

2021

AN ORDINANCE TO ESTABLISH RULES OF PROCEDURE FOR THE
MOBILE CITY COUNCIL

Sponsored by: City Council

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS
FOLLOWS:

Section 1. Adoption of Rules of Procedure

Sections 2-51 through 2-90 of the Mobile City Code, 1991, are hereby amended and restated in their entirety to read as follows:

“Sec. 2-51. Meetings to be open.

All meetings of the council shall be open to the public and news media, except on those occasions when the council may choose to go into executive session for the purposes set forth in section 7 of the Alabama Open Meetings Act, Act 2005-40.

Sec. 2-52. Regular meetings.

The council shall hold regular public meetings in the auditorium of the Mobile Government Plaza on Tuesday of each calendar week, except when otherwise ordered or adjourned by the council or the council president.

All regular meetings of the council shall commence at 10:30 a.m. and shall be held in such auditorium except when otherwise ordered or adjourned; provided, that nothing in this section shall preclude conferences among the councilmembers outside the auditorium. If such meetings fall on a legal holiday, the meeting shall be adjourned until, and held on, the day and time to be announced by the president.

Notice of each meeting of the council shall be posted on a bulletin board at a place convenient to the public in Mobile Government Plaza. Notice shall also be provided directly to any member of the public or news media covering the city who has registered with the city to receive notification of meetings.

Sec. 2-53. Special or called meetings.

The council may hold such special or other meetings as the business of the city may require. The president of the council shall call special meetings of the council whenever, in his opinion, the public business may require it, or on the written request of the mayor or any three (3) councilmembers. The written notice shall be filed with the city clerk and shall specify the time, place, and purpose of the meeting. Notice of the call of such special meetings shall be given in writing by the city clerk to the mayor, the city attorney, the council attorney, and to each councilmember, not less than twenty-four (24) hours before such special meeting shall commence, or not less than forty-eight (48) hours if the notice has been properly addressed and placed in the

United States mail with correct postage thereon, before such meeting shall commence. Such notice shall be spread on the minutes of the meeting, unless there is entered a waiver of notice signed by all councilmembers.

Notice of special or called meetings, or emergency meetings, shall be posted on a bulletin board at a place convenient to the public in Mobile Government Plaza as soon as practicable after the meeting is called but in no event less than twenty-four (24) hours before the meeting is scheduled to begin, unless such notice:

- (1) Is prevented by emergency circumstances requiring immediate action to avoid physical injury to persons or damage to property; or
- (2) Relates to a meeting to be held solely to accept the resignation of a public official or employee.

In the circumstances of either (1) or (2), notice shall be given as soon as practicable but in no event less than one hour before the meeting is scheduled to begin. At the time that general notice is given, special direct notice shall also be given to any member of the public or news media covering the city who has registered with the city to receive notification of meetings.

Sec. 2-54. Agenda.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the council shall be delivered to the city clerk by 2:00 p.m. Thursday. Any item submitted after 2:00 p.m., Thursday, shall require the consent of three (3) councilmembers, inclusive of the council president, before the matter will be placed on the agenda for consideration by the Mobile City Council. The city clerk shall immediately prepare a list of such matters according to the order of business and furnish each member of the council, the mayor, the city attorney, and the council attorney with a copy of such lists, together with copies of matters to be presented to the extent that such copies are available, prior to the regular, special, or called council meeting and as far in advance of the meeting as time for preparation will permit.

The council's agenda shall be posted as soon as practicable in the same location or manner as the notice of meetings and on the city web site, www.cityofmobile.org. If an agenda is not available, the posted notice of meetings shall include a general description of the nature and purpose of the meeting.

Sec. 2-55. Quorum.

The quorum for the transaction of any business by the council shall be not fewer than five (5) councilmembers. All measures shall be adopted by the vote of at least five (5) councilmembers. In the absence of a quorum, the presiding officer shall, at the insistence of any two (2) members present, compel the attendance of absent members, or shall adjourn the meeting to a stated time and date to permit the establishment of a quorum.

