

1 SB329
2 156452-1
3 By Senator Waggoner (N & P)
4 RFD: Local Legislation No. 2
5 First Read: 11-FEB-14

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to amend Section 5 of
14 Act 248, 1945 Regular Session (Acts 1945, p. 376), as amended,
15 to provide further for the composition and operation of the
16 Citizens Supervisory Commission of the county personnel board.
17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall apply only to Jefferson
19 County.

20 Section 2. Section 5 of Act 248 of the 1945 Regular
21 Session (Acts 1945, p. 376), as heretofore amended, is hereby
22 further amended to read as follows:

23 "Section 5. Citizens Supervisory Commission.

24 ~~"There shall be a citizens supervisory commission of~~
25 ~~not less than five persons for each county subject to this Act~~
26 ~~which shall consist of the persons who now are, and who from~~
27 ~~time to time shall be: (1) The presidents, or other chief~~

1 ~~executive officers by whatever name called, of institutions of~~
2 ~~higher learning not operated for profit and offering two or~~
3 ~~more years of instruction in a general level curriculum, if~~
4 ~~there be any in such county. (2) The president, or other chief~~
5 ~~executive officer, of the association, group, or society if~~
6 ~~there be one in such county, comprising within its membership~~
7 ~~at lease fifty-five percent of the licensed practicing~~
8 ~~physicians, resident in such county, and provided that not~~
9 ~~less than ninety percent of the membership of such~~
10 ~~association, group or society shall consist of licensed~~
11 ~~physicians, and provided that any reputable citizen of such~~
12 ~~county who shall be licensed by the State of Alabama to~~
13 ~~practice medicine and who shall have paid his state and county~~
14 ~~license fee to practice shall, under the rules of such~~
15 ~~association, group or society, be eligible to membership~~
16 ~~therein. (3) The president, or other chief executive officer,~~
17 ~~of the trades council, group, society or association, if there~~
18 ~~be one in such county with which is affiliated more than~~
19 ~~one-half of the unions or other organization of the workers in~~
20 ~~the organized trades and crafts in such county provided that~~
21 ~~no union or other labor organization shall be counted for the~~
22 ~~purposes of this Act as affiliated with more than one such~~
23 ~~trade council, group, society, or association in such county,~~
24 ~~and provided that if there be no council, group, society or~~
25 ~~association in such county with which is affiliated more than~~
26 ~~one-half of the unions or other organization of the workers in~~
27 ~~the organized trades and crafts in such county, then the~~

1 ~~council, group, society or association having the largest~~
2 ~~affiliation of such unions or organizations shall be here~~
3 ~~designated. (4) If there be in such county as many as three or~~
4 ~~more trades, crafts, groups or divisions of workers, who are~~
5 ~~organized into what are commonly known as labor unions, or~~
6 ~~organizations whose organizations aren't affiliated with the~~
7 ~~trades council, group, society or association described in the~~
8 ~~subparagraph (3) immediately preceding this subparagraph, then~~
9 ~~such organized crafts, groups, or divisions of workers may in~~
10 ~~any manner agreeable to the majority of the presidents or~~
11 ~~other chief executive officers, of the locals of such~~
12 ~~non-affiliated labor organizations located in such county~~
13 ~~select one of such presidents, or other chief executive~~
14 ~~officers, as a member of the citizens supervisory commission~~
15 ~~who shall remain a member of such commission as long as his~~
16 ~~electors shall designate. This subparagraph shall be~~
17 ~~applicable solely to the county as a whole and not to the~~
18 ~~separate cities therein. (5) The president or other chief~~
19 ~~executive officer of the chamber of commerce, or other most~~
20 ~~nearly similar organization, of the largest city subject to~~
21 ~~this Act in such county provided, however, if there be two~~
22 ~~courthouses in any such county, then the president or other~~
23 ~~chief executive officer of the chamber of commerce or other~~
24 ~~most nearly similar organization of the largest city subject~~
25 ~~to this Act in each division of said county, provided that~~
26 ~~"chamber of commerce" is meant an organization to which~~
27 ~~membership in which any reputable man engaged in mercantile,~~

