

1 HB53  
2 106045-3  
3 By Representatives Drake and Moore (P) (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 12-JAN-10  
6 PFD: 12/08/2009

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Jefferson County; to establish an  
14 elected county council, an elected chief executive, and an  
15 appointed county manager; to establish the duties,  
16 responsibilities, and authority of the county council, chief  
17 executive, and county manager; to establish the compensation  
18 for county council members and the chief executive; to exempt  
19 the county manager from any merit system; to establish  
20 qualifications for county council members, the chief  
21 executive, and the county manager; to establish limits on  
22 county council and chief executive office expenses; to  
23 establish requirements for a comprehensive fiscal plan; to  
24 establish sunset review provisions for the departments of  
25 county governments; to establish authority for appointing  
26 members of the governing boards; to establish agenda  
27 initiative and voter referendum provisions; and to further

1 provide requirements for the Administrative Code of Jefferson  
2 County.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. For the purposes of this act, the  
5 following terms shall have the following meanings:

6 (1) ADMINISTRATIVE CODE. The Administrative Code of  
7 Jefferson County.

8 (2) AGENCY. Any county-related board, commission,  
9 district, committee, council, or other governmental entity  
10 which has been created or established by the county or to  
11 which the chief executive or the county council has the power  
12 of appointment, except for any authority or unit of local  
13 government created pursuant to state law, and any voluntary  
14 advisory board established by the chief executive or by the  
15 county council.

16 (3) BALANCED ANNUAL CAPITAL BUDGET. A budget in  
17 which the identified sources of funds equal the proposed  
18 capital expenditures.

19 (4) BALANCED ANNUAL OPERATING BUDGET. A budget in  
20 which the beginning fund balances plus the estimated revenues  
21 must equal appropriated expenditures plus ending fund  
22 balances, where such fund balances are not less than zero  
23 dollars.

24 (5) BUSINESS DAY. Any day that is not a Saturday,  
25 Sunday, or a legal holiday.

26 (6) COUNTY. Jefferson County or the County of  
27 Jefferson.

1 (7) DAYS. Calendar days.

2 (8) ELECTED POLITICAL OFFICE. Any federal, state,  
3 county, or municipal position which is elected.

4 (9) INITIATIVE. The filing of a petition containing  
5 a proposal for county council action.

6 (10) LAW. Those laws of the United States of America  
7 and the State of Alabama as may be in effect from time to  
8 time, that the county is required to observe and adhere to in  
9 the exercise of county powers and discharge of county  
10 obligations.

11 (11) LOCALLY LEVIED TAX REVENUES. Those revenues  
12 derived from taxes levied by the governing body of the county.

13 (12) SEATED MEMBERS. The members holding county  
14 council seats that are not vacant.

15 (13) SUNSET REVIEW. All county departments,  
16 agencies, and functions shall have a specified expiration date  
17 and shall not continue to exist beyond this date without the  
18 affirmative action of the county council.

19 (14) VOTER. A person who is lawfully registered to  
20 vote.

21 Section 2. This act shall not limit in any way the  
22 jurisdiction, rights, powers, or autonomy of the municipal  
23 governments in the county. The county shall not force the  
24 annexation, merger, or consolidation of municipalities. The  
25 county shall not exercise any power or function within a  
26 municipality that is being exercised by that municipality  
27 unless permitted by the municipality.

1           Section 3. This act shall not alter in any way,  
2 shape, or form the tax structure of the county.

3           Section 4. The government of Jefferson County shall  
4 include an elected county council, an elected chief executive,  
5 and an appointed professional county manager.

6           Section 5. The office of county commissioner is  
7 abolished upon the swearing in of the county council members  
8 and the chief executive.

9           Section 6. The elected officers of the county shall  
10 consist of five county council members, the chief executive,  
11 the treasurer, the assistant treasurer, the tax assessor, the  
12 assistant tax assessor, the tax collector, and the assistant  
13 tax collector.

14           Section 7. (a) Each elected officer of the county  
15 shall have been a resident of the county for at least one year  
16 immediately preceding election to the office, or in the case  
17 of an appointment to fill a vacancy in office, for at least  
18 one year immediately preceding appointment. Each elected  
19 officer shall remain a resident of the county for the term of  
20 office.

21           (b) Each county council member elected by district  
22 shall have been a resident of that district for at least one  
23 year preceding election to the office and shall remain a  
24 resident of that district throughout the term of office.