Sec. 2-56. Presiding officer.

- (a) The president of the council or, in his absence, the vice president of the council, shall preside over regular, special, and called meetings of the council. In the absence of the president and the vice president at the hour appointed for any meeting, the city clerk or her assistant shall

call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the president or the vice president, the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the council.

- (b) The presiding officer shall preserve strict order and decorum at all meetings of the council. The presiding officer of the council shall use Robert's Rules of Order as a guide for the conduct of all meetings of the council. He shall state every question given before the council; direct the clerk to call the roll, and record the vote on all matters on which the recording of yeas and nays is required by law, or with respect to which any councilmember requests such recording; announce the decision of the council on all subjects; and decide on all questions of order. However, any councilmember may appeal any ruling to the council; in which event, a majority vote of the council shall govern and conclusively determine the ruling appealed. He shall vote on all questions; and, on questions upon which the vote is recorded, his name shall be called last.
- (c) The council president shall be authorized to approve or disapprove all travel outside of the city for which reimbursement will be sought for councilmembers. All requests shall be made in writing and shall state the benefits of such travel to the city. Authorization or denial of all requests shall be in writing. Any request which is denied may be appealed to the full council at a regular meeting thereof. This subsection shall not cover funds appropriated by state law to each councilmember for in-city expenses.
- (d) The city clerk, by direction of the council president, shall serve as the executive director for the council, the city clerk's office, overhead staff, and the archives division and will sign check requests, requisitions, etc.
- (e) The council president or, in his or her absence, the council vice-president, may suspend sections 2-58(1)(m), 2-58.1(2)(m), 2-61(d), 2-62(a) and 2-62(c) of the Mobile City Code providing for presentations of petitions and other communications to the council and its committees and public comment for a period of time not exceeding a total of thirty (30) consecutive days in any calendar year should such presiding officer deem it necessary in the interest of the public health, safety and welfare. The council may by resolution extend said time period by an additional time period not exceeding a total of thirty (30) consecutive days in any calendar year. The council may also by resolution remove or reduce such suspension at any time. A copy of any written communications received by the city clerk during such suspension periods from citizens shall be disseminated to each council member.

Sec. 2-57. Roll call.

Before proceeding with the business of the council, the city clerk, or her assistant, shall call the roll of the members, and the names of those present shall be entered in the minutes.

Sec. 2-58. Order of business.

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, all councilmembers shall take their regular seat, in the auditorium. The mayor, the city clerk, city attorney, council attorney, executive director of public services, executive director of finance, executive director of public safety, executive director of

administrative services, and such other department heads or employees of the city, when requested, shall attend all meetings of the council, and remain available for such length of time as the council is in session, or they are excused by the council.

- (1) The business of the council shall be taken up for consideration and disposition in the following order, unless the order is suspended by unanimous consent:
 - a. Call to order.
 - b. Invocation.
 - c. Pledge of allegiance.
 - d. Roll call - city clerk.
 - e. Statement of rules by council president.
 - f. Approval of minutes of previous meeting.
 - g. Communications from the mayor.
 - h. Reports of committees.
 - i. New committee assignments.
 - j. Adoption of the agenda.
 - k. Appeals.
 - l. Public hearings.
 - m. Presentations of petitions and other communications to the council.
 - n. Consideration of ordinances for final passage (held over from previous meetings).
 - o. Consideration of resolutions for final passage (held over from previous meetings).
 - p. Ordinances being introduced.
 - q. Resolutions being introduced.
 - r. Call for public hearings.
 - s. Announcements.
 - t. Adjournment.
- (2) A resolution or ordinance, whether of a permanent nature or not, must first be introduced by a councilmember(s) or the mayor at a meeting and read to the body. Each such resolution or ordinance introduced must show the name of the sponsoring councilmember(s) or the mayor.
- (3) If no motion is made to consider the resolution or ordinance immediately, the city clerk will cause it to be placed on the agenda for the next regular meeting under the caption: "ORDINANCES/RESOLUTIONS HELD OVER FROM PREVIOUS MEETING." If a motion is made to consider the resolution or ordinance immediately, such motion must be seconded, and thereupon, the chair shall call for the question without debate; but unless all present vote in favor of the motion for immediate consideration, the resolution or ordinance must be held over to the next regular meeting and placed on the agenda by

