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Private Acts of 1981 Chapter 62

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1981 Chapter 62

COMPILER'S NOTE: The following act contains numerous errors which appear in the original act, as amended.

SECTION 1.

A. ESTABLISHMENT AND NAMING OF SPECIAL SCHOOL DISTRICT - A Special School District is hereby created and established to be known and designated as the "Gibson County School District" hereafter referred to as "District" in this Act.

B. BOUNDARY LINES. The area of the "District" shall include that portion of Gibson County which is not included in the area encompassing the Humboldt City Limits; the area encompassing the Bradford Special School District; and the area encompassing the Thirteenth (13th) Civil District including the Milan Special School District, as of the date this act is approved by the Tennessee State Legislature. The area of the "District" shall also include the following areas in Gibson County adjoining the Milan Special School District.

(1) Beginning at the Carroll County-Gibson County line at the Northern most boundary of the Milan Special School District; i.e., Thirteenth Civil District, thence following said Northern boundary Westward to Highway 45E, thence with Highway 45E to its intersection with the Harmond Road, thence East with the Harmond Road to the Robert Crocker Road, thence East with the Robert Crocker Road to its intersection with the Walnut Grove Road, thence North with the Walnut Grove Road to its intersection with the Willie Tee Crocker Road; thence East with the Willie Tee Crocker Road to the Neal Road to the Flippen Field Road, thence Northeast with the Flippen Field Road to its intersection with the Holly Leaf Road, thence East with the Holly Leaf Road to its intersection with the Old Meridian Road, thence South with the Old Meridian Road to its intersection with the Horrace Burress Road, thence Southeast with the Horrace Burress Road to its intersection with the Poplar Spring Road, thence Northeast with the Poplar Spring Road to its intersection with the Flippen School House Road, thence Southeast with the Flippen School House Road to the Gibson County-Carroll County line, thence South with said county line to the beginning point.

(2) Beginning at the intersection of the Moore's Chapel Sander's Store Road and the Milan-Trenton Highway, thence South with the Moore's Chapel Sander's Store Road to its intersection with the Smith-Scott Road, thence East with the Smith-Scott Road to its most Eastern point, thence due East to the Western Boundary of the 13th Civil District, thence North with the Western Boundary of the 13th Civil District to the Rutherford Fork of the Obion River, thence Northwest with the Rutherford Fork of the Obion River to the Jack Connell Road, thence West with the Jack Connell Road to its intersection with the Bobby Burress Road, thence South with the Bobby Burress Road to its intersection with the Hertlow Road, thence South with the Hertlow Road to its intersection with the Concord Road, thence South with the Concord Road to its intersection with the Milan-Trenton Highway, thence East with the Milan-Trenton Highway to the beginning point.

(3) Beginning at the intersection of Highway 45E with the Browning Road, thence following the Browning Road West to its intersection with the Chapel Hill Road, thence Northwest with the Chapel Hill Road to its intersection with the Mathis Crossing Road, thence with the Mathis Crossing Road North to its intersection with the Access Road, thence North with the Access Road to its intersection with the boundary of the Milan Special School District; i.e., Thirteenth Civil District; thence East and South with the boundary of the Milan Special School District; i.e., Thirteenth Civil District to Highway 45E, thence South with Highway 45 to the beginning point.

(C) The boundaries of the Gibson County School District as herein described shall supersede the boundaries of any special school district or school taxing district which may extend to within the territory of Gibson County included in the Gibson County School District.

As amended by: Private Acts of 1986, Chapter 152.

SECTION 2. From and after the effective date of the act, and commencing upon the expiration of the current term of office which each such member is presently serving, the seven (7) members of the Board of Trustees of the Gibson County School District shall henceforth be elected for a four (4) year term. The qualifications, districts, existing terms of office and method of election of the members of the Board of Trustees are not affected by this amendment.

As amended by: Private Acts of 1995, Chapter 63.

A. "DISTRICT BOARD OF TRUSTEES. The management and control of said "District" shall be vested in a Board of Trustees of seven members consisting of six (6) members representing six districts and one member representing the entire "District" to be known as the "at large member."

B. BOARD OF TRUSTEES DISTRICTS REPRESENTED. The "District" shall be divided into six (6) districts for selecting board members described as follows:

(1) TRUSTEE POSITION ONE (1). The appointed school board trustee shall serve for one (1) year and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position One and be elected by the eligible voters living in the School District encompassing the area contained within Magisterial District Number 15, except the area contained in Position Five (5).

