
Anderson County Charter Commission

Agenda Wednesday April 20, 2022 @ 6:00 p.m. Room 312

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

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

**Anderson County Charter Commission
Minutes
April 4, 2022
Room 312**

BE IT REMEMBERED THAT THE ANDERSON COUNTY CHARTER COMMISSION MET IN REGULAR SESSION ON APRIL 4, 2022 AT 6:00 PM, WITH THE FOLLOWING MEMBERS PRESENT: VL STONECIPHER, TIM ISBEL, STEVE MEAD, CHUCK FRITTS AND BOB SMALLRIDGE

ABSENT: STEVE EMERT, SABRA BEAUCHAMP AND JERRY WHITE

Chairman Stonecipher called the meeting to order.

Commissioner Isbel said the prayer.

The Pledge of Allegiance was led by Commissioner Mead .

Commissioner Fritts made a motion to approve the March 22, 2022 minutes. Commissioner Mead seconded the motion. Motion passed.

No citizens addressed the Commission.

Proposed Charter Changes

Cover Page – Approved

Table of Contents – Added a few page numbers

Page 6 - No changes

Article II

Page 7 Section 2.02 - Deleted the language in the comment box.

Page 8 – Section 2.02

Subsection B – Deleted “or Mayor”

Subsection H – Deleted Legislative Body

Subsection I - No change

Page 9 – Section 2.03

Subsection A – Changed “one (1)” seat to read “two (2) seats” and “Legislative district may vote for one (1) candidate” to read “ Legislative Body district may vote for two (2) candidates for the Legislative Body seats representing such district.

Subsection C – Added on the third line “such person seeks election or appointment”

Commissioner Isbel made a motion to delete the one year district residency. Commissioner Mead seconded the motion. Voting aye: Isbel, Mead and Stonecipher. Voting no: Fritts and Smallridge. Absent: Emert, White and Beauchamp. Motion failed

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Page 10 - Section 2.04

Re-drafted to fix the current salary of the Legislative Body by resolution in accordance with this Charter and state law.

Page 14 – Section 2.10

Subsection A - Deleted the previous language that a resolution or ordinance had to be presented to the County Mayor unless it was for borrowing of money or issuance of bonds or notes.

Subsection B – Time limit for a veto will remain ten (10) days.

Article III

Page 15 – Section 3.02 – Deleted the wording “and shall be the chief fiscal officer of the County”.

Section 3.03

Subsection B & C – Deleted

Subsection D & E – Deleted

Subsection F – remains the same

Subsection H – Mayor having “sole” power is deleted.

Subsection L - Deleted

Page 17 – Section 3.06

Subsection A - deleted the language “and shall be residents of the County at the time they assume the duties of their offices and at all times while serving the County in such capacity”.

Page 17 – Section 3.07 – No change.

Article IV

Page 21 – 23

Sec. 4.06 - Superintendent of Roads - Added

Sec. 4.07 - Circuit Court Clerk – to be researched to see how to move forward

Sec. 4.08 – Clerk & Master - Added

Sec. 4.09 – District Attorney General - Added

Sec. 4.10 – District Public Defender - Added

Sec. 4-11 – Elections and Filling Vacancies – Added

Article V

Page 24 – Section 5.01

Subsection B - Judiciary is regulated by State Law.

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Article VI

Page 26 – Section 6.02

Subsection F – The Director of Schools shall be the Chief Executive Officer of the Anderson County School Board and shall appoint the Secretary for the Board.

Subsection G. – More clearly separates the Chair of Board from Chief Executive Officer.

Article VII

Page 27 – Section 7.01 – requesting the Legislative Body and the Constables to remain non-partisan.

Section 7.02 – Date of Primary follows state law under TCA §2-13-203(e) (2).

Section 7.03 – Mandated by State Law.

Page 28 - Section 7.05 – Recall of County Officials

Subsection A - New

Subsection C – Commissioner Mead made a motion to make all 75% followed by the numeral 75%. Fill in the blanks with 75/16/6 months. Commissioner Smallridge amended motion to take out the last sentence. Commissioner Mead withdrew his motion and recommended removing Section 7.05. Commissioner Isbel seconded the motion. Voting aye: Fritts, Isbel, Mead, and Stonecipher. Voting no: Smallridge. Absent: Emert, White and Beauchamp. Motion failed.

Article VIII

Page 30 - 31 – Section 8.03 Definitions

Subsection F – A Proclamation shall mean a declaration issued by the County Mayor to recognize the importance of a community event, a significant achievement by a community member or a significant contribution to the County, State of Tennessee or the United States.

Page 32 – No changes.

Page 34 & 35 – Section 8.08

Subsections A, B & C – Follows TCA §12-4-101 et. Seq., applicable to counties generally, and the County Financial Management System's conflict of interest provision at TCA §5-21-121.

Subsection D – Pursuant to TCA §5-5-112, a county adopting a county charter may opt out of this section by resolution.

Subsection E – Follows the language in Anderson County's nepotism policy in the employee handbook. Requested to add the grandfather provision.

Subsection F – Code of Ethics – No change.

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Page 36 – Section 8.09 – Bonding of Officers and Employees – County has blanket bond.

Section 8.10 – Subsection B – Adjust to exempt administrative positions.

