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# **Anderson County Charter Commission**

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## **Agenda** **Tuesday March 22, 2022 @ 6:00 p.m.** **Room 312**

- 1. Call to Order**
- 2. Roll Call**
- 3. Prayer**
- 4. Pledge of Allegiance**
- 5. Approval of the February 7, 2022 Minutes**
- 6. Appearance of Citizens**
- 7. Law Director**
  - Charter Discussion**
- 8. Outside Counsel**
  - Review of Documents**
  - Any Questions**
- 9. Old Business**
- 10. New Business**
- 11. Adjourn**

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

**Anderson County Charter Commission**  
**Minutes**  
**February 7, 2022**  
**Room 312**

BE IT REMEMBERED THAT THE ANDERSON COUNTY CHARTER COMMISSION MET IN REGULAR SESSION ON FEBRUARY 7, 2022 AT 6:00 PM, WITH THE FOLLOWING MEMBERS PRESENT: VL STONECIPHER, TIM ISBEL, STEVE MEAD, SABRA BEAUCHAMP, CHUCK FRITTS AND JERRY WHITE

ABSENT: STEVE EMERT, AND BOB SMALLRIDGE

Chairman Stonecipher called the meeting to order.

Commissioner Fritts said the prayer.

The Pledge of Allegiance was led by Commissioner .

Commissioner Fritts made a motion to approve the January 3, 2022 minutes. Commissioner Mead seconded the motion. Motion passed.

No citizens addressed the Commission.

Material for Review – Articles VI through IX

6.01 Item F Board of Education Duties and Powers

Commissioner Isbel made a motion that the Director of Schools shall appoint a secretary to the Board of Education. Commissioner Mead seconded the motion. Motion passed.

7.05 Item C Recall of Elected County Officials

Commissioner Mead made a motion to include the recall provision at a fifteen percent (15%), minimum of the voters on the petition and no greater than fifty (50%) of votes cast for the recall. Commissioner Isbel seconded the motion. Motion failed.

Upon motion by Commissioner Isbel - Meeting Adjourned

# 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 *Added Made Comprehensive*

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 [SDJ11]: 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.~~

*Ethics Board - subpoena witnesses -*

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]:

*Not statutory commissions (cc)*

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.

*to be taken out  
continued w/ same system we  
have now.*

#### *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(b).

#### 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.

## CHARTER OF ANDERSON COUNTY, TENNESSEE

Anderson County Home Rule  
Charter Commission Members of 2022:

Sabra Beauchamp

Steve Emert

Chuck Fritts

Tim Isbell

Steve Mead - given

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)(8)

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.

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.

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.

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.

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 [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.

Commented [SDJ6]: This provision is optional.

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.

Commented [SDJ8]: This clause is optional.

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(I) 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.

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**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, subject to the provisions of the 1981 Fiscal Management Act. 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 or any other Constitutional Office or Officer.

B. Prepare and submit to the Board, with the assistance of appropriate department heads and other responsible officials, budgets and financial reports. The Budget Committees, shall present a consolidated budget of the County to the Board on or before May 1st 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.

Commented [SDJ1]: 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?

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 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 within the confines of the 1981 Financial Management Act. 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.

all under 91 act

M. Have the sole power and authority to enter into contracts on behalf of Anderson County, except as otherwise provided in this Charter or state law. 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. Assist with 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 a resolution 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 resolution 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.

*Same as state law*  
**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 2026 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 every other week, in twenty-six (26) equal 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.

**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

*SA Charter is passed - will not go into effect until 2026*

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 resolution, and their jurisdiction shall extend throughout the County Government.

*Take out* 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 Budget Committee, in a form specified by the Budget Committee or Finance Director:

- (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 Budget Committee of Finance Director requests.

B. All constitutional and county offices shall submit their budgets to the Budget Committee no later than March 1<sup>st</sup> of each and every year. The Mayor shall submit his or her budget for direct report departments at the same time and on the same budget forms.

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 administrative officer of the unit or department, or if none, the Mayor, the Budget Committee may provide for approval of transfers between line items within the budget of offices or departments. The chief 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

Commented [SDJ7]: 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.

the Board by resolution. No appropriation shall be reduced below the level required either by law or bond covenants.

*Section 3.08. Anderson County Law Director*

A. The Office of Anderson County Law Director is hereby established and shall comply with all terms and requirements of Tennessee Law embodied in the Private Acts of 2006, Chapter 77. The County Legislative Body may, from time to time, add additional duties to the office.

