

**Rules of Procedure
Elmore County Commission**

Adopted 11/16/16

I. Scope of Rules.

A. The following Rules of Procedures were duly adopted by the Elmore County Commission as required by the Alabama Open Meetings Act (Act 2005-40) and shall govern the conduct of the meetings of the County Commission beginning on November 16, 2016.

B. The Commission will meet in Work Session at 5:00 p.m. on the second and fourth Monday each month with the Business Meeting immediately following except during the month of December when the Commission will meet only on the second Monday. If a meeting date falls on a holiday, the Commission will meet on the Tuesday following the holiday.

C. The County Administrator shall post meeting notices in the County Courthouse on the Probate Office bulletin board, the Revenue Office bulletin board, the Commission Office bulletin board and on the County Web Page at www.elmoreco.org. Posting will be verified in the Courthouse by the Administrator on a weekly basis. The Administrator will e-mail the Commission Meeting Schedule to the following newspapers: The Eclectic Observer, Montgomery Advertiser, River Region News, Tallassee Tribune, WTLS, and the Wetumpka Herald. Commission Meeting changes will be posted with two weeks notice to the public and the media as per above.

D. The following Rules of Procedure may be amended by affirmative vote of a majority of the members of the Commission. Provided; however, such changes in the Rules of Procedure shall not take affect until the next regular meeting of the Commission following the adoption of such change.

II. Access to Meeting Facilities.

A. Meetings Open to Public. All regular meetings of the Commission shall be open to the public as required by the Alabama Open Meetings Act (Act 2005-40).

B. Accessibility. All regular meetings of the Commission will be conducted in the Elmore County Courthouse Courtroom a building that is open to the public.

C. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting chamber. Other signs, placards, and banners shall not disrupt meetings or interfere with others' ability to observe the meeting.

D. Weapons. For public safety purposes, no weapons except those worn by law enforcement officials shall be allowed in the meeting chamber.

III. Quorum.

A. Quorum. A majority of the members of the Commission shall constitute a quorum. No ordinance, resolution, policy, or motion shall be voted on and approved by the Commission unless a quorum is present in the meeting chamber while the vote is taken and the matter is approved by an affirmative vote of the majority of the members present and voting, unless otherwise required by Alabama law.

B. Remaining in Chamber. During a Commission meeting, Commissioners should remain in the chambers at all times unless an emergency or illness should occur. A member of the Commission who leaves the meeting chamber shall not be included in the determination of quorum.

C. Abstaining from Voting. Any member of the Commission who is present in the meeting chamber may, when he or she determines it to be necessary, abstain from voting or otherwise participating in the proceedings related to a particular matter. A commissioner who abstains but remains in the chamber shall be deemed present for constituting a quorum but he or she shall not be deemed “present and voting” for determining whether a motion has received an adequate number of affirmative votes for passage.

D. Loss of Quorum. In the event that a Commissioner departs a Commission meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, except to vote on a motion to adjourn. If, after a reasonable time not to exceed 15 minutes, the commission still lacks a quorum of its members, the meeting shall be automatically adjourned.

E. Failure to Obtain Quorum. Should no quorum attend within 30 minutes after the time appointed for the beginning of the meeting of the Commission, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall announce that no quorum was present and that the meeting is cancelled. The names of the members present for the meeting shall be recorded in the minutes of the next meeting of the commission.

IV. Presiding Officer.

A. Chair. The Presiding Officer is the Chair of the County Commission. The Chair is elected by a majority vote of the Commission and serves at the pleasure of the Commission. The Chair presides at all meetings of the Commission. The Chair’s responsibilities shall include, but not be solely limited to:

1. Set the Agenda for all Commission Work Sessions and Business Meetings.
2. Open the meeting, ascertain that a quorum is present at the appropriate time and call the meeting to order, if a quorum is present.
3. Announce the business to come before the Commission, in accordance with the prescribed order of business.

