



2015
Alabama
County
Platform

*Approved by vote of the members of the
Association of County Commissions of Alabama,
December 4, 2014.*

I. County Expenditures for Compensation and Benefits

Foundation Principle: The County Commission is charged with making the budgeting decisions necessary to provide the most effective and efficient services to the citizens within the revenue available in each of the 67 courthouses. Legislatively-mandated adjustments in salary and benefits pose a threat to the delivery of such services. For this reason, the Association opposes any legislation which mandates any expenditure of county revenues for the payment of compensation, salary supplements, expense allowances, or benefits for current or former government officials or employees.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To reform Alabama's workers' compensation law by reasonably reducing medical costs while not subjecting employers to increased payments or expenditures.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for the Omnibus Pay Act in its current form and opposition to any requirement to provide or increase compensation, benefits, or county-paid salary supplements for state or local officials.

Opposition to mandated and unfunded requirements to provide or increase compensation or benefits for any county-paid personnel or volunteers.

Support for the elimination of all supernumerary programs and opposition to any mandated and unfunded increases in payments made under existing programs.

Support for authorizing cost of living increases for state and local retirees provided such legislation only applies to retirees in a particular county if approved by the county commission.

Belief that any retirement program changes should not apply to local participants without approval of the county commission.

Belief that local government should be represented on the Retirement Systems of Alabama Board of Control and that elected positions and/or local government representation on the Board should not be eliminated.

Support for authorizing counties to establish civil service systems provided the creation of such systems does not provide for collective bargaining.

II. Alabama Governmental Structure

Foundation Principle: The relationship between Alabama counties and the Alabama Legislature is established in constitutional and statutory law. The preservation of a constitutional relationship between the State of Alabama and its counties as well as a workable and productive statutory allocation of responsibilities between the state and the counties is essential to the delivery of services. Therefore, Alabama counties encourage the Alabama Legislature to fully fund state agencies and opposes the shifting of costs and administrative responsibility of state functions to the local level through the state budget process.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To shift the statutorily-required publication of legal notices from a “newspaper” to publication on a website maintained by the state or by each individual county.

To provide constitutional amendments to authorize local decision-making; to ensure open debate of local legislation; and to encourage local-only referenda on local constitutional amendments.

To provide for six year terms of office for county commissioners.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for continued application of current constitutional and statutory provisions providing that elected officials can only be removed from office through the process for impeachment.

Support for Alabama’s current structure for enacting or amending state general or local laws and belief that no provision allowing for citizen referendum should be enacted.

Belief that individual property rights must be balanced with adequate means to protect the health, safety, and welfare of all citizens.

Belief that any additional restrictions on the use of constitutional and statutory procedures for condemnation of private property for necessary governmental purposes will serve to harm the collective well-being of all citizens.

Support for the use of the Administrative Procedures Act by all state agencies except where there is a significant emergency necessitating immediate action.

Support for the work of the Department of Examiners of Public Accounts and belief that it should continue to operate as a stand-alone agency responsible for audit and examination of state and county governmental records.

Belief that the authority to levy local school taxes should remain with the county commission and that school boards and other governmental bodies should not be authorized to levy local taxes.

III. Mandated and Unfunded Legislation

Foundation Principle: Without the authority to levy taxes or even collect fees for services, Alabama counties constantly struggle to provide an adequate level of services to ensure health, safety and prosperity of local citizens. Alabama's constitution provides protection from the enactment of mandated and unfunded responsibilities onto county government to ensure the financial integrity of the commission. The Association strongly supports the intent of Alabama's constitutional language prohibiting the enactment of unfunded mandates and opposes the establishment of such mandates through federal or state administrative actions.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To amend the unfunded mandate constitutional amendment to provide that the exemption for defining crimes apply only to provisions of the law defining or amending a crime.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Opposition to federal and state efforts to require county government to assume any financial or programmatic responsibilities that are currently financed and/or administered at the federal or state level or the mandated and unfunded requirement that counties assume new programs established by the federal or state government.

Opposition to any federal or state legislative, administrative, or regulatory directives requiring county government to assume inspection, public safety, permitting responsibilities or other duties currently performed by the state or federal agency.

IV. County Operations and Budget Authority

Foundation Principle: The county governing body serves as both the legislative and administrative branch of government at the local level – carrying out both budgetary duties as well as providing administrative leadership for many functions. The budgetary, personnel and administrative functions carried out by the county commission are essential to the financial and operational health of county government in Alabama. The Association opposes any efforts that will obstruct the commission's ability to effectively govern and to maintain the administrative and financial well-being of the services delivered by the county commission.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To modernize existing law as appropriate to better provide for the operation of county government.

