

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

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  
27 TO BE ENTITLED

AN ACT

1  
2                   To provide that one or more counties, by resolution  
3 of the governing body or bodies, may establish a radio/alert  
4 notification communications district comprised of the  
5 territory wholly within the county or, in the case of more  
6 than one county, the respective counties; to provide for a  
7 board of directors comprised of representatives from the  
8 counties comprising the radio/alert notification  
9 communications district; to provide for the powers, duties,  
10 and membership of the board; and to authorize the board to  
11 assess a fee to fund the cost of providing radio/alert  
12 notification communications within the district.

13                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Issue bonds for operation and management of the radio/alert notification communications district secured by revenue of the district. The bonds shall be negotiable instruments and shall be solely the obligations of the district and not the State of Alabama. The bonds and income thereof shall be exempt from all taxation in the State of Alabama. The bonds shall be payable out of the income, revenues, and receipts of the district. The bonds shall be authorized and issued by resolution of the creating authority 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.

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

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

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

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

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

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

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