

CHAPTER 3. BOARD OF MAYOR AND ALDERMEN

Sec. 6-3-101. Election of board--Municipalities incorporating under chapters 1--4 of this title after June 30, 1991.

(a) Any municipality incorporating under this charter after June 30, 1991, shall have at least one (1) ward but not more than eight (8) wards. Any municipality having a population of less than five thousand (5,000) shall upon incorporation have one (1) ward, and its board shall consist of a mayor and two (2) aldermen elected at large. Any municipality having a population of more than five thousand (5,000) shall upon incorporation have two (2) wards, and its board shall consist of a mayor to be elected at large and two (2) aldermen elected from each ward. The mayor and aldermen elected to the first board shall serve the four (4) and two (2) year terms prescribed by subsection 6-1-207(b). At each election thereafter the mayor and aldermen shall be elected to four (4) year terms, except in transitional elections prescribed by subsection (c). Any municipality that incorporated under this charter after June 30, 1991, and that has a population of less than five thousand (5,000) and has only one (1) ward, may by ordinance increase the number of aldermen to a maximum of four (4) without increasing the number of wards. The ordinance shall provide for staggered four (4) year terms in accordance with subsection 6-1-207(b), but may provide for transitional terms of less than four (4) years.

(b) (1) Any municipality incorporated after June 30, 1991 may increase or reduce the number of wards, except that municipalities having a population of more than five thousand (5,000) shall not reduce the number of wards below two (2). The board of any municipality having between one (1) and four (4) wards shall consist of a mayor elected at large and two (2) aldermen elected from each ward, except that municipalities having more than one (1) ward may reduce the number of aldermen from each ward from two (2) to one (1). The board of any municipality having between five (5) and eight (8) wards shall consist of a mayor elected at large and one (1) alderman elected from each ward. In wards having more than one (1) alderman, the aldermen shall serve staggered terms of office within their wards.

(2) Any municipality that has only one (1) ward may provide by ordinance for numerical designations for aldermanic positions. After numerical positions have been designated, candidates for alderman shall qualify by indicating on the qualifying petition the position the candidate is seeking. Ballots shall indicate the position to be filled by the selection of candidates listed under "Alderman, position 1," "Alderman, position 2," and so on. Any qualified person residing in the municipality may seek an open aldermanic position, but may qualify in any election for only one (1) position.

(c) All increases and reductions in the number of wards and aldermen under this section shall be accomplished only by ordinance passed by a two-thirds (2/3) vote of the entire membership to which the board is entitled. The ordinance shall:

- (1) Take effect at the next municipal election, but shall not affect the present terms of members of the board of mayor and aldermen;
- (2) Where appropriate, establish and describe the new ward boundaries;
- (3) Provide for a transitional election following the adoption of the ordinance in which the mayor and/or aldermen running for office shall be elected for terms that will expire at the next municipal election;

(4) At the second municipal election following the adoption of the ordinance provide for a system of staggered terms of office under which the mayor is elected for a term of four (4) years, in cities with an even number of wards half the total number of mayor and aldermen running for office are elected to four (4) year terms, in cities with an uneven number of wards one (1) more or one (1) less than half (1/2) the total number of mayor and aldermen running for office, are elected to four (4) year terms, in both classes of cities the remaining aldermen are elected to two (2) year terms, and following which all aldermen shall be elected for four (4) year terms;

(5) In the case of a ward that has been abolished provide that any alderman whose term extends past the life of a ward shall serve as an alderman at large for the remainder of the term.

(Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, §§ 3, 4; Acts 1996, ch. 652, § 1; Acts 1997, ch. 77; Acts 2003, ch. 261, § 1)

Sec. 6-3-102. Election of board by municipalities incorporated under chapters 1 and 2 of this title, on or prior to June 30, 1991.

(a) (1) A municipality incorporated under chapters 1 to 2 of this title, on or before June 30, 1991, may, by ordinance, establish wards, increase or decrease the number of wards, increase or decrease the number of aldermen to no fewer than two (2) and no more than eight (8) in accordance with section 6-3-101.

(2) Any municipality that has only one (1) ward may provide by ordinance for numerical designations for aldermanic positions. After numerical positions have been designated, candidates for alderman shall qualify by indicating on the qualifying petition the position the candidate is seeking. Ballots shall indicate the position to be filled by the selection of candidates listed under "Alderman, position 1," "Alderman, position 2," and so on. Any qualified person residing in the municipality may seek an open aldermanic position, but may qualify in any election for only one (1) position.

(b) (1) A municipality whose board has staggered two (2) year terms may by ordinance change to staggered four (4) year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide for the transitional election of some members of the board of mayor and aldermen for three (3) year terms. After this initial election, all members of the board of mayor and aldermen shall be elected for four (4) year terms.

(2) A municipality whose board has nonstaggered two (2) year terms may by ordinance change to staggered four (4) year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for two (2) year terms. After this initial election, all members of the board shall be elected for four (4) year terms.

