

THE JEFFERSON COUNTY COMMISSION

NOVEMBER 12, 2014

RULES OF ORDER AND PROCEDURE

RULE 1

Regular Meetings. The County Commission shall meet in regular session at the dates and times set forth by resolution, which may be revised from time to time upon a majority vote of the County Commission. Regular Meetings shall be held in the County Commission Chambers in the Jefferson County Courthouse in Birmingham, Alabama, except that each second meeting in the months of January, April, July, and October shall be held in the Jefferson County Courthouse in Bessemer, Alabama. A copy of the Commission meeting schedule, as it may be amended by the County Commission, shall be continuously posted on the County's website and in the Birmingham and Bessemer Courthouses.

RULE 2

Special Meetings. The County Commission may schedule a Special Meeting when determined necessary in writing by a majority of the members of the Commission, or in case of an emergency, upon call of the Commission President. The notification requirements of § 11-3-8(b), Code of Alabama, shall be followed. The purpose of the meeting shall be included in all public notices of the meeting. At the Special Meeting, the Commission President (or President Pro Tempore in the absence of the Commission President) shall open the Meeting by announcing the date, time, and place and a statement of the purpose of such Special Meeting. The President shall determine

if a quorum is present for the conduct of business. A quorum shall consist of at least three (3) Commissioners. Rule 4 shall apply to a Special Meeting. The Minutes Clerk shall record the Special Meeting. Actions taken at said Special Meeting shall be valid and enforceable actions of the County Commission.

RULE 3

Agendas. Committee agendas shall be set by the County Manager (for purposes of Rule 3, the term "County Manager" shall include appropriately assigned Deputy County Managers in the absence of the County Manager), in consultation with the County Attorney and the Chair of each Committee. In addition, Committee Chair may direct that specific items be added or removed from their Committee agenda. Committee agendas, along with supporting documentation, shall be electronically distributed by the County Manager's Office to each Commissioner and their staff and department heads by 5 p.m. the Wednesday prior to each regularly scheduled Committee meeting. Any addendum to the Committee agendas (including supporting documentation) shall be electronically distributed by the County Manager's Office to each Commissioner and their staff and department heads by 5 p.m. the Friday prior to each regularly scheduled Committee meeting.

In order for an item to be eligible for placement on the agenda for a Regular Meeting of the Commission, the item must be considered and voted out of Committee by a majority of the members of the Committee present, provided a quorum is present in attendance. Such items that are properly voted out of Committee shall be set out upon the agenda printed and published by the Minutes Clerk as soon as possible following a

Committee Meeting. The agenda for the Regular Meeting shall be published on the official County website.

If the County Manager or County Attorney wishes to add an item to the agenda of a Regular Meeting after 5 p.m. the Friday prior to such Regular Meeting, such item shall only be considered as New Business.

New Business. The printed agenda shall include a category identified as "NEW BUSINESS". The Minutes Clerk shall include under the New Business category additional matters received by the Minutes Clerk from the County Manager, the County Attorney or a Commissioner if such matters are received ~~no later than~~: (1.) following a Committee Meeting or (2.) after 5 p.m. the Friday prior to a Regular Meeting. Any New Business item to be considered by the County Commission at the Regular Meeting must be approved by a unanimous vote of the Commissioners present. At the request of the presenter or sponsor (i.e., the County Manager, County Attorney, or individual Commissioner advancing the item) of any matter presented at a Committee Meeting or submitted as New Business, such matter may be withdrawn from inclusion on the agenda if made to the Minutes Clerk prior to final publication of the agenda.

RULE 4

A. Normal Business. At the Regular Meeting and any Special Meeting of the County Commission, a quorum of Commissioners shall be required in order to conduct business. When a quorum of Commissioners is present, the affirmative vote of a majority of Commissioners present and voting shall constitute the action of the County

Commission unless a greater number of affirmative votes are required by law or required herein.

B. Zoning. A zoning resolution shall require a majority of the entire Commission (at least three (3) Commissioners) voting affirmatively for the item to constitute the action of the County Commission.

C. Budget. An amendment to the County budget shall require a majority of the entire Commission (at least three (3) Commissioners) voting affirmatively for the item to constitute the action of the County Commission. Following the adoption of the budget, no obligation incurred by any County official or office over and above the amount or amounts approved and appropriated by the County Commission shall be an obligation of the County, unless the obligation is approved by an affirmative vote of a majority of the members of the County Commission.

D. County Manager. Resolutions relating to employment or removal of the County Manager or a department head shall require four (4) affirmative votes of the County Commission unless otherwise provided by law.

RULE 5

Regular Meeting Procedure

A. At a Regular Meeting, the Commission President (or President Pro Tempore, in the absence of the Commission President) shall be the presiding officer of the meeting. The President shall open the meeting by announcing the time and date of the Regular Meeting of the Jefferson County Commission. The opening shall be followed by an invocation and the Pledge of Allegiance to the United States Flag. The Minutes Clerk shall record the time the meeting was opened, the presence of the

members of the County Commission and all proceedings. The President may, subject to the objection of any Commissioner, authorize a deviation from the chronology of the agenda items.

B. The President shall announce the number of agenda items and shall call for the action of the County Commission, provided that any Commissioner, including the President, may require a separate vote or discussion, or both, ~~of~~ on any item.

C. The action of the Commission to approve agenda items is initiated by motion of any Commissioner, not including the President. In order to proceed to a vote, such motion must be seconded by at least one other Commissioner, including the President. A motion which fails to receive a second dies. Additional motions concerning the item which differ from a failed motion may be made by any Commissioner. The President shall proceed with the agenda when, in the President's discretion, no further motion on an item is forthcoming.

D. Upon a motion being made and seconded, the President will call for a discussion. The President may permit discussion on an item prior to a motion and a second on an item. Following reasonable opportunity for discussion, the President will call for the vote on the motion. The Minutes Clerk shall record the "ayes", "nays" and any abstentions. Silence shall be recorded as an abstention.

E. Before the vote on a motion, any Commissioner may move to amend the motion. An amended motion which fails to receive a second dies. Upon an amendment to a motion being made and seconded, the President will call for a discussion on the amended motion. Following reasonable opportunity for discussion, the President will

call for the vote on the amended motion. The Minutes Clerk shall record the “ayes”, “nays”, and any abstentions. Silence shall be recorded as an abstention.

F. If the amended motion passes, it shall constitute the action of the Commission on the item. If the amended motion dies for lack of a second or fails to pass, the President shall call for additional discussion or a vote on the original motion. The vote shall constitute the action of the Commission on the item.

G. Any discretionary action or inaction of the President shall be subject to overrule upon motion of any Commissioner. Upon such motion being made and seconded, the President shall call for a vote, without any discussion. If the motion passes, the President shall abide by its provision. Such matters of discretion shall include the amount of time allowed for discussion of any motion or any amended motion; the time allowed for any discussion from the floor on any matter; and the amount of time allowed for a recess.

H. Upon the call of any agenda item, any Commissioner may request that the item be delayed and called up later in the same meeting, that it be removed from the agenda, or that it be carried over to another Regular Commission Meeting. Such request shall be subject to a vote of the Commission. If the request receives the affirmative vote of the majority of Commissioners present and voting, the request shall be granted, otherwise the President shall proceed to call for Commission action on the item.

I. Any item removed from the agenda pursuant to Rule 5(H) must be introduced at a subsequent Committee Meeting and approved by an affirmative majority vote of Committee members present and voting, provided a quorum exists, in order to

be placed upon another agenda as Regular Business. Any such removed item may be called as New Business with a unanimous vote of the Commissioners present.

J. An item carried over to another Regular Commission Meeting shall be announced as such carryover item by the Minutes Clerk at the Committee Meeting immediately preceding the Regular Commission Meeting at which it is to be called. The item may then be placed on the agenda.

K. Upon completion of the agenda items, the President shall either adjourn or recess the meeting.

L. At any time during the meeting, the President may call a recess for a stated period of time. Any Commissioner may move to overrule the recess or to shorten or to extend the period of time. If such motion passes, the President shall carry out its provision.

M. A motion to reconsider any vote of the Commission may only be made and seconded by a Commissioner who had previously voted on the prevailing side. A motion to reconsider must be adopted by a majority of Commissioners present and voting.

N. If a quorum is not present for a Regular Meeting of the Commission within after sixty (60) minutes of the scheduled time for such meeting, such meeting shall be automatically recessed until 9 a.m. of the next business day that the Courthouse is open to the public.

O. The official minutes of Regular and Special Meetings of the County Commission shall be published on the official County website within two (2) business days of their adoption by the County Commission.

RULE 6

The President shall see that the business of the commission is carried out respectfully and professionally, that decorum is preserved in debate, that order is upheld at all times, and that these rules are observed. The President may speak to points of order in preference to other Commissioners. The President shall decide questions of order and procedure subject to overrule upon motion by any Commissioner. If the motion receives a second, it shall be voted without discussion. In order to pass, the motion must receive a majority of the votes cast.

RULE 7

As stated in the County Commission's Resolution of Organization, all employees working as an appointed staff member of an individual Commissioner shall be at-will, non-merit system employees under the supervision of that Commissioner, but the County Commission as a whole shall be the Appointing Authority for each such staff member. In order to maintain a collegial and professional work environment, at no time shall a member of a Commissioner's staff publicly make derogatory or inflammatory statements (verbally, electronically, or in writing) concerning a Commissioner or the actions or statements of a Commissioner acting in his or her official capacity. Any staff member violating this rule, as determined by a minimum of four (4) Commissioners, shall be placed on administrative leave without pay for five (5) business days following a first offense. Any subsequent violation of this rule by a staff member, as determined by a minimum of four (4) Commissioners, shall result in the termination of the staff member's employment with Jefferson County and a determination that such person is ineligible to be rehired by the County.

RULE 8

These rules may be amended by resolution of the County Commission introduced at a Commission Committee Meeting as a first reading if introduced a minimum of thirty (30) days in advance of the proposed amendment and subsequently approved at a Regular Meeting of the Commission by no fewer than four (4) Commissioners.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 11-12-14
MINUTE BOOK: 167
PAGE(S): 227-229