

BOARD OF MAYOR AND ALDERMEN

May 29, 2012

A special called meeting of the Board of Mayor and Aldermen was held on May 29, 2012 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, Ernest Chism, John Drinnon, Greg Marcom, and Mike Palazzolo. Staff present: Patrick Lawton, Tom Cates, George Brogdon, Chief Selberg, Stacey Ewell, Michael Stoll, Ralph Gabb, and Dotty Johnson.

Call to Order

Mayor Sharon Goldsworthy called the meeting to order at 6:00 p.m.

Public Hearing - Ordinance 2012-9 – Rescind Ordinance 2012-1 – Establishment of a Municipal School System – Second Reading

City Administrator Patrick Lawton stated in February and March of this year, the Board adopted Ordinance 2012-1 establishing a municipal school system for the City of Germantown, and approve a referendum question be placed before the registered voters to take place on May 10, 2012. In an opinion by the Attorney General's office, and at the request of the Memphis representative to the General Assembly, the Attorney General found that the election on May 10 should not take place because the lifting on the ban on the municipal school districts would not take place until the merger of the two school systems in August of 2013. The Election Commission legal staff and members of the Commission agreed with this opinion and therefore, there was no special election to take place on the 10th. The action before the Board is to revoke this original ordinance and action by the Board.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve on third reading Ordinance No. 2012-9 an ordinance to revoke Ordinance No. 2012-1 - an ordinance establishing a municipal school system within the City of Germantown.

Alderman Drinnon stated he thought one of the primary objectives of the Board was to have the best schools for the children of the citizens of Germantown. With the situation that has been presented to the City, this gives us the opportunity to provide these schools.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Public Hearing - Ordinance 2012 – 10 – Creation and Funding of a Municipal School District – Third and Final Reading

Mr. Lawton stated, after the presentation of the feasibility study on the establishment of a municipal school system, the Board of Mayor and Aldermen directed the administration to move forward with the necessary procedural and legal requirements of the Board and ultimately the citizens of Germantown to create a Germantown municipal school system.

This ordinance is the next step in this process and can only be initiated by the Board. The ordinance recounts previous legislative action, locally and in Nashville that has enabled this ordinance to be considered by the Board as well the fulfillment of the State statutory requirements in creating a municipal school system and the rules established by the State of Tennessee Board of Education.

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These statutes and rules are very clear and require that the City, through the adoption of the attached ordinance, place before the citizens of Germantown the following question in the form of a referendum and let the public decide if they want a municipal school system.

He read the question that is embedded in the ordinance:

“Shall the City of Germantown be authorized to create a municipal school district that shall meet the standards of adequacy established by applicable state law and regulations, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would be at least equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each one hundred dollars (\$100.00) of taxable property for each year if all such taxes were collected?”

Yes _____

No _____

This ordinance also asks the Shelby County Election Commission to place this referendum on the August 2, 2012 ballot.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Alderman Billingsley commented that he would be voting to approve the ordinance establishing a municipal school district for Germantown. He stated that by approving this ordinance, he would be approving our Germantown residents’ freedom to have an opportunity to make their decision and vote on this issue. He felt the residents who had contacted him believe in forming a municipal school system and having local control was in the best interest of our students and Germantown’s future.

He thanked the Mayor, the Aldermen, the City Administrator, the legal counsel, City staff and the many citizens for their efforts thus far on this issue.

Alderman Marcom stated he would be voting for the passage of this ordinance to allow the public to decide on this issue. He asked all to get out and vote whether for or against this issue. He felt the strong voter turnout in the various municipalities would send a message to the county, state and federal officials that we are serious about education reform in Germantown and in Shelby County.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve on third reading Ordinance No. 2012-10 – An ordinance to add a new section 180-76 to the Code of Ordinances of the City of Germantown authorizing the creation and funding of a municipal school district in the City of Germantown and to submit the proposed ordinance to the qualified voters of the City at a referendum to be held on August 2, 2012, the date of the general election in Shelby County, or other appropriate date.

