

The Alabama Municipal JOURNAL

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On the Cover:

More than 100 municipal officials attended ALM's February 21st Legislative Advocacy CMO session in downtown Montgomery where they were briefed on the League's 2012 Legislative Agenda; given an update on the current legislative session; told about economic and development opportunities through ADECA and ADO; and heard from Finance Director for the State of Alabama Dr. Marquita Davis regarding the Governor's budget recommendations. Following lunch, attendees paused for a group photo on the Capitol steps and then met with their senators and representatives at the Alabama State House.

A Message from the Editor



While they may look like square, squiggly puzzle pieces, “Quick Response” or “QR” codes are actually clever conduits enabling you to use your smart phone to immediately link to a plethora of messages, images, ideas and promotions such as surveys, discount coupons, move trailers, websites and videos. Originally created in 1994 by a Japanese car company to track inventory, QR codes have become extremely popular in today’s quick-access culture and can be placed on just about anything including brochures, business cards, magazines, signs, posters, buses, billboards, buildings, websites, clothing, tattoos, cakes and on and on.

A QR code is an advanced barcode that’s able to store more data than the standard “UPC Symbol” used on many consumer products such as grocery items. While a UPC barcode can only hold up to 20 numerical digits (0-9), QR codes can store *thousands* of letters, numbers and special characters allowing access to large amounts of data, such as URLs, text messages and entire emails. In addition, QR codes have an error correction mechanism with the ability to recover up to 30 percent of errors that occur as the image is being scanned. So if your Android, iPhone or other camera-enabled smart phone has fingerprints on the camera lens – or you’re scanning in low light or with an unsteady hand – the code will probably still read correctly.

Many top US brands and businesses are using QR codes for a variety of purposes, and the Alabama League of Municipalities has now joined their ranks. ALM will be using QR codes, such as the one above which takes you directly to our March CMO program info (try it!), to link you to online surveys, convention info, upcoming workshops and important, time-sensitive information.

If you’re not familiar with scanning a QR code, don’t be intimidated. It’s actually quite simple. You’ll need to download a “QR Reader” for your particular smart phone from your app store. For instance, I’m currently using a free iPhone app called “QR Reader for iPhone” by Tapmedia Ltd.; however, there are *lots* of reader app options. Once you’ve downloaded the app, launch it and then either point your smart phone camera at the QR code or hover over it. The app will then automatically read the code and redirect you to a website, video or other destination or contact information. Last month, the League included a QR code in its Legislative Advocacy CMO materials that provided a direct link to the online survey review of the session. Using their smart phones, participants were able to quickly respond to the brief survey immediately following the session instead of waiting until they were in front of their computers.

It seems that QR codes are definitely here to stay; however, be cautious in what you decide to scan. Only scan codes that you deem are from a reputable source. Just as with most anything else, QR codes can be used for malicious intent by unscrupulous individuals.

March CMO Sessions

This month the League will hold four regional CMO training sessions throughout the state: Loxley Civic Center on March 22nd; Faulkner University in Montgomery on March 23rd; Embassy Suites in Huntsville on March 29th; and the Wynfrey Hotel in Birmingham on March 30th. The agenda is the same for each session and will include an overview of municipal elections as well as risk management approaches to avoid liability and improve safety. **To download the registration information, either scan the QR code above or visit www.alalm.org and click on the CMO link prominently featured in the center tapestry of the homepage.** If you have questions about the League’s CMO program, contact Cindy Price, CMO Coordinator, at 334-262-2566 or via email at cindyp@alalm.org.

Deadline for Distinguished Service Award Submissions is March 20!

Each year during its Annual Convention, the League presents Distinguished Service Awards to mayors, councilmembers, clerks, administrative assistants, city managers, city administrators, commissioners, attorneys and judges who have served for 20, 30 or 40 years in municipal office. Distinguished Service Award forms **MUST** be submitted to League Headquarters by **March 20**. Forms can be downloaded at: www.alalm.org/ConventionPage.html#ServiceAwardAnchor. If you need additional information, contact Theresa Lloyd, Member Service Director, at 334-262-2566 or via email at theresal@alalm.org.

Carrie

The President’s Report

Councilmember Thomas O. Moore • Demopolis



2012 Congressional City Conference Scheduled for March 10-14

The 2012 Congressional City Conference, March 10-14 in Washington, D.C. at the Marriott Wardman Park hotel, will focus on legislation and pressing federal policy issues critical to local communities, as well as provide opportunities for networking, professional development and lobbying federal officials. This conference is an excellent forum to make sure cities and towns have a clear, unified voice in the national debate. Much of the conference will center around NLC’s call for Congress and the President to take action to create jobs, grow the economy and invest in the nation’s infrastructure.

“The current economic conditions require all of us as city leaders to reexamine our focus and priorities. The speakers and workshops at the Congressional City Conference will help city leaders to find new innovations to grow the economy and bring our communities closer,” said NLC President Ted Ellis, mayor of Bluffton, Ind. “The conference provides an opportunity to interact with our federal counterparts to get a better understanding of federal requirements and also advocate for more effective policies that will encourage the economy to grow within our cities.”

General session speakers for the Congressional City Conference include Ed Gillespie, former chairman of the Republican National Committee and former counselor to President George W. Bush, and Terry McAuliffe, former chairman of the Democratic National Committee and former chairman of Hillary Clinton for President, who will discuss the 2012 election, and David Brooks, op-ed columnist for *The New York Times* and commentator on “The PBS Newshour.”

The conference kicks off on Saturday, March 10, with Leadership Training Institute (LTI) seminars and NLC governance activities. These seminars go in-depth on a wide variety of topics and carry an additional fee. LTI seminars continue on Sunday, March 11. Check

the Congressional City Conference page on the NLC website for more information on LTI offerings.

The NLC Board of Directors, Advisory Council and Policy and Advocacy committees will meet on Sunday. Some committees, councils and constituency groups will also meet that day. The New Member and First-Time Attendees Orientation will take place from 5:15 to 6:45 p.m.

Monday, March 12 begins with the Celebrate Diversity Breakfast, where the National Black Caucus of Local Elected Officials will hand out the Annual City Cultural Diversity Awards.

General sessions will be held in the morning and the afternoon on Monday. In between, workshops will feature real solutions, best practices and updates on what’s happening in Washington and will cover topics such as local innovation, job creation and training, transportation and infrastructure, civic engagement, housing, public safety and meeting the needs of families.

Tuesday, March 13, features morning workshops and a Delegates Luncheon and General Session. Tuesday afternoon is set aside for committee and constituency group meetings.

