



# A SELECTED READING

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## Municipal Boards in Alabama

The state legislature has authorized Alabama cities and towns to place the administration of certain detailed municipal activities under the supervision and control of appointed boards. Some of these boards are incorporated while others are not. Incorporated boards are entities separate and independent from the municipalities they serve. An incorporated board can exercise only the power conferred upon it by the charter of the corporation and by the statutes under which it is organized. Unincorporated boards are agencies of the municipality and are subject to the legislative power of the municipality.

All municipal officials should know the types of boards their municipality has created or has the authority to create. This knowledge will assist municipal officials in coordinating activities of the boards with those of the municipal departments under their direct control and supervision. However, generally speaking, other than the appointment of board members, a municipality has no control over the activities of a separately incorporated board unless otherwise provided by law.

This article is a capsule summary of the various types of municipal boards authorized, both incorporated and unincorporated. The article will also assist an incoming administration in learning which board positions will become vacant during its administration. Due to space limitations, the powers of each board will not be explained in detail. However, citations to the statutory provisions governing the boards are included.

Additionally, some municipalities have boards that are authorized by local laws adopted by the Legislature. The statutory authority for your board should be located in the board's articles of incorporation, the by-laws or the adopting ordinance. If there is no statutory authority in these documents, you may have an advisory board, which cannot exercise any administrative powers. See the article on Working with Municipal Boards, found elsewhere in this publication.

The boards described in this article are numbered. For convenience, a brief index of boards is included.

### Boards Authorized by General Statewide Laws

#### 1. Waterworks and Sewer Boards

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-50-230 through 11-50-291, Code of Alabama 1975.
- c. Composition: Three, five or seven members. Not all options are available to all municipalities.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: Different compensation alternatives are provided by Sections 11-50-234 and 11-50-15 of the Code of Alabama 1975. **Note:** A councilmember appointed to serve on a board created pursuant to these code sections *cannot* receive a fee for serving on the city's water works board even if the board elects to pay its members under Section 11-50-15 of the Code. A councilmember may receive reimbursement for actual expenses incurred as allowed by Section 11-50-234(a) and an expense allowance as provided by Section 11-50-234.1. AGO 2000-027.
- g. Municipal officials: If the board has three members, two may be members of the municipal governing body. If the board has five or seven members, three may be members of the municipal governing body. These provisions are permissive, not mandatory. If the articles of incorporation prohibit municipal officers, they are not eligible to serve on the board. *Buffalow v. State*, 281 Ala. 132, 199 So.2d 672 (Ala. 1967). Members of the municipal governing body who serve on this board may not be compensated for serving.
- h. Powers: The board has the authority to operate the municipal water and sewer system with additional authority granted by Section 11-50-260 through 11-50-273 of the Code to operate gas plants and gas systems, and by Sections 11-50-290 and 11-50-291 of the Code to operate and manage the sanitary sewer systems of the municipality.
- i. Other: New corporations cannot be organized under these sections. However, existing corporations formed pursuant

to these statutes may continue to exist and function. A certificate of incorporation that prohibits a councilmember from serving on the board is not automatically amended by virtue of the fact that Section 11-50-234(a) was amended to allow council members to serve on the board. *Water Works & Sewer Bd. of Wetumpka v. Wetumpka*, 773 So.2d 466 (Ala. 2000). Non-residents and non-registered voters may be appointed to serve on the board. AGO 2001-085.

## **2. Boards to Operate Water, Sewer, Gas and Electric Systems**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-50-310 through 11-50-324, Code of Alabama 1975.
- c. Composition: three, five or seven members. Not all options are available to all municipalities.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: Numerous compensation alternatives are provided by Sections 11-50-15 and 11-50-313, Code of Alabama 1975, as amended.
- g. Municipal officials: If the board has three members, two may be members of the municipal governing body. If the board has five or seven members, three may be members of the municipal governing body. In order for elected officials to serve on the board, the articles of incorporation of the board must contain a provision stating that they are eligible. AGO 1996-267. Members of the board who also serve as members of the municipal governing body may receive compensation for their services on the board, if approved by the board. The certificate of incorporation or an amendment to the certificate may restrict or prohibit service on the board of directors by officers of the municipality. **Note:** A municipal official serving on a board created pursuant to these code sections *may* receive a fee for his or her services under either Section 11-50-313 or 11-50-15, but not both. AGO 2001-128.
- h. Powers: These boards have the authority to operate municipal water, sewer, gas and electric systems as well as cable and telecommunications systems.
- i. Other: A municipal governing body may not increase the size of the utility board without the consent of the utility board. AGO 1996-174.

