

STRUCTURE OF SHELBY COUNTY GOVERNMENT AND LEGAL AUTHORITY¹

A. FORM OF GOVERNMENT; POWERS GENERALLY

1. Form of government. Shelby County is a mayor-county commission form of government. [Shelby County Charter, Art. I, § 1.01.]
2. Powers generally. All lawful powers are vested in the mayor, county commission, and elected county charter officers, except those powers reserved to the judiciary. [Shelby County Charter, Art. I, § 1.02.]

B. LEGISLATIVE BRANCH

1. Legislative powers. The legislative power of the county government is vested in the Board of County Commissioners. [Shelby County Charter, Art. II, § 2.01.]
2. Members. The Board of County Commissioners has 13 members and is the legislative branch. There must be not less than 9 nor more than 25 members and the number may be altered by ordinance within certain restrictions. [Code of Ordinances, Ch. 4, Art. I, § 4-1.]
3. Districts. There are 5 districts. Districts 1, 2, 3 and 4 have three Commissioners each and District 5 has 1 Commissioner. (The boundaries may be altered by ordinance within certain restrictions.) [Shelby County Charter, Art. II, § 2.03(B) and Art. VII, § 7.11; Code of Ordinances, Art. V, Art. I, § 5-3.]
4. Selection; term; term limits. The members of the board of county commissioners are elected by the people for 4-year terms. No member can be elected to, or hold the office for more than 2 consecutive 4-year terms. [Shelby County Charter, Art. II, § 2.03(C) and (G); Code of Ordinances, Ch. 4, Art. I, § 4-1; Tenn. Const., Art. VII, § 1.]
5. Qualifications. The members must be at least 18 years old, be registered voters in the district from which they seek election on the date they filed their nominating petition, and have been residents of the county for one year prior to the election. No member can hold any other local, county, state or federal compensated elective office. Members must take an oath of office or forfeit office immediately and be bonded. Members must reside in the district from which they were elected or appointed or forfeit office immediately. [Shelby County Charter, Art. II, § 2.03(C) and (F), and Art. V, §§ 5.07, 5.09 and 5.10(A); and T.C.A. § 5-5-102(b)(1).]

¹ This outline was prepared by the Shelby County Attorney's Office for purposes of providing the Memphis and Shelby County Metropolitan Charter Commission with an outline of the structure of Shelby County Government and the related legal authority. (Last updated 01-22-10.)

6. Vacancy. If a vacancy occurs, the remaining commissioners fill the vacancy. [Shelby County Charter, Art. II, § 2.11.]

(a) Disaster. Notwithstanding § 2.11, if a County Commissioner is temporarily unavailable or unable to perform his duties following a disaster, the provisions of § 5.23 apply.

7. Officers. The Board of County Commissioners elects a Chairman and Chairman Pro Tempore to serve 1 year beginning with the first meeting in September. By law, the Chairman is a member of certain boards, but may designate another Commissioner to serve in his place for at least 1 year or the remainder of the Chairman's term, whichever is less. [Shelby County Charter, Art. II, §§ 2.08 and 2.10; Commissioners' Permanent Rules of Order, Rule 1 (10-06-08).]

8. Employees. The Board of County Commissioners appoints a Chief Administrator and Deputy Administrator. The Board of County Commissioners employs its own clerk to serve at its meetings and its own clerical and administrative help. [Code of Ordinances, Ch. 4, Art. I, § 4-2; T.C.A. § 18-6-103; Commissioners' Permanent Rules of Order, Rule 5(a) (10-06-08).]

9. EOC Office. The Equal Opportunity Compliance Office (EOC) is an office of the Board of County Commissioners designated to carry out a function of the Board of County Commissioners and County Mayor. That function is to assure the continued 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. [Shelby County Charter, Art. V, § 5.13(A); County Resolution No. 17 (10-20-86).]

(a) EOC Administrator. The EOC Administrator is elected, and subject to termination, by resolution of the Board of County Commissioners. [Shelby County Charter, Art. V, § 5.13(A).]

