

1 SB366
2 198423-2
3 By Senators Elliott and Albritton (N & P)
4 RFD: Local Legislation
5 First Read: 02-MAY-19

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to require a favorable
14 vote of a majority of the qualified electors of the city at a
15 special election prior to the formation of a city school
16 system in the county and the disbursement and payment of
17 certain properties as a result of a separation from the county
18 board of education.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall apply only in Baldwin
21 County.

22 Section 2. The Legislature finds and declares the
23 following:

24 (1) The magnitude and patterns of the historical and
25 projected increases of population in Baldwin County, Alabama,
26 continue to create significant needs for the acquisition,

1 construction, and capital improvement of the public school
2 facilities of the county board of education.

3 (2) The costs of such public school facilities,
4 including the payment of indebtedness incurred therefor,
5 require significant capital expenditures of the county board
6 of education in each fiscal year.

7 (3) The local sources of funds of the county board
8 of education for public school facilities consist of the
9 proceeds of ad valorem, and privilege license and excise,
10 taxes levied on a county-wide basis in Baldwin County.

11 (4) Given the county-wide tax base of the county
12 board of education, the formation of a city board of education
13 and school system in Baldwin County, the resultant loss of
14 local funding from, and the transfer of the local public
15 school facilities, financed by county taxes, to, the city, can
16 create a material and adverse effect upon the financial
17 position of the county board of education.

18 (5) The formation and operation of a city board of
19 education and school system in Baldwin County requires
20 significant annual revenues from existing and new school taxes
21 in the city which the taxpayers of the city should have the
22 right to approve in advance.

23 (6) It is necessary, desirable, and in the best
24 interests of the taxpayers and citizens of Baldwin County and
25 the taxpayers and citizens of the cities located therein,
26 that, in response to, and to provide for, the unique local
27 needs of public education in Baldwin County, including

1 particularly, the financing and planning of public school
2 facilities, due to constantly changing school feeder patterns
3 and the related establishment of ad valorem tax districts, the
4 formation of a city board of education and school system be
5 made upon the favorable vote therefor of a majority of the
6 qualified electors of the city voting at an election held
7 therefor, and the allocation, assignment, and assumption of
8 the assets and liabilities of the county board of education
9 with respect to the public school facilities in the city.

10 Section 3. (a) Notwithstanding any provision of law
11 to the contrary, and in addition to any other requirement
12 provided by law, the formation of a city school board by any
13 city in Baldwin County shall be subject to the prior approval
14 of a majority of the qualified electors of the city at a
15 special election held for that purpose pursuant to the
16 requirements of this section.

17 (b) On or after the effective date of this act, any
18 qualified city in Baldwin County that satisfies the definition
19 of a city pursuant to Section 16-11-1, Code of Alabama 1975,
20 may establish a city board of education only upon the
21 additional satisfaction of all of the following:

22 (1) The approval of the formation of the new city
23 school system by resolution of the governing body of the city.
24 The resolution shall include all of the following:

25 a. A call and order for a special election to be
26 held in the city within 90 days after the adoption of the
27 resolution, at the expense of the city, for the submission to

1 the qualified electors of the city, for their determination by
2 ballot, the question of whether an independent city board of
3 education shall be established for the public schools in the
4 city separate from the county board.

5 b. A provision directing the city to give notice of
6 the election to the sheriff, judge of probate, board of
7 registrars, circuit court clerk, and any other necessary
8 county or city officials within 15 days after adoption of the
9 resolution.

10 c. A requirement that the form of ballot for the
11 election shall have printed at the top of the ballot the
12 title: "Establishment of Separate and Independent City Board
13 of Education and City Public School System for the City of
14 _____, Alabama."

15 d. A provision for notice of the date, time, place,
16 and purpose of the election to be given by the city not less
17 than 30 days in advance of the election by publication not
18 less often than once a week for four consecutive weeks in a
19 newspaper of general circulation in the city and by posting
20 the notice on the homepage of the public website of the city,
21 or by any successor device or service by which the city makes
22 available general information about the city to the public.

23 e. A provision that the election shall be held,
24 conducted, canvassed, and returns of the election made, as
25 provided by law for general and special elections in the city.

1 (2) A vote in favor of the establishment of the city
2 board of education by a majority of the qualified electors of
3 the city voting at the election.

4 (c) A city may not conduct an election for the
5 establishment of a city board of education pursuant to this
6 section within three years after the date on which a previous
7 election for the establishment of a city board of education
8 was held.

9 Section 4. Notwithstanding any provision of law to
10 the contrary, and in addition to any other requirement
11 provided by law, upon approval of the establishment of a city
12 board of education by the governing body of the city and the
13 qualified electors of the city, as provided in Section 3, the
14 city may establish a city board of education. Not later than
15 the first day of July next succeeding the establishment of a
16 city board of education by a city, the city board of education
17 and the county board of education shall deliver an agreement,
18 with the written approval of the State Superintendent, as
19 provided for by law, to include all of the following:

20 (1) The transfer to the city board of education by
21 the county board of education of the right, title, and
22 interest of the county board in and to the local public school
23 facilities located in the municipal limits of the city,
24 without recourse or warranty, and the acceptance of the local
25 public school facilities by the city board in the existing
26 condition thereof on the date of transfer.

1 (2) The assumption by the city board of education
2 of, and the agreement of the city board of education to timely
3 pay and perform at the sole expense of the city board both of
4 the following:

5 a. The outstanding indebtedness and obligations of
6 the county board of education allocable to the local public
7 school facilities.

8 b. All contractual agreements of the county board
9 with respect to the local public school facilities.

10 (3) The payment to the county board of education by
11 the city board of education, on the date of transfer of the
12 transferred local school facilities, of an amount equal to the
13 value assigned thereto for the purpose of determining the
14 value of the capital assets, net of depreciation, as set forth
15 in the then most recent audited financial statements of the
16 county board of education publicly available.

17 Section 5. The provisions of this act are severable.
18 If any part of this act is declared invalid or
19 unconstitutional, that declaration shall not affect the part
20 which remains.

21 Section 6. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.