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Municipal Boards in Alabama

The state legislature has authorized Alabama cities and towns to place the administration of certain 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.

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.

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 by statute, 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. 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 (see Section 11-50234, Code of Alabama 1975).

d. Terms: staggered six-year terms (see Section 11-50-234(a), Code of Alabama 1975).

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 board. A councilmember or other municipal officer may receive reimbursement for actual expenses incurred as allowed by Section 11-50-234(a) and an expense allowance as provided by Section 1150-234.1. AGO 2000-0027.

g. Municipal officials: Municipal officials, including council members, are eligible to serve on the board of directors. 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).

h. Powers: The board has the authority to operate the municipal water and sewer system. The board also has the authority

to operate gas plants and gas systems, granted by Section 11-50-260 through 11-50-273 of the Code,, and to operate and manage the sanitary sewer systems of the municipality, granted by Sections 11-50-290 and 11-50-291 of the Code.

i. Other: New corporations cannot be organized under these sections. Existing corporations formed pursuant to these statutes may continue to exist and function; however, any amendment to such corporation's certificate of incorporation will bring it under the control of Article 9, Chapter 50, Title 11, as if it had been incorporated under that Article. Section 11-50-324, Code of Alabama 1975. 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 2001-0085.

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 (see Section 11-50313(c), Code of Alabama 1975).

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. Municipal officers who serve on the board may receive compensation for their services on the board, if approved by the board. No fee may be paid to any member of the board for services rendered with respect to a sanitary sewer system (see Section 11-50-313(b), Code of Alabama 1975).

g. Municipal officials: Municipal officials, including council members, are eligible to serve on the board of directors. If the board has three members, then up to two may be members of the municipal governing body. If the board has five or seven members, then up to 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 1996-0267. 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 2001-0128.

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 1996-0174.

3. Board of Water and Sewer Commissioners

a. Nature: unincorporated, created by ordinance.

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. No municipal officers shall receive compensation for their services as board members.

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.

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. The members of the board of directors will elect a chair from their membership.

d. Terms: Each member's term will be concurrent with that of the mayor of their own appointing municipality, unless otherwise provided in the articles of incorporation.

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 $1,750 ($2,000 for chairman) per meeting attended, 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. If a vacancy occurs on the board of directors of a gas district, the appropriate appointing authority may appoint a replacement to complete the rest of the term.

5. Waterworks Utility Boards

a. Nature: unincorporated, created by ordinance.

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 monthly in an amount fixed by the municipal governing body, from the proceeds of the municipal waterworks plant and municipal waterworks system.

g. Municipal officials: Municipal officials and employees may not serve on a waterworks utility board. Additionally, a former member of the municipal governing body whose term expired less than six months prior to their election to the waterworks utility board may not serve.

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. If a vacancy occurs on the board, the municipal governing body must immediately elect another person to serve for the remainder of the original term (see Section 11-50-432, Code of Alabama 1975).

6. Gas Utility Boards

a. Nature: unincorporated, created by ordinance.

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: Each board member shall be paid monthly in an amount fixed by the municipal governing body, from the money received from the operation of the municipal gas distribution system.

g. Municipal officials: Municipal officials and employees may not serve on a gas utility board. Additionally, a former member of the municipal governing body whose term expired less than six months prior to their election to the gas utility board may not serve.

h. Powers: these boards have complete control of municipal gas distribution systems.

i. Other: Board members must be qualified electors of the municipality. If a vacancy occurs on the board, the municipal governing body must immediately elect another person to serve for the remainder of the original term (see Section 11-50-462, Code of Alabama 1975).

7. Electric Utility Boards

a. Nature: unincorporated, created by ordinance.

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: Each board member shall be paid monthly in an amount fixed by the municipal governing body, from the money received from the operation of the municipal electric distribution system.

g. Municipal Officials: Municipal officials and employees may not serve on a electric utility board. Additionally, a former member of the municipal governing body whose term expired less than six months prior to their election to the electric utility board may not serve.

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. If a vacancy occurs on the board, the municipal governing body must immediately elect another person to serve for the remainder of the original term (see Section 11-50-492, Code of Alabama 1975).

8. District Electric Corporations

a. Nature: incorporated.

b. Statutory authority: Sections 11-50-520 through 11-50-533, Code of Alabama 1975.

c. Composition: One director from each municipality located in the power district having a population of 1,000 or more inhabitants. The board of directors will elect a chair from their own membership.

d. Terms: one-year terms.

e. Appointing authority: Municipal governing body of each member municipality with a population of 1.000 or more.