1 manufacturing, banking, jobbing, or similar business is
2 eligible, and which most nearly of all organizations in such
3 city regardless of name performs the functions of such
4 organizations as are commonly known as chambers of commerce.
5 (6) The president or other chief executive officer of the
6 junior chamber of commerce or other most nearly similar
7 organization of the largest city subject to this Act in such
8 county, provided that by junior chamber of commerce is meant
9 an organization substantially similar to chambers of commerce
10 defined hereinbefore, except that membership therein may be
11 restricted by an age qualification, and if there be no
12 organization in such city substantially like a junior chamber
13 of commerce, representation for such city under this
14 classification shall fail. (7) The president, chairman, or
15 other chief executive officer, of any county-wide council,
16 group, society or association of Post of the American Legion,
17 by Posts of the American Legion is meant a local organization
18 with its meeting place in such county of persons who are
19 residents of Alabama, and who actually served as soldiers,
20 sailors, or marines in the armed services of the United States
21 of America. If at any time there be no such county-wide
22 organization of such posts, then the president, chairman,
23 commander or other chief executive officer of the post in the
24 county which as of the first day of January of each year has
25 the largest bona fide membership. (8) The president or other
26 chief executive officer by whatever name called of any council
27 of parent-teacher associations of the entire county school

1 system. (9) The president, or other chief executive officer,
2 of the engineering council of the engineers' club having the
3 largest membership of any engineers' club in the county, if
4 there be such club or clubs in the county. (10) The president
5 or other chief executive officer, of the county farm bureau of
6 such county, if there be one. (11) The probate judge of such
7 county. (12) The occupant of a position in the classified
8 service of such county. Such commission member shall be
9 elected in October of each year by the classified employees of
10 such county, and his term as commission member shall begin
11 November 1st thereafter and terminate October 31st in the next
12 succeeding year. Such commission member may succeed himself
13 for one year only. Every such election shall be fairly noticed
14 and held. Such election shall be called and conducted by the
15 chairman of the commission. For the purposes of this section
16 all classified employees of the county board of health subject
17 to this Act shall be considered as holding positions in the
18 classified service of such county. (13) The occupant of a
19 position in the classified service of a municipality in such
20 county. Such commission member shall be elected in October of
21 each year by the classified employees of all municipalities
22 subject to this Act, and his term as commission member shall
23 begin November 1st thereafter and terminate October 31st in
24 the next succeeding year. Such commission member may succeed
25 himself for one year only. Every such election shall be fairly
26 noticed and held. Such election shall be called and conducted
27 by the chairman of the commission. No employee of any

1 ~~municipal police or fire department as a member of the~~
2 ~~commission, and no employee of any other municipal department~~
3 ~~shall succeed an employee of the same municipal department as~~
4 ~~a member of the commission, and no single municipality shall~~
5 ~~have employee representation upon the commission for more than~~
6 ~~three successive terms.~~

7 "(a) Composition.

8 "In and for each county subject to this Act there
9 shall be a Citizens Supervisory Commission to appoint and
10 advise the members of the Personnel Board provided for by this
11 Act. The Commission shall be composed of the following
12 members, who shall serve without compensation:

13 "(1) The Chairman, President, or other presiding
14 elected officer of the County Commission.

15 "(2) The mayor of the municipality having the
16 greatest number of employees in the Classified Service.

17 "(3) One member of the County Mayors Association, an
18 Alabama nonprofit corporation, not otherwise serving hereunder
19 who is appointed by its governing body.

20 "(4) The presiding judge of probate of the county.

21 "(5) One full-time regular firefighter employed in
22 the Classified Service who has not attained the rank of
23 Captain or above who shall be elected by popular vote of all
24 full-time regular firefighters employed in the Classified
25 Service.

26 "(6) One full-time regular police officer employed
27 in the Classified Service who has not attained the rank of

1 Captain or above who shall be elected by popular vote of all
2 full-time regular police officers employed in the Classified
3 Service.

4 "(7) One full-time regular employee of the
5 Classified Service governed by this Act employed in a
6 non-public safety position, and not serving as a Department
7 Head or Deputy Assistant Department Head, who shall be elected
8 by popular vote of all full-time regular employees of the
9 Classified Service who are not employed in public safety
10 positions.