Section 8.11 – Ex-Officio members – Define “ex-officio” in the definitions section to mean “by virtue of the office”. To check Robert’s Rules of Order to see what the ex-officio member can and cannot do.

Page 37 – Section 8.15 – Deleted the section allowing for the county to set up a hospital. To look at State Statute.

Section 8.17 - The word “official” was deleted in “all meetings are official meetings”.

Section 8.18 – Severability – Changed to align more with the numbers.

Page 38 – Section 8.19 – County Audits – a provision that allows continuing the comptroller’s audit of Anderson County.

Section 8.20 – County Uniform Highway Law – Maintains the county highway department by incorporating the language of the private act and the statute.

Section 8.21 – Financial Management System of 1981 - County Commission still retains the ability to change the Financial Management System of 1981. County Legislative Body can adopt the '81 Act by ordinance.
To draft a paragraph that adds flexibility.

Article 9

Page 41 – Section 9.09 – Effective Date – Shall become effective September 1, 2026.
Add additional signature lines for all commissioners who approve or disapprove to sign.

Commissioner Mead moved to adjourn.

The next meeting will be Wednesday April 20, 2022 at 6:00 P.M. in room 312 in the Anderson County Courthouse.

4/4/22

**CHARTER OF
ANDERSON COUNTY, TENNESSEE**

Charter Commission Members of 2022:

Sabra Beauchamp

Steve Emert

Chuck Fritts

Tim Isbel

Steven Mead

Bob Smallridge

V.L. Stonecipher

Jerry White

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 for 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.

Section 1.04. Public Corporation Rights

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 ("Legislative Body"), 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 Legislative Body 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.

Section 2.02. Other Powers

A. The Legislative Body 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 Legislative Body may employ, subject to budgeting limitations, assistants, and other employees. However, the Legislative Body 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.

Deleted: Whenever any public or private act of the State of Tennessee purports to authorize the county court, the Legislative Body, 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. By ordinance, the Legislative Body shall establish rules and regulations governing all County purchases, sales, contracts for services and disposal of surplus property. Such ordinance may provide that the Finance Committee or Finance Director may promulgate rules and regulations to administer the purchasing procedures established by ordinance.

Deleted: , or Mayor

C. The Legislative Body 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.

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

E. By resolution, the Mayor of Anderson County 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.

F. By resolution, the Legislative Body may employ, contract with, or otherwise hire, any person or business entity which it deems necessary to the exercise of the powers vested in it unless otherwise provided by this Charter.

G. By ordinance, the Legislative Body 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.

H. Upon adoption of an approving resolution in each instance by the affirmative vote of two-thirds (2/3) of the entire Legislative Body, the Legislative Body 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 Legislative Body legislation, or (2) investigating any allegation of violations of this Charter, ordinances or emergency ordinances of the Legislative Body brought by either the Mayor or any member of the Legislative Body against any elected official or any employee of the County. No such hearing shall be held with or without such subpoena power having been exercised except when a quorum of the Legislative Body or any authorized committee, as appropriate, is present.

Deleted: Legislative Body

I. By resolution, the Legislative Body may appoint members to those boards and commissions the Legislative Body 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 Legislative Body shall have the authority, by resolution, to remove and discharge all such members for good cause shown.

Commented [GS1]: To be revisited.

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

A. The Legislative Body members shall be elected by the people from such districts of Anderson County as may from time to time be provided by ordinance. The Legislative Body under this Charter shall initially consist of sixteen (16) members elected from eight (8) districts. The first Legislative Body 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 County Legislative Body as shall exist on _____. Any resident of any such district desiring to stand for election to the Legislative Body and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for the two (2) seats representing such Legislative Body district. Each qualified voter in any Legislative Body district may vote for two (2) candidates for the Legislative Body seats representing such district.

Deleted: Any resident of any such district desiring to stand for election to the Legislative Body 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 Legislative Body district. Each qualified voter in any Legislative district may vote for one (1) candidate for each Legislative Body seat representing such district....

B. The regular terms of the Legislative Body 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 Legislative Body, based upon the most recent Federal decennial census, to reapportion and/or redistrict the Legislative Body seats so as to comply with Constitutional requirements. The voting precincts of the County shall be established by the Legislative Body, by ordinance, unless otherwise provided by applicable law.

C. No person shall be eligible to serve as a member of the Legislative Body 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 ^{or appears} 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 Legislative Body seats appear on the ballot following any reapportionment or redistricting of Legislative Body districts. A member of the Legislative Body shall remain a resident of the Legislative Body district which such member represents during his or her term of office.

Commented [GS2]: Charter Commission was to revisit this one (1) year requirement.

D. The Legislative Body 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 Legislative Body to either elect officers of the Legislative Body or to fill vacancies in elective offices, the following procedure shall be followed:

- (1) Nominations may be made by members of the Legislative Body only.
- (2) Each member of the Legislative Body 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 Legislative Body. Prior to such election, the Legislative Body 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 Legislative Body, if any member of the Legislative Body accepts the nomination as a candidate for such public office, the following procedure shall be followed:

(1) No member of the Legislative Body 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 Chair of the Legislative Body or the County Clerk shall have present at such meeting of the Legislative Body a written acceptance of such nomination signed by such member of the Legislative Body.