4. Recognize all Commissioners, the County Administrator, the County Engineer, County EMA/HS Director and the County Attorney, who seek the floor pursuant to these procedures. All questions and comments are to be directed through the Chair and restated by him or her. The Chair shall repeat every motion and state every question coming before the Commission, call for the vote and announce the decision of the Commission on all matters coming before it.
5. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
6. Call to order any member of the Commission who violates any of these procedures.
7. Expedite business in every way compatible with the rights of the members.
8. Remain objective. The Chair must remain objective and may only make a motion, second a motion or vote as provided in these Rules of Procedures.
9. Declare the meeting adjourned when the Commission so votes, when a quorum is no longer present or at any time in the event of an emergency affecting the safety of those present.

B. Vice Chair. In the absence of the Chair or in the event of the Chair's inability to serve, the Vice Chair (or other member designated by local law) shall perform the duties and functions of the Chair until the Chair's return. The Vice Chair shall be appointed by the Chairman and shall serve at the pleasure of the Chairman, provided that any such appointment of the new Vice Chair shall not take affect until the next regular meeting of the Commission.

V. Order of Business.

A. Official Agenda. There shall be an official agenda for every meeting of the Commission, including special and emergency meetings. As required by Alabama law, the official agenda for special and emergency meetings shall include only those items necessitating the holding of the special or emergency meeting.

The agenda for regularly scheduled Business Meetings shall identify the items to be considered and determine the order of business to be conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda. This agenda will be established prior to each meeting as determined by the Chairman based on discussions of Agenda items during the Work Session conducted prior to each meeting. This procedure may be amended or altered by the County Commission, but such changes shall not take effect until the next regularly scheduled Business Meeting of the County Commission.

B. Agenda Format for Regularly Scheduled Business Meetings. The official agenda for a regularly scheduled Commission meeting shall be in substantially the form as set forth below:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Awards and Presentations
6. Approval of Minutes and Memorandum of Warrants
7. Any scheduled Public Hearings
8. Old Business
9. New Business
10. Consent Docket
11. Personnel Notifications
12. Reports to the Commission:
 - a. County Administrator
 - b. County Engineer
 - c. EMA/HS Director
 - d. Other
12. Commissioner Reports/Comments – items included in the Commissioner Reports/Comments may only be acted upon by affirmative vote of all commissioners in attendance.
13. Adjourn

C. Scheduled Public Hearings. The County Commission may conduct any public hearings during this portion of the Commission Meeting. Any notice required by law prior to the conduct of the public hearing shall be given by the County Commission except in the case of a Public Hearing for a Liquor License. A liquor license applicant shall publish at the applicant's expense, legal notice of a public hearing on their application, which shall be run for two consecutive weeks in the newspaper nearest the location for which the license is sought.

Individual speakers are required to adhere to a three (3) minute time limit when speaking on issues scheduled for public hearing. The Commission may, by majority vote, either extend or reduce time limits, based on the number of speakers. The comment shall conform to the requirements of decorum and order that apply to the members of the commission and the Chair shall take whatever steps are necessary (including the removal of any citizen or other elected official) to preserve such decorum and order. Comments shall be addressed to the County Commission and shall not include any personal or other comments addressed at any member of the County Commission or commission employee.

D. Old Business. Any item that was included on the "New Business" portion of the previous meeting, but was not approved, or was tabled by majority vote of the members of the County Commission present and voting. Motions postponed or carried over to a day certain shall be included on the agenda under "Old Business" on the next regular meeting following the conclusion of the time for which the motion was postponed or carried over.

E. New Business. New Business items are items of a general nature that require Commission action or pertain to Commission policy. Items of New Business that are neither approved nor defeated by action of the Commission shall be considered under Old Business at the next regular meeting of the Commission.

F. Consent Docket. On the portion of the agenda designated Consent Docket, all items contained therein may be voted on with one motion. Consent items are only those items considered to be routine in nature, non-controversial and that do not deviate from past Commission direction or policy. However, any member of the Commission, including the Chair, may withdraw an item from the consent docket. An item removed from the "Consent" docket as provided herein and it shall then be considered individually.

G. Reports from Staff. The senior staff members shall make reports to the County Commission as directed by the Chair or by majority vote of the Commission. By majority vote of those members in attendance at the meeting, the Commission may take action on any items contained in the report of the staff members.

