

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

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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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 part-time members elected  
4 from single-member county commission districts to receive the  
5 total salary of the current three full-time members of the  
6 county commission divided equally among the five part-time  
7 county commissioners and the employment of a county manager?

8 "Yes \_\_\_\_.

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

15 "Yes \_\_\_\_."

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

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

26 Section 5. (a) If Question 2 is selected, effective  
27 for the next election of the county commission occurring after

1 preclearance of this act by the Justice Department, the Mobile  
2 County Commission shall be composed of five part-time county  
3 commissioners receiving the total salary of the three  
4 full-time county commissioners to be divided equally among the  
5 five part-time county commissioners.

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

10 (c) The new county commissioners shall employ a  
11 county manager, hereinafter "manager," to administer the  
12 day-to-day operations of county government. The manager shall  
13 be the administrative head of the county government and shall  
14 be responsible for the day-to-day administration of all the  
15 departments of the county government which the county  
16 commission has the authority to control. The manager shall  
17 serve at the pleasure of the county commission. The manager  
18 shall be entitled to compensation for services as the  
19 commission may determine. In the event the commission  
20 determines to terminate the services of the manager then the  
21 manager shall be given a written notice of termination signed  
22 by a majority of the commission members at least 90 days prior  
23 to the effective termination date. The county commission shall  
24 set the qualifications, salary, and term of office of the  
25 manager, except that the manager shall have the following  
26 minimum qualifications:

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

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

8           a. Considerable knowledge of public policies and  
9           practices of public administration, working knowledge of local  
10          government finance, human resources, public works, public  
11          safety, and community development.

12          b. Skill in preparing and administering budgets and  
13          skill in planning, directing, and administering municipal,  
14          county, or state programs.

15          c. Ability to prepare and analyze comprehensive  
16          reports; ability to carry out assigned projects to their  
17          completion; ability to communicate effectively, verbally, and  
18          in writing; ability to establish and maintain effective  
19          working relations with employees, county officials, and the  
20          public; and the ability to efficiently and effectively  
21          administer county government.

22          Section 6. (a) If Question 3 is selected, effective  
23          for the next election of the county commission occurring after  
24          preclearance of this act by the Justice Department, the Mobile  
25          County Commission shall be composed of seven part-time county  
26          commissioners receiving the total salary of the three

1 full-time county commissioners to be divided equally among the  
2 seven part-time county commissioners.

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

7 (c) The new county commissioners shall employ a  
8 county manager, hereinafter "manager," to administer the  
9 day-to-day operations of county government. The manager shall  
10 be the administrative head of the county government and shall  
11 be responsible for the day-to-day administration of all the  
12 departments of the county government which the county  
13 commission has the authority to control. The manager shall  
14 serve at the pleasure of the county commission. The manager  
15 shall be entitled to compensation for services as the  
16 commission may determine. In the event the commission  
17 determines to terminate the services of the manager then the  
18 manager shall be given a written notice of termination signed  
19 by a majority of the commission members at least 90 days prior  
20 to the effective termination date. The county commission shall  
21 set the qualifications, salary, and term of office of the  
22 manager, except that the manager shall have the following  
23 minimum qualifications:

24 (1) Education and experience. Graduation from an  
25 accredited four-year college or university, masters degree  
26 preferred, with a degree in public administration, political  
27 science, or business management or a closely related field,

1 and five to 10 years of responsible administrative, municipal,  
2 county, public agency, or private sector background.

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

4 a. Considerable knowledge of public policies and  
5 practices of public administration, working knowledge of local  
6 government finance, human resources, public works, public  
7 safety, and community development.

8 b. Skill in preparing and administering budgets and  
9 skill in planning, directing, and administering municipal,  
10 county, or state programs.

11 c. Ability to prepare and analyze comprehensive  
12 reports; ability to carry out assigned projects to their  
13 completion; ability to communicate effectively, verbally, and  
14 in writing; ability to establish and maintain effective  
15 working relations with employees, county officials, and the  
16 public; and the ability to efficiently and effectively  
17 administer county government.

18 Section 7. The provisions of this act are severable.  
19 If any part of this act is declared invalid or  
20 unconstitutional, that declaration shall not affect the part  
21 which remains.

22 Section 8. All laws or parts of laws which conflict  
23 with this act are repealed.

24 Section 9. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.