## **3. Board of Water and Sewer Commissioners**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-50-340 through 11-50-358, Code of Alabama 1975.
- c. Composition: three or five members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: fixed by the governing body.
- g. Municipal officials: If the board has five members, three may be members of the municipal governing body. If the board has three members, two may be members of the municipal governing body. No municipal officers shall receive compensation for their services as board members.
- h. Powers: These boards operate municipal water and sewer systems.

## **4. Gas Districts**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-50-390 through 11-50-417, Code of Alabama 1975.
- c. Composition: Not less than three members with at least one member from each municipality in the district.
- d. Terms: concurrent with that of the mayor of the appointing municipality.
- e. Appointing authority: municipal governing body.
- f. Compensation: None, unless the board in its discretion decides to pay each member a director's fee of not more than \$450 (\$500 for chairman) per meeting attended, but not to exceed one meeting each calendar month.
- g. Municipal officials: mayors may be board members.
- h. Powers: To secure, distribute and sell gas or gas services in member municipalities.
- i. Other: Members hold office until their successors are appointed and qualify. Members may be removed by the appointing authority within the term for which he or she is appointed after giving the member a copy of the charges against him or her and an opportunity to be heard in his or her defense. The removal action of the appointing authority shall be final and non-reviewable.

## **5. Waterworks Utility Boards**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-50-430 through 11-50-445, Code of Alabama 1975.
- c. Composition: three members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: each board member shall be paid a monthly fee fixed by the municipal governing body from the proceeds of the municipal waterworks plant and municipal waterworks system.
- g. Municipal officials: municipal officials cannot be members of this board.
- h. Powers: these boards have complete control of the municipal waterworks system and waterworks plants.
- i. Other: Board members must be qualified electors of the municipality and may not be officers or employees of the municipality. Any person whose term on the municipal governing body has expired within the last six months may not become a member of the board.

## **6. Gas Utility Boards**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-50-460 through 11-50-475, Code of Alabama 1975.
- c. Composition: three members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: monthly fee fixed by the municipal governing body from the money received from the operation of the municipal gas distribution system.
- g. Municipal officials: municipal officials cannot be members of these boards.
- h. Powers: these boards have complete control of municipal gas distribution systems.
- i. Other: Board members must be qualified electors of the municipality and may not be officers or employees of the municipality. Any person whose term on the municipal governing body has expired within the last six months may not become a member of the board.

## **7. Electric Utility Boards**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-50-490 through 11-50-506, Code of Alabama 1975.
- c. Composition: three members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: monthly fee fixed by the municipal governing body from the money received from the operation of the municipal electric distribution system.
- g. Municipal Officials: Municipal officials cannot be members of these boards.
- h. Powers: These boards have complete control of the municipal electric distribution system as well as the authority to operate cable and telecommunications systems.
- i. Other: Board members must be qualified electors of the municipality and may not be officers or employees of the municipality. Any person whose term on the municipal governing body has expired within the last six months may not become a member of the board.

## **8. District Electric Corporations**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-50-520 through 11-50-533, Code of Alabama 1975.
- c. Composition: not less than three members with one director from each municipality located in the power district having a population of 1,000 or more inhabitants.
- d. Terms: one-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: \$10 for each day the member attends board meeting or is on board business not to exceed \$500 per year.
- g. Municipal officials: no director shall be an elected officer of the municipality.
- h. Powers: to generate, purchase, sell and deliver electric power service.

- i. Other: Each director must be a resident of and an elector and property owner in the municipality by whose governing body he was elected.

## **9. Municipal Electric Authority**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-50A-1 through 11-50A-33, Code of Alabama 1975, as amended.
- c. Composition: nine members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: committee of representatives from member municipalities.
- f. Compensation: none.
- g. Municipal officials: municipal officials may serve as members.
- h. Powers: to make available an adequate, dependable, and economical alternative supply of bulk electric power and energy and related services for wholesale to municipalities which may desire such supply.
- i. Other: Members of the election committee shall not be eligible for membership on the board.

