

## **ORDINANCE NO. 2026 – 05**

### **AN ORDINANCE TO DELETE AND REPLACE ORDINANCE NO. 2024 – 21 RELATING TO THE APPOINTED OFFICIALS; TERM; REMOVAL; VACANCY OF THE CITY OF CULLMAN**

#### **SECTION I. Purpose.**

The purpose of this Ordinance is to hereby delete and replace Ordinance No. 2024-21, *An Ordinance relating to appointed city officials; term; removal; vacancy of the City of Cullman*.

WHEREAS, Ordinance 2024-21 was established prior to 2011, for the appointment of city officials, their term, removal and vacancy; and

WHEREAS, under 11-43-81, *Code of Alabama* (1975), and legal precedent of Alabama Supreme Court case, Scott v. Coachman, 73 So. 32 607 (2011), the appointment powers of a council are limited under the current statutory law; and

WHEREAS, the City Council finds it necessary and proper and in the interest to comply with law for the city to delete and replace the said Ordinance with the following.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

#### **SECTION II. Appointed City Officials; Term; Removal; Vacancy.**

The following officers of the city, all of which have some level of authority over employees of the city, exercise some discretionary policy making authority, or a portion of their duties is the ability to discharge some portion of the sovereign power of the city, shall be appointed by the majority of the city council:

- (1) Police chief.
- (2) Fire chief.

All officers set out in this section shall serve for one year or until their successors are appointed. All officers set out in this section shall be directed by the mayor and shall report to the mayor and the designated committee chair to keep the council informed of the operations of their departments. In addition to the normal duties of their respective departments, these officers shall set formal procedures for personal conduct of the employees within their departments not inconsistent with the policies set by the council and mayor. All officers set out in this section are not classified employees and do not fall under the merit system. Officers appointed under this section may, for cause, after a hearing, be removed by the council prior to their term of service. The mayor may temporarily suspend or remove any officer appointed pursuant to this section; the suspension or removal of any of the above officials, if sustained by a majority of the council, shall be final. The mayor may temporarily fill the vacancy of any office in this section until a permanent replacement is appointed by a majority of the council.

#### **SECTION IV. Severability Clause.**

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

**SECTION V. Effective Date.**

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 13th day of October, 2025.

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President of the City Council

ATTEST:

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City Clerk

APPROVED BY THE MAYOR this the 13th day of October, 2025.

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Mayor