

ORDINANCE NO.: 2067

**AN ORDINANCE TO AMEND SECTIONS FOURTEEN
AND FIFTEEN OF ORDINANCE NO. 2050, AS AMENDED,
OF THE CITY OF PRICHARD, ALABAMA**

WHEREAS, by Resolution No. 1528, the City Council of the City of Prichard, Alabama temporarily suspended members of the public from being allowed to address the council while in session by means of the *City Council Agenda Request Form*, to allow for a review of the current rules and procedure allowing for public comment and to clarify and develop improved policies that would allow better public input and council response to such public participation;

WHEREAS, in accordance with Resolution No. 1528, the Public Safety Committee of the City Council of the City of Prichard met in open session over several meetings to hear public comment and to review, discuss and consider clarifications and modifications to its rules and procedure for the public to address the council in while in open session; and

WHEREAS, the governing body of the City of Prichard, acting upon the work and recommendations of the Public Safety Committee, now desires to amend Section Fourteen and Fifteen of Ordinance No. 2050, as amended, to further provide for what it believes to be clarified and improved guidelines and procedure that will promote improved efficiency regarding public input and Council response to issues raised by members of the public.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PRICHARD, ALABAMA, AT A DULY HELD MEETING, AS FOLLOWS:**

SECTION 1. Section Fourteen: Communication with Council of Ordinance No. 2050, as amended, is hereby amended to read in its entirety, as follows:

“SECTION FOURTEEN: Communication with Council.

(a) Public Hearings. Where required by law, or by unanimous consent of the Council, public hearings on matters before the Council shall be held by the Council at which taxpayers or residents of the City or their authorized legal representatives shall be permitted to present oral statements for or against the matter made subject of the hearing.

(1) Requests to appear at such a public hearing may be filed in writing with the City Clerk, who shall refer the same to the President of the Council prior to the hearing. Persons making these requests in writing shall, together with witnesses requested to appear by the Council, be heard prior to other persons who appear at the hearing.

- (2) Each person addressing any public hearing shall, when called, step up in front of the rail, give his name and address in an audible tone of voice for the records. No person shall speak more than twice on any matter before the Council, except by unanimous consent, and then not until every Council Member desiring to speak has had an opportunity to do so.
 - (3) No person shall speak more than **three (3)** minutes on any subject, and rebuttal speakers shall be limited to **two (2)** minutes, after an issue has been discussed by both sides, except by permission granted by majority vote. Those speaking on any subject will be limited to two (2) spokespersons on each issue, unless permission is granted by unanimous consent of the Council Members present to allow others to speak.
 - (4) The President must notify each speaker, before he/she has begun to speak, that said speaker will be limited to **three (3)** minutes on any subject, and additionally must also notify rebuttal speakers, before said speaker has begun to speak, that he/she will be limited to **two (2)** minutes on any subject.
- (b) Address to Council – General Public. Except as is provided for public hearings or as may be provided by law, unless the rules are otherwise waived by the unanimous consent of the Council, **members of the general public do not have the right to address the Council.** Nevertheless, the governing body of the City of Prichard desires to provide a procedure whereby members of the public may be allowed to address the council while it is in session in accordance with the policy herein provided.
- (1) For the purpose of this section, the following terms shall have the meaning ascribed herein:
 - (i) *Agenda* - shall mean the proposed order of business for each meeting of the council.
 - (ii) *Close of the Agenda* - shall mean the day and time set by the Council for all business and materials to be submitted to the City Clerk for inclusion in the Agenda for the next meeting of the Council.
 - (iii) *Applicant* – the person or persons collectively submitting a *Request to Address the City Council Form*.
 - (2) Request of Members of the Public to Address the City Council. Members of the public desiring to address the city council during a duly held meeting must complete a *Request to Address the City Council Form* and submit the same to the **City Clerk** or to the **Council Secretary** (at the **Office of the City Clerk**) not later than **Monday, 12:00 Noon** (the “Close

of the Agenda”), two (2) weeks prior to the scheduled meeting at which the person desires to speak.

- (3) The Request to Address the City Council Form shall be in substantial form as Exhibit “A” hereto and the original completed form shall be retained by retained and filed by the City Clerk and copies distributed, as follows:
- (i) a copy to each member of the Council;
 - (ii) a copy to the Council’s Secretary or Administrative Assistant to be filed in the Council’s *Request to Address the Council Log Book*; and
 - (iii) a copy to the Mayor and/or his designee(s).