## **10. Recreation Authorities Formed by Two or More Municipalities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-47-210 through 11-47-221, Code of Alabama 1975.
- c. Composition: an odd number not less than three members.
- d. Terms: no more than six years.
- e. Appointing authority: municipal governing body or county governing body or a combination thereof.
- f. Compensation: none.
- g. Municipal officials: no provision.
- h. Powers: to operate parks, playgrounds, etc.

## **11. Recreation Boards**

- a. Nature: unincorporated
- b. Statutory authority: Sections 11-86-1 through 11-86-6, Code of Alabama 1975.
- c. Composition: five to nine members.
- d. Terms: staggered five-year terms.
- e. Appointing authority: county or municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials may be board members.
- h. Powers: direct, supervise and promote recreation programs for the municipality.
- i. Other: boards of this type can be created by any county and all municipalities of 100,000 or less inhabitants. Board members must be residents of the county or municipality creating them and have a recognized interest in recreational activities.

## **12. Public Park and Recreation Boards**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-60-1 through 11-60-20, Code of Alabama 1975.
- c. Composition: not less than three.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials and employees may not be members of the board.
- h. Powers: to promote public interest and participation in sports, athletics and recreational activities.
- i. Other: board members must be duly qualified electors and taxpayers of the municipality.

## **13. Public Athletic Boards**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-59-1 through 11-59-17, Code of Alabama 1975.
- c. Composition: any number not less than three.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.

- f. Compensation: the directors receive no compensation, but the board, in its discretion, may pay its members \$5 per meeting with a limit of one meeting per month.
- g. Municipal Officials: no director shall be an officer or employee of the municipality.
- h. Powers: to own and operate recreational facilities.
- i. Other: board members must be duly qualified electors and taxpayers of the municipality.

#### **14. Public Building Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-56-1 through 11-56-22, Code of Alabama 1975.
- c. Composition: three or a multiple of three.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: no municipal official or state official shall be a member of the board.
- h. Powers: the board has the authority to construct certain public buildings and lease them to the municipality.
- i. Other: members must be residents of the municipality.

#### **15. Educational Building Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 16-17-1 through 16-17-19 and Sections 16-18-1 through 16-18-21, Code of Alabama 1975, as amended.
- c. Composition: three.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: no officer of the state, county or municipality may serve on the board while in office.
- h. Powers: to develop “ancillary improvements” for lease or sale to educational institutions.
- i. Other: each member must be a qualified elector of the municipality and own real property therein.

#### **16. Public Hospital Associations**

- a. Nature: incorporated.
- b. Statutory authority: Sections 22-21-50 through 22-21-57, Code of Alabama 1975.
- c. Composition: one member from each precinct or ward falling within the jurisdiction of the municipality.
- d. Terms: five years.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials may serve on these boards.
- h. Powers: to coordinate activities relating to hospitals.

#### **17. Municipal Hospital Building Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 22-21-130 through 22-21-156, Code of Alabama 1975.
- c. Composition: at least three members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal Officials: no officer of the state or of the municipality may be a board member.
- h. Powers: to build hospitals for lease to the municipality.
- i. Other: board members must be residents of the municipality.

#### **18. Medical Clinic Boards**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-58-1 through 11-58-15, Code of Alabama 1975, as amended.
- c. Composition: three members.

- d. Terms: staggered six-year terms.
- e. Appointing authority: county or municipal governing body.
- f. Compensation: none, unless the board decides to pay its members no more than \$10 per meeting not to exceed \$120 per year as a director's fee.
- g. Municipal Officials: no board member may be an officer of the municipality or the county.
- h. Purpose: to construct and administer medical clinics and facilities for the housing and care of elderly persons.

## **19. Regional Mental Health Programs and Facilities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 22-51-1 through 22-51-14, Code of Alabama 1975.
- c. Composition: nine or more members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: three directors are appointed by each governing body authorizing the incorporation or if the facility is to serve an area governed by only one governing body, that governing body elects the entire board. If the board was formed by only two municipalities, then each shall appoint at least five board members.
- f. Compensation: none.
- g. Municipal officials: municipal officials may serve on these boards.
- h. Powers: to construct and operate mental health facilities.
- i. Other: board members must be residents of the area they represent and which is to be served by the board.

