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# Chapter I - Administration

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Dear Reader:

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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.

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<b>Chapter I - Administration .....</b>	<b>4</b>
<b>Advertising By County .....</b>	<b>4</b>
<b>Private Acts of 1943 Chapter 6 .....</b>	<b>4</b>
<b>Boards and Commissions .....</b>	<b>4</b>
<b>Agri - Center Commission .....</b>	<b>4</b>
<b>Private Acts of 1981 Chapter 141 .....</b>	<b>4</b>
<b>Board of Shorthand Reporting .....</b>	<b>5</b>
<b>Private Acts of 1929 Chapter 749 .....</b>	<b>5</b>
<b>Boards of Censors .....</b>	<b>7</b>
<b>Private Acts of 1947 Chapter 403 .....</b>	<b>7</b>
<b>County Governmental Library Commission .....</b>	<b>8</b>
<b>Private Acts of 1970 Chapter 275 .....</b>	<b>8</b>
<b>Memphis - Shelby County Port Commission .....</b>	<b>9</b>
<b>Authority to Merge .....</b>	<b>9</b>
<b>Private Acts of 1973 Chapter 144 .....</b>	<b>9</b>
<b>Private Acts of 1947 Chapter 529 .....</b>	<b>10</b>
<b>Private Acts of 1977 Chapter 121 .....</b>	<b>15</b>
<b>Building Regulations .....</b>	<b>15</b>
<b>Plumbing Inspector .....</b>	<b>16</b>
<b>Private Acts of 1931 Chapter 560 .....</b>	<b>16</b>
<b>Private Acts of 1935 Chapter 724 .....</b>	<b>20</b>
<b>Private Acts of 1955 Chapter 198 .....</b>	<b>21</b>
<b>Chickasaw Basin .....</b>	<b>21</b>
<b>Public Acts of 1973 Chapter 409 .....</b>	<b>21</b>
<b>Civil Service System .....</b>	<b>26</b>
<b>Private Acts of 1971 Chapter 110 .....</b>	<b>26</b>
<b>Contributions to Charity .....</b>	<b>32</b>
<b>Private Acts of 1927 Chapter 564 .....</b>	<b>32</b>
<b>Coroner - Deputies .....</b>	<b>33</b>
<b>Private Acts of 1959 Chapter 186 .....</b>	<b>33</b>
<b>County Attorney .....</b>	<b>33</b>
<b>Private Acts of 1937 Chapter 2 .....</b>	<b>33</b>
<b>Private Acts of 1959 Chapter 214 .....</b>	<b>33</b>
<b>County Coroner .....</b>	<b>34</b>
<b>Private Acts of 1921 Chapter 406 .....</b>	<b>34</b>
<b>County Legislative Body .....</b>	<b>34</b>
<b>Apportionment of Districts .....</b>	<b>34</b>
<b>Public Acts of 1969 Chapter 272 .....</b>	<b>34</b>
<b>Chairman .....</b>	<b>35</b>
<b>Private Acts of 1911 Chapter 238 .....</b>	<b>35</b>
<b>Compensation .....</b>	<b>36</b>
<b>Private Acts of 1965 Chapter 112 .....</b>	<b>36</b>
<b>Public Acts of 1967 Chapter 258 .....</b>	<b>36</b>
<b>Deposit of County Funds .....</b>	<b>37</b>
<b>Private Acts of 1917 Chapter 481 .....</b>	<b>37</b>
<b>Holding of Office .....</b>	<b>37</b>
<b>Private Acts of 1911 Chapter 217 .....</b>	<b>37</b>
<b>Private Acts of 1911 Chapter 237 .....</b>	<b>38</b>
<b>Private Acts of 1945 Chapter 263 .....</b>	<b>43</b>
<b>County Trustee .....</b>	<b>44</b>
<b>Correction of Errors .....</b>	<b>44</b>
<b>Public Acts of 1973 Chapter 119 .....</b>	<b>44</b>
<b>Property Tax Payments .....</b>	<b>44</b>

Private Acts of 1970 Chapter 320 .....	44
Foreign Trade Zone .....	44
Private Acts of 1959 Chapter 202 .....	44
Hospitalization Plan .....	45
Private Acts of 1953 Chapter 310 .....	45
Nepotism .....	45
Private Acts of 1931 Chapter 561 .....	45
Planning Commission .....	45
Private Acts of 1935 Chapter 706 .....	45
Property for Public Purposes .....	48
Private Acts of 1953 Chapter 446 .....	48
Regulation of Automobile Yards .....	49
Private Acts of 1929 Chapter 491 .....	49
Restructuring Act .....	49
Private Acts of 1974 Chapter 260 .....	49
Retirement and Pension System .....	63
Private Acts of 1945 Chapter 72 .....	63
State Assistance .....	64
Public Acts of 1972 Chapter 730 .....	64
Administration - Historical Notes .....	64

## Chapter I - Administration

### Advertising By County

#### Private Acts of 1943 Chapter 6

**SECTION 1.** That the county court in the counties of this State with a population of 350,000 or over, according to the Federal Census of 1940, or any subsequent Federal Census, shall have authority to appropriate in any one calendar year, from county funds, a sum not to exceed Twenty-Five Thousand Dollars (\$25,000) for the purpose of advertising the county in such manner, times, and places as may be selected by the Board of County Commissioners of such counties.

As amended by: Private Acts of 1959, Chapter 56

**SECTION 2.** That Chapter 47 of the Private Acts of 1941 be and the same is hereby repealed.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 8, 1943.

## Boards and Commissions

### Agri - Center Commission

#### Private Acts of 1981 Chapter 141

**SECTION 1.** There is hereby created the Shelby County Agri-Center Commission, the purpose of which shall be to create, plan and supervise the construction and use of the Shelby County Agri-Center, which shall serve as a regional resource and technological center for all aspects of agriculture.

**SECTION 2.** The Commission shall be composed of seven (7) members, five (5) of whom shall be appointed by the County Mayor of Shelby County with the concurrence of the Board of County Commissioners of Shelby County, one (1) of whom shall be the County Mayor of Shelby County or his designee, and one (1) of whom shall be the Chairman of the Board of County Commissioners of Shelby County or his designee.

**SECTION 3.** The County Mayor or his designee, and the Chairman of the Board of County Commissioners or his designee, will be ex officio voting members. The five (5) appointed members shall be appointed to one (1), two (2), three (3), four (4) and five (5) year terms respectively, commencing July 1, 1981. At the expiration of this initial term, each term of office shall be for five (5) years. Members may be reappointed, and shall serve without compensation.

**SECTION 4.** The Commission shall have the authority to create, plan and supervise the construction, maintenance, repair and upkeep of the Shelby County Agri-Center consistent with the purposes of this act.

**SECTION 5.** The Commission shall have the authority to contract with any nonprofit company or organization for the purpose of leasing the Shelby County Agri-Center and using it as an agri-center for purposes which include the promotion, support and advancement of agriculture and agri-businesses. The terms and conditions of all such leases shall be satisfactory to the Commission. The budget and all pertinent records of any lessee shall be made known to the Commission.

**SECTION 6.** The Commission shall have the authority to accept any gifts, grants, or loans of funds or financial or any other forms of assistance from the state, federal, or local government, or any agency or instrumentality thereof, or from any other source.

**SECTION 7.** The Commission shall have the authority to engage the services of attorneys, experts, or other consultants for the rendering of professional and technical assistance and advice.

**SECTION 8.** The Commission shall have the authority to do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted it under this act.

**SECTION 9.** The Commission's budget shall be approved by the Board of Commissioners of Shelby County. Any money raised by the Commission shall be used for the Shelby County Agri-Center or in furtherance of the activities of its lessee.

**SECTION 10.** The location of the Agri-Center shall be selected by the Board of County Commissioners,

and shall be on property owned or to be acquired by Shelby County.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Board of County Commissioners of Shelby County before July 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and certified by him to the Secretary of State.

**SECTION 12.** If they receive any money from the state, it shall be subject to audit by the state Comptroller of the Treasury.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.

Passed: May 25, 1981.

## Board of Shorthand Reporting

### Private Acts of 1929 Chapter 749

**SECTION 1.** That the Judges of the Circuit, Chancery and Criminal Courts of the Counties, coming within the provisions of this Act, shall appoint a State Board of Shorthand Reporting, consisting of three persons, citizens of Tennessee, each of whom shall be skilled in the art and practice of shorthand reporting and shall have been actively and continuously engaged as a professional shorthand reporter within the State of Tennessee for at least five years next preceding his appointment, and who shall serve without compensation, except as hereinafter provided.

Said Board shall be so appointed within thirty days after the taking effect of this Act, one for the term of one year, one for the term of two years, and one for the term of three years, who shall hold office until their successors are appointed and qualified.

After the 31st day of December, 1929, the members of said board shall be appointed from among the holders of certificates and licenses issued under this Act.

A vacancy in said board shall be filled by the Judges of the Circuit, Chancery and Criminal Courts of the Counties, coming within the provisions of this Act.

**SECTION 2.** That the State Board of Shorthand Reporting shall organize by the election of one of its members as Chairman and one as Secretary and Treasurer, who shall hold their respective offices for one year.

The Board shall hold regular meetings for the examination of applicants for certificates and licenses under this Act beginning on the third Monday of June and December of each year, and additional meetings at such times and places as it shall determine, not to exceed one every three months. The December meeting shall be held in the City of Memphis.

A majority of the board shall constitute a quorum, but a less number may adjourn from time to time.

The board shall make such rules and regulations as may be necessary to carry out the provisions of this Act; provided, however, that it shall require the concurrence of a majority of the members of the board to grant a certificate and license.

**SECTION 3.** That before entering upon the discharge of the duties of his office, the Secretary and Treasurer of the board shall give a bond to the State, to be approved by the board, in such sum as the board directs, conditioned for the faithful discharge of the duties of his office. The premium for such bond shall be paid from the funds paid into the General Funds of the Counties, coming within the provisions of this Act, by the Secretary and Treasurer of the board. Such bond with the approval of the board and oath of office endorsed thereon shall be deposited with the County Court Clerk of the Counties, coming under the provisions of this Act, and kept in his office.

Each month the moneys received by the Secretary and Treasurer shall be paid by him into the General Funds of the Counties, coming within the provisions of this Act, to the credit of a fund for the use of the State Board of Shorthand Reporting.

**SECTION 4.** That each member of the State Board of Shorthand Reporting shall receive ten dollars for each day actually employed in the discharge of his official duties and his necessary expenses incurred.

The compensation and expenses of the members of the board and the expenses of the board necessary in carrying out the provisions of this Act shall be paid from the fund in the General Funds of the Counties, coming under the provisions of this Act for the use of the board on the requisition signed by the Chairman and Secretary-Treasurer of the board on warrant of the Chairman of the County Court of the Counties,

coming under the provisions of this Act, provided, however, that said compensation and expenses shall not exceed the amount paid into the General Fund of the Counties, coming under the provisions of this Act.

**SECTION 5.** That the words "Certified Shorthand Reporter" as used in this Act shall be defined to mean a person who has been adjudged by the State Board of Shorthand Reporting to be competent to report court proceedings, references, commissions, conventions, deliberative assemblies or meetings of like character.

**SECTION 6.** That a citizen of the United States, or a person who has duly declared his intention to become such citizen, not less than twenty-one years of age, of good moral character, a graduate of a high school, or having received an equivalent education, and who has passed a satisfactory examination, as hereinafter provided, shall be entitled to a certificate and license and shall be styled and known as a "Certified Shorthand Reporter." No other person shall assume such title or use the abbreviation, "C.S.R." or other words of letters to indicate that he is a Certified Shorthand Reporter.

**SECTION 7.** That each person desiring to be registered as a Certified Shorthand Reporter, as provided in this Act, shall file with the Secretary of said board, upon a proper blank to be furnished by said Secretary, an application, verified by oath, setting forth the facts which entitled the applicant to examination and registration under the provisions of this Act.

At the time of filing the application for such examination, each applicant shall pay to the Treasurer of the board a fee of Fifteen Dollars. Such fee shall not be refunded, but in case of failure at any examination the applicant, after the expiration of six months and within two years, shall have the privilege of a second examination by the board without the payment of an additional fee.

Each applicant shall appear before the board at its first meeting after the filing of his application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests, or both, in shorthand reporting.

Each applicant who shall pass said examination and who shall otherwise comply with the provisions of this Act shall receive a certificate and license as a Certified Shorthand Reporter, and such person may thereafter practice as a Certified Shorthand Reporter and assume and use the name, title and style of "Certified Shorthand Reporter" or an abbreviation or abbreviations thereof, and such certificate and license shall be duly registered in a record book to be properly kept by the Secretary and Treasurer of the board for that purpose.

**SECTION 8.** That for the purposes of this Act the practice of shorthand reporting is the making, or the attempted making, of a verbatim record, by means of a system of symbols, or abbreviations, of any judicial proceeding, including any record which is intended to be used in any judicial proceeding.

**SECTION 9.** That no person shall engage in the practice of shorthand reporting in any county of this State to which this Act shall apply, or hold himself out as a shorthand reporter therein, unless he has first obtained a certificate and license from the State Board of Shorthand Reporting, as provided in this Act.

**SECTION 10.** That any person who shall, within one year after the organization of the board, submit to said board satisfactory evidence as to his character, competency and qualifications, and that he has been actively engaged in the practice of shorthand reporting for more than three years next preceding the date of the passage of this Act, may, in the discretion of the said board, receive a certificate and license entitling him to practice as a Certified Shorthand Reporter.

At the time of filing his application for license, the applicant shall pay to the Treasurer of the board a fee of Five Dollars.

**SECTION 11.** That whoever represents himself as having received a license as provided in this Act, or practices as a shorthand reporter, or uses words or letters to indicate that the person using the same is qualified to practice in this State as a Shorthand Reporter, without having received such license as provided for in this Act, or whoever represents himself as having received a certificate and license as provided in this Act, or practices as a Certified Shorthand Reporter, or uses the abbreviation "C.S.R.," or any similar words or letters to indicate that the person using the same is qualified to practice in this State as a Certified Shorthand Reporter, without having received such certificate and license as provided for in this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars and not exceeding Two Hundred Dollars for each offense.

**SECTION 12.** That wherever in this Act the masculine gender is used it shall be construed as comprehending also the feminine gender.

**SECTION 13.** That nothing in this Act shall prevent depositions and records intended to be used in a judicial proceeding pending in the courts of any county to which this Act applies from being taken by other than a Certified Shorthand Reporter when such deposition or record is taken outside of the county or

counties to which this Act applies.

**SECTION 14.** That any person engaged in the practice of shorthand reporting as defined in this Act who is not a resident of a county to which this Act applies may be entitled to use the words "Certified Shorthand Reporter" as defined in this Act upon complying with the terms, provisions and qualification provided in this Act.

**SECTION 15.** That this Act shall apply only to counties of this State having a population of more than 210,000 by the Federal Census of 1920, and any subsequent Federal Census.

**SECTION 16.** That if any portion, section, phrase or paragraph of this Act is declared to be unconstitutional or invalid, such declaration shall not affect any other portion, section, phrase or paragraph of this Act.

**SECTION 17.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1929.

## Boards of Censors

### Private Acts of 1947 Chapter 403

**SECTION 1.** That Whereas, on January 14, 1921, there was passed by the General Assembly of the State of Tennessee Chapter 54 of the Private Acts of 1921, under the terms of which the charter of the City of Memphis was amended so as to provide for the censorship of theatrical performances and motion pictures in the said City of Memphis; and

WHEREAS, By the provisions of the said Act the Board of Commissioners of the City of Memphis were authorized and empowered by ordinance to prevent the exhibition of immoral, lewd, or lascivious pictures, acts, performances, representations, plays, or pantomimes, subversive of the morals of such city. It was also authorized by ordinance to prevent plays, pictures, pantomimes, or their representations or performances inimical to public safety, health, morals and welfare, and likewise performances, representations, pictures or plays denouncing, deriding or seeking to overthrow the present form of National Government. This power was not extended, however, to prevent the private exhibition of any picture, plays, pantomimes or representations for purely scientific or educational purposes, nor those exhibited by any recognized school, college, seminary, or other educational institution as part of its educational work.

AND WHEREAS, the Board of Censors selected by the City of Memphis, pursuant to ordinance passed by the Board of Commissioners following the enactment of the enabling statute above set out, have functioned very efficiently and have prevented plays, pictures, pantomimes, representations, acts and performances that were subversive of the morals of the City;

AND WHEREAS, the General Assembly is advised and finds that the presently authorized exercise of the police power of the State and that delegated to the Cities of the population and qualifications set out in Chapter 54 of the Private Acts of 1921, is inadequate to protect and safeguard the public health, safety, morals and welfare of residents residing in the County, but residing outside the City or Cities included in the population class aforesaid;

AND WHEREAS, it is therefore now desired to extend the rights of censorship by a properly appointed Board to the entire area of the County of Shelby outside the corporate limits of the City of Memphis;

**SECTION 2.** That the Quarterly County Court, in Counties having a population of 350,000 or more by the Federal Census of 1940, or any subsequent Federal Census, be authorized and empowered to elect and appoint a Board of three members and to prescribe by proper resolution of the Quarterly County Court the duties, qualifications, terms of office and compensation of the members of said Board, to give them the power to censor, supervise and regulate public exhibitions, plays, motion pictures, performances, pantomimes, and other representations in any portion of a County having a population as above set out, which is outside the corporate limits of any Municipality having a population in excess of 290,000 by the Federal Census of 1940, or any subsequent Federal Census.

The said Quarterly County Court shall likewise have power by proper resolution to provide penalties for the failure of a proprietor, operator, actor, designer, manager or other person participating in, having control of, or any financial interest in, any such public performance for refusal or failure to obey and lawful order of the said County Board of Censors.

**SECTION 3.** That the Quarterly County Court shall likewise have power by proper resolution to provide for the suspension of any play, performance or public exhibition for failure on the part of any proprietor, operator, actor, designer, manager, or other person participating in, having control of, or any financial

interest in any such public performance, to obey any lawful order of the County Board of Censors, and shall also have power by resolution to provide for the closing of any theatre, hall, opera house, or place, within which any act, play, performance, representation, pantomime, or other public exhibition is given or sought to be given in violation of any of the provisions of any resolution passed pursuant to the authority of this Act, or under any police power of the County, or for failure of any person connected with such performance to obey any lawful order of the said County Board of Censors.

**SECTION 4.** That the Quarterly County Court is authorized to elect or appoint at its discretion as members of the said County Board of Censors, any individual or individuals who may now or then be acting upon the Board of Censors of the City of Memphis, but is shall not be obligatory, the election of the said Board to be left entirely and solely in the discretion of the Quarterly County Court.

The term of office and compensation, if any, of the said County Board of Censors shall also be fixed by proper resolution and the said Quarterly County Court is authorized to make any necessary appropriations for carrying out of the provisions of this Act.

**SECTION 5.** That this County Board of Censors shall have no jurisdiction in any part of the County of Shelby which is comprised within the corporate limits of the City of Memphis.

**SECTION 6.** That if any section or part of this Act for any reason be declared unconstitutional or invalid, the same shall not render invalid the other sections or portions of the Act, but same shall remain in full force and effect.

**SECTION 7.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1947.

**COMPILER'S NOTE:** The constitutionality of this act was challenged in United Artists Corporation v. Board of Censors of the City of Memphis, 189 Tenn. 379, 225 S.W. 2d 550 (1949).

## County Governmental Library Commission

### Private Acts of 1970 Chapter 275

**SECTION 1.** That in each County of the State of Tennessee having a population of not less than 600,000 according to the Federal Census of 1960, and any subsequent Federal Census, there shall be created a Commission to be known as the County Governmental Library Commission, said name to bear as a prefix the name of the county or counties thus affected. Said Commission shall be composed of ten (10) members, to be appointed, two by each of the Judges who has the most total years of service on the Circuit, Criminal, Probate, Chancery Courts and General Sessions Courts, respectively, for a term of two years, on a calendar year basis, provided that said Judges shall initially appoint one-half of said Commissioners to serve through the balance of the calendar year in which this Act becomes effective, and one-half through the subsequent calendar year, so that the Commissioners will thus serve staggered terms. They shall serve without salary, and shall themselves elect a Chairman and Secretary from their members. Each Commissioner shall serve until his successor is appointed. In the event of vacancy in the office of Commissioner, by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled for the balance of said term of two years by the Judge or his successor in office, who made the original appointment of said Commissioner.

As amended by: Private Acts of 1977, Chapter 111

**SECTION 2.** That the purpose of said Commission shall be to establish, acquire, maintain and operate a County Governmental Library. Said Commission shall have full power and authority to acquire by purchase, gift, rent, lease, loan, or otherwise, law books, codes, treatises, or other works of law, government, medicine, literature or otherwise, that they may deem necessary or beneficial to the Courts, State, County and Municipal Officials, members of the Bar, and the public, for research or use in the preparation, trial or decisions of any matters that come or may come before the courts of said County and State, or of use by said Public Officials or the public, on questions of law or government; also to acquire in like manner furniture, fixtures, bookcases, supplies and all things necessary to establish, maintain and operate said County Governmental Library; together with the right to employ and discharge librarians, clerks and other assistants, to fix salaries of said employees; and in their discretion to make all reasonable rules and regulations governing the operation and use of said Library. Space in which to house said Library shall be provided by the County in the Court House or other public building of said County, without cost to the County Governmental Library Commission. All books, furniture and other equipment so purchased or acquired shall become the property of said County.

**SECTION 3.** That for the purpose of financing said Library there shall be taxed as cost on each civil, criminal, quasi civil, quasi criminal, or any other action at law, or suit in equity of any nature, hereafter



filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit, Criminal, Probate or Chancery Court of said County, the sum of One Dollar (\$1.00), and on any action of any nature hereafter filed in or arising in the General Sessions Court of said county, the sum of seven dollars (\$7.00), except that no such cost shall be taxed to the State of Tennessee or said County in actions in which the State or County pays the costs. The costs taxed in pursuance of this Section shall be collected as other costs in such cases are collected by the Clerks of such Courts, and the same shall be designated County Library Tax. On or before the last day of each month the Clerks of the respective Courts shall pay to the County Trustee all amounts collected as County Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated County Governmental Library Fund and used only for the purpose set out in this Act. On approval of a majority of the Commission the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Commission, indicating on such warrant the fund against which they are drawn, and the County Trustee is hereby authorized and directed, upon all warrants signed by said Chairman and Secretary, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this Act.

As amended by:

- Private Acts of 1974, Chapter 361
- Private Acts of 1977, Chapter 111
- Private Acts of 1983, Chapter 110
- Private Acts of 1989, Chapter 110
- Private Acts of 1994, Chapter 173
- Private Acts of 1997, Chapter 95
- Private Acts of 2018, Chapter 32

**SECTION 4.** That said Commission shall have full power and authority if necessary to provide sufficient operating funds, to assess lawyers and other, except Judges and Public Officials, reasonable dues or charges for the use of said Library, and to make charges for the use, damage or destruction of books or other property, and that any income from said dues or charges shall be paid by the Commission into the office of the County Trustee in a like manner and at a like time as monies collected hereunder shall be paid by the clerks of the various courts to said County Trustee.

**SECTION 5.** That said Commission shall keep written minutes of their meetings, at which meetings a majority of all members of said Commission then serving shall constitute a quorum for the transaction of business, and said Commission shall keep a record of monies received and disbursed, purchases, loss or destruction of books or other property, and a property inventory, with reasonable accuracy.

**SECTION 6.** That all laws, or parts of law in conflict with the provisions of this Act, be, and the same hereby are, repealed.

**SECTION 7.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court or other legislative body of any county to which this Act may apply. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove the passage of this Act, and the action of the body shall be certified by him to the Secretary of State.

**SECTION 8.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 7 herein.

Passed: February 19, 1970.

## Memphis - Shelby County Port Commission

### Authority to Merge

### Private Acts of 1973 Chapter 144

**SECTION 1.** Chapter 529 of the Private Acts of 1947 as amended by Chapter 380 of the Private Acts of 1951 is amended to authorize the Shelby County Quarterly Court by resolution to combine the Memphis and Shelby County Port Commission with Memphis River Front Harbor Commission to be known as the Memphis and Shelby County Port Commission.

**SECTION 2.** Pursuant to agreement with the city of Memphis, who by ordinance shall authorize the combination of the Memphis River Front Harbor Commission and the Memphis and Shelby County Port Commission, the county of Shelby by resolution of the Quarterly County Court is authorized to provide for the combining of the Memphis River Front Harbor Commission with the Memphis and Shelby County Port

Commission and to increase the membership of the Port Commission from five (5) to no more than nine (9) members. The appointment, qualifications, duties, powers, and responsibilities of the new Board shall be fixed by resolution of the Quarterly County Court and all powers of the Memphis River Front Harbor Commission shall be transferred by ordinance of the city of Memphis as authorized by said charter of the city of Memphis to the Memphis and Shelby County Port Commission, who shall have general charge, supervision, management and control over the property under the jurisdiction of the Memphis River Front Harbor Commission and shall have all the powers now granted to the Memphis River Front Harbor Commission as well as the powers of the present Port Commission. Title to all parcels of property, lands or real estate in the name of the city of Memphis or in the name of Shelby County shall be continued in said body as presently titled, unless transferred by contract mutually agreed upon by the city of Memphis and the county of Shelby to the City, to the County, or to a joint ownership, and expenditures and revenues of the Memphis River Front Harbor Commission shall continue as presently provided unless changed by mutual agreement between the city of Memphis and the county of Shelby. Nothing in this act shall impair any obligations heretofore entered into by the Memphis River Front Harbor Commission or its predecessors to any persons, but all contracts outstanding heretofore made under the existing law shall be binding upon the Memphis and Shelby County Port Commission upon the transfer. Further, nothing in this act shall be construed to amend the present powers of the Memphis and Shelby County Port Commission as set forth in Chapter 500 of the Private Acts of 1947 as amended except to authorize said Board to exercise the powers of the Memphis River Front Harbor Commission pursuant to joint resolution and ordinance which may hereinafter be passed.

**SECTION 3.** If any provision of this act or the application thereof to any person or circumstance is held invalid, 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 4.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County, Tennessee, not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 5.** This act shall take effect upon becoming a law except as otherwise provided, the public welfare requiring it.

Passed: May 4, 1973.

## Private Acts of 1947 Chapter 529

**COMPILER'S NOTE:** Private Acts of 1973, Chapter 144, found in its entirety immediately following this act, is an amendatory act which gives the quarterly county court authority to provide by resolution for the merger of the Memphis and Shelby County Port Commission with the Memphis River Front Harbor Commission.

**SECTION 1.** That there is hereby authorized and established a Commission to be composed of five (5) members, to be known as the Memphis and Shelby County Port Commission, whose terms of office shall be one, two, three, four and five years, said Commissioners to serve without compensation and to be selected as follows:

The Board of Commissioners of the City of Memphis on nomination of the Mayor of the City of Memphis shall appoint three of such Commissioners, whose terms shall be one, three and five years, respectively. The Quarterly County Court of Shelby County shall elect the other two members, whose terms shall be two and four years, respectively. Upon the expiration of the terms of said aforesaid Commissioners appointed by the Board of Commissioners and on nomination of the Mayor of said City, the then Board of Commissioners and Mayor shall appoint a successor to the Commissioners whose term of office thus expired; and upon the expiration of the term of any of said Commissioners so elected by the Quarterly County Court of Shelby County, the then Quarterly County Court shall elect a successor to the Commissioner whose term thus expired. The term of all Commissioners appointed or elected subsequently the then original members of said Commission shall be two years, and successors shall be appointed or elected from time to time as vacancies occur, as above provided, by the Mayor and Board of Commissioners of the City of Memphis or by the Quarterly County Court of Shelby County.

The members of said Commission shall give bond in the sum of Five Thousand (\$5,000.00) Dollars to the State of Tennessee for the use and benefit of the County of Shelby and City of Memphis, conditioned upon the faithful performance of their duties as such Commissioners. Said bonds are to be in solvent surety companies qualified to do business in the State of Tennessee and having an agent in Memphis, Shelby

County, Tennessee, the expenses thereof to be paid from the revenue of said Commission, and as a part of the operating expenses thereof. The Mayor of the City of Memphis and the Mayor of the County of Shelby shall be exofficio members of said Commission, with the right to vote, but shall give no bond.

The Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall have the power to fix the qualifications of the members of said Commission; shall have the power to prescribe their jurisdiction and duties and said Commissioners may be removed at the will and pleasure of the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County without the necessity of a hearing, or notice, and their action in removing any Commissioner shall be final.