25           Section 8. (a) Unless otherwise required by law or  
26 this act, all elected officers of the county shall be elected  
27 to four-year terms and shall continue to serve in office until

1 a successor is elected and sworn in. All terms shall commence  
2 14 days after the election, except for the filling of  
3 unexpired terms, in which case the term shall commence upon  
4 the swearing in of the officer. In the event of a contested  
5 election, the term shall commence upon certification of  
6 election results.

7 (b) The chief executive shall be limited to three  
8 consecutive terms of office.

9 (c) The county council shall consist of five members  
10 who shall be elected by district.

11 (d) County council districts shall be the same as  
12 the five county commissioner districts existing on the  
13 effective date of this act pursuant to Section 11-3-1.1, Code  
14 of Alabama 1975.

15 Section 9. (a) The chief executive may not be a  
16 candidate for nomination or election to more than one county  
17 office at the same time.

18 (b) A county council member may not be a candidate  
19 for nomination or election to any elected political office  
20 other than that of the county council without having first  
21 resigned from the county council.

22 (c) County council members and the chief executive  
23 may not hold any other elected political office and, except as  
24 specifically allowed by this act, may not receive any salary,  
25 stipend, or other compensation from the county or any county  
26 authority.

1           Section 10. (a) The compensation of the county  
2 council president shall be the same as the compensation of the  
3 county commission president serving on the effective date of  
4 this act and the compensation of the other county council  
5 members shall be the same as the compensation set for county  
6 commissioners serving on the effective date of this act. The  
7 salaries of the county council members may be increased by  
8 ordinance by up to five percent every five years.

9           (b) The county council may hire council staff as  
10 provided by this act.

11           (c) The annual salary of the chief executive shall  
12 be five percent greater than the county engineer or finance  
13 director, whichever is greater. This salary may be adjusted  
14 annually as provided in the administrative code.

15           (d) Elected officers may be reimbursed for actual  
16 and necessary expenses incurred in the performance of their  
17 official duties in accordance with procedures established in  
18 the administrative code.

19           Section 11. The chief executive or a county council  
20 member shall forfeit office if, during the term of office, the  
21 county council determines that he or she:

22           (1) Lacks any qualification prescribed by law or by  
23 this act.

24           (2) Has been convicted of the embezzlement of public  
25 monies, bribery, perjury, or other infamous crime.

26           (3) Has been found to be incapacitated by an  
27 appropriate court.

1           (4) Has failed to perform his or her duties of  
2 office as required by law, ordinance, or this act for a period  
3 of 60 consecutive days unless detained by sickness or  
4 prevented by necessary absence from the county. No office  
5 shall be declared forfeited for failure to perform required  
6 duties until the holder of the office has been given a hearing  
7 before the county council, at which time the holder may show  
8 cause why he or she should not forfeit the office.

9           Section 12. (a) The offices of chief executive or  
10 county council member shall become vacant upon the death,  
11 resignation, or forfeiture of the office, or upon the failure  
12 of the officer to assume office after election within 30 days  
13 after the scheduled commencement of the term.

14           (b) If a county council seat becomes vacant, the  
15 county council, by an affirmative vote of a majority of the  
16 seated members present at any regular or called meeting of the  
17 county council, shall appoint an interim county council member  
18 within 30 days. The interim county council member shall be  
19 qualified under this act to be elected to the office and shall  
20 have the same political party affiliation as the former county  
21 council member, or in the case of a seat held by a person of  
22 no political party affiliation, shall have no political party  
23 affiliation. The interim county council member shall hold the  
24 vacated seat until the vacancy is filled at the next general  
25 election. The person elected at the next general election  
26 shall take office as soon as possible after the certification



1 of the election and shall serve the unexpired portion of the  
2 vacated term.

3 (c) If the office of chief executive becomes vacant,  
4 the county council, by an affirmative vote of a majority of  
5 the seated members present at any regular or called meeting of  
6 the county council shall appoint an interim chief executive  
7 until the vacancy is filled at the next general election. If  
8 the county council fails to appoint an interim chief executive  
9 within 30 days, the presiding judge of the Probate Court of  
10 Jefferson County shall appoint an interim chief executive  
11 until the vacancy is filled at the next available general  
12 election.

13 Section 13. The legislative power of the county  
14 shall be vested in the county council.

15 Section 14. The county council shall have, but not  
16 be limited to, the following powers and duties to:

17 (1) Adopt, amend, and repeal ordinances,  
18 resolutions, and motions not contrary to the requirements of  
19 this act or law.

