

1 SB131
2 116179-1
3 By Senator Orr (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 12-JAN-10

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A BILL

10 TO BE ENTITLED

11 AN ACT

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13 Relating to the City of Hartselle in Morgan County;
14 providing for the election and operation of the board of
15 education for the City of Hartselle; providing for an
16 authorizing referendum in the City of Hartselle regarding the
17 election of the Hartselle City Board of Education; upon
18 approval of the referendum, providing for the election and
19 operation of the board of education for the City of Hartselle;
20 providing that the members of the board shall be elected
21 at-large; providing for the terms of office, qualifications,
22 and compensation of the members; prescribing procedures for
23 electing the members and for filling vacancies on the board;
24 providing for the election of the chair and vice chair from
25 the membership of the board; and providing certain
26 transitional provisions.

27 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.

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

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

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

"Yes () No () ."

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

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

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

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

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

Section 4. A candidate for each place on the board of education shall be at least 19 years of age, a resident and qualified voter of the City of Hartselle for at least 90

consecutive days immediately preceding the deadline date for qualifying as a candidate, and shall not have a record of conviction for any crime involving moral turpitude, including any crime involving fraud or financial wrongdoing. The qualification fee for the initial election of the members of the board and each election thereafter shall be in the same amount as prescribed by the Hartselle City Council for council seats. The qualifying fee shall be credited to the city general fund.

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

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

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

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

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

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

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

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

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

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

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

(3) Existing civil and criminal actions.

Section 7. A vacancy on the board of education shall be filled by appointment by a majority of the remaining members of the board of education for the unexpired term. If the vacancy is not filled by the remaining members of the board of education within 45 days, the chair, or the vice chair in the absence of the chair, shall notify the Hartselle City Council which shall fill the vacancy by appointment by a vote of a majority of the members of the city council for the unexpired term. If the vacancy is not filled by the city council within 45 days after notification, the Hartselle Superintendent of Education shall notify the State Superintendent of Education, who shall fill the vacancy by appointment for the unexpired term. A person filling a vacancy on the board of education shall reside in the City of Hartselle. Persons so appointed shall serve the entire unexpired term of the person vacating the position.

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

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

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

(1) Preside over all board meetings.

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

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

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

(5) Maintain order at all board meetings.

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

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

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

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

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