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 Jefferson County, Alabama
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 Judge of Probate- Alan L. King

ORDINANCE NUMBER 1049

AN ORDINANCE OF THE CITY OF TARRANT, ALABAMA PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF TARRANT BE AMENDED BY ALTERING, REVISING AND AMENDING ARTICLE II. COUNCIL MEETINGS SECTIONS 2-20 THROUGH 2-49 UNDER CHAPTER 2 ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA, while in regular session on Monday, November 5, 2012 as follows:

Section 1. That Ordinance No. 666 be altered, revised and amended so as to cause Chapter 2 Administration, Article II – Council Meetings, Sections 2 – 20 through 2 – 49 to read as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE II. COUNCIL MEETINGS

Section 2-20. - Applicability of rules.

The rules or order of procedure herein contained shall govern the deliberations and meetings of the city council of the City of Tarrant, Alabama.

Section 2-21. – Altering, amendment, or suspension of rules.

The rules of the council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present.

Section 2-22. - Days, time, and place of regular meetings.

- a) Regular meetings of the City Council of the City of Tarrant, Alabama shall be held on the first and third Mondays of each month, commencing at seven o'clock (7:00) p.m. in the Council Chambers at City Hall or at such other place and time as the council may designate with appropriate notice. All meetings, regular and special, shall be open to the public, except when the council meets in executive session as authorized by state law.
- b) The council shall meet for informal work sessions (pre-council meetings) on the first and third Mondays of each month. The meetings shall commence at 6:00 p.m. in the city council conference room at City Hall or any other place and time designated and agreed to from time to time by the council.

c) In the event it becomes necessary to change the date, time or place of any scheduled council meeting or work session, notice of said change(s) shall be posted on a bulletin board accessible to the public, at Tarrant City Hall, Tarrant Parks and Recreation Center and the Tarrant Library, at least seven (7) days prior to the meeting.

Section 2-23. - Special meetings.

Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than twenty-four (24) hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, of the Alabama Code, 1975, as amended, whenever two (2) councilmembers request in writing that the presiding officer call such a meeting. Upon the failure or refusal of the presiding officer to call such meeting when requested, the two (2) councilmembers making the request shall have the right to call such meeting. All written notice and waivers shall state the specific purpose or purposes for such special meetings. Notice of all special meetings shall be posted on a bulletin board accessible to the public, at Tarrant City Hall, Tarrant Parks and Recreation Center and the Tarrant Library, at least 24 hours prior to the meeting. Only those items of business for which the special meeting is convened shall be voted upon at said special meeting.

Section 2-24. - Executive Session.

The council may meet in executive session only for those purposes authorized by state law. When a councilmember makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the majority of the council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

Section 2-25. - Quorum.

A quorum shall be determined as provided by Title 11-43-48 of the Code of Alabama of 1975, Section 11-43-48, amended. In cities of less than 12,000 populations, a majority of the whole number of members to which such corporation is entitled, including the mayor, shall constitute a quorum. The number of members required to make a quorum does not

change when the council has vacancies. Councilmembers who are present at council meetings that have a conflict of interest on a particular issue can be counted for purposes of making a quorum even though they cannot vote on a particular issue.

Section 2-26. - Council attendance.

(a) Pursuant to the provisions of Section 11-43-51, Code of Alabama, 1975, the council may compel the attendance of absent council members in such manner and under such penalties as it may prescribe. All council members are expected to attend all meetings of the city council unless some emergency or other compelling reason necessitates their absence. Prior to being absent from a council meeting, notice is required to be given the city clerk of the contemplated absence together with the compelling reason for such absence. Such notice should be received by the city clerk no later than noon on the day of the regularly scheduled city council meeting.

(b) Act No. 2010-611 of the Alabama Legislature provides that any mayor, city council member, or city commission member whose presence counts toward a quorum who misses all regular and special called council or commission meetings for 90 consecutive days beginning on the date of first absence, shall be removed from office by operation of law. To effectuate this Act, the city clerk must make a record of all officials present or absent at a council or commission meeting, regardless of whether a quorum is present.

At the next meeting after removal under this Act, the council or commission could vote to reinstate the official by majority vote. If the official is not reinstated, the council or commission must fill the vacancy as provided by law.

The Act would not apply to any official whose absence from any meeting is a result of military service.

Section 2-27. - Attendance by officers and employees.

All officers, employees and representatives of the City of Tarrant, Alabama, shall when requested attend all meetings of the council and shall remain in the council room for such length of time as the council or Mayor may direct.

Section 2-28. – Fining of officers for failure to attend.

Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

SECTION 2-29. - Preparation of agenda.

