

1 SB395
2 117161-4
3 By Senator Smith
4 RFD: Governmental Affairs
5 First Read: 09-FEB-10

1 SB395

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4 ENROLLED, An Act,

5 Relating to municipalities; to provide that certain
6 municipal officials who miss all council or commission
7 meetings under certain conditions would be removed from office
8 by operation of law; to provide for a record of attendance by
9 municipal officials at council or commission meetings even
10 where a quorum is not present; and to provide for an exception
11 for military service as well as reinstatement based on
12 extenuating circumstances as approved by a majority vote of
13 the council or commission.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) For purposes of this section, the
16 term "elected municipal official" means any mayor, council
17 member, or commission member elected or appointed to municipal
18 office whose presence at council or commission meetings is
19 counted towards establishing a quorum.

20 (b) Any elected municipal official who misses all
21 regular and special called council or commission meetings for
22 90 consecutive days, beginning on the date of any absence,
23 shall be removed from office by operation of law.

24 (c) For the purpose of applying subsection (b), on
25 the date and time of any regular or special called council or

1 commission meeting of a municipality, the clerk shall make a
2 record of all elected municipal officials present or absent
3 regardless of whether or not a quorum is present.

4 (d) At the next council or commission meeting
5 following the date an elected municipal official has been
6 removed from office pursuant to this section, the council or
7 commission may vote to reinstate the elected municipal
8 official removed from office as provided herein for any
9 mitigating or extenuating circumstances as determined by a
10 majority vote of the remaining voting members of the council
11 or commission, including the mayor if the mayor is a voting
12 member of the council as provided by law.

13 (e) If the council or commission does not reinstate
14 the removed elected municipal official pursuant to subsection
15 (d), the council or commission shall fill the vacancy as
16 provided by law.

17 (f) This section shall not apply to any elected
18 municipal official whose absence from any council or
19 commission meeting is a result of military service.

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB395

Senate 22-APR-10

I hereby certify that the within Act originated in and passed the Senate, the Executive amendment to the contrary notwithstanding.

McDowell Lee
Secretary

House of Representatives

Passed: 22-APR-10, the Executive amendment to the contrary notwithstanding.

I hereby certify that the vote shown in the two Houses of the Legislature overriding the Governor's amendment is true and correct.

McDowell Lee

By: Senator Smith

Secretary