

SB215 INTRODUCED



1 SB215
2 FNFYD55-1
3 By Senator Hatcher (N & P)
4 RFD: Local Legislation
5 First Read: 06-Mar-24



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SYNOPSIS:

This bill would apply to any Class 3 municipality organized under Act 618 of the 1973 Regular Session and would provide that the mayor would appoint the members of any city airport authority. The appointments by the mayor would be subject to the confirmation by the city council. The bill would apply to fill any vacancies after the expiration of the term of an existing member of the authority.

A BILL
TO BE ENTITLED
AN ACT

Relating to any Class 3 municipality organized under Act 618 of the 1973 Regular Session (Acts 1973, p. 879), providing for the mayor-council form of government in certain municipalities having a certain population according to the 1970 or any subsequent federal decennial census; to amend Section 45-51A-33.56 of the Code of Alabama 1975, relating to the powers of the city council, and Section 45-51A-33.95 of the Code of Alabama 1975, relating to the powers of the mayor; to provide that the mayor would appoint the members of any city airport authority; to provide that the appointments by the mayor would be subject to confirmation by the city



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29 council; and to provide that this act would apply to vacancies
30 after the effective date of this act.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Sections 45-51A-33.56 and 45-51A-33.95, Code
33 of Alabama 1975, are amended to read as follows:

34 "§45-51A-33.56

35 All powers of the city, including all powers vested in
36 it by this part, by the laws, general and local, of the state,
37 and by Title ~~62 11, of the Code of Alabama of 1940, as~~
38 ~~amended,~~ and the determination of all matters of policy, shall
39 be vested in the council. Without limitation of the foregoing,
40 the council shall have power to:

41 (1) Establish administrative departments and distribute
42 the work of divisions.

43 (2) Adopt the budget of the city.

44 (3) Authorize the issuance of bonds or warrants.

45 (4) Inquire into the conduct of any office, department,
46 or agency of the city and make investigations as to municipal
47 affairs.

48 (5) ~~Appoint~~ Except as provided in Section 45-51A-33.95,
49 appoint the members of all boards, commissions, or other
50 bodies authorized hereunder or by law. This provision for
51 appointment of members of boards, commissions, or other bodies
52 authorized hereunder or by law shall supersede any different
53 provision for appointment of such members contained in any
54 ~~statute law~~ or ordinance in effect at the time of adoption by
55 the city of the mayor-council form of government ~~set up~~
56 established by this part, and shall include power to remove



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57 any member of any board, commission, or body to the same
58 extent as might be done by the governing body of the city at
59 the time of adoption by the city of the mayor-council form of
60 government ~~set up~~ established by this part and to appoint
61 another in his or her stead. ~~And wherever~~ If in any ~~statute~~
62 law in effect at the time of adoption by the city of the
63 mayor-council form of government the chief executive officer
64 of the city is designated to act in any capacity ex-officio,
65 the mayor shall act.

66 (6) Succeed to all the powers, rights, and privileges
67 conferred upon the former governing body of the city by
68 ~~statutes~~ laws in effect at the time of adoption by the city of
69 the mayor-council form of government and not in conflict with
70 this part.

71 (7) Levy property and license taxes and local
72 improvement assessments."

73 "§45-51A-33.95

74 The mayor shall be the head of the administrative
75 branch of the city government. He or she shall not sit with
76 the council nor shall he or she have a vote in its
77 proceedings. ~~and he or she~~ The mayor shall have the power and
78 duties herein conferred. The mayor shall be responsible for
79 the proper administration of all affairs of the city and,
80 subject to any civil service or merit system law applicable to
81 the city and except as otherwise provided herein, he or she
82 shall have power and shall be required to do all of the
83 following:

84 (1) Enforce all laws and ordinances.



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85 (2) Appoint, with the advice and consent of the
86 council, all department heads as provided in this part. ~~Unless~~
87 If a majority of the council present and voting ~~shall~~ do not
88 approve ~~of~~ the appointment~~,~~ the appointment shall not be
89 effective and shall be ~~null and~~ void. When ~~it is~~ necessary for
90 the good of the service, the mayor ~~shall have the authority to~~
91 may remove officers and employees of the city who are subject
92 to the merit system that ~~might be~~ is in force at that time.
93 The mayor shall not have the power to appoint or remove
94 officers and employees of any of the following:

95 a. Any library board of the city.

96 b. Any board of the city having control over any park,
97 recreation facility, fair, or exhibit.

98 c. Any municipally-owned public utility, including
99 electric, gas, and water systems, while such utility is
100 operating under a board constituted by law or required by the
101 terms of any indenture, mortgage, or deed of trust providing
102 for employment by other authority.

103 d. Any school board of the city.

104 e. Any planning board or zoning board of the city.

105 (3) Exercise administrative supervision and control
106 over all departments created by this part or by law or
107 ~~hereafter~~ created by the council except those enumerated in
108 paragraphs a. to e., inclusive, of subdivision (2) and except
109 those otherwise given independent status under this part.

110 (4) Keep the council fully advised as to the financial
111 conditions and needs of the city; prepare and submit the
112 budget annually to the council and be responsible for its



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113 administration after its adoption; prepare and submit, as of
114 the end of the fiscal year, a complete report on the financial
115 and administrative activities of the city for such year.

116 (5) Recommend to the council such actions as he or she
117 may deem desirable.

118 (6) Prepare and submit to the council such reports as
119 may be required of ~~him or her~~ the mayor.

120 (7) Perform such other duties as may be prescribed by
121 this part.

122 (8) Fix the salaries or compensations of all officers
123 and employees of the city who are appointable by ~~him or her~~
124 the mayor, subject to the approval of the council, and to any
125 civil service or merit law applicable to the city.

126 (9) a. Appoint the members of any city airport
127 authority. Appointments pursuant to this subdivision shall not
128 affect the term of any member serving on July 1, 2024, but
129 shall apply to any vacancies occurring after July 1, 2024. All
130 appointments shall be subject to confirmation by the city
131 council.

132 b. The mayor shall not have the power to appoint or
133 remove any employee of any city airport authority."

134 Section 2. This act shall become effective July 1,
135 2024.