

*January 10, 2017
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Amanda
Wagner
clerk*

ORDINANCE NO. 16-240
Rules of Procedure For Council Meetings

BE IT ORDAINED BY THE COUNCIL OF COOSADA, ALABAMA, that the order of procedure in all instances for meetings of the council shall be as follows:

SECTION 1. That the rules of procedure herein contained shall govern deliberations and meetings of the council of Coosada, Alabama.

SECTION 2. Regular meetings of the council shall be held on the following date: the second Tuesday of each month.

SECTION 3. Special meetings may be held at the call of the presiding officer by serving notice on each member of the council not less than 24 hours before the time set for such special meeting; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members making the request shall have the right to call such meeting. Notice of all special Meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting. The presiding officer will attempt to contact the council members to determine a convenient date and time for the special meeting.

SECTION 4. A quorum shall be determined as provided by Section 11-43-48, Code of Alabama.

SECTION 5. All regular meetings shall convene at 6:00 o'clock p.m. at the Town Hall and all meetings, regular and special, shall be open to the public.

SECTION 6. The order of business shall be as follows:

1. A call to order
2. Invocation
3. Roll Call
4. Reading and approval of the minutes of the previous meeting
5. Reports of standing committees
6. Reports of special committees
7. Reports of officers
8. Reading of petitions, applications, complaints, appeals, etc.
9. Auditing accounts
10. Resolutions, ordinances, orders and other business
11. Public comments

SECTION 7. No member shall speak more than twice on the same subject without

permission of the presiding officer.

SECTION 8. 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 9. 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 10. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council. All resolutions and ordinances and any amendments thereto shall be in writing at the time of introduction.

SECTION 11. Motions to reconsider must be by a member who voted with a majority and at the same or next succeeding meeting of the council.

SECTION 12. Whenever it shall be required by one or more members, the "yeas" and "nays" shall be recorded and any member may call for a division on any question.

SECTION 13. All questions of order shall be decided by the presiding officer of the council with the right of appeal to the council by any member.

SECTION 14. The presiding officer of the council may, at his or her discretions, call any member to take the chair, to allow him or her to address the council, make a motion or discuss any other matter at issue.

SECTION 15. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendments, the most distant day, and the largest sum shall be first put.

SECTION 16. All meetings of the council shall be open to the public, xcept when the council meets in executive session as authorized by state law.

SECTION 17. 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 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 18. A motion for adjournment shall always be in order.

SECTION 19. The rules of the council may be amended in the same manner as any other ordinance of general and permanent operation.

SECTION 20. The rules of council may be temporarily suspended by a vote of two thirds of the members present.

SECTION 21. The chairman of each respective committee, or the councilmember acting for him or her, shall submit or make all reports to the council when requested by the presiding officer or any member of the council.

SECTION 22. All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next 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 town.

SECTION 23. The clerk, engineer, attorney and chief of police, and such other officers or employees of the Town of Coosada, shall, when requested, attend all meetings of the council and shall remain in the council room for such a length of time as the council may direct.

SECTION 24. No ordinance or resolution of permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent is obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread on the minutes.

SECTION 25. ROBERT'S RULE OF ORDER is hereby adopted as the rules of procedure for this council in those situations, which cannot be resolved by the rules set out in this ordinance.

SECTION 26. This ordinance shall go into effect upon the passage and publication as required by law.

ADOPTED AND APPROVED this _____ day of _____, 2016

Connie Hand, Mayor

ATTEST:

Amanda Magness, Clerk

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Of Counsel
Frank H. Hawthorne
(1923-2002)

December 21, 2016

Dear Mayor and Council Members:

The council, at our last meeting, asked that I review Section 3, Section 7 and Section 14 of Ordinance 16-240.

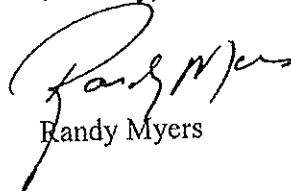
Section 3 is statutory. *Code of Alabama Section 11-43-50* provides in part: "the presiding officer shall call special meetings whenever in his opinion the public interest may require it"... The question was raised about contacting council members to determine a date that is convenient for a special meeting before setting the date. I would suggest this as a practice and we can add words to the section to suggest a convenient date but I don't believe it can be required. For example I believe we can add language that "the presiding officer will attempt to contact the council members to determine a convenient date and time for the special meeting". However, I don't believe we can require a consensus of the council on the date because of the language of the statute. (changed)

Section 7 is similar to the Roberts Rule of Order. If we delete this section then the Roberts Rule of Order will control which reads "no member shall speak more than twice during the same day to the same question (only once on an appeal), no longer than ten minutes at one time, without leave of the assembly; and the question upon granting the leave shall be decided by a two-thirds vote without debate". Of course this section can be changed any way the council wants it to read.

Finally, Section 14 was addressed. This is a suggested section by the League Of Municipalities. In that *Code of Alabama (1975) Section 11-43-2* provides that cities and towns having a population less than 12,000 inhabitants shall have its legislative functions exercised by the Mayor and five council members, I believe this rule would be appropriate.

If there are any other questions concerning the above please contact me.

Sincerely,



Randy Myers

RAM/mab