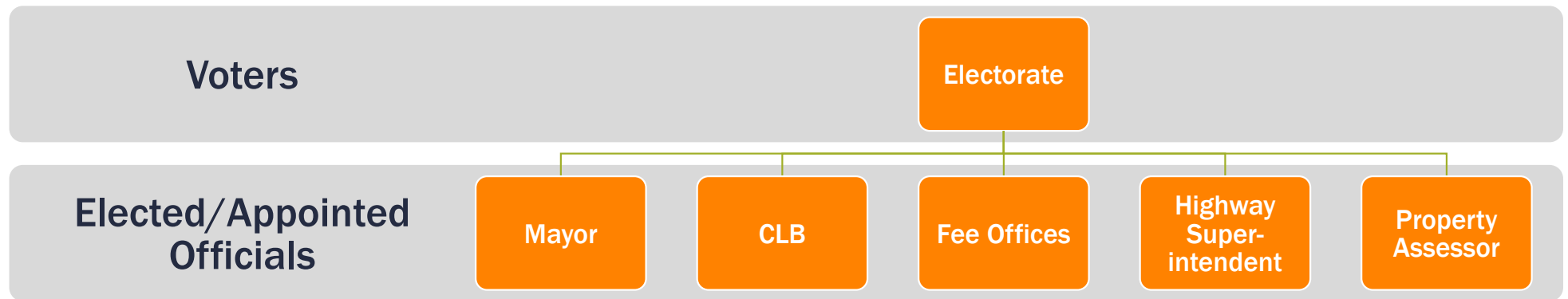


# COUNTY COMMISSIONER OVERVIEW IN TENNESSEE

CURRENT STRUCTURE  
Limitations and Opportunities



# COUNTY GOVERNMENT STRUCTURE



# COUNTY LEGAL OVERVIEW

## State Constitution

- Mandates certain offices except highway

## General Assembly

- Requires other offices/positions
- Determines duties

## State Law

- Counties operate based on state statute
- Cannot create laws



Can only do what is authorized by state law

# BASIS OF AUTHORITY

General  
Law

Charter/  
Metro

Private  
Acts





# ROLE OF COUNTY COMMISSION



## Fiscal Responsibility

- Budget
- Tax Levies
- Set finance policies



## Legislative Responsibility

- Private Acts

# CLB PRIVATE ACT APPROVALS

Grants authorities to counties not under general law.

Examples are hotel motel tax and development taxes.

Private acts are not enacted until they are approved locally.

Majority vote of citizens in  
a referendum

2/3 majority vote of  
Legislative body.

Approval by December 1,  
in year the act passed by  
general assembly.

Approval or rejection of  
act by 2/3 majority vote  
results must be filed by  
Chairman of CLB to  
Secretary of State.

Although not obligated to  
adopt a private act,  
legislature likes to see it  
pass by number of votes  
required before they  
introduce the bill.

Legislature has option of  
approving a private act  
requiring a referendum of  
voters against wishes of  
CLB.



# COUNTY GOVERNMENT



## **Required Positions**

**Director of Schools**

**Election Administrator**

## **Optional Positions**

**County Attorney (may be an office)**

**Director of Finance (or Accounts and Budgets)**

**Purchasing Agent**

# COUNTY GOVERNMENT

## Required Boards and Commissions

- County Board of Education
- Election Commission
- Planning Commission (If the county has planning)
- County Public Records Commission
- County Board of Equalization
- Beer Board (may be full CLB)

## ▶ Optional Offices, Boards and Commissions:

- ▶ Judicial Commissioners
- ▶ Workhouse Commission
- ▶ Parks and Recreation Board
- ▶ Adult Oriented Establishment Board
- ▶ County Board of Public Utilities
- ▶ County Board of Sanitation (or Solid Waste)
- ▶ Many others too numerous to mention



# TCSA OFFICIALS



County Executives / Mayors  
County Commissioners  
Highway Officials





# OFFICIAL BONDS



Must be filed and approved before taking office & within 40 days of election  
County legislative body or court approves  
Recorded with Register of Deeds  
Filed with Comptroller or County Clerk  
Amount of bond may be increased by CLB  
Corporate surety, insurance, or individual surety  
Blanket bonds

**County Commissioners are not bonded**



# OATHS

Constitutional oath and oath of office

May take after receiving certificate of election

Administered by judge, county executive or county clerk

Filed with county clerk

Enter office on September 1



# COUNTY LEGISLATIVE BODY

9-25 members

1-3  
commissioners  
per district

Districts  
reapportioned  
every 10 years

At-large or  
designated  
seat

4-year term only

Elected in  
August





# COUNTY LEGISLATIVE BODY IN ACTION

---

**CLB Chair & Pro  
Tempore**

**Elected at 1<sup>st</sup> meeting**

---

**1-year term**

---

**Own member or county  
mayor**

---



# COUNTY LEGISLATIVE BODY IN ACTION

## Property Taxes

Adopt annual budget

Must meet state funding requirements for  
mandated services

Levy property tax rate

No limit on property tax rate



# CLB Powers



Issue debt (subject to referendum)



Non-school board property



Office space allocation

# REGULATORY POWERS

Where specifically granted by  
statute



Zoning

Building Codes,  
Permits,  
Inspections



Animal Control

County Powers  
Act



# NO POWER TO....



Hire and fire people



Tell officials and departments heads how to spend money



Conduct business on behalf of the county



# ADDITIONAL RESPONSIBILITIES

- May provide medical and life insurance benefits to employees and officials
- May regulate dogs, cats and stray animals
- Adopt a distance rule regarding the sale of beer at retail
- Must determine how to deal with liability risks
- Preserve, manage, and provide public access to open records
- Control the establishment and powers of constables
- Approve notaries



# BUDGETARY VS FEE SYSTEM

County commission decides whether fee offices are on Budgetary or Fee System:

