

1 SB201
2 113386-4
3 By Senators Brooks and Glover (N & P)
4 RFD: Local Legislation No. 3
5 First Read: 12-JAN-10

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4 With Notice and Proof

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6 ENGROSSED

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to Mobile County; to provide for a
14 referendum election on the composition of the Mobile County
15 Commission; and to repeal all conflicting laws.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall only apply to Mobile
18 County.

19 Section 2. In Mobile County, the judge of probate
20 shall conduct a referendum election to be held at the 2010
21 primary election. On the ballot used at the referendum
22 election, the judge of probate shall cause the following
23 questions to appear, stated substantially as follows:

24 "VOTE FOR ONE ONLY

25 "Question 1. Do you favor continuing the current
26 three-member composition of the Mobile County Commission in
27 effect on the date of this referendum?

1 "Yes _____.

2 "Question 2. Do you favor the Mobile County
3 Commission being composed of five full-time members elected
4 from single member districts?

5 "Yes _____.

6 "Question 3. Do you favor the Mobile County
7 Commission being composed of five part-time members elected
8 from single-member county commission districts to receive the
9 total salary of the current three full-time members of the
10 county commission divided equally among the five part-time
11 county commissioners and the employment of a county manager?

12 "Yes _____.

13 "Question 4. Do you favor the Mobile County
14 Commission being composed of seven part-time members elected
15 from single-member county commission districts to receive the
16 total salary of the current three full-time members of the
17 county commission divided equally among the seven part-time
18 county commissioners and the employment of a county manager?

19 "Yes _____."

20 Section 3. The question with 50 percent plus one
21 votes cast at the primary election shall be implemented. If
22 none of the questions receives 50 percent plus one votes at
23 the primary election, the two questions receiving the most
24 votes shall be on the ballot at the general election. The
25 question receiving the most votes at the general election
26 shall be implemented.

1 Section 4. If Question 1 is selected, the Mobile
2 County Commission shall continue to consist of three full-time
3 county commissioners.

4 Section 5. (a) If Question 2 is selected, effective
5 for the next election of the county commission occurring after
6 preclearance of this act by the Justice Department, the Mobile
7 County commission shall be composed of five full-time
8 commissioners receiving the same salary and benefits as the
9 members of the commission in the prior term received.

10 (b) Pursuant to law, the Mobile County Commission
11 shall divide the county into single-member county commission
12 districts of approximately equal population using the most
13 recent federal decennial census.

14 Section 6. (a) If Question 2 is selected, effective
15 for the next election of the county commission occurring after
16 preclearance of this act by the Justice Department, the Mobile
17 County Commission shall be composed of five part-time county
18 commissioners receiving the total salary of the three
19 full-time county commissioners to be divided equally among the
20 five part-time county commissioners.

21 (b) Pursuant to law, the Mobile County Commission
22 shall divide the county into five single-member county
23 commission districts of approximately equal population using
24 the most recent federal decennial census.

25 (c) The new county commissioners shall employ a
26 county manager, hereinafter "manager," to administer the
27 day-to-day operations of county government. The manager shall

1 be the administrative head of the county government and shall
2 be responsible for the day-to-day administration of all the
3 departments of the county government which the county
4 commission has the authority to control. The manager shall
5 serve at the pleasure of the county commission. The manager
6 shall be entitled to compensation for services as the
7 commission may determine. In the event the commission
8 determines to terminate the services of the manager then the
9 manager shall be given a written notice of termination signed
10 by a majority of the commission members at least 90 days prior
11 to the effective termination date. The county commission shall
12 set the qualifications, salary, and term of office of the
13 manager, except that the manager shall have the following
14 minimum qualifications:

15 (1) Education and experience. Graduation from an
16 accredited four-year college or university, masters degree
17 preferred, with a degree in public administration, political
18 science, or business management or a closely related field,
19 and five to 10 years of responsible administrative, municipal,
20 county, public agency, or private sector background.

21 (2) Necessary knowledge, skills, and abilities:

22 a. Considerable knowledge of public policies and
23 practices of public administration, working knowledge of local
24 government finance, human resources, public works, public
25 safety, and community development.

1 b. Skill in preparing and administering budgets and
2 skill in planning, directing, and administering municipal,
3 county, or state programs.

4 c. Ability to prepare and analyze comprehensive
5 reports; ability to carry out assigned projects to their
6 completion; ability to communicate effectively, verbally, and
7 in writing; ability to establish and maintain effective
8 working relations with employees, county officials, and the
9 public; and the ability to efficiently and effectively
10 administer county government.

11 Section 7. (a) If Question 3 is selected, effective
12 for the next election of the county commission occurring after
13 preclearance of this act by the Justice Department, the Mobile
14 County Commission shall be composed of seven part-time county
15 commissioners receiving the total salary of the three
16 full-time county commissioners to be divided equally among the
17 seven part-time county commissioners.

18 (b) Pursuant to law, the Mobile County Commission
19 shall divide the county into seven single-member county
20 commission districts of approximately equal population using
21 the most recent federal decennial census.

22 (c) The new county commissioners shall employ a
23 county manager, hereinafter "manager," to administer the
24 day-to-day operations of county government. The manager shall
25 be the administrative head of the county government and shall
26 be responsible for the day-to-day administration of all the
27 departments of the county government which the county

1 commission has the authority to control. The manager shall
2 serve at the pleasure of the county commission. The manager
3 shall be entitled to compensation for services as the
4 commission may determine. In the event the commission
5 determines to terminate the services of the manager then the
6 manager shall be given a written notice of termination signed
7 by a majority of the commission members at least 90 days prior
8 to the effective termination date. The county commission shall
9 set the qualifications, salary, and term of office of the
10 manager, except that the manager shall have the following
11 minimum qualifications:

12 (1) Education and experience. Graduation from an
13 accredited four-year college or university, masters degree
14 preferred, with a degree in public administration, political
15 science, or business management or a closely related field,
16 and five to 10 years of responsible administrative, municipal,
17 county, public agency, or private sector background.

18 (2) Necessary knowledge, skills, and abilities:

19 a. Considerable knowledge of public policies and
20 practices of public administration, working knowledge of local
21 government finance, human resources, public works, public
22 safety, and community development.

23 b. Skill in preparing and administering budgets and
24 skill in planning, directing, and administering municipal,
25 county, or state programs.

26 c. Ability to prepare and analyze comprehensive
27 reports; ability to carry out assigned projects to their

1 completion; ability to communicate effectively, verbally, and
2 in writing; ability to establish and maintain effective
3 working relations with employees, county officials, and the
4 public; and the ability to efficiently and effectively
5 administer county government.

6 Section 8. The provisions of this act are severable.
7 If any part of this act is declared invalid or
8 unconstitutional, that declaration shall not affect the part
9 which remains.

10 Section 9. All laws or parts of laws which conflict
11 with this act are repealed.

12 Section 10. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Local Legislation No. 3 12-JAN-10

Read for the second time and placed on the calen-
dar 1 amendment 18-FEB-10

Read for the third time and passed as amended ... 23-FEB-10

Yeas 24
Nays 0
Abstaining 4

McDowell Lee
Secretary