## **20. Municipal Health Care Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 22-21-310 through 22-21-344, Code of Alabama 1975.
- c. Composition: not less than three.
- d. Terms: the chairman and vice chairman serve three-year terms. The other board members serve six-year terms.
- e. Appointing authority: county or municipal governing body and/or the board itself. A majority of the board members shall be elected by the municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials may serve as directors.
- h. Powers: to acquire, operate, lease and manage hospitals and other types of health care facilities.

## **21. Municipal Special Health Care Facility Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-62-1 through 11-62-21, Code of Alabama 1975, as amended.
- c. Composition: not less than three.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: state, county or municipal officers may not serve as directors.
- h. Powers: to acquire facilities for lease or sale to not-for-profit health care organizations and to make loans to not-for-profit organizations to finance both capital and operating costs.
- i. Other: each director must be a qualified elector and the owner of real property in the determining municipality.

## **22. Public Hospitals**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-95-1 through 11-95-21, Code of Alabama 1975, as amended.
- c. Composition: five.
- d. Terms: staggered six-year terms.
- e. Appointing Authority: some by the county and some by the municipality.
- f. Compensation: none but expenses.
- g. Municipal Officials: municipal officials may not serve as directors.
- h. Powers: to acquire, construct, equip, and operate hospital facilities within the county.
- i. Other: no state or county officer shall be eligible to serve as a director. Each director must be an eligible voter of the subdivision that elects him. The alternating director must be a licensed physician in the state.

### **23. Zoning Commission**

- a. Nature: unincorporated.
- b. Statutory Authority: Section 11-52-79, Code of Alabama 1975.
- c. Composition: no provision.
- d. Terms: no provision.
- e. Appointing Authority: municipal governing body.
- f. Compensation: no provision.
- g. Municipal Officials: no provision.
- h. Powers: to prepare initial zoning regulations of a municipality.

### **24. Planning Commission**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-52-1, et seq., Code of Alabama 1975.
- c. Composition: nine members (Class 1 cities have 16 members and 3 supernumerary members; cities between 175,000 - 275,000 in population have 9 members plus 2 supernumerary members to serve in the absence of regular members).
- d. Terms: municipal officials serve until their terms of office expire. The other appointed members serve staggered six-year terms. The statute provides different terms for certain members in Class 1 cities and in cities with a population of 175,000 - 275,000.
- e. Appointing authority: In municipalities allowed nine board members, one member is the mayor or his designee, one member is an administrative official of the municipality chosen by the mayor, one member is a member of the council chosen by the council. The other six appointments are made by the mayor. A different law relating to the appointment of board members applies in Class 1 cities, cities with a population of 175,000 - 275,000, and Class 6 cities with a council manager form of government.
- f. Compensation: none, except in Class 1 cities.
- g. Municipal officials: municipal officials may serve only as designated above.
- h. Powers: to provide planning, zoning and subdivision controls for the municipality.
- i. Other: Appointed members shall hold no other municipal office, except one member of the planning commission may also serve on the zoning board of adjustment in cities less than 175,000 or greater than 275,000 in population. In cities between 175,000 and 275,000 populations, no member of the planning commission can serve on the zoning board of adjustment.

### **25. Zoning Boards of Adjustment**

- a. Nature: unincorporated.
- b. Statutory authority: Section 11-52-80, Code of Alabama 1975.
- c. Composition: five members plus two supernumerary members who serve on call of the chairman in the absence of regular members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: appointments to this board are made by the municipal governing body unless the municipal governing body delegates the power to make the appointments to the mayor or to the mayor with the consent of the governing body.
- f. Compensation: no provision.
- g. Municipal Officials: a councilmember may not serve on the Zoning Board of Adjustment. AGO to Hon. John Nisbet, February 24, 1970.
- h. Powers: to hear appeals from decisions of municipal administrative officers relating to the application of municipal zoning regulations, to grant variances and to authorize uses permitted on appeal.
- i. Others: Members of these boards in cities of between 175,000 and 275,000 populations must be bona fide residents and qualified electors of the municipality.

