

## **ORDINANCE NO. 399-03**

### AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF PELHAM - COUNCIL MEETING RULES OF PROCEDURE

**WHEREAS**, the City of Pelham has determined that it is in the best interest of the City to amend Chapter 2, Article II, Council Meetings of the Code of Ordinances, City of Pelham, Alabama.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of Pelham, Alabama, that Chapter 2, Article II, Council Meetings, of the Code of Ordinances, City of Pelham, Alabama (Ordinance 399, 399-01 and 399-02) be rescinded in their entirety, and the order of procedure in all instances for meetings of the council shall be amended as follows:

#### I. ARTICLE II. COUNCIL MEETINGS

##### **Section 2-20. Rules and order of procedure governing meetings.**

That the rules or order of procedure herein contained shall govern deliberations and meetings of the Council of Pelham, Alabama.

##### **Section 2-21. Regular meetings.**

Regular meetings of the council shall be held on the following dates: the first and third Monday of each month except when a holiday falls on the first or third Monday or another conflict arises, then the meeting will be held within one (1) week of the originally scheduled meeting with the actual date and time of the rescheduled meeting to be determined by the council and proper notice given.

##### **Section 2-22. 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 24 hours before the time set for such meetings; or special meetings may be held as provided by Section 11-43-50, Code of Alabama, 1975, whenever two council members or the mayor 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.

##### **Section 2-23. Quorum.**

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

##### **Section 2-24. Times of all meetings.**

All regular meetings shall convene at 7:00 p.m. at Pelham City Hall, and all meetings, regular and special, shall be open to the public. Should a conflict arise, the meeting time may be changed by the council with proper notice given. The Council President is given the authority to approve all requests before they are put on the agenda. The City Clerk will provide a draft of the agenda to the Council President by noon on the Thursday before each meeting.

##### **Section 2-25. Order of business.**

The order of business shall be as follows:

1. A Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call

5. Consent Agenda  
(Reading and/or approval of the minutes of the previous meeting, adopting current agenda and approval of non-controversial items pending action before the Council)
6. Public Hearings
7. Report of the Mayor
8. Proclamations by the Mayor
9. Requests to Address the Council
10. Old Business - Resolutions, Ordinances, Orders and Other Business
11. New Business - Resolutions, Ordinances, Orders and Other Business
12. Council and Public Comments.
13. Public Announcements.
14. Adjournment.

**Section 2-26. Permission to speak more than twice on a subject.**

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

**Section 2-27. Permission for nonmember to address council.**

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

**Section 2-28. Reducing motions to writing.**

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 2-29. Motions to reconsider.**

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

**Section 2-30. Recording votes; division on questions.**

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 2-31. Deciding 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 member.

**Section 2-32. Addressing the council, etc., by presiding officer.**

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 discuss any other matter at issue.

**Section 2-33. Priority of motions.**

Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment shall be considered first before the main motion is considered.

**Section 2-34. Meetings open to public.**

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

**Section 2-35. Executive session meetings.**

The council may meet in executive session after first having a quorum present and convening a meeting, then only for those purposes authorized by state law. When a council member makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote, and the vote shall be recorded in the minutes. If the majority of the council present 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. Unless invited by the council, only council members shall meet in executive session. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberation in public.

**Section 2-36. Motion for adjournment.**

A motion for adjournment shall always be in order.

**Section 2-37. Altering the rules.**

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

**Section 2-38. Suspension of rules.**

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

**Section 2-39. Finance and budget reports.**

The Finance Director shall provide a monthly financial statement to the City Council.

**Section 2-40. Bids submitted for consideration.**

Bids submitted for consideration by the council shall be accompanied by at least the following:

1. A copy of the original Invitation To Bid.
2. A bid certification prepared by and signed by the City Clerk or other person responsible for advertising and processing bids. This certification shall include an introductory statement listing Alabama law applicable to bids generally; the date, time, and location of bid request posting; the names of bidders, including the name of the responsible party and contact information, who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request; the location and hour of the bid opening; a bid tabulation including the name of each bidder along with their submitted bid amount; certification and signature of the City Clerk or other person responsible for advertising and processing bids.
3. A budget statement prepared and signed by the city official requesting the purchase. This statement shall include the specific budget category in which the requested purchase was authorized in the current budget; the current balance in the specified budget; the remaining balance in the specified budget following the proposed expenditure.
4. A signed letter of review and recommended action from the city official that is requesting the purchase. This letter shall include a statement deeming the recommended bidder as a responsible bidder and the reasons for such designation; a statement that the items reflected in the recommended bid are of the quality proposed; they conform to specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery.

**Section 2-41. Attending meetings by officers and employees.**

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

**Section 2-42. Passage of measures at one meeting.**

No ordinance or resolution of a 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 recorded in the minutes.

**Section 2-43. Robert's Rules of Order.**

Robert's Rules of Order is hereby adopted as the rules of procedure for this council in those situations that cannot be resolved by the rules set out in this ordinance.

II. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

III. This ordinance shall go into effect upon the passage and adoption by the City Council of the City of Pelham, Alabama and posting as required by law.

Ron Scott, a member of the Pelham City Council, moved that all rules which would prevent the immediate consideration of **Ordinance No. 399-03**, hereupon attached, be suspended and immediate consideration given to passage of said Ordinance. Said motion was seconded by Karyl Rice, a member, and passed unanimously by roll call vote. The vote on said motion was as follows:

Rick Hayes Council President	<u>yes</u>
Ron Scott Council Member	<u>yes</u>
Beth McMillan Council Member	<u>yes</u>
Maurice Mercer Council Member	<u>yes</u>
Karyl Rice Council Member	<u>yes</u>

THEREUPON Karyl Rice, a member moved and Maurice Mercer, a member seconded the motion that Ordinance No.399-03 be given vote. The roll call vote on said motion was as follows:

Rick Hayes Council President	<u>yes</u>
Ron Scott Council Member	<u>yes</u>
Beth McMillan Council Member	<u>yes</u>
Maurice Mercer Council Member	<u>yes</u>
Karyl Rice Council Member	<u>yes</u>

Ordinance No.399-03 passed by majority vote of the Council and the Council President declared the same passed.

**ADOPTED** this 7<sup>th</sup> day of April 2014.

