

**JEFFERSON COUNTY COMMISSION
RESOLUTION OF ORGANIZATION**

November 14, 2018

WHEREAS, the Jefferson County Commission shall consist of five (5) members elected from five (5) single member districts with Commissioners so elected to their respective offices for terms of four (4) years ; and

WHEREAS, the Commissioners shall distribute the powers and duties conferred by law upon the County Commission and the members thereof as they deem fit and efficient; and

WHEREAS, the term of office for a County Commissioner shall commence at 12:00 a.m. on the second Wednesday following the general election at which he or she is elected and shall expire at 11:59 p.m. on the first Tuesday following the day of the general election at which the successor to that office is elected; and

WHEREAS, in the general election of November 6, 2018, the following individuals were duly elected from the districts shown by each name:

District No.1 – Lashunda Scales

District No.2 – Sheila Tyson

District No.3 - Jimmie Stephens

District No.4 - Joe Knight

District No.5 – Steve Ammons; and

WHEREAS, in the organizational session of the Jefferson County Commission, Jimmie Stephens has been elected by the Commission as the Commission President,

and, Lashunda Scales has been elected by the Commission as the Commission President Pro Tempore; and

WHEREAS, each of said individuals has been duly sworn and taken office; and the Commission, in the spirit of communication, cooperation and coordination, seeks to promote the health, safety and general welfare of the residents of Jefferson County; and

WHEREAS, the County Commission has hired a County Manager to be the County's Chief Executive Officer; and

WHEREAS, the County Manager is vested with the authority to exercise direct oversight of all County department heads and their agencies and departments including all County employees thereof, except for elected officials, the appointed employees of elected officials, County attorneys, and the staff of the Legal Department. Outside of these and other limited exceptions defined in the Resolution of Organization, the County Manager has the full authority, subject to other applicable provisions of law to select, appoint, evaluate, terminate, promote, demote and retain said department heads, agency heads and County employees; and

WHEREAS, the County Commission is subject to the Consent Decree in U.S. v. Jefferson County, Civil Action No. CV-75-S-666-S ("Martin-Bryant Consent Decree") and recognizes its legal obligation to comply with the Martin-Bryant Consent Decree under the jurisdiction of the United States District Court for the Northern District of Alabama; and

WHEREAS, the County Manager shall at all times comply with the above stated Consent Decree and other Consent Decrees and applicable provisions of law; and

WHEREAS, the County Commission desires to reinforce the duties and responsibilities of the County Manager subject to said Consent Decrees, and to describe the duties and responsibilities of the County Commission; and

WHEREAS, in an effort to best utilize and deploy, the collective talents, experiences and skills of the individual members of the Commission;

NOW THEREFORE, BE IT RESOLVED by the Jefferson County Commission that Jimmie Stephens is elected Commission President and Lashunda Scales is elected President Pro Tempore, and that the duties and jurisdiction of each Commissioner are assigned as follows:

(1) There shall be five standing committees of the Jefferson County Commission to be denominated as follows:

1. Public Works, Community Services & Inter-Governmental Relations Committee
2. Community Development & Health Services Committee
3. Administrative & Infrastructure Committee
4. Finance, Judicial, Emergency Management & Development and General Services Committee
5. Information Technology & Economic Development Committee

(2) Each committee shall consist of all five (5) Commissioners, one of which will be the committee Chairman. The scope of subjects to be presented and evaluated in each committee is set out in Exhibit A hereto. The committee assignments provided for in Exhibit A are solely for the purpose of setting Commission Meeting agendas and do not in any manner confer operational

responsibilities upon the committees, their Chairpersons, or individual Commissioners.

