



STATE OF ALABAMA ETHICS COMMISSION



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June 3, 2026

ADVISORY OPINION NO. 2026-08

Jonathan R. Maples
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Public Official / Use of Office for Personal Gain

The Ethics Act does not prohibit a city council member from allocating discretionary funds to a non-profit neighborhood association of which he is a member for improvements to a neighborhood in which he resides provided the association is not a business with which he is associated and provided neither the council member nor any of his family members will benefit from the allocation.

Dear Mr. Maples:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request. This opinion applies only to the restrictions of the Ethics Act and applies prospectively only.

FACTS

Ben Reynolds is a member of the Mobile City Council. The annual budget for the City generally includes City funds that are divided among the council members for use in their discretion for various projects in their respective districts. In the past, these projects have included funding for various 501(c)(3) organizations and neighborhood associations. These funds are generally referred to as “discretionary funds.”

Mr. Reynolds has received a request for discretionary funds from the Riviere Du Chien Property Owners Association (“Association”). The Association is a domestic non-profit corporation. Mr. Reynolds is a resident of the neighborhood and a member of the Association by virtue of his status as a dues-paying property owner. He has previously served as president of the Association, and his wife is a former board member. Neither position was compensated, and neither Mr. Reynolds nor any of his family members hold a compensated position with the Association.

The request seeks \$30,000 in discretionary funds to fund a portion of the cost of building new neighborhood entrances to correspond with the upcoming build of the Cypress Creek Golf Course. The neighborhood entrances at issue will also serve as an entryway to the Cypress Creek Golf Course.

The Cypress Creek Golf Course is a public project of the Mobile County Commission. The Mobile County Commission authorized the purchase of the former Linksman Golf Course in September 2021 and acquired the 100-acre former Linksman property in 2022.

QUESTIONS PRESENTED

1. May a city council member allocate discretionary funds to a neighborhood association of which he is a member?
2. May a city council member allocate discretionary funds to a neighborhood association for improvements to a neighborhood in which he resides?

ANALYSIS

Since neither Mr. Reynolds nor any of his family members is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the Association, the Association is not a business with which he is associated.¹ Therefore, the Ethics Act does not prohibit him from allocating discretionary funds to the Association provided neither he nor his family members will benefit from his doing so.² Here, there is no indication that Mr. Reynolds or any of his family members would personally benefit from an allocation of discretionary funds to the Association. Further, there is no direct financial gain to Mr. Reynolds for the allocation that would prohibit his use of the discretionary funds to assist in funding the entrance to a public golf course that also services his neighborhood.³ Therefore, the Ethics Act

¹ Ala. Code § 36-25-1(a)(2).

² AO 2016-33

³ Ala. Code § 36-25-9(c)

does not prohibit Mr. Reynolds from allocating discretionary funds to the Association for improvements to the neighborhood entrance.

This opinion extends only to the restrictions of the Ethics Act. Mr. Reynolds should seek council to determine whether there are any restrictions outside of the Ethics Act that may be applicable.

CONCLUSION

The Ethics Act does not prohibit a city council member from allocating discretionary funds to a non-profit neighborhood association of which he is a member for improvements to a neighborhood in which he resides provided the association is not a business with which he is associated and provided neither the council member nor any of his family members will benefit from the allocation.

AUTHORITY

By 5/0 vote of the Alabama Ethics Commission on June 3, 2026.



J. David Dodd
Chair
Alabama Ethics Commission