11 "The Director of Personnel shall promulgate written
12 rules governing the submission of nominations and the conduct
13 of the elections and shall provide notice of and preside over
14 the same. No less than 30 days before any such election, the
15 Director of Personnel shall certify the names of all employees
16 eligible to vote in the election. The term of office of each
17 employee member shall be two years. Notwithstanding the
18 expiration of an employee member's term of office, he or she
19 shall continue to serve until such time as his or her
20 successor has been elected and qualified and begins serving.
21 Any member may designate an alternate for himself or herself
22 by giving written notice to the chairman; provided, however,
23 that alternates designated for employee members enumerated in
24 subsections (5), (6), and (7) above must be a member of the
25 same class and be of the same classification of employees as
26 specified for the member.

27 "(b) Vacancies.

1 "Vacancies on the commission due to death,
2 resignation or any other cause shall be filled in the same
3 manner that the member whose position is vacant was designated
4 or elected.

5 "(c) Quorum.

6 "~~In the event one or more of the foregoing persons~~
7 ~~fail or refuse to serve, such fact shall not invalidate the~~
8 ~~acts of the commission, provided as many as five members of~~
9 ~~the commission serve.~~ A majority of the persons serving as
10 members of the commission shall constitute a quorum to do
11 business but a less number may adjourn from time to time and
12 compel the attendance of absent members in such manner and
13 under such penalties as may be prescribed by the rules and
14 regulations of the commission.

15 "(d) Costs.

16 "~~Each member of the commission, subject to this Act~~
17 ~~shall be paid a per diem of ten dollars for attending a~~
18 ~~meeting of the commission. These~~ The expenses of the
19 Commission and the cost of giving notice of ~~meeting~~ meetings
20 shall be paid as other expenses of the personnel system are
21 paid.

22 "(e) Rules and Regulations.

23 "The commission shall adopt, from time to time, such
24 rules, regulations and modes of procedures as it deems
25 expedient to enable it to dispatch in an orderly manner its
26 business.

27 "(f) Chairman.

1 "(i) The probate judge shall be chairman of ~~said the~~ the
2 commission and shall have a vote only in case of a tie.

3 "(ii) He or she shall also examine and pass upon the
4 credentials and right of each person presenting himself or
5 herself for membership on ~~said the~~ the commission to sit thereon
6 both at the organizational meeting and at all subsequent
7 meetings. Provided, however, it shall be the duty and
8 responsibility of each organization which has a representative
9 on this commission to present the proper credentials and
10 qualifications of their representative to the probate judge,
11 and it shall be the duty of the probate judge to keep or cause
12 to be kept a permanent record of such credentials and
13 qualifications.

14 "(iii) The probate judge shall discharge his or her
15 duties hereunder, and under the sanction of his or her oath as
16 judge of probate and ~~he~~ shall administer the oath of office to
17 the other members of ~~such the~~ the commission prescribed by Section
18 279 of the constitution of this state. The chairman may call
19 upon the sheriff of the county, or any deputy sheriff thereof,
20 to attend the meetings of the commission and preserve order
21 and execute the decisions, rulings and order of the commission
22 and of the chairman thereof. Provided, that if for any reason
23 the probate judge is unable to attend because of illness or
24 otherwise, the chief clerk to the probate judge shall act as
25 chairman and shall be clothed with the same authority and
26 responsibilities as are herein provided for the probate judge, and
27 except the authority specified in subdivision (iv).

1 "(iv) The chairman may punish for contempt of the
2 commission in like manner and extent as may be done ~~if~~ in the
3 circuit courts of this state.

4 "(v) The chairman of the commission shall be the
5 keeper and custodian of the minutes, records, property and
6 paraphernalia of the commission, and may call upon the
7 director of personnel to furnish ~~him~~ such clerical assistance,
8 supplies and place of safe deposit for such records and
9 property as ~~he deems~~ deemed necessary. All records and
10 writings and other materials presented to the Commission shall
11 be subject to all state laws.

12 "(vi) The chairman or the director of personnel
13 under his or her supervision shall establish and keep in the
14 office of the director of personnel a roster of the membership
15 of the commission by place, office or position, and keep as
16 nearly as possible up to date the changes in the persons
17 occupying such places, offices or positions, and it shall be
18 the duty of each person vacating a place, office or position
19 which entitled him or her to a seat on such commission to
20 notify the chairman of the name and address of the person who
21 in his or her opinion is under the law his or her successor on
22 such commission.

