

1 HB389
2 181706-1
3 By Representatives Pringle and Buskey (N & P)
4 RFD: Mobile County Legislation
5 First Read: 09-MAR-17

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County, to amend Section 5 of Act
14 242, 1876 Regular Session (Acts 1876, p. 363), as amended by
15 Act 2009-783, 2009 Regular Session (Acts 2009, p. 2465);
16 relating to the board of school commissioners; to delete the
17 requirement that certain sales of property and leases by the
18 board be approved by the judge of probate.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 5 of Act 242, 1876 Regular
21 Session (Acts 1876, p. 363), as amended by Act 2009-783, 2009
22 Regular Session (Acts 2009, p. 2465), is amended to read as
23 follows:

24 "Section 5. Be it further enacted, that the said
25 Board of School Commissioners shall be entitled to receive,
26 levy, assess, and collect all devises, revenues, and taxes to
27 which they were by law entitled at the date of the

1 organization of the Board of Education of the State of
2 Alabama, and that they shall have full power to continue in
3 force, revise, modify, and improve, as to them may see fit,
4 the public school system now existing in the County of Mobile,
5 and to make such by-laws, rules, and regulations, not
6 inconsistent with the laws of the State and of the United
7 States, for the government of the Board and of said schools,
8 as they may deem expedient or necessary. They shall hold
9 regular meetings of the said Board at such times as they may
10 fix upon and adjourned or special meetings when necessary.
11 Three members of the Board shall constitute a quorum for the
12 transaction of business, but no business involving a change in
13 the system, rules, and regulations or affecting the general
14 interest of the County shall be transacted except at a regular
15 meeting, after due notice given, or when a full Board is in
16 attendance. The said Board shall be a body corporate, may have
17 a common seal, may sue and contract, may, when the Board deems
18 such desirable, appoint or employ attorneys and pay to them
19 agreed compensation in such manner or fashion as may to the
20 Board seem best, shall have the power to purchase or lease
21 such property for school purposes as in their judgment may be
22 necessary for the proper accommodation and comfort of pupils
23 and teachers, and may fix the compensation and bonds of its
24 officers, agents, and employees, and change the same at
25 pleasure; provided that the sum or sums so expended shall not
26 exceed, in any one year, twenty per centum (20%) of the income
27 of said Board; and provided further that said 20% limitation

1 shall have no application to sums expended for the
2 constructing, furnishing, preserving, restoring, or equipping
3 of school buildings. The said Board shall also have power to
4 sell or exchange any of said property including, but not
5 limited to, the Barton Academy buildings and property which
6 the board may dispose of, by gift or otherwise. If the value
7 of such property shall not exceed five thousand dollars, four
8 of the members of the said Board shall vote in favor of the
9 sale, and when the value exceeds five thousand dollars, the
10 sale, to be valid, shall receive the unanimous vote of said
11 Board ~~and be approved by the Judge of Probate of Mobile~~
12 ~~County~~. The said Board shall also have power to let any
13 property which it may own in fee simple, and any property of
14 which, though not owned by it, the Board shall have the
15 statutory right and power of direction, management, and
16 control, for any term or period that may seem to the Board, in
17 the exercise of sound discretion, proper, not exceeding
18 ninety-nine (99) years. If the lease be for a term exceeding
19 fifty (50) years and not exceeding ninety-nine years, and the
20 value of such property shall exceed five thousand (\$5,000.00)
21 dollars, the lease to be valid, shall receive the unanimous
22 vote of the said Board ~~and be approved by the Judge of Probate~~
23 ~~of Mobile County~~; and provided that the restriction of
24 touching the necessity for unanimous vote of the Board ~~and~~
25 ~~approval by the Probate Judge~~, shall not apply to any leases
26 that may have been made prior to the first day of June, 1969,
27 nor to any leases that may be made to land in Section 16 in

1 Township 4 South of Range 2 West in Mobile County. The said
2 Board shall also have the power to effect and take insurance
3 upon its property and against all risks and hazards, whether
4 of loss or damage to its property, or of risks claimed
5 liability as for asserted damage to others, whether of like
6 kind with insurance upon property or not, and including any
7 and every kind, character, and description of insurance that
8 may be affected, taken, or carried by a private person or
9 corporation for protection against risks now coverable by any
10 kind of insurance, or that may hereafter be covered by any
11 kind of insurance under the law and in accordance with the
12 practice of underwriting. In effecting and taking such
13 insurance, the Board shall have the power to effect and take
14 insurance and cause itself to be insured in any class, type,
15 or kind of insurance company, including mutual insurance
16 companies, that, in the discretion of the Board, may seem to
17 it wise, expedient, or proper; provided, however, that nothing
18 herein contained shall affect, overcome, or supersede the
19 provisions of Title 28, Sections 217-238, of the Code of
20 Alabama 1940. The said Board shall have the power also, in the
21 exercise of reasonable prudence, to invest funds derived from
22 the sale of capital outlay warrants and held pending the
23 expenditure thereof for the contemplated capital improvements,
24 and funds from any other source accumulated and held in
25 advance of expenditure by the Board in the operation of public
26 schools of the county, in obligation of the United States of
27 America, whether interest bearing obligations or obligations

1 purchased at discount. The said Board shall have the power
2 also to employ and pay guards, watchmen, security personnel,
3 or other functionaries by whatever name called to preserve the
4 grounds, school buildings, and other structures of any
5 character that belong to or are in the possession and are
6 under the control of the Board of School Commissioners of
7 Mobile County, from trespass, vandalism, theft, fire, or
8 damage of any character, whether or not of like kind with
9 those just stated, with the authority to use such force as may
10 be reasonably necessary in the performance of their duties
11 under and pursuant to their employment under the authority of
12 this act."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.