The Quarterly County Court of Shelby County shall have full authority to pass resolutions to carry out the aforementioned powers and any and all other or additional resolutions that may become necessary in order to carry out the purposes and provisions of this Act.

The said Commissioners shall qualify and take an oath to uphold the Constitution of the United States and of the State of Tennessee and faithfully to discharge the duties of his office, as soon as practicable after this Act becomes effective, and upon the organization thereof, the County of Shelby is hereby authorized and empowered to vest the management and control of any and all properties devoted to harbor purposes owned by the County of Shelby in the Commission herein authorized, subject to such terms and conditions as may be deemed advisable.

The County of Shelby and the City of Memphis are hereby authorized to enter into a contract or contracts with reference to the acquisition by the Memphis and Shelby County Port Commission of all right, title and interest, as well as the assumption of all liabilities of the said County of Shelby, City of Memphis and/or the Harbor Commission of the City of Memphis, or its predecessors, in and to any and all such property owned by said County, City or Harbor Commission of said City, or its predecessors.

As amended by: Private Acts of 1951, Chapter 380  
Private Acts of 1977, Chapter 121

**SECTION 2.** That immediately upon the qualifications of the Commissioners of the Memphis and Shelby County Port Commission, the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall designate one of the members of said Commission as Chairman, who shall hold office as such during the term for which he is elected a member thereof. The said Commission shall hold regular meetings each month at a definite time to be fixed by resolution of the Memphis and Shelby County Port Commission, and such special meetings as may be necessary for the transaction of business shall be held. A majority of the Commission shall constitute a quorum for the transaction of business at any regular or special meeting. The Chairman shall receive a salary not exceeding \$1,800 per annum, to be fixed by the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 3.** That the Memphis and Shelby County Port Commission shall, as soon as practicable after the organization thereof, certify the nomination of the following subordinate officers to the Board of Commissioners of the City of Memphis and to the Board of County Commissioners of Shelby County for approval, and said subordinate officers, after having been approved, shall receive such salaries as may be fixed by the said Port Commission, subject, however, to final approval by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

(a) A Manager, who may be required to devote his entire time and attention, or such parts thereof as may be required, to the duties of the office, and shall be subject to the supervision and direction of the Memphis and Shelby County Port Commissioners. He shall make and file a bond in such sum as may be prescribed by said Port Commissioners and shall take the same oath required of the members of said Commission. (b) A Secretary and/or Treasurer, or both, if deemed necessary, shall have charge and custody of all books, papers, documents, and accounts, and under whose supervision all necessary accounting records shall be kept and all checks and vouchers prepared. The said Commission shall, by resolution, delegate a person or persons who shall sign checks, which shall be countersigned by one of said Commissioners. Said Secretary and/or Treasurer, or both, as the case may be, shall be required to attend, in person or by assistants, all the meetings of said Commission and keep a correct record of all the proceedings of that body and perform such other duties as may be imposed by the said Port Commission. Clerical assistance shall be provided as may be deemed necessary for the work to be properly performed, and a bond or bonds shall be made in such sum as may be fixed by said Commission, and the same oath taken as required of members of the said Commission. The Secretary and/or Treasurer, or both, need not be a member or members of the Commission. (c) One or more attorneys may be appointed, who shall be practicing attorneys at law, and who shall make and file bonds and take the same oath required by the said Commissioners and Secretary and/or Treasurer, or both, and who shall counsel and advise

the Memphis and Shelby County Port Commission in all matters of law which may arise, and whose compensation shall be fixed by said Commission.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 4.** That said Memphis and Shelby County Port Commission shall be authorized to employ such other superintendents, engineers, assistants, consultants and other subordinate officers and employees as may be necessary for the efficient operation of said Commission, who shall hold office at the will and pleasure of said Commission and shall receive such salaries as may be fixed by said Commission; provided that no salary shall be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, without the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County; and provided further that the said Port Commission shall certify to the said Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County for approval the nomination of all subordinate officers and employees whose salaries shall be fixed in excess of Three Thousand (\$3,000.00) Dollars per annum, but the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County to any salary or nomination shall not be necessary where the salary of any subordinate officer or employee shall be less than Three Thousand (\$3,000.00) Dollars per year.

As amended by:

Private Acts of 1951, Chapter 380

**SECTION 5.** That the revenue received from the operation of the Memphis and Shelby County Port Commission shall be used as follows:

(1) The net revenue from all properties now owned by the City of Memphis and/or the Harbor Commission of the City of Memphis and used in connection with the purposes set forth herein, shall, until such time as the City of Memphis and the County of Shelby shall agree upon the acquisition thereof by the Memphis and Shelby County Port Commission, as herein provided, be used for the deduction of the outstanding bonded indebtedness, and the remainder, if any, paid into the general funds of the City of Memphis. Separate records shall be kept of these transactions and the monies and securities shall be placed in separate funds until such time as the said Commission shall acquire such properties as above set forth.

All other revenue received each year from the operation of said Commission shall be used for the following purposes and in the order named:

- (a) For the payment of all operating expenses of said Commission, for interest accruals and sinking fund accruals on bonds or mortgages issued by the County of Shelby and City of Memphis for the benefit of said Commission.
- (b) For all expenditures incident to the extension and/or developments of said harbor and port as provided for and authorized herein.
- (c) Any revenues thereafter remaining shall be paid into the general funds of the County of Shelby and City of Memphis in a sum equal in amount to what would be the City and County taxes on the properties owned by the City of Memphis and County of Shelby and managed and controlled by said Commission.

Said Commission shall have no authority to issue bonds or notes, or any other obligations constituting a lien upon the properties managed, controlled or owned, or hereafter to be acquired by it, except by and with the consent of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

In the event a deficit should result by reason of the ownership, operation, maintenance or development of said harbor and port, the County of Shelby shall pay one-half (½) of any such amount from its general funds, to said Memphis and Shelby County Port Commission.

The County of Shelby shall be authorized to levy and collect, if necessary, an annual tax, in addition to all other taxes authorized by law, for the purpose of paying its part of the expenses, incident to the ownership, operation, maintenance and development of the harbor and port authorized and provided for herein.

As amended by:

Private Acts of 1951, Chapter 380

**SECTION 6.** That the Memphis and Shelby County Port Commission, in addition to the other duties prescribed for it, shall perform all duties to be performed by the River and Rail Terminal Commission created by an ordinance passed pursuant to the provisions of Chapter 483 of the Private Acts of the General Assembly of 1917; the duties of the Board of Terminal Commissioners created by Chapter 641 of the Private Acts of the General Assembly of 1919; the duties of the Memphis Wharf Master, and also the duties of the Memphis Harbor Commission created by Chapter 513 of the Private Acts of the General Assembly of 1929, as amended by the Private Acts of the General Assembly of 1931, Chapter 479; and shall also perform the duties of any or all other Boards or Commissions which had like or similar powers or

duties; all of the rights and powers conferred by the Acts hereinbefore mentioned are hereby transferred to, vested in, merged with and conferred by this Act on the said Memphis and Shelby County Port Commission, except where the same conflict with the terms and provisions of this Act.

As amended by: Private Acts of 1951, Chapter 380

**COMPILER'S NOTE:** Private Acts of 1951, Chapter 380, transfers all of the duties set forth in this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

**SECTION 7.** That this Act shall not in any way impair any obligations heretofore entered into by the County of Shelby to any person or persons, and shall not change or alter the obligations of any existing contracts, but all contracts outstanding, heretofore made under the existing law, shall be binding upon the County of Shelby and the Memphis and Shelby County Port Commission as herein established.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 8.** That the said Memphis and Shelby County Port Commission, subject to such term and conditions as may be provided by action of the Mayor and Board of Commissioners of the City of Memphis, shall have general charge and supervision of the River and Rail Terminals owned and operated by the City of Memphis, and the operation of such railroads, tracks, locomotives, barges, boats and water craft as may be owned and operated by the City in furtherance of its river and rail terminal facilities, together with the general supervision, development, operation and conduct of warehouse, elevators and storage facilities owned and operated in the City of Memphis; provided, however, that this provisions is subject to the terms and conditions of any contract or contracts that may be entered into by and between the City of Memphis and County of Shelby as hereinabove set forth.

Said Memphis and Shelby County Fort Commission, likewise, shall have general charge and supervision of all wharves erected and maintained, or to be erected and maintained within the area hereinafter described, and shall have general supervision of those portions of the Mississippi River and Nonconnah Creek that lie within the area hereinafter described, and the landing, docking, mooring, departure and removal of steamboats, gasoline boats, motor propelled boats, house boats, wharf boats, and other crafts, and the fixing and collection of wharfage and other fees due from river craft within the area hereinafter described.

The said Commission shall have charge, control and management of all property, other than property already devoted, or hereafter to be acquired and devoted to park and flood control purposes, now owned, or hereafter to be acquired by the County of Shelby, City of Memphis or by the said Commission, on those banks of the Mississippi River and Nonconnah Creek lying within the area hereinafter described; shall safeguard, protect and advance the right and interest of the City of Memphis and the County of Shelby in any riparian rights and powers it may have in, on or under the waters and banks of any navigable stream, or any island now owned or that may hereafter be acquired pursuant to the powers herein conferred.

As amended by: Private Acts of 1951, Chapter 380

**COMPILER'S NOTE:** Private Acts of 1951, Chapter 380, transfers the powers found in the first paragraph of this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

**SECTION 9.** That the power to promulgate and enforce rules and regulations governing the matters and things over which said Port Commission had jurisdiction and control by this Act is hereby expressly conferred on said Commission, and the authorized agents of said Commission shall have police powers, in order to carry out and effectuate the purposes of this Act. The said Memphis and Shelby County Port Commission shall cooperate with the Mississippi River Commission, an agency of the United States Government, and with all other agencies, public or private, in the development, preservation and utilization of the harbor and port of the County of Shelby and City of Memphis; and the said Commission shall have power to regulate the movement and speed of vessels, to establish anchorage areas, harbor lines and grade of slope of banks and to prohibit filling or dumping in violation of such established lines and grades and to prohibit pollution of harbor waters by the discharge of wastes or oils therein within the area hereinafter described.

The said Commission may collect data, hold hearings, and do all other things necessary to inform itself as to the best method of developing, policing and beautifying and harbor and port of the City of Memphis and County of Shelby, increasing river traffic, building transportation facilities, both by water and rail, into and through the City of Memphis and County of Shelby and furthering industrial development, trade and commerce within the area hereinafter described.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 10.** That the said Fort Commission shall have the authority and power to purchase, receive by deed or otherwise hold, lease, improve, exchange and condemn as more particularly set forth hereinafter, and/or sell real estate for the development and/or extension of the City of Memphis and County of Shelby port and harbor and the furtherance of commerce and transportation by water, railroad, truck, airplane or other transportation facilities to contract with any person, firm, corporation or agency, public or private,

with reference to any of the objects of its creation and in the performance of the duties imposed on said Commission, provided, any purchase, condemnation, lease, sale or exchange of real estate shall first be approved by the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

Any contract or expenditure for improvements that involve more than Five Thousand (\$5,000.00) Dollars shall be valid only if approved by the Mayor and the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County. Deeds, leases, and other instruments evidencing conveyances, contracts and other obligations of said Commission shall be executed by the Chairman and the Secretary and/or Treasurer of said Commission; and purchasers from said Commission shall not be bound to see to the application or use of any sums paid to said Commission. Any general plan for the development and extension of the City of Memphis and/or County of Shelby port and harbor and the improvement of real estate conveyed to or placed under the jurisdiction of said Commission shall first be submitted to the City of Memphis Planning Commission and/or the County of Shelby Planning Commission, whichever of said Planning Commissions may have jurisdiction, for an advisory opinion.

As amended by: Private Acts of 1963, Chapter 580

**SECTION 11.** That the County of Shelby and the Memphis and Shelby County Port Commission are hereby authorized to purchase, or otherwise acquire title to land, easements or rights-of-way, to be used in connection with the authority herein granted and may likewise condemn any land, riparian rights, easements and rights-of-way under, on or above the ground or water in connection with said harbor and port within the area hereinafter described, as now provided and set out by the mode of condemnation in the statute law of the State of Tennessee. Said area hereinabove referred to being described as follows:

Beginning at the point of intersection of the center line of the Mississippi River with the center line of the Memphis and Arkansas Bridge and running thence eastwardly in the center line of said Bridge and the center line of E. H. Crump Boulevard to its point of intersection with a northerly projection of the center line of Delaware Street; thence southwardly along said northerly projection of the center line of Delaware Street and along the center of Delaware Street to its intersection with the center line of Wisconsin Avenue; running thence westwardly in the center line of Wisconsin Avenue to its intersection with the center lines of Riverside Boulevard, running thence southwardly in the center line of Riverside Boulevard to its intersection with the center line of Mallory Avenue at the southeast corner of Riverside Park, running thence eastwardly in the center line of Mallory Avenue to its intersection with the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to a point 1000 feet north of center line of Nonconnah River, running thence eastwardly, southwardly and westwardly to an arc of 1000 feet radius (with a radius point at the intersection of the center line of Hernando Road and the center line of Nonconnah River) to a point in the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to its intersection with the center line of Brooks Avenue, running thence westwardly in the center line of Brooks Avenue to its intersection with the center line of Horn Lake Road, running thence northwardly in the center line of Horn Lake Road to its intersection to its intersection with the center line of Peebles Avenue, running thence westwardly in the center line of Peebles Avenue and continuing in the projection of said center line of its intersection with the eastern or southern right-of-way line of the Y. & M. V. Railroad; thence continuing westwardly and southwardly along the south and/or the eastern right-of-way line of the Yazoo and Mississippi Valley Railroad low line or southbound main line to the south line of the County of Shelby; thence westwardly with the south line of the County of Shelby to the center line of the Mississippi River being defined as the state line between Arkansas and Tennessee, running thence northwardly in the center line of the Mississippi River to the point of beginning, save and except that portion of the Memphis River and Rail Terminal which lies within the area hereinabove defined. Provided, however, the Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County, Tennessee, by joint resolution from time to time may redefine the territorial limits of the area over which the Memphis and Shelby County Port Commission has jurisdiction, which area shall not extend outside of Shelby County, Tennessee.

As amended by: Private Acts of 1951, Chapter 380

Private Acts of 1957, Chapter 118

**SECTION 12.** That the said Memphis and Shelby County Port Commission shall, on or before January 30th of each year, and at such other times as may be requested by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County, file with the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County a report in writing of its activities of the previous year, together with an accurate account of all its receipts and expenditures. The Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County shall have the right, at all times, to inspect all books, papers and accounts of said Commission, and shall have the right to audit, or cause to be audited, the books of said Commission at such times as they may elect.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 13.** That the Quarterly County Court of Shelby County is authorized and empowered to provide and appropriate out of the revenue of said County its proper and proportionate share with the City of Memphis of the funds necessary to carry out the purposes and requirements of this Act.

**SECTION 14.** That the Memphis and Shelby County Port Commission shall be empowered to fix rates, charges and wharfage, and grant permits for the use of all harbor and port facilities.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 15.** That the County of Shelby may enter into any other contract or agreement, not hereinbefore specifically or expressly authorized, with the City of Memphis with reference to any matter which may appear consistent with the provisions of this Act and necessary to carry out the objects thereof and in conjunction with the City of Memphis and/or the Memphis and Shelby County Port Commission, to acquire, lease, erect, construct, make, equip, operate and maintain port and harbor facilities; to sell, rent, exchange or dispose of any property, real or personal, as may seem advisable; to construct docks, wharves, terminals, warehouses and all other necessary port and harbor facilities; to contract with any and all persons, individuals, firms or corporations, including, but not limited to, steamship and railroad companies, with reference to the development of transportation and other utility services and to do and perform any and all other acts which may tend, either directly or indirectly, to promote trade, industry and commerce.

As amended by: Private Acts of 1951, Chapter 380,

**SECTION 16.** That the development, maintenance and operation of and all matters incident to the ownership of the harbor and port provided for and authorized herein is declared a public government function and no action shall be brought or maintained against the Port Commission or the County of Shelby, on account of any claim arising from or growing out of either one or all of the aforesaid provisions and/or authorizations.

As amended by: Private Acts of 1951, Chapter 380,

**SECTION 17.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the parts so held to be invalid, if any.

**SECTION 18.** That this Act take effect April 1, 1947, except as to the provision authorizing the Mayor of the City of Memphis and the Quarterly County Court of Shelby County to appoint and elect members of the Commission, and at to such provision, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1947.

## Private Acts of 1977 Chapter 121

**COMPILER'S NOTE:** This Act must be read in conjunction with Private Acts of 1947, Chapter 529. Section 1 designates where the amendment should be placed in Private Acts of 1947, Chapter 529. Section 2 of this act amends Private Acts of 1947, Chapter 529, but does not designated where to place it in the Act.

**SECTION 2.** The Mayor of the City of Memphis and the Mayor of the County of Shelby may at their discretion, appoint in writing for a period of at least one (1) year, their designee to serve in the place and stead of the respective Mayors; provided, however, that the Mayor of the City of Memphis shall appoint the Director or an employee of the Division of Public Service of the City of Memphis and the Mayor of the County of Shelby shall appoint the Director or an employee of the Division of Public Works of Shelby County. Said designees shall have all the powers of the respective Mayors which may make such designation as are conferred on said Mayors by this act, including the right to vote. In the event either Mayor's remaining term of office is less than one (1) year, the appointment shall be for that period. The Mayor may at any time personally exercise the right to vote in place of his designee.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County and certified by him to the Secretary of State.

**SECTION 4.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 19, 1977.

## Building Regulations



# Plumbing Inspector

## Private Acts of 1931 Chapter 560

**SECTION 1.** That all plumbing work done outside the corporate limits of any city or town, which provides for the inspection of plumbing in counties having a population of not less than 300,000 nor more than 350,000 inhabitants, according to the Federal Census of 1930, or any subsequent Federal Census, shall be under the control of the Board of County Commissioners and the Plumbing Inspector, hereinafter provided for whenever such Plumbing Inspector shall be appointed by the Board of County Commissioners. Any appeal from the decision of the Plumbing Inspector shall be filed in writing, showing the ground of complaint with the Board of County Commissioners, who shall set a time to hear the same, and give all parties concerned an opportunity to present their contentions before rendering their decision.

**SECTION 2.** That the Plumbing Inspector shall be a practical plumber, or a sanitary engineer, and shall be appointed by the Board of County Commissioners whenever, in the judgement of the Board of County Commissioners, the appointment of such Plumbing Inspector shall be deemed necessary or advisable.

The salary of said Inspector shall be fixed and paid by the Board of County Commissioners. He shall be under the jurisdiction of the Board of County Commissioners and subject to their control and shall hold office during the pleasure of said Board of County Commissioners.

**SECTION 3.** That the Plumbing Inspector shall have the right to enter upon any premises containing plumbing or drains at all reasonable hours, while said building in which said plumbing is being installed, is being constructed; or where said plumbing and drainage is being installed to ascertain that the provisions of this Act are complied with, and said Plumbing Inspector is hereby empowered to examine and inspect all such plumbing. He is also empowered to examine and inspect all plumbing within such counties outside the corporate limits of any city or town providing plumbing inspection, and whenever said plumbing shall be found insanitary as set out within the provisions of this Act; he shall condemn the same by and with the approval of the Board of County Commissioners of such county; and the owner, agent, or lessee, of such building shall put the same in proper sanitary condition consistent with, and as set out in this Act as sanitary plumbing, after written notice from the Inspector, and provided that the inspector shall not have the right to enter upon any premises where plumbing has already been installed at the time of the passage of this Act.

The Inspector shall be notified when work is ready for inspection and tests; and must examine and approve or reject all work within sixteen (16) working hours from the time of such notification. All work shall be left uncovered for examination after the test is made and the work is approved by the Inspector and for a period of not longer, however, than the sixteen working hours aforesaid.

**SECTION 4.** That changes or modifications in approved plans will not be permitted unless authorized by the Inspector. No permit will be issued to any person, firm or corporation, until the plumber or person doing the work shall have made written application for said permit to the Plumbing Inspector. All permits must be taken out before the work is started. Forms of application and permits shall be prepared by the Board of County Commissioners; a permanent record of such shall be kept in the office of the Board of County Commissioners, where the said Plumbing Inspector shall maintain his headquarters.

**SECTION 5.** That this Act shall apply to all plumbing work in said counties, outside of cities or towns maintaining plumbing inspection, except minor repairs, which shall be construed to mean the repairing of leaks, pipes and traps, forcing out waste or drain pipes, and repairing broken fixtures, but such repairs and alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent or rain water pipes are proposed to be used, provided that in a building condemned by the Plumbing Inspector because of unsanitary conditions no plumbing shall be considered as coming under this head of repairs, but all such plumbing shall be done in the case of new buildings, insofar as specifications are concerned.

**SECTION 6.** That any Sanitary Inspector, County Health Office, or Plumbing Inspector of said counties, is authorized to take up and return to the office of the Plumbing Inspector all permits found in the possession of persons or firms other than those to whom said permits were issued; and it shall be the duty of said Inspector to report the same to the Board of County Commissioners.

**SECTION 7.** That all plumbing fixtures shall be installed as open plumbing until inspected. Every dwelling house, hotel, apartment house, tenement or business house, factory, store or other building in which plumbing arrangements are to be placed shall be connected to a sewer or septic tank. The plumbing and ventilation of every building shall be separate and independent from the roof to the outside of the foundation walls; provided that private stables may be connected with the house drain. That portion of the house drain which is inside the building and underneath the building and three feet outside of the area of



the foundation wall, shall be constructed of what is known in commerce as standard cast-iron pipe and fittings, where stack does not exceed fifty feet in height; where the stack does exceed fifty feet in height, all pipes and fittings shall be extra heavy cast-iron, or galvanized wrought-iron pipe with standard recess fittings. Cast-iron pipe and fittings shall be coated outside and inside with coal tar, varnish or any coating equally as good. Paraffin, rosin, coal tar, putty, gas fitters, or cement will not be allowed in making joints or in covering defects. All pipe must be free from sand holes, cracks or other defects. All defective pipes, fittings and fixtures shall be removed, and all defective work shall be made good so as to conform with the provisions of this Act. Horizontal cast-iron pipes must be supported every five feet by suitable hangers or piers. No hangers of wood or wire will be allowed, and wrought-iron pipes shall be supported every ten feet with hangers. All vertical pipes must be securely tied or anchored at least every two floors by suitable pipe rests. Double hub or double hub lengths will be prohibited on waste line. Saddles or bands will be allowed on soil or vent pipes, subject to the approval of the inspector. There shall be a cleanout at the foot of all stacks and at all angles near the exits of drains from buildings; also every thirty feet in horizontal lines and all placed in accessible location. Drains and soil pipes shall have a uniform fall of not less than one-quarter ( $\frac{1}{4}$ ) of an inch per foot towards the sewer or septic tank. When such grades cannot be obtained a special permit may be obtained from the Plumbing Inspector for a less fall per foot.

**SECTION 8.** That septic tanks and disposal systems shall be constructed in accordance with the plans and specifications furnished by the Plumbing Inspector and approved by the Board of County Commissioners, and no system will be allowed to be used until it has been inspected and approved by the Plumbing Inspector. Septic tanks shall be constructed of concrete, brick, or other approved clay products. The minimum working capacity of any tank shall be 450 gallons and the working depth shall be a minimum of four (4) feet. The length of the tank shall be at least one and one-half ( $1\frac{1}{2}$ ) times the width in all cases. Inlet and outlet pipes shall be trapped with a quarter bend or long sweep ell, the same size as the outlet and inlet sewers, and traps shall extend not less than 8 inches nor more than 12 inches below the flow line of the tank. All tanks, either of minimum size or larger, shall be constructed so as to provide the minimum capacities specified in the table and to conform with the other requirements of the table or their equivalent, the latter at the discretion of the Plumbing Inspector.

**TABLE NO. 1.**  
**"Minimum Sizes for Septic Tanks"**

	<b>Number of Persons</b>	<b>Length Inside</b>	<b>Width Inside</b>	<b>Total Working Depth Inside</b>	<b>Air Space</b>	<b>Gallons Capacity</b>
	<b>Ft. In.</b>	<b>Ft. In.</b>	<b>Ft. In.</b>	<b>Ft. In.</b>	<b>In.</b>	
<b>1-6 Inc.</b>	5-0	3-0	5-0	4-0	12	450
<b>7-8 Inc.</b>	6-0	3-0	5-0	4-0	12	540
<b>9-10 inc.</b>	7-0	3-0	5-0	4-0	12	630
<b>11-12 Inc.</b>	7-6	3-6	5-0	4-0	12	790
<b>13-15 Inc.</b>	8-0	3-6	5-0	4-0	12	840

Tanks to serve more than fifteen persons shall be constructed in accordance with plans approved by the Board of County Commissioners. Underground disposal systems of the type using farm drain tile shall be constructed in accordance with the minimum lengths specified in the table:

<b>No. of Persons</b>	<b>Length of Disposal System</b>
<b>1-6 Inclusive</b>	250 Feet
<b>7-8 Inclusive</b>	350 Feet
<b>9-10 Inclusive</b>	500 Feet
<b>11-12 Inclusive</b>	600 Feet
<b>13-15 Inclusive</b>	750 Feet

Method of construction shall be specified by the Plumbing Inspector and approved by the Board of County Commissioners. Where construction of the type of disposal system using farm drain tile is not practical or where more than fifteen persons are served, the disposal system shall be constructed in accordance with plans approved by the Board of County Commissioners. All septic tanks and disposal systems must be built by the plumber or person doing the work, to whom the permit is issued.

**SECTION 9.** That all drains shall be run as direct as practicable and changes in directions shall be made with regular fittings and connections shall be made with Y's, sanitary T's and one-eighth bends. Soil pipes receiving the discharge of one or more closets shall be standard cast-iron soil pipe, the same as specified for drains, and not less than four inches in internal diameter, and continuing undiminished in size through roof or building and not terminating in front of any window or opening and left open at the top, flashing of sheet lead or of sheet copper not less than four pounds or of galvanized iron shall be provided and

properly attached where pipes pass through the roof. For two or more water closets a modified circuit or loop vent may be used, where closets are not more than fifty feet from soil pipe stacks that extends undiminished in size through the roof. The circuit or loop vent system may be used on other fixtures than closets when a half S trap shall be used, the crown of the trap to be not more than eighteen inches from the waste fitting, the vent to be continued undiminished in size to roof or main vent stack. Traps and back vents shall be continuous where possible. Where the vent or back vent pipes are continuous and the traps are ventilated through the waste fitting the crown of the trap shall be not more than two feet from the waste fittings; provided that in buildings where two or more closets are used a two-inch vent or back vent pipe may be used when the said water closets are not more than fifteen feet from a soil pipe stack of four inches or more than extends undiminished in size through the roof. In no case will one fixture be allowed above the other unless the lower fixture is revented. Lead waste and vent pipes shall not be less weight than the grade known as extra light. Waste pipes shall not be less than one and one-half (1½) inches in diameter except lavatories, which may be one and one-quarter (1¼) inches. The required size of a soil or waste stack shall be determined from the distribution and total of fixture units connected to the stack and in accordance with Table No. 2, except that in water closets, which shall discharge into a stack not less than four inches in diameter.

The following table based on the discharges of a lavatory as a unit shall be employed to determine fixture equivalents.

		Fixture Units
1	lavatory or wash basin	1
1	kitchen sink	1 ½
1	bathtub	2
1	laundry tray	3
1	combination fixture	3
1	urinal	3
1	shower bath	3
1	floor drain	3
1	slop sink	4
1	water closet	6

**TABLE NO. 2**  
**"Maximum Fixture Units on One Stack"**  
 With "Sanitary T" In-lets      With all 450 Y or "Combination Y and One-eighth Bend" In-lets

Diameter (ins.)	In 1 branch Interval	On Any 1 stack	In 1 branch Interval	On any extension 1 stack as vent	Maximum Length including Extension as vent
1 ¼	1	1	1	1	50
1 ½	2	8	4	12	65
2	9	16	15	36	85
3	24	48	45	72	212
4	144	256	240	384	300
5	324	680	540	1,020	390
6	672	1,380	1,122	2,070	510
8	2,088	3,600	3,480	5,400	750

1. The term "branch interval" shall be interpreted to mean a vertical length of stack, not less than 8 feet, within which a branch or branches are connected, and the total fixture units on all branches connected to a stack within any 8-foot length shall not exceed the maximum permitted by the table in one "branch interval."