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 elected officer of the municipality can serve on the board of directors.

h. Powers: to generate, purchase, sell and deliver electric power service.

i. Other: All or part of at least three contiguous counties must be served by the district electric corporation. 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: Election committee of representatives from member municipalities.

f. Compensation: None, unless the members of the board vote unanimously to compensate its members up to $600 per board meeting. A board member must actually attend a meeting to be compensated. If the board does not choose to compensate members, they may still receive reimbursement for actual expenses incurred in the performance of board duties.

g. Municipal officials: No provision.

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 board must be qualified electors of the municipalities they represent. Members of the election committee shall not be eligible for membership on the board.

10. Recreation Authorities Formed by Two or More Subdivisions of the State

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, but members should be compensated for their actual expenses. g. Municipal officials: no provision.

g. Powers: to operate parks, playgrounds, etc.

11. Recreation Boards

a. Nature: unincorporated, created by ordinance.

b. Statutory authority: Sections 11-86-1 through 11-86-6, Code of Alabama 1975.

c. Composition: Five to nine members, with a chair, secretary, and other officers as deemed necessary by the board to be elected from its own membership.

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: none.

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, but members may be reimbursed for actual expenses.

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, each beginning on the second Monday of November of the proper year.

e. Appointing authority: municipal governing body.

f. Compensation: None, but members may be reimbursed for actual expenses.

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. A newly elected member of the board of directors must take office within 30 days after their election. Members may be impeached and removed from office in accordance with Section 175 of the Constitution of Alabama.

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. Alternatively, the directors of an existing hospital association or the county governing body originally sponsoring the hospital association may decide that the public hospital association's board of directors will be composed of the same number of members as there are members of the county commission; in this case, members will be appointed from the same

voting districts from which the respective members of the county commission are elected (see Section 22-21-51(b), Code of Alabama 1975).

d. Terms: five years.

e. Appointing authority: Governing bodies of each member municipality of the public hospital association.

f. Compensation: none.

g. Municipal officials: municipal officials may serve on these boards.

h. Powers: to coordinate activities relating to hospitals.

i. Other: If a member municipality ceases to provide financial support to the hospital association, it will lose its seats on the board of directors.

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: The number of members specified in the articles of incorporation, which must be an odd number that is at least three members.

d. Terms: staggered six-year terms.

e. Appointing authority: municipal governing body.

f. Compensation: None, but members may be reimbursed for their actual expenses.

g. Municipal Officials: No officer of the state, the municipality, or the county 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, except any member selected by the county commission, who must only be a resident of the county. If the municipality has a population between 32,000 and 33,500, the governing body may choose to divest itself of appointing authority for the municipal hospital building authority by resolution, and vest that authority in the board of directors itself.

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. Even if the board does not choose to pay a director's fee, members may be reimbursed for the actual expenses.

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. A board made up of more than sixteen members will select nine individuals from their membership to serve as an executive committee. On the executive committee, except for boards that provide programs specifically to individuals with intellectual or developmental disabilities, one member must be a sheriff (or the sheriff's designated representative) and one must be a judge of probate.

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: no provision.

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: An odd number of members 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: The 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, but members may be reimbursed for actual expenses.

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.

i. Other: Members may be impeached or removed from office in accordance with Section 175 of the Constitution of Alabama.

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: three.

d. Terms: staggered six-year terms.

e. Appointing authority: municipal governing body.

f. Compensation: None, but members may be reimbursed for actual expenses.

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. A director may not vote on any matter in which the director, their immediate family, or their business interest(s) have any pecuniary interest, unless the director makes a complete disclosure to the board concerning any such interest and removes himself from the board's deliberations. Any director may be impeached and removed from office in accordance with Section 175 of the Constitution of Alabama.

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, according to the following: two members are selected by the governing body of the county, two members are selected are by governing body of the municipality, and one member is an "alternating director" who is selected by the municipality and then the county on an alternating basis (see Section 11-95-6, Code of Alabama 1975).

d. Terms: staggered six-year terms.

e. Appointing Authority: Authorizing county and authorizing municipality.

f. Compensation: None, but members may be reimbursed for actual expenses.

g. Municipal Officials: State, county, and municipal officials may not serve as directors.

h. Powers: to acquire, construct, equip, and operate hospital facilities within the county.

i. Other: Each director must be an eligible voter of the county or municipality that elects him. The alternating director must be a licensed physician in the state. Members may be impeached and removed from office in accordance with Section 175 of the Constitution.

