

SB184 INTRODUCED



1 SB184
2 KNG6AUU-1
3 By Senator Elliott (N & P)
4 RFD: Local Legislation
5 First Read: 29-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County; to provide for the election of the Chair of the Baldwin County Commission on a countywide basis; to provide for the power, duties, and salary of the chair; for this purpose to amend Section 45-2-70.01 of the Code of Alabama 1975; to amend Section 45-2-120.12 of the Code of Alabama 1975, relating to the county civil service system, to further provide for certain appointed contract employees to be appointed by the chair of the commission; to provide for the election of the four remaining county commissioners from single member districts only by the qualified electors of each respective district; to repeal Section 45-2-72.01 of the Code of Alabama 1975, to conform with this act; and to provide a referendum on the adoption of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Effective at the 2026 General Election and thereafter, the Chair of the Baldwin County Commission shall be elected countywide. The chair shall serve as presiding officer of the county commission. The term of the chair shall be for four years concurrent with the terms of the remaining four members of the county commission. The term of the chair shall commence in November after the election at



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29 the same time provided for members of a county commission.

30 (b) The Chair of the Baldwin County Commission shall
31 serve on a full-time basis and shall perform all duties of a
32 chair of a county commission provided by general law or a
33 local law applicable to Baldwin County. The chair may vote in
34 any matter coming before the commission.

35 (c) The chair of the county commission shall receive a
36 salary based on the same salary schedule as a circuit court
37 judge in Baldwin County. The salary schedule shall be applied
38 to the chair in the same manner as the salary schedule is
39 applied to a circuit judge, including any provision for
40 adjustments based on years of service.

41 (d) Notwithstanding the provisions of Section
42 45-2-120.12, Code of Alabama 1975, the Chair of the Baldwin
43 County Commission shall only appoint the following contract
44 employees subject to approval of the county commission:

- 45 (1) County Administrator.
- 46 (2) County Engineer.
- 47 (3) Clerk/Treasurer.
- 48 (4) Budget Director.
- 49 (5) Emergency Management Director.
- 50 (6) Personnel Director.

51 (e) Each appointed contract employee shall report
52 directly to the Chair of the Baldwin County Commission. A
53 contract employee shall not be considered an unclassified
54 employee under the civil service system.

55 Section 2. Sections 45-2-70.01 and 45-2-120.12 of the
56 Code of Alabama 1975, are amended to read as follows:



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57 "§45-2-70.01

58 (a) In Baldwin County, effective beginning the next
59 term of office, the annual basic compensation of each member
60 of the county commission, except the chair, shall be an
61 average of the median annual household income in Baldwin
62 County for the previous four years as ascertained and adjusted
63 each four-year term by the State Department of Labor to take
64 effect on the first day of November the first year of each
65 four-year term and to be payable in equal monthly installments
66 from the general fund of the county.

67 ~~(b) Effective beginning the next term of office, the~~
68 ~~member serving as chair of the commission shall receive~~
69 ~~additional compensation in the amount of five thousand dollars~~
70 ~~(\$5,000) per annum for service as chair, payable from the~~
71 ~~general fund of the county in equal monthly installments.~~

72 ~~(c) In the event the number of county commissioners in~~
73 ~~Baldwin County is increased for any reason or if the county~~
74 ~~commissioners are no longer elected at-large in countywide~~
75 ~~elections, the salary of each county commissioner, including~~
76 ~~the chair as provided in subsections (a) and (b), shall revert~~
77 ~~back to the amount of compensation received on November 1,~~
78 ~~2004.~~

79 ~~(d)~~ (b) Notwithstanding the other provisions of this
80 section, in order to be eligible to receive any compensation
81 or expense allowance increase provided pursuant to this
82 section, a county commissioner shall waive in writing any
83 compensation increase otherwise provided pursuant to Section
84 11-2A-4.



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85 (c) This section shall not affect the salary of the
86 elected Chair of the Baldwin County Commission."

87 "§45-2-120.12

88 One appointed employee position may be filled by the
89 judge of probate which position shall be designated chief
90 clerk. Two appointed employee positions may be filled by the
91 revenue commissioner which positions shall be designated chief
92 clerk of collections and chief appraiser. Three appointed
93 employee positions may be filled by the sheriff which
94 positions shall be designated chief deputy, chief jailer, and
95 chief of the civil division. The following shall be appointed
96 contract employees: County administrator, emergency management
97 director, ~~juvenile detention director,~~ personnel director,
98 ~~building official,~~ clerk/treasurer, county engineer,
99 ~~development and environmental director,~~ and budget director,
100 ~~and communication and information systems director.~~ Each of
101 the appointed contract employees shall be employed under
102 contract with the ~~commission~~ chair subject to approval of the
103 contract by the county commission. Each contract shall include
104 at a minimum the following provisions:

105 (1) A provision for termination and severance.

106 (2) A job description for the position.

107 (3) An annual written evaluation to be reviewed with
108 the employee and retained by the ~~commission~~ chair in the
109 employee's personnel file.

110 (4) A provision that the contract will be nonbinding on
111 the successor ~~commission~~ chair after each ~~four-year~~ election;
112 however, the contracts must be cancelled or continued within



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113 90 days of the successor ~~commission~~ chair taking office.

114 ~~(5) A provision that any appointed contract employee~~
115 ~~employed by the county commission may not be subject to any~~
116 ~~action to cancel or not to renew the contract or in any other~~
117 ~~manner dismiss or terminate the contract employee except by a~~
118 ~~three-fourths vote of the elected members of the county~~
119 ~~commission."~~

120 Section 3. Effective for the general election in 2026,
121 each of the four members of the Baldwin County Commission, not
122 including the chair, shall be elected from a single-member
123 district only by the qualified electors of each respective
124 district. The district boundaries for the election of the
125 members of the county commission shall be provided by local
126 law enacted prior to July 1, 2025. In the event a local law
127 providing new boundaries for the county commission is not
128 enacted prior to July 1, 2025, the districts for the election
129 of members of the county commission shall be drawn by the
130 Presiding Circuit Judge of the Baldwin County Circuit Court.
131 The plan for the apportionment of the districts shall be filed
132 with the Office of the Judge of Probate prior to October 1,
133 2025. Each member shall be elected only by the qualified
134 electors of each respective county commission district.

135 Section 4. Section 45-2-72.01 of the Code of Alabama
136 1975, providing for the appointment of the chair of the county
137 commission, is repealed, effective November 13, 2026.

138 Section 5. Sections 1 through 4 of this act shall
139 become operative only if approved by the qualified electors
140 who reside within Baldwin County who vote in a referendum



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141 election to be held on the date of the 2024 General Election.
142 An order setting the election shall be entered by the judge of
143 probate. The notice of the election shall be given by the
144 Judge of Probate of Baldwin County, and the election shall be
145 held, conducted, and the results canvassed in the manner
146 provided for other countywide elections. The question shall be
147 substantially as follows: "Do you favor the adoption of Act
148 _____ of the 2024 Regular Session of the Alabama
149 Legislature which provides for the Baldwin County Commission
150 to be composed of five members and provides further for the
151 operation of the county commission in Baldwin County? Yes ()
152 No ()." The county shall pay all costs and expenses
153 incidental to the election. If a majority of the votes cast in
154 the election are "Yes," this act shall become operative
155 immediately. If the majority of the votes are "No," this act
156 shall have no further effect. The judge of probate shall
157 certify the results of the election to the Secretary of State.
158 Section 6. This act shall become effective June 1,
159 2024.