

1 HB424
2 187322-3
3 By Representative Butler (N & P)
4 RFD: Local Legislation
5 First Read: 15-FEB-18



1
2 ENROLLED, An Act,

3 Relating to Etowah County; to provide for an
4 authorizing referendum in the City of Gadsden regarding the
5 election of the Gadsden City Board of Education; upon approval
6 of the referendum providing for the election and operation of
7 the board of education for the City of Gadsden, providing
8 that, after the initial election, certain members of the board
9 shall be elected at the same time, from the same districts,
10 and in the same manner as members of the Gadsden City Council;
11 providing for the selection of a chair and a vice chair;
12 providing for the operation of the board; providing for the
13 terms of office, qualifications, and compensation of the
14 members; prescribing procedures for electing the members and
15 for filling vacancies on the board; and providing certain
16 transitional provisions.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) Pursuant to Amendment 659 to the
19 Constitution of Alabama of 1901, now appearing as Section
20 104.01 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, the Gadsden City Council shall
22 call an authorizing referendum election regarding changing the
23 Gadsden City Board of Education to an elected city board of
24 education.

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

16 (c) The question on the ballot shall read as
17 follows: "Do you favor changing the Gadsden City Board of
18 Education from an appointed to an elected board?"

19 "Yes (___) No (___)."

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

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

7 Section 2. If the majority of electors voting
8 pursuant to Section 1 vote in favor of changing to an elected
9 board, an elected board of education for the City of Gadsden
10 shall be established. The board shall be called the Gadsden
11 City Board of Education. The board shall be composed of seven
12 members. With the exception of the initial election, each
13 member shall qualify and be elected in the same manner and at
14 the same time as members of the Gadsden City Council are
15 elected. Members shall be elected from the same districts as
16 members of the Gadsden City Council are elected by the
17 qualified electors of the applicable district voting at the
18 election.

19 Section 3. A member shall reside in the City of
20 Gadsden and in the district the member represents during the
21 entire term of office. If the boundaries of a city council
22 district change, the corresponding board of education district
23 shall automatically change accordingly for the next election
24 of the city board of education. If redistricting places an
25 incumbent board member outside of his or her district, the

1 member shall nevertheless continue to serve the remainder of
2 the term to which he or she was elected or appointed.

3 Section 4. A candidate for each place on the board
4 of education shall be at least 21 years of age, a resident of
5 the respective district for at least one year immediately
6 preceding the deadline date for qualifying as a candidate, and
7 shall not have a record of conviction for any crime involving
8 moral turpitude.

9 Section 5. (a) The election to elect the initial
10 members of the board of education shall be held at a special
11 election called by the Gadsden City Council as soon as
12 practicable. The next election to elect the members of the
13 board of education shall be held at the same time as the
14 election to elect the members of the Gadsden City Council in
15 2022, and every four years thereafter.

16 (b) The initial election and the initial runoff
17 election, if necessary, and all subsequent elections held
18 pursuant to this act shall be conducted, the vote canvassed,
19 and the results declared in the same manner as provided for
20 the election of members of the city council, unless otherwise
21 required in this act. The city council may set a qualifying
22 fee.

23 (c) The initial elected members of the board of
24 education shall assume office immediately upon the
25 certification of the election results and shall serve initial

1 terms of office corresponding in duration with the remaining
2 portion of the terms of office of the members of the city
3 council elected in 2018. The members elected to the board of
4 education in 2022 shall assume office immediately upon the
5 certification of the election results and shall serve terms of
6 office that correspond in duration with the terms of office of
7 the members of the city council elected in 2022. Thereafter,
8 all members of the board shall be elected to serve terms of
9 four years.

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

16 (b) (1) Upon assumption of office of the initial
17 elected members of the board of education, these members shall
18 have the powers, authority, duties, and responsibilities as
19 are otherwise provided by law for members of city boards of
20 education as set forth in Chapter 11, commencing with Section
21 16-11-1, of Title 16 of the Code of Alabama 1975, and as
22 otherwise provided by law.

23 (2) At the first meeting after the board takes
24 office, and every year thereafter, the board shall by majority
25 vote of those voting, select a chair and a vice chair from

1 among its members. The vice chair shall preside over meetings
2 of the board in the absence of the chair.

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

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

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

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

14 (3) Existing civil and criminal actions.

15 Section 7. A vacancy on the board of education shall
16 be filled by appointment by a majority of the remaining
17 members of the board of education for the unexpired term. If
18 the vacancy is not filled by the remaining members of the
19 board of education within 60 days, the city council, or a
20 designee of the city council, shall notify the State
21 Superintendent of Education who shall fill the vacancy by
22 appointment. A person filling a vacancy on the board shall be
23 a resident of the City of Gadsden and the district the person
24 is appointed to represent.

1 Section 8. The compensation for each member of the
2 board of education, including the chair, shall be six hundred
3 dollars (\$600) per month payable from city school system
4 funds. The board may adjust such compensation for succeeding
5 terms of office.

6 Section 9. An annual audit of the financial records
7 of the city school system and of the board of education shall
8 be conducted by a reputable certified public accountant or
9 auditing firm as selected by the board. The audit results
10 shall be made a matter of public record. All monies of the
11 school system shall be accounted for whether reserved for
12 capital outlay or held for any other purpose.

13 Section 10. Any member of the board of education who
14 fails to attend more than two regularly scheduled monthly
15 board meetings without an authorized excused absence as
16 recognized by the board through written policy shall receive a
17 written request from the city superintendent of education to
18 attend the meetings. If the board member persists in his or
19 her unexcused absence for two additional regularly scheduled
20 monthly board meetings, then the position shall be declared
21 vacant by the chair of the board, subject to review and
22 approval by the city council.

23 Section 11. The chair of the board shall have all of
24 the following duties:

- 25 (1) To preside over all board meetings.

1 (2) To set the meeting dates and times of all board
2 meetings consistent with state law. The chair shall endeavor
3 to set meeting times at a time which will afford citizens the
4 best opportunity to attend.

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

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

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

10 (6) To assist the superintendent in seeking public
11 input into the operations and support of the city school
12 system.

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

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

18 (9) To promote the city school system as authorized
19 by the board.

20 Section 12. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Mac McCutchen

Speaker of the House of Representatives

Dale Mah

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 20-MAR-18.

Jeff Woodard
Clerk

Senate

27-MAR-18

Passed

APPROVED 4-6-18

TIME 2:54 pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2018-865
Bill Num....: H-424

ADDITIONAL SIGNATURES OF CO-SPONSORS

- 80 _____
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HOUSE ACTION
(Continued)

REPORT OF 2ND STANDING COMMITTEE

This bill having been referred by the House to its standing committee on _____ was acted upon by such a committee in session, and returned therefrom to the House with the recommendation that it be

Passed, w/amend(s) _____ w/sub _____ this day of _____, 20____, Chairperson _____

HOUSE OF REPRESENTATIVES

R. 3 at length and passed
 Yeas 40 Nays 6 Abs 60
 Date 3-20-18

JEFF WOODARD, Clerk

SENATE ACTION
(Continued)

This bill having been referred to the Committee on Rules pursuant to Senate Rule 23 is reported to the Senate for assignment to the Committee on: _____

This day of _____, 20____

Signed (Committee Chairperson) _____

Date: _____ Referred _____

Committee _____

DATE: _____ 20____

RE-REFERRED RE-COMMITTED

Committee _____

This Bill was referred to the Standing Committee of the Senate on _____

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) _____ w/sub _____ w/eng sub _____ by a vote of _____ nays _____ abstain _____ years _____