

1 HB343
2 196488-1
3 By Representative Faulkner
4 RFD: County and Municipal Government
5 First Read: 03-APR-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.