

ORDINANCE NUMBER 2361

AN ORDINANCE ESTABLISHING THE APPOINTING AUTHORITY FOR THE CITY OF VESTAVIA HILLS, ALABAMA

WHEREAS, on May 2, 1983, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 650 to establish the appointing authority or appointing power for the City of Vestavia Hills, Alabama; and

WHEREAS, Ordinance Number 650 mandated joint appointing authority between the Mayor and the Vestavia Hills City Council for all department head positions including, but not limited to:

- a. Police Chief;
- b. Fire Chief;
- c. Building Inspector;
- d. Superintendent of Streets, Sanitation and Public Works;
- e. Director of Parks and Recreation;
- f. City Clerk
- g. Librarian;
- h. City Treasurer;

and;

WHEREAS, Ordinance Number 650 further mandated that the appointing power for all other such services, jobs, offices or other employment positions with no provision made by Alabama Statue shall rest and be vested with the Mayor by virtue of Title 11-43-81, *Code of Alabama, 1975*; and

WHEREAS, notwithstanding any of the terms and provisions of the first paragraphs of said Ordinance Number 650, all appointments, hiring, firing, promotion, demotion, suspension, disciplinary action and employment practices shall be conducted in compliance with the Rules and Regulations of the Jefferson County Personnel Board and the Consent Decree rendered in United States District Court for the Northern District of Alabama, Southern Division, in case number 77-P-0666-S, styled *United States of American vs. Jefferson County; City of Vestavia Hills, et al*; and

WHEREAS, November 18, 1984, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 739 to provide for the selection,

appointment and employment of the City Engineer by the City Council of the City of Vestavia Hills, upon recommendation of the Mayor; and

WHEREAS, on August 24, 2010, the citizens of the City of Vestavia Hills elected to establish a Council-Manager form of government to become effective with the inauguration of a new Mayor and City Council beginning November of 2012; and

WHEREAS, the Mayor and City Council agree it would be in the best interest of the public to allow the appointing authority for all positions within the City with no provisions established by Alabama Statute to rest and be vested with the Mayor by virtue of Alabama law, and, in November 2012, immediately following the inauguration of the new governing body, said appointing authority shall rest and be vested solely with the City Manager by virtue of 11-43A-28(2), *Code of Alabama, 1975*; and

WHEREAS, Alabama Statute provides for the appointment of the following positions by the governing body:

- a. City Clerk (Title 11-43-3, *Code of Alabama, 1975*); and
- b. City Treasurer (Title 11-43-3, *Code of Alabama, 1975*).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The appointing authority for all positions with provisions mandated through Alabama Statute shall be appointed by the City Council and, effective November 2012 immediately following inauguration of the new governing body, the appointing authority shall be held by the Mayor and City Council upon the recommendation of the City Manager. These positions shall be detailed, as follows:
 - a. City Clerk (Title 11-43-3, *Code of Alabama, 1975*);
 - b. City Treasurer (Title 11-43-3, *Code of Alabama, 1975*).and;
2. The appointing power for all other such services, jobs, offices or other employment positions with no provision made by Alabama Statute shall rest and be vested with the Mayor pursuant to Alabama law, and in November 2012, immediately following the inauguration of the new governing body,

said appointing authority shall then rest and be vested solely with the City Manager by virtue of 11-43A-28(2), *Code of Alabama, 1975*; and

3. Notwithstanding any of the terms and provisions of paragraphs 1 and 2 of this Ordinance, all appointments, hiring, firing, promotion, demotion, suspension, disciplinary action and employment practices shall be conducted in compliance with the Rules and Regulations of the Jefferson County Personnel Board and the Consent Decree rendered in United States District Court for the Northern District of Alabama, Southern Division, in case number 77-P-0666-S, styled *United States of American vs. Jefferson County; City of Vestavia Hills, et al*; and
4. Ordinance Number 650, adopted on May 2, 1983, is hereby rescinded and repealed; and
5. Ordinance Number 739, adopted on November 18, 1984, is hereby rescinded and repealed; and
6. All conflicting Ordinances or Resolutions or parts thereof in conflict with the terms of this Ordinance Number 2361 are hereby repealed; and
7. If any part, section, or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and
8. The provisions of this Ordinance Number 2361 shall become effective immediately upon the passage and approval thereof by the City Council of the City of Vestavia Hills, Alabama, and the publication and/or posting thereof as required by Alabama law

DONE, ORDERED, ADOPTED and APPROVED this the 25th day of April, 2011.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza
Mayor

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2361 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2011, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center and Vestavia Hills New Merkle House this the _____ day of _____, 2011.

Rebecca Leavings
City Clerk