

1 HB492  
2 206745-2  
3 By Representative Easterbrook (N & P)  
4 RFD: Local Legislation  
5 First Read: 04-MAY-20

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

Relating to Washington County; to further provide for the construction, maintenance, and repair of county roads and bridges under the jurisdiction of the Washington County Commission; to provide for the establishment of two divisions of Washington County with responsibilities for county roads, one division to be over county unpaved roads and one division to be over county paved roads and bridges over county roads; to provide for the division of county road and bridge funds into two separate county funds for these purposes; to amend Act 2011-605 of the 2011 Regular Session, to further provide for the duties and responsibilities of the county engineer; and to provide for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to Washington County.

Section 2. Effective for the fiscal year commencing on October 1, 2021, the construction, maintenance, and repairs of county roads and bridges under the jurisdiction of the county commission shall be administered and supervised by two separate departments of the county commission as further provided herein.

Section 3. There shall be established to take effect for operational purposes commencing on October 1, 2021, the

1 Washington County Road Department. The department shall be  
2 responsible for the maintenance and repair of unpaved county  
3 roads, except bridges over county roads, the rights-of-way on  
4 unpaved county roads, and culverts at access points on the  
5 right-of-way to unpaved county roads. The county commission  
6 shall be responsible for the administration and supervision of  
7 the department through the five districts of the county  
8 commission and each member of the county commission shall be  
9 responsible for input to the commission for the work to be  
10 performed in his or her county commission district on unpaved  
11 county roads. The county commission shall on a regular basis  
12 adopt the priorities for work to be performed for the County  
13 Road Department. The county commission shall determine the  
14 number and location of county road shops for the housing of  
15 equipment and to serve as bases of operation for the County  
16 Road Department. All employees of the County Road Department  
17 shall be hired by the Washington County Commission according  
18 to personnel policies of the county.

19 Section 4. Effective for operational purposes on  
20 October 1, 2021, there shall be established a separate  
21 department of the county commission to be known as the  
22 Washington County Road, Bridge, and Engineering Department to  
23 be responsible for the construction, maintenance, and repair  
24 of all paved county roads, including the rights-of-way of all  
25 paved county roads, and all bridges over county roads. The

1 County Roads, Bridge, and Engineering Department shall be  
2 under the supervision of the county engineer as further  
3 provided for in Act 2011-605, as amended by this act.

4 Section 5. (a) Effective October 1, 2021, the funds  
5 accruing to Washington County for road and bridge purposes  
6 shall be divided into two funds for road and bridge purposes  
7 as provided herein.

8 (b) The Washington County Unpaved Road Fund shall be  
9 established in the county treasury and shall be appropriated  
10 for the operation of the County Road Department. Proceeds from  
11 one-half of the county's share of any state motor fuel taxes  
12 levied prior to 2019 and one-half of any county ad valorem  
13 taxes for county roads shall be deposited in the fund.

14 Forty-five percent of the funds in the County Unpaved Road  
15 Fund shall be appropriated and expended equally in each county  
16 commission district. Fifty-five percent of the fund shall be  
17 appropriated and expended in the districts based on total  
18 unpaved road miles each district as a percentage of the total  
19 unpaved road miles in the county.

20 (c) The County Road and Bridge Fund shall be  
21 established in the county treasury and shall be appropriated  
22 by the county commission for the operation of the Washington  
23 County Road, Bridge, and Engineering Department. Proceeds from  
24 one-half of the county's share from any state motor fuels tax  
25 levied prior to 2019, one-half of any county ad valorem taxes

1 for county roads, all state motor fuels tax levied after 2018  
2 and distributed to the county, all local county motor fuel  
3 taxes, and all county sales and use taxes earmarked for county  
4 roads shall be deposited in the fund.

5 Section 6. Sections 2 and 4 of Act 2011-605 of the  
6 2011 Regular Session (Acts 2011, p. 1339), are amended to read  
7 as follows:

8 Section 2. The Washington County Commission shall  
9 establish a centrally located shop and centralized road system  
10 for the operation of the county paved roads and bridges. The  
11 county commission may vote to establish more than one shop  
12 location for the County Road, Bridge, and Engineering  
13 Department, but not more than two locations, when the county  
14 engineer recommends any additional location is needed to  
15 facilitate the economical use of equipment and funds. The  
16 county engineer shall ~~at each October~~ not later than the July  
17 meeting of the county commission make recommendations for a  
18 yearly work plan and present an annual budget. The budget of  
19 the County Road, Bridge, and Engineering Department for county  
20 paved roads and bridges shall be adopted not later than the  
21 August meeting of the commission. The commission at its  
22 regular meetings shall discuss needs as they arise and vote on  
23 all issues that might affect the county.

24 Section 4. The county commission shall employ a  
25 county engineer, who shall be a qualified and competent civil

1 engineer, possessing all of the qualities as specified for  
2 county engineers pursuant to law. The county engineer shall  
3 devote his or her time and attention to the maintenance and  
4 construction of the Washington County public paved roads,  
5 highways, bridges, and county shop for paved roads. The county  
6 engineer shall serve at the pleasure of the county commission.  
7 The county engineer of Washington County shall perform all of  
8 the following duties:

9 (1) Employ, supervise, and direct all assistants  
10 necessary to properly maintain and construct the public paved  
11 roads, highways, bridges, and the county shop for the County  
12 Road, Bridge, and Engineering Department of Washington County,  
13 and shall prescribe their duties and discharge employees for  
14 cause or when not needed.