## Budgetary System

All fees are turned over to the general fund monthly

All expenses of the office are budgeted

Sheriff is always under budgetary system

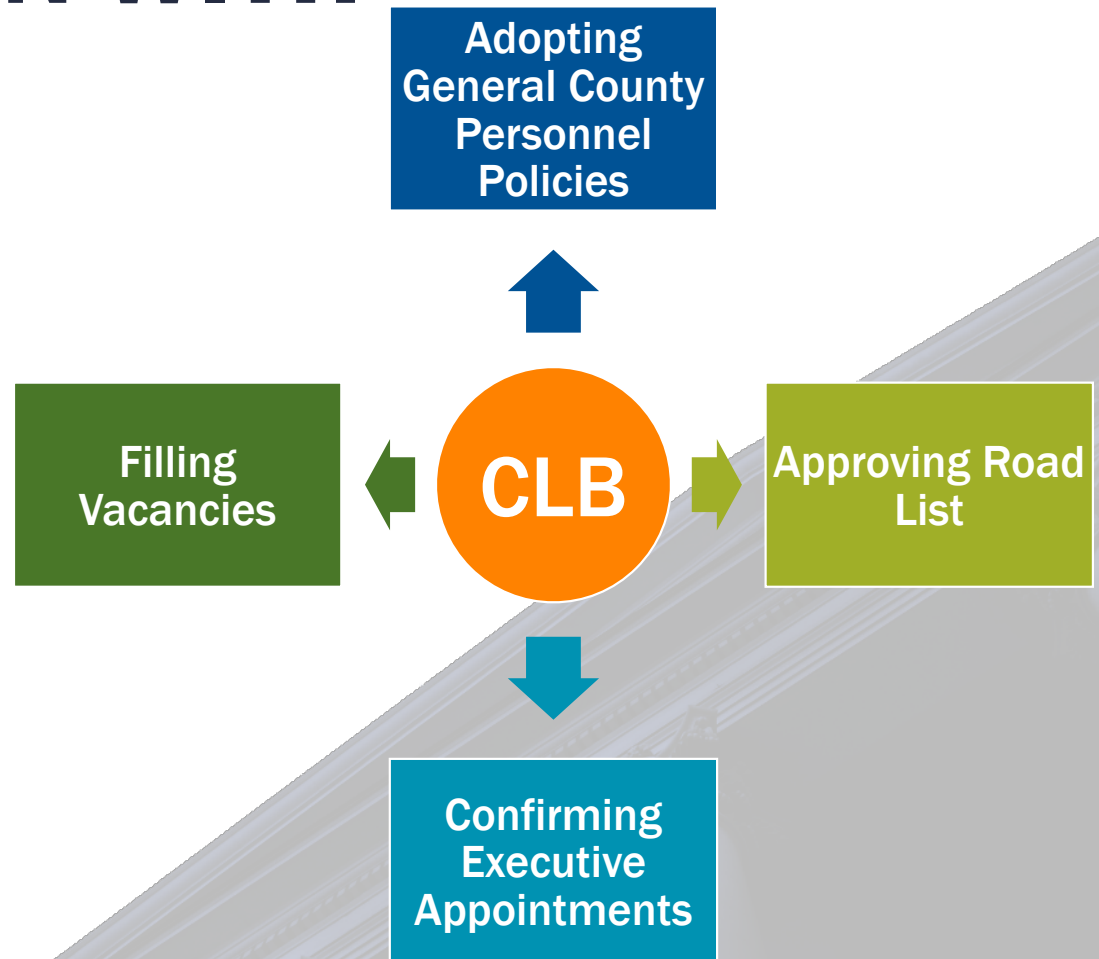
## Fee System

Only “excess” fees are turned over quarterly

Salaries and expenses are paid from fee account



# CLB INTERACTION WITH OTHER OFFICES

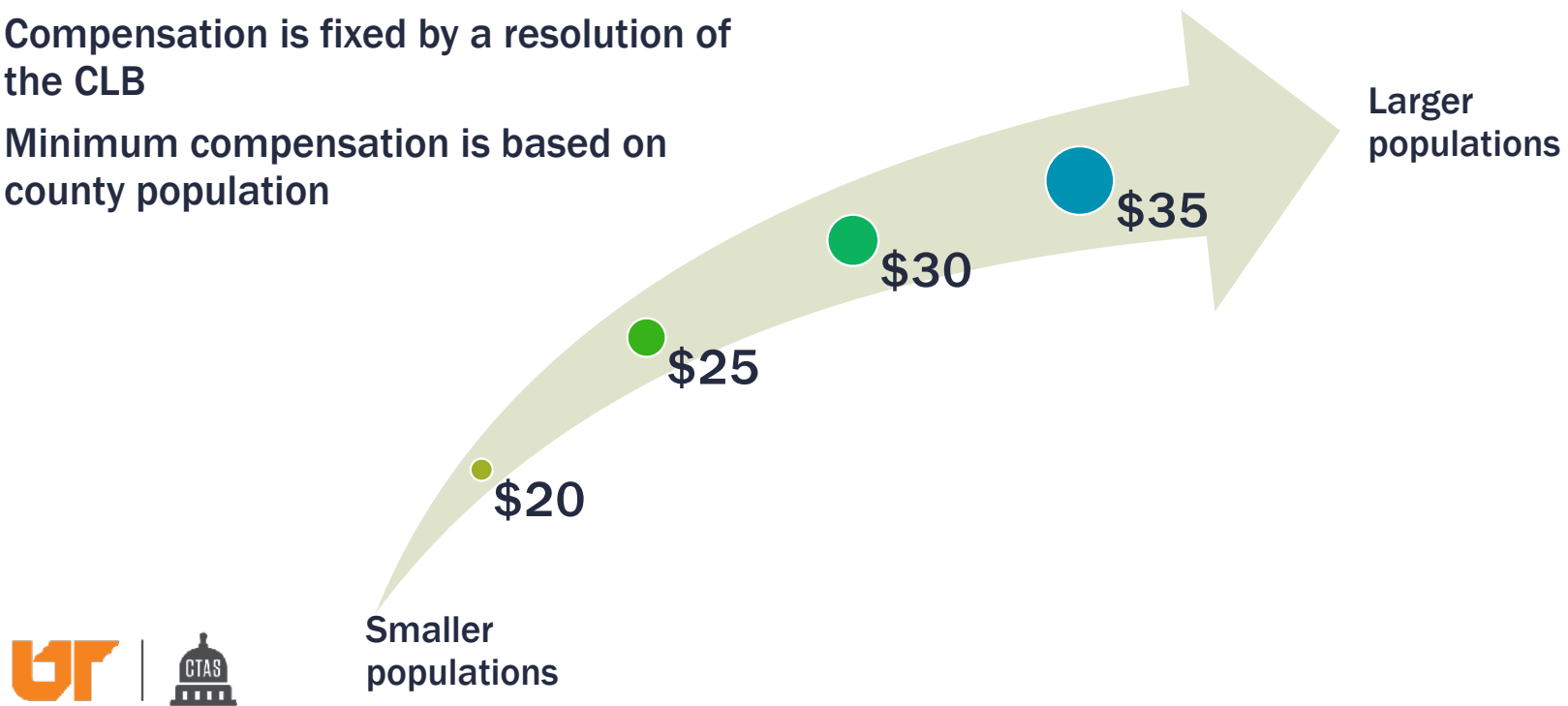




# COMPENSATION

Compensation is fixed by a resolution of the CLB

Minimum compensation is based on county population



# COMPENSATION



**Can adopt higher amount of compensation**

**Can also set salary amount instead**

**Authorized committee meeting compensation is half the amount for attending a regular CLB meeting**

**Chair/chair pro tempore compensation is fixed by CLB**

**Cannot be less than the compensation for other members**

**Chair pro tempore compensation cannot exceed that of the Chair, for like services**

# MEETINGS AND NOTICE REQUIREMENTS

County commission required to meet 4 times a year  
Meetings must be in public (exception: pending litigation)  
NO secret votes, NO secret discussions or decisions  
Adequate public notice for all meetings

Special meetings:

- Called by county mayor or CLB chair
- Adequate public notice still required
- No business other than purpose of special meeting



## Commission Meeting

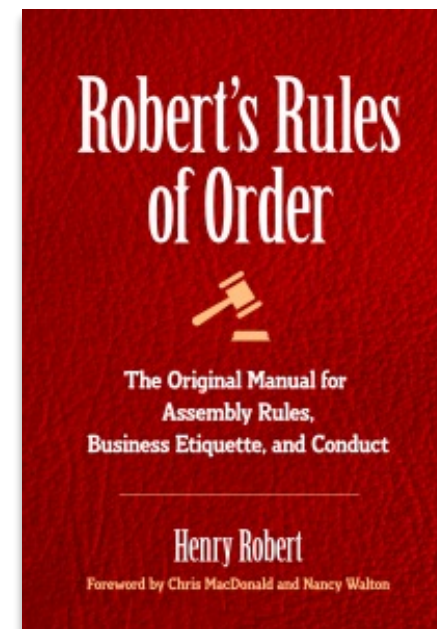
# AGENDA

- ❑ Sets order of meeting
- ❑ Lists in order items to be considered
- ❑ Usually set by Chairman
- ❑ Agenda to be received prior to the meeting
- ❑ May allow time for public discussion



# RULES OF PROCEDURE

- Can adopt rules of order and procedure
- State law does not mandate which procedures be adopted
- Adopted rules or procedures do NOT take precedence over state statute





# VOTING



**Voice vote**



**Raise right hand**



**Roll call**

**No secret ballot**  
**No voting by proxy**  
**Chairman declares results**  
**Appropriating money by roll call only**



# MAJORITY REQUIREMENTS

Any action taken requires a majority of the entire membership, not just a majority of the quorum

Abstention or pass votes = “nay” vote

Pass votes count in determining the number necessary for a quorum, unless the abstention is due to a statutory conflict of interest. Then it is not counted for the purposes of determining a majority.



