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Public Acts of 1947 Chapter 84

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Public Acts of 1947 Chapter 84	3
---------------------------------------------	----------

Public Acts of 1947 Chapter 84

SECTION 1. That a Special School District, to be known as "Kenton Special School District", is hereby created and established, with territorial boundaries as follows:

Beginning at a stake in Gibson County, Tennessee, in the middle of Edmonson's Creek on the west side of the bridge where U.S. Highway No. 45 crosses said creek, and thence west with the meanders of said creek to a gravel road on H. H. Taylor Heirs' east line; thence north with said road to the northwest corner of the Fred Norton farm; thence northwestwardly in a straight line to R. L. Caton's southwest corner; thence north to Willie Gravette's northwest corner; thence northwestwardly in a straight line to Grassy Creek at Richard Johns' northeast corner; thence down said creek with its meanders and northerly to the point where Grassy Creek crosses C. B. Verhine's west boundary line; thence north with Verhine's west boundary line; thence north with Verhine's west boundary line to Obion River; thence up said Obion River with its meanders easterly to the confluence with the South Fork of Obion River; thence southeasterly with the meanders of South Fork of Obion River to the west boundary line of Weakley County; thence south with the County line between Weakley and Obion Counties to the north line of Gibson County; thence southeasterly with the County line between Gibson and Weakley Counties to the southeast corner of the C. V. Bell's farm; thence with the south line of the Bell farm and the public road to a stake in the middle of the cross roads at Walnut Grove; thence west to the point of beginning.

As amended by:

Public Acts of 1984, Chapter 637

Public Acts of 1986, Chapter 868

SECTION 2. That said Special School District shall be governed by a Board of five (5) Trustees, who shall be elected by the qualified voters in said District at the regular election in August, 1948, and biennially thereafter for a term of two (2) years, two (2) of whom shall be citizens and residents of Gibson County, Tennessee, two (2) of whom shall be citizens and residents of Obion County, Tennessee, and one (1) of whom shall be a citizen and resident of the Town of Kenton, Tennessee. No person shall be eligible to be elected and to serve as Trustee unless, at the time of his election, and during all the period of his service, he shall be a resident of or own real estate in said District. Every resident within said District and every owner of real estate within said District shall be eligible to vote in the elections of the Trustees, provided that said person shall be otherwise qualified to vote in the regular election in connection with which said election of Trustees will be held.

Notwithstanding the provisions of the first paragraph of this section, the Board of Trustees shall be elected by the qualified voters in said District on the first Tuesday in August, 1997, for a term of one (1) year. Trustees shall again be elected by the qualified voters in the District on the date of the general election in August, 1998 for a term of two (2) years, and biennially thereafter for a term of two (2) years.

Notwithstanding the provisions of the first and second paragraphs of this section, trustees shall be elected to staggered four-year terms of office so that the terms of approximately one-half (½) of the trustees expire every two (2) years. In order to establish staggered terms, the trustee from Gibson County receiving the largest number of votes and the trustee from Obion County receiving the largest number of votes elected at the regular election in August 2004 shall each serve a four-year term of office. The trustee from Gibson County receiving the second largest number of votes and the trustee from Obion County receiving the second largest number of votes elected at the regular election in August 2004 shall each serve a two-year term of office. The trustee from the City of Kenton elected at the regular election in August 2004 shall serve a four-year term of office. Trustees elected in the regular election in August 2004 shall take office on September 9, 2004.

SECTION 3. That the first Board of Trustees shall be: Harry Smith, J. N. Midgett, Joe M. Warren, Fred Norton, and R. C. Tilghman.

SECTION 4. That whenever a vacancy on the Board of Trustees occurs more than thirty (30) days prior to the time fixed by this Act for election of Trustees, such vacancy shall be filled by appointment made by the Trustees, the person so appointed to be a resident or owner of real estate in the same territorial part of the District in which his, or her, predecessor resided.

SECTION 5. That the said First Board of Trustees of said District shall, within fifteen (15) days after this Act becomes effective, meet and elect, from among the members of the Board, a President, Vice-President, and Secretary-Treasurer.

SECTION 6. That the members of the Board of Trustees shall serve without compensation.

SECTION 7. That the Secretary-Treasurer shall be required to enter into bond, with some corporate surety, authorized to do business in Tennessee, in an amount to be fixed by the Board of Trustees, the bond to be payable to the State of Tennessee, for the use of said Kenton Special School District, and conditioned to account for, and pay over all funds of said District which come to his hands.

The premium of the bond shall be paid out of the Administrative Fund of the District.

SECTION 8. That the Board of Trustees shall have power to cause to be erected, and have general supervision and control of the buildings and property belonging to the District; shall have power to lease, or rent, any buildings, or grounds, to the County Board of Education; shall have power to employ and fix the salaries of such teachers and assistants as are not employed by the County Board of Education.

Provided, however, that no provision of this Act shall be so constructed as to conflict with the rights and powers of the County Board of Education.

SECTION 9. That for the purpose of buying or erecting necessary school buildings, furnishings and equipment, paying necessary expenses of maintenance of adequate school facilities, the said Kenton Special School District is hereby authorized and empowered to issue and sell interest bearing coupon bonds, in an aggregate amount not to exceed Seventy-Five Thousand (\$75,000.00) Dollars. Said bonds shall, each, be for the principal, or face, amount of Five Hundred Dollars, and shall mature in such order, and at such time as the Resolution of the Board of Trustees shall provide.

