

**ORDINANCE NO. 1692**

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE  
IN ALL INSTANCES FOR MEETINGS  
OF THE CITY COUNCIL**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** that the Order Procedure in all instances for meetings of the City Council shall be as follows:

SECTION 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of the City of Fairhope, Alabama.

SECTION 2. Regular Meetings of the Council shall be held on the following dates:  
The 2nd and 4th Monday nights of each month at 6:00 p.m.  
with an agenda meeting at 5:30 p.m.

SECTION 3. A Work Session of the Council shall be held on the following dates:  
The 2nd and 4th Monday nights of each month at 4:30 p.m.

SECTION 4. Special Meetings - The Presiding Officer of the Council shall call special meetings whenever in his or her opinion the public interest requires it. Also, whenever two Councilmembers or the Mayor request in writing a special meeting, the Presiding Officer has the duty to make the call. If the Presiding Officer fails or refuses to call such a meeting when requested, the two Councilmembers making the request, or the Mayor have the right to call such a meeting. Section 11-43-50, Code of Alabama, 1975.

Notice of all special meetings shall be posted on a bulletin board and appropriate customary media notified; and is accessible to the public twenty-four hours prior to such scheduled meeting.

SECTION 5. A quorum shall be determined as provided by Section 11-43-48 of the 1975 Code of Alabama, as amended.

SECTION 6. All regular meetings shall convene at the Fairhope Municipal Complex Council Chamber and all meetings, regular or special, shall be open to the public, except when the Council meets in executive session as authorized by state law.

SECTION 7. The Council may meet in executive session only for those purposes authorized by state law. When a Councilmember makes a motion to go into executive session for an enumerated purpose, the Presiding Officer shall put the motion to a vote. If the 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. No action may be taken in an executive session. When the discussion has been completed, the Council shall resume its deliberations in public.

SECTION 8. That all motions, resolutions, ordinances, or other business, required to be in writing, shall be That all motions, resolutions, ordinances, or other business, required to be in writing, shall be prepared and supplied to all Councilmembers by four o'clock in the afternoon on the Thursday prior to the Monday meeting in which it is to be presented. (e.g. if City offices are not open, the Thursday before the Monday Council meeting, then the writings and documentation shall be supplied to each Councilmember by placing same in each member's mailbox at City Hall by noon Wednesday). Items to be added to the agenda must be approved by Council President or two Councilmembers prior to the agenda deadlines. Agenda items rejected by the Council cannot be added to an agenda for sixty (60) days following the rejection without unanimous consent of the Council.

- a. It is desired that information be supplied to the City Clerk in time to be made part of the agenda packet.



- b. When a work session is called, or scheduled between two 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 Council meeting.
- c. Notwithstanding Sections a. and b. here and above, in the situation of an actual emergency sections a. and b. here and above shall not apply. For purposes, herein an actual emergency exists from 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. An agenda shall be prepared by the City Clerk for all business to come before each regular session and all business to be transacted shall be put on the agenda no later than Wednesday at noon (12:00 p.m.). Items may be added to the end of the regular agenda up to twenty-four (24) hours past Wednesday's deadline with the consent of the Council President. If the City Clerk does not receive confirmation from the Council President to add all items by Thursday noon, these items will not appear on the regular agenda. All other items may be added to the regular agenda during the regular Council meeting upon receiving a motion and seconded and unanimous vote by the Council. The agenda must be faxed or e-mailed to the local newspaper by Thursday at 4:00 p.m. The Council books (iPads) shall be ready for pickup no later than 4:00 p.m. on Thursday before the next regular Council meeting on the following Monday night.
- e. Any item including background material to be placed on the agenda must be turned in by the Wednesday deadline, as stated in d. here and above before the Council meeting or Work Session to the City Clerk subject to the review of the Council President.
- f. If any item that appears on the agenda should need to be pulled prior to Monday night's meeting and after the 24 hours after the agenda deadline on Wednesday, the Council will vote at the Monday night meeting to amend the agenda.
- g. Notwithstanding Sections a. and b. here and above, in the situation of an actual emergency sections a. and b. here and above shall not apply. For purposes herein an actual emergency exist from 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 requirements set forth herein as the same may be determined by the Presiding Officer of the Council.
- h. An agenda shall be prepared by the City Clerk for all business to come before each regular session and all business to be transacted shall be put on the agenda no later than Wednesday noon. Items may be added to the end of the regular agenda up to twenty-four (24) hours past Wednesday's deadline with the consent of the Council President. If the City Clerk does not receive confirmation from the Council President to add all items by Thursday noon, these items will not appear on the regular agenda. All other items may be added to the regular agenda during the regular Council meeting upon receiving a motion and seconded and unanimous vote by the Council. The agenda must be faxed or e-mailed to the local newspaper by Thursday at 4:00 p.m. The Council books shall be ready for pickup no later than 4:00 p.m. on Thursday before the next regular Council meeting on the following Monday night.
- i. If any item that appears on the agenda should need to be pulled prior to Monday night's meeting and after the 24 hours after the agenda deadline on Wednesday, the Council will vote at the Monday night meeting to amend the agenda.