the city clerk under the caption: "ORDINANCES/RESOLUTIONS HELD OVER FROM PREVIOUS MEETING."

- (4) The foregoing necessity of obtaining unanimous consent for immediate consideration shall not apply, however, to a resolution calling for a public hearing. Such resolutions may be approved at the meeting at which they are introduced.
- (5) If unanimous consent is given for immediate consideration of an ordinance or resolution, it is presupposed that the urgency of the matter is such that the resolution or ordinance or other matter must be acted upon immediately.
- (6) If a resolution or ordinance is on the agenda under the caption "PUBLIC HEARINGS," the public must be given an opportunity to be heard and express its opinion. Such expression from the public shall be prior to any motion relative to the resolution or ordinance. If, on the other hand, an item is on the agenda for consideration under any caption, other than "PUBLIC HEARINGS," it may be moved to the category of, and under the caption of, "PUBLIC HEARINGS" by a majority vote of the council prior to the commencement of any business of the council, such motion being "to amend the order of the business of the day."

Sec. 2-58.1. Agenda and order of business for fourth council meeting each month.

The order of business of meetings of the council is hereby amended to provide as follows:

- (1) The agenda for the fourth meeting of the council each month shall include time for the purpose of discussing the status of the budgets and economic trends that affect the budgetary processes, and so that the Council will have an opportunity to ask questions concerning the budgets.
- (2) The order of business for the fourth meeting of the council each month shall hereafter be as follows:
 - a. Call to order;
 - b. Invocation;
 - c. Pledge of allegiance;
 - d. Roll call—City clerk;
 - e. Statement of rules by council president;
 - f. Approval of minutes;
 - g. Communications from the mayor;
 - h. Reports of committees;
 - i. New committee assignments;
 - j. Monthly finance report;
 - k. Adoption of the agenda;
 - l. Appeals;
 - m. Presentation of petitions and other communications to the council;

- n. Ordinances held over;
- o. Resolutions held over;
- p. Ordinances being introduced;
- q. Resolutions being introduced;
- r. Call for public hearings;
- s. Announcements;
- t. Adjournment.

Sec. 2-59. Reading of minutes.

Unless a reading of the minutes of a city council meeting is requested by a member, such minutes may be approved without reading. The city clerk shall furnish each councilmember with a written copy of the minutes of each meeting.

Sec. 2-60. Motions.

- (a) No motion made at any council meeting shall be debated or put to a vote unless seconded. When seconded, the proposer shall have the floor.
- (b) Each resolution or ordinance introduced at a council meeting shall be in writing and read by the city clerk at the time it is introduced. Motions shall be reduced to writing when required by the presiding officer of the council or any member of the council.
- (c) When a question is under debate, the following motions shall be in order and shall have precedence over each other in the order stated:
 - (1) To adjourn to a day certain.
 - (2) To adjourn.
 - (3) To take a recess.
 - (4) To lay on the table.
 - (5) To previous question.
 - (6) To refer to a committee.
 - (7) To amend.
 - (8) To postpone to time certain.
 - (9) To postpone indefinitely.

Motions 1 through 5 shall be decided without debate.

Sec. 2-61. Rules of debate.

- (a) The presiding officer of the council may move, second, and debate from the chair, subject only to such limitations of debate as are by this article imposed on all councilmembers, and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer.

