

Montgomery City Government

by

The League of Women Voters of Montgomery
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334 264-VOTE

The City of Montgomery functions as a mayor-council form of government. The mayor-council system replaced the commission form of government in the mid 1970s after adoption by a vote of the electorate following a petition campaign as required by the Mayor-Council Act of 1973 (Act No. 618, Regular Session, 1973, Art. 1).

The mayor is elected by the city at large. Each member of the nine-member council represents a district with district lines redrawn after each federal census to insure one-person, one-vote representation.

Qualifications for Office

Both the mayor and council are elected in nonpartisan elections held every four-years. Candidates must be qualified voters.

Council candidates must also be legal residents for at least six months in the district they seek to represent, maintain residency in the district after election, and hold no other public office. Failure to maintain these requirements or conviction of a "crime involving moral turpitude" results in immediate vacating of the office. (Act No.754, Regular Session, 1975, Sect. 1)

Filling Vacancies

Vacancies on the council are filled by a special election called by the council. The special election is held no later than 45 days after the vacancy occurs. If a regularly scheduled election is less than three months away, the vacancy is filled then (Act 237, Regular Session, 1977, Sect. 1, 3.09).

A vacancy in the mayor's office is filled by a special election called by the council for 30-45 days from the date of the vacancy, but if another election is already scheduled 30-90 days from the date of the vacancy, that election date will be used.

The president of the council serves as acting mayor until the vacancy is filled. An acting mayor may not sit with the council or cast a vote. The acting mayor receives no added compensation and no added expense allowances. (Act No. 618, Regular Session, 1973, Sect. 4.05)

City of Montgomery

103 N. Perry St.

Montgomery, AL 36101-1111

334 241-4400

Mayor: 241-2000 City Council: 241-2097

Incorporated: December 3, 1819

Population (2007 est.): 204,086

Racial Composition (1999): 49.6% Black;
47.7% White; < 4% Other

Montgomery is the only incorporated city in Montgomery County.

Form of Government: Mayor-Council

Next Election: 2011

Type of Election: Nonpartisan

Terms of Office: 4 years

Current Salaries: Council – \$18,000
Mayor – \$95,000

Mayor: Todd Strange (special election 3/10/09)

Council Members

District 1: Jim Spear

2: Charles Smith

3: Tracy Larkin (President Pro
Tempore)

4: David Burkette

5: Cornelius "C.C." Calhoun

6: Willie Cook

7: Martha D. Roby

8: Glen O. Pruitt, Jr.

Major Council Powers

Alabama law places “[a]ll powers of the city . . . and the determination of all matters of policy” in the council (Act No. 618, Sect. 3.07). These powers include:

- establishment of administrative departments;
- budget adoption;
- authorizing the issuance of bonds or warrants
- inquiring into the operations of city offices, departments, or agencies
- investigating municipal operations
- appointment of boards, commissions or other bodies as authorized by law; and
- levying of property and license taxes as well as assessments for local improvements.

The council elects a president and president pro tempore from among its membership.

Limitations on the Council

By law (Act No. 618, Sect. 3.08) the council and its members may not interfere with appointments to or removals from city offices or positions. In addition: “Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the mayor and neither the Council or any member thereof shall give orders to any subordinates of the mayor either publicly or privately.”

Council meetings must be open to the public and held at least twice a month and must be announced to the public. Currently the Council meets every two weeks, alternating between day and evening sessions. A majority of the council represents a quorum for the conduct of business. Ordinances, by-laws, resolutions, and other allowable transactions require a majority vote of those members present. Ordinances must be introduced in writing and read before a vote. The vote itself must be a recorded vote unless the vote is unanimous. “No ordinance of permanent operation” may be passed at the same meeting it is introduced unless the council vote is unanimous in its vote. All ordinances must be submitted to the mayor after passage, and the mayor has veto powers that are described below. A written record of every meeting must be kept and be available to the public (Act No. 81-835, Regular Session, 1981, Sect. 4).

Major Powers of the Mayor

As head of the administrative branch the mayor is “responsible for the proper administration of all affairs of the city and, subject to the provisions of any civil service or merit system law applicable to such city. . . .” The mayor’s administrative powers include:

- enforcement of all laws and ordinances;
- appointment and removal of all department heads with the advice and consent of the council (by majority vote);
- administrative supervision and control over all departments except those listed specifically in law as outside his authority base;
- keeping “the council fully advised as to the financial conditions and needs of the city”;
- annual preparation and submission to the council of a balanced budget and capital budget;
- administration of the budget after its adoption by the council;
- preparation and submission of an end of fiscal year report detailing the financial and administrative activities of city during the fiscal year;
- recommendations to the council he/she “may deem desirable”;
- preparation and submission to the council of required reports;
- other duties that may be required by law; and
- fixing “the salaries or compensation of all officers and employees of the city who are appointable by him, subject to the approval of the council, and to the provisions of any civil

service or merit law applicable to the city.” (Act No. 608, Regular Session, 1975, Sect. 1)

Mayor’s Veto Power

Every ordinance or resolution passed by the council must be transmitted to the mayor within 48 hours of its passage. Delivery to the mayor’s office is considered delivery to the mayor. The mayor must act within 10 days; however, during this time the council may recall the ordinance or resolution if it has not yet become law or has not been acted upon by the mayor.

