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Private Acts of 1911 Chapter 237

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

Sincerely,

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

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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).

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