Attendees of the Congressional City Conference will have the opportunity to view a special performance by the Capitol Steps political satire group on Tuesday evening.

Wednesday, March 14, is dedicated to lobbying for city interests on Capitol Hill and with federal agencies.

A link to the conference information and registration is available on the homepage of the League’s website at www.alalm.org. Look for the link in the center tapestry. For additional information about the National League of Cities, visit www.nlc.org.

I look forward to seeing you this month at the Congressional City Conference in Washington, D.C.! ■



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- Former Director of Corrections
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- Court Clerk
Large Municipal Court

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- 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

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Municipal Overview

Ken Smith • Executive Director



New League Anti-Harassment Policy

R – E – S – P – E – C – T.

Aretha Franklin sang about it in the 1960s. Unfortunately, many people today continue to struggle to seek respect, even in the workplace.

The Executive Committee of the Alabama League of Municipalities recently adopted a new policy intended to protect League employees and those attending League functions from harassment. This policy provides:

"Prohibition of Harassment at League Functions.

"It is the League's policy to maintain an environment free from all forms of harassment, whether based upon sex, race, ethnicity, age, religion, disability or any other legally protected characteristic. The League does not tolerate conduct by any person (employee, board member, speaker, city official or employee, vendor, etc.) at any League meeting or function who harasses, disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile environment. Likewise, the League does not tolerate conduct by any person (employee, board member, speaker, city official or employee, vendor, etc.) who harasses, disrupts or interferes with a city official or employee's ability to participate in the League's annual conference or any other League function which creates an intimidating, offensive or hostile environment.

"If a person (employee, board member, speaker, city official or employee, vendor, etc.) engages in harassing behavior, the League may take any action it deems appropriate up to and including expelling the offender from the League function whereby the offender forfeits any fees paid or any CMO credit earned for the function."

Over the years, we have all come to recognize that our actions in the office may constitute harassment. Activities that once were tolerated, or even encouraged, are no longer seen as permissible or desirable in the workplace.

The goal of this policy is to remind each of us that the workplace extends beyond the walls of our physical offices.

League staff members represent this office while traveling on official business and are expected to conduct themselves in a manner that reflects positively on the League and its membership. Similarly, municipal employees and officers represent their public entities when traveling to any League-sponsored event. Their behavior both in town and on the road should reflect a desire to make their citizens proud of them. Both the League staff and those attending League functions are entitled to the same respect that they should receive at the League office.

The purpose of any anti-harassment policy is, of course, to ensure and protect respect between individuals. If people respect each other, they won't engage in behaviors that either of them may find offensive. Policies like this one help preserve the professional atmosphere employees and other individuals in the workplace deserve – whether at the office or not.

What is Harassment?

Definitions are often not clear-cut when dealing with a complex issue such as workplace harassment. The identification of harassment is often based on individual perceptions and can involve subjective interpretations of behavior.

Workplace harassment is generally defined as any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law, which includes an individual's race, color, gender, ethnic or national origin, age, religion, disability, marital status, sexual orientation, gender identity or other personal characteristic protected by law. A conduct is unwelcome if the employee did not solicit, instigate or provoke it, and the employee regarded the conduct as undesirable or offensive. Unwelcome jokes – verbal or written – graphic material, rude comments or gestures and many other actions can all constitute evidence of workplace harassment.

In asking what constitutes harassment, it is often just as important to know what does NOT constitute harassment. Some individuals think that anything they find offensive or that annoys them is harassment, but not everything that makes us uncomfortable is legal harassment. While the subjective

perceptions of an individual are important, there is also an objective standard of offensiveness that must be met for an action to cross the line and become harassment. See, *Hemphill v. City of Wilmington*, ___ F.Supp.2d ___, 2011 WL 3585461 (Del. 2011), FN 14. The objective standard protects employers from “the ‘hypersensitive’ employee....”

Robbie Hyde, in a presentation to the Certified Municipal Officers Seminar on Harassment noted:

“The objective component is quite a difficult one to analyze, and courts address it on a case-by-case basis. See, e.g., *Mendoza v. Borden, Inc.*, 195 F.3d 1238, 1242 (11th Cir. 1999). Four factors to consider are (1) the frequency of the conduct, (2) the conduct’s severity, (3) whether the conduct is physically humiliating or threatening, or an offensive utterance, and (4) whether the conduct interferes with the plaintiff’s job performance. *Id.* at 1246 (citations omitted).”

For example, criticism of a supervisor, even if delivered in an embarrassing manner in public, is not generally harassment. *Moore v. Board of Review*, 2011 WL 589547 (N.J.Super.A.D. 2011). Phone calls to work overtime, even in the middle of the night, are not harassment. *Feldman v. Olin Corp.* Slip Copy, 2010 WL 5092384 (S.D.Ill. 2010). Nor is “a cold shoulder or ostracism by co-workers.” *Grady v. Cracker Barrel Old Country Store, No. 4*, 2007 WL 1959298 (M.D.Pa. 2007).

Behaviors based on mutual consent are not harassment. Actions such as a hug between friends, mutual flirtation and compliments on physical appearance between colleagues are not considered harassment.

Title VII (the federal provision that prohibits workplace harassment) is not designed to be a “general civility code.” *Faragher v. Boca Raton*, 524 U.S. 775 (1998). Essentially, the behavior must be sufficient to “transform the ordinary tribulations of the workplace into a legally cognizable hostile work environment claim.” See *Lester v. Natsios*, 290 F.Supp.2d 11 (D.D.C.2003).

That said, if we all behave in a civil, respectful manner toward each other, harassment simply does not become an issue. In other words, if we remember the need to show respect toward each other as human beings and fellow workers, we do not commit harassment.

At least one website has attempted to define what constitutes hostile harassment this way: “The EEOC has established the following factors to determine whether a hostile work environment has been created:

- Whether the conduct was unwelcome or unwanted;
- Whether the conduct was verbal or physical, or both;
- Whether the conduct was a one-time occurrence or was repeated (e.g., continuous period of harassment);

continued on page 24



The Legal Viewpoint

By Lori Lein
General Counsel



The Fair Campaign Practices Act: What Municipal Candidates Need to Know

Since the 2008 Municipal Elections, changes have been made to the The Fair Campaign Practices Act (FCPA). This article outlines the basic requirements of the FCPA as they relate to candidates for municipal office. It is written as a service to those candidates but is not a substitute for the Code of Alabama, 1975. It is provided as a guide and is not intended as an authoritative statement of the law as it relates to the FCPA. Candidates who have questions regarding the FCPA should seek further guidance from the Elections Division of the office of the Alabama Secretary of State.

