

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

1
2 ENROLLED, An Act,

3 Relating to the council-manager form of government;
4 to amend Section 11-43A-1.1 of the Code of Alabama 1975, as
5 added by Act 2018-569 of the 2018 Regular Session, to further
6 provide for the procedures for the change in the form of
7 government of a municipality from the mayor-council form of
8 government to the council-manager form of government; and to
9 amend Sections 11-43A-7 and 11-43A-8 of the Code of Alabama
10 1975, as amended by Act 2018-569 of the 2018 Regular Session,
11 to further provide when the change takes place.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 11-43A-1.1 of the Code of Alabama
14 1975, as added by Act 2018-569 of the 2018 Regular Session, is
15 amended to read as follows:

16 "§11-43A-1.1.

17 "Notwithstanding any other provision of this
18 article, after the judge of probate has certified to the mayor
19 or other chief executive officer of the municipality the
20 sufficiency of a petition asking that the question of the
21 adoption of the council-manager form of government be
22 submitted to the qualified voters of the municipality, any
23 Class 4, 5, 6, 7, or 8 municipality having the mayor-council
24 form of government, by resolution of the council, may provide
25 for the ~~adoption of the council-manager form of government~~

1 ~~under this article having a council~~ in a municipality
2 proposing to adopt the council-manager form of government to
3 be composed of either five or seven members. ~~as follows:~~ One
4 member shall be the mayor elected at large, who shall be a
5 voting member of the council. ~~Either~~ and either four or six
6 members shall be council members elected either at large or
7 from single-member districts, as the resolution shall provide.
8 If a municipality has single-member districts for the election
9 of council members when the council-manager form of government
10 is adopted in the municipality, the municipality shall
11 continue with either four or six council members elected from
12 single-member districts and the mayor shall be elected at
13 large. ~~After the adoption of the resolution by the council,~~
14 The question on the ballot shall indicate the composition of
15 the mayor and council should the council-manager form of
16 government be adopted. If the adoption of the council-manager
17 form of government is approved as provided in Section
18 11-43A-6, the municipality shall be governed by this article,
19 except to the extent of any direct conflict in this article
20 concerning the number and election of members of the council
21 as provided in this section. ~~and as subject to the resolution~~
22 ~~of the council providing for the adoption of the~~
23 ~~council-manager form of government."~~

1 Section 2. Section 11-43A-7 and Section 11-43A-8 of
2 the Code of Alabama 1975, as amended by Act 2018-569 of the
3 2018 Regular Session, are amended to read as follows:

4 "§11-43A-7.

5 "The change in the form of government shall take
6 place on the first Monday in ~~October~~ November following the
7 date of the next ensuing municipal election for the election
8 of members of the governing body held by the municipality
9 during a general municipal election year as established by
10 Section 11-46-21, except in Class 6 cities wherein the
11 municipal governing body has elected to have a nine-member
12 council as authorized in Section 11-43A-8; and in such cities
13 the change in the form of government may take place on the
14 first Monday in ~~October~~ November in any even-numbered year,
15 designated therefor by the municipal governing body unless the
16 election approving such change was held in 1983, in which case
17 the change shall take place on the first Monday in October
18 1986.

19 "§11-43A-8.

20 "(a) The governing body provided for herein shall be
21 known collectively as the "Council of the City (Town) of _____
22 (name of city or town to be inserted)" and shall have the
23 powers and duties hereinafter provided. Except as hereinafter
24 provided and as otherwise provided for in Section 11-43A-1.1,
25 the council shall have five members. One member shall be the

1 mayor, elected by the voters at large, to preside over the
2 deliberations of the council. One member shall be a council
3 member elected by the voters at large. Three members shall be
4 council members elected by the voters from each of three
5 single-member districts. The council first elected shall
6 qualify and take office on the first Monday in ~~October~~
7 November following the date of the next ensuing municipal
8 election held for the election of members of a municipal
9 governing body during a general municipal election year.

10 "(b) In Class 6 cities the municipal governing body,
11 by resolution, may elect to have the council composed and
12 elected as above prescribed or to have the alternate form as
13 hereinafter prescribed. If the municipal governing body, by
14 resolution, elects to have the alternate form, it shall
15 immediately notify the judge of probate, who shall have the
16 ballots for the election, authorized in Section 11-43A-3,
17 prepared to pose the question of the adoption of the alternate
18 form of government authorized in this section. The council
19 shall have nine members. One member shall be the mayor, who
20 shall be a voting member, elected by the voters at large, to
21 preside over the deliberations of the council. Eight members
22 shall be council members elected by the voters, two from each
23 of four dual-member districts. The council first elected shall
24 qualify and take office on the first Monday in October in an
25 even-numbered year designated by the municipal governing body

1 unless the election approving the change in the form of
2 government was held in 1983, in which case such council shall
3 qualify and take office on the first Monday in October 1986.

4 "(c) Subsequent to the seating of the initial
5 council, the next council shall be elected at an election to
6 be held in accordance with provisions of the general municipal
7 election laws."

8 Section 3. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 25-APR-19.

Jeff Woodard
Clerk

Senate

28-MAY-19

Passed