20 (2) Make appropriations, levy taxes, fees, and  
21 service charges, and incur indebtedness as permitted by law or  
22 by this act.

23 (3) Adopt balanced annual operating and capital  
24 budgets as provided in this act.

25 (4) Adopt an administrative code as provided by this  
26 act.

1           (5) Confirm or reject appointments within 45 days.  
2 In the event that the county council does not confirm or  
3 reject an appointment within 45 days, the appointment shall be  
4 effective as though the county council had confirmed the  
5 appointment.

6           (6) Conduct investigations of county departments,  
7 agencies, or functions and issue subpoenas as provided by this  
8 act.

9           (7) Require, as it deems necessary, attendance of  
10 the chief executive at one county council meeting in each  
11 quarter of the fiscal year.

12           (8) Require, as it deems necessary, the attendance  
13 of the county manager at county council meetings and have the  
14 county manager provide information as may be required.

15           (9) Accept, by ordinance, grants, gifts, or  
16 donations, real or personal property on behalf of the county.

17           (10) By ordinance, lease, convey, vacate, abandon,  
18 or permit the use of county land, buildings, or other real  
19 personal property.

20           (11) By ordinance or resolution, and in conformity  
21 with state law, modify or eliminate any department, agency, or  
22 function that no longer meets the needs of the taxpayers of  
23 the county.

24           (12) Employ a county council clerk and other  
25 personnel to serve the county council in the fulfillment of  
26 its duties. County council staff shall be subject to the  
27 Jefferson County Personnel Board. The county council, on a

1 case-by-case basis, may contract for professional services  
2 within the limitations of its annual appropriation as provided  
3 by this act.

4 Section 15. The county council and its members shall  
5 deal with the executive branch exclusively through the chief  
6 executive or county manager except for the purpose of  
7 obtaining information and advice. Individual county council  
8 members may not give orders or instructions, either publicly  
9 or privately, to employees of the executive branch.

10 Section 16. (a) The county council shall organize  
11 itself on the first business day of the new term that  
12 commences 14 days following each general election. At its  
13 organizational meeting, the county council shall elect one of  
14 its members as president, one of its members as president pro  
15 tempore, and any other officers as the county council deems  
16 necessary. The president pro tempore shall be the presiding  
17 officer over county council meetings in the absence of the  
18 president.

19 (b) The county council shall hold regular and  
20 special meetings, and establish the time, place, and  
21 conditions thereof. Regular meetings shall be held at least  
22 twice in each calendar month in separate weeks unless  
23 otherwise provided by ordinance.

24 (c) The county council shall adopt rules necessary  
25 for its organization, procedures, meeting, public  
26 participation, and committees.

1 (d) The county council shall take no action in the  
2 absence of a quorum that shall consist of a majority of the  
3 seated members.

4 Section 17. (a) Actions of the county council,  
5 except as otherwise provided in this act, shall be taken by an  
6 affirmative vote of at least a majority of the seated members.

7 (b) The county council may override a chief  
8 executive veto by an affirmative vote of at least two-thirds  
9 of the seated members. Except as otherwise provided in this  
10 act, the override vote must occur within 30 days of the veto.

11 (c) All ordinances and resolutions shall be  
12 introduced in writing. Each ordinance and resolution shall  
13 contain no more than one subject which shall be clearly  
14 expressed in its title.

15 (d) The county council shall give public notice of  
16 the introduction of each ordinance or resolution as provided  
17 in the administrative code.

18 (e) No ordinance or resolution may be voted on until  
19 it has been read, by title and summary, at two county council  
20 meetings separated by at least seven days and the public has  
21 been given the opportunity to comment on the ordinance or  
22 resolution. The county council may act on ordinances and  
23 resolutions at the same meeting as the second reading. Except  
24 for ordinances levying taxes, the requirement of the second  
25 reading may be waived by an affirmative vote of at least  
26 two-thirds of the seated members.

1 (f) Except as provided in this act, all adopted  
2 ordinances and resolutions shall be signed by the presiding  
3 officer and delivered to the chief executive within three  
4 business days of adoption.

5 (g) If the chief executive approves any ordinance or  
6 resolution, the chief executive shall sign and return it to  
7 the county council clerk within seven days after receiving it.

8 (h) If the chief executive disapproves any ordinance  
9 or resolution, the chief executive shall veto it by returning  
10 it unsigned to the county council within seven days with  
11 written objections. The objections shall be part of county  
12 council proceedings.