The Fair Campaign Practices Act (FCPA), found in Sections 17-5-1 through 17-5-19 of the Code of Alabama 1975, sets out the rules for how and when candidates can raise and spend money when running for public office.¹ The FCPA also provides for specific reporting requirements for candidates who raise and spend money. For local elections, the FCPA requires all candidates who receive contributions or make expenditures of \$1,000 or more to report their financial activities.

Campaign Contributions

Section 17-5-7, Code of Alabama 1975, states that candidates may not accept, solicit or receive contributions more than 12 months before an election in which they intend to be a candidate². Following an election, candidates are allowed to solicit contributions for a period of 120 days after the election, but only to the extent of any campaign debt, the \$1000 threshold amount or both amounts combined. Candidates may use campaign contributions to help influence the outcome of an election as well as any expenses associated with challenging an election. This Section also outlines how excess campaign contributions may be used. For example, campaign contributions can be used to cover any necessary and ordinary expenditures of the campaign as well as any inaugural or transitional expenses.

Candidates are prohibited from accepting, soliciting or receiving campaign contributions as a bribe or for the intention of corruptly influencing the official actions of the public official or candidate for public office. Further, Section 36-25-6, Code of Alabama 1975, provides that candidates may not convert campaign funds to personal use.

Principal Campaign Committee

Within five days after a candidate either qualifies for municipal election³ or meets the \$1,000 threshold amount, he or she is required to file, with the probate judge of the county in which the office is sought, an “Appointment of Principal Campaign Committee” form.⁴ Failure to file this form could result in the candidate being denied a certificate of election. Section 17-5-18, Code of Alabama 1975. The form must show the names of from two to five persons the candidate has chosen to serve as his or her principal campaign committee, or the candidate may declare themselves as the person to serve as the principal campaign committee. In addition to the form appointing the committee, a candidate must file a written statement showing the acceptance or consent of the committee members of their appointment. If any vacancies occur on the committee, the candidate is to fill the vacancy or the remaining members may discharge and complete the duties required as if the vacancy had not occurred.

Every principal campaign committee must have a chairman and a treasurer. Candidates serving as their own principal campaign committee must perform the duties of the chairman and treasurer. The committee has exclusive custody of all funds contributed, donated, subscribed or in any manner furnished to or for the candidate represented by the committee. No candidate may spend any personal funds to help his election except by contributing those personal funds to the principal campaign committee he or she has designated. Section 17-5-4, Code of Alabama 1975.

The committee must maintain a checking account for all contributions it receives. All committee funds must be segregated from, and not commingled with, personal funds of officers, members or associates of the committee. The committee may not spend any money except by check drawn on the account or out of a petty cash fund from which it may make expenditures in connection with a single purchase or transaction of \$100 or less. Section 17-5-6, Code of Alabama 1975.

It is the duty of the committee treasurer to keep a detailed, exact account of all contributions and expenditures. Essentially, any gift, donation, advance or deposit of money or anything

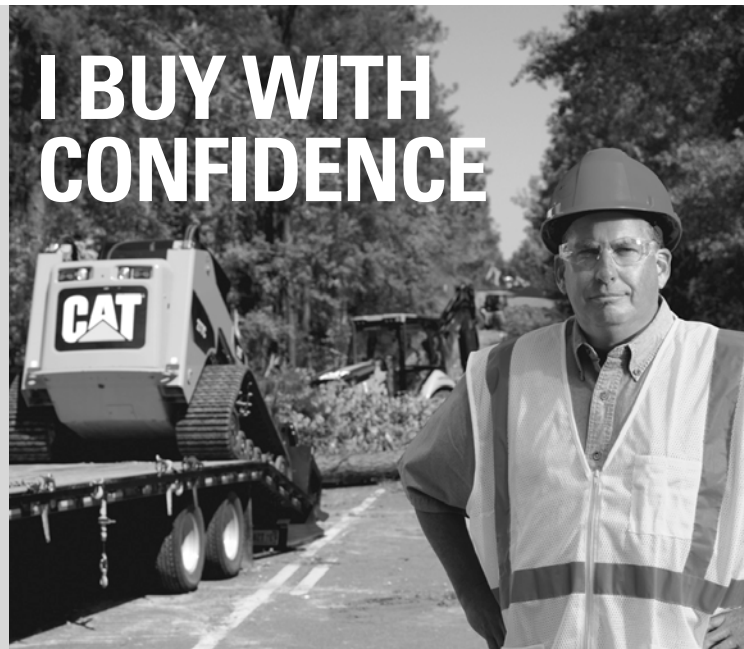
“We know we’re making the right call when we buy Cat® equipment.”

When the Public Works Department in Tuscaloosa County, Alabama, solicits bids for heavy equipment, purchase price is just one factor it considers, says Engineering Coordinator Michael Henderson. “If there’s a disaster in our area, we need to know our equipment, and our dealer will come through for us. We must know, beyond a shadow of a doubt, that the equipment is ready to work because response time is critical.”

Factoring in Life Cycle Costs when purchasing equipment is equally important to Mike. “It’s in the county’s best long-term interests to consider total costs. When we choose Cat® equipment, we can be confident we’re getting a quality machine, backed by a strong company and dealer. We also know that when it’s time to cycle it out, there will be value left in that equipment.”

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The National Institute of Governmental Purchasing (NIGP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.



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of value, or a contract to do any of these things, constitutes a contribution. Section 17-5-2, Code of Alabama 1975. A contribution would also include the payment of compensation by any person for the personal services or expenses incurred on behalf of a candidate or political committee without payment of full and adequate compensation by the candidate. Expenditures are defined as any purchase or transfer of anything of value, made to influence the result of the election, or any contract for this purpose. Certain actions, however, are specifically exempted from the definitions of contributions and expenditures in the FCPA. These are listed in full in Section 17-5-2, Code of Alabama 1975.

The committee must report the identity of each person who has made a contribution in an aggregate amount greater than \$100, along with the date and amount of the contribution. The committee must also report the identity of every person to whom an expenditure in an aggregate amount greater than \$100 is made, along with the date and amount of the expenditure and the name of each candidate on whose behalf the expenditure was made. In addition, the treasurer must obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of the committee greater than \$100, and of expenditures of a lesser amount, if the aggregate amount paid to the same person during the calendar year is greater than \$100. The treasurer must preserve all receipted bills and accounts for a period of two years from the date of the expenditure. Items costing more than \$100.00 charged to a credit card must be itemized individually. AGO 1995-00132.

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If a candidate pays for campaign expenses using that candidate's personal funds, the candidate's principal campaign committee may reimburse the candidate, but the committee and the candidate must itemize the recipients for each of the expenditures made by that candidate to accurately reflect to whom the expenditures were made. This opinion applies prospectively only. AGO 2007-006.

