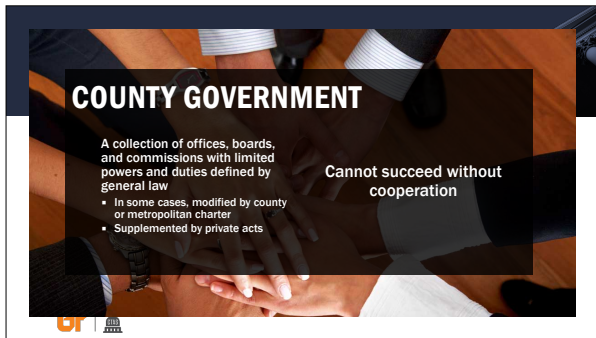
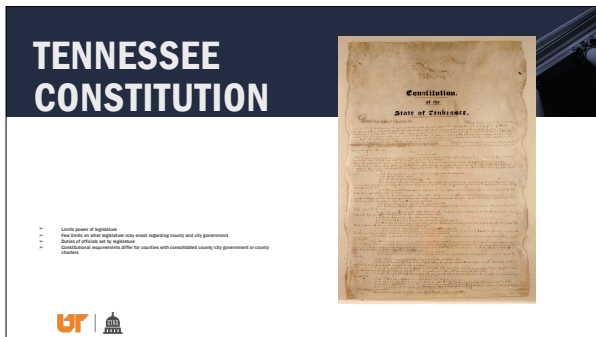




1



2



3

THREE FORMS OF COUNTY GOVERNMENT

Basic Form

- 90 counties

Metropolitan Government

- Davidson
- Moore
- Trousdale

County Charter

- Knox
- Shelby

4

BASIC FORM

County Executive (Mayor)

County Commissioners

County Clerk

Sheriff

Trustee

Register of Deeds

Assessor of Property

Constitutional Officers

Tenn. Const. Art. 7

5

OTHER OFFICES

Clerks of Court (Tenn. Const. Art. 6)

- Inferior court clerks (elected)
- Clerks and masters (appointed by chancellors)

Offices, positions created or authorized

- General law
- Private act

6

BASIC FORM

Collection of offices and positions
No hierarchy
Most offices "independent"
County Mayor has few statutory powers
County Legislative Body has limited powers granted by statutes



COAT OFFICIALS

CLERKS OF COURT

- Circuit Court Clerks
- Clerks and Masters
- Other inferior court clerks

COUNTY CLERK

TRUSTEE

REGISTER OF DEEDS



CLERKS OF COURT

Inferior Court Clerks

- Elected
- 4-year term
- Circuit, criminal, juvenile, probate

Clerks & Masters

- Appointed by Chancellor
- 6-year term

Tennessee Constitution, Art. 6, Sec. 13
Duties determined by state statutes



CLERKS OF COURT

Clerk or deputy attend each session of court

- Administer oaths to parties and witnesses
- Keep minutes

Maintain court records

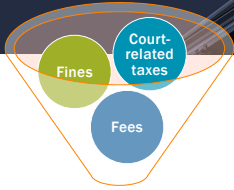
- Dockets
- Case files
- Indexes








10


CLERKS OF COURT



11

COUNTY CLERK, TRUSTEE & REGISTER OF DEEDS




Elected

4-year term

Duties determined by state statutes

- General law (generally determines)
- Private acts (may add to duties)



12

COUNTY CLERK

Clerk of county legislative body

- Keeps minutes
- Issues notices

Motor vehicle titling and registration

Issues marriage licenses

Collects various fees

13

COUNTY CLERK

Handles notary public applications

Keeps county road list

Issues other licenses

Collects other privilege taxes

14

TRUSTEE

Collects property taxes

Appoints delinquent tax attorney with approval of county mayor

Receives and disburses county monies

- Allocates revenue to various county funds and other parties according to law
- Disburses funds drawn by county warrant or check

15

TRUSTEE



Role in management of county funds

- Cash management - works with county mayor, finance committee and finance or budget director
- Role in investment of county funds - works with county investment committee

Files monthly and annual financial reports

Receives commission on funds handled



16

REGISTERS OF DEEDS

Records deeds and other documents which affect the legal status of real and personal property

Records certain other important documents

- Subdivision plats
- Powers of attorney

Maintains indexes of recorded documents



County Technical Assistance Service
INSTITUTE FOR PUBLIC SERVICE

17

REGISTERS OF DEEDS



Collects recording fees


Collects and remits state taxes


- Transfer tax on real estate
- "Mortgage" tax on recording instruments evidencing an indebtedness





18



INTERACTION
WITH OTHER
OFFICIALS

 Budget

 Personnel

 Transfers of funds

 Purchasing



19

BUDGET



Fee Official proposes budget for office annually

Mayor and budget committee may recommend changes to county legislative body

County legislative body may decrease or increase budget subject to court orders

Exact budget process varies among counties



20

PERSONNEL

Budget limitations - County legislative body

Salary Suit or Letter of Agreement

- County mayor defends salary suit
- Letter of agreement signed with county mayor
- Determines number and compensation of deputies and assistants





21


TRANSFER OF FEES

FEE SYSTEM

Fee official pays for salaries and expenses of office from official fee account
Turns over "excess" fees and commissions to general fund (trustee) quarterly