To authorize counties to create a self-funded property insurance program.

To provide that the county commission sets the hours of operation of county offices.

To clarify statutory language related to use of county warrants and bonds.

To protect counties, officials, employees, or agents against liability for official actions provided there is no change in the statutory damage cap for awards against counties.

To require municipalities to provide animal control services within its jurisdictional limits or contribute a pro rata share of services provided by the county.

To amend the competitive bid law to allow counties to grant a local preference where the local vendor's bid is within 5% of the lowest responsible bidder

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for clarifying any mutually-agreed upon provisions of Alabama's Open Meetings Law that do not unnecessarily restrict the ability of the county commission to effectively conduct public business.

Belief that the Open Records Law adequately protects a citizen's right to access of public documents.

Opposition to efforts to remove or increase the current statutory damage cap in actions brought against county officials or employees or to repeal the prohibition against punitive damages.

Opposition to any efforts to require counties to pay attorney fees.

Support for the county commission role in adopting and enforcing the county budget and opposition to any efforts to weaken or direct the county commission's exercise of this legislative authority.

Opposition to requiring the county commission to vote or take action on a particular measure or issue.

Support for legislation to allow counties general authority to contract with municipalities.

Support for clarifying Alabama's law related to county commissioner conflicts of interest.

Support for limiting use of out-of-state cooperative programs for purchases available on county joint bid list.

V. Election Administration

Foundation Principle: Alabama's election laws must maintain an unquestioned level of integrity and objectivity while avoiding the wasteful spending of limited local and state resources. Likewise, the reporting and disclosure requirements placed on candidates only serve to bolster such efforts to garner public confidence in the election process. The Association supports efforts to eliminate many of the unenforceable and overbroad provisions of Alabama's election law while not generating additional unnecessary costs or burdens at the local level.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To authorize counties to satisfy election-related publication requirements by posting information on a public website and making copies available at the courthouse.

To eliminate the requirement that the county commission set and fund school tax elections for municipal school systems.

To require e-filing of all campaign financial reports.

To provide a more efficient process for counting write-in ballots following an election.

To alter the current process for appointment of boards of registrars to authorize the Secretary of State to appoint the members based upon job qualifications.

To allow the county commission, in its discretion, to assume responsibility for the absentee election function when there is a change in the office of circuit clerk.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Opposition to eliminating a runoff election except in the most extreme circumstances where the outcome of the primary is inevitable.

Support for any legislative or administrative efforts aimed at eliminating waste and reducing state and county election expenses provided such efforts maintain the integrity of the election process.

Support for authorizing counties to satisfy election-related publication requirements by posting information on a public website and making copies available at the courthouse.

Support for clarifying campaign finance reporting and enforcement procedures provided enforcement in local races is not granted to local elected officials.

VI. Environment, Land Use, and Public Works

Foundation Principle: County government's role in the effective administration and enforcement of Alabama's law affecting environmental issues, land use and public works administration is often confusing. Counties lack land-use authority, but are required to grant initial approval for landfills. Counties seek to enhance the delivery of services by improving their public facilities and programs, but often are impeded by federal and state regulations, inspections, and prohibitions that do not serve the public's best interests. The exercise of extra-jurisdictional powers by municipalities further clouds the role of county government. The Association seeks legislative and administrative solutions to these conflicts and encourages all related agencies to interact with counties to ensure the proper delivery of services and the enforcement of requirements and regulations.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To more clearly define the county commission's responsibilities in granting host government approval of new or expanding landfills.

To allow broader use of solid waste fees collected for garbage services or as tipping fees provided the use is connected to the provision of solid waste services.

To limit the exercise of municipal powers or taxation outside the jurisdiction's corporate limits.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for shifting state responsibility for flood plain management from ADECA to an agency interacting more directly with FEMA.

Support for improving existing solid waste laws and better defining the roles of all stakeholders.

Opposition to municipalities using unconventional annexation procedures to avoid the legal responsibility to maintain public roads included in newly-annexed areas.

Support for increasing the minimum cost of a construction project amount which requires the county to employ the services of a licensed general contractor or architect.

Opposition to relaxing or eliminating competitive bidding requirements for construction projects or granting a contractor sole responsibility for selecting the successful bidder.

Opposition to allowing a project manager to approve construction contract changes without approval of the governing body and/or compliance with the public works law.

