

HB468 INTRODUCED



1 HB468
2 V76H6VP-1
3 By Representatives Chestnut, Brown, Robbins, Jones, Shaw,
4 Lawrence
5 RFD: County and Municipal Government
6 First Read: 17-Feb-26



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SYNOPSIS:

Under existing law, an individual who holds a municipal office may not serve on a municipal planning commission.

This bill would remove the prohibition against a municipal official from serving on a municipal planning commission.

Under existing law, local authorities may be incorporated to provide water, sewer, and fire protection services under the direction of a board of directors, and individuals serving as a state or local official may not serve on the board of a water, sewage, or fire protection authority.

This bill would remove the prohibition against a municipal official from serving on the board of directors of a local water, sewer, or fire protection authority.

A BILL
TO BE ENTITLED
AN ACT

Relating to local commissions and authorities; to amend Sections 11-52-3, 11-52-14, and 11-52-15, Code of Alabama



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29 1975, to remove the prohibition against a local official
30 serving on a municipal planning commission; and to amend
31 Section 11-88-6, Code of Alabama 1975, to remove the
32 prohibition against a municipal official from serving on the
33 board of directors of a local water, sewer, or fire protection
34 authority.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

36 Section 1. Sections 11-52-3, 11-52-14, 11-52-15, and
37 11-88-6, Code of Alabama 1975, are amended to read as follows:

38 "§11-52-3

39 (a) (1) The ~~A~~ municipal commission shall consist of nine
40 members: The mayor, or his or her designee, one of the
41 administrative officials of the municipality selected by the
42 mayor, a member of the council to be selected by ~~it~~ the council
43 as a member ex officio, and six ~~persons~~ individuals who shall
44 be appointed by the mayor, if the mayor is an elective
45 officer, otherwise by the officer as the council may in the
46 ordinance creating the commission designate as the appointing
47 power; ~~provided, that in.~~ In any Class 1 municipality, the
48 commission shall consist of 16 members: The mayor, one of the
49 administrative officials of the municipality selected by the
50 mayor, two members of the council to be selected by ~~it~~ the
51 council as members ex officio, and 12 ~~persons~~ individuals who
52 shall be selected by the council. In the event the mayor
53 designates ~~a person~~ an individual to sit in his or her place on
54 the municipal planning commission, the ~~person~~ individual so
55 appointed shall serve during the term of the mayor, unless the
56 original appointment shall be limited to a term certain of not



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57 less than 12 months at the time of appointment.

58 (2) In addition to regular members, the mayor and each
59 of the council members of Class 1 municipalities serving on
60 the commission may each appoint, from the administrative staff
61 of the mayor and council exclusively, a supernumerary member
62 ~~who shall be authorized to~~may be counted for the purpose of
63 determining a quorum, and, while serving, to act with all of
64 the power and authority of a regular member whenever ~~such~~the
65 municipal official is not personally in attendance.

66 (3) In addition to the regular members, in all cities
67 having populations of not less than 175,000 nor more than
68 275,000, two supernumerary members shall be appointed to serve
69 on the ~~board~~commission at the call of the chair only in the
70 absence of regular members, and while so serving, they shall
71 have and exercise the power and authority of regular members.

72 (b) All members of the commission shall serve without
73 compensation, ~~and the appointed members shall hold no other~~
74 ~~municipal office, except, that one of the appointed members~~
75 ~~may be a member of the zoning board of adjustment or appeals,~~
76 ~~except in all cities having populations of not less than~~
77 ~~175,000 nor more than 275,000, according to the most recent~~
78 ~~federal decennial census, wherein no member of the commission~~
79 ~~may be a member of the zoning board of adjustment or appeals~~
80 ~~and wherein all members of the commission shall be bona fide~~
81 ~~residents and qualified electors of such cities,~~ except that
82 the 12 appointed members of any commission elected by the
83 council in Class 1 municipalities, under subsection (a) ~~of~~
84 ~~this section,~~ upon adoption of a resolution by the city



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85 council approving Acts 1994, No. 94-672, shall be paid
86 twenty-five dollars (\$25) per meeting for each meeting of the
87 commission attended by the members. No member shall be paid
88 more than fifty dollars (\$50) in any one month, and any
89 appointed member who is an elected official or an employee of
90 the municipality shall not be eligible to receive the
91 compensation.

