

ORDINANCE NO. 2012-1158

**AN ORDINANCE
ESTABLISHING RULES OF PROCEDURE
FOR MEETINGS OF THE CITY COUNCIL, FOR PUBLIC
HEARINGS AND COMMITTEE OF THE WHOLE**

BE IT ORDAINED, that Ordinance 2008-829, as amended, is hereby repealed and in substitution therefor the following bylaws for the City Council are adopted:

SECTION 1:

The rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of the City of Orange Beach, Alabama, Section 24 herein shall govern public hearings and Section 25 herein shall govern Committee of the Whole meetings by the City Council.

SECTION 2:

Unless otherwise provided, regular meetings of the City Council shall be held on the first and third Tuesday of each month. In the event said Tuesday falls on a holiday or during a holiday period, the meeting shall be rescheduled on a date determined by a majority vote of the council.

SECTION 3:

Special meetings may be held at the call of the Mayor or by serving notice to 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 Code of Alabama, 1975, whenever two (2) councilmembers request in writing that the presiding officer call such 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. Notice of special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting.

SECTION 4:

A quorum of a regular or special meeting shall be determined as provided by Section 11-43-48 Code of Alabama, 1975.

SECTION 5:

All regular meetings shall convene at 5:00 p.m. in the official chambers of the City Council or at any other place designated by the council from time to time and all meetings, regular and special, shall be open to the public.

SECTION 6:

The order of business shall be as follows:

A CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE
ROLL CALL
CONSIDERATION OF AGENDA
READING OF MINUTES
REPORTS OF STANDING COMMITTEES
REPORTS OF SPECIAL COMMITTEES
REPORTS OF OFFICERS
PUBLIC COMMENTS
READING OF PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, ETC.
AUDITING OF ACCOUNTS
PRESENTATIONS/RECOGNITIONS

RESOLUTIONS, ORDINANCES, ORDERS, OTHER BUSINESS
ADJOURN

SECTION 7:

Members of the council shall not be limited as to the number of times they may speak on the same subject matter or motion, nor shall they be limited to any time element, except as provided under these rules.

SECTION 8:

Citizens shall be allowed to address the council on any subject matter, at any meeting, regular or special, pursuant to the schedule in Section 7 above. The presiding officer shall regulate the time allowed the citizen to speak. However, any councilmember may interrupt to take a majority vote to limit or extend the address.

SECTION 9:

Every officer whose duty it is to report at the regular meetings of the council and who shall be in default thereof, may be fined at the discretion of the council. Any member who fails to answer roll call at two (2) consecutive regular meetings may, on motion of three (3) members, be apprehended if within the corporate limits of the City of Orange Beach and compelled by force to attend the council meetings, and may, in addition or as an alternative, be fined not more than Twenty-Five Dollars (\$25.00).

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 of 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 the prevailing side and at the same or next succeeding meeting of the council.

SECTION 12:

Whenever it shall be required by one or more members of 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 discretion, call the 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. When the presiding officer relinquishes the chair under said conditions, then he shall not retake the chair until the issue at hand is voted on, or otherwise settled.

SECTION 15:

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

SECTION 16:

All meetings of the council shall be opened to the public, except when the council meets in

executive session as authorized by state law.

SECTION 17

The council may hold an executive session as provided by the Alabama Open Meetings Act. The council shall commence an executive session only after a motion to go into executive session has been made and adopted during an open meeting. The motion shall state the purpose of the executive session. The motion to go into executive session must be approved by the vote of a majority of those present and voting. The vote of each member shall be recorded in the minutes. If the Alabama Open Meetings Act requires an oral or written declaration before the executive session can begin, such oral or written declaration shall be made prior to the vote to go into executive session. No action may be taken in an executive session. No minutes shall be taken of the 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.

SECTION 18:

Notice of all meetings and the final approved agenda for the meeting of the council shall be posted on a bulletin board, designed for this purpose, immediately outside the regular place where the council meets at least twenty-four (24) hours prior to the scheduled start of any council meeting.

SECTION 19:

A motion for adjournment shall always be in order.

SECTION 20:

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

SECTION 21:

The rules of the council may be altered, amended or temporarily suspended by a two-thirds majority of the members present except where a greater number is required by State law.

SECTION 22:

All ordinances, resolutions or propositions submitted to the council which require the expenditure of money 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.

SECTION 23:

The City Clerk shall attend all meetings of the council. Other officers or employees of the City of Orange Beach, 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 may direct.

SECTION 24:

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 to be by roll call and the vote thereon spread on the minutes.

SECTION 25:

Robert's Rules 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:

All public hearings by the City Council shall be conducted as follows:

Section A. The Mayor, or in his absence, the Chairman pro-tempore or other duly constituted presiding officer, shall preside at all public hearings before the City Council.

Section B. Minutes shall be made of public hearings or in the alternative the hearing may be transcribed if required by the council or presiding officer.

Section C. All persons requesting to speak during a public hearing shall be required to register before speaking. The presiding officer shall call for statements from those who have registered in the order of registration.

Section D. Registered speakers shall limit their statements to a time limit determined by the presiding officer. After all registrants have had an opportunity to speak, those wishing to speak for a second time will be allowed to do so.

Section E. No time may be yielded to another speaker.

Section F. Written submittals will be accepted by the presiding officer during the hearing, and all written submittals will be attached to and become a part of the hearing record.

Section G. Additional written submittals will be accepted until the close of business three (3) days after the hearing. These submittals will be attached to and become a part of the hearing record. The City Council may modify this section with regard to consideration of or time limits for such additional written submissions by majority vote.

Section H. Rules for Public Hearings will be made available to registered speakers and to the public upon request.

Section I. Questions will be held until everyone wishing to speak has done so.

Section J. A quorum consisting of a majority of councilmembers must be present at public hearings; however, the council will not be authorized to take official actions. In the absence of a quorum, the public hearing may be rescheduled.

SECTION 27:

All Committee of the Whole meetings of the City Council shall be conducted as follows:

Section A. The Mayor, or in his absence, the Chairman pro-Tempore or any other councilmember, shall preside at the meetings.

Section B. The meeting shall be considered informal and no journal of its proceedings will be required.

Section C. Unless otherwise provided, Committee of the Whole meetings shall meet on the Tuesday of the week preceding the regular council meeting. The meeting may be rescheduled on a date determined by the council.

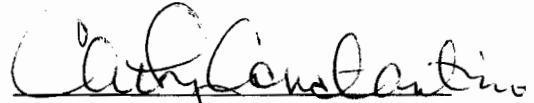
Section D. A quorum consisting of a majority of councilmembers must be present at committee of the whole meetings; however, no official action may be taken. In the absence of a quorum, the committee of the whole meeting may be rescheduled.

Section E. Meetings shall commence at 5:00 p.m. in the official chambers of the City Council or at any other place designated by the Council from time to time and shall at all times be open to the public.

SECTION 28:

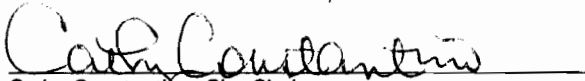
This ordinance shall become effective immediately upon its adoption and publication as required by law.

APPROVED AND ADOPTED this 5th day of November, 2012.


Cathy Constantino, MMC
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies

that the foregoing 2012-1158
was posted on 11/9/12 in the following three
(3) public places:
Orange Beach City Hall CC
Orange Beach Post Office CC
Orange Beach Public Library CC


Cathy Constantino, City Clerk