**SECTION 10.** That every water closet shall be provided with water from tank or cistern or flushometer and the flush pipe shall be not less than one and one-quarter (1¼) inches in diameter. No plunger, pan or hopper closet shall be used in any building, and when such closets are removed for repairs or other causes they shall not be replaced; provided, that hopper closets may be used for yard closets when trap is placed under floor to prevent freezing.

**SECTION 11.** That every sink, bath tub, water closet, urinal, wash tray or set of wash trays and every fixture shall be separately and independently trapped with an approved water sealing trap placed as near the fixture as practicable. The use of anti-syphon traps will not be allowed except by special permission

from the inspector, who will specify the style of trap to be used. No trap shall be placed at the foot of a vertical soil or waste pipe, but traps shall be placed at the foot of all rain water leaders. Rain water leaders, when within a building shall be galvanized wrought iron, standard or extra heavy cast-iron pipe, and, when connected with drain, waste, or soil pipe, must be tested the same as soil pipe.

**SECTION 12.** That all vent pipes shall extend at least two feet above the fixture served before connecting with the other vent or soil pipe. Vent pipes shall be run as straight as practicable with a grade to avoid trapping and condensation, but in all cases where a vent pipe connects to a soil pipe such connection shall be not less than two feet above the highest fixture. Vent pipes may be run out separately through the roof and flushed the same as soil pipes. The required size of main vents or vent stacks shall be determined from the size of the soil or waste stack vented, the total number of fixtures drained into it and the developed length of vent in accordance with Table No. 3.

**TABLE NO. 3**  
**"Maximum Permissible Length of Vents (in feet) For Soil and Waste Stacks"**

Diameters of Soil or Waste Stack (inches)	Number of Fix- tures Units	Diameter of Vent in inches							
		1 1/4	1 1/2	2	2 1/2	3	4	5	6
1 1/4	1	45	--	--	--	--	--	--	--
1 1/2	Up to 8	35	60	--	--	--	--	--	--
2	Up to 18	30	50	90	--	--	--	--	--
2 1/2	Up to 36	45	45	75	105	--	--	--	--
3	12	--	34	120	180	212	--	--	--
3	18	--	18	70	180	212	--	--	--
3	24	--	12	50	130	212	--	--	--
3	36	--	8	35	93	212	--	--	--
3	48	--	7	32	80	212	--	--	--
3	72	--	6	25	65	212	--	--	--
4	24	--	--	25	110	200	300	340	--
4	48	--	--	16	65	115	300	340	--
4	96	--	--	12	45	84	300	340	--
4	144	--	--	9	36	72	300	340	--
4	192	--	--	8	3	64	282	340	--
4	264	--	--	7	20	56	245	340	--
4	384	--	--	5	18	47	206	340	--
5	72	--	--	--	40	65	250	390	440
5	144	--	--	--	30	47	180	390	440
5	288	--	--	--	20	32	124	390	440
5	432	--	--	--	16	24	94	320	440
5	720	--	--	--	10	16	70	225	440
5	1020	--	--	--	8	12	58	180	440
6	144	--	--	--	--	27	108	340	510
6	288	--	--	--	--	15	70	220	510
6	576	--	--	--	--	10	43	150	425
6	864	--	--	--	--	7	33	125	320
6	1296	--	--	--	--	6	25	92	240
6	2070	--	--	--	--	4	21	75	168

**SECTION 13.** That the whole system of drain, waste, soil and vent pipes shall be made tight and tested with water. This test shall be made by closing the end of the house drain and all other fixture outlets and filling the entire system with water to the opening on the roof. If the system is tested in sections, the test shall be applied by plugging all the openings except the opening at the top of the section, and each section shall be filled with water. No section shall be tested with less than a 10-foot head of water. This test shall be made by the plumber in the presence of the inspector. All defective pipes or fittings shall be removed and all defective work made good so as to conform to the provisions of this Act.

**SECTION 14.** That no person shall cover or cause to be covered any house sewer or other connection

with a sewer, or septic tank, without due inspection and approval of the same by the Plumbing Inspector.

**SECTION 15.** That all persons whose property is served by a septic tank or plumbing improperly installed and constituting a nuisance, shall upon notice in writing from the Plumbing Inspector make proper and permanent provision for the correction of said condition and the abatement of said nuisance within fifteen (15) days, such correction to be done under the provisions of this Act.

**SECTION 16.** That the Board of County Commissioners shall be and is hereby authorized to provide a scale of fees to be paid by property owners for services of the Plumbing Inspector, such scale to be reasonably sufficient to cover the cost of services rendered; but all fees shall belong to the county.

**SECTION 17.** That any person violating any provisions of this Act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars for each and every violation of same, and each day's failure after notification shall constitute a separate offense.

**SECTION 18.** That all laws or parts of laws in conflict with the provisions of this Act be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

## Private Acts of 1935 Chapter 724

WHEREAS, in counties of this State having 300,000 or more inhabitants by the Federal Census of 1930, population has become more congested, especially in the unincorporated areas surrounding incorporated cities and towns; electric service has been generally made available for purposes of generating power for the use of farm machinery, for lighting homes, barns and other structures, for cooking and other domestic uses, the use of natural gas made available in unincorporated areas, and modern plumbing works, plants and means for the disposition of sewage are commonly erected in such unincorporated areas; and

WHEREAS, The regulation of the building, construction, repair and maintenance of such modern facilities, in order to protect the public safety, health and general welfare is not now provided for:

**SECTION 1.** That all counties in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, are hereby authorized and empowered in all unincorporated areas in such counties to prevent the erection, maintenance or occupancy of buildings, structures or premises dangerous to persons or property and to remove them when erected without their consent; to regulate the manner of building buildings, structures, signs, or parts thereof, whether of a permanent or temporary nature; to regulate the construction, repair and maintenance of stove pipes, flues, gas pipes and other like works in all buildings and on all premises, for the purpose of preventing fires and the spread thereof; to regulate the business of electricians and electrical work, and to enforce efficiency in the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated; to regulate waterworks and water systems whether publicly or privately owned; to regulate the disposition of sewage and waste so as to preserve the public health; to regulate and control plumbers and plumbing works, and to enforce the efficiency of the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated.

**SECTION 2.** That for the purpose of enforcement of such regulations such counties are hereby empowered to create the offices of Building Commissioner, Electrical Inspector and Plumbing Inspector; to provide for the appointment of such inspectors, and to fix their duties and compensation, and to contract with incorporated cities and towns in such counties for the services of such City Inspectors having special skill in the inspection of buildings, electrical, plumbing and water works under such conditions as may be agreed upon between the public officials of such counties and cities, to the end that City Inspectors may be made ex-officio or otherwise county inspectors.

**SECTION 3.** All regulations adopted pursuant to the authority hereby conferred shall affect only the unincorporated areas of such counties, and shall not be held to abrogate or abolish any general or special Act of the General Assembly authorizing incorporated cities or towns to regulate such works, nor to affect any regulations enacted in any incorporated cities or towns lawfully enacted touching the subject matter of this Act.

**SECTION 4.** That the regulations herein provided for may be adopted by the Quarterly County Court of such counties by resolution, and may be adopted at any regular or special meeting of such Quarterly County Courts. In order to carry out the provisions of this Act, such Quarterly County Courts are hereby authorized and empowered to appropriate monies to carry out the provisions of this Act, and to provide for the compensation of the inspectors and other officers whose duty it shall be to enforce the provisions thereof.

**SECTION 5.** That any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than One (\$1.00) Dollar nor more than Fifty (\$50.00) Dollars, for each offense; and each day that any violation of any such provisions or regulations shall continue shall be deemed a separate offense. Violations of the provisions of this Act or any of the regulations lawfully adopted pursuant thereto, shall be deemed to come under the provisions of the Small Offense Law, and Justices of the Peace and committing Magistrates of the county shall be held to have jurisdiction to hear and try the persons accused of violations thereof.

**COMPILER'S NOTE:** The minimum fine set under this section has been superseded by Private Acts of 1955, Chapter 198.

**SECTION 6.** That in case any building or structure works or instrumentality is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of the provisions of this Act or of any regulation or provisions enacted or adopted by any Quarterly County Court under the authority granted by this Act, such body, the county attorney, the county inspector of such works or any other officer or board of the county, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

**SECTION 7.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1935.

## Private Acts of 1955 Chapter 198

**SECTION 1.** That the purpose of this Act is to confer authority to the quarterly county court in counties having a population of 480,000 or more by the Federal Census of 1950, or any subsequent Federal Census, if they elect and deem it expedient so to do, to provide a means whereby and because of the density of population they may create, provide and establish rules and regulations governing the construction of all buildings, plumbing, sewerage and electrical wiring placed in or on any building or the premises thereof, outside the corporate limits of any city or town situated therein, and all things incident to and connected with buildings, in the erection and remodeling thereof in said counties, the issuing of licenses therefor, the inspection thereof and the penalty for the violation of any rules and regulations thus made by said quarterly county court.

**SECTION 2.** That the quarterly county court of such counties as are affected by this Act shall have the power to pass a resolution to create, provide and establish rules and regulations governing the construction of all buildings, plumbing, sewerage and electrical wiring, which said rules and regulations shall be in conformity with the requirements of health department of such counties.

**SECTION 3.** That such rules and regulations thus created, provided or established by the quarterly county court of such counties as are affected by this Act shall not apply to the area within the corporate limits of any city or town within such counties.

**SECTION 4.** That any person, firm or corporation violating, or who shall aid or abet in the violation, of any of the rules and regulations created, provided or established by the quarterly county court of any county affected by this Act shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each and every violation thereof, and where the offense is of a continuing nature each day shall constitute a separate offense.

**SECTION 5.** That this Act shall become effective when the same shall have been approved by the quarterly county court of any county to which it may apply by a vote of not less than two-thirds of the members of said court, such approval to be made by said court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said quarterly county court shall be certified by the Chairman of the said court to the Secretary of State.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be, and the same hereby are repealed.

Passed: March 3, 1955.

## Chickasaw Basin

## Public Acts of 1973 Chapter 409

**SECTION 1.** There is hereby created the Chickasaw Basin Authority, as a public body corporate, politic, and perpetual, which is hereinafter referred to as the "Authority". The Authority is created to implement the project as presently planned and as may be modeled by future studies. The Authority shall not exercise any broad governmental controls or police powers to regulate land use planning, zoning, subdivision regulations, building codes, and similar powers to regulate land use.

**SECTION 2.** It is the intent of the General Assembly that the various counties and cities of the state who are members of the Chickasaw Basin Authority and within the designated area have the most effective and efficient means of organizing themselves on a regional basis for the purpose of general and comprehensive water resources planning and development activities to provide coordinated, efficient and orderly development of the surface water management plans and projects within the area as established by the Chickasaw Basin Authority programs and all approved amendments thereto. Such development shall include all recreational and conservation developments adjacent to any water management project. It is the intent that local governments through the Authority be guided and assisted in making maximum use of coordinated federal, state and local programs designated to stimulate the development of all water and land resources within the drainage area of the Wolf and Loosahatchie Rivers and Nonconnah and Horn Lake Creeks. It is the further intent of this act, that in order to insure the success of such regional planning and development the state may provide financial assistance to the Authority for such purposes as are approved by the General Assembly. The Chickasaw Basin Authority and the counties and municipalities within the designated area are authorized to request, develop, maintain and make available to the residents of such counties and municipalities the recreational and conservation areas adjacent to any approved project within the area of the Chickasaw Basin Authority.

**SECTION 3.** The organization of the Authority shall be as follows:

- (1) The Authority shall be governed by a board of directors.
- (2) Membership of the board of directors shall consist of:
  - (a) The presiding officer of the county legislative body or his authorized representative and one other member from the county legislative body in each County which is a member of the Authority. The terms of such members shall coincide with their terms of office; but such membership may, at the discretion of the respective county legislative body, be rotated annually.
  - (b) The chairman or his authorized representative and one member of the Council of the City of Memphis. The terms of such members shall coincide with their terms of office; but such membership may, at the discretion of the Council, be rotated annually.
  - (c) One member at large, to be appointed by the Governor to serve during the Governor's term of office.
  - (d) The Mayor of Shelby County, Tennessee, or his authorized representative.
  - (e) One member from each county soil conservation district board of supervisors from each county which is a member of the Authority, as established under Tennessee Code Annotated, Sections 43-1501 through 43-1523, as amended. The term of such member shall coincide with his term of office on the district board; but such membership may, at the discretion of the district board, be rotated annually.
  - (f) The Mayor, or his authorized representative, of each incorporated municipality within counties which are members of the Authority.
  - (g) No person shall be appointed to the board by any legislative body or the Governor who has an interest, either indirect ownership or through a trustee, in real property which is to be acquired by the Chickasaw Basin Authority. Any person not eligible for appointment due to the preceding prohibitions who accepts such appointment shall be subject to the penalties set forth in Tennessee Code Annotated Sections 12-401 and 12-402. Whenever public officials who are members of the board by virtue of office including: the presiding officer of the county legislative bodies in each county which is a member of the Authority, the chairman of the council of the city of Memphis, the mayor of Shelby County, Tennessee, and the mayor of each incorporated municipality within counties which are members of the Authority, are not eligible to serve as a member of the board due to the provisions of this subsection, the legislative body of the respective county or municipality shall elect an authorized representative to serve in place of said public officials.
- (3) (a) Upon completion of its membership, the appointees shall meet and organize at Memphis, Tennessee, elect a chairman, vice-chairman, and secretary-treasurer, and set a regular time and place for meetings of the board. The officers of the board of directors shall be elected annually at

the first meeting of each calendar year.

(b) Directors and ex-officio members shall serve without compensation, except reimbursements for actual traveling and other expenses incurred in the performance of their official duties subject to such funds as may be available to the Authority and with the approval of their respective elected legislative bodies. All reimbursements for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. The Authority shall act only by vote or concurrence of majority of a quorum of its membership; and a quorum shall be not less than one-half (1/2) of the members of the Authority.

As amended by: Public Acts of 1976, Chapter 806

Public Acts of 1976, Chapter 847

Public Acts of 1980, Chapter 757

**SECTION 4.** The powers, duties and functions of the Authority shall be as follows:

- (1) to have perpetual succession in corporate name.
- (2) to sue and be sued in corporate name.
- (3) to adopt, use and alter a corporate seal, which shall be judicially noted.
- (4) to enter into contract and cooperative agreements with state, federal and local governments, with private individuals and cooperations, and with associations and organizations as the board may deem necessary or convenient to enable it to carry out the purposes of this act. This Authority shall include, without limitations, the power to contract and make cooperative arrangements with the adjoining state of Mississippi, including cities, counties, and other public agencies within that state, for planning, land purchase and acquisition, construction, operation and maintenance of all works related to water resources, development, conservations, and open space. It is the intent of this provision that the Authority have full powers to operate across state lines subject only to contractual agreements with private, governmental and public bodies and agencies.
- (5) to adopt, amend and repeal by-laws.
- (6) to appoint such managers, officers, employees, attorneys, and agents as the board deems necessary or convenient for the transaction of its business and to fix their compensation, define their duties, and require bonds of such of them as the board may determine.
- (7) to accept grants, funds, and other assistance from any governmental agencies, private agencies and individuals, and to spend these in behalf of the program.
- (8) to investigate and study all water and related land resources of the Chickasaw Basin for overall planning and development.
- (9) to adopt a comprehensive plan for development of the water, land and related land resources of the Chickasaw Basin area which will include, as a minimum, the identification of the projects, works and facilities needed to protect, enhance and accelerate the orderly growth, safety, welfare and development of the area. Such plan shall take into account the plans and proposals adopted by other local, state and federal agencies dealing with water and related land resources development, conservation, and control, and shall be compatible with plans of the Memphis-Delta Development District. Special consideration shall be given to projects and work related to the U. S. Corps of Engineers, the U. S. Soil [sic] Conservation Service, and the U. S. Department of Interior.
- (10) to execute contracts with existing agencies involved in regional planning and development for providing combined staffs and operating personnel, including the Mississippi- Arkansas-Tennessee Council of Governments, and a development district organized under Tennessee Code Annotated, Sections 13-1401 to 13-1411.
- (11) to prepare preliminary architectural and engineering plans for specific projects and works of the authority.
- (12) to prepare detailed architectural and engineering plans and specifications for specific projects and works related to water resources and related land development, flooding, navigation, harbors, conservation, water quality and open space.
- (13) to arrange and cooperate with any city, county, state or supplier of utilities for the abandonment, relocation, or other adjustment on the roads, highways, bridges and utility lines and services.
- (14) to acquire by purchase or by gift, all land or interest in land, including easements, rights-of-way, and leasehold interests and facilities within the area needed for construction of water



control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife conservation and open space. The Authority may hold, mortgage or otherwise encumber, sell, lease, or sublease such land or interest in land or easements deemed to be in the public interest. During the time that title to such property is held in public ownership, it shall be exempt from all taxes levied by the state and all political subdivisions thereof, and all other property and activities of the Authority shall be similarly exempt. The authority may lease or rent privileges in or upon any property under its control upon such terms and conditions as it deems to be in the public interest.

(15) The power of eminent domain for Authority purposes shall be exercised by cities and counties within the area and within their discretion. The governing bodies of cities and counties are hereby authorized through the power of eminent domain to acquire all lands, or interests in land, and facilities within the area needed for construction of water control structures, channel improvements and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife conservation, and open space. All such interests in land shall be acquired by the cities and counties in their name for the use and benefit of the Authority. Interests in land may be acquired, including leasehold interests and such may be held, mortgaged, or otherwise encumbered, sold, leased, or subleased in behalf of Authority purposes. The power of eminent domain may be exercised by the governing bodies of such cities and counties under the provisions of Tennessee Code Annotated, Sections 23-1501 through 23-1541, and shall include the power to condemn land in fee simple and to condemn water rights easements, and any other interest in real estate for general public purposes. During the time that title to such property is held in public ownership, it shall be exempt from all taxes levied by the state and all political subdivisions thereof.

(16) to build construct, operate, manage, lease and maintain all works, facilities and programs needed for water controls, channel improvements, navigation, drainage irrigation, water conservation, water quality, water supply, recreation, fish and wildlife conservation and open space.

(17) to fund jointly with the State of Tennessee, the planning, acquisition of land and facilities, construction, operation, management and maintenance of all works, facilities, and programs needed by the Authority.

(18) to fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with any works or programs that shall be administered by the Authority and with the provisions of any bond issue which may be issued under this act.

(19) to develop reservoirs and shoreline lands for recreational use; and to provide for their operation.

**SECTION 5.** The Authority shall have the powers with respect to finance as follows:

(1) The Authority shall be an entity for purposes of general state obligation bond financing. The Authority shall have the power to issue its bonds from time to time in consultation with the state of Tennessee. Any bond issue wherein the general obligation of the state of Tennessee is attached must first be approved by the General Assembly of the state, and provision made for amortization of both principal and interest for a period not to exceed forty (40) years. The Authority shall present to the General Assembly its needs with regard to specific bond issues together with evidence that the legislative bodies of the counties and municipalities have appropriated or issued bonds sufficient for matching purposes and its estimate of annual revenues to be received therefrom. Specific bond issues shall describe the purpose, land, works, or improvements to be accomplished and their location.

(2) The state of Tennessee is hereby authorized to match funds raised by such local governments for the purposes authorized under this act. The state is authorized to match funds raised by such local governments for Authority purposes either through issuance of bonds or on pay-as-you-go basis, or a combination of the two, with the local governments providing their share of the costs through local appropriations of such funds by their respective legislative bodies. Bonds shall be issued in the usual manner that state bonds are authorized and sold after the approval of such bond issue by the General Assembly. In scheduling improvements, the Authority shall make maximum use of federal grant funds from any federal program for which it is eligible.

(3) It is the legislative intent that this act authorizes the five million dollar (\$5,000,000.00) bond issue as approved by the 87th General Assembly and the Governor, for the purposes of the Chickasaw Basin Authority as created by this act. The Authority bond issue of the 87th General Assembly as provided in Chapter 794 of the Public Acts of 1972 is hereby ratified and approved.

(4) The State of Tennessee is hereby authorized to match funds raised locally to provide for the operations of the Authority, including costs of administration, planning, engineering, program



development and administration, land acquisition, equipment and other capital improvements and bond financing and amortization.

(5) Each city, town, or county within the area is hereby authorized and empowered to contribute to the work of the Authority any amount which each respective governing body, acting in its sole discretion, shall approve to be paid from the general fund of the respective city or county or shall issue its general obligation bonds for and on behalf of the Authority.

(6) By October 1 of each year, the Authority shall transmit to the Commissioner of Conservation of the State of Tennessee an estimated budget with a request for an amount to be included in the Governor's budget recommendations for the next fiscal year. Such budget shall include the estimated administrative, operation, and maintenance expenses and shall include appropriate justification for such requested appropriation. Such amount, or other amount as deemed appropriate by the Commissioner and approved by the Governor, shall be included in the budget request transmitted to the General Assembly. It is the intent of this act that the Authority shall be operated as a state agency subject to all fiscal requirements and procedures which apply to other state departments and agencies, and subject to joint local funding as stipulated in this act.

**SECTION 6.** The board of directors of the Authority shall report annually to the governing bodies of the various counties, cities, and towns in the area and to the state of Tennessee. Such reports shall include, but not be limited to, statements of financial receipts and expenditures, a summary of activities and accomplishments for the period, and proposed plans for the next year, and for five subsequent years

**SECTION 7.** Nothing in this act shall be construed as interfering with existing contracts or works of improvements currently underway by state and local governments, or with works of improvements that are undertaken independently from the Authority and the state, if such works are not in conflict with basin-wide plans for control of water, recreation and conservation.

**SECTION 8.** Any one county, individually, or in combination with one or more counties, may undertake works of improvements as provided for in this act with the Authority and the state, if such works are not in conflict with the basin-wide plans for control of water. A majority of the members of the board of directors representing such county wanting to act individually, together with the member-at-large, as provided for in Section 3 (2) (c), shall be sufficient to make all decisions and take action for the board with regard to works of improvements for such county.

**SECTION 9.** Upon the final acceptance from the contractor of any specific project on the Chickasaw Basin Plan, the governing body or bodies of the county or counties wherein the project is physically located may, at their option require the Authority to relinquish the control and operation of the project to the county provided that such county shall thereafter be fully responsible for the cost of maintenance and operation of such revenues as might be pledged to the payment of obligations theretofore incurred by the Authority.

**SECTION 10.** The Authority shall develop its programs and plans for implementation in close cooperation with the existing county soil conservation districts as established under Tennessee Code Annotated, Sections 43-1501 through 43-1523, and county conservation boards as established by Tennessee Code Annotated, Section 11-1101 through 11-1109, so that such districts and boards shall be joint-sponsors of individual projects or works of improvements as related to small watersheds in individual counties.

**SECTION 11.** The provisions of this act shall apply to Shelby and Tipton counties for the purpose of implementing the programs established herein; and any or all of these counties are hereby expressly authorized by the General Assembly to participate in the programs established. However, prior to participation in such programs the Quarterly County Courts of Shelby and Tipton counties shall express their desire to participate in the programs, by means of a resolution to that effect, passed by each or all of the respective local legislative bodies of the counties involved. The resolution shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of such legislative bodies within one hundred twenty (120) days of the date this act becomes effective.

Any county to which this act applies which has elected or elects to participate in the programs authorized by the act may withdraw from participation therein by resolution to that effect adopted by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of such county. However, such withdrawal shall not relieve such county of any of then existing obligation on account of bonds or other evidence of indebtedness incurred by such county on account of its participation in the programs of the authority and such obligation shall continue until discharged by the county.

As amended by:

Public Acts of 1976, Chapter 847

**SECTION 12.** All agencies of the state of Tennessee are hereby authorized and directed to extend their cooperation and to lend assistance to the Authority in the formulation and implementation of a development program.

**SECTION 13.** This act shall be considered supplemental and additional to any and all other laws and

confers sufficient authority in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Chickasaw Basin. All laws and parts of laws in conflict herewith are hereby repealed. Chapter 412 of the Public Acts of 1971, Chapter 566 of the Public Acts of 1972 and the amendments thereto are hereby repealed.

**SECTION 14.** If any clause, sentence, paragraph, section or any part of this act shall be held or declared to [sic] unconstitutional and void, it shall not affect the remaining part or parts of this act, it being hereby declared to be the legislative intent to have passed the remainder of this act notwithstanding the part or parts, if any, held to be invalid.

**SECTION 15.** This act shall take effect on becoming a law, the public welfare requiring it.

As amended by: Public Acts of 1976, Chapter 847

Passed: May 2, 1973.

## Civil Service System

### Private Acts of 1971 Chapter 110

**COMPILER'S NOTE:** Private Acts of 1984, Chapter 192, purported to have changed any mention of "quarterly county court" to "county legislative body", however, Private Acts of 1971, Chapter 110 contains no reference to a "quarterly county court".

**SECTION 1.** CIVIL SERVICE MERIT SYSTEM ESTABLISHED. There is hereby established a Civil Service Merit System for employees of Shelby County.

**SECTION 2.** DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings:

- (a) "Appointing Authority" - Any elected official of the county or head of an office of the county government specifically charged by the appropriate elected official with the responsibility of appointing and/or dismissing personnel employed under his direction.
- (b) "Board" - The Civil Service Merit Board.
- (c) "Classified Service" - Those positions of employment contained in the Civil Service Merit System.
- (d) "County" - Shelby County.
- (e) "Employee" - Any person appointed to a position or office in the classified service.
- (f) "Secretary" - Secretary of the Civil Service Merit Board.
- (g) "System" - The Civil Service Merit System of Shelby County.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 3.** CIVIL SERVICE MERIT BOARD. There is hereby created in Shelby County a Civil Service Merit Board composed of five members and one alternate.

As amended by: Private Acts of 1980, Chapter 292

**SECTION 4.** ELECTION TO BOARD: TERM: VACANCIES, QUALIFICATIONS OF MEMBERS: REMOVAL OF MEMBERS. All regularly elected officials of the county, under whose direction and supervision three or more persons are employed, shall be entitled to vote in the election of members and alternate of the Civil Service Merit Board. As soon as practicable after approval of this Act by the Shelby County Quarterly Court, the Chairman of the Quarterly Court shall convene those regularly elected officials of the county, under whose direction and supervision three or more persons are employed, for the purpose of electing members and alternate to the Civil Service Merit Board. The Chairman of the Quarterly Court will give each such official at least ten days notice in writing of the designated time and place of this meeting and said notice shall state that the purpose of this meeting is to be the election of members and alternate to the board.

Nominations for the positions of member and alternate of the board may be made by any official entitled to vote in such election, and said nominations must be submitted in writing to the Chairman of the Quarterly Court not less than five days prior to the election meeting. The Chairman of the Quarterly Court shall, not less than two days prior to the election meeting, give each of those officials entitled to vote in said election a list of all nominations for the positions of board members and alternate.

The elected officials of the county entitled to vote shall, by a majority vote of those present elect five board members and one alternate, who shall take office upon the effective date of the system and who

shall serve for the following terms: two members for a term of one year; two members for a term of two years, and one member for a term of three years and one alternate for a term of one year. Subsequent to the initial terms of board members, as provided in this Section, each member thereafter appointed to the board shall serve for a term of three years. Vacancies on the board caused by the expiration of the terms of its members or alternate will be filled by election in the same manner as set out in this Section for the initial appointment of members. Any vacancy occurring on the board other than those due to the expiration shall be filled for the unexpired term by a majority vote of the remaining board members. Each board member or alternate shall serve until his successor is appointed and qualified. No persons shall be eligible to serve as a member or alternate of the board:

- (a) Who is under the age of 21 years;
- (b) Who resides outside the county;
- (c) Who holds any elected or appointive office of the County;
- (d) Who is an employee of the County;
- (e) Who is an officer of any organized political party.

Any member or alternate of the board may be removed for just cause during his term of office by a two-thirds vote of the body which elected the board member or alternate but only after such board member or alternate shall have served with a statement in writing of the reasons alleged to justify his removal, and only after such member or alternate is allowed an opportunity to be represented and publicly heard in his defense before the body which elected the board member or alternate. Failure to attend three consecutive meetings of the Board for reason other than death in the family or personal illness may, by a majority vote of the remaining Board Members, constitute just cause for removal and shall serve as constructive resignation from the Board. The vacancy shall then be filled as prescribed in Section 4 of the Act.