10. Beer Board. The County Commission may appoint a committee or board to regulate businesses that desire to sale, distribute, manufacture, or store beer, subject to certain limitations. [T.C.A. § 57-5-105(a); Res. No. 17, 5-8-06]

11. Temporary advisory boards. The Board of County Commissioners may appoint for designated periods one or more temporary advisory boards of citizens of the county, without compensation other than necessary expenses, to assist in the consideration of county administration policies and programs. [Shelby County Charter, Art. V, § 5.11.]

(a) Needs Assessment Committee. [Res. No. 23, 3-10-03.]

12. Chief Probation Officer. The Board of County Commissioners appoints the Chief Probation Officer of the Memphis and Shelby County Juvenile Court. [Code of Ordinances, Ch. 9, Art. V, Div. 1, § 9-229.]

C. EXECUTIVE BRANCH

1. Executive and administrative powers. The executive and administrative powers of the county government are vested in and exercised by the County Mayor and by such subordinate major divisions, departments, boards, offices, officers and agencies under the mayor's control and direction. [Shelby County Charter, Art. III, § 3.01.]

2. County Mayor. The County Mayor is the head of the executive branch of the county government and the chief fiscal officer of the county. He must devote his full time to the performance of his duties. [Shelby County Charter, Art. III, § 3.02.]

3. Selection; term; term limits. The County Mayor is elected each 4 years and takes office on September 1 following his election. The County Mayor is not eligible to be elected to, or hold the office for, more than 2 consecutive 4-year terms. [Shelby County Charter, Art. II, § 2.03(G) and Art. III, § 3.04.]

4. Qualifications. The County Mayor must be at least 18 years of age and be a resident of Shelby County at least one year prior to filing for this office, at the time of his election, and during his term of office. The county Mayor must take an oath of office, or forfeit office immediately, and be bonded. [Shelby County Charter, Art. III, § 3.04 and Art. V, §§ 5.07 and 5.09.]

5. Vacancy. If a vacancy occurs, the Chairman/Chairman Pro Tempore of the Board of County Commissioners serves as Acting County Mayor until an Interim County Mayor is elected by the Board of County Commissioners. The Board of County Commissioners must appoint an Interim County Mayor within 45 days after the Chairman/Chairman Pro Tempore begins serving as Acting County Mayor. [Shelby County Charter, Art. III, § 3.05(A) and (B).]

(a) Disaster. Notwithstanding § 3.05, if the County Mayor is temporarily unavailable or unable to perform his duties following a disaster, the provisions of § 5.23 apply.

6. CAO: The chief administrative officer (CAO) is appointed by, and serves directly under, the County Mayor, subject to the concurrence of the Board of County Commissioners, and is subject to dismissal by the County Mayor without cause. [Shelby County Charter, Art. III, § 3.06 (A).]

(a) Qualifications. The CAO must reside in Shelby County at the time he assumes the duties of his office and at all other times while serving in such capacity. The CAO must be trained or experienced in government. [Shelby

County Charter, Art. III, § 3.06(B); Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-4(b).]

(b) Duties. The CAO is responsible for the coordination, under the supervision of the mayor, of the activities of all administrative divisions, serves as special liaison between the County Mayor and all divisions, departments, boards, authorities and commissions, and performs such administrative and executive duties as may from time to time be assigned by the County Mayor. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-4(b).]

7. Divisions and departments: The county mayor, subject to approval by resolution of the board of county commissioners, may create or abolish major divisions of county government with each division having a division director. The duties, powers and functions of the divisions are generally set by ordinance. The County Mayor may assign or reassign any function to a major division and may consolidate and reorganize the administrative departments and offices upon concurrence by the board of county commissioners [Shelby County Charter, Art. III, § 3.06(B) - (D); Code of Ordinances, Ch.2, Art. I, Div. 1, §§ 2-1, 2-2(8) and 2-4(a).]

