

ORDINANCE NUMBER 2181-16

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2008, AND TO ESTABLISH RULES OF PROCEDURE AND ORDER IN ALL INSTANCES FOR MEETINGS AND OTHER CERTAIN ACTIONS OF THE CITY COUNCIL OF THE CITY OF SYLACAUGA.

BE IT ORDAINED by the City Council of the City of Sylacauga, Alabama, that the Rules of Procedure and Order in all instances for meetings and other certain actions of the City Council as described herein shall be as follows:

Article I. Charter.

Section 1. The City of Sylacauga is a Class 6 Municipality defined by the Code of Alabama 1975, as amended, as based on the 1970 Federal census.

Section 2. The City Council may adopt rules for its own procedure as provided for in Section 11-43-52, Code of Alabama 1975, as amended.

Section 3. The government of the City of Sylacauga shall be divided into three distinct functions:

- a) Administrative: The Mayor shall direct all administrative functions of the city, and shall be charged with the overall operation of the city.
- b) Legislative: The City Council shall have total control of legislative functions.
- c) Judicial: The Municipal Court System shall oversee the judicial business of the city except in such instances where statutes or jurisdiction otherwise apply or have precedence.

Article II. General Meetings.

Section 1. All meetings of the Council as defined in the Alabama Open Meetings Act shall be open to the public except, however, when the Council meets in Executive Session for those specific purposes authorized by state law.

Section 2. A quorum of the City Council shall be determined as provided by Section 11-43-48, Code of Alabama 1975. [In all towns or cities, a majority of the whole number of members to which such corporation is entitled.]

Section 3. Members of the Council who will be absent from a meeting shall contact the President of the Council prior to the meeting, indicating the reason for his/her inability to attend the meeting. If the Member is unable to contact the President of the Council, the Member shall contact the City Clerk, who shall convey the message to the President of the Council.

- a) Following Roll Call, the President of the Council shall inform the Council of the Member's absence and reason for such absence.
- b) The Clerk will make an appropriate notation in the minutes.

Section 4. The City Clerk shall keep a permanent record of all City Council proceedings in the Official Minutes Book. Once approved, these minutes shall serve as the official record of the actions of the City Council.

Section 5. Meetings open to the public may be recorded or broadcast subject to the media policy adopted by the City Council, or if no such policy exists, recording or broadcast shall be subject to approval by Council.

Section 6. The Council President shall serve as Presiding Officer over all meetings of the City Council, and shall recognize Members desiring to speak and shall confine remarks to the matter under consideration.

Section 7. The Mayor may attend all meetings of the Council. The Mayor may make recommendations to the Council and may participate in council discussions in accordance with the Rules of Procedure/Order as established herein. The Mayor is not part of the Council and does not have a vote.

Section 8. The City Attorney shall attend council meetings as needed and requested. Upon request of any City Council Member, the City Attorney shall provide either a written or oral opinion on questions of the law.

Section 9. The City Clerk shall attend all council meetings unless excused by the Presiding Officer; in which case, a designee shall be named to keep the minutes of the meeting during the Clerk's absence.

- a) The City Clerk will keep the official minutes and perform other duties as requested by the Council.
- b) The City Clerk shall assure that all meetings of the Council and all scheduled public hearings have been duly advertised.

Section 10. Each Department Head and such other officers and employees as the Council may deem necessary shall when requested, attend meetings of the Council and shall remain in the Council Chambers until such time as the Presiding Officer directs.

- a) Any department head, officer, or employee having a matter for consideration placed on the council agenda shall attend said council meeting for the purpose of discussion or explanation of such request.

Section 11. These rules shall prescribe the Rules of Procedure and Code of Conduct for Council to be observed for all meetings of the City Council; except, however, in such case as a situation may arise that is not covered by these rules, the then current version of *Robert's Rules of Order* shall prevail as the procedures and conduct to be followed.

- a) The Presiding Officer shall interpret and apply all rules, but the Presiding Officer's ruling may be challenged by a Member raising a point of order.
- b) When a point of order has been raised, the Presiding Officer shall rule before continuing further discussion.

Article III. Meetings of Council.

