

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Elmore County; to amend Section
14 45-26-130 of the Code of Alabama 1975, providing for the
15 employment of the county engineer or chief engineer; to
16 further provide that the county engineer or chief engineer may
17 be assigned additional duties by the county commission and may
18 employ, supervise, and direct deputies and assistants to
19 perform the duties.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 45-36-130 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§45-26-130.

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

25 "(b) The Elmore County Commission shall appoint and
26 employ a county engineer or chief engineer, who shall be a
27 thoroughly qualified and competent professional engineer. The

1 county engineer or chief engineer shall possess all of the
2 qualifications as specified for county engineers or chief
3 engineers under the general laws of the State of Alabama. The
4 county engineer or chief engineer shall ~~devote his or her~~
5 ~~entire time and attention to~~ be responsible for the
6 maintenance and construction of the public roads, bridges, and
7 ferries in the county and shall perform other duties related
8 to his or her appointment as may be assigned by the county
9 commission. The county engineer or chief engineer shall serve
10 at the pleasure of the county commission.

11 "(c) It shall be the duty of the county engineer or
12 chief engineer to carry out the following as determined by the
13 county commission:

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

18 "(2) Perform engineering and surveying service as
19 may be required and prepare and maintain the necessary maps
20 and records.

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

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

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

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

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

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

19 "(f) Before entering upon his or her duties, the
20 county engineer or chief engineer shall make and enter into a
21 surety bond in the amount set from time to time by the county
22 commission, payable to Elmore County, conditioned on the
23 faithful discharge and performance of his or her duties as
24 engineer, and for the faithful accounting of all monies or
25 property of Elmore County which may come into his or her
26 possession or custody. The bond shall be executed by a surety
27 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
26 constructing public roads, bridges, and ferries of Elmore
27 County for the ensuing fiscal year, beginning on October 1.

1 That amount, other than the salary of the county engineer or
2 chief engineer, and his or her necessary expenses, shall not
3 be exceeded, except that the county commission, from time to
4 time, within any period, may increase the amount allowed to be
5 expended by the county engineer or chief engineer during the
6 period, provided that the authorization does not conflict with
7 other provisions of law.

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

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

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

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.