

MUNICIPAL BUILDING, MOBILE, ALABAMA, OCTOBER 17, 2019

The City Council of the City of Mobile, Alabama, met in the City Council's Conference Room on the ninth floor of the Mobile Government Plaza on Thursday, October 17, 2019, at 3:00 p.m. in a special meeting.

The meeting was called to order by City Clerk Lisa Lambert.

Present on Roll Call:

Chairman: Manzie
Councilmembers: Richardson, Small, Williams, Daves and Gregory
Absent: Rich

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda, which move was seconded by Councilmember Williams.

Following discussion from Councilmembers Richardson, Manzie and Daves and City Attorney Ricardo Woods, Councilmember Richardson stated for the record:

"I have nothing against the two officers that are nominated for president and vice-president. I plan on voting for them. I am not voting illegally. We have been advised that this is an illegal meeting."

The vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

CONSENT RESOLUTIONS HELD OVER:

AUTHORIZE THE APPOINTMENT OF THE ATCHISON FIRM AS SPECIAL COUNSEL TO REPRESENT COUNCILMEMBERS MANZIE, WILLIAMS, SMALL, GREGORY AND DAVES. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 15, 2019 and held over, was called up by the Presiding Officer.

RESOLUTION: 03-950-2019

Sponsored by: Councilmembers Manzie, Williams, Small, Gregory and Daves

A Resolution Authorizing the Appointment of Special Counsel

Findings.

1. The Council has previously appointed a Council Attorney by Resolution 03-754 dated November 28, 2017.
2. The Council Attorney has reported to the Council that due to a conflict of interest, she can no longer represent six of the Council members named as defendants in the litigation pending in the Circuit Court of Mobile, County, Alabama styled Stimpson v. Richardson et al., Case No. CV-2018-903096.
3. Section 10 of the Appointment Resolution states:

Special counsel. In any case where the Council Attorney by reason of a conflict of interest cannot represent the Council, the Council shall appoint special counsel and fix her compensation.

MINUTES OF OCTOBER 17, 2019

Now therefore, be it RESOLVED by the City Council of the City of Mobile as follows:

1. That the Atchison Firm, PC is hereby appointed to represent the Defendants Manzie, Williams, Small, Gregory and Daves for the limited purpose of entering the Joint Stipulation of Dismissal which is attached hereto as Exhibit A;

The Atchison Firm, PC will provide legal services at no charge, but shall be reimbursed for all out of pocket costs, including but not limited to filing fees, postage, copying charges, mileage at the current IRS rate per mile, and parking.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Williams.

Councilmember Small stated for the record:

“How much will the Atchison Firm be charging for their services?”

Councilmember Manzie replied:

“They are providing their services pro bono.”

The vote was as follows:

Ayes:	Manzie, Small, Williams, Daves and Gregory
Nays:	None
Abstained:	Richardson

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE THE APPOINTMENT OF SPECIAL COUNSEL TO REPRESENT COUNCILMEMBERS RICHARDSON AND RICH. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 15, 2019 and held over, was called up by the Presiding Officer.

RESOLUTION: 03-951-2019

Sponsored by: Councilmembers Richardson and Rich

Resolution Authorizing the Appointment of Special Counsel

Findings.

1. The Council has previously appointed a Council Attorney by Resolution 03-754 dated November 28, 2017.
2. The Council Attorney has reported to the Council that due to a conflict of interest, she can no longer represent six of the Council members named as defendants in the litigation pending in the Circuit Court of Mobile, County, Alabama styled Stimpson v. Richardson et al., Case No. CV-2018-903096.
3. Section 10 of the Appointment Resolution states:

Special counsel. In any case where the Council Attorney by reason of a conflict of interest cannot represent the Council, the Council shall appoint special counsel and fix her compensation.

Now therefore, be it RESOLVED by the City Council of the City of Mobile as follows:

MINUTES OF OCTOBER 17, 2019

That Councilors Rich and Richardson are authorized to engage separate counsel to represent them in connection with the above-described litigation, subject to formal appointment by the Council fixing the compensation of said counsel.

The resolution was read by the City Clerk; whereupon Councilmember Small moved that the resolution be adopted.

The Presiding Officer declared the item failed due to lack of a second.

APPROVE LEVON C. MANZIE AS COUNCIL PRESIDENT. The following resolution, which was introduced and read at the regular meeting of Tuesday, October 15, 2019 and held over, was called up by the Presiding Officer.

RESOLUTION: 03-952-2019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, pursuant to Section 11-44C-19 of the Code Alabama, 1975, as amended, that Levon C. Manzie, Councilmember, District 2, is hereby elected as President of the Mobile City Council effective immediately and ending October 31, 2021.

The resolution was read by the City Clerk; whereupon Councilmember Gregory moved that the resolution be adopted, which was seconded by Councilmember Williams.

Councilmember Williams requested Resolutions 03-952 and 03-953 be taken together.

Resolution 03-953 was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which move was seconded by Councilmember Gregory.

Following comments from Councilmembers Gregory and Daves, Councilmember Small stated for the record:

"I have made statements before, in public, that for the last eight months I have been talking to the Council Attorney about ways we could get a president for this Council. Everything I introduced to her, she said it would not work. I vote for the future and my concerns are that one day there might be a Council where all seven people want to be president. I do appreciate Manzie for working so hard for the last two years. I hope that we can work amongst each other to talk to a representative to take this to Montgomery or to the courts to get this issue solved."

Following comments from Councilmember Richardson, Councilmember Manzie stated for the record:

"When Mr. Richardson was seeking the office of President, I nominated him."

City Clerk Lisa Lambert stated:

"For the record because we had a motion on the floor for 03-952 and we were asked to take 03-952 and 03-953 together, someone needs to withdraw the first motion and go by the second motion."

The vote was as follows:

Ayes:	Manzie, Small, Williams, Daves and Gregory
Nays:	None
Abstained:	Richardson

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS HELD OVER:

MINUTES OF OCTOBER 17, 2019

ADOPT THE 2020 FISCAL YEAR BUDGET FOR THE CITY OF MOBILE. The following resolution, which was introduced and read at the regular meeting of September 10, 2019 and held over, was called up by the Presiding Officer.

RESOLUTION: 09-842

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, THAT THE 2019-2020 General Fund and Capital Improvements Fund budgets be adopted.

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be adopted, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Manzie, Small, Williams, Daves and Gregory
Nays: None
Abstained: Richardson

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

ANNOUNCEMENTS:

Each Councilmember offered comments related to the budget and election of officers.

Councilmember Williams moved to adjourn the meeting, which move was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 4:00 p.m.

Adopted: October 22, 2019

COUNCIL PRESIDENT

CITY CLERK