Section 1. The City Council of the City of Sylacauga shall convene twice monthly in regular session in the Faye Hosey Chambers at City Hall. These meetings will be held at 6:00 P.M. on the first Tuesday evening of each month and at 6:00 P.M. on the third Tuesday evening of each month. All meetings of the Council, regular and special, shall be open to the public.

Section 2. The Council will meet in work sessions at 5:00 P.M. on the Tuesday evening immediately preceding a regularly scheduled council meeting. Whenever a regular work session and council meeting falls on a holiday, the work session and council meeting will be held on the following day beginning at 5:00 P.M., with the corresponding council meeting to begin at 6:00 P.M. or immediately following the respective work session, in the event the work session lasts beyond 6:00 P.M.

- a) The work sessions will be conducted in the Mayor's conference room on the second floor of City Hall unless the attendance is such that larger chambers are needed; at which time, the meeting shall be moved to the Faye Hosey Chambers of City Hall.
- b) Work sessions will be study meetings during which the City Council will initially hear petition requests, citizen requests, administrative requests, review proposed ordinances and resolutions, and discussion other such items of business for consideration by the Council.
- c) No vote may be taken at a work session unless an executive session is needed. In such cases, the Council may consider a motion to enter an executive session as allowed by law.
- d) Additional or special work sessions will be held as necessary with advance notice as required for compliance with the Alabama Open Meetings Act.

Section 3. The City Council may meet in Executive Session (closed) only for those purposes specifically authorized by state law. Presiding Officer shall state in general terms the purpose for the executive session.

- a) When a Council Member makes a motion to go into executive session, the Presiding Officer shall first put the motion to a vote. If a majority of the Council 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; however, no action may be taken in an executive session, and only those persons directly involved or requested to attend shall be permitted to be in attendance.

- b) Prior to entering into executive session, the Presiding Officer shall state whether the Council will reconvene after the executive session, and if so, the approximate time when the Council is expected to reconvene in open meeting.
- c) All parties in attendance shall keep in confidence the details of said session and shall not discuss any part with individuals not subject to the matter.
- d) As soon as the discussion has been completed, the executive session shall cease and the Council shall exit closed session, and by regular motion and vote, resume its regular meeting in public. Any action of the Council resulting from the executive session shall be conducted and voted on publicly once the meeting has been resumed.

Section 4. Special meetings may be held at the call of the Presiding Officer of the City Council by serving notice on each member of the Council not less than twenty four (24) hours before the time set for such special meeting; or the special meeting may be held as provided by Section 11-43-50, Title 11, Code of Alabama 1975, whenever two (2) Members or the Mayor request in writing that the Presiding Officer call such meeting.

- a) Upon failure or refusal of the Presiding Officer to call such meeting when requested, the two (2) Council Members or the Mayor making the request have the right to call such meeting.
- b) The City Clerk shall issue public notice of all special meetings, and notice of such shall be posted on the bulletin board in the lobby of City Hall and accessible to the public at least twenty four (24) hours prior to such meeting; except in the case of call meetings arising from emergency situations, at which time public notices will be posted as quickly as practicable.
- c) No business shall be transacted at any such special meeting unless it is advertised in the notice of such meeting. However, the Council may, by unanimous vote of the Members present, amend the agenda to add for consideration items of urgent business that may not have been known at the time notice was sent.

Section 5. Emergency meetings of the City Council may be held without compliance with any meeting notice requirements when four (4) of the five (5) Council Members determine there is a severe and imminent threat to public health, safety, or welfare; delay would be detrimental to the efforts to lessen or respond to the threat.

- a) Such emergency meeting shall be limited to discussion and action with respect to the emergency.
- b) The notice of the meeting shall be provided as soon as possible after becoming aware of the emergency and necessity to hold a meeting relative to said emergency.

Section 6. The Council may hold joint meetings with Boards, Commissions, Committees, other Municipal Governments, School Boards, and other agencies who share a community interest with the Council.

- a) The City Clerk shall, in accordance with the Alabama Open Meetings Act, prepare and post an agenda for all such meetings and shall issue proper public notice of same.

Section 7. Upon written request of any person, citizen, or newspaper published in the State, or any radio or television station located within the State, a copy of any meeting notice required to be posted shall be furnished to the requesting entity by the City Clerk.