H. Public Comment from Citizens and Other Elected Officials. Citizens and other elected officials who wish to be heard by the Commission shall be afforded such opportunity during any Work Session provided they contact the Administrator in the Commission Office and complete a “Request for Consideration of Topic to be Placed on a Work Session Agenda.” This ‘Request’ must be received in the Commission Office by noon Wednesday, before a Monday Commission Work Session at which the citizen wishes address the Commission. When the topic the citizen wishes to address is announced from the Agenda by the Chair, the citizen may approach the podium and address the Commission for a period of time not to exceed five (5) minutes. The comments shall conform to the requirements of decorum and order that apply to the members of the commission and the Chair shall take whatever steps are necessary (including the removal of any citizen or other elected official) to preserve such decorum and order. Comments shall be addressed to the County Commission and shall not include any personal or other comments addressed at any member of the County Commission or commission employee.

I. Commissioner Reports/Comments. On the portion of the agenda, no assignments shall be given to the County Administrator, County Engineer, County Attorney or other staff members without the affirmative vote of the majority of the members of the Commission present and voting. The Commission shall take no action on an item raised during this discussion portion of the agenda unless such is accomplished through a motion adopted by an affirmative vote of all members of the Commission present at the meeting.

J. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon affirmative vote of all the members of the Commission present at the meeting.

K. Additions, Deletions, or Technical Corrections to Agenda. Deletions or technical corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion approved by majority vote of those members in attendance at the meeting. Additions to the agenda shall only be made by affirmative vote of all the members of the Commission present at the meeting.

L. Announcing Agenda Items. The Chair shall announce each item on the agenda. The County Administrator, County Engineer, County Attorney, EMA/HS Director or other appropriate staff member shall then be called to present the item to the Commission, when appropriate.

VI. Rules of Debate.

A. Decorum.

1. Every Commissioner desiring to speak should address the Chair, and upon said recognition by the Chair, should confine discussion to the question under debate, avoiding all personalities and unprofessional language.
2. Commissioners shall refrain from: attacking a member's motives; speaking on a prior motion not pending; speaking while the Chair or other Commission members are speaking; speaking against their own motions; and disturbing the Commission.
3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said member shall be at liberty to proceed.
4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chair.

B. Motions.

1. A motion and a second to the motion is to precede any action or debate on an agenda matter unless there are speakers (who are not members of the Commission) to be heard on the agenda matter.
2. All motions shall be made and seconded before debate may proceed.
3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except motions to adjourn, to table, to postpone, to carry over, or to amend which shall have preference in the order in which they are listed.
4. Motions to "table" are made to end debate on a matter and to "remove" it from consideration by the body. The adoption of a motion to "table" has the affect of defeating the original motion and that item shall not be considered again during the same meeting unless a motion to "reconsider" is adopted as provided herein.
5. Motions to "carry over" must be made by stating the date or time to which the item shall be postponed or carried over. Should such a motion be adopted, the matter will be back before the Commission under "Old Business" at the first regular meeting of the Commission following the expiration of the time for which it was postponed or carried over.

6. Motions to “amend” a motion are used to make changes or revisions in the original motion. Such motions are made only after the original motion has received a second but prior to the adoption of the original motion. If the motion to “amend” is approved, the Commission then must take a second vote to approve the motion “as amended,” as the case may be.

7. Any Commissioner may move to close, or end, debate and “move the question” on the motion being considered. This motion to “move the question” shall be non-debatable. A successful vote on the motion to “move the question” will end discussion of the item and a vote on all pending motions shall be taken immediately without the offering of any other motions. The Commissioner moving the adoption of the original motion shall have the privilege of making closing remarks (of not more than one minute) before the vote on the motion to “move the question” is taken.

8. Only those persons who represent a district on the Commission and hold the position of presiding officer by virtue of election by the Commission may make a motion or offer a second.

9. The following motions are not debatable and must be voted upon without debate: to adjourn, to table and to move the question.

C. Motions to Amend

An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chair, or another Commissioner through the Chair, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.

2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

D. Motions to Reconsider

A motion to reconsider any vote or proceeding of the Commission may only be made and seconded by a Commission Member who had previously voted on the prevailing side. Such motion must be made before the conclusion of the meeting during which the original motion was made and approved. A motion to reconsider must be adopted by a majority of those members of the Commission present and voting.

