

1 HB557  
2 197088-1  
3 By Representative Shedd (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-MAY-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Blount County; to change the system of  
14 county government of Blount County from a district system to a  
15 unit system.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) Effective upon the assumption of  
18 office by any Blount County Commissioner elected during the  
19 general election to be held in November 2022, the Blount  
20 County Commission shall operate as a Unit System, and shall  
21 set the necessary policies and priorities for the  
22 construction, maintenance, and repair of all public roads,  
23 county highways, bridges, ferries, and public facilities  
24 within the county.

25 (b) Each member of the county commission, in  
26 addition to his or her existing rights, duties, and  
27 privileges, is authorized to:

1           (1) Inspect the roads of his or her district from  
2 time to time.

3           (2) Hear the suggestions and complaints of the  
4 citizens, and report the suggestions and complaints to the  
5 commission along with his or her recommendations.

6           (3) Confer with the county engineer concerning the  
7 problems of his or her district.

8           (4) Assist in securing rights-of-way.

9           (5) Assist in public service generally.

10          (c) Blount County Commissioners shall serve  
11 four-year terms of office and be elected by single-member  
12 districts and considered part-time positions.

13          (d) (1) Effective upon the assumption of office by  
14 any Blount County Commissioner elected during the general  
15 election to be held in November 2022, and except as provided  
16 in subdivision (2) of this subsection, the compensation to be  
17 received by each Blount County Commissioner shall be the  
18 average compensation for county commissioners as determined by  
19 the most recent Alabama County Commission Association  
20 Comparative Data Table, and Blount County Commissioners may be  
21 entitled to benefits provided any other county employee.  
22 Thereafter, the compensation of Blount County Commissioners  
23 shall be in compliance with Section 11-2A-4 of the Code of  
24 Alabama 1975.

25          (2) The compensation of any Blount County  
26 Commissioner already serving a term at the time of the general  
27 election to be held in November 2022 shall not be decreased

1 during that commissioner's tenure in office, regardless of  
2 re-election.

3 Section 2. (a) Beginning with the general election  
4 to be held in November 2022, a full-time Chair of the Blount  
5 County Commission shall be elected on a countywide basis.

6 (1) Any person who is qualified as provided in  
7 Section 11-3-1, Code of Alabama 1975, is eligible to seek the  
8 office.

9 (b) The initial countywide-elected chair shall take  
10 office at the same time as other members of the Blount County  
11 Commission following the general election to be held in  
12 November 2022 and shall serve a six-year term.

13 (c) The rights, duties, and privileges of the  
14 countywide-elected chairman shall include all of the  
15 following:

16 (1) Serving as the presiding officer of the Blount  
17 County Commission.

18 (2) Serving as fiscal agent and legal custodian of  
19 county funds.

20 (3) Signing or causing his or her signature to be  
21 affixed to all warrants drawn on the county treasury or any  
22 other disbursement of county funds.

23 (4) Executing contracts as approved by the county  
24 commission.

25 (5) General oversight of the activities of the  
26 county administrative staff, county administrator, county

1 engineer, and all other county departments not under the  
2 direct supervision of an elected official.

3 (6) Serving as county government liaison to all  
4 officials and departments of national, state, and local  
5 governments.

6 (7) Seeking grant funding for county projects as  
7 authorized or approved by the county commission.

8 (8) Working for the economic development and general  
9 improvement of Blount County.

10 (9) Any other right, duty, or privileges as  
11 permitted by state law.

12 (d) The initial compensation for the countywide  
13 chair shall be that amount paid to the Blount County Revenue  
14 Commissioner on the date the countywide chair takes office.  
15 Thereafter, the compensation of the countywide chair shall be  
16 in compliance with Section 11-2A-4 of the Code of Alabama  
17 1975.

18 Section 3. (a) The Blount County Commission shall  
19 continue to employ a county engineer either through its merit  
20 personnel system or via contract, who shall be a thoroughly  
21 qualified and competent professional engineer, although he or  
22 she shall not be required to be a licensed land surveyor, but  
23 otherwise shall possess all of the qualifications specified  
24 for county engineers under the general laws of the state and  
25 shall devote his or her entire time and attention to the  
26 maintenance and construction of the county public roads,

1 highways, bridges, ferries, and other county engineering  
2 projects.

3 (b) The county engineer, in accordance with policy  
4 established by the county commission and within the law of the  
5 State of Alabama, shall:

6 (1) Employ, supervise, and direct all laborers and  
7 assistants necessary to properly maintain and construct the  
8 public roads, highways, bridges, and ferries of the county, to  
9 prescribe their duties, and to discharge employees for cause.

10 (2) Perform or supervise the engineering service and  
11 surveying required.

12 (3) Oversee the building or construction of new  
13 roads, or change old roads as directed by the county  
14 commission.

15 (4) Oversee the construction and maintenance of all  
16 county roads on the basis of the county as a unit, without  
17 regard to any district or voting precinct lines.

18 (c) (1) The county commission shall supervise and fix  
19 the compensation of the salary of the county engineer, payable  
20 from appropriate road and highway funds or from other lawful  
21 sources.

