

Anderson County Charter Commission
Minutes
June 6, 2022
Room 312

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

ABSENT: STEVE EMERT 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 Mead made a motion to approve the May 2, 2022 minutes. Commissioner Smallridge seconded the motion. Motion passed by voice vote.

No Citizens addressed the Committee

Outside Counsel – Review of proposed Charter

Page 1, Charter Commission Members

- No change

Page 6, Section 1.01 General Grant of Powers

- Add “and general laws of the State of Tennessee”

Page 7, Section 2.01 Legislative Powers

- Add “public conduct” to line 5

Page 8, Section 2.02 Other Powers

Subsection B

- Removed the section entitled “County Audits” and inserted the permissive power for the Legislative Body to provide for annual independent audits, or such special audits, as it may seem fit. Consistent with State law.

Subsection B (2)

- To look further at ordinances v. resolutions

Subsection E

- Change “Commission” to “Legislative Body”

Page 9, Subsection I

- County Commission to have some authority to appoint members to some boards & commissions.

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Section 2.03 Membership and Election

Subsection A

- Line 4, changed to “general election of 2026”
- Date was changed to December 31, 2025

Subsection B

- Drafted in accordance with State Law
- Date changed to January 1, 2032

Subsection C

- Deleted “and the District”
- Deleted the one (1) year district residency requirement

Page 11, Section 2.06 Election of Chair and Vice Chair

- Election applies at the first session after September 1, 2026

Section 2.09 Ordinances, Emergency Ordinances and Resolutions

- Add clarity on what an ordinance and resolution is

Page 13, Subsection A - 8

- To change Anderson County Code Commission to Anderson County Clerk.
Section 4.05 will have to change also.

Page 14, Section 2.10 Signature and Veto by the Mayor of Anderson County

Subsection B

- Change “submitted” to passed by the Legislative Body.

Page 15, Section 3.03 The Mayor’s Duties

Subsection E

- Modified language to go beyond H.R. Committee and encompass all appointments by resolution of the Legislative Body.

Subsection H

- To add requires two signatures – Approval of the Law Director and Finance Director, Purchasing Agent or the departmental head that requests any purchase on behalf of the County.

Page 20, Article IV Officers

- Offices not included are the County Coroner, Surveyor, Child Support Magistrate and the Election Commissioner.

Page 23, Section 4.11 Constables

- Remove – Not a County Office

Page 24, Section 4.12 Elections and Filling Vacancies

- Pass for now – Page 28 Section 7.01 is relative to this section.

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Page 24, Section 5.02 General Sessions Court

Subsection A

- To continue the General Sessions Court as established by Chapter 59 of the Private Acts of 1947.

Subsection B

- Added language specifically references the continuation of both divisions of the Anderson County General Sessions Court.

Sections 5.03 Vacancy, 5.04 Abolishing Divisions or Altering Compensation, 5.05 Juvenile Court and 5.06 Rules of Court and Evidence.

- Added as amended.

Page 26, Section 6.01 Board of Education

Subsection B

- Delete “nominated and”

Subsection F

- Deleted one (1) year district requirement
- Deleted District

Page 27, Section 6.02 Board of Education Duties and Powers

Subsection G

- Remove

Section 6.04 Board of Education Employees

- Follows Tennessee Teachers’ Tenure Statues

Page 28, Section 7.01 Elections

Sections 7.01 Primary Election Required, 7.02 Date of Primary, 7.03 Qualifying Petitions and 7.04 Notice of Election and Other Provisions

- Deleted – Refer to Section 4.12

Section 7.05 Recall of Elected County Officials

Subsection A

- Deleted Law Director and Constable
- Add Highway Superintendent, Clerk & Master, Circuit Court Clerk

Subsection B

- Deleted Law Director
- Added Highway Superintendent, Clerk & Master, Circuit Court Clerk

Subsection C

- Percentages Passed

Subsection F

- Deleted “a majority”

Page 31, Section 8.01 Title and Filing of Charter

- Added Date to be on ballot- November 8, 2022
- Charter must be turned in to the Election Office by August 25, 2022

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Page 33, Section 8.05 Amendments to this Charter

Subsection B

- The Legislative Body initiated amendments by referendum.