(a) Division of Administration and Finance: The Division of Administration and Finance includes, but is not limited to, the function of the comptroller, information technology and telecommunications, finance department, insurance, risk management, personnel, management programs, purchasing, retirement, and those functions funded jointly with, but administered by, other governmental agencies, except as set forth in Chapter 2, Article II of the Shelby County Code of Ordinances. [Code of Ordinances, Ch.2, Art. II, Div. 1, § 2-36.]

(i) Department of Personnel/Administrator: The Department of Personnel, currently known as the Human Resources Department, is established with the Administrator appointed by, and to serve at the pleasure of, the County Mayor. [Code of Ordinances, Ch.2, Art. II, Div. 1, § 2-42.]

(ii) Department of Purchasing/Administrator: The Department of Purchasing is established with an Administrator appointed by, and to serve at the pleasure of, the County Mayor. The Administrator must 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. [Code of Ordinances, Ch.2, Art. II, Div. 2, § 2-57(a).]

(iii) Boards: For administrative and/or budgetary purposes, the Board of Equalization, Civil Service Merit Board, Convention Center Commission, Election Commission, Ethics Commission, Film and Television Commission, Governmental Library Commission,

Historical Commission, Jury Commission, Music Commission, Retirement Board, and Unified Personnel Policies Committee are assigned to the Division of Administration and Finance.

- (b) Division of Community Services: The Division of Community Services is responsible for all community services activities of the county government, which includes, but is not limited to, the functions of the Aging Commission of the Mid-South, Community Services Agency, Crime Victims Center, Head Start (early childhood and youth development), pretrial services, and grants coordination. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-7(b).]
 - (i) Boards: For administrative and/or budgetary purposes, the Health, Education, and Housing Facility Board is assigned to the Division of Community Services.

- (c) Division of Corrections: The Division of Corrections is responsible for all activities of the county penal farm which includes, but is not limited to, the functions of the division's administration and finance, adult offender center, and operations. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-8(b).]
 - (i) Boards: For administrative and/or budgetary purposes, the Work Release Review Board is assigned to the Division of Corrections.

- (d) Division of Health Services: The Division of Health Services shall be responsible for all activities of the Memphis and Shelby County Health Department, which includes, but is not limited to, the functions of the division's administration and finance, environmental health services, personal health services, inmate healthcare, county cemeteries, and forensic services. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-9(b).]
 - (i) Boards: For administrative and/or budgetary purposes, the Air Pollution Control Board, and Groundwater Quality Control Board are assigned to the Division of Health Services

- (e) Division of Planning and Development: The Division of Planning and Development is responsible for all planning and development activities, which includes, but is not limited to, the functions of the Office of Construction Code Enforcement, Office of Economic Development, Office of Planning and Development (which includes Land Use Control and Comprehensive Planning), Regional Services Department (MPO), Shelby County Housing Department, and Memphis Depot Redevelopment Corporation. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-9.1(b); Res. No. 11, 9-8-86.]
 - (i) Boards: For administrative and/or budgetary purposes, the Board of Adjustment, Community Redevelopment Agency, Construction Code Advisory Boards (e.g., Building, Electrical, Fuel

Gas/Mechanical, and Plumbing), Industrial Development Board, Joint Board of Appeals, Memphis Landmarks Commission and Land Use Control Board are assigned to the Division of Planning and Development.

- (f) Division of Public Works: The Division of Public Works is responsible for all public works activities of the county government, which includes, but is not limited to, the functions of the agricultural extension service, county engineer, fire services, fleet services, parks and recreation, roads and bridges, real estate, Shelby Farms Park, solid waste management, support services, and emergency medical services. [Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-6(b).]
- (i) Boards: For administrative and/or budgetary purposes, the Agricenter Commission, Chickasaw Basin Authority, Conservation Board, Emergency Communications District 911 Board, Municipal Solid Waste Planning Board, Port Commission, Shelby Farms Park Conservancy, and Soil Conservation Board are assigned to the Division of Public Works.

8. Division Directors. The division directors are appointed by the County Mayor, subject to approval of the Board of County Commissioners, are serve at the pleasure of the County Mayor, and are subject to dismissal by the County Mayor without cause. [Shelby County Charter, Art. III, § 3.06(B); Code of Ordinances, Ch.2, Art. I, Div. 1, § 2-4(c) – (g); Res. No. 11, 9-8-86.]