# TYPES OF MOTIONS

Main

Subsidiary

Incidental

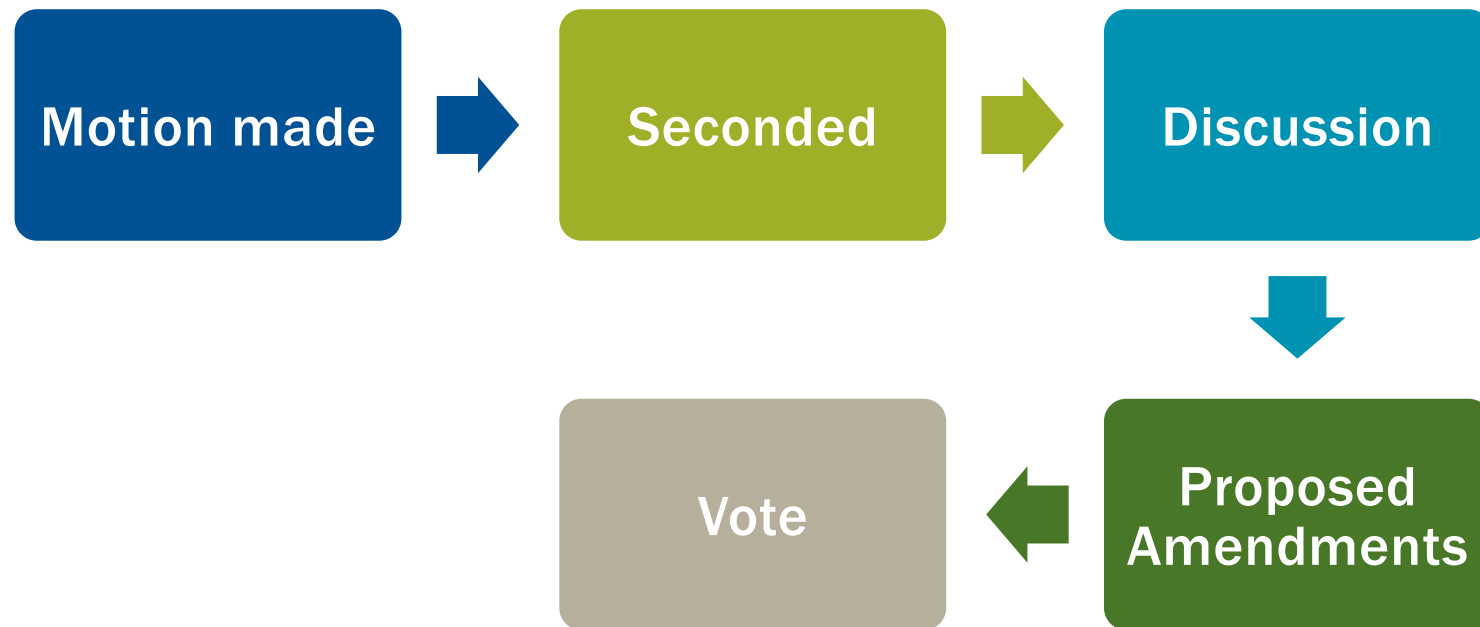
Privileged

Tabled





# MOTIONS PROCESS



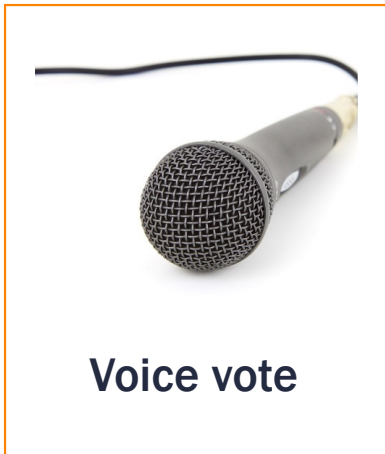
# ACTION ON A MOTION

- Most matters require a simple majority vote of the body membership.
- Other actions require a “super majority” (2/3) vote of the members.
- These are stated in the statute such as for: adopting private acts and for imposing some tax measures such as imposing a wheel tax.
- Tie votes are broken by a Mayor who serves as chair, but it is not required.
- If a member of the commission sits as chair they can only vote one time and not break the tie by voting a second time.
- All actions that are taken can only occur when it is presented by the chair or unless a majority of those present decide to do it.

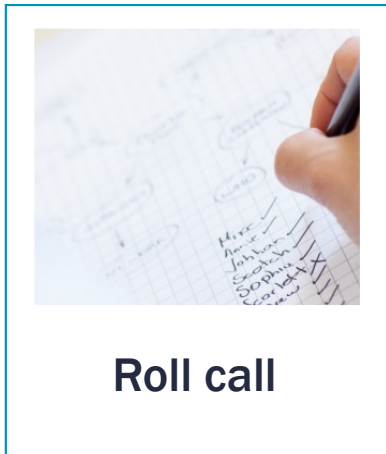


## A low-angle, black and white photograph of a classical building's facade. The image shows the upper portion of several large, fluted columns supporting a heavy entablature. The perspective is looking up, creating a sense of grandeur and scale. The sky above is a deep, dark blue, providing a stark contrast to the light-colored stone of the building. The lighting highlights the textures of the columns and the architectural details of the pediment.

## Majority vote:



## Voice vote



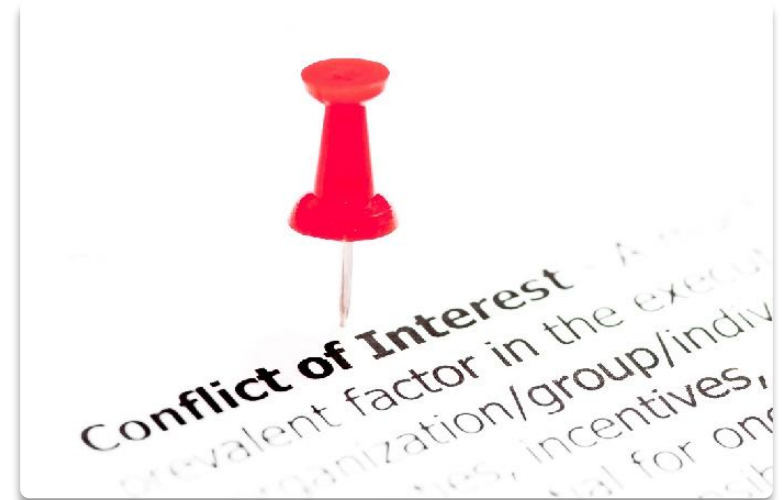
## Roll call

**CLB should have rules and procedures in place to fill a vacancy.**

# CONFLICTS OF INTEREST

A conflict of interest is created when a member is voting on a matter which would increase the pay or benefits of that member or that member's spouse.

Reduces membership when a commissioner states they have a conflict for this purpose.

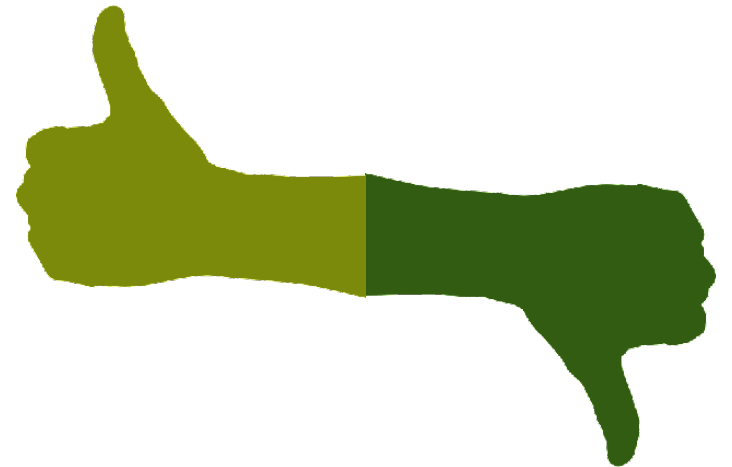


# LOCAL RULES

## Procedures on voting

- Appointments to committees and boards
- Ex. Approve nominees first before voting???

County should have rules and procedures for voting methods.



