

INTRODUCTION

CREATION OF FIRST SHELBY COUNTY CHARTER COMMISSION

On December 5, 1983 the Honorable William N. Morris, Jr., the Mayor of Shelby County, issued a proclamation creating the Shelby County Charter Commission pursuant to the authority granted to him in T.C.A. Sec. 5-2-201, et seq., which was adopted as Chapter 402 of the Public Acts of 1979, as amended. On that same day, the Board of County Commissioners of Shelby County, Tennessee, approved the appointment of the Shelby County Charter Commission as prescribed by the aforementioned statute.

The following citizens were appointed pursuant to that proclamation and ratifying resolution:

1. Senator Steve Cohen
2. John L. Ryder
3. Herman Morris, Jr.
4. Coby Smith
5. Judge W. Otis Higgs
6. Janet A. Seymour
7. Jerry W. Cobb
8. Ron E. Poe
9. Mayor Tom Hall
10. George F. Higgs
11. Waymon Welch

Shortly after the Charter Commission began its deliberations, Mayor Tom Hall resigned and he was replaced by Mr. Lee Winchester, Jr. The aforementioned Charter Commission held its initial organizational meeting on Monday, December 12, 1983. At that meeting, there were elected as officers: Mr. Herman Morris, Jr., Chairman; Mr. John L. Ryder, Chairman Pro Tempore; and Ms. Janet A. Seymour, Secretary. The Charter Commission completed its work on June 15, 1984, with the submission of the completed constitutional Home Rule Charter to the Shelby County Clerk and the Shelby County Election Commission. From January to June of 1984, the Commission met on the average of once weekly and during the latter stages of the preparation of the Charter, they met five times a week. All meetings of the Commission were open to the public. In addition, public hearings were held by the Commission so that all citizens of Shelby County had an opportunity to participate in the drafting of their own Charter. Additionally, many elected and appointed officials appeared before the Charter Commission on numerous occasions in order to provide input into this work product.

HISTORY OF PREVIOUS COUNTY GOVERNMENT STRUCTURE

This Constitutional Home Rule Charter has been prepared to replace a form of government which was created by the passage of Chapter 260 of the Private Acts of 1974, known as the Shelby County Restructure Act. That Act restructured the Shelby County Government into a County Mayor/Quarterly County Court form of government from its former composition of a three-member Commission and Quarterly County Court form of government. This three-Commissioner/Quarterly County Court government was established by Chapter 237 of the Private

Acts of 1911 and provided for a legislative branch known as the County Court and an executive branch composed of three commissioners; one each of the Department of Workhouses and Turnpike Roads, the Department of County Health and the Department of Purchasing and Finance.

The reader should not confuse this three member Board of Commissioners with the Board of County Commissioners which came into being pursuant to the 1977 change in the constitutional section dealing with the structure of county governments in Tennessee, specifically Article VII, Sec. 1, et seq., of the Tennessee Constitution and the corresponding legislation which implemented this new form of county government, which was adopted as Chapter 934 of the Public Acts of 1978. This constitutional and statutory law changed the name of the County legislative body from the Quarterly County Court to the Board of County Commissioners. Between the years 1974 and the adoption of this Charter, the structure of County Government, its rights, duties, and foundations were conferred by the reading of the aforementioned Restructure Act in conjunction with the applicable provisions of the aforementioned Chapter 934 of the Public Acts of 1978.

AUTHORITY FOR CHARTER FORM OF COUNTY GOVERNMENT

The aforementioned Tennessee constitutional change to the structure of County Government, i.e. Article VII, Sec. 1, et seq., provided that the Legislature could provide for alternative forms of County Government, including the right to charter. Following this authority, the Legislature adopted T.C.A. Sec. 5-1-210, et seq., as Chapter 402 the Public Acts of 1979. This Act sets forth the manner and procedure whereby a county home rule charter form of government could be drafted in Tennessee. Following this legislative authority, Shelby County became the first county in Tennessee to establish a Charter Commission for the purpose of placing a home rule charter on a referendum ballot for the voters of that county to decide to change the existing forms of county government into a charter home rule form of government.

“HOME RULE CHARTER”

The Constitutional Home Rule Charter presented herein sets forth the basic issue of home rule for Shelby County, for it is in the true sense a constitution prepared by the citizens of Shelby County for the operation of Shelby County’s government, providing within it a method for amendment by residents of the County. The Charter will place in the hands of the people of Shelby County the power to effectively operate its government without going to the state legislature in Nashville for changes.

CHARTER HIGHLIGHTS

The Constitutional Home Rule Charter provides for a segregation of the County’s legislative, executive and judicial functions. The heart of the Charter is a strong elected executive, accountable to all the voters, who has the power to veto ordinances and resolutions, and both the responsibility and the means at hand with which to operate an effective and efficient county government. The Legislature is given broad legislative powers inclusive of the rights to adopt County ordinances and is so constructed as to be truly representative of all the people of Shelby County.

The Charter contains a strong prohibitory section which, among other things, prevents its use in any way to consolidate the governments of Memphis and Shelby County, or to diminish the duties of the elected constitutional officers of Shelby County.

To insure efficient, effective and fair relationships between the County employees and citizens of the County, a civil service merit system and a prohibition against conflicts of interest are provided.

CONCLUSION

It is appropriate that, after over 180 years of existence, the County replace the present structure of County government, as it has evolved, with a totally responsive, responsible and modern structure. The Charter Commission presents a government not only for the 1980's but for the increasingly complex challenges faced by an urban type of county government for the 21st century, with the opportunity for the people of this County to make local county governmental changes in Shelby County, rather than in Nashville.