

STATE OF ALABAMA
ST. CLAIR COUNTY

The City Council of the City of Pell City met in a Special Called Council Meeting at City Hall at 5:00 p.m. on Tuesday, April 7, 2020. Present were Council President James McGowan, Councilmen Blaine Henderson and Jud Alverson. Councilman Jay Jenkins was available via telephone and Councilman Jason Mitcham was absent. Those present constituting a quorum of the Council, the following business was transacted:

The Invocation was led by Fire Chief Tim Kurzejeski.

The Pledge to the American Flag was led by Councilman Blaine Henderson

The City Clerk had roll call for attendance.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020-5287** adopting an operating policy as provided for in the Families First Coronavirus Response Act (FFCRA).

Council President McGowan introduced the following resolution authorizing summonses in lieu of arrests:

RESOLUTION NO. 2020 - 5288

**A RESOLUTION AUTHORIZING SUMMONSES IN LIEU OF
ARRESTS IN ACCORDANCE WITH THE FOURTH SUPPLEMENTAL
STATE OF EMERGENCY PROCLAMATION ISSUED BY
GOVERNOR IVEY ON MARCH 26, 2020**

WHEREAS, on March 26, 2020, Governor Ivey issued an additional proclamation implementing extraordinary measures and relief to combat the public health emergency caused in the State of Alabama by the COVID-19 pandemic; and

WHEREAS, the Governor's emergency proclamation allows a municipality to authorize law enforcement officers to issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor, subject to certain exceptions; and

WHEREAS, the City Council of the City of Pell City finds and determines that it is in the best interest of the citizens of the City for the Pell City Police Department to issue summonses and complaints in lieu of custodial arrests as authorized by the Governor's emergency proclamation to decrease traffic at the St. Clair County Detention Center.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:

1. For so long as the Governor's State of Emergency proclamation concerning the COVID-19 pandemic remains in effect, the law enforcement officers of the Pell City Police Department are hereby authorized to issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor, provided, however, that law enforcement officers may not issue a summons and complaint in lieu of arrest in any of the following circumstances:

- a. The person is charged with committing a crime involving violence, threat of violence, or domestic violence, as defined under Article 7 (commencing with § 13A-6-130) 17 of Chapter 6, Title 13A, Ala. Code 1975;
- b. The person is charged with the use or possession of alcohol or a controlled substance and, in the opinion of the law enforcement officer, poses a risk to public safety;
- c. A victim of the crime is a minor;
- d. The person is charged with driving under the influence as codified in § 32-5A-191, Ala. Code 1975; or
- e. The person is charged with a crime that would require restitution to the victim.

2. In accordance with the Governor's State of Emergency proclamation concerning the COVID-19 pandemic, the Pell City Municipal Judge and Pell City Municipal Court Clerk are hereby authorized and directed to set a fee schedule for the aforementioned summons and complaint that is concurrent with the bail fee and court costs currently associated with the custodial arrest of the same crime.

3. In accordance with the Governor's State of Emergency proclamation concerning the COVID-19 pandemic, to the extent a provision of that proclamation conflicts with any provision of state law, that law is suspended by the Governor's proclamation for the duration of the State of Emergency and the Governor's proclamation shall control.

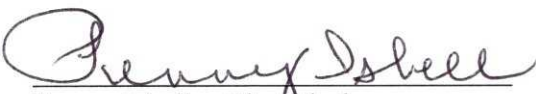
Councilman Henderson moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said resolution, be suspended and that unanimous consent to the immediate consideration and adoption of said resolution be given. The motion was seconded by Councilman Alverson. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Henderson and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Henderson then moved that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilman Alverson. The question being put as to the adoption of said motion and the passage of said resolution, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Henderson and Alverson. Nays: None. Council President McGowan declared the motion approved and the resolution adopted.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council adjourned subject to the call of the Council President.


James McGowan - Council President

ATTEST:


Penny Isbell - City Clerk