

# *Welcome to* County Chat with ACAA

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ACAA WEBINAR  
September 17, 2014  
10:30 a.m.

AGENDA

- I. Preparing for the New County Commission
  - Determining Commissioner's Bond Amount
  - Oath of Office
  - New Term begins November 12, 2014
  - Organizational meeting November 12, 2014
  - Orientation for New Commissioners
    - December 2-3, 2014
    - Renaissance Montgomery
  
- II. Do's and Don'ts of Buying at Auction
  
- III. Update on Debt Setoff Pilot Program
  
- IV. ACCA Legislative Program Process & Policy Teams
  
- V. CGEI Legislative and Governmental Relations Class
  - November 17-18, 2014
  
- VI. Questions/Other
  
- VII. Next Meeting – October 15, 2014 at 10:30

## PERFORMANCE BOND FOR COUNTY COMMISSIONERS

Under *Ala. Code § 11-2-20*, the bond for county commissioners (and sheriffs, coroners, and constables) is one-half of one percent of the portion of the county budget associated with the activities of the official.

- For county commissioners, this means ½ of 1% of the general fund budget
- The bond amount is capped at \$50,000
- Renewed or new bond required at the beginning of each new term

*Ala. Code § 11-2-3 and § 11-2-6*, the bond shall be filed in the office of the judge of probate judge no later than the date official takes office.

Under *Ala. Code § 11-2-4*, the bond is paid from general funds of county

Any forfeiture of bond is paid to the state or county fund or funds entitled to reimbursement for the loss.

# OATH OF OFFICE

## **ALABAMA CONSTITUTION, SECTION 279**

All members of the legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

*"I, ..., solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."*

The oath may be administered by the presiding officer of either house of the legislature, or by any officer authorized by law to administer an oath.

- *There is no legal prohibition against the taking oath before the beginning of the term of office, but oath necessary before the exercise of any official duties of the office. See, e.g., AG's Opinion # 2005-026.*

## **Ala. Code § 36-4-1.**

In all cases in which it is not otherwise provided by law, the oaths of office may be administered by any officer authorized to administer an oath, must be written out and subscribed by the person taking the same and must be accompanied with the certificate of the officer administering such oaths, specifying the day and year on which the same were taken.

- *It appears only judges and notaries public are "authorized by law" to administer oaths.*
- *See, e.g., AG's Opinion # 96-203 – sheriff not authorized to administer oath*

## **Ala. Code § 36-4-4.**

Judges of other inferior courts and all other officers whose general duties are confined to a single county must, unless otherwise provided, file such oath and certificate in the office of the judge of probate of their respective counties.

## **Ala. Code § 36-4-7.**

The officer in whose office such oaths are required to be filed must endorse thereon the day and year on which the same were filed, which endorsement must be signed by him.

# NEW TERM OF OFFICE ORGANIZATIONAL MEETING

## New Term of Office

The new term of office for county commissioners "shall commence at 12:00 a.m. on the second Wednesday following the general election at which he or she is elected". *Ala. Code § 11-3-1.*

- *This means that county commissioners elected on Tuesday, November 4, 2014 will take office on Wednesday, November 12, 2014 at 12:00 a.m.*
- *This will apply even though duties of registrar and canvassing board (like counting provisional ballots) will not begin until noon on November 12 due to Veterans Day -- See, AG's Opinion # 2005-015 and AG's Opinion # 2009-010*

## Organizational Meeting

*Ala. Code § 11-3-1* also provides the following restrictions and requirements for the organizational county commission meeting following the election:

- *The county commission **cannot** meet between Election Day and the date new commissioners take office except in an emergency declared by unanimous vote of the entire county commission membership.*
- *The county commission must meet on Wednesday, November 12.*
- *This organizational meeting will serve as a regular county commission meeting and is held in lieu of any county commission meeting required by law to be held in that calendar week.*
- *The county commission cannot hold any other county commission meeting normally scheduled between November 10 and November 14.*

*Ala. Code § 11-3-1* only applies in counties holding an election for any county commission seats. Counties which do not have county commission races on the ballot this November are not affected.

## Schedule Regular Meetings

*Ala. Code § 11-3-8* and Alabama's Open Meetings Law (*Ala. Code § 36-25A-1 et seq.*) require the county commission to establish its regular meeting schedule at the first meeting following the election of county commissioners (the November 12 meeting).