VII. Revenue Protection

Foundation Principle: Counties are partners with the State of Alabama in the collection of revenue and the delivery of services funded by the collection of such revenue. Many taxes collected by the counties as well as the state are earmarked for distribution between the two levels of government to ensure the provision of services. Likewise, the Legislature considers the abatement or exemption of many taxes levied by or on behalf of the county commission. County services cannot be funded during either the short- or long-term if the necessary revenue is interrupted. The Association opposes mandated abatement or exemption of the local proceeds of any taxes as well as the alteration of the allocation formula used to distribute tax proceeds between the state and its counties.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To create a more fair and equitable ad valorem tax system provided it does not eliminate annual reappraisal, reduce tax revenues or increase current exemptions.

To remove any defects in state tax laws resulting in a discriminatory tax structure provided it eliminates discrimination without creating new or expanding exemptions or tax credits.

To ensure there is no cost to local government for use of the ONE SPOT sales tax remittance system.

To bring Alabama into compliance with federal legislation related only to the collection of taxes owed on internet sales when and if such federal legislation takes effect.

To collect unpaid debts due the county by other governmental entities by intercepting the entity's portion of ad valorem taxes.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for apportioning ad valorem tax collection costs among all entities entitled to a portion of the proceeds of the tax.

Support for modernizing the business licensing process provided it does not result in a loss of state or local revenue or repeal existing local business licensing laws.

Opposition to authorizing a local legislative delegation or legislatively-created committees to direct how local revenues should be distributed.

Support for the work of the Streamlined Sales and Use Tax Agreement Commission provided there is no effort to repeal or restrict counties' authority to collect, audit and/or enforce local taxes.

Opposition to legislative or administrative changes to the ONE SPOT sales tax program that would mandate use of the system, expand the type of taxes which can be paid through the system, or alter local procedures related to collection or enforcement of taxes paid through the system.

VIII. Economic Development and the Alabama Trust Fund

Foundation Principle: Alabama counties play an ever-growing and vital role in the state's economic development efforts; providing services, financial support and community leadership necessary to attract and retain important employers. Counties must be able to access the revenue necessary to carry out this function and must be included in any reforms and initiatives that alter Alabama's law regarding economic incentives and requirements. Revenue from the Alabama Trust Fund is essential to meeting these goals and must be protected from unnecessary raids and expenditures. The Association will actively oppose any removal of revenue from the Alabama Trust Fund and seeks to be a partner in those economic development efforts that emphasize a partnership between the state and its counties.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To shift 20 percent of the corpus and future oil lease and royalty payments of the Alabama Trust Fund into the County and Municipal Government Trust Fund which would thereafter operate as a separately-maintained Trust Fund for counties and municipalities.

To require local government consent for any exemption or abatement of any local sales or use tax.

To prohibit municipalities and industrial development authorities from abating county taxes without consent of the county commission.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Opposition to the withdrawal or diversion of money currently earmarked for Alabama Trust Fund.

Opposition to any economic development legislation or programs that mandate the expenditure of county revenues or abate county taxes without county commission consent.

Support for requiring periodic reporting on the effectiveness of tax incentives as they relate to job growth, strengthening of the local economy and other factors cited as grounds for providing the incentives.

IX. Alabama's Prisons and County Jails

Foundation Principle: Alabama's prison system faces a crisis not unlike the crisis duplicated on a daily basis in each of the 67 county jails. The watchful eye of the federal courts, the never-ending expense of providing jail services, the growing costs of health care and the training and compensation for officers presents a challenge well beyond the reach of a county commission devoid of revenue-generating powers. On the other hand, an efficient local law enforcement agency and jail is necessary to maintain order and to ensure the safety of all Alabamians. The Association is gravely concerned that all reform efforts, statutory changes or administrative rules be considered only in light of direct, indirect and unintended consequences generated at the county level.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To advocate for a legislatively-created study commission to comprehensively review the state's juvenile justice system and make recommendations for adequate municipal participation and state funding and administration of all programs related to the care, detention, and custody of juveniles, including costs of temporary housing in county facilities.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for clarifying that persons on parole, probation or participants in diversion programs are legally and financially state inmates for all purposes even when held for temporary confinement in the county jail or awaiting hearing or transfer to a state facility.

Support for providing that non-indigents serving sentences in the county jail be required to pay a portion of the cost of incarceration, including medical expenses.

Support for U.S. Congress repealing the requirement that persons detained in state or county correctional facilities forfeit their Medicaid benefits immediately upon arrest.

Opposition to any requirement that county government pay for the use of state inmate labor.

