

SB302 INTRODUCED



1 ZESEWK-1
2 By Senator Waggoner (N & P)
3 RFD: Jefferson County Legislation
4 First Read: 09-May-23
5
6 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to amend Section 45-37-90.03 of the Code of Alabama 1975, as last amended by Act 2015-213, establishing the Birmingham-Jefferson Civic Center Authority, to provide for two additional members on the board of directors and to further provide for vacancies on the board of directors under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-37-90.03 of the Code of Alabama 1975, is amended to read as follows:

"§45-37-90.03

(a) There is established in the county a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this part. The public corporation is at times hereinafter referred to as the authority.

(b) Subject to the conditions and qualifications hereinafter stated, the name of the corporation shall be Civic Center Authority of the Cities and County of _____ County (in the blank space will be inserted the name of the county). The board of directors of the authority may choose some name other than that above specified at any time it elects to do



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29 so. If the board of directors chooses any other name there
30 shall be filed for record in the office of the judge of
31 probate of the county a copy of the resolution of the board of
32 directors stating the name adopted by the authority, which
33 resolution shall be followed by a certificate signed by the
34 chair of the board of directors stating the date on which the
35 resolution was adopted and stating that the copy of the
36 resolution preceding the certificate is a true and correct
37 copy of the resolution adopted by the board of directors.

38 (c) (1) The affairs of the authority shall be managed
39 and controlled by a board of directors consisting of ~~nine~~ 11
40 members. One of the members shall be the mayor or chief
41 executive officer of the largest municipality in the county;
42 at least two of the additional members shall be resident
43 citizens of the largest municipality in the county; one of the
44 members shall be the president or chair of the governing body
45 of the county; and none of the members shall be a member of
46 the Legislature. The remaining members shall be elected in the
47 manner hereinafter prescribed. If there shall be a branch
48 ~~court house~~ courthouse in the county, one of the members of
49 the board shall be a resident of the area served by the branch
50 ~~court house~~ courthouse. The chair of the board of directors
51 shall be elected by the board after all members of the board
52 shall have been elected and qualified.

53 (2) Each of the ~~seven~~ elected board members shall serve
54 a four-year term of office. No elected board member may be
55 elected to a new term after he or she has served three
56 consecutive full terms. Whether a board member has served



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57 three consecutive full terms is not affected by the enactment
58 of Act No. 2015-213 or any litigation preceding that act. A
59 board member who is serving on May 26, 2015, shall continue to
60 serve as a board member for a four-year term commencing from
61 the date his or her current term of office began. At the
62 expiration of the board member's term, the incumbent members
63 of the State Senate from Jefferson County and the incumbent
64 members of the House of Representatives from Jefferson County
65 serving at that time shall separately and alternatively elect
66 a successor to the vacant directorship. The first vacancy to
67 occur after the passage of Act 2015-213 shall be filled by the
68 House of Representatives members with the second vacancy being
69 filled by the Senate members. If a directorship held by an
70 elected director becomes vacant during his or her term, the
71 successor shall be elected by the Senate or House of
72 Representatives members based on members of the body that made
73 the appointment to the seat that is vacant for the remainder
74 of the term of the vacant position.

75 (3) Seven elected members of the board of directors
76 shall hold specific seats on the board designated as seats 1
77 through 7. The seats for the two directors whose terms expire
78 in 2015 shall be designated as seats 1 and 2. The seats of the
79 three directors whose terms expire in 2016 shall be designated
80 as seats 3, 4, and 5. The seats of the two directors whose
81 terms expire in 2018 shall be designated as seats 6 and 7. As
82 these terms expire and new directors are elected, the members
83 of the House of Representatives shall elect the director
84 designated as seat 1, and the members of the Senate shall



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85 elect the director for seat 2, and thereafter the election
86 shall be made on an alternating basis until appointments have
87 been made for all seven elected seats. Thereafter, all
88 succeeding appointments shall continue to be made on an
89 alternating basis with the members of the Senate next electing
90 the director designated as seat 1, the members of the House
91 electing the director for seat 2, and so forth. Seat ~~number-1~~
92 shall be designated as the seat to be occupied by a resident
93 of the area served by the branch courthouse. Seats ~~number-2~~
94 and ~~number-3~~ shall be designated as the seats to be occupied
95 by two resident citizens of the largest municipality in the
96 county. No appointment to fill an expiring term may be made
97 sooner than 120 days prior to the start of a new term. All
98 terms of office shall commence on October 1 and last for four
99 years, ending on September 30.

100 (4) Upon the election of any director by the House of
101 Representatives or the Senate, as the case may be, the chair
102 of local legislative delegation for the respective legislative
103 body shall deliver a written certificate to the Clerk of the
104 House or the Secretary of the Senate, as the case may be,
105 advising that the individual has been elected to a designated
106 director's seat. The Clerk of the House or Secretary of the
107 Senate shall maintain the originals of the certificates as
108 official records filed with that office. The chair of the
109 legislative body shall also forward a copy of the filed
110 certificate to the executive director of the authority, who
111 will file a copy of the certificate in the office of the judge
112 of probate of the county in which the authority is located.



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113 The certificate shall also be spread upon the official records
114 or minutes of the board of directors of the authority.

115 (5) Two additional members shall be added to the board
116 of directors as follows:

117 a. One additional member shall be the President and
118 Chief Executive Officer of the Greater Birmingham Convention
119 and Visitors Bureau, provided for in Part 2 of this article,
120 commencing at Section 45-37-91.

121 b. One additional member shall be elected as provided
122 herein and shall be a resident and qualified elector of
123 Jefferson County. The first member elected shall be elected by
124 the members of the state Senate delegation representing
125 Jefferson County. At the expiration of the term of this
126 additional member, a successor meeting the same qualifications
127 shall be elected by the members of the House of
128 Representatives delegation representing Jefferson County.
129 Thereafter, the election of this additional member shall be
130 made on an alternating basis by the members of the Senate
131 delegation and the members of the House of Representatives
132 delegation representing Jefferson County, respectfully. This
133 member shall serve a four-year term commencing on October 1
134 and shall otherwise be subject to this section.

135 (d) The board of directors shall elect a chair of the
136 board who shall serve as chair until his or her term as a
137 member of the board, which he or she is serving at the time of
138 election as chair, expires. The chair shall preside at all
139 meetings of the board of directors and the chair shall have a
140 vote the same as any other member of the board of directors.



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141 (e) (1) No person shall be elected as a member of the
142 board of directors of the authority unless he or she is a
143 qualified elector of the county.

144 (2) Not more than one member of the board of directors
145 elected by the Senate members or House of Representatives
146 members or by the directors shall hold any public office.

147 (3) The position of any elected member of the board of
148 directors shall be deemed vacant if the board member misses
149 three consecutive regular board meetings which were not
150 excused for good cause by the board. The vacant seat shall be
151 filled for the remainder of the unexpired term by the members
152 of the body that made the original appointment pursuant to the
153 same appointing process as provided in this section for the
154 vacant seat.

155 (f) The members of the board of directors shall serve
156 without compensation, except that they shall be reimbursed for
157 actual expenses incurred in and about the performance of their
158 duties hereunder.

159 (g) In the event a vacancy on the board of directors
160 occurs which is to be filled pursuant to Act 2015-213 and if
161 members of the House of Representatives or Senate as is
162 appropriate fail for any reason to fill the vacancy within 60
163 days from the date of the occurrence of the vacancy, the
164 remaining members of the board of directors shall elect a
165 member of the board to fill the vacancy."

166 Section 2. This act shall become effective immediately
167 following its passage and approval by the Governor, or its
168 otherwise becoming law.