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# **Anderson County Charter Commission**

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**Agenda**  
**Monday, December 6, 2021 @ 6:00 p.m.**  
**Room 312**

- 1. Call to Order**
- 2. Roll Call**
- 3. Prayer**
- 4. Pledge of Allegiance**
- 5. Approval of the October, 2021 Minutes**
- 6. Appearance of Citizens**
- 7. Law Director**
  - Materials for review
- 8. 2022 Charter Commission Meeting Schedule**
- 9. Old Business**
- 10. New Business**
- 11. Adjourn**

**Respectfully Submitted,**  
**V. L. Stonecipher, Chairman**

**Anderson County Charter Commission  
Minutes  
October 4, 2021  
Room 312**

BE IT REMEMBERED THAT THE ANDERSON COUNTY CHARTER COMMISSION MET IN REGULAR SESSION ON OCTOBER 4, 2021 AT 6:00 PM, WITH THE FOLLOWING MEMBERS PRESENT: TIM ISBEL, VL STONECIPHER, STEVE MEAD, BOB SMALLRIDGE, CHUCK FRITTS, JERRY WHITE AND SABRA BEAUCHAMP

ABSENT: STEVE EMERT

Chairman Stonecipher called the meeting to order.

Commissioner Fritts said the prayer.

The Pledge of Allegiance was led by Commissioner Mead .

Commissioner Mead made a motion to approve the August 2, 2021 minutes.

Commissioner Fritts seconded the motion. Motion passed.

No citizens addressed the Commission.

Commissioner Mead made a motion to keep the Chairman and Vice-Chairman the same (Chairman Stonecipher, Vice-Chairman Smallridge). Commissioner Isbel seconded the motion. Motion passed.

Report / Update of compiling Charter and scheduling – Discussion. No Action taken.

Charter relative to plan of action – Discussion. No Action Taken.

Commissioner Fritts made a motion to use “County Legislative Body” in place of “Board” in Article II Section 2.01. Commissioner Smallridge seconded the motion. Motion passed.

**Section 2.02**

Sub Section B – Audit – Leave the Same using the State’s Comptroller

Sub Section C – Stay the same as under the ’81 Act

Sub Section D – Keep the same

Sub Section F – Commissioner Isbel made a motion for the Mayor’s Veto power for indebtedness remain the same. Commissioner Mead seconded the motion. Motion passed.

Sub Section I – Not requested. Law Director to find out more about this new item.

Sub Section J – Law Director to adjust the language “for good cause shown”.

**Anderson County Charter Commission**  
**Minutes**  
**October 4, 2021**  
**Room 312**

**Section 2.03**

Sub Section A #1 – Remove “eight districts shall each consist of seats A and B”.

Sub Section A #2 – Strike this section.

Sub Section B – To remain the same.

**Section 2.04**

The salary of commission to remain the same.

**Section 2.07**

Removal of a member of the Board to remain the same.

**Section 2.09**

Sub Section A 1 & 2 – No change other than including ordinances.

Sub Section B – Adoption of an ordinance

(2) Commissioner Isbel made a motion that ordinances become effective after 30 days. Commissioner Beauchamp seconded the motion. Motion passed.

(3) No Change.

(4) Commissioner Fritts made a motion that Codes Enforcement and Animal Control be allowed to write ordinances and these ordinances be tried in the General Sessions Court. Commissioner Mead seconded the motion. Motion passed.

**Section 2.10**

Signature and Veto by the Mayor – To revisit

Old Business – None

New Business - None

Commissioner Mead moved to adjourn.

The next meeting will be November 1, 2021 at 6:00 pm.in room 312.

## CHARTER OF ANDERSON COUNTY, TENNESSEE

### Anderson County Home Rule Charter Commission Members of 2022:

Sabra Beauchamp  
Steve Emert  
Chuck Fritts  
Tim Isbell  
Steve Mead  
Bob Smallridge  
V.L. Stonecipher  
Jerry White

**Commented [SDJ1]:** Please review the names listed. All names were taken from the Anderson County government's website for the charter commission. See Charter Commission, <https://andersoncountyttn.gov/charter-commission/> (last visited September 22, 2021). Let us know if any changes need to be made.

**CHARTER OF ANDERSON COUNTY, TENNESSEE**  
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## CHARTER OF ANDERSON COUNTY, TENNESSEE

### Preamble

*We, the people of Anderson County, Tennessee, in recognition of the dual role of the County, as a political subdivision of the State of Tennessee and as a unit of local government, in order to avail ourselves of self-determination in County affairs to the fullest extent permissible under the Tennessee Constitution and laws of the State of Tennessee, do hereby publish, declare and adopt this Charter of Anderson County, Tennessee, and confer upon Anderson County Government the following powers, procedures, and governmental structures, subject to the restrictions contained herein.*

### ARTICLE I

#### POWERS AND FUNCTIONS

##### Section 1.01. General Grant of Powers

The Anderson County Government ("County Government") shall exercise any power or perform any function which is not denied by the Constitution of the State of Tennessee ("Constitution"). It is the intent of this Charter of Anderson County, Tennessee ("Charter") that limitations on the powers of County Government shall be strictly construed, and that grants of power to County Government shall be liberally construed.

##### Section 1.02. *Private and Local Affairs*

With regard to private and local affairs, all lawful powers are vested in the Mayor of Anderson County and the Commission of Anderson County, except those powers reserved to the judiciary. This investment of legislative, executive, and other powers and duties shall be as full and complete, and the authority to perform or to direct them as broad, as is possible to delegate or confer, it being the intent to invest the County Government every authority, power, and responsibility for the conduct of the affairs of the government of Anderson County, including, but not limited to, the powers to adopt and enforce resolutions, ordinances, and emergency ordinances.

##### Section 1.03. Public Corporation Powers

This Charter provides that the government described herein shall be an alternative form of county government vested with any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee, and any and all powers and duties of such county that are required or authorized by private acts effective on the date of ratification of this Charter, as fully and completely as though the powers were specifically enumerated herein.

