

1 HB428  
2 208844-3  
3 By Representatives Ingram, Holmes and Dismukes (N & P)  
4 RFD: Local Legislation  
5 First Read: 23-FEB-21

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Elmore County; to amend Section 45-26-130 of the Code of Alabama 1975, as amended by Act 2019-90 and Act 2019-205 of the 2019 Regular Session, to further provide for the employment of the county engineer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-26-130 of the Code of Alabama 1975, as amended by Act 2019-90 and Act 2019-205 of the 2019 Regular Session, is amended to read as follows:

"§45-26-130.

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

"(b) The Elmore County Commission shall appoint and employ a county engineer or chief engineer, who shall be a thoroughly qualified and competent professional engineer. The county engineer or chief engineer shall possess all of the qualifications as specified for county engineers or chief

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

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

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

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

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

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

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

26 "(6) Employ, supervise, and direct any deputies and  
27 assistants necessary to assist the county engineer or chief

1 engineer to properly perform all duties of the county engineer  
2 or chief engineer.

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

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

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

25 "(g) The county commission shall furnish the county  
26 engineer or chief engineer with an office within the county  
27 and all necessary office supplies, equipment, communication,

1 utilities, and necessary transportation to accomplish his or  
2 her duties under this section.

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

14 "(i) Unless otherwise determined by the county  
15 commission, the authority of the county engineer or chief  
16 engineer shall be limited to the expenditure of funds  
17 appropriated by the county commission for engineering  
18 functions described in this section. The county commission  
19 shall fix and determine the amount of funds which will be  
20 available for the purpose of building, maintaining, and  
21 constructing public roads, bridges, and ferries of Elmore  
22 County for the ensuing fiscal year, beginning on October 1.  
23 That amount, other than the salary of the county engineer or  
24 chief engineer, and his or her necessary expenses, shall not  
25 be exceeded, except that the county commission, from time to  
26 time, within any period, may increase the amount allowed to be  
27 expended by the county engineer or chief engineer during the

1 period, provided that the authorization does not conflict with  
2 other provisions of law.

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

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

22 "(l) Each member of the county commission shall  
23 inspect the roads and bridges of his or her district, from  
24 time to time, hear the suggestions and complaints of the  
25 ~~citizens~~ residents, and report the suggestions or complaints  
26 to the county commission with his or her recommendations. The

1 members of the county commission shall also assist in securing  
2 right-of-way and assist in public relations generally."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.