As amended by: Private Acts of 1987, Chapter 107

(2) TRUSTEE POSITION TWO (2). The appointed school board trustee shall serve for two (2) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Two and be elected by the eligible voters living in the School District encompassing the area contained within Magisterial District Number 14 and those eligible voters living in Magisterial District Number 12 North of a line extended East from the Gravett Crossing Road to the West Boundary of the Bradford Special School District at the intersection of the Blackburn Road with the Keely Mill Road, except the area contained in Position Five (5).

(3) TRUSTEE POSITION THREE (3). The appointed school board Trustee shall serve for three (3) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Three and be elected by the eligible voters living in the School District encompassing the area contained within Magisterial District Number 13 and those eligible voters living in magisterial District 12 South of a line extended East from the Gravett Crossing Road to the West Boundary of the Bradford Special School District at the intersection of the Blackburn Road with the Keely Mill Road.

(4) TRUSTEE POSITION FOUR (4). The appointed school board trustee shall serve for four (4) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Four and be elected by the eligible voters living in the School District encompassing the area contained within Magisterial District Number 4.

(5) TRUSTEE POSITION FIVE (5). The appointed school board trustee shall serve for five (5) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Five (5) and be elected by the eligible voters living in the school district encompassing the area bound by the following description:

Beginning at a point at the northern most intersection of the Walnut Grove Road and the Tommie Duffy Loop Road; thence, north with the Walnut Grove Road to the Toole Road; thence, east with the Toole Road to the Joe Penn Road; thence, north with the Joe Penn Road to its first westerly turn; thence, due north to the Gibson County/Obion County line; thence, west with the Gibson County/Obion County line to its intersection with Grass Creek; thence south with Grass Creek to its intersection with the Tull Road; thence, east with the Tull Road to the Fairview Road; thence, southwest with the Fairview Road to an unnamed road connecting the Fairview Road and the Bob Craig Road; thence, east with that unnamed road to the Bob Craig Road; thence, south with the Bob Craig Road to the Lakeview Road; thence, east with the Lakeview Road to its intersection with Highway 45; thence, directly to the beginning point.

As amended by: Private Acts of 1987, Chapter 107.

(6) TRUSTEE POSITION SIX (6). The appointed school board trustee shall serve for six (6) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Six and be elected by the eligible voters living in the School District encompassing the area bound on the West by the southern most boundary of Magisterial District Number 4 to the intersection of the Gibson Wells-Humboldt Road and the Edison-Motley Road thence following the Southeast boundary of the Trenton Special School District to Moore's Chapel, thence from Moore's Chapel South with the Moore's Chapel Sander's Store Road to its intersection with the Smith-Scott Road, thence with the Smith-Scott Road to its most Eastern point, thence due East to the Western boundary of the 13th Civil District, thence South and East with the Western boundary of the 13th Civil District to its intersection with the Access Road, thence South-West with the Access Road to its intersection with the Humboldt-Gibson Road, thence South-West with the Humboldt-Gibson Road to the City limits of Humboldt, thence West and South with the City limits of Humboldt to its intersection with Highway 70, thence following Highway 70 to the Gibson County-Crockett County line, thence with the Gibson County-Crockett County line to the beginning point.

(7) TRUSTEE POSITION SEVEN (7). The appointed school board trustee shall serve for seven (7) years and the successor shall be elected for a seven (7) year term. The "Trustee" shall represent Position Seven and be elected by the eligible voters living in the School District encompassing the area bound on the South-West by the Gibson County-Crockett County line and following that line South-East to the Gibson County-Madison County line, thence East with the Gibson County-Madison

County line to the Gibson County-Carroll County line, thence North with the Gibson County-Carroll County line, to the point where it intersects with the boundary of the Milan Special School District, thence with the South-Western boundary of the Milan Special School District to its intersection with the Access Road, thence South-West with the Access Road to the Humboldt-Gibson Road, thence South-West with the Humboldt-Gibson Road to the City limits of Humboldt, thence following the East and South boundaries of the City of Humboldt to US Highway 70, thence South-West with Highway 70 to the Gibson County-Crockett County line.

C. ELECTION OF SCHOOL DISTRICT BOARD OF TRUSTEE MEMBERS. Upon the expiration of a "member's" term, an election shall be held under the auspices of the County Election Commission and such laws and regulations governing the election of county officials. The successors of "Members" whose terms expire in the year in which a county general election is held shall be elected during such election. For "Members" whose terms expire in years for which there is no county general election, an election shall be held on the first Thursday in August.