**Commented [SDJ2]:** Tenn. Code Ann. § 5-1-203(b) states that when the charter is complete it results in the creation of an alternate form of government "to perform all the governmental and corporate functions previously performed by the county." Tenn. Code Ann. § 5-1-203(b). Further, Tenn. Code Ann. § 5-1-210(1) provides that after the charter is enacted the county is "vested with any and all powers that counties are, or may hereafter be, authorized or required to exercise . . . ." Tenn. Code Ann. § 5-1-210(1).

Given this statutory language, specifically enumerating powers is disfavored in drafting a document that is to be a general governing document and disfavored under the legal doctrine of "*expressio unius est exclusio alterius*" ("the expression of one thing is the exclusion of the other"). Shelby County and Knox County Charters' general grant of powers provisions, permitting the County "any power" to "perform any function which is not denied by the Constitution of the State of Tennessee," is the preferred form for drafting this type of charter. This comports with the Charter Commission's desire for the county's powers to largely remain the same "as previously performed by the county." See Tenn. Code Ann. § 5-1-210(1).

Further, this general grant of powers includes a construction clause, requiring "limitations on the powers of County Government shall be strictly construed, and that grants of power to County Government shall be liberally construed," thus dispensing with the need for the Working Copy's "Construction of Powers" provision.

**Commented [SDJ3]:** This provision is required pursuant to Tenn. Code Ann. § 5-1-210(1).

***Section 1.04. Public Corporation Rights***

**Commented [SDJ4]:** This provision is required pursuant to Tenn. Code Ann. § 5-1-210(2).

The County Government shall be a public corporation, with perpetual succession, capable of suing and being sued, and capable of purchasing, receiving, and holding property, real and personal, and of selling, leasing or disposing of the same to the same extent as other counties.

***Section 1.05. Rights Reserved to the People***

No provision of this Charter, and no action by any officer or employee of the County acting under its authority, shall infringe upon rights, privileges, and powers now or hereafter reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the State of Tennessee.

## ARTICLE II

### LEGISLATIVE BRANCH

#### Section 2.01. Legislative Powers

The legislative power of the County is vested in the Board of County Commissioners of Anderson County ("Board"), which is the Legislative Branch and County Legislative Body of the County. The legislative power of the County includes all lawful authority to adopt ordinances, emergency ordinances, and resolutions governing the operation of government or regulating the conduct and affairs of the residents of the County; to adopt and amend the County budget; to fix all County tax rates and to provide for the collection of all County taxes; to release County taxpayers from double taxes, when such has occurred; to provide for corrections in tax lists; to appropriate County funds for any and all lawful purposes; and to exercise all other authority of a legislative nature which is vested in the County by the Constitution, all applicable laws of the State of Tennessee, or this Charter. The Board may adopt any ordinance, emergency ordinance, or resolution which is not in conflict with the Constitution, general laws of the State of Tennessee, or this Charter.

**Commented [SDJ1]:** The defined term Board may cause confusion in any area that deals with the School Board. Should this be changed to Commission? A decision for the Charter Commission.

#### Section 2.02. Other Powers

A. The Board is vested with all other powers of the government of Anderson County not specifically, or by necessary implication, vested in some other official of the County by the Constitution of the State of Tennessee, by this Charter, or by law not inconsistent with this Charter. In exercising its legislative functions, the Board may employ, subject to budgeting limitations, assistants, and other employees. However, the Board shall not exercise any powers or perform any functions of the County Government which are vested, by the terms of this Charter, in either the Executive Branch or the Judicial Branch. Whenever any public or private act of the State of Tennessee purports to authorize the county court, the Board, or the Mayor to perform any administrative or executive act or function, then such act or function shall be performed by the Mayor except as otherwise provided in this Charter.

B. The Board shall provide annually, by resolution, for an independent audit of the accounts and other evidences of financial transactions of the County and of every County office and such other special audits as the Board deems necessary. Such audits shall be made by a certified public accountant or by a firm of certified public accountants designated by the Board, and no individual auditor or member of an auditing firm so designated shall have any personal financial interest, direct or indirect, in the fiscal affairs of the County or of any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audits. The individual certified public accountant or firm of certified public accountants may be employed to perform the audit for the term set by resolution.

**Commented [SDJ2]:** There are a couple of options to consider for this section. Knox County limits the firm from auditing the county for more than four (4) years, while Shelby County's Charter is a bit more permissive and grants the county commission the right to set the accountant firm's employment by resolution.

**Commented [SDJ3]:** This is required see Tenn. Code Ann. §§ 4-3-304(4)(B)

C. By ordinance, the Board shall establish rules and regulations governing all County purchases, sales, contracts for services and disposal of surplus property. Such ordinance may

**Commented [SDJ4]:** The inclusion of this section is optional. Shelby County's Charter contains it. Knox County's does not. The section is permissive and allows the Board to grant the Mayor power to promulgate more purchasing rules.

provide that the Mayor may promulgate rules and regulations to administer the purchasing procedures established by ordinance.

Commented [SDJ5]: I believe there is statutory authority related to this section. I would like to take a look at it with relation to the final sentence.

D. The Board shall have the sole power to grant franchises by ordinance, provided no such franchise shall be granted for a period to exceed thirty (30) years.

Commented [SDJ6]: This provision is optional.

E. No sale or transfer of real property, or any interests therein, owned by the County shall be valid unless approved by resolution of the Board.

F. By resolution, which shall not be subject to veto by the Mayor of Anderson County, the Board shall have the power to authorize the borrowing of money and issuance of bonds, notes, and other evidences of indebtedness of the County and all matters pertaining thereto. Such a resolution shall be effective immediately upon its adoption by the Commission.

Commented [SDJ7]: The inclusion of this section is optional. Tennessee Court of Appeals has stated that "the signing of bonds, tax anticipation notes, and bond anticipation notes is an integral part of the legislative function of issuing bonds, and in the absence of a specific provision giving the county mayor authority to sign those instruments that power will not be extended to that official by implication." *Shelby Cty. v. Blanton*, 595 S.W.2d 72 (Tenn. Ct. App. 1978). Thus (1) by nature, borrowing money and issuing bonds is a legislative function only to be performed by the Board and the Mayor does not necessarily have veto power over the Board's power, and (2) counties can grant the Mayor such power to veto and/or sign such instruments if it wishes.

