

1 HB492
2 206745-1
3 By Representative Easterbrook (N & P)
4 RFD: Local Legislation
5 First Read: 04-MAY-20

A BILL
TO BE ENTITLED
AN ACT

Relating to Washington County; to further provide for the construction, maintenance, and repair of county roads and bridges under the jurisdiction of the Washington County Commission; to provide for the establishment of two divisions of Washington County with responsibilities for county roads, one division to be over county unpaved roads and one division to be over county paved roads and bridges over county roads; to provide for the division of county road and bridge funds into two separate county funds for these purposes; to amend Act 2011-605 of the 2011 Regular Session, to further provide for the duties and responsibilities of the county engineer; and to provide for a referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to Washington County.

1 Section 2. Effective for the fiscal year commencing
2 on October 1, 2021, the construction, maintenance, and repairs
3 of county roads and bridges under the jurisdiction of the
4 county commission shall be administered and supervised by two
5 separate departments of the county commission as further
6 provided herein.

7 Section 3. There shall be established to take effect
8 for operational purposes commencing on October 1, 2021, the
9 Washington County Road Department. The department shall be
10 responsible for the maintenance and repair of unpaved county
11 roads, except bridges over county roads, the rights-of-way on
12 unpaved county roads, and culverts at access points on the
13 right-of-way to unpaved county roads. The county commission
14 shall be responsible for the administration and supervision of
15 the department through the five districts of the county
16 commission and each member of the county commission shall be
17 responsible for input to the commission for the work to be
18 performed in his or her county commission district on unpaved
19 county roads. The county commission shall on a regular basis
20 adopt the priorities for work to be performed for the County
21 Road Department. The county commission shall determine the
22 number and location of county road shops for the housing of
23 equipment and to serve as bases of operation for the County
24 Road Department. All employees of the County Road Department
25 shall be hired by the Washington County Commission according
26 to personnel policies of the county.

1 Section 4. Effective for operational purposes on
2 October 1, 2021, there shall be established a separate
3 department of the county commission to be known as the
4 Washington County Road, Bridge, and Engineering Department to
5 be responsible for the construction, maintenance, and repair
6 of all paved county roads, including the rights-of-way of all
7 paved county roads, and all bridges over county roads. The
8 County Roads, Bridge, and Engineering Department shall be
9 under the supervision of the county engineer as further
10 provided for in Act 2011-605, as amended by this act.

11 Section 5. (a) Effective October 1, 2021, the funds
12 accruing to Washington County for road and bridge purposes
13 shall be divided into two funds for road and bridge purposes
14 as provided herein.

15 (b) The Washington County Unpaved Road Fund shall be
16 established in the county treasury and shall be appropriated
17 for the operation of the County Road Department. Proceeds from
18 one-half of the county's share of any state motor fuel taxes
19 levied prior to 2019 and one-half of any county ad valorem
20 taxes for county roads shall be deposited in the fund.
21 Forty-five percent of the funds in the County Unpaved Road
22 Fund shall be appropriated and expended equally in each county
23 commission district. Fifty-five percent of the fund shall be
24 appropriated and expended in the districts based on total
25 unpaved road miles each district as a percentage of the total
26 unpaved road miles in the county.

1 (c) The County Road and Bridge Fund shall be
2 established in the county treasury and shall be appropriated
3 by the county commission for the operation of the Washington
4 County Road, Bridge, and Engineering Department. Proceeds from
5 one-half of the county's share from any state motor fuels tax
6 levied prior to 2019, one-half of any county ad valorem taxes
7 for county roads, all state motor fuels tax levied after 2018
8 and distributed to the county, all local county motor fuel
9 taxes, and all county sales and use taxes earmarked for county
10 roads shall be deposited in the fund.

11 Section 6. Sections 2 and 4 of Act 2011-605 of the
12 2011 Regular Session (Acts 2011, p. 1339), are amended to read
13 as follows:

14 Section 2. The Washington County Commission shall
15 establish a centrally located shop and centralized road system
16 for the operation of the county paved roads and bridges. The
17 county commission may vote to establish more than one shop
18 location for the County Road, Bridge, and Engineering
19 Department, but not more than two locations, when the county
20 engineer recommends any additional location is needed to
21 facilitate the economical use of equipment and funds. The
22 county engineer shall ~~at each October~~ not later than the July
23 meeting of the county commission make recommendations for a
24 yearly work plan and present an annual budget. The budget of
25 the County Road, Bridge, and Engineering Department for county
26 paved roads and bridges shall be adopted not later than the
27 August meeting of the commission. The commission at its

1 regular meetings shall discuss needs as they arise and vote on
2 all issues that might affect the county.

