SB49

N45YJTT-1

By Senator Allen (Constitutional Amendment)

RFD: Local Legislation

First Read: 06-Feb-24

SYNOPSIS:

Existing law does not provide for the merger of county and municipal governments. This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Tuscaloosa County, to authorize the merger of the Tuscaloosa County government and the municipal governments of the City of Tuscaloosa and the City of Northport into an urban-county form of government.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Tuscaloosa County, to authorize a referendum on the merger of the county government and the municipal governments of the City of Tuscaloosa and the City of Northport into an urban-county form of government.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) In order to facilitate the operation of local government, to prevent duplication of services, and to promote efficient and economical management of the affairs of local government, the voters in Tuscaloosa County may merge county government and the municipal governments of the City of Tuscaloosa and the City of Northport into an urban-county form of government.

(b) This amendment shall be applicable to merge Tuscaloosa County government and the municipal governments of the City of Tuscaloosa and the City of Northport. This amendment shall not be effective unless approved by a majority of those voting in the election on the amendment in the City of Tuscaloosa and the City of Northport.

(c)(1) The Legislature, by local law, may provide conditions for the merger of the Tuscaloosa County government and the municipal governments of the City of Tuscaloosa and the City of Northport into an urban-county form of government.

(2) An Advisory Council on Metro Government shall be established to propose a charter for the Metro Government of Tuscaloosa County, including the establishment of a Metro Council of Tuscaloosa County. The advisory council shall be appointed as follows:

a. The judge of probate shall appoint four members, who shall be representative of Tuscaloosa County and its diversity, to be approved by vote of the county commission.

b. The Mayor of the City of Tuscaloosa shall appoint four members, who shall be residents of the city and shall

reflect all sections of the city, to be approved by vote of the city council.

c. The Mayor of the City of Northport shall appoint two members, who shall reflect all sections of the city, to be approved by vote of the city council.

(3) The advisory council shall elect a chair. The advisory council shall hold regular public meetings. The time and place of all meetings of the advisory council shall be announced and advertised in a local newspaper. The advisory council shall establish an office by vote of the advisory council. All costs of the operations of the advisory council shall be funded 50 percent by Tuscaloosa County, 40 percent by the City of Tuscaloosa, and 10 percent by the City of Northport.

(4) The advisory council shall submit a proposed charter to the qualified electors in the area to which this amendment applies at the 2026 General Election. The charter shall provide for the election of the Metro Council and for the operation of the Metro Government subject to any limitations in this amendment.

(d) The Metro Council shall exercise all powers previously granted to the City of Tuscaloosa and the City of Northport within the corporate limits of each respective municipality and all powers previously granted to Tuscaloosa County within the county until the time the Legislature by general or local law shall amend, repeal, or expand the powers, including expansion outside of the political subdivision in which are currently applicable. In addition,

any ordinance or resolution of the county governing body, the municipal governing body of the City of Tuscaloosa, or the municipal governing body of the City of Northport shall continue to be effective in the county or in each respective municipal corporate limits and police jurisdiction where applicable until the Legislature by general or local law affects the power of the county or the municipality to adopt the ordinance or resolutions, or otherwise authorizes or provides for the expansion of the power of the Metro Council to make the ordinance or resolution applicable to any area where the ordinance or resolution is not currently applicable.

(e) Notwithstanding the foregoing, neither the Legislature or the Metro Government Charter may authorize any additional ad valorem tax except as otherwise authorized by this constitution nor may any additional sales and use tax be levied unless the sales and use tax is approved by a referendum of the qualified electors in the area affected by the tax.

(f) In addition, notwithstanding the other provision of this amendment, any zoning in the unincorporated area of the county prior to 2042 may only be authorized by local law to be implemented by a zoning board elected by the qualified electors of the area affected and the Legislature may not otherwise expand the authority of the Metro Council to zone any property outside of the corporate limits of the City of Tuscaloosa or the City of Northport through a unified planning and zoning board until the year 2043.

(g) The election of the Metro Council shall be nonpartisan. The elections shall be conducted in the same manner as provided for municipal elections by general law, unless otherwise specifically provided by local law.

(h) The Mayor of Metro Tuscaloosa County shall be elected by the qualified electors of Tuscaloosa County. The Metro Council shall be elected from single-member districts in the county apportioned based on population. The mayor shall be a full-time position and the council shall serve on a part-time basis.

(i) The Tuscaloosa County Metro Government shall employ a comptroller pursuant to civil service board rules. The merger of all financial operations of any area to which this amendment applies shall be effective January 1, 2028.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign

a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Tuscaloosa County, proposing an amendment to the Constitution of Alabama of 2022, to allow Tuscaloosa County, the City of Tuscaloosa, and the City of Northport to merge into an urban-county form of government and to provide the procedure for the merger and subsequent operations.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.