G. By resolution, the Board may employ, contract with, or otherwise hire, any person(s) or business entity(ies) which it deems necessary to the exercise of the powers vested in it unless otherwise provided by this Charter.

H. By ordinance, the Board may establish and name such special districts and, in connection therewith, shall provide for assessments, levies, and collections of taxes and assessments with respect to any or all property, real or personal, or privileges within any such district and the pledge of the revenues derived and to be derived therefrom, all as in its judgment may be necessary or appropriate for the exercise within such district of any one or more of the public corporation rights of powers of the government of Anderson County not then being exercised for the benefit of all citizens of the County. The subsequent exercise of any such right or power for the benefit of all citizens of the County shall not impair any special district theretofore established or any contracts, pledges, or obligations of the government of Anderson County with respect thereto.

I. Upon adoption of an approving resolution in each instance by the affirmative vote of two-thirds (2/3) of the entire Board, the Board and its authorized committees shall have fuller power and authority to hold public hearings, with power to subpoena witnesses and to administer oaths where necessary or desirable, for the purpose of either (1) gathering information necessary or desirable for the purpose of considering proposed Board legislation, or (2) investigating any allegation of violations of this Charter, ordinances or emergency ordinances of the Board brought by either the Mayor or any member of the Board against any elected official or employee of the Board. No such hearing shall be held with or without such subpoena power having been exercised except when a quorum of the Board or any authorized committee, as appropriate, is present.

Commented [SDJ8]: This clause is optional.

J. By resolution, the Board may appoint members to those boards and commissions the Board deems necessary in the furtherance of its duties and responsibilities under this Charter or as provided by state law. All such appointees shall be residents of Anderson County at the time of their appointment and at all times while serving on said board or commission. The Board shall have the authority, by resolution, to remove and discharge all such members for good cause shown.

Commented [SDJ9]:

**Section 2.03. Membership and Election; Districts, Seats, Reapportionment and Redistricting**

A. The Board members shall be elected by the people from such districts of Anderson County as may from time to time be provided by ordinance.

(1) The Board under this Charter shall initially consist of sixteen (16) members elected from eight (8) districts. The first Board members shall be elected in the County general election of 20\_\_\_\_\_ and shall be residents of, and represent, the eight (8) districts of the former board of county commissioners as shall exist on \_\_\_\_\_. The eight (8) districts shall each consist of seats A and B. Any resident of any such district desiring to stand for election to the Board and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for one (1) specific seat representing such Board district. Each qualified voter in any Board district may vote for one (1) candidate for each Board seat representing such district.

(2) Subsequent to the year 20\_\_\_\_, the Board by ordinance may alter, by an affirmative vote of two-thirds (2/3) of the membership of the Board, the number of Board districts or the number of Board members so long as:

- (a) the total number of Board districts shall not be less than nine (9) nor more than twenty-five (25);
- (b) the total number of members of the Board shall not be less than nine (9) nor more than twenty-five (25);
- (c) each seat is a separate office and not more than three (3) members shall be elected for any one (1) district; and
- (d) all districts comply with constitutional requirements.

B. The regular terms of the Board members shall be four (4) years which shall all run concurrently. On or before \_\_\_\_\_, and every ten (10) years thereafter, it shall be the duty of the Board, based upon the most recent Federal decennial census, to reapportion and/or redistrict the Board seats so as to comply with Constitutional requirements. The voting precincts of the County shall be established by the Board, by ordinance, unless otherwise provided by applicable law.

C. No person shall be eligible to serve as a member of the Board unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he or she filed his or her nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first general election at which Board seats appear on the ballot following any reapportionment or redistricting of Board districts. A member of the Board shall remain a resident of the Board district which such member represents during his or her term of office.

**Commented [SDJ10]:** Tenn. Code Ann. § 5-1-210(4) requires the Charter to provide for the size, method of election, and qualifications for holding office.

**Commented [SDJ11]:** The Board has a duty to reapportion districts every ten (10) years to make the districts' populations substantially equal. See Tenn. Code Ann. § 5-1-111.

**Commented [SDJ12]:** Pursuant to Tenn. Code Ann. § 5-1-108, there cannot be more than twenty-five (25) districts

**Commented [SDJ13]:** See Tenn. Code Ann. § 5-1-111

D. The Board shall adopt its own rules of order and procedure. All resolutions, ordinances and emergency ordinances shall be adopted in accordance with the Constitution, all applicable laws of the State of Tennessee, and this Charter.

E. In all proceedings of the Board to either elect officers of the Board or to fill vacancies in elective offices, the following procedure shall be followed:

- (1) Nominations may be made by members of the Board only.
- (2) Each member of the Board may vote in favor of one (1) nominee, by name, only.
- (3) Election of a nominee shall require a majority vote of the membership of the Board. Prior to such election, the Board shall, by resolution or ordinance, establish the procedure for arriving at a majority vote.

F. When any public office is to be filled by the Board, if any member of the Board accepts the nomination as a candidate for such public office, the following procedure shall be followed:

- (1) No member of the Board who is absent from any proceeding to fill a public office shall be eligible to have his or her name placed in nomination unless either the Chairman (woman) of the Board or the County Clerk shall have present at such meeting of the Board a written acceptance of such nomination signed by such member of the Board.
- (2) If a Board member's name is placed in nomination, the Chairman (woman) of the Board shall, prior to the first vote, require that member to either accept or decline the nomination. A refusal to either accept or decline shall disqualify that member for nomination.
- (3) No vote shall be recorded in favor of any member of the Board who has either declined nomination or has been otherwise disqualified.
- (4) The acceptance of nomination by a member of the Board shall automatically disqualify such member to vote to fill that office.
- (5) If the Board member is elected, his or her seat on the Board shall immediately be vacant.

#### Section 2.04. Board Members' Salary and Compensation

The salary of the Chairman (woman) of the Board shall be twenty percent (20%) of the salary of a Circuit Court judge in Anderson County. The salary for other members of the Board shall be forty percent (40%) of the salary of the Chairman (woman) of the Board. The compensation allowed any member of the Board shall not be decreased during the term of office and shall not be increased more than thirty percent (30%) during the term of office. Any increase in compensation shall be set by the annual budget.

