

STATE OF ALABAMA)

JEFFERSON COUNTY) November 10, 2010

NEW TERM

MINUTES OF THE MEETING OF THE JEFFERSON COUNTY COMMISSION
FOR THE TERM BEGINNING NOVEMBER 10, 2010

The Commission met in regular session at the Birmingham Courthouse at 1:32 p.m., David Carrington, President, presiding and the following members were present:

District 1 - George F. Bowman

District 2 - Sandra Little Brown

District 3 - James A. (Jimmie) Stephens

District 4 - Joe Knight

District 5 - David Carrington

Nov-10-2010-1063

JEFFERSON COUNTY COMMISSION

NOVEMBER 10, 2010

RESOLUTION OF ORGANIZATION

WHEREAS, in the case of Michael Taylor, et al. v. Jefferson County Commission, et al., CV 84-C-1730-S, in the United States District Court resulted in a Consent Decree which expanded the Jefferson County Commission to five (5) members elected from five (5) districts, the descriptions of which are set out therein, commencing with the general election of November, 1986, and each four years thereafter, and which decree provided that the Commissioners so elected shall hold their respective offices for the term of four (4) years from the first Monday after the second Tuesday of January, next after the general election at which they are elected and until their successors are elected and qualified; and

WHEREAS, said decree provided further that 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 that all laws assigning powers and duties to particular Commissioners under the former three-member Commission shall be interpreted as assigning those powers and duties to the Commission as a whole; and

WHEREAS, by Act No. 97-147, the Alabama Legislature further implemented the decree, as amended, of the case of Taylor, et al. v. Jefferson County Commission, described above, and legislatively created and established in and for Jefferson County a single-member district governing body comprised of five members elected from single-member districts and which Act further provided that the President of the Commission shall be elected by the members of the Commission and the Commission shall assign the duties and jurisdiction of each Commissioner; and

WHEREAS, § 11-3-1(d), Code of Alabama (1975), as last amended by Act 2007488, provides that 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, by Act 2009-662 and Act 2009-812, the Alabama Legislature directed the Jefferson County Commission to hire a County Manager to be the County Chief Operating Officer on or before April 1, 2011; and

WHEREAS, in said general election of November 2, 2010 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 has taken office as such Jefferson County Commissioner and the Jefferson County Commission now desires to further implement said Consent Decree in accordance with Alabama law.

NOW THEREFORE, BE IT RESOLVED by the Jefferson County Commission as follows:

(1) The Jefferson County Commission shall consist of five (5) Commissioners who shall be elected from districts numbered 1 through 5 by the duly qualified voters thereof as other state and county officials, commencing with the general election in November, 1986, and each

four years thereafter. In all primary and general elections held to choose members of the Commission, the ballot shall separately designate the five County Commission districts and specify the candidates for each such position. The Commissioners so elected shall hold their respective offices for a term of four years beginning at 12:00 a.m. on the second Wednesday morning after the general election at which they are elected until their successors are elected and qualified. As such, the Commissioners elected on Tuesday, November 2, 2010, shall take office on Wednesday, November 10, 2010, at 12:00 a.m.

(2) The operating oversight powers and duties conferred by law upon County Commissions and the members thereof in Jefferson County shall be distributed among five Commission Committees as follows, subject to the subsequent paragraphs of this resolution:

1. Committee of Health Services and General Services
2. Committee of Community Services and Roads and Transportation
3. Committee of Finance and Information Technology
4. Committee of Courts, Emergency Management, and Land Planning and Development Services
5. Committee of Administrative Services

Each committee shall consist of all five commissioners, one of which will be the chair. The oversight responsibilities of each committee are set out in Exhibit A, hereto.

(3) The day-to-day operating powers and duties conferred by law upon County Commissions and the members thereof in Jefferson County shall be delegated to two at-will, non-merit system executives, who shall each report to the County Commission as a whole and be subject to the subsequent paragraphs of this resolution: the County Chief Operating Officer (County Manager) and the County Chief Financial Officer (as soon as the at-will position is approved by the State Legislature). These two executives shall also be the Appointing Authority under the Jefferson County Personnel Board Rules for merit system and non-merit system employees within their respective areas of responsibilities, as shown on Exhibit B, hereto. The County Chief Financial Officer shall also be the Appointing Authority for merit system employees assigned to the Financial Elected Officials (including the County Treasurer, Tax Assessors, Tax Collectors and Board of Equalization). The at-will County Attorney, who shall report to the County Commission as a whole, shall provide legal advice to the Commission and the President shall be the Appointing Authority for all merit system and non-merit system employees on the County Attorney's staff. The County Chief Operating Officer will be the Appointing Authority for all other merit system employees not assigned to the President, the County Chief Financial Officer, the Jefferson County Sheriff or the Pension Board of the General Retirement System for Employees of Jefferson County. All employees working in the personal office of an individual Commissioner shall be at-will employees of that Commissioner.