(2) If a Legislative Body member's name is placed in nomination, the Chair of the Legislative Body 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 Legislative Body who has either declined nomination or has been otherwise disqualified.

(4) The acceptance of nomination by a member of the Legislative Body shall automatically disqualify such member to vote to fill that office.

(5) If the Legislative Body member is elected, his or her seat on the Legislative Body shall immediately be vacant.

Section 2.04. Legislative Body Members' Salary and Compensation

Nothing in this Charter shall be construed as having the effect of altering the current salary of the members of the Legislative Body, which shall continue as set forth in the Anderson County, Tennessee Board of Commissioners Resolution No. 14-08-509; provided, however, that the Legislative Body may hereafter fix the salary of its members by resolution in accordance with this Charter and state law.

Deleted: set

Deleted: The salary of the Chair of the Legislative Body shall be ___ percent (___%) of the salary of a Circuit Court judge in Anderson County. The salary for other members of the Legislative Body shall be ___ percent (___%) of the salary of the Chair of the Legislative Body. The compensation allowed any member of the Legislative Body shall not be decreased during the term of office and shall not be increased more than ___ percent (___%) during the term of office. Any increase in compensation shall be set by the annual budget.

Section 2.05. Meetings and Quorum

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

Section 2.06. Election of Chair and Vice Chair

The Legislative Body, at its first session after _____, 20____, and annually thereafter, shall elect from its membership a Chair, Vice Chair, and such other officers as the

Legislative Body deems necessary. The election procedures shall follow those established pursuant to Section 2.03(E).

Section 2.07. Removal of Member of the Legislative Body

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

Section 2.08. Vacancy

In the event of a vacancy in the office of a member of the Legislative Body, the remaining members of the Legislative Body 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 Legislative Body to fill the vacancy shall be elected by the qualified voters of such Legislative Body 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 Legislative Body to fill the vacancy shall serve the remainder of the term of that Legislative Body seat.

Section 2.09. Ordinances, Emergency Ordinances and Resolutions

A. Generally

(1) The Legislative Body 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 Legislative Body except the following:

- (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 Legislative Body.
- (b) Any resolution authorizing the Legislative Body, 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 Legislative Body.

- (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 Legislative Body.
- (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 Legislative Body 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 of the Legislative Body or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.
- (c) No member of the Legislative Body 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 Legislative Body at such Legislative Body meeting at which the original vote was cast. It shall be the duty of the Chair of the Legislative Body 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 Legislative Body.
- (d) Upon the adjournment of each and every meeting of the Legislative Body, 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 Legislative Body.
- (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 Legislative Body 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 Legislative Body not later than five (5) days prior to such Legislative Body meeting; and

(b) a copy of such ordinance has been made available to each member of the Legislative Body 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 Legislative Body upon two (2) readings, with not less than one (1) week elapsing between first and second readings.

(3) An ordinance shall take effect on the thirtieth (30th) day following its passage on final reading, except in the case of an emergency ordinance.

(4) Ordinances imposing fines or imprisonment as punishment for violation thereof shall be enforced by the Sheriff of Anderson 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.

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 Legislative Body 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 Legislative Body, whichever first occurs.

(b) An emergency ordinance may be added to the agenda of any meeting of the Legislative Body at which a quorum is present by unanimous consent of the members of the Legislative Body 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 Legislative Body. 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 Legislative Body 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 ordinances, emergency ordinances, and resolutions affecting zoning regulations, which shall become effective immediately upon their adoption by the Legislative Body. 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.

Deleted: (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 Legislative Body, or (2)...

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 Legislative Body, in writing, within five (5) days of receipt by the County Clerk.

Commented [G53]: There was discussion at the March Charter Commission meeting that the time limit for the mayor to veto an ordinance or resolution should be three (3) days. Tenn. Code Ann. § 5-6-107 does not give a time limit as to when a mayor must return the vetoed resolution to the county clerk, but states that if the county mayor does not return the resolution signed or vetoed within ten (10) days, it becomes effective without the mayor's signature.

C. Any vote of the Legislative Body 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 Legislative Body 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 Legislative Body 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 Legislative Body shall be required to override the veto of the Mayor. The ordinance, emergency ordinance, or resolution shall immediately become effective upon the Legislative Body overriding the veto.

Therefore, state law appears to give the mayor ten (10) days to return a vetoed resolution or ordinance.

D. If the Mayor of Anderson County fails either to sign or veto an ordinance or resolution and to report this action to the County Clerk within ten (10) days after the ordinance or

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

ARTICLE III EXECUTIVE BRANCH

Section 3.01. Executive and Administrative Powers

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

Section 3.02. Executive Branch

The Mayor shall be the head of the Executive Branch of County Government, responsible for the exercising of all executive and administrative functions of the County Government. ~~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 Legislative Body and all applicable laws of the State of Tennessee subject to execution by the County are faithfully executed; provided, however, that the Mayor shall not assume any of the constitutional, statutory, or Charter duties of the Sheriff.

