



July 04, 2024

Private Acts of 2022 Chapter 51

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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Table of Contents

Private Acts of 2022 Chapter 51	3
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SECTION 1. The McKenzie Special School District (the "District"), created by Chapter 533 of the Private Acts of 1917, as amended (collectively with all amendatory acts, the "Act of Incorporation") is hereby authorized and empowered to issue and sell, by resolution of the Board of Education (the "Board") of the District, bonds and/or notes in the aggregate principal amount of not to exceed four million dollars (\$4,000,000) in the manner provided below:

(a) The District is hereby authorized and empowered to issue and sell, by resolution of its Board, school bonds and notes for the purpose of providing funds for (i) the acquisition of land and site preparation for and the construction, improvement, renovation, expansion, furnishing, and equipping of school buildings and facilities, and additions thereto, in and for the District, including the purchase of all property, real and personal, or interests therein, necessary in connection therewith, (ii) the funding of all accounts and funds necessary and proper in connection with the issuance and sale of the bonds and notes as the Board shall determine, (iii) the payment of interest on the bonds and notes during the period of construction and for six (6) months thereafter, and (iv) the payment of all legal, fiscal, administrative, architectural, engineering, accounting, and similar professional and other costs incident thereto and to the issuance and sale of the bonds and notes. The maximum aggregate principal amount of school bonds authorized to be issued shall be limited to four million dollars (\$4,000,000). No public referendum or election of the voters of the District shall be necessary in order for the District to issue and sell the bonds and/or notes authorized pursuant to this subsection.

(b) The bonds and notes may be sold at competitive or negotiated sale at such times, in such amounts and with such terms as may be approved by resolution of the Board; provided that the maximum maturity of any bond or note issued shall not exceed twenty-five (25) years from issuance and the rate or rates of the bonds and notes shall not exceed the maximum rate permitted by Tennessee law. The Board of the District is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and sale of the bonds and notes and to delegate the power to consummate all such acts and execute and implement all such agreements on its behalf as the Board shall deem necessary or desirable.

(c) The District is further authorized, by resolution of its Board, to issue and sell notes of the District in anticipation of the issuance of the bonds authorized herein. The notes shall mature at such time or times, not exceeding five (5) years from their respective dated dates, and shall be sold in such manner and upon such terms as shall be provided by resolution of the Board. Bond anticipation notes shall also be payable from and secured by the proceeds of the bonds in anticipation of which they are issued. Notwithstanding anything herein to the contrary, bond anticipation notes may be issued in an amount not to exceed four million dollars (\$4,000,000) in addition to the issuance of not to exceed four million dollars (\$4,000,000) of school bonds, provided that such notes are to be retired by the bonds.

(d) The District is further authorized, by resolution of its Board, to borrow money and issue its bonds for the purpose of refunding the bonds and notes authorized herein or that may have been previously issued by the District. The refunding bonds shall be sold at such times, in such manner and upon such terms as shall be provided by resolution of the Board, and notwithstanding anything herein to the contrary, shall be in an amount necessary to refund such bonds or notes.

(e) The Board of the District is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and sale of the bonds and notes authorized herein and to delegate the power to consummate all such acts and execute and implement all such agreements on its behalf as the Board shall deem necessary or desirable.

(f) The bonds and notes authorized hereunder shall be issued in fully registered form and shall be executed as provided in the Tennessee Public Obligations Registration Act and in the resolution adopted by the Board.

(g) Any bonds or notes issued hereunder shall be paid from the taxes levied by authority of the Act of Incorporation. Notwithstanding any provision of the Act of Incorporation to the contrary, all taxes levied pursuant thereto are specifically authorized to be used to pay the principal of and interest on any bonds and notes issued pursuant to this subsection. The Board of the District is hereby authorized to pledge such taxes as necessary to pay the principal of and interest on the bonds and notes authorized herein. The taxes shall constitute a lien on the property against which they are levied with the like force and effect as due county taxes.

(h) The Board is also authorized, but not required, to pledge to the payment of the bonds and notes all or a portion of (i) any funds received by the District under the Tennessee Basic Education Program available to be used for capital outlay expenditures, as set forth in Section 49-3-351 et seq.,

Tennessee Code Annotated, and related sections, (ii) its share of the Local Option Sales and Use Tax now or hereafter levied and collected in Carroll County, Tennessee, pursuant to Section 67-6-712, Tennessee Code Annotated, and (iii) any other funds received from the State of Tennessee, or any of its authorities, agencies, or instrumentalities, for school purposes and available to be used for capital outlay expenditures.

(i) The bonds and notes and all income therefrom, shall be exempt from all state, county and municipal taxation in the State of Tennessee, except excise and franchise taxes and except as otherwise provided by applicable law.

SECTION 2. In the event that the laws creating the District are repealed or the District is abolished, that portion of such laws levying a tax, the proceeds of which are pledged to the payment of outstanding bonds and indebtedness of the District, shall remain in full force and effect with respect to the real and personal property within the District to the extent necessary to satisfy the District's debt service requirements with respect to said bonds and indebtedness, and the outstanding bonds and indebtedness of the District shall remain binding and valid obligations of the District the same to be paid out of funds collected in respect of the tax herein authorized. In such event, the said remaining tax shall continue to be collected by the county trustee and funds collected in respect thereof shall be paid in respect of the District's outstanding bonds and indebtedness by the District until such bonds and indebtedness have been paid in full.

SECTION 3. The provisions of this Act are intended to supersede any contrary provisions of the Act of Incorporation heretofore adopted.

SECTION 4. If any provision(s) of this Act or the application thereof shall be held by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Act and the application of such provisions shall not be affected thereby, shall be enforced to the greatest extent permitted by law and are declared to be severable.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

Passed: April 28, 2022

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