13 (i) Any ordinance or resolution not returned within  
14 seven days shall be effective in the same manner as if the  
15 chief executive had signed it.

16 (j) The county council shall establish a procedure  
17 in the administrative code for the adoption of emergency  
18 ordinances and resolutions.

19 Section 18. The county council shall adopt by  
20 ordinance, and amend as needed, an administrative code that  
21 provides a complete plan of organization, departmental  
22 structure, and operation for the county government. The  
23 administrative code shall include, at a minimum, a procedure  
24 for the adoption of emergency ordinances, resolutions, and  
25 appropriations, procedures for public notification of official  
26 actions, procedures for initiative and referendum, procedures  
27 for adjusting the compensation of the chief executive and

1 reimbursing the expenses of elected officers, a personnel  
2 system, components of the comprehensive fiscal plan, sunset  
3 review procedures, the powers of the county manager while  
4 serving as temporary chief executive, a competitive  
5 procurement system, and a table of organization for all  
6 departments and agencies.

7           Section 19. The executive and administrative power  
8 of the county shall be vested in the executive branch. The  
9 executive branch shall consist of the chief executive, the  
10 manager, the law department, and other departments and  
11 agencies as are established in the administrative code.

12           Section 20. The powers and duties of the chief  
13 executive include, but are not limited to, the power and duty  
14 to:

15           (1) Enforce the ordinances and resolutions of the  
16 county, the provisions of this act, and the laws of the United  
17 States of America and the State of Alabama pertaining to the  
18 government of the county.

19           (2) Represent the county, or designate a county  
20 representative, in all meetings and negotiations with the  
21 heads of other governmental or quasi-governmental bodies.

22           (3) Represent the county, or designate a county  
23 representative, in all meetings and negotiations involving  
24 economic development.

25           (4) Approve or reject ordinances and resolutions  
26 passed by the county council as provided by this act.

1                   (5) Control and be accountable for the  
2 administration of all departments and agencies except those  
3 specifically placed under the jurisdiction of any other  
4 officer by law or by this act.

5                   (6) Submit to the county council the comprehensive  
6 fiscal plan as provided by this act.

7                   (7) Appoint the county manager and the county  
8 attorney with the consent of the county council.

9                   (8) Make appointments to authorities and agencies as  
10 permitted by law and recommend to the county council the  
11 establishment and elimination of authorities and agencies.

12                   (9) Negotiate, award, and sign, or cause to be  
13 negotiated, awarded, and signed on behalf of the county, all  
14 contracts, agreements, and other instruments, except as  
15 provided in subdivisions (9) and (10) of Section 14.

16                   (10) Submit proposed ordinances, resolutions, and  
17 other related matters to the county council.

18                   (11) Call special meetings of the county council as  
19 necessary.

20                   (12) Attend and participate in designated quarterly  
21 meetings and, as the chief executive deems necessary,  
22 additional meetings of the county council. The chief executive  
23 may not vote at meetings of the county council.

24                   (13) Give an annual state of the county address and  
25 other reports as the county council may require from time to  
26 time.

1           (14) Declare and take appropriate action to meet a  
2 state of emergency.

3           (15) Designate in writing the county manager or  
4 another administrative officer of the county to exercise the  
5 powers and perform the duties of the chief executive during a  
6 temporary absence or disability of the chief executive.

7           Section 21. The county attorney shall be a member in  
8 good standing of the Alabama State Bar and shall be the chief  
9 legal officer of the county and serve as the director of the  
10 law department.

11           Section 22. The county manager shall be appointed on  
12 the basis of administrative abilities as determined through  
13 professional preparation and relevant experience.

14           Section 23. The county manager shall serve as the  
15 chief administrative officer of the county, responsible to the  
16 chief executive for the administration of county operations  
17 placed in the charge of the county manager by ordinance, by  
18 the chief executive, or by this act. The county manager shall  
19 have the following powers and duties:

20           (1) To implement policies established by the chief  
21 executive and the county council for the administration of  
22 county operations.

23           (2) To supervise all executive branch departments  
24 and agencies except the law department.

25           (3) In consultation with the chief executive, to  
26 appoint and remove the directors of all executive branch  
27 departments except the law department.



1           (4) To prepare and administer a personnel system as  
2 provided by this act.

3           (5) In accordance with the administrative code, to  
4 hire, discipline, or discharge, and delegate the authority to  
5 hire, discipline, or discharge, any employee under the  
6 jurisdiction of the county manager.