(3) A municipality whose board has nonstaggered four (4) year terms may by ordinance change to staggered four (4) year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for either two (2) or six (6) year terms. After this initial election, all members of the board shall be elected for four (4) year terms.

(4) A municipality whose board has staggered two (2) year terms may, by ordinance, change to non-staggered two (2) year terms. The ordinance, which shall take effect for the next municipal

election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide that the members elected at the next election will serve transitional terms of three (3) years. After such election, all members of the board shall be elected to serve two (2) year terms.

(5) A municipality whose board has non-staggered or staggered four (4) year terms may, by ordinance, change to two (2) year non-staggered or staggered terms. The ordinance shall not affect the present terms of members of the board serving four (4) year terms and shall take effect for the next appropriate municipal election following the adoption of the ordinance. After such election, all members of the board shall be elected to serve two (2) year terms.

(c) (1) Notwithstanding any provision of this chapter to the contrary, any municipality incorporated under this charter that is located within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any subsequent federal census may by ordinance provide for the election of its mayor to a four (4) year term and the election of its aldermen to staggered four (4) year terms beginning with municipal elections that are conducted after January 1, 2001.

(2) Nothing in subsection (c)(1) shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

(3) Subsection (c)(1) shall have no effect unless it is approved by a two-thirds (2/3) vote of any municipality within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any subsequent federal census. Its approval or nonapproval shall be proclaimed by the presiding officer of such municipality and certified to the secretary of state. (Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, §§ 5, 6, 7; Acts 1994, ch. 574, § 1, § 2; Acts 1998, ch. 691, § 1; Acts 1998, ch. 954, § 1; Acts 2000, ch. 613, §§ 1, 2; Acts 2003, ch. 261, § 2)

Sec. 6-3-103. Residence requirements for officers.

(a) No person shall be eligible for the office of mayor unless such person has resided within the municipality for at least one (1) year next preceding the election.

(b) No person shall be eligible for the office of alderman unless such person has resided within the ward for at least one (1) year next preceding the election.

(c) Residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

(d) Any officer moving from such officer's ward, in the case of an alderman, or moving from the municipality, in the case of the mayor, during the term of office shall be presumed to have vacated the office, and it shall be declared vacant, and filled as provided in section 6-3-107.

(Acts 1991, ch. 154, § 1)

Sec. 6-3-104. Dates for municipal elections.

The board may by ordinance change the date of municipal elections. The new election date shall not become effective until after the next election. The ordinance changing the election date shall

provide for the extension of the terms of members of the board necessary to meet the election date, but no term may be extended for more than two (2) years beyond its regular expiration date. (Acts 1991, ch. 154, § 1)

Sec. 6-3-105. Oaths of office.

The mayor, after his election, shall take an oath of office to support the constitution of the state and faithfully discharge the duties of the mayor's office, before any officer authorized to administer oaths. This officer or the mayor shall then induct the aldermen into office by administering to them a similar oath of office. Oaths of office shall be filed in the archives of the municipality.

(Acts 1991, ch. 154, § 1)

Sec. 6-3-106. Duties of mayor.

(a) The mayor:

- (1) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;
- (2) Shall communicate any information needed, and recommend measures the mayor deems expedient to the board;
- (3) (A) Shall make temporary appointments of any officer or department head as those terms defined in section 6-1-101, except that of alderman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the board at its next regular meeting.

(B) The board may confirm or reject the mayor's temporary appointments, or, at its discretion, make its own temporary appointments. The board shall make appointments to fill vacancies in office.

(4) (A) May call special meetings of the board upon adequate notice to the board and adequate public notice;

(B) Shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted;

(5) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(6) As a member of the board, may make motions and shall have a vote on all matters coming before the board;

(7) Shall make appointments to boards and commissions as authorized by law.

(b) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Those duties set forth in section 6-4-101, if the board does not appoint a city administrator or if someone else is not designated by the board to perform those duties.

(2) (A) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board;

- (B) Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;
 - (3) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the board;
 - (4) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance; and
 - (5) Such other duties as may be designated or required by the board.
- (Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 8; Acts 1997, ch. 27, §§ 1, 3)

Sec. 6-3-107. Vicemayor; vacancies in office.

(a) The board shall elect an alderman to the office of vicemayor who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(b) (1) By affirmative vote of a majority of the remaining members, the board shall fill a vacancy in the office of alderman for the unexpired term, but any portion of an unexpired four (4) year term for alderman or mayor that remains beyond the next municipal election shall be filled by the voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(2) All such elections by the board shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the board, the presiding officer shall vote a second time to break the tie.

(Acts 1991, ch. 154, § 1; Acts 1992, ch. 612, § 9)

Sec. 6-3-108. Duties of the board.

In the absence of the mayor and vice-mayor, the board may elect an alderman to act as presiding officer.

(Acts 1991, ch. 154, § 1; Acts 1997, ch. 27, § 2)

Sec. 6-3-109. Compensation.

(a) The compensation of all officers shall be established in the ordinance adopting the annual budget and capital program.

(b) The compensation of the mayor may not be diminished during the mayor's term of office.

(Acts 1991, ch. 154, § 1)