CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 9/12/2013

Action Requested By:
EMA

Agenda Item Type
Ordinance

Subject Matter:

Huntsville-Madison County Emergency Management Board.

Exact Wording for the Agenda:

Introduction of an Ordinance to amend Chapter 2, Division 15, of the Code of Ordinances of the City of Huntsville to alter the method of appointment of the Huntsville-Madison County Emergency Management Board.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

Associated Cost: N/A

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: William D. [illegible] Date: 9/5/13

revised 3/12/2012

ORDINANCE NO. 13-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Chapter 2, Division 15 of the Code of Ordinances of the City of Huntsville, adopted on August 11, 1960 pursuant to Ordinance No. 60-100 and amended on February 23, 1984 pursuant to Ordinance No. 84-75, be and the same is hereby amended to read as follows:

Section 1. Section 2-1622 is hereby amended to read as follows:

Sec. 2-1622.—Created; membership.

(a) The Huntsville-Madison County Emergency Management Board shall consist of five members who shall be designated as serving in places 1,2,3,4, and 5, all of whom must be resident citizens of Madison County, and who shall be appointed as follows:

(1) Two members to be appointed by the City Council to serve in places 1 and 3.

(2) Two members to be appointed by the Madison County Commission to serve in places 2 and 4.

(3) One member to be appointed by the City Council of the City of Madison.

(b) Each person who is elected to serve as a member of the Huntsville-Madison County Emergency Management Board shall, before entering upon his duties, take an oath in writing, which oath shall be substantially as follows:
"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the Huntsville-Madison County Emergency Management Board, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(c) Members of the Board shall be selected as follows:

(1) The member for place No. 1 selected by the City Council.

(2) The member for place No. 2 selected by the Madison County Commission.

(3) The member for place No. 3 selected by the City Council.

(4) The member for place No. 4 selected by the Madison County Commission

(5) The member for place No. 5 selected by the city council of the City of Madison.

(d) At the first regular meeting of the City Council in the month of June of each year, at which an appointment of the Huntsville-Madison County Emergency Board shall be made by the City Council, the Council shall elect a successor of the member of the Board whose term expires on July 1, following, and the person so elected shall become a member of the Board on July 1 following and shall hold such position for a period of five years and until his or her successor is elected and qualified. Should the City Council fail to elect a successor as set forth in this section at the meeting in June, it may do so at any succeeding regular meeting of such body. A member of the Board may succeed himself if reelected.

(e) The members of the Huntsville-Madison County Emergency Management Board shall serve without compensation but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

(f) Members of the Board may be removed from office in the same manner and on the same grounds provided by the general law of this state for the impeachment and removal of other officers, as set out in Section 175 of the 1901 Constitution of Alabama. The director may be removed by impeachment in the same manner, or by a two-thirds vote of the Board, subject to the approval of the City Council, the Madison County Commission and the city council of the City of Madison.

(g) Whenever a vacancy occurs in the membership of the Board by resignation, inaction, death or other cause, if the member is an appointee of the City, the City Council shall immediately fill the vacancy by electing another person to membership on the Board, who shall serve for the remainder of the unexpired term of the member he succeeds and until his successor is elected and qualified. The appointment to the Board of any member shall set forth the designated place to be occupied by the member.

Chapter 2 of the Code of Ordinances of the City of Huntsville, adopted on April 23, 2004, is hereby amended as follows: Sections 1 and 2 of Ordinance No. 65-130, as amended by Ordinances No. 85-364 and 86-136, be and the same is hereby amended to read as follows:

Section 2. Section 2-1625 is hereby amended to read as follows:

(a) The Huntsville-Madison County Emergency Management Board is vested, subject to the control of the City Council, with all the powers of the City of Huntsville with respect to establishing, maintaining and operating an emergency management agency, and in addition, to such Powers as shall be vested in said Board by the Madison County Commission and the City Council of the City of Madison. The Board shall not have the have the power to sue or

to be sued, nor shall any title to any property be vested in said Board; but any property or interest in property accruing to it shall be jointly vested in the City of Huntsville, Alabama, Madison County, Alabama, and the City of Madison, Alabama and shall be held by the Board for the City of Huntsville, Madison County and the City of Madison.

Section 3. Section 2-1626 is hereby amended to read as follows:

The Huntsville-Madison County Emergency Management Board shall make an annual report to the City Council, the Madison County Commission and the city council of the City of Madison, showing in detail the operations and accomplishments of the Board for its preceding fiscal year, the physical condition of the property under the care of the Board and any other matters of public interest connected with the Board.

Section 4. Section 2-1627 is hereby amended to read as follows:

The Board will prepare and submit an annual budget to each participating member entity (City of Huntsville, Madison County and City of Madison). The City Council shall appropriate such sum from the general fund as it may deem necessary for the operation of the Huntsville-Madison County Emergency Management Board based upon population of the participating member entities and other criteria.

ADOPTED this the _____ day of_____, 2013.

_____
President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of_____, 2013.

_____
Mayor of the City of Huntsville,
Alabama