BUDGET SYSTEM

Fee official turns over all fees to general fund monthly
Salaries and other expenses of office paid under the approved budget

County legislative body decides system (where not determined by other law)

22



PURCHASING

County Legislative Body

- Optional purchasing laws
- Private Act

Purchasing Agent

- Takes requisitions
- Works with official on specifications
- Makes most purchases for officials



23

COUNTY GOVERNMENT

BASIS OF AUTHORITY



24

BASIS OF AUTHORITY

State of Tennessee

- Creates and empowers counties

United States of America

- Does not empower counties, but limits power of the state and its subdivisions such as counties
- Example: anti-discrimination laws

25

NATURE OF AUTHORITY

COUNTY GOVERNMENT

- Can only do what is authorized by state law
- Must find authority in statutes

PRIVATE BUSINESS

- Can do anything not prohibited by law

26

SOURCES OF AUTHORITY

General Law

Charter/Metro

Private Acts

27

COUNTY AUTHORITY

28



Granted by state statutory law
Counties and county officials have NO power to act outside of power granted through state statutes
Federal law may limit action but does not empower county officials



GENERAL LAW

29

Public Chapters enacted by the General Assembly (codified in Tennessee Code Annotated)

- General Application
 - Mandatory
 - Permissive
- Local Option
 - Usually adopted by 2/3 vote of county commission or approved by referendum



PRIVATE ACTS

30



Source of authority when general law is silent
Constitutionally suspect if in conflict with a general law (Tenn. Const. Art. 11, Sec. 8)
Must be enacted by General Assembly and receive local approval by 2/3 vote of county commission or majority in referendum



[illegible]

COUNTY CHARTERS

Shelby County Charter

Just a few things:

The Shelby County Charter was approved by the voters of Shelby County Tennessee on August 1, 1981, and remains the only charter in the country that is a product of a county government process. It is the only charter in the country that is the result of the efforts of Shelby County Tennessee to create a new form of government. It is the only charter in the country that is the result of a county government process.

- It is the only charter in the country that is the result of a county government process.
- It is the only charter in the country that is the result of a county government process.
- It is the only charter in the country that is the result of a county government process.
- It is the only charter in the country that is the result of a county government process.
- It is the only charter in the country that is the result of a county government process.

• Charter

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• Charter

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER

• THE COUNTY CHARTER



An alternative form of county government provided by Tennessee Constitution since 1978 as enabled by General Assembly and approved in county referendum

Enabling law gives power to restructure county government and adopt ordinances


95 DIFFERENT COUNTIES

Each county has different laws operating within the county

- Laws can differ greatly due to exceptions in the general law, optional laws, private acts and possibly county charters or metropolitan government charters
- Officials must consult with their county attorney to determine what they can and cannot do



UT County Technical Assistance Service
NORTH AVENUE
#300-25-0001



UT
COUNTY TECHNICAL ASSISTANCE SERVICE
NORTH AVENUE
#300-25-0001

- Laws can differ greatly due to exceptions in the general law, optional laws, private acts and possibly county charters or metropolitan government charters
- Officials must consult with their county attorney to determine what they can and cannot do




COUNTY OFFICIALS

BONDS AND OATHS



34

OFFICIAL BOND




A promise by the official to faithfully perform the duties of the office, pay over all monies and properties that come into the officer's hands to the persons authorized by law to receive them, safely keep all records required by law, and turn over all property and records to successor

Forms prescribed by Comptroller

Made payable to state upon failure of official to keep promises made in bond



Bond is to protect county and state, not the official (surety may sue official to recover payout under bond!)

Surety premium paid by county



35


OFFICIAL BOND DOCUMENTATION



36

OFFICIAL BONDS BY POSITION

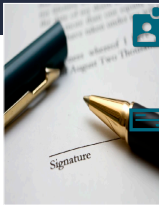
Clerks of Court	County Clerks	Registers of Deeds	Trustees
<ul style="list-style-type: none">• \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k• Filed with County Clerk	<ul style="list-style-type: none">• \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k• Filed with County Clerk	<ul style="list-style-type: none">• \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k• Filed with County Clerk	<ul style="list-style-type: none">• Based on office revenues• Filed with County Clerk



37

OFFICIAL BONDS

Amount of bond may be increased by county legislative body





Corporate or individual surety bonds

- County legislative body decides

Blanket bonds

- Separate rider for each official
- Minimum \$150,000 for all county employees not covered by individual bonds




38

INSURANCE INSTEAD OF BOND



Insurance alternative

- Counties may purchase insurance policy rather than bond. Policy must provide government crime coverage, employee dishonesty insurance coverage, or equivalent coverage.
- Must provide at least \$400,000 coverage per occurrence.
- A certificate of insurance, a policy, or endorsement satisfies the requirement for the filing of the official bond by the named officials.




39

FAILURE TO FILE YOUR OFFICIAL BOND


Failure to file bond in the proper office on time results in a vacancy in office!
T.C.A. § 8-19-117


It is a Class C misdemeanor to perform any official act before your bond is approved!
T.C.A. § 8-19-119


UT | 

40

Constitutional Oath and Oath of Office




 It is a Class C misdemeanor to perform the duties of your office prior to taking and filing your oaths. T.C.A. § 8-18-113.

UT | 

41

MORE INFO ON OATHS IN E-LI

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

UT | 

42
