

# STATE OF ALABAMA

COUNTY OF BALDWIN  
CITY OF BAY MINETTE

## ORDINANCE 1046

### AN ORDINANCE OF THE CITY OF BAY MINETTE, ALABAMA, TO REPEAL AND REPLACE ORDINANCE 810 TO ESTABLISH THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, that Ordinance 810 be repealed and replaced by this ordinance and shall establish the order of procedure in all instances for meetings of the Council shall be as follows:

#### Section 1. Rules or order of procedure govern.

That the rules or order of procedure contained herein shall govern deliberations and meeting of the Council of the City of Bay Minette, Alabama.

#### Section 2. Presiding Officer

The Mayor shall serve as the Presiding Officer. In the absence of the Mayor, the Mayor Pro Tempore of the Council will preside. In the event that the Mayor and Mayor Pro Tempore of the Council are absent, then the members of the Council shall elect one of their members to preside.

#### Section 3. Council Meetings

Regular meetings of the Council shall be held on the following dates: the first and third Monday of each month. If the first or third Monday is a City-recognized holiday then the regular meeting will be held on the Tuesday following the holiday, unless otherwise posted. All regular meetings shall convene at 6:00 p.m. in the Bay Minette City Hall Council Chambers. All Council meetings shall be open to the public.

#### Section 4. Work Sessions

Unless otherwise posted, Work Sessions will begin up to one hour prior to the regular Council Meetings, in the Conference Room located in the Bay Minette City Hall. All Work Sessions shall be open to the public.

#### Section 5. Special Called Meetings

All Special-Called 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-Called Meeting, or the Special-Called Meeting may be held as otherwise provided by Section 11-43-50, Code of Alabama (1975) (as amended). The Presiding Officer shall call a Special-Called Meeting whenever any two (2) Councilmembers or the Mayor request in writing to call a meeting. Upon the failure or refusal of the

Presiding Officer to call a Special-Called Meeting when requested, the two (2) Councilmembers or the Mayor have the right to call a Special-Called Meeting.

Notice of all Special-Called Meetings shall be posted on the Council approved bulletin board and the City's website, and appropriate customary media shall be notified, and such notice shall be accessible to the public at least twenty-four (24) hours prior to such scheduled Special-Called Meeting. All Special-Called Meetings shall be open to the public.

Notwithstanding anything contained herein to the contrary, all meeting notifications shall be in compliance with applicable state law, including, without limitation, the Alabama Open Meetings Act.

## **Section 6. Executive Session**

The Council may meet in Executive Session for those purposes authorized by state law and in accordance with applicable procedural requirements contained therein. When a Councilmember makes a motion for Executive Session for an enumerated purpose, the Presiding Officer shall put the motion to a roll call vote. The estimated length of the Executive Session shall be stated prior to the roll call vote. If the majority of the Council votes 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 shall be taken in the Executive Session. No minutes shall be taken in an Executive Session. No recording shall be made of the Executive Session. Nothing may be considered in an Executive Session other than the matter(s) disclosed in the open meeting. Prior to calling the Executive Session to order, the Presiding Officer shall state whether the Council will reconvene after the Executive Session and, if so, the approximate time the Council expects to reconvene. As authorized by law, Executive Sessions are **not** open to the public.

## **Section 7. Quorum**

A quorum shall be determined as provided by Section 11-43-48, Code of Alabama (1975) (as amended). The number of members required to make a quorum does not change when a Council has vacancies. Councilmembers who are present at a Council meeting that have a conflict of interest on a particular issue may be counted for the purpose of making a quorum even though they cannot vote on a particular issue.

## **Section 8. Submission of Council Meeting Materials**

- a) It is desired that information be supplied to the City Clerk in time to be made part of the Council Meeting or Work Session Agenda packet.
- b) When a Work Session is called or scheduled between two (2) Council Meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at the Council Meeting.
- c) Notwithstanding, subsections (a) and (b) here and above, in the situation of an actual emergency subsections (a) and (b) shall not apply. For purposes herein an actual emergency exists when failure to act will result in an immediate and irrefutable harm to the City or any of its citizens and or otherwise it was physically impossible to comply with a

notice requirement set forth herein as the same may be determined by the Presiding Officer of the Council.

