

The Saraland City Council convened in special session on April 3, 2020, at the Saraland Municipal Annex meeting room. The meeting was called to order at 5:07 p.m. by Council President Joseph McDonald. Roll call was as follows:

Present: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Absent: Councilmember Paul Stanley

City Attorney, Andy Rutens, was present.

Councilmember Cromer opened the meeting with prayer.

Council President McDonald advised the purpose of this meeting:

Pursuant to Alabama Code § 36-25A-3(b)(i), the City of Saraland City Council will be conducting a meeting at 5:00 p.m. on Friday, April 3<sup>rd</sup>, 2020. Additional notice of the meeting is prevented by emergency circumstances requiring immediate action to avoid physical injury to persons or damage to property. All other additional notice required under the Alabama Open Meetings Act is being provided pursuant to the terms of that Act. Please be advised that the City Council will be reviewing, considering and possibly adopting temporary ordinances and measures and authorizing the Mayor to undertake appropriate action and issue appropriate proclamations as it concerns the City's response to the COVID-19 emergency. Other municipal business may be discussed to the extent it fits within the purview of the statutory provisions of the Open Meetings Act.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to adopt a resolution pursuant to Alabama Code Section 31-9-10(c), declaring that conditions of an emergency due to natural causes exists and requesting the City Council adopt a temporary Ordinance. Motion carried.

#### **RESOLUTION NO. 2134**

#### **A RESOLUTION PURSUANT TO ALABAMA CODE SECTION 31-9-10(c), DECLARING THAT CONDITIONS OF AN EMERGENCY DUE TO NATURAL CAUSES EXISTS, AND REQUESTING THE CITY COUNCIL ADOPT A TEMPORARY ORDINANCE**

BE IT RESOLVED BY THE CITY COUNCIL PRESIDENT AND THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA ("the City Council") as follows:

WHEREAS, on March 13, 2020 Governor Kay Ivey of the State of Alabama declared a state of public health emergency for the entire State of Alabama; and

WHEREAS, on March 18, 2020 and March 20, 2020 the City Council for the City of Saraland, Alabama passed temporary ordinances in direct response to that declaration, as well as recommendations and orders from the State Health Officer; and

WHEREAS, Title 31, Chapter 9 of the Alabama Code, otherwise known as the Alabama Emergency Management Act of 1955, authorizes the State, as well as municipal entities, to undertake certain actions to protect the public health and safety; and

WHEREAS, pursuant to Alabama Code § 31-9-10, political subdivisions are provided certain authority and powers to protect the public safety; and

WHEREAS, in an effort to allow for efficient and cohesive implementation of the execution of the powers authorized by State Code, the City Council, as the governing body of the City of Saraland, has determined that it is in the best interests to authorize the Mayor to execute, implement and otherwise hold the power and authority conferred by Title 31, Chapter 9 on political subdivisions of the State on behalf of the City of Saraland.

NOW, THEREFORE, BE IT RESOLVED by the City Council President and the Saraland City Council as follows:

1. All authority and power conferred on the Saraland City Council, as the governing body of the City of Saraland, is hereby delegated to Mayor Howard Rubenstein, to be lawfully used and implemented in his discretion; and
2. To the extent any state law requirement is construed so as to require affirmative action of the City Council, this Resolution authorizes the Mayor to execute and utilize all manner of procedures, requirements, restrictions, and authority allowed by Title 31, Chapter 9 of the Code of Alabama, and any decision of the Mayor to not utilize the panoply of options authorized by this Resolution is expressly a decision of the Mayor not to utilize power conferred by this Resolution in his capacity as the Chief Executive Officer of the City due to evolving events and municipal resources.

ADOPTED this 3<sup>rd</sup> day of April, 2020.

Councilmember Cromer introduced an ordinance, temporary in nature authorizing the Mayor to utilize and implement powers authorized under the Alabama Emergency Management Act, Title 31, Chapter 9 or the Alabama Code.

**ORDINANCE NO. 1164**

**AN ORDINANCE AUTHORIZING THE MAYOR TO UTILIZE  
AND IMPLEMENT POWERS AUTHORIZED UNDER  
THE ALABAMA EMERGENCY MANAGEMENT ACT,  
TITLE 31, CHAPTER 9 OF THE ALABAMA CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA ("the City Council") as follows:

1. On March 13, 2020 Governor Kay Ivey of the State of Alabama declared a state of public health emergency for the entire State of Alabama.
2. On March 18, 2020 and March 20, 2020, the City Council for the City of Saraland, Alabama passed temporary ordinances in direct response to that declaration, as well as recommendations and orders from the State Health Officer.
3. Title 31, Chapter 9 of the Alabama Code, otherwise known as the Alabama Emergency Management Act of 1955, authorizes the State, as well as municipal entities, to undertake certain actions to protect the public health and safety.
4. Pursuant to Alabama Code § 31-9-10, political subdivisions are provided certain authority and powers to protect the public safety.
5. In an effort to allow for efficient and cohesive implementation of the execution of the powers authorized by State Code, the City Council, as the governing body of the City of Saraland, has determined that it is in the best interests to authorize the Mayor to execute, implement and otherwise hold the power and authority conferred by Title 31, Chapter 9 on political subdivisions of the State on behalf of the City of Saraland.

6. Sworn law enforcement officers of the City of Saraland are authorized and directed to enforce the provisions of this Ordinance and any proclamation and directives issued by the Mayor pursuant to the authority granted in this Ordinance.
7. If, after written warning from any such law enforcement personnel, any person or entities made the subject of the Order shall continue to violate the Order, then such entity or person shall be guilty of a misdemeanor subject to prosecution by the Municipal Court of the City of Saraland, and said individual or entity may be subject to a fine and/or imprisonment as contained in Alabama Code § 31-9-22 for each day such person or entity continues to violate the terms of this Ordinance and any orders and proclamations issued by the Mayor.
8. This Ordinance shall be effective at the first point in time permitted by law, either at its approval by this Council or at the time of publication and should continue to be in effect until such time as the Order is rescinded or modified.

ADOPTED this 3<sup>rd</sup> day of April, 2020.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to suspend the rules to allow for immediate consideration of the proposed ordinance authorizing the Mayor to utilize and implement powers authorized under the Alabama Emergency Management Act, Title 31, Chapter 9 or the Alabama Code.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to adopt the ordinance authorizing the Mayor to utilize and implement powers authorized under the Alabama Emergency Management Act, Title 31, Chapter 9 or the Alabama Code.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson


Motion carried.

Motion was made by Councilmember Cromer to adjourn.

There being no further business to come before the Council, the meeting adjourned at 5:23 p.m.

ACCEPTED AND APPROVED this the 9<sup>th</sup> day of Aapril, 2019.

  
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Judi Smith, City Clerk

  
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Joe McDonald, Council President

