

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

SYNOPSIS: Existing law provides that municipalities with a population of under 2,000 must hold at least one council meeting per month and municipalities with a population of over 2,000 must hold at least two council meetings per month. In order to conduct business at those meetings, a quorum of the elected municipal officials must be present.

Under existing law, there is no provision to remove from office any mayor, council member, or city commissioner who fails to consistently and regularly attend council meetings except by court action for impeachment.

This bill would provide that a mayor, council member, or city commissioner, whose presence would count toward establishing a quorum, who misses all council or commission meetings for 90 consecutive days, would be removed from office by operation of law.

This bill would provide for exceptions for those officials absent as a result of military

1 service and those officials whose absences are
2 excused by a majority vote of the council or
3 commission for extenuating circumstances.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 (b) Any elected municipal official who misses all
25 regular and special called council or commission meetings for
26 90 consecutive days, beginning on the date of any absence,
27 shall be removed from office by operation of law.

1 (c) For the purpose of applying subsection (b), on
2 the date and time of any regular or special called council or
3 commission meeting of a municipality, the clerk shall make a
4 record of all elected municipal officials present or absent
5 regardless of whether or not a quorum is present.

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

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

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

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