**Commented [SDJ14]:** The percentages here used are taken from the Working Copy. See also Tenn. Code Ann. § 5-5-107.

*Section 2.05. Meetings and Quorum*

The Board shall meet at least once each month at a time and place to be determined by the Board. A quorum for the purpose of conducting business shall be a majority of the membership of the Board.

*Section 2.06. Election of Chairman (woman) and Vice Chairman (woman)*

The Board, at its first session after August 4, 2022, and annually thereafter, shall elect from its membership a chairman (woman), vice chairman (woman), and such other officers as the Board deems necessary. The election procedures shall follow those established pursuant to Section 2.03(E).

*Section 2.07. Removal of Member of the Board*

A member of the Board may be removed from office according to the laws of the State of Tennessee.

**Commented [SDJ15]:** This provision and the removal of a member of a County Legislative Body are set forth in Tenn. Code Ann. § 8-47-101 to -127.

*Section 2.08. Vacancy*

In the event of a vacancy in the office of a member of the Board, the remaining members of the Board shall fill said vacancy within sixty (60) days with a person meeting the qualifications for said position until his or her successor is elected and sworn. The successor to the person so selected by the Board to fill the vacancy shall be elected by the qualified voters of such Board district at the next general election; provided, however, that if such vacancy occurs within thirty (30) days prior to the next general election, the person so selected by the Board to fill the vacancy shall serve the remainder of the term of that Board seat.

**Commented [SDJ16]:** Generally, T.C.A. § 5-1-104(b) and (c) govern vacancies, which requires the county legislative body to fill vacancies, and that the successor appointee serves until the next general election. The statute also requires that the Board make an appointment to fill a vacancy within 120 days of notice of the vacancy, along with other specifications.

*Section 2.09. Ordinances, Emergency Ordinances and Resolutions*

*A. Generally*

(1) ~~The Board shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.~~

(2) ~~All ordinances, emergency ordinances, and resolutions which repeal, revise or amend former ordinances, emergency ordinances, or resolutions shall recite in their caption the number and date of adoption of the ordinance, emergency ordinance, or resolution repealed, revised, or amended.~~

(3) In order to become effective, any ordinance or resolution shall receive a majority vote of the membership of the Board except the following:

**Commented [SDJ17]:** There is an option related to this section: There is a rule for passing ordinances and resolutions which mirrors the Tennessee Constitution's "single-subject rule," which requires each act of the legislature to be limited to a single subject. See Tenn. Const. Art. II, § 17.

**Commented [SDJ18]:** No ordinance shall be amended except by a new ordinance. See Tenn. Code Ann. § 5-1-211(d)(5).

- (a) Any ordinance proposing an amendment to this Charter shall be adopted by a favorable vote of two-thirds (2/3) of the membership of the Board.
  - (b) Any resolution authorizing the Board, or its authorized committee(s), to hold public hearings pursuant to Section 2.02(1) of this Charter shall be adopted by a favorable vote of two-thirds (2/3) of the membership of the Board.
  - (c) Any ordinance pursuant to Section 2.03(A)(2) of this Charter shall be adopted by a favorable vote of two-thirds (2/3) of the membership of the Board.
  - (d) All emergency ordinances shall be adopted in accordance with applicable law and this Charter.
- (4) No ordinance, emergency ordinance, or resolution shall become effective unless the following procedure is followed:
- (a) Each member of the Board present shall distinctly, audibly or visually cast his or her vote, and the County Clerk shall record, in writing, each member's vote as "yea," "nay," or "abstain."
  - (b) At the conclusion of each vote, either the Chairman (woman) of the Board or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.
  - (c) No member of the Board shall change his/her vote after the vote is announced unless granted the right to do so by a majority of the membership of the Board at such Board meeting at which the original vote was cast. It shall be the duty of the Chairman(woman) of the Commission or the County Clerk, at the time of such vote change, to announce distinctly, audibly or visually the caption of the subject legislation as well as the name and manner of vote change of such member of the Board.
  - (d) Upon the adjournment of each and every meeting of the Board, it shall be the duty of the County Clerk to maintain and preserve, unchanged, as public records available for inspection during reasonable office hours, the voting record for each and every ordinance, emergency ordinance and resolution.
- (5) It shall be the duty of the County Clerk to deliver to the Mayor true and attested copies of all ordinances, emergency ordinances, and resolutions within four (4) days of final adoption by the Board.
- (6) It shall be the duty of the County Clerk to deliver to the County Law Director true and attested copies of all ordinances, emergency ordinances, and resolutions within thirty (30) days of their effective date.
- (7) The County Clerk shall number and compile in an ordinance book all ordinances and emergency ordinances and shall number and compile in a resolution book all

resolutions. The County Clerk shall preserve such books in the County Clerk's office. The County Clerk shall furnish a true copy for a reasonable fee to any person so requesting.

(8) It shall be the duty of the County Clerk to provide copies of this Charter and amendments thereto, together with all ordinances and emergency ordinances, to the Anderson County Code Commission as provided in Section 4.05 of this Charter.

(9) The County Clerk may delegate to his/her deputy(ies) any or all duties imposed upon the County Clerk by this Charter; provided, however, that nothing in this subsection (9) shall be construed to relieve the County Clerk of any responsibilities imposed upon

him/her by this Charter.

#### B. Ordinances

(1) An ordinance shall be considered to be on the agenda of any meeting of the Board only if:

(a) the caption of such ordinance is quoted verbatim in the agenda for such meeting and a copy of such agenda has been made available to each and every member of the Board not later than five (5) days prior to such Board meeting; and

(b) a copy of such ordinance has been made available to each member of the Board at least forty-eight (48) hours prior to such meeting.

(2) To become effective, each ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, that in the absence of any applicable law in conflict with this Charter, to become effective, each ordinance shall be approved by a majority of the members of the Board upon three (2) readings, with not less than one (1) week elapsing between first and third readings.

(3) ~~An ordinance shall take effect on the fifteenth (15th) day following its passage on final reading, except in the case of an emergency ordinance.~~

Commented [SDJ19]: See Tenn. Code Ann. § 5-1-211(a)-(c).