Section 8. The Council may allow video taping or live broadcast of its meetings subject to provisions of Article II.5, and provided that such taping or broadcast is not disruptive to the meeting or inhibiting to the conduct of any business at hand.

Article IV. Council Officers and Duties.

Section 1. Upon the date established by law, a meeting for organizing the newly elected City Council shall be set. Upon such appointed date and time and, after being duly sworn into office, the Council shall convene its organizational meeting. The City Clerk shall serve as the Presiding

Officer and shall call the meeting to order, establish that a quorum exists, and shall open the floor for nominations to the office of City Council President.

- a) The procedure for election shall be as follows: Each Council Member may nominate one (1) candidate. A nomination does not require a second. The City Clerk shall call for a roll call or public voice vote, and the Council Members shall indicate the nominee of their choice. A nominee receiving a majority of the Council Member votes shall be declared elected. If no nominee receives a majority, and there are more than two (2) nominees, the nominee with the fewest votes will be dropped and a vote will be taken on the remaining nominees. Voting shall continue in this manner until one (1) nominee receives a majority.
- b) Upon election of a Council President, the City Clerk will cede control of the meeting to the newly elected Council President.
- c) The Council President shall then open the floor for nominations for the office of City Council President Pro Tempore; election procedures shall be the same as those for election of Council President.
- d) Term of office for Council President and President Pro Tempore shall be until the current term of office expires; however, either officer may be removed and replaced by a majority vote of the Council at any time.

Section 2. If a vacancy should occur in the office of President or President Pro Tempore, the Council shall elect a replacement within thirty (30) days from the date the vacancy occurred.

- a) The nomination and election process shall be as outlined in Article IV, Section 1.a.
- b) The person chosen to fill a vacancy shall serve the balance of the term of the person being replaced.

Section 3. The Council President shall preside over all meetings of the City Council. However, if the Council President is absent, the Council President Pro Tempore shall assume the responsibility of Presiding Officer.

- a) In the event both the Council President and Council President Pro Tempore are absent, the City Clerk shall call the meeting to order to elect a temporary chairperson from the members of the Council; the person elected to fill the temporary position shall preside until the Council President or Council President Pro Tempore is available to resume his/her duties.
- b) The Council President shall preserve order and decorum, prevent attacks on personalities or impugning Member(s) motives, and direct those in debate to the matter under consideration.
- c) The Council President shall identify each subject to be considered and may request the Mayor, Council Member, staff member, or other interested party to explain the matter under consideration and may limit the time for presentation.
- d) The Council President or Presiding Officer shall decide all points of order as outlined in Article II.
- e) No motion, resolution, or other action shall be voted upon until it has been stated by the Presiding Officer.
- f) Any Council Member may request a motion be put in writing before a vote is taken, and the meeting may be recessed for that purpose.
- g) The Council President, as the Presiding Officer, shall enforce the Rules of Procedure as contained herein, as well as the City Council Code of Conduct as established by the Council.
- h) The Council President shall set the Council Meeting Agenda.
- i) The Council President shall serve as liaison between the Mayor and Council.
- j) The Council President shall serve as Mayor Pro Tempore of the City of Sylacauga.

- k) The Council President shall serve as the City Council representative at various functions.
- l) The Council President shall perform such duties as directed by the Council.
- m) In the absence of the Council President, the Council President Pro Tempore shall perform the duties of the Council President as set forth in these Rules of Procedure, except that the Council President Pro Tempore shall not serve as Mayor Pro Tempore.

Section 4. Whenever a vacancy shall occur in the membership of the City Council, the Council may appoint a replacement within thirty (30) days from the date the vacancy occurs, or the Council may elect to fill the vacancy by calling for a special election to be held in accordance with applicable state law.

- a) The City Clerk will publish a vacancy notice and the procedure for applying; or, in the event of a special election, a notice of election will be published subject to all applicable laws governing municipal elections.
- b) In the event the vacancy is to be filled by appointment, the Council shall draw up an application form that contains relevant information to the position and utilize a structured interview process to insure equity in the process.
- c) The appointment process used to fill a vacancy in the Council membership from the number of eligible applicants shall be the same as set forth in the nomination and election of Council Officers as described in Article IV. Section 1.a. hereof.

Article V. Order of Business and Agenda.

