

**SB338 INTRODUCED**



1 8ZORF2-1  
2 By Senator Hatcher (N & P)  
3 RFD: Local Legislation  
4 First Read: 18-May-23  
5 2023 Regular Session



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SYNOPSIS:

This bill would relate to any Class 3 municipality organized under Act 618 of the 1973 Regular Session and would further provide for the votes of the city council to override a veto by the mayor.

A BILL  
TO BE ENACTED  
AN ACT

Relating to any Class 3 municipality organized under Act 618 of the 1973 Regular Session (Acts 1973, p. 879), providing for the mayor-council form of government in certain municipalities having a certain population according to the 1970 federal decennial census; to amend Section 45-51A-33.64 of the Code of Alabama 1975, relating to the passage of ordinances and resolutions by the city council and the delivery of the ordinances and resolutions to the Office of the Mayor for his or her consideration; to further provide for the necessary vote of the council if the mayor returns the ordinance or resolution of the council with his or her objections.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to any Class 3 municipality organized under Act 618 of the 1973 Regular



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29 Session (Acts 1973, p. 879), providing for the mayor-council  
30 form of government in certain municipalities having a certain  
31 population according to the 1970 federal decennial census.

32 Section 2. Section 45-51A-33.64 of the Code of Alabama  
33 1975, is amended to read as follows:

34 "§45-51A-33.64

35 (a) The council shall hold regular public meetings at  
36 least twice per month, one meeting to be held between the  
37 first and fifteenth day of the month and one meeting to be  
38 held between the sixteenth and the last day of the month, at a  
39 regular hour to be fixed by the order of the council, from  
40 time to time, and publicly announced; it may hold ~~such~~  
41 adjourned, called, special, or other meetings as the business  
42 of the city may require. The president of the council, when  
43 present, shall preside at all meetings of the council. A  
44 majority of the council members elected shall constitute a  
45 quorum for the transaction of any and every power conferred  
46 upon the council, and the affirmative vote of a majority of  
47 those members present, shall be sufficient for the passage of  
48 any resolution, bylaw, or ordinance, or the transaction of any  
49 business of any sort by the council or the exercise of any of  
50 the powers conferred upon it by the terms of this part or by  
51 law, or which may hereafter be conferred upon it. No  
52 resolution, bylaw, or ordinance granting any franchise,  
53 appropriating any money for any purpose, providing for any  
54 public improvements, any regulation concerning the public  
55 health, or of any other general or permanent nature, except  
56 the proclamation of quarantine, shall be enacted except at a



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57 regular public meeting of the council or any adjournment  
58 thereof. Every ordinance introduced at any and every such  
59 meeting shall be in writing and read before any vote thereon  
60 shall be taken, and the yeas and nays thereon shall be  
61 recorded; provided that if the vote of all ~~councilmen~~ council  
62 members present be unanimous, it may be so stated in the  
63 journal without recording the yeas and nays.

64 (b) A record of the proceedings of every meeting of  
65 the council shall be kept, and every resolution or ordinance  
66 passed by the council ~~must~~ shall be recorded and the record of  
67 the proceedings of the meeting, when approved by the council,  
68 shall be signed by the president of the council and the city  
69 clerk. ~~Such~~ The record shall be kept available for inspection  
70 by all citizens of ~~such~~ the city at all reasonable times. No  
71 ordinance of permanent operation shall be passed at the  
72 meeting at which it was introduced except by unanimous consent  
73 of all members of the council present, and ~~such~~ unanimous  
74 consent shall be shown by the yea and nay votes entered upon  
75 the minutes of the meeting; provided, however, that if all  
76 members of the council present vote for the passage of the  
77 ordinance and their names are so entered of record as voting  
78 in favor thereof, it shall be construed as giving unanimous  
79 consent to the action upon ~~such~~ the ordinance at the meeting  
80 at which it is introduced. Publication of ordinances shall be  
81 governed by Section 11-45-8. Provided, all ordinances or  
82 resolutions, after having been passed by the council, ~~shall,~~  
83 by the clerk, shall be transmitted within 48 hours after their  
84 passage to the mayor for his or her consideration, who, if he



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85 or she shall approve thereof, shall sign and return the same  
86 to the clerk, who shall publish them, if publication thereof  
87 is required, and ~~such~~ the ordinances and resolutions shall  
88 thereupon become effective and have the force of law. Delivery  
89 to the office of the mayor shall constitute delivery to the  
90 mayor. An ordinance or resolution may be recalled from the  
91 mayor at any time before it has become a law, or has been  
92 acted on by him or her, by a resolution adopted by a majority  
93 of the members elected to the council, in regular or special  
94 session.

95 (c) If the mayor shall disapprove of any ordinance or  
96 resolution transmitted to him or her as ~~aforesaid~~, he or she  
97 shall within 10 days of the time of its passage by the  
98 council, return the same to the clerk with his or her  
99 objections in writing and the clerk shall make report thereof  
100 to the next regular meeting of the city council; and if ~~a~~  
101 majority two-thirds of the council members present shall at  
102 that meeting adhere to the ordinance or resolution,  
103 notwithstanding the objections, the vote being taken by yeas  
104 or nays and spread upon the minutes, then, and not otherwise,  
105 the ordinance or resolution shall after publication thereof,  
106 if publication is required, have the force of law. If  
107 publication of the ordinance or resolution is not required, it  
108 shall take effect upon its passage over objections. The  
109 failure of the mayor to return to the city clerk an ordinance  
110 or resolution with his or her veto within 10 days after its  
111 passage by the council shall operate and have the same effect  
112 as approval of the same, and the city clerk, if publication is



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113 required, shall publish the same as is herein provided for the  
114 publication of laws and ordinances of the city. And if no  
115 publication is required, the ordinance or resolution shall  
116 become effective upon the expiration of 10 days. Anything in  
117 this section to the contrary notwithstanding, the mayor shall  
118 not have the power of veto over appointments of the council,  
119 or over any action of the council relating to an investigation  
120 as provided for in Section 45-51A-33.242."

121           Section 3. This act shall become effective on the first  
122 day of the third month following its passage and approval by  
123 the Governor, or its otherwise becoming law.