Subsection C

- Citizen initiated amendments by referendum

Commissioner Fritts made a motion to change the percentage to 25% of persons who voted in the last gubernatorial election in Anderson County. Seconded by Commissioner Smallridge. Motion passed.

Commissioner Fritts made a motion to change the time frame for the petition for an amendment to 50 days from 75 days. Motion failed for lack of a second.

Subsection D

- Charter Committee is to review the charter on or before March 1 of each six (6) years beginning on or before March 1, 2032.

Subsection E

- Delete “State” in line 5

Commissioner Mead made a motion to change to 60 calendar days. Seconded by Commissioner Smallridge. Motion passed.

Page 34, Section 8.06

Subsection A

- Law Director to talk to Kim in H.R. to clarify current law.

Subsection B

- Change “The Mayor shall” to “The Legislative Body shall”

Page 35, Section 8.08 Conflict of Interest

Subsection D

- Follows Tennessee Code Annotated § 5-5-112. All drafted in accordance with state law.

Subsection E

- Substitute the language adopted in the personnel policy.

Page 43, Appendix A

- Added the language “as they concern purely county affairs and”.

**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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Page 37, Section 8.11 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 a member of a County board, commission, authority or agency.

Page 37, Section 8.12 Private Acts

- Listed in Appendix A – added the language “insofar as they concern purely County affairs.

New Business

None

Meeting Adjourned

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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 Legislative Body 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.

B. The Legislative Body may provide, by resolution, for an independent audit of the accounts and other evidences of financial transactions of the County and of every County office and such other special audits as the Legislative Body deems necessary. Such independent audits shall be made by an independent certified public accountant or licensed public accountant, employed at the expense of the County, provided that the audit meets the minimum standards for county auditing established by the comptroller of the treasury, and approved by the governor. No auditor employed pursuant to this Subsection (B) shall have any personal financial interest, direct or indirect, in the fiscal affairs of the County or of any of its offices. The independent certified public accountant or licensed public accountant may be employed to perform the audit for the term set by resolution.

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.

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)

Commented [GS1]: I have removed the section entitled "County Audits," and inserted here, under "Other Powers" of the County Legislative Body, the *permissive* power for the Legislative Body to provide for annual independent audits, or such special audits, as it may seem fit.

Furthermore, we have drafted this provision to mirror state law in Tenn. Code Ann. § 4-3-304(4)(B). This follows the language of the general law.

This will still permit Anderson County to be audited by the State, unless it chooses otherwise.

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.

I. By resolution, the Legislative Body may appoint members to those boards, authorities, commissions, departments and committees 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.

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 2026 and shall be residents of, and represent, the eight (8) districts of the former County Legislative Body as shall exist on December 31, 2025. 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.

B. The regular terms of the Legislative Body members shall be four (4) years which shall all run concurrently. In accordance with general law, on or before January 1, 2032, 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 appointment on the date he or she filed his or her nominating petition and has been a resident of the County for one (1) year prior to such person's election. 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]: Section 3.03(E) gives the mayor the power to appoint all members of boards, commissions, departments and committees, unless otherwise provided by state law, or appointed by resolution of the County Legislative Body. Should we be more specific here? This subsection 2.02(I) appears to be vague as to what members the Legislative Body can appoint to a board, commission, department, or committee, and therefore, vague as to what members the mayor may appoint.

Knox County specifically listed what positions the Legislative Body could appoint. Another way to clarify?

Commented [GS3]: This date has been determined and included based on Tenn. Code Ann. § 5-1-111. Drafted it in accordance with state law. (Tenn. Code Ann. 5-1-111 states that "prior to January 1, 1982, and at least every ten years thereafter," county legislative bodies must reapportion if necessary.)

Deleted: and the district

Commented [GS4]: Deleted the one (1) year district residency requirement.

Deleted: ; 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. ...

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.

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 September 1, 2026, 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 or her deputy 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.

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 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.

Deleted: required by this Charter to be

Commented [G55]: This has been drafted to mirror state law, specifically Tenn. Code Ann. § 5-6-107(b)(5).