Section 1. The order of business for a Regular Meeting of the City Council shall be as follows:

- 1) Call to order.
- 2) Roll call.
- 3) Invocation and pledge.
- 4) Mayor's Report
- 5) Adoption of an agenda—In the absence of an agenda, the continuing order of business shall be:
 - 6) Reading and approval of minutes of previous meeting.
 - 7) Old business.
 - 8) New business.
 - 9) Reports of standing committees/boards.
 - 10) Reports of officers/liaisons.
 - 11) Resolutions, ordinances, orders and other business.
 - 12) Public comment.
 - 13) Adjourn

Section 2. The order of business for a Work Session of the City Council shall be as follows:

- 1) Call to order
- 2) Invocation
- 3) Discussion of items on the work session agenda. [Note: Public comments will be limited to those requested by the Presiding Officer. Attending public cannot participate in discussions unless recognized and requested to join by the Presiding Officer.]
 - 4) Other business not requiring any action.
 - 5) Adjourn.

Section 3. The Council President shall be responsible for the preparation of the Agenda for each meeting and shall consider for inclusion on the agenda items submitted by the Mayor, Department Heads, or any Council Member. In addition:

- a) Any person, citizen, agency, business, organization, Department Head, or employee wishing to have an item placed on the City Council Agenda should file a written description of the item with the City Clerk no later than 12:00 noon on the Wednesday prior to the next scheduled work session.
- b) All items submitted may be given consideration; however, not all items submitted are guaranteed to be placed on agenda, and are subject to Council approval prior to being added for formal consideration during any Council Meeting.

- c) Proposed agenda items agreed to in a work session will be placed on the agenda for the regularly scheduled Council meeting immediately following said work session.
- d) At the discretion of the Council, items discussed in a work session which did not appear on corresponding proposed agenda, may be considered for addition to the agenda for the next regularly scheduled Council meeting, but not the corresponding meeting immediately following such work session. Emergency items or time sensitive matters shall be excepted, and at the discretion of Council, may be placed on the agenda for immediate consideration at the Council meeting immediately following a work session.
- e) The City Clerk may place matters on the agenda which are routine or ministerial in nature without direct consent of the Council President.
- f) The City Clerk shall be responsible for causing an agenda packet to be prepared and delivered to all Council Members by Thursday evening preceding the corresponding regularly scheduled work session/meeting.
- g) A summary report will be included in the agenda packet for each agenda item. Said report will be prepared by the person submitting the item, and shall list the sponsoring Council Member, if any.
- h) Once the agenda has been adopted in a regular meeting of the Council, no item shall be added or deleted except by a unanimous vote of the Council Members present.
- i) A Special Meeting Agenda will contain only those items for which the meeting was called.

Section 4. The following shall apply to the discussion of all matters coming before the Council:

- a) Council Members wishing to speak will address the Presiding Officer, be recognized, and address the Presiding Officer.
- b) All discussions will be relevant to the motion under consideration; or in the absence of a motion, the items under discussion.
- c) The Presiding Officer may request and permit a member of the audience to address the item under consideration. When this permission is granted, the member will address the Presiding Officer. However, comments will be limited to the discussion of the item under consideration, and the Presiding Officer may limit discussion.
- d) A Council Member may not speak against his/her own motion, but may elect to vote against it.
- e) No Member may speak more than once until all Members have had an opportunity to speak.
- f) No Member shall speak more than twice on the same subject unless receiving expressed permission from the Presiding Officer.

Section 5. Minutes of the proceedings of each regular and special meeting of the City Council shall be kept in the English language by the City Clerk and, upon approval by the Council, shall be signed by the Council President and attested by the City Clerk.

- a) The minutes shall reflect time and date, place of meeting, Members present, and all actions taken by the council with sufficient discussion to permit an understanding of what transpired.
- b) Minutes of a meeting will be presented to the Council for their review and correction or approval at the next regular scheduled meeting.
- c) Corrections to minutes will be made in accordance with provisions of the Alabama Open Meetings Act.
- d) Minutes shall be made available to the public for inspection once they have been approved by the City Council.

- e) The official copy of the minutes shall be kept in a book of record by the City Clerk as a permanent record of the action of the City Council as the governing body of the City of Sylacauga.

Article VI. Resolutions and Ordinances.