- (a) Directors are established for the Divisions of Administration and Finance, Community Services, Corrections, Health Services, Planning and Development, and Public Works. The Directors have charge and general supervision of their divisions. [Code of Ordinances, Ch.2, Art. I, Div. 1, §§ 2-4(c) – (h), 2-6(a), 2-7(b), 2-8(a), 2-9(a), and 2-9.1(a).]
- (b) Qualifications. The division directors must reside in Shelby County at the time they assume the duties of their office and at all other times while serving in such capacity. [Shelby County Charter, Art. III, § 3.06(B).]

8. County Attorney: The County Attorney is appointed by the County Mayor, with the concurrence of the Board of County Commissioners, is subject to dismissal by the County Mayor without cause. The County Attorney is chief legal officer and must devote full time to the performance of his duties. [Shelby County Charter, Art. III, § 3.08(A); Code of Ordinances, Ch. 2, Art. III, § 2-91.]

- (a) Qualifications. The County Attorney must reside in Shelby County at the time he assumes the duties of his office and at all other times while serving the county in such capacity. At the time of appointment, the County Attorney must be a U.S. citizen, have had no less than 5 years experience in the

practice of law, and be licensed and qualified to practice law in all courts in Shelby County. [Shelby County Charter, Art. III, §§ 3.06(B) and 3.08(A).]

(i) All lawyers: Any lawyer appointed and employed by the county in a legal capacity, who is suspended or barred from the practice of law in the State of Tennessee, shall forfeit that office immediately. [Shelby County Charter, Art. V, § 5.10(B).]

(b) Staff. The County Attorney's Office shall consist of the County Attorney, assistant county attorneys, and such other employees as may from time to time be assigned to the office. [Code of Ordinances, Ch.2, Art. III, § 2-91.]

(c) Assistant County Attorneys. The County Mayor is authorized to appoint such assistant county attorneys as may be deemed necessary for the efficient operation of the County Attorney's Office. The assistant county attorneys must be licensed to practice law in Tennessee and serve under the direction and at the pleasure of the County Mayor. [Code of Ordinances, Ch.2, Art. III, § 2-103.]

(d) Ethics Officer. The County Attorney must designate an assistant county attorney to serve as Ethics Officer to the Ethics Commission. [Code of Ordinances, Ch. 12.5, Art. II, § 12.5-57(b).]

9. Public Defender: The Public Defender is appointed by the County Mayor, with a concurrence of the Board of County Commissioners, and serves for 1 year from the date of appointment or until a successor is appointed. [Shelby County Charter, Art. III, § 3.08(B).]

(a) Qualifications. The Public Defender must reside in Shelby County at the time he assumes the duties of his office and at all other times while serving in such capacity. At the time of appointment, the Public Defender must be a U.S. citizen, have had no less than 5 years experience in the practice of law, and be licensed and qualified to practice law in all courts in Shelby County. [Shelby County Charter, Art. III, §§ 3.06(B) and 3.08(B).]

10. Divorce Referee: The Divorce Referee is appointed by the County Mayor, with a concurrence of the Board of County Commissioners, and serves for 1 year from the date of that appointment or until a successor is appointed. [Shelby County Charter, Art. III, § 3.08(C)(1). Note: There are no applicable state laws.]

(a) Qualifications. The Divorce Referee must reside in Shelby County at the time he assumes the duties of his office and at all other times while serving the county in such capacity. At the time of appointment, the Divorce Referee must be a U.S. citizen, have had no less than 5 years experience in the practice of law, and be licensed and qualified to practice law in all courts in Shelby County. [Shelby County Charter, Art. III, §§ 3.06(B) and 3.08(C)(1).]

(b) Vacancy. When a vacancy occurs in the office of Divorce Referee, the judges of Circuit and Chancery Courts, and other courts exercising divorce jurisdiction, may submit names of qualified persons to the County Mayor for consideration. [Shelby County Charter, Art. III, § 3.08(C)(2).]