(4) In the event there is a temporary vacancy in the County Chief Operating Officer (including the time period prior to the employment of the initial County Manager pursuant to Act 2009-662 and Act 2009-812), the County Chief Financial Officer (including the time period prior to the at-will position being approved by the State Legislature) or the County Attorney, the Commission Committee Chair(s) with oversight responsibility for the vacant executive's departments and employees shown on Exhibit A hereto shall be the temporary head thereof and shall supervise and control its operation subject to the authority of the Commission as a whole until said vacancy is filled.

(5) All other powers and duties conferred by law upon the Jefferson County Commission and the members thereof shall remain with the Commission as a whole.

(6) Effective at 12:00 a.m., Wednesday morning November 10, 2010, the Commissioners are assigned the following responsibilities.

David Carrington - President of the Commission; Chair of the Administrative Services Committee; Member of the Other Four Commission Committees; Member of the Birmingham-Jefferson Convention Center (BJCC) Board and Primary Liaison to the Environmental Services Department, the County Attorney, the Jefferson County Personnel Board and the Jefferson County Pension Board.

Sandra Little Brown - President Pro Tempore of the Commission; Chair of the Community Services and Roads and Transportation Committee; Member of the Other Four Commission Committees; and Primary Liaison to All Governmental Transportation Agencies and the County Farm Agent.

George Bowman - Chair of the Health Services and General Services Committee; Member of the Other Four Commission Committees; and Primary Liaison to the Jefferson County Health Department and All Governmental Health Related Agencies.

Joe Knight - Chair of the Courts, Emergency Management, Land Planning and Development Services Committee; Member of the Other Four Commission Committees; Member of the Jefferson County Racing Association; and Primary Liaison to the District Attorneys, Probate Court, Law Library and State Courts.

Jimmie Stephens - Chair of the Finance and Information Technology Committee; Member of the Other Four Commission Committees; and Primary Liaison to the Sheriff and All State and Local Financial Elected Officials (including the County Treasurer, Tax Assessors, Tax Collectors and Board of Equalization).

(7) Except for November, 2010, the Commission Committees shall meet when necessary on the first and third Tuesday of the month and at other times as called by the respective Committee Chairs, provided that each Chair will insure that the meeting time does not conflict with a Committee Meeting time previously called by another Commissioner. In the event that the first or third Tuesday of the month is an official County holiday, the Commission Committees shall meet on the next business day following the holiday. In November, 2010, the Commission

Committees may meet on November 16th and November 30th. The Commission Committees shall serve to advise and assist the County Chief Operating Officer, the County Chief Financial Officer and the County Attorney and to coordinate and consult with these individuals regarding the day-to-day operations of the County. In case of doubt as to the appropriate Committee for an item of business, the President shall make the Committee assignment.

(8) Except for November, 2010, the Commission shall meet in a Regular Meeting on the second and fourth Tuesday of the month at 9:00 a.m. and at other times as called by the President (or the President Pro Tempore in the temporary absence of the President). In the event that the second or fourth Tuesday of the month is an official County holiday, the Commission shall meet in a Regular Meeting on the next business day following the holiday at 1:30 p.m. In November, 2010, the Commission will meet on Wednesday, November 10 at 1:30 p.m. and on Tuesday, November 23 at 9:00 a.m. Said Regular 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.

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

(10) In the event of a permanent Commissioner vacancy due to death, resignation or otherwise, a replacement Commissioner shall be selected in accordance with law.

- If the former Commissioner was not the President, the 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.

- If the former Commissioner was also the President Pro Tempore, a temporary President Pro Tempore will be appointed by the President until a new President Pro Tempore is elected by a minimum of three Commissioners in a Regular or Special Meeting of the Jefferson County Commission.

