

JEFFERSON COUNTY COMMISSION
RESOLUTION OF ORGANIZATION

November 12, 2014

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 4, 2014, the following individuals were duly elected from the districts shown by each name:

District No.1 - George Bowman

District No.2 - Sandra Little Brown

District No.3 - Jimmie Stephens

District No.4 - Joe Knight

District No.5 - David Carrington; 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 Sandra Little Brown 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. Administrative, Public Works & Infrastructure Committee
 2. Community Development & Human Resource Services Committee
 3. Health & General Services Committee
 4. Finance, Information Technology & Business Development Committee
 5. Judicial Administration, Emergency Management & Land Planning 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 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. If immediate direction is appropriate in order to protect the health and/or safety of any person or persons and is not otherwise possible or practical to wait for direction from the County Manager, then a Commissioner may take reasonable steps to protect the health and/or safety of such person or persons. 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 County Attorneys 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. 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 placed on the Administrative, Public Works & Infrastructure Committee agenda. The County Attorney shall provide notice to all five Commissioners

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. Any employment action concerning the County Attorney shall require notification of all five Commissioners and written approval by at least three (3) 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 Minutes Clerk. 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 a Deputy County Attorney or 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) All employees working as an appointed staff member of an individual Commissioner shall be at-will, non-merit system employees under the supervision of that Commissioner, but the County Commission as a whole shall be the Appointing Authority for each such staff member. With regard to employment decisions relating to Commission staff members, the County Commission shall give appropriate consideration to the recommendations of the supervising Commissioner, but shall not be bound by such recommendations. Notwithstanding, the Commission shall decline to follow the recommendation of a supervising Commissioner only to the extent necessary to ensure compliance with applicable local, state or federal laws

or to enforce Rule 7 of the County Commission's Rules of Order and Procedure.

- (6) In the event there is a temporary vacancy in the County Manager or County Attorney position, such position shall be filled on an interim basis in accordance with applicable law.
- (7) All other powers and duties conferred by local, state and federal law upon the County Commission and the members thereof shall remain with the Commission and the members thereof, as the duly elected representatives of the citizens of Jefferson County, 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 Chief Deputy County Manager (or in the absence of the above, the County's Chief Financial Officer) 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, Information Technology & Business Development Committee in order to subsequently acknowledge and ratify the emergency expenditure of public funds at the next meeting of the County Commission.

- (8) Effective at 12:00 a.m., Wednesday morning November 12, 2014, the Commissioners are assigned various Committee Chairs and memberships. Pursuant to this Resolution, the Commissioners are assigned to the following committees and other responsibilities:

Jimmie Stephens - President of the Commission; Chair of the Administrative, Public Works & Infrastructure Committee, Member of the other four Commission Committees; Member of the Boards of the Birmingham-Jefferson Convention Center (BJCC), the Birmingham Business Alliance (BBA), the Metropolitan Planning Organization (MPO), the Regional Planning Commission of Greater Birmingham (RPC) and the Jefferson County Health Department, and primary liaison to the Sheriff's Office, the Environmental Protection Agency (EPA), the Alabama Department of Environmental Management (ADEM) and all governmental transportation agencies.

Sandra Little Brown - President Pro Tempore of the Commission; Chair of the Community Development & Human Resource Services Committee; Member of the other four Commission Committees and the Regional Planning Commission of Greater Birmingham (RPC) Board; and primary liaison to the Jefferson County Personnel Board and the County Farm Agent.

George Bowman - Chair of the Health & General Services Committee; Member of the other four Commission Committees; and primary liaison to all governmental health related agencies other than the Jefferson County Health Department, area Community-based Non-Profits, and the County Tax Assessors, and Tax Collectors.

David Carrington - Chair of the Finance, Information Technology & Business Development Committee; Member of the other four Commission Committees; Member of the Birmingham Zoo Oversight Committee; and primary liaison to the Jefferson County Economic and Industrial Development Authority (JCEIDA), the Birmingham Business Alliance's Economic Development Division, the Alabama Department of Commerce and all other economic development organizations, the Jefferson County Pension Board, the County Treasurers and the Board of Equalization.

Joe Knight - Chair of the Judicial Administration, Emergency Management & Land Planning Committee; Member of the other four Commission Committees; Member of the Boards of the Greater Birmingham Visitors and Convention Bureau, the Regional Planning Commission of Greater

Birmingham; the Jefferson County Racing Commission and the Jefferson County Emergency Management Agency; and primary liaison to the Jefferson County Mayors Association, the District Attorneys, all Jefferson County elected judges, the law library, the circuit clerks, Emergency Management Agencies, and E-911 Emergency Communications District.