VII. Voting.

A. Roll Call; Secret Ballots. All votes shall be taken by roll call. The Administrator shall call Commissioners by name, for the purpose of each Commissioner announcing his or her vote. The result shall be announced by the Chair. There shall be no discussion by any Commissioner after the roll call has begun. No vote may be taken by secret or paper ballot.

B. Voting. Every member in the Commission meeting room or chamber when the question is put must give his or her vote, unless the member has publicly stated that he or she is abstaining. A Commissioner who is serving as Chair by virtue of his or her being elected by the members of the commission shall vote when his or her name is called. Such Chair shall only vote once on each motion and shall not cast an additional vote to make or break a tie vote.

C. Voting by Chair. Commissioners who represent a district and also serve as Chair shall be entitled to one vote on all questions but shall not cast a second vote to break a tie vote.

D. Absent for Vote; Changing Vote. Any Commissioner absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.

E. Majority Vote. Extraordinary Majority Vote. Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and voting. If an extraordinary majority vote is required by Alabama law, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

VIII. Public Input: Addressing the County Commission.

A. Public Input. The Commission recognizes the importance of allowing citizens, including other elected officials, to express their opinions on the operation of County government and encourages public participation in the local government process. The Commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner. Public Input during the Commission Work Session, from both citizens and other elected officials, shall only be given during the time provided by the agenda and only within the procedures set out herein. Citizens or other elected officials shall not address the Commission at any time other than as specifically provided in the agenda unless authorized by unanimous consent.

B. Procedure for Public Input

1. At regularly scheduled County Commission Work Sessions, the Commission provides comment periods for citizens and other elected officials to speak and offer comments on items pending before the Commission as well as items that are of concern to the public. The remarks of each speaker shall be limited to no more than five (5) minutes, unless the Chair extends the time, and no more than two (2) speakers may be heard on each subject unless authorized by affirmative vote of all members of the commission who are present.

2. Citizens and other elected officials wanting to address the Commission should contact the Administrator in the Commission Office to complete a "Request for Consideration of Topic to be Placed on a Work Session Agenda" form. Each person wishing to speak must complete and return this form to the Administrator by noon the Wednesday before the scheduled Work Session at they wish to speak.

3. Any citizens wishing to make written comments may provide those to the Administrator before the conclusion of the meeting. A copy of the written comments will then be provided to the members of the Commission.

4. Members of the public are encouraged to communicate directly with their Commissioner prior to or after the Commission Meeting.

C. Addressing the Commission.

1. When the person's name is called, the person shall step up to the speaker's podium and shall give the following information in an audible tone of voice for the minutes:

(a) name;

(b) place of residence or business address,

(c) if requested by the Chair, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the Commission as a body and not to any member thereof.

3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chair. No question may be asked except through the Chair.

4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless specifically granted permission by the Chair.

D. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chair or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.

2. If the Chair declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chamber or other meeting room.

3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

IX. Board Appointments. It is the policy of the Elmore County Commission to ask for a written request from the Executive Director seeking an appointment to a Board or Authority or other entity. The request should include the effective date of the appointment, the date the appointment expires, and if desired, the Director may name a candidate for the Commission to consider for appointment. The Commission will make an appointment no later than 30 days from the day the request is first considered during a Commission Business Meeting. An extension of 30 additional days to fill an appointment may be made by majority vote of the Commission.

X. Executive Session.

The Commission is authorized to enter into executive session as provided in The Alabama Open Meetings Act (Act 2005-40).

XI. Committees.

The Chair, with the consent of the Commission, may appoint committees as may be needed to assist in the business of the Commission. The meetings of the Committees shall be governed by the Rules of Procedures. All such committees shall be provided a formal charge and shall report to the Commission its findings and recommendations, unless otherwise directed. The Chair shall designate the Chair for each committee appointed. Agendas for committee meetings shall be furnished to all members of the Commission.

XII. Adjournment.

No meeting should be permitted to continue if a quorum is not present. The commission may adjourn by majority vote.