

1 SB223
2 197079-4
3 By Senator Chambliss (N & P)
4 RFD: Local Legislation
5 First Read: 02-APR-19

1 SB223

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Elmore County; to amend Section
8 45-26-130 of the Code of Alabama 1975, providing for the
9 employment of the county engineer or chief engineer; to
10 further provide that the county engineer or chief engineer may
11 be assigned additional duties by the county commission and may
12 employ, supervise, and direct deputies and assistants to
13 perform the duties.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 45-36-130 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§45-26-130.

18 "(a) This section shall apply only in Elmore County.

19 "(b) The Elmore County Commission shall appoint and
20 employ a county engineer or chief engineer, who shall be a
21 thoroughly qualified and competent professional engineer. The
22 county engineer or chief engineer shall possess all of the
23 qualifications as specified for county engineers or chief
24 engineers under the general laws of the State of Alabama. The
25 county engineer or chief engineer shall ~~devote his or her~~

1 ~~entire time and attention to~~ be responsible for the
2 maintenance and construction of the public roads, bridges, and
3 ferries in the county and shall perform other duties related
4 to his or her appointment as may be assigned by the county
5 commission. The county engineer or chief engineer shall serve
6 at the pleasure of the county commission.

7 "(c) It shall be the duty of the county engineer or
8 chief engineer to carry out the following as determined by the
9 county commission:

10 "(1) Employ, supervise, and direct all assistants
11 necessary to properly maintain and construct the public roads,
12 bridges, and ferries of the county and prescribe their duties
13 and discharge employees for cause or when they are not needed.

14 "(2) Perform engineering and surveying service as
15 may be required and prepare and maintain the necessary maps
16 and records.

17 "(3) Maintain the necessary accounting records to
18 reflect the cost of the county road system.

19 "(4) Build or construct new roads, or change old
20 roads, but only when ordered to do so by proper order of the
21 county commission.

22 "(5) Construct and maintain all county roads on the
23 basis of the county as a unit without regard to any district
24 or beat lines.

1 "(6) Employ, supervise, and direct any deputies and
2 assistants necessary to assist the county engineer or chief
3 engineer to properly perform all duties of the county engineer
4 or chief engineer.

5 "(d) It shall be the duty of the county commission
6 to fix, from time to time, in accordance with prevailing
7 economic conditions, the various scales of wages or salaries
8 to be paid for labor necessary in the maintenance and
9 construction of public roads, bridges, and ferries. The wage
10 or salary scale shall not be exceeded by the engineer in
11 employing labor and assistants.

12 "(e) The commission shall fix the amount of the
13 salary of the county engineer or chief engineer, payable in
14 equal monthly installments from appropriate road and bridge
15 funds.

16 "(f) Before entering upon his or her duties, the
17 county engineer or chief engineer shall make and enter into a
18 surety bond in the amount set from time to time by the county
19 commission, payable to Elmore County, conditioned on the
20 faithful discharge and performance of his or her duties as
21 engineer, and for the faithful accounting of all monies or
22 property of Elmore County which may come into his or her
23 possession or custody. The bond shall be executed by a surety
24 company authorized and qualified to do business in Alabama and

1 shall be approved by the county commission. The premiums shall
2 be paid by the county.

3 "(g) The county commission shall furnish the county
4 engineer or chief engineer with an office within the county
5 and all necessary office supplies, equipment, communication,
6 utilities, and necessary transportation to accomplish his or
7 her duties under this section.

8 "(h) The county engineer or chief engineer shall be
9 the custodian and accountable to the county commission for all
10 road machinery and equipment, tools, supplies, and repair
11 parts owned by Elmore County. The county commission shall
12 establish necessary policies and regulations governing
13 accountability and relief therefrom. The county commission
14 shall furnish the necessary storage and repair facilities for
15 the tools, machinery, supplies, and equipment, and the county
16 engineer shall keep on file in his or her office an up-to-date
17 inventory containing a list of all tools, machinery,
18 equipment, parts, and supplies owned by the county.

19 "(i) ~~The~~ Unless otherwise determined by the county
20 commission, the authority of the county engineer or chief
21 engineer shall be limited to the expenditure of funds
22 appropriated by the county commission for engineering
23 functions described in this section. The county commission
24 shall fix and determine the amount of funds which will be
25 available for the purpose of building, maintaining, and

1 constructing public roads, bridges, and ferries of Elmore
2 County for the ensuing fiscal year, beginning on October 1.
3 That amount, other than the salary of the county engineer or
4 chief engineer, and his or her necessary expenses, shall not
5 be exceeded, except that the county commission, from time to
6 time, within any period, may increase the amount allowed to be
7 expended by the county engineer or chief engineer during the
8 period, provided that the authorization does not conflict with
9 other provisions of law.

10 "(j) The county engineer or chief engineer shall
11 make written requisition for all materials, machinery,
12 equipment, and necessary supplies needed for the construction,
13 maintenance, or repair of the public roads, bridges, and
14 ferries of the county. The purchases shall be made in
15 accordance with prevailing law.

16 "(k) In the event of an emergency in which it would
17 be impossible for the county commission to employ an engineer,
18 the commission shall employ a competent road supervisor who
19 need not be an engineer, but, when so employed shall have all
20 the duties and authority of the county engineer and shall be
21 subject to this section. The emergency employment of a
22 competent road supervisor shall not continue longer than
23 necessary to employ a qualified engineer who will accept
24 employment by the commission under the terms of this section.
25 It is the intention of this section to provide that the

1 construction and maintenance of county roads, bridges, and
2 ferries shall be under the supervision of a qualified
3 engineer.

4 "(1) Each member of the county commission shall
5 inspect the roads and bridges of his or her district, from
6 time to time, hear the suggestions and complaints of the
7 citizens, and report the suggestions or complaints to the
8 county commission with his or her recommendations. The members
9 of the county commission shall also assist in securing
10 right-of-way and assist in public relations generally."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB223

Senate 04-APR-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 14-MAY-19

By: Senator Chambliss