D. BOARD MEMBERS TAKING OFFICE AFTER AN ELECTION. The person elected or appointed to fill a vacancy shall take office and be sworn in at the next School District Board meeting following such election or appointment.

E. FILLING VACANCY OF SCHOOL BOARD MEMBER. If a board member resigns, dies, moves out of the district represented, or for any other reason vacates the position of school board trustee, the remaining trustees on the board shall appoint a successor or successors from those districts vacated until the next county general election, at which time a successor shall be elected to fill the unexpired term or terms.

As amended by: Private Acts of 1996, Chapter 196

F. APPOINTMENT OF ORIGINAL BOARD OF TRUSTEE MEMBERS. The first Board of Trustee members so named in this Act shall represent the following board member districts and shall hold office until their successors are elected as provided in this Act.

- Position One: Richard Binkley
- Position Two: A. B. Hugueley
- Position Three: Douglas Duncan
- Position Four: Jane Tyree
- Position Five: Leotha Elam
- Position Six: Irby Coleman
- Position Seven: Larry Darby

G. ORGANIZATION OF FIRST BOARD OF TRUSTEES. The hereinabove named First Board of Trustees members shall within thirty (30) days of approval by the State Legislature meet, be sworn in, and elect a Chairman, Vice-Chairman, and a temporary Secretary-Treasurer/Fiscal Agent from among the members.

H. COMPENSATION OF BOARD MEMBERS. Board of Trustee members shall be paid a reasonable compensation to cover expenses incurred as a result of serving on such Board.

I. AUTHORITY OF BOARD OF TRUSTEES. The said Board herein created and their successors in office shall constitute, and are hereby declared the "Board of Trustees of the Gibson County School District," and by that name may sue and be sued, plead and be impleaded, and have continual succession for the purpose hereinafter designated; enter into contracts and make such by-laws and regulations from time to time as they deem necessary herein and as is consistent with the authority herein conferred and the laws and regulations of the State of Tennessee for the purpose of carrying into effect the object for which they are created.

J. POWERS AND DUTIES OF THE BOARD. In addition to the powers and duties further described in this Act, the Board of Trustees shall have such other powers and duties as provided below:

- (1) To establish, manage, and maintain a public school system in accordance with state law and regulations and as may be requested by the citizens in said "District."
- (2) The Board of Trustees shall employ a Director of Schools under a written contract of up to four (4) years' duration, which may be renewed. Any such person transferred during the term of such person's contract shall not have such person's salary diminished for the remainder of the contract period. The board may dismiss the director for cause as specified in Tennessee Code Annotated, 49-2-203, or in title 49, chapter 5, part 5, as appropriate. The Director of Schools may be referred to as the "superintendent" and references to or duties of the former county superintendents shall be deemed references to or duties of the Director of Schools employed under this section. The Board of Trustees is the sole authority in appointing a superintendent.

As amended by: Private Acts of 1996, Chapter 196

- (3) To approve the employment of competent teachers and such other school personnel as may be recommended by the superintendent of schools, and to set salaries and employee benefits within

the available funds of the said "District."

- (4) To use the available funds from state, federal, and local sources in their judgment and discretion to provide the best education for the children of said "District."
- (5) To hold regular meetings at such time and such place as the Board may decide, only upon public notice of such meetings. Four members will constitute a quorum, and the chairman or three members may call for a special meeting with proper notice.
- (6) To have full power and authority to adopt rules, policies, and by laws necessary for the management, maintenance, supervision, and conduct of the school system which are not inconsistent with this Act or the general laws of the State.
- (7) To require the Superintendent to hire a competent bookkeeper or accountant to maintain the accounting records up-to-date and in accordance with general accounting standards and State law and regulations.
- (8) To contract annually with a competent auditor in the field of governmental accounting for preparing an annual audit of all financial records, receipts, and disbursements of the school system including the individual school accounts.
- (9) To require the Superintendent to prepare an annual operating budget reflecting beginning balances, realistic revenues and expenditures, and estimated ending balances. Such budget prepared and adopted must reflect a balanced budget, available funds equal to or greater than expenditures. In the event projected revenues are not sufficient to meet the expenditures during the current school year, the Board has authority to require the Superintendent to present a plan to reduce expenditures and upon such recommended plan adopt or amend recommendations.
- (10) To purchase a fidelity or surety bond of a minimum of \$50,000 for the Secretary-Treasurer/ Fiscal Agent, and all employees who handle cash, write checks, and maintain financial records.
- (11) To issue interest bearing tax or revenue anticipation notes for the purpose of meeting appropriations made for the current fiscal year not exceeding sixty (60) percent of such revenues. All such notes shall mature not later than the close of such fiscal year; provided such note may be extended past the end of the fiscal year for ninety (90) days for documented state and federal grants approved on a reimburseable basis and such reimburseable documentation has been submitted to the proper agency and can be verified as an authorized claim.