As amended by: Private Acts of 1979, Chapter 96  
Private Acts of 1980, Chapter 292

#### **SECTION 5. MEETINGS; ELECTION OF CHAIRMAN; DESIGNATION OF SECRETARY.**

The board shall meet as soon as practicable following the effective date of the system. By a majority vote of all board members, the board shall, at its first meeting elect a chairman for a term of one year who will preside at all subsequent meetings during said term. Thereafter, the board will elect a chairman by a majority vote of all board members upon the expiration of the former chairman's term. The board shall determine the order for business at its meetings and shall make out such rules and procedures as it deems necessary for the efficient and orderly conduct of its meetings.

The board shall also designate the time and place within the county for its regularly scheduled meetings. The board, in addition to its regularly scheduled meetings, shall also convene (1) at the call of the Chairman; (2) at the call of any three board members, or (3) upon five days notice in writing to each board member by any appointing authority of the county, which written notice may be waived by the concurrence of all five members of the board.

At all meetings of the board subsequent to the first meeting, the presence of any three members of the board shall constitute a quorum for the transaction of the business of the board. The Board shall appoint the Administrator of Personnel named by the Shelby County Mayor to be the Secretary of the Civil Service Merit Board. The Secretary shall record the proceedings of each meeting and shall render such assistance to the Board as is required.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 6. POWERS AND DUTIES OF BOARD.** The powers and duties of the Civil Service Merit Board shall be as follows:

- (a) To promulgate such information as it deems expedient to promote public understanding of purpose, policies, and practices of the system;
- (b) To make recommendations to the Secretary and to the Quarterly Court concerning the processing, examination, and certification of applicants and the administration of the system;
- (c) To review the classification plan, compensation plan and personnel policies and to make recommendations to the Secretary and to the Quarterly Court regarding their adoption and/or revision;
- (d) To hear the appeal of any employee in the classified civil service following his removal, suspension or reduction in rank or compensation by the appointing authority, as provided in Section 23 of this Act;
- (e) To establish such rules and regulations as are adapted to and necessary for the efficient

administration of this Act;

(f) To investigate, by itself or otherwise, the enforcement of the provisions of this Act, or of rules and procedures duly authorized for the administration of the system, and of the action of employees in classified positions. In the course of such investigation, the board shall have the power to administer oaths, and to secure, by subpoena in the name of the county, the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

**SECTION 7. COMPENSATION OF BOARD MEMBERS AND ALTERNATE.** The Quarterly Court shall set the compensation of the members and alternate of the Civil Service Merit Board.

As amended by: Private Acts of 1980, Chapter 292

**SECTION 8. POWERS AND DUTIES OF SECRETARY.** The powers and duties of the Secretary shall be as follows:

- (a) To prepare a classification plan for submission to the board for recommendation and to the Quarterly Court for approval;
- (b) To prepare a schedule of compensation for the classified service for submission to the board for recommendation and to the Quarterly Court for approval;
- (c) To prepare written personnel policies and regulations governing working conditions for submission to the board for recommendation and to the Quarterly Court for approval;
- (d) To make necessary amendments to and revisions of such, as required, for submission to the board for recommendation and to the Quarterly Court for approval;
- (e) To prepare and administer a selection program including the determination of weights and norms utilizing examination instruments which stress validity and reliability and relate to those characteristics which will test fairly the relative capacity and fitness of candidates to discharge efficiently the duties of the positions to be filled.
- (f) To maintain and provide to the various appointing authorities, as required, a list or lists of all eligible candidates for positions in the system;
- (g) To maintain the preceding plans, policies and lists on a current basis, and to make them available for inspection by the public;
- (h) To prepare, in accordance with the provisions herein, for the approval of the board, such rules and regulations as are adapted to and necessary for the efficient administration of this Act;
- (i) Except as otherwise provided in this Act, the Secretary shall be responsible for and shall have general supervisory authority over the administration of the system, subject to review by the board.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 9. UNCLASSIFIED AND CLASSIFIED SERVICES.** The civil service of the county is hereby divided into the unclassified and classified services.

(a) The unclassified service shall include:

- 1. Officials elected by popular vote and persons appointed to fill vacancies in such elective offices;
- 2. Members of duly established boards and commissions of the county;
- 3. Any person retained by the county on a consulting basis and any professional person hired in his professional capacity as determined by the board;
- 4. Any employee of the county whose employment is on a temporary basis;
- 5. Any person who provides services to the county on a volunteer basis or who receives no compensation for said services;
- 6. Any person employed by the Shelby County Board of Education;
- 7. Such person occupying the position of department head, deputy department head, chief clerk, personal assistant to a department or personal secretary to a department head as is designated by an appointing authority and approved by the board. The intent of this provision is to restrict positions in the unclassified service to those which involve sensitive, policy-making duties. In granting its approval the board shall consider this intent as well as the size of the department in question. A list of these additional positions shall be prepared and maintained by the Secretary.

(b) The classified service shall comprise all offices and positions of employment for the county not specifically included in the unclassified service.

As amended by: Private Acts of 1979, Chapter 96  
Private Acts of 1984, Chapter 192

**SECTION 10. CLASSIFICATION PLAN.** All offices and positions of employment included in the system shall be listed and classed and a written plan of such will be prepared and maintained.

Such classification plan will contain description of the duties and responsibilities of each individual office or position. Each office or position shall be assigned to an appropriate class of positions, each class consisting of those offices or positions which have the same or reasonably similar duties and responsibilities. Written specifications will be given to each class and must include the title of the class; a general description of the duties and responsibilities of the offices and positions within the class; the minimum requirements of education, training, experience, licensing or certification, and any other qualifications necessary to hold an office or position within the class. As far as practicable, the lines of promotion to and from each class should be included in the classification plan.

Under the provisions of this Section, a class may be comprised of a single office or position.

**SECTION 11. SCHEDULE OF COMPENSATION.** For each class of positions established in the classification plan, a study shall be made of the rates paid for similar services elsewhere and of other information pertaining to proper rates of compensation and a schedule of compensation will accordingly be established. Such schedules shall show for each class a minimum salary rate, a maximum salary rate and such intermediate rate or rates as is equitable and proper.

The financial condition of the county and the personnel policies of the county, in addition to other relevant factors, will be taken into consideration in the assignment of a minimum and maximum rate for each class of position.

The schedule of compensation may include, in addition to the minimum, maximum and intermediate merit rates, a rate of pay to be based on longevity of service with the county, and a rate of pay based on cost of living factors.

**SECTION 12. PERSONNEL POLICIES.** All policies, rules and regulations regarding personnel and employees within the system shall be reduced to writing. The personnel policies of the county shall establish specific procedures for the governing and maintenance of the personnel system of the county. Such written statements of policy will set out all pertinent information concerning working conditions such as working hours, attendance, holidays, leaves of absences, vacations, in addition to residency requirements, minimum age requirements, programs available to employees, and any and all other information which properly may be the subject of such statement of policy.

**SECTION 13. APPLICATION FORMS.** Appropriate application forms for employment to a classified position shall be prepared and kept in the office of the Secretary or such other public and convenient place as is designated. This form or forms shall require such information as will reveal the qualifications of the applicant for appointment in the system. All applicants for appointment in the system will be required to complete the appropriate employment application form. Such additional and further investigation concerning the applicant may be conducted as is necessary and proper.

**SECTION 14. EXAMINATION; BONUS FOR VETERANS.** Open competitive and promotional examinations shall be prepared and conducted by or under the direction of the Administrator of Personnel.

Examinations may be assembled and may include, but not be limited to: rating of training and experience; written, oral, physical or performance tests or other measurements which are technically sound; or any combination as determined by the Administrator of Personnel. The examination process may take into consideration such factors as education, experience, recency of experience, knowledge, skill, physical fitness or any other qualifications which are job-related, which may be applied equitably, and which in the judgment of the Administrator of Personnel enter into the determination of the relative fitness of applicants. For all examinations, the minimum performance or requirements on which eligibility is attained shall be established by the Administrator of Personnel. A minimum qualifying grade shall be established for each exam segment or the combined ratings of the several parts of the examination.

Any applicant for original appointment into the system achieving at least a minimum passing score on the competitive examination process, who shall have received an honorable discharge from any branch of the Arms Forces of the United States and who served in time of war or National Emergency as declared by the President of the United States, shall be entitled to receive a bonus of additional points, the number of which to be determined by the Board, which shall be added to his competitive examination score.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 15. ELIGIBILITY LISTS.** Employment and promotion eligibility lists for the various classes of position in the system shall be maintained as are necessary or desirable to meet the needs of the system. These lists shall contain the names of persons arranged in order of final earned ratings. Certificates of eligibles drawn from these lists shall be provided, as required, to the appointing authorities for the filling

of vacancies in accord with the provisions of this Act.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 16. APPOINTMENT; PROBATIONARY PERIOD.** Whenever a position in the classified service is to be filled, the appropriate appointing authority shall so notify the Secretary. The Secretary shall forward to the appointing authority a certificate of eligibles drawn from the applicants eligible for the class or grade to which such position belongs, and the appointing authority shall forthwith appoint to such position one of such persons whose name appears on the certificate. Such appointment shall be for a probationary period of six months, commencing with the first working day. During the probationary period, the newly appointed employee may be dismissed with or without cause, and such dismissed employee shall have no recourse as is otherwise provided in Section 23 of this Act. Upon application of the appointing authority, the board may extend the probationary period for any newly appointed employee for a period not to exceed an additional three months. If the employee has not been discharged prior to the expiration of the period of probation, his appointment to the classified service shall be deemed complete.

As amended by: Private Acts of 1977, Chapter 128

**SECTION 17. EXTRAORDINARY AND EMERGENCY APPOINTMENTS.** Notwithstanding the provisions of this Act, in order to prevent the stoppage of business or to meet extraordinary conditions or emergencies, an appointing authority may appoint any individual to a classified position for a period not to exceed 90 days and only until regular appointment can be made under the provisions of this Act.

**SECTION 18. PROVISIONAL APPOINTMENTS.** Should there arise an urgent or pressing need for filling a vacancy in any position in the classified service and the Secretary be unable to provide the appropriate appointing authority with the name of an applicant eligible for the vacancy, the appointing authority may provisionally appoint an individual to fill the vacancy. Such provisional appointment shall continue only until an appropriate eligible list can be established and submitted to the appointing authority, but in no event for more than 90 days. When, in the opinion of an appointing authority, there arises the urgent or pressing need for a new permanent position in his office or department not contemplated in the existing classification plan, he may provisionally appoint an individual to fill such position. Such provisional appointment shall continue only until the classification plan can be amended to include such position, if same is found to be necessary or desirable, and regular appointment can be made under the provisions of this Act. Immediately following such provisional appointment, the necessity or desirability of inclusion of such position within the system shall be studied and determined. In no event shall such provisional appointment exceed 90 days.

**SECTION 19. PROMOTION.** Vacancies occurring in the classified service may be filled by the promotion of those officers and employees of a lesser class of position within the system who are otherwise qualified for the position and certified as eligible by the Secretary. In filling any vacancy arising in an office or department, an appointing authority may restrict his consideration of applicants to those individuals presently in the classified service, provided that the names of applicants considered have been certified as eligible for promotion by the Secretary. Following a promotional appointment, the promoted employee shall serve a three months probationary period in that position, at the successful completion of which the promotion shall be deemed complete. Should the appointing authority determine that the service of an employee in a position to which he was promoted is unsatisfactory within the three months probationary period, he shall reinstate the employee to the position which he occupied immediately prior to the promotion.

Should the promotion of any employee result in his exclusion from the classified service, he shall thereafter be entitled to reinstatement in the system at the same or equivalent position which he held immediately prior to said promotion, upon 30 days notice to the board of his desire to be reinstated in the system.

Employees who have not completed original appointment probation, including extended original appointment probation, or who are on disciplinary probation or suspension, shall not apply for positions posted as closed promotion positions.

As amended by: Private Acts of 1979, Chapter 96

Private Acts of 1984, Chapter 192

**SECTION 20. SERVICE RATING.** The Secretary, in cooperation with the various appointing authorities of the county, shall prepare for approval by the board, a system for rating the performance of the individual employees in the system. The rating system shall be so designated as to give a fair evaluation of the quality and quantity of the employee's work performed. The service rating for the individual employee will be based on periodic reports of the appointing authority and made on no less than an annual basis. No employee will be eligible for a promotion in rank or compensation who does not maintain a satisfactory service rating. An unsatisfactory service rating may be a basis for disciplinary action to be taken against the employee.

**SECTION 21. APPOINTMENTS PERMANENT.** Except as otherwise provided in this Act, no employee in the

classified service who is not a durational employee and who shall have successfully completed the prescribed period of probation and therefore have been permanently appointed or inducted into the system under the provisions of this Act, shall be dismissed, suspended, demoted or subjected to other discipline, except for cause.

As amended by:

Private Acts of 1977, Chapter 128

**SECTION 22. DISCIPLINARY ACTION.** For unsatisfactory performance of duties or other just cause, an employee in the classified service may be subject to the following discipline by the appointing authority:

- (a) Reprimand;
- (b) Suspension without pay for a period not to exceed 30 days;
- (c) Reduction in pay within allowable range for class of employee;
- (d) Demotion to a lower classification;
- (e) Dismissal from service;
- (f) Retirement under the terms of the Retirement Act, as applicable.

**SECTION 23. REPLY TO DISCIPLINE: APPEAL FROM DISCIPLINE.** Any employee in the system may be subjected to discipline, as provided in the preceding Section, by the appointing authority, after his appointment or promotion is complete by written order stating specifically the reasons for such discipline. Such order shall be signed by the appointing authority and directed to the individual employees involved and a copy thereof directed to the Secretary for inclusion in a permanent service record to be maintained for each employee in the system. Any employee so disciplined may respond, by directing a reply in writing to the Secretary within seven days of receipt of the order of discipline with a copy of such reply to the appointing authority. Such reply of the employee shall be maintained in his permanent service record.

Any employee demoted in rank or compensation, suspended without pay for a period exceeding 10 days, or dismissed, may, within seven days after service of the order of demotion, suspension or dismissal as hereinabove provided, appeal to the board.

Immediately upon service of any order of suspension or dismissal, the employee shall stand relieved of all duties of his office and shall not reassume said duties until the expiration of any suspension or until reinstated from suspension or dismissal by the board. Immediately upon service of any order of demotion in rank or compensation, employee shall assume the rank or rate of compensation to which he was demoted.

The board shall, within 30 days from the filing of said appeal, commence a hearing thereon, and shall thereupon fully hear and determine the matter and shall either affirm, modify or revoke such order of discipline. A hearing may be postponed or continued upon written request of the employee and/or written or oral request of the employee's attorney. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and to a public hearing. The finding and decision of the board shall be certified to the appointing authority from whose order the appeal is taken, and shall forthwith be enforced and followed by him, but no such demotion in rank or compensation, suspension or dismissal, if appealed to the board, shall be considered final until the finding and decision of the board shall be so certified. Any form of discipline not appealed to the board shall be considered final as of the date of the service of the order of discipline on the employee.

As amended by:

Private Acts of 1979, Chapter 96

Private Acts of 1984, Chapter 192

**SECTION 24. APPEAL FROM DECISION OF BOARD.** Within 30 days following the publication of the decision of the board, on any matter heard by it, either the involved employee or the appointing authority from whose order the appeal was taken may appeal the decision of the board to the Circuit Court of Chancery Court of the county.

**SECTION 25. LAYOFF.** Notwithstanding the other provisions of this Act, in the event that conditions in any department or office of the county or the financial condition of the county necessitates a reduction in the work force, the required reduction shall be made in such class or classes as the appointing authority designates. Favorable consideration must, however, be given toward retention of those employees in the highest class of positions. If necessary to achieve their retention, employees may be temporarily demoted to a lower class of position. The determination as to which employees within a particular class are to be laid off rests with the sound discretion of the appointing authority and will be based on such considerations as service ratings, seniority and other relevant factors. Any employee laid off or temporarily demoted to a lower class of position under this section shall be given priority over other applicants to reinstatement to his former position or to a comparable position in the system.

**SECTION 26. DISCRIMINATION PROHIBITED.** All appointment and promotion in the system, except as otherwise provided under the provisions of this Act, shall be on the basis of competitive examination, and

no person in the system or seeking admission thereto, shall be appointed, disciplined or dismissed, or in any way favored or discriminated against because of his political affiliation, sex, race, color, creed, age or religious belief. This Section does not apply to membership in any organization which has advocated or does advocate disloyalty to or the violent overthrow of the government of the United States or any subdivision thereof.

**SECTION 27. POLITICAL ACTIVITY PROHIBITED.** No employee in the classified service may be required or directed, either directly or by implication, to contribute or solicit funds for any political candidate, political party, or political activity, nor may such employee be required or directed, in any capacity whatever, to serve or assist a political candidate, political party or political activity.

Every employee will have the right freely [sic] to express his views as a citizen and to cast his vote. Coercion for political purposes of and by employees of Federally aided programs and use of their positions for political purposes will be prohibited. Participation in partisan political activity by any employee subject to these standards will be prohibited with respect to activity prohibited in Federally grant-aided programs under the Federal Hatch Political Activities Act, as amended 5 U.S.C. 1501-1508.

This Section is not intended to nor does it deprive any employee from voluntary participation in such proper political activity as is allowed by the policy of the county.

As amended by: Private Acts of 1977, Chapter 128.

**SECTION 28. STATUS OF EMPLOYEES ON EFFECTIVE DATE OF SYSTEM.** On the date which the system takes effect, any employee of the county, whose position is to be included in the classified service, shall be appointed to retain his position without being required to take a competitive examination. The appointment of any such employee who has held his position for more than six months prior to the effective date of the system shall be deemed complete and he shall hold his position until discharged or reduced in accordance with the provisions of this Act. The appointment of any such employee who has held his position for less than six months prior to the effective date of the system shall be probationary. Such probationary period shall extend for six months from the employee's first day of employment with the county, and upon the successful completion of this probationary period, his appointment in the system shall be deemed complete.

**SECTION 29. CONTRARY PROVISIONS OF SECTION 8-2009 T.C.A. NOT APPLICABLE.** Insofar as Section 8-2009 T.C.A. is contrary to the provisions of this Act, Section 8-2009 T.C.A. shall not apply to Shelby County.

**SECTION 30. VALIDITY OF STATUTE.** The provisions of this Act are severable, and if any such provisions or section be held to be unconstitutional, the remaining provisions and sections are not so affected but continue in full force and effect.

**SECTION 31. OPERATIVE DATE OF SYSTEM.** The Civil Service Merit System of Shelby County established under the provisions of this Act shall become operative upon certification by the Chairman of the Quarterly Court of Shelby County to the Secretary of State that a Civil Service Merit Board has been duly elected and that the Quarterly County, by a two-thirds majority vote of its members, has approved:

- (a) A plan for examination of applicants;
- (b) A plan for the classification of positions;
- (c) A schedule of compensation; and
- (d) The policies regarding personnel.

**SECTION 32. APPROVAL OF QUARTERLY COURT.** This Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly Court of Shelby County, and its approval or non-approval shall be proclaimed by the presiding officer of that body and certified by him to the Secretary of State.

**SECTION 33. PUBLIC WELFARE.** This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: April 29, 1971.

## Contributions to Charity

### Private Acts of 1927 Chapter 564

**SECTION 1.** That all counties of this State having a population of 223,000 or over, according to the Federal Census of 1920, or any subsequent Federal Census, be, and they are, hereby authorized to contribute out of the general funds of the county to any charity, charitable institution or charitable



organization, the object of which is to care for the poor and afflicted residents of the county making the contribution.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20th 1927.

## Coroner - Deputies

### Private Acts of 1959 Chapter 186

**SECTION 1.** That the Quarterly County Court of Shelby County, Tennessee is hereby authorized and empowered to appoint one or more deputy coroners for the County of Shelby.

**SECTION 2.** That such deputy coroner or deputy coroners so appointed is/are hereby authorized to perform all duties which can now be performed by the Coroner, and shall be subject to the same obligations as the Coroner.

**SECTION 3.** That such deputy coroner or deputy coroners shall be compensated by said County in such amount and manner as is agreed upon between said Quarterly County Court and such deputy coroner or deputy coroners.

**SECTION 4.** That such deputy coroner or deputy coroners shall serve at the pleasure of said Quarterly County Court, and said Court shall have the power to remove such deputy coroner or deputy coroners and supply any vacancy in its discretion.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1959.

## County Attorney

### Private Acts of 1937 Chapter 2

**SECTION 1.** That Quarterly County Courts of counties of the State having a population of more than three hundred thousand, according to the Federal Census of 1930, or any subsequent Federal Census, be and they are hereby authorized and empowered to employ a County Attorney on a yearly salary basis which salary shall be set by the Quarterly County Court in such amount which it deems reasonable, payable in equal monthly installments; that said appointment shall be on a full time basis; that nothing in this Act shall be construed as prohibiting the employment of special counsel or special attorneys by such counties whenever such employment may be deemed necessary or expedient.

As amended by:

Private Acts of 1939, Chapter 22  
Private Acts of 1951, Chapter 158  
Private Acts of 1955, Chapter 116  
Private Acts of 1959, Chapter 213  
Private Acts of 1965, Chapter 294  
Private Acts of 1970, Chapter 315

**SECTION 2.** That the Quarterly County Courts employing County Attorneys under the provisions of this Act are hereby authorized and empowered to prescribe the duties of such County Attorneys, including especially the authority to require that such County Attorneys shall without additional compensation file and prosecute all suits in such counties for the collection of delinquent State and County taxes.

**SECTION 3.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 7, 1937.

### Private Acts of 1959 Chapter 214

**SECTION 1.** That the Quarterly County Court of Shelby County is authorized to appoint such Assistant County Attorneys as may be deemed necessary for the efficient operation of said County Attorney's Office. The Assistant County Attorneys shall each be a person licensed to practice law in the State of Tennessee, shall serve under the direction of and at the pleasure of the Quarterly County Court. The compensation for each such Assistant Attorneys shall be fixed by the County Court and shall be paid out of the general funds of the County.

**SECTION 2.** That this action shall become effective when the same shall have been approved by the Quarterly County Court of Shelby County by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within sixty days (60) after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of said Court to the Secretary of State.

Passed: March 18, 1959.

## County Coroner

### Private Acts of 1921 Chapter 406

**SECTION 1.** That coroners in counties in this State having a population of two hundred and twenty thousand (220,000) or over by the Federal Census of 1920, or any subsequent Federal Census, shall charge and receive fees for services in executing processes placed in their hands as now provided by law, but the fees collected by them for such services shall be turned over to the Trustees of such counties for the benefit of such counties.

**SECTION 2.** That hereinafter it shall be the duty of the coroners in said counties to investigate all accidental deaths referred to them, and where, in their judgement, the facts warrant it, hold inquests over such bodies, as is now provided by law in cases of death caused by violence at the hands of other parties, and must furnish to anyone who desires the same, a certified copy or copies of such inquests for which they are to receive Two Dollars and Fifty Cents (\$2.50) per copy, to be paid by the party to whom it is furnished, which they are to retain as part of their compensation, in addition to the salary provided herein.

**SECTION 3.** That the County Courts in said Counties be, and they are hereby, authorized and empowered to pay their Coroners a salary not to exceed Five Thousand, Five Hundred Dollars (\$5500.00) per annum.

As amended by:

Private Acts of 1951, Chapter 570

Private Acts of 1953, Chapter 296

**SECTION 4.** That coroners in said counties shall receive no compensation than that provided in this Act.

**SECTION 5.** That the coroners of said counties shall keep a record of all cases that may come under their jurisdiction, and said records or books to be of good material and bound.

**SECTION 6.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

**SECTION 7.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1921.

## County Legislative Body

### Apportionment of Districts

### Public Acts of 1969 Chapter 272

**COMPILER'S NOTE:** Although a public act, this act is included because its provisions have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** The justices of the peace in counties of this state having populations in excess of 200,000 according to the United States census of population of 1960 or any subsequent United States census of population shall be elected from justice of the peace districts in the several counties to which this act may be applicable in the number and as particularly described hereinafter for each county.

**COMPILER'S NOTE:** Sections 2-4 did not pertain to Shelby County. Therefore, they were omitted.

**SECTION 5.** In Shelby County there shall be eleven (11) justices of the peace, elected from eleven (11)

justice of the peace districts constituted as follows, with one (1) justice of the peace to be elected from each district.

District 1 shall consist of the following voting wards in the city of Memphis: 69-1, 69-2, 71-1, 71-2, 73-1, 73-2, 74-1 and 74-2; and the following voting precincts in Shelby County: Arlington, Bartlett, Brunswick, Ellendale, Kerrville, Locke, Lucy, McConnell's, Millington, Raleigh, Scenic Hills, Stewartville, Woodstock, Capleville, Collierville, Cordova, Eads, Forest Hill, Germantown, Morning Sun, Mullins, Ross' Store, and White Station.

District 2 shall consist of the following voting wards and precincts in the city of Memphis: 1, 8, 9, 21-1, 21-2, 21-3, 21-4, 22, 27-1, 27-2, 36-2, 36-3, 39, 40-1, 40-2, 41-1, 41-2, 41-3, 42-1, 42-2, 51-1, 51-2, 70-1, 70-2, 72-1, and 72-2.

District 3 shall consist of the following voting wards and precincts in the city of Memphis: 37-1, 37-2, 38-1, 38-2, 38-3, 38-4, 43-1, 43-2, 43-3, 43-4, 44-1, 44-2, 44-3, 44-4, 44-5, 52-3, 53-1, 53-2, 54-1, 54-2, 55-1, 55-2, 62, 63-1, 63-2, 64, 68-1, and 68-2.

District 4 shall consist of the following voting wards and precincts in the city of Memphis: 45-1, 45-2, 45-3, 45-4, 46-1, 46-2, 46-3, 56-1, 56-2, 57, 58-1, 58-2, 58-3, 58-4, 58-5, 59-1, 59-2, 59-3, 65-1, 65-2, 66-1, 66-2, 67-1, 67-2, and 67-3.

District 5 shall consist of the following voting wards and precincts in the city of Memphis: 60-1, 60-2, 60-3, 60-4, and 60-5; and the following voting wards and precincts in Shelby County: Levi-1, Levi-2, Levi-3, Levi-4, Levi-5, Whitehaven-1, Whitehaven-2, Whitehaven-3, Whitehaven-5, Whitehaven-6, Whitehaven-7, Whitehaven-8, Whitehaven-9, and Whitehaven-10.

District 6 shall consist of the following voting wards and precincts in the city of Memphis: 2, 4, 5, 6, 7-1, 7-2, 11-1, 11-2, 12, 13-1, 13-2, 13-3, 14-1, 14-2, 23, 24, 25-1, 25-2, 25-3, 25-4, 26-1, 26-2, 26-3, 34-1, 34-2, 35-1, 35-2, 35-3, 48, 49-1, 49-2, 50-1, and 50-2.

District 7 shall consist of the following voting wards and precincts in the city of Memphis: 15, 16-1, 16-2, 16-3, 17-1, 17-2, 17-3, 17-4, 18, 19, 20-1, 20-2, 20-3, 28-1, 28-2, 29-1, 29-2, 29-3, 30, 31-1, 31-2, 31-3, 31-4, 32, 33-1, 33-2, 36-1, 47-1, 47-2, 47-3, 52-1, 52-2, 61-1, and 61-2.

In addition to the aforesaid districts, one (1) through seven (7), there shall be four (4) districts numbered consecutively and so designated as District Eight (8), District Nine (9), District Ten (10) and District Eleven (11), each of which districts Eight (8) through Eleven (11) shall be composed of an area coextensive with the boundary lines of Shelby County, Tennessee. Justice of the peace districts in Shelby County shall consist of the voting wards and precincts as they were delineated on July 1, 1968.

**SECTION 6.** The provisions of this act shall be effective for the August general election in 1972 and each election for justices of the peace thereafter until changed, except that with respect to any county to which this act may apply, if a reapportionment of the justices of the peace is ordered by a court of competent jurisdiction and a special election is ordered to be held, then the provisions of this act shall apply.

**SECTION 7.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

Passed: May 8, 1969.

## Chairman

## Private Acts of 1911 Chapter 238

**SECTION 1.** That in all counties of the State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, the Chairman of the County Court shall be a member of the court. If he should at any time cease to be a member of the court, his office as Chairman is to be, ipso facto, vacated.

**SECTION 2.** That County Courts out of the treasury of said counties shall pay the Chairman of the County Court such salary per annum as shall be set by resolution of the County Court, and in addition such allowance as may be fixed by resolution of the County Court for the employment of stenographic and clerical help and office expense and travel expense required in the conduct of the business of his said office, such salary and other allowance to be paid in equal monthly installments.

