House Bill 1675 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 20th, Amerson of the 9th, and Reece of the 21st

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a new charter for the City of Gainesville and creating the City of Gainesville School District, approved April 11, 1979 (Ga. L. 1979, p. 3302), as amended, particularly by an Act approved March 4, 1993 (Ga. L. 1993, p. 3981), and an Act approved June 3, 2003 (Ga. L. 2003, p. 4670), so as to provide for the public schools, School District, and Board of Education of the City of Gainesville; to provide for general powers, duties, authority to levy ad valorem taxes, rights, and obligations of the Board of Education and the School District; to provide for elections, terms of offices, and vacancies; to provide for the management of the School District; to provide for the election and compensation of board members and appointment of a chairperson of the Board; to provide for the appointment of a superintendent and the powers of the superintendent; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Gainesville, approved April 11, 1979 (Ga L. 1979, p. 3302), as amended, particularly by an Act approved March 4, 1993 (Ga. L. 1993, p. 3981), and an Act approved June 3, 2003 (Ga. L. 2003, p. 4670), is amended by striking Sections 9.10 and 9.11 and inserting in lieu thereof the following:

″SECTION 9.10.

Public Schools Established.

There shall be established, maintained, supported, and provided for by local taxation, and otherwise in the manner provided in this Act and authorized by the laws of the State of Georgia, a system of public schools in and for the City of Gainesville, Hall County, Georgia.

SECTION 9.11.

General Powers, School District, Board of Education.

(a) School District. There is created a body corporate and politic to be known and designated as the 'Gainesville City School District.'

(b) Board of Education.

(1) Management of School District. The School District shall be under the government, management, and control of a board of education, hereafter referred to as the 'Board.'

(2) General Powers. The Board shall possess all powers as are granted to boards of education under the Constitution and general laws of the State of Georgia, together with those other specific additional powers set forth in this Act.

(3) Title, Care, and Custody of Property. The Board is vested with the title, care, and custody of all real or personal property used in the School District for educational purposes or for the administration of the School District, with the power to control such property in such manner as it thinks will best serve the interest of the public schools. Title to the properties known as Centennial Elementary School, Enota Elementary School, Fair Street Elementary School, Gainesville Middle School, and Gainesville High School and all other property associated and under the control of the present Gainesville City School System shall be and is vested in the Board, with title to all infrastructure supporting the provision of general governmental services to these tracts including utilities and public roads to remain vested in the city.

(c) Authority to Levy Ad Valorem Taxes.

(1) The Board shall annually recommend to the mayor and council of the City of Gainesville the rate of the tax levy, not greater than the mills per dollar authorized and allowed under the laws and Constitution of the State of Georgia, necessary for the support, maintenance, and operation of the public schools of the City of Gainesville. The mayor and council shall levy the tax so certified by the Board upon the assessed value of taxable property in the city for the purposes so specified by the Board.

(2) The Board shall pay all expenses incurred for the levy and collection of ad valorem taxes for the support and maintenance of education in the school district and may contract for such services as provided in this Act or under Georgia law.

(3) After complying with the procedure for authorization of bonded debt set forth in Georgia law and applicable to public school districts, the Board shall have the power and authority to issue bonds or notes, or both, for capital outlay purposes, which may include buying and improving property for educational purposes and for the construction and maintenance of public schools, administrative offices, and storage, maintenance, transportation, and other facilities established and maintained under the direction of the

Board, provided that the debt that may be created under this paragraph shall never exceed any limitations established by the Constitution or laws of the State of Georgia. Any millage limitation referred to in this section shall not apply to the school tax levy necessary for the payment of the bonded indebtedness of the School District and shall apply only to the portion of the school tax levied for the support, maintenance, and operation of the School District.

(4) The Board shall assume the contractual obligations of the city pursuant to the agreement entered into between the city and the Hall County Board of Education on October 20, 1992.″

SECTION 2.

Said Act is further amended by striking Sections 9.21 and 9.22 and inserting in lieu thereof the following four sections:

″SECTION 9.21.

Nonpartisan Elections.

All members of the Board shall be elected in nonpartisan elections as provided in Code Section 2l-2-l39 of the O.C.G.A.

SECTION 9.22.

Qualifications and Election.

Except as otherwise provided in this Act, the qualification and election of board members shall be in accordance with the requirements of Georgia law governing the nonpartisan election of local school boards.

SECTION 9.23.

Dates of Elections and Terms of Office.

The present members of the Board shall continue their present terms representing the Education Wards from which they were elected. Successor members of the Board shall be elected at the City of Gainesville general municipal election and shall serve for four year terms beginning the first day of January immediately following their election.

SECTION 9.24.

Vacancies.

In the event of a vacancy occurring in the membership of the Board for any reason other than the expiration of a term, that vacancy shall be filled as provided in Code Section 20-2-54.1 of the O.C.G.A.″

SECTION 3.

Said Act is further amended by striking Article III, consisting of Section 9.30; Article IV, consisting of Section 9.40; Article V, consisting of Sections 9.50 through 9.54; Article VI, consisting of Section 9.60; and Article VII, consisting of Sections 9.70 through 9.74, and inserting in lieu thereof the following:

″ARTICLE III

BOARD OF EDUCATION

SECTION 9.30.

Powers and Duties.

The Board shall be vested with all powers, duties, and responsibilities as are granted to boards of education under the Constitution and general laws of the State of Georgia.

SECTION 9.31.

Election and Duties of Board Chair.

The members of the Board shall, at their first meeting in January of each year, elect from their own membership a chairperson to serve for a term of office of one year. The Board shall elect such additional officers as it may deem appropriate to serve for the terms established by the Board. A member of the Board may be reelected as chairperson. The chairperson shall have all those powers and responsibilities as set forth under the Constitution and laws of the State of Georgia applicable to the office of chairperson of a board of education. The chairperson shall hold office at the will of the Board and the Board shall be authorized to fill vacancies occurring in that office.

SECTION 9.32.

Compensation of Board Members.

The Board shall determine compensation of its members after holding two separate public hearings to be scheduled to begin between 7:00 P.M. and 8:00 P.M. Any increase in compensation for members of the Board shall be implemented July 1 of the following year. Additionally, each member of the Board shall be entitled to be reimbursed for actual expenses necessarily incurred in connection with service on the Board, including but not limited to travel outside the district on official business or expenses incurred by a member or on behalf of a member to provide technology or equipment necessary for a member to carry out the business of the Board. The Board must approve any expenses paid to or on behalf of members of the Board.

ARTICLE IV

SUPERINTENDENT

SECTION 9.40.

Appointment and Duties.

The Board shall appoint a Superintendent and provide the Superintendent with an employment contract to establish the compensation and fix the term of employment consistent with the requirements of Georgia law. The Superintendent shall have all duties and responsibilities of a Superintendent of Schools as set forth in the Constitution and general laws of the State of Georgia.″

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.