(c) Deputy Divorce Referees. The Divorce Referee can appoint Deputy Divorce Referees. [Code of Ordinances, Ch. 24, Art. III, § 24-77.]

11. Employees. The County Mayor may employ special counsel, assistants and other employees and has 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. The County Mayor may appoint, suspend, or remove subordinates who are not within the civil service system. [Code of Ordinances, Ch.2, Art. I, Div. 1, §§ 2-2(1), 2-3 and 2-5.]

(a) Other employees. Public Affairs Officer, Internal Auditor, Criminal Justice Coordinator, and Director of the Office of Preparedness (Homeland Security and Emergency Management Agency).

12. Temporary advisory boards. The County Mayor may appoint for designated periods one or more temporary advisory boards of citizens of the county, without compensation other than necessary expenses, to assist in the consideration of county administration policies and programs. [Shelby County Charter, Art. V, § 5.11.]

13. Serving on boards. By law, the County Mayor serves as a member of certain boards, but may appoint from the administrative assistants, executive assistants or any head of any division or department of county government a designee to serve in his place and stead for at least 1 year, or the remainder of the term of office of the County Mayor, whichever is less. [Shelby County Charter, Art. III, § 3.03(J).]

14. Nominating/appointing board members. The County Mayor nominates or appoints members of certain boards, commissions, authorities, agencies, and other public bodies, subject to approval by the Board of County Commissioners. [Shelby County Charter, Art. III, § 3.03(H).]

(a) Qualifications. All such appointees must reside in Shelby County at the time of their appointment and at all times while serving. All such appointees may serve 2 consecutive terms or 10 consecutive years, whichever is longer [Shelby County Charter, Art. III, § 3.03(H); Code of Ordinances, Ch. 2, Art. I, Div. 1, § 2-11(a).]

(b) Removal. The County Mayor has the authority to remove and discharge such appointees for good cause shown, subject to the approval of the Board of County Commissioners. The Chairman of the Board of County Commissioners may demand in writing to the County Mayor removal of such appointees. If the County Mayor fails or refuses to act within 10 days, the Chairman may

commence removal procedures. [Shelby County Charter, Art. III, § 3.03(I)(1)-(2).]

(c) Boards. The following boards have members who are appointed by the County Mayor, receive monetary grants from the County, and/or are separate chartered organizations: Airport Authority, Center City Commission, Cross Connection Board, Health Care Corporation – The MED, Housing Authority, Public Building Authority – FedEx Forum, and Public Building Authority – Pyramid, Sports Authority.

D. COUNTY CHARTER OFFICERS (eff. 09-01-10; 09-01-12)

1. Created. The “county charter officers” are created and established to perform the duties and functions of the former constitutional county officers that existed as part of Shelby County government prior to Shelby County adopting a charter form of county government. [Shelby County Charter, Art. VIII, § 8.01 (eff. 09-01-10 as to sheriff, trustee, register and county clerk; eff. 09-01-12 as to assessor).]

(a) Constitutional county officers. The duties of the constitutional county officers as prescribed by the General Assembly could not be diminished under the Charter, but such officers may be given additional duties under the Charter. [Shelby County Charter, Art. VI, § 6.04.]

2. Selection; term; term limits. The sheriff, trustee, register, and county clerk will be elected by the voters for 4-year terms beginning with the August 2010 general election. The assessor will be elected for a 2-year term in the August 2012 general election, then 4-year terms thereafter beginning with the August 2014 general election. These officers are not eligible to hold, or be elected to, the same office for more than 2 consecutive 4-year terms. [Shelby County Charter, Art. V, §§ 5.06 and 5.25, and Art. VIII, § 8.03.]

3. Qualifications. The qualifications of these officers are the same as those of the former constitutional county officers as required by state law. These officers must take an oath of office or forfeit office immediately and be bonded. These officers are not eligible to hold any other local, county, state or federal compensated elective office, except for offices of a temporary nature. [Tenn. Const., Art. X, § 1; Shelby County Charter, Art. V, §§ 5.07, 5.09 and 5.22 and Art. VIII, § 8.02(A); Tenn. Code Ann. §§ 8-8-103, 8-8-104, 8-11-102, 8-11-103, 8-13-102, 8-13-103, 8-18-111, 67-1-505 and 67-1-507.]

