

ORDINANCE NO. 2021-0001

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHEROKEE RIDGE, ALABAMA, that the order of procedure for meetings of the council shall be as follows:

Section 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the council of Cherokee Ridge, Alabama.

Section 2. Regular meetings of the council shall be held on the second Monday of each month at 7:00 p.m. at 4000 Cherokee Ridge Drive, Union Grove, Alabama, or at such other time and place as the council may from time to time determine. Council work sessions will be held on the second Monday of each month at 6:00 p.m.

Section 3. Special meetings may be held at the call of the mayor by serving notice on each member of the council not less than 24 hours before the time set for such special meetings; emergency meetings may be held as otherwise authorized by law. Notice of all special meetings shall be posted on a bulletin board accessible to the public at least 24 hours prior to such meeting, with the exception of emergency meetings as authorized by law.

Section 4. All meetings of the council shall be open to the public, except when the council meets in executive session as authorized by law and in accordance with state law, and only for those purposes authorized by 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 5. For safety purposes, no signs or placards mounted on sticks, posts, poles, or similar structures shall be allowed in town council meeting rooms. Other signs, placards, and banners shall not disrupt meetings or interfere with others' ability to observe the meeting. All persons holding signs, placards, and banners shall be located at a place designated by the presiding officer to comply with the spirit of this section.

Section 6. For public safety purposes, no weapons of any kind shall be allowed inside the meeting chamber except as approved by the presiding officer.

Section 7. (a) A quorum shall be determined as provided by Section 11-43-48, Code of Alabama. Should no quorum attend within 20 minutes after the time appointed for the beginning of the meeting of the council, the Mayor or Mayor Pro Tem, or in their absence, another councilmember, shall announce that no quorum was present and that the meeting is cancelled.

(b) During a meeting, members of the council should remain in the meeting room at all times, unless an emergency or illness should occur. A member of the council who leaves the meeting room shall not be included in the determination of a quorum. In the event that a member of the council leaves a council meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, except to vote on a motion to adjourn. If, after a

reasonable time not to exceed 20 minutes, the council still lacks a quorum, the meeting shall be automatically adjourned.

Section 8. The rules of the council may be amended in the same manner as any other ordinance of a general and permanent nature. The rules of the council may be temporarily suspended by a vote of two-thirds of the members present.

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

(a)

1. A call to order
2. Roll call
3. Invocation and Pledge of Allegiance
3. Approval of the minutes of the previous meeting
4. Committee Reports
5. Petitions, applications, complaints, appeals, communications, etc.
6. Resolutions, ordinances, orders and other business.
7. Public comments

(b) Any departure from the order of business set forth in the official agenda shall be made only upon affirmative vote of all the members of the council present at the meeting.

(c) The presiding officer shall announce each item on the agenda. The mayor, town clerk, town attorney, or other employee may then be called upon to present the item to the council.

(d) Deletions or technical corrections to the agenda may be considered by the council and adopted by the passage of a single motion approved by the majority vote of those members in attendance at the meeting. Additions to the agenda shall only be made by affirmative vote of all members of the council present at the meeting.

Section 10. No member shall speak more than twice on the same subject without permission of the presiding officer.

Section 11. (a) No person, not a member of the council, shall be allowed to address the council while in session without permission of the presiding officer.

(b) Citizens and other elected officials who wish to be heard by the council shall be afforded an opportunity during the portion of the meeting designated for public comment. The comments shall conform to the requirements of decorum and order that apply to the members of the council and the presiding officer shall take whatever steps are necessary, including the removal of any citizen or other elected official, to preserve such decorum and order. Comments shall be addressed to the town council and shall not include any personal or other comments addressed at any member of the town council or town employee. There shall be no debate and no action by the town council during this portion of the agenda.

(c) Individual speakers are required to adhere to a three-minute time limit when speaking on issues scheduled for public hearing; provided, however, that the presiding officer or the council may, by majority vote, either extend or reduce limits based on the number of speakers.

Section 12. The town council may conduct any public hearings during the portion of the council meeting designated for public hearings. Any notice required by law prior to the conduct of the public hearing shall be given by the town council.

Section 13. Motions and resolutions shall be reduced to writing when required 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. A resolution or ordinance need not be read at length if a copy of the resolution or ordinance is presented to the council; provided further, that any such resolution or ordinance shall be read by title only unless a majority of the council requests that such resolution or ordinance be read at length.

Section 14. The presiding officer of the council may, at his or her discretion, call any member to take the chair to allow the him or her to address the council, make a motion, or discuss any other matter or issue.