Any person, firm, partnership, corporation, association or other entity with business or applications to present to the council at a regular meeting must first make application with the city clerk by noon on the Wednesday preceding the council meeting on the following Monday. The purpose of such applications is to provide the public and members of the council with advance notice of the presentation and to afford them the opportunity to study and investigate the matter prior to the meeting. General comments from the public are invited at the end of each meeting.

The council may waive the requirement of such applications in cases of emergency or when the public interest may require it; provided, however, that such waiver shall be approved by a majority vote of those council members present at the meeting.

All reports, communications, ordinances, resolutions contract documents or other matters to be submitted to the council shall be delivered to the city clerk before 12:00 p.m. on Wednesday preceding the regularly scheduled council meeting.

The city clerk shall immediately prepare a list of such matters according to the order of business and furnish each member of the council, the mayor and the city attorney with a copy of such lists, together with copies of matters to be presented to the extent that such copies are available on the Friday preceding the regular meeting, and as far in advance of any special or called meeting as time for preparation will permit.

Section 2-30. - Order of Business.

The order of business shall be as follows:

- I) A call to order
 - a) Invocation
 - b) Pledge of Allegiance
- II) Roll call
- III) Approval of minutes
- IV) Communications from the Mayor
- V) Requested reports of committees
- VI) Unfinished business
- VII) New business
- VIII) Presentation of petitions and other communications to the council
- IX) Payment of payroll and expense vouchers
- X) Adjournment.

Section 2-31. - Temporary Chairman.

The presiding officer of the council may, at his or her discretion, call any member to take the chair, to allow him or her to address the council, make a motion, or to discuss any other matter of issue.

Section 2-32. - Questions of order.

All questions of order shall be decided by the presiding officer of the council with the right to appeal to the council by any members.

Section 2-33. - Motion to reconsider.

Motions to reconsider must be made by a member of the council who voted with the majority, and at the same or next succeeding meeting of the council.

Section 2-34. - Motion priority of question.

Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant date, and the largest sum shall be first put.

Section 2-35. - Recording vote; calling for a division.

A roll call vote shall be taken for each vote taken by the council and the vote (“yeas” and “nays”) of each member shall be recorded; and any member may call for a division on any question.

Section 2-36. - Motion for adjournment.

A motion for adjournment shall always be in order.

Section 2-37. - Members Speaking.

No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 2-37. - Nonmembers speaking.

No person, not a member of the council, shall be allowed to address the same while in session without permission of the presiding officer.

Section 2-38. - Reporting by committee chairman.

The chairman of each respective committee, or the councilmember acting for and in place of such chairman, shall submit or make all reports to the council when so requested by the presiding officer or any member of the council.

Section 2-39. - Ordinances, resolutions, propositions – writing requirement form.

All ordinances, resolutions, and propositions being considered by the council shall be in writing and in proper and acceptable form of passage at the time of introduction.

Section 2-40. - Same – Lying over of permanent measures.

No ordinance or resolution intended to be of permanent operation shall be adopted at the same meeting at which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent shall be roll call and the vote thereon spread upon the minutes. No ordinances or resolutions intended to be of permanent operation shall become a law, unless on its final passage, a majority of the members elected to said council of the City of Tarrant, Alabama, shall vote in its favor.

Section 2-41. - Same – Lying over of money measures.

All ordinances, resolutions or propositions submitted to the council which require the expenditure of funds shall lie over until the next regular meeting; provided, that such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the city or for previously budgeted items.

Section 2-42. - Robert's Rules of Order.

The latest edition of "Robert's Rules of Order" is hereby adopted as the rules of procedure for the council of the City of Tarrant, Alabama in those situations which cannot be resolved by the rules set out in this ordinance.

SECTION 2 - EFFECTIVE DATE

This ordinance shall become effective on the 5th day of November, 2012 upon the passage and publication as required by law.

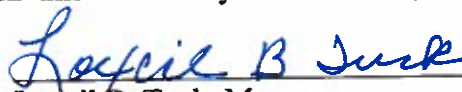
SECTION 3. SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipal council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

APPROVED and ADOPTED this the 5th day of November, 2012.



Loxcil B. Tuck, Mayor



Catherine "Cathy" Anderson, Councilmember



John T. "Tommy" Bryant, Councilmember



Laura D. Horton, Councilmember



Deborah "Debbie" M. Matthews, Councilmember



Betty S. Middlebrooks, Councilmember

ATTESTED BY:



Lillian A. Keith, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Lillian A. Keith, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Tarrant, Alabama, on the 5th day of November, 2012.

The above and foregoing ordinance was published on the 6th day of November, 2012, by posting copies thereof in three public places within the City of Tarrant, one of which was the post office or the Mayor's office in the City of Tarrant.

Witness my hand and seal of office this 6th day of November, 2012.


Lillian A. Keith, City Clerk