Section 1. All ordinances, resolutions or propositions submitted to the Council for consideration which will result in an expenditure of money in an amount equal to or greater than \$15,000.00 shall lie over until the next regular meeting. This provision shall not apply to the current expenses of the City, contracts previously made by the City, or regular salaries or wages of city employees.

- a) In cases of an emergency, the Council may, by unanimous consent of the Members present, take immediate consideration of any ordinance or resolution. Such consent shall be by roll call vote and the vote shall be recorded in the official minutes.

Section 2. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent of the Members present is obtained for the immediate consideration of such ordinance or resolution.

Section 3. No bid solicited by the City of Sylacauga shall be awarded except by resolution; said resolution shall not be approved at the same meeting at which it is introduced unless unanimous consent of the Members present is obtained for the immediate consideration of such resolution.

Section 4. An enacted resolution is the official action of the Council and shall become effective on the date of approval unless specified otherwise in the resolution.

Section 5. When an ordinance or resolution is adopted by the Council, the City Clerk shall assign it a unique number. Upon adoption, each ordinance and/or resolution of general and permanent nature, shall be published in the manner prescribed by law by the City Clerk. The City Clerk shall file and preserve all ordinances and resolutions adopted by the Council as permanent records of the City.

Article VII. Motions.

Section 1. The precedence of motions shall be:

- 1) Fix the time of the next meeting.
- 2) Adjourn.
- 3) Lay on the table.
- 4) Objection to consideration of the question.
- 5) Call the question.
- 6) Postpone to a certain time.
- 7) Amend.
- 8) Postpone indefinitely.

Section 2. The following motions are non-debatable:

- a) Lay on the table.
- b) Adjourn.
- c) Recess.
- d) Objection to consideration of question.
- e) Call the question.

Section 3. A motion to reconsider on any motion that can be reconsidered shall be in order when:

- a) It is moved by a Council Member who voted with the prevailing side when the original vote was taken.
- b) The motion to reconsider can only be made during the meeting at which the resolution was adopted or at the next regular scheduled meeting, provided no action has been taken as a result of the vote.
- c) A motion to reconsider is debatable only if the action being reconsidered is done.

Section 4. A motion to rescind or repeal may be made at any time at a regular or special meeting of the Council.

- a) A majority vote of the Members present is required for adopting if such action is placed on the agenda.

- b) A two-thirds (2/3) vote of the Members present is required if such action is not allowed.

Section 5. A Member may withdraw his/her motion at any time prior to the vote.

Section 6. A motion for division of the question may be made when the question is distinct enough so that each part can be taken up individually.

Section 7. Whenever a question is put before the body, every Member shall vote with the following exceptions:

- a) No Member shall be required to vote on a question in which the Member has a direct personal or pecuniary interest not common to other Council Members.
- b) A Member who abstains from voting will make it known at the reading of the motion and clearly state for the record why he/she is abstaining.
- c) A Council Member abstaining from a vote shall not participate in any discussions of the matter at question. In the event the abstaining is due to a conflict of interest, the affected Member shall not take part in any discussion or lend any influence whatsoever to the question under consideration, regardless of where or when the discussion is conducted.

Article VIII. Public Hearings.

Section 1. Reasonable efforts shall be made to give notice of public hearings to all interested parties, and shall be issued in accordance with all applicable statutes, procedures, and regulations.

- a) Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their views, and where interested people may obtain copies of the material that is the subject of the hearing.
- b) The City Clerk shall assure that all scheduled public hearings have been duly advertised, and that notice of such hearings is posted on the official bulletin board located in the lobby of City Hall next to the Clerk's office.
- c) Public hearings may be conducted in connection with a regularly scheduled meeting of the City Council, or a special meeting may be called for the purpose of holding a public hearing. The meeting shall be called to order and other business, if any, may be considered until the public hearing comes on the agenda. In the event of a special meeting, only items appearing on the notice of the meeting may be considered.
- d) At the beginning of a public hearing, the Presiding Officer shall require that all interested persons having a direct interest or will be specifically affected by the proceeding, and/or any witnesses who may be sponsored by such interested persons, that wish to address the City Council register with the City Clerk by giving their names, addresses, and whether they wish to speak as a proponent, opponent, or otherwise of the proposed action. Any person who fails to register will not be permitted to speak until all those who are registered have spoken.
- e) Those requesting the public hearing, and/or those who have a duty in the business for which the hearing is called, shall be present during the hearing to state their cause or to provide testimony or to provide explanations or clarification of purpose.
- f) The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.
- g) The Presiding Officer shall introduce the item, open the public hearing, explain briefly the purpose, and call upon the appropriate staff to submit its report into evidence or state its case and shall request the proponent to describe the matter under consideration.
- h) Interested persons shall have an opportunity to submit data, views or arguments orally or in writing. All written material should be marked as exhibits, submitted to the City Clerk, and placed into evidence as part of the administrative record. Although cross examination of a witness or interested persons expressing his or her views may be permitted, it may be limited at the discretion of the Presiding Officer.
- i) The Presiding Officer may establish reasonable speaker time limits and shall otherwise control presentations to avoid repetition or the introduction of incompetent evidence.

