

ORDINANCE 12-07

AN ORDINANCE TO ADD A NEW CHAPTER 7 TO TITLE 20 OF THE CODIFIED ORDINANCES OF THE CITY OF BARTLETT AUTHORIZING THE CREATION AND FUNDING OF A MUNICIPAL SCHOOL DISTRICT IN THE CITY OF BARTLETT AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF BARTLETT AT A REFERENDUM TO BE HELD ON AUGUST 2, 2012, THE DATE OF A GENERAL ELECTION IN SHELBY COUNTY, OR AN ELECTION TO BE HELD ON SOME 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; and

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 Bartlett; and

WHEREAS, The Tennessee Legislature passed Chapter 905 of the 2012 Public Acts, which permits 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 the municipality is located within any county in which a transition planning commission has been created pursuant to Tennessee Code Annotated § 49-2-502(b), if the municipality is authorized by its charter to operate a municipal school system, and if its proposed municipal school system would possess a student population of sufficient size to comply with State requirements; and

WHEREAS, Article II, § 2.02(26) of the Charter for the City of Bartlett gives the City of Bartlett the specific right to establish public schools; and

WHEREAS, Article II, § 2.02(1) of the Charter for the City of Bartlett gives the City of Bartlett the general right to assess, levy and collect taxes for any lawful purpose; and

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; and

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; and

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; and

WHEREAS, The Board of Mayor and Aldermen desires to create and fund a municipal school district for the City of Bartlett to take effect at the beginning of the 2013-2014 school year or as soon thereafter as practical, but in no event shall the schools open prior to the effective date of the transfer of the administration of the Memphis City Schools to the Shelby County School System, having determined that the City of Bartlett is located within a county in which a transition planning commission has been created pursuant to Tennessee Code Annotated § 49-2-502(b), that the City of Bartlett is authorized by its Charter to operate a municipal school system, and that the proposed school system would possess a student population of sufficient size to comply with State requirements and, further, having determined that such school system is necessary to promote the education, health, safety, and morals of the residents of the City of Bartlett; and

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

WHEREAS, A public hearing before the Board of Mayor and Aldermen on this Ordinance was held on May 29, 2012, pursuant to notice thereof being published in a newspaper of general circulation within the City of Bartlett on May 11, 2012 and May 12, 2012.

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

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

QUESTION:

Shall the City of Bartlett 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 Bartlett, 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 referendum on the August 2, 2012 general election.

Section 3. If the Shelby County Election Commission cannot hold the municipal referendum on August 2, 2012, the municipal 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.

ADOPTED this 29th day of May, 2012.

First Reading: May 15, 2012

Second Reading: May 22, 2012

Third Reading: May 29, 2012

W. C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Stefanie McGee, City Clerk