

1 HB169  
2 156219-1  
3 By Representative Williams (J)  
4 RFD: County and Municipal Government  
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, in cities having  
9 populations of not less than 175,000 nor more than  
10 275,000, two supernumerary members are required to  
11 be appointed to the municipal planning commission  
12 to serve at the call of the chair of the commission  
13 in the absence of regular members.

14 This bill would provide that in any  
15 municipality, except a Class 1 municipality, the  
16 mayor may appoint two supernumerary members to  
17 serve on the municipal planning commission to serve  
18 at the call of the chair in the absence of regular  
19 members.

20  
21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Relating to municipal planning and zoning; to amend  
26 Section 11-52-3 of the Code of Alabama 1975, to further  
27 provide that the mayor of a municipality, except a Class 1

1 municipality, may appoint two supernumerary members to serve  
2 on the municipal planning commission to serve at the call of  
3 the chair of the commission in the absence of regular members.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 11-52-3 of the Code of Alabama  
6 1975, is amended to read as follows:

7 "§11-52-3.

8 "(a) The commission shall consist of nine members:  
9 The mayor, or his or her designee, one of the administrative  
10 officials of the municipality selected by the mayor, a member  
11 of the council to be selected by it as a member ex officio and  
12 six persons who shall be appointed by the mayor, if the mayor  
13 is an elective officer, otherwise by the officer as the  
14 council may in the ordinance creating the commission designate  
15 as the appointing power; provided, that in any Class 1  
16 municipality, the commission shall consist of 16 members: The  
17 mayor, one of the administrative officials of the municipality  
18 selected by the mayor, two members of the council to be  
19 selected by it as members ex officio, and 12 persons who shall  
20 be selected by the council. In the event the mayor designates  
21 a person to sit in his or her place on the municipal planning  
22 commission, the person so appointed shall serve during the  
23 term of the mayor, unless the original appointment shall be  
24 limited to a term certain of not less than 12 months at time  
25 of appointment.

26 "In addition to regular members, the mayor and each  
27 of the council members of Class 1 municipalities serving on

1 the commission may each appoint, from the administrative staff  
2 of the mayor and council exclusively, a supernumerary member  
3 who shall be authorized to be counted for the purpose of  
4 determining a quorum, and, while serving, to act with all of  
5 the power and authority of a regular member whenever such  
6 municipal official is not personally in attendance.

7 "In addition to the regular members, in all ~~cities~~  
8 ~~having populations of not less than 175,000 nor more than~~  
9 ~~275,000~~ municipalities, except Class 1 municipalities, two  
10 supernumerary members ~~shall~~ may be appointed by the mayor to  
11 serve on the board at the call of the chair only in the  
12 absence of regular members, and while so serving, they shall  
13 have and exercise the power and authority of regular members.

14 "(b) All members of the commission shall serve  
15 without compensation, and the appointed members shall hold no  
16 other municipal office, except, that one of the appointed  
17 members may be a member of the zoning board of adjustment or  
18 appeals, except in all cities having populations of not less  
19 than 175,000 nor more than 275,000, according to the most  
20 recent federal decennial census, wherein no member of the  
21 commission may be a member of the zoning board of adjustment  
22 or appeals and wherein all members of the commission shall be  
23 bona fide residents and qualified electors of such cities,  
24 except that the 12 appointed members of any commission elected  
25 by the council in Class 1 municipalities, under subsection (a)  
26 of this section, upon adoption of a resolution by the city  
27 council approving Acts 1994, No. 94-672, shall be paid

1 twenty-five dollars (\$25) per meeting for each meeting of the  
2 commission attended by the members. No member shall be paid  
3 more than fifty dollars (\$50) in any one month, and any  
4 appointed member who is an elected official or an employee of  
5 the municipality shall not be eligible to receive the  
6 compensation.

7 "(c) The terms of ex officio members shall  
8 correspond to their respective official tenures, except that  
9 the term of the administrative official selected by the mayor  
10 shall terminate with the term of the mayor selecting the  
11 member.

12 "The term of each appointed member shall be six  
13 years or until the successor takes office, except that the  
14 respective terms of five of the members first appointed shall  
15 be one, two, three, four, and five years, provided, that in  
16 any city having a 16 member commission as provided in  
17 subsection (a) of this section, the respective terms of five  
18 pairs of the members first appointed by council shall be one,  
19 two, three, four, and five years, and provided further, that  
20 in all cities having populations of not less than 175,000 nor  
21 more than 275,000, the term of each appointed member of the  
22 commission shall be for three years.

23 "(d) Members other than the member selected by the  
24 council may, after a public hearing, be removed by the mayor  
25 for inefficiency, neglect of duty or malfeasance in office,  
26 provided, that in any city having a 16 member commission, as  
27 provided in subsection (a) of this section, members may, after

1 a public hearing, be removed by the council for any of the  
2 above reasons or for continued failure to attend meetings. The  
3 council may for like cause remove the member or members  
4 selected by it. The mayor or council, as the case may be,  
5 shall file a written statement of reasons for such removal.

6 "(e) Vacancies occurring otherwise than through the  
7 expiration of term shall be filled for the unexpired term by  
8 the mayor in the case of members selected or appointed by him  
9 or her, by the council in the case of the member, or other  
10 members selected by it and by the appointing power designated  
11 by the council in municipalities in which the mayor is not an  
12 elective officer."

13 Section 2. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.