- If the former Commissioner was the President, the President Pro Tempore, while retaining his/her current Committee Chair and Liaison responsibilities, will serve as the temporary President and assume the former President's Committee Chair and Primary Liaison responsibilities as set forth in paragraph (6) until a new President is elected by a minimum of three Commissioners in a Regular or Special Meeting of the Jefferson County Commission. The new President shall assume from the temporary President the Committee Chair and Primary Liaison responsibilities of the former President as set forth in paragraph (6) above and may temporarily re-assign some or all of his/her previous responsibilities to other Commissioners. Once a replacement Commissioner is sworn into office, the replacement Commissioner will be assigned the previous Committee Chair and Primary Liaison responsibilities of the new President as set forth in paragraph (6) above.

- A resolution selecting a new President or President Pro Tempore following a permanent vacancy is not subject to the requirements necessary for other changes to the Organization Resolution as set forth in paragraph (12) below.

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

- Serve as the presiding officer at all Commission Meetings, other than Committee Meetings, at which the presiding officer will be the Committee Chair;

- Serve as the ceremonial and titular head of the Commission;

- Execute all contracts and other agreements which require approval of the Commission; and

- Execute all checks and/or warrants on the County Commission accounts.

(12) Unless otherwise expressly provided herein, this Organization Resolution 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 Regular Meeting of the Commission by no fewer than four (4) Commissioners.

Exhibit A - Committee Oversight Responsibilities

Committee of Health Services and General Services

- All General Services Departments
- Cooper Green Hospital
- Jefferson County Rehabilitation and Health Center
- Coroner
- Laundry

Committee of Community Services and Roads and Transportation

- All Roads and Transportation Departments
- Office of Senior Citizens
- Community Development

- Economic Development
- Workforce Development

Committee of Finance and Information Technology

- Finance
- Revenue
- Budget Management Office
- Purchasing
- Information Technology

Committee of Courts, Emergency Management, and Land Planning and Development Services

- Family Court
- Juvenile Court
- EMA
- Board of Registrars
- Land Planning
- Development Services

Committee of Administrative Services

- Human Resources
- Minutes Clerk
- Public Information Officer

Exhibit B - Executive Responsibilities

County Chief Operating Officer:

- All General Services Departments
- All Roads and Transportation Departments
- Land Planning and Development Services
- Cooper Green Hospital
- Jefferson County Rehabilitation and Health Center
- Coroner
- Laundry
- Office of Senior Citizens
- Community Development
- Economic Development
- Workforce Development
- Information Technology
- Family Court
- Juvenile Court
- EMA
- Human Resources
- Board of Registrars
- Public Information Office

County Chief Financial Officer:

- Finance
- Revenue
- Budget Management Office
- Purchasing

Motion was made by Commissioner Stephens seconded by Commissioner Brown that the above resolution be adopted.

Motion was made by Commissioner Bowman that the proposed Resolution for Organization be amended by deleting the responsibilities of the County Manager. There was no second to the motion.

Motion was made by Commissioner Bowman that the proposed Resolution for Organization be amended by reducing the Committee structure from five (5) members to three (3) members. There was no second to the motion.

Commissioner Carrington called for the vote on the original motion. Voting "Aye" Stephens, Brown, Carrington and Knight. Voting "Nay" Bowman.

THE JEFFERSON COUNTY COMMISSION
NOVEMBER 10, 2010
RULES OF ORDER AND PROCEDURE

RULE 1

Regular Meeting. Except for November, 2010, the County Commission shall meet in regular session on the second and fourth Tuesday of each month at 9:00 a.m. Provided, however, when said meeting date falls upon an official County holiday the County Commission shall meet on the next business day following the holiday at 1:30 p.m. In November, 2010, the Commission will meet on Wednesday, November 10, at 1:30 p.m. and on Tuesday, November 23, at 9:00 a.m. Regular 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 be in the Jefferson County Courthouse in Bessemer, Alabama. A copy of this Rule 1 shall be continuously posted in the Birmingham and Bessemer Courthouses.