- (3) The day-to-day operating powers, duties and responsibilities conferred by law upon the County Manager (listed in Exhibit B) shall not be interfered with by the Jefferson County Commission or any member thereof or any member of a Commissioner's staff. Commissioners shall not supervise or otherwise direct the work activities of any County employee whose Appointing Authority is the County Manager. However, these restrictions are not meant to prohibit Commissioners from discussing issues, comments, problems or concerns with County employees. The County Manager is an at-will employee subject to all applicable laws, judicial rulings and Consent Decrees. The County Manager shall perform his or her duties in furtherance of and compliance with all applicable laws, judicial rulings and Consent Decrees. The County Manager shall be the Appointing Authority for the following: (1) all merit system and at-will County employees not assigned to the Legal Department, Jefferson County Sheriff's Office, the Pension Board of the General Retirement System for Employees of Jefferson County, the Emergency Management Agency, the Personnel Board of Jefferson County, the Jefferson County Department of Health or the personal offices of the Commissioners, and (2) all merit system employees in the offices of other Jefferson County elected officials such as the County Treasurers, Tax Assessors, Tax Collectors, Probate Judges, etc.

- (4) The Legal Department, under the direction of the County Attorney, shall: (A) provide legal advice to the County Commission collectively, (B) provide legal advice to each County Commissioner individually in his or her official capacity, (C) provide legal advice to the County Manager in his or her official capacity, (D) provide for the defense against all claims or causes of action against the Commissioners and/or County Manager in all legal matters resulting from legal actions performed in their official capacity, and (E) keep the Commission generally informed on expenditures for and services provided by outside legal counsel and provide for any other legal services that are necessary for the County. The scope of duties of and representation by the Legal Department as described is illustrative and not exclusive of its other duties and responsibilities. The Legal Department shall consist of the County Attorney, one or more Deputy County Attorneys, one or more Assistant County Attorneys and the paralegals and clerical personnel that are deemed advisable by the County Attorney subject to the budgetary authority of the Commission. Further, the County Attorney, Deputy County Attorneys, and Assistant County Attorneys are at-will employees and shall perform their duties in furtherance of and compliance with all applicable laws, judicial rulings and Consent Decrees. The County Attorney shall report to the Commission as a whole and the Commission as a whole shall be the Appointing Authority for the County Attorney. Agenda items for consideration by the Commission relating to the Legal Department shall be submitted to and originate from the Administrative & Infrastructure

Committee. The County Attorney shall provide notice to the Commission of any outside legal counsel or other general professional service providers under consideration for hire by the Legal Department, with justification, ten (10) business days prior to such action being taken. If immediate employment of outside legal counsel or other general professional service providers is required, the Commission President is authorized to approve such action subject to subsequent Commission review. Any employment action concerning the County Attorney shall require notification of all five Commissioners and written approval by at least four (4) County Commissioners. The County Attorney shall be the Appointing Authority for and supervisor of the other attorneys and staff in the Legal Department, including the Minute Clerk, his or her staff, and Risk Management Division. Commissioners shall not supervise or otherwise direct the work activities of any County employee whose Appointing Authority is the County Attorney. Any time there is a vacancy in the County Attorney position, the hiring of a qualified County Attorney shall be based on merit and qualifications, consistent with the anti-discrimination policy of Jefferson County, after reasonable consideration of a pool of qualified candidates. The vacancy in the County Attorney position will be publicly advertised and include a mailing and email address to which candidates' expressions of interest and resumes may be sent. Each Commissioner shall be given an opportunity, for a period of at least ten (10) days after the vacancy occurs, to recommend qualified candidates for consideration by the Commission, subject to the

County's needs, for timely filling of the position. To be hired, the candidate for County Attorney, including the starting salary and total annual compensation, must receive approval by a majority vote of the Commission. Similarly, when the County Attorney seeks to fill a position for an Assistant County Attorney, the same public notice shall be provided and the same Commissioner recommendation opportunities shall be allowed as stated above in connection with hiring a County Attorney. Otherwise, the County Attorney has the authority, subject to applicable law, to hire, evaluate, promote, demote and/or terminate the employment of the attorneys in the Legal Department. However, the County Attorney's decision to hire, promote, demote or terminate the employment of a Deputy County Attorney or Assistant County Attorney may be vetoed by a vote of four members of the Commission in a Commission meeting so long as the vote is taken in a Commission meeting within fifteen (15) days after the Commission is informed in writing by the County Attorney of the hiring, promotion, demotion or termination decision. The County Attorney and all Deputy and Assistant County Attorneys shall at all times be employed on an at-will, non-merit system basis.

