

# 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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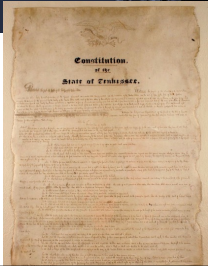

# TENNESSEE CONSTITUTION

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

<b>Basic Form</b>	<b>Metropolitan Government</b>	<b>County Charter</b>
<ul style="list-style-type: none"> <li>• 90 counties</li> </ul>	<ul style="list-style-type: none"> <li>• Davidson</li> <li>• Moore</li> <li>• Trousdale</li> </ul>	<ul style="list-style-type: none"> <li>• Knox</li> <li>• Shelby</li> </ul>

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## BASIC FORM

Constitutional Officers  
Tenn. Const. Art. 7

County Executive (Mayor)	County Commissioners	County Clerk	Sheriff
Trustee	Register of Deeds	Assessor of Property	

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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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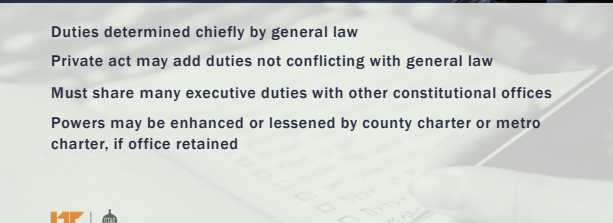

## DUTIES OF THE COUNTY MAYOR

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

**County Mayor Powers**

- Tennessee Code Annotated
- Supplemented by private act in some counties
- No implied powers

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## COUNTY MAYOR ROLES

**County Mayor**

- General agent or "representative" of the county
- Chief financial officer
- Legislative leader (chair or veto power)
- Executive appointments (limited)

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## COUNTY MAYOR & OTHER OFFICES

- County Legislative Body**
  - Chair
  - Veto power
- Budget**
  - Preparation
- Compensation**
  - Defends salary suits
  - Signs letters of agreement
- Financial**
  - Signs warrants or checks

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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

		
<b>Tennessee Code Annotated</b> Powers given by general law codified	<b>Private Acts</b> May supplement powers given by general law	<b>Combined powers</b> Metro councils have combined powers of city council and county commission

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## COUNTY LEGISLATIVE BODY IN ACTION

<b>CLB Chair &amp; Pro Tempore</b>	Elected at 1 <sup>st</sup> 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

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## BUDGETARY VS. FEE SYSTEM

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

<p><b>Budgetary System</b></p> <ul style="list-style-type: none"> <li>All fees are turned over to the general fund monthly</li> <li>All expenses of the office are budgeted</li> <li>Sheriff is always under budgetary system</li> </ul>	<p><b>Fee System</b></p> <ul style="list-style-type: none"> <li>Only "excess" fees are turned over quarterly</li> <li>Salaries and expenses are paid from fee account</li> </ul>
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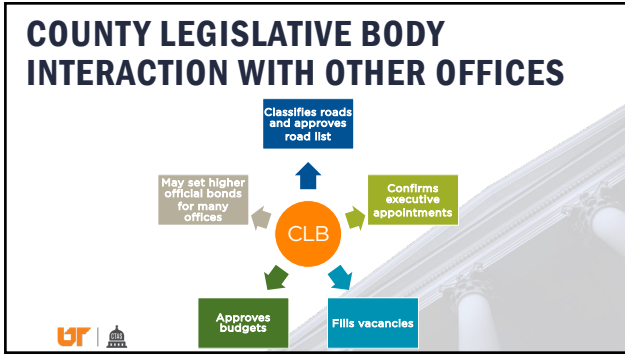
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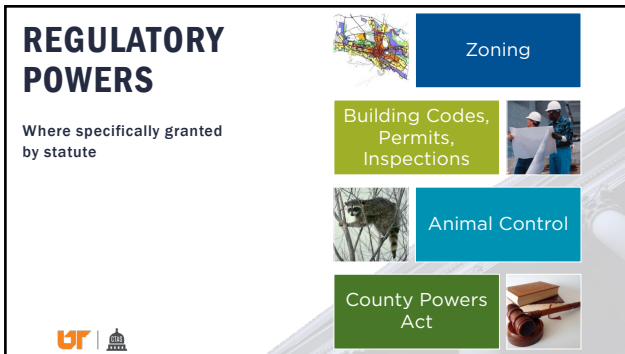
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## COUNTY UNIFORM HIGHWAY LAW

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

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



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## NATURE OF AUTHORITY

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



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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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# 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



County Mayor or Court approves

Recorded with Register of Deeds

Filed with the County Clerk within 30 days of election (or appointment)



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## OFFICIAL BONDS BY POSITION

Property Assessor	Highway Chief Administrative Officer
<ul style="list-style-type: none"> <li>\$50,000 (minimum)</li> <li>Filed with County Clerk</li> </ul>	<ul style="list-style-type: none"> <li>\$100,000 (minimum)</li> <li>Filed with County Clerk</li> </ul>

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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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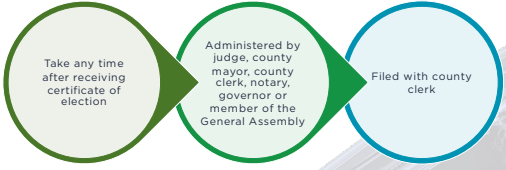
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## CONSTITUTIONAL OATH AND OATH OF OFFICE



 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.



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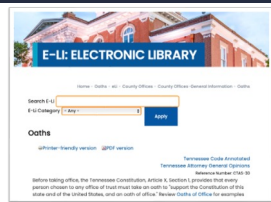
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## MORE INFO ON OATHS IN E-LI



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



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