As amended by:

Private Acts of 1913, Chapter 60

Private Acts of 1919, Chapter 749  
Private Acts of 1921, Chapter 772  
Private Acts of 1921, Chapter 970  
Private Acts of 1925, Chapter 261  
Private Acts of 1933, Chapter 373  
Private Acts of 1937, Chapter 340  
Private Acts of 1953, Chapter 297  
Private Acts of 1957, Chapter 88  
Private Acts of 1959, Chapter 143  
Private Acts of 1970, Chapter 289

**SECTION 3.** That all laws in conflict herewith be, and the same are, hereby repealed.

**SECTION 4.** That this Act take effect from and after January 1, 1912.

Passed: March 30, 1911.

## Compensation

### Private Acts of 1965 Chapter 112

**SECTION 1.** That hereafter, Justices of the Peace in counties of 600,000 or more inhabitants according to the Federal Census of 1970 or any subsequent Federal Census shall be entitled to and shall receive as compensation, including mileage expense, \$500.00 per each month of actual attendance upon the Quarterly County Court of said counties, such payments not to exceed a total of \$6,000.00 in each calendar year.

As amended by:

Private Acts of 1970, Chapter 254  
Private Acts of 1971, Chapter 57  
Private Acts of 1972, Chapter 277

**SECTION 2.** That all Acts of part of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 3.** That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds of the members of the said Court, such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965, the public welfare requiring its becoming effect at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly Court shall be certified by the Chairman of said Court to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1965.

## Public Acts of 1967 Chapter 258

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** In counties of the first class as defined in Tennessee Code Annotated Section 8-2402 [8-24-101] and utilizing a commission form of government, the compensation of each County Commissioner, for their full term of office, or of each officer succeeding to the powers and fulfilling the duties of a County Commissioner shall be not less than the maximum annual compensation paid the County Court Clerk as provided in Tennessee Code Annotated Section 8- 2403 [8-24-102], but any such county may by Private Act provide for annual compensation in a larger amount. Provided further, that in each county coming within the provisions of this Act the annual compensation of each such Commissioner or successor shall be equal to that of each of the other Commissioners or successors.

As amended by:

Public Acts of 1971, Chapter 281  
Public Acts of 1972, Chapter 788  
Public Acts of 1975, Chapter 289

**SECTION 2.** This Act shall take effect July 1, 1967, the public welfare requiring it.

Passed: May 22, 1967.

## Deposit of County Funds

### Private Acts of 1917 Chapter 481

**SECTION 1.** That it shall be the duty of County Court in counties having a population of 190,000 or over, according to the Federal Census of 1910 or any subsequent Federal Census, through their Chairman, to advertise for bids from banks for the handling and custody of all county funds, such bids to be submitted to the County Courts at the regular January term of the Court, beginning in the year 1919 and every year thereafter.

**SECTION 2.** Be it further enacted, that the county legislative body in such counties shall be required to receive bids for the custody and deposit of county funds; the county legislative body shall award a contract for not more than four (4) years for the custody of county funds to the depository bank whose bid it approves, but said contract shall not be effective until it is approved by a majority of the members of the county legislative body. In said bid and contract the county legislative body shall be required to demand and receive interest on county funds on the average monthly balance of county funds deposited under said depository contract. If no award shall be made and no contract executed after the first advertisement for bids, or if no bid shall be received, then and in either of these events, the County Court shall have the right and is hereby directed to readvertise and make an award and execute a contract with a depository at some subsequent term of the County Court.

As amended by: Private Acts of 1937, Chapter 496

Private Acts of 1984, Chapter 248

**SECTION 3.** That, when the award is made, the successful bidder shall enter into a contract in accordance with his bid, to be executed on the part of the county by the Chairman of the County Court; and such successful bidder shall give a bond in the penalty of such sum as may be fixed by the County Court, conditioned for the faithful performance of its contract, and to account to the county for all funds received.

**SECTION 4.** That it shall be the duty of the several County Trustees to deposit the county's funds in the depository designated by the County Court in the manner above stated; and such Trustees shall be relieved of all responsibility attendant upon care and custody of said funds by said depository.

**SECTION 5.** The depository shall report to the County Court annually with respect to the funds which it has had on deposit during the preceding year, together with the amount of interest earned thereon and credited to the county in accordance with its contract, said report to be made at the January term of the County Court; and the amount of interest earned and to which the county is entitled, shall, at such time, be credited by the County Trustee, upon his books, to the general fund to be used for general county purposes.

**SECTION 6.** That all moneys that would otherwise remain in the possession of the County Trustees of said counties for a period of two years or longer unless let out under the provisions of this Act shall be let out by the County Court to the successful bidder for a period of two years from the date of the award, and said County Courts shall let out all other funds for such period or periods of time as said funds shall not be needed or used for the purposes for which such funds are intended.

**SECTION 7.** That all other laws, in conflict herewith, be and the same are hereby repealed; and that this Act take effect for the purpose of advertising for bids, December 1, 1918, and for all other purposes January 1, 1919.

Passed: April 5, 1917.

## Holding of Office

### Private Acts of 1911 Chapter 217

**SECTION 1.** That in all counties of this State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, no member of the County Court shall be entitled to hold or fill any office of profit within the gift of the County Court or its Chairman, where the salary or compensation is fixed or paid by the County Court; provided, however, that this shall not apply to the office of Chairman of the County Court or members of any auditing committee.

As amended by: Private Acts of 1911, Chapter 538

**SECTION 2.** That all laws in conflict herewith be, and the same are hereby, repealed.

**SECTION 3.** That this Act take effect from and after is passage, the public welfare requiring it.

Passed: June 30, 1911.

## Private Acts of 1911 Chapter 237

**COMPILER'S NOTE:** A new administrative branch of Shelby County Government was created by Private Acts of 1974, Chapter 260, to administer the Shelby County government during the transitional period from September 1, 1974 through December 31, 1975. That act is found in this chapter, under the title "Restructuring Act".

**SECTION 1.** That in all counties of the State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, there shall be, and hereby is, created a Board of County Commissioners. Said board shall consist of three members who shall be elected by the people of the respective counties; the first election to take place on the 14th day of December, 1911, the Commissioners to be then elected to hold office from the first Tuesday in January, 1912, and until August 31, 1914.

Thereafter the name of said Commissioners shall be placed on the official ballot and voted for, as now provided for by law, beginning with the regular August election in the year 1914. The term of office of such Commissioners shall be for a period of four years, save and except the Commissioners who are first elected under this Act shall hold office until August 31, 1914, as above provided.

**SECTION 2.** Each of said Commissioners shall be not less than thirty years of age, shall be a citizen of the County in which elected and shall have resided in said County for a period of five years. No member of the County Court shall be eligible to hold the office of a member of the Board of Commissioners.

Each of the members of said Board of Commissioners shall devote his full time to the performance of his duties as such Commissioner.

As amended by:

Private Acts of 1917, Chapter 282  
Private Acts of 1937, Chapter 6  
Private Acts of 1957, Chapter 215

**SECTION 3.** There are hereby established the following departments within the said Board of Commissioners, each to be managed and supervised by one Commissioner assigned thereto and with the functions, duties and powers hereinafter provided:

1. The Department of Purchasing and Finance; 2. The Department of County Health and Institutions; 3. The Department of Penal Institutions and County Roads.

At the first meeting of the Board of Commissioners after each election of Commissioners each of said Commissioners shall be assigned to one of said departments, by a majority vote of said Commission.

As amended by:

Private Acts of 1925, Chapter 157  
Private Acts of 1957, Chapter 215

**SECTION 4.** The said Board is vested solely with the executive and administrative power of the County and as such charged with the administration of its several institutions and of the County's business. Whenever any Public or Private Acts of the State purports to authorize the County Court or its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the Board of Commissioners or its Chairman.

All legislative powers of the County shall be vested in the Board of County Commissioners of Shelby County and it shall be deemed the sole legislative body of the County; provided, however, that a veto power is hereby granted the Chairman of the Board of Commissioners which may be exercised within seven (7) days of passage; said veto may be overridden by a simple majority vote of the County Court within fourteen (14) days of the veto message. Whenever any Public or Private Act of the State purports to authorize the Board of Commissioners or its Chairman to perform any legislative Act or function, then such Act or function shall be performed by the County Court or its Chairman.

Any function, duty, or power of said Board of Commissioners not specifically assigned to one of the departments herein created shall be assigned to one of said departments by a majority vote of the Commissioners. Notwithstanding that the responsibility for the supervision and management of each of the several departments herein created is assigned to a particular Commissioner, the determination of policies of management of all said departments is the duty and function of the entire Commission and the Commission shall have the right to determine all matters by majority vote.

As amended by:

Private Acts of 1957, Chapter 215  
Private Acts of 1974, Chapter 260  
Private Acts of 1979, Chapter 165

**SECTION 5.** The Chairman of this Commission shall be charged with the duty of purchasing of supplies



for the various departments under this Commission. He shall have special care and custody of the courthouse and all employees thereof, and shall have charge of the books of the Commission, and shall be known as the Commissioner of Purchasing and Finance.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 6.** The Commissioner of the Department of County Health shall have charge and supervision of the County Health Department, all hospitals, sanatoriums, clinics, and similar institutions operated by the County, the County Morgue, the health of prisoners in the County Jail and of the County's participation in the conduct of all similar institutions operated by the County jointly with other governmental agencies. He shall have special supervision of all employees of the County in such institutions and in his department. He shall be known as the Commissioner of Health.

As amended by: Private Acts of 1919, Chapter 350  
Private Acts of 1925, Chapter 157  
Private Acts of 1933, Chapter 375  
Private Acts of 1937, Chapter 376  
Private Acts of 1945, Chapter 69  
Private Acts of 1953, Chapter 299  
Private Acts of 1955, Chapter 91  
Private Acts of 1955, Chapter 92  
Private Acts of 1957, Chapter 215

**SECTION 7.** The Commissioner of the Department of Penal Institutions and County Roads shall have charge and general supervision of the building and repair of all roads, highways and bridges in the County and of the County Penal Farm and of all employees connected with the construction and repair of such roads and highways and with the operation of the County Penal Farm. He shall also have general supervision of the work upon the road and highways and bridges done by prisoners. He shall be known as the Commissioner of Penal Institutions and County Roads.

As amended by: Private Acts of 1957, Chapter 215.

**SECTION 8.** Each Commissioner shall give a bond in the penal sum of \$25,000.00 executed by a good and solvent surety company qualified to do business in the State and County and conditioned to insure the faithful performance of the duties of the office of Commissioner. Each Commissioner shall take an oath of office before entering upon the discharge of the duties thereof that he will faithfully and impartially discharge the duties of his office.

**COMPILER'S NOTE:** This section was considered and found constitutional in Cross v. Fisher, 132 Tenn. 46, 177 S.W. 47 (1915).

As amended by: Private Acts of 1913, Chapter 333  
Private Acts of 1919, Chapter 350  
Private Acts of 1923, Chapter 241  
Private Acts of 1925, Chapter 157  
Private Acts of 1957, Chapter 215

**SECTION 9.** Within 10 days after their election and qualification, the said Board of Commissioners shall elect one of their members Chairman and another thereof Secretary of said Commission.

As amended by: Private Acts of 1957, Chapter 215.

**SECTION 10.** The Board of Commissioners shall hold a regular meeting on the first Thursday in every month at the hour of ten A.M., said meeting to be at the Courthouse. Special meetings may be called by the Chairman of the Board, or any two Commissioners. If the business of any regular or special meeting be not concluded on the day when the same convenes, the Board may adjourn such meeting to some subsequent day. All meetings of the Board shall be public, and shall be held in the place provided for such meetings.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 11.** Upon any vacancy or vacancies occurring in the Board of Commissioners by death, resignation, removal, or otherwise, then the remaining Commissioners or Commissioner, if there be only one, shall have the power to elect a successor or successors as the case may be, who shall hold office during the unexpired term. In the event that there shall be a tie vote on the question of the election of a Commissioner to fill a vacancy, such tie shall be treated as equivalent to no election, and, pending the election of some one to fill the vacancy, the duties of the vacant office shall be imposed upon and discharged by the other Commissioners.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 12.** That the salary of the Chairman of said Board shall be \$19,000.00 and the salary of each of the other two members shall be \$18,500.00 provided that the salaries of the present Commissioners shall be determined by the law in effect prior to the passage of this Act until the end of their present terms. Said salaries shall be payable in equal monthly installments by warrants drawn by the Board of County Commissioners upon the County Trustee.

As amended by: Private Acts of 1957, Chapter 215  
Private Acts of 1965, Chapter 293  
Private Acts of 1970, Chapter 243

**SECTION 13.** Said Board of Commissioners shall employ the necessary subordinate officers and employees to administer and carry on the work of all the several departments and institutions of the County, including but not limited to the County Health Department, the Shelby County Hospital, the County Jail, except for such functions in connection with the jail as are the duty of the Sheriff, the County Morgue, the Courthouse, the Penal Farm, construction and maintenance of County Roads, and the carrying on of the office of said Commissioners.

The employment of all such subordinate officers and employees shall be at the will and pleasure of and their compensation and other terms and conditions of employment shall be fixed by the Board of Commissioners. Said compensation shall be paid by warrant drawn upon the County Trustee. The Commissioners may draw one warrant upon the County Trustee for the sum total of their pay roll for any pay roll period, payable to a paymaster or other person delegated to perform such duty and properly bonded, and may delegate to such person the duty of issuing pay roll checks to individual subordinate officers and employees thereto.

All warrants drawn upon the County Trustee for any purpose shall be signed by at least two Commissioners.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 14.** In addition to the salaries herein provided to be paid to the Board of County Commissioners and in addition to the salaries fixed by them to be paid to the several subordinate officers and employees of the several departments herein created, there may also be paid or furnished by the County for or to each of the Commissioners, subordinate officers and other employees of the several departments the following:

(a) Any portion of the premiums, in excess of the amount required to be paid by the said Commissioners, subordinate officers or employees, in connection with or upon any policy of group life insurance carried by the County for the benefit of and insuring the lives of said Commissioners, subordinate officers and employees. (b) Any portion of the premium in excess of the amount required to be paid by such Commissioner, subordinate officer or employee in connection with or upon any hospitalization insurance carried by the County for the benefit of its employees. (c) Any contribution required to be made by the County in behalf of such Commissioner, subordinate officer or employee in connection with any retirement plan which may be adopted by the County for the benefit of its officers and employees. (d) Any contribution to old age and survivors benefits required to be made by an employer if the County should become subject to the provisions of the Federal Old Age and Survivors Insurance Benefits laws, otherwise known as the Social Security Act. (e) All necessary and proper travel expenses and other expenses incurred by them in the performance of their duties. (f) The cost of furnishing and all expenses of maintenance of an automobile to each Commissioner and to each subordinate officer and employee when in the judgment of the Board of Commissioners such automobile is required in the performance of duty. (g) A dwelling house to any employee when the same is furnished by the Board of Commissioners or the County in connection with the performance of a particular position. (h) The cost of a surety bond to insure to the County the faithful performance of duty, when one is required by law, or by the Commission.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 15.** Each Commissioner shall nominate a person to fill each office or position in the employ of his department, but the Board of Commissioners shall not be restricted in the selection of any employee to such nominee, and any officer or employee in any department may be elected or employed by a two-thirds vote of the Commission.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 16.** The Board of Commissioners shall, unless otherwise provided by law, fix the amount of bonds and the method of their approval to be required of all subordinate officers and other employees and contractors required by the Commissioners or otherwise by law to give bond. Such bonds shall be given and made by some good and solvent surety company lawfully qualified to do business in the State and in the County.

The Board of Commissioners shall be authorized to provide by resolution for the carrying of necessary property and liability insurance to protect the efficiency and economy of the county government and to pay for such premiums from their general funds. The Board of Commissioners may enter into joint agreements with any municipality or other governmental agency in order to carry out the purpose of this Section and obtain the most economical premium rates by the pooling of such insurance policy purchases.

As amended by: Private Acts of 1957, Chapter 215  
Private Acts of 1967-68, Chapter 437



**SECTION 17.** No contract exceeding the amount of \$5,000.00 shall be binding upon the Board of County Commissioners unless approved by a majority vote of the Commissioners in regular or special meeting. The Chairman shall sign all contracts made by the Board; provided that if the said Chairman shall fail for any reason to sign any such contract the same shall become effective without his signature upon the signing of the same by the other two commissioners. Contracts made by the Board of Commissioners may, in their discretion, be copied on the minutes of the Board, including all signatures thereon, but a minute entry showing the parties, the consideration and general purpose of the contract shall be sufficient; provided that in the discretion of the County Commissioners, contracts involving purchases of less than \$5,000.00 need not be entered on the minutes if a public record thereof be elsewhere kept. The necessity for a bond covering labor and materials shall be determined by the County Commissioners on all contracts under \$5,000.00.

As amended by: Private Acts of 1957, Chapter 215  
Private Acts of 1974, Chapter 360

**SECTION 18.** Minutes of all meetings of the Board of Commissioners shall be kept by the Secretary and shall be signed by the Secretary and the Chairman.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 19.** No contract shall be awarded by the Board of Commissioners which involves an expenditure in excess of \$5,000.00 unless advertisement shall first be made by the insertion in a newspaper published in the County at least twice, the first of said notices to be published at least 10 days prior to the date set therein for the opening of bids and letting of the contract for such purchase.

As amended by: Private Acts of 1957, Chapter 215  
Private Acts of 1974, Chapter 360

**SECTION 20.** It shall be unlawful for any Commissioner or subordinate officer or regular employee of said Commission to be or become connected with or interested in, directly or indirectly, any contracts with the County or with the Commission.

As amended by: Private Acts of 1925, Chapter 157  
Private Acts of 1957, Chapter 215

**SECTION 21.** No contract shall be awarded by the Board of Commissioners to any person who is related within the third degree to any one of said Commissioners by consanguinity or affinity.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 22.** It shall be unlawful for any candidate for the office of Commissioner to either directly or indirectly give or promise any person or persons any office, employment, profit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person.

As amended by: Private Acts of 1935, Chapter 408  
Private Acts of 1955, Chapter 92  
Private Acts of 1957, Chapter 215

**SECTION 23.** The Board of Commissioners shall on or before April 1 in each year present a budget showing the sums necessary to be expended in order to carry on the business and affairs of the County for the coming fiscal year and shall present the same to the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite by the County Court in order to determine the amount of taxes necessary to be assessed.

As amended by: Private Acts of 1957, Chapter 215  
Private Acts of 1974, Chapter 260

**SECTION 24.** Annually, the Chairman and Secretary of the Commission shall make a report showing all moneys disbursed by the Commission, said report to be signed and sworn to by said officers, filed in the office of the Commission, and to be a public record.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 25.** The books of the Board of Commissioners shall be audited at least once a year and such audit shall be and become a public record.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 26.** The Board of Commissioners is authorized:

- (a) To establish the position of County Comptroller and employ a competent accountant to fill said position; (b) To establish the position of County Purchasing Agent and employ a competent person to fill said position; (c) To establish the position of County Personnel Director and employ a competent person to fill said position, and (d) To employ to assist each of said employees a competent and sufficient staff of persons to perform the duties assigned to them.

All of said employees shall be under the management and supervision of the Department of Purchasing and Finance.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 27.** All payrolls and all bills and obligations of all County officers, offices and departments shall

be paid by warrants executed by the County Commissioners, drawn on the County Trustee, and all purchases for all said County officers, offices and departments shall be made by the County Purchasing Agent, the said officers, offices and departments being the following: The Clerk of the Chancery Court Clerk, Clerk of the Circuit Court, Clerk of the Criminal Court, Clerk of the General Sessions Court, County Court Clerk, County Register, County Trustee, County Assessor, County Sheriff, County Chairman, County Attorney, the County Election Commissioners, the County Jury Commissioners, all the departments under the supervision of the County Commissioners and any and all other County officers and offices now or hereafter established. Warrants shall also be drawn by the County Commissioners for the payment of all salaries which the County shall pay to the personnel of the Attorney General's office, employees of the County Agricultural Agent and any office, agency or institution operated jointly by the County with any other Governmental Agency. If the County be liable for a portion of the expense of operation of any office jointly with any other Governmental Agency, the purchases of such office may be made through other agencies than the Board of County Commissioners, in the discretion of the Board of Commissioners. Payment of the interest and principal of County Bonds shall be made by warrants drawn by the Chairman of the County Court, but all other County obligations shall be made by warrant drawn by the County Commissioners.

As amended by: Private Acts of 1955, Chapter 92  
Private Acts of 1957, Chapter 279

**SECTION 28.** The County Comptroller shall have the following duties:

(a) He shall be chief accountant of the County, shall have supervision of the general accounts of the County and shall keep proper records showing the financial operation and condition of the County and its several offices including a complete and accurate record of the property, assets, claims and liabilities of the County and of all expenditures authorized. He shall keep in a safe place all contracts, books, documents, records, papers, insurance policies, indemnity bonds and bonds of employees under the jurisdiction of the Commissioners. (b) He shall prepare and audit all County payrolls. The salaries and wages due the employees of each of the various institutions, offices, and employment units of the Board of Commissioners and of each of the various offices of the County shall be duly set forth in separate payroll schedules and approved by the employee in charge of each employment unit of the County Commission, and by each County officer for the employees in his office, and when said schedules are so approved and combined into a consolidated payroll one warrant shall be prepared by the Comptroller to be signed by the Commissioners for the whole amount shown in said consolidated payroll payable to an employee in the Comptroller's office designated to handle the payrolls and said employee shall make distribution by payroll check to each of the various employees set forth in said schedule. (c) He shall audit and prepare warrants drawn on the County Trustee, to be executed by the Commissioners, for the payment of all debts, obligations, claims and demands of and on the County, the payment of which is by law made the duty of the Commissioners. All statements and invoices shall be approved by the Commissioner of the department or his duly authorized agent or the officer of the County office for which the purchases were made or a duly authorized deputy or assistant and by the County Purchasing Agent, and shall be examined by the Comptroller to ascertain that they are in proper form, correctly computed, duly approved, and due and payable. The Comptroller or an assistant designated by him with the approval of the Commissioners shall certify as correct each warrant drawn in the County Trustee by the Commissioners. (d) All warrants drawn on the County Trustee in payment for payrolls, equipment, materials, services and supplies shall show upon their face the account to which they are to be charged; but if for lack of space upon the warrant this is not possible a memorandum of the account or accounts to which a warrant is to be charged shall be furnished to the County Trustee at the time of the issuance of said warrant. (e) No warrant shall be drawn for payment of either salaries or materials, equipment, supplies and services for or on account of any department or office in excess of funds on deposit with the County Trustee available for the payment of such obligations. (f) The County Commissioners shall have authority by Resolution to adopt and promulgate reasonable rules and regulations governing the conduct and operation of the office of Comptroller.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 29.** The County Purchasing Agent shall purchase all materials, supplies, equipment, services and merchandise of every kind and character for all the departments of the County government under the supervision of the County Commissioners and for all of the County offices including but not limited to the Clerk of the Chancery Court, Clerk of the Circuit Court, Clerk of the Criminal Court, Clerk of the General Sessions Court, County Court Clerk, County Register, County Trustee, County Assessor, County Sheriff, County Chairman, County Attorney, County Election Commissioner, County Jury Commissioners and any and all other County officers or offices now or hereafter established. However the County Commissioners may in their discretion in cases of emergency or other circumstances deemed proper by them permit

purchasers to be made direct by person in their employ or by County officers. Requisitions for the same on a form to be supplied to each department and office by the County Commissioners shall be made upon the said Purchasing Agent signed by the Commissioner or officer in charge of each department and office or by their duly authorized agents or deputies as the case may be. The Purchasing Agent shall obtain bids on all purchases for goods or services exceeding the value of \$500.00, and shall advertise for bids as required by the provisions of this Act when the value of goods or services to be purchased exceeds \$5,000.00.

A copy of each requisition for purchases shall be kept on file in the office of the Purchasing Agent and shall be open for public inspection. Such copies of requisitions shall be kept until the accounts relating to the purchases made thereon have been audited and may then be destroyed but only by order of the Commissioners.

Such advertisement for bids shall not be required where it is evident, as determined by the Board of Commissioners that there is only one source of supply of the goods or services sought to be purchased.

The duties of the Purchasing Agent and the personnel of his office may be enlarged, qualified, clarified and defined by the County Commissioners.

The County Commissioners shall have the right by Resolution to issue and promulgate reasonable rules and regulations pertaining to the operation of the Purchasing Agent's office.

As amended by: Private Acts of 1957, Chapter 279  
Private Acts of 1969, Chapter 48  
Private Acts of 1974, Chapter 359

**SECTION 30.** It shall be the duty of the Personnel Director to keep and maintain an accurate and up to date record of the employees of all departments and offices of the County government. He shall when called upon to do so by the several departments under the direction and supervision of the County Commissioners and the County officers enumerated in Section 27 hereof seek out, interview and recommend for employment to the several departments and offices persons to fill the personnel requirements of said departments and offices.

The said Personnel Director shall perform such other duties as may be assigned to him by the Board of Commissioners and the Board of Commissioners may by Resolution promulgate rules and regulations for the operation of his office.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 31.** All of those County officers who collect fees and other monies from which their salaries of their employees are paid and from which supplies and equipment are paid for shall periodically, as now required by law as to their excess fees, or oftener if necessary to provide funds for the payment of their payrolls and other obligations, remit in the manner now provided by law all such fees and other collections to the County Trustee who shall credit such remittances to proper accounts from which the salaries and other expenses of said offices shall be paid as herein provided.

As amended by: Private Acts of 1957, Chapter 215

**SECTION 32.** All funds authorized to be paid out of the County Treasury under the provisions hereof may be paid upon warrants drawn by the County Commissioners. None of the provisions of this Act shall be construed to in any wise alter or effect the present provisions of law which make available funds for the operation of the several departments and offices of the County government, it being the intent of these Sections, Numbers 26 to 32 inclusive, to modify administrative procedure only in the interest of economy and efficient operation. Nothing herein shall be construed as giving to the County Commissioners or the Comptroller any authority or duty to audit, supervise or control in any manner any of the funds or accounts of any other office or officer, except those funds which by law are available for the functions delegated to the County Commissioners.

Passed March 30, 1911.

**COMPILER'S NOTE:** Several sections of this act were considered and found constitutional in Prescott v. Duncan, 126 Tenn. 106, 148 S.W. 229 (1912).

## Private Acts of 1945 Chapter 263

**COMPILER'S NOTE:** This act amends Private Acts of 1911, Chapter 237, and should be read in conjunction with said act.

**SECTION 1.** That Chapter 237 of the Private Acts of 1911, being captioned above, together with any amendatory Acts thereof, be amended so as to provide that the Memphis and Shelby County Health Department have authority, and it shall be its duty, whenever it deems an emergency to exist, or the

cause of death obscure or disputed, to require an order for an autopsy on the body of any person dying at the Shelby County Tuberculosis Hospital, now known as Oakville Memorial Sanatorium, under circumstances and with diseases deemed dangerous to the health and welfare of the community.

**SECTION 2.** That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 16, 1945.

## County Trustee

### Correction of Errors

## Public Acts of 1973 Chapter 119

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** Whenever there is an error in the Trustee's books in regard to the receiving and recording of a tax payment, when the same occurs as the result of a clerical or bookkeeping error, or any other error material to the receiving and properly recording of a tax payment, the Trustee shall make the necessary corrections and report the difference, if any, in his releasement list. This Act shall only apply to those counties with populations over 600,000 according to the 1970 Federal Census, and to counties having a population of not less than 44,000 nor more than 45,000 by the Federal Census of 1970 or any subsequent Federal Census.

As amended by: Public Acts of 1974, Chapter 563

**SECTION 2.** All laws or parts of laws in conflict with this Act are hereby repealed.

**SECTION 3.** This Act shall take effect upon becoming law, the public welfare requiring it.

Passed: April 25, 1973.

## Property Tax Payments

## Private Acts of 1970 Chapter 320

**SECTION 1.** In counties having a population of Six Hundred Thousand (600,000) or more, according to the Federal Census of 1960 or any subsequent Federal Census, the Trustee is authorized to accept payment of property taxes in two (2) installments, the first being prior to December 1, and the second prior to March 1st. Provided, the first installment is not made prior to December 1, the entire tax must be paid in one installment prior to March 1st.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 2, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 18, 1970.

