



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Boards and Commissions

Dear Reader:

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

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

Sincerely,

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

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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 (1/2) 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.

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