

COUNTY GOVERNMENT

OVERVIEW OF OFFICES



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COUNTY GOVERNMENT



A collection of offices, boards and commissions with limited powers and duties defined by general law.

- in some cases, modified by county or metropolitan charter
- supplemented by private acts

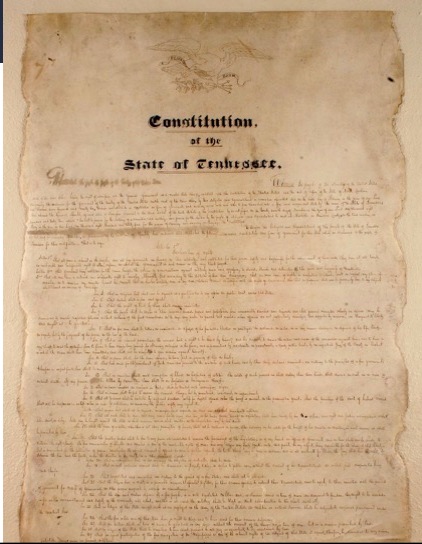
Cannot succeed
without cooperation



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TENNESSEE CONSTITUTION

- Limits power of legislature
- Few limits on what legislature may enact regarding county and city government
- Duties of officials set by legislature
- Constitutional requirements differ for counties with consolidated county/city government or county charters



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THREE FORMS OF COUNTY GOVERNMENT

Basic Form

- 90 counties

Metropolitan Government

- Davidson
- Moore
- Trousdale

County Charter

- Knox
- Shelby

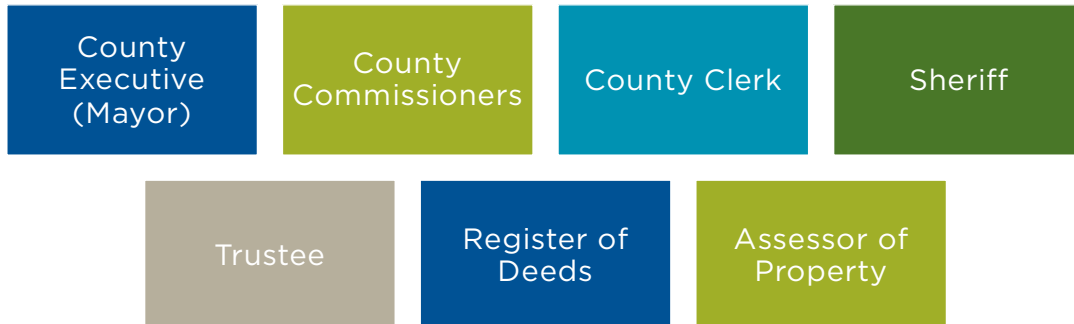


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BASIC FORM

Constitutional Officers

Tenn. Const. Art. 7



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OTHER OFFICES

Clerks of Court (Tenn. Const. Art. 6)

- Inferior court clerks (elected)
- Clerks and masters (appointed by chancellors)

Highway Officials

- Private act (creates office)
- General law (powers and duties)



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BASIC FORM

- Collection of offices and positions
- No hierarchy
- Most offices “independent”
- County Mayor has few statutory powers
- County Legislative Body has limited powers granted by statutes



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OFFICE OF COUNTY MAYOR



Tenn. Const. Art. 7, Sec. 1

Required constitutional office except in counties with a metropolitan government or county charter

One of several constitutional county officers

Popularly elected to a 4-year term



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DUTIES OF THE COUNTY MAYOR

Duties determined chiefly by general law

Private act may add duties not conflicting with general law

Must share many executive duties with other constitutional offices

Powers may be enhanced or lessened by county charter or metro charter, if office retained