23. Planning Commission

a. Nature: unincorporated, created by ordinance.

b. Statutory authority: Sections 11-52-1, et seq., Code of Alabama 1975.

c. Composition:

d. In a Class 1 municipality: Sixteen members, including the mayor, one administrative official of the municipality (to be selected by the mayor), two members of the municipal council (selected by the council), and twelve individuals selected by the council.

e. In any municipality other than a Class 1 municipality: Nine members, including the mayor, one administrative official of the municipality (to be selected by the mayor), one member of the council (to be selected by the council), and six individuals selected by the mayor.

f. 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.

g. Appointing authority: Mayor or council of the municipality, depending on the form (see Section 11-52-3(a), Code of Alabama 1975).

h. Compensation: None, except in Class 1 cities (see Section 11-52-3(b), Code of Alabama 1975).

i. Municipal officials: Municipal officials may serve only as designated above.

j. Powers: to provide planning, zoning and subdivision controls for the municipality.

k. 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. The mayor and members of the council serving on the commission may appoint supernumerary members who, when the regular member is not in attendance, are authorized to act with all the power and authority of the regular member they represent.

24. 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.

i. Other: A municipality's pre-existing planning commission may be appointed the zoning commission.

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. Members may be removed for cause by the appointing authority, upon written charges and after public hearing

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: None, but members may be reimbursed for actual expenses.

g. Municipal officials: Municipal officials cannot serve on the board. Members of the board should be chosen by the municipal governing body from the municipality's chamber of commerce, board of trade, or similar civic organizations, unless none exist or, in the judgment of the governing body, no members of such organizations are suitable and/or able to serve as members of the board of directors.

h. Powers: to construct buildings for lease to new industries.

i. Other: At least five board members must be qualified electors and taxpayers of the municipality; the board may, at its discretion, include up to two members who are qualified electors and taxpayers in the area outside the corporate limits of the municipality where a project may be located (see Section 11-54-86, Code of Alabama 1975). 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:

d. In a Class 5 municipality with a mayor/commission/city manager form of government organized under Chapter 44 E, Title 11 of the Code of Alabama: seven members

e. In all other municipalities: five members.

f. Terms: staggered five-year terms.

g. Appointing authority: Mayor. Montgomery Housing Authority members are appointed by the Montgomery City Council pursuant to Act 73-618. AGO 1995-0198.

h. Compensation: None, but members may be reimbursed for actual costs. Commissioners in a Class 7 municipality may receive compensation as fixed by the council.

i. Municipal Officials: Municipal officials may not be board members.

j. 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 2005-0143.

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 as established in the authority's articles of incorporation or bylaws.

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. In a Class 2 municipality, the number of members on a public library board organized under state law whose members are appointed by the municipal governing body will be the same as the number of members of the municipal governing body.

d. Terms: staggered four-year terms.

e. Appointing Authority: County commission or municipal 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.

d. Terms: staggered six-year terms.

e. Appointing authority: municipal governing body.

f. Compensation: None, but members may be reimbursed for actual expenses.

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. The board will have a president, vice president, secretary, treasurer, and any other officers the board deems necessary. The offices of secretary and treasurer may be filled by the same person. The secretary and treasurer do not necessarily have to be members of the board.

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:

d. In a Class 4 municipality with a mayor-council form of government organized under Chapter 43B, Title 11 of the Code of Alabama: five or seven members.

e. In all other municipalities: five members.

f. Terms: staggered five-year terms.

g. 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.

h. Compensation: Members of city and county school boards are authorized to receive reasonable compensation for their services, not to exceed $900 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. See Section 16-1-26, Code of Alabama 1975.

i. Municipal officials: municipal officials may not be members of this board.

j. Powers: to operate the free public schools within the municipality.

k. 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 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, created by resolution or ordinance.

b. Statutory authority: Sections 11-85-50 through 11-85-59, Code of Alabama 1975.

c. Composition: All municipalities within the boundaries of the region served by a regional planning commission must be represented on the commission. The agreement creating the commission 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 three. This number can be increased by amending the articles of incorporation.

d. Terms: four years.

e. Appointing authority: governing body of each county and municipality served by the district.