The importance of good record keeping cannot be overstated. It is vital for candidates to maintain some type of internal records on contributions of \$100 or less, since an additional donation from the same contributor could bring the total to more than \$100 and result in the need to itemize that contributor's contributions. The same is true for expenditures of \$100 or less.

Filing Deadlines

For any year in which an election is held, the FCPA requires the treasurer of a principal campaign committee in a municipal election to file with the probate judge reports of contributions and expenditures once a campaign has received contributions or made expenditures of \$1,000 or more. Section 17-5-8, of the Code of Alabama provides that once this occurs, the treasurer of the committee must file a report with the probate judge on the last day of each month during the 12 months leading up to the election with the exception of the month preceding the election. In the month preceding the election, the treasurer of the committee must file a report with the probate judge every Friday leading up to election day. Candidates for municipal office should file financial disclosure forms in all counties in which the municipality lies, unless the candidate is running for election in a district totally contained in one county. AGO 1996-00306.

While every candidate must appoint a principal campaign committee, candidates who have not reached their monetary threshold are exempt from filing the monthly, weekly and daily reports until the monetary threshold has been reached. AGO 90-00343. Otherwise, these pre-election reports are due prior to the election. Section 17-5-8, Code of Alabama 1975. Daily reports only apply to candidates for legislative, state school board, and statewide primary offices. Daily reports do not apply to candidates for municipal office. Section 17-5-8(a)(3), Code of Alabama 1975. Though not required to file, candidates who have not reached their monetary threshold reporting requirement may still choose to file the optional "Waiver of Report" form if they have concerns about the appearance of non-compliance. AGO 2012-0030.

According to the FCPA, forms that are hand-delivered or sent by regular United States mail, must be received on the due date for filing.⁵ In order for disclosure reports sent by certified or registered United States mail to be deemed timely filed, they must be postmarked no later than two days prior to the due date for filing. Beginning in the 2012 Election cycle, candidates receiving \$10,000 or less per election cycle may file his or her FCPA reports by facsimile transmission. AGO 2012-0028.

It is the duty of the Secretary of State or the probate judge to furnish all forms necessary for compliance with the FCPA. Section 17-5-11 of the Code of Alabama 1975. The probate judge must receive all reports required to be filed, along with

any extra information that is voluntarily supplied, and preserve a copy of each report for public inspection and copying. However, no information copied from the reports can be used by any political party or committee to solicit funds or for commercial purposes without the express written permission of the candidate or committee furnishing the information.

In addition to the filings required during the year leading up an election, the FCPA requires that all elected officials file an annual report with the Judge of Probate, even if they had no contributions or expenditures and even if they have dissolved their principal campaign committee. Candidates who are not elected should dissolve their principal campaign committees by filing a form with the probate judge because the FCPA requires all candidates who fail to dissolve their campaign committees to file an annual report listing all contributions or expenditures with the probate judge. This annual report is due January 31st of each year.

Failure to File

Again, it is important to note that no certificate of election shall issue to any person who fails to file any statement or report required by the FCPA. While a municipal election cannot be annulled for a failure to file, Section 17-5-18, Code of Alabama 1975, provides for the revocation of the certificate of election of any candidate who fails to file a statement or report required by the FCPA. Further, a person who violates a reporting requirement is guilty of a Class B misdemeanor and may be fined up to \$1,000 or an amount not more than double the amount or value of contributions or expenditures not reported, whichever is greater, and imprisoned up to six months. A person who intentionally violates Section 17-5-7, Code of Alabama 1975, is guilty of a Class B felony. 17-17-35, Code of Alabama 1975.

Campaign Materials & Activities

It is important for candidates to know that the FCPA contains other provisions in addition to those dealing with campaign finance reporting. For example, all political advertisements or electioneering communications must be clearly marked with a statement identifying the entity who paid for or authorized the advertisement. Section 17-5-12, Code of Alabama 1975. Section 17-5-13, Code of Alabama 1975 provides that it is unlawful for any person or committee to distribute, broadcast or publish any campaign literature, political advertisement, or electioneering communications, including cards, pamphlets, circulars, posters or other printed material related to or concerning the election, without this notice. In *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334 (1995), the U. S. Supreme Court held that a similar provision in Ohio law violated the First Amendment to the U.S. Constitution. The Alabama Attorney General has ruled that the Court decision only applies to individuals in non-candidate elections. Persons placing an ad for the purpose of electing an individual to office in Alabama must continue to comply with this provision of the FCPA. AGO 1995-00218.

Further, it is unlawful for someone to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect a contribution made by one

person in the name of another person, or to knowingly accept a contribution made in the name of another person. Section 17-5-15, Code of Alabama 1975. It is illegal for any person to misrepresent himself or herself, or any other person or organization with which he or she is affiliated, as acting for or on behalf of any candidate, committee or political party, or agent or employee thereof, in a manner which is damaging or is intended to be damaging to such other candidate, committee or political party. Section 17-5-16, Code of Alabama 1975. And finally, it is illegal for any person or committee, or any agent of a person or committee, to solicit or secure anything of value by physical force, job discrimination or financial reprisals, or by threats or by the imposition of dues, fees or other money required as a condition of employment. Section 17-5-17, Code of Alabama 1975.

In addition to the provisions of the FCPA, there are other election laws for candidates to keep in mind. It is illegal for any person to obstruct, intimidate, threaten or coerce any other person in order to interfere with that person's right to vote, or to cause that person to vote for, or not vote for, any candidate or other proposition. Section 17-17-33, Code of Alabama 1975. It is also illegal to pay, offer to pay, or accept payment, either to vote or withhold a vote, or to vote for or against a candidate or proposition. Section 17-17-34, Code of Alabama 1975. A person who violates these provisions is guilty of a Class A misdemeanor and may be fined up to \$2,000 and sentenced to up to one year. 17-17-35, Code of Alabama 1975. ■

For More Information

For more information on the Fair Campaign Practices Act and other state law requirements for candidates, please review the "Candidate Filing Guide" (11th ed.) which is available from the Elections Division of the Alabama Secretary of State. A copy of this publication can be found at:

www.sos.alabama.gov/downloads/election/2012/2012CandidateFilingGuide.pdf

For more information on municipal elections in general, please review the publication "Procedures for Holding Elections in Mayor-Council Municipalities" (2012 ed.) prepared and published by the Alabama League of Municipalities. This publication is only available electronically. A copy can be downloaded at: www.alalm.org/PDF%20pages/Legal/2012ElectionsManualONLINE.pdf

(Endnotes)

1. Some municipalities have their own campaign finance laws.
2. For those municipalities holding elections on August 28, 2012, candidates can begin raising and spending money as of August 28, 2011.
3. Qualification for the 2012 Municipal Elections begins on July 3, 2012 and ends on July 17, 2012.
4. Every candidate must also file a "Statement of Economic Interests" as required by the Alabama Ethics Law. Section 36-25-15, Code of Alabama 1975. This statement is filed with the city clerk at the time the candidate qualifies for office.
5. Currently there is no provision for electronic filing of required reports under the FCPA.



