

1 HB252
2 116179-2
3 By Representative Grantland (N & P)
4 RFD: Local Legislation
5 First Read: 14-JAN-10

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ENROLLED, An Act,

Relating to the City of Hartselle in Morgan County; providing for the election and operation of the board of education for the City of Hartselle; providing for an authorizing referendum in the City of Hartselle regarding the election of the Hartselle City Board of Education; upon approval of the referendum, providing for the election and operation of the board of education for the City of Hartselle; providing that the members of the board shall be elected at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for the election of the chair and vice chair from the membership of the board; and providing certain transitional provisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Pursuant to Amendment 659 to the Constitution of Alabama of 1901, now appearing as Section 104.01 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, the Hartselle City Council shall call an authorizing referendum election, to be held at the time of the next election held in the city, regarding changing the Hartselle City Board of Education to an elected city board of education.

1 (b) If a majority of the qualified electors of the
2 municipality voting in the authorizing referendum election
3 vote in favor of an elected city board of education, the board
4 shall be established as provided in this act and the
5 Legislature, as provided in Amendment 659, from time to time,
6 by local law may provide further for the election and
7 operation of the Hartselle City Board of Education. The local
8 laws may provide for the termination of the terms of office of
9 members of the existing city board of education; the
10 composition of the city board of education; initial and
11 succeeding terms of office, including staggered terms;
12 at-large membership; qualifications; powers, duties, and
13 responsibilities; vacancies; compensation; and any other
14 matter that the Legislature determines necessary for the
15 operation of the board.

16 (c) The question on the ballot shall read as
17 follows:

18 "Do you favor changing the Hartselle City Board of
19 Education from an appointed to an elected board?

20 "Yes (___) No (___)."

21 (d) If a majority of the qualified electors of the
22 municipality voting in the authorizing referendum vote against
23 an elected city board of education, the current board shall
24 continue to operate as provided by law and the remaining
25 portions of this act shall have no further effect.

1 (e) The official charged with conducting municipal
2 elections shall conduct this election. The city shall pay any
3 costs and expenses not otherwise reimbursed by a governmental
4 agency which are incidental to the election. The official
5 shall report the results of the election to the State Board of
6 Education as provided in Amendment 659.

7 (f) If the majority of electors voting pursuant to
8 this section vote in favor of changing to an elected board, an
9 elected board of education for the City of Hartselle shall be
10 established.

11 Section 2. An elected board of education for the
12 City of Hartselle is established. The board shall be called
13 the "Hartselle City Board of Education." The board shall be
14 composed of five members, with each member being elected
15 at-large by a majority of the qualified electors voting who
16 reside in the City of Hartselle.

17 Section 3. A board member shall reside in the City
18 of Hartselle during his or her entire term of office.

19 Section 4. A candidate for each place on the board
20 of education shall be at least 19 years of age, a resident and
21 qualified voter of the City of Hartselle for at least 90
22 consecutive days immediately preceding the deadline date for
23 qualifying as a candidate, and shall not have a record of
24 conviction for any crime involving moral turpitude, including
25 any crime involving fraud or financial wrongdoing. The

1 qualification fee for the initial election of the members of
2 the board and each election thereafter shall be in the same
3 amount as prescribed by the Hartselle City Council for council
4 seats. The qualifying fee shall be credited to the city
5 general fund.

6 Section 5. (a) The Hartselle City Council shall take
7 necessary steps to ensure that this act complies with the
8 Federal Voting Rights Act of 1965, as amended.

9 (b) The initial election for board members shall be
10 held in conjunction with the next general municipal election
11 at which city council members are elected following final
12 approval of this act by the United States Department of
13 Justice.

14 (c) The initial election and the initial runoff
15 election, if necessary, and all subsequent elections held
16 pursuant to this act shall be conducted, the vote canvassed,
17 and the results declared in the same manner as provided for
18 the election of members of the city council, unless otherwise
19 required in this act.

20 (d) The initial and all subsequent elected members
21 of the board of education shall be elected at the same time,
22 assume office at the same time, and serve the same term of
23 office as the members of the Hartselle City Council.

24 Section 6. (a) Upon the assumption of office of the
25 initially elected members of the board of education, the
26 Hartselle City Board of Education as provided in this act

1 shall be constituted and the terms, powers, duties,
2 responsibilities, and emoluments of office of the prior
3 members of the board of education shall end.

4 (b) (1) Upon assumption of office of the initial
5 elected members of the board of education, these members shall
6 have the powers, authority, duties, and responsibilities as
7 are otherwise provided by law for members of city boards of
8 education as set forth in Chapter 11 (commencing with Section
9 16-11-1) of Title 16 of the Code of Alabama 1975.

10 (2) The election and terms of office of any officers
11 of the board shall be governed by board policy.

12 (3) All property, records, supplies, and equipment
13 of the prior board of education shall be vested in the board
14 created by this act.

15 (c) The establishment of the board of education as
16 provided in this act shall not affect or impair any of the
17 following:

18 (1) Existing rights or privileges of employees of
19 the board including, but not limited to, employment,
20 personnel, salary, and retirement rights and privileges.

21 (2) Existing contractual obligations of the board of
22 education.

23 (3) Existing civil and criminal actions.

24 Section 7. A vacancy on the board of education shall
25 be filled by appointment by a majority of the remaining

1 members of the board of education for the unexpired term. If
2 the vacancy is not filled by the remaining members of the
3 board of education within 45 days, the chair, or the vice
4 chair in the absence of the chair, shall notify the Hartselle
5 City Council which shall fill the vacancy by appointment by a
6 vote of a majority of the members of the city council for the
7 unexpired term. If the vacancy is not filled by the city
8 council within 45 days after notification, the Hartselle
9 Superintendent of Education shall notify the State
10 Superintendent of Education, who shall fill the vacancy by
11 appointment for the unexpired term. A person filling a vacancy
12 on the board of education shall reside in the City of
13 Hartselle. Persons so appointed shall serve the entire
14 unexpired term of the person vacating the position.

15 Section 8. The compensation for the initial members
16 of the board of education shall be five hundred dollars (\$500)
17 per month and thereafter the compensation of the members shall
18 be established by the board.

19 Section 9. An independent auditing firm shall
20 conduct an annual audit of the financial records of the city
21 school system and of the board of education. The audit results
22 shall be made a matter of public record and a copy thereof
23 shall be sent to the Examiners of Public Accounts. All monies
24 of the school system shall be accounted for whether reserved
25 for capital outlay or held for any other purpose.

1 Section 10. The chair and the vice chair shall be
2 elected from the membership of the board. The chair shall have
3 all of the following duties:

4 (1) Preside over all board meetings.

5 (2) Set the meeting dates and times of all board
6 meetings consistent with state law.

7 (3) Set the agenda of the board meetings in
8 consultation with the city superintendent of education.

9 (4) Ensure proper and adequate notice to the public
10 for public hearings on the budget of the school system.

11 (5) Maintain order at all board meetings.

12 (6) Assist the superintendent in seeking public
13 input into the operation and support of the city school
14 system.

15 (7) May vote on matters that come before the board.

16 (8) Ensure due process for the employees of the city
17 school system according to duly adopted written policies and
18 applicable state laws.

19 (9) Promote the city school system as authorized by
20 the board.

21 Section 11. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-JAN-10.

Greg Pappas
Clerk

Senate

18-FEB-10

Passed