

ARTICLE I. POWERS AND FUNCTIONS

Section 1.01. Powers and functions.

The government of Shelby County is vested in a mayor-county commission 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 charter 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.

NOTES:

1. Prior government was established by Ch. 237, Pvt. 1911. This provided for a legislative branch known as the county court and an executive branch composed of three commissioners; one each for the department of workhouse and turnpike roads, the department of county health and the department of purchasing and finance. These commissioners constituted the "board of county commissioners," which should not be confused with the present board of county commissioners provided for by Ch. 175, Acts 1979, in response to constitutional amendment. The present board is the successor to the county court.

2. Under the law prior to 1911, the county court served as the legislative branch and its chairman had most of the executive functions of government. Some of these functions were exercised through separate commissions, which were abolished by Ch. 237, Pvt. 1911.

Section 1.02. Private and local affairs.

With regard to private and local affairs, all lawful powers are vested in the mayor, county commission, and elected county charter officers, except those powers reserved to 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 intent to invest in the government of Shelby County every authority, power, and responsibility for the conduct of the affairs of the government of Shelby County, including the powers to adopt and enforce resolutions and ordinances.

NOTES:

1. According to current interpretations, resolutions of the county commission do not have the force of law. County attorney opinion, February 2, 1981(Ryder). Counties, as agencies of state government, have only those powers specifically delegated by the State. McQuillen, Municipal Corporations, secs. 1.28, 1.46.

2. Amended pursuant to voter referendum of 8-7-08, effective 9-1-08 (Ord. No. 361, 6-2-08).

Section 1.03. Public corporation powers.

The government described herein shall be a public corporation vested with any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee and any and all powers and duties of such

county which are required or authorized by private acts effective on the date of ratification of this charter, as fully and completely as though the powers were specifically enumerated herein.

Section 1.04. Public corporation rights.

The government of Shelby County shall be a public corporation, with the right of perpetual succession, capable of suing and being sued, and capable of purchasing, receiving and holding property, real and personal, and of selling, leasing, or disposing of the same to the same extent as other counties.

Section 1.05. Rights reserved to the people.

No provisions of this charter, and no action by any officer or employee of the county acting under its authority, shall infringe upon rights, privileges and powers reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the State of Tennessee.