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AUTHORITY OF COUNTY MAYOR

Power rests more on persuasion than law



Tennessee Code Annotated



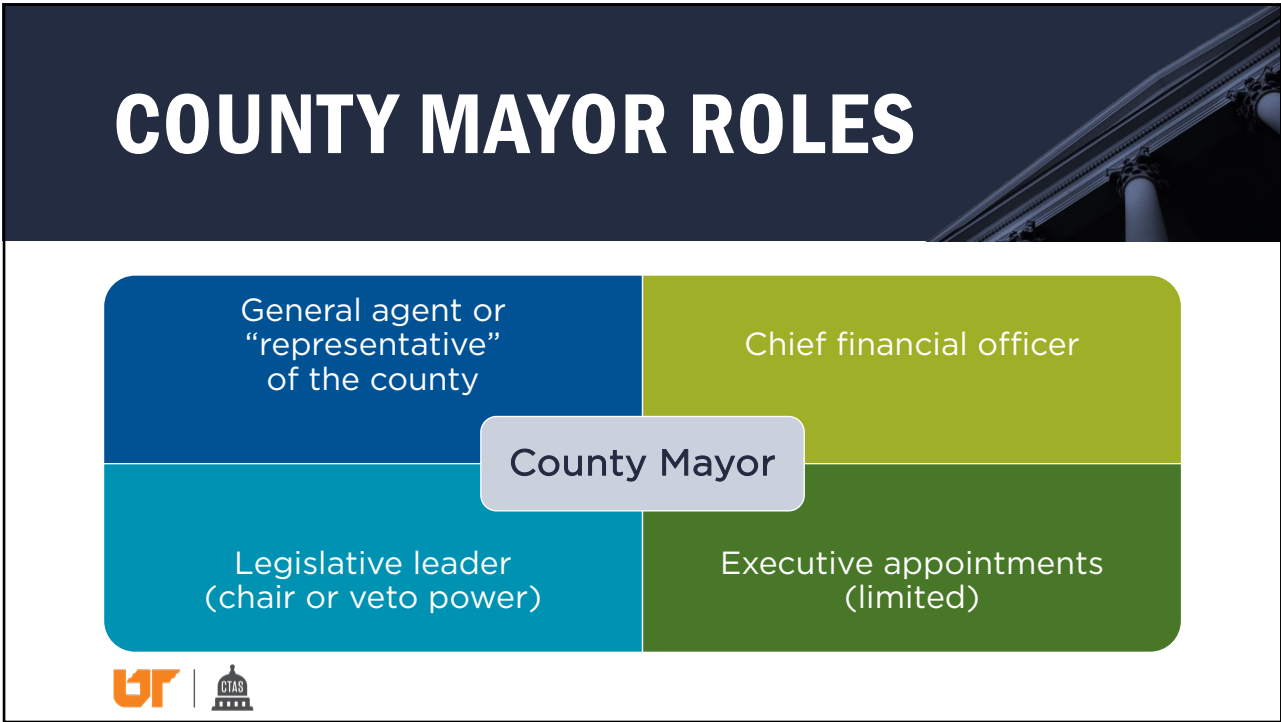
Supplemented by private act in some counties



