

**CITY OF DAPHNE  
ORDINANCE 2023-14**

**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 DAPHNE, ALABAMA** that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

**SECTION I: GOVERNING RULES**

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

- A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.
- B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

**SECTION II: COUNCIL MEETING TIME**

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:00 p.m. in the Council Chambers at City Hall. All meetings, regular and special, shall be opened to the public, except when the Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:00 p.m. in the Council Chambers at City Hall. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

**SECTION III: SPECIAL CALLED MEETINGS**

All special meetings may be held as provided by Section 11-43-50, Code of Alabama (1975) (as amended). Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four (24) hours before the time set for such special called meeting. The presiding officer shall call special meetings whenever any two (2) Councilmembers or the Mayor request the presiding officer in writing to call a meeting. Upon the failure or refusal of the presiding officer to call a special meeting when requested, the two (2) Councilmembers or the Mayor making the request shall have the right to call the meeting. Notice of all special 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 meeting.

**SECTION IV: QUORUM**

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama (1975) (as amended).

**SECTION V: ORDER OF BUSINESS**

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Roll Call/Invocation/Pledge of Allegiance

3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
  - Finance Committee
  - Building/Property Committee
  - Code Enforcement/Ordinance Committee
  - Public Safety
  - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
  - Board of Zoning Adjustment
  - Daphne Public School Commission
  - Downtown Redevelopment Authority
  - Industrial Development Board
  - Library Board
  - Planning Commission
  - Recreation Board
  - Utility Board
6. Public Participation
7. Report of Mayor
8. Report of City Attorney
9. Report by Department Heads
10. City Clerk's Report
11. Resolution, Ordinances and Other Business
12. Council Comments
13. Adjournment

**SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL**

- 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 packet. Any item to be placed on Council meeting and work session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on the Monday before the Council meeting or work session (or, if the Council meeting or work session is not scheduled for a Monday, by 12:00 p.m. seven (7) days before the Council meeting or work session). The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two Councilmembers submit a written request to the City Clerk prior to the above mentioned deadline. The Council meeting packet will be sent to the full City Council by 5:00 p.m. Friday before the City Council meeting or work session, and posted on the City website Friday before a Council meeting or work session.
- B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Councilmembers by noon one full City work day before the Council meeting in which it is to be presented. (E.g., if City offices are not open the Friday before the Monday Council meeting, then the writings and documentation shall be supplied to each Councilmember by email and by placing a printed copy in each member's mailbox at City Hall by noon Thursday.)

- C. 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.
- D. In the event of an emergency, subsections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

**SECTION VII: COMMENTS BY COUNCILMEMBERS**

- A. Comments by Councilmembers and Mayor. Any comments or discussion by Councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes. The presiding officer may grant additional comments after all other Councilmembers have had the opportunity to speak.
- B. Number of comments by Councilmember on a subject. No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the Councilmember additional comments after all other Councilmembers have had the opportunity to speak.

**SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS**

- A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item that a participant wishes to address to the Council. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.
- B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed ten (10) minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

**SECTION IX: MOTIONS**

- A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.
- B. Seconding Motions. Any motion coming from a committee does not require a second.
- C. Reconsider a Motion. Any motion to reconsider must be made by a Councilmember who voted with the majority at the same or next succeeding meeting of the Council.
- D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members, the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.
- E. Order of Motions. 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 financial sum shall be first put.

**SECTION X: QUESTIONS OF ORDER**

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

**SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL**

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

**SECTION XII: EXECUTIVE SESSION**

The Council may meet in executive session only at a regular meeting or a special called meeting of the Council and only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. Notice of any matter to be discussed in executive session at a regular Council meeting must be sent to the full Council by 5:00 p.m. on the Friday before the regular Council meeting. Notice of any matter to be discussed in executive session at a special called meeting must be sent to the full Council at the same time that notice of the special called meeting is sent to the Council. If no notice is provided by the aforementioned deadlines, but notice is provided to the Council as soon as is reasonably practicable thereafter, the Council may enter executive session at the next regular Council meeting or special called meeting, as applicable, if the roll call vote to enter executive session is unanimous.