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Making Sense of Cloud Computing in the Public Sector

by
Eva Olsaker

Every other article or news clip about government technology seems to mention “the cloud.” A jurisdiction is migrating to the cloud for e-mail, or another organization is using the cloud for data backup service. The trend continues to gain momentum because of the variety of services the cloud can offer, often at a significant savings. And the promise of lower costs provides a major incentive in the current economy, despite lingering concerns about security.

Cloud computing is “a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction,” according to the National Institute of Standards and Technology website (at <http://csrc.nist.gov>). Wikipedia explains: “Cloud computing provides computation, software, data access, and storage services that do not require end-user knowledge of the physical location and configuration of the system that delivers the services. Parallels to this concept can be drawn with the electricity grid, wherein end-users consume power without needing to understand the component devices or infrastructure required to provide the service.” Cloud computing providers deliver applications or services via the Internet, and the actual data is stored in the cloud (web servers), usually in one or more remote

locations. The primary cloud computing service models are software as a service (SaaS), platform as a service (PaaS), and infrastructure as a service (IaaS).

UNDERSTANDING THE SERVICE MODELS

Software as a Service. SaaS makes software accessible through the Internet; clients access applications using the web browser on their computers. The customer doesn’t manage or control the cloud

applications network – services, operating systems, storage, security, or functionality – although some applications allow for minimal configurations. SaaS is sometimes referred to as on-demand software.

Platform as a Service. PaaS allows customers to use hardware, operating systems, storage, and

network capacity as a service over the Internet. This model allows the customer to rent or lease virtualized servers and services to run applications, but without the costs of purchasing and maintaining the underlying hardware and software.

Infrastructure as a Service. IaaS cloud services deliver computer infrastructure and allow organizations to outsource the equipment (i.e., storage, hardware, servers) needed for the organization’s technical operations. Rather than purchasing servers, software, data-center space, and network equipment, clients instead buy those resources as a fully outsourced service. IaaS is sometimes referred to as hardware as a service.

At this point, email and office productivity applications, data storage and disaster recovery services are typical of the way public-sector organizations are using cloud services.

EDGING TOWARD THE CLOUD

At this point, e-mail and office productivity applications (i.e., document, spreadsheet, calendar, and instant messaging tools), data storage, and disaster recovery services are typical of the way public-sector organizations are using cloud services. E-mail, instant messaging, and scheduling, for instance, are fairly straightforward and don't require specialized applications. Most office productivity software is compatible across organizations and industries.

Cloud computing offers a number of benefits. For instance, in an effort to save money and maintain security, the City of Pittsburgh, Pennsylvania, which was having difficulty attracting skilled e-mail administrators

at salaries it could afford, recently announced that it will migrate to a cloud service. In addition to reduced personnel costs (IT employees can instead be moved to other value-added duties), there is also the potential for significantly lower license fees and reduced hardware costs. Cloud services are flexible and easy to maintain, since the software is kept up to date by the vendor, so there's no need to fix bugs and install patches. It's also easier to upgrade and obtain new systems. And accessibility is improved, since the software is available anywhere (and any time) employees have access to the Internet.

Storage and recovery of data are major issues for all organizations, and cloud online storage capabilities are often greater than what a government organization can provide. For example, the City of Pittsburgh limited users to between 50 and 100 megabytes of e-mail storage before it migrated to the cloud, but the cloud service will provide each user with 25 gigabytes of storage. In addition, disaster recovery services are often part of the cloud computing provider's services. Despite the obvious benefits of cloud computing, many jurisdictions remain concerned about privacy, security, and compliance issues. They want to know who has access to the data and who controls that access. Public-service organizations need for cloud

The CIO for the City of Orlando, Florida, said she has been impressed with the city's cloud provider and its level of resources and dedication to the confidentiality, integrity and availability of the city's data. Even though city officials don't know where the data is physically located, they are comfortable because it is secure – encrypted and housed in bits and pieces across the provider's data centers and storage units.

Case Study: City of Orlando, Florida

The City of Orlando had several reasons for migrating to the cloud. Two e-mail administrators left, taking their knowledge of the system with them. The city also faced storage limitations that affected e-mail capacity. As a result, Orlando officials were looking for a system that could be put into operation easily and could accommodate growth. They chose a popular cloud application for e-mail, calendar, contacts, spam e-mail filtering, and e-mail security, archiving, and discovery.

Turning to a cloud service meant that the city didn't have to purchase new server hardware and an operating system or renew its previous e-mail support, saving approximately 60 percent of what those costs would have been. Orlando pays the cloud service for usage, per account, avoiding charges for software licenses that aren't being used.

City officials felt that e-mail was an appropriate function for cloud services, and they suggest that other jurisdictions that are thinking of doing the same thing understand their environment, define their requirements, plan well, and work with strong providers. Orlando's experience has been so positive that it also plans to move its council agenda to a cloud product.

Case Study: City of Plano, Texas

The City of Plano initially considered a cloud product because it had reached a decision point in upgrading its existing server environment. After looking at the cloud service offered by the city's previous provider, city officials realized that a hosted service would provide a substantial cost savings over keeping the server onsite. The city started out by migrating e-mail services to the cloud, and it will consider moving its collaboration software in the near future.

The user community has had mixed reactions to the change. Many users were pleased that they could use handheld devices other than Blackberries, including personal devices, to get their e-mail. There were some issues – some employees were upset that functions within their desktop environment such as auto-populating email addresses temporarily disappeared, but they got over that issue quickly. There have also been several instances when e-mail has been delayed by several hours, although not all users were affected by these outages. Once employees started using the cloud services from multiple locations, it became easier for them to understand why Plano had migrated to the cloud. It was also important to keep the communication open to all levels; the city council, city manager, and other directors needed to understand what the goals of the migration were and what the expected outcome was.

Plano has a three-year commitment to its cloud server, and it will continue using the service because of the cost savings. Over the course of the initial three-year contract, the city will save an estimated \$900,000. Storage requirements have been decreasing, and the city will not renew some of its security software. Labor costs have increased slightly, however, as not all users have been migrated to the cloud.