Additional time may be granted if appropriate and necessary to secure a full and fair presentation of either factual or opinion testimony or of legal argument.

- j) After the proponents and opponents have had an opportunity to be heard, the Presiding Officer may call for rebuttal. A proponent or opponent speaking in rebuttal should not introduce new material.
- k) After the City Council has heard all the evidence relevant to the issue, the Presiding Officer shall close the public hearing and shall entertain a motion relative to further action on the matter if required. Following the motion and its second, discussion may be engaged among the Council Members prior to taking a vote. Comments or questions from the general public on legal or policy matters raised by the proceeding may be received after the close of the public hearing, but will not be considered as evidence or as part of the record by the Council.
- l) The City Clerk shall keep a copy of the registry and any recorded comments and/or submitted materials relative to public hearing as a reference for justification of any action taken.

Article IX. Boards, Commissions or Committees.

Section 1. In order to provide a liaison and give the Council representation before various Boards, Committees, or other City related groups, the Council President shall appoint Council Members to serve as liaison to one (1) or more such organizations affecting the City.

- a) A Council Member appointed as a liaison to a Board or Committee shall provide a report to the full Council during a regular scheduled meeting on a monthly basis. The Council President shall determine when reports are due.

Section 2. Council may remove any member from a Board or Committee by a two-thirds (2/3) vote of its members. (Subject to Statutory authority.)

Section 3. The Council shall set requirements for receiving reports from the Boards or Committees. These requirements shall include as a minimum:

- a) Typed minutes of all meetings.
- b) Financial reports on a regular basis; at least quarterly or as required by Council.
- c) All citizen members appointed to Municipal Boards or Committees are required to attend meetings. Failure to attend a majority of meetings may be grounds for removal. (Subject to Statutory authority.)
- d) The Council shall be notified in writing if a meeting is cancelled or the date or place of such meeting is changed.
- e) All Board or Committee meetings shall be in compliance with the Open Meetings Act.

Article X. Citizens Rights.

Section 1. Any citizen of the City of Sylacauga shall have the right to address the City Council under rules established by the Council. A time will be reserved at each regular meeting of the Council to provide an opportunity for the public to directly address the Council on items of interest to the public, but not on agenda items. No action will be taken at the meeting for topics or items addressed during this time. The following conditions shall apply:

- 1) The speaker shall be limited to five (5) minutes.
- 2) The speaker must clearly state their name and address in the city.
- 3) All remarks shall be addressed to the Council President.
- 4) The speaker may not address a Council Member individually.
- 5) No person other than the Council President shall enter into any discussion with a speaker and, then only for clarification of the subject being discussed.
- 6) No question may be asked of the speaker except through the Council President.
- 7) No person may speak on the same issue twice.

Section 2. No person who addresses the Council shall be allowed make belligerent, personal, slanderous, threatening or abusive remarks, statements or commentary toward the Council, Mayor, employees or any other individual, in a manner which disrupts or otherwise impedes the orderly conduct of the council meeting. Violation of this rule will result in termination of said speaker's comment privilege, and, if necessary, suspension of the remaining public comment period. Continued inappropriate behavior or comments shall result in the removal of person(s) exhibiting such behavior from the meeting.

Section 3. Nothing in the foregoing three (3) sections shall prohibit or discourage orderly criticism of any Council action or policy within the limits of State and Federal Law, or these rules.