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.

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.

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, this Charter, and appointments by resolution of the Legislative Body, the Mayor shall appoint members of all boards, authorities, commissions, departments and committees, 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 [GS6]: Modified language to go beyond H.R. committee and encompass all appointments by resolution of the Legislative Body.

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.

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.

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.

Commented [GS7]: We have not included here county coroner, surveyor, child support magistrate, or election commissioner.

State law provides that "in those counties that have a county medical examiner, the county legislative body may vest the duties of the county coroner in the county medical examiner and shall not be required to elect a county coroner." Tenn. Code Ann. § 8-9-101. It's our understanding Anderson County has a county medical examiner, and county coroner is not an elected office in Anderson County. So, we have not provided for it here. If the duties of county coroner are vested in the Anderson County medical examiner by resolution of the County Commission, that resolution will remain effective after the adoption of the Charter pursuant to section 9.02.

State law provides that a county surveyor is "elected by the members of the county legislative body . . . every four (4) years." Tenn. Code Ann. § 8-12-101. Section 2.02 of the County Legislative Body's powers above confers authority on County Legislative Body to continue to appoint county surveyor.

Regarding child support magistrates, state law provides in Tenn. Code Ann. § 36-5-402(b) that a "presiding judge" of a judicial district, after conferring with the other judges and chancellors of the district, may certify the number of child support magistrates needed to the Supreme Court and the AoC, who shall then determine the number needed. The child support magistrates are then "selected and appointed by the presiding judge and shall serve at the presiding judge's pleasure." Subsection (B) states that if a judicial district had a method of selecting magistrates prior to Oct. 1, 1985, then the judicial district does not have to comply as long as it follows that preexisting system.

How was Anderson County's child support magistrate selected? If appointed by the presiding judge, we think the general law would trump the charter and it should not be mentioned. If there was a preexisting system, we need to include it.

Election commissioners are appointed by the state election commission. See Tenn. Code Ann. § 2-12-101.

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.

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. Constables

The duties of the Anderson County Constables are vested in and exercised by the Anderson County Constables ("Constables"). The duties, qualifications, oath of office, bond requirements, and compensation of the Constables shall be governed by the Constitution and the laws of the State of Tennessee and this County Charter. The general duties of the Constables shall include, but not

Commented [G58]: Here provide for the Anderson County Constables. The duties listed here are those listed in Tenn. Code Ann. § 8-10-111.

Working Copy draft provides that "[i]ndividuals holding the position of Constable are not county officials or employees and not entitled to any rights, obligations or privilege under this charter." Reconcile?

be limited to, responsibility for executing all process lawfully directed to the Constables, and to wait upon the courts; provided, however, that nothing in this section shall diminish the duties of the Office of the Constables as prescribed by the General Assembly.

Section 4.12. Elections and Filling Vacancies

The officers listed in this Article IV shall be nominated and 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 of the Property Assessor, Sheriff, Register of Deeds, County Clerk, Trustee, Superintendent of Roads, and Constables 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. Any vacancy in other offices listed in Article IV shall be filled in accordance with general law.

ARTICLE V

JUDICIAL BRANCH

Section 5.01. Judiciary

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.

Section 5.02. General Sessions Court

A. There is hereby established the General Sessions Court of Anderson County, Tennessee. The General Sessions Court of Anderson County, Tennessee, has previously been established by Chapter 459 of the Private Acts of 1947, as amended, and it is the intent of this Charter to continue the General Sessions Court of Anderson County, Tennessee.

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 5.04 of this Charter. Such additional divisions of the General Sessions Court may be given exclusive jurisdiction over County ordinance violations, and

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Commented [GS9]: I have removed the designation that all vacancies in the offices listed in Article IV were to be filled by the Legislative Body, as vacancies in the offices of Circuit Court Clerk, Clerk & Master, District Attorney General, and District Public Defender are filled other than by the Legislative Body according to state law. See Tenn. Code Ann. §§ 18-1-402 and 402 (providing that the courts are to fill vacancies in the circuit court clerk and clerk and master); Tenn. Code Ann. §§ 8-7-107 and 8-14-102 (providing that the offices of district attorney general and district public defender are to be filled by governor).