All the city's software costs are covered under its contract with the cloud service provider. The only additional cost was increased bandwidth during the migration of users. There is also a monthly fee per mailbox that allows for 25 gigabytes of storage per user.

City officials now plan to consider other cloud features such as collaboration and communications software.

providers to support regulatory, regional, and internal policy regulations. The organizations also have to verify whether using the service will affect their compliance with, for instance, PCI security standards and the Health Insurance Portability and Accountability Act. And since data is not physically housed at the organization – indeed, many times, the physical location of the data center is unknown – jurisdictions want to know the processes and guarantees for recovering data. Since

Despite the obvious benefits of cloud computing, many jurisdictions remain concerned about privacy, security and compliance issues. They want to know who has access to the data and who controls that access.

the vendor has primary control over the software, and not the government, there are control issues that must be resolved. Most organizations that choose not to go with cloud computing cite risk management issues: “consistent and standardized frameworks, open standards, interfaces that address security controls, and easy-to-implement processes to provide assurances on levels of governance, risk, and compliance and security in cloud environments.”¹



EVALUATING THE RISKS

When considering cloud computing, an organization needs to thoroughly evaluate its risk potential during the research, evaluation, and contract negotiation stages of the project. Areas to consider include:

- Hardware and software costs, including recurring licenses and maintenance and support costs.
- The amount of bandwidth available.
- What resources the organization has to work with.
- How the applications will be integrated and monitored.
- How training will be handled.
- The implementation timeline.

Reducing costs is often the main reason organizations initially investigate cloud computing, but other features such as improved efficiencies, automation and mobility are being seen as significant benefits in their own right.

After the organization has decided to migrate to cloud computing, the following contract items need to be considered:

- Requirements need to be included as a part of the contract and warranty.
- Data backup and archiving should be accounted for.
- Know what happens when an active application, server, system, or network is abnormally terminated (usually without warning and not as a consequence of anything users have done). The provider should be able to quickly switch to a redundant or standby computer server, system, or network.
- Understand how the hierarchy of public and protected, or administrative, access to the service works. Find out how both the user and the provider know when there are issues.
- Determine what happens to the data when the contract and/or support ends – if it is erased, or how the provider returns it to the organization.
- Know how the data is protected.
- Work out guarantees over service levels.
- Identify performance levels and key performance indicators, and what happens if the vendor fails to meet those service levels. The jurisdiction needs to know what recourse it has if the levels are not met – will it receive a service credit? Obtain an early exit from the contract?

Cloud Computing Resources		
Organization	Purpose	On the Internet
National Institute of Standards and Technology (NIST)	The NIST was designated by Federal Chief Information Officer Vivek Kundra to develop standards and guidelines to ensure the adoption of secure cloud computing for the United States government.	http://www.nist.gov/it/cloud/ http://collaborate.nist.gov/twiki-cloud-computing/bin/view/CloudComputing/WebHome
Cloud Security Alliance (CSA)	The Cloud Security Alliance (CSA) is a not-for-profit organization led by a broad coalition of industry practitioners, corporations, associations and other key stakeholders. Its mission is to provide security principles and guidelines for cloud vendors and prospective cloud customers.	https://cloudsecurityalliance.org/research/projects/cloud-controls-matrix-ccm/
Federal Risk and Authorization Management Program (FedRAMP)	FedRAMP was established to provide a standard approach to assessing and authorizing cloud computing services and products.	www.info.apps.gov/content/federal-risk-and-authorization-management-program-fedramp

CONCLUSIONS

Cloud computing continues to gain momentum as governments look for ways to cut costs. But while reducing costs is often the main reason organizations initially investigate cloud computing, other features such as improved efficiencies, automation, and mobility are being seen as significant benefits on their own right. The issue of security still deters some jurisdictions, but many organizations that have migrated to the cloud are comfortable with the level of security provided, having addressed risk in contract language and negotiations. ■

Note

1 Torsten George, "Managing Risk and Compliance in the Cloud," Cloud Computing Journal, April 26, 2011 (<http://cloudcomputing.sys-con.com/node/1805301>).

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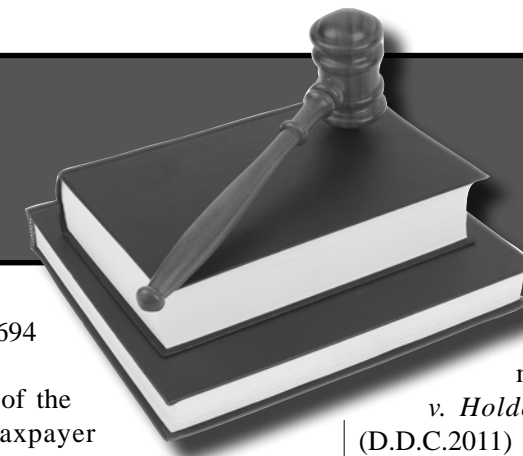
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NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. We caution 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

Ad Valorem Taxes: Failure to claim exemptions on taxpayer's returns did not preclude a refund for ad valorem taxes overpaid. *Dunn v. Sequa Corp.*, 74 So.3d 459 (Ala.Civ. App.2011)

Courts: The trial court has jurisdiction over a proceeding to enforce compliance with a restitution order, even though the defendant had completed his terms of imprisonment and probation. Restitution is viewed as being incident to criminal prosecution and is a part of the criminal sentence that serves both a compensatory function for the victim and a rehabilitative function for the defendant. Civil remedies to ensure that a victim receives his or her restitution are not exclusive. *Ex parte Stewart*, 74 So.3d 944 (Ala.2011)

Elections: Although the statute regarding the time for holding general and special elections in cities and towns did not require that Class 1 municipalities, such as the City of Birmingham, conduct their elections in accordance with the statute requiring municipal elections to be held on the fourth Tuesday in August and runoff elections on the sixth Tuesday following a regular election, it did not prohibit Class 1 municipalities from choosing, if so authorized, to schedule elections in accordance with the dates set forth in the statute. *Bandy v. City of Birmingham*, 73 So.3d 1233 (Ala.2011).

