

1 HB389
2 128333-2
3 By Representatives Boyd, Grimsley, Forte, Beech, Brown, Laird,
4 Wood, Colston, Patterson, Bracy, Faust, Melton, Hubbard (J),
5 Newton (D), Robinson (O), Moore (M), Rogers, Hurst and Scott
6 RFD: County and Municipal Government
7 First Read: 31-MAR-11

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8 SYNOPSIS: This bill would authorize one or more
9 counties, by resolution of the governing body or
10 bodies, to establish a radio/alert notification
11 communications district comprised of the territory
12 wholly within the county or, in the case of more
13 than one county, the respective counties.

14 This bill would provide that the authority
15 would be governed by a board of directors comprised
16 of representatives from the counties comprising the
17 radio/alert notification communications district.

18 This bill would provide for the powers,
19 duties, and membership of the board.

20 This bill would authorize the authority to
21 assess a fee on users of the system to fund the
22 cost of providing radio/alert notification
23 communications within the district.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To provide that one or more counties, by resolution of the governing body or bodies, may establish a radio/alert notification communications district comprised of the territory wholly within the county or, in the case of more than one county, the respective counties; to provide for a board of directors comprised of representatives from the counties comprising the radio/alert notification communications district; to provide for the powers, duties, and membership of the board; and to authorize the board to assess a fee to fund the cost of providing radio/alert notification communications within the district.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. One or more counties, by resolution of the governing body, may establish a radio/alert notification communications district comprised of the territory wholly within the county or, in the case of more than one county, the respective counties. The radio/alert notification communications district shall be a public authority and shall be a political and legal subdivision of the state.

Section 2. When any radio/alert notification communications district is created, the creating authority may appoint a board of directors comprised of a minimum of eight members to govern its affairs and fix the domicile of the board. The board may fix its domicile at any point within the district. In the case of a multi-county radio/alert notification communications district, the governing body of

1 each participating county shall have four appointments to the
2 board. The members of the board shall be qualified electors of
3 their respective county, two of whom, one from each county,
4 shall be appointed for terms of two years; four members, two
5 from each county, for terms of three years; and two members,
6 one from each county, for terms of four years. Initial terms
7 shall commence on the date of the adoption of the resolution
8 creating the district. Thereafter, all appointments of the
9 members shall be for terms of four years. The membership of
10 the board shall be inclusive and reflect the racial, gender,
11 geographic, urban/rural, and economic diversity of the state.

12 Section 3. (a) (1) The board of directors of the
13 authority may do all of the following:

14 a. Appoint a chair from among its membership,
15 subject to an annual rotation of the chair position between or
16 among the representative members of the board from each county
17 comprising the radio/alert notification communications
18 district in the case of a multi-county district.

19 b. Appoint a vice chair from among its membership,
20 provided that in the case of a multi-county district, the vice
21 chair shall be a representative of a county other than the one
22 represented by the chair.

23 c. Appoint other officers from among its membership
24 as it may deem necessary from among the membership of the
25 board.

26 (2) A majority of the directors shall constitute a
27 quorum for the purpose of conducting business.

1 (b) The authority shall have all of the following
2 powers:

3 (1) Employ such employees, experts, and consultants
4 as it deems necessary to assist the board in the discharge of
5 its responsibilities to the extent that funds are available.

6 (2) Acquire, make improvements to, or dispose of,
7 whether by purchase, sale, gift, lease, devise, or otherwise,
8 property of every description that the board may deem
9 necessary and to hold title thereto, including, but not
10 limited to, vehicles, radio equipment, computer equipment,
11 alert notification equipment, and other capital assets.

12 (3) Sue and be sued and prosecute and defend civil
13 actions in any court having jurisdiction of the subject matter
14 and the parties.

15 (4) Construct, enlarge, equip, improve, and maintain
16 all aspects of the radio/alert notification communications
17 system.

18 (5) Issue bonds for operation and management of the
19 radio/alert notification communications district secured by
20 revenue of the district. The bonds shall be negotiable
21 instruments and shall be solely the obligations of the
22 district and not the State of Alabama. The bonds and income
23 thereof shall be exempt from all taxation in the State of
24 Alabama. The bonds shall be payable out of the income,
25 revenues, and receipts of the district. The bonds shall be
26 authorized and issued by resolution of the creating authority
27 or authorities of the district and shall be of such series,

1 bear such date or dates, mature at time or times, not to
2 exceed 30 years from issuance, bear interest at such rate or
3 rates, be in such denominations, be in such form, without
4 coupon or fully registered without coupon, carry such
5 registration and exchangeability privileges, be payable in
6 such medium of payment and at such a place or places, be
7 subject to such terms of redemption and be entitled to the
8 priorities on the income, revenues, and receipts of the
9 district as the resolution may provide. All bonds shall
10 contain a recital that they are issued pursuant to this act,
11 which recitals shall be conclusive that they have been duly
12 authorized pursuant to this act.

13 (6) Provide for such liability and hazard insurance
14 as the board deems advisable, including inclusion or
15 continuation, or both, of district employees in a state,
16 county, municipal, or self-funded liability insurance program.

17 (7) Enter into contracts or agreements with public
18 or private entities when the terms, conditions, and charges of
19 such contracts or agreements are mutually agreed upon.

20 (8) Establish committees from the membership of the
21 board to focus on specific areas, including, but not limited
22 to, technology, operations, long-term funding strategy, and
23 capital replacement, when authorized by the board.

24 (9) Assess reasonable fees on users of the
25 radio/alert notification communications system to recover the
26 costs of operation, maintenance, and capital replacement of
27 the shared radio communications system.

1 (c) Capital and operating costs of the district and
2 its shared radio/alert notification communications system
3 shall be equally shared among the users of the shared
4 radio/alert notification communications system.

5 (d) Funds generated from any type of revenue shall
6 be used to establish, maintain, and replace a radio/alert
7 notification communications system that may consist, without
8 limitation, of the following:

9 (1) Radio and alert notification communications
10 equipment and facilities necessary to facilitate voice and
11 data communications.

12 (2) The engineering, installation, and recurring
13 costs necessary to implement and maintain a radio/alert
14 notification communications system.

15 (3) Facilities and employees to house radio/alert
16 notification communications as described in this act, with the
17 approval of the creating authority.

18 (e) Employees of the district shall be eligible for
19 membership in the Retirement Systems of Alabama.

20 Section 4. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.