Vacancies in the offices listed here, however, are filled by the county legislative body under general law. See Tenn. Code Ann. §§ 5-1-104(b)(1); 8-10-118 (constable vacancies filled by Legislative Body); 67-1-504 (assessor vacancies filled by Legislative Body); 8-8-106 (sheriff vacancies filled by Legislative Body); 54-7-107.

Deleted: listed in this Article IV

Commented [GS10]: Included General Sessions Court similar to the Juvenile Court provision.

such other jurisdiction as may be authorized by all applicable laws of the State of Tennessee and this Charter. Any general sessions courts or divisions thereof existing in Anderson County 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.

Commented [GS11]: I have added this language to specifically reference the continuation of both divisions of the Anderson County General Sessions Court.

Section 5.03. 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 5.04. 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 5.05. Juvenile Court

There is hereby established the Juvenile Court of Anderson County, Tennessee. The Juvenile Court of Anderson County, Tennessee, has previously been established by Chapter 74 of the Private Acts of 1807, as amended, and it is the intent of this Charter to continue the Juvenile Court of Anderson County, Tennessee.

Section 5.06. 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 nominated and 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 the County for one (1) year prior to such person's election. 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

Commented [GS12]: Deleted one (1) year district residency requirement.

Deleted: and district

Deleted: ; 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. 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 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 Teachers' Tenure statutes. All employees of the School System not covered by the Tennessee Teachers' Tenure statutes or separate contract shall be considered employees at will.

Commented [GS13]: The Teachers' Tenure statute is codified at Tenn. Code Ann. § 49-5-501 to -515. Tenn. Code Ann. § 49-5-502(b)(1) and (2) states: "(1) This part shall not affect the operation of local or private tenure acts in operation on March 1, 1951, applying to counties, municipalities or special school districts. (2) This part shall not be operative in any such county, municipality or special school district so long as the local or private act remains in effect." Anderson County currently has in effect Chapter 465 of the Private Acts of 1941.

Based on the statute, we can either adopt the Teachers' Tenure statutes, or we can maintain Anderson County's private act. Knox County originally incorporated its private act into the charter, but later removed the private act by referendum in 2004 to adopt the Teachers' Tenure statute.

We understand that Anderson County has operated under the Teacher Tenure statutes and we have included it here that way. If that's the case, we think for general statute to apply, the private act should be repealed.

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.

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.

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 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

Commented [GS14]: Discuss removing Sections 7.01 to 7.04 and instead provide that nominations and elections of officers in the County, not mentioned in Section 4.12, shall be in accordance with general law.

Commented [GS15]: Tenn. Code Ann. § 2-13-203(a)(1) states: "Statewide political parties may nominate their candidates for any office other than those listed in § 2-13-202 by any method authorized under the rules of the party or by primary election under this title." Thus, in Tennessee, political parties can use a means other than a primary election to nominate a candidate for offices other than the governor, members of the general assembly, and United States Senators and Representatives. This section 7.01 would, in effect, require political parties to nominate candidates only through the means of a primary election, which is more restrictive than state law.

Given the Charter Commission's general desire to maintain its current system and follow state law, I have deleted the "Primary Election Required" provision and substituted it with a provision stating that the method of electing and nominating County officers will follow state law. This provision is based on a similar provision from Shelby County. "County Officers" includes Mayor, County Legislative Body member, Sheriff, County Clerk, Trustee, Register of Deeds, Property Assessor, members of the Anderson County Board of Education, and Constables,

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, Sheriff, County Clerk, Trustee, Register of Deeds, Property Assessor, Constable, and members 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, 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 twenty percent (20%) 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 twenty percent (20%) 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 six (6) months in office.

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

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

F. If two-thirds (2/3) 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.

Commented [GS16]: At the Charter Commission meeting on May 2, 2022, the Charter Commission passed a motion providing that elected officials may be recalled if the petition is signed by 20% of the registered voters of the county/district; the recall will pass if two-thirds (2/3) of the voters vote "Yes" on the recall; and that a recall petition cannot be circulated until after the official has served 6 months in office.

