

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON MAY 29, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND PRAYER

The Board of Mayor and Aldermen of the City of Millington, Tennessee met in special session at Millington City Hall on May 29, 2012. The meeting was called to order at 5:30 p.m. and was opened with a prayer by Mr. Morgan. Mayor Carter led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Linda L. Carter
Keith D. Barger
James O. Brown
Michael E. Caruthers
D. Christopher Ford
Donald L. Lowry
Brett A. Morgan
Jimmy E. Pike

A quorum being present, the following proceedings were held:

CONSIDERATION OF ORDINANCE 2012-10

The first order of business was consideration of Ordinance 2012-10, as follows:

ORDINANCE 2012-10

AN ORDINANCE TO ADD TITLE 1, CHAPTER 5, MUNICIPAL SCHOOL DISTRICT, TO THE MILLINGTON MUNICIPAL CODE AUTHORIZING THE CREATION AND FUNDING OF A MUNICIPAL SCHOOL DISTRICT IN THE CITY OF MILLINGTON AND TO SUBMITTHE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITYAT A REFERENDUM TO BE HELD ON AUGUST 2, 2012 OR OTHER APPROPRIATE DATE

WHEREAS, A special referendum in the City of Memphis conducted on March 8, 2011 and certified on March 17, 2011 transferred the administration of Memphis City Schools to the Shelby County School System, with the transfer taking effect at the beginning of the 2013 - 2014 school year;

WHEREAS, The Tennessee Legislature passed Chapter One of the 2011 Public Acts to amend Tennessee Code Annotated § 49-2-502(b), which removed the restrictions Imposed by Tennessee Code Annotated § 6-58-112(b) on the creation of municipal school districts by certain municipalities, including the City of Millington;

WHEREAS, The Tennessee Legislature passed Chapter 905 of the 2012 Public Acts, which authorizes the governing body of a municipality to request the county election commission to conduct a referendum regarding the creation of a municipal school system pursuant to Tennessee Code Annotated § 49-2-106, if by a majority vote of the total membership of the governing body the municipality determines that a municipal school system is authorized by the municipality's charter, would promote the public welfare through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements;

WHEREAS, Article II, Section 2.02 (a)(28) of the Charter of the City of Millington gives the City of Millington the specific right to establish schools;

WHEREAS, Article II, Section 2.02 (a)(1) of the Charter of the City gives the City of Millington the right to assess, levy and collect taxes for all general and special purposes on all

subjects and objects of taxation authorized by law;

WHEREAS, State Board of Education Rule 0520-1-8-.01(5) provides that a municipal school system must spend each fiscal year for the current operation of its public schools an amount of money in addition to the amount required to be raised by the county at least equal to that which a fifteen cents (\$.15) tax increase levy on each One Hundred Dollars (\$100.00) of taxable property for the current year in the municipal school district would produce if the same were all collected;

WHEREAS, State Board of Education Rule 0520-1-8-.01(6) provides that no municipal school system shall be created unless it furnishes certain information to the State Board of Education, including the certified results of a referendum election indicating the willingness of the people of the city to meet the standards of adequacy set forth by Rule 0520-1-8-.01 and to provide the necessary local funds to do so, after the municipal school system's share of the state and other school funds has first been applied;

WHEREAS, Tennessee Code Annotated § 49-2-106(b)(3) states that the State Board of Education, in establishing standards, should consider the expressed willingness of the people of the city or special school district, as indicated by a majority of its legal voters in a referendum, to raise local funds, which, together with school funds received from the State and other sources, shall be sufficient to provide adequate educational opportunities for their children;

WHEREAS, The Board of Mayor and Aldermen desires to create and fund a municipal school district for the City of Millington to take effect at the beginning of the 2013 - 2014 school year or as soon thereafter as practical, having determined that a municipal school system is authorized by the Charter of the City of Millington, would promote the public welfare of the City of Millington through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements and, further, having determined such school system necessary to promote the education, health, safety, and morals of the residents of the City of Millington;

WHEREAS, It is the intent of the Board of Mayor and Aldermen to enact an ordinance calling for a municipal special referendum on the authorization of the creation and funding of a municipal school district in the City of Millington, to be held on August 2, 2012 or on another appropriate date;

