

1 SB464  
2 125370-1  
3 By Senator Brooks (N & P)  
4 RFD: Local Legislation No. 3  
5 First Read: 03-MAY-11

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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 2012  
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 full-time members elected  
4 from single member districts?

5                   "Yes \_\_\_\_.

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

12                   "Yes \_\_\_\_.

13                   "Question 4. Do you favor the Mobile County  
14 Commission being composed of seven part-time members elected  
15 from single-member county commission districts to receive the  
16 total salary of the current three full-time members of the  
17 county commission divided equally among the seven part-time  
18 county commissioners and the employment of a county manager?

19                   "Yes \_\_\_\_."

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

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

4           Section 5. (a) If Question 2 is selected, effective  
5           for the next election of the county commission occurring after  
6           preclearance of this act by the Justice Department, the Mobile  
7           County commission shall be composed of five full-time  
8           commissioners receiving the same salary and benefits as the  
9           members of the commission in the prior term received.

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

14          Section 6. (a) If Question 2 is selected, effective  
15          for the next election of the county commission occurring after  
16          preclearance of this act by the Justice Department, the Mobile  
17          County Commission shall be composed of five part-time county  
18          commissioners receiving the total salary of the three  
19          full-time county commissioners to be divided equally among the  
20          five part-time county commissioners.

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

25          (c) The new county commissioners shall employ a  
26          county manager, hereinafter "manager," to administer the  
27          day-to-day operations of county government. The manager shall

1 be the administrative head of the county government and shall  
2 be responsible for the day-to-day administration of all the  
3 departments of the county government which the county  
4 commission has the authority to control. The manager shall  
5 serve at the pleasure of the county commission. The manager  
6 shall be entitled to compensation for services as the  
7 commission may determine. In the event the commission  
8 determines to terminate the services of the manager then the  
9 manager shall be given a written notice of termination signed  
10 by a majority of the commission members at least 90 days prior  
11 to the effective termination date. The county commission shall  
12 set the qualifications, salary, and term of office of the  
13 manager, except that the manager shall have the following  
14 minimum qualifications:

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

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

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

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

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

11           Section 7. (a) If Question 3 is selected, effective  
12 for the next election of the county commission occurring after  
13 preclearance of this act by the Justice Department, the Mobile  
14 County Commission shall be composed of seven part-time county  
15 commissioners receiving the total salary of the three  
16 full-time county commissioners to be divided equally among the  
17 seven part-time county commissioners.

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

22           (c) The new county commissioners shall employ a  
23 county manager, hereinafter "manager," to administer the  
24 day-to-day operations of county government. The manager shall  
25 be the administrative head of the county government and shall  
26 be responsible for the day-to-day administration of all the  
27 departments of the county government which the county

1 commission has the authority to control. The manager shall  
2 serve at the pleasure of the county commission. The manager  
3 shall be entitled to compensation for services as the  
4 commission may determine. In the event the commission  
5 determines to terminate the services of the manager then the  
6 manager shall be given a written notice of termination signed  
7 by a majority of the commission members at least 90 days prior  
8 to the effective termination date. The county commission shall  
9 set the qualifications, salary, and term of office of the  
10 manager, except that the manager shall have the following  
11 minimum qualifications:

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

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

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

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

26 c. Ability to prepare and analyze comprehensive  
27 reports; ability to carry out assigned projects to their

1 completion; ability to communicate effectively, verbally, and  
2 in writing; ability to establish and maintain effective  
3 working relations with employees, county officials, and the  
4 public; and the ability to efficiently and effectively  
5 administer county government.

6 Section 8. All laws or parts of laws which conflict  
7 with this act are repealed.

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