

ORDINANCE NO. 1926

**AN ORDINANCE REGULATING THE
EMPLOYMENT OF PERSONS BY THE CITY
OF PRICHARD AND THE APPOINTMENT OF
PERSONS TO ANY BOARD OR REGULATORY
BODY WITHIN THE CITY OF PRICHARD**

WHEREAS, the legislature of the State of Alabama has authorized cities in this state to place the administration of certain detailed municipal activities under the supervision and control of appointed boards and commissions, including but not limited to water works and sewer boards, public parks and recreation boards, public building authorities, municipal housing authorities, zoning commissions, zoning boards of adjustment, industrial development boards and historic preservation commissions;

WHEREAS, the City Council of the City of Prichard, Alabama finds that residents of the City of Prichard have a vested interest in the public health, safety and general welfare in the city in which they live and are most directly affected by governmental decision-making and the administration of municipal activities under the supervision and control of boards and commissions in the City of Prichard;

WHEREAS, the City Council of the City of Prichard finds that residents are, in general, more likely to attend meetings and invest in their own city;

WHEREAS, the City Council of the City of Prichard, Alabama finds that it is in the best public interest of the city and its citizens that boards and commissions in the city exercising the administration of municipal activities be comprised of residents, being those who have a vested interest in the city;

WHEREAS, the City Council of the City of Prichard, Alabama finds that the mayor and members of the council are required by law to be residents of the City of Prichard to be eligible for election and to exercise those sovereign powers delegated to them by the legislature for the welfare and protection of the inhabitants and the general public within the jurisdiction of the City of Prichard; and that the law in the State of Alabama permits the governing body of municipalities to delegate the administration of

certain of those municipal activities to boards and commissions;

WHEREAS, the City Council of the City of Prichard finds historically that the members of all boards and commissions in the city have been residents of the City of Prichard when appointed; and that the council has always and does now interpret Section 2 of Ordinance No. 1164 to require that the membership of boards *created or appointed* by the council to be residents of the City of Prichard;

WHEREAS, the City Council of the City of Prichard finds there has never been a guarantee or even a reasonable expectation that persons not residing in the City of Prichard would be appointed to boards and commissions in this city;

WHEREAS, the City Council of the City of Prichard finds that requiring persons appointed to boards and commissions in the city be residents of the city is rationally related to the legitimate city interest in ensuring that only those whose interest are most affected by the actions and decisions of said boards and commissions are appointed to said boards;

WHEREAS, it is the primary purpose of this ordinance is to provide means and procedures for appointments to boards and commissions in the City of Prichard; to state the intent of the Council with respect to Ordinance No. 1164; to set forth definitively the public policy of the City Council with respect to appointments to boards and commissions in the city; to effectuate the public interest of the citizens of the City of Prichard, Alabama; and to the greatest extent possible secure the rights and interests of the citizens of Prichard to have their municipal activities under the supervision and control of boards and commissions whose members are residents of their city;

WHEREAS, the City Council of the City of Prichard recognizes that there are non-residents of the city with expertise, know-how, and ingenuity who contribute to the various *advisory boards, commissions and committees* of the city created by the Council; that the city appreciates their contributions and desires to continue calling upon them as a valuable resource to our community; and, that the Council desires to exempt from the residency requirement of this ordinance such various *advisory boards, commissions and committees*;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PRICHARD, ALABAMA, as follows:

SECTION 1. Any person applying for or holding an office, position, or

employment of the City of Prichard, Alabama, the holders of which are paid whether by salary, wages, or fees in whole or in part from funds of the City of Prichard, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer, including members of boards who are not employed on a full-time basis and are not required to devote their services exclusively to the municipality, except as specifically exempted in Section 3 of this Ordinance, shall be a resident of the City of Prichard, Alabama, or its police jurisdiction."

SECTION 2: That any person living within the city limits of the City of Prichard or within the police jurisdiction of the City of Prichard for at least 90 successive days next preceding the adoption of this ordinance shall be eligible to be appointed to and/or hold office on any Board or other regulatory body whose members are appointed or elected by the City Council of the City of Prichard or the Mayor of the City of Prichard. Any break in residency shall render a person holding office ineligible to hold the office and said person shall not again be eligible for appointment to an office until such time as said person shall have lived in the City of Prichard for a period of at least 90 successive days.

SECTION 3: The following shall be exempted from the residence requirements of Section 1 of this ordinance: (1) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (2) common laborers not engaged in regular employment; (3) attorneys, physicians, surgeons, and dentists, or any other persons employed in their professional capacities; (4) the judge of any court within the limits of the City of Prichard or its jurisdiction; (5) persons employed under Section 11-43C-40 of the Code of Alabama; and (6) persons appointed to advisory boards and committees of the City of Prichard.

SECTION 4: All ordinances or resolutions heretofore passed and in conflict herewith regulating residential requirements of employees of the City of Prichard or appointees to any Board or other regulatory body whose members are appointed or elected by the City Council of the City of Prichard or the Mayor of the City of Prichard are hereby repealed insofar as such resolutions or ordinance conflicts with the terms hereof.

SECTION 5: It is the specific intent of the City Council of the City of Prichard, Alabama that the terms of this ordinance shall be applied retrospectively and prospectively.

SECTION 6: If any word, sentence, phrase or paragraph of this ordinance shall be deemed to be invalid by a court of competent jurisdiction, then in such event, the

remainder of this ordinance shall remain in full force and effect without the word, sentence, phrase or paragraph that has been held to be invalid.

SECTION 6: This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 16th day of December, 2004.

APPROVED:



RONALD K. DAVIS, Mayor

ATTEST:



DARLENE PALMER LEWIS, City Clerk

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