~~B. 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 Legislative Body.~~

~~C. 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 Legislative Body 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.~~

~~Deleted: and shall be the chief fiscal officer of the County.~~

~~Deleted: B. Prepare and submit to the Legislative Body, with the assistance of appropriate department heads and other responsible officials, budgets and financial reports. The Mayor shall present a consolidated budget of the County to the Legislative Body on or before ____ each and every year in order for the Legislative Body 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 Legislative Body 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 Legislative Body on the affairs of the County; keep the Legislative Body fully advised of the financial condition and the future needs of the County; and make such recommendations to the Legislative Body on County affairs as he or she deems appropriate.~~

~~Deleted: D~~

~~Deleted: E~~

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

D. 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.

E. 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 Legislative Body. 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 [G54]: Law Director asked for an exception here for departments created by County Legislative Body resolution—i.e., Human Resources Department. Specifically, Anderson County's HR director is "hired by the HR committee and confirmed by County Commission." HR is a standalone department created by resolution.

Should the resolution creating the HR department be included within this charter to thereby except it from the requirement that the Mayor appoint members of all boards?

F. 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.

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

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

Deleted: sole

Deleted: On all contracts in an amount greater than fifty thousand dollars (\$50,000), or such greater amount as established in advance by the Legislative Body, the Mayor shall obtain the approval of the Legislative Body by resolution prior to execution. §

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

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 in equal monthly installments. The salary of the Mayor may be changed from time to time by resolution of the Legislative Body; provided, however, that such compensation shall not be decreased during the term for which the Mayor was elected; and provided further, that the Legislative Body 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 Legislative Body 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 Legislative Body 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 Legislative Body conducts a duly noticed public hearing during which interested, qualified candidates will be interviewed by the Legislative Body.

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 Legislative Body, may create or abolish major departments of County Government with each department having a Department Director. The Department Directors of the County which are appointed by the Mayor shall be subject to dismissal by the Mayor without cause.

Deleted: , and shall be residents of the County at the time they assume the duties of their office and at all times while serving the County in such capacity.

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

Section 3.07. Anderson County Law Director

A. The Office of the County Law Director for Anderson County, Tennessee, is hereby created and established. The office will be managed and supervised exclusively by the County Law Director.

B. The Legal Services Advisory Committee is hereby created to assist with the implementation and establishment of the Office of the County Law Director and the development of its policies and procedures. The County Law Director will meet with the Legal Services Advisory Committee to update and notify the members of recent legal issues within the County government at regular intervals to be determined by the Legal Services Advisory Committee. The Legal Services Advisory Committee shall monitor and provide oversight to the Office of the County Law Director and its Director for the purpose of providing assistance when needed, evaluation concerns and monitoring for policy compliance purposes. The Legal Services Advisory Committee will develop the job description and required qualifications for the Law Director and staff, and will also develop the selection process for the Director's position. Upon two-thirds (2/3) majority vote, the Legal Services Advisory Committee will select and recommend a candidate for final confirmation by majority vote of the Legislative Body. The voting members of the Legal Services Advisory Committee shall consist of the following elected officials of Anderson County: County Mayor, County Clerk, Circuit Court Clerk, Highway Superintendent, Assessor of Property,

Register of Deeds, Sheriff, Trustee, and Three (3) members from the Legislative Body, as selected by their membership.

The Legal Services Advisory Committee shall select a chair and secretary from their membership body. The chair shall be responsible for conducting each meeting and the secretary shall record and maintain the official minutes of the Legal Services Advisory Committee.

C. The County Law Director shall devote his or her full time legal employment to the duties of the Office of the County Law Director and shall not represent any other clients in the practice of law while holding office as the County Law Director.

D. The County Law Director shall be a licensed Tennessee attorney; graduate of an ABA accredited law school; duly licensed and admitted to practice law in the courts of the State of Tennessee, Federal District Court for the Eastern District of Tennessee, Sixth Circuit Court of Appeals and the United States Supreme Court; and a resident of Anderson County, or capable of becoming a resident within six (6) months of appointment to the position. The Legal Services Advisory Committee is authorized to promulgate and establish additional mandatory job requirements and preferred job requirements for the position of county law director and his or her additional staff members.

E. The annual salary of the county law director is hereby established at a minimum floor of ninety percent (90%) of the annual salary paid to the Anderson County General Sessions Court judges and shall be payable out of the general funds of Anderson County in equal installments on the same dates as other general fund employees. The county law director and his or her staff shall be eligible for all employee benefits offered to other Anderson County employees including, but not limited to: all insurance coverage plans and policies; retirement plans; vacation, sick and personal leave; holiday pay; and salary adjustments as authorized and approved by the county legislative body.

F. It shall be the duty of the county law director of Anderson County to take the oath of office prescribed for other county officials by the county clerk and appropriate to his or her office before entering upon the discharge of duties, and thereafter to transact all legal business of Anderson County.