- (5) In the event there is a temporary vacancy in the County Manager or County Attorney positions, such position shall be filled on an interim basis in accordance with applicable law.
- (6) All other powers and duties conferred by local, state and federal law upon the County Commission and shall remain with the Commission as a whole.

Such powers and duties shall include, but are not limited to, serving as the County's legislative body and the trustee of the County's assets; setting policies and practices through administrative orders and resolutions; approving all contracts and other legal agreements; appointing persons to various boards; and approving the County's budgets, expenditure of funds, zoning changes and liquor licenses. The County Commission hereby authorizes the County Manager (or the Deputy County Managers in the absence of the County Manager) to initiate emergency purchases without prior approval of the County Commission, provided that: (1) the dollar amount of any such purchase is such that the purchase is not subject to either *Chapter 2 of Title 39 or Chapter 16, Article 3 of Title 41, Code of Alabama (1975)*, as the case may be, and, (2) an attorney employed in the County's Legal Department determines that there exists an emergency situation that presents a danger to the public health, safety, or convenience which would result from delay. A specific description of any such emergency purchase(s) made in accordance with the above and the nature of the danger to public health, safety or convenience providing cause for the purchase(s) shall be placed on the agenda for the next meeting of the Finance, Judicial, Emergency Management & Development and General Services Committee in order to subsequently acknowledge and ratify the emergency expenditure of public funds at the next meeting of the County Commission.

- (7) Effective at 12:00 a.m., Wednesday morning November 14, 2018, the Commissioners are assigned various committee chairmanships and memberships. Pursuant to this Resolution, the Commissioners are assigned to the following committees and other responsibilities:

Lashunda Scales - Chairman of the Public Works, Community Services & Inter-Governmental Relations Committee; Vice-Chair of Economic Development; Member of the other four Commission Committees; and primary liaison to all Area Community-based Non-Profit Organizations, the Alabama Department of Environmental Management (ADEM), the Birmingham Water Works, the City of Birmingham and City of Birmingham Mayor's Office, the Environmental Protection Agency (EPA), and County Representative to the National Association of Counties (NACo).

Sheila Tyson - Chairman of the Community Development & Health Services Committee; Member of the other four Commission Committees; and primary liaison to all governmental health related agencies other than the Jefferson County Department of Health, the Jefferson County Coroner, the Jefferson County Family Court, the Jefferson County Housing Authority, Youth Detention, and issues related to Veterans Affairs, and County Representative to the National Association of Counties (NACo).

Jimmie Stephens - Chairman of the Administrative & Infrastructure Committee; Member of the other four Commission Committees; Member of the Boards of the Birmingham Business Alliance (BBA), the Birmingham-Jefferson Convention Complex (BJCC), the Jefferson County Health

Department, the Jefferson County Legislative Delegation, the Metropolitan Planning Organization (MPO), the Regional Planning Commission of Greater Birmingham (RPC), and primary liaison to the Sheriff's Office, the Jefferson County Fire Districts, the Jefferson County School Boards of Education, the Alabama Department of Transportation (ALDOT), and all governmental transportation agencies.

Joe Knight - Chairman of the Finance, Judicial, Emergency Management & Development and General Services Committee; Member of the other four Commission Committees; and primary liaison to all Jefferson County elected judges, Probate Court, the Circuit Clerks, the District Attorneys, the Law Library, Capital Planning & Strategic Investments Oversight, Tax Assessor, Tax Collector, County Treasurer, Jefferson County Pension Board, Jefferson County Mayors Association, Jefferson County Personnel Board, Jefferson County Racing Commission, Greater Birmingham Visitors & Convention Bureau, Metropolitan Planning Organization (MPO), Regional Planning Commission of Greater Birmingham (RPC), 911 Emergency Communications District (ECD), Emergency Management Agency, and the Jefferson County Office of the Alabama Cooperative Extension System (ACES).