- (4) **Administrative Action Items** - Requests relating to the repair or remediation of a condition affecting the residents of the City of Prichard or municipal property, i.e., streets & road issues, drainage matters, overgrown weeds, dangerous conditions, garbage & trash, dilapidated buildings, overgrown properties, security issues, nuisances, etc., shall be directed to the **Office of the Mayor** and to members of the City Council as an “**Administrative Action Item.**”

- (a) Status Report of Mayor. The Mayor is requested to provide the Council with a status report of each Administrative Action Item forwarded for his/her attention within 10 calendar days of the date the Action Item was filed, (i.e., *where an Administrative Action Item was filed by the close of business on Monday, September 3rd, the Mayors status report would be expected on or before Thursday, September 13th.*)

(Note: The 10 calendar day period is intended to allow the Administration an opportunity investigate, fix or otherwise remedy the problem – so that the Applicant can be advised that the matter has been remedied or is expected to be remedied within a short period of time and, therefore, an appearance by the Applicant before the Council may not necessary.)

- (b) Councilor Contact Applicant. Within 72 hours after the *Status Report of the Mayor*, the Member of the Council in the district in which the problem is situated shall

contact the Applicant to report the status and/or to seek a resolution of the problem.

- (c) Applicant Appearance on the Agenda. If after the Status Report of the Mayor and contact by the Councilor for the district in which the problem is situated the matter complained of has not been remedied to the satisfaction of the Applicant, the Applicant will be permitted to appear and address the Council at the meeting requested in the Application.

- (5) **Council Policy, Property or Other Action Items** - Requests relating to items regarding changes to and/or comments regarding municipal policy or requests for the use of municipal property not covered by an administrative policy shall be directed to the **Office of the City Council** and to the Mayor as a **“Council Policy, Property or Other Action Item.”**

- (a) Contact by Councilor(s). Within 72 hours after the receipt of a request relating to a *Council Policy, Property or Other Action Item*, the Council Member(s) for the district(s) that would be affected by the municipal policy or requests for the use of municipal property not covered by an administrative policy or the matter complained of shall contact the Applicant to discuss and/or seek a resolution of the Item.

(Note: The contact by Councilor(s) is intended to allow the members of the City Council an opportunity investigate or otherwise consider solutions – so that the Applicant can be advised that the matter has been remedied or is expected to be remedied within a short period of time and, therefore, an appearance by the Applicant before the Council may not be necessary.)

- (b) If after contact by the Councilor(s) for the affected district(s) the subject of the Item has not or cannot be satisfactorily remedied, the Applicant will be permitted to appear and address the Council at the meeting requested in the Application.

- (6) **Presentations; Time Limit.** A person or persons permitted to address the council by the presiding officer shall be limited to

three (3) minutes which period shall include the person's comments, questions from members of the council and any response thereto. Members of the Council shall make a good faith effort to avoid asking questions during the speaker's three (3) minute presentation unless the speaker completes the presentation or yields the floor in less than three (3) minutes.

- (c) Address to Council – Special Briefings and Reports. Any member of the City Council, the Mayor or any person or entity desiring to provide the Council with a briefing, proposal or report regarding matters regarding economic or community development, health and safety, or similar proposal or report may make a written request to address the council, as follows:
- (1) The written request shall include: (i) a summary of the purpose and intent of the briefing, (ii) the number of persons expected to address the council, (iii) a good faith estimate of the time the presenter(s) expect will be required to complete the presentation; (iv) and eight (8) copies of any handout or written proposal expected to be distributed to the mayor and council during the presentation.
 - (2) The request should be made to the city council, attention Council President, not less than 10 days prior to the meeting at which the presentation is to be made.
 - (3) Upon receipt of the request, the Council President shall present the request to the council at the council conference (or council meeting if no council conference is held) following receipt of the request. At that meeting the council shall decide whether to grant the request and, if so, determine at which meeting, regular or special, the request will be honored and the time to be set aside for hearing the request. Notice of the decision of the council shall be given to the requester as soon as is practicable.
- (d) Address to Council – Governmental Entities. Requests by Governmental entities to address the council should be presented to the presiding officer of the council and scheduled as soon as is practicable for a regular or special meeting as necessity requires and with notice as required by the Alabama Open Meetings Act.
- (e) Disruptions, Good Name and Character. Citizens and other visitors attending city council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the city council. The following rules shall also apply to citizens and other visitors attending the meetings of the city council or any committee thereof:
- (1) No person addressing the council shall be permitted to discuss the good name and character of an individual. Any person violating this rule while