92 (c) (1) The terms of ex officio members shall correspond
93 to their respective official tenures, except that the term of
94 the administrative official selected by the mayor shall
95 terminate with the term of the mayor selecting the member.

96 (2) The term of each appointed member shall be six
97 years or until the successor takes office, except that the
98 respective terms of five of the members first appointed shall
99 be one, two, three, four, and five years, ~~provided, that in.~~
100 In any city having a 16 member commission as provided in
101 subsection (a) ~~of this section~~, the respective terms of five
102 pairs of the members first appointed by council shall be one,
103 two, three, four, and five years, ~~and provided further, that~~
104 ~~in.~~ In all cities having populations of not less than 175,000
105 nor more than 275,000, the term of each appointed member of
106 the commission shall be for three years.

107 (d) Members other than the member selected by the
108 council ~~may~~, after a public hearing, may be removed by the
109 mayor for inefficiency, neglect of duty or malfeasance in
110 office, ~~provided, that in.~~ In any city having a 16 member
111 commission, as provided in subsection (a) ~~of this section,~~
112 members ~~may~~, after a public hearing, may be removed by the



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113 council for any of the above reasons or for continued failure
114 to attend meetings. The council ~~may,~~ for like cause, may
115 remove the member or members selected by ~~the council~~. The
116 mayor or council, as the case may be, shall file a written
117 statement of reasons for ~~such~~the removal.

118 (e) Vacancies occurring ~~otherwise~~other than through the
119 expiration of a term shall be filled for the unexpired term by
120 the mayor in the case of members selected or appointed by him
121 or her, by the council in the case of the member, or other
122 members selected by ~~the council~~ and by the appointing power
123 designated by the council in municipalities in which the mayor
124 is not an elective officer."

125 "§11-52-14

126 (a) When used in this section, the words municipality,
127 municipalities, mayor, and council ~~shall~~ have the meanings as
128 provided for in Section 11-52-1.

129 (b) (1) The council of any Class 5 municipality with a
130 city manager, mayor commission form of government may
131 determine by ordinance that any planning commission of the
132 municipality created pursuant to ~~the provisions of~~ Section
133 11-52-3, shall consist of nine members: ~~Namely, eight~~Eight
134 regular members appointed by the council and representing as
135 equally as possible the several districts, wards, or other
136 areas of the municipality, ~~such~~the representation to be
137 determined by the council, and one regular member appointed by
138 the mayor.

139 (2) The regular members of the planning commission
140 shall elect a ~~chairman~~chair and ~~vice-chairman~~vice chair, both



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141 of whom shall be regular members, and a secretary who need not
142 be a member of the planning commission.

143 (3) The council shall appoint four supernumerary
144 members to the planning commission, and the mayor shall
145 appoint one supernumerary member to the planning commission.

146 (4) Supernumerary members shall serve at the call of
147 the ~~chairman~~chair only in the absence of regular members or in
148 the event that one or more regular members excuse themselves
149 from deliberation on a particular item being considered by the
150 planning commission. While so serving, supernumerary members
151 shall have and exercise the power and authority of regular
152 members.

153 (5) The terms of the regular members and supernumerary
154 members appointed by the council shall be four years or until
155 their successors take office, provided, however, that the
156 terms of the regular members and supernumerary members
157 initially appointed pursuant to this section shall be
158 staggered as follows: Four regular members and two
159 supernumerary members shall serve four-year terms; two regular
160 members and one supernumerary member shall serve three-year
161 terms; two regular members and one supernumerary member shall
162 serve two-year terms; and one regular member and one
163 supernumerary member shall serve one-year terms. The mayor
164 shall make the appointment of the one regular member and one
165 supernumerary member who shall initially serve a one-year
166 term. Any regular member or supernumerary member may be
167 reappointed.

