

1 HB222  
2 208791-1  
3 By Representative Ledbetter  
4 RFD: County and Municipal Government  
5 First Read: 02-FEB-21  
6 PFD: 01/29/2021

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8       SYNOPSIS:               Under Chapter 7 of Title 39, Code of Alabama  
9                               1975, the residents of a municipality, or a portion  
10                              of the unincorporated area of a county or counties  
11                              which has at least 250 registered voters, by  
12                              petition and election, may form an improvement  
13                              authority for the purposes of providing utility  
14                              services to the area served. The term of a member  
15                              of the board of trustees of the improvement  
16                              authority is three years. Also under existing law,  
17                              a member of the board of trustees may not hold any  
18                              public office under the municipality.

19                              This bill would provide that the term of  
20                              office of any future appointee to the board of  
21                              trustees of an improvement authority incorporated  
22                              under Chapter 7 of Title 39, Code of Alabama 1975,  
23                              would be six years.

24                              This bill would also provide that one member  
25                              of the governing body of a municipality where an  
26                              improvement authority has been incorporated under  
27                              Chapter 7 of Title 39, Code of Alabama 1975, may be

1 appointed to the board of trustees of the  
2 authority.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to improvement authorities incorporated  
9 under Chapter 7 of Title 39, Code of Alabama 1975; to amend  
10 Sections 39-7-14 and 39-7-15, Code of Alabama 1975, to provide  
11 for the term of office for members of the boards of trustees  
12 of the authorities; and to authorize the appointment of one  
13 member of the governing body of a municipality to the boards  
14 of trustees of the authorities.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 39-7-14 and 39-7-15, Code of  
17 Alabama 1975, are amended to read as follows:

18 "§39-7-14.

19 "(a) Each improvement authority shall have a board  
20 of trustees consisting of not more than five members that are  
21 qualified electors residing in the area serviced by the  
22 authority.

23 "(b) When the authority is composed of an  
24 incorporated city or town, the trustees shall be appointed by  
25 the governing body of the city or town. When the authority is  
26 composed in whole or in part of the inhabitants of an  
27 unincorporated area, the governing body of the county in which

1 the area is composed appoints the trustees. In the event the  
2 unincorporated area is composed of parts of different  
3 counties, the Governor of the state shall appoint the board.  
4 All vacancies on the board shall be filled by the proper  
5 authority designated in this section. The first appointment of  
6 the members of the board shall be made not later than 30 days  
7 after the improvement authority becomes an incorporation as  
8 provided for in this chapter.

9           "(c) (1) The term of the office of the members of the  
10 board shall be one, two, and three years respectively dating  
11 from January 1 of the year in which the appointments are made.  
12 Thereafter the terms of office of the members are for three  
13 years.

14           "(2) Notwithstanding subdivision (1), the term of  
15 office of any member of the board appointed after the  
16 effective date of the act adding this amendatory language  
17 shall be six years.

18           "(3) Members shall hold office until their  
19 successors are appointed and qualify. An appointment to fill a  
20 vacancy shall be for the unexpired term.

21           "(d) The appointing authority may remove any member  
22 within the term for which he or she shall have been appointed,  
23 after giving a copy of the charges against the member and an  
24 opportunity to be heard in his or her defense. The action of  
25 the appointing authority shall be final and nonreviewable.

26           "§39-7-15.

1                   "~~The~~ One member of the governing body of the  
2                   municipality may be appointed to the board. The remaining  
3                   members of the board shall not hold any public office under  
4                   the municipality."

5                   Section 2. This act shall become effective  
6                   immediately following its passage and approval by the  
7                   Governor, or its otherwise becoming law.