Mayor Goldsworthy stated the vote on this ordinance speaks to what this Board had long understood about its responsibility to our residents. As a municipal government, this Board and City staff provide a wide variety of services for the well being, safety, care and interests of all the people who live in our community. It seems very consistent that this Board would undertake this process that may lead to the formation of a municipal district. The students and parents will have the opportunity to participate in a way to define the scope and extent of that public education. She stated it had been a real privilege over the past year to work so closely with our Board and to see such unanimity of perspective, attitude and support as we move toward a more definitive moment in the formation of a municipal school district.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

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Mayor Goldsworthy stated a vote was necessary in order for her to take this action forward to the Election Commission.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to take all steps necessary to cause the referendum called for by City Ordinance No. 2012-10 to be held on August 2, 2012, the date of a general election in Shelby County, or some other appropriate date.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Ordinance 2012-11 – Establishing a Municipal School Board – First Reading

Mr. Lawton explained that the recent action by the Tennessee General Assembly allows local governments, through adoption of an ordinance, to establish a Municipal Board of Education in compliance with State law.

Ordinance No. 2012-11 accomplishes this and can only be initiated by the Board of Mayor and Aldermen. The ordinance also assumes that the referendum being put forward by the previous ordinance under consideration by the Board is passed on the August 2, 2012 general election by a majority of the registered voters in the City of Germantown.

The legislation authorizing this action by the Board of Mayor and Aldermen also allows for the school board to be elected at large or by districts. The ordinance assumes the school board members will be elected at large, consistent with the election of the Board of Mayor and Aldermen.

Sections 1 – 14 of the ordinance address the statutory and legal requirements in establishing the school board.

- The number of school board members – 5
- Minimum age requirements – 18
- The initial terms for the members
- Vacancies on the school board
- Compensation
 - \$4,200 per year for members
 - \$4,700 per year for chairman
- Date of the initial election of the school board – November 6, 2012 or another appropriate date

In response to a question from Alderman Drinnon, Mr. Lawton stated the age requirement is set by state law.

Mr. Lawton stated the Board was not eligible under state law.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve on third reading Ordinance No. 2012-11 - An ordinance to add to Chapter 2, a new Article IX – Schools, to the Code of Ordinances of the City of Germantown to establish a municipal school board and to submit the election of the members of the municipal school board to the qualified voters of the City of Germantown on November 6, 2012, the date of a general election in Shelby County, or an election to be held on some other appropriate date.

In response to a question from Aldermen Billingsley regarding information for applications for school board, the Mayor stated that petitions to apply for the office will be available sometime in early June from the Election Commission and candidates who wish to present themselves for office in the November 6

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general election, the filing date is August 16. It is provisional law because of the short space between the August 2 election and the filing date is simply helpful to those who may be interested.

Mayor Goldsworthy also informed the Board and citizens that the suburban communities had invited the Tennessee School Board Association to present a candidates forum for experience and that is scheduled for early August.

Alderman Marcom asked to make note that it was so very important for anyone who was interested in running for the school board to know what they are getting into. It will be an incredibly hard job over the next two to four years. It will take strong, able people to form this school system. He stated we will be starting a government that will double the size of the City of Germantown's scope. We will need people with experience.

Mayor Goldsworthy asked to take the prerogative of the chair to speak on the election of the school board. She stated that one of the things that had been a recurring issue in the discussion on the future of public education in Germantown, and what provider we would like to see, has been a real desire for autonomy for the ability of people from this community to make the decisions about how the children should be educated. With the election of a municipal school board, this is a significant statement about how important we feel it is for those decisions to be made very vocal.

The Mayor stated that for the first 18 months to two years, it will take an intensity of effort that simply hiring a superintendent, and handing off a lot of day-to-day work, is not going to fulfill all the Boards' responsibilities. They need to understand the time commitment and expertise they might need to fulfill this job.

In response to a question from Aldermen Palazzolo regarding getting information out to the citizens of Germantown regarding the schools, Mr. Lawton stated the staff had been working on this for the past several weeks putting information together for the public to understand the question so they will know what they will be voting on as well as getting the series of frequently asked questions and provide that information to the public as well as the information on filing deadlines for the election. This information will go out in the form of a separate mailer in July and in the utility bill. Information will be on a separate web page connected to the City's web page with information.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Mayor Goldsworthy stated a vote was necessary in order for her to take this action forward to the Election Commission.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to authorize the Mayor to take all steps necessary to cause the election called for by City Ordinance No. 2012-11 to be held on November 6, 2012, the date of a general election in Shelby County, or some other appropriate date, presuming the passage of the referendum question shown in City Ordinance 2012-10.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder