

1 HB139
2 136459-1
3 By Representative Williams (D)
4 RFD: County and Municipal Government
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, the governing body of a
9 municipality is required to hold regular meetings
10 and the presiding officer may call special
11 meetings. In addition, the presiding officer is
12 required to call a special meeting when requested
13 by the mayor or two council members. Existing law
14 does not provide a procedure to cancel a meeting or
15 give notice when it is known that a quorum will not
16 be available.

17 This bill would authorize the presiding
18 officer of a municipal council to cancel a meeting
19 if the presiding officer receives written notice
20 that a quorum will not be present.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 11-43-50, Code of Alabama 1975,
27 relating to meetings of a municipal governing body with a

1 Mayor/Council form of government; to authorize the presiding
2 officer to cancel a meeting and give notice that a meeting
3 will not occur due to an anticipated lack of quorum.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 11-43-50 of the Code of Alabama
6 1975, is amended to read as follows:

7 "§11-43-50.

8 "(a) There shall be at least two regular meetings of
9 the council in each month, except that in towns, as defined in
10 section 11-40-6, there shall be at least one regular meeting
11 of the council in each month; but provided, however, the
12 council of any town may, by ordinance, mandate at least two
13 regular meetings of the council in each month, and the
14 presiding officer shall call special meetings whenever in his
15 or her opinion the public interest may require it and whenever
16 two ~~aldermen~~ council members or the mayor request ~~him~~ the
17 presiding officer in writing to call ~~such~~ a meeting. Upon the
18 failure or refusal of the presiding officer to call ~~such~~ a
19 meeting when requested, the two ~~aldermen~~ council members or
20 the mayor making the request shall have the right to call ~~such~~
21 the meeting.

22 "(b) A council member may notify the presiding
23 officer in writing when the member will be unable to attend a
24 council meeting. If the presiding officer receives sufficient
25 written notice to indicate that a quorum will not be present
26 at a meeting, the presiding officer may cancel the meeting and
27 give notice that the meeting is canceled. If a meeting

1 canceled pursuant to this subsection is a regular meeting, the
2 presiding officer may reschedule the meeting provided proper
3 notice is given pursuant to subsection (b) of Section
4 36-25A-3."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.