## ARTICLE IV

### OTHER OFFICERS

Commented [SDJ8]: 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. Circuit Court Clerk*

#### *Section 4.07. Highway Superintendent*

#### *Section 4.08. Clerk and Master*

#### *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 and Juvenile Courts, 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 [SDJ9]: Do we wish to limit this to general sessions or do we wish to include Juvenile Court as well?

Commented [SDJ10]: 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 [SDJ11]: 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.

## ARTICLE VI

### EDUCATION

#### *Section 6.01. Board of Education*

A. There is hereby created the Anderson County Board of Education. The management and control of the school system of Anderson County ("School System") is vested in the Anderson County Board of Education ("Board of Education"). The Board of Education shall be elected by the people and shall take office on September 1 following their respective elections.

B. The Board of Education under this Charter shall consist of eight (8) members elected according to state law. The regular terms of the Board of Education members shall be four (4) years, running from September 1 of the election year to August 31 of the fourth (4th) year of the term of office. All board members may succeed themselves in office.

Commented [SDJ1]: The number of members found here is provided for in Chapter 101 of the Private Acts of 2002, establishing eight school board members from eight school districts. Currently, Anderson County's website provides for eight board members.

C. Vacancies occurring on the Board of Education shall be filled by the Board of Commissioners. Board of Education members appointed by the Board of Commissioners to fill a vacancy under this section shall serve for the remaining term of the vacant seat.

D. All members of the Board of Education serving at the time of the adoption of this Charter shall continue in their positions until the end of each respective Board of Education member's remaining term. At the end of each Board of Education member's current term, an election shall be held to fill the open seat for that district according to the requirements set forth in this Charter and under state law.

E. The districts of the members of the Board of Education, as created by this Charter, shall be identical in geographic composition to the Anderson County district boundary lines as those boundary lines exist on December 31, 2021. The Board may from time to time alter the boundaries of districts so long as all districts comply with constitutional requirements. On or before \_\_\_\_\_, and every ten years thereafter, it shall be the duty of the Board, based upon the most recent federal decennial census, to reapportion the Board of Education districts so as to comply with constitutional requirements.

Commented [SDJ2]: The Charter Commission has the option of reapportioning the districts every 10 years as set forth here, or of pinning the districts to the commission districts thus changing when the commission districts change.

F. No person shall be eligible to serve as a member of the Board of Education 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 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 after redistricting for the general election at which a seat on the Board of Education appears on the ballot. a member of the Board of Education shall remain a resident of the Board of Education district which such member represents during his/her term of office. No member of the Board or any other public official or employee of the Board of Education shall be eligible for appointment or election to the Board of Education.

G. All official business of the Board of Education including, but not limited to, motions, rules, regulations, resolutions, policies, and proclamations shall pass only upon a majority vote of the Board of Education, unless required by Tennessee state law to pass with a two-third (2/3) majority vote. If a tie vote occurs, the motion fails to pass.

Section 6.02 Board of Education Duties and Powers

A. The members of the Board of Education shall have all those duties and responsibilities set forth by the general laws of the state of Tennessee.

B. The Board of Education shall hold regular meetings at least quarterly. The Chairman (woman) may call such special meetings when, in his or her judgment, the interest of the public schools requires it or when requested to do so by a majority of the members of the Board of Education.

C. The Board of Education, at its first meeting on or after the adoption of this Charter, and annually thereafter, shall elect from its membership a Chairman (woman), Vice Chairman (woman), and such other officers as the Board of Education deems necessary.

D. The Board of Education shall have all such duties, powers and authority necessary or reasonable implied to manage and control the County School System as provided by constitution, general law, this Charter, or ordinance.

E. The Board of Education may adopt such rules of order to govern its proceedings as it considers advisable and authorize such committees as necessary to carry out its responsibilities. A majority of the members of the Board of Education shall constitute a quorum.

F. ~~The Director of Schools shall be the Secretary of the Board of Education and the Executive Officer of the Board. The Chairman (woman) of the Board shall be the presiding officer of the Board and appoint all committees of the Board.~~

G. The Director of Schools and the Chairman (woman) of the Board shall constitute the Executive Committee of the Board of Education. The Executive Committee shall have all the duties set forth under Tennessee law and shall meet as often as necessary to perform their duties. All actions of the Executive Committee shall be submitted to the Board at its meetings and shall be subject to ratification, modification, or rejection by the Board.