22 (2) The county commission shall furnish the county  
23 engineer with an office within the county and all office  
24 supplies, equipment, communication, utilities, and  
25 transportation necessary to accomplish his or her duties under  
26 this act.

1           (3) The county commission shall fix, from time to  
2 time, the various scales of wages or compensation to be paid  
3 for labor and assistants necessary in the maintenance and  
4 construction of the roads, bridges, ferries, and public  
5 facilities.

6           (d) (1) The county engineer shall be the custodian of  
7 all road machinery and equipment, tools, supplies, and repair  
8 parts owned by Blount County. The county commission shall  
9 establish necessary policies and regulations governing  
10 accountability and relief therefrom and shall furnish the  
11 necessary storage and repair facilities for the tools,  
12 machinery, supplies, and equipment. The county engineer shall  
13 cause an up-to-date inventory to be kept containing a list of  
14 all tools, machinery, equipment, and supplies belonging to  
15 Blount County.

16           (2) The county engineer shall inspect all materials,  
17 machinery, equipment, and supplies purchased by the county for  
18 use on public roads, bridges, and ferries upon delivery. No  
19 materials, machinery equipment, or supplies purchased by the  
20 county for that purpose shall be accepted or paid for without  
21 prior approval by the county engineer, and any deviation from  
22 the specifications, requisitions, or purchase orders shall be  
23 reported to the county administrator and the county  
24 commission.

25           (3) Before entering upon his or her duties, the  
26 county engineer shall make and enter into a surety bond in an  
27 amount established by the Blount County Commission, payable to

1 the Blount County Commission, conditioned for the faithful  
2 discharge and performance of his or her duties as county  
3 engineer, and for the faithful accounting of all monies and  
4 property of the county which may come into his or her  
5 possession or custody. The bond shall be executed by a surety  
6 company authorized and qualified to do business in Alabama,  
7 and shall be approved by the county commission. The premiums  
8 thereon shall be paid by the county.

9 (e) In the event an emergency should arise in which  
10 it would be impossible for the county commission to employ an  
11 engineer, the county commission may appoint or employ a  
12 competent road supervisor who need not be an engineer, but  
13 when employed shall have the duties and authority of the  
14 county engineer, not in conflict with state law, and shall be  
15 subject to the terms of this section.

16 (1) An emergency shall not exist longer than is  
17 necessary to employ a qualified engineer who will accept  
18 employment by the county commission under the terms of this  
19 section.

20 (2) It is the intent of this section that, except in  
21 an emergency, county roads, bridges, and ferries shall be  
22 maintained or constructed in Blount County under the  
23 supervision of a qualified engineer.

24 Section 4. (a) On or before December 31, 2022 and on  
25 or before each December 31 thereafter, the county commission  
26 shall consider for adoption an Annual County Transportation  
27 Plan prepared by the county engineer.

1           (1) The county commission may, from time to time,  
2 within any fiscal year, adjust the Annual County  
3 Transportation Plan or increase the amount allocated for  
4 expenditure by the county engineer, when the authorization is  
5 not in conflict with the general laws of the state.

6           (2) The county engineer shall maintain a recommended  
7 Five-Year County Transportation Plan that is equitable to each  
8 commission district for any given five year period.

9           (b) The authority of the county engineer shall be  
10 limited to the expenditure of those funds allocated by the  
11 county commission for carrying out the requirements and duties  
12 identified by the approved Annual County Transportation Plan  
13 including, without limitation, the purpose of construction,  
14 maintenance, or repairs of public roads, bridges, ferries, or  
15 the expenditure of any other funds for duties or other  
16 projects for Blount County that the County Commission may set  
17 aside and appropriate.

18           (c) The county engineer shall make written  
19 requisition to the county administrator for all budgeted items  
20 including without limitation, materials, machinery, equipment,  
21 and necessary supplies needed for the construction,  
22 maintenance, or repair of all the public roads, bridges, and  
23 ferries of Blount County, pursuant to policies and procedures  
24 as established by the Blount County Commission and in  
25 accordance with all state bid laws.

26           Section 5. This act shall be operative only if  
27 approved by a majority of the qualified electors of Blount

1 County who vote at a referendum held for such purpose. The  
2 election shall be held in conjunction with the general  
3 election in 2020 and shall be conducted pursuant to the  
4 election laws of this state.

5 The question presented on the ballot shall be, "Do  
6 you favor the adoption Act Number \_\_\_\_\_ of the 2019  
7 Regular Session of the Alabama State Legislature, that would  
8 transition the Blount County Commission from the District  
9 System of County Government, with full-time commissioners, to  
10 the Unit System of County Government, with part-time  
11 commissioners, providing that county road maintenance and  
12 construction would be managed by a professional engineer, and  
13 providing for a full-time, countywide-elected county  
14 commission chairperson.

15 Section 6. If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 invalidity does not affect other provisions or applications of  
18 this act which can be given effect without the invalid  
19 provision or application, and to this end the provisions of  
20 this act are severable.

21 Section 7. All laws, or parts of laws, which  
22 conflict with this Act are hereby repealed.

23 Section 8. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.