# COMMISSIONER SERVING MULTIPLE POSITIONS



Can be employee

Cannot be a school board  
member or hold county mayor  
office, fee offices

Hatch Act



# COMMITTEES

## Required

- Created by laws
- Prescribed functions
- Powers vary

## Internal

- No statutory requirements
- Composition and terms established by commission



# THREE TYPES OF COMMITTEES

## Statutory

- Prescribed by law
- Usually appointed or approved by county commission
- Some are not required, but if created must be done in accordance with the provisions of law



## Standing

- Internal committees
- Function & membership is established by body and its chairman.
- Operate and make reports to Commission throughout year
- Examples: Fiscal Review Committee, Planning committee, & nominations committees.

## Special Committees

- Internal committee appointed to conduct studies prior to action by committee.
- Usually short term & function only until a recommendation is made
- Example: a committee to study need for an ambulance authority



# FINANCIAL MATTERS



# OVERVIEW

Operating Budgets

Education

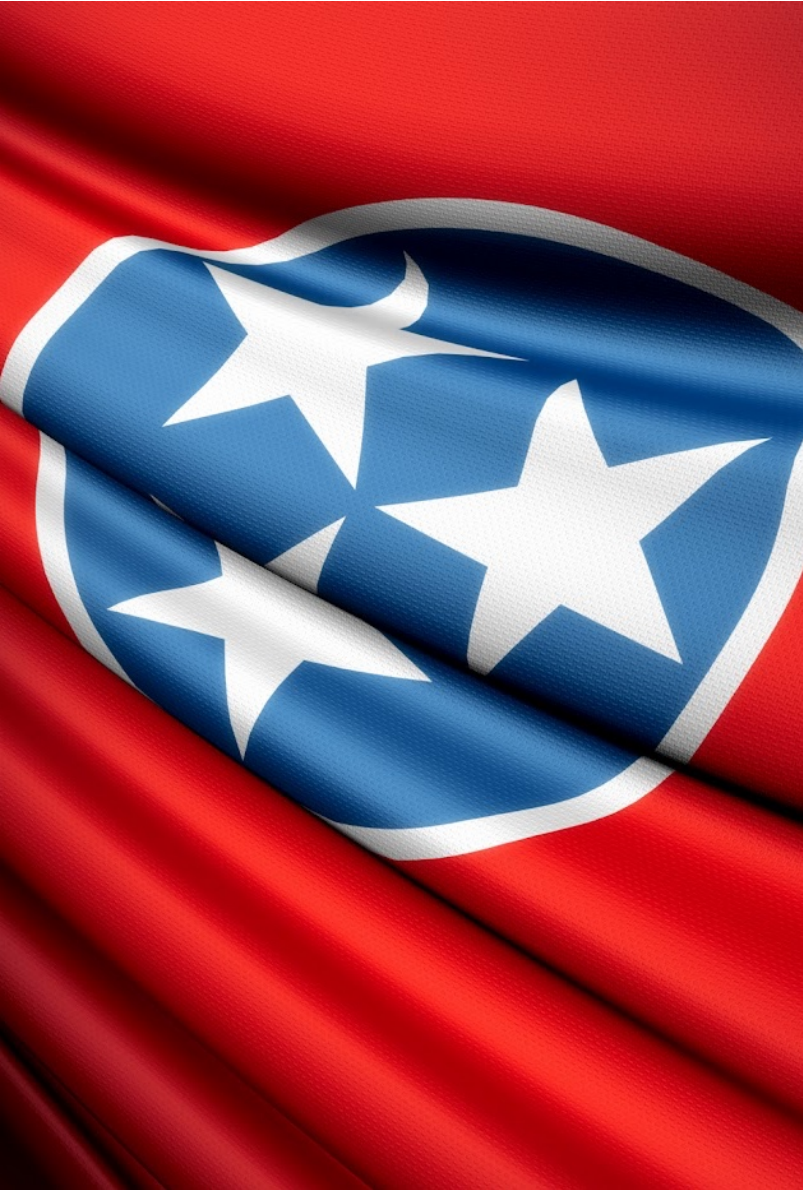
Debt Management / Capital Budgeting

Purchasing

Internal Controls

Annual Audit





# **BUDGETS**

**Budget Types**  
**Budget Players**  
**Legal Authority**  
**Budget Acts**  
**Process**



# TYPES OF BUDGETS

## Operating Budgets

Fiscal Year

Current Revenue

Short-term

Regular Services

## Capital Budgets

Multi-year

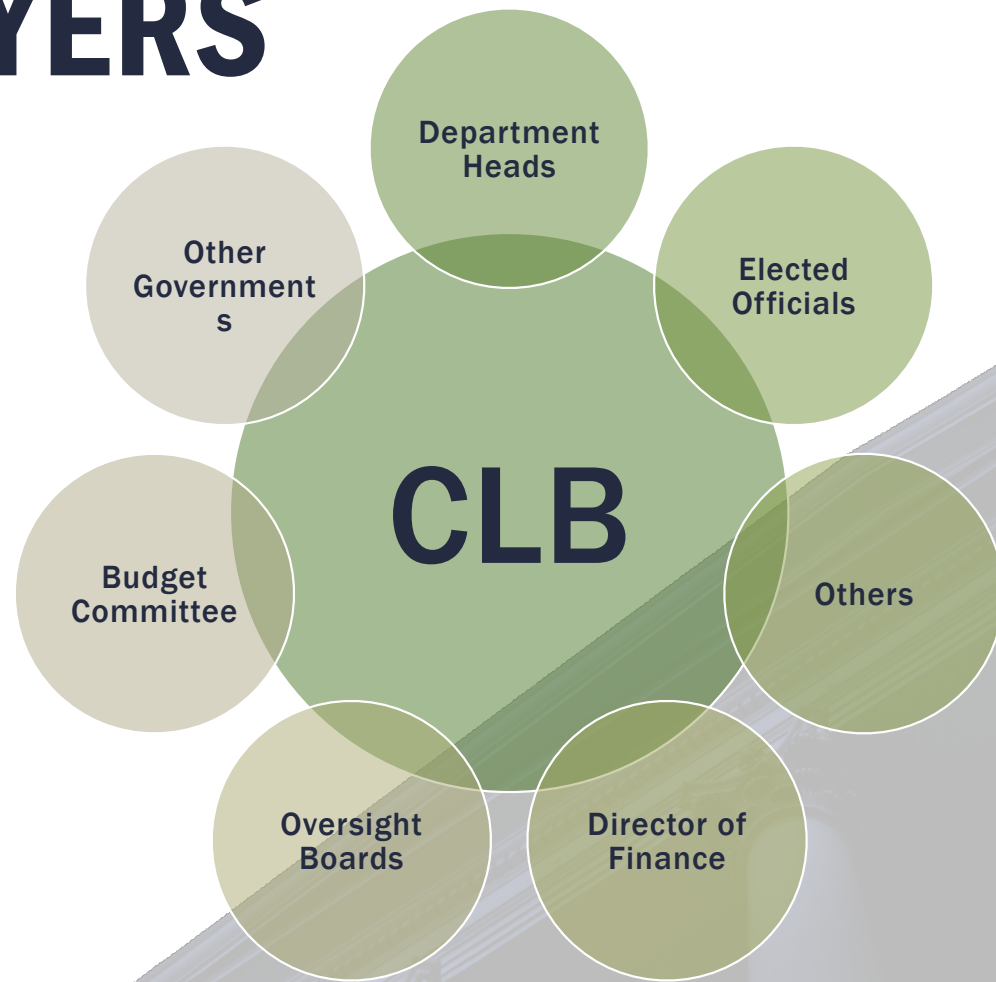
Long Life Expectancy

Borrowed Funds

Project Related



# BUDGET PLAYERS



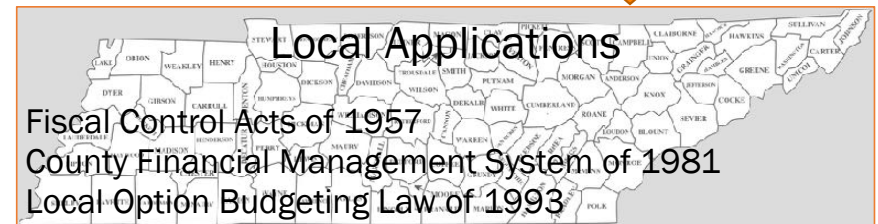
# LEGAL AUTHORITY

General Law

General law with local option application

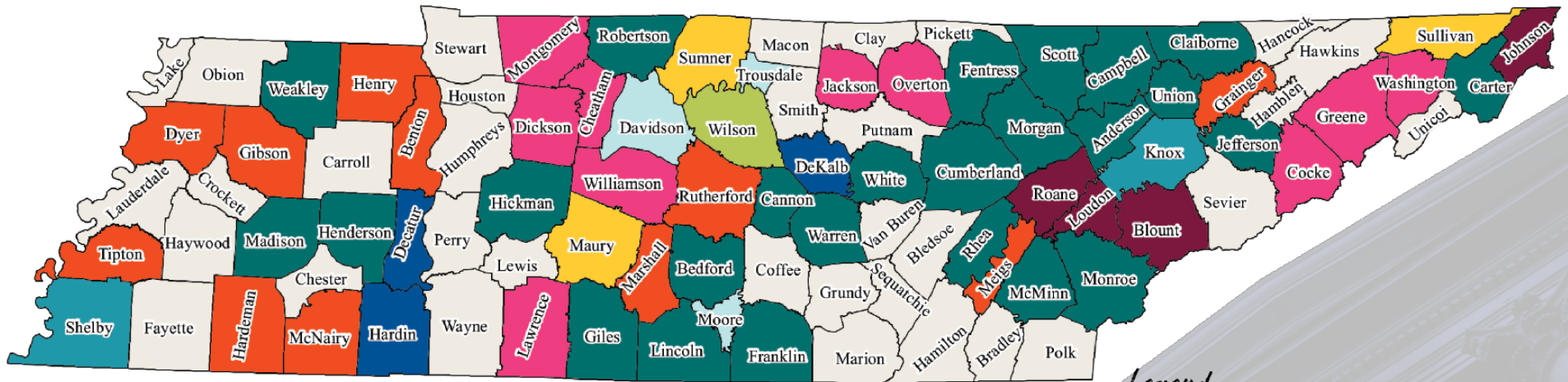
Private acts

Charter & Metro Charters





# Tennessee County Budget Laws



## Legend

- General Law (33)
- Charter (2)
- Metro (3)
- Private Acts (11)
- Centralized by Private Act (3)
- 1993 Law (3)
- 1981 Act (25)
- 1981 Act Without Schools (1)
- 1957 Act With Schools (4)
- 1957 Act Without Schools (10)



# BUDGET PROCESS





# BUDGETING AND LEVYING TAXES

T.C.A. § 5-1-103 authorizes the county commission assembled in session to act for the county.

All operating funds must be appropriated by the county commission as sanctioned by state law.

It is their function and duty to adopt a budget and appropriate funds for the ensuing fiscal year for all county departments and agencies. (T.C.A. § 5-9-404)

The County mayor, who does not chair the commission, may veto the entire county budget but not portions of it.

Generally, a budget is adopted annually unless

- a charter county has provisions to adopt biennial budgets
- a private act allows same
- a resolution is amended that normally requires and annual budget.



# PLANNING

Review

Economic Environment

Current Revenues & Expenditures

Future Revenues & Expenditures

Surplus/Deficit

Maintenance of Effort Requirements



# STATUTORY BUDGET CALENDAR



# BUDGET DEVELOPMENT

Budget preparation instructions  