(4) ~~Ordinances imposing fines or imprisonment as punishment for violation thereof shall be enforced by the Sheriff of Anderson County of the County unless such ordinance otherwise provides. Persons charged with violation of such an ordinance shall be tried in the Court of General Sessions. Any fines or penalties, or both, and court costs collected for such violation, shall be paid into the County general fund.~~

Commented [SDJ20]: See Tenn. Code Ann. § 5-1-211(h).

#### C. Emergency Ordinances

(1) An emergency ordinance shall be so designated in its caption.

(2) To become effective, an emergency ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, that in the absence of applicable law in conflict with this Charter, an emergency ordinance shall be adopted by an affirmative vote of two-thirds (2/3) of the members of the Board pursuant to the following procedure:

(a) An emergency ordinance which appears on the regular agenda, as any other ordinance, pursuant to Section 2.09(B), shall take effect either upon the signature of the Mayor of Anderson County or, in the absence of a veto, as hereinafter provided and without the signature of the Mayor, upon the eighth (8th) day following its adoption, upon one (1) reading by the Board, whichever first occurs.

(b) An emergency ordinance may be added to the agenda of any meeting of the Board at which a quorum is present by unanimous consent of the members of the Board present and voting for the sole purpose of a reading thereof; such emergency ordinance may be adopted upon second (2nd) reading at the next meeting of the Board. Such emergency ordinance shall become effective either upon the signature of the Mayor of Anderson County or, in the absence of a veto as hereinafter provided and without the signature of the Mayor of Anderson County, upon the eighth (8th) day following its adoption, whichever first occurs.

#### D. Resolutions

All resolutions shall be adopted upon receiving a majority vote of the membership of the Board upon one (1) reading and shall become effective in accordance with Section 2.10 of this Charter.

#### *Section 2.10. Signature and Veto by the Mayor of Anderson County*

A. Every ordinance, emergency ordinance, and resolution shall be submitted to the Mayor of Anderson County for approval or veto; provided, however, that this requirement shall not apply to (1) resolution authorizing the borrowing of money and the issuance of bonds and notes and other evidences of indebtedness of the County and all matters pertaining thereto, as provided in Section 2.02(E) of this Charter, which resolutions shall become effective immediately upon their adoption by the Board, or (2) ordinances, emergency ordinances, and resolutions affecting zoning regulations, which shall become effective immediately upon their adoption by the Board. Upon the signature of the Mayor, an ordinance, emergency ordinance, or resolution becomes effective as provided in Sections 2.09 and 2.10 of this Charter.

B. Any ordinance or resolution vetoed by the Mayor of Anderson County shall be returned to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor. Any emergency ordinance vetoed by the Mayor of Anderson County shall be returned to the County Clerk within three (3) days after the emergency ordinance is required by the Charter to be submitted to the Mayor. The County Clerk shall notify the members of the Board, in writing, within five (5) days of receipt by the County Clerk.

C. Any vote of the Board to override the veto of the Mayor of Anderson County shall be taken within thirty-five (35) days of the expiration of the period required of the County Clerk to notify the members of the Board of the veto which is the subject of such override vote. The affirmative vote of not less than a simple majority of the membership of the Board shall be required to override the veto of the Mayor; provided, however, that in the case of ordinances and emergency

ordinances requiring a two-thirds (2/3) vote for original passage, a two-thirds (2/3) vote of the membership of the Board shall be required to override the veto of the Mayor. The ordinance, emergency ordinance, or resolution shall immediately become effective upon the Board overriding the veto.

D. If the Mayor of Anderson County fails either to sign or veto an ordinance or resolution and to report this action to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor (or within three [3] days in the case of an emergency ordinance), the Mayor of Anderson County shall have no further power to veto the ordinance, emergency ordinance, or resolution, and it shall become effective without the signature of the Mayor of Anderson County upon the expiration of the time periods in this Paragraph provided, or at a later date if the ordinance or resolution so provides.

### ARTICLE III

#### EXECUTIVE BRANCH

##### *Section 3.01. Executive and Administrative Powers*

The executive and administrative powers of the Anderson County Government shall be vested in, and exercised by, the County Mayor, also called the Executive Branch, and under the Mayor's control and direction, by such subordinate major divisions, departments, boards, offices, officers and agencies as established from time to time.

##### *Section 3.02. Executive Branch*

The Mayor shall be the head of the Executive Branch of County Government, responsible for the exercising of all executive and administrative functions of the County Government and shall be the chief fiscal officer of the County. The Mayor shall devote his or her full time to the performance of his or her duties as the Mayor.

##### *Section 3.03 The Mayor's Duties*

The Mayor shall:

A. See that all provisions of this Charter, resolutions, ordinances, and emergency ordinances of the Board and all applicable laws of the State of Tennessee subject to execution by the County are faithfully executed; provided, however, that the Mayor shall not assume any of the constitutional, statutory, or Charter duties of the Sheriff.

B. Prepare and submit to the Board, with the assistance of appropriate department heads and other responsible officials, budgets and financial reports. The Mayor shall present a consolidated budget of the County to the Board on or before \_\_\_\_\_ each and every year in order for the Board either to approve said budget as presented or to modify and amend the same as may be deemed requisite in order to determine the amount of taxes necessary to be levied. The adoption of the budget by the Board shall be by resolution.

C. Examine regularly the accounts, records, and operations of every department, office, and agency of the County; make regular reports to the Board on the affairs of the County; keep the Board fully advised of the financial condition and the future needs of the County; and make such recommendations to the Board on County affairs as he or she deems appropriate.

D. Take such other executive and administrative actions as are permitted or required by this Charter and all applicable laws of the State of Tennessee or as may be prescribed by the Board.

E. Have the power to contract with various municipalities, other governmental units, or public corporations in the County for the consolidation of services and functions, upon the authorization of the Board by resolution. The Mayor may also contract with one or more states or

Commented [SDJ11]: I would prefer to have a date set forth as with Knox County. They could pick the date, but after, it would be set. Resolution or Ordinance?

counties, or both, for institutional or other services which may be rendered more efficiently or economically.