### **26. Industrial Development Boards (Cater Act)**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-54-80 through 11-54-101, Code of Alabama 1975.
- c. Composition: not less than seven members.
- d. Terms: staggered six-year terms.
- e. Appointing Authority: municipal governing body.

- f. Compensation: if the articles of incorporation so provide, each member shall receive an amount not exceeding \$20 per month.
- g. Municipal officials: no member shall be a member of the governing body of the state, county or any municipality or an employee of the municipality.
- h. Powers: to construct buildings for lease to new industries.
- i. Other: board members must be qualified electors and taxpayers of the municipality. Under certain conditions, members must be chosen from the local chamber of commerce. *See*, Section 11-54-86, Code of Alabama 1975.

## **27. Municipal Housing Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 24-1-20 through 24-1-45, Code of Alabama 1975.
- c. Composition: five members.
- d. Terms: staggered five-year terms.
- e. Appointing authority: mayor. Montgomery Housing Authority members are appointed by the Montgomery City Council pursuant to Act 73-618. AGO 1995-198.
- f. Compensation: none. Commissioners in a Class 7 municipality may receive compensation as fixed by the council.
- g. Municipal Officials: municipal officials may not be board members.
- h. Powers: to deal with municipal housing problems.

## **28. Airport Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 4-3-1 through 4-3-24, Code of Alabama 1975, as amended.
- c. Composition: three or more. The city council authorizing the establishment of an airport authority may, by ordinance, set residency requirements for the board of directors of the airport authority. AGO 2005-143.
- d. Terms: staggered as set out in the articles of incorporation.
- e. Appointing authority: county or municipal governing body.
- f. Compensation: if authorized by the articles of incorporation, each board member shall receive not more than \$20 per month provided that he or she receives no more than \$10 per meeting attended.
- g. Municipal Officials: no director shall be an official of the state, any county or any municipality.
- h. Powers: to deal with airport facilities and problems.

## **29. Airport Authorities — Alternate Procedures**

- a. Nature: incorporated.
- b. Statutory authority: Sections 4-3-40 through 4-3-62, Code of Alabama 1975, as amended. Any existing public airport authority may reincorporate under these sections.
- c. Composition: three, five or seven members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: county or municipal governing body.
- f. Compensation: as authorized by by-laws and city or county governing body.
- g. Municipal Officials: members of the county or municipal governing body may serve if authorized by articles of incorporation.
- h. Powers: to deal with airport facilities and problems.

## **30. Improvement Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 39-7-1 through 39-7-34, Code of Alabama 1975.
- c. Composition: Up to five members.
- d. Terms: staggered three-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: fixed by the board. No limit on amount.
- g. Municipal Officials: no municipal officials may be board members.
- h. Powers: to provide certain municipal services as well as the authority to operate cable and telecommunications systems.
- i. Other: members must be qualified electors of the area served.



### **31. Free Public Libraries**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-90-1 through 11-90-4, Code of Alabama 1975.
- c. Composition: five members.
- d. Terms: staggered four-year terms.
- e. Appointing Authority: municipal or county governing body.
- f. Compensation: none.
- g. Municipal officials: no provision.
- h. Powers: to operate public libraries.

### **32. Public Library Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-57-1 through 11-57-26, Code of Alabama 1975.
- c. Composition: three or a multiple of three members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: no board member shall be an officer of the state or of the municipality.
- h. Powers: to acquire public library facilities for lease to and by the municipality.
- i. Other: board members must be residents of the municipality.

