

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



ENROLLED, An Act,

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

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 Gadsden City Council shall call an authorizing referendum election regarding changing the Gadsden 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 Gadsden 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; election districts and 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 Gadsden 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.

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

Section 3. A member shall reside in the City of Gadsden and in the district the member represents during the entire term of office. If the boundaries of a city council district change, the corresponding board of education district shall automatically change accordingly for the next election of the city board of education. If redistricting places an 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.

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

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

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

(5) To maintain order at all board meetings.

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

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

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

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

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

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Mac McLatchan

Speaker of the House of Representatives

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Del Mal  
President and Presiding Officer of the Senate

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House of Representatives

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

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Jeff Woodard  
Clerk

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Senate

27-MAR-18

Passed

**APPROVED** 4-6-18

**TIME** 254 pm

Kay Ivey  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2018-565  
Bill Num....: H-424

## NATIONAL SIGNATURES OF CO-SPONSORS

HOUSE ACTION  
(Continued)

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REPORT OF 2<sup>ND</sup> 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<sup>rd</sup> length and passed  
Yea<sup>s</sup> 4 Nays 3 Abs. 6  
Date 3-25-15  
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: \_\_\_\_\_  
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  
yeas \_\_\_\_\_ nays \_\_\_\_\_ abstain \_\_\_\_\_