G. The duties of the County Law Director shall include, but are not limited to, the following:

(1) Represent and render legal advice to the Legislative Body and all County officials, including, elected and appointed department heads, employees and duly appointed boards, commissions and committees in matters relating to their official work and duties;

(2) Represent the County in all litigation, whether the county is suing or being sued in all state or federal courts, administrative boards and commissions;

(3) To meet with the Legislative Body at all regular and special meetings;

(4) To act as the County's delinquent tax attorney upon selection as such by the County Trustee and approval by the County Mayor, and without additional compensation. If the Law

Director is selected as the County's delinquent tax attorney, all statutory fees allocated by general law to the County's delinquent tax attorney shall be deposited in the general fund of Anderson County and shall not be retained by the County Law Director;

(5) To draft, and/or approve, contracts, leases, deeds, or other legal instruments to which the County might be a party, or to review same when requested by county officials;

(6) To provide legal opinions on matters requested by County officials;

(7) To render opinions with regard to public finance obligations such as notes and bonds;

(8) To draft policies, procedures, rules and regulations upon the request of County officials, commissions, committees, boards or other governing bodies empowered to consider and/or adopt the same;

(9) To represent the County Mayor in all fee petitions brought by the officials of the various fee offices; and

(10) To monitor and evaluate any and all cases assigned to insurance counsel by the County's insurance carrier; and

(11) To provide annual opinions to auditors regarding pending or threatened claims or litigation, in accordance with standards promulgated by the American Bar Association; and

(12) In general, to act as general counsel for Anderson County and to perform all duties associated with that position.

H. County officials should not employ any attorney other than the County Law Director to represent the County, or such official, unless additional or substitute counsel is approved by the Legislative Body; otherwise, such official shall be personally responsible for the expense of the employment of such attorney. However, nothing contained herein shall prevent any County official, department or office of the County from employing its own counsel, if such official or entity has the power to employ its own counsel by general law and such employment complies with all budget requirements, finance laws and current budgetary appropriations. If a conflict in legal representation develops, the County Law Director may request that additional or substitute legal counsel be employed by written request to the Legislative Body.

I. All necessary expenses incurred by the County Law Director in the discharge of his or her official duties shall be paid by Anderson County. All expenses shall be supported by receipted bills, receipts, invoices, and other documents and papers, and examined, audited and approved by the County Mayor, or his designee, before payment, providing that they fall within the budget as established by the Legislative Body.

J. The County Law Director is hereby authorized to employ such staff members as may be necessary to fulfill his or her duties with the approval of the Legislative Body and with salaries to be approved by the Legislative Body. Staff members shall be payable out of the general

funds of Anderson County in equal installments on the same dates as other general fund employees and shall serve at the pleasure of the County Law Director.

K. The Legislative Body shall provide suitable rooms and/or office space, with the necessary appurtenances and conveniences, for the Office of the County Law Director and staff. The Legislative Body shall also furnish said office or offices with the appropriate equipment, utilities, furniture, computers and supplies as may be needed by such offices, including appropriate legal research materials and resources, internet capabilities and a law library sufficient to carry out the duties of the County Law Director.

L. The Legislative Body may employ special counsel when, in its sole discretion, counsel other than, or in addition to, the Law Director is needed.

M. The County Law Director may be terminated at any time with two-thirds (2/3) majority vote by the Legal Services Advisory Committee and two-thirds (2/3) subsequent approval by the Legislative Body at their next regular scheduled meeting.

ARTICLE IV

OFFICERS

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 Legislative Body.

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 Legislative Body.

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 Legislative Body.

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 Legislative Body.

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 Legislative Body.

Section 4.06. Superintendent of Roads

The duties of the Superintendent of Roads are vested in and exercised by the Anderson County Superintendent of Roads ("Superintendent of Roads"). The duties, qualifications, oath of office, bond requirements, and compensation of the Superintendent of Roads shall be governed by the Constitution and laws of the State of Tennessee and this County Charter. The general duties of the Superintendent of Roads shall include, but not be limited to, responsibility for the general control over the location, relocation, construction, reconstruction, repair and maintenance of the Anderson County road systems, to employ qualified administrative personnel as required to handle all administrative functions as necessary for the operation of the County Highway Department, and to determine the total number of employees, personnel policies, hours of work, job classifications and the policies and wages within the classifications of the County Highway Department; provided, however, that nothing in this section shall diminish the duties of the Office of Superintendent of Roads as prescribed by the General Assembly.

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Section 4.07. Circuit Court Clerk

The duties of the Circuit Court Clerk are vested in and exercised by the Anderson County Circuit Court Clerk ("Circuit Court Clerk"). The duties, qualifications, oath of office, bond requirements, and compensation of the Circuit Court Clerk shall be governed by the Constitution and laws of the State of Tennessee and this County Charter. The general duties of the Circuit Court Clerk shall include, but not be limited to, the responsibility for performing all administrative functions to support the judges of the circuit court, keep all documents and records pertaining to the circuit court, collect fees owed to Anderson County through the circuit court, maintain record books and cases, and the dockets for the circuit court; provided, however, that nothing in this section shall diminish the duties of the Office of the Circuit Court Clerk as prescribed by the General Assembly.

Section 4.08. Clerk and Master

The duties of the Clerk and Master are vested in and exercised by the Anderson County Clerk and Master ("Clerk and Master"). The duties, qualifications, oath of office, bond requirements, and compensation of the Clerk and Master shall be governed by the Constitution and laws of the State of Tennessee and this County Charter. The general duties of the Clerk and Master shall include, but not be limited to, the responsibility for performing all administrative functions to support the judges of the chancery court, keep all documents and records pertaining to the chancery court, collect fees owed to Anderson County through the chancery court, maintain record books and cases, and the dockets for the chancery court; provided, however, that nothing in this section shall diminish the duties of the Office of the Clerk and Master as prescribed by the General Assembly.