addressing the city council or while attending the city council meeting or any committee thereof shall be asked by the presiding officer to leave the room and if said person refuses to do so forthwith, said person shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the city council or committee during that session of the city council committee. If the presiding officer fails to act, any member of the city council or committee member may move to require enforcement of the rules, and the affirmative vote of a majority of the city council shall require the presiding officer to act.

- (2) Any person making personal, impertinent, profane or slanderous remarks or who speaks without permission or who becomes boisterous or exhibits or commits disorderly conduct as the same is defined in Section 13A-11-7 of the Code of Alabama, 1975, while addressing the city council or while attending the city council meeting or any committee thereof shall be asked by the presiding officer to leave the room and if said person refuses to do so forthwith, said person shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the city council or committee during that session of the city council or committee. If the presiding officer fails to act, any member of the city council or committee member may move to require enforcement of the rules, and the affirmative vote of a majority of the city council shall require the presiding officer to act.
- (3) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who may direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer shall fail to act, any member of the city council may move to require enforcement of the rules, and the affirmative vote of the majority of the city council shall require the presiding officer to act."

SECTION 2. Section Fifteen: Decorum of Ordinance No. 2050, as amended, is hereby amended to read in its entirety, as follows:

"SECTION FIFTEEN: Decorum.

- (a) While a Council is in session, the Members shall preserve order and decorum; and, a Member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

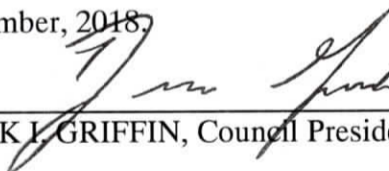
- (b) Any person not a member of the Council, making personal, impertinent or slanderous remarks, or who shall become disruptive or boisterous while the Council is in session, and continues to make such remarks and/or exhibit said conduct after having once been removed from the council for similar conduct within the past six (6) months shall, upon a vote of at last three (3) members of the council, be referred forthwith to the city's legal department for consideration of legal action in the appropriate court to seek the prevention of said conduct in the future.
- (c) The Chief of Police or those members of the Police Department as he may designate shall be Sergeant—at—arms of the Council Meetings. He or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council Meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant—at—arms or any of them present to place any person who violates the order and decorum of the meeting under arrest and cause him to be prosecuted upon complaint to be signed by the Presiding Officer.”

SECTION 3. All other parts, sections, sentences, paragraphs, etc., of Ordinance No. 2050, as amended, not affected by this Amendment shall be and remain in full force and effect.

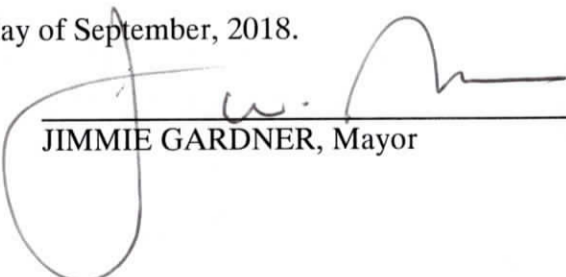
SECTION 4. If for any reason, any clause, sentence, section, subsection, schedule, part of schedule or provision of this ordinance, or the application thereof to any person or any circumstance, is held invalid or inoperative, the remainder of the ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

SECTION 5. This Ordinance shall become effective immediately upon its adoption and publication as required by law.

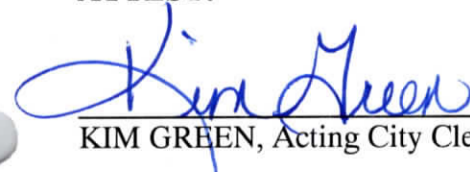
ADOPTED this the 20th day of September, 2018.


DERRICK I. GRIFFIN, Council President

APPROVED this the 20th day of September, 2018.


JIMMIE GARDNER, Mayor

ATTEST:


KIM GREEN, Acting City Clerk