

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

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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 at
4 the same time as the citywide election in August 2020.

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 a
9 special election to elect the initial members of the board of
10 education in August 2021.

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

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

1 (d) Dates for succeeding elections held for the
2 election of the members of the board of education shall
3 correspond with the dates of the elections held for the
4 members of the city governing body.

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

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

17 (2) At the first meeting after the initial and each
18 subsequently elected board takes office, the board, by
19 majority vote of those voting, shall select a chair and vice
20 chair from among its members to serve for the duration of the
21 term for which they were elected to the board. The vice chair
22 shall preside over meetings of the board in the absence of the
23 chair.

24 (3) All property, records, supplies, and equipment
25 of the prior board of education shall be vested in the board
26 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
26 record. All monies of the school system shall be accounted for

1 whether reserved for capital outlay or held for any other
2 purpose.

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

5 (1) To preside over all board meetings.

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

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

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

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

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

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

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

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

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