### **33. City Boards of Education**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 16-11-1 through 16-11-27, Code of Alabama 1975, as amended.
- c. Composition: five members.
- d. Terms: staggered five-year terms.
- e. Appointing authority: General law provides for the appointment of board members by the municipal governing body. However, the state constitution provides that the Legislature, by local law, may provide for the election of board members. Constitutional Amendment 659, Alabama Constitution, 1901. Local legislation of this type has been passed for some municipalities.
- f. Compensation: Members of city and county school boards are authorized to receive reasonable compensation for their services, not to exceed \$600 per month, unless set at a higher figure by a local act, upon approval by a majority vote of the members at the board's annual meeting. Compensation shall be in addition to actual traveling and other necessary expenses incurred in attending meetings and transacting business of the board. The compensation, actual traveling expenses and other necessary expenses incurred shall be paid as other ordinary and necessary expenses of the board. Any individual school board member, at his or her option, may refuse to accept all or any portion of the approved compensation. Section 16-1-26, Code of Alabama 1975.
- g. Municipal officials: municipal officials may not be members of this board.
- h. Powers: to operate the free public schools within the municipality.
- i. Other: Board members must be residents of the municipality and certain population classifications have limitations on the number of classroom teachers that may be on the board. The act only applies to cities of more than 5,000 population according to the last Census. The board in a Class 4 municipality which has adopted the mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975, may be composed of seven members. The governing body of any Class 5 municipality may, by resolution, provide for the appointment of school board members from districts corresponding to the city governing body districts and the manner of appointment, for the appointment of one member from the city at-large by the mayor, and for the length of terms of the board members. Section 16-11-3.1, Code of Alabama 1975.

### **34. Regional Planning Commission**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-85-50 through 11-85-59, Code of Alabama 1975.
- c. Composition: All governmental units within the boundaries of a region which are parties to the agreement for the establishment of a regional planning and development commission shall be represented on the commission. The agreement

may provide formulas and procedures under which smaller governmental units may select a common representative and larger units may select more than one representative but there shall be at least one representative for each county and each city over 10,000 in population. A majority of the board members shall be elected public officials of the participating governmental units.

- d. Terms: the terms of members shall be specified in the agreement. Terms of representatives who are not elected officials shall be arranged to provide overlapping periods of service while the terms of elected representatives shall expire upon their leaving office.
- e. Appointing authority: governing body.
- f. Compensation: no provision.
- g. Powers: to assist governmental units in regional planning and development.

### **35. Water, Sewer, Solid Waste Disposal and Fire Protection Districts**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-89-1 through 11-89-19, Code of Alabama 1975, as amended.
- c. Composition: The number of directors shall be at least equal to the total number of counties and municipalities with the governing bodies of which such application for incorporation was filed, but in no event less than five.
- d. Terms: four years.
- e. Appointing authority: at least one director shall be appointed by each governing body involved.
- f. Compensation: If the certificate of incorporation so provides, each director shall be compensated in an amount set by the county commission. The chairman may receive an additional amount if the certificate of incorporation so provides.
- g. Municipal officials: No state, county or municipal officers may be board members.
- h. Powers: to acquire, equip and operate water, sewer, solid waste disposal and fire protection systems.
- i. Other: Each director must be a duly qualified elector of the county or municipality which elects him or her.

### **36. Solid Waste Disposal Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-89A-1 through 11-89A-25, Code of Alabama 1975, as amended.
- c. Composition: as provided in the articles of incorporation. Not less than three.
- d. Terms: not more than six years.
- e. Appointing authority: municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials may serve as board members.
- h. Powers: to acquire, construct, lease and improve facilities for the efficient collection and utilization of solid wastes.

### **37. Governmental Utility Services Corporation**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-97-1 through 11-97-27, Code of Alabama 1975.
- c. Composition: three directors.
- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal or county governing body.
- f. Compensation: nothing but expense reimbursement.
- g. Municipal officials: one director may be a member of the governing body of the authorizing subdivision.
- h. Powers: to provide methods of providing certain utility services.
- i. Other: directors must be qualified voters of the municipality.

### **38. Port Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-94-1 through 11-94-25, Code of Alabama 1975, as amended.
- c. Composition: five members.
- d. Terms: staggered five-year terms.
- e. Appointing authority: county and municipal governing body.
- f. Compensation: none.
- g. Municipal officials: municipal officials may not serve as authority members.
- h. Powers: to develop waterfront property.