**COMPILER'S NOTE:** This act can also be found in Chapter 13, Taxation, of this volume.

## Foreign Trade Zone

## Private Acts of 1959 Chapter 202

**SECTION 1.** That the County of Shelby be and it hereby is authorized, in cooperation with the City of Memphis, to make application to the Foreign-Trade Zones Board for a grant to such County and City of the privilege of establishing, operating and maintaining within Shelby County, Tennessee, a foreign trade zone

in accordance with the provisions of Chapter 590 of the Acts of Congress of June 18, 1934, as amended (19 USC Section 81a et seq.).

**SECTION 2.** That the County of Shelby be and it hereby is authorized, upon the granting of said application, and in cooperation with the City of Memphis, to establish, operate and maintain or cause to be established, operated and maintained through the Memphis and Shelby County Port Commission or through contract with any other persons, firms or corporations a foreign trade zone within Shelby County, Tennessee.

**SECTION 3.** That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds of the members of said Court, said approval to be made by said Court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or nonapproval of this Act by said Quarterly County Court shall be certified by the Chairman of the said Court of the Secretary of State.

Passed: March 18, 1959.

## Hospitalization Plan

### Private Acts of 1953 Chapter 310

**SECTION 1.** That the Quarterly County Courts of all counties of the State having a population of 350,000, or more, by the Federal Census of 1940, or any subsequent Federal Census, are hereby authorized to establish, by resolution, a hospitalization plan for all officials and persons regularly employed by said County and members of their families; to determine who shall be eligible to participate under said plan; to incur the expense of experts to determine the feasibility of such plan, its probable cost and administrative matters pertaining thereto; to contract with any Insurance Company properly licensed and qualified to do business in Tennessee in connection therewith, or any hospital, or hospitals, properly operating in said County, including any hospital operated wholly or in part by any county or municipality; to determine to what extent, if any, the cost of such hospitalization shall be borne by employees, by the County, or both, and fix rates based on the beneficiaries of such plan; to determine how the share of the employee, if any, shall be collected; to appropriate and pay for the share, if any, of the County; to provide for the administration of said plan and the cost in connection therewith and to do all things necessary to establish and comply with the purposes of this Act.

**SECTION 2.** That "officials" as referred to in this Act, shall mean all officials elected by popular vote or elected by the Quarterly County Court and who are paid a salary by the County for service rendered.

**SECTION 3.** That all laws, or parts of laws, in conflict herewith be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 26, 1953.

## Nepotism

### Private Acts of 1931 Chapter 561

**SECTION 1.** That after one (1) month from the passage of this Act it shall be unlawful for any public officer, in counties of this State having a population of more than 300,000, according to the Federal Census of 1930, or any subsequent Federal Census, to employ as deputies or subordinates more than one (1) relative, connected by affinity or consanguinity, within the third degree, computed according to the civil law.

**SECTION 2.** That any violation of this Act shall constitute a misdemeanor in office and shall be punished as such.

**SECTION 3.** That this Act take effect from and after its passage, according to its terms, the public welfare requiring it.

Passed: June 23, 1931.

## Planning Commission

### Private Acts of 1935 Chapter 706

**SECTION 1.** Planning Commission: Creation and appointment.--The Quarterly County Court (hereinafter designated legislative body) of any County in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent federal census, may create a planning commission. The Chairman of the Quarterly County Court, the Chairman of the Board of Commissioners of any such County having a Board of Commissioners, the Commissioner of public roads if there be such Commissioner, the County Engineer if there be a County Engineer, and the Chairman of the Planning Commission of each municipality in such Counties, where there are municipal planning commissions within such Counties, shall be exofficio members of the commission. The legislative body shall appoint five (5) citizen members of such commission who shall be residents of said County, and whose term of office shall be three (3) years, except that the respective terms of the five (5) citizen members first appointed shall be respectively one for one (1) years (year\*), two for two (2) years, and two for three (3) years. Said appointive members shall hold no other public office or position except that any of them may be an appointive member of the municipal, regional, state or other planning commission. All members of the County planning commission shall serve as such without compensation, and shall hold office until their successors are duly appointed and qualified. Any appointive member may be removed for cause by the legislative body of the County, after due notice of charges filed in writing, and after a public hearing. Any vacancy in appointive membership shall be filled by the legislative body for the unexpired term.

**SECTION 2.** County Planning Commission: Organization, Rules, Staff, and Finances.--

The County Planning Commission shall elect from amongst the appointive members a Chairman, whose term shall be for one year with eligibility for reelection, and the commission may create and fill such other offices as it may determine. It shall have the power and authority to appoint such employees and staff as it may deem necessary for its work, and may contract with planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the County Commissioners. The Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Upon request of the commission, the County Commissioners or other County Officials or the Chief Executive officer of any municipality may from time to time, for the purpose of special surveys under the direction of the planning commission, assign or detail to the commission any members of staffs of County or municipal administrative departments, or may direct any such department to make for the commission special surveys or studies requested by the commission.

**SECTION 3.** County Master Plan.--It shall be the function and duty of the County Planning Commission to make and adopt a master plan for the physical development of the unincorporated territory of the County. Any such plan may include the planning of incorporated areas to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the County as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof. The master plan of the County, with the accompanying maps, plats, charts and descriptive and explanatory matters, shall show the County planning Commission's recommendations for the development of the territory covered by the plan, and may include, amongst other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and water-front developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places, and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites, or housing developments; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development; a landclassification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location, and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation, and other purposes.

In addition to such features of the County plan as may come wholly or partially within County jurisdiction the planning commission may incorporate in its master plan similar elements of the plan existed and proposed within municipal and State jurisdiction as have or are likely to bear an important relation to the above County. Such master plan shall be a public record, but its purpose and effect shall be solely as an aid to the planning commission in the performance of its duties.

**SECTION 4.** General Purposes of the Plan.--In the preparation of the County master plan the County planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The County master plan shall be made

with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, or the general welfare of the inhabitants, as well as efficiency and economy in the process of development, including, amongst other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes, as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water, and of drainage, sanitary, and other facilities and resources.

**SECTION 5.** Adoption of Master Plan.--The County planning commission may adopt the County master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter which may be included in the plan. *Provided, however,* that the planning commission may report to the legislative body parts of the master plan not embracing the entire area of the County where the public health, safety and welfare may require the adoption of a master plan for such limited unincorporated areas before the completion of the master plan for all unincorporated areas within the County. The commission may from time to time amend, extend, or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

**SECTION 6.** Certification of Plan to Counties and Municipalities and Subsequent Adoption by Municipalities.--The County planning commission shall certify a copy of its master plan or any adopted part or amendment thereof or addition thereto to the legislative body of the County. The County planning commission shall certify such copies to the planning commissions of all municipalities within the County. Any municipal planning commission which receives any such certification may adopt so much of the plan, part, amendment, or addition as falls within the territory of the municipality as a part or amendment of or addition to the master plan of the municipality, and when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission.

**SECTION 7.** Miscellaneous Powers of the Commission.--It shall be the further duty of a County planning commission to promote the cooperation of the planning commissions of municipalities within the County and the co-ordination of the plans of such municipalities and the co-ordination of such plans with the County plan, and generally to confer with and advise municipal and County executive and legislative officials for the purpose of promoting a coordinated and adjusted development of the County. Any such commission may also advise County commissioners or other County bodies or officers with respect to the formulation of public improvement programs and the financing thereof.

All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The members and employees of the commission, in the performance of its functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary for it to perform its functions and to promote county planning.

**SECTION 8.** Legal Status of Plan.--Whenever any County planning commission shall have adopted a master plan of the County or any part thereof, then and thenceforth no road, park, or other public way, ground, or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the County until and unless the proposed location and extent thereof shall have been submitted to and approved by such County planning commission; provided, however, that in case of disapproval, the commission shall communicate its reasons to the legislative body or other board or commission of the County in which the public way, ground, space, building, structure, or utility is proposed to be located; and such board shall have the power to overrule such disapproval by a vote of not less than two thirds of its entire membership, and upon such overruling said board or other official in charge of the proposed construction or authorization may proceed therewith; *provided further, however,* that if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law governing the same, fall within the province of the legislative body or other county official or board then the submission to the commission shall be by the body or official having such jurisdiction, and the commission's disapproval may be overruled by said body by a vote of not less than two thirds of its entire membership



or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period by granted by the submitting board, body, or official.

**SECTION 9.** Official Map, and Amendment of Same.--The legislative body of any County is hereby empowered, after receiving the advice of the County planning commission, to adopt and establish an official map of the County showing the highways, freeways, parks, parkways, and sites for public building or works, including subsurface facilities, in the acquisition, financing, or construction of which the county has participated or may be called upon to participate. After the adoption and establishment of such map, as often as such legislative body may deem it for the public interest, such body may change or add to such map or any part thereof. Such map is established to conserve and promote the public health, safety, convenience, or welfare. Before acting thereon in the first instance, and before adopting any amendments thereto, such legislative body, after notice of time and place has been given by one publication not less than seven (7) days before the meeting at which action is to be taken, in a newspaper of general circulation in the county, and after written notice to the official bodies and departments enumerated hereinunder, shall hold a public hearing thereon at which representatives of the County planning commission, the County departments, the municipalities in the County, property owners, and others interested therein shall be heard. Before holding any such public hearing, such legislative body shall submit such proposed change or addition to the County planning commission for its consideration and advice, and shall fix a reasonable time, not, however, less than twenty days, when such county planning commission may report thereon. Upon receipt of such advisory report from the County planning commission, or upon the failure of such commission to report within the time limit so fixed, such legislative body may thereupon act upon the proposed change or addition, but any action adverse to the report of the county planning commission shall require the affirmative recorded vote of the majority of all the members of such legislative body. When approved in whole or in part by the legislative body of any county, such county official map or part thereof, including any such change or addition, shall be deemed to be binding upon the legislative body of the county and the several county departments thereof, and no expenditure of public funds by such county for construction work, or the acquisition of land for any purpose enumerated in section three, shall be made except in accordance with such official map.

Changes in and amendments to the official map may be initiated by the county planning commission and if such changes or amendments be approved by an affirmative recorded vote of the majority of all the members of such commission it shall have the power to fix the time of the public hearing before the legislative body and to give due notice thereof in the same manner as hereinbefore set out where notice is required to be given by the legislative body.

**SECTION 10.** Definitions.--For the purposes of this Act, "unincorporated", means situated outside of cities, towns, villages or other municipal corporations incorporated under any general or special Act of the General Assembly of the State of Tennessee, so that when used in connection with "territory", "areas", or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city, town, or municipal corporation; "incorporated" means situated within cities, towns, villages and municipal corporations incorporated under any special or general law of the General Assembly of the State of Tennessee; the term "municipality", "municipalities", or "municipal" includes or relates to such incorporated municipal corporations; and "council" means the chief legislative body of a municipality whether designate council, commission, board of aldermen, or by any other title.

**SECTION 11.** Should any section or provisions of this Act, or of the regulations adopted pursuant to the authority hereof be held to be unconstitutional or invalid, the same shall not affect the validity of this Act, or of such regulations, as a whole, or any part thereof, other than the part so held to be unconstitutional.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20, 1935.

## Property for Public Purposes

### Private Acts of 1953 Chapter 446

**SECTION 1.** That all counties of the State having a population of 350,000 or more by the Federal Census of 1950, or any subsequent Federal Census, be authorized and empowered by and through its Quarterly County Court, in conjunction with any municipality thereof, and in addition to all other authorities and powers delegated to it, to acquire, erect, construct, reconstruct, renovate, restore, repair and maintain, a

site or sites, building or buildings, and statues, memorials, markers and monuments, and to supervise the operation, maintenance, preservation and control thereof, for public purposes, including but without being limited to use or uses as historical site or sites, historical building or buildings, statutes, memorials, markers and monuments, or other similar sites, structures and objects; and to appropriate and contribute such amount or amounts from the funds of said counties for the aforesaid purposes as it shall deem proper and in the best interest of said counties; and to levy taxes therefor.

**SECTION 2.** That said counties are hereby expressly given the power, in conjunction with and in cooperation with any municipality thereof, to condemn, for the purposes hereinbefore enumerated, the property of any other person or corporation, and the procedure for the exercise of this power of condemnation shall be the same as that now provided by law for the taking of private property for public uses.

**SECTION 3.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1953.

## Regulation of Automobile Yards

### Private Acts of 1929 Chapter 491

**SECTION 1.** That Boards of County Commissioners in Counties of this State having a population of more than 220,000, according to the Federal Census of 1920 or any subsequent Federal Census, be and are hereby authorized and empowered to make and establish reasonable rules and regulations for the establishment, operation and maintenance of automobile garages, repair shops, storage places and junk yards where old automobiles or automobile parts are stored, located on or near public highways in such Counties, so as to preserve and protect the safety, health and morals of the public, and especially of those using the highways at or near the location of such automobile garages, repair shops, storage places or junk yards where old automobiles or automobile parts are stored, and those who patronize same.

**SECTION 2.** That the establishment, maintenance or operation of any automobile garage, repair shop, storage place or junk yard where old automobiles or automobile parts are stored, in violation of or in conflict with any schedule of regulations adopted by any Board of County Commissioners as authorized by this Act, shall be and is hereby declared to be a public nuisance, which may be punished or abated as such.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1929.

## Restructuring Act

### Private Acts of 1974 Chapter 260

**COMPILER'S NOTE:** Having been approved in a referendum on August 1, 1974, this act restructured the government of Shelby County, effective January 1, 1976.

**SECTION 1.** Subject to approval of a majority of the voters of Shelby County, voting in a referendum to be held August 1, 1974, the government of Shelby County is hereby restructured and established in the manner and form hereinafter provided:

#### **ARTICLE I. POWERS AND FUNCTIONS**

**SECTION 1.01. POWERS AND FUNCTIONS.** The Government of Shelby County is vested in a Mayor-County Court form of government and shall exercise any power or perform any function which is not denied by the Constitution of the State of Tennessee. It is the intent of this Chapter that the limitations on the powers of county government shall be strictly construed, and that grants of power to county government shall be liberally construed.

**SECTION 1.02. PRIVATE AND LOCAL AFFAIRS.** With regard to private and local affairs, it is hereby deemed expedient to vest all lawful powers in the Mayor-County Court Government, except those powers reserved in the judiciary. This investment of legislative, executive and other powers and duties shall be as full and complete, and the authority to perform or to direct them as broad as it is possible to delegate or confer, it being the Legislative intent to invest in the government of Shelby County every authority and power and responsibility for the conduct of the affairs of the government of Shelby County, including the powers to adopt and enforce resolutions.

## **ARTICLE II. BOARD OF COUNTY COMMISSIONERS**

**SECTION 2.01. LEGISLATIVE POWERS.** The legislative power of the county is vested in the Board of County Commissioners of Shelby County, hereinafter called the Legislative Branch. The legislative power includes all lawful authority to adopt resolutions governing the operation of government or regulating the conduct and affairs of the residents of the county, to fix the county tax rate, to adopt the county budget, to make appropriations of county funds for all legal purposes, and to exercise all other authority of a legislative nature which is vested in the county by the Constitution, general statutes, or special, local or private acts of the General Assembly. The Legislative Branch may adopt any resolution which is not in conflict with the Constitution of the State of Tennessee or this chapter.

As amended by: Private Acts of 1979, Chapter 165

**SECTION 2.02. OTHER POWERS.** The Legislative Branch is vested with all other powers of the county not specifically or by necessary implication vested by the Constitution or by statute not inconsistent with this Act in some other official of the County. In exercising its legislative functions, the Legislative Branch may employ, subject to budgeting limitations, special counsel, assistants, and other employees. However, neither the Legislative Branch nor the Chairman of the Legislative Branch shall exercise executive, administrative or judicial powers or perform any functions of the Mayor-County Court Government delegated or assigned by the terms of this Act to other offices, branches or departments of County Government. Whenever any Public or Private Act of the State purports to authorize the County Court or its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the County Mayor.

The Chairman of the Board of County Commissioners shall have the right to serve himself or to appoint from the membership of the Board of County Commissioners, in writing, a designee, to serve in his place and stead on the Memphis and Shelby County Convention Center Commission, the Board of Administration of the Retirement System of the County of Shelby or any other Board, Authority or Commission that he serves on by virtue of his holding the office of Chairman of the Board of Commissioners and said designee shall have all powers, including the power to vote, as are conferred upon the Commission Chairman. Any designee appointed by the Commission Chairman under the provisions of this section shall serve for a period not to exceed the term of the Chairman. During such periods of appointments, either the specified designee or the Commission Chairman may exercise the voting powers granted by this section. However, at any meeting attended by the Commission Chairman, only the Commission Chairman shall exercise the voting power.

As amended by: Private Acts of 1983, Chapter 74

### **SECTION 2.03. RESOLUTIONS.**

1. The Legislative Branch shall exercise its legislative authority by resolution except as otherwise specifically provided by this Chapter. Every resolution of the County Court shall be submitted to the County Mayor. If the County Mayor signs it, the resolution shall become effective immediately or at a later date if the resolution so provides. If the County Mayor vetoes the resolution, he shall return it to the County Court for action on his veto, in which case it shall become effective only upon subsequent passage by a majority of all the members comprising the County Court, which passage must take place within thirty (30) days of receiving the County Mayor's message of veto. If the County Mayor fails either to sign or to veto a resolution and to report his action to the County Court within ten (10) days after the resolution is submitted to him, he shall have no further power to veto the resolution and it shall become effective without his signature upon the expiration of the ten (10) day period or at a later date if the resolution so provides.
2. No resolution shall become effective which embraces more than one (1) subject, that subject to be expressed in the title. All resolutions which repeal, revise, or amend former resolutions or acts of the County, shall recite in their caption the title or substance of the resolution or act repealed, revised, or amended.
3. It shall be the duty of the duly authorized clerk of the legislative body to deliver to the county mayor a true and attested copy of all resolutions within four (4) working days of final passage.
4. Within thirty (30) days of final passage, the Court Clerk [sic] shall cause to be delivered to the County Attorney a certified copy of every resolution.
5. The County Court Clerk shall maintain an up-to-date record of all resolutions and furnish a true copy to interested persons for a reasonable fee.

As amended by: Private Acts of 1976, Chapter 199  
Private Acts of 1980, Chapter 253

### **SECTION 2.04. MEMBERSHIP AND ELECTION.** The Board of County Commissioners of

Shelby County shall be the Legislative Branch of Shelby County Government, whose members shall be elected by the people for such terms and from such districts as may from time to time be provided by law. As amended by: Private Acts of 1979, Chapter 165

**SECTION 2.05. RECODIFICATIONS.** The Legislative Branch shall, at least once every five (5) years, cause to be prepared a recodification of all laws and resolutions of general application which are continued in force, together with this Chapter and all amendments thereto, Private Acts of the Tennessee General Assembly enacted prior to the effective date of this Chapter which are applicable to the County Government, and all applicable Public Acts of the State of Tennessee. Where appropriate, references to formal opinions of the County Attorney shall be made in footnotes. To this end, the Legislative Branch shall cause the County Attorney to prepare such recodifications. Existing laws and resolutions may be renumbered, separated, or consolidated in making the recodification, which shall then be adopted as a single resolution to be known as the Official Code of the Shelby County Government, and thereupon, all conflicting resolutions shall be automatically repealed provided; however, that no substantive changes, additions, or deletions in the laws of the Shelby County Government may be made as a result of the adoption of the Code resolution. The recodification shall be reproduced in pamphlet or book form and shall be made available to any person desiring a copy for which a reasonable fee shall be charged. Fees may be charged for annual revisions. After adoption of the Code, each resolution of general application shall be adopted as a numbered section or sections of the Code. New such resolutions shall be published annually as an Appendix to the Code and shall be incorporated and published in a new Code from time to time, but not less than once every five (5) years, as the Legislative Branch may direct.

### **ARTICLE III. EXECUTIVE BRANCH**

**SECTION 3.01. EXECUTIVE AND ADMINISTRATIVE POWERS.** The Executive and Administrative powers of the Shelby County Government shall be vested in and exercised by the County Mayor, also called the Executive Branch, and, under his control and direction, by such subordinate major divisions, departments, boards, offices, officers and agencies as are created or authorized in this Chapter or by the County Court pursuant hereto.

**SECTION 3.02. FUNCTION, DUTIES.** Any function or duty may be assigned or reassigned by the County Mayor to one of the major divisions herein created, except that the County Mayor acting alone shall have the power to veto resolutions of the County Court as set forth herein before and the power to appoint members of all Boards, Authorities and Commissions, and the power to appoint and remove the Chief Administrative Officer and the Director of the Division of Public Works, the Director of the Division of Fire and Corrections and the Director of the Division of Community Services and the Director of the Division of Health Services, and the power to appoint and remove the County Attorney, Director of the Division of Administration and Finance, County Purchasing Agent, and County Administrator of Personnel.

As amended by:

Private Acts of 1977, Chapter 92  
Private Acts of 1977, Chapter 96  
Private Acts of 1979, Chapter 37  
Private Acts of 1979, Chapter 112  
Private Acts of 1982, Chapter 255  
Private Acts of 1982, Chapter 277

**SECTION 3.03. EXECUTIVE BRANCH.** The County Mayor shall be the head of the Executive Branch of Shelby County Government, responsible for the exercising of all executive and administrative functions of the county government and shall be the chief fiscal officer of the county. He shall devote his full time to the performance of his duties as County Mayor.

**SECTION 3.04. COUNTY MAYOR-TERM, QUALIFICATIONS, COMPENSATION.** The first County Mayor shall be elected in a special election to be held October 9, 1975, and shall take office January 1, 1976, and shall serve until August 31, 1978; thereafter the County Mayor shall be elected each four years, commencing with the August, 1978 general election, and shall take office on September 1 following his election.

He shall be a resident of Shelby County at the time of his election. The County Mayor's minimum salary shall be Thirty Thousand Dollars (\$30,000.00) per annum. The salary of the County Mayor may be increased or decreased from time to time by resolution of the County Court; provided, however, that no change in salary shall take place during the term for which the County Mayor was elected.

**SECTION 3.05. COUNTY MAYOR - VACANCY.** If a vacancy occurs in the office of County Mayor by death, resignation, removal or otherwise, the vacancy shall be filled by the County Court until the next August general election, at which time a successor shall be elected for the unexpired term.

**SECTION 3.06. POWERS OF THE EXECUTIVE BRANCH.** The County Mayor shall be the Chief Executive Officer of the Shelby County Government. The County Mayor is hereby authorized to administer, supervise and control all departments created by this Chapter and all the departments created by resolution pursuant hereto, except as herein otherwise specifically provided. Such administration shall be by and

through the Department Heads and other officials of government under the supervision and control of the County Mayor.

In addition, the County Mayor shall: 1. Appoint and suspend or remove, with or without cause, all subordinate officers and employees, except as otherwise set forth herein.

2. See that all resolutions of the County Court and all laws of the state subject to enforcement by them or by officers who are subject, under this Act, to their direction and supervision are faithfully executed.

3. Prepare and submit to the County Court with the assistance of appropriate Department Heads and other responsible officials the budgets and financial reports. All elected County Officials shall submit their budgets to the County Court, which shall provide a copy of each to the County Mayor. The County Mayor shall present the consolidated budget of the County to the County Court at its April term in order for the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite in order to determine the amount of taxes necessary to be assessed.

4. Examine regularly the accounts, records and operations of every department, office and agency of the Shelby County Government; make regular reports to the County Court on the affairs of the Shelby County Government; keep the County Court fully advised on the financial condition and future needs of the Shelby County Government; and make such recommendation on Shelby County Government affairs as he deems desirable.

5. Have and exercise all executive and administrative powers granted to and exercised by the Shelby County Quarterly Court and its Chairman and the Board of County Commissioners of the County of Shelby and its Chairman prior to the effective date of this Act, except as may otherwise be provided by this Act.

6. Take such other executive and administrative actions as are required by this Act or may be prescribed by the County Court.

7. Hold staff meetings of all Department Heads and such other officials of the Shelby County Government as he shall deem necessary.

8. Consolidate and reorganize the various county administrative departments and offices, including those established pursuant to this Chapter, upon concurrence by the County Court.

9. Have power to contract with the various municipalities and agencies in the County for the Consolidation of duplicating and overlapping services and functions, upon concurrence by the County Court. To this end, he may contract with any city, town, or agency to have such overlapping or duplicated services performed by the county or by any such city, town or agency, or by some office to be administered jointly by the contracting units. He may also contract with one or more neighboring states or counties, or both, for jointly conducting an institution or other service which may be rendered more efficiently or economically, or both, through a centralized institution, enlarged personnel, improved facilities, etc. serving more than the one contracting unit.

10. Provide for and maintain all accounting systems necessary for the Shelby County Government and for each department, office and agency thereof. He shall maintain such systems in accordance with generally accepted accounting principles applicable to government entities, keeping accounting records for and exercising financial and budgeting control over such department, office or agency. All warrants in payment of obligations of the County Government shall be signed by the Director of the Division of Administration and Finance and countersigned by the County Mayor, either in person or by facsimile.

11. Have a veto power over all resolutions as herein before provided.

12. Have a veto power over the annual budgets of the County which he may exercise by vetoing specific items or parts of items without invalidating the whole. The veto shall be exercised and may be overridden by the same procedure as provided in Section 2.03, subsection 1.

13. Nominate members of all Boards, Authorities and Commissions, and their appointment shall be subject to the approval of a majority of the County Court. The Mayor shall report in writing each such nomination to the County Court and the appointment shall automatically result unless the County Court at the first regular meeting following receipt of notification of the nomination, by majority vote of the whole membership of the County Court votes to disapprove the appointment.

14. The County Mayor subject to the approval of a majority of the Board of County Commissioners of Shelby County shall have the authority to remove and discharge the members appointed in paragraph 13 of Article III, Section 3.06, for good cause shown. In addition the Chairman of the Board of County Commissioners of Shelby County is hereby empowered to commence said removal procedures if the County Mayor shall fail or refuse to act within ten (10) days after written demand by the Chairman.

Any removal proceeding commenced by the Chairman of the Board of County Commissioners of Shelby County shall be subject to the veto procedures contained in Article II, Section 2.03, of this Act.

15. Have the rights to serve himself or to appoint from his administrative assistants, executive assistants or any head of any division or department of county government, in writing, a designee, to serve in his place and stead on the Memphis and Shelby County Convention Center Commission, the Board of Administration of the Retirement System of the County of Shelby, and the Shelby County Public Records Commission of which the County Mayor is a member by law and said designee shall have all powers including the power to vote as are conferred upon the County Mayor. Any designee appointed by the County Mayor under the provisions of this Section shall be appointed to serve in that capacity for at least one (1) year, or the remainder of the term of office of the County Mayor whichever is less. During such periods of appointments, either the specified designee or the County Mayor may exercise the voting powers granted by this Section. However, at any meeting attended by the Mayor, only the Mayor may exercise the voting power.

As amended by:

Private Acts of 1977, Chapter 32  
 Private Acts of 1977, Chapter 46  
 Private Acts of 1977, Chapter 92  
 Private Acts of 1979, Chapter 37  
 Private Acts of 1979, Chapter 165  
 Private Acts of 1982, Chapter 255

**SECTION 3.07. BUDGET PROCEDURES.** The head of each county office shall furnish to the County Mayor, through the Chief Administrative Officer, in a form specified by the Comptroller: 1. estimates of the revenues and expenditures of the office of the ensuing fiscal year,

2. estimates of the costs of any capital improvements pending or proposed to be undertaken (1) within the ensuing fiscal year and (2) within the four fiscal years immediately thereafter, and

3. such other information as the County Mayor requests.

All offices which receive appropriations from the County Government shall adhere to the budget as finally approved, both in total and in line item detail, except that the County Mayor shall have authority to approve transfers between line items within the total amount of each category of Personnel and Operation-Maintenance as set forth in the approved budget for any division, or for any department having no divisions. However, the County Court, in the appropriation resolution, may authorize the County Mayor to approve transfers from line items in Personnel categories to Operation-Maintenance categories and vice versa, for any division, or for any department having no divisions. Requests for such variations shall be submitted to the County Mayor through the Chief Administrative Officer. At any time, upon written request of the County Mayor, the County Court may transfer part or all of any unencumbered appropriation balance from one division or department to another. The revenues and expenditures of each division shall be credited and charged to each specific division or department to establish a net revenue or net expenditure for said division or department. The County Court shall appropriate on a net expenditure basis. Capital appropriations shall not be varied except with the approval of the County Court. No transfer shall be made from appropriation for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

As amended by:

Private Acts of 1977, Chapter 92  
 Private Acts of 1979, Chapter 37  
 Private Acts of 1982, Chapter 225

#### **ARTICLE IV. DIVISIONS OF THE EXECUTIVE BRANCH OF SHELBY COUNTY GOVERNMENT**

**SECTION 4.01. MAJOR DIVISIONS AND DIRECTORS CREATED.** 1. There shall be the following major divisions of Shelby County Government:

- a. Division of Administration and Finance.
- b. Division of Public Works.
- c. Division of Community Services.
- d. Division of Fire and Corrections.
- e. Division of Health Services.