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. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. Other than in those circumstances described above in which notice is provided to the Council after the stated deadlines and thus a unanimous vote is required to enter executive session, if the majority of the Council present and constituting a quorum shall vote in favor of the motion for executive session, the body shall move into executive session for discussion of the matter for which executive session was called. Prior to calling the executive session into 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. No action may be taken in an executive session. When the discussion has been completed, the Council shall either resume its deliberations in public or stand adjourned.

**SECTION XIII: MOTION FOR ADJOURNMENT**

A motion for adjournment shall always be in order.

**SECTION XIV: COMMITTEES / BOARDS**

- A. The chair of each respective committee, or the Councilmember acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.
- B. Each Councilmember shall be a member of the following committees: Public Safety Committee, Public Works Committee, Finance Committee, Code Enforcement/Ordinance Committee and Buildings and Property Committee. Each of these committees shall consist of the seven (7) members of the City Council. Should a Councilmember leave the office of City Council, such member shall also forfeit membership in the aforementioned committees. Once any vacancy in the City Council is filled, the individual filling the vacancy shall become a member of each of the aforesaid committees upon taking the office of City Council.

- C. A chairperson shall be elected for each committee or board by the members of each such committee or board.
- D. No Councilmember shall serve as chairperson of more than one (1) committee or board as referenced in subsection "B" of this Section.
- E. The Council President shall not chair a committee or board.
- F. Committee or board meeting agendas shall be set by the respective committee or board chairperson.
- G. The Mayor may add any item to any committee or board agenda with notification to the chairperson of such committee or board.
- H. The Mayor shall not delete any item from a committee or board agenda, other than an agenda item previously added by the Mayor, without approval from the committee or board chairperson.

#### **SECTION XV: ORDINANCES OF PERMANENT OPERATION**

All ordinances, resolutions, or propositions submitted to the Council that are intended to be of permanent operation shall lie over until the next Council meeting; provided that such ordinance, resolution, or proposition may be considered earlier by unanimous consent of the Councilmembers present at such meeting by roll call vote and, provided further, that this rule shall not apply to (i) amendments to a previously adopted budget ordinance, (ii) the current expenses of the City, (iii) contracts previously made with the City, (iv) regular salaries of officers of the City, or (v) wages of employees of the City.

#### **SECTION XVI: ATTENDANCE REQUIREMENT**

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Reports of Department Heads when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department and when requested by the Mayor.

#### **SECTION XVII: ROBERTS RULES OF ORDER**

That Roberts Rules of Order 11<sup>th</sup> edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

#### **SECTION XVIII: PUBLIC HEARINGS**

The City Council will set all public hearings by a majority vote. At all public hearings, after the initial presentation, all questions and comments shall be limited to three (3) minutes per speaker, unless additional time is allowed by the presiding officer. Whenever a member of the public appears for a public hearing to address the Council as a spokesperson for a group of citizens, the presiding officer may, in his or her discretion, allow such spokesperson additional time to address the Council.

#### **SECTION XIX: REPEALER**

That Ordinance 2021-10 be and is hereby repealed in its entirety and that other ordinances, parts of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent that they conflict.

**SECTION XX: SEVERABILITY**

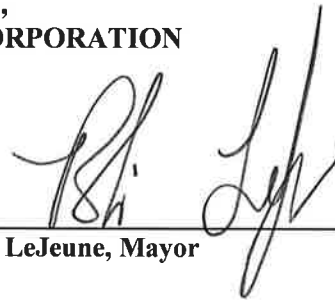
That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative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

**SECTION XXI:**

This Ordinance shall take effect and be enforced beginning April 1, 2023, following approval by the City Council and upon publication as required by law.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE 20<sup>th</sup> DAY OF March, 2023.**

**CITY OF DAPHNE,  
AN ALABAMA MUNICIPAL CORPORATION**



A handwritten signature in black ink, appearing to read 'Robin LeJeune', is written over a horizontal line.

**Robin LeJeune, Mayor**

**ATTEST:**



A handwritten signature in blue ink, appearing to read 'Candace G. Antinarella', is written over a horizontal line.

**Candace G. Antinarella, CMC, City Clerk**