As amended by: Private Acts of 1981, Chapter 181

SECTION 3. LOCAL TAX FOR SCHOOL OPERATIONS. For the purpose of operating and maintaining the school district, there is hereby assessed a property tax of two dollars and fifty cents (\$2.50) on every one hundred dollars (\$100.00) of real and personal property located within the "District".

In addition to the tax rate applicable to property in the Gibson County Special School District under the first paragraph of this section, as finally adjusted after property reappraisal, there is hereby levied a property tax of thirty-seven cents (370) on every one hundred dollars (\$100.00) of real and personal property located within the district.

In addition to the tax rate applicable to property in the Gibson County Special School District under this section, there is hereby levied a property tax of twenty cents (200) on every one hundred dollars (\$100) of real and personal property located within the district, such tax to take effect January 1, 1990 to provide funds for the 1990-1991 school year and all subsequent school years.

As amended by: Private Acts of 1981, Chapter 181
Private Acts of 1982, Chapter 342
Private Acts of 1984, Chapter 241
Private Acts of 1989, Chapter 113

COMPILER'S NOTE: Both the 1982 and 1984 acts referenced above contain provisions that the tax increase could not be levied until it had been approved by majority vote of the residents in the school district. The referendum requirement contained in the 1984 act was declared unconstitutional by the Tennessee Supreme Court in Gibson County Special School District v. Palmer, 691 S.W.2d 544 (Tenn. 1985). The court held that Private Acts of 1984, Chapter 241, was enforceable after striking out the section which required local approval. Both the 1982 and 1984 acts bear the Secretary of State's certification that local ratification is not required.

SECTION 4. EDUCATION PROVIDED TO CHILDREN OF THE DISTRICT. All the children living within the boundaries of said "District" shall be entitled to the benefit of the funds arising from the provisions of this Act, and are entitled to free tuition in the school or schools operated by said District subject to the child behavior policies adopted by the Board of Trustees.

The Board of Trustees shall have the power to admit by contract non-residents students of said "District".

SECTION 5.

A. IMPLEMENTATION OF THIS ACT. Upon the approval of this Act, the members of the First Board shall meet within 30 days, elect a Chairman, Vice-Chairman, and a temporary Secretary-Treasurer/Fiscal Agent to maintain the minutes until a Superintendent is hired.

B. Within 10 days after formation of the Board of Trustees, the Act shall be presented to the County Election Commission for a public referendum.

C. REFERENDUM OF DISTRICT VOTERS. The Gibson County Election Commission shall conduct an election in accordance with Tennessee Code Annotated, Section 2-14-102 or such other sections which apply to this Act.

D. SUBMITTING ACT AND REQUEST TO STATE BOARD OF EDUCATION. Upon approval of this Act by the voters of the "District", the Board of Trustees shall submit a request to the State Board of Education for their approval of the Gibson County School District in accordance with Tennessee Code Annotated, Section 49-233.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 7. [Deleted by Private Acts of 1981, Chapter 181].

COMPILER'S NOTE: Section 7 provided that the act would not be effective unless approved by referendum election within the school district. This procedure was found to be unconstitutional in Gibson County Special School District v. Palmer, 691 S.W.2d 544 (Tenn. 1985), which held that where the question of whether a law becomes effective is determined by a popular vote of those who will be subject to the law, there has been an unconstitutional delegation of legislative authority.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

As amended by: Private Acts of 1981, Chapter 181

Passed: March 19, 1981.

COMPILER'S NOTE: Private Acts of 1981, Chapter 62, was amended by Private Acts of 1994, Chapter 155, to authorize and empower Gibson County School District to issue and sell school bonds in a principal amount sufficient to refund certain outstanding obligations of the district and to dedicate a portion of existing tax revenues to pay said bonds. The 1994 act is published herein in its entirety.

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