H. ~~All members of the Board shall give a bond in an amount and under such terms as provided by law or ordinance.~~

**Commented [SDJ3]:** The private act says the Board of Education shall have all of those duties fixed by general law and leaves a considerable amount of what is in Tenn. Code Ann. 49-2-202 out. The presents the problem of it there is an enumerated list everything not included in that list was intentionally excluded unless specified otherwise

If we want to highlight certain sections, that is ok, but we need a section that states:

The members of the Board of Education shall have all those duties and responsibilities set forth by the general laws of the state of Tennessee.

**Commented [SDJ4]:** This is neither required by statute, nor included in the private act. This section is included for your consideration.

**Commented [SDJ5]:** There is no requirement under Tennessee law requiring school board members to give a bond. See generally Tenn. Code Ann. §§ 49-2-201 to -214.

Section 6.03. Board of Education Salary and Compensation

Each member of the Board of Education shall receive compensation in the amount fixed by general law.

*Section 6.04. Board of Education Employees*

Anderson County adopts the Tennessee teacher tenure statutes. All employees of the Anderson County School System not covered by the Tennessee tenure statutes or separate contract shall be considered employees at will.

Commented [SDJ6]: Anderson County Schools teacher tenure is currently covered under 1941 Tenn. Priv. Act., Ch. 465. That private act is specifically exempted under Tenn. Code Ann. § 49-5-502 and the private act will control until such time as the private act "becomes inoperative."

The private act will become inoperative upon the passage of this charter by referendum. At that time, the Tennessee Teacher Tenure Act, Tenn. Code Ann. § 49-5-501 et seq.

**ARTICLE VII**

**ELECTIONS**

*Section 7.01. Primary Election Required*

A primary election shall be held in Anderson County for the selection of all political party nominees of all parties, which are qualified under Tennessee law as political parties, for the selection of candidates for all County offices, judicial offices, and all other offices which are filled by the voters of Anderson County at the August general election in even numbered years. All such elections shall be held in the manner provided for holding such primary elections by general law.

*Section 7.02. Date of Primary*

The primary election to nominate candidates for the County general elections shall be held on the first Tuesday in May next preceding the County August general election. In years in which a Presidential Preference Primary is to be held in the State of Tennessee, the County Primary Election shall be held on the date selected by the Legislature for said Presidential Preference Primary. Where so authorized by Tennessee law, the Board may by ordinance passed at least one (1) year before the proposed date, set the date for the County Primary on such date as the Board determines shall be the most economical and convenient for the citizens of Anderson County.

*Section 7.03. Qualifying Petitions*

Any person deciding to submit his or her name to the voters in such primary election shall file a qualifying petition, in compliance with general law. The Election Commission shall verify the compliance of the petition with all requirements and declare the person a candidate and place his or her name on the primary ballot pursuant to general law. In years in which a

Presidential Preference Primary is to be held in the State of Tennessee, the qualifying petition shall be filed no later than the date and time set forth for the filing of qualifying petitions for the Presidential Preference Primary. Where so authorized by law, the Board by ordinance passed at least one (1) year before the date proposed, may set the date and time for filing qualifying petitions for the County primary election, provided that such date shall not be more than ninety (90) days preceding nor less than forty-five (45) days preceding the County primary election.

#### *Section 7.04. Notice of Election and Other Provisions*

All voters shall have the right to cast write-in ballots as provided by general law. The Election Commission shall give public notice of the election and employ officials to hold the primary as provided by general law. No person shall be placed on the ballot for any office in the August general election, subject to the provisions of this Article, and designated as a nominee of a political party, unless such person has received such nomination by virtue of having been selected as that party's candidate for such office in such County primary election except for replacement of candidates as provided by general law or when a vacancy occurs for which parties select nominees at a time in which compliance with the provisions of this Article is not possible.

#### *Section 7.05. Recall of Elected County Officials*

A. This recall provision is applicable only to officials holding the positions of Anderson County Mayor, County Board member, Law Director, Sheriff, County Clerk, Trustee, Register of Deeds, Property Assessor, and member of the Anderson County Board of Education. The Judicial Branch, including the court clerks, are not subject to recall.