Searches and Seizures: While non-exclusive possession may raise a suspicion that all the occupants had knowledge of the contraband found, a mere suspicion is not enough to establish constructive possession. A defendant's mere presence in an automobile in which an illegal substance is found will not support his conviction for possession of that substance unless the prosecution introduces other evidence in support of the defendant's possession. *Black v. State*, 74 So.3d 1054 (Ala. Crim.App.2011)

Tort Liability: Statutes which capped damage awards against cities, towns, and governmental entities at \$100,000 did not apply to a personal injury action which was brought against a police officer in his individual and personal capacity. Municipal peace officers are deemed to be officers of the State for purposes of the statute that affords them immunity when sued in their individual capacity. Whether they have such immunity depends upon the degree to which the action involves a State interest. *Suttles v. Roy*, 75 So.3d 90 (Ala.2010)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Courts: The Due Process Clause does not require a preliminary judicial inquiry into the reliability of an eyewitness identification that was not procured under unnecessarily suggestive circumstances arranged by law enforcement. *Perry v. New Hampshire*, 132 S.Ct. 716 (U.S.2012)

Employees: A government agent violates the Equal Protection Clause's prohibition of sex-based discrimination when he or she fires a transgender or transsexual employee because of his or her gender non-conformity. *Glenn v. Brumby*, --- F.3d ---, 2011 WL 6029978 (11th Cir.2011)

Freedom of Religion: When a government imposes an unwanted minister, it infringes the Free Exercise Clause. A government determination as to which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions. *Hosanna-Tabor Evangelical Lutheran Church and*

School v. E.E.O.C., 132 S.Ct. 694 (U.S.2012)

Immigration: Section 30 of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act, which, when combined with Section 40-12-255, Code of Alabama 1975 essentially prohibits individuals who cannot prove their citizenship status from staying in their manufactured homes. The plaintiffs are substantially likely to prevail on their claim that, applied to Section 40-12-255, Section § 30 of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act is preempted both as a regulation of immigration and because it conflicts with federal law. The plaintiffs are also substantially likely to prevail on their claims under the Fair Housing Act. *Central Alabama Fair Housing Center v. Magee*, 2011 WL 6182334 (M.D.Ala.2011)

Immigration: The test used by the government to determine if an alien convicted of a crime prior to 1996 is eligible for discretionary relief from removal is deeply flawed and bears no relationship to the alien's fitness to reside in the country. *Judulang v. Holder*, 132 S.Ct. 476 (U.S.2011)

Searches and Seizures: The government's installation of a Global-Positioning-System (GPS) tracking device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a "search," within the meaning of the Fourth Amendment. The Fourth Amendment's guarantee against unreasonable searches must provide at a minimum the degree of protection it afforded when it was adopted. *U.S. v. Jones*, --- S.Ct. ---, 2012 WL 171117 (U.S.2012)

Sex Offenders: The Sex Offender Registration and Notification Act reflects Congress' awareness that pre-Act registration law consisted of a patchwork of federal and 50 individual state registration systems, and the Act seeks to make those systems more uniform and effective. The Sex Offender Registration and Notification Act registration requirements do not apply to sex offenders convicted before the Act became law until the United States Attorney General so specifies. *Reynolds v. U.S.*, --- S.Ct. ---, 2012 WL 171120 (U.S.2012)

Voting Rights Act: Congress identified a history and pattern of unconstitutional, state-sponsored voting discrimination that justified the 2006 amendments to Voting Rights Act preclearance standard, and they were congruent and proportional response to identified violations. Congress may legislatively overrule decision of the Supreme Court if Congress believes the decision to be in error and furthermore, Congress may even, within broad constitutional bounds, make such change retroactive and thereby undo what it perceives

to be undesirable past consequences of misinterpretation of its work product. *LaRoque v. Holder*, --- F.Supp.2d ---, 2011 WL 6413850 (D.D.C.2011)

DECISIONS FROM OTHER JURISDICTIONS

Employees: A municipality's residency requirement for firefighter positions caused a disparate impact by excluding well-qualified African-Americans who would otherwise be eligible, and the disparate impact was not justified by any business necessity, as required by Title VII. *N.A.A.C.P. v. North Hudson Regional Fire & Rescue*, --- F.3d ---, 2011 WL 6144188 (3rd Cir.2011)

First Amendment: The First Amendment protects a public employee's right, in certain circumstances, to speak as a citizen addressing matters of public concern. To establish that his speech was constitutionally protected, a public employee must show that he was speaking as a private citizen, rather than pursuant to his official duties, that his speech involved a matter of public concern and, if so, that his interest as a citizen in commenting on the matter outweighed the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees. *Westmoreland v. Sutherland*, 662 F.3d 714 (6th Cir.2011)

Freedom of Religion: A voter approved amendment to the Oklahoma Constitution that forbids state courts from considering Sharia law when making judicial decisions likely violates First Amendment protection of religious freedom. For a government interest to be sufficiently compelling to justify a law that discriminates among religions, so as to survive a First Amendment Establishment Clause challenge, the interest must address an identified problem that the discrimination seeks to remedy. *Awad v. Ziriax*, --- F.3d ---, 2012 WL 50636 (10th Cir.2012)

Searches and Seizures: A cell phone was within the scope of a search warrant authorizing seizure of records of drug sales and trafficking, correspondence, address books, and telephone directories, since a cell phone may be used as a mode of both spoken and written communication and contained text message and call logs, which could serve as the equivalent of records and documentation of sales or other drug activities. *U.S. v. Aguirre*, --- F.3d ---, 2011 WL 6156897 (5th Cir.2011)

ATTORNEY GENERAL'S OPINIONS

Courts: A court in a criminal case may issue a warrant for the arrest of the defendant for the failure to appear at a hearing

continued on page 21

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to show cause for the failure to pay a fine after notice of the hearing has been mailed to the defendant's last known address. Subject to the limitations of Rule 26.11 of the Alabama Rules of Criminal Procedure, the court may place a non-indigent defendant in jail for failure to pay a fine after the defendant has completed his or her sentence or probation for the underlying offense. The defendant may serve time until the fine is paid or no longer than one day for each \$15 of the fine, no longer than the maximum term of imprisonment for the offense, and no longer than one year if the offense is a felony. AGO 2012-027

Fair Campaign Practices Act: In the 2012 election cycle, Act 2011-687 provides that principal campaign committees and political action committees that receive \$10,000 or less per election cycle and principal campaign committees and political action committees that are required to file daily reports under the Fair Campaign Practices Act ("FCPA") may file FCPA reports by facsimile transmission. Beginning with the 2014 election cycle, the Act provides that only principal campaign committees and political action committees that are exempt from filing electronic FCPA reports may file FCPA reports by facsimile transmission. AGO 2012-028

Fair Campaign Practices Act: A candidate is not required to file pre-election financial disclosure reports until he or she has reached the threshold amount for campaign contributions or expenditures with a view toward influencing the outcome of an election. A candidate who has not reached the threshold amount may, however, file a waiver report. 2012-030

Jails: There is no statutory authority for the sheriff to transport prisoners charged with crimes in other states to and from those states. AGO 2012-026

Litigation: A County Commission may, in its discretion, pay the legal costs of defending county commissioners and employees during a pending investigation and in litigation if the county commission determines that a proper corporate interest is involved and the actions do not involve a willful or wanton personal tort or a criminal offense. AGO 2012-029

Public Works Bid Law: In certain situations a municipality may enter into a change order that allows the municipality to use the remaining surplus funds from a grant/local match to purchase additional materials for a public works project, to be installed by employees of the municipality. AGO 2012-025

Streets: A municipality has the inherent power to impose reasonable regulations to control traffic and the use of its streets. Based upon this power, a municipality may develop and open a street to pedestrian traffic only. AGO 2012-024 ■

FAQ

Is there authority for a municipality to pass an ordinance to impound vehicles when a driver has no license?

