HB286
196488-1
By Representatives Faulkner, Ellis, Harbison, Gaston, McMillan, Weaver and Faust
RFD: County and Municipal Government
First Read: 21-MAR-19
SYNOPSIS: Under existing law, Act 2018-569 provides an alternative form for the organization of the council-manager form of government.

This bill would clarify that a petition and election would be required to change the form of government of a municipality from mayor-council to council-manager and would provide for the ballot to state whether the council would be composed of five members or seven members.

A BILL
TO BE ENTITLED
AN ACT

Relating to the council-manager form of government; to amend Section 11-43A-1.1 of the Code of Alabama 1975, as added by Act 2018-569 of the 2018 Regular Session, to further provide for the procedures for the change in the form of government of a municipality from the mayor-council form of government to the council-manager form of government; and to
amend Sections 11-43A-7 and 11-43A-8 of the Code of Alabama 1975, as amended by Act 2018-569 of the 2018 Regular Session, to further provide when the change takes place.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-43A-1.1 of the Code of Alabama 1975, as added by Act 2018-569 of the 2018 Regular Session, is amended to read as follows:

"§11-43A-1.1.

"Notwithstanding any other provision of this article, after the judge of probate has certified to the mayor or other chief executive officer of the municipality the sufficiency of a petition asking that the question of the adoption of the council-manager form of government be submitted to the qualified voters of the municipality, any Class 4, 5, 6, 7, or 8 municipality having the mayor-council form of government, by resolution of the council, may provide for the adoption of the council-manager form of government under this article having a council in a municipality proposing to adopt the council-manager form of government to be composed of either five or seven members— as follows: One member shall be the mayor elected at large, who shall be a voting member of the council. Either and either four or six members shall be council members elected either at large or from single-member districts, as the resolution shall provide. If a municipality has single-member districts for the election of council members when the council-manager form of government is adopted in the municipality, the municipality shall
continue with either four or six council members elected from single-member districts and the mayor shall be elected at large. After the adoption of the resolution by the council, The question on the ballot shall indicate the composition of the mayor and council should the council-manager form of government be adopted. If the adoption of the council-manager form of government is approved as provided in Section 11-43A-6, the municipality shall be governed by this article, except to the extent of any direct conflict in this article concerning the number and election of members of the council as provided in this section, and as subject to the resolution of the council providing for the adoption of the council manager form of government."

Section 2. Section 11-43A-7 and Section 11-43A-8 of the Code of Alabama 1975, as amended by Act 2018-569 of the 2018 Regular Session, are amended to read as follows:

"§11-43A-7.

"The change in the form of government shall take place on the first Monday in October November following the date of the next ensuing municipal election for the election of members of the governing body held by the municipality during a general municipal election year as established by Section 11-46-21, except in Class 6 cities wherein the municipal governing body has elected to have a nine-member council as authorized in Section 11-43A-8; and in such cities the change in the form of government may take place on the first Monday in October November in any even-numbered year,"
designated therefor by the municipal governing body unless the election approving such change was held in 1983, in which case the change shall take place on the first Monday in October 1986.

"§11-43A-8.

"(a) The governing body provided for herein shall be known collectively as the "Council of the City (Town) of ___ (name of city or town to be inserted)" and shall have the powers and duties hereinafter provided. Except as hereinafter provided and as otherwise provided for in Section 11-43A-1.1, the council shall have five members. One member shall be the mayor, elected by the voters at large, to preside over the deliberations of the council. One member shall be a council member elected by the voters at large. Three members shall be council members elected by the voters from each of three single-member districts. The council first elected shall qualify and take office on the first Monday in October November following the date of the next ensuing municipal election held for the election of members of a municipal governing body during a general municipal election year.

"(b) In Class 6 cities the municipal governing body, by resolution, may elect to have the council composed and elected as above prescribed or to have the alternate form as hereinafter prescribed. If the municipal governing body, by resolution, elects to have the alternate form, it shall immediately notify the judge of probate, who shall have the ballots for the election, authorized in Section 11-43A-3,
prepared to pose the question of the adoption of the alternate
form of government authorized in this section. The council
shall have nine members. One member shall be the mayor, who
shall be a voting member, elected by the voters at large, to
preside over the deliberations of the council. Eight members
shall be council members elected by the voters, two from each
of four dual-member districts. The council first elected shall
qualify and take office on the first Monday in October in an
even-numbered year designated by the municipal governing body
unless the election approving the change in the form of
government was held in 1983, in which case such council shall
qualify and take office on the first Monday in October 1986.
"(c) Subsequent to the seating of the initial
council, the next council shall be elected at an election to
be held in accordance with provisions of the general municipal
election laws."

Section 3. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.