7           (6) To prepare for the chief executive and  
8 administer for the county the comprehensive fiscal plan as  
9 provided by this act.

10          (7) To advise the chief executive and the county  
11 council on the financial condition of the county and make  
12 reports as may be required.

13          (8) To evaluate the need for each county department,  
14 agency, and function over a four-year sunset review cycle and  
15 recommend to the chief executive and the county council the  
16 modification or elimination of any department, agency, or  
17 function that no longer meets the needs of the taxpayers of  
18 the county.

19          (9) To ensure the development, implementation, and  
20 maintenance of a management information system dealing with  
21 county services and operations.

22          (10) At the direction of the chief executive, to  
23 negotiate contracts on behalf of the county.

24          (11) To attend and participate in meetings of any  
25 authority or agency of which the chief executive is a member  
26 in the absence of the chief executive unless the chief  
27 executive designates otherwise.

1           (12) In consultation with the chief executive, to  
2 designate in writing, an administrative officer of the county  
3 to exercise the powers and perform the duties of the county  
4 manager during the temporary absence or disability of the  
5 county manager.

6           (13) In the event that the office of chief executive  
7 becomes vacant, to serve as a temporary chief executive, with  
8 those powers provided in the administrative code, until the  
9 county council appoints an interim chief executive as provided  
10 by this act.

11           (14) To perform all other duties required by  
12 ordinance or by this act or assigned in writing by the chief  
13 executive.

14           Section 24. (a) The county manager shall prepare a  
15 comprehensive fiscal plan each year consisting of the annual  
16 operating and capital budgets, the five-year capital  
17 improvement plan, and the budget message. The operating budget  
18 shall be prepared in accordance with state law and nationally  
19 recognized standards. The operating budget shall be based on  
20 the premise that no appropriation in any given year is  
21 automatically continued into subsequent years. The specific  
22 components of the comprehensive fiscal plan shall be detailed  
23 in the administrative code.

24           (b) The chief executive shall appear before the  
25 county council to present the budget message and to submit the  
26 comprehensive fiscal plan no later than 75 days before the end  
27 of each fiscal year.

1           Section 25. The county council shall hold a minimum  
2 of two public hearings on the proposed operating and capital  
3 budgets at least two weeks before their adoption. Copies of  
4 the budgets shall be made available to the public at least one  
5 week before the hearings and after adoption.

6           Section 26. (a) Upon completion of the hearings, but  
7 no later than 25 days before the end of the fiscal year, the  
8 county council shall adopt, by resolution, balanced annual  
9 operating and capital budgets for the next fiscal year. Before  
10 adoption, the county council may add, delete, increase, or  
11 decrease any appropriation item.

12           (b) Prior to adopting the annual operating budget,  
13 the county council shall review all estimated tax income and  
14 income from all other sources and determine that these  
15 combined revenue sources will raise a sufficient sum to meet  
16 annual budgeted expenditures. Adoption of the annual operating  
17 budget shall constitute the appropriation of the amounts  
18 specified as expenditures from the funds indicated.

19           (c) All tax rates shall be adopted by ordinance and  
20 shall require an affirmative vote of at least two-thirds of  
21 the seated members. All tax rates and revenues shall be  
22 subject to the limitations established by the Constitution of  
23 Alabama of 1901 and state law.

24           Section 27. Upon adoption or amendment of the annual  
25 operating and capital budgets by the county council, the  
26 budgets shall be delivered within three days to the chief  
27 executive who, within seven days thereafter, may veto any

1 item. If the chief executive vetoes any item, the chief  
2 executive shall advise the county council in writing of the  
3 reason for the veto. The county council may override the veto  
4 of the chief executive within seven days by an affirmative  
5 vote of at least two-thirds of the seated members.

6 Section 28. (a) The county council may amend the  
7 annual operating budget by resolution with approval of the  
8 chief executive. The amended annual operating budget shall be  
9 balanced.

10 (b) The county council may amend the annual capital  
11 budget in accordance with the capital plan at any time during  
12 the year. The amended annual capital budget shall be balanced.

13 (c) The county council shall establish procedures in  
14 the administrative code for making emergency appropriations in  
15 accordance with state law.

16 (d) If, at any time during the fiscal year, it  
17 appears probable to the chief executive that the revenues or  
18 fund balances available will be insufficient to finance  
19 expenditures for which appropriations have been authorized,  
20 the chief executive shall report this to the county council in  
21 writing. The chief executive shall indicate the estimated  
22 amount of the deficit, take remedial action, and recommend  
23 other necessary steps. The county council shall take such  
24 action as it deems necessary and appropriate to prevent or  
25 reduce any deficit.