(a) Sheriff. The sheriff must be at least 25 years old, be a qualified voter of Shelby County and a U.S. citizen, have a high school diploma or GED, be fingerprinted by the TBI and subjected to a criminal background check, be certified as free of all apparent mental disorders by a qualified professional, have a current and valid peace officer certification issued by the TN POST commission, have not been convicted of or pled guilty or nolo contendere to a felony or certain other listed offenses, must not have been discharged, released or separated from the armed forces with a dishonorable or bad

conduct discharger or as a consequence of conviction at court martial. The sheriff cannot engage in the practice of law or serve as a member of the Tennessee General Assembly. [T.C.A. §§ 8-8-101 and 8-8-102(a).]

- (b) Sheriff. The sheriff must also be qualified as a Certified Corrections Executive by the American Corrections Association within 1 year from taking office or have at least 3 years experience as a chief executive officer of a jail or prison. [Shelby County Charter, Art. VIII, § 8.02(B).]
- (c) Trustee, Register, County Clerk, and Assessor. The Trustee, Register, County Clerk, and Assessor must be at least 18 years old, be citizens of the U.S. and Tennessee, and not otherwise be disqualified from holding public office by virtue of certain criminal convictions or other legal disqualifications. There are no educational or experience requirements for these offices. [T.C.A. § 8-18-101.]

4. Vacancy. If a vacancy occurs, the chief deputy, as designated from time to time in writing to the County Attorney, serves until the Board of County Commissioners elects an interim county charter officer. [Code of Ordinances, Art. VIII, § 8.04; Tenn. Const., Art. VII, § 2; and T.C.A. §§ 5-1-104(b), 8-8-106, 8-11-101(b), 8-11-111, 8-13-101(b), 18-6-101(d), 18-6-115, and 67-1-504(c).]

5. Boards. For administrative and/or budgetary purposes, the Public Records Commission is assigned to the County Register's Office (Archives) and the Adult Oriented Establishment Board to the County Clerk's Office. [no citations available]

E. JUDICIAL BRANCH

1. Judicial powers. The judiciary of the county government is vested in the courts of Shelby County existing on the effective date of the Charter (09-01-86) and any other courts established by law thereafter. Judges of the various courts of Shelby County continue as elective officers with all the powers and duties conferred or implied by law upon such office. [Shelby County Charter, Art. IV, § 4.01(B).]

2. Vacancy. If a vacancy occurs in the general sessions, probate, juvenile courts or any other county judicial office, the Board of County Commissioners fills the vacancy. [Tenn. Const., Art. VII, § 4; Shelby County Charter, Art. IV, § 4.02; Code of Ordinances, Ch. 9, Art. V; T.C.A. § 16-15-210.]

