



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

Private Acts of 1974 Chapter 260

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

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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, Date 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).

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