

1 HB632  
2 197058-2  
3 By Representative Sorrell (N & P)  
4 RFD: Local Legislation  
5 First Read: 21-MAY-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Colbert County; to provide for an  
14 authorizing referendum in the City of Muscle Shoals regarding  
15 the election of the Muscle Shoals City Board of Education;  
16 upon approval of the referendum providing for the election and  
17 operation of the board of education for the City of Muscle  
18 Shoals; providing that the members of the board shall be  
19 elected by place number from the city at-large; providing for  
20 the selection of a chair and vice chair; providing for the  
21 terms of office, qualifications, and compensation of the  
22 members; prescribing procedures for electing the members and  
23 for filling vacancies on the board; and providing certain  
24 transitional provisions.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) Pursuant to Amendment 659 to the  
27 Constitution of Alabama of 1901, the governing body of the

1 City of Muscle Shoals shall call an authorizing referendum  
2 election, regarding changing the Muscle Shoals City Board of  
3 Education to an elected city board of education, to be held as  
4 soon as practical after the effective date of this act.

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

20 (c) The question on the ballot shall read as  
21 follows: "Do you favor changing the Muscle Shoals City Board  
22 of Education from an appointed to an elected board?

23 "Yes (\_\_\_) No (\_\_\_)."

24 (d) If a majority of the qualified electors of the  
25 municipality voting in the authorizing referendum vote against  
26 an elected city board of education, the current board shall

1 continue to operate as provided by law and the remaining  
2 portions of this act shall have no further effect.

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

9 Section 2. If the majority of electors voting  
10 pursuant to Section 1 vote in favor of changing to an elected  
11 board, an elected board of education for the City of Muscle  
12 Shoals shall be established. The board shall be called the  
13 Muscle Shoals City Board of Education. The board shall be  
14 composed of five members elected from the city at-large by  
15 place numbers which correspond to the place numbers used for  
16 the election of the members of the city governing body.

17 Section 3. A member shall be a resident of the City  
18 of Muscle Shoals during the entire term of office. If the  
19 place numbers used for the election of the members of the city  
20 governing body increase, decrease, or otherwise change, the  
21 corresponding board of education place numbers shall  
22 automatically change correspondingly for the next election of  
23 the city board of education.

24 Section 4. A candidate for each place on the board  
25 of education shall be at least 21 years of age, a resident of  
26 the City of Muscle Shoals for at least 90 consecutive days  
27 immediately preceding the deadline date for qualifying as a

1 candidate, and shall not have a record of any felony  
2 conviction. The qualification fee for the initial election of  
3 the members of the board shall be one hundred dollars (\$100)  
4 for each candidate. Thereafter, each candidate shall pay a  
5 qualifying fee in an amount prescribed by the city governing  
6 body. The qualifying fee shall be credited to the city general  
7 fund.

8 Section 5. (a) The city governing body shall call an  
9 election to elect the initial members of the board of  
10 education. This election shall be held at the same time as the  
11 citywide election to elect the members of the governing body  
12 of the city in 2020, or as soon thereafter as is possible.

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

19 (c) The initial elected members of the board of  
20 education shall assume office at the same time as the members  
21 of the city governing body elected in 2020, and shall serve  
22 initial terms of office of four years. Thereafter, all members  
23 of the board shall be elected to serve terms of four years  
24 that correspond by place number and duration with the terms of  
25 the members of the city governing body.

26 (d) Dates for succeeding elections held for the  
27 election of the members of the board of education shall

1 correspond with the dates of the elections held for the  
2 members of the city governing body.

3 Section 6. (a) Upon the assumption of office of the  
4 initially elected members of the board of education, the  
5 Muscle Shoals City Board of Education as provided in this act  
6 shall be constituted and the terms, powers, duties,  
7 responsibilities, and emoluments of office of the prior  
8 members of the board of education shall end.

9 (b) (1) Upon assumption of office of the initial  
10 elected members of the board of education, these members shall  
11 have the powers, authority, duties, and responsibilities as  
12 are otherwise provided by law for members of city boards of  
13 education as set forth in Chapter 11 of Title 16 of the Code  
14 of Alabama 1975.

15 (2) At the first meeting after the board takes  
16 office, and every two years thereafter, the board shall by  
17 majority vote of those voting, select a chair and vice chair  
18 from among its members. The vice chair shall preside over  
19 meetings of the board in the absence of the chair.

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

23 (c) The establishment of the board of education as  
24 provided in this act shall not affect or impair any of the  
25 following:

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

4           (2) Existing contractual obligations of the board of  
5 education.

6           (3) Existing civil and criminal actions.

7           Section 7. A vacancy on the board of education shall  
8 be filled by appointment by a majority of the remaining  
9 members of the board of education for the unexpired term. If  
10 the vacancy is not filled by the remaining members of the  
11 board of education within 30 days, the city superintendent of  
12 education shall notify the State Superintendent of Education  
13 who shall fill the vacancy by appointment. A person filling a  
14 vacancy on the board shall be a resident of the City of Muscle  
15 Shoals.

16           Section 8. The compensation for each member of the  
17 board of education shall be as established by state law and  
18 payable from city school system funds.

19           Section 9. An annual audit of the financial records  
20 of the city school system and of the board of education shall  
21 be conducted by a certified public accountant selected by the  
22 board. The audit results shall be made a matter of public  
23 record. All monies of the school system shall be accounted for  
24 whether reserved for capital outlay or held for any other  
25 purpose.

26           Section 10. The chair of the board shall have all of  
27 the following duties:

1                   (1) To preside over all board meetings.

2                   (2) To set the meeting dates and times of all board  
3 meetings consistent with state law.

4                   (3) To set the agenda of the board meetings in  
5 consultation with the city superintendent of education.

6                   (4) To ensure proper and adequate notice to the  
7 public for public hearings on the budget of the school system.

8                   (5) To maintain order at all board meetings.

9                   (6) To assist the superintendent in seeking public  
10 input into the operation and support of the city school  
11 system.

12                   (7) To vote on all matters which come before the  
13 board, if he or she so desires.

14                   (8) To ensure due process for the employees of the  
15 city school system according to duly adopted written policies  
16 and applicable state laws.

17                   (9) To promote the city school system as authorized  
18 by the board.

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