

1 HB358
2 105901-2
3 By Representatives DeMarco, Robinson (O), Canfield, Coleman,
4 McClurkin, Rogers, Thomas (E), Hilliard, Treadaway, Dunn,
5 Payne, Todd, Williams, Newton (D), Moore (M), Moore (P), Scott
6 and Drake (N & P)
7 RFD: Jefferson County Legislation
8 First Read: 03-FEB-09

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to authorize the
14 Jefferson County Commission to employ a county manager and to
15 establish the process therefor; to establish the duties,
16 responsibilities, authority, and compensation of the county
17 manager; and to exempt the position from the merit system and
18 to provide other employment benefits.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall apply only to Jefferson
21 County.

22 Section 2. The Jefferson County Commission, by a
23 majority vote, may employ a county manager to serve as the
24 chief executive officer of the county only in compliance with
25 the requirements set out in this act.

26 Section 3. (a) Upon decision of a majority of the
27 county commission to hire a county manager, the county

1 commission shall begin a national search for a qualified
2 county manager by retaining a national search firm that
3 specializes in the recruitment of city and county managers and
4 city and county department heads.

5 (b) The search firm, after reviewing applications
6 and conducting interviews, shall submit to the county
7 commission the names of no more than five finalist applicants
8 for additional interview and selection by the county
9 commission.

10 (c) The county commission may only hire a county
11 manager upon an affirmative vote of at least four members of
12 the county commission. A county manager shall serve a term of
13 six years subject to the termination provisions in Section 5.
14 At the end of the term, the county commission may rehire the
15 county manager to a new term of six years upon an affirmative
16 vote of four commissioners. The county manger shall be exempt
17 from the county merit system.

18 Section 4. (a) Any person hired as the county
19 manager shall possess a Master's of Public Administration or a
20 Master's of Business Administration Degree or a Master's
21 degree from an accredited college or university in a closely
22 related field, and have a minimum of seven years of aggregate
23 full-time experience as a city or county manager, assistant
24 city or county manager, or similar government management
25 experience. The commission shall give additional consideration
26 to candidates that are International City/County Management
27 Association (ICMA) Credentialed Managers.

1 (b) The annual salary of the county manager shall be
2 set by the county commission at an amount at least equal to
3 the median salary for a county manager of similar-sized
4 counties.

5 Section 5. (a) A county manager may be terminated
6 only upon a vote of at least four members of the county
7 commission. In the event the termination is made without
8 cause, the county shall provide the county manager with a
9 severance package of six months salary. The county commission
10 may not provide a severance package to a county manager
11 terminated for cause.

12 (b) Upon the termination of a county manager, the
13 county commission, by majority vote, may begin a search for a
14 new manager by hiring a national search firm.

15 (c) In the case of vacancy, temporary absence, or
16 disability in the office of the county manager, the county
17 commission may appoint an acting county manager, who shall
18 meet the qualifications set out in Section 4. The acting
19 county manager shall serve until the end of the temporary
20 absence, removal of the disability, or until a successor has
21 been appointed by the county commission. The acting county
22 manager may not serve a term longer than 12 months. If, at the
23 end of the 12-month period, the county commission has not
24 hired a permanent county manager, the county commission may
25 hire a new acting county manager. The new acting county
26 manager may not previously have held the position of acting

1 county manager in Jefferson County. Four votes shall be
2 required to hire the acting county manager.

3 Section 6. A county manager hired pursuant to this
4 act shall be the chief administrative officer of Jefferson
5 County and, as such, shall have the following duties and
6 responsibilities:

7 (1) To act as the primary administrative advisor to
8 the county commission on all matters relating to the efficient
9 and economical administration of county government.

10 (2) To act as the executive agent of the county
11 commission in overseeing the implementation of authorized
12 projects and programs, assuring appropriate coordination of
13 departmental operations, and resolving interdepartmental
14 problems and disputes.

15 (3) To exercise direct oversight of all department
16 heads and their agencies and departments except for the county
17 attorney, who reports directly to the county commission. He or
18 she shall have the full authority to select, appoint,
19 evaluate, terminate, and retain those department heads.

20 (4) To directly manage all county functions and
21 operations except those that are committed by general law to
22 elected officers of the county.

23 (5) Conduct research and make studies and
24 investigation which could result in greater economy and
25 efficiency in county government; approve, on the basis of
26 management principles, such organizational changes as proposed
27 by departments; recommend to the county commission the

1 creation, dissolution, merger, or modification of
2 organizational elements or work programs as deemed necessary
3 for the efficient and economical operation of county
4 government; and recommend to the county commission policies
5 and adopt procedures for the orderly conduct of the county's
6 administrative affairs.

7 (6) Cause the budget planning process to be
8 compatible with approved county policies and long range plans;
9 review and evaluate the budget estimates of all departments
10 and submit a recommended annual budget to the county
11 commission in a timely manner; exercise continuous review of
12 revenues and expenditures throughout the year to insure
13 budgetary control and implement any necessary fiscal controls;
14 keep the board of commissioners fully advised as to the
15 financial condition and needs of the county; and review and
16 give a recommendation as to all supplemental appropriations
17 and budget transfers which require county commission approval.

18 (7) Conduct comprehensive management reviews and
19 analyses of programs, projects, and departments, and report
20 his or her findings and recommendations to the county
21 commission.

22 (8) Subject to budget approval, organize, staff, and
23 administer and carry out the responsibilities of the office of
24 county manager.

25 (9) Attend all meetings of the county commission and
26 discuss any matter before the commission, but shall not vote.

1 (10) Supervise the performance of all contracts made
2 by any person for work done for the county and supervise and
3 regulate all purchases of materials and supplies for the
4 county within the limitations and under the rules as may be
5 imposed by the county commission, and to make purchases and
6 contracts for the county in amounts not exceeding the formal
7 sealed bid limit set by Alabama law or resolution of the
8 county commission.

9 (11) Perform such other duties as the county
10 commission may direct and keep the county commission advised
11 of any and all matters which may be pertinent to the discharge
12 of its responsibilities.

13 Section 7. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.