Steve Ammons - Chairman of the Committee of Information Technology and Economic Development; Member of the other four Commission Committees; Member of the Birmingham Zoo Oversight Committee; and primary liaison to the Alabama Department of Commerce, the Birmingham

Business Alliance's Economic Development Division, Economic Development Partnership of Alabama (EDPA), the Jefferson County Economic and Industrial Development Authority (JCEIDA), and all other economic development organizations, the Metropolitan Planning Organization (MPO), Regional Planning Commission of Greater Birmingham (RPC), Emergency Management Agency (EMA), E911 Emergency Communications District (ECD) and oversight over all General Obligation Debt, and Enterprise Funds.

(8) The Committees of the Commission shall meet at the times and places set forth by resolution (Commission Work Sessions), as may be amended from time to time. Special called committee meetings shall be called by the Commission President in consultation with the County Manager or a majority of commissioners petitioning the Commission President in writing to call a special meeting. If such petition is received, the Commission President shall notice the meeting at the date and time specified by the majority of the commission. Committee Meetings will be held in the Commission Conference Room, Suite 200 of the Jefferson County Courthouse in Birmingham, Alabama. The Committees of the Commission shall have an agenda, receive information, evaluate programs and related issues, and advance items to the agenda of a meeting of the County Commission. The Committees, subject to the terms of this Resolution of Organization, shall conduct business in accordance with the Commission's Rules of Order and Procedure dated November 14, 2018, as

such rules may be amended from time to time. In the event of any conflict between the Resolution of Organization and the Rules of Order and Procedure, the Resolution of Organization shall prevail. In case of doubt as to the appropriate Committee for an item of business, the Commission President shall make the Committee assignment. The County Manager, on behalf of each Committee, shall, prior to each Committee meeting, publish an agenda for each Committee meeting. The agendas shall contain items recommended by the County Manager and the County Attorney (i.e., those matters involving a department associated with the committee in question), as well as the following items submitted by Commissioners: (a) items relating to the Committee Chairman's primary liaison responsibilities, (b) board appointments for which the Committee Chairman is entitled to make, and (c) other items the Committee Chairman desires to discuss and/or advance to the agenda of a meeting of the County Commission. Items shall be advanced to the agenda of a meeting of the County Commission with a majority vote provided a quorum is present.

- (9) The Commission shall meet at the times and places set forth by resolution, as may be amended from time to time, and at other times as called by the Commission President (or the President Pro Tempore in the temporary absence of the Commission President). Said meetings shall be held in the County Commission Chambers in the Jefferson County Courthouse in Birmingham, Alabama, except that the second meeting in the months of

January, April, July, and October, shall take place in the Jefferson County Courthouse in Bessemer, Alabama.

(10) The President Pro Tempore of the Jefferson County Commission shall serve as the Acting Commission President in the temporary absence of the Commission President.

(11) In the event of a permanent Commissioner vacancy due to death, resignation or otherwise, a replacement Commissioner shall be selected in accordance with Alabama law. See *Ala. Code § 11-3-1(b)*.

A. If the former Commissioner was not the Commission President, the Commission President will become the temporary Chairman of the former Commissioner's Committee and shall also temporarily assume the primary liaison responsibilities of the former Commissioner until a replacement Commissioner is sworn into office. Once sworn into office, the replacement Commissioner will assume the Committee chairmanship and primary liaison responsibilities of the former Commissioner.