### **39. Historical Preservation Authorities**

- a. Nature: incorporated after approval of governor's office.
- b. Statutory authority: Sections 41-10-135 through 41-10-154, Code of Alabama 1975, as amended.
- c. Composition: not less than three members.
- d. Terms: staggered six-year terms.
- e. Appointing authority: If the operation of the authority is wholly within a single municipality, the municipal governing body shall appoint the directors. If the authority operates wholly within a single county, the county governing body shall appoint the directors. Otherwise, the directors shall be appointed by the governor from names nominated by the Alabama Historical Commission.
- f. Compensation: none.
- g. Municipal Officials: municipal officials may serve on the board.
- h. Powers: to undertake studies and surveys and to restore, acquire and operate public or private property within the state listed in the National Register of Historic Places.

### **40. Historic Preservation Commissions and Architectural Review Boards**

- a. Nature: unincorporated.
- b. Statutory authority: Section 11-68-1 through 11-68-15, Code of Alabama 1975.
- c. Composition: not less than seven.
- d. Terms: staggered three-year terms
- e. Appointing authority: nominated by chief executive officer of the municipality and appointed by the governing body.
- f. Compensation: none.
- g. Municipal officials: not more than one-fifth of the members shall be public officials.
- h. Powers: to provide for the creation, protection and enhancement of historic properties or historic districts.
- i. Other: Members must have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law or shall be residents of the historic district designated pursuant to ordinance.

### **41. Railroad Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 37-13-1 through 37-13-21, Code of Alabama 1975.
- c. Composition: not less than three members.
- d. Terms: not more than five years.
- e. Appointing authority: If there is only one authorizing subdivision, then all directors shall be appointed by the governing body of that subdivision. If there is more than one authorizing subdivision, then each shall appoint an equal number of directors. One director shall be appointed jointly by the authorizing subdivisions.
- f. Compensation: none.
- g. Municipal officials: no state, county or municipal officer shall be a director.
- h. Powers: to acquire, construct and operate railroads and railroad facilities.

### **42. E911 Communications Districts**

- a. Nature: unincorporated.
- b. Statutory authority: Sections 11-98-1 through 11-98-11, Code of Alabama 1975.
- c. Composition: seven members
- d. Terms: staggered four-year terms.
- e. Appointing authority: county or municipal governing body.
- f. Compensation: no provision.
- g. Municipal officials: no provision other than municipal governing body may serve as the board. *See*, Section 11-98-4(e), Code of Alabama 1975.
- h. Powers: to establish local emergency telephone service.
- i. Other: board members must be qualified electors of the district.

### **43. Downtown Development Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-54A-1 through 11-54A-24, Code of Alabama 1975.
- c. Composition: at least three members.

- d. Terms: staggered six-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none except reimbursement of expenses.
- g. Municipal officials: municipal officials may serve on the board.
- h. Powers: to revitalize and redevelop the central business district of any city.
- i. Other: board members must be qualified electors of the city.

**44. Federal Building Authorities**

- a. Nature: incorporated
- b. Statutory authority: Sections 11-101-1 through 11-101-27, Code of Alabama 1975.
- c. Composition: a number set out in the certificate of incorporation.
- d. Terms: as set out in the certificate of incorporation.
- e. Appointing authority: as set out in the certificate of incorporation. Municipal directors shall be nominated by the mayor and confirmed by the municipal governing body. County directors shall be nominated by the chair of the county commission and confirmed by the county commission.
- f. Compensation: none.
- g. Municipal officials: no elected official may serve as a director.
- h. Powers: to provide buildings, facilities and other property for lease to the federal government.
- i. Other: no fewer than a majority of the directors shall be appointed by other than the governing body of an authorizing subdivision.

**45. Public Corporation for Storm Water Discharges**

- a. Nature: incorporated
- b. Statutory authority: Sections 11-89C-1 through 11-89C-14, Code of Alabama 1975.
- c. Composition: one representative from each member governing body. If the governing body is a municipality, the member shall be the mayor. If the governing body is a county commission, the member must be a county commissioner.
- d. Terms: no provision.
- e. Appointing authority: state law.
- f. Compensation: none but reimbursement for expenses.
- g. Municipal officials: mayors and county commissioners may serve.
- h. Powers: to implement the storm water laws affecting participating jurisdictions.
- i. Other: no provision.