168 (6) After a public hearing, the council, in the case of



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169 regular or supernumerary members appointed by ~~it~~the council,
170 or the mayor, in the case of the regular or the supernumerary
171 member appointed by him, her, or a previous mayor, may remove
172 a regular or supernumerary member for reason of inefficiency,
173 neglect of duty, malfeasance in office, or continued failure
174 to attend meetings. The council or mayor, as the case may be,
175 shall file a written statement of reasons for removal.

176 (7) Vacancies occurring other than through expiration
177 of a term shall be filled for the duration of the unexpired
178 term by the mayor in the case of the regular member and
179 supernumerary member appointed by him, her, or a previous
180 mayor; and by the council in the case of the regular members
181 and supernumerary members appointed by ~~it~~the council.

182 (8) The city engineer of any municipality adopting an
183 alternate planning commission structure pursuant to this
184 section, or a similar official in the case of a municipality
185 having no city engineer, shall be an ex officio member of the
186 planning commission, but shall have no voting privileges.

187 (9) All regular members and supernumerary members shall
188 ~~serve as such without compensation, and shall hold no other~~
189 ~~municipal office.~~

190 (c) Upon the adoption by the council of any Class 5
191 municipality with a city manager, mayor commission form of
192 government of an ordinance adopting an alternate planning
193 commission structure pursuant to this section, the terms of
194 the incumbent members of any existing planning commission
195 shall be terminated.

196 (d) Unless specified otherwise in this section, the



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197 duties, powers, responsibilities, and procedures of any
198 planning commission appointed pursuant to this section shall
199 be as provided for in ~~Title 11, Chapter 52~~this chapter."

200 "§11-52-15

201 A Class 6 municipality with a council-manager form of
202 government may provide by ordinance for the members of the
203 municipal planning commission, upon the expiration of the
204 current term of office for the current members, to be
205 appointed by the city council in lieu of appointment in the
206 manner provided in Section 11-52-3; provided, that the mayor
207 or his or her designee shall be a voting member of the
208 planning commission and the mayor shall appoint all remaining
209 members of the planning commission subject to approval by the
210 city council.

211 ~~Upon the expiration of the current term of office for~~
212 ~~the current members of the municipal planning commission, a~~
213 ~~member serving on the city council of a Class 6 municipality~~
214 ~~with a council-manager form of government or an employee of a~~
215 ~~Class 6 municipality with a council-manager form of government~~
216 ~~may not serve as a member of the municipal planning~~
217 ~~commission."~~

218 "§11-88-6

219 (a) Each authority shall be governed by a board of
220 directors. All powers of the authority shall be exercised by
221 the board or pursuant to its authorization.

222 (b) (1) The board shall consist initially of three
223 directors, elected, as soon as may be practicable after the
224 organization of the authority, by the governing body of the



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225 determining county for staggered terms as follows:

226 a. The first term of one director shall begin
227 immediately upon the director's election and shall end at noon
228 on March 1 of the next succeeding odd-numbered calendar year
229 following the election~~;~~.

230 b. ~~The~~the first term of another director shall begin
231 immediately upon his or her election and shall end at noon on
232 March 1 of the second succeeding odd-numbered calendar year
233 following the election~~;~~and.

234 c. ~~The~~the first term of the remaining director shall
235 begin immediately upon his or her election and shall end at
236 noon on March 1 of the third succeeding odd-numbered calendar
237 year following the election.

238 (2) Thereafter, the term of office of each director
239 shall be six years.

240 (c) (1) If any amendment to the certificate of
241 incorporation of ~~the~~an authority, effected pursuant to ~~the~~
242 ~~provisions of~~ Section 11-88-5, ~~shall increase~~increases the
243 membership of the board, the board shall thereafter consist of
244 ~~such~~that number of directors, ~~elected~~appointed by ~~such~~the
245 respective governing ~~bodies, as may be~~body as specified in
246 the amendment. The terms of office of any new directors added
247 by any ~~such~~ amendment shall be so arranged that, taking into
248 consideration the terms of office of the original three
249 directors, the terms of office of approximately one-third of
250 all directors, for as nearly one-third thereof as may be
251 practicable~~;~~, will end at noon on March 1 in each odd-numbered
252 year following the effective date of the amendment.



