

ITEM NO: _____

PREPARED BY: Sandy Rutherford

APPROVED BY: Christy L. Kinard

Assistant County Attorney

RESOLUTION ESTABLISHING A SCHOOL BOARD REDISTRICTING PLAN FOR THE SHELBY COUNTY BOARD OF EDUCATION PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED SECTION 49-2-201 AND AS SET FORTH BY ORDINANCE NO. 403 FOR THE PURPOSE OF ESTABLISHING A SINGLE COUNTYWIDE SCHOOL BOARD WITH DISTRICTS OF SUBSTANTIALLY EQUAL POPULATION THAT COMPRISES ALL AREAS OF SHELBY COUNTY, TENNESSEE. SPONSORED BY COMMISSIONER WALTER BAILEY, JR.

WHEREAS, Tennessee Code Annotated Section 49-2-201 requires that county boards of education be elected by the people; and

WHEREAS, Tennessee Code Annotated Section 49-2-201 further provides that members of county boards of education shall be residents of and elected from districts of substantially equal populations established by resolution of the local legislative body; and

WHEREAS, Population shifts have altered the composition of certain school board districts so that they are no longer each of a substantially equal population; and

WHEREAS, Pursuant to Tennessee Code Annotated Section 49-2-502 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, The Board of Commissioners of Shelby County, Tennessee, did by Resolutions of March 9, 1998, January 24, 2000, March 13, 2000, April 25, 2002 and April 4, 2004 either adopt or amend plans to redistrict Shelby County Schools' seven single-member districts; and

WHEREAS, It is necessary to amend the most current school redistricting plan that was approved on April 4, 2004 to accurately reflect the number of Shelby County School Board members set forth by Ordinance No. 403.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHLEBY COUNTY, TENNESSEE, That a revised school board redistricting plan, as per the map designated as Exhibit 'B', attached hereto and incorporated herein by reference, is hereby adopted and replaces all previously adopted school redistricting plans approved by the Shelby County Board of Commissioners.

BE IT FURTHER RESOLVED, That in the event there is any determination that the 25 single-member school board redistricting plan, identified in this resolution as Exhibit 'B' cannot be implemented for whatever reason, then the alternative 7 district school board redistricting plan that is designated as Exhibit 'C', attached hereto and incorporated herein by reference, shall serve as the alternative school board redistricting plan for the Shelby County Board of Education.

BE IT FURTHER RESOLVED, That each district shall be composed of the areas encompassed by the wards and precincts of the County of Shelby as embodied in a map attached as Exhibit 'B'.

BE IT FURTHER RESOLVED, That the Shelby County Board of Commissioners will appoint Interim Unified School Board members to serve in the 25 single-member school board districts created by the Shelby County Board of Commissioners to provide constitutional representation to all of Shelby County based on 2000 U.S. Census data to include school board district areas previously held by the Memphis City Schools Board per Resolution adopted by the Shelby County Board of Commissioners on February 14, 2011, keeping the seven existing

Shelby County School Board members in tact until their next appointed election date, so long as the school board redistricting plan identified in this resolution as Exhibit 'B' is implemented, and also redefining these seven school board districts to comprise areas of Shelby County that are outside of the City of Memphis limits as embodied in a map and attached as Exhibit 'B'.

BE IT FURTHER RESOLVED, That the Shelby County Board of Commissioners has created a 25 single-member redistricting plan for the Shelby County Board of Education in which every current school board member lives in a proposed district where no other current school board member lives, and this redistricting plan is embodied and attached hereto as Exhibit 'B'.

BE IT FURTHER RESOLVED, That the Election Commission is hereby directed to hold an election in August of 2012 to fill the positions of all members of the Shelby County Board of Education as established under this plan or any subsequent redistricting plan adopted for the Shelby County Board of Education except those for Districts 1, 3, 5 and 7, as designated in Exhibit B, whose current terms do not expire until August 2014. Should the school board redistricting plan that is designated as Exhibit C be implemented instead, then the positions of all members will be filled at the election to be held in August of 2012.

BE IT FURTHER RESOLVED, That those members of the Shelby County Board of Education elected in August 2012 and/or those members currently elected to fill positions for Districts 1,3,5,7 as designated in Exhibit B shall all serve until August 31, 2014, at which time an election will be held to fill all positions of the Shelby County School Board pursuant to the redistricting plan in place at that time.

BE IT FURTHER RESOLVED, That the Clerk of the County Commission is hereby directed to transmit to the Shelby County Clerk an attested copy of the adopted redistricting map,

attached hereto as Exhibit 'B', as well as the redistricting map attached hereto as Exhibit 'C' that will serve as the approved school board redistricting plan should Exhibit 'B' not be implemented for any reason, so that the said County Clerk may keep a permanent copy of the districting map that clearly shows the boundaries of the newly expanded Shelby County School Board districts.

BE IT FURTHER RESOLVED, That the Clerk of this Commission shall forward to the Secretary of State, State of Tennessee, an attested copy of this resolution, including Exhibits 'B' and 'C'.

BE IT FURTHER RESOLVED, That the Clerk of this Commission shall forward an attested copy of this resolution, including Exhibits 'B' and 'C', to the Shelby County Election Commission.

BE IT FURTHER RESOLVED, that this resolution shall take effect in accordance with the Shelby County Charter, Article II, § 2.06(B) sixteen days after Ordinance No. 403 is adopted by the Shelby County Board of Commissioners but no sooner than the certification of the March 8, 2011 school referendum results, if such referendum is approved by the voters of the City of Memphis.

Mark H. Luttrell, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____