F. Provide for and maintain all accounting systems necessary for the County and for each department, office, and agency thereof. The Mayor shall maintain such systems in accordance with generally accepted accounting principles applicable to governmental entities, keeping accounting records for, and exercising financial and budgeting control over, such department, office, or agency. All warrants in payment of obligations of the County shall be signed by the Mayor, either in person or by facsimile, except where another officer is authorized so to do by either applicable law or this Charter.

G. Have veto power over the annual budgets of the County which may be exercised only by vetoing the whole. The veto shall be exercised and may be overridden by the procedure as provided in Section 2.10 of this Charter; provided, however, that no veto pursuant to this paragraph shall be valid unless the Mayor, within the time provided for vetoes in Section 2.10 of this Charter, shall provide, in writing to the County Clerk an explanation by the Mayor as to his or her reason for each such veto.

Commented [SDJ2]: Tenn. Code Ann. § 5-6-107(c) limits the mayor's veto power to a veto of the whole.

H. Except as otherwise provided by Tennessee law, special or private act, or this Charter, the Mayor shall appoint members of all boards, authorities, and commissions, and their appointment shall be subject to approval by resolution of the Board. All appointees shall be residents of Anderson County at the time of their appointment and at all times while serving on said board, authority, or commission. Such members may be removed and discharged for good cause shown.

Commented [SDJ3]: The requirement to have the Mayor provide a reason for a budget veto is optional. Since line item veto is not permitted, this section may prove to be helpful in correcting the issue that caused the veto. However, since the mayor's veto can be overridden by a simple majority of the Board, it may not be necessary to have this explanation.

I. Have the right to serve, individually, or to appoint from administrative assistants, executive assistants or any head of any division or department of the County, in writing, a designee, to serve in place and stead of the Mayor on any board or commission of which the Mayor is a member by law. Said designee shall have all the powers as are conferred upon the Mayor, including the power to vote. During such periods of appointments, either the specified designee or the Mayor may exercise the voting powers granted by this Section. However, at any meeting attended by the Mayor, only the Mayor shall exercise the voting power.

Commented [SDJ4]: By the Mayor or a vote of the board?

J. Negotiate and execute loans, bonds, notes, and other evidences of indebtedness of the County to the extent provided in the resolution authorizing the same.

Commented [SDJ5]: The commission also has the option to permit the mayor to direct the investment of funds.

K. Maintain the records of County indebtedness and have charge of the payment of principal and interest thereon.

L. Examine all contracts, orders, and other documents by which financial obligations are incurred by the County, or by any of its officials or officers, and indicate the availability of funds to meet these obligations, and certify thereto.

M. Have the sole power and authority to enter into contracts on behalf of Anderson County, except as otherwise provided in this Charter. Contracts and purchases on behalf of the County shall be entered into by the Mayor or the Mayor's designee. On all contracts in an amount greater

than fifty thousand dollars (\$50,000), or such greater amount as established in advance by the Board, the Mayor shall obtain the approval of the Board by resolution prior to execution.

N. Develop purchasing regulations for all purchases made with funds that have been collected for the use of the County. Any such purchasing regulations shall be enacted as an ordinance by the Board. To the maximum extent allowed by law, each constitutional, statutory, or Charter official of the County, whether appointed or elected, shall be required to follow the provisions of the purchasing ordinances for construction or purchases of goods and services with public funds.

**Commented [SDJ6]:** This section has the effect of giving the Mayor the authority to enter into contracts on behalf of the County, and then setting limits on said power.

There is no statutory requirement for this provision. However, it serves to clarify both who has the power to enter into contracts and place limits on that power. The amount of \$50,000 is arbitrary and the final amount to be placed here would need to be decided by the commission.

#### *Section 3.04. Mayor – Term, Qualifications, Compensation*

The Mayor shall be elected by the qualified voters of Anderson County every four (4) years, commencing with the 2022 County general election, and shall take office on September 1 following his or her election. The Mayor shall be twenty-five (25) years of age or older, a resident of the County at least one (1) years prior to filing for this office and shall remain a resident of the County during his or her term of office. The Mayor's compensation shall be based upon Tennessee Code Annotated, Section 8-24-102, as may be from time to time amended by the Tennessee State General Assembly, and shall be adjusted annually based on the statutory requirements. Such compensation shall be paid in equal monthly installments. The salary of the Mayor may be changed from time to time by resolution of the Board; provided, however, that such compensation shall not be decreased during the term for which the Mayor was elected; and provided further, that the Board shall take no action changing the Mayor's salary for any succeeding term of the Mayor during the year in which the Mayor is to be elected.

**Commented [SDJ7]:** There will be no charter in place at this time because the charter will also be on the ballot.

#### *Section 3.05. Mayor – Vacancy*

If a vacancy occurs in the office of Mayor by death, resignation, removal, disability, or otherwise, the vacancy shall be filled by the Board with a person meeting the qualifications for said position until his or her successor is elected in the next general election and sworn; provided, however, that if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Board to fill the vacancy shall serve the remainder of the term of office of the Mayor. Said selection shall not occur until such time as the Board conducts a duly noticed public hearing during which interested, qualified candidates will be interviewed by the Board.

#### *Section 3.06. County Departments and Other Entities*

A. The Mayor, except where otherwise provided in Tennessee law, the Constitution, or this Charter, and subject to approval by resolution of the Board, may create or abolish major departments of County Government with each department having a Department Director. The Department Directors of the County shall be appointed by the Mayor, shall be subject to dismissal

by the Mayor without cause, and shall be residents of the County at the time they assume the duties of their office and at all times while serving the County in such capacity.

B. The duties, powers and functions of the departments of the County Government shall be generally as set by ordinance, and their jurisdiction shall extend throughout the County Government.

C. The Mayor, subject to approval or ratification by resolution of the Board, may create and establish, or cause the creation and establishment of, nonprofit corporations or authorities in accordance with general law to act for or on behalf of the County alone or in conjunction with one or more municipalities, counties, other governmental units, public corporations, or combination thereof, for public, civic, or charitable purposes. Any such corporation shall have all the powers and privileges provided by general law unless restricted by its corporate charter. No County funds shall be appropriated, contributed, or loaned to any such corporation, nor shall the County enter into any contract with such corporation without the prior approval of the Board by resolution.

