ITEM #_____ Prepared by: Commissioner Steve Mulroy

Approved by: Christy L. Kinard
Assistant County Attorney

ORDINANCE NO. _____

AN ORDINANCE TO INCREASE THE NUMBER OF MEMBERS SERVING ON THE SHELBY COUNTY SCHOOL BOARD TO TWENTY-FIVE DURING A TRANSITION PERIOD TO A SINGLE COUNTYWIDE SCHOOL BOARD BY AMENDING THE SHELBY COUNTY CODE OF ORDINANCES. SPONSORED BY COMMISSIONER STEVE MULROY.

WHEREAS, As established by § 6.02(B) of the Shelby County Charter, Chapter 381 of the Private Acts of 1923 is given full force and effect for education purposes, except for modifications of the residency and compensation provisions of such Private Act; and

WHEREAS, Chapter 381 of the Private Acts of 1923 provides for a 7-member county school board and is deemed an ordinance, pursuant to § 7.14 of the Shelby County Charter, but only to the extent such Private Act is not inconsistent with the Charter, and only until and unless repealed or amended by the Shelby County Board of Commissioners; and

WHEREAS, Pursuant to § 49-2-502 of the Tennessee Code, a referendum is set for March 8, 2011, to transfer administration of the schools within the Memphis City School District to the Shelby County School Board; and

WHEREAS, If the referendum passes, it would lead to a single school system serving all of Shelby County, requiring provision be made for a new unified, countywide school board representing both the current territory of the Shelby County School District as well as territory within the Memphis City School District; and

WHEREAS, On February 10, 2011, the Memphis City Council voted to approve the surrender of the Memphis City School Board's Charter in accordance with Chapter 375 of the 1961 Private Acts; and

WHEREAS, The above facts, plus the impending receipt of new population data from the 2010 U.S. Census, makes it necessary to establish a redistricting plan for the Shelby County School District; and

WHEREAS, Leaving the current districting scheme and representation on the Shelby County School Board in place until the next regularly scheduled countywide election would lead to a lack of representation of any kind for City of Memphis voters, which represents roughly 74% of the County's population; and

WHEREAS, Redistricting countywide and leaving the number of Shelby County School Board members at 7 would require a districting plan that could place current incumbent members of the Shelby County School Board out of their assigned districts, effectively shortening their terms of office; and

WHEREAS, To avoid shortening the terms of duly elected incumbents while adequately representing Shelby County voters as a whole, it is necessary to increase the total number of members serving on the Shelby County School Board during a transition to a single countywide school board; and

WHEREAS, Based on current population data, 18 new school board members would need to be elected from the City of Memphis so as to represent populations substantially equal to those populations represented by the 7 incumbent members of the Shelby County School Board, for purposes of meeting the requirements of § 49-2-201(a)(1) of the Tennessee Code and thereby providing City of Memphis voters adequate representation based on "one-person, one vote" principles of the Fourteenth Amendment of the U.S. Constitution; and

WHEREAS, The County Commission's Ad Hoc Committee on Redistricting is separately considering adoption of a school redistricting plan that would draw 18 districts within the City of Memphis for representation on a single countywide school board.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Chapter 2 of the Shelby County Code of Ordinances be and is hereby amended so as to provide that the total number of members serving on the Shelby County School Board shall be increased from 7 members to 25 members during any transition period established by a school board redistricting plan adopted by the County Commission in the event a referendum is passed by the voters in Shelby County to transfer the administration of the schools located within the Memphis City School District to the Shelby County School Board.

BE IT FURTHER ORDAINED, That all other provisions of Chapter 381 of the Private Acts of 1923, as amended, shall remain in full force and effect for education purposes, except as modified by § 6.02(A) of the Shelby County Charter and this Ordinance.

BE IT FURTHER ORDAINED, That the provisions of this ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective in accordance with the Shelby County Charter, Article II, § 2.06(C).

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Mark H. Luttrell, Jr., County Mayor

Date:_____

ATTEST:

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Clerk of County Commission

First Reading: February 14, 2011

Second Reading: February 16, 2011

Adopted
Third Reading: _____