Presented to budget committee  
Review and approval by the CLB



# SOURCES OF REVENUE

Property  
Taxes

Sales Taxes

Wheel Tax

Mineral  
Severance  
Taxes

In Lieu of  
Tax  
Payments

State Funds

Federal  
Funds

User  
Charges

Grants



# GRANTS

Policy • Awareness • CLB Approval



# MAINTENANCE OF EFFORT

Board of  
Education

Sheriff's  
Office,  
including the  
jail

Highway  
Department

Administrator  
of Elections

Public Library

Assessor of  
Property

911 Board



# REQUIREMENTS FOR COUNTY BUDGET

- Budget must:
  - be balanced
  - meet appropriations
  - meet all debt and interest obligations
  - comply with all applicable state laws.
  - meet a maintenance of effort test for

education

five highway  
funding effort

sheriff personnel

minimum  
salaries of  
county officials

any court decreed  
deputies and  
assistance of said  
officials

fund adequate  
correctional  
facilities





# REQUIRED SERVICES

Education

Civil Defense

Courthouse,  
including fee  
officials and courts

Growth  
Management Policy

Health Department

Law enforcement,  
including Jail

Medical examiner

Roads and Bridges

Solid waste  
(convenience  
centers only)

Solid waste (site for  
batteries, used  
motor oil and tires,  
service may be  
waived )

Storm water  
management



# OPTIONAL SERVICES

Airport

Animal control

911 system

Fire protection

Industrial  
development

Planning

Support for non-  
profit/  
charitable  
organizations

Water system

Workhouse

Recreation

Sewer system



# OPERATING BUDGET

Private Act

General Law

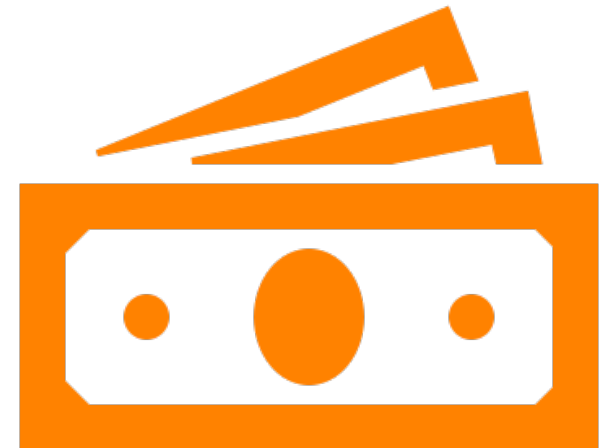
1981/1957/199  
3 Acts

Charter/Metro



# ADOPTING THE BUDGET

- Appropriation Resolutions (T.C.A. § 9-21-403 (b))
- Tax Levy Resolutions (T.C.A. § 9-21-403 (b))
- Non-Profit Resolutions (does not affect schools)
- Notice in Newspaper (put in newspaper by central finance) (T.C.A. § 5-8-507(c))
- Capital Outlay Note/Bond Note Resolution (not required during the budget)
- Submit to State Director of Local Finance (T.C.A. § 9-21-403 (c))



# FAILURE TO ADOPT OPERATING BUDGET

No budget, property tax  
resolution, appropriation  
resolution adopted by  
August 31?

Consolidated Budget  
with proposed  
amendments  
(except Education)



# REQUIRED PUBLIC NOTICE



**Proposed tax rate by fund**



**General Fund, Highway Fund, School Fund and Debt Service Fund(s)**



**Each Fund must:**

- Include three columns with fund balances
- Number of employees for the 3-year period



# REQUIRED SUBMITTAL TO COMPTROLLER

Checklist Highlights

Copy of Annual Operating Budgets

Copy of Tax Levy Resolution/Ordinance

Revenue Projections (when applicable)

Budget Summary Schedule

Schedule of Outstanding Debt

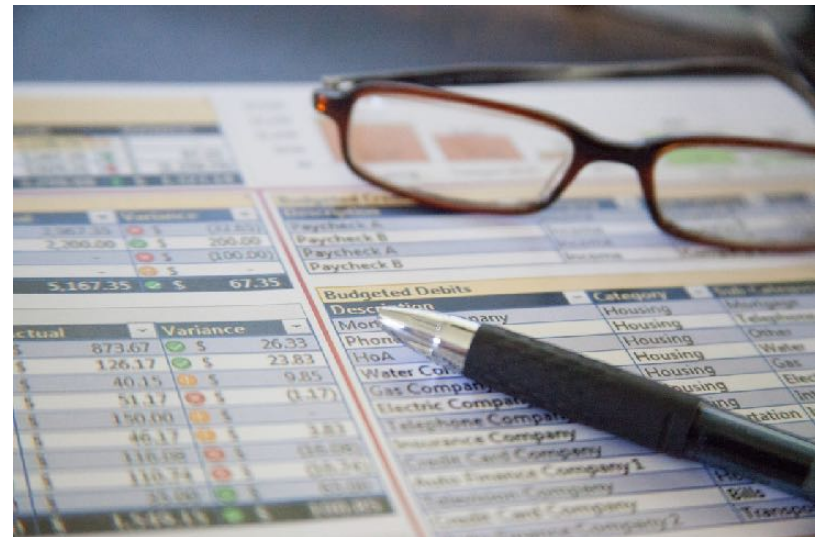
Detailed Budgets of ALL Funds

Cash Flow Analysis



# BUDGET MANAGEMENT

Proper accounting  
Continuous monitoring  
Amend as needed  
Allotments and Impoundments