3. Circuit Court. There are 9 divisions and they are state courts. [T.C.A., Title 16, Ch. 10.]

4. Circuit Court Clerk. The Circuit Court Clerk is an elected state official. [T.C.A., Title 18, Ch. 4.]

5. Chancery Court. There are 3 parts and they are state courts. [T.C.A., Title 18, Ch. 11.]
6. Chancery Court Clerk. The Chancery Court Clerk is a county official who is appointed by the chancellors for a 6-year term. [T.C.A. § 18-5-101.]
7. Probate Court. There are 2 divisions and they are county courts. [Code of Ordinances, Ch. 9, Art. III.]
8. Probate Court Clerk. The Probate Court Clerk is an elected county official. [Code of Ordinances, Ch. 9, Art. III, Div. 1, § 9-135(a).]
9. General Sessions Civil. There are 6 divisions and they are county courts. [Code of Ordinances, Ch. 9, Art. VI, Divs. 1 – 3; T.C.A., Title 16, Ch. 15.]
10. General Sessions Criminal. There are 9 divisions and they are county courts. Two of the divisions are designed as specialty courts: Div. 8 is the Drug Court and Div. 14 is the Environmental Court. [Code of Ordinances, Ch. 9, Art. VI, Divs. 4 - 7.]
11. General Sessions Court Clerk – Civil and Criminal. The General Sessions Court Clerk is an elected county official. [Code of Ordinances, Ch. 9, Art. VI, Div. 1, § 9-288(a).]
12. Juvenile Court. There is one division and it is a county court. The judge is an elected county official authorized to appoint referees to hold court and all other necessary personnel including a director of court services. [Code of Ordinances, Ch. 9, Art. V, Div. 1, §§ 9-221(a), 9-229, and 9-230(a); T.C.A., Title 37, Ch. 1.]
13. Juvenile Court Clerk. The Juvenile Court Clerk is an elected county official who must give a bond. [Code of Ordinances, Ch. 9, Art. V, Div. 1, §§ 9-223 and 9-224.]
14. Criminal Court. There are 10 divisions and they are special state courts. [T.C.A. Title 16, Ch. 10.]
15. Criminal Court Clerk. The Criminal Court Clerk is an elected state official. [T.C.A., Title 18, Ch. 4.]
16. District Attorney General. The District Attorney General is an elected state official. [Tenn. Const., Art. VI, § 5; and T.C.A. § 8-7-102.]
 - (a) Staff. The District Attorney General is authorized to appoint additional assistant district attorney generals and other staff in order to serve the additional divisions of General Sessions Court. [Code of Ordinances, Ch. 9, Art. VI, §§ 9-355(a), 9-387, and 9-399; and Ch. 10, Art. III, § 10-51.]

F. GENERAL AND TRANSITION PROVISIONS

1. Restructure Act. All provisions of Chapter 260 of the Private Acts of 1974 (the Restructure Act) which are not inconsistent with the terms of the Charter, including all purchasing procedures, remain in full force and effect after the effective date of the Charter (09-01-86). All divisions and departments of county government set forth in the Restructure Act shall remain in existence until and unless changed by the county commission. [Shelby County Charter, Art. VII, § 7.04.]

2. Code of Ordinances. All private acts of the General Assembly of Tennessee which affect Shelby County and which are in effect on September 1, 1986 were deemed ordinances of the county to the extent they were not inconsistent with the Charter. And remain in effect until repealed or amended by the Board of County Commissioners. [Shelby County Charter, Art. VII, § 7.14.]

3. Officers. All officers elected or appointed for definite terms under the provisions of the Charter continue to hold office. [Shelby County Charter, Art. VII, § 7.10.]

4. Civil service. The civil service merit system divides employees into classified and unclassified positions. [Code of Ordinances, Ch. 12, Art. II, Div. 1, §§ 12-27 and 12-28.]

5. Residency. All employees must be residents of Shelby County at the time of appointment and must reside in Shelby County as a condition of their employment. [Shelby County Charter, Art. V, § 5.10(C).]

(a) Exceptions. Employees working for the county government on the effective date of the Charter [09-01-86]. Any class of employees exempted by ordinance based on a legitimate governmental interest [no such ordinance adopted as of 01-01-10]. [Shelby County Charter, Art. V, § 5.10(C).]

6. Board of Education. The Charter does not apply to county school funds or to the County Board of Education, or the county superintendent of education for any purpose. [Shelby County Charter, Art. VI, § 6.02(A).]

(a) Exception. All employees and officials must reside in Shelby County as a condition for employment or service, except employees or officials employed as of the effective date of the Charter [09-01-86]. [Shelby County Charter, Art. VI, § 6.02(A)(1).]

7. Conflict of interest. Any officer or employee of the county government who willfully conceals any conflict of interest must forfeit his office. [Shelby County Charter, Art. V, § 5.08.]

8. Anti-nepotism. Public officials are prohibited from employing more than one relative connected by affinity or consanguinity within the third degree as deputies or subordinates. [Code of Ordinances, Ch. 24, Art. I, § 24-1.] [End]