B. Voters of the County may circulate a petition to recall the County Mayor, County Board member, Law Director, Sheriff, County Clerk, Trustee, Register of Deeds, Property Assessor, and member of the Anderson County Board of Education. Such recall petition, process and recall election shall meet the requirements of law.

C. Notwithstanding subsection (B), in the case of a recall of an official elected county-wide, the petition shall be signed by at least \_\_\_\_\_ percent (\_\_\_\_%) of those registered to vote in Anderson County. However, in the case of a recall of a County Board member or member of the Anderson County Board of Education, the petition shall be signed by at least \_\_\_\_\_ percent (\_\_\_\_%) of those registered to vote in the district represented by said official. The number of registered Anderson County voters shall equal the number of voters registered in Anderson County on January 1 of the calendar year the recall petition is filed with the Anderson County Election Commission. No such petition shall be circulated until after the official has served \_\_\_\_\_ in office.

D. Notwithstanding subsection (B), the signed recall petition shall be filed with the Anderson County Election Commission within ninety (90) days after final certification of the proper form of the petition by the Election Commission.

E. In a recall election, the following question shall be presented to each qualified voter: "Shall \_\_\_\_\_ (name of official) be recalled and removed from the Office of \_\_\_\_\_ (name of office)?"

F. If a majority of the voters vote "Yes," the incumbent shall be deemed recalled and removed from office upon the certification of the recall by the Anderson County Election Commission.

G. In the event the incumbent is recalled, subject to subsection (H) and pending the election provided for in subsection (H), the Board shall fill the vacancy with a person meeting the qualifications for said office until his or her successor is elected, qualified, and sworn following the next general election.

H. In the event the incumbent is recalled, an election to fill the vacancy shall be held at the next general election occurring at least sixty (60) days following certification of the recall. All such elections shall be held in the manner provided by law for holding a county general election as follows:

(1) Political parties recognized under Tennessee Code, Title 2, Chapter 13 may nominate their candidates for office by any method authorized under the rules of the party.

(2) Candidates not affiliated with a recognized political party shall be listed as independent.

(3) The person elected to fill the vacancy created by the recall shall serve the remainder of the term of that office.

I. It shall be a violation of the Anderson County Charter, punishable by a fine of One Thousand Dollars (\$1,000.00), for any person, directly or indirectly, personally or through any other person:

(1) By force or threats to prevent or endeavor to prevent any qualified voter from signing or promoting a petition for recall;

(2) To make use of any violence, force or restraint, or to inflict or threaten the infliction of any injury, damage, harm or loss against any person signing or not signing a petition for recall;



(3) In any manner to practice intimidation upon or against any person in order to induce or compel such person to sign or refrain from signing a petition for recall;

(4) Any Anderson County voter who has reasonable suspicion of the foregoing shall report said acts to the Anderson County Election Commission and one of the following: the Anderson County Sheriff, the District Attorney General, or the Anderson County Law Director.

(5) The General Sessions Court shall have jurisdiction of such Charter violation.

(6) This Charter subsection is in addition to and does not supplant any provision of state law which may render any of these acts a felony or misdemeanor.

(J) If any section or provision of this recall provision shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of the County that all other sections or provisions of this recall provision and their application to all other persons and circumstances shall be severable and shall not be affected by any such decision.

## **ARTICLE VIII**

### **GENERAL PROVISIONS**

#### *Section 8.01. Title and Filing of Charter*

This Charter shall be known and may be cited as the "Charter of Anderson County, Tennessee." Pursuant to Tennessee Code Annotated, § 5-1-209, the certified copy of the Charter of Anderson County, Tennessee and the Proclamation of the Secretary of State of the State of Tennessee showing the result of the \_\_\_\_\_ election shall be deposited with the County Clerk for permanent filing.

#### *Section 8.02. Liberal Construction of Charter*

The failure to mention a particular power or to enumerate similar powers of this Charter shall not be construed to exclude such a particular power or to restrict the authority that the County, as a public corporation, would have if the particular power is not mentioned or similar powers are not enumerated. This Charter shall be liberally construed to the end that, within the limits imposed by this Charter and by the Constitution and all applicable laws of the State of Tennessee, the County shall have all powers necessary and convenient for the conduct of its affairs, including all powers that counties may assume under the Constitution and all applicable laws of the State of Tennessee concerning home rule.

