

APPROVED BY THE JEFFERSON COUNTY COMMISSION

11/16/2022

Item # 9734, Resolution: 1136, Minute Book: 176, Page(s): 769-775

**JEFFERSON COUNTY COMMISSION**  
**RESOLUTION OF ORGANIZATION**

DocuSigned by:  
*Mildred G. DiLiberto*  
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**NOVEMBER 16, 2022**

**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 8, 2022, 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, **James A. Stephens**, has been elected by the Commission as the Commission President,

and, **T. Joe Knight**, 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 employed 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**, 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 **James A. Stephens** is elected Commission President and **T. Joe Knight** 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 & Business Development Committee

(2) Each committee shall consist of all five (5) Commissioners, one of which will be the committee Chair. 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 organizing 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 and judicial rulings. The County Manager shall perform his or her duties in furtherance

of and compliance with all applicable laws and judicial rulings, The County Manager shall be the Appointing Authority for 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, 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 for the defense against all claims or causes of action against the County, its elected Officials, and appointed officers and staff in all legal matters resulting from legal actions performed in their official capacity, (D) Shall represent and advise the County, its elected officials and appointed officers and department heads. The elected officials and appointed officers include the Commission, the County Manager, Deputy County Manager(s), the Chief Financial Officer, the Tax Collector and Tax Assessor, Probate Judges, the election Commission (comprised of the Sheriff, Clerk of Court, and Probate Judge) and the Treasurer. The operating departments include, the Finance Department, Revenue

Department, Roads and Transportation Department, Environmental Services Department, Development Services Department, the Board of Equalization, the Coroner, the General Services Department, the Security Department, Family Court, the Youth Detention Department, the Human Resource Department, the Compliance Department, the Board of Registrars, the Inspection Services Department, the Community services Department, the Workforce Development Department, the Department of Information Technology and the Public Information Department; (E) investigate and initiate legal actions, remedies, recourse or prosecution by and on behalf of the Commission to enforce any ordinance of the County or State law violations including but not limited to Weed and Litter, Zoning, Environmental, and Emily's law; (F) in consultation with the Commission, initiate any other legal actions by and on behalf of the County Commission as appropriate and in accordance with law; and (G) 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. 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 and ratification. 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. 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 by a four fifths vote of the County Commission.
- (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, incurring of debt, 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) the County Attorney, or Deputy County Attorney 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. Additionally, the County Manager is authorized to direct the execution of budget amendments between departments with net-zero effects in order to respond to changes in operational priorities.

- (7) Effective upon the passage of this resolution, 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; Member of the other four Commission Committees; Environmental Services, Coordinate Environmental impact activities between BWWB and the City of Birmingham, Work with area 501c3 organization to enhance quality of life of Jefferson County citizen's, Human Resources, the Board of Equalization, and primary liaison to Historical Black Colleges and Universities, 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), the Personnel Board, the Pension Board, the SBA, the Birmingham Retail Association, the Birmingham Realty Association, all Jefferson County Schools in District 1, all Fire Districts in

District 1, 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; Senior Services, Animal Control, Jefferson County Coroner, Jefferson County Family Court, Youth Detention, Sheriff, District Attorney's Office (Birmingham and Bessemer), Workforce Development and primary liaison to all governmental health related agencies other than the Jefferson County Department of Health, all Fire Districts in District 2, all Jefferson County Schools in District 2, the Jefferson County Housing Authority, Alabama Association of County Commissioners (ACCA), the Library Co-Op, CAPTE Representative, any issues related to Veterans Affairs, and County Representative to the National Association of Counties (NACo).

**James A. Stephens** - Chairman of the Administrative & Infrastructure Committee; Member of the other four Commission Committees; Roads and Transportation Department, Represent county interests before ALDOT, BBA, BJCC, JCDOH, Member of the Boar of the Birmingham Business Alliance (BBA), the Regional Planning Commission of Greater Birmingham (RPC), and primary liaison to all Jefferson County Schools in District 3, all Fire Districts in District 3, the Bessemer Airport Authority, 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; Board of Registrars, Development Services, Emergency Management Agency, General Services, Budget Management Office (BMO), Finance, Purchasing, Revenue, and primary liaison to all Jefferson County elected judges, Probate Court, the Circuit Clerks, the Law Library, Probate Court, County Treasurer, Jefferson County Mayors Association, Jefferson County Racing Commission, Greater Birmingham Visitors & Convention Bureau, Metropolitan Planning Organization (MPO), Regional Planning Commission of Greater Birmingham (RPC), all Fire Districts in District 4, all Jefferson County Schools in District 4, Emergency Management Agency (EMA), 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; General Obligation Debt and Enterprise Funds Oversight, Information Technology (IT), 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), E911 Emergency Communications District (ECD), the Birmingham Airport Authority, Birmingham Port Authority, REV Birmingham, Innovation Depot, all Fire Districts in District 5, all Jefferson County Schools in District 5, and oversight over all General Obligation Debt, Enterprise Funds, County Capital Planning and Strategic Investments.

- (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, as such rules may be amended from time to time. Committee matters shall not require roll call votes. 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 unless otherwise altered by resolution of the County Commission due to a scheduling conflict. However, the

Commission shall hold four (4) meetings within each calendar year at the Bessemer Courthouse.

(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 Commission President and assume the former Commission President's Committee Chairmanship and primary liaison responsibilities. until such time a new Commissioner is duly appointed. The new Commission President shall assume 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, committee and liaison responsibilities will be voted on at the next regularly scheduled Commission Meeting.

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.

D. Nothing in this section shall in any way change, amend or modify the requirements outlined and described in Section fifteen (13) 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, Judicial, Emergency Management, Development and General Services 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.



**Exhibit A**

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

## **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
- Compliance Office
- Board of Equalization
- Board of Registrars
- Budget Management Office
- Coroner
- Environmental Services Department
- Finance Department
- General Services Department
- Human Resources Department
- Information Technology Department
- Development Services
- Office of Community Services
- Public Information
- Purchasing Division
- Revenue Department
- Roads and Transportation Department
- Workforce Development
- Youth Detention Department
- Public Information
- Security
- Animal Control

**Exhibit C**

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