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Hon. Merceria Ludgood, Mobile County, President
Sonny Brasfield, Executive Director

TO: County Commission Chairpersons/Administrators

FROM: Mary Pons, Association Counsel

DATE: Sept. 1, 2014

RE: New County Commissioner/Commission Meetings

The Association staff wants to again remind counties about the statutory rules regarding when the new term of office begins for county commissioners and the required organizational county commission meeting to be held on that date.

Ala. Code § 11-3-1 provides that the 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”. 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 Code section also provides the following restrictions and requirements for county commission meetings following the election:

- The county commission cannot meet between Election Day (November 4) and the date new commissioners take office (November 12), 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.
- This section only applies in counties holding an election for any county commission seats so those counties which do not have county commission races on the ballot this November are not affected.

Please remember also that *Ala. Code § 11-3-8* and the Open Meetings Law 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.

Copies of *Ala. Code § 11-3-1* and *§ 11-3-8* are attached. If you have any questions, please contact the ACCA office.

Attachments