***Section 8.03. Definitions***

The following definitions shall be applicable:

A. The phrase "administrative or executive act or function" shall mean any act or function either for or on behalf of the Anderson County government which is traditionally performed by the Mayor of a representative or republican form of government; provided, however, nothing in this definition shall be construed as prohibiting any officer, member or employee of the Board in carrying out any act or function necessary or desirable for the Board to perform its legislative acts or functions.

B. The phrase "emergency ordinance" shall mean any local legislation with regard to any subject within the definition of "ordinance" as provided in Section 8.03.D of this Charter, adopted by the Board in accordance with the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee.

C. The phrases "majority vote of the Board" or "majority of the members (or membership) of the Board" shall mean at least a majority of the membership of the Board as provided in Section 2.03.B of this Charter.

D. The word "ordinance," when used in connection with any action taken by the Board, shall mean any local legislation adopted by that body which is adopted according to the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee and is of a permanent nature in its effect, whether in a governmental or proprietary nature, and shall include, but not be limited to, any action which would have required Private Acts of the Tennessee General Assembly with constitutional ratification in the absence of this Charter.

E. The word "person," shall include both male and female, plural and singular, and shall include the terms "individual," "corporation," "partnership," and "association," unless reason dictates another construction.

F. A "reading" shall consist of a distinct and audible reading of the caption of an ordinance, emergency ordinance, or resolution by either the Chairman (woman) of the Board or the County Clerk and a copy of such ordinance, emergency ordinance, or resolution being available for public inspection at such meeting and such other requirements as are provided by applicable law.

G. The word "resolution" shall mean any measure adopted by the Board which is not either an ordinance or emergency ordinance, requiring a majority vote for passage, relating to subject matter of either a special or temporary nature, and shall specifically include, but not be

limited to, the issuance of bonds, notes, other evidence of indebtedness and all matters relating thereto of the County.

H. The word "shall" shall be construed as mandatory, and the word "may" shall be construed as permissive.

I. The phrase "two-thirds (2/3) of the members (or membership) of the Board" shall mean at least two-thirds (2/3) of the membership of the Board as provided in Section 2.03.A of this Charter. Any fraction of a number that results in calculating two-thirds (2/3) of the members (or membership) of the Board shall be rounded up.

#### ***Section 8.04. Construction of Words in This Charter***

As used in this Charter, all masculine pronouns shall also mean the feminine; where reason dictates, the singular shall also include the plural.

#### ***Section 8.05. Amendments to This Charter***

A. In the manner provided by law for the framing, proposal and submission of new charters, a Charter Commission may frame and propose amendment(s) to this Charter and shall submit any such amendment(s) to the voters of the County.

B. The Board of Anderson County may frame and, by a favorable vote of two-thirds (2/3) of the Board, propose amendments to this Charter. Except as otherwise provided in this subsection, every ordinance proposing a Charter amendment shall be introduced in the form and manner, and governed by the procedure and requirements, prescribed for ordinances generally. Every such ordinance proposing a Charter amendment shall contain, after the enacting clause, the following, and no other matter: (1) a statement that the Charter amendment set out in the ordinance is proposed for submission to the voters of the County in accordance with the requirements of this Charter, and (2) the full text of the proposed Charter amendment. Such an ordinance shall become effective upon adoption, and its effect shall be to require that the County Clerk immediately deliver a certified copy of the ordinance to the County Election Commission and that the Election Commission submit the proposed Charter amendment, therein contained, to the voters of the County as provided in Section 8.05.E.

C. Voters of the County may frame and propose amendments to this Charter by a petition addressed to the Board, which petition shall contain the information required by Section 8.05.B for ordinances proposing amendments, and no other matter except as hereinafter provided in this Section 8.05.C. Notwithstanding the provisions of Tennessee Code Annotated, § 2-5-151(d), any petition proposing a Charter amendment must be filed with the County Clerk and must be signed by qualified voters of the County equal in number to at least fifteen percent of

(15%) of the persons who voted in the last gubernatorial election in Anderson County. The County Clerk shall immediately deliver said petition to the County Election Commission. When the County Election Commission determines that such petitions are legally sufficient, it shall submit same to the voters of the County in accordance with Section 8.05.E.