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253 ~~(2) The term of office of each new director, added by~~
254 ~~amendment as aforesaid, shall following~~ After the initial term
255 of ~~such a~~ new director, the term of office shall be for a
256 period of six years.

257 ~~(3) If at any time there should be~~ is a vacancy on the
258 board, a successor director to serve for the unexpired term
259 applicable to ~~such the~~ vacancy shall be ~~elected~~ appointed by
260 ~~that the~~ governing body ~~which elected~~ that appointed the
261 director whose unexpired term he or she is to fill.

262 ~~(4) Each election~~ appointment of a director, whether
263 for a full six-year term or to complete an unexpired term,
264 shall be made not earlier than 30 days prior to the date on
265 which ~~such the~~ director is to take office ~~as such~~. During his
266 or her tenure, No officer of the state or of any county ~~or~~
267 ~~municipality shall, during his or her tenure as such officer,~~
268 be eligible to serve as a director.

269 (d) Each director ~~elected~~ appointed by a county
270 governing body shall be a duly qualified elector of that
271 county and shall be a resident of and the owner of real
272 property in that part of the service area of the authority
273 which lies within that county. Directors shall be eligible for
274 reelection.

275 ~~(e) Each director shall be reimbursed for expenses~~
276 actually incurred by the director in ~~and about~~ the performance
277 of the director's duties. If the certificate of incorporation
278 so provides, each director except the ~~chairman~~ chair of the
279 board shall be compensated in an additional amount not to
280 exceed four hundred dollars (\$400) per meeting attended but



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281 not to exceed four thousand eight hundred dollars (\$4,800) per
282 year. The ~~chairman shall~~chair, if the certificate so provides,
283 shall be compensated in an additional amount not to exceed six
284 hundred dollars (\$600) per meeting attended but not to exceed
285 seven thousand two hundred dollars (\$7,200) per year.

286 ~~(e)~~ (f) Any director of the authority may be impeached
287 and removed from office in the same manner and on the same
288 grounds provided by Section 175 of the Constitution of Alabama
289 of 2022, and the general laws of the state for impeachment and
290 removal of the officers mentioned in Section 175.

291 ~~(f)~~ (g) (1) If The board of directors of an authority
292 shall be increased in membership by a sufficient number of new
293 members to increase membership on the board of directors to a
294 maximum of seven members if: (i) the service area, or the
295 greater part thereof, in which ~~an~~the authority is authorized
296 by its certificate of incorporation or any amendment thereto
297 to render water service, fire protection service, sewer
298 service, or any one or more thereof, includes a resort area
299 pursuant to Article 2; ~~of this chapter and~~ (ii) the service
300 area is incorporated or annexed into a municipality subsequent
301 to the creation of an authority~~;~~; and ~~if~~ (iii) the municipality
302 has assumed and taken over the fire protection responsibility
303 and the sewer service originally placed upon the authority~~;~~
304 ~~the board of directors of the authority shall be increased in~~
305 ~~membership by a sufficient number of new members to increase~~
306 ~~membership on the board of directors to a maximum of seven~~
307 ~~members.~~

308 (2) Each of the new members to the board of directors



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309 shall be appointed by the governing body of the municipality
310 by ordinance duly adopted.

311 (3) The first term of each new member so appointed
312 shall be staggered for terms of one, two, three, and four
313 years, as needed. Thereafter, the term of the new members
314 added pursuant to this subsection shall be six years. The
315 governing body of the determining county shall continue to
316 make appointments and fill vacancies as ~~heretofore~~ authorized
317 by this section. ~~After May 18, 1993, the governing body of the~~
318 ~~municipality shall make appointments and fill vacancies as~~
319 ~~provided in this subsection.~~

320 (4) All members of the board of directors of the
321 authority shall have all the authority, privileges,
322 immunities, and qualifications as provided in this article.

323 ~~(g)~~ (h) Nothing in this section as amended by Act
324 2010-580 shall apply to the City of Prichard Water and Sewer
325 Board."

326 Section 2. This act shall become effective on October
327 1, 2026.