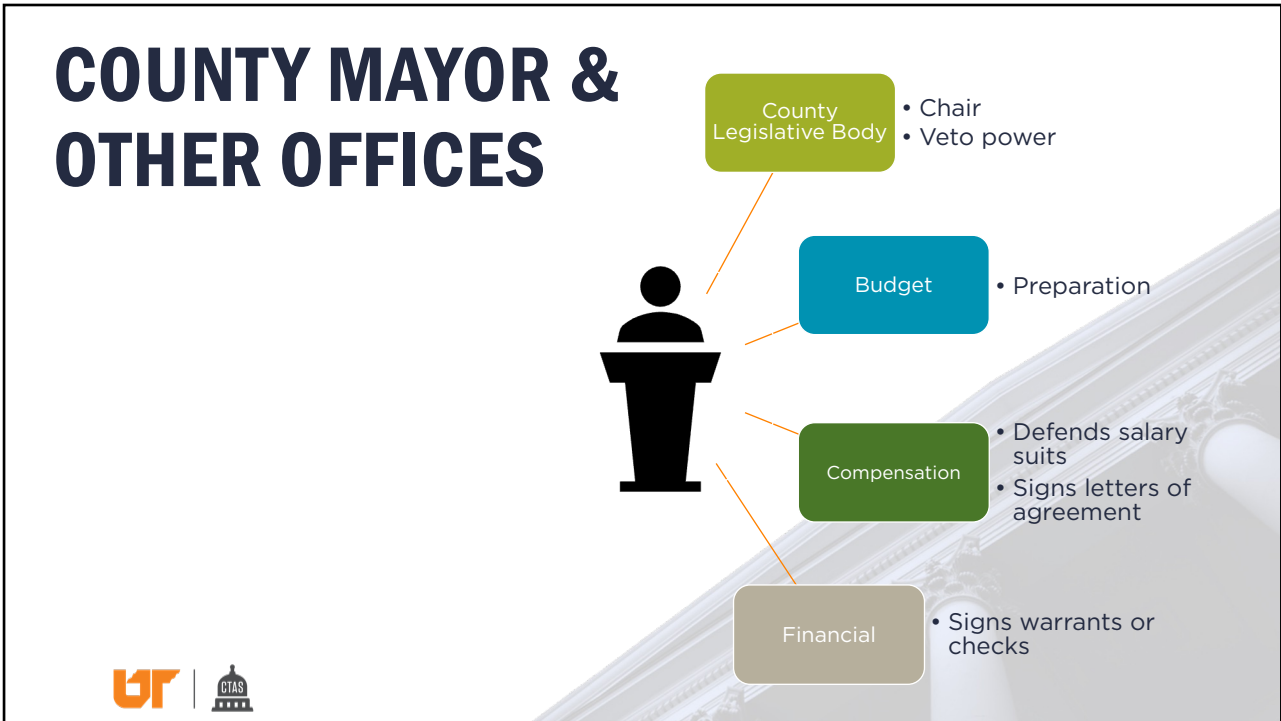
No implied powers



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COUNTY COMMISSIONER

9-25 members

3 or fewer per district

Districts reapportioned every 10 years

At-large or designated seat

4-year term (Art. 7, Sec. 1)

Elected in August



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COUNTY LEGISLATIVE BODY BASIS OF AUTHORITY



Tennessee Code Annotated

Powers given by general law codified



Private Acts

May supplement powers given by general law



Combined powers

Metro councils have combined powers of city council and county commission



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COUNTY LEGISLATIVE BODY IN ACTION

CLB Chair & Pro Tempore

Elected at 1st meeting

1-year term

Own member or county executive/mayor

Mayor may refuse election & retain veto power



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COUNTY LEGISLATIVE BODY IN ACTION

Property Taxes

Levy property tax rate

Adopt annual budget

Must meet state funding requirements for mandated services




No limit on property tax rate



Must balance budget



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CLB Powers

-  Issue debt (subject to referendum)
-  County property (except schools)
-  Office space allocation



  County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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BUDGETARY VS. FEE SYSTEM

County legislative body decides whether fee offices are on Budgetary or Fee System:

<u>Budgetary System</u>	<u>Fee System</u>
<p>All fees are turned over to the general fund monthly</p> <p>All expenses of the office are budgeted</p> <p>Sheriff is always under budgetary system</p>	<p>Only "excess" fees are turned over quarterly</p> <p>Salaries and expenses are paid from fee account</p>

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COUNTY LEGISLATIVE BODY INTERACTION WITH OTHER OFFICES



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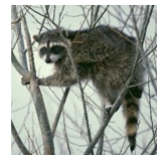
REGULATORY POWERS

Where specifically granted by statute



Zoning

Building Codes, Permits, Inspections



Animal Control

County Powers Act



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HIGHWAY OFFICIALS

Chief Administrative Officer

- Popularly elected
- Appointed

Highway Board Member (some counties)

- Most are popularly elected
- Some appointed




County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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COUNTY UNIFORM HIGHWAY LAW

Most counties operate under a general state law known as the County Uniform Highway Law (CUHL)

Shelby, Davidson, Knox and Hamilton counties are generally not under the CUHL (but some sections do still apply)






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HIGHWAY OFFICIALS



Chief administrative officers in CUHL counties

- serve a term of 4 years whether popularly elected or appointed (as determined by private act)

Highway Boards

- optional
- most established by private act
- members selected and serve according to private act

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HIGHWAY DEPARTMENT POWERS



Under the CUHL, the chief administrative officer has full personnel powers

- hire, dismiss, and set salaries and wages within budget, even if there is an elected highway board

Purchasing officer for the highway department not determined by the CUHL

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ASSESSOR OF PROPERTY

The office of assessor of property is a constitutional office under Article VII, Section I of the Tennessee Constitution

Assessors are elected and serve a four-year term beginning September 1 and continuing until a vacancy occurs or a successor is elected and qualified (T.C.A. § 67-1-502)

Duties of the office prescribed by the legislature



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ASSESSOR OF PROPERTY DUTIES

- Initial mapping and collection of data on property improvements (size, construction & features) and of the property itself (location, service by road, water and sewer availability, etc.)
- Property classification (real, tangible personal or intangible personal) and further classification of real property (residential, farm, commercial and industrial or public utility)
- Verification of real estate sales with buyer or seller
- Updating physical property information through on-site inspections through reappraisals, building permits, and subdivision of property as reported by the register's office
- Conducting periodic reappraisals of property under schedule established by the Division of Property Assessments (DPA)



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REAPPRAISAL

- ❖ Required on a periodic basis to maintain appraisals at market value and to maintain equity in the appraisals
- ❖ Choice of three different reappraisal cycle options: (1) a six-year cycle with a current value update in the third year; (2) a five-year cycle with no intervening update and (3) a four-year cycle with no intervening update
- ❖ Cost of reappraisal shared between county and cities imposing a property tax (T.C.A. § 67-5-1601(c)(2))



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COMPENSATION

- Assessors are in the general officers' category under T.C.A. § 8-24-102
- Minimum salary for assessors based on county population
- Salary increases tied to increase in state employees' salaries



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OFFICE STAFF

- Authorized to appoint at least one deputy for each 4,500 parcels over the first 4,500 parcels (T.C.A. § 67-1-506).
- In counties that do not qualify for a deputy, the assessor is authorized (with CLB approval) to hire a secretary.



