

The Saraland City Council convened in emergency session on September 14, 2020, at the Saraland Municipal Court room. The meeting was called to order at 7 p.m. by Council President Joseph McDonald. Roll call was as follows:

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

City Attorney, Andy Rutens, was present.

Council President McDonald advised the purpose of this meeting is to take emergency actions for the health, safety and protection of lives and property. Other municipal business may be considered at this time.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to approve a resolution pursuant to Alabama Code section 31-9-10(c), declaring that conditions of an emergency due to natural causes exists, and authorizing the Mayor to exercise municipal authority under the Emergency Management Act of 1955.

RESOLUTION 2168

A RESOLUTION PURSUANT TO ALABAMA CODE SECTION 31-9-10(c), DECLARING THAT CONDITIONS OF AN EMERGENCY DUE TO NATURAL CAUSES EXISTS, AND AUTHORIZING THE MAYOR TO EXERCISE MUNICIPAL AUTHORITY UNDER THE EMERGENCY MANAGEMENT ACT OF 1955

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

WHEREAS, the City of Saraland is under a hurricane watch as it concerns hurricane Sally; and

WHEREAS, on September 14, 2020, Governor Kay Ivey issued a proclamation declaring a state of emergency for Mobile County; and

WHEREAS, the hurricane is expected to strike Mobile County and impact the City of Saraland; 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 14th day of September, 2020.

The following votes were recorded:

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

Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to approve a resolution pursuant to Alabama Code section 31-9-10(c), declaring that conditions of an emergency due to natural causes exists, and authorizing the Mayor to enter into a storm debris removal agreement with any appropriate County, State and/or Federal entity.

RESOLUTION 2169

A RESOLUTION PURSUANT TO ALABAMA CODE SECTION 31-9-10(c), DECLARING THAT CONDITIONS OF AN EMERGENCY DUE TO NATURAL CAUSES EXISTS, AND AUTHORIZING THE MAYOR TO ENTER IN TO A STORM DEBRIS REMOVAL AGREEMENT WITH ANY APPROPRIATE COUNTY, STATE AND/OR FEDERAL ENTITY

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

WHEREAS, the City of Saraland is under a hurricane watch as it concerns hurricane Sally; and

WHEREAS, on September 14, 2020, Governor Kay Ivey issued a proclamation declaring a state of emergency for Mobile County; and

WHEREAS, the hurricane is expected to strike Mobile County and impact the City of Saraland; 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, it is expected that the impact of hurricane Sally will result in storm debris throughout the City; and

WHEREAS, it is the determination of the City Council that the Mayor should be given the authority to enter into appropriate storm debris removal agreements with appropriate County, State and/or Federal entities.

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
3. to enter into a storm debris removal contract with any County, State and/or Federal Government entity under such terms as approved by the Mayor and City Attorney.

ADOPTED this 14th day of September, 2020.

The following votes were recorded:

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

Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to approve a resolution pursuant to Alabama Code section 31-9-10(c), declaring that conditions of an emergency due to natural causes exists, and authorizing the Mayor to enter into an emergency non-exclusive temporary site license.

RESOLUTION 2170

A RESOLUTION PURSUANT TO ALABAMA CODE SECTION 31-9-10(c), DECLARING THAT CONDITIONS OF AN EMERGENCY DUE TO NATURAL CAUSES EXISTS, AND AUTHORIZE THE MAYOR TO ENTER INTO AN EMERGENCY NON-EXCLUSIVE TEMPORARY SITE LICENSE.

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

WHEREAS, the City of Saraland is under a hurricane watch as it concerns hurricane Sally; and

WHEREAS, Governor Kay Ivey issued a proclamation on September 14, 2020 declaring Mobile County to be under a state of emergency; and

WHEREAS, the hurricane is expected to strike Mobile County and impact the City of Saraland; 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; and

WHEREAS, the city owns the former K-Mart Shopping Center property located at 943 Saraland Boulevard South, and AT&T has requested use of the parking lot for emergency generator deployment and location of other property and supplies for the anticipated needs for repair of communication and utility services in Mobile County.

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.
3. This resolution specifically authorizes the mayor to enter into an appropriate Emergency Non-Exclusive Temporary Site license agreement with AT&T under such terms and provisions as approved by the Mayor and City Attorney.

ADOPTED this 14th day of September, 2020.

The following votes were recorded:

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

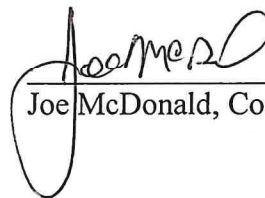
Motion carried.

Motion was made by Councilmember Biggs to adjourn.

There being no further business to come before the Council, the meeting adjourned at 7:13 p.m.

ACCEPTED AND APPROVED this the 24th day of September, 2020.


Judi Smith, City Clerk



Joe McDonald, Council President