- *Notice of the adopted meeting schedule must be posted at the courthouse and forwarded to all local news media which have on file a written request for such notice.*
- *Counties may change the regular meeting schedule at a later date by following the above procedures, and special meetings may be called with proper notice as set out in the law.*
- *This is also be a good time for county commission to review existing Rules of Procedure.*

## Dates to Remember

- New Term begins November 12, 2014
- Organizational meeting November 12, 2014
- Orientation for New Commissioners
  - December 2-3, 2014
  - Renaissance Montgomery

## Do's and Don'ts of Purchasing from Auction

Counties are prohibited from purchasing items at auction if the item is subject to bidding under Alabama's competitive bid law.

- See, e.g., AG's Opinion # 91-037

While counties are authorized to purchase equipment directly from other governmental entities without bidding (see, e.g., AG's Opinion # 2008-093), purchases of government surplus property cannot be purchased once the items have been turned over to an auction company for sale.

- The Examiners' Office has consistently held state equipment cannot be purchased at auction, in part, because the auction company is receiving a portion of the proceeds from the sale.

Counties may purchase items at auction if the cost of the item is \$15,000 or less.

- The "like items" provision would still apply meaning that if a county expects to spend \$15,000 on similar items within a year, all such items must be purchased through the sealed bid process in the law.

Counties may sell items at auction.

- This includes online auctions.

# COUNTY TAX REFUND SETOFF PILOT PROGRAM TIMELINE OF ACTIVITIES

- Sept. 2 Pilot program participants finalized
- Sept. 8 Deadline for ACCA to distribute program documents to pilot program counties
- Sept. 24 Meeting with pilot program counties at ACCA office
- Discussion of county responsibilities in administration of program
  - Debt submission training
  - Explanation of appeal procedures
  - Q and A from counties
- Oct. 15 Deadline for county to adopt resolution for participation in pilot program and return signed participation agreement to ACCA
- Nov. 3 Deadline for ACCA to provide counties information/materials for submitting debts
- Dec. 1 Deadline for counties to send first debt submissions to ACCA
- Jan. 5 ACCA begins submitting debts to Department of Revenue
- Debts submitted quarterly thereafter
- Jan. 31 ACCA begins mailing setoff notices to debtors with copy emailed to county
- April 4 ACCA begins quarterly distribution of setoff monies to participating counties



COUNTY DEBT SETOFF PILOT PROGRAM  
PILOT COUNTIES

Baldwin County

Barbour County

Coffee County

Dale County

Dallas County

Geneva County

Henry County

Mobile County

Pickens County

Russell County

Winston County

## 2014-15 Legislative Program Development Process

The ACCA staff is recommending that the Association develop a new approach to its legislative program for the new legislative quadrennium which begins in January 2015. Under this proposal, the membership would adopt a set of broad county government platforms to guide the ACCA staff in supporting or opposing legislation brought by other groups during the next four years. Additionally, the Association would establish a set of major legislative priorities for the four-year period – a long range plan designed to allow the membership to better work on the passage of major legislation aimed at moving county government forward in significant ways. There would still be an annual review of the program for needed revisions and setting of annual priorities, but this program would better reflect the major general principles important to all 67 counties speaking as one voice.

The following process is recommended to develop and implement this new approach.

### Policy Team Meetings

The 2014-15 ACCA policy teams will be finalized by the end of August and begin their work in early September. Under the process started last year, these groups will work on specific issues prior to and during the legislative session, helping form the message for Association lobbying activities in their area and working to involve others in hands-on lobbying. These teams will also make recommendations to the Legislative Committee on matters that should be included in the Association's Legislative Program.

### Minority Issues Steering Committee

The Minority Issues Steering Committee will continue its tradition of meeting during the legislative program development process to review current policy and discuss any issues they feel should be included. Their work will be particularly important this year. They will be asked to provide significant input into the formation of the Association's four-year platform and priorities and to make recommendations to the Legislative Committee regarding the final program developed for the new quadrennium. The Committee is tentatively scheduled to hold its legislative program review meeting on **Thursday, October 30, 2014**.

