

1 HB136
2 181745-1
3 By Representative Faulkner
4 RFD: County and Municipal Government
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, a municipality may adopt
9 the council-manager form of government pursuant to
10 Article 1 of Chapter 43A of Title 11, Code of
11 Alabama 1975, the Council-Manager Act of 1982. In
12 that case, the council is composed of five members.
13 The mayor and one council member are elected at
14 large and three council members are elected from
15 single-member districts. In addition, an alternate
16 form for the composition of the council is provided
17 for in Class 6 municipalities with a mayor and
18 eight council members.

19 This bill would authorize a municipality
20 organized under the first form provided above to
21 have a council composed of either five or seven
22 members with a mayor elected at large and either
23 four or six council members elected either at large
24 or from single-member districts.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 11-43A-8 of the Code of Alabama
4 1975, the Council-Manager Act of 1982, to authorize alternate
5 forms of organization and election of the members of the
6 council.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 11-43A-8, Code of Alabama 1975,
9 is amended to read as follows:

10 "§11-43A-8.

11 "(a) (1) The governing body provided for herein shall
12 be known collectively as the "Council of the City (Town) of
13 _____ (name of city or town to be inserted)" and shall have
14 the powers and duties hereinafter provided. Except as
15 hereinafter provided, the council shall have five members. One
16 member shall be the mayor, elected by the voters at large, to
17 preside over the deliberations of the council. One member
18 shall be a council member elected by the voters at large.
19 Three members shall be council members elected by the voters
20 from each of three single-member districts.

21 "(2) Six months prior to the qualifying date for the
22 municipal election, the council, by resolution, may elect to
23 have a council composed of either five or seven members. One
24 member shall be the mayor elected at large, and either four or
25 six members shall be council members elected either at large
26 or from single-member districts as the resolution shall
27 provide. If a municipality has single-member districts for the

1 election of council members when this subdivision is adopted
2 in the municipality, the municipality shall continue with
3 either four or six council members elected from single-member
4 districts and the mayor shall be elected at large.

5 "(3) The council first elected shall qualify and
6 take office on the first Monday in October following the date
7 of the next ensuing municipal election held for the election
8 of members of a municipal governing body during a general
9 municipal election year.

10 "(b) In Class 6 cities the municipal governing body,
11 by resolution, may elect to have the council composed and
12 elected as above prescribed or to have the alternate form as
13 hereinafter prescribed. If the municipal governing body, by
14 resolution, elects to have the alternate form, it shall
15 immediately notify the judge of probate, who shall have the
16 ballots for the election, authorized in section 11-43A-3,
17 prepared to pose the question of the adoption of the alternate
18 form of government authorized in this section. The council
19 shall have nine members. One member shall be the mayor, who
20 shall be a voting member, elected by the voters at large, to
21 preside over the deliberations of the council. Eight members
22 shall be council members elected by the voters, two from each
23 of four dual-member districts. The council first elected shall
24 qualify and take office on the first Monday in October in an
25 even-numbered year designated by the municipal governing body
26 unless the election approving the change in the form of

1 government was held in 1983, in which case such council shall
2 qualify and take office on the first Monday in October 1986.

3 "(c) Subsequent to the seating of the initial
4 council, the next council shall be elected at an election to
5 be held in accordance with provisions of the general municipal
6 election laws."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.