23 "(vii) At the organizational meeting all persons
24 ruled eligible by the chairman to sit on ~~said~~ the commission
25 shall be seated as such and shall vote on all questions
26 arising at such meeting. At any time after the organizational
27 meeting has adjourned, any citizen of such county may file

1 with the chairman of the commission written objection to the
2 right of any person to sit on ~~said the~~ the commission. Such
3 objection shall be based on the sole ground that such person
4 is not one of those designated by this Act for membership on
5 such commission. The chairman shall rule upon ~~said the~~
6 objection in writing and the first order of business at the
7 next meeting of the commission shall be a report by the
8 chairman of the objections and his or her ruling thereon. If
9 no member of the commission other than the person affected by
10 such ruling appeals from the ruling of the chairman, the ~~his~~
11 ruling shall be final; if any appeal is made from the ruling
12 of the chairman, all persons then seated, except the member
13 affected, shall be entitled to vote on ~~said the~~ the appeal. In all
14 matters a majority vote of the commission present, if a quorum
15 be present, shall govern. The commission ~~shall~~, except as
16 herein otherwise provided, shall be the judge of the
17 qualifications of its own membership.

18 "(g) Meetings.

19 "(1) In addition to the original organizational
20 meeting herein prescribed, the commission shall meet ~~twice~~
21 ~~each~~ not less than quarterly during each calendar year. One of
22 ~~such semi-annual meetings~~ Each quarterly meeting shall be held
23 at noon on the third Tuesday ~~in May and the other at noon on~~
24 ~~the third Tuesday in November~~ of the month ending each
25 quarter. At the ~~semi-annual~~ quarterly meeting in ~~November~~
26 October the commission shall receive the annual report of the
27 personnel board. At each ~~semi-annual~~ meeting the Director

1 shall make a report to the commission of the business and
2 affairs of the personnel board occurring since the last
3 meeting of the commission, and the commission shall make such
4 recommendations to the personnel board as it shall deem in the
5 interest of the sound administration of this Act in such
6 county and shall fill any existing vacancy on the board, and
7 shall elect a successor to any member of the board whose term
8 will expire before the next semi-annual meeting of the
9 commission. At each ~~semi-annual~~ meeting, also, the commission
10 shall review rules of the personnel board promulgated since
11 the last ~~semi-annual~~ meeting of the commission, and may repeal
12 any ~~such~~ rule of the personnel board which it may deem not in
13 the interest of the sound administration of this Act in such
14 county, but shall not have power to amend any ~~such~~ rule or to
15 promulgate any new rule within the province of the personnel
16 board to adopt according to the provisions of this Act. The
17 word "rule" shall not be construed to mean orders, actions, or
18 decisions of the personnel board made in the administration of
19 this Act. The chairman of the commission or any ~~five~~ four
20 members thereof may call a meeting of the commission at the
21 courthouse at the county ~~site~~ seat of the county, at noon on
22 any Tuesday they deem it in the public interest for ~~it~~ the
23 commission to meet. Such notice shall be signed by the person
24 or persons calling such meeting and shall state briefly the
25 purposes of the meeting; shall be mailed to each person
26 registered as a member of the commission or known to be such
27 and published once each day for three consecutive days

1 immediately preceding such meeting in some daily newspaper
2 published in such county; ~~if no such paper is published in the~~
3 ~~county, then~~ and by posting in a public place in the main and
4 each branch courthouse in the county and in the city hall of
5 each city in the county subject to this Act more than five
6 days before such proposed meeting. Notice of each ~~semi-annual~~
7 quarterly meeting shall be given in like manner, but failure
8 of any member to receive notification by mail of any such
9 meeting, either ~~semi-annual~~ quarterly or special, shall not
10 invalidate it. Failure to call a ~~semi-annual~~ quarterly meeting
11 shall not invalidate it.

12 (2) All meetings of the Commission and its
13 committees shall be subject to the Alabama Open Meetings Law.

14 "(h) Impeachment of Board Members.

15 "The members of the personnel board shall be subject
16 to impeachment for the same causes and in the same manner as
17 other county officers, as provided under Section 175 of the
18 Constitution of Alabama."

19 Section 3. All laws or parts of laws which conflict
20 with this act are repealed.

21 Section 4. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.