### Legislative Committee

The role of the Legislative Committee is vital to the development of the Association's Legislative Program. And their role will be critical this year as the Association works on this new approach to development and management of its legislative program. To accomplish their tasks, a detailed, program-specific two day meeting will again be held in Montgomery, tentatively scheduled for **November 5-6, 2014**. During this meeting, the committee will review existing policy, consider recommendations from policy teams and the minority issues steering committee, and discuss legislative priorities for the next four years – all work toward development and approval of a recommended quadrennial legislative program for consideration by the ACCA Board of Directors and then the ACCA membership.

### ACCA Board of Directors

The Association's Board of Directors will receive the work of the Legislative Committee and approve a recommended Legislative Program to present to the ACCA membership for action at its business session on **Wednesday, December 3, 2014**.

### Membership

During the business session at the ACCA Legislative Conference held **on Thursday, December 4, 2014**, the membership will take action on the proposed Legislative Program adopted by the Board of Directors.

# Policy Teams 2014-2015

County leaders – both elected officials and staff leaders – are working together in issue-focused Policy Teams to prepare for the 2015 Regular Session of the Alabama Legislature. Once lawmakers return to Montgomery in March 2015, these Policy Teams will continue their work to protect county government and advance county interests. Teams are grouped into four major areas.

## **Transportation & Public Works**

Transportation & Public Works  
Transportation Funding  
Environmental Issues

## **Public Safety**

Emergency Management  
Justice & Public Safety  
Prison Reform

## **Administration & Operations**

Elections  
County Modernization Act III  
Constitutional Reform

## **Revenue & Expenses**

Tax Policy  
Business License Reform  
Ad Valorem Tax Policy

# AGENDA

## ELECTIVE COURSE: LEGISLATIVE AND GOVERNMENTAL RELATIONS

November 17-18, 2014

Marriott Legends Hotel and Conference Center at Capitol Hill

### Monday, November 17

- 10:00 a.m. Welcome, Introductions
- 10:15 a.m. Local Government and the Legislature  
*Mary Pons, ACCA Association Counsel*
- 11:15 a.m. Overview of Legislative Process: Procedure, Terms, and Types  
*Mary Pons, ACCA Association Counsel*
- 12:00 p.m. Lunch
- 1:00 p.m. Overview of Legislative Process: Procedure, Terms, and Types (*Continued*)  
*Mary Pons, ACCA Association Counsel*
- 2:00 p.m. A Week at the Alabama Legislature  
*Sonny Brasfield, ACCA Executive Director*
- 3:00 p.m. Break
- 3:15 p.m. 67 Counties as One Voice  
*Sonny Brasfield, ACCA Executive Director*
- 4:15 p.m. Governor's Role in the Legislative Process  
*Sonny Brasfield, ACCA Executive Director*
- 4:45 p.m. Adjourn

### Tuesday, November 18

- 8:00 a.m. Developing ACCA's Legislative Program  
*Mary Pons, ACCA Association Counsel*
- 8:30 a.m. Bill Preparation and Introduction: ACCA and County Preparation  
*Mary Pons, ACCA Association Counsel*
- 9:00 a.m. Role of Legislative Reference Service  
*Frank Caskey, LRS Legislative Analyst*

# AGENDA

- 9:30 a.m. Role of Legislative Fiscal Office  
*Kirk Fulford, Legislative Fiscal Office*
- 10:00 a.m. Break
- 10:15 a.m. Tracking Legislation and Legislative Issues: ALISON and ACCA Communications  
*Sallie Gowan, ACCA Director of Communication*
- 11:00 a.m. Developing a Local Legislative Program and Good Legislative Relations  
*Mark Culver, Houston County Chairman*
- 11:45 a.m. Lunch
- 12:15 p.m. Legislators Perspective  
*Sen. Dick Brewbaker, District 25*
- 12:45 p.m. Government Relations on the Local Level: State and Federal Issues  
*Sonny Brasfield, ACCA Executive Director*
- 1:45 p.m. Local Laws Ins and Outs  
*Sonny Brasfield, ACCA Executive Director*
- 2:30 p.m. Questions and Answers
- 2:45 p.m. Test and Evaluation
- 3:00 p.m. Adjourn

**NEXT**

# County Chat with ACAA

Wednesday, Oct. 15, 2014

10:30-11 a.m.