

1 SB252
2 208844-5
3 By Senator Barfoot (N & P)
4 RFD: Local Legislation
5 First Read: 23-FEB-21

1 SB252

2
3
4 With Notice and Proof

5
6 ENROLLED, An Act,

7 Relating to Elmore County; to amend Section
8 45-26-130 of the Code of Alabama 1975, as amended by Act
9 2019-90 and Act 2019-205 of the 2019 Regular Session, to
10 further provide for the employment of the county engineer.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 45-26-130 of the Code of Alabama
13 1975, as amended by Act 2019-90 and Act 2019-205 of the 2019
14 Regular Session, is amended to read as follows:

15 "§45-26-130.

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

17 "(b) The Elmore County Commission shall appoint and
18 employ a county engineer or chief engineer, who shall be a
19 thoroughly qualified and competent professional engineer. The
20 county engineer or chief engineer shall possess all of the
21 qualifications as specified for county engineers or chief
22 engineers under the general laws of the State of Alabama. The
23 county engineer or chief engineer shall be responsible for the
24 maintenance and construction of the public roads, bridges, and
25 ferries in the county and shall perform other duties ~~related~~

1 ~~to his or her appointment~~ as may be assigned by the county
2 ~~commission. The county engineer or chief engineer shall serve~~
3 ~~at the pleasure of the county commission.~~

4 "(c) It shall be the duty of the county engineer or
5 chief engineer to carry out the following as determined by the
6 county commission:

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

11 "(2) Perform engineering and surveying service as
12 may be required and prepare and maintain the necessary maps
13 and records.

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

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

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

22 "(6) Employ, supervise, and direct any deputies and
23 assistants necessary to assist the county engineer or chief
24 engineer to properly perform all duties of the county engineer
25 or chief engineer.

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

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

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

23 "(g) The county commission shall furnish the county
24 engineer or chief engineer with an office within the county
25 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

1 time, within any period, may increase the amount allowed to be
2 expended by the county engineer or chief engineer during the
3 period, provided that the authorization does not conflict with
4 other provisions of law.

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

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

24 "(l) Each member of the county commission shall
25 inspect the roads and bridges of his or her district, from

1 time to time, hear the suggestions and complaints of the
2 ~~citizens~~ residents, and report the suggestions or complaints
3 to the county commission with his or her recommendations. The
4 members of the county commission shall also assist in securing
5 right-of-way and assist in public relations generally."

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB252

Senate 09-MAR-21

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

Patrick Harris,
Secretary.

House of Representatives
Passed: 16-MAR-21

By: Senator Barfoot