This provision has been drafted in accordance with the motion passed.

Commented [GS17]: Review Tenn. Att'y Gen. Op. No. 08-68 (2008), and Tenn. Code Ann. § 2-5-151.

Commented [GS18]: Added constables as elected county officials subject to recall.

Deleted: Law Director,

Deleted: Law Director,

Deleted: a majority

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 November 8, 2022 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:

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.

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.

Commented [GS19]: Legislative Body initiated amendments by referendum.

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.

Commented [GS20]: Citizen initiated amendments by referendum.

D. On or before March 1, 2032, and on or before March 1 of each six (6) 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

Commented [GS21]: Because the effective date of the Charter will be September 1, 2026, and because the Commission wants the Charter Review Committee to meet every six (6) years, the first year provided here is 2032.

Commented [GS22]: Review every six (6) years.

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.

Commented [GS23]: Who shall the members of the Charter Review Committee be?

Commented [GS24R23]: Charter Commission to decide whether it will be the members of the Charter Commission, or whether they will be chosen by Legislative Body, etc.

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.

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; ~~provided, however, that this Subsection D shall not prohibit a member of the Legislative Body from voting on a budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which the member has a conflict of interest. If a member of the Legislative Body who is voting on a proposed budget, appropriation resolution, or tax rate resolution, or amendments thereto, has a conflict of interest as defined herein, or any other conflict of interest, then the member must declare the conflict of interest at the meeting prior to casting the member's vote.~~ 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 Chair. The vote of any member of the Legislative Body having a conflict of interest 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 of 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 [GS25]: This language was added to provide for exceptions (b)(1) and (b)(2) in Tenn. Code Ann. § 5-5-112. Subsection (b)(2) was just passed by the 112th General Assembly. All drafted in accordance with state law.

E. In accordance with state law, 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 ~~a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member 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 [GS26]: I have taken this definition of "relative" from the Tennessee State Employees Uniform Nepotism Policy Act of 1980. The Tennessee General Assembly Uniform Nepotism Policy Act of 2006 defines "relative" the same way.

The Anderson County Board of Education's nepotism policy is very similar, including also uncles, aunts, nephews, and nieces, but excluding foster parents, foster brothers, and foster sisters.

F. 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.F 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.

Deleted: 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

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.

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 he or she was 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. "Suspended" and "suspension," as used in this Subsection (B), shall not include administrative suspensions for certain violations as the same are described in Rule 9, Section 30.3 of the Tennessee Supreme Court Rules.

Commented [GS27]: The term "administrative suspension" is used in Tennessee Supreme Court Rule 9, Section 30.3. This section discusses an attorney's "reinstatement from administrative suspension or inactive status." The rule calls the suspensions for non-payment of the Board's annual registration fee, for IOLTA non-compliance, for failure to pay the Professional Privilege Tax, for non-compliance with CLE requirements, and for default on student loans "administrative suspensions."

These are the only two Supreme Court Rules that use the phrase "administrative suspension."

I have taken that term for those violations and used it to exclude those violations from a county attorney's automatic forfeiture requirement in Section 8.10.

Section 8.11. 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 a member of a County board, commission, authority, or agency.

Section 8.12. Private Acts

Upon the adoption of this Charter, the Private Acts listed in Appendix A, and any other Private Acts not listed which affect Anderson County, and which are in effect on September 1, 2026, shall remain in full force and effect and be deemed ordinances insofar as they concern purely County affairs and to the extent that they are not inconsistent with the provisions of this Charter, until and unless repealed or amended by the Legislative Body. Upon the adoption of this Charter, the Private Acts listed in Appendix B, which are in effect on September 1, 2026, are hereby repealed and of no further force and effect in Anderson County insofar as they concern purely County affairs.

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

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

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

Commented [GS28]: This is the section as originally drafted.

This grants a permissive power. In other words, the power is there if the Legislative Body ever decides it is needed. With this provision in the Charter, if Anderson County ever decided to operate a hospital, clinic, or nursing home, then a private act would not have to be obtained, and the County could act pursuant to this provision in the Charter.