# BUDGET AMENDMENTS

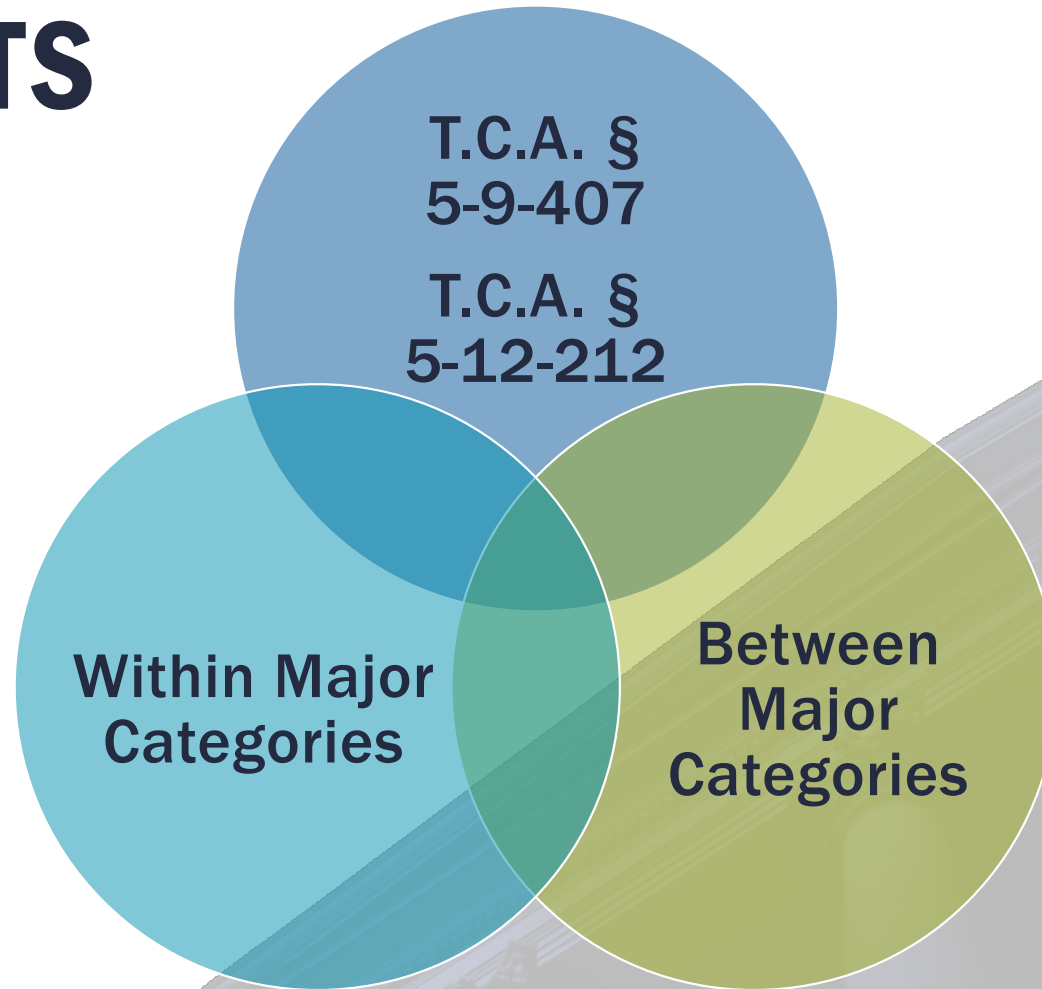
**Document  
request**

**Present  
request**

**CLB vote**



# MONITORING THE BUDGET - AMENDMENTS



# ALLOTMENTS AND IMPOUNDMENTS

## Laws that allow

- County Budgeting Law of 1957
- County Financial Management System of 1981
- Local Option Budgeting Law of 1993
- Some private acts

## No provision under General Law



# HIGHWAY DEPARTMENT



## **County Uniform Highway Law (CUHL)**

### **Gasoline and Motor Fuel Tax**

**50% divided equally among all 95 counties**

**25% according to county's population**

**25% according to county land area**

### **State Aid Bridge and Road Program**

**2% match for each**

**Can use "in-kind services"**

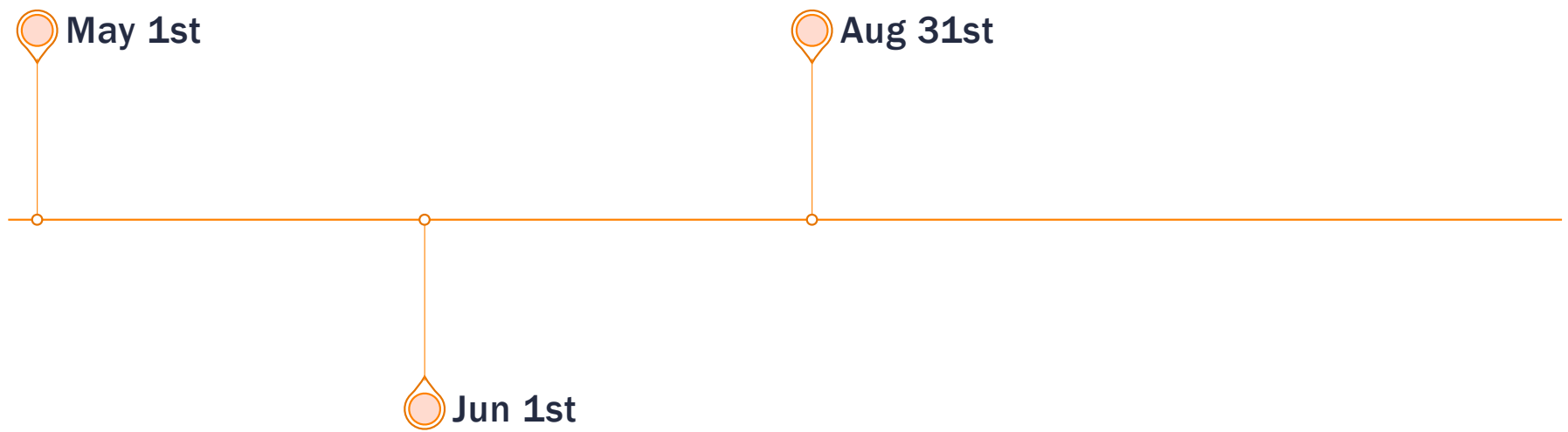
### **Maintenance of Effort on Local Revenues**

# EDUCATION

**K-12 Funding (BEP) • School MOE • Fund Balance**



# EDUCATION BUDGET TIMELINE



# BEP FUNDING



**INSTRUCTIONAL  
SALARIES**



**INSTRUCTIONAL  
BENEFITS**



**CLASSROOM**



**NON-  
CLASSROOM**





# SCHOOL MAINTENANCE OF EFFORT

## **T.C.A. §49-3-314 (c)(1)**

**No LEA shall use state funds to supplant total local current operating funds, excluding capital outlay and debt service.**

## **T.C.A. §49-2-203(a)(10)(A)(ii)**


**No LEA shall submit a budget to the local legislative body that directly or indirectly supplants or proposes to use state funds to supplant any local current operation funds, excluding capital outlay and debt service.**