**46. Commercial Development Authorities**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-54-170 through 11-54-192, Code of Alabama 1975.
- c. Composition: five directors.
- d. Terms: staggered four-year terms.
- e. Appointing authority: municipal governing body.
- f. Compensation: none except reimbursement of expenses.
- g. Municipal Officials: no state, county, or municipal officials may serve as board members.
- h. Powers: to acquire, own, and lease projects for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities or expand existing facilities in any municipality.
- i. Other: Directors must be qualified electors of the municipality. Commercial Development Authorities are exempt from Alabama's competitive bid laws. *See*, Section 11-54-186, Code of Alabama 1975.

**47. Class 1 City Public Transportation Authority**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-49B-1 through 11-49B-23, Code of Alabama 1975.
- c. Composition: 10 to 15 Directors.
- d. Terms: staggered four-year terms.
- e. Appointing Authority: three members appointed by the president of the county commission subject to county commission confirmation; three members appointed by the mayor subject to city council confirmation; three members appointed by the

president of the mayors association of the county where the authority is organized; and one member who is the president of the area regional transportation authority citizens advisory committee in the Class 1 municipality. If counties adjoining Jefferson County join the authority, the president of the county commission of such additional county or counties shall appoint one member to the board.

- f. Compensation: none.
- g. Municipal and county officials: One of the county appointees shall be an elected county official; one of the mayor's appointees shall be an elected city official; and one of the appointees of the mayors association shall be a member of the association.
- h. Powers: to provide public transportation service within the authorizing county or in any part of the county upon any reasonable terms and for any reasonable rates and consideration as the board may prescribe.
- i. Other: The authority has limited tax authority subject to voter approval. Section 11-49B-22, Code of Alabama 1975.

#### **48. Municipal Improvement Districts**

- a. Nature: incorporated.
- b. Statutory authority: Sections 11-99A-1 through 11-99A-51, Code of Alabama 1975.
- c. Composition: three to 11 Directors.
- d. Terms: staggered three-year terms.
- e. Appointing authority: the municipal or county government that created the district.
- f. Compensation: no provision.
- g. Municipal and county officials: no provision.
- h. Powers: to provide for certain public improvements as set out in Section 11-99A-6, Code of Alabama 1975.
- i. Other: Members of the board need not be owners, residents, electors or taxpayers of the appointing government or the state.

#### **49. Regional Jail Authority**

- a. Nature: incorporated.
- b. Statutory authority: Sections 14-6A-30 through 14-6A-39, Code of Alabama 1975.
- c. Composition: Depends on the number of municipalities forming the corporation. *See*, Section 14-6A-32, Code of Alabama 1975.
- d. Terms: Except for mayors serving on the board, board members serve at the pleasure of the governing body appointing them.
- e. Appointing authority: the municipalities creating the authority.
- f. Compensation: no provision.
- g. Municipal and county officials: The mayor of each municipality creating the authority serves on the board and up to one councilmember from each municipality may serve.
- h. Powers: to construct, maintain and operate a regional jail for the purpose of housing municipal inmates.
- i. Other: Once constructed, the jail shall be operated by a superintendent selected by the mayor members of the board of directors.

#### **Municipal Telecommunication Services**

Section 11-50B-1 et seq., Code of Alabama 1975, provides additional powers and authority for those boards created under Article 9 of Chapter 50 of Title 11, Article 15 of Chapter 50 of Title 11, Chapter 7 of Title 39, of the Code of Alabama 1975, and any local act authorizing the creation of a public corporation appointed by a municipal governing body to furnish electric service to consumers. The additional powers provided to these boards includes the authority to acquire, establish, purchase, construct, maintain, enlarge, extend, lease, improve and operate cable systems, telecommunications equipment and telecommunications systems and furnish cable service, interactive computer service, internet access, other internet services and advanced telecommunications service, or any combination thereof.

#### **Boards Created Under Limited Statutes**

In addition to the boards authorized by general statewide statutes, many municipalities have local boards created pursuant to local laws passed by the state legislature. Many municipal personnel boards were established in this manner. In addition, there are state laws pertaining to boards located within certain classes of municipalities. *See*, Section 11-40-21, Code of Alabama 1975.

**Conclusion**

All municipal officials should obtain copies of the articles of incorporation and any amendments thereto for all incorporated boards in their municipality. This information will be needed to answer questions concerning the operation of municipal boards.

*Revised 2020*