Section 4.09. District Attorney General

The duties of the District Attorney General are vested in and exercised by the District Attorney General of the Seventh Judicial District ("District Attorney General"). The duties,

qualifications, oath of office, bond requirements, and compensation of the District Attorney shall be governed by the Constitution and laws of the State of Tennessee and this County Charter. The general duties of the District Attorney General shall include, but not be limited to, responsibility for prosecuting violations of state criminal statutes, criminal cases that have been removed from state court to any inferior federal court, to cooperate with and assist the attorney general and reporter in cases in circuit and chancery courts in which the attorney general is required to appear to protect the state or public interest, to give an opinion to any county officer in the Seventh (7th) Judicial District on a question of criminal law relating to the duties of that county officer, and to submit certain enumerated written reports to the district attorneys general conference annually; provided, however, that nothing in this section shall diminish the duties of the Office of the District Attorney General as prescribed by the General Assembly.

Section 4.10. District Public Defender

The duties of the District Public Defender are vested in and exercised by the District Public Defender ("District Public Defender"). The duties, qualifications, oath of office, bond requirements, and compensation of the District Public Defender shall be governed by the Constitution and the laws of the State of Tennessee and this County Charter. The general duties of the District Public Defender shall include, but not be limited to, responsibility for representing indigent persons through court appointments in the trial court in any criminal prosecution, juvenile delinquency proceeding involving a possible deprivation of liberty, or any habeas corpus or other post-conviction proceeding, advising such persons of their rights to appellate review and perfecting any appeal, and handling all appeals by indigent persons represented in the trial court; provided, however, that nothing in this section shall diminish the duties of the Office of the District Public Defender as prescribed by the General Assembly.

Section 4.11. 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 Legislative Body 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 Legislative Body to fill the vacancy shall serve the remainder of the term of that officer. Said selection shall not occur until such time as the Legislative Body conducts a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Legislative Body.

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 Legislative Body may, by ordinance, create such additional divisions of the General Sessions Court, as well as courts having such jurisdiction as is, or may hereafter be, provided by law, which it deems necessary, and may abolish such divisions so long as the Legislative Body 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, juvenile courts, and child support magistracies existing at the time of the adoption of this Charter shall expressly continue, unless and until such time as they are modified by the Legislative Body.

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 Legislative Body as prescribed in this Charter, and the person so selected shall serve until his or her successor is elected and sworn.

Section 5.03. Abolishing Divisions or Altering Compensation

Nothing herein shall grant to the Legislative Body 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 Legislative Body alter the compensation of any judge of any court of the County during the term of office of such judge. The Legislative Body 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 Legislative Body 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"). The Board shall be elected by the people and shall take office on September 1 following their respective elections.

B. The Board under this Charter shall consist of eight (8) members elected according to state law. The regular terms of Board 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.

C. Vacancies occurring on the Board shall be filled by the Legislative Body. Board members appointed by the Legislative Body to fill a vacancy under this section shall serve until a qualified successor is elected at the next general election for the remaining term of the vacant seat.

D. All members of the Board serving at the time of the adoption of this Charter shall continue in their positions until the end of each respective Board member's remaining term. At the end of each Board 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, as created by this Charter, shall be identical in geographic composition to the Anderson County Legislative Body district boundary lines as those boundary lines exist on December 31, 2021. On or before _____, and every ten years thereafter, the Legislative Body shall, based upon the most recent federal decennial census, reapportion the Board of Education districts so as to comply with constitutional requirements and state law.

F. 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 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 appears on the ballot. A member of the Board shall remain a resident of the Board district which such member represents during his/her term of office. No member of the Legislative Body or any other public official or employee of the Board shall be eligible for appointment or election to the Board of Education.

G. All official business of the Board including, but not limited to, motions, rules, regulations, resolutions, policies, and proclamations shall pass only upon a majority vote of the

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

B. The Board shall hold regular meetings at least quarterly. The Chair 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.

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

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

E. The Board 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 shall constitute a quorum.

F. The Director of Schools shall be the Chief Executive Officer of the Anderson County School System and shall appoint the Secretary for the Board.

G. The Chair of the Board shall be the presiding officer of the Board and appoint all committees of the Board.

H. The Director of Schools and the Chair of the Board shall constitute the Executive Committee of the Board. 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.

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

Section 6.03. Board of Education Salary and Compensation

Each member of the Board 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.

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 partisan County offices, judicial offices, and all other offices which are filled by the voters of Anderson County at an 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.

Commented [GS5]: Per the February Commission meeting, the Charter Commission wanted the constables and the County Legislative Body to remain nonpartisan.

If this section is kept, can we specify that a primary election is required in all *partisan* elections? Consider the following potential language:

"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 partisan County offices, judicial offices, and all other offices which are filled by the voters of Anderson County at general election in even numbered years."

We could then readopt the private act that provides for the nonpartisan election of constables and county commissioners, and this section would not apply thereto.

Commented [GS6]: There was a question at the February Commission meeting whether this date conflicted with Anderson County's current system. This section follows state law under Tenn. Code Ann. § 2-13-203(e)(3).

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 Legislative Body 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 Legislative Body determines shall be the most economical and convenient for the citizens of Anderson County.]

Commented [GS7]: This language may be deleted if you think it conflicts with Anderson County's current system. It is permissive.