SECTION 9. The order of business shall be as follows:

1. Call to order
2. Invocation/Pledge of Allegiance
3. Approval of Minutes
4. Report of the Mayor
5. Public Participation (Agenda Items)
6. Council Comments
7. Ordinances, Resolutions, Orders, and Other Business
8. Reading of Petitions, Applications, Complaints, Appeals, Communications, etc.
9. Reports of Standing committees (if any)
10. Reports of Special Committees (if any)
11. Reports of Officers (if any)
12. Public Participation (Non-Agenda Items)
13. Adjourn

SECTION 10. No Councilmember shall speak more than twice on the same subject without permission of the Presiding Officer.

SECTION 11. That no individual who is not a member of the Council shall be allowed to address the same while in session without permission of the Presiding Officer and for not more than three minutes, unless approved by the Presiding Officer.

No person, other than a Councilmember or the Mayor, shall be allowed to address the Council on any matter which shall be the subject of a public hearing scheduled by the Council until the meeting under which the public hearing on that matter is scheduled to be heard.

SECTION 12. 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 shall be reduced to writing when required by the Presiding Officer of the Council or any member of same. All Resolutions and Ordinances shall, and any amendments thereto shall be in writing at the time of introduction.

SECTION 14. Motions to reconsider must be by a Councilmember who voted with the majority, and at the same or next succeeding meeting.

SECTION 15. Whenever it shall be required by one or more members of the Council, the "Ayes" and "Nays" shall be recorded; and any member may call for a division on any question.

SECTION 16. All questions of order shall be decided by the Presiding Officer with the right of appeal to the Council by any member.

SECTION 17. 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 18. An election for Council President and Council Pro Tempore will be held each November and/or at the pleasure of the City Council.

SECTION 19. Motions to lay any 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 20. A motion for adjournment shall always be in order.

Ord. No. 1692 Published in  
FAIRHOPE COURIER  
on Friday, November 13, 2020  
Lisa A. Hanks City Clerk

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SECTION 21. The rules of the Council may be altered, amended, or temporarily suspended by a vote of two-thirds of the members present.

SECTION 22. The chairman of each respective committee or Councilmember acting for him or her shall submit or make all reports to the Council when so requested by the Presiding Officer or any member of the Council.

SECTION 23. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting; provided however 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 24. The City Clerk, City Treasurer, City Attorney, Chief of Police, Superintendent of Utilities, and such other officers or employees of the City shall remain in the council chamber for such length of time as the Council may direct.

SECTION 25. 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 its immediate consideration; such consent shall be by roll call and the vote spread upon the minutes.

SECTION 26. *Robert's Rules of Order* are 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 27. This Ordinance replaces and supersedes all previous ordinances in conflict therewith.

SECTION 28. The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence and part thereof separately and independently of each other.

SECTION 29. This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Fairhope upon publication required by law to be effective November 2nd, 2020.

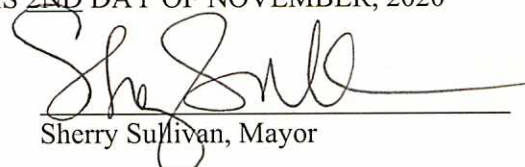
APPROVED AND ADOPTED THIS 2ND DAY OF NOVEMBER, 2020

  
Jack Burrell, Council President

ATTEST:

  
Lisa A. Hanks, MMC  
City Clerk

APPROVED AND ADOPTED THIS 2ND DAY OF NOVEMBER, 2020

  
Sherry Sullivan, Mayor