

1 HB545
2 129308-1
3 By Representatives Williams (D), Faust, Brown, Henry, Tuggle
4 and Collins
5 RFD: County and Municipal Government
6 First Read: 19-APR-11

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8 SYNOPSIS: Under existing law, a mayor, as chief
9 executive officer of a city or town, may appoint
10 all officers whose appointment is not otherwise
11 provided by law. The Attorney General has ruled
12 that if a city council exercises its powers to
13 appoint officers of the city or town, the
14 appointment would be as "otherwise provided by
15 law."

16 This bill would specify that a mayor would
17 appoint officers unless otherwise provided by state
18 law.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 11-43-81 of the Code of Alabama
25 1975, relating to the power of a mayor to make appointments;
26 to specify the power of a mayor to appoint officers.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-43-81 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§11-43-81.

4 "The mayor shall be the chief executive officer, and
5 shall have general supervision and control of all other
6 officers and the affairs of the city or town, except as
7 otherwise provided in this title. ~~He~~ The mayor shall have the
8 power to appoint all officers whose appointment is not
9 otherwise provided for by state law. ~~He~~ The mayor may remove
10 any officer for good cause, except those elected by the
11 people, and fill the vacancy caused thereby, permanently, if
12 the appointment of ~~such~~ the officer is made by the mayor, and
13 temporarily, if ~~such~~ the officer was elected by the council or
14 appointed with its consent, in either of which last two cases
15 ~~he must~~ the mayor shall report ~~such~~ the removal and ~~his~~ the
16 reasons therefor to the council at its next regular meeting,
17 when, if the council shall sustain the act of removal by the
18 mayor by a majority vote of those elected to the council, the
19 vacancy shall be filled as provided in this title."

20 Section 2. 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.