

ORDINANCE NO. 05-03

**AN ORDINANCE ESTABLISHING A POLICY FOR NOTICE
TO THE NEWS MEDIA AND PUBLIC OF MEETINGS OF
THE TOWN COUNCIL AND BOARDS, BODIES,
COMMISSIONS AND INSTRUMENTALITIES OF THE
TOWN OF EVA, ALABAMA SUBJECT TO THE NOTICE
REQUIREMENTS OF ACT NO. 2005-40 OF THE ALABAMA
LEGISLATURE, ALSO KNOWN AS THE ALABAMA OPEN
MEETINGS ACT**

WHEREAS, the Alabama Legislature has adopted Act No. 2005-40, also known as The Alabama Open Meetings Act ("Act"); and

WHEREAS, the Town Council of the Town of Eva, Alabama ("Council") desires to comply strictly with the provisions of the Act and to insure that all of the boards, bodies, commissions and instrumentalities of the Town of Eva, Alabama ("Town") likewise comply.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Eva, Alabama, as follows, to-wit:

SECTION 1. The Council and all boards, bodies, commissions and instrumentalities of the Town ("bodies") which are subject to the Act shall:

(a) Observe and follow rules of parliamentary procedure adopted by each such body to govern the conduct of its meetings; and

(b) Maintain accurate records of its meetings, excluding executive sessions, setting forth the date, time, place, members present or absent and action taken at each meeting, which such records shall be public and made available to the public as soon as practicable after approval. The Mayor is hereby authorized to promulgate rules and regulations with respect to the keeping, availability and dissemination of such records by executive directive, subject to modification by resolution of the Council; and

(c) Give notice of all meetings in accordance with the provisions of this Ordinance and the Act.

SECTION 2. The Council and each body subject to the Act shall permit any person in attendance at any meeting, except an executive session, to openly record the meeting by means of a tape recorder or other means of sonic, photographic or video reproduction, providing doing so does not disrupt the conduct of the meeting. The Council and each body may adopt its own reasonable rules governing such recording and may require any person who, by

making such recordings, disrupts the conduct of a meeting to conduct such recordings in a non-disruptive fashion or, where such non-disruptive recording cannot be accommodated or the person refuses to make his or her recording in a non-disruptive fashion, the person making such recording may be required to cease and desist from such recording.

SECTION 3.

(a) The Town Clerk shall maintain a bulletin board in a conspicuous place convenient to the public and viewable at all times at the Town Hall. The Council and all boards, bodies, commissions and instrumentalities of the Town ("bodies") which are subject to the Act, except any separately incorporated entity which has a principal office separate from the Town Hall, shall post notices of all meetings subject to the notice provisions of the Act within the time limitations of the Act on said bulletin board, which said notice shall include the time, date and place of the meeting. The Council and each such body shall also post any preliminary agenda, when available, for all such meetings as for which such notice is posted or where no such preliminary agenda is available, a general description of the nature and purpose of the meeting.

(b) Where the meetings referred to in Section 3(a) hereof are meetings held on a regular date and at a regular time and place, a general notice of such regular date, time and place shall be deemed sufficient notice without posting separate notices for each specific meeting. Any called meeting or meeting of a special nature or otherwise not held on a regular date and at a regular place and time shall require separate notice fully compliant with subsection 3(a) hereof.

SECTION 4.

(a) Any member of the public or any member of the news media covering the Council or any body specified in Section 1 hereof shall be entitled to direct notification of all meetings, if practicable, of the Council or any body specified in Section 1 hereof where that member of the public or news media ("person") has registered for such notice as provided herein.

(b) All direct notices pursuant to this section shall be given by electronic mail via the internet.

(c) The Town Clerk shall establish and maintain a direct notification registry ("registry") of persons desiring direct notice of meetings of the Council and bodies of the Town

which are subject to the notice provisions of the Act. Any person desiring to receive such direct notice must make a written application to the Town Clerk for inclusion in the registry. Such application shall be on a form prescribed by the Clerk and no names shall be placed on the registry unless such form is first properly and legibly completed and delivered to the Clerk by hand delivery or by United States Postal Service or a parcel delivery service which provides verification of delivery (mail delivery need only be by regular mail). The application shall include the requesting person's name, address, telephone number, the electronic mail ("e-mail") address to which such notice is requested to be sent, and such other reasonable information as the Clerk shall require.

(d) All persons requesting direct notice of meetings and properly registering for same shall receive notices of all meetings of the Council and all bodies of the Town subject to the Act and no person may specify any type of meeting or of which body he or she is to receive such notice, meaning that all registrants receive all notices sent as to all meetings of the Council and every body subject to the Act.

(e) Upon receipt of the properly and legibly submitted application for inclusion in the registry, the person submitting same shall receive notices via e-mail of all future meetings of the Council and bodies subject to the Act, except that none may be given for any meeting within seven (7) business days of receipt of such application to allow time for the Clerk to update the registry to include such person.

(f) The Clerk may remove a person's name from the registry if the Clerk has information that any information on the application for inclusion in the registry was given falsely, that the e-mail address given in such application is no longer valid or that the person to whom such notice is given does not regularly open the notices sent pursuant to such registration. Any person whose notices are returned undeliverable three times may be removed from the registry.

All such persons so removed from the registry shall have the right to reapply for inclusion in the same.

(g) Misuse of e-mail notification by a person in any manner shall result in removal of such person from the registry and shall constitute grounds to prevent such person from

receiving direct notice thereafter unless such person is allowed to be placed back on the registry by the Council for good cause shown.

SECTION 5. This Ordinance shall be effective immediately upon its adoption and publication according to law.

ADOPTED and **APPROVED** this 11 day of October, 2005.

ATTEST:

(SEAL)

Judy Fortenberry, Town Clerk

LWM/zip0905/eva.ordinance.openmeetingsact
T107-05M

 Gary Livingston, Mayor

I, Judy H. Fortenberry, Eva Town Clerk, certify that Ordinance #05-03, Titled: An Ordinance to establishing a policy for notice to the news media and public or meetings of the Town Council and Boards, Bodies, Commissions and Instrumentalities of the Town of Eva, Alabama subject to the Notice Requirements of Act No. 2005-40 of the Alabama Legislature, Also Known as the Alabama Open Meetings Act was published by posting a copy of the same at the following three locations: Jack's Foodland, Eva Post Office, and Eva Town Hall as prescribed in Code of Alabama, 1975, in this the 12 day of October , 2005.


Eva Town Clerk