

1 HB439
2 164847-2
3 By Representatives Carns, Drake, Williams (JD), Scott, South,
4 Treadaway, Farley, Faulkner, Coleman-Evans, Robinson,
5 Wadsworth, Garrett, Givan, Rogers and Alexander (N & P)
6 RFD: Jefferson County Legislation
7 First Read: 09-APR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to amend Section 4 of
14 Act 547 of the 1965 Regular Session (Acts 1965, p. 797), as
15 amended, relating to civic center authority in the county; to
16 provide further for the procedure for selecting members of the
17 board.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 4 of Act 547 of the 1965 Regular
20 Session, as amended, is amended to read as follows:

21 "Section 4. There is hereby established in the
22 County a public corporation for the purposes hereinafter
23 specified, which corporation shall be vested with the powers
24 conferred upon it by this act. The ~~said~~ public corporation is
25 at times hereinafter referred to as "the Authority."

26 "Subject to the conditions and qualifications herein
27 stated, the name of the ~~said~~ corporation shall be "Civic

1 Center Authority of the Cities and County of _____
2 County" (In the blank space will be inserted the name of the
3 County). The Board of Directors of the Authority may choose
4 some name other than that above specified at any time it
5 elects to do so; provided, however, that if the Board of
6 Directors chooses any other name there shall be filed for
7 record in the office of the Probate Judge of the County a copy
8 of the resolution of the Board of Directors stating the name
9 adopted by the Authority, which resolution shall be followed
10 by a certificate signed by the ~~Chairman~~ Chair of the Board of
11 Directors stating the date on which the resolution was adopted
12 and stating that the copy of the resolution preceding ~~said the~~ the
13 certificate is a true and correct copy of the resolution
14 adopted by the Board of Directors. ~~The term "Legislative~~
15 ~~Electoral College," as used in this Section, shall mean that~~
16 ~~group of legislators who shall elect the elective members of~~
17 ~~the Board of Directors of the Authority, which group of~~
18 ~~legislators shall consist of the following: Each member of the~~
19 ~~House of Representatives of the Legislature of Alabama from~~
20 ~~that representative district in which the County is located~~
21 ~~and each member of the State Senate from that senatorial~~
22 ~~district in which the County is situated.~~

23 "The affairs of the Authority shall be managed and
24 controlled by a Board of Directors consisting of nine members.
25 One of ~~said the~~ the members shall be the mayor chief executive
26 officer of the largest municipality in the county; at least
27 two additional of ~~said the~~ the members shall be resident citizens

1 of the largest municipality in the county; one of ~~said the~~ the
2 members shall be the President or ~~Chairman~~ Chair of the
3 governing body of the county; and none of ~~said the~~ the members
4 shall be a member of the ~~Legislative Electoral College~~
5 Legislature. The remaining members shall be elected in the
6 manner hereinafter prescribed; provided, however, that if
7 there shall be a branch court house in the County, one of the
8 members of the Board shall be a resident of the area served by
9 ~~such the~~ the branch court house. The ~~Chairman~~ Chair of the Board
10 of Directors shall be elected by ~~said the~~ the Board after all
11 members of the Board shall have been elected and qualified ~~as~~
12 such.

13 "Each of the seven elected board members shall serve
14 a four-year term of office. A board member who is serving on
15 the effective date of the act adding this language shall
16 continue to serve as a board member for a four-year term
17 commencing from the date his or her current term of office
18 began. At the expiration of the board member's term, the
19 incumbent members of the State Senate from Jefferson County
20 and the incumbent members of the House of Representatives from
21 Jefferson County serving at that time shall separately and
22 alternatively elect a successor to the vacant directorship.
23 The first vacancy to occur after the passage of this act shall
24 be filled by the House of Representatives members with the
25 second vacancy being filled by the Senate members. If a
26 directorship held by an elected director becomes vacant during
27 his or her term, the successor shall be elected by the Senate

1 or House of Representatives members based on members of the
2 body that made the appointment to the seat that is vacant for
3 the remainder of the term of the vacant position.

4 "Seven elected members of the Board of Directors
5 shall hold specific seats on the board designated as seats 1
6 through 7. The seats for the two directors whose terms expire
7 in 2015 shall be designated as seats 1 and 2. The seats of the
8 three directors whose terms expire in 2016 shall be designated
9 as seats 3, 4, and 5. The seats of the two directors whose
10 terms expire in 2018 shall be designated as seats 6 and 7. As
11 these terms expire and new directors are elected, the members
12 of the House of Representatives shall elect the director
13 designated as seat 1 and the members of the Senate shall elect
14 the director for seat 2, and thereafter the election shall be
15 made on an alternating basis until appointments have been made
16 for all seven elected seats. Thereafter, all succeeding
17 appointments shall continue to be made on an alternating basis
18 with the members of the Senate next electing the director
19 designated as seat 1, the members of the House electing the
20 director for seat 2, and so forth. Seat number 1 shall be
21 designated as the seat to be occupied by a resident of the
22 area served by the branch courthouse. Seats number 2 and
23 number 3 shall be designated as the seats to be occupied by
24 two resident citizens of the largest municipality in the
25 county. No appointment to fill an expiring term may be made
26 sooner than 120 days prior to the start of a new term. All

1 terms of office shall commence on October 1 and last for four
2 years, ending on September 30.

