

ARTICLE VI. PROHIBITIONS

Notwithstanding any provision of this charter to the contrary, the following prohibitions shall be established and shall be liberally construed to give them full force and effect.

Section 6.01. Consolidation prohibited.

No provision of this charter shall be used or construed in any fashion to establish or to serve as a basis for establishing a consolidated form of government.

Section 6.02. County board of education.

A. The provisions of this charter shall not apply to county school funds or to the county board of education, or the county superintendent of education for any purpose:

- (1) Except that all such employees and officials shall be residents of Shelby County as a condition for employment or service as applicable; provided, any employee or official employed as of the effective date of this charter shall not have to comply with this requirement.
- (2) Except as provided in section 2.06(C)(3)(e).

B. The existing private act enabling legislation (Chapter 381 of the Private Acts of 1923, as amended) shall remain in full force and effect for education purposes, except as modified in this section.

Section 6.03. Removal of incumbents.

This charter shall not have the effect of removing the incumbent from any county office or abridging the term or altering the salary prior to the end of the term for which such public officer was selected.

Section 6.04. Constitutional officers.

The duties of the constitutional county officers as prescribed by the General Assembly shall not be diminished under this charter; provided, however, that such officers may be given additional duties under this charter.

NOTES:

1. Constitutional county officers replaced by county charter officers pursuant to voter referendum of 11-4-08 in accordance with Article VIII effective dates set forth therein (Ord. No. 364, 8-27-08).

Section 6.05. Municipalities.

Nothing in this charter shall be construed as interfering with the rights of municipalities within the county to retain their powers and functions and to provide municipal services in

accordance with law, and further, ordinances enacted by the board of county commissioners under this charter shall not interfere with the local affairs of any municipality within the limit of Shelby County.

Section 6.06. Zoning.

This charter shall not alter or change zoning regulations effective in the county but the same shall continue until modified or changed by the county legislative body acting under authority granted in this charter.

Section 6.07. Annexation.

Nothing in this charter shall be construed as interfering with the rights of municipalities within the county to retain their powers and functions relative to annexation, as provided by state law.

Section 6.08. Incorporation.

Nothing in this charter shall be construed as interfering with the rights of citizens within the county to retain their powers and functions relative to incorporation, as provided by state law.

Section 6.09. Civil service.

No classified person defined in the civil service law shall be removed from[,] or discriminated against with respect to, any county position or appointive county administrative office because of race, creed, color, sex, national origin or political opinions or affiliations. The maintenance and administration of an effective civil service system shall be in accordance with Chapter 110 of the Private Acts of 1971, as amended, until the effective date of this charter, and all existing rules and regulations promulgated there under. After the effective date of this charter, the terms and provisions of that Act may be amended by ordinance, not contrary to law, provided that nothing in this section or in the charter shall impair or diminish the rights and privileges of the existing employees under civil service.

Section 6.10. Appointments and promotions.

No person who seeks appointment or promotion with respect to any county position or appointive county administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

Section 6.11. Existing rights and liabilities.

A. Nothing in the provisions of this charter shall be construed to abolish, limit, or abrogate any rights, privileges, duties, or liabilities created by contract with the county prior to the adoption of this charter.

B. Nothing in the provisions of this charter shall be construed to abolish, limit or abrogate any rights for or against the county existing prior to the adoption of this charter.