- (b) Every councilmember or official desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall address himself to the question under debate, avoiding all personalities and indecorous language.
- (c) A councilmember or official, once recognized, shall not be interrupted when speaking, unless it be to call him to order or as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined; and, if in order, he shall be permitted to proceed.
- (d) No person from the general public shall enter into a debate with any member of the council, nor shall any person from the general public be allowed to speak on the subject before the council until every councilmember desiring to speak has had an opportunity to do so. No person from the general public shall speak more than five (5) minutes, except by permission granted by majority vote. However, the councilmember moving the adoption shall have the privilege of closing debate, and shall not be limited on the answering of questions pertinent to the matter proposed.
- (e) A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any councilmember, and may be made at any time and take precedence over all other motions or while a member has the floor. It shall be debatable. Nothing herein shall be construed to prevent any councilmember from making or remaking the same or any other motion at a subsequent meeting of the council.
- (f) The minutes of the city council are recorded in summary form, not verbatim. If councilmembers desire that their comments on a particular subject be recorded in their entirety, the city clerk should be informed at the time the comments are made.

SECTION ONE: Mobile City Code Section 2- is hereby amended and restated in full as follows:

Sec. 2-62. Communications with council at Council Meetings.

(a) *Presentations of petitions and other communications to the council.*

- (1) Interested parties or their authorized representatives wishing to address the council on non-agenda items (items not included on the agenda) must submit in writing to the city clerk a request to address the council with their name, address, and identifying the subject matter to be discussed and describing in detail the specific question or issue to be addressed. Single word descriptions or topics are insufficient - the request must contain enough information so that the council will have enough information to adequately respond if desired. The written communication must relate to city government and must be received by the city clerk on or before 2:00 p.m. the Thursday preceding the regular council meeting at which the person desires to speak. Persons who do not provide the required information in their request will not be called on to address the council unless allowed by a super-majority vote of the council.
- (2) Interested parties or their authorized representatives wishing to address the council on items included on the agenda for a regular council meeting must sign in with the city clerk with their name, address, and identify the specific agenda item(s) to be addressed prior to the start of the regular council meeting.
- (3) In the event a regular council meeting is conducted remotely, interested persons or their authorized representatives wishing to address the council on items included on the agenda for a regular council meeting must submit in writing to the city clerk a request to address the council at such remote meeting with their name, address, and identify the specific agenda item(s) to be addressed, which written request must be received by the city clerk at least 24 hours preceding the remotely conducted meeting.
- (4) Each person from the general public addressing the council on either agenda or non-agenda items, when called, shall step up to the podium or other location provided to address the council and, prior to making any other comments, give their name in an audible and clear tone of voice for the record.

(5) Each person addressing the council on either agenda or non-agenda items shall be limited to a total of three (3) minutes on all subjects, provided that a single one (1) minute extension shall be granted upon the request of any council member. No further extension shall be allowed except by permission granted by super-majority vote of the council. Persons addressing the council may not share or reserve time. Upon the expiration of the allotted time the person speaking shall return to their seat or exit the council chambers.

(6) There shall be no dialogue between the person addressing the council and any individual council member.

(7) After the person addressing the council has returned to their seat or exited the council chambers, the council president shall ask if any councilmember or member of the City administration wishes to respond to the speaker's comments or ask questions of the speaker.