3 "Upon the election of any director by the House of
4 Representatives or the Senate, as the case may be, the Chair
5 of local legislative delegation for the respective legislative
6 body shall deliver a written certificate to the Clerk of the
7 House or the Secretary of the Senate, as the case may be,
8 advising that the individual has been elected to a designated
9 director's seat. The Clerk of the House or Secretary of the
10 Senate shall maintain the originals of the certificates as
11 official records filed with that office. The chair of the
12 legislative body shall also forward a copy of the filed
13 certificate to the Executive Director of the Authority, who
14 will file a copy of the certificate in the office of the judge
15 of probate of the county in which the Authority is located.
16 The certificate shall also be spread upon the official records
17 or minutes of the Board of Directors of the Authority.

18 ~~"Within thirty days after this act, as amended,~~
19 ~~becomes applicable to the County the Mayor of the county seat~~
20 ~~and the President or Chairman of the governing body of the~~
21 ~~County shall address a letter, signed by them jointly in their~~
22 ~~respective official capacities, to each member of the~~
23 ~~Legislative Electoral College requesting that the Legislative~~
24 ~~Electoral College elect those members of the Board of~~
25 ~~Directors of the Authority to be elected by the Legislative~~
26 ~~Electoral College. As soon as practical after the members of~~
27 ~~the Legislative Electoral College receive the said letters,~~

1 the Legislative Electoral College shall elect seven members of
2 the Board of Directors of the Authority. If the legislative
3 delegation has a chairman, said chairman shall send written
4 notice to the member of the Legislative Electoral College,
5 other than himself, notifying them of the time and place of
6 the meeting to be held for the purpose of electing the members
7 of the Board of Directors to be elected by the Legislative
8 Electoral College, which time shall be not less than six days
9 subsequent to the date on which the Chairman of the
10 Legislative Delegation transmits said written notice to the
11 members of the Legislative Delegation belonging to the
12 legislative Electoral College. If the Legislative Delegation
13 has no chairman, then the Senator of the senatorial district
14 in which the County is situated shall give said written notice
15 to the members of the legislative delegation. If there is more
16 than one Senator from the County, then that Senator who has
17 served the longest period in the Senate shall give the said
18 notice; and if there is more than one Senator from the County
19 and no Senator has seniority over the over Senator or
20 Senators, then the oldest Senator shall give said notice. The
21 Legislative Electoral College may elect the members of the
22 Board of Directors to be elected by it either at the initial
23 meeting held for that purpose or at some later meeting,
24 provided, however, that if the election is at a later meeting,
25 the time and place of such later meeting shall be fixed by a
26 majority vote of the Legislative Electoral College at a
27 meeting regularly call, or notice of the time and place of

1 such later meeting shall be given in the manner herein
2 prescribed for giving the notice of the initial meeting of the
3 Legislative Electoral College. The election by the Legislative
4 Electoral College shall be by a majority vote of the Senators
5 present and a majority vote of the members of the House of
6 Representatives present. To be elected as a member of the
7 Board of Directors, a person must receive both the vote of a
8 majority of the Senators present and also the vote of a
9 majority of the House members present. Two members of the
10 Board of Directors of the Authority elected by the Legislative
11 Electoral College shall serve for a term of two years, two
12 members of the Board of Directors of the Authority elected by
13 the Legislative Electoral College shall serve for a term of
14 three years, and three members of the Board of Directors of
15 the Authority elected by the Legislative Electoral College
16 shall serve for a term of four years, as fixed by the
17 Legislative Electoral College, which terms shall commence from
18 the October 1 closest to the date on which they are elected.
19 In the event that seven members of the Board of Directors were
20 not initially elected or the terms of office of such members
21 are not fixed by the Legislative Electoral College, a meeting
22 shall be called in the same manner as hereinabove provided to
23 elect the required additional member or members and to fix the
24 terms of office of all elected members.