15 (2) Perform engineering and surveying services as  
16 required, and prepare and maintain all necessary maps and  
17 records.

18 (3) Maintain the necessary accounting funds and  
19 records to reflect the cost of the county highway system.

20 (4) Build or construct new paved roads or change old  
21 paved roads.

22 (5) Maintain and construct all county paved roads on  
23 the basis of the county as a whole, without regard to any  
24 district or beat lines. The county engineer is designated as  
25 the person authorized to make written requisition to the chair

1 of the commission or his or her duly designated purchasing  
2 agent for all articles, materials, supplies, and equipment  
3 necessary for the maintenance and construction of the paved  
4 roads, bridges, and county shop for that purpose in Washington  
5 County. The county commission shall fix, from time to time, in  
6 accordance with prevailing economic conditions, the number of  
7 employees and the various scales of wages or salaries to be  
8 paid for labor necessary in the maintenance and construction  
9 of the paved roads, bridges, and county shop operation for  
10 paved roads, and the wage or salary scale shall not be  
11 exceeded by the county engineer in the employment of labor and  
12 assistants. The county commission shall fix the amount of the  
13 salary of the county engineer, payable in equal monthly  
14 installments from the gasoline tax fund of Washington County.  
15 Before entering upon his or her duties, the county engineer  
16 shall make and enter into a surety bond in an amount set, from  
17 time to time, by the county commission, conditioned for the  
18 faithful discharge and performance of his or her duties as  
19 county engineer, and for the faithful accounting of all monies  
20 or property of the county, which may come into his or her  
21 possession or custody. The bond shall be executed by a surety  
22 company authorized and qualified to do business in Alabama,  
23 approved by the chair of the county commission, and the  
24 premiums thereon shall be paid by Washington County. The  
25 county commission shall furnish the county engineer with an

1 office and all necessary office supplies, and shall furnish  
2 him or her with necessary transportation only on an as-needed  
3 basis in connection with his or her duties pursuant to this  
4 act. The county engineer shall be the custodian of all road  
5 tools, machinery, supplies, and equipment for the County Road,  
6 Bridge, and Engineering Department. The county commission  
7 shall furnish the necessary storage facilities in which to  
8 keep the tools, machinery, supplies, and equipment and the  
9 county engineer shall keep on file in his or her office, at  
10 all times, an up-to-date inventory, containing a list of all  
11 the tools, machinery, equipment, and supplies belonging to the  
12 county. The authority of the county engineer shall be limited  
13 to the expenditure of funds for the purposes of construction,  
14 maintenance, or repairs of public paved roads and bridges of  
15 the county as appropriated by the county commission. The  
16 county commission shall fix and determine the amount of funds  
17 which shall be available for the purpose of building,  
18 maintaining, and constructing public roads, bridges, and  
19 ferries of Washington County for the ensuing fiscal year,  
20 beginning on October 1. That amount, other than the salary of  
21 the county engineer, and his or her necessary expenses, shall  
22 not be exceeded, except that the county commission may, from  
23 time to time, within any period, increase the amount allowed  
24 to be expended by the county engineer during the period,  
25 provided that the authorization does not conflict with other



1       provisions of law. The county engineer shall consult and  
 2       provide professional engineering services as needed to the  
 3       County Road Department related to the maintenance and repair  
 4       of unpaved county roads.

5               Section 7. This act shall become operative only if  
 6       approved by a majority of the qualified electors of Washington  
 7       County who vote in an election to be held on the day  
 8       designated by the Judge of Probate of Washington County. The  
 9       notice of the election shall be given by the judge of probate,  
 10      and the election shall be held, conducted, and the results  
 11      canvassed in the manner as other county elections. The  
 12      election shall be held in conjunction with the next regularly  
 13      scheduled state or local election to be held in the county.  
 14      The question shall be, "Do you favor the adoption of Act \_\_\_\_  
 15      of the 2020 Regular Session of the Alabama Legislature  
 16      providing for the construction, maintenance, and repair of  
 17      county roads and bridges to be administered by two divisions  
 18      of Washington County, one division over county unpaved roads  
 19      and one division over county paved roads and bridges and to  
 20      provide for the division of county road and bridge funds for  
 21      this purpose? Yes ( ) No ( )." The county shall pay any costs  
 22      and expenses not otherwise reimbursed by a governmental agency  
 23      which are incidental to the election. If a majority of the  
 24      votes cast in the election are "Yes," this act shall become  
 25      operative immediately. If the majority of the votes are "No,"

1       this act shall be repealed and shall have no further effect.  
2       The Judge of Probate of Washington County shall certify the  
3       results of the election to the Secretary of State.

4               Section 8. This act shall become effective on the  
5       first day of the third month following its passage and  
6       approval by the Governor, or its otherwise becoming law.