Basically, the mayor’s options are:

- sign the ordinance or resolution, return it to the clerk who will publicize it if required by law, and it becomes law;
- take no action during the 10 day period; the clerk then will publicize it if required, and it becomes law; or
- return the ordinance or resolution along with written objections to the clerk who will deliver both to the council at its next regularly scheduled meeting. If a majority of the council votes to maintain the original ordinance or resolution, publication, if required, will follow and the ordinance or resolution becomes law. The mayor’s objections and the vote by each member are placed in the written record. (Act No. 81-835, Regular Session, 1981, Sect. 4)

The veto power does not apply to appointments made by the council or any action related to a council investigation of anyone or any office in the city. (Act No. 81-835, Regular Session, 1981, Sect. 4)

City Organizational Chart

Figure 1 presents the organization chart adopted for the city in September 2005. The mayor oversees all city departments; the council oversees independent boards and commissions. While the mayor appoints the municipal court judges and the municipal courts are part of the city structure, the judges function independently of the mayor.

The League of Women Voters

The League of Women Voters is a nonpartisan organization whose purpose is to promote political responsibility through informed and active participation in government and to act on selected governmental issues. The League does not support or oppose any political party or candidate. Membership dues and contributions from interested citizens finance League activities. It is a three tiered organization (Local, State, and National) with the Local Leagues at its core. The League is the spirit of democracy in action.

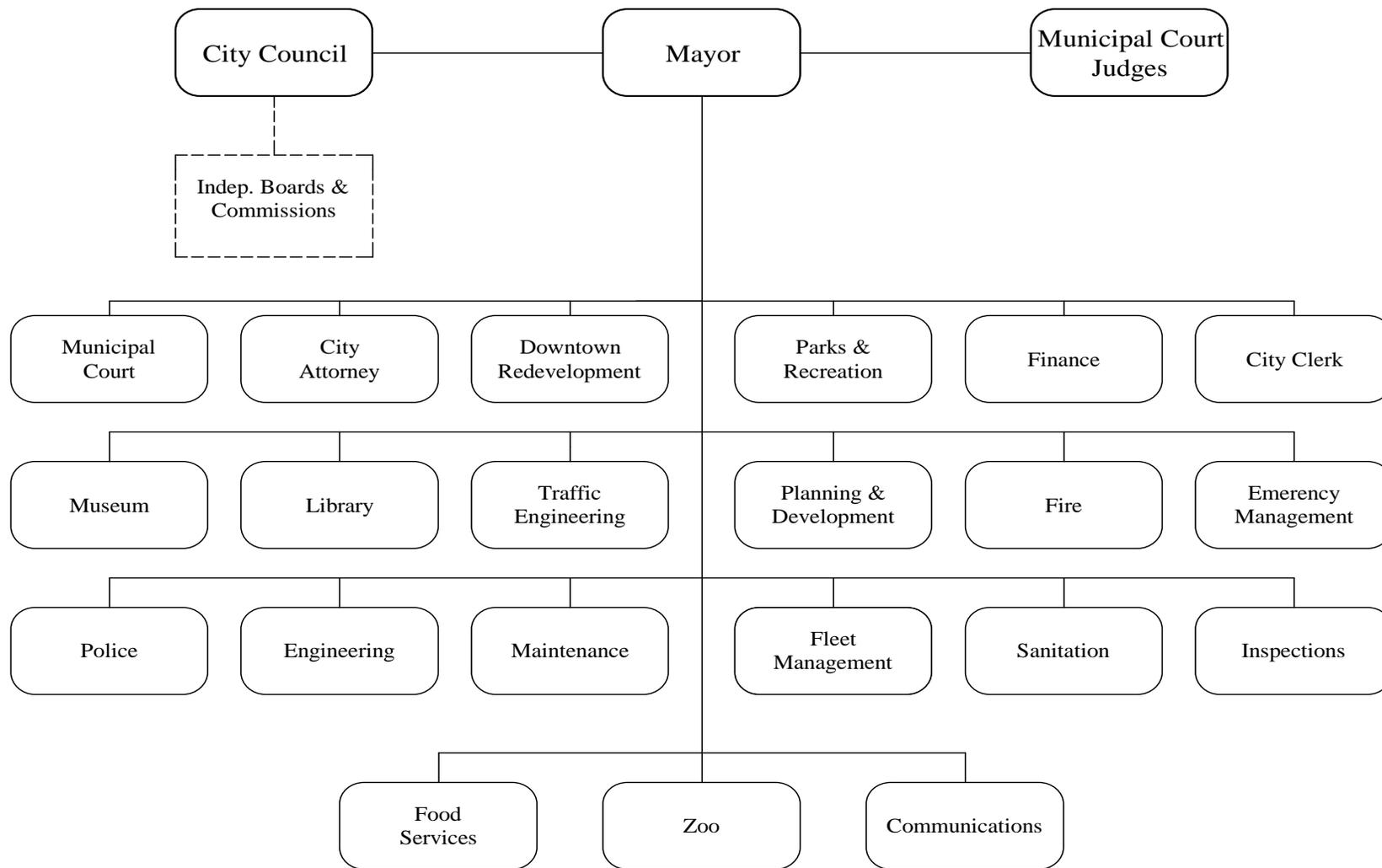


Figure 1. City of Montgomery Organizational Chart