2. There is established a Chief Administrative Officer who shall serve directly under the County Mayor. The County Mayor shall appoint, subject to the concurrence of a majority of the County Court, a Chief Administrative Officer who shall be trained or experienced in government and be subject to the immediate supervision of the County Mayor. He shall serve at the pleasure of the County Mayor. The Chief Administrative Officer shall coordinate, under the supervision of the Mayor, the activities of all administrative divisions, serve as special liaison between the County Mayor and all divisions, departments, Boards, Authorities and Commissions, and perform such administrative and executive duties as may from time to time be assigned to him by the County Mayor.

3. There is established a Director of Administration and Finance. He shall be appointed by the County

Mayor with the concurrence of a majority of the County Commission, and to serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Administration and Finance, he shall perform such other duties as may be assigned to him by the County Mayor.

4. There is established a Director of the Division of Public Works. He shall be appointed by the County Mayor with the concurrence of a majority of the County Court and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Public Works, he shall perform such other duties as may be assigned to him by the County Mayor.

5. There is established a Director of the Division of Community Services. He shall be appointed by the County Mayor with the concurrence of a majority of the County Court, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Community Services, he shall perform such other duties as may be assigned to him by the County Mayor.

6. There is established a Director of the Division of Fire and Corrections. He shall be appointed by the County Mayor with the concurrence of a majority of the County Commission, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Fire and Corrections, he shall perform such other duties as may be assigned to him by the County Mayor.

7. There is established a Director of the Division of Health Services. He shall be appointed by the County Mayor with the concurrence of the majority of the County Commission, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Health Services, he shall perform such other duties as may be assigned to him by the County Mayor.

As amended by:

Private Acts of 1977, Chapter 96

Private Acts of 1979, Chapter 36

Private Acts of 1979, Chapter 112

Private Acts of 1982, Chapter 277

**SECTION 4.02. DUTIES, POWERS AND FUNCTIONS.** The duties, powers and functions of the departments within the divisions of the Shelby County Government shall be generally as set forth herein, and their jurisdiction shall extend throughout the Shelby County Government. The Mayor shall have the power to appoint, suspend, or remove his own subordinates who are within Civil Service Classifications to the extent permitted by the Civil Service System. Subordinates who are not within the Civil Service System shall be appointed, suspended, or removed by the Mayor.

**SECTION 4.03. DIVISION OF ADMINISTRATION AND FINANCE.**

1. The Chief Administrative Officer shall have charge and general supervision of the Division of Administration and Finance.

2. The Division of Administration and Finance includes, but is not limited to, the function of the Buildings Manager, Centrex System, Director of the Division of Administration and Finance, County Printing, Credit Union, Data Processing, Intergovernmental Coordination, Employment Opportunity, Finance Administration, Information Services, Insurance, Mail Service, Microfilm and Public Records, Personnel, Management Programs, Purchasing, Retirement, Safety, Security, Voting Machines, Election Commission, Jury Commission, Agricultural Extension, Divorce Referee, Public Defender, those functions funded jointly with but administered by other governmental agencies, except as hereinafter set forth, liaison with other departments and other branches of the Shelby County Government; and the County Mayor shall be responsible for the co-relation and coordination of all governmental activities.

3. The County Mayor shall provide for and maintain all accounting systems necessary for the Shelby County Government and for each department, office and agency thereof. He shall maintain such systems in accordance with generally accepted accounting principles applicable to governmental entities, keeping accounting records for and exercising financial and budgeting control over such department, office or agency. All warrants in payment of obligations of the County Government shall be signed by the Director of the Division of Administration and Finance and countersigned by the County Mayor, either in person or by facsimile.

4. In exercising his executive functions, the County Mayor may employ subject to budgetary limitations, special counsel, assistants and other employees.

5. There is established a County Department of Finance with a Director of the Division of Administration and Finance appointed by the County Mayor. The Director of the Division of Administration and Finance's appointment shall not take effect until concurred in by a majority vote of the Board of County Commissioners. He shall serve at the pleasure of the County Mayor. The Director of the Division of Administration and Finance shall be in charge of fiscal management, including accounting, budgeting, internal auditing, pensions, debt administration and treasury management. The Director of the Division of Administration and Finance shall:



- (1) Assist the County Mayor in the preparation and execution of the county budget and capital program.
- (2) Assist the County Mayor in the negotiation of loans, the issuance and sale of bonds and notes, and the investment of funds.
- (3) Maintain the records of county indebtedness and have charge of the payment of principal and interest thereon.
- (4) Examine all contracts, orders and other documents by which financial obligations are incurred by the county or any of its officials or offices, indicate the availability of funds to meet these obligations, and certify thereto.
- (5) Sign all warrants drawn upon the county, either in person or by facsimile. No warrants shall be drawn unless the Director of the Division of Administration and Finance first (a) verifies the appropriation, allotment and availability of funds to cover the claim or expense involved and certifies thereto and (b) determines that the claim or expense is regular in form, is correctly computed and constitutes a legal obligation of the county.
- (6) Maintain a general accounting system for the county and each of its offices, exercise financial budgetary control over each county office.
- (7) Submit each month to the County Mayor a statement of revenues and expenditures for the preceding month and for the fiscal year through the preceding month.
- (8) Submit to the County Mayor, at the end of each fiscal year, a report of the financial transactions of that year, and a statement of the financial condition of the county at the end of the year, together with supporting schedules and exhibits.
- (9) Perform such other duties as the County Mayor prescribes.
- (10) The Director of the Division of Administration and Finance shall pay money from County funds by checks or warrants only which have been approved by the County Mayor and the Director of the Division of Administration and Finance and signed by both either in person or by facsimile. The Director of the Division of Administration and Finance shall establish one or more bank accounts as depositories for the treasury into which each county official, whether elected or appointed, and each county office shall pay within three days after receipt thereof all fees and other moneys collected, intact, including state and federal moneys, and shall render such daily or as often as the Director of the Division of Administration and Finance requires. The Director of the Division of Administration and Finance shall transmit to the state all moneys collected for the state in accordance with applicable state laws.
- (11) When the funds in the county treasury exceed the amount reasonably required to meet the obligations of the county during any period within a fiscal year, the Director of the Division of Administration and Finance, when so directed by the County Mayor, shall deposit or invest the excess funds as authorized by law or shall make both such deposits and investments.

The deposits and investments made under this paragraph shall be made in such manner that the funds shall be available as receipts to be included in budget calculations for the ensuing fiscal year.
- (12) No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made. No payment shall be made against any appropriation unless the Director of the Division of Administration and Finance first certifies that there is a sufficient unencumbered balance in the appropriation and that sufficient funds therefrom are available to cover the payment. No obligation shall be incurred against any appropriation unless the Director of the Division of Administration and Finance first certifies that there is sufficient funds therefrom will be available to meet the obligation when it becomes due and payable.

Every obligation incurred and every authorization of payment in violation of the provisions of this Act are void. Every payment made in violation of the provisions of this Act is illegal, and all county officials who authorize or make such payment or any part thereof are jointly and severally liable to the county for the full amount so paid or received. If any county official makes any payment or incurs any obligation or takes part therein in violation of the provisions of this Act, that action shall be cause for his discharge from employment. Nothing contained in this Act is intended to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partially by the issuance of bonds, nor shall it prevent the making when permitted by law of a contract or lease providing for payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made or

approved by resolution.

6. The County Court shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the county and of every county office. This audit shall be made by a certified public accountant or by a firm of certified public accountants designated by the County Court, and no individual auditor or member of an auditing firm so designated shall have any personal interest, direct or indirect, in the fiscal affairs of the county or of any of its offices. The designated certified public accountant or firm of certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audit. No individual certified public accountant or firm of certified public accountants may be employed to perform the audit for more than four successive fiscal years.

7. Either the County Court or the County Mayor may at any time order a special financial examination of the accounts of any county official of office.

8. Except as otherwise expressly provided in this Act, the Director of the Division of Administration and Finance and such other county officers or employees as the County Court may designate shall give bond in the amount and with the surety prescribed by the County Court. The premiums on these bonds shall be paid by the county.

9. There is established a County Department of Purchasing with an Administrator of Purchasing appointed by the County Mayor. The Administrator of Purchasing, hereinafter referred to as County Purchasing Agent, shall be qualified by training and experience to perform his duties in a proficient manner and in accordance with the generally recognized principles of governmental purchasing. He shall serve at the pleasure of the County Mayor.

The Administrator of Purchasing shall:

(1) Contract for and purchase all supplies, material, equipment, buildings and contractual services required by any official or office of the county government, or which is supported by, or under control of, the county government and which expends or encumbers any of the county funds. No other official or office of the county may make such purchases or contracts, except as the County Purchasing Agent, with the approval of the Director of the Division of Administration and Finance, delegates this authority after appropriate bond maintained.

(2) Arrange for the rental of machinery, buildings and equipment when the rents are to be paid out of funds belonging to the county or any of its offices. No other official or office of the county may arrange for such rentals, except as the County Purchasing Agent, with the approval of the Director of the Division of Administration and Finance, and the County Mayor, delegates this authority after appropriate bond maintained.

(3) Transfer materials, supplies and equipment to or among county officials and offices as needed for the proper and efficient administration of the county government.

(4) Have charge of any central storeroom or similar service which may be established for the handling of the county's business.

The County Purchasing Agent, together with the Director of the Division of Administration and Finance, and with the approval of the County Mayor, shall adopt and promulgate, and may from time to time amend, rules and regulations not inconsistent with the provisions of this Act, governing the purchase or rental of supplies, material, equipment, buildings and contractual services as follows:

(1) Authorizing in writing any county official or office to make purchases in the open market for immediate delivery in emergencies, defining emergencies, and describing the manner in which emergency purchases shall be made and promptly reported to the County Purchasing Agent.

(2) Prescribing the manner in which supplies, materials and equipment shall be requisitioned, purchased, delivered, stored and distributed.

(3) Prescribing the dates for submitting requisitions and estimates, the future period they are to cover, the form in which they are to be submitted, the manner of their authentication, and their revision by the County Purchasing Agent.

(4) Prescribing the manner of inspecting all deliveries of supplies, materials and equipment, and of making or procuring chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications.

(5) Requiring periodic and special reports by county officials and offices of surplus, unusable and obsolete supplies and equipment on hand, and prescribing the form of such reports.

(6) Providing for the transfer to or among county officials and offices of supplies, material and equipment on hand, which are surplus to one office or official but are needed by another; and

providing for the disposal or sale, after receipt of competitive bids, or supplies, materials and equipment which are obsolete or unusable.

(7) Determining whether or not a deposit or bond is to be submitted with a bid on a purchase contract or sale, and if required, prescribing the amount and form thereof, and providing that the surety shall be forfeited if the successful bidder refuses to enter into a contract within ten (10) days after the award.

(8) Prescribing the manner in which invoices for supplies, materials, equipment and contractual services delivered to any county official or office shall be submitted, examined and approved.

(9) Providing for all other matters as may be necessary to give effect to the foregoing rules and to the provisions to this Section.

10. The following applies to purchases, sales, contracts for services and competitive bids:

(1) All purchases of and contracts for purchases of supplies, materials, equipment, buildings and contractual services, and all sales of surplus, obsolete or unusable county property shall be based whenever possible on competitive bids; but contracts for legal services and similar services by professional persons shall not be based upon competitive bids; but shall be awarded on the basis of recognized competence and integrity at customary rates of compensation; and bids need not be required for services for which the rate or price is fixed by a public authority authorized by law to fix such rates or prices. The Board of County Commissioners may establish by resolution special purchasing procedures for not less than ten percent (10%) of the annual purchases of the Shelby County government to be supplied by small businesses. For purposes of this sub-part "small business" means

(a) A wholesale business if its total sales for the preceding three (3) fiscal years were less than \$3,000,000 a year.

(b) A manufacturing business if it employs less than 50 persons and the preceding three (3) fiscal years' sales were less than \$3,000,000 annually.

(c) A construction business if its total receipts within its past three (3) fiscal years within Shelby County, Tennessee were less than \$3,000,000, annually.

(d) A janitorial or custodial service if in the preceding three (3) fiscal years its annual sales that did not exceed \$3,000,000.

(e) No other non-manufacturing concern if in the preceding three (3) fiscal years its annual sales exceeded \$3,000,000.

The provisions of this sub-part shall be applied without regard to race, creed, color or national origin.

(2) The County may purchase, sell or exchange materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local government or office without conforming with the competitive bidding requirements of this section, provided the sale, purchase or exchange is based upon the fair market value of such sales to, purchases from or exchanges with other such governmental entities.

The Shelby County Purchasing Department may, at the discretion of the Administrator of Purchasing, have the authority to contract for piggy-back or cooperative purchasing with any other federal, state or local government agency.

The County may also, at the discretion of the Administrator of Purchasing, purchase from the present contracts of any other federal, state or local government agency, upon approval of the Director of Finance and /or Chief Administrative Officer.

(3) If the amount of the expenditure or sale is estimated to exceed \$5,000.00, sealed bids shall be solicited. The County Purchasing Agent shall solicit sealed bids by public notice inserted at least two times in a newspaper of general circulation, the last insertion to be at least ten (10) days prior to the final date for submitting bids. In addition, he may also, when he deems it necessary or desirable, solicit sealed bids by sending requests for bids by mail to prospective bidders. All notices for bids shall include a general description of the materials or contractual services to be purchased or property to be sold and shall state where bid forms and specifications may be obtained and the time and place of opening of bids.

(4) All purchases or sales of less than \$5,000.00 in amount may be made in the open market without newspaper notice, but shall, when practicable in the judgment of the County Purchasing Agent, be based upon at least three competitive bids. Requisitions for items estimated to cost more

than \$5,000.00 shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales shall be made for cash to the highest bidder.

(5) Bids on purchases shall in all cases be based on the standards adopted and promulgated by the County Purchasing Agent and approved by the Director of the Division of Administration and Finance and the County Mayor.

(6) All open market purchase orders or contracts shall be awarded to the lowest and best bidder who is financially responsible, taking into consideration the qualities of the articles to be supplied, their conformity to specifications, their suitability to the requirements of the county government, and the delivery terms. Any or all bids may be rejected for good cause.

(7) All bids taken under the requirements of this Section and all other documents, including purchase orders pertaining to the award of contracts on the bids, shall be preserved by the County Purchasing Agent for a period of five years.

(8) If two or more bids received on a pending contract are the same unit price or total amount, the County Purchasing Agent may reject all bids and may purchase the required supplies, materials, equipment or contractual services from any of the lowest and best bidders, provided the price paid does not exceed the original bid price.

(9) All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record and the name of the successful bidder indicated thereon; and this record shall, after the award of the contract or order, be open to public inspection.

(10) All contracts shall be approved as to form by the county attorney, and for each contract which runs for more than twelve (12) months, the original copy shall be filed with the County Purchasing Department and a fully executed copy shall be filed with the Board of County Commissioners' Minute Clerk.

(11) Purchases shall be made and purchase orders and contracts of purchase shall be issued only in consequence of a written requisition for the supplies, materials, equipment or contractual services required, which requisitions shall be signed by the head of the County office requiring the articles or services, or in the case of elected officials, a name other than a department head, may be submitted to the Purchasing Department if requested in writing by said elected official. Original copies of all requisitions shall be kept on file in the office of the County Purchasing Agent.

(12) The County Purchasing Agent may purchase and contract to purchase materials, supplies, equipment and contractual services on a fiscal year basis, but no commitment shall be made which extends beyond the end of the current fiscal year for which appropriations have been made by the County Court except such commitments as have been approved by resolution of the County Court. In the determination of the County's annual needs of certain articles and services, the County Purchasing Agent may request the county officials and offices to estimate their needs for the remainder of the current fiscal year and to issue requisitions based upon these estimates.

11. Except in emergencies, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any county official or office shall be made unless the availability of funds for the payment therefor has been first certified by the Director of the Division of Administration and Finance.

12. The County Purchasing Agent, with the approval of the County Mayor, may authorize any county official or office to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including, but not limited to, delays by contractors, delays in transportation and unanticipated volume of work; but emergency, as used in this Section, does not include conditions arising from neglect or indifference in anticipating normal needs. Emergency purchases may be made by other county officials or offices only when the office of the County Purchasing Agent is closed. At all other times, only the County Purchasing Agent, with the approval of the County Mayor, may make emergency purchases. A report of all emergency purchases, together with a full and complete account of the circumstances of the emergency, made by other county officials or offices, shall be made in writing by the official or office making the purchase to the County Purchasing Agent before the close of the next working day following the date of the purchase. This report shall be kept on file in the office of the County Purchasing Agent and shall be open to public inspection.

13. Each purchase order issued or executed pursuant to the provisions of this Act shall be evidenced by a written order to the vender, signed by the county Purchasing Agent, setting forth all significant details respecting the purchase. Copies of the purchase order shall be made available to other county departments and offices and shall be kept on file in the office of the County Purchasing Agent in numerical

order by requisition or purchase order number and alphabetically by vendor.

14. The County Purchasing Agent shall classify the requirements of the county government for supplies, materials and equipment; shall adopt as standards the smallest number of quantities, sizes and varieties of such supplies, materials and equipment consistent with the successful operation of the county government, and shall prepare, adopt and promulgate written specifications describing these standards. In the preparation and revision of these standards, the County Purchasing Agent shall seek the advice, assistance and cooperation of the County officials and offices concerned to ascertain their precise requirements. Each specification adopted for any article shall, insofar as possible, satisfy the requirements of the county officials and offices which use that article.

15. The County is liable for the payment of all purchases of supplies, materials, equipment and contractual services made in accordance with the provisions of this Act, but is not liable for the payment of such purchases made contrary to the provisions of this Act.

16.(a) Neither the County Purchasing Agent nor any other county officials, nor any member of the County Court shall be financially interested or have any personal beneficial interest, directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services used by or furnished to any county official or office, or in any lease, construction contract or other contract entered into by the county, its officials or officers, or in any property used by or furnished to the county, its officials or officers; nor shall any of such persons accept or receive, by rebate, gifts or otherwise from any person, firm or corporation to which any contract or purchase order may be awarded, any money or things of value whatsoever, or any promise, obligation or contract for future reward or compensation.

16.(b) Any individual or company that has plead nolo contendere, or has plead or been found guilty of a criminal violation, whether state or federal, involving governmental sales or purchases, including, but not limited to rigging of bids, price fixing, or any other collusive and illegal activity pertaining to bidding and contracting, shall not be considered a qualified bidder, nor shall enter into a bid, contract, or purchase order with Shelby County for a period of thirtysix (36) months from the date of conviction thereof.

17. Other provision of this Act notwithstanding, any other elected county official may avail himself of the services of the county purchasing agent for his purchasing or may perform his own purchasing in the manner herein provided.

18. Except as otherwise provided in this Act the County Mayor shall have the sole power and authority to enter into contracts on behalf of Shelby County, subject to budgetary limitations, except for contracts that are in the nature of franchises. Contracts and purchases on behalf of the Shelby County Government shall be entered into as follows:

(1) Up to \$50,000.00 by the County Purchasing Agent as approved by the County Mayor.

(2) Over \$50,000.00 by the County Purchasing Agent as approved by the County Mayor and the County Court.

The County Court shall have the sole power to grant franchises by resolution, provided no such franchise shall be granted for a period to exceed thirty (30) years. No sale of real property or any interests therein shall be valid unless approved by the County Court.

19. The provisions of this Act do not apply to county school funds for any purpose, or to the County Board of Education or to the County Superintendent of Education. The provisions of this Act do not apply to the Memphis and Shelby County Hospital Authority or to the Board of Trustees of the Memphis and Shelby County Hospital Authority.

20. There is established a Department of Personnel with the Administrator of Personnel appointed by the County Mayor. He shall serve at the pleasure of the County Mayor. The Administrator of Personnel shall have staff responsibility to the County Mayor for administering the Civil Service Merit System for employees of Shelby County as set forth in Chapter 110 of the Private Acts of 1971 of the State of Tennessee. He shall keep and maintain an accurate and up-to-date record of all employees of all departments and offices of the county government. It shall be his duty to seek out, interview and recommend to the several departments and offices persons to fill the personnel requirements of said departments and offices. The Administrator of Personnel shall perform such other duties as may be assigned to him by the County Mayor.

As amended by:

Private Acts of 1978, Chapter 298  
Private Acts of 1978, Chapter 299  
Private Acts of 1978, Chapter 300  
Private Acts of 1978, Chapter 306  
Private Acts of 1979, Chapter 37  
Private Acts of 1980, Chapter 243

Private Acts of 1981, Chapter 103  
Private Acts of 1982, Chapter 225  
Private Acts of 1983, Chapter 70  
Private Acts of 1983, Chapter 73  
Private Acts of 1983, Chapter 125  
Private Acts of 1984, Chapter 191  
Private Acts of 1985, Chapter 16

**SECTION 4.04. DIVISION OF COMMUNITY SERVICES.**

1. The Director of Community Services shall have charge and general supervision of the Division of Community Services.
2. The Division of Community Services shall be responsible for all community services activities of Shelby County Government, which includes, but is not limited to, the functions of Civil Defense, General Assistance, Historian, Legal Aid, Legal Services, Library, Sealer, Veterans' Services, Weights and Measures, Public Defender, Pretrial Services, Divorce Referee, Community Services Agency and Housing Authority. The Director shall be responsible for the general supervision, operation and management, directly and through Boards and Commissions of such community service institutions as shall be assigned to this division, together with the management and maintenance of all parks and recreational and cultural facilities, including, but not limited to, the Museums, Art Institutions and Fairgrounds, except those facilities operated by the Board of Education. All institutions operated by the Government of the County of Shelby immediately prior to the effective date of this chapter, and which are not herein abolished or otherwise provided for, are assigned to the Division of Community Services.

As amended by: Private Acts of 1978, Chapter 306  
Private Acts of 1982, Chapter 277

**SECTION 4.05. DIVISION OF PUBLIC WORKS.**

1. The Director of Public Works shall have charge and general supervision of the Division of Public Works and Utilities.
2. The Division of Public Works includes, but is not limited to, the functions of the Board of Adjustment, Bridges, Building Inspection, County Engineer, Electrical Inspection, Environmental Improvement, Housing Authority, Housing Inspection, Planning, Planning Commission, Plumbing Inspection, Port and Harbor, Public Utilities, Public Works, Real Estate, Right-of-Way, Roads and Sanitary Landfill.

As amended by: Private Acts of 1977, Chapter 96  
Private Acts of 1979, Chapter 112

**SECTION 4.06. DIVISION OF FIRE AND CORRECTIONS.**

1. The Director of Fire and Corrections shall have charge and general supervision of the Division of Fire and Corrections which includes, but is not limited to, the functions of the Shelby County Fire Department and the Shelby County Penal Farm.

As amended by: Private Acts of 1979, Chapter 112

**SECTION 4.07. DIVISION OF HEALTH SERVICES.**

1. The Director of Health Services shall have charge and general supervision of the Division of Health Services which includes, but is not limited to, the functions of the Memphis and Shelby County Health Department, and all health related activities of the County of Shelby.

As amended by: Private Acts of 1982, Chapter 277.

**SECTION 4.08. SPECIAL OFFICES OF SHELBY COUNTY GOVERNMENT.**

1. LEGAL DEPARTMENT - County Attorney, Selection, Qualifications, Authority, Duties and Powers.
  - a. There is hereby created the Legal Department of the Shelby County Government. The County Attorney shall be appointed by the County Mayor with the concurrence of a majority of the County Court. The County Attorney shall, at the time of his appointment, be a citizen of the United States, have had not less than five (5) years experience in the practice of law, and shall be licensed and qualified to practice law in all courts of Shelby County. His compensation shall be not less than that in effect on the effective date of this Chapter. He shall serve at the pleasure of the County Mayor. He shall devote full time to the performance of his duties.
  - b. The County Attorney shall act as Chief Counsel to the Shelby County Government. He shall act as legal advisor to the County Mayor, the County Court, and to all departments, officers and officials of the Shelby County Government and shall perform such other duties as may be required.
2. PUBLIC DEFENDER. The Public Defender shall be appointed by the County Mayor with a concurrence of a majority of the County Court. He shall serve for a period of one year from the date of his appointment or until his successor is appointed. The Public Defender shall, at the time of his appointment, be a citizen of

the United States, have had not less than five (5) years experience in the practice of law, and shall be licensed and qualified to practice law in all courts of Shelby County.

3. **DIVORCE REFEREE.** The Divorce Referee shall be appointed by the County Mayor with a concurrence of a majority of the County Court. He shall serve for a period of one year from the date of his appointment or until his successor is appointed. The Divorce Referee shall, at the time of his appointment, be a citizen of the United States, have had not less than five (5) years experience in the practice of law and shall be licensed and qualified to practice law in all courts of Shelby County.

**SECTION 2.** Section 1 of this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. At the August general election, 1974, the County Election Commission shall place on the ballot for such general election the question as to whether or not the provisions of Section 1 of this Act shall be accepted or rejected by the voters of Shelby County. The ballots used in such election shall have printed thereon the following question:

Shall Shelby County Government be restructured to be Government consisting of an Executive Branch headed by a County Mayor and a Legislative Branch consisting of the eleven (11) members of the Board of County Commissioners of Shelby County (Justices of the Peace)?

Yes

No

Voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Election Commissioners on the first Monday occurring five (5) days or more, next after the date of such election, and the results shall be proclaimed by such Board and certified to the Secretary of State. The qualifications of voters shall be those provided by law for participation in general elections, and all laws applicable to general elections shall apply to the election held hereunder. The costs of said election shall be paid by the County in which this Act applies. In the event this Act is approved by the voters, as set forth herein, then the election of the first County Mayor provided for in this Act shall be held October 9, 1975, and he shall take office on January 1, 1976.

As amended by: Private Acts of 1979, Chapter 165

**SECTION 3.** Chapter 237 of the Private Acts of the General Assembly of 1911, as amended by Chapter 215 of the Private Acts of 1957 and Chapter 279 of the Private Acts of 1957, and all acts amendatory thereof be and the same are hereby further amended by deleting therefrom the provisions calling for the election of a Board of Commissioners in the August 1, 1974, general election. There is hereby created a new administrative branch of Shelby County Government to administer the Shelby County Government from September 1, 1974 through December 31, 1975, awaiting the outcome of a referendum to be held August 1, 1974, to determine whether the voters of Shelby County, Tennessee desire to adopt a County Mayor- County Court form of government as provided in Section 1 of this Act.

The Administrative functions of County Government heretofore executed by the Board of Commissioners shall on September 1, 1974, be vested in a committee of three persons to be known as the County Executive Committee, who are as follows:

Jack W. Ramsay

James W. Moore

Lee Hyden

For the transitional period from September 1, 1974 through December 31, 1975, the County Executive Committee shall possess all the powers and duties and shall perform all the functions heretofore performed by the Shelby County Board of Commissioners pursuant to Chapter 237 of the Private Acts of 1911, as amended.

**SECTION 4.** In the event the referendum provided for in Section 2 of this Act receives a majority vote in favor of restructuring county government, then in that event, effective July 1, 1975, and continuing until January 1, 1976, Chapter 237 of the Private Acts of the General Assembly of 1911, as amended by Chapter 215 of the Private Acts of 1957 and Chapter 279 of the Private Acts of 1957, and all Acts amendatory thereof be and the same are hereby further amended by

(1) Deleting the first paragraph of Section 4 and inserting the following:

" The said Board is vested solely with the executive and administrative power of the County and as such charged with the administration of its several institutions and of the County's business. Whenever any Public or Private Act of the State purports to authorize the County Court of its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the Board of Commissioners or its Chairman. All legislative powers of the County shall be vested in the Board of County Commissioners of



Shelby County and it shall be deemed the sole legislative body of the County; provided, however, that a veto power is hereby granted the Chairman of the Board of Commissioners which may be exercised within seven (7) days of passage; said veto may be overridden by a simple majority vote of the County Court within fourteen (14) days of the veto message. Whenever any Public or Private Act of the State purports to authorize the Board of Commissioners or its Chairman to perform any legislative Act or function, then such Act or function shall be performed by the County Court or its Chairman."