Provided, however, that the power to issue said bonds shall not be exercised until and when a majority of the qualified voters, resident in said District, and voting in an election held for that purpose, have voted in favor of the issuance of said bonds.

SECTION 10. That within not less than 30 days, nor more than 120 days, after this Act becomes effective, the Board of Trustees shall, by resolution, request the Election Commissioners of Gibson and Obion Counties, Tennessee, to call an election, to ascertain the will of the qualified voters of said District on the question of the issuance of the bonds, as provided in Section 9 hereof.

Should the vote in said election be against the issuance of the bonds, a second election may be called, resubmitting the question of the bond issue. Provided, however, that no second, nor subsequent election shall be called nor held until after the expiration of at least six months following the first election.

In said election (first or second) the ballots shall have printed on them on one line "For School Bonds"; and on another line "Against School Bonds". The voter shall indicate his choice by making a mark opposite the words "For School Bonds", or opposite the words "Against School Bonds".

SECTION 11. That the bonds herein provided for shall not be issued nor sold for less than their face value, nor shall they bear interest in excess of five (5) per cent per annum.

SECTION 12. That the avails of sale of the bonds shall be collected and held by the Secretary-Treasurer of the District; and shall be disbursed by him only under orders of the Board of Trustees and by check or voucher signed by the Secretary-Treasurer, and countersigned by the President of the Board of Trustees.

SECTION 13. That for the purpose of providing revenue to pay for the improvements and other expenses necessary and incident to the operation of the school district system there is levied for the year 1984 and for each year thereafter in lieu of any county education tax levy or the tax levy of any other special school district, a tax of one dollar seventy-five cents (\$1.75) on each one hundred dollars (\$100.00) of taxable property, real and personal, within the boundaries of said district.

As amended by:
Public Acts of 1970, Chapter 536
Public Acts of 1984, Chapter 637
Private Acts of 1997, Chapter 78
Private Acts of 2004, Chapter 108

COMPILER'S NOTE: Public Acts of 1984, Chapter 637, provides that it shall not be effective unless and until the boundary increase and tax rate have been approved by the majority of the voters in the district, which approval was given on 6/30/84. However, the Tennessee Supreme Court has held unconstitutional the practice of conditioning the effectiveness of a tax or of an act itself upon local voter approval. Gibson County School District v. Palmer, 691 S.W.2d 544 (Tenn. 1985). The tax rate prior to the 1984 amendment was 100 per \$100 property value, which was set by Public Acts of 1970, Chapter 537. The boundary changes made by the act were deleted by Public Acts of 1986, Chapter 868, which restored the boundary to its position before the 1984 act.

The basis of assessment shall be as applicable to that part of the District in Obion County, the current tax assessment made by Obion County, and as applicable to that part of the District in Gibson County the current assessment made by Gibson County.

All taxes hereby levied, when assessed, shall be a lien on the real and personal property so assessed as of the tenth (10th) day of January, of the year for which assessed.

SECTION 14. That the taxes hereby levied, on property in Obion County, shall be collected by the Trustee of Obion County, Tennessee; and on property in Gibson County, by the Trustee of Gibson County, Tennessee; and the taxes hereby levied shall become and be delinquent as and when State and County taxes become due and delinquent.

All said taxes, when collected, shall be paid over to the Secretary-Treasurer of the Board of Trustees of Kenton Special School District.

One-twentieth (1/20) of the taxes shall be held by the Secretary-Treasurer as an Administrative Fund, to be used and applied in payment of incidental expense of administration.

The remaining nineteen-twentieths (19/20) of said taxes may be applied to the payment of the principal and interest of the bonds, issuance of which is hereby authorized, or for improvements and other expenses necessary and incident to the operation of the school district system.

As amended by: Private Acts of 1965, Chapter 120

SECTION 15. That the Tax Assessor of Gibson County shall prepare a separate and complete list, or book, of all taxable property, real and personal, within that part of the District which is in Gibson County, and furnish the same to the County Trustee of Gibson County, and the assessments shall be set up on the general tax books by the Clerk of the County Court of Gibson County.

And the Tax Assessor of Obion County shall prepare a separate and complete list, or book, of all taxable property, real and personal, within that part of the District which is in Obion County, and furnish the same to the Trustee of Obion County, and the assessment shall be set up on the general tax books by the Clerk of the County Court of Obion County.

SECTION 16. The district is hereby authorized and empowered to establish, or cause to be established, within its boundaries and own, either individually or jointly with the city of Kenton, Tennessee, an elementary school, together with all land, equipment, furniture, and fixtures necessary for the operation thereof, together with such other school or schools as may be necessary to serve the educational needs of the citizens and residents of the district, and to provide for the operation thereof. The provisions of this section shall only apply to those portions of the district lying within Gibson County and shall not apply to or affect portions of the district lying within Obion County.

SECTION 17. The district is hereby authorized and empowered to enter into an agreement or agreements with Gibson County Special School District, or such other public entity as it shall deem appropriate, to provide for the administration of the schools of the district, the operation and management of all school properties and facilities of the district, and the maintenance and repair of all school properties and facilities of the district. The provisions of this section shall only apply to those portions of the district lying within Gibson County and shall not apply to or affect portions of the district lying within Obion County.

As amended by: Public Acts of 1998, Chapter 1078

SECTION 18. That this Act take effect from and after its passage, the public welfare so requiring.

Passed: February 27, 1947.

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