- (9) The Committees of 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 respective Committee Chairs, provided that each Chair will ensure that the meeting time does not conflict with a Committee Meeting time previously called by another Commissioner for another Committee. 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 and Orders of Procedure dated November 12, 2014, or as such rules may be amended. 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 Chair's primary liaison responsibilities, (b) board appointments for which the Committee Chair is entitled to make, and (c) other items the Committee Chair 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.

- (10) 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.
- (11) The President Pro Tempore of the Jefferson County Commission shall serve as the Acting Commission President in the temporary absence of the Commission President.
- (12) 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.

A. If the former Commissioner was not the Commission President, the Commission President will be the temporary Chair 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 Chair and primary liaison responsibilities of the former Commissioner.

B. 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 by a supermajority of the Commissioners in a meeting of the County Commission.

C. If the former Commissioner was the Commission President, the President Pro Tempore, while retaining his/her current Committee Chair and liaison responsibilities, shall serve as the temporary Commission President and assume the former Commission President's Committee Chair and primary liaison responsibilities until a new Commission President is elected by a supermajority of Commissioners in a meeting of the County Commission. 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 or her previous responsibilities to other Commissioners. Once a replacement Commissioner is sworn into office, the

replacement Commissioner will be assigned the previous Committee Chair and primary liaison responsibilities of the former Commissioner.

D. A supermajority, when used throughout this Resolution of Organization, shall consist of four-fifths ($4/5$) of the elected Members of the Commission, except where there is a vacancy on the Commission in which case the supermajority shall consist of three-fourths ($3/4$) of the elected Members.

E. Any resolution replacing the Commission President or President Pro Tempore following a permanent vacancy in either of those two positions shall require a supermajority of Commissioners for adoption.

(13) 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 Chair;

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 Chair of the Finance, Information Technology & Industrial & Commercial Recruitment Committee.

(14) 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: 11-12-14
MINUTE BOOK: 167
PAGE(S): 222-227

Exhibit A

**Jefferson County Commission - Committees & Responsibilities
Commissioner**

Liaison and Board Responsibilities

<p>Jimmie Stephens District 3</p>	<p align="center">Commission President Chair - Administrative, Public Works & Infrastructure Committee</p> <p>All Roads and Transportation Departments Environmental Services Department StormWater</p> <p><i>* Items for consideration from the County Attorney's Office will be placed on this Committee.</i></p>	<p>Sheriff's Office Birmingham-Jefferson Convention Center (BJCC) Jefferson County Health Department Regional Planning Commission of Greater Birmingham (RPC) Metropolitan Planning Commission (MPO) Environmental Protection Agency (EPA) Alabama Department of Environmental Management (ADEM) Birmingham Business Alliance (BBA)</p>
<p>Sandra Little Brown District 2</p>	<p align="center">President Pro Tempore Chair - Community Development & Human Resource Services Committee</p> <p>Human Resources Office of Senior Citizens Community Development Workforce Development Family Court Juvenile Court Youth Detention Department</p>	<p>Jefferson County Personnel Board County Farm Agent Regional Planning Commission of Greater Birmingham (RPC)</p>
<p>George Bowman District 1</p>	<p align="center">Chair - Health & General Services Committee</p> <p>Cooper Green Mercy Health Services Coroner All General Services Departments Animal Control</p>	<p>All governmental health related agencies other than the Jefferson County Health Department Area Community based Non-Profits County Tax Assessors County Tax Collectors</p>
<p>David Carrington District 5</p>	<p align="center">Chair - Finance, Information Technology & Business Development</p> <p>Finance Revenue Budget Management Office Purchasing Information Technology Business Development Board of Equalization</p>	<p>Jefferson County Economic and Industrial Development Authority (JCEIDA) Birmingham Business Alliance's Economic Development Division Alabama Department of Commerce Economic Development Partnership of Alabama (EDPA) Jefferson County Pension Board County Treasurers Birmingham Zoo Oversight Committee</p>
<p>Joe Knight District 4</p>	<p align="center">Chair - Judicial Administration, Emergency Management & Land Planning Committee</p> <p>Emergency Management Agency Board of Registrars Inspection Services Land Planning & Development Services</p>	<p>District Attorney Office Probate Court All Jefferson County elected judges Law Library Circuit Clerks Emergency Management Agency 9-1-1 Emergency Communications District Jefferson County Mayor's Association Greater Birmingham Visitors and Convention Bureau Regional Planning Commission of Greater Birmingham (RPC) Jefferson County Racing Commission</p>

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
- Inspection Services Department
- Land Planning and Development Services Department
- Office of Community Services
- Office of Senior Citizens Services
- Purchasing Division
- Revenue Department
- Roads and Transportation Department
- Storm Water Management Department
- Workforce Development Division
- Youth Detention Department
- Animal Control