Section 15. 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 16. Every officer, whose duty it is to report at the regular meetings of the council, who shall be in default thereof, may be fined at the discretion of the council.

Section 17. All votes of the council shall be conducted by a roll call by the clerk, the "yeas" and "nays" shall be recorded, and the result shall be announced by the presiding officer, whose decision shall be final. Such ruling may not be appealed. No vote may be taken by secret or paper ballot. Upon any vote, there shall be no discussion by any councilmember after roll call has begun.

Section 18. All ordinances, resolutions or propositions submitted to the council which require the expenditure of money shall lie over until the next 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 town.

Section 19. 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 the immediate consideration of such ordinance or resolution. Such consent shall be by roll call and the vote thereon spread on the minutes.

Section 20. (a) Every councilmember desiring to speak should address the presiding officer, and upon such recognition by the presiding officer, should confine discussion to the question under debate, avoiding all personalities and unprofessional language.

(b) Councilmembers shall refrain from attacking a member's motives, speaking on a prior motion not pending, speaking while the presiding officer or other councilmember is speaking, speaking against their own motions, and disturbing the council.

(c) A councilmember once recognized should not be interrupted when speaking unless such member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the presiding officer. If in order, the member shall be at liberty to proceed.

(d) A councilmember shall be deemed to have yielded the floor when he has finished speaking. A member may claim the floor only when recognized by the presiding officer

Section 21. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the council who are present and voting. If an extraordinary majority is required by state law, any matter not achieving this extraordinary majority shall fail passage.

Section 22. The mayor, as presiding officer, may vote on any matter, but is not required to do so, except in the event of a tie vote. In the event of a tie vote, the mayor is required to vote, but shall vote only once on any matter, and shall not cast an additional vote on a tied vote. In the case of a tie in votes on any proposal, the proposal fails.

Section 23. With the exception of the mayor, every member of the council present when a question is put must give his vote, unless the member has publicly stated that he is abstaining.

Section 24. (a) A motion and second to the motion are to precede any action or debate on an agenda matter unless there are speakers who are not members of the council to be heard on the matter.

(b) All motions shall be made and seconded before debate may proceed.

(c) When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except motions to adjourn, lay on the table, postpone, carry over, substitute, or amend, which shall have preference in that order.

(d) Motions to "lay on the table" are made to end debate on a matter and to remove it from consideration by the body. The adoption of a motion to "lay on the table" has the same effect of defeating the original motion and that item shall not be considered again during the same meeting unless a motion to "reconsider" is adopted as provided in Section 28.

(e) Motions to "postpone" or "carry over" must be made by stating the date or time to which the item shall be postponed or carry over. Should such a motion be adopted, the matter will be back before the council at the first regular meeting of the council following the expiration of the time for which it was postponed or carried over.

(f) Motions to "substitute" or "amend" a motion are used to make changes or revisions in the original motion. Such motions are made only after the original motion has received a second, but prior to the adoption of the original motion. If the motion to "substitute" or "amend" is approved, the council then must take a second vote to approve the motion "as substituted" or "as amended," as the case may be.

(g) Any councilmember may move to close, or end, debate and "move the question" on the motion being considered. This motion to "move the question" shall be nondebatable. A successful vote on the motion to "move the question" will end discussion of the item and a vote on all pending motions shall be taken immediately without the offering of any other motions. The councilmember moving the adoption of the original motion shall have the privilege of making closing remarks (of not more than one minute) before the vote on the motion to "move the question" is taken.

Section 25. (a) If a motion or second is made by the presiding officer, as authorized in Section 14, the gavel shall be relinquished in the following order.

(1) To the Mayor Pro Tem; or

(2) In the absence of the Mayor Pro Tem, to the next councilmember, based on seniority.

(b) A presiding officer who relinquishes the chair for the purpose of making a motion shall not return to it until the main question has been disposed of, since he or she has shown themselves to be partisan as far as that particular matter is concerned.

Section 26. An Amendment to a motion must be germane; that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A councilmember may amend the main motion in either of the following two ways:

- (1) By consent of the members. The presiding officer, or another councilmember through the presiding officer, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended; or
- (2) Formal amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

Section 27. The following motions are not debatable and must be voted upon without debate.

- (1) To adjourn;
- (2) To lay on the table; and
- (3) To move the question.

Section 28. 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 29. 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 30. A motion for adjournment shall always be in order.

Section 31. 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 32. This ordinance shall go into effect upon the passage and publication as required by law.

ADOPTED THIS THE 13th DAY OF SEPTEMBER, 2021.

/s/ Natalie Burke
Natalie Burke, Mayor

ATTEST: /s/ Gail Busbey
Gail Busbey, Town Clerk