# MOE LOCAL REVENUE CALCULATION

Account	Account Description	Budget 2016-2017	Amended Budget 2015-2016	Original Budget 2015-2016	AFR 2015-2016	Actual vs. Budget 2015-2016	2017 Budget vs. 2016 Budget
40110	Current Property Taxes	\$13,731,777.00	\$13,731,777.00	\$13,731,777.00	\$13,878,567.00	\$146,790.00	\$0.00
40120	Trustee's Collections - Prior Year	\$469,480.00	\$469,480.00	\$469,480.00	\$414,997.00	(\$54,483.00)	\$0.00
40125	Trustee's Collection - Bankruptcy	\$25,000.00	\$25,000.00	\$25,000.00	\$4,900.00	(\$20,100.00)	\$0.00
40130	Curcuit Clk./Clk. & Master Coll. - Prior Yrs.	\$215,474.00	\$215,474.00	\$215,474.00	\$177,210.00	(\$38,264.00)	\$0.00
40140	Interest & Penalty	\$166,080.00	\$166,080.00	\$166,080.00	\$141,525.00	(\$24,555.00)	\$0.00
40163	Payments in Lieu of Taxes - Other	\$492,000.00	\$492,000.00	\$492,000.00	\$492,000.00	\$0.00	\$0.00
40210	Local Option Sales Tax	\$7,349,392.00	\$7,349,392.00	\$7,349,392.00	\$7,545,832.00	\$196,440.00	\$0.00
40275	Mixed Drink Tax	\$0.00	\$0.00	\$0.00	\$2,765.00	\$2,765.00	\$0.00
40350	Interstate Telecommunications Tax	\$3,250.00	\$3,250.00	\$3,250.00	\$3,258.00	\$8.00	\$0.00
40390	Other Statutory Local Taxes	\$10,000.00	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00
	<b>Total County Taxes</b>	<b>\$22,462,453.00</b>	<b>\$22,462,453.00</b>	<b>\$22,452,453.00</b>	<b>\$22,671,054.00</b>	<b>\$208,601.00</b>	<b>\$0.00</b>
41110	Marriage Licenses	\$3,120.00	\$3,120.00	\$3,120.00	\$3,178.00	\$58.00	\$0.00
44110	Investment Income	\$3,500.00	\$0.00	\$0.00	\$7,288.00	\$7,288.00	\$3,500.00
44120	Lease/Rentals	\$0.00	\$0.00	\$0.00	\$5,057.00	\$5,057.00	\$0.00
46851	State Revenue Sharing - TVA	\$1,157,568.00	\$1,157,568.00	\$1,157,568.00	\$897,500.00	(\$260,068.00)	\$0.00
	<b>Total Local Revenue per School Records</b>	<b>\$23,626,641.00</b>	<b>\$23,623,141.00</b>	<b>\$23,613,141.00</b>	<b>\$23,584,077.00</b>	<b>(\$39,064.00)</b>	<b>\$3,500.00</b>
Capital Outlay	(Less) Local revenue increases for Capital Outlay	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service	(Less) Local revenue increases for Debt Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+	<b>Total Adjusted Local Revenue</b>	<b>\$23,626,641.00</b>	<b>\$23,623,141.00</b>	<b>\$23,613,141.00</b>	<b>\$23,584,077.00</b>	<b>(\$39,064.00)</b>	<b>\$3,500.00</b>

Test Met 

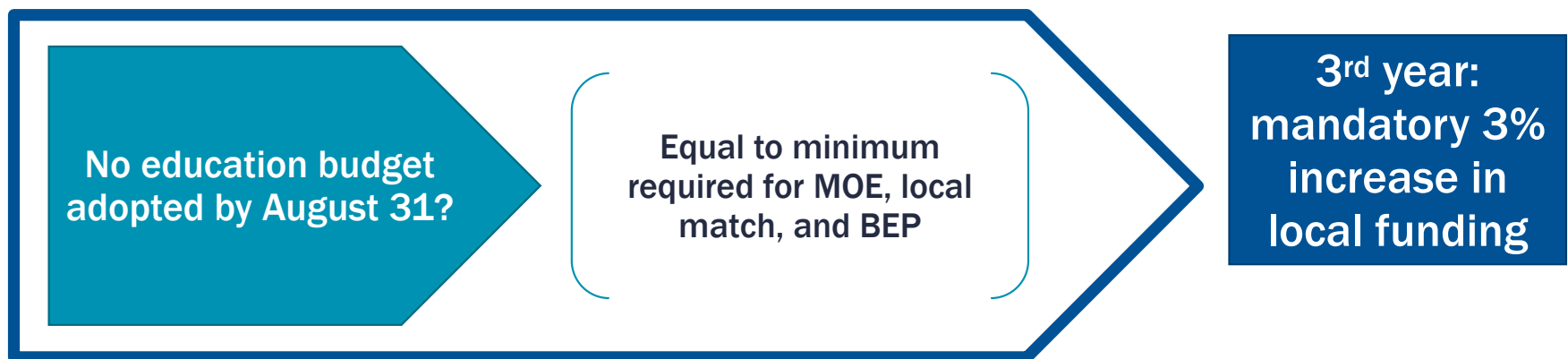
# 3% FUND BALANCE TEST

Local BOE Operating Expenditures	\$408,299,020
Multiply by .03 or 3%	x 3%
3% of Operating Expenditures	\$12,248,971

Local BOE could use any portion of their fund balance above \$12,248,971 to balance their budget when it is passed.



# FAILURE TO ADOPT EDUCATION BUDGET



If this occurs for 3 consecutive years, the budget for the 3rd year will automatically include a 3% increase in the required local funding amount for schools, unless the LEA failed to comply with the applicable budgetary timeline.



# DEBT MANAGEMENT AND CAPITAL IMPROVEMENTS



# KNOWING THE DIFFERENCE....

## Debt Service Fund

Accounts for the principal and interest payments related to financing of capital improvement projects.

## Capital Projects Fund

Accounts for the revenues and expenses of capital improvement projects.



# DEBT IN TENNESSEE

## Facts About Debt in TN

Indebtedness Range Across TN:  
\$0 to \$5,724,043,221

Average debt...	
... per county	\$130,793,098
... per capita	\$1,023
... per assessed value	7.17%



# MANAGING COUNTY DEBT



# KNOW YOUR DEBT CAPACITY

How much new debt can you afford with current revenue?

What are your budgeted expenditures?

Do you have a surplus going into fund balance?

Capacity equals debt service you can afford without increasing revenue.





# WHAT KIND OF BORROWING WILL BE NEEDED?

Available funds from within capital project fund?

Available funds from other county funds or Inter Fund Loan?

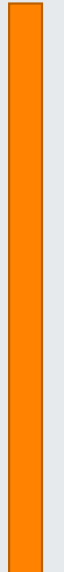
Local banks have available funds to loan?

Need dictates issuance of bonds or loan agreements.



# YOUR DEBT RATING



Invest ment Grade	<b>Strongest</b>  <b>Weakest</b>	Moody's	Standard & Poor's/Fitch
		Aaa	AAA
		Aa	AA
		A	A
		Baa	BBB
		Ba	BB
		B	B
		Caa	CCC
		Ca	CC
		C	C
Non-Invest ment Grade		C	D

# OFFICE OF STATE & LOCAL FINANCE DEBT REQUIREMENTS

Cover letter with contact info

Original, signed, certified copy of the debt resolution

Pro forma statement (monthly cash flow)

Clearly define the public purpose

Include amortization schedule

Useful life of the asset



# OFFICE OF STATE & LOCAL FINANCE REQUIREMENTS

## Debt resolution

- Only required to be posted or published after adoption
- Cannot be vetoed by county mayor/executive
- Takes only a majority commission to approve
- May delegate to county mayor authority to sell notes or bonds

*CT-0253 must be completed within 45 days after issuance*



# DETERMINE NEEDS



Input from department heads and elected officials

Separate needs from wants

Prioritization is critical – you must look beyond cost

# DEVELOP A CAPITAL IMPROVEMENT PLAN

Effective evaluation of alternatives  
Stabilize payments and tax rates  
Minimize tax increases