D. On or before March 1, 202\_\_, and on or before January 1 of each eight (8) years thereafter, there shall be construed a Charter Review Committee for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. The Charter Review Committee shall be composed of \_\_\_\_\_ (\_\_\_\_) total members with one (1) member of the Board from each Board district to be nominated by the Board, \_\_\_\_\_ (\_\_\_\_) citizen members who are registered voters of Anderson County and who are not members of the Board to be nominated by the Anderson County Mayor. Not more than two (2) such citizen members who are registered voters of Anderson County shall be nominated from each Board district. Each nominee shall be voted upon individually by the Board. In the event a nominee does not receive a majority of votes, then the person who nominated said nominee shall bring forth a different nominee. It shall be the duty of the Charter Review Committee to give ample opportunity to County officeholders and members of the general public to make suggested changes to this Charter. In accordance with Tennessee law, the Charter Review Committee shall either: (1) certify to the Anderson County Election Commission such amendment(s) which it has determined to be desirable; or (2) certify to the Mayor and to the Board a statement that it does not recommend altering this Charter.

E. Any and all proposed Charter amendments to be submitted to the voters of the County shall be submitted to the Anderson County Election Commission in accordance with state law. The Anderson County Election Commission shall submit any Charter amendments certified and delivered to it, in accordance with the provisions of this Section 8.05, to the voters of the County at the next regular State or county election following the delivery to the Anderson County Election Commission of the ordinance or petition proposing the amendment. Not less than three (3) weeks before any election at which a proposed Charter amendment is to be voted on, the Anderson County Election Commission shall publish a notice of the proposed amendment(s), in the form as provided by law in a daily newspaper of general circulation in Anderson County. The form of the ballot for submission of proposed Charter amendments shall be governed by the laws of the State of Tennessee concerning referendum elections. If a majority of the voters of the County voting upon a proposed Charter amendment votes in favor of it, the amendment shall become effective at the time affixed in the amendment or, if no time is therein fixed, thirty (30) days after its adoption in the manner provided in the Charter for adopted ordinances.

#### *Section 8.06. Discrimination Prohibited*

A. No elected official, administrator, director, or employee of Anderson County shall discriminate against any person in employment or provision of services based upon race, sex, religion, age, or nationality without due process of law. The Commission shall, by ordinance or

resolution, take any action which it deems appropriate to ameliorate any condition or circumstance created by, or resulting from, any one or more violations of the provisions of this Section.

B. The Mayor shall designate an administrative official to:

(1) enforce ordinances or resolutions adopted by the Commission pursuant to this Section 8.06;

(2) review practices of the Anderson County Government to ensure compliance with the Section 8.06 and all the applicable Federal and State laws; and

(3) investigate complaint and claims of violations of this Section or of applicable State or Federal laws relating to equal employment practices.

#### *Section 8.07. Qualification and Oath of Elected Officers*

Before entering upon their duties, every officer whose election or appointment is prescribed in this Charter shall meet all qualifications provided by this Charter and all applicable laws of the State of Tennessee and shall take and subscribe to the following oath or affirmation before a person authorized to administer oaths:

I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, the Constitution of the State of Tennessee, and the Charter of Anderson County, Tennessee, and I that I will faithfully discharge the duties of my office to the best of my ability.

Any person refusing to take the oath or affirmation shall forfeit that office immediately.

#### *Section 8.08. Conflict of Interest*

A. It shall be unlawful for any member of the Board, the Mayor, other elected officeholder, or any administrative assistant, executive assistant, head of any division or department of Anderson County Government, or any other person employed by the County to vote for, let out, overlook, or in any manner to superintend any work or contract with the County for the sale of any land, materials, supplies, or services to, or by, the County, or to a contractor supplying County, where such person has a substantial financial interest, direct or indirect, as defined by Tennessee Code Annotated, § 12-4-101, and any subsequent amendment thereto.

B. Any person who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall be subject to ouster from office or termination of employment. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting

with or making a sale to the County shall render the contract voidable by the Mayor or the Board.

C. Any member of the Board who is also an employee of the County may vote on matters in which he has a conflict of interest arising from his or her employment with the County if the member informs the Board immediately prior to the vote as follows: "Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and to the citizens this body represents."

D. In the event a member of the Board has a conflict of interest in a matter to be voted upon by the Board, he or she may abstain for cause by announcing such to the presiding officer.

E. The vote of any member of the Board having a conflict of interest who does not inform the Board of such conflict shall be void if challenged by a member of the Board in a timely manner and ruled to be a conflict of interest by the Chairman (woman) on the Board. As used in this Section, "timely manner" shall mean during the same meeting at which the vote was cast and prior to the transaction of any further business by the Board.