Opposition to imposing mandated and unfunded jail standards or other procedures.

Opposition to changing current law providing for feeding of prisoners unless the changes provide that the state pay all costs of feeding prisoners.

Opposition to legislative or administrative efforts to put reserve deputies in regular law enforcement position.

Opposition to amending Alabama's work release law to allow wages paid to the county to be expended for purposes other than just the costs of the individual inmate's incarceration.

Support for comprehensive legislation to clarify and/or implement procedures for county inmates working outside of the jail either through work release or other programs.

X. Justice and Public Safety

Foundation Principle: The State of Alabama is responsible for administration of state courts and public safety agencies and for providing public health and mental health services for the citizens of this state. The Association believes the Alabama Legislature should adequately fund each state agency responsible for delivery of these critical government services and opposes any legislative or administrative efforts that mandate counties to assume any responsibility for these state functions or that force county government to assume state functions due to the state's failure to adequately meet its financial or administrative responsibilities. Additionally, since local government plays an important role in providing emergency services at the local level, the Association urges the Legislature to ensure there is adequate funding for local programs and that state and local agencies work in partnership for the safety and well-being of all citizens of this state.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To amend the law requiring 911 directors and board members to post bond to more adequately set bonding amounts in line with the services provided.

To improve and expand spay-neuter services throughout the state, provided there is no requirement that counties fund such services.

To provide adequate funding to ensure that ambulance services are available throughout the county.

To prevent illegal drag racing on public roads through strong enforcement and severe penalties, including impoundment of property.

Support for creation of a task force to study the need for comprehensive revision of state and local emergency management programs, operations and funding.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Belief that the statewide 911 Board should conduct only those activities delegated by the Legislature which include studying the operational and financial condition of current 911 systems and recommending a long-term plan for the most efficient and effective delivery of 911 services in Alabama.

Belief that 911 services are best provided through locally operated and administered boards without statewide coordination and encouraging the statewide 911 Board to seek meaningful input from existing 911 district boards and personnel in developing its recommendations for the long-term plan.

Support for adequate funding of state supplements paid to counties with a certified county EMA director.

Support for legislative and administrative efforts to implement state-funded video conferencing for certain court appearances and to expand the use of video court proceedings in the state.

Belief that debris placed on the right of way of a state road following a disaster event is the State of Alabama and should be removed at state expense.

XI. Rural Transportation

Foundation Principle: The county commission is responsible for proper construction, maintenance, and repair of all roads and bridges in the county road system. The Association believes it is essential that the county commission have adequate federal, state, and/or local funding to meet the many needs of its rural transportation system. Additionally, the Association believes that, in order to keep roads and bridges properly maintained for the safety and well-being of the traveling public, the county commission must have broad regulatory authority related to the use of county-maintained roads and bridges, including the ability to collect reimbursement from persons or entities causing damage to those roads and bridges.

Strategic Goals

In furtherance of this Foundation Principle, the Association will actively pursue the passage of legislation to accomplish the following strategic goals:

To provide adequate funding of road and bridge projects provided counties receive an equitable portion of funding utilizing the current gas tax formula.

To prevent annexation of county-maintained roads or bridges designated as hurricane evacuation routes within the state.

Legislative Policy

In addition to its strategic goals, the Association has adopted the following legislative policy consistent with this Foundation Principle:

Support for allowing the county commission to call a local referendum to impose a renewable temporary local gasoline and motor fuel tax to fund specified local road and bridge projects.

Opposition to any measures, including budget appropriations, which would divert taxes currently earmarked for roads and bridges to other state functions.

Opposition to reducing the current level of federal or state funding for county road and bridge projects.

Opposition to weakening Alabama's law related to weight restrictions on state and county roads or to add new exemptions to such laws.

Support for providing that fines collected from persons convicted of driving overweight vehicles on county roads and bridges be distributed to the county's road and bridge fund.

Opposition to establishing a commission to administer the Alabama Department of Transportation.

Opposition to any changes to current law setting speed limits on unposted county roads.

Support for changes to the "call before you dig" program designed to ensure the state's eligibility for certain federal grants provided such efforts do not require the state or counties to notify any entities before performing routine maintenance on state or county roads or rights-of-way.

Support for amending current motor fuel and gasoline tax statutes to include taxation of any alternative fuels utilized to propel any motorized vehicle.

Support for amending Alabama's severance tax law to ensure that counties receive proceeds sufficient to ensure proper maintenance and repair of roads and bridges utilized for the transportation of materials severed within the county.