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 Legislative Body by ordinance passed at

Commented [GS8]: The date for the qualifying petitions in presidential primary years is mandated by state law in Tenn. Code Ann. § 2-13-203(e)(3) and § 2-5-101(a)(2). The latter provides a general date of the third Thursday in February.

If you think this presents a conflict, please specify and I will be happy to look into the issue.

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 Legislative Body 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 Legislative Body 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 Legislative Body 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.

Commented [GS9]: Per the minutes of the February Commission meeting, a motion to include a 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" failed.

There appeared to be more discussion needed on whether to include this recall provision.

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 Legislative Body 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 the charter form of government.

Section 8.03. Definitions

The following definitions shall be applicable:

Commented [G510]: It was mentioned at the February Commission meeting that there were several other things that needed to be defined. One thing Law Director wanted to make clear was the difference between an ordinance, a resolution, and a proclamation. I have included the definition of "proclamation" below.

If there are other terms you wish to be defined, please let us know.

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 Legislative Body in carrying out any act or function necessary or desirable for the Legislative Body 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 Legislative Body 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 Legislative Body" or "majority of the members (or membership) of the Legislative Body" shall mean at least a majority of the membership of the Legislative Body as provided in Section 2.03.B of this Charter.

D. The word "ordinance," when used in connection with any action taken by the Legislative Body, 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 "proclamation" shall mean a declaration issued by the County Mayor to recognize the importance of a community event, a significant achievement by a community member, or a significant contribution to the County, state of Tennessee, or the United States.

Commented [GS11]: Defined the term "proclamation."

G. A "reading" shall consist of a distinct and audible reading of the caption of an ordinance, emergency ordinance, or resolution by either the Chair of the Legislative Body 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.

H. The word "resolution" shall mean any measure adopted by the Legislative Body 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.

I. The word “shall” shall be construed as mandatory, and the word “may” shall be construed as permissive.

J. The phrase “two-thirds (2/3) of the members (or membership) of the Legislative Body” shall mean at least two-thirds (2/3) of the membership of the Legislative Body 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 Legislative Body 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 Legislative Body of Anderson County may frame and, by a favorable vote of two-thirds (2/3) of the Legislative Body, 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 Legislative Body, 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 Legislative Body from each Legislative Body district to be nominated by the Legislative Body, _____ (____) citizen members who are registered voters of Anderson County and who are not members of the Legislative Body 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 Legislative Body district. Each nominee shall be voted upon individually by the Legislative Body. 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 Legislative Body 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 Legislative Body 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 Legislative Body 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 Legislative Body, the Mayor, other elected officeholder, the Finance Director, Purchasing Agent, members of the Finance Committee, members of the County Highway Department, employees of the Finance Department and Purchasing Department 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 any contract with the County for the purchase or sale of any land, materials, supplies, or services to, or by, the County, or to a contractor supplying County, where such person has a direct interest, as defined by Tennessee Code Annotated, §§ 5-21-121 and 12-4-101, and any subsequent amendments thereto.

B. It shall be unlawful for such persons to vote for, let out, overlook, or in any manner to superintend any work or any contract with the County for the purchase or sale of any land, materials, supplies, or services to, or by, the County, or to a contractor supplying County, where such person has an indirect interest, as defined by Tennessee Code Annotated, 5-21-121 and 12-4-101, unless the person publicly acknowledges the interest. A person who is not a member of a governing body and who is required to publicly acknowledge an indirect interest must do so by

reporting the interest to the office of the County Mayor to be compiled into a list that must be maintained as a public record.

C. If such person shall become directly or unlawfully indirectly interested in any such contract, such person shall forfeit all pay and compensation therefor, and shall be dismissed from such office or employment such person then occupies, and be ineligible for the same or a similar position for ten (10) years.

Commented [GS12]: Subsections A, B, and C have been drafted to comport with both Tenn. Code Ann. § 12-4-101, et. seq., applicable to counties generally, and the County Financial Management System's conflict of interest provision at Tenn. Code Ann. § 5-21-121.

D. No member of the Legislative Body who is also an employee of Anderson County or whose spouse is an employee of Anderson County may vote on matters in which such member has a conflict of interest. A conflict of interest is created under this Subsection D when a member is voting on a matter which, if approved by the Legislative Body, would increase the pay of benefits of that member or that member's spouse. In the event a member of the Legislative Body has a conflict of interest in a matter to be voted upon by the Legislative Body, he or she may abstain for cause by announcing such to the presiding officer. The vote of any member of the Legislative Body having a conflict of interest who does not inform the Legislative Body of such conflict shall be void if challenged by a member of the Legislative Body in a timely manner and ruled to be a conflict of interest by the Chair on the Legislative Body. 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 Legislative Body.

Commented [GS13]: This language largely tracks Tenn. Code Ann. § 5-5-112. Pursuant to that statute, a county adopting a county charter "may opt out of this section by resolution." Otherwise, we have provided for it here.

1.1. No elected or appointed official or employee of Anderson County shall supervise or manage his or her relative within the Anderson County Government. For purposes of this Section 8.08.E, 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.

Commented [GS14]: This clause has been drafted to more closely track the language of Anderson County's nepotism policy in its employee handbook.

Deleted: advocate, recommend,

Deleted: , or cause the employment, appointment, promotion, transfer, or advancement

Deleted: to an office or position of employment

1.1. 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 Legislative Body. For purposes of this Section 8.08.F, 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.

