

1 HB286  
2 196488-1  
3 By Representatives Faulkner, Ellis, Harbison, Gaston,  
4 McMillan, Weaver and Faust  
5 RFD: County and Municipal Government  
6 First Read: 21-MAR-19

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8 SYNOPSIS: Under existing law, Act 2018-569 provides an  
9 alternative form for the organization of the  
10 council-manager form of government.

11 This bill would clarify that a petition and  
12 election would be required to change the form of  
13 government of a municipality from mayor-council to  
14 council-manager and would provide for the ballot to  
15 state whether the council would be composed of five  
16 members or seven members.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to the council-manager form of government;  
23 to amend Section 11-43A-1.1 of the Code of Alabama 1975, as  
24 added by Act 2018-569 of the 2018 Regular Session, to further  
25 provide for the procedures for the change in the form of  
26 government of a municipality from the mayor-council form of  
27 government to the council-manager form of government; and to

1 amend Sections 11-43A-7 and 11-43A-8 of the Code of Alabama  
2 1975, as amended by Act 2018-569 of the 2018 Regular Session,  
3 to further provide when the change takes place.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 11-43A-1.1 of the Code of Alabama  
6 1975, as added by Act 2018-569 of the 2018 Regular Session, is  
7 amended to read as follows:

8 "§11-43A-1.1.

9 "Notwithstanding any other provision of this  
10 article, after the judge of probate has certified to the mayor  
11 or other chief executive officer of the municipality the  
12 sufficiency of a petition asking that the question of the  
13 adoption of the council-manager form of government be  
14 submitted to the qualified voters of the municipality, any  
15 Class 4, 5, 6, 7, or 8 municipality having the mayor-council  
16 form of government, by resolution of the council, may provide  
17 for the ~~adoption of the council-manager form of government~~  
18 ~~under this article having a council~~ in a municipality  
19 proposing to adopt the council-manager form of government to  
20 be composed of either five or seven members; as follows: One  
21 member shall be the mayor elected at large, who shall be a  
22 voting member of the council. ~~Either~~ and either four or six  
23 members shall be council members elected either at large or  
24 from single-member districts, as the resolution shall provide.  
25 If a municipality has single-member districts for the election  
26 of council members when the council-manager form of government  
27 is adopted in the municipality, the municipality shall

1 continue with either four or six council members elected from  
2 single-member districts and the mayor shall be elected at  
3 large. ~~After the adoption of the resolution by the council,~~  
4 The question on the ballot shall indicate the composition of  
5 the mayor and council should the council-manager form of  
6 government be adopted. If the adoption of the council-manager  
7 form of government is approved as provided in Section  
8 11-43A-6, the municipality shall be governed by this article,  
9 except to the extent of any direct conflict in this article  
10 concerning the number and election of members of the council  
11 as provided in this section. and as subject to the resolution  
12 of the council providing for the adoption of the  
13 council-manager form of government."

14 Section 2. Section 11-43A-7 and Section 11-43A-8 of  
15 the Code of Alabama 1975, as amended by Act 2018-569 of the  
16 2018 Regular Session, are amended to read as follows:

17 "§11-43A-7.

18 "The change in the form of government shall take  
19 place on the first Monday in ~~October~~ November following the  
20 date of the next ensuing municipal election for the election  
21 of members of the governing body held by the municipality  
22 during a general municipal election year as established by  
23 Section 11-46-21, except in Class 6 cities wherein the  
24 municipal governing body has elected to have a nine-member  
25 council as authorized in Section 11-43A-8; and in such cities  
26 the change in the form of government may take place on the  
27 first Monday in ~~October~~ November in any even-numbered year,

1 designated therefor by the municipal governing body unless the  
2 election approving such change was held in 1983, in which case  
3 the change shall take place on the first Monday in October  
4 1986.

5 "§11-43A-8.

6 "(a) The governing body provided for herein shall be  
7 known collectively as the "Council of the City (Town) of \_\_\_\_\_  
8 (name of city or town to be inserted)" and shall have the  
9 powers and duties hereinafter provided. Except as hereinafter  
10 provided and as otherwise provided for in Section 11-43A-1.1,  
11 the council shall have five members. One member shall be the  
12 mayor, elected by the voters at large, to preside over the  
13 deliberations of the council. One member shall be a council  
14 member elected by the voters at large. Three members shall be  
15 council members elected by the voters from each of three  
16 single-member districts. The council first elected shall  
17 qualify and take office on the first Monday in ~~October~~  
18 November following the date of the next ensuing municipal  
19 election held for the election of members of a municipal  
20 governing body during a general municipal election year.

21 "(b) In Class 6 cities the municipal governing body,  
22 by resolution, may elect to have the council composed and  
23 elected as above prescribed or to have the alternate form as  
24 hereinafter prescribed. If the municipal governing body, by  
25 resolution, elects to have the alternate form, it shall  
26 immediately notify the judge of probate, who shall have the  
27 ballots for the election, authorized in Section 11-43A-3,

1 prepared to pose the question of the adoption of the alternate  
2 form of government authorized in this section. The council  
3 shall have nine members. One member shall be the mayor, who  
4 shall be a voting member, elected by the voters at large, to  
5 preside over the deliberations of the council. Eight members  
6 shall be council members elected by the voters, two from each  
7 of four dual-member districts. The council first elected shall  
8 qualify and take office on the first Monday in October in an  
9 even-numbered year designated by the municipal governing body  
10 unless the election approving the change in the form of  
11 government was held in 1983, in which case such council shall  
12 qualify and take office on the first Monday in October 1986.

13 "(c) Subsequent to the seating of the initial  
14 council, the next council shall be elected at an election to  
15 be held in accordance with provisions of the general municipal  
16 election laws."

17 Section 3. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.