a.m.	Resolutions Committee Meeting
1:00 p.m.	AMIC Annual Meeting
3:00 p.m. - 5:00 p.m.	OPENING SESSION: Welcome; ALM President's Address; Gov. Robert Bentley (invited); Quality of Life Award Presentations
5:15 p.m. - 6:15 p.m.	ABC-LEO Reception
6:30 p.m.	City of Mobile Welcome Reception

Sunday, May 4

7:30 a.m.	Annual Municipal Golf Tournament • TimberCreek Golf Club, Daphne
10:00 a.m.	Prayer Service
1:00 p.m. - 5:00 p.m.	Registration
1:30 p.m. - 3:00 p.m.	Peer-Led Discussion Groups: Using Social Media to Reach Citizens; Improving Mayor/ Council Relations; Budgeting and Finance for Municipal Officials; Council/Manager Government Roundtable; Street Festivals, Food Trucks and Related Issues
3:15 p.m. - 4:30 p.m.	Concurrent Sessions: Long Term Disaster Recovery Panel; Retail America: What's Ahead for Your Community; Municipal Liability (CMO Core Session); Council/Manager Roundtable cont.; Maximizing the Value of Your Rights of Way
5:00 p.m. - 6:30 p.m.	Exhibitors Showcase and Reception (Expo Hall) *

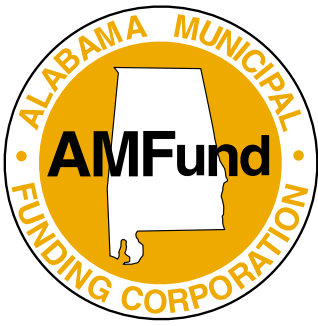
Monday, May 5

8:00 a.m. - 5:00 p.m.	Registration
8:30 a.m. - 9:30 a.m.	Clerks Breakfast and Business Meeting
8:30 a.m. - 5:00 p.m.	Alabama Association of Public Personnel Administrators: Training & Development Course
9:30 a.m. - 5:00 p.m.	Municipal Clerks Conference
9:30 a.m. - 11:00 a.m.	Spouses Breakfast
8:30 a.m. - 11:45 a.m.	Roundtables by Population
Noon - 2:00 p.m.	Luncheon in the Expo Hall *
2:15 p.m. - 3:30 p.m.	ASK YOUR ATTORNEY PANEL
3:45 p.m. - 5:30 p.m.	ANNUAL BUSINESS SESSION
6:00 p.m.	Reception
7:15 p.m.	President's Banquet and Entertainment (Jeff Allen, Comedian)

Tuesday, May 6

8:00 a.m. - Noon	Registration
8:30 a.m. - 10:00 a.m.	Concurrent Sessions: Avoiding Negligent Employment Claims; General Powers of Municipalities; Economic Development Considerations for Municipalities
10:15 a.m. - Noon	GENERAL CLOSING SESSION: NLC Update; Keynote Address – Joyce E. Brooks: "Board Management and Effective Communication"; Passport Prize Drawings (must be present to win) *
Noon	Adjourn

* **NEW THIS YEAR! Passport Prize Program:** The League has developed a fun opportunity for our members and vendors during the 2014 EXPO. Our inaugural Passport Prize Program is uniquely designed to give convention delegates the opportunity to speak more directly with participating vendors during convention EXPO hours (May 4-5) as well as the chance to win a prize during the Tuesday morning closing general session. **Delegates MUST be present to win!** See convention program for additional details.



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