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COUNTY GOVERNMENT

BASIS OF AUTHORITY



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BASIS OF AUTHORITY



State of Tennessee	<ul style="list-style-type: none">• Creates and empowers counties
United States of America	<ul style="list-style-type: none">• Does not empower counties, but limits power of the state and its subdivisions such as counties• Example: anti-discrimination laws

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NATURE OF AUTHORITY

County Government	<ul style="list-style-type: none">• Can only do what is authorized by state law• Must find authority in statutes
Private Business	<ul style="list-style-type: none">• Can do anything not prohibited by law

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SOURCES OF AUTHORITY

General Law

Charter/
Metro

Private Acts





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COUNTY AUTHORITY

Granted by state statutory law

Counties and county officials have NO power to act outside of power granted through state statutes

Federal law may limit action but does not empower county officials



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GENERAL LAW

Public Chapters enacted by the General Assembly (codified in Tennessee Code Annotated)

- **General Application**
 - Mandatory**
 - Permissive**
- **Local Option**
 - Usually adopted by 2/3 vote of county commission or approved by referendum



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PRIVATE ACTS



Source of authority when general law is silent

Constitutionally suspect if in conflict with a general law (Tenn. Const. Art. 11, Sec. 8)

Must be enacted by General Assembly and receive local approval by 2/3 vote of county commission or majority in referendum

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METRO CHARTERS

Metropolitan Government merges a county with its most populous city with option for other cities in county to join

Under enabling general law, metro government has powers of a county and a city

Wide power granted to restructure local government through metro charter

Must be approved by majority votes both inside and outside most populous city

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COUNTY CHARTERS

Shelby County Charter

About the Charter

The Shelby County Charter was approved by the voters of Shelby County, Tennessee, on August 2, 1984, and became effective in 1986. A constitution for the operation of Shelby County's government, the Shelby County Charter places the power to effect government in the hands of the citizens of Shelby County. Download the entire [Shelby County Charter](#) here, or search the charters sections:

- o [Introduction](#)
 - o Creation of First Shelby County Charter Commission
 - o History of Previous County Government Structure
 - o Authority for Charter Form of County Government
 - o Home Rule Charter
 - o Charter Highlights
 - o Conclusion
- o [Preamble](#)
- o [Article I - Powers and Functions](#)
 - o Section 1.01 - Powers and functions
 - o Section 1.02 - Private and local affairs
 - o Section 1.03 - Public corporation powers
 - o Section 1.04 - Public corporation rights
 - o Section 1.05 - Rights reserved to the people
- o [Article VI - Prohibitions](#)
 - o Section 6.01 - Consolidation prohibited
 - o Section 6.02 - County board of education
 - o Section 6.03 - Removal of incumbents
 - o Section 6.04 - Constitutional officers
 - o Section 6.05 - Municipalities
 - o Section 6.06 - Zoning
 - o Section 6.07 - Annexation
 - o Section 6.08 - Incorporation
 - o Section 6.09 - Civil service
 - o Section 6.10 - Appointments and promotions
 - o Section 6.11 - Existing rights and liabilities
- o [Article VII - Transition Provisions](#)
 - o Section 7.01 - Repeal of contrary laws

An alternative form of county government provided by Tennessee Constitution since 1978 as enabled by General Assembly and approved in county referendum

Enabling law gives power to restructure county government and adopt ordinances

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95 DIFFERENT COUNTIES

Each county has different laws operating within the county

- Laws can differ greatly due to exceptions in the general law, optional laws, private acts and possibly county charters or metropolitan government charters
- Officials must consult with their county attorney to determine what they can and cannot do



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COUNTY OFFICIALS

BONDS AND OATHS



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OFFICIAL BOND



A promise by the official to faithfully perform the duties of the office, pay over all monies and properties that come into the officer's hands to the persons authorized by law to receive them, safely keep all records required by law, and turn over all property and records to successor