Section 4. Interested parties may submit written comments on any item listed on a proposed meeting agenda prior to said meeting.

- a) Such written communication must be presented to the City Clerk in a timely manner in order to facilitate distribution to Council Members prior to the meeting during which the matter will be considered.
- b) Written communication regarding agenda items shall become part of the official record of the related meeting.

Article XI. Code of Conduct for Council Members.

Section 1. These rules are meant to create an atmosphere where members of the elected body and members of the public can attend to business efficiently, fairly, and with full participation of all parties involved. The Sylacauga City Council shall adhere to the use of these Rules of Procedure as its Code of Conduct for all meetings of the Council. The then current edition of *Robert's Rules of Order* shall be used as a reference and guideline for situations that are not addressed or otherwise covered herein.

Section 2. It is the responsibility of each of the five (5) Council Members to maintain common courtesy and decorum, to participate honestly and responsibly within these guidelines to insure the successful outcome of each meeting.

Section 3. Council Members are expected to treat each other with respect and dignity, even when in disagreement.

Section 4. The Presiding Officer shall have authority to limit the time for discussion of an issue and, also, to insure that each Member has had ample opportunity to speak uninterrupted on an issue.

Section 5. The Presiding Officer shall stop any conversation that is personal, abusive, loud or crude; the Presiding Officer may order a recess if necessary to regain order.

Section 6. Each Council Member is expected to prepare in advance for a meeting, to be informed on all issues on the agenda, and to pay attention during the meeting.

Section 7. All business conducted in executive session is confidential and shall not be discussed or disclosed unless under court order. Anyone guilty of divulging any business conducted during an executive session will be subject to public censure by the City Council as provided for in Section 10. hereof.

Section 8. Any Council Member receiving allegations of misconduct by a city employee or other person contracted by the City, shall immediately notify the Mayor of such allegation, but shall otherwise treat the allegation as confidential.

- a) The Mayor shall investigate such allegations with the appropriate Department Head, and if necessary, initiate an investigation with the proper authorities.

Section 9. Any Council Member(s) acting in contradiction to or in violation of any of the foregoing sections hereof shall be considered to be acting as a private citizen, and not as a member of the City Council. Said violation may result in public censure being issued by the Council body, upon a determination of such finding by a majority vote of the remaining Council Members. (Section 10.)

Section 10. Any Council Member(s) who shall have been determined by a majority vote of the remaining Council Members to receive public censure for violation of these Rules shall have the

following *Resolution of Censure of Governing Body Member* presented to him/her by the Presiding Officer in an open meeting of the elected body:

“WHEREAS, the City Council as the governing body of the City of Sylacauga has the authority to address issues relating to the conduct of its members, when that conduct brings disrepute to the municipality or the Governing Body, or otherwise interferes with the Council’s ability to conduct the Municipality’s business; the City Council shall publicly censure the offending Member by order or resolution and,

WHEREAS, City Council Member _____ has engaged in conduct tending to bring the City of Sylacauga and the City Council into disrepute, and to otherwise interfere with the Council’s ability to conduct the City’s business and the ability of each member of the City Council to represent the Municipality. (*Describe incident in question at this point.*)

WHEREAS, City Council Member _____’s conduct falls short of the standards that citizens of our community have the right to expect of their elected officials, and tends to undermine and damage the City Council’s credibility with the public in general, and to law enforcement in particular.

NOW THEREFORE, be it resolved by the City Council of the City of Sylacauga that

1. The actions of Council Member _____ on ____ / ____ / ____, are hereby condemned, and the City Council does hereby censure _____ for his/her conduct.
2. The City Council calls on _____ to seriously consider his/her credibility with the Council body and his/her own ability going forward to be effective in his/her service on the City Council in appropriately representing the citizens of our community.”

Article XII. Repealer.

This ordinance hereby repeals Ordinance No. 2008, any amendments thereto, and any other ordinances or parts of ordinances in conflict herewith.

Article XIII. Date of Effect.

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

ADOPTED this 7 day of December, 2016.

City of Sylacauga
A Municipal Corporation



Lee Perryman, City Council President

APPROVED this 7 day of December, 2016.



James Heigl, Mayor

ATTEST:



Patricia G. Carden, City Clerk-Treasurer