26 Section 29. Each annual operating budget  
27 appropriation shall lapse at the close of the fiscal year to

1 the extent it has not been spent or encumbered. Any  
2 appropriation in the capital budget shall continue in force  
3 until the purpose for which it was adopted has been  
4 accomplished or abandoned.

5 Section 30. The chief executive may transfer up to  
6 25 percent of any unencumbered appropriation balance within  
7 the same department during the last six months of the fiscal  
8 year. The county council shall be notified of such transfers  
9 before they occur. Upon the recommendation of the chief  
10 executive, the county council, by resolution, may make  
11 transfers within and between departments and agencies, or to  
12 any new account at any time.

13 Section 31. The need for each county department,  
14 agency, and function shall be evaluated through a four-year  
15 staggered sunset review process. The procedures for the sunset  
16 review shall be established in the administrative code.

17 Section 32. (a) The chief executive shall make all  
18 county appointments to authority, agency, commission, and  
19 other organizations, boards, and advisory bodies with the  
20 consent of the county council unless otherwise required by  
21 this act or other state law.

22 (b) When existing law requires one or more county  
23 commissioners to make appointments to agencies, the  
24 appointments shall be made by the chief executive with the  
25 consent of the county council unless otherwise required by law  
26 or this act.

1           (c) When existing law or ordinance requires one or  
2 more county commissioners to be members of an agency, the  
3 chief executive shall serve as a member and shall appoint  
4 additional members so that the total number of members,  
5 including the chief executive and additional appointed  
6 members, shall be equal to the number of commissioners that  
7 are required to be members of the agency. The appointment of  
8 the additional members shall be with the consent of the county  
9 council unless otherwise required by law or ordinance.

10           Section 33. The voters of the county shall have the  
11 power to propose ordinances by petition for consideration by  
12 the county council. Each proposed ordinance shall be germane  
13 to county government and limited to one subject which shall be  
14 clearly expressed in its title. Any petition signed by 500  
15 voters of the county and presented to the county council shall  
16 be considered by the county council within 60 days of receipt.  
17 Procedures for referendum petitions shall be established in  
18 the administrative code.

19           Section 34. (a) The voters of the county shall have  
20 the power to propose ordinances by petition for consideration  
21 by the voters of the county. Each proposed ordinance shall be  
22 germane to county government and limited to one subject which  
23 shall be clearly expressed in its title.

24           (b) The proposed ordinance detailed in any petition  
25 signed by voters of the county comprising three percent of the  
26 number of voters in the county voting for the office of  
27 Governor in the most recent gubernatorial general election

1 shall be placed on the ballot and considered by the voters at  
2 the next primary or general election.

3 (c) If approved by a majority of those voting, the  
4 ordinance shall become effective in accordance with its terms.  
5 Any ordinance that has been approved by referendum shall not  
6 be subject to veto and may not be amended or repealed by the  
7 county council for two years following its approval.

8 (d) Procedures for referendum petitions shall be  
9 established in the administrative code.

10 Section 35. (a) Upon the effective date of this act,  
11 all references in the law to county commissioners shall be  
12 deemed to refer to the county council or the chief executive.  
13 The county council shall have all legislative powers  
14 previously vested in the county commissioners by law, except  
15 as provided by this act. The chief executive shall have all  
16 executive and administrative powers previously vested in the  
17 county commissioners by law, except as provided by this act.

18 (b) If any provision of this act shall be held by  
19 any court of competent jurisdiction to be invalid, such  
20 invalidity shall not affect any other provisions of this act.  
21 The remaining provisions of this act shall be given full force  
22 and effect as completely as if the invalid provision had not  
23 been included.

24 Section 36. At the time of its passage by the  
25 Alabama Legislature and approval by the Governor, this act  
26 shall be in effect to the extent necessary so that the first  
27 election of county council members and the chief executive

1 shall be conducted under the provisions of this act. Officers  
2 to be elected shall be nominated at the primary election to be  
3 conducted in 2010 and shall be elected at the general election  
4 in November 2010 except as otherwise provided by law.

5 Section 37. The chief executive shall present to the  
6 county council a proposed administrative code within 120 days  
7 after taking office. The county council, by ordinance, shall  
8 approve an administrative code within 120 days of its  
9 submission to the county council.

10 Section 38. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law.