

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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4 SYNOPSIS:

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 Relating to any Class 3 municipality organized under
19 Act 618 of the 1973 Regular Session (Acts 1973, p. 879),
20 providing for the mayor-council form of government in certain
21 municipalities having a certain population according to the
22 1970 or any subsequent federal decennial census; to amend
23 Section 45-51A-33.56 of the Code of Alabama 1975, relating to
24 the powers of the city council, and Section 45-51A-33.95 of
25 the Code of Alabama 1975, relating to the powers of the mayor;
26 to provide that the mayor would appoint the members of any
27 city airport authority; to provide that the appointments by
28 the mayor would be subject to confirmation by the city



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-51A-33.56

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

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

(2) Adopt the budget of the city.

(3) Authorize the issuance of bonds or warrants.

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

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



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

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

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

"§45-51A-33.95

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

(1) Enforce all laws and ordinances.



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

- a. Any library board of the city.
- b. Any board of the city having control over any park, recreation facility, fair, or exhibit.
- c. Any municipally-owned public utility, including electric, gas, and water systems, while such utility is operating under a board constituted by law or required by the terms of any indenture, mortgage, or deed of trust providing for employment by other authority.
- d. Any school board of the city.
- e. Any planning board or zoning board of the city.

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

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



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

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

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

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

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

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

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

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