

Making the Most of Amendment 909

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*67 Counties, **One** Voice*

Amendment 909

What Does It Do?

Amendment 909 authorizes the county commission in each county, except Jefferson, to administratively establish certain programs, policies, and procedures related to county's affairs ***without having a specific general law on the subject and without the need for passage of a local law.***

Amendment 909

How Does It Work?

- ▶ Amendment 909 only allows for the development and establishment of administrative programs in certain areas as identified within the amendment.
- ▶ The amendment also provides specific procedures to follow when considering implementation of any of the administrative programs authorized in the amendment.

Limitations on Amendment 909 Powers

Amendment 909 Programs CANNOT:

1. Conflict with the Constitution, general law or local law
2. Create or increase any taxes or fees
3. Affect the private property rights of any citizen or business
4. Alter the Constitutional or statutory functions of an elected official, without their consent

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County Authority Under Amendment 909

Five limited authorities under Amendment 909:

1. Address personnel matters in the absence of state or local laws authorizing such programs
2. Community programs for litter-control, including animal control programs
3. Public transportation and public road safety
4. Programs related to county offices
5. Emergency assistance programs

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Amendment 909 Personnel Programs

- ▶ Most counties already have personnel policies and procedures that have been established by local law or county commission resolution.
- ▶ Amendment 909 grants counties broader authority to address personnel matters, even in the absence of a specific state or local law authorizing such programs.

Amendment 909 Personnel Programs

Amendment 909 specifically authorizes counties to do the following:

- Establish a county personnel system
- Provide for employee benefits
- Give a deputy his or her badge and pistol upon retirement
- Create employee incentive programs on matters such as attendance, performance or safety
- Create retirement incentive programs
- Create employee recognition and appreciation programs

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Animal Control

- ▶ Under Amendment 909, the county commission is allowed to establish programs to address animals running at large in unincorporated areas or to restrict dangerous animals from being kept in locations or under circumstances that endanger the public safety.
- ▶ Counties may also establish programs or policies requiring the removal of diseased or deceased animals that create a nuisance to the public.

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Animal Control, Limitations

A county may not establish programs that result in the destruction of an animal, or that restrict the use of animals for any of the following purposes:

1. Hunting
2. Raising or keeping animals for sale or breeding
3. Raising or keeping animals for food or fiber production
4. Any farming operations

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Road Safety

- ✓ Address public-transportation issues and/or establish policies and procedures aimed at improving safety on county-maintained roads and bridges.
- ✓ Complements counties' existing authority to oversee and supervise county roads and bridges and allows more flexibility in designing programs that provide for public transportation.

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County Office Programs

- ✓ Amendment 909 eliminates the need for local laws to implement programs related to county offices that are designed to operate county government more efficiently or economically.
- ✓ The county commission must have the written consent and cooperation of any affected elected officials to implement programs involving the operation of the elected official's office.

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County Office Programs

Amendment 909 specifically authorizes counties to implement the following programs:

- Creation and operation of a one-stop tag program
- Creation and operation of a commissary or “jail store” at the county jail
- Procedures for disposal of unclaimed property
- Management of the county highway department
- Automation of county archives
- Establishment of unit or district road maintenance systems

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Emergency Assistance Programs

- Amendment 909 allows counties to create programs related to ambulance service and improving county emergency management services.
- Counties are now able to establish more efficient debris removal procedures, better plans for constructing and utilizing shelter and safe houses, and more efficiently implement procedures for warning and preparing citizens for impending disaster.

Amendment 909

Unanswered Questions

- ▶ Some sections of Amendment 909 list specific programs that counties can implement under this new authority.
 - Ex. – Emergency assistance programs, **including** programs related to ambulance service and programs to improve county emergency management services.

What does “including” mean? In Alabama, the answer is unclear.

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Notice Requirements

1. Notice of Proposed Action
 - ▶ Announce at regular county commission meeting that the matter will be on the next regularly-scheduled commission meeting agenda
 - ▶ Provide notice of the meeting in compliance with the OMA notice requirements for regular commission meetings
2. Public Hearing on Proposed Action
3. Consideration at Regular County Commission Meeting

QUESTIONS?

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