(2) Striking Section 23 and inserting the following:

"Section 23. The Board of Commissioners shall on or before April 1 in each year present a budget showing the sums necessary to be expended in order to carry on the business and affairs of the County for the coming fiscal year and shall present the same to the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite by the County Court in order to determine the amount of taxes necessary to be assessed." The provisions of this Section with regard to budgetary procedures set out in Section 23 shall take effect April 1, 1975; for all other purposes the provisions of this Section shall take effect July 1, 1975.

As amended by: Private Acts of 1979, Chapter 165

**SECTION 5.** Should the provisions of Section 3 of this Act naming the persons to serve on the committee to function as the administrative branch of Shelby County Government for the period September 1, 1974 through December 31, 1975, be held to be invalid for any reason, or should a vacancy occur during that period of time, the Shelby County Quarterly Court is hereby empowered to name the three members of the committee to function as the Administrative Branch during the period.

**SECTION 6.** In the event the referendum provided for in this Act should fail to receive a majority vote then the provisions of Section 1 of this Act shall be void and of no further effect, and the provisions of Chapter 237 of the Private Acts of 1911 and all amendatory Acts thereof, shall continue in full force and effect and there shall be elected in a special county election to be held October 9, 1975, three members of the Board of Commissioners, to have all the duties and powers and functions as set out in Chapter 237 of the Private Acts of 1911 and all amendatory Acts thereof, and to take office on January 1, 1976 and to serve until August 31, 1978.

**SECTION 7.** There is created and established, as a part of Shelby County government, a Department of Equal Opportunity Compliance, whose Administrator shall be responsible for overseeing the implementation of all rules, regulations and guidelines promulgated by the Equal Employment Opportunity Commission, the Department of Labor, or other such competent authority that are applicable to insuring fair employment practices. The Administrator of Equal Opportunity Compliance shall be appointed by the County Commission or if the county should adopt a form of government including a County Mayor, then by the County Mayor in either case subject to concurrence by a majority of the Board of County Commissioners of Shelby County. The duties of the Administrator of Equal Opportunity Compliance shall be to:

- (a) Review and implementation of fair employment practices, as specified by Equal Employment Opportunity Commission guidelines, in all departments of county government under the jurisdiction of the County Commission or County Mayor, if there be one;
- (b) Update and monitor an effective affirmative action program;
- (c) Review all proposed contracts in which county funds are expended to insure that nondiscriminatory employment practices are being executed on all levels of employment as specified by Equal Employment Opportunity Commission and Labor Department regulations;
- (d) Investigate claims and complaints of discriminatory practices arising in county government departments under the jurisdiction of the County Commission, or County Mayor, if there be one;
- (e) Design, implement and monitor programs to increase minority business participation in the letting of county contracts;
- (f) Such other duties as may be required by the County Commission, or County Mayor, if there be one;
- (g) The Administrator shall have the power to require each firm or business contracting with the county to submit with their proposals and/or bids statistics revealing the percentage and number of minorities at all levels of said firm or business.

The Administrator shall serve at the pleasure of the County Commission, or County Mayor, if there be one.

As amended by: Private Acts of 1977, Chapter 92

Private Acts of 1979, Chapter 165

**SECTION 8.** This Act shall not affect rights, duties and obligations incurred prior to its effective date.

**SECTION 9.** All laws and parts of laws in conflict herewith are hereby repealed.

**SECTION 10.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, 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 deemed to be severable.

**SECTION 11.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Board of County Commissioners of Shelby County within forty-five (45) days after approval of the Chief Executive of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and certified by him to the Secretary of State.

As amended by: Private Acts of 1979, Chapter 165

Passed: March 20, 1974.

**COMPILER'S NOTE:** Several sections of this act were found constitutional in County of Shelby v. Blanton, 595 S.W. 2d 72 (Tenn. App, 1978).

## Retirement and Pension System

### Private Acts of 1945 Chapter 72

**SECTION 1.** That the purpose of this Act is to confer authority upon the Quarterly County Courts of all counties having a population of 300,000 or more by the Federal Census of 1940, or any subsequent Federal Census, if they elect and deem it expedient so to do, to provide a means whereby public employees who become superannuated or incapacitated as the result of age or disability, may be replaced by more capable employees, thus effecting economy and efficiency in public service without prejudice and without inflicting a hardship upon the employees removed, and at the same time to compensate such superannuated employees, or those who become incapacitated, by making provision for their retirement, and for those who may die, by providing for payment of death benefits.

**SECTION 2.** That the Quarterly County Courts in counties of a population as above set out, are hereby authorized in their discretion and by proper resolution to establish a retirement or pension system or systems for the officials and employees of the counties and may likewise so provide for the disability and retirement or pension system or systems to cover permanent, partial or temporary disabilities incurred by employees of such counties. If and when this retirement or pension system or systems shall be established, all public employees of such counties, who may be designated by the said Quarterly County Courts, shall be eligible to its benefits, including those employees who are partially imburshed by one of the counties coming within the provisions of this Act and partially imburshed by one of the municipalities of one of such counties, and such employees may be entitled to the benefits of such retirement or pension system or systems in accordance with the pro-rate part of their compensation which is paid by such counties. The benefits of such retirement or pension system or systems shall not, however, be extended to include any officials or employees of the Shelby County Board of Education, a previous insurance system now being in effect as to such Shelby County Board of Education employees.

**SECTION 3.** That if and when the Quarterly County Courts shall determine to establish by appropriate action a retirement or pension system or systems, said Quarterly County Courts shall determine who may be included as members of said retirement or pension system or systems, and whether membership therein shall be compulsory upon officials and employees of said counties or optional. Said Quarterly County Courts shall provide the method of making contributions to said pension fund and establish whether the same shall be supported and maintained wholly through contributions of the members thereof, or by contributions of the members and the counties jointly. The Quarterly County Courts may determine how the said contributions will be calculated and accumulated, the method of payment and who shall be the beneficiaries of said retirement or pension system or systems. The said Quarterly County Courts are authorized to make all administrative provisions necessary for the operation of said retirement or pension system or systems and determine how the administrative cost thereof shall be borne. Prior to the establishment of such a system or systems, the Quarterly County Courts may secure from competent actuary a report of the costs of establishing same and the method to be followed in the administration of same, if and when established.

The officials referred to in this Section with reference to being eligible to membership in said retirement or pension system or systems, shall include appointed or elected officials. Elected officials shall include those

elected by the popular vote of the people or by the County Court. Provided that the provisions of the Retirement and Pension System shall constitute vested interests between the members including retired beneficiaries and the County of Shelby.

As amended by: Private Acts of 1951, Chapter 489  
Private Acts of 1955, Chapter 197

**SECTION 4.** In addition to employees of the counties referred to in Section 1, 2 and 3 of the Act, employees of Shelby County Health Care Corporation who were participating on June 30, 1981 in the retirement or pension system established and maintained by the government of Shelby County, Tennessee (plus any persons who, while employed by Shelby County Health Care Corporation, were enrolled in said system at any time between June 30, 1981, and January 4, 1982) shall, under such criteria as may be approved by the Board of County Commissioners of Shelby County, Tennessee, be eligible to participate from and after June 30, 1981 in said retirement or pension system as is now in existence or as may be amended, and to receive service credit for time worked for Shelby County Health Care Corporation for purposes of said retirement or pension system; and the Board of County Commissioners of Shelby County, Tennessee may provide such funding as is necessary to provide benefits accrued or accruing to those employees under said retirement or pension system since June 30, 1981 or their date of enrollment.

As amended by: Private Acts of 1983, Chapter 82.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 25, 1945.

## State Assistance

### Public Acts of 1972 Chapter 730

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** State assistance, as used in this Act, shall be defined as any form of monetary benefit, other than salaries, wages, bonuses, pensions, retirement payments, insurance benefits, or death benefits received by an individual from the state of Tennessee for the individual's personal, financial, medical, or social needs.

**SECTION 2.** Any individual who resides in the county designated by a committee appointed by the Governor and composed of the commissioners, or their representatives, of state departments providing state assistance, as defined in this Act, and who is receiving state assistance shall be required to hold in his or her possession an identification card bearing a reasonable likeness of said individual and said individual's federal social security number. Said number must be printed on all state assistance payments to which an individual is entitled and must correspond with the individual's identification card, as herein required.

**SECTION 3.** All state departments providing state assistance shall be responsible for providing its recipients to whom the provisions of Section 2 of this Act apply with the identification card described in Section 2 of this Act, free of charge to said individual.

**SECTION 4.** The provisions of this Act shall only apply to those counties of the state having a population of not less than 700,000 according to the federal census of 1970, or any subsequent federal census.

**SECTION 5.** The committee described in Section 2 is authorized by this Act. The committee shall designate the county in which the requirement of Section 2 shall apply and the duration of the requirement. The committee shall make a recommendation, at a time which the committee shall determine, on the feasibility of this requirement for all individuals in the state who receive state assistance.

**SECTION 6.** This Act shall take effect on July 1, 1972, the public welfare requiring it.

Passed: April 4, 1972.

## Administration - Historical Notes

### **Boards and Commissions**

The following act once affected boards and commissions in Shelby County. The following summary is included herein for reference purposes.

1. Private Acts of 1917, Chapter 420, which authorized and empowered the County of Shelby, in connection and by co-operation with the City of Memphis within said county, to construct, own, maintain and operate an Auditorium and Public Market House, was effectively superceded by the Private Acts of 2012, Chapter 75, which changed the name of the facility to the "Memphis Convention Center", changed the name of the commission to the "Memphis Convention Center Commission" and authorized the Mayor of the City of Memphis to appoint the commission. Shelby County sold all of its interests to the City of Memphis.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Shelby County. These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 585, set the salary of the Shelby County Attorney at \$4,800 per annum. Its provisions were amended by Private Acts of 1925, Chapter 307, and Private Acts of 1933, Chapter 369. All of these were repealed by Private Acts of 1937, Chapter

### **County Clerk**

The following acts once affected the office of county clerk in Shelby County. They are included herein for historical purposes.

1. Private Acts of 1823, Chapter 126, authorized the Shelby County Clerk to furnish a list to the sheriff of Tipton County of all taxable property in Shelby County.
2. Private Acts of 1832, Chapter 67, authorized the county court clerk of Shelby County to pay over the unexpended amount of taxes levied and collected for improvement of navigation on the Wolf River to the general county fund and to pay over to the trustees of the Memphis Hospital the state tax on merchants' license for the benefit of said hospital.
3. Acts of 1837-38, Chapter 306, authorized the county court clerk of Shelby County to appoint two deputy clerks.
4. Acts of 1841-42, Chapter 36, legalized the official acts of James Rose, who had been acting as deputy clerk of the Shelby County Court since May 2, 1839.
5. Acts of 1853-54, Chapter 161, provided for the relief of William L. Dewoody, late clerk of the Shelby County Court.
6. Private Acts of 1911, Chapter 226, made unmarried women over the age of twenty-one eligible to serve as deputy clerk of the county court, as well as any other court of the county. Marriage, however, was an immediate forfeiture of her office, but would not protect her from any liability incurred while in office.
7. Private Acts of 1917, Chapter 77, set the salary of the county clerk and the probate court clerk of Shelby County.
8. Private Acts of 1919, Chapter 278, authorized the county clerk of Shelby County to contribute, an amount not to exceed \$600 per year, to the payment of the salary of the officer or detective appointed by the district attorney general of Shelby County.
9. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Clerk at \$6,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county clerk at \$7,200 per annum.
10. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the county clerk at \$8,000 per annum.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Shelby County. They are included herein for historical purposes only.

1. Public Acts of 1857-58, Chapter 38, created the office of county judge for Shelby County. This act gave the county judge all the jurisdiction and powers previously belonging to that court. This office was abolished by Public Acts of 1869-70, Chapter 6.
2. Private Acts of 1917, Chapter 486, empowered the Shelby County Courts to appropriate money for the payment of clerical help in the office of the county chairman.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Shelby County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1825, Chapter 318, set the date for holding the Shelby County Court to the third Monday in January, April, July and October.
2. Public Acts of 1827, Chapter 44, provided that the county court of Shelby County select three justices of the peace and provided for their duties and compensation.
3. Private Acts of 1859-60, Chapter 39, authorized the county court to appoint three additional notaries public who were to keep their office in Memphis.
4. Public Acts of 1865, Chapter 1, provided that if the county judge of Shelby County should fail to hold court or resign, and a majority of the magistrates failed to appear and elect a chairman, then any judge or chancellor in the county would have full power to hold the county court and discharge the duties of the county judge.
5. Public Acts of 1865-66, Chapter 13, validated the actions of the county court meetings which had been held in Memphis rather than in Raleigh.
6. Private Acts of 1865-66, Chapter 159, Section 11, authorized the county court to pay judges of chancery, common law and criminal courts up to \$1,000 per year for the discharge of their duties.
7. Public Acts of 1866-67, Chapter 46, provided for the election of eight additional justices of the peace from Memphis, in addition to the four already provided for by law. This was repealed by Public Acts of 1869-70, Chapter 10.
8. Public Acts of 1901, Chapter 140, authorized the Shelby County Court to appropriate additional compensation to the judges of the circuit, chancery and criminal courts and judges of the special courts the county.
9. Acts of 1907, Chapter 474, set the salary of justices of the peace at \$5.00 per day for actual attendance.
10. Acts of 1909, Chapter 460, authorized the quarterly county court by resolution to appropriate any special fund in the hands of the county trustee to any county purposes with the provision that the fund not be needed for the purpose for which it was intended and that the fund be repaid in the next tax levy.
11. Private Acts of 1911, Chapter 218, required that the proceedings of the county court be published in some daily newspaper of the county. This was repealed by Private Acts of 1917, Chapter 99.
12. Private Acts of 1911, Chapter 280, amended general law to provide that incorporated towns in Shelby County were not entitled to elect a justice of the peace.
13. Private Acts of 1911, Chapter 429, made it unlawful for any justice of the peace in Shelby County to have an office in any district except the one from which he was elected, with the allowance that if his district was partially in an incorporated municipality, then his office could be in any part of the municipality.
14. Private Acts of 1913, Chapter 39, denied justices of the peace jurisdiction over the person of a lunatic or of unsound mind in the holding of an inquest to determine their sanity, or in a hearing to commit them to an institution.
15. Private Acts of 1917, Chapter 584, amended the general juvenile law found in Public Acts of 1915, Chapter 32, which provided that the Shelby County Court could expend up to \$10,000 per year to use through the juvenile court for the partial support of poor women, who were the mothers of children under the age of sixteen.
16. Private Acts of 1919, Chapter 229, authorized Shelby County to appropriate \$25,000 for a celebration of the centennial of the City of Memphis.
17. Private Acts of 1921, Chapter 74, set the salary and compensation to allow for mileage for members of the quarterly county court. This salary was raised by Private Acts of 1927, Chapter 590, and subsequently lowered, first by Private Acts of 1933, Chapter 371, and again by Private Acts of 1939, Chapter 258.
18. Public Acts of 1921, Chapter 101, set the salary of the clerk of the Shelby County Court to \$7,500 per annum.
19. Private Acts of 1933, Chapter 862, authorized the Shelby County Quarterly Court to appropriate the necessary county funds for the enforcement of Public Acts of 1933, Chapter 69, which was the alcoholic beverage control law.
20. Private Acts of 1935, Chapter 398, removed the disabilities of infancy of Mrs. Gladys W. Luster and gave her full contract, property and all other rights and privileges of persons twentyone years of age.

21. Private Acts of 1947, Chapter 518, set the salary of the chairman of the Shelby County Court, as well as other county officials.
22. Private Acts of 1951, Chapter 159, was an act that set the compensation of the chairman of the Shelby County Court to \$4,800 per year plus office expenses.
23. Private Acts of 1957, Chapter 158, set the per diem salary of a Shelby County Justice of the Peace at \$25 for each day the quarterly county court was in session.

### **County Register**

The following acts once affected the office of county register in Shelby County, but are no longer operative.

1. Public Acts of 1859-60, Chapter 91, removed the office of register of Shelby County from the town of Raleigh to the City of Memphis.
2. Private Acts of 1866-67, Chapter 40, authorized the register of Shelby County to proceed forthwith to make a correct general index to all books of registration in his office, up to the first of January, 1867. This act also provided that the county court was to appoint a three person inspection committee to inspect those registration books.
3. Public Acts of 1869-70, Chapter 51, provided that the Shelby County Register be the lawful officer to hold the municipal election in the City of Memphis on January 6th, 1870, and the sheriff of Shelby County be the proper officer to hold elections thereafter.
4. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Register to \$4,000 per annum.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Register to \$6,000 per annum.
6. Private Acts of 1933, Chapter 610, set the salary of the Shelby County Register to \$6,000 per annum.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Register to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county register to \$6,000 per annum.
8. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Register to \$7,200 per annum.

### **County Trustee**

The following acts once affected the office of county trustee in Shelby County, but are no longer operative.

1. Private Acts of 1824, Chapter 119, authorized that the Shelby County Trustee pay over to the trustee of Tipton County a portion of the county tax which had been collected by the sheriff of Shelby County for the year 1823.
2. Public Acts of 1895, Chapter 91, fixed the compensation of the Shelby County Trustee to \$3,000 annually for collecting and disbursing the taxes of the city of Memphis.
3. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Trustee to \$6,000 per annum.
4. Public Acts of 1921, Chapter 101, fixed the salary of the Shelby County Trustee to \$7,500 per annum.
5. Private Acts of 1931, Chapter 891, set the salary of the Shelby County Trustee to \$6,000 per annum.
6. Private Acts of 1933, Chapter 611, set the salary of the Shelby County Trustee to \$7,500 per annum.
7. Private Acts of 1951, Chapter 160, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$7,200 per annum.
8. Private Acts of 1953, Chapter 301, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$8,000 per annum.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Shelby County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 92, appointed Nathaniel Anderson and Abram Bayless as notaries public for Shelby County.
2. Acts of 1845-46, Chapter 181, authorized the treasurer of the state to pay Lemuel P. Hardaway, former sheriff of Shelby County, the sum of \$442 for his services, and for monies paid out by him in pursuing, arresting felons who had fled from Tennessee.
3. Acts of 1853-54, Chapter 180, gave Shelby County the same authority and power to take stock in railroads and issue their bonds as had other counties in the state.
4. Private Acts of 1859-60, Chapter 9, established the Nonconnah Board of Levee Commissioners, for the purpose of establishing a levee to reclaim from overflow the lands lying between Nonconnah Creek and the Tennessee-Mississippi state line.
5. Private Acts of 1859-60, Chapter 39, authorized the county court of Shelby County to appoint three additional notaries public.
6. Public Acts of 1867-68, Chapter 87, Section 5, provided for the election of the Shelby County Recorder by the qualified voters of said county; his duties and term of office.
7. Private Acts of 1868-69, Chapter 42, incorporated the Shelby County Agricultural, Mechanical and Horticultural Society.
8. Public Acts of 1869-70, Chapter 6, Section 12, abolished the board of county commissioners and the office of county judge, re-establishing the quarterly and quorum courts.
9. Public Acts of 1870-71, Chapter 81, amended The Code of Tennessee to allow the Shelby County Court to elect as many notaries public as it deems necessary.
10. Public Acts of 1875, Chapter 15, provided for one additional notary public for Shelby County.
11. Public Acts of 1889, Chapter 163, empowered the municipalities in Shelby County to require that all owners of improved property construct water closets, slop sinks and other necessary sanitary facilities.
12. Acts of 1905, Chapter 456, required every company compressing cotton in Shelby County to provide ample facilities and labor for handling all cotton sent to them for processing.
13. Acts of 1907, Chapter 311, authorized the City of Memphis to convey to Shelby County, the alleys in the square bounded by Adams, Second, Washington and Third Streets for the purpose of erecting a courthouse thereon.
14. Acts of 1907, Chapter 335, was an act to protect the owners of milk cans and bottles by providing that such containers be stamped with a recorded marketing mark, and anyone using such a mark without the written permission of its owner was guilty of a misdemeanor.
15. Acts of 1909, Chapter 109, regulated the business of lending money on personal property, wages or salaries, and the buying of salaries or wages; and prescribed the penalties for its violation in counties having a population of not less than 50,000, according to the Federal Census of 1900.
16. Acts of 1909, Chapter 176, authorized payment of as much as \$100 per annum for the services of an auditing committee, composed of two justices of the peace.
17. Acts of 1909, Chapter 185, created Levee and Drainage Districts for Shelby County. This act was amended by Private Acts of 1923, Chapter 385, which allowed a majority of the landowners in the bottom lands of the Wolf River to petition for inclusion of their area in the drainage district.
18. Private Acts of 1911, Chapter 255, validated a lease of the old courthouse to W.A. Bickford by Shelby County. This lease was for a period of twenty years, with an option to renew for ten more years, to begin on January 1, 1911.
19. Private Acts of 1911, Chapter 256, authorized Shelby County to close Midland Avenue in exchange for certain property from the Memphis Country Club, validating a contract already entered into by those two entities.
20. Private Acts of 1913, Chapter 61, empowered the boards of commissioners of Shelby County to disburse the fund in the hands of the county trustee to the credit of the bridge department.
21. Private Acts of 1913 (Ex. Sess.), Chapter 51, was another act creating levee and drainage districts for Shelby County, for the purpose of draining and reclaiming wet, overflowed or swamp lands in the county.
22. Private Acts of 1915, Chapter 154, authorized the county court of Shelby County to establish a county demonstration farm and to provide for the control and conduct of same.
23. Public Acts of 1915, Chapter 121, created the office of divorce proctor in counties having a



- population of 100,000 or over by the Federal Census of 1910. This act defined the qualifications and duties of the proctor; provided the manner for the appointment of a deputy divorce proctor and defined his duties and provided for his compensation. This act was amended by Private Acts of 1925, Chapter 430, which redefined the duties and compensation of the proctor and by Public Acts of 1959, Chapter 191, which raised the compensation fee to \$10 for every divorce suit filed in his county. This act was repealed by Public Acts of 1972, Chapter 796.
24. Private Acts of 1917, Chapter 77, removed clerks of courts, the county trustee, register and sheriff from the fee system and placed them on a salary which was to be complete compensation for their services in office.
  25. Private Acts of 1917, Chapter 101, gave the Shelby County Quarterly Court the authority to lease the old courthouse site at the corner of Main and Poplar Streets for the City of Memphis.
  26. Private Acts of 1917, Chapter 282, amended the board of county commissioners act by changing the methods of filling vacancies, but its provisions were repealed by Private Acts of 1919, Chapters 351 and 464.
  27. Private Acts of 1921, Chapter 523, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable coupon bonds in any sum not exceeding \$375,000. In addition, the act exempted the bonds from taxation.
  28. Private Acts of 1923, Chapter 385, amended Acts of 1909, Chapter 185, Section 40, by eliminating Reelfoot Lake and Wolf River in Fayette and Shelby counties from draining and reclamation.
  29. Private Acts of 1923, Chapter 425, empowered the governing body of Shelby County to contribute not more than \$25,000 per year toward the cost of an annual agricultural fair.
  30. Private Acts of 1923, Chapter 704, fixed the compensation of the election officers, judges, clerks, registers and markers of Shelby County.
  31. Private Acts of 1925, Chapter 158, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable bonds in any sum not exceeding \$75,000. In addition, the act exempted the bonds from taxation.
  32. Private Acts of 1925, Chapter 389, established a Real Estate Commission for Shelby County.
  33. Private Acts of 1925, Chapter 424, was another private act establishing levee and drainage districts for Shelby County.
  34. Private Acts of 1925, Chapter 596, gave all incorporated athletic associations in Shelby County the power of condemnation.
  35. Private Acts of 1925, Chapter 729, was a financial responsibility law applying to firms and people operating motor vehicles for hire in Shelby County. This act also provided for the licensing of such vehicles.
  36. Private Acts of 1929, Chapter 875, created a county athletic commission for Shelby County, to have control and to regulate professional athletics in that county.
  37. Private Acts of 1933, Chapter 413, provided for the joint operation of governmental and corporate activities in Shelby County, and to provide for contracts to effect such joint operations. This act was amended by Private Acts of 1935, Chapter 18, to provide that the operation of public slaughterhouses and abattoirs could be considered one of these joint governmental activities.
  38. Private Acts of 1941, Chapter 47, authorized the Shelby County Court to appropriate not more than \$10,000 per year for county advertising purposes. This act was repealed by Private Acts of 1943, Chapter 6.
  39. Private Acts of 1945, Chapter 23, made it unlawful to operate vending machines or fruit stands in the Shelby County Courthouse. It provided that the quarterly county court could grant one year commissions for selling cigarettes, candy, fruit, drinks, etc., from office to office in that building. This was repealed by Private Acts of 1961, Chapter 402.
  40. Private Acts of 1955, Chapter 91, amended Private Acts of 1911, Chapter 237 by fixing the salaries of the board of county commissioners. This act, however, was found unconstitutional in *Shelby County v. Hale*, 200 Tenn. 505, 292 S.W. 2d 745 (1955).
  41. Private Acts of 1959, Chapter 121, attempted to authorize Shelby County to cooperate with the City of Memphis in plans for the construction of a railroad terminal and relocation of certain railroad tracks. The Shelby County Quarterly Court did not approve the provisions of this act, so it never became effective.
  42. Private Acts of 1959, Chapter 212, attempted to regulate and provide for the licensing of wrecking

- and towing services in Shelby County, but its provisions were not approved by the quarterly county court and never became effective.
43. Private Acts of 1967-68, Chapter 372, authorized the quarterly county court to participate in the celebration of the sesquicentennial year of the founding of the county seat and to appropriate funds not otherwise committed for that celebration.
  44. Public Acts of 1968, Chapter 564, amended Public Acts of 1915, Chapter 121, by fixing the compensation of the divorce proctor and amending the process in which the county court would elect the proctor.
  45. Private Acts of 1969, Chapter 91, created a county governmental library commission for Shelby County, but his act was superseded by the current library commission law, Private Acts of 1970, Chapter 275, found in this volume.
  46. The Chickasaw Basin Authority was first created by Public Acts of 1971, Chapter 412, which was amended by Public Acts of 1972, Chapter 506. Both of these were repealed by Public Acts of 1973, Chapter 409.
  47. Private Acts of 1974, Chapter 377, attempted to give Shelby County regulatory authority over cotton gin operations for the purpose of controlling air contaminant emissions from those gins. This act was returned from the governor without his signature, and later was disapproved by the Shelby County Quarterly Court, never becoming operative.
  48. Private Acts of 1978, Chapter 251, would have amended Private Acts of 1974, Chapter 260, relative to the county court resolution regarding the setting of the county mayor's salary, but this act was not acted upon by county officials and therefore never became law.
  49. Private Acts of 1980, Chapter 274, would have amended Private Acts of 1974, Chapter 260, in order to qualify purchases of insurance under professional exemptions under certain state circumstances, but this act failed to become ratified and therefore never became law.
  50. Private Acts of 1981, Chapter 61, pertained to the location of residences in Shelby County by saying that no person would be kept from erecting a permanent residence, or placing a mobile home, on any lot provided the lot was at least one acre in size and met code requirements in T.C.A. 53-2044, that such structure met all the building code standards and that such lot and residence were not part of an existing subdivision. This act was disapproved by Shelby County officials and never became law.
  51. Private Acts of 1983, Chapter 126, would have provided for the rebuilding, repair and maintenance of sidewalks in unincorporated areas of Shelby County; however, this act was not ratified and never took effect.
  52. Private Acts of 1986, Chapter 159, would have amended Private Acts of 1971, Chapter 110, by providing for the eligibility and appointment of members to the civil service merit board; however, the Shelby County Attorney's office has no information as to whether the act was passed or not by county officials.
  53. Public Acts of 2001, Chapter 350, established a study committee to examine issues pertaining to development of alternative statewide child protective services systems and pertaining to whether a pilot mental health court should be established in Shelby County. Upon the conclusion of its study and assessment, the committee was to report its findings to the governor; general welfare, health and human services committee of the senate; the children and family affairs committee of the house of representatives; and the select committee on children and youth no later than February 15, 2002. The act would take effect upon becoming a law, and would be repealed 12 months following such effective date.
  54. Private Acts of 1925, Chapter 405, which created cemetery regulations, was repealed by Private Acts of 2015, Chapter 17.

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