WHEREAS, A public hearing before the Board of Mayor and Aldermen of the City of Millington on this Ordinance was held on May 21, 2012 pursuant to notice thereof being published in a newspaper of general circulation within the City of Millington on May 12, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, THAT:

Section 1. A municipal special referendum on the authorization of the creation and funding of a municipal school district in the City of Millington shall be held on August 2, 2012 or another appropriate date that submits the following question to the qualified voters of the City of Millington :

QUESTION:

Shall the City of Millington be authorized to create a municipal school district that shall meet the standards of adequacy established by applicable State law and regulation, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would at least be equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each One Hundred Dollars (\$100.00) of taxable property for each year if all such taxes were collected?

YES: _____

NO: _____

Section 2. The City of Millington, in accordance with state law, shall file this ordinance with the Shelby County Election Commission with a request that the referendum question be placed on the ballot for a municipal special referendum on August 2, 2012.

Section 3. If the Shelby County Election Commission cannot hold the municipal special referendum on August 2, 2012, the municipal special referendum shall be held on a date within the time prescribed by applicable State law.

Section 4. BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-10 on third and final reading.

CONSIDERATION OF ORDINANCE 2012-11

The next order of business was consideration of Ordinance 2012-11, with the amendments proposed by City Attorney Barbara Lapidés to clarify that school board members are to be elected at large shown in bold type, as follows:

ORDINANCE 2012-11

AN ORDINANCE TO ADD NEW TITLE 1, CHAPTER 6, MILLINGTON SCHOOL BOARD, TO THE CODE OF ORDINANCES OF THE CITY OF MILLINGTON TO ESTABLISH A MUNICIPAL SCHOOL BOARD AND TO SUBMIT THE ELECTION OF THE MEMBERS OF THE MUNICIPAL SCHOOL BOARD TO THE QUALIFIED VOTERS OF THE CITY OF MILLINGTON ON NOVEMBER 6, 2012, THE DATE OF A GENERAL ELECTION IN SHELBY COUNTY, OR AN ELECTION TO BE HELD ON SOME OTHER APPROPRIATE DATE

WHEREAS, Article II, Section 2.02 (a)(28) of the Charter of the City of Millington gives the City of Millington the specific right to establish schools;

WHEREAS, It is anticipated that City of Millington Ordinance 2012-10 will be enacted by the City of Millington on May 29, 2012 calling for a municipal special referendum on the creation and funding of a municipal school district in the City of Millington to be held on August 2, 2012 or another appropriate date;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school system is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the people of the City of Millington will have indicated their willingness to meet the standards of adequacy and funding requirements set forth by State Board of Education Rule 0520-1-8-.01 and Tennessee Code Annotated § 49-2-106(b)(3) and authorized the creation of a municipal school system in the City of Millington;

WHEREAS, The Tennessee Legislature passed Public Chapter 905 of the 2012 Public Act (hereinafter called "Chapter 905), which authorizes the governing body of a municipality to establish, by ordinance, a municipal board of education in compliance with Tennessee Code Annotated § 49-2-201 and said Chapter 905;

WHEREAS, **Chapter 905** provides that there shall be not less than three (3) nor more than eleven (11) members of the municipal board of education;

WHEREAS, Chapter 905 provides that the members of the municipal board of education shall be elected **either at large or** from districts of substantially equal population established by ordinance by the governing body of the municipality;

WHEREAS, **Chapter 905** provides that the governing body of the municipality is authorized to establish initial terms for members of the municipal board of education that vary in length, provided that all subsequently elected members, other than members to fill a vacancy, shall be elected to four-year terms;

WHEREAS, Chapter 905 provides that the governing body of the municipality is authorized to request the county election commission to conduct an election to select the members of the initial municipal board of education by either a general or special election;

WHEREAS, Chapter 905 provides that the initial municipal board of education shall take office on the first day of the first month following certification of the results of the election to select the members of the initial municipal board;

WHEREAS, The Board of Mayor and Aldermen has determined that a municipal school system is authorized by the Charter for City of Millington, would promote the public welfare of the City of Millington through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school district is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the Board of Mayor and Aldermen desires to establish a municipal school board to plan and manage the formation of a municipal school district as well as to manage and operate a municipal school district for the City of Millington to take effect at the beginning of the 2013-2014 school year or as soon thereafter as practical, such school district being deemed necessary to promote the education, health, safety, and morals of the residents of the City of Millington;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school district is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the Board of Mayor and Aldermen intends to enact an ordinance establishing a municipal school board for a municipal school district in the City of Millington and authorizing the election of school board members on November 6, 2012 or some other appropriate date and, further, establishing the number of school board members, **the election of school board members at large for numbered positions**, initial terms for school board members that vary in length, and compensation of school board members;

WHEREAS, A public hearing before the Board of Mayor and Aldermen on this Ordinance was held on May 21, 2012 pursuant to notice thereof being published in a newspaper of general circulation within the City of Millington on May 10, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF MILLINGTON, TENNESSEE, AS FOLLOWS:

Section 1. The terms and provisions of this Ordinance are subject to the passage of the municipal special referendum authorizing the creation and funding of a municipal school district by a majority of the qualified voters of the City of Millington participating in the referendum.

Section 2. A municipal school board for the City of Millington shall be established in compliance with applicable State law.

Section 3. The municipal school board for the City of Millington shall consist of seven (7) members, who shall be elected at large, for positions one (1) through seven (7).

Section 4: **If the City of Millington should ever choose to have school board members elected from districts rather than at large, the City shall establish such districts to be of substantially equal population, and consideration of redefining such districts shall be done in accordance with applicable State law within one year after the official report on the latest ten (10) year census.**

Section 5. In order to be eligible to be a member of the municipal school board for the City of Millington, one must be a citizen of the State of Tennessee, have achieved a high school diploma or GED and filed documentation satisfactory to the Shelby County Election Commission evidencing same, have attained the age of eighteen (18) years at the time of his or her election, be a resident and qualified voter of the City of Millington, and otherwise meet all other requirements of applicable State law at the time one seeks election.

Section 6. All elections for the municipal school board for the City of Millington shall be conducted on a non-partisan basis.

Section 7. No member of the governing body of the City of Millington shall be eligible for election as a member of the municipal school board for the City of Millington.

Section 8. The initial terms for members of the municipal school board for the City of Millington shall vary in length, provided that all subsequently elected members, other than members who fill a vacancy, shall be elected to four-year terms, with members elected to even numbered positions elected for an initial term of two (2) years, and members elected to odd numbered positions elected for an initial term of four (4) years, as follows:

POSITION 1: Initial four (4) year term

POSITION 2: Initial two (2) year term

POSITION 3: Initial four (4) year term

POSITION 4: Initial two (2) year term

POSITION 5: Initial four (4) year term

POSITION 6: Initial two (2) year term

POSITION 7: Initial four (4) year term

Section 9. Members of the municipal school board for the City of Millington may succeed themselves.

Section 10. Vacancies occurring on the municipal school board for the City of Millington shall be filled by the Board of Mayor and Aldermen by appointment of a person who would be eligible to serve as a member of the municipal school board, with such member to serve until a successor is elected and qualifies according to applicable law, the successor to be elected at the next general election for which candidates have sufficient time to qualify under applicable law.

Section 11. The initial municipal school board for the City of Millington shall take office on the first day of the first month following certification of the results of the election to select the members of the initial municipal board.

Section 12. Compensation for members of the municipal school board for the City of Millington shall be \$ 1,500.00 per annum.

Section 13. A municipal election to select the members of the initial municipal school board of the City of Millington shall be held on November 6, 2012, which is a general election date, or on another appropriate date.

Section 14. The City of Millington, in accordance with state law, shall file this ordinance with the Shelby County Election Commission with a request that the election to select the members of the initial municipal school board of the City of Millington be held on November 6, 2012.

Section 15. If the Shelby County Election Commission cannot hold the election to select the members of the initial municipal school board of the City of Millington on said November 6, 2012, the election shall be held on a date within the time prescribed by applicable State law.

Section 16. BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

Upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to approve the amendments. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-11 as amended on third and final reading.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown, seconded by Mr. Lowry and unanimous consent of all the Aldermen, the meeting was adjourned at 5:34 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk