

1 SB336
2 218237-1
3 By Senators Albritton and Elliott (N & P)
4 RFD: Local Legislation
5 First Read: 30-MAR-22

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; to establish the South Baldwin Regional Workforce Development Authority; to provide for the composition, powers, duties, and meetings of the board of directors of the authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created in Baldwin County the South Baldwin Regional Workforce Development Authority for the public purpose of fostering workforce development, community betterment, entrepreneurship, advocacy, and business innovation through collaboration between businesses, educational organizations, and local municipalities. The area of operation of the authority shall be in the portion of the county south of or adjacent to the road designated as Baldwin County Road 32 on the effective date of this act.

1 Section 2. (a) All powers of the authority shall be
2 exercised by a board of directors, which shall consist of all
3 the following:

4 (1) The chief executive officers of the South
5 Alabama Chamber of Commerce and the Alabama Coastal Business
6 Chamber, ex officio, each of whom shall be a voting member.

7 (2) Three business members of the South Alabama
8 Chamber of Commerce selected by the Chief Executive Officer of
9 that chamber, each of whom shall be a voting member.

10 (3) Three business members of the Alabama Coastal
11 Business Chamber selected by the Chief Executive Officer of
12 that chamber, each of whom shall be a voting member.

13 (4) The mayors of the cities of Gulf Shores, Orange
14 Beach, and Foley, ex officio, each of whom shall be non-voting
15 members.

16 (5) Up to three additional members appointed by
17 majority vote of the board, who shall be voting members.

18 (b) The appointing authorities shall coordinate
19 their appointments to ensure the membership of the board of
20 directors is inclusive and reflects the racial, gender,
21 geographic, urban, rural, and economic diversity of the state.

22 (c) The appointing authorities shall make their
23 first appointments under subdivision (2) and (3) of subsection
24 (a) no later than 30 days following the effective date of this
25 act. Upon the final appointment under subdivisions (2) and (3)
26 of subsection (a) or upon the conclusion of the 30-day period,
27 whichever is sooner, the initial terms of those appointed

1 members of the board of directors shall commence. The board
2 may not take any action until the initial terms of those
3 appointed members of the board of directors commence pursuant
4 to this subdivision.

5 (d) (1) Members appointed under subdivisions (2) and
6 (3) of subsection (a) shall each serve a term of three years,
7 except that the appointing powers shall designate that one of
8 their first appointees shall serve an initial term of one
9 year, one shall serve an initial term of two years, and one
10 for a term of three years, so that the terms are staggered.

11 (2) Members appointed under subdivision (5) of
12 subsection (a) shall serve for a term of one year from date of
13 their appointment.

14 (e) In the event of any vacancy in any seat that is
15 filled by appointment, a successor shall be appointed in the
16 same manner as the seat was previously filled, and the
17 appointee shall serve for the remainder of the term for the
18 seat that was vacated.

19 Section 3. (a) The board shall hold an
20 organizational meeting within 30 days following the
21 commencement of the terms of the appointed members pursuant to
22 subsection (c) of Section 2.

23 (b) (1) At the organizational meeting, the board
24 shall adopt bylaws and procedures not in conflict with this
25 act or state law, to govern the conduct of the business and
26 the affairs of the corporation and the selection of officers.

1 (2) Upon adoption, the bylaws may only be amended by
2 majority vote of the board of directors.

3 (c) Prior to the conclusion of the organizational
4 meeting, the board shall select a chairperson, a secretary,
5 and any other officers deemed necessary within the bylaws, to
6 each serve a term of one year. The terms of these officers
7 shall commence upon adjournment of the organizational meeting.

8 Section 4. (a) (1) The board of directors may
9 exercise power of the authority by majority vote, and only
10 upon establishment of a quorum.

11 (2) For purposes of this act, a quorum shall be
12 defined as two-thirds of the voting members of the board.

13 (b) The chairperson shall preside over meetings of
14 the board.

15 (c) (1) The board shall meet to conduct the business
16 of the authority on a monthly basis at a date to be set by the
17 board, unless otherwise scheduled by the chairperson.

18 (2) Any change of date, time, or place of the
19 meetings of the board may occur only upon approval of the
20 chairperson, and shall be communicated by the chairperson to
21 all board members not less than 48 hours before the meeting.

22 Section 5. (a) The authority may employ an executive
23 director, who shall be its chief executive officer and,
24 subject to the control of the board, shall have supervision
25 over the business and affairs of the corporation. The
26 executive director shall serve at the pleasure of the board.

1 (b) The executive director shall have all powers and
2 duties usually incidental to the office of chief executive
3 officer, except as specifically limited or expanded by the
4 bylaws or a resolution adopted by the board.

5 (c) The executive director shall be an ex officio
6 member of any standing committee of the authority.

7 (d) The executive director, from time to time and
8 additionally upon request by a majority of the board, shall
9 report to the board regarding all matters within his or her
10 knowledge that should be brought to the board for the best
11 interest of the authority.

12 Section 6. The authority shall have the power to do
13 all of the following as they relate to the purpose of the
14 authority:

15 (1) Acquire by purchase, rent, lease agreement,
16 gift, or otherwise, necessary facilities and properties and to
17 provide those facilities and properties with necessary
18 equipment, furnishings, landscaping, and related facilities,
19 including parking areas and ramps, roadways, sewers, curbs,
20 and gutters.

21 (2) Finance, by loan, grant, lease, or otherwise,
22 construct, erect, assemble, purchase, acquire, own, repair,
23 remodel, renovate, rehabilitate, modify, maintain, extend,
24 improve, install, sell, equip, expand, add to, operate, or
25 manage property, and to pay the cost of any such project from
26 the funds of the authority, or from any contributions by
27 persons, corporations, limited or general partnerships, or

1 other public or private entities, all of which the authority
2 is authorized to receive and accept and use.

3 (3) Execute and deliver mortgages and deeds of trust
4 and trust indentures, or either.

5 (4) Enter into contracts and cooperative agreements
6 with and accept grants from local, state, or federal
7 governments, agencies of the government, private individuals,
8 corporations, associations, and other organizations as the
9 authority deems necessary or convenient to carry out the
10 public purposes of the authority.

11 (5) Accept public or private gifts, grants, and
12 donations.

13 (6) Sell, convey, transfer, lease, or donate any
14 property, franchise, grant, easement, license, or lease or
15 interest therein which it may own, and to transfer, assign,
16 sell, convey, or donate any right, title, or interest which it
17 may have in any lease, contract, agreement, license, or
18 property.

19 (7) Employ personnel as may be necessary or
20 convenient to accomplish the public purposes of this act. Any
21 personnel employed by the authority shall serve at the
22 pleasure of the board of directors. The board of directors
23 shall fix the compensation of the personnel and the
24 compensation shall be paid from any funds of the authority.
25 The board of directors shall designate the duties of the
26 personnel.

1 (8) Perform other acts necessary or incidental to
2 the accomplishment of the public purposes of the authority,
3 including, but not limited to, the employment of legal and
4 accounting assistance, whether or not the acts are
5 specifically authorized by this act.

6 Section 7. The authority, its property, real and
7 personal, any income produced and all conveyances, deeds,
8 leases, mortgages, and deeds of trust, shall be exempt from
9 all taxation by the State of Alabama or any political or
10 administrative subdivision thereof, including, but not limited
11 to, all income, ad valorem, sales, excise, license, and
12 privilege taxes and fees, the levy or collection of which is
13 established by local law. This section shall not be construed
14 to alter the implementation or construction of any general
15 law.

16 Section 8. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.