

1 HB319  
2 197079-2  
3 By Representative Ingram (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-APR-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Elmore County; to amend Section  
14 45-26-130 of the Code of Alabama 1975, providing for the  
15 employment of the county engineer or chief engineer; to  
16 further provide that the county engineer or chief engineer may  
17 be assigned additional duties by the county commission and may  
18 employ, supervise, and direct deputies and assistants to  
19 perform the duties.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 45-36-130 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§45-26-130.

24 "(a) This section shall apply only in Elmore County.

25 "(b) The Elmore County Commission shall appoint and  
26 employ a county engineer or chief engineer, who shall be a  
27 thoroughly qualified and competent professional engineer. The

1 county engineer or chief engineer shall possess all of the  
2 qualifications as specified for county engineers or chief  
3 engineers under the general laws of the State of Alabama. The  
4 county engineer or chief engineer shall ~~devote his or her~~  
5 ~~entire time and attention to~~ be responsible for the  
6 maintenance and construction of the public roads, bridges, and  
7 ferries in the county and shall perform other duties related  
8 to his or her appointment as may be assigned by the county  
9 commission. The county engineer or chief engineer shall serve  
10 at the pleasure of the county commission.

11 "(c) It shall be the duty of the county engineer or  
12 chief engineer to carry out the following as determined by the  
13 county commission:

14 "(1) Employ, supervise, and direct all assistants  
15 necessary to properly maintain and construct the public roads,  
16 bridges, and ferries of the county and prescribe their duties  
17 and discharge employees for cause or when they are not needed.

18 "(2) Perform engineering and surveying service as  
19 may be required and prepare and maintain the necessary maps  
20 and records.

21 "(3) Maintain the necessary accounting records to  
22 reflect the cost of the county road system.

23 "(4) Build or construct new roads, or change old  
24 roads, but only when ordered to do so by proper order of the  
25 county commission.

1           "(5) Construct and maintain all county roads on the  
2 basis of the county as a unit without regard to any district  
3 or beat lines.

4           "(6) Employ, supervise, and direct any deputies and  
5 assistants necessary to assist the county engineer or chief  
6 engineer to properly perform all duties of the county engineer  
7 or chief engineer.

8           "(d) It shall be the duty of the county commission  
9 to fix, from time to time, in accordance with prevailing  
10 economic conditions, the various scales of wages or salaries  
11 to be paid for labor necessary in the maintenance and  
12 construction of public roads, bridges, and ferries. The wage  
13 or salary scale shall not be exceeded by the engineer in  
14 employing labor and assistants.

15           "(e) The commission shall fix the amount of the  
16 salary of the county engineer or chief engineer, payable in  
17 equal monthly installments from appropriate road and bridge  
18 funds.

19           "(f) Before entering upon his or her duties, the  
20 county engineer or chief engineer shall make and enter into a  
21 surety bond in the amount set from time to time by the county  
22 commission, payable to Elmore County, conditioned on the  
23 faithful discharge and performance of his or her duties as  
24 engineer, and for the faithful accounting of all monies or  
25 property of Elmore County which may come into his or her  
26 possession or custody. The bond shall be executed by a surety  
27 company authorized and qualified to do business in Alabama and

1 shall be approved by the county commission. The premiums shall  
2 be paid by the county.

3 "(g) The county commission shall furnish the county  
4 engineer or chief engineer with an office within the county  
5 and all necessary office supplies, equipment, communication,  
6 utilities, and necessary transportation to accomplish his or  
7 her duties under this section.

8 "(h) The county engineer or chief engineer shall be  
9 the custodian and accountable to the county commission for all  
10 road machinery and equipment, tools, supplies, and repair  
11 parts owned by Elmore County. The county commission shall  
12 establish necessary policies and regulations governing  
13 accountability and relief therefrom. The county commission  
14 shall furnish the necessary storage and repair facilities for  
15 the tools, machinery, supplies, and equipment, and the county  
16 engineer shall keep on file in his or her office an up-to-date  
17 inventory containing a list of all tools, machinery,  
18 equipment, parts, and supplies owned by the county.

19 "(i) ~~The~~ Unless otherwise determined by the county  
20 commission, the authority of the county engineer or chief  
21 engineer shall be limited to the expenditure of funds  
22 appropriated by the county commission for engineering  
23 functions described in this section. The county commission  
24 shall fix and determine the amount of funds which will be  
25 available for the purpose of building, maintaining, and  
26 constructing public roads, bridges, and ferries of Elmore  
27 County for the ensuing fiscal year, beginning on October 1.

1 That amount, other than the salary of the county engineer or  
2 chief engineer, and his or her necessary expenses, shall not  
3 be exceeded, except that the county commission, from time to  
4 time, within any period, may increase the amount allowed to be  
5 expended by the county engineer or chief engineer during the  
6 period, provided that the authorization does not conflict with  
7 other provisions of law.

8 "(j) The county engineer or chief engineer shall  
9 make written requisition for all materials, machinery,  
10 equipment, and necessary supplies needed for the construction,  
11 maintenance, or repair of the public roads, bridges, and  
12 ferries of the county. The purchases shall be made in  
13 accordance with prevailing law.

14 "(k) In the event of an emergency in which it would  
15 be impossible for the county commission to employ an engineer,  
16 the commission shall employ a competent road supervisor who  
17 need not be an engineer, but, when so employed shall have all  
18 the duties and authority of the county engineer and shall be  
19 subject to this section. The emergency employment of a  
20 competent road supervisor shall not continue longer than  
21 necessary to employ a qualified engineer who will accept  
22 employment by the commission under the terms of this section.  
23 It is the intention of this section to provide that the  
24 construction and maintenance of county roads, bridges, and  
25 ferries shall be under the supervision of a qualified  
26 engineer.

1                   "(1) Each member of the county commission shall  
2 inspect the roads and bridges of his or her district, from  
3 time to time, hear the suggestions and complaints of the  
4 citizens, and report the suggestions or complaints to the  
5 county commission with his or her recommendations. The members  
6 of the county commission shall also assist in securing  
7 right-of-way and assist in public relations generally."

8                   Section 2. This act shall become effective  
9 immediately following its passage and approval by the  
10 Governor, or its otherwise becoming law.