RULE 2

Special Meeting. Pursuant to §11-3-8(b), Code of Alabama, the County Commission may schedule a Special Meeting when determined necessary in writing by a majority of the members of the Commission, or in case of an emergency, upon call of the President. The notification requirements of §11-3-8(b), Code of Alabama, shall be followed. The purpose of the meeting shall be included in all public notices of the meeting. At the Special Meeting the President (or President Pro Tempore in the absence of the President) shall open the Meeting by announcing the date, time and place and a statement of the purpose of such Special Meeting. The President (or President Pro Tempore in the absence of the President) shall determine if a quorum of three Commissioners is present for the conduct of business. Rule 4 shall apply to a Special Meeting. The Minutes Clerk shall record the Special Meeting. Actions taken at said Special Meeting shall be valid and enforceable actions of the County Commission.

RULE 3

Agenda. In order for an item to be eligible for placement on the agenda, the item must be certified by the Commission Committee Chairman as having been considered and voted out by a majority of said Committee with a quorum of three or more Committee members present. In addition, the President may place a non-controversial item on the agenda regardless of Committee action or inaction. All items to be placed on the agenda for the Regular Meeting, including items submitted by the President, must be delivered to the Minutes Clerk by 3:00 p.m. on the Thursday immediately preceding the Regular Meeting, unless extenuating circumstances prevent the timely submission thereof.

Such items that are in complete or substantially complete form shall be set out or described upon the agenda printed and published by the Minutes Clerk as soon as possible following a Committee Meeting. The agenda for the Regular Meeting shall be published on an official County website two business days prior to said meeting as required by Alabama Act 2009-812.

New Business. The printed agenda shall include a category identified as "NEW BUSINESS". The Minutes Clerk shall include under the new business category additional matters received by the Minutes Clerk from a Commissioner subsequent to a Committee Meeting and desired to be submitted at the Regular Meeting. There must be unanimous consent of the County Commission at the Regular Meeting for consideration of any item of New Business.

At the request of the President, presenter or sponsor of any matter presented at a Committee Meeting or submitted as New Business, such matter may be withdrawn from inclusion on the agenda if made to the Minutes Clerk prior to final publication of the agenda. Any item appearing on the final published agenda may be withdrawn by the presenter or sponsor upon its reading during the Regular Meeting. Provided, however, such withdrawal shall be subject to objection by any Commissioner and any Commissioner may move the item.

RULE 4

A. Normal Business. At the Regular Meeting and any Special Meeting of the County Commission, a quorum of Commissioners shall be required in order to conduct business. A quorum shall consist of at least three Commissioners. When a quorum of Commissioners is present, the affirmative vote of a majority of Commissioners present and voting shall constitute the action of the County Commission unless a greater number of affirmative votes are required by law or required herein.

B. Zoning. In accordance with section 4, Alabama Act 1947-344, a zoning resolution shall require a majority of the entire Commission (at least three Commissioners) voting affirmatively for the item to constitute the action of the County Commission.

C. Budget. In accordance with section 11-8-3(f) and (g), Code of Alabama, an amendment to the County budget shall require a majority of the entire Commission (at least three Commissioners) voting affirmatively for the item to constitute the action of the County Commission. Following the adoption of the budget, no obligation incurred by any County official or office over and above the amount or amounts approved and appropriated by the County Commission shall be an obligation of the County unless the obligation is approved by an affirmative vote of a majority of the members of the County Commission.

D. County Manager. In accordance with Alabama Act 2009-662, Act 2009812 and any subsequent legislation, resolutions relating to employment or removal of the county manager or a department head shall require the number of affirmative votes required therein for the item to constitute the action of the County Commission.

E. Rules of Order and Procedure. In accordance with Rule 8 hereof, a resolution of amendment to these Rules of Order and Procedure shall require a majority of the entire Commission (at least three Commissioners) voting affirmatively for the amendment to constitute the action of the County Commission.

RULE 5

Meeting Procedure

(A) At the Regular Meeting, the President (or President Pro Tempore, in the absence of the President) shall be the Chairman of the meeting. The Chairman shall open the meeting by announcing the time and date of the Regular Meeting of the Jefferson County Commission. The opening shall be followed by an invocation and the Pledge of Allegiance to the United States Flag. The Minutes Clerk shall record the time the meeting was opened, the presence of the members of the County Commission and all proceedings. The Chairman may, subject to the objection of any Commissioner, authorize a deviation from the chronology of the agenda items.

(B) The Chairman or the Minutes Clerk shall read the agenda items. Provided, the Chairman shall determine whether the items shall be read at length or read by reference number individually or in groups. Provided, any Commissioner may require a separate reading of any item. The Chairman shall call for the action of the County Commission.