Forms prescribed by Comptroller

Made payable to state upon failure of official to keep promises made in bond

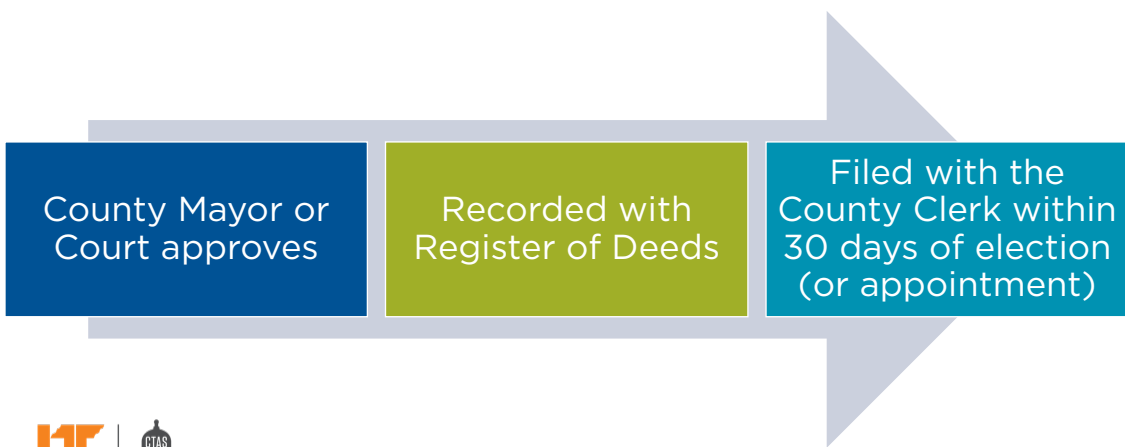
Bond is to protect county and state, not the official (surety may sue official to recover payout under bond!)

Surety premium paid by county



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OFFICIAL BOND DOCUMENTATION



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OFFICIAL BONDS BY POSITION

Property Assessor

- \$50,000 (minimum)
- Filed with County Clerk


Highway Chief Administrative Officer

- \$100,000 (minimum)
- Filed with County Clerk



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OFFICIAL BONDS



Corporate or individual surety bonds

- County legislative body decides

Blanket bonds

- Separate rider for each official
- Minimum \$150,000 for all county employees not covered by individual bonds

Amount of bond may be increased by county legislative body



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INSURANCE INSTEAD OF BOND

Insurance alternative:

- Counties are authorized to purchase insurance policies in place of bonds for both officials and employees.

Purchase of insurance policies is purely optional and at the discretion of the county legislative body.

The county legislative body can opt to cover all or some of the county's officials and employees using insurance rather than bonds.

Must provide at least \$400,000 coverage per occurrence and provide government crime coverage, employee dishonesty insurance coverage, or equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities.

- A policy of insurance is deemed to be a blanket official bond for each office and official identified in the policy. A certificate of insurance, policy, or endorsement must be recorded in the register's office and then filed with the county clerk.
- Does not affect GTLA limits.



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FAILURE TO FILE YOUR OFFICIAL BOND

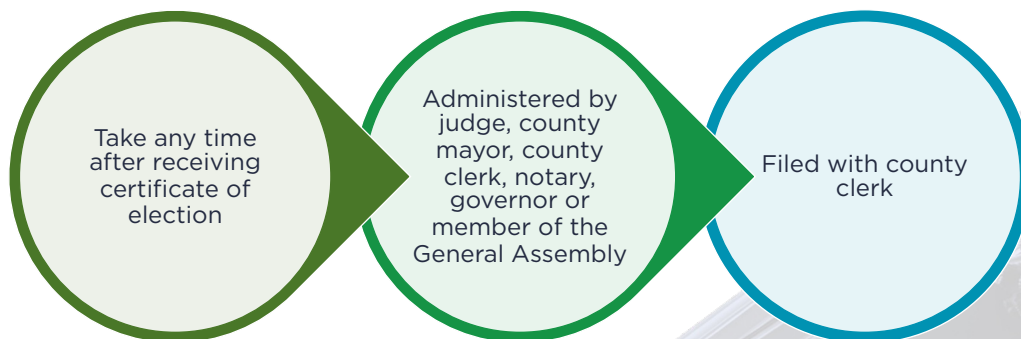


Failure to timely execute the bond and transmit it to the proper officer for approval will result in a vacancy in office!

T.C.A. § 8-19-117

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CONSTITUTIONAL OATH AND OATH OF OFFICE



It is a **Class C misdemeanor** to perform the duties of your office prior to taking and filing your oaths. T.C.A. § 8-18-113.



MORE INFO ON OATHS IN E-LI

Sample Oaths of Office May Be Found in E-li (Reference No. CTAS-30)