B. If the former Commissioner was the Commission President, the President Pro Tempore, while retaining his/her current Committee chairmanship and liaison responsibilities, shall serve as the temporary Commission President and assume the former Commission President's Committee Chairmanship and primary liaison responsibilities until such time a new Commissioner is duly appointed. Upon appointment of the new Commissioner, a new permanent Commission President shall be elected from the Commission body by a simple majority at the next regularly

scheduled meeting of the Commission as a whole. The new Commission President shall assume from the temporary Commission President the Committee chair and primary liaison responsibilities of the former Commission President and may temporarily re-assign some or all of his/her previous responsibilities to other Commissioners. Once a replacement Commissioner is sworn into office, the replacement Commissioner will be assigned the previous Committee chairmanship and primary liaison responsibilities of the former Commissioner.

C. If the former Commissioner was also the President Pro Tempore, a temporary President Pro Tempore will be designated by the Commission President until a new President Pro Tempore is elected. Upon appointment of the new Commissioner, a new permanent Commission President Pro Tempore shall be elected from the Commission body by a simple majority at the next regularly scheduled meeting of the Commission as a whole. Once a replacement Commissioner is sworn into office, the replacement Commissioner will be assigned the previous Committee chairmanship and primary liaison responsibilities of the former Commissioner.

D. Nothing in this section shall in any way change, amend or modify the requirements outlined and described in Section fifteen (15) herein.

(12) In addition to the responsibilities described above, the following authority and responsibilities shall be assigned to the Commission President:

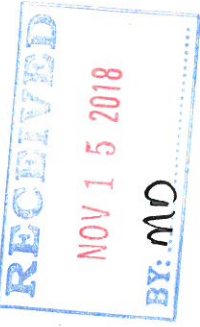
- A. Serve as the presiding officer at all Commission Meetings, other than Committee Meetings, at which the presiding officer will be the Committee Chairman;
 - B. Execute all contracts and other contractual agreements which require approval of the Commission in accordance with the Commission's policies, rules, past practice and obligations under applicable law; and
 - C. Jointly execute all checks drawn on the County Commission accounts with the Chairman of the Finance, Information Technology & Economic Development Committee.
- (13) Unless otherwise expressly provided herein, this Resolution of Organization of the Jefferson County Commission may only be amended by a Resolution of the County Commission introduced at a Commission Committee Meeting as a first reading a minimum of thirty (30) days in advance of the proposed amendment and subsequently approved at a meeting of the Commission by an affirmative vote of a supermajority of the members of the Commission.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 11/14/18 R936
MINUTE BOOK: 172
PAGE(S): 491-498

Exhibit A

**Commission Committee Assignments, Duties & Responsibilities and
Liaison and Board Appointments**
(Attached)

EXHIBIT A



	Commissioner	Committee Assignments	Duties & Responsibilities	Liaison & Board Appointments
1.	<u>Lashunda Scales</u>	Public Works, Community Services & Inter-Governmental Relations Committee Vice-Chair Economic Development	<ul style="list-style-type: none"> • Environmental Services • Coordinate environmental impact activities between BWWB and the City of Birmingham • County Representative, National Association of Counties (NACo) • Work with area 501c3 organizations to enhance quality of life 	<ul style="list-style-type: none"> • Area Community Based Non- Profit Organizations • Alabama Department of Environmental Management (ADEM) • Birmingham Water Works • City of Birmingham and City of Birmingham Mayor's Office • Environmental Protection Agency (EPA) • National Association of Counties (NACo)
2.	<u>Sheila Tyson</u>	Community Development & Health Services Committee	<ul style="list-style-type: none"> • Community Development • Cooper Green Mercy Health Services • County Representative, National Association of Counties (NACo) • Workforce Development 	<ul style="list-style-type: none"> • All governmental health related agencies other than the Jefferson Co. Department of Health • Jefferson County Coroner • Jefferson County Family Court • Jefferson County Housing Authority • Youth Detention • Veterans Affairs • National Association of Counties (NACo)