F. No elected or appointed official or employee of Anderson County shall advocate, recommend, supervise, manage, or cause the employment, appointment, promotion, transfer, or advancement of his or her relative to an office or position of employment within the Anderson County Government. For purposes of this Section 8.08.F, the word "relative" means parent, step-parent, foster parent, parent-in-law, child spouse, brother, brother-in-law, foster brother, step-brother, sister, step-sister, grandparent, son-in-law, daughter-in law, grandchild, or other person who resides in the same household. A court-appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.

G. An elected official or employee of Anderson County with responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before any discussion or vote on the measure and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, said elected official or employee shall recuse him or herself from both the discussion and the vote on the matter. This Section 8.08.G shall not be applicable to voting on measures for reappointment of districts or other measures that affect all members of the Board. For purposes of this Section 8.08.G, the phrase "personal interest" means a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

#### ***Section 8.09. Bonding of Officers and Employees***

The Mayor and such other County officers and employees, as the Board may provide, shall give bond in the amount and in the surety form prescribed by the Board. The premiums of such bonds shall be paid by the County.

*Section 8.10. Residence and Qualifications of County Officials and Employees*

A. Any County official who shall voluntarily remove his or her residence outside the district from which elected or appointed shall forfeit that office immediately.

B. Any lawyer, either elected or employed by the County in a legal or judiciary capacity, who is suspended or barred from the practice of law in the State of Tennessee, shall forfeit that office immediately and shall not hold office or be reemployed during the term of such suspension or disbarment.

*Section 8.11. Ex-Officio Members – Boards, Authorities, Commissions, Agencies*

No County officer or employee who is compensated for his or her service by salary shall receive any additional salary as an ex-officio member of a County board, commission, authority, or agency.

*Section 8.12. Private Acts*

Between September 1, 20\_\_ and September 1, 20\_\_, it shall be the duty of the Law Director and the Board to review all Public Acts having local application to Anderson County, and all Private Acts which affect Anderson County, of the General Assembly of the State of Tennessee, not in conflict with the provisions of this Charter, for the purpose of the Board enacting ordinances to replace such Acts as the Board, in its sole discretion, shall determine to be in the public welfare; provided, however, the Board shall enact such ordinances, either replacing such Acts or continuing such Acts in full force and effect, where any such Acts constitute the authority for Anderson County to continue to levy taxes and/or where such Act constitutes, or forms the basis of, any continuing obligation of Anderson County or of any department, agency, authority or commission thereof. All other Public Acts with local application to Anderson County, and all Private Acts which affect Anderson County, of the General Assembly of the State of Tennessee, shall become null and void and of no further force and effect from and after September 1, 20\_\_.

*Section 8.13. County Seal and Flag*

The Board shall have the power either to adopt an official seal and flag for the County or to continue the same seal and flag from the previous County Government.

***Section 8.14. Service of Process on County***

Service of any legal process, notice, or other matter to be served upon the County pursuant to any rule, regulation or law shall be made upon the Mayor or as authorized by law.

***Section 8.15. Health Service***

A. The County may acquire, construct, equip, extend, repair, maintain and manage, or contract for management, and operate, or cause to be operated through contract, hospitals, clinics, and nursing homes and other extended care facilities owned, supported or controlled by the County.

B. The County may act through a nonprofit corporation or authority established by it to accomplish or carry out any or all of the above-outlined duties.

***Section 8.16. ~~Pension Benefits Retained~~***

Notwithstanding the enactment of this Charter, officers and employees who are members or beneficiaries of an existing pension or retirement system, or beneficiaries or prospective beneficiaries of an existing retirement system, or retirement fund, shall continue to have the rights, privileges, obligations and status with respect to the said system or fund as is now or hereafter prescribed by law.

**Commented [SDJ7]:** Anderson County participates in the Tennessee Consolidated Retirement System. We need to know how the county participates in this system: by private act? Resolution? In order to reaffirm Anderson County's participation in this section.

***Section 8.17. Public Meetings and Records***

A. To the extent required under Tennessee law, all official meetings of boards, commissions, and authorities shall be public.

B. To the extent required under Tennessee law, all county records shall be public documents and shall be open for inspection.

***Section 8.17. Severability***

If any article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people Anderson County that all other articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be severable and shall not be affected by any such decision.