Section 8.16. Sheriff's Civil Service Law

The Anderson County Sheriff's Civil Service System is hereby adopted and the maintenance and administration thereof shall continue in accordance with the County Sheriff's Civil Service Law of 1974, as may be amended from time to time.

Section 8.17. Enterprise Zones

Anderson County is hereby authorized to create and appoint by ordinance or resolution an enterprise zone management board which shall operate in accordance with the Local Enterprise Zone Act, as may be amended from time to time.

Commented [GS29]: Included Enterprise Zone language from statute. See Tenn. Code Ann. § 13-28-204.

Section 8.18. 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 8.19. 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 8.20. 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 8.21. Tennessee County Uniform Highway Law

A. Upon the adoption of this Charter, the County Uniform Highway Law, as amended, shall continue in full force and effect in Anderson County, and the County Uniform Highway Law is hereby expressly adopted.

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.

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 2026 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.

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, as amended.

Section 8.22. County Financial Management System

Upon the adoption of this Charter, the County Financial Management System of 1981, as amended, and as in effect in Anderson County on the effective date of this Charter, shall continue in full force and effect, until and unless such financial policies or practices thereunder are amended by the Legislative Body.

Deleted:

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Section 8.21. County Audits

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

Commented [GS31]: Law Director mentioned at the Charter Commission meeting that there was both a private act on the county highway department and the County highway law.

This section 8.21 expressly adopts the County Uniform Highway Law as required by Charter Counties in Tenn. Code Ann. § 54-7-102, and includes the text of Chapter 42 of the Private Acts of 1993 herein.

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, resolutions, orders, 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, ordinances, 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 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 Charter.

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 8, 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 2026.

We, being all the members of the Anderson County Charter Commission of 2022 as evidenced by our signatures hereinbelow, hereby 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:

_____	_____
_____	_____
_____	_____
_____	_____

Appendix A

Pursuant to Section 8.12 of this Anderson County Charter, the following Private Acts applicable to Anderson County, and which are in effect on September 1, 2026, shall remain in full force and effect and be deemed ordinances insofar as they concern purely County affairs and to the extent that they are not inconsistent with the provisions of this Charter, until and unless repealed or amended by the Legislative Body.

Year	Chapter	Subject
1801	45	Creation of County
1806	21	Change of Boundary Lines
1807	51	Change of Boundary Lines
1807	74	Change of Boundary Lines
1817	20	Change of Boundary Lines
1853	129	Change of Boundary Lines
1853	320	Change of Boundary Lines
1855	173	Change of Boundary Lines
1857	129	Change of Boundary Lines
1887	127	Change of Boundary Lines
1889	34	Change of Boundary Lines
1903	304	Change of Boundary Lines
1941	465	Teachers
1947	459	General Sessions Court
1951	503	Oak Ridge Utility District
1953	349	Law Library and Litigation Tax
1953	350	County Court Clerk
1963	206	Litigation Tax
1977	134	Electrical Power
1980	247	Dumping Fees
1980	333	Solicitation Fee
1990	193	Hotels and Motels
1993	42	Superintendent of Roads
1997	98	Severance Tax on Pulpwood
2002	101	Board of Education
2006	77	County Attorney / County Law Director
2010	37	County Register
2015	12	Satellite Offices

Commented [GS32]: See Comment above regarding Teacher Tenure statute.

Commented [GS33]: Please note, the terms of these private acts are included within this charter. Therefore, keeping the private act is not necessary and may lead to confusion.

Appendix B

Pursuant to Section 8.12 of this Anderson County Charter, the following Private Acts applicable to Anderson County and in effect on September 1, 2026, are hereby repealed and of no further force and effect in Anderson County insofar as they concern purely County affairs.

Deleted: after September 1, 2026.

Year	Chapter	Subject
1939	357	Game and Fish Law
1947	291	Offenses – Fireworks
1947	396	County Service Officer
1947	397	County Clerk
1947	570	Jails and Prisons
1951	87	Purchasing
1953	549	Red Foxes
1969	199	Railroad Crossings