

SB184 INTRODUCED



1 SB184
2 KNG6AUU-1
3 By Senator Elliott (N & P)
4 RFD: Local Legislation
5 First Read: 29-Feb-24



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3 A BILL
4 TO BE ENTITLED
5 AN ACT
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8 Relating to Baldwin County; to provide for the election
9 of the Chair of the Baldwin County Commission on a countywide
10 basis; to provide for the power, duties, and salary of the
11 chair; for this purpose to amend Section 45-2-70.01 of the
12 Code of Alabama 1975; to amend Section 45-2-120.12 of the Code
13 of Alabama 1975, relating to the county civil service system,
14 to further provide for certain appointed contract employees to
15 be appointed by the chair of the commission; to provide for
16 the election of the four remaining county commissioners from
17 single member districts only by the qualified electors of each
18 respective district; to repeal Section 45-2-72.01 of the Code
19 of Alabama 1975, to conform with this act; and to provide a
20 referendum on the adoption of this act.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) Effective at the 2026 General Election
23 and thereafter, the Chair of the Baldwin County Commission
24 shall be elected countywide. The chair shall serve as
25 presiding officer of the county commission. The term of the
26 chair shall be for four years concurrent with the terms of
27 the remaining four members of the county commission. The term
28 of the chair shall commence in November after the election at



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the same time provided for members of a county commission.

(b) The Chair of the Baldwin County Commission shall serve on a full-time basis and shall perform all duties of a chair of a county commission provided by general law or a local law applicable to Baldwin County. The chair may vote in any matter coming before the commission.

(c) The chair of the county commission shall receive a salary based on the same salary schedule as a circuit court judge in Baldwin County. The salary schedule shall be applied to the chair in the same manner as the salary schedule is applied to a circuit judge, including any provision for adjustments based on years of service.

(d) Notwithstanding the provisions of Section 45-2-120.12, Code of Alabama 1975, the Chair of the Baldwin County Commission shall only appoint the following contract employees subject to approval of the county commission:

- (1) County Administrator.
- (2) County Engineer.
- (3) Clerk/Treasurer.
- (4) Budget Director.
- (5) Emergency Management Director.
- (6) Personnel Director.

(e) Each appointed contract employee shall report directly to the Chair of the Baldwin County Commission. A contract employee shall not be considered an unclassified employee under the civil service system.

Section 2. Sections 45-2-70.01 and 45-2-120.12 of the Code of Alabama 1975, are amended to read as follows:



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"§45-2-70.01

(a) In Baldwin County, effective beginning the next term of office, the annual basic compensation of each member of the county commission, except the chair, shall be an average of the median annual household income in Baldwin County for the previous four years as ascertained and adjusted each four-year term by the State Department of Labor to take effect on the first day of November the first year of each four-year term and to be payable in equal monthly installments from the general fund of the county.

~~(b) Effective beginning the next term of office, the member serving as chair of the commission shall receive additional compensation in the amount of five thousand dollars (\$5,000) per annum for service as chair, payable from the general fund of the county in equal monthly installments.~~

~~(c) In the event the number of county commissioners in Baldwin County is increased for any reason or if the county commissioners are no longer elected at-large in countywide elections, the salary of each county commissioner, including the chair as provided in subsections (a) and (b), shall revert back to the amount of compensation received on November 1, 2004.~~

~~(d)~~ (b) Notwithstanding the other provisions of this section, in order to be eligible to receive any compensation or expense allowance increase provided pursuant to this section, a county commissioner shall waive in writing any compensation increase otherwise provided pursuant to Section 11-2A-4.



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(c) This section shall not affect the salary of the elected Chair of the Baldwin County Commission."

"§45-2-120.12

One appointed employee position may be filled by the judge of probate which position shall be designated chief clerk. Two appointed employee positions may be filled by the revenue commissioner which positions shall be designated chief clerk of collections and chief appraiser. Three appointed employee positions may be filled by the sheriff which positions shall be designated chief deputy, chief jailer, and chief of the civil division. The following shall be appointed contract employees: County administrator, emergency management director, ~~juvenile detention director~~, personnel director, ~~building official~~, clerk/treasurer, county engineer, ~~development and environmental director~~, and budget director, ~~and communication and information systems director~~. Each of the appointed contract employees shall be employed under contract with the ~~commission~~ chair subject to approval of the contract by the county commission. Each contract shall include at a minimum the following provisions:

(1) A provision for termination and severance.

(2) A job description for the position.

(3) An annual written evaluation to be reviewed with the employee and retained by the ~~commission~~ chair in the employee's personnel file.

(4) A provision that the contract will be nonbinding on the successor ~~commission~~ chair after each ~~four-year~~ election; however, the contracts must be cancelled or continued within



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90 days of the successor ~~commission~~ chair taking office.

~~(5) A provision that any appointed contract employee employed by the county commission may not be subject to any action to cancel or not to renew the contract or in any other manner dismiss or terminate the contract employee except by a three-fourths vote of the elected members of the county commission."~~

Section 3. Effective for the general election in 2026, each of the four members of the Baldwin County Commission, not including the chair, shall be elected from a single-member district only by the qualified electors of each respective district. The district boundaries for the election of the members of the county commission shall be provided by local law enacted prior to July 1, 2025. In the event a local law providing new boundaries for the county commission is not enacted prior to July 1, 2025, the districts for the election of members of the county commission shall be drawn by the Presiding Circuit Judge of the Baldwin County Circuit Court. The plan for the apportionment of the districts shall be filed with the Office of the Judge of Probate prior to October 1, 2025. Each member shall be elected only by the qualified electors of each respective county commission district.

Section 4. Section 45-2-72.01 of the Code of Alabama 1975, providing for the appointment of the chair of the county commission, is repealed, effective November 13, 2026.

Section 5. Sections 1 through 4 of this act shall become operative only if approved by the qualified electors who reside within Baldwin County who vote in a referendum



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election to be held on the date of the 2024 General Election.

An order setting the election shall be entered by the judge of probate. The notice of the election shall be given by the Judge of Probate of Baldwin County, and the election shall be held, conducted, and the results canvassed in the manner provided for other countywide elections. The question shall be substantially as follows: "Do you favor the adoption of Act _____ of the 2024 Regular Session of the Alabama Legislature which provides for the Baldwin County Commission to be composed of five members and provides further for the operation of the county commission in Baldwin County? Yes () No ()." The county shall pay all costs and expenses incidental to the election. If a majority of the votes cast in the election are "Yes," this act shall become operative immediately. If the majority of the votes are "No," this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 6. This act shall become effective June 1, 2024.