(C) The action of the Commission is initiated by motion of any Commissioner. In order to proceed to a vote, such motion must be seconded by at least one other Commissioner. A motion which fails to receive a second dies. Additional motions concerning the item which differ from a failed motion may be made by any Commissioner. The Chairman shall proceed with the agenda when, in the Chairman's discretion, no further motion on an item is forthcoming.

(D) Upon a motion being made and seconded, the Chairman will call for a discussion. Following reasonable opportunity for discussion the Chairman will call for the vote on the motion. The Minutes Clerk shall record the "ayes and the "nays" or abstentions. Silence shall be recorded as an abstention.

(E) Before the vote on a motion, any Commissioner may move to amend the motion. An amended motion which fails to receive a second dies. Upon an amendment to a motion being made and seconded, the Chairman will call for a discussion on the amended motion. Following reasonable opportunity for discussion, the Chairman will call for the vote on the amended motion. The Minutes Clerk shall record the "ayes" and "nays" and abstentions. Silence shall be recorded as an abstention.

(F) If the amended motion passes it shall constitute the action of the Commission on the item. If the amended motion dies for lack of a second or fails to pass, the Chairman shall call for the vote on the original motion. The vote shall constitute the action of the Commission on the item.

(G) Any discretionary action or inaction of the Chairman shall be subject to overrule upon motion of any Commissioner. Upon such motion being made and seconded, the Chairman shall call for a vote, without any discussion. If the motion passes, the Chairman shall abide by its provision. Such matters of discretion shall include the amount of time allowed for discussion of any motion or any amended motion; the allowance of time allowed for any discussion from the floor on any matter; and the amount of time allowed for a recess.

(H) Upon the call or reading of any agenda item, any Commissioner may request that the item be delayed and called up later in the same meeting, that it be removed from the agenda, or that it be carried over to another Regular Commission Meeting. Such request shall be approved by the Chairman if no objection is made thereto by any Commissioner. If objection is made, the Chairman shall proceed to call for Commission action on the item. An item removed from the agenda as above, must be presented at a subsequent Committee Meeting and receive the affirmative vote of a majority of Committee members present and voting with a quorum present in order to be placed upon another agenda as Regular Business. Provided, such removed item may be called as New Business with unanimous consent without further Committee consideration.

(I) An item carried over to another Regular Commission Meeting shall be announced as such carryover item by the Minutes Clerk at the Committee Meeting immediately preceding the Regular Commission Meeting at which it is to be called. The item may then be placed on the agenda.

(J) Upon completion of the agenda items, the Chairman will entertain a motion for adjournment. Upon passage, the County Commission shall stand adjourned.

(K) At any time during the meeting, the Chairman may call a recess for a stated period of time. Any Commissioner may move to overrule the recess or to shorten or to extend the period of time. If such motion passes, the Chairman shall carry out its provision.

(L) The official minutes of a Regular Meeting shall be published on an official County website within two business days of their completion as required by Alabama Act 2009-812.

RULE 6

The Chairman shall see that the business is carried on in its proper order, that decorum is preserved in debate, that order is preserved

and that these rules are observed. The Chairman may speak to points of order in preference to other Commissioners. The Chairman shall decide questions of order and procedure subject to overrule upon motion by any Commissioner. If the motion receives a second, it shall be voted without discussion. In order to pass the motion must receive a majority of the votes cast.

RULE 7

Commissioners shall not make personal reflections upon another Commissioner and no Commissioner shall name another Commissioner in argument or debate.

RULE 8

These rules may be amended by 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 Regular Meeting of the Commission by no fewer than three Commissioners.

Motion was made by Commissioner Knight seconded by Commissioner Stephens that the above resolution be adopted.

Motion was made by Commissioner Brown to amend proposed RULE 3 to add the words “ a non-controversial item” to the second sentence of RULE 3. That motion was seconded by Commissioner Stephens. Voting “Aye” Brown, Stephens, Bowman, Carrington and Knight.

Motion was made by Commissioner Brown seconded by Commissioner Stephens to approve the amended Rules of Order and Procedure. Voting “Aye” Brown, Stephens, Bowman, Carrington and Knight.

Thereupon the Commission Meeting was adjourned to meet Tuesday, November 23, 2010 at 9:00 a.m. in Commission Chambers.

President

ATTEST

Minute Clerk