(b) *Public hearings or appeals.* Where required by law, or by unanimous consent of the council, public hearings on matters before the council, or appeals to the council (excluding appeals for waiver of the noise ordinance), shall be held by the council at which taxpayers, residents of the city, other interested parties, or their authorized legal representatives, shall be permitted to present oral statements for or against the matter made a subject of the hearing or appeal. Requests to appear at such a public hearing or appeal may be filed in writing in advance with the city clerk and shall include the speaker's name and address. The city clerk shall refer the same to the president of the council prior to the hearing or appeal. Persons making requests in writing shall, together with witnesses requested to appear by the council, be heard prior to other persons who appear at the hearing or appeal. Each person addressing any public hearing or appeal without submitting a written request shall, when called, step up to the podium and give their name in an audible tone of voice for the record. No person shall speak more than five (5) minutes on the 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 of the council. Those speaking on the subject will be limited to four (4) spokespersons on each side (for or against) of the issue, unless permission is granted by unanimous consent of the councilmembers present to allow others to speak. Speakers will be determined by the chronological order in which they signed up to speak. Speakers may not share or reserve speaking time. The president must notify each speaker, before they have begun to speak, that said speaker will be limited to five (5) minutes on the subject, and additionally must also notify rebuttal speakers, before said speaker has begun to speak, that they will be limited to two (2) minutes on the subject. All persons wishing to address the council shall be required to register with the city clerk prior to the meeting, including their name and address, and listing with specificity the subject matter to be discussed and whether they are for or against the matter subject to the hearing or appeal.

- (c) Communication with committees. Taxpayers or residents of the city or their authorized legal representatives shall be permitted to orally address any committee of the council on any matter referred to that committee. Requests to appear before a committee of the council shall be filed with the city clerk, who shall refer the same to the chairman of the committee. The chairman of the committee may call a meeting of the committee to hear the matters presented, or shall bring the matter before the council to set a time and place for a public hearing.
- (d) *Violations of council rules and disruptive behavior.* Any speaker addressing the council who violates any of the rules contained in Chapter 2, Article II, Division 2 of the Mobile City Code is to be warned by the presiding officer that they are in violation of the rules and given the opportunity to bring themselves to order. If the speaker continues in violation of the rules, the presiding officer may order that the person be removed from the council chambers for the remainder of that meeting. Any member of the public present in the council chambers during a meeting who engages in loud, boisterous, or other conduct that disrupts the meeting may be removed in like manner.
- (e) *Repeated violations of council rules or disruptive behavior.* Any person who is twice removed from the council chambers under the previous subsection (d) will be subject to a thirty day ban on attendance at council meetings. Any person who has previously been subject to a thirty day ban who is again removed from a council meeting will automatically be subject to a further thirty day ban.

Sec. 2-63. Decorum.

- (a) While a council is in session, all cellular phones/pagers must be turned off to avoid distraction and interference with the sound system.
- (b) 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.
- (c) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while the council is in session, shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue is granted by the affirmative vote of five (5) members.
- (d) 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 meetings. 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.

Sec. 2-64. Persons authorized to be within the rail.

No person, except city officials, their representatives, and members of the news media, shall be permitted within the rail without the express consent of the council.

Sec. 2-65. Committees.

- (a) *Special committee.* A special committee is an ad hoc committee appointed to work on a single subject matter. The fact that such subject would ordinarily be within the jurisdiction of a standing committee does not prohibit its referral to a special committee in the manner prescribed by ordinance. A special committee shall consist of a chairperson and two (2) committee members; such committee shall be created and its members appointed by the council president as needed.
- (b) *Standing committees.* The council shall maintain six (6) standing committees which shall make recommendations to the council as appropriate. The six (6) standing committees shall be: (1) finance committee; (2) public safety committee; (3) public services committee; (4) rules committee; (5) administrative services committee; and (6) economic, cultural, and civic development committee. Each standing committee shall consist of a chairperson and two (2) additional committee members, all appointed by the council president.
 - (1) *Finance committee.* The function of the finance committee is to recommend the budget hearing process. This committee also recommends budget modifications as requested by the mayor. The purpose of the finance committee is to conduct an ongoing analysis of the functions of this particular division of city government relative to city policy. Communication should be established and maintained with the executive director of finance and/or his/her department heads in order to develop and maintain an awareness of the operations of this division for the purpose of being capable of responding to the city council when the need for policy changes are recommended to the council by the mayor. Additional duties may be assigned as needed.
 - (2) *Public safety committee.* the purpose of the public safety committee is to conduct an ongoing analysis of the functions of this particular division of city government relative to city policy. Communication should be established and maintained with the executive director of public safety and/or his/her department heads in order to develop and maintain an awareness of the operations of this division for the purpose of being capable of responding to the city council when the need for policy changes are recommended to the council by the mayor. Additional duties may be assigned as needed.
 - (3) *Public services committee.* The purpose of the public services committee is to conduct an ongoing analysis of the functions of this particular division of city government relative to city policy. Communication should be established and maintained with the executive director of public services and/or his/her department heads in order to develop and maintain an awareness of the operations of this division for the purpose of being capable of responding to the city council when the need for policy changes are recommended to the council by the mayor. Additional duties may be assigned as needed.