*Section 3.07. Budget Procedures*

A. The head of each County department or County office, including constitutional officers, shall upon request, furnish to the Mayor, in a form specified by the Mayor:

- (1) estimates of the revenues and expenditures of the department or office for the ensuing fiscal year and/or balance of the current fiscal year;
- (2) estimates of the costs of any capital improvements pending or proposed to be undertaken (i) within the ensuing fiscal year and (ii) within the four (4) fiscal years immediately thereafter; and
- (3) such other information the Mayor requests.

B. All constitutional offices shall submit their budgets to the Mayor no later than [ ] of each and every year. The Mayor shall submit a consolidated budget to the Board.

C. All offices or departments which receive appropriations from County Government shall utilize such appropriations strictly in accordance with the applicable provisions of the budget as finally approved or amended; provided, however, that upon the recommendation of the chief elected administrative officer of the unit or department, or if none, the Mayor, the Board may provide for approval of transfers between line items within the budget of offices or departments. The chief elected administrative officer of the unit or department, or if none, the Mayor, shall affirmatively certify that such transfer will not impair the necessary functions or operations of the office(s) or department(s). Capital appropriations shall not be altered or varied except with the approval of the Board by resolution. No appropriation shall be reduced below the level required either by law or bond covenants.

**Commented [SDJ8]:** Since the purpose of adopting a charter form of government is to give more flexibility, the option exists to revoke the adoption of Tenn. Code Ann. 5-21-101 through the adoption of the charter, then pass an ordinance adopting those same provisions in ordinance form, giving the flexibility of change without referendum.

**Commented [SDJ9]:** There is some flexibility in the choice of date. This flexibility will be limited somewhat if Tenn. Code Ann. § 5-21-101 is readopted. Knox County has May 1. Shelby County does not specify a date. The County Financial Management System of 1981 states that "[o]n or before February 1 of each year the budget committee, in conjunction with the director, shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this chapter." Tenn. Code Ann. § 5-21-110(a).

*Section 3.08. Anderson County Law Director*

A. The Office of Anderson County Law Director is hereby established. The County Law Director ("Law Director") shall be an attorney fully licensed to practice law in the State of Tennessee. The Law Director shall be a citizen of the United States, have had no less than five (5) years of experience in the practice of law, and shall be licensed and qualified to practice law in all courts of the state of Tennessee. The Law Director shall devote full time to the performance of his or her duties.

B. The salary of said Law Director is hereby fixed as the same salary as is provided by law for judges of the Circuit and Chancery courts for the State of Tennessee, which salary shall not be lowered during the Law Director's term of office. The Law Director's salary shall be payable in equal monthly installments from the general funds of the County.

C. The Law Director shall be appointed by resolution of the Board. The first Law Director under this Charter shall not be appointed until the termination of the term of the Law Director serving at the time of the formation of the Charter. The Law Director shall be subject to dismissal by resolution of the Board without cause.

D. It shall be the duty of the Law Director to take the oath of office prescribed for other County officials and appropriate to his or her office before entering upon the discharge of his or her duties, and thereafter to execute and administer all of the legal affairs of the County, including litigation; drafting of contracts and other documents, instruments and papers; the investigation of titles; and to advise and counsel County officials and the Board on all legal matters affecting their respective offices. No elected or appointed officer or employee of the County shall employ any other attorney to represent the County or any officer, board, or member of the Board unless he or she shall first be authorized and empowered to do so by resolution of the Board.

E. The County shall pay all reasonable and necessary expenses incurred by the Law Director in the discharge of his official duties, subject to submission of such bills, receipts, invoices, or other documents and papers as may be required by the accounting practices established for the County Government.

F. The Law Director is hereby authorized to employ such assistants and office personnel as may be necessary for the discharge of the Law Director's duties at salaries to be set by the Board. The Board shall provide suitable offices, appurtenances, and conveniences for the Law Director and the use of his or her assistants and office personnel. The Board shall also furnish the Law Director with appropriate equipment, furniture, and supplies as may be necessary in the performance of his or her duties, including an appropriate law library.

## ARTICLE IV

### OTHER OFFICERS

Commented [SDJ10]: All constitutional offices must be provided for within the charter pursuant to *Jordan v. Knox Cty.*, 213 S.W.3d 751, 774 (Tenn. 2007).

#### *Section 4.01. Property Assessor*

The duties of the Assessor of Property are vested in and exercised by the Anderson County Property Assessor ("Property Assessor"). The duties and qualifications, oath of office, bond requirements and compensation of the Property Assessor shall be governed by the Constitution and laws of the State of Tennessee and this Charter. The duties of this office shall include, but not be limited to, the responsibility of determining and recording the value of all property within the County, whether real, personal or mixed, except for the property of public utilities valued by the State; provided, however, that nothing in this section shall diminish the duties of the Office of the Property Assessor as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Board.

#### *Section 4.02. Sheriff*

The duties of the Sheriff are vested in and exercised by the Anderson County Sheriff ("Sheriff"), who shall be the chief law enforcement officer of the County. The duties and qualifications, oath of office, bond requirements and compensation of the Sheriff shall be governed by the Constitution and laws of the State of Tennessee and this Charter. The general duties of Sheriff shall include, but not be limited to, being the chief law enforcement officer of the County, maintaining the jails of the County, providing courthouse and courtroom security, and providing civil and criminal warrants service, as well as those duties traditionally performed by the Sheriff in accordance with common law; provided, however, that nothing in this section shall diminish the duties of the office of the Sheriff as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Board.

#### *Section 4.03. Register of Deeds*

The duties of the Register of Deeds are vested in and exercised by the Anderson County Register of Deeds ("Register of Deeds"). The duties, qualifications, oath of office, bond requirements and compensation of the Register of Deeds shall be governed by the Constitution and laws of the State of Tennessee and this Charter. The duties of the Register of Deeds shall include, but not be limited to, the responsibility for the filing or recordation of documents that affect the legal status of real or personal property; provided, however, that nothing in this section shall diminish the duties of the Office of the Register of Deeds as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Board.