**ARTICLE IX**  
**TRANSITION PROVISIONS**

*Section 9.01. Repeal of Contrary Laws*

This Charter shall occupy the entire field of self-government for Anderson County allowed by the Constitution of the State of Tennessee, and all public acts, private, ordinances, resolution, order, regulations, proclamations and any other enactment of any nature whatsoever, legislative, executive or judicial, local in effect, which are in force when this Charter becomes effective, are hereby repealed to the extent that they are inconsistent with, or interfere with the effective operation of this Charter or the ordinances, emergency ordinances or resolutions adopted by the Commission pursuant to the provisions of this Charter.

*Section 9.02. Prior Resolutions, Orders and Regulations*

All resolutions, orders, regulations, and directives of the former County government, of whatsoever branch, division or department, which are in full force and effect at the time of this Charter takes effect, to the extent that they are not inconsistent with the provisions of this Charter, shall remain in full force and effect until altered, modified or repealed in accordance with this Charter.

*Section 9.03. Pending Matters*

All pending matters before, or under consideration by, the former Board of County Commissioners at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, may be acted upon, and disposed of, as if they had originated and had been introduced under this Charter.

*Section 9.04. Judicial and Other Proceedings*

All judicial proceedings of any kind or character, either by or against the County, and all condemnation proceedings for the taking of private property for public use, and all proceedings to incur debt whether by notes, bonds, or other evidences in indebtedness, begun or pending at the time this Charter takes effect, all contracts for the doing of any kind of public work, not completed and performed at the time this Charter takes effect, and all contracts or bids for the purchase or sale of property entered into prior to the time this Charter takes effect, but not consummated at such time, shall in no way be affected by the adoption of this Charter, but the

same may be completed in every respect as nearly as may be in accordance with the provisions of this Charter.

*Section 9.05. Rights and Obligations*

All rights of action, contracts, obligations, titles, fines, penalties, forfeitures, and fees, accrued to or in favor of, or against, the County, at the time this Charter takes effect, shall remain in existence in full force and effect as fully as though this Charter had not taken effect. All recognizances, contracts, and obligations lawfully entered into or executed by, or to, the County, and the liens thereof, all taxes due or owing to the County, and the lien thereof, and all writs, prosecutions, actions and causes of actions shall continue and remain unaffected by this Charter.

*Section 9.06. Elected and Appointed Officers*

All officers elected or appointed for definite terms, prior to the effective date of this Charter, shall continue to hold office without abridgement of term or reduction of salary, unless lawfully removed, until their respective successors are duly elected, or appointed, and sworn.

*Section 9.07. Zoning*

This Charter shall not alter or change zoning regulations effective in the County, but the same shall continue until modified, altered, amended or repealed by the Commission acting under authority granted in this Chapter.

*Section 9.08. Referendum*

This Charter shall be submitted by the Anderson County Election Commission to the vote of the qualified voters of Anderson County, Tennessee, at an election to be held on November \_\_, 2022. The ballots used in such election shall contain the following, and no further or different words:

**"SHALL ANDERSON COUNTY GOVERNMENT BE CHANGED FROM ITS CURRENT FORM TO A HOME RULE CHARTER GOVERNMENT CONSISTING OF AN EXECUTIVE BRANCH HEADED BY THE COUNTY MAYOR, A LEGISLATIVE BRANCH CONSISTING OF THE COMMISSION OF ANDERSON COUNTY AND A JUDICIAL BRANCH CONSISTING OF THE EXISTING COURTS OF ANDERSON COUNTY, OR ANY OTHER COURTS ESTABLISHED BY LAW?"**

FOR A CHARTER FORM OF COUNTY GOVERNMENT \_\_

**AGAINST A CHARTER FORM OF COUNTY GOVERNMENT \_\_"**

***Section 9.09. Effective Date***

This charter shall become effective September 1, 20\_\_, and shall be effective prior thereto to the extent necessary to permit primaries and elections to be held as otherwise provided herein during the year 20\_\_. Article VII of this Charter, relating to nominations and elections, shall apply to the nomination and election of all officers required to be elected under this Charter commencing with the primary and general elections for the year 20\_\_.

*We, being all the members of the Anderson County Charter Commission of 2016, as evidenced by our signatures hereinbelow, hereby approve and respectfully present the foregoing document to, and for the consideration of approval by, the qualified voters of Anderson County, Tennessee, as the fundamental law of the Anderson County Government:*

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