EXHIBIT A

	Commissioner	Committee Assignments	Duties & Responsibilities	Liaison & Board Appointments
3.	<u>Jimmie Stephens</u>	Administrative & Infrastructure Committee	<ul style="list-style-type: none"> • All Roads & Transportation Departments • Represent County interests before ALDOT, BBA, BJCC, JCDOH, Jeff Co. Legislative Delegation, MPO, and RPC. 	<ul style="list-style-type: none"> • Alabama Department of Transportation (ALDOT) • All Jefferson County Schools • Birmingham Business Alliance (BBA) • Birmingham-Jefferson Convention Complex (BJCC) • Jefferson Co. Department of Health (JCDOH) • Jefferson Co. Legislative Delegation • Metropolitan Planning Organization (MPO) • Regional Planning Commission of Greater Birmingham (RPC) • Sheriff's Office • All Jefferson County Fire Districts • All Jefferson County Schools • Alabama Department of Transportation (ALDOT)

EXHIBIT A

Commissioner	Committee Assignments	Duties & Responsibilities	Liaison & Board Appointments	
4.	<u>Joe Knight</u>	<ul style="list-style-type: none"> • Finance, Judicial, Emergency Management & Development and General Services Committee 	<ul style="list-style-type: none"> • Board of Registrars • Development Services • Emergency Management Agency • General Services • Human Resources • Animal Control • Board of Equalization • Budget Management Office (BMO) • Capital Planning & Strategic Investments Oversight • Finance • Purchasing • Revenue 	<ul style="list-style-type: none"> • All Jefferson Co. Elected Judges • Law Library • Probate Court • Circuit Clerks • District Attorney's Office • Emergency Management Agency (EMA) • Capital Planning & Strategic Investments Oversight • Tax Assessor • Tax Collector • County Treasurer • Jefferson County Pension Board • Jefferson Co. Mayors Association • Jefferson Co. Personnel Board • Jefferson Co. Racing Commission • Greater Birmingham Visitors & Convention Bureau • Metropolitan Planning Organization (MPO) • Regional Planning Commission of Greater Birmingham (RPC) • 911 Emergency Communications District (ECD) • Jefferson County Office of the Alabama Cooperative Extension System (ACES)

EXHIBIT A

	Commissioner	Committee Assignments	Duties & Responsibilities	Liaison & Board Appointments
5.	Steve Ammons	Information Technology & Economic Development Committee	<ul style="list-style-type: none"> • Economic Development • General Obligation Debt & Enterprise Funds Oversight • Information Technology (IT) 	<ul style="list-style-type: none"> • Alabama Department of Commerce • Birmingham Zoo Oversight • Birmingham Business Alliance (BBA) – Economic Development Division • Economic Development Partnership of Alabama (EDPA) • Jefferson County Economic & Industrial Development Authority (JCEIDA) • Metropolitan Planning Organization (MPO) • Regional Planning Commission of Greater Birmingham (RPC) • Emergency Management Agency (EMA) • 911 Emergency Communications District (ECD)

Exhibit B

County Manager Responsibilities

- Chief Executive Officer of Jefferson County
- Compliance with all applicable local, state and federal laws
- Compliance with all court orders and consent decrees, including the Martin-Bryant and Environmental Protection Agency consent decrees
- Board of Equalization
- Board of Registrars
- Budget Management Office
- Cooper Green Mercy Health Services
- Coroner
- Environmental Services Department
- Finance Department
- Fleet Management Division
- General Services Department
- Human Resources Department
- Information Technology Department
- Development Services
- Office of Community Services
- Purchasing Division
- Revenue Department
- Roads and Transportation Department
- Workforce Development Division
- Youth Detention Department
- Animal Control

Exhibit C

**Copy of Resolution Recording Election of
Commission President and President Pro Tempore
(Attached)**

RESOLUTION

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the nomination of Commissioner James A. Stephens, as President of the Jefferson County Commission be and is hereby adopted and approved.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 11/14/18 R934
MINUTE BOOK: 172
PAGE(S): 491

RESOLUTION

BE IT RESOLVED BY THE JEFFERSON COUNTY COMMISSION that the nomination of Commissioner Lashunda Scales, as President Pro-Tempore of the Jefferson County Commission be and is hereby adopted and approved.

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 11/14/18 A935
MINUTE BOOK: 172
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