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: Set by the articles of incorporation, but not more than six years.

e. Appointing authority: Determined by the articles of incorporation. at least a majority of the members must be elected by the governing body or bodies of one or more determining subdivisions.

f. Compensation: none, but members may be reimbursed for actual expenses.

g. Municipal officials: municipal officials may serve as board members, unless the articles of incorporation state otherwise.

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: None, but members may be reimbursed for actual expenses. A municipal or county official serving on the board may not receive a fee for service.

g. Municipal officials Municipal and county officials are eligible, but only one may serve on the board at a time.

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, including two appointed by the relevant county, two appointed by the municipality.

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: 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, but members may be reimbursed for actual expenses if the articles of incorporation permit.

g. Municipal Officials: no provision.

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, but members may be reimbursed for actual expenses.

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. Members may be removed for cause by the appointing authority.

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, but members may be reimbursed for actual expenses.

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, created by ordinance or resolution.

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 11-984(e), Code of Alabama 1975.

h. Powers: To establish local emergency telephone service. Pursuant to Section 11-98-4(j), the boards of commissioners of two or more districts may enter into contracts permitting their districts to jointly exercise any power or service that each of the districts is authorized to exercise individually; the Statewide 911 Board must certify that joint operations are ready to occur without service interruption before the contracting districts can begin jointly providing services.

i. Other: board members must be qualified electors of the district.

j. Other: Pursuant to Act 2026-371 (codified at Alabama Code Section 11-98-4.3), the Alabama 911 Board may require E911 communications districts within the state to provide data with which to measure the readiness of the district's public safety services. This data may include: 911 call volume; time to answer and process 911 calls; the number of answered, unanswered, and dropped calls, the number of calls received reporting a crime; etc. The Alabama 911 Board may also conduct a performance audit to review and evaluate the readiness of any district and may implement a remediation plan if it finds operational deficiencies in 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: no provision.

h. Powers: to revitalize and redevelop the central business district of any city.

i. Other: board members must be qualified electors of the city or own property within the redevelopment district as defined by the city; provided that at least 75 percent of the members of the board must be qualified electors of the city.

44. Federal Building Authorities

a. Nature: incorporated

b. Statutory authority: Sections 11-101A-1 through 11-101A-27, Code of Alabama 1975.

c. Composition: an odd number no less than three.

d. Terms: no more than six years.

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, but members may be reimbursed for actual expenses.

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. The membership of the board of directors will then create an executive committee of between three and five members, including the county commissioner from the largest county member of the corporation and at least two mayors. If no counties are members of the public corporation, then all members of the executive committee may be mayors; if there are no municipality members, then all members of the executive committee may be county commissioners.

d. Terms: no provision.

e. Appointing authority: state law.

f. Compensation: none but reimbursement for expenses.

g. Municipal officials: only 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: ten to fifteen Directors.

d. Terms: staggered four-year terms.

e. Appointing Authority:

   i. Three members are appointed by the president of the county commission subject to county commission confirmation; one of these three must be an elected county official.

   ii. Three members are appointed by the mayor of the Class 1 municipality, subject to city council confirmation; one of these three must be an elected city official.

   iii. Three members are appointed by the president of the mayors association of the county where the authority is organized; one of these three must be a member of the mayors association.

   iv. One member will be the president of the area regional transportation authority citizens advisory committee in the Class 1 municipality.

   v. 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. A member of the board may be removed by their appointing authority for neglect of duty, an unexcused failure to attend more than one regularly scheduled meeting in a calendar year, malfeasance, violation of the authorizing statute, or conviction of a felony or crime of moral turpitude.

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 eleven Directors.

d. Terms: staggered six-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: Two members appointed by the municipal council of the most populous municipality participating in the authority, as well as the mayor and one member from each other member municipality.

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.

50. Regional Law Enforcement Training Facility Authority

a. Nature: incorporated.

b. Statutory authority: Act 2025-375.

c. Composition: Two members from any municipality having a population of 20,000 or more; one member from any other municipality; and the mayor of each participating municipality.

d. Terms: Except for the mayors serving on the board, board members serve at the pleasure of the governing body which appointed them.

e. Appointing authority: Except for the mayors serving on the board, members of the board are appointed by their respective municipal governing bodies.

f. Compensation: no provision.

g. Municipal and county officials: The mayor of each participating municipality serves on the board. The member appointed by a municipality with a population of less than 20,000 may be a member of the municipality's governing body. For municipalities with a population of 20,000 or more, one of the two members may be a member of the municipality's governing body.

h. Powers: To construct, maintain, and operate a regional law enforcement training facility.

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.