3 Section 4. The county commission shall employ a
4 county engineer, who shall be a qualified and competent civil
5 engineer, possessing all of the qualities as specified for
6 county engineers pursuant to law. The county engineer shall
7 devote his or her time and attention to the maintenance and
8 construction of the Washington County public paved roads,
9 highways, bridges, and county shop for paved roads. The county
10 engineer shall serve at the pleasure of the county commission.
11 The county engineer of Washington County shall perform all of
12 the following duties:

13 (1) Employ, supervise, and direct all assistants
14 necessary to properly maintain and construct the public paved
15 roads, highways, bridges, and the county shop for the County
16 Road, Bridge, and Engineering Department of Washington County,
17 and shall prescribe their duties and discharge employees for
18 cause or when not needed.

19 (2) Perform engineering and surveying services as
20 required, and prepare and maintain all necessary maps and
21 records.

22 (3) Maintain the necessary accounting funds and
23 records to reflect the cost of the county highway system.

24 (4) Build or construct new paved roads or change old
25 paved roads.

26 (5) Maintain and construct all county paved roads on
27 the basis of the county as a whole, without regard to any

1 district or beat lines. The county engineer is designated as
2 the person authorized to make written requisition to the chair
3 of the commission or his or her duly designated purchasing
4 agent for all articles, materials, supplies, and equipment
5 necessary for the maintenance and construction of the paved
6 roads, bridges, and county shop for that purpose in Washington
7 County. The county commission shall fix, from time to time, in
8 accordance with prevailing economic conditions, the number of
9 employees and the various scales of wages or salaries to be
10 paid for labor necessary in the maintenance and construction
11 of the paved roads, bridges, and county shop operation for
12 paved roads, and the wage or salary scale shall not be
13 exceeded by the county engineer in the employment of labor and
14 assistants. The county commission shall fix the amount of the
15 salary of the county engineer, payable in equal monthly
16 installments from the gasoline tax fund of Washington County.
17 Before entering upon his or her duties, the county engineer
18 shall make and enter into a surety bond in an amount set, from
19 time to time, by the county commission, conditioned for the
20 faithful discharge and performance of his or her duties as
21 county engineer, and for the faithful accounting of all monies
22 or property of the county, which may come into his or her
23 possession or custody. The bond shall be executed by a surety
24 company authorized and qualified to do business in Alabama,
25 approved by the chair of the county commission, and the
26 premiums thereon shall be paid by Washington County. The
27 county commission shall furnish the county engineer with an

1 office and all necessary office supplies, and shall furnish
2 him or her with necessary transportation only on an as-needed
3 basis in connection with his or her duties pursuant to this
4 act. The county engineer shall be the custodian of all road
5 tools, machinery, supplies, and equipment for the County Road,
6 Bridge, and Engineering Department. The county commission
7 shall furnish the necessary storage facilities in which to
8 keep the tools, machinery, supplies, and equipment and the
9 county engineer shall keep on file in his or her office, at
10 all times, an up-to-date inventory, containing a list of all
11 the tools, machinery, equipment, and supplies belonging to the
12 county. The authority of the county engineer shall be limited
13 to the expenditure of funds for the purposes of construction,
14 maintenance, or repairs of public paved roads and bridges of
15 the county as appropriated by the county commission. The
16 county commission shall fix and determine the amount of funds
17 which shall be available for the purpose of building,
18 maintaining, and constructing public roads, bridges, and
19 ferries of Washington County for the ensuing fiscal year,
20 beginning on October 1. That amount, other than the salary of
21 the county engineer, and his or her necessary expenses, shall
22 not be exceeded, except that the county commission may, from
23 time to time, within any period, increase the amount allowed
24 to be expended by the county engineer during the period,
25 provided that the authorization does not conflict with other
26 provisions of law. The county engineer shall consult and
27 provide professional engineering services as needed to the

1 County Road Department related to the maintenance and repair
2 of unpaved county roads.

3 Section 7. This act shall become operative only if
4 approved by a majority of the qualified electors of Washington
5 County who vote in an election to be held on the day
6 designated by the Judge of Probate of Washington County. The
7 notice of the election shall be given by the judge of probate,
8 and the election shall be held, conducted, and the results
9 canvassed in the manner as other county elections. The
10 election shall be held in conjunction with the next regularly
11 scheduled state or local election to be held in the county.
12 The question shall be, "Do you favor the adoption of Act ____
13 of the 2020 Regular Session of the Alabama Legislature
14 providing for the construction, maintenance, and repair of
15 county roads and bridges to be administered by two divisions
16 of Washington County, one division over county unpaved roads
17 and one division over county paved roads and bridges and to
18 provide for the division of county road and bridge funds for
19 this purpose? Yes () No ()." The county shall pay any costs
20 and expenses not otherwise reimbursed by a governmental agency
21 which are incidental to the election. If a majority of the
22 votes cast in the election are "Yes," this act shall become
23 operative immediately. If the majority of the votes are "No,"
24 this act shall be repealed and shall have no further effect.
25 The Judge of Probate of Washington County shall certify the
26 results of the election to the Secretary of State.

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.