- (4) *Rules committee.* The function of the rules committee is to conduct an ongoing analysis of council procedures to insure legality and maximum exercise of council responsibilities. Additionally, all matters relating to nominations, rules, laws, executive communications, resolutions, ordinances, municipal boards, committees, commissions, and authorities shall be referred to this committee at the discretion of the council president. Additional duties may be assigned as needed.
- (5) *Administrative services committee.* The function of the administrative services committee is to conduct an ongoing analysis of the functions of this particular division of city government relative to city policy. Communication should be established and maintained with the executive director of administrative services and/or his/her department heads in order to develop and maintain an awareness of the operations of this division for the purpose of being capable of responding to the city council when the need for policy changes are recommended to the council by the mayor. Additional duties may be assigned as needed.
- (6) *Economic, cultural, and civic development committee.* The function of the economic, cultural, and civic development committee is to conduct an ongoing analysis of the functions of this particular division of city government relative to city policy. Communications should be established and maintained with the director of cultural and civic development, and the director of historic and downtown redevelopment and/or their department heads in order to develop and maintain an awareness of the operations of this division for the purpose of being capable of responding to the city council when the need for policy changes are recommended to the council by the mayor. Additional duties may be assigned as needed.

Sec. 2-66. Ordinances, resolutions, motions and contracts.

- (a) Ordinances and resolutions to be presented to the city council for consideration must follow a routing process before placement on the agenda. Ordinances should be prepared by the legal department or the council attorney. The council attorney should review any ordinance that he does not prepare as to form and legality prior to the entertainment by the council of any motion to adopt that ordinance. Resolutions can be prepared by departments, but they should be reviewed by the legal department. The council committee(s) should review all non-routine ordinances and resolutions before being placed on the agenda. The committee(s) should have a minimum of two (2) weeks to review each item. The council president will determine which council committee(s) should review the item before placement on the agenda. No item will be placed on the agenda without all necessary signatures. The mayor must initial all ordinances and resolutions when he is listed as sponsor. Three originally signed copies of a contract, signed by the contractor, should be submitted for routing with the appropriate insurance certificates attached.
 - (1) Copies of any ordinance or resolution to be submitted or introduced at any meeting of the council shall be filed with the city clerk prior to the meeting. Copies shall be distributed to each councilmember and official to be present at the meeting, and copies shall be made available to the mayor for distribution to any department affected. After the meeting, the city clerk shall prepare additional copies, if such be necessary, to supply to interested citizens or taxpayers requesting copies at her office, at a reasonable charge for such copies.

- (2) No ordinance shall be put on its final passage on the same day on which it was introduced, except upon unanimous consent.
 - (3) No ordinance shall relate to more than one (1) subject, which shall be expressed clearly and briefly in its title; provided a single ordinance may amend one (1) or more sections of the Code which relate to the same general subject matter as contained in a single title, chapter, or article thereof.
 - (4) No ordinance or code section or any portion thereof shall be amended or repealed unless the new ordinance contains the title or designation of the ordinance or code section amended or repealed. When practicable, all ordinances shall be introduced as amendments to existing ordinances or code sections.
- (b) Ordinances, resolutions, and other matters or subjects requiring action by the council must be sponsored by a member of the council or the mayor. If a council committee recommends any item or matter to the council, the committee chair or any member of the committee may be listed as a sponsor, but they must be listed by name, not by committee.
 - (c) For resolutions dealing with liquor applications, the councilmember in whose district the establishment is located will be listed as sponsor.
 - (d) All ordinances, resolutions, and contract documents shall, upon adoption, be submitted to the mayor for his administrative recommendation with reference thereto.

