

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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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

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

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

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

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

(2) Necessary knowledge, skills, and abilities:

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

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

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

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

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

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

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

(1) Education and experience. Graduation from an accredited four-year college or university, masters degree preferred, with a degree in public administration, political 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.