

1 HB366
2 197058-5
3 By Representative Sorrell (N & P)
4 RFD: Local Legislation
5 First Read: 03-MAR-20

1
2 ENROLLED, An Act,

3 Relating to Colbert County; to provide for an
4 authorizing referendum in the City of Muscle Shoals regarding
5 the election of the Muscle Shoals City Board of Education;
6 upon approval of the referendum providing for the election and
7 operation of the board of education for the City of Muscle
8 Shoals; providing that the members of the board shall be
9 elected by place number from the city at-large; providing for
10 the selection of a chair and vice chair; providing for the
11 terms of office, qualifications, and compensation of the
12 members; prescribing procedures for electing the members and
13 for filling vacancies on the board; and providing certain
14 transitional provisions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) Pursuant to Amendment 659 to the
17 Constitution of Alabama of 1901, the governing body of the
18 City of Muscle Shoals shall call an authorizing referendum
19 election, regarding changing the Muscle Shoals City Board of
20 Education to an elected city board of education, to be held at
21 the same time as the citywide election in August 2020.

22 (b) If a majority of the qualified electors of the
23 municipality voting in the authorizing referendum election
24 vote in favor of an elected city board of education, the board
25 shall be established as provided in this act, and the

1 Legislature, as provided in Amendment 659, from time to time,
2 by local law may provide further for the election and
3 operation of the Muscle Shoals City Board of Education. The
4 local laws may provide for the termination of the terms of
5 office of members of the existing city board of education; the
6 composition of the city board of education; initial and
7 succeeding terms of office, including staggered terms;
8 election districts and at-large membership; qualifications;
9 powers, duties, and responsibilities; vacancies; compensation;
10 and any other matter that the Legislature determines necessary
11 for the operation of the board.

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

15 "Yes (___) No (____)."

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

21 (e) The official charged with conducting municipal
22 elections shall conduct this election. The city shall pay any
23 costs and expenses not otherwise reimbursed by a governmental
24 agency which are incidental to the election. The official

1 shall report the results of the election to the State Board of
2 Education as provided in Amendment 659.

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

11 Section 3. A member shall be a resident of the City
12 of Muscle Shoals during the entire term of office. If the
13 place numbers used for the election of the members of the city
14 governing body increase, decrease, or otherwise change, the
15 corresponding board of education place numbers shall
16 automatically change correspondingly for the next election of
17 the city board of education.

18 Section 4. A candidate for each place on the board
19 of education shall be at least 21 years of age, a resident of
20 the City of Muscle Shoals for at least 90 consecutive days
21 immediately preceding the deadline date for qualifying as a
22 candidate, and shall not have a record of any felony
23 conviction. The qualification fee for the initial election of
24 the members of the board shall be one hundred dollars (\$100)
25 for each candidate. Thereafter, each candidate shall pay a

1 qualifying fee in an amount prescribed by the city governing
2 body. The qualifying fee shall be credited to the city general
3 fund.

4 Section 5. (a) The city governing body shall call a
5 special election to elect the initial members of the board of
6 education in August 2021.

7 (b) The initial election and the initial runoff
8 election, if necessary, and all subsequent elections held
9 pursuant to this act shall be conducted, the vote canvassed,
10 and the results determined and declared in the same manner as
11 provided for the election of members of the city governing
12 body, unless otherwise required in this act.

13 (c) The initial elected members of the board of
14 education shall assume office immediately upon the
15 certification of the election results and shall serve initial
16 terms of office of three years. Thereafter, all members of the
17 board shall be elected to serve terms of four years that
18 correspond by place number and duration with the terms of the
19 members of the city governing body. Upon assumption of office
20 of the initial elected members of the board of education, the
21 terms of office of the members of the existing city board of
22 education shall terminate.

23 (d) Dates for succeeding elections held for the
24 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 initial and each
16 subsequently elected board takes office, the board, by
17 majority vote of those voting, shall select a chair and vice
18 chair from among its members to serve for the duration of the
19 term for which they were elected to the board. The vice chair
20 shall preside over meetings of the board in the absence of the
21 chair.

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

1 (c) The establishment of the board of education as
2 provided in this act shall not affect or impair any of the
3 following:

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

7 (2) Existing contractual obligations of the board of
8 education.

9 (3) Existing civil and criminal actions.

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

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

22 Section 9. An annual audit of the financial records
23 of the city school system and of the board of education shall
24 be conducted by a certified public accountant selected by the
25 board. The audit results shall be made a matter of public

1 record. All monies of the school system shall be accounted for
2 whether reserved for capital outlay or held for any other
3 purpose.

4 Section 10. The chair of the board shall have all of
5 the following duties:

6 (1) To preside over all board meetings.

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

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

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

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

14 (6) To assist the superintendent in seeking public
15 input into the operation and support of the city school
16 system.

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

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

22 (9) To promote the city school system as authorized
23 by the board.

1 Section 11. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