Commented [GS15]: This subsection has been retained as it largely tracks, almost verbatim, section 3 of Anderson County's Code of Ethics.

Section 8.09. ~~Bonding of Officers and Employees~~

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

Commented [GS16]: It was mentioned the county has a blanket bond.

Commented [SDJ17R16]: Blanket bond is allowed pursuant to statute. By containing the phrase "as the Legislative Body may provide" covers this as long as by ordinance the legislative body addresses which individual positions are covered by said blanket bond.

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.~~

Commented [GS18]: Conferring with Sarah and John on how to make less harsh.

Commented [GS19R18]: John is fine with simply removing this section.

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.

Commented [GS20R18]: Another way to make this provision less harsh would be to attempt to make it permissive. Consider, for example, the following language:

"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 be subject to ouster from office or termination of employment . . ."

Section 8.12. Private Acts

Between September 1, 20__ and September 1, 20__, it shall be the duty of the Law Director and the Legislative Body 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 Legislative Body enacting ordinances to replace such Acts as the Legislative Body, in its sole discretion, shall determine to be in the public welfare; provided, however, the Legislative Body 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__.

Commented [GS21]: Per the February Commission meeting, discussion was had regarding the meaning of "ex-officio"—i.e., "nonvoting member," or "by virtue of the office."

The concern was that there were numerous "County officers and employees" who are also nonvoting members of a "County board, commission, authority, or agency" and who need to be compensated therefor.

Would it resolve the issue to define "ex-officio" in the definitions section to mean "by virtue of the office" and exclude "nonvoting member"?

Section 8.13. County Seal and Flag

The Legislative Body 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

~~The County may act through a nonprofit corporation or authority established by it to 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.~~

Commented [GS22]: Section allowing for the county to set up a hospital was deleted per request.

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.

Section 8.17. Public Meetings and Records

A. Except as specifically excepted and to the extent required under Tennessee law, all meetings of boards, commissions, and authorities shall be public.

B. Except as specifically excepted and to the extent required under Tennessee law, all county records shall be public documents and shall be open for inspection.

Section 8.18. 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.

Section 8.19 County Audits

The records, accounts, and other evidences of financial transactions of the County and of every County office shall expressly continue to be audited by the State of Tennessee Department of Audit, in accordance with general law.

Commented [GS23]: Per the Charter Commission's request, a provision for continuing the comptroller's audit of Anderson County has been included here. The general law referenced is Tenn. Code Ann. § 4-3-304(4)(a). The title, language, position, and existence of this section is up to the Charter Commission.

Section 8.20 County Uniform Highway Law

A. Nothing in this Charter shall be construed as altering or interfering with the applicability of the County Uniform Highway Law to Anderson County, and the County Uniform Highway law is hereby expressly adopted.

Commented [GS24]: Per request, this provision maintains the county highway department by incorporating the language of the private act and the statute.

B. The Superintendent of Roads for Anderson County shall be the chief administrative officer of the County Highway Department. The qualifications, duties and responsibilities of the Superintendent shall be such as are provided by general law.

Commented [GS25R24]: Keep this provision here, but include county highway superintendent in "Other Officers" section.

C. The incumbent chief administrative officer of the County Highway Department for Anderson County shall serve as the Superintendent of Roads for Anderson County until the 20__ general election. Thereafter, the Superintendent of Roads shall be elected every four (4) years by the qualified voters of the County at the August general election and shall serve a term of four (4) years. The Superintendent duly elected shall take office upon September 1, following such election.

Commented [GS26]: Law Director stated that there are three (3) ways to incorporate the '81 Act:

- (1) Embody the '81 Act in the Charter;
- (2) Adopt the '81 act as an ordinance that would require recreation; or
- (3) Include it within charter "as something that's already passed and give the county commission the authority to change it at a latter date."

D. Nothing in this Charter shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected. The salary of the Superintendent of Roads shall be maintained as specified in the County Uniform Highway Law.

Law Director stated it was *very important* that County Commission has ability to go back amend/change '81 Act, budget process, etc., without having to go back and amend the charter.

Section 8.21 The County Financial Management System of 1981

Nothing in this Charter shall be construed as altering or interfering with the applicability of the County Financial Management System of 1981 to Anderson County, and the County Financial Management System of 1981, as amended from time to time, is hereby expressly adopted, and may be further amended by the Legislative Body.

I don't believe AC wants to embody the entire '81 Act in the Charter. It is prohibitively long.

There are questions as to whether option (3) is legally viable. Can AC adopt the '81 Act in the Charter, and then permit the County Commission to amend budgetary procedures, etc., within the '81 Act, without amending the Charter?

If not, Option 2 may be the best option, but this will require the adoption of an ordinance after the Charter is adopted.

Deleted: A.

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 Legislative Body 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 Legislative Body 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 Legislative Body 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 CHARTER FORM OF GOVERNMENT CONSISTING OF AN EXECUTIVE BRANCH HEADED BY THE COUNTY MAYOR, A LEGISLATIVE BRANCH CONSISTING OF THE LEGISLATIVE BODY 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, 2026, 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 2026. 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:

_____	_____
_____	_____
_____	_____
_____	_____