If you have an ordinance that has adopted the state code by reference, then impoundment is authorized for violations of Section 32-6-19, Code of Alabama 1975 and no further ordinance is necessary. This statute covers drivers with a license revoked for any reason or a license suspended for DUI related reasons. Section 32-6-19 provides that: "The law enforcement officer making the impoundment shall direct an approved towing service to tow the vehicle to the garage of the towing service, storage lot, or other place of safety and maintain custody and control of the vehicle until the registered owner or authorized agent of the registered owner claims the vehicle by paying all reasonable and customary towing and storage fees for the services of the towing company. The vehicle shall then be released to the registered owner or an agent of the owner."

Section 32-5A-139, Code of Alabama, sets out additional authority for a law enforcement officer to tow a vehicle from a public highway when it is obstructing the flow of traffic. Based on what is called the community caretaking function, "The authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge." Cannon v. State, 601 So.2d 1112 (Ala.Crim. App.1992), certiorari denied. Under the Safe Streets Act, Section 32-5A-205, Code of Alabama 1975, authorized enactment of ordinances to provide for administrative sanctions involving impoundment of vehicles used in the commission of the offense of driving with a suspended or revoked license or without a license. However, the Safe Streets Act (Act 95-580) was repealed by Act 98-470, § 2, effective May 1, 1998. Therefore it would appear that any such ordinances passed under this authority would no longer be valid. ■

**Do you have a legal question?
It may have already been answered.**

**We have archived the FAQ's from
The Alabama Municipal Journal by
issue date and subject.**

www.alalm.org/FAQsFromALMJJournal.html



**CMO Session 36
Elections Overview and
Risk Management / Municipal Liability**

Session Locations:

**Loxley Civic Center • March 22nd
Faulkner University in Montgomery • March 23rd
Embassy Suites in Huntsville • March 29th
Wynfrey Hotel in Birmingham • March 30th**

Municipal elections will be held in most Alabama municipalities this August. To help prepare municipal officials for these elections, the Alabama League of Municipalities has scheduled four regional Certified Municipal Official training sessions to answer your questions about running for office and conducting these elections. This training will help you better understand the many issues the election process raises for you and your municipality. These sessions will also cover how risk management principles can help you avoid being sued and what you can expect if you do find yourself in court. In today's litigious environment, you cannot know too much about your liability and how to defend yourself from lawsuits.

Register online at www.alalm.org/CMOUpcomingTraining.html

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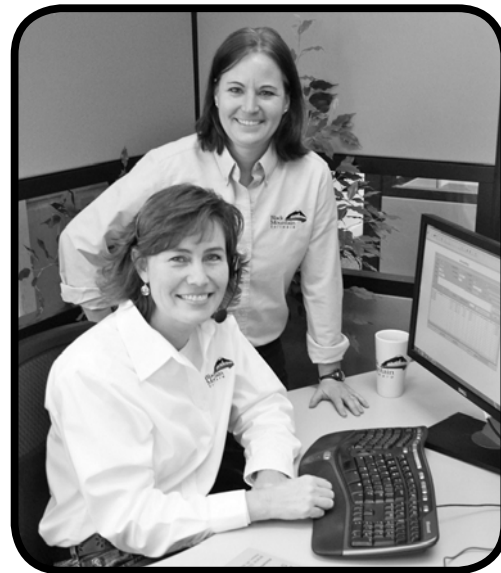
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February 21, 2012 • Montgomery, AL



Municipal Overview

continued from page 8

- Whether the conduct was hostile and offensive;
- Whether others joined in perpetrating the harassment; and
- Whether the harassment was directed at more than one individual.”

Harassment and discrimination create unhealthy and unproductive work environments. It can also result in lawsuits and embarrassment, even if the action complained about is ultimately not determined to violate legal standards of harassment. While it can be difficult to determine in advance whether an action may be perceived as harassment, the bottom line always seems to come back to what Aretha Franklin sang about – *respect*. Respect means being sensitive to how our behavior affects others and willing to change our behavior if it could be deemed offensive.

However, it is just as important to realize that a person may not have to communicate that they find certain actions or comments offensive. It is possible to harass someone without realizing it. Therefore, individuals must learn to behave in a professional manner in the workplace. Before acting, consider the following information from the Strategic HR Services, Inc. website: **“How can an employee make sure that his or her conduct is appropriate at all times?”**

- Avoid behavior that demeans, degrades, abuses or shows disrespect to any individual.
- Recognize that the same remarks or gestures that seem acceptable to some people may be embarrassing or offensive to or unwanted by others.

- Consider how you would react if the same behavior were directed toward your spouse or family member.
- Ask yourself whether you would act the same way in front of your spouse, significant other, or child.
- Ask yourself how you would feel if your behavior were captured on video, reported in a newspaper, or featured on the nightly news. (Strategic HR Services, Inc., www.strategichr.com).

Conclusion

The League’s Executive Committee should be commended for recognizing that League employees are still in the workplace even if they aren’t in the office, and for taking a proactive step toward protecting them. They have given us a policy, a tool, that can be used to enforce this, and made it clear that harassment will not be tolerated. League employees and those who attend League functions deserve an environment in which they are treated at all times with dignity and respect.

But perhaps more importantly, the adoption of this policy raises awareness of the issue, and reminds each of us that when we attend a League event – whether it is the League convention, a Certified Municipal Official program, a meeting of the National League of Cities or any other function – we represent our employers or the citizens who elected us. Our behavior should be consistent with that fact.

As someone once told me, always act like your mother is going to read about what you’re doing in the paper tomorrow. How would she feel? ■

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This is our second loan with AMFund and we continue to be impressed with the ease and quickness in which we have been able to secure funding of our water infrastructure projects. – Mike Parker, Mayor of Town Creek.
Pictured are: Greg Cochran, AMFund President; Chris Welborn, Clerk; and Mike Parker, Mayor

AMFund is administered by the Alabama League of Municipalities.

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