#### *Section 4.04. County Clerk*

The duties of the County Clerk are vested in and exercised by the Anderson County Clerk ("County Clerk"). The duties, qualifications, oath of office, bond requirements, and compensation of the County Clerk shall be governed by the Constitution and laws of the State of Tennessee and this Charter. The general duties of the County Clerk shall include, but not be limited to, the responsibility for the collection of business taxes, motor vehicle registration and licensing, the collection of wheel taxes, the issuance of marriage and other licenses, and the keeping of records of the County's notaries public; provided, however, that nothing in this section shall diminish the duties of the Office of the County Clerk as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Board.

#### *Section 4.05. Trustee*

The duties of the Trustee are vested in and exercised by the Anderson County Trustee ("Trustee"). The duties, qualifications, oath of office, bond requirements, and compensation of the Trustee shall be governed by the Constitution and laws of the State of Tennessee and this County Charter. The general duties of the Trustee shall include, but not be limited to, the responsibility for the collection of property taxes, the collection and disbursement of County funds, the management of the County's cash flow, and the investment of idle County funds; provided, however, that nothing in this section shall diminish the duties of the Office of the Trustee as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Board.

#### *Section 4.06. Elections and Filling Vacancies*

The officers listed in this Article IV shall be elected by the voters of Anderson County in accordance with the Constitution, general laws of the State of Tennessee, and this Charter. Any vacancy in the offices listed in this Article IV due to the death, resignation, removal, disability, or otherwise, shall be filled by the Board with a person meeting the qualifications for said position, until his or her successor is elected in the next general election and sworn; provided, however, that if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Board to fill the vacancy shall serve the remainder of the term of that officer. Said selection shall not occur until such time as the Board conducts a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Board.

**ARTICLE V**  
**JUDICIAL BRANCH**

*Section 5.01. Judiciary*

A. The judiciary of County Government shall be vested in the existing courts of the County or in any other courts established by law. Judges of the various courts of Anderson County shall expressly continue as elected officers with all powers and duties conferred or implied by law upon their respective offices.

B. The Board may, by ordinance, create such additional divisions of the General Sessions Court, as well as courts having such jurisdiction as is, or may hereafter be, provided by law, which it deems necessary, and may abolish such divisions so long as the Board shall comply with Section 5.03 of this Charter. Such additional divisions of the General Sessions Court may be given exclusive jurisdiction over County ordinance violations, and such other jurisdiction as may be authorized by all applicable laws of the State of Tennessee and this Charter. Any general sessions courts existing at the time of the adoption of this Charter shall expressly continue, unless and until such time as they are modified by the Board.

**Commented [SDJ11]:** Do we wish to limit this to general sessions or do we wish to include Juvenile Court as well?

**Commented [SDJ12]:** See note above.

*Section 5.02. Vacancy*

If a vacancy occurs in any judicial office of the General Sessions or Juvenile Court, or in any other County judicial office established by law or by this Charter in the County, then that vacancy shall be filled by a vote of the Board as prescribed in this Charter, and the person so selected shall serve until his or her successor is elected and sworn.

**Commented [SDJ13]:** Under which section? Are we referring back up to 4.06 or 3.05?

*Section 5.03. Abolishing Divisions or Altering Compensation*

Nothing herein shall grant to the Board the power to abolish a division of any General Sessions Court, Juvenile Court, or any other County judicial office, during the term of office of a judge of that court, nor shall the Board alter the compensation of any judge of any court of the County during the term of office of such judge. The Board shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of the County during the year in which an election of the judge of such court shall be held.

*Section 5.04. Rules of Court and Evidence*

Nothing herein contained shall confer upon the Board the power to make rules of court, rules of evidence, or otherwise affect the rules of civil or criminal procedure applicable to the courts of the County. The power to make rules of court or rules of evidence shall be expressly

reserved to the respective courts of the County, the Supreme Court of the State of Tennessee, and the Tennessee General Assembly, as applicable by law.

**Anderson County, Tennessee**  
**Charter Commission**  
**RESOLUTION No: 21-12-904**

**RESOLUTION ESTABLISHING MEETING DATES AND TIMES FOR  
THE ANDERSON COUNTY CHARTER COMMISSION.**

**WHEREAS**, notice is hereby given to all Charter Commissioners and residents of Anderson County, and to all other interested persons, that open, public and regular meetings of the Anderson County Charter Commissioners will be held on the first Monday of each month with the exception of July 4<sup>th</sup> holiday which will be held on Wednesday July 6<sup>th</sup> for the 2022 calendar year as follows:

**January 3, 2022 at 6:00 P.M.**  
**February 7, 2022 at 6:00 P.M.**  
**March 7, 2022 at 6:00 P.M.**  
**April 4, 2022 at 6:00 P.M.**  
**May 2, 2022 at 6:00 P.M.**  
**June 6, 2022 at 6:00 P.M.**  
**July 6, 2022 at 6:00 P.M. Wednesday**  
**August 1, 2022 at 6:00 P.M.**  
**September 5, 2022 at 6:00 P.M.**  
**October 3, 2022 at 6:00 P.M.**  
**November 7, 2022 at 6:00 P.M.**  
**December 5, 2022 at 6:00 P.M.**

**WHEREAS**, meetings will be conducted in Room 312 of the Anderson County Courthouse located at 100 North Main Street, Clinton, TN. 37716.

**WHEREAS**, the Commission Chairman and County Clerk reserve the right to call for Special Called Sessions of the Charter Commissioners as needed with due public notice.

**NOW THEREFORE, BE IT RESOLVED**, by the Anderson County Charter Commission's meeting in regular session this 6<sup>th</sup> day of December, 2021, that we hereby approve and establish the above-recited meeting dates and times as the official calendar for the 2022 year.

**RESOLVED, DULY PASSED, APPROVED AND EFFECTIVE** this 6th day of December 2021.

\_\_\_\_\_  
V.L Stonecipher, Charter Commission Chairman

\_\_\_\_\_  
Terry Frank, County Mayor

**ATTEST:**

\_\_\_\_\_  
Jeff Cole, County Clerk