

Anniston, Alabama  
July 23, 2010

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Friday, July 23, 2010, at approximately 4:35 o'clock p.m.

Council Member Spain prayed the Invocation.

Council Member Spain led the Pledge of Allegiance to the Flag.

Council Member Spain called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Spain, Palmore, Little and Dawson; absent: Mayor Robinson. A quorum was present and the meeting opened for the transaction of business.

Don A. Hoyt, City Manager, was present.

Cleo Thomas, City Attorney, was present.

Council Member Little introduced and read Resolution Number 10-R-80 as follows:

RESOLUTION NUMBER 10-R-80

A Resolution Authorizing the Issuance of Subpoenas

WHEREAS, under the law of Alabama, a city council or committee thereof duly authorized by resolution may summon witnesses, compel their attendance and compel witnesses to testify and produce books and papers; and

WHEREAS, the law gives a city council or a committee authorized by the city council the authority to issue subpoenas by resolution of the City Council or by resolution of the committee; and

WHEREAS, the Anniston City Council has established a committee of inquiry which seeks to obtain testimony and books and papers; and

WHEREAS, the committee of inquiry established by the Council is scheduled to convene on Monday, July 26, 2010, and Wednesday, July 28, 2010, and times thereafter as the committee may establish; and

WHEREAS, in addition to the specific authority vested in the City Council to issue subpoenas the law of Alabama provides additional procedures through which subpoenas may be issued and the Council may avail itself to these procedures when required by law.

THEREFORE, BE IT RESOLVED, that the Anniston City Council authorizes the issuance of subpoenas to the full extent permitted by the law and

vest in the committee of inquiry authority to issue subpoenas in accordance with the law and to use such other lawful means and methods of issuing subpoenas as are required.

BE IT FURTHER RESOLVED, that in instances where the City Council may issue subpoenas through its authority as a city council that the City Clerk be authorized to issue the subpoenas.

BE IT FURTHER RESOLVED, that should a judicial filing or other legal action be required to give full force and legal effect to a subpoena request by the Council or its Committee of Inquiry that the City Attorney be authorized to make that filing or take such necessary legal action.

BE IT FURTHER RESOLVED, that the Anniston City Council authorizes the issuance of the subpoenas by the committee of inquiry or by the City Council to the particular persons or custodians of record as are listed in Exhibit A, attached hereto, and as the committee of inquiry may resolve to do by its actions in the manner and through the legal channels and procedures required by law.

PASSED AND ADOPTED this the 23rd day of July, 2010.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ Benjamin L. Little, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-80 as introduced and read. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore and Little; nays: Council Member Dawson; absent: Mayor Robinson. The motion carried and Resolution Number 10-R-80 was passed and adopted.

Council Member Dawson made a motion to authorize Ron Allen, attorney, to represent the City staff during the inquiry process. The motion was seconded by Council Member Little.

The Council Members present, Mr. Allen and Mr. Thomas discussed the duties and contract of Mr. Allen for the Inquiry.

On call of the roll on Council Member Dawson's motion to authorize Ron Allen, attorney, to represent the City staff during the inquiry process and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little and Dawson; nays: none; absent: Mayor Robinson. The motion carried.

There being no further business to come before the meeting at that time Council Member Dawson made a motion the meeting be adjourned. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: none; absent: Mayor Robinson. The motion carried and the meeting was adjourned at approximately 5:27 o'clock p.m.