

www.selfgov.net

PROMOTING SELF-GOVERNANCE IN ALABAMA

SELF GOVERNMENT. The belief that governmental decisions are best made by local citizens on the local level. This is not a new concept. In fact, it is as old as our nation.

For more than 100 years in Alabama, local voters have been blocked because the power to make decisions has largely rested in the halls of the State Legislature in Montgomery. But, a law enacted in 2005 (the Alabama Limited Self-Governance Act) gave Alabama voters the ability to return control of the local communities back to the local level.

A special Web site, www.selfgov.net, is helping educate voters, county officials and others interested in the concept of Self-Government and provides details on the implementation of a law in Alabama that gives local voters the power to make local decisions.

You'll find the following at www.selfgov.net:

- A copy of Act 2005-200 (Alabama Limited Self-Governance Act)
- A press release from Gov. Bob Riley
- Questions and Answers on Self-Governance
- The latest news from papers across Alabama
- A current list of "Self-Governance" counties

<< Good government is no substitute for self-government. >>

<< Self Governance in Alabama >>

“ This new law...will result in more effective and responsive county governments and lessen Montgomery’s power to decide matters that are purely local in nature and should be handled by the government closest to the people.”

Gov. Bob Riley

<< What Self-Governance means to your county. >>

The legislation, as passed by the Alabama Legislature, only deals with nuisance abatement in the unincorporated portion of a county and only in the following defined areas: Weeds, junkyards, litter and rubbish, noise, pollution, unsanitary sewage and animal control.

Q DOES “HOME RULE” INCLUDE TAXING AUTHORITY?

A This legislation does not include any authority in the two areas usually associated with the term “home rule.” This law does not grant any authority to levy taxes or to establish a planning and zoning program. These statements are actually in the law in two different places, just to make sure!

Q WHAT HAPPENS NOW?

- A
1. The commission has the authority to hold a referendum on the application of the act. The vote can also be called by a petition of the citizens. Only those citizens in the unincorporated area can sign the petition, and only those unincorporated residents can vote on the matter.
 2. If the referendum passes, the commission will then enter into a process of adopting “ordinances” to implement the act. The ordinances must be advertised and subject to public hearings and must include provisions for notice to those accused of violating the ordinances and an appeals process to the county commission BEFORE the matter goes to any court of law.
 3. Following this process, the commission can take steps to respond to any nuisances under the subject areas listed above. The act references existing statutory definitions of nuisance, weed, junkyard, litter, and rubbish in order to reduce confusion and disagreement.

Q WHERE DOES THE COMMISSION HAVE AUTHORITY TO TAKE ACTION?

A The legislation specifically prohibits the county from taking any actions inside a city’s limits. The concept behind the act is that only voters in the unincorporated area should vote, and the commission should only exercise the powers in the unincorporated areas.

Q IS THERE PROTECTION FOR FARMS, CITIES, INDUSTRY?

- A The list of actions the commission cannot take is actually much longer than the list of powers that can be exercised. This ensures that the commission cannot take actions against:
- Any business activity regulated by the Alabama Public Service Commission, the Alabama Department of Environmental Management, or the Department of Agriculture and Industries
 - Any action affecting: public schools, courts, gambling, municipalities, “private or civil relationships,” utilities, existing agricultural, manufacturing, or industrial operations, property rights, mining operations.

Q WHAT ABOUT THE FEES?

A The commission cannot charge a fee that is more than the “actual” cost of providing a service. It also clearly states that the fee cannot be charged against a property or person to which the service is not made available.

Q WHAT ABOUT THE FINES?

A Fines are limited to \$150 per violation. The ordinance section also provides for notice to all those who are violating an ordinance and an opportunity for those affected to appeal to the commission.

Q WHAT IF THE VOTERS AREN'T HAPPY?

A The law provides a process for the voters to sign a petition to call a vote on repealing the powers.