

HB686
By Representative Vance
RFD Local Legislation
Rd 1 14-MAR-2000

A BILL
TO BE ENTITLED
AN ACT

Relating to Russell County; to amend Section 7 of Act 95-573 of the 1995 Regular Session (Acts 1995, p. 1198), to further provide for the referendum on the adoption of planning and zoning in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 7 of Act 95-573 of the 1995 Regular Session (Acts 1995, p. 1198), is amended to read as follows:

"Section 7. Planning and zoning provided by the planning commission pursuant to this act shall not be applicable in Russell County until the majority of the qualified electors, voting in an election, shall have signified by their vote that they desire the authority of the planning commission and the adoption thereafter of a master plan and zoning regulations. The election shall be held at the June 6, 2000, primary election held in Russell County, after a petition is filed in the office of the judge of probate seeking the election and it is signed by no less than 25 electors who live outside city limits. Notice of the election shall be given by two weeks' publication and posting notice in two public places within the county. The cost of conducting the election shall be paid from the county general fund. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he or she wishes planning and zoning by the planning commission to apply. All qualified electors outside the boundaries of municipal corporations shall be permitted to vote or sign a petition calling for the election. A statement to this fact shall be carried on the ballot and any petition or the ballot or petition shall not be valid. The establishment of a master plan, the adoption of zoning regulations, and the division of the county into zones shall be performed only after the approval of planning and zoning authority at the referendum provided by this section. If the judge of probate fails to hold an election in accordance with this section at the June 6, 2000, primary election, then the office of the judge of probate shall be responsible for conducting a special election and the payment of all costs and expenses of the election."

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

Section 11-19-9

County planning commission - Adoption of bylaws; maintenance of record of transactions, etc.; officers; meetings; appointment of employees and staff; acceptance and expenditure of funds.

The county planning commission shall adopt bylaws for the transaction of business and shall keep a record of its transactions, resolutions, findings and determinations, which record shall be a public record. The county planning commission shall elect a chairman and a vice-chairman from among the appointed members who shall serve for one year with eligibility for reelection. The county planning commission shall appoint a secretary who may be an officer or an employee of the county commission or a member of the county planning commission. The county planning commission shall meet at least once each month at the call of the chairman and at such other times as the chairman or county planning commission may determine. The county planning commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties, the county planning commission may cooperate with, contract with or accept funds from federal, state or local public or semipublic agencies or private individuals or corporations, may expend such funds and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the county planning commission, exclusive of gifts, grants or contract receipts, shall be within the amounts appropriated for the purpose by the county commission.

(Acts 1971, 3rd Ex. Sess., No. 119, p. 4346, §9.)

Section 11-19-8

County planning commission - Creation; composition; qualifications, appointment, terms of office, removal and compensation of members; vacancies.

The county commission may, by resolution or ordinance, create a county planning commission for the purpose of enforcing this chapter. The county commission shall appoint not less than five nor more than 11 members to the commission. The probate judge, chairman or similar presiding officer of the county governing body shall be an ex officio member of said commission and shall vote only in case of a tie vote at a meeting wherein the entire membership is present and has voted. Members of the county commission may serve as members of the planning commission notwithstanding the provisions of section 11-3-2, or any other provisions limiting the offices such governing officials may hold. The term of the ex officio member shall correspond to his official tenure. The terms of each appointive member shall be four years; provided, that, in the initial appointments to the commission, a majority, but not exceeding three fifths of the total membership of the commission, shall be appointed for two years and the remaining members for four years; and provided further, that any members of the county commission appointed to the planning commission for a term exceeding their official tenure as a member of the county commission shall, notwithstanding, continue to be a member of the said commission until the expiration of their appointment as such unless

otherwise removed as subsequently provided in this section. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. Any appointed member of the commission shall be subject to removal by the county commission for cause after written notice. All members of the county planning commission shall serve as such without compensation.

(Acts 1971, 3rd Ex. Sess., No. 119, p. 4346, §8.)