Sec. 2-67. Incontestability of duly adopted legislation.

No ordinance, resolution, or action duly adopted or taken by the council shall be held to be invalid because of failure of the council to comply with or abide by any one (1) or more of the provisions of these rules of procedure, if the ordinance, resolution, or action would otherwise be valid under the laws of this state but for the provisions of these rules of procedure, alleged to have been violated or ignored.

Sec. 2-68. Written reports.

All written reports to the council shall be filed with the city clerk and entered in the minutes of the meeting at which the report was submitted.

Sec. 2-69. Rules for appointments to municipal boards and public corporations.

- (a) Where not otherwise regulated or restricted by legislative act, all municipal boards and public corporations shall be composed of increments of seven (7) members.
- (b) Whenever appointments need to be made to the membership of a municipal board or public corporation which has seven (7) members, the following procedure will be followed by the city council: The city clerk will place seven (7) tags in a container for a drawing, and on each tag shall be written the name of any board member presently serving, and the word "nominee" on the number of tags equal to the vacancy or vacancies existing in the board or corporation, and the rest of the tags shall be left blank. Each councilmember shall select one (1) tag, and councilmember that receives a tag with a current board member's name shall assign that board member his district number, and when that board member's term ends, the assigned councilmember shall make the nomination. The councilmember(s) that receives a tag labeled "nominee" shall make the nomination to the open position and likewise assign that board member his district number.

- (c) When an appointment needs to be made to a municipal board or public corporation that does not have seven (7) members and cannot be changed to seven (7) members due to legislative act or some other reason, the following procedure shall govern appointments to such board, boards or corporation: The city clerk shall place seven (7) tags in a container with the word "nominee" on such number of tags as shall be equal to the appointments required to be made, with the balance of the tags left blank. Each councilmember shall draw one (1) tag and the councilmember that draws a tag labeled "nominee" shall make the nomination to fill such vacancy.
- (d) All nominations shall be placed on the agenda. The nominees shall require a minimum of five(5) votes in order to be confirmed appointees.
- (e) When an appointment to a municipal board or public corporation is needed, and such position was assigned a district number by the proper procedure, the city clerk shall inform all councilmembers of the needed nomination the first week of the month in which the appointee's term expires. The responsible councilmember shall make the nomination during the same month the council is notified, and if such nomination is not made in said month, then the same shall be made by conducting a drawing at the last pre-council conference meeting of that month.
- (f) The terms of all appointees to municipal boards or public corporations shall be limited to four (4) years, unless otherwise fixed or determined by a legislative act or the articles of incorporation of any public corporation.

Sec. 2-70. Conduct of investigations.

The city council has the power to inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs.

When an individual councilmember or standing committee of the council wishes to undertake such an investigation, a request from the committee or individual councilmember shall be presented to the full council for consideration before the investigation is undertaken. Upon five (5) affirmative votes of the council, a special committee to conduct the investigation will be appointed by the council president. The results of such an investigation shall be reported to the full council before the results are released publicly. No one councilmember nor committee of the council shall be authorized to release the results of the investigation or represent that such investigation was conducted by the council until the results have first been released to the council as a whole.

Where an investigation is to deal with the good name and character of any person or persons, such an investigation shall be conducted in private, and the results thereof will be released privately to the council so they as a whole may make a determination as to whether the results are due to be made public.

Secs. 2-71—2-90. Reserved.”

Section 2. Miscellaneous.

- (a) All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- (b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (c) This Ordinance shall be effective immediately upon its adoption and publication as required by law.