25 "The person who under the terms hereof is to give
26 notice of meeting of the Legislative Electoral College shall
27 notify the Mayor or chief executive officer of the largest

1 ~~municipality in the county and the President or Chairman of~~
2 ~~the governing body of the County who the Legislative Electoral~~
3 ~~College elected to serve on the Board of Directors of the~~
4 ~~Authority.~~

5 ~~"When the Mayor or chief executive officer of the~~
6 ~~largest municipality in the county and the President or~~
7 ~~Chairman of the governing body of the County shall have been~~
8 ~~notified of the election of the members of the Board of~~
9 ~~Directors to be elected by the Legislative Electoral College,~~
10 ~~the said mayor and the said President or Chairman shall by~~
11 ~~letter signed by them jointly notify the members of the Board~~
12 ~~of Directors elected by the Legislative Electoral College of~~
13 ~~the time and place of the first meeting of the Board of~~
14 ~~Directors of the Authority. The Board of Directors shall fix~~
15 ~~the time and place at which they shall meet for the purpose of~~
16 ~~electing a Chairman of the Board; and the said members shall~~
17 ~~give such notice as is deemed appropriate by them of the time~~
18 ~~and place of said meeting.~~

19 ~~"The Board of Directors shall elect a Chairman Chair~~
20 ~~of the Board and he who shall serve as Chairman Chair until~~
21 ~~his term as a member of the Board, which he is serving at the~~
22 ~~time of his election as Chairman Chair, expires. The Chairman~~
23 ~~Chair shall preside at all meetings of the Board of Directors~~
24 ~~and the Chairman Chair shall have a vote the same as any other~~
25 ~~member of the Board of Directors.~~

26 ~~"No person shall be elected as a member of the Board~~
27 ~~of Directors of the Authority unless he is a qualified elector~~

1 of the County. Not more than one member of the Board of
2 Directors elected by the Senate members or House members or by
3 the Directors shall hold any public office; ~~provided that this~~
4 ~~restriction shall not apply to the first members so elected.~~

5 "The members of the ~~said~~ Board of Directors shall
6 serve without compensation except that they shall be
7 reimbursed for actual expenses incurred in and about the
8 performance of their duties hereunder.

9 ~~"In case a directorship held by an elected director~~
10 ~~become vacant during his term his successor shall be elected~~
11 ~~in the same manner in which he was elected. The successor~~
12 ~~shall be deemed to be elected for the remainder of the term~~
13 ~~during which the vacancy occurred; provided, however, that if~~
14 ~~a person is elected to any vacant directorship during the last~~
15 ~~six months of the any term of such directorship, he shall be~~
16 ~~deemed elected for the remained of such term and for the next~~
17 ~~succeeding term of such directorship. In the event the~~
18 ~~Legislative Electoral College shall fail for any reason to~~
19 ~~elect within sixty days after this Act, as amended, becomes~~
20 ~~applicable to the County the members of the Board of~~
21 ~~Directors, which this act provides said Electoral College~~
22 ~~shall elect, then in that event the two ex officio members of~~
23 ~~the Board (they being the Mayor or chief executive officer of~~
24 ~~the largest municipality in the county and the President or~~
25 ~~Chairman of the governing body of the County) and any other~~
26 ~~member or members of the Board of Directors theretofore~~
27 ~~elected shall elect such members of the Board of Directors to~~

1 ~~fill the directorship which the electoral college fails to~~
2 ~~fill.~~ In the event a vacancy on the Board of Directors occurs
3 which is to be filled by the Legislative Electoral College
4 pursuant to this act members of the House or Senate as is
5 appropriate fail fails for any reason to fill ~~said the~~ vacancy
6 within sixty (60) days from the date of the occurrence of ~~said~~
7 the vacancy, the remaining members of the Board of Directors
8 shall elect a member of the Board to fill ~~said the~~ vacancy.

9 "After ~~March 1, 1986, the seven elected members of~~
10 ~~the Board of Directors shall no longer be elected by the~~
11 ~~Legislative Electoral College. After said date, whenever a~~
12 ~~Board member's term expires or his seat becomes vacant during~~
13 ~~a term, the incumbent members of the state Senate from~~
14 ~~Jefferson County and House of Representatives from Jefferson~~
15 ~~County shall hereafter separately and alternatively elect~~
16 ~~successors to vacant directorships with the Senate members~~
17 ~~filling the first vacancy after such date and the House~~
18 ~~members filling the second vacancy after such date. In case a~~
19 ~~directorship held by an elected Director becomes vacant during~~
20 ~~his or her term, the successor shall be elected by the Senate~~
21 ~~or House members, as the case may be, for the remainder of the~~
22 ~~term during which such vacancy occurred; provided, however,~~
23 ~~that if a person is elected to any vacant directorship during~~
24 ~~the last six months of any term of such directorship, he shall~~
25 ~~be deemed elected for the remainder of such term and for the~~
26 ~~next succeeding term of such directorship. In the event a~~
27 ~~vacancy shall occur on the Board of Directors by resignation,~~

1 ~~death or expiration of a Board member's term, said vacancy~~
2 ~~shall be filled by the Legislative delegation, as set out~~
3 ~~above, and if said legislative delegation fails for any reason~~
4 ~~to fill said vacancy within sixty (60) days from the date of~~
5 ~~the occurrence of said vacancy, the remaining member of the~~
6 ~~Board of Directors shall fill said vacancy."~~

7 Section 2. This act shall become effective
8 immediately upon its passage and approval by the Governor, or
9 its otherwise becoming law.