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Funding for Salaries - Writ of Mandamus

Dear Reader:

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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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Reference Number: CTAS-1223

The county legislative body is required by law to fund authorized expenses fixed by law for the operation of the sheriff's office, including the salary of all the sheriff's deputies. T.C.A. § 8-24-103(a)(1). *State ex rel. Ledbetter v. Duncan*, 702 S.W.2d 163, 165 (Tenn. 1985) (We hold that the provision requires the county legislative body to fully fund the salaries of all deputies as set by the circuit or criminal court pursuant to T.C.A. Chapter 20 of Title 8.). The county legislative body may not adopt a budget that reduces below current levels the salaries and number of employees in the sheriff's office without the sheriff's consent. In the event the county legislative body fails to budget any salary expenditure that is a necessity for the discharge of the statutorily mandated duties of the sheriff, the sheriff may seek a writ of mandamus to compel such appropriation. T.C.A. § 8-20-120. The writ of mandamus authorized by T.C.A. § 8-20-120 "is the same writ that has been recognized by the courts for many years. It can only be sought after the sheriff has gone through the local budget process and the application procedure required by" T.C.A. § 8-20-101(a)(2). *Jones v. Mankin*, 1989 WL 44924, *3 (Tenn. Ct. App. 1989) (If the county legislative body refuses to appropriate the funds required by the court's order, the sheriff may seek a writ of mandamus to compel it to do so.). *See also State ex rel. Ledbetter v. Duncan*, 702 S.W.2d 163, 165 (Tenn. 1985); *Sapp v. State ex rel. Nipper*, 524 S.W.2d 652, 653-54 (Tenn. 1975); *Atkinson v. McClanahan*, 520 S.W.2d 348, 353 (Tenn. Ct. App. 1974) (It would seem to us that the remedy of the sheriff, in the event the decree of the Circuit Judge becomes final and is not carried out and its implementation refused, would be to file a bill for mandamus.); Op. Tenn. Atty. Gen. 04-104 (July 2, 2004).

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