- d) Any item to be placed on the Council Meeting and Work Session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on Wednesday prior to the Council Meeting or Work Session. The Mayor or his/her designee retains the authority to add or remove items to the agenda. The Council Meeting packet will be sent to the full city Council by 12:00 p.m. on the Friday before the City Council Meeting or Work Session. The agenda will be posted on the City website on Friday before the Council Meeting or Work Session.

### **Section 9. Order of Business:**

The order of business for Council Meetings shall be as follows:

- 1) A call to order
- 2) Invocation
- 3) Pledge of Allegiance
- 4) Approval of the minutes of the previous meeting
- 5) Approval of the revised accounts payable
- 6) Recognitions and/or Proclamations
- 7) Old Business
  - A. Ordinances on Second (2<sup>nd</sup>) Readings
  - B. Resolutions
- 8) New Business
  - A. Public Hearings
  - B. Ordinances Introduction on (1<sup>st</sup>) Reading
  - C. Resolutions
- 9) Report of Mayor and/or Council
- 10) Citizen's Comments
- 11) Adjournment

## **Section 10. Comments by Councilmembers**

Any comments or discussion by Councilmembers shall be with the permission of the Presiding Officer, and not for more than five (5) minutes. The Presiding Officer may grant additional comments after all other Councilmembers have had the opportunity to speak.

## **Section 11. Public Participation Procedure for Addressing the Council**

1. All individuals wishing to address the City Council must sign in prior to the Council meeting and indicate their wish to address the City Council.
2. If any additional accommodations are necessary, staff must be notified before the meeting.
3. Verbal comments and interruptions from the floor will not be allowed.
4. Each speaker will be limited to 3 minutes. *In cases where there are multiple speakers on the same topic, each speaker will be subject to further limitation in the discretion of the Presiding Officer. In the interest of time, speakers will be encouraged not to repeat the same information presented by previous speakers.*
5. All comments must be directed to the Presiding Officer.
6. Under no circumstances will personal attacks on elected officials, appointed officials, employees or other individuals be allowed or tolerated.

## **Section 12. Failure to Report to Meetings—Penalties**

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

## **Section 13. Motions to be in Writing Upon Request, Resolutions and Ordinances Required to be in Writing.**

Motions shall be reduced to writing when requested 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 14. Motion to Reconsider**

Motions to reconsider must be made by a member who voted with a prevailing side and at the same or next succeeding meeting of the Council.

## **Section 15. Recording Votes**

Whenever it shall be required by one (1) or more members, the "yeas" and "nays" shall be recorded, and any member may call for a division on any question.

**Section 16. Questions of Order**

All questions of order shall be decided by the Presiding Officer of the Council with the right to appeal to the full Council.

**Section 17. Procedure for Presiding Officer to Address the Council**

The Presiding Officer of the Council may call any member to take the chair to allow him to address the Council or make a motion or discuss any other matter of issue.

**Section 18. Order of Motions**

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

**Section 19. Motion for Adjournment**

A motion for adjournment shall always be in order.

**Section 20. Amending the Rules**

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

**Section 21. Suspending the Rules**

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

**Section 22. Money Expenditures**

All ordinances, resolutions or propositions submitted to the Council which require the expenditure of unbudgeted money shall lie over until the next meeting. Provided, however, such ordinances, resolutions, or propositions may be considered earlier by unanimous consent of the Council. The provisions herein contained 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.

**Section 23. Attendance by Officers**

The City Attorney, City Administrator, City Clerk and such other department heads or his/her designee of the City of Bay Minette, shall when requested, attend meetings of the Council and shall remain in the Council Chambers for such length of time as the Council may direct.

When an agenda item pertains to a specific department, the department head or his/her designee shall attend the Work Session and Council Meeting.

**Section 24. Ordinances of Permanent Nature**

No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent be 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 25. *Robert's Rules of Order***

*Robert's Rules of Order* are hereby adopted as the rules of procedure for the Bay Minette City Council in those situations which cannot be resolved by the rules set out in this ordinance.

**Section 26. Ordinance Passage**

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

ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2024.

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Robert A. "Bob" Wills, Mayor

ATTEST:

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Rita Diedrich, City Clerk