Avoid  
CRISIS MANAGEMENT



# PURCHASING AUTHORITY

General Law

1981/1957  
Acts

Private Act

Charter/  
Metro



# THREE PRINCIPLES OF PURCHASING

Maximization  
of  
Competition

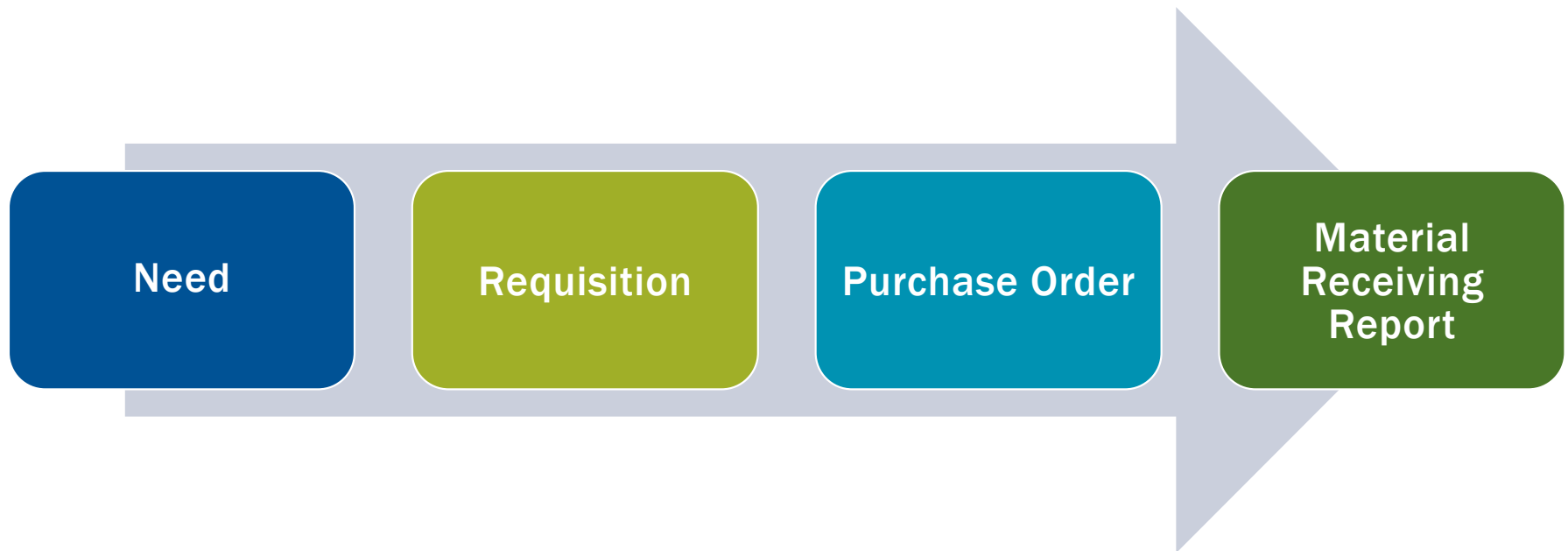
Equal and  
Fair  
Competition

Best Value at  
the Lowest  
Price





# PURCHASING PROCESS



# METHODS OF PURCHASING



**Competitive Sealed Bids/  
Proposals – ITB/IFB/RFP  
Request for Qualification  
(RFQ) – professional services  
Informal quotes**

# ANNUAL AUDIT

All records of all local governments

- T.C.A. § 9-3-211
- Includes statistical information

Expresses opinion of county's finances

Tennessee Comptroller of the Treasury



# AUDIT OPINIONS

## Four Levels:

- 1) Unmodified – Clean audit opinion
- 2) Modified – Not completely compliant
- 3) Adverse – Negative opinion
- 4) Disclaimer of Opinion – Unable to render an opinion



# AUDIT COMMITTEE

Required to maintain Three Star status

Created by the CLB

Members must be external to management

Must consist of no fewer than three members

Budget committee cannot serve as audit committee

Note: The audit committee does not have investigative powers or authority over other officials.



# WRAP UP

*Congratulations!*

**Welcome to county government!**



COUNTY OFFICIALS ORIENTATION PROGRAM 2022

08/22/2022

90

# COUNTY ENVIRONMENTAL COMPLIANCE





# COUNTIES HAVE A KEY ROLE IN ENVIRONMENTAL PLANNING AND COMPLIANCE

39,000 local governments around the country make daily decisions that impact Environmental Quality

Examples:

- Siting Development Projects
- Public Infrastructure Planning and Funding
- Decisions about Land Use—development to accommodate transportation, housing, workforce and education needs
- Water and Sewer
- Waste Management





# HOW WILL YOUR COMMUNITY GROW?

Challenge to balance needs and costs—both current and future.

## COSTS

### “Pollution Mitigation”

- Cleanup and Redevelopment

### Infrastructure Improvements

- Capital Improvements
- Development and Reuse
- Preparedness

### Regulatory Compliance

- Air
- Land
- Water

## NEEDS

### Strong Economy

- Workforce and Employment Training/Good Jobs
- Affordable Places to Live

### Cost Effective Government

- Affordable Public Works Services

### Stronger Communities

- Great Places
- Healthy lifestyles
- Healthy environment
- Quality of Life



# CTAS ROLE...

To help counties implement and follow federal, state, and local environmental regulations with efficiency and cost-effectiveness.

## Environmental regulations implemented through:

- Solid Waste Departments
- Highway Departments
- Public Works Departments
- Stormwater Departments
- Planning Departments
- Regional and State Transportation Organizations



# WATER

Water  
Quantity

Water  
Quality

Source  
Water  
Protection

## Tennessee Counties with Potential Need for Water Supplies



- Counties with emerging water conflicts and/or shortages
- Counties with priority need for additional water supply
- Water supply studies or regionalization already underway

Source: Farnham & Shattuck 2019



# CLEAN WATER ACT REQUIREMENTS FOR US STATES

- Have a plan to maintain water quality
- Protect against the degradation of high-quality waters and water bodies that already meet the fishable/swimmable standards
- Clean up polluted or impaired waterways

*The Commissioner shall have the power, duty, and responsibility to...post or cause to be posted such signs as required to give notice to the public of the potential or actual dangers of specific uses of such waters.*

Tennessee Water Quality Control Act



# HOW COUNTIES IMPLEMENT WATER QUALITY STANDARDS

Through MS4's and Stormwater Ordinances

Through Public Works Best Practices: Erosion Control, Pollution Prevention Measures

Through Development Permitting: Construction and Post Construction Practices

Through Rural County Conservation Districts and Natural Resources Conservation Service (NRCS): BMP's for Agriculture

Through Zoning and Zoning Overlays: can require development to locate away from high-quality water bodies, impaired waterways, or wellhead protection areas.

- Can restrict steep slope developments, require setbacks, determine Septic Drain locations, and control Landfill and other industrial siting

Through Subdivision regulations: During and Post Construction Developers are required to have Stormwater management and Erosion and Sediment Controls.



# SOLID WASTE MANAGEMENT



# DISPOSAL OF MUNICIPAL SOLID WASTE



The Resource Conservation and Recovery Act (RCRA) 1976—set standards for the construction, operation, closure, and postclosure maintenance of landfills.



As a result, the number of landfills in Tennessee decreased dramatically from almost 158 in 1988 to 36 active now.



The siting and expansion of new landfills is an important land-use issue for local communities.



# MUNICIPAL SOLID WASTE

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Consists of household garbage, industrial waste, household hazardous waste, and construction waste.

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If not handled properly can become a public health hazard.

---

Disposing of waste is not cheap, and the cost of disposing of solid waste continues to increase.

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Managing household waste is typically the third-largest component of a local government budget—after education and public safety.





# COSTS OF SOLID WASTE MANAGEMENT

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Americans generate about 4.43 pounds of waste/day

---

Local Governments typically pay over \$40 per ton to bury garbage and over \$120 per ton to manage solid waste



# SOLID WASTE MANAGEMENT ACT OF 1991

## County Responsibilities:

- Proper management of solid waste collection, transfer, transport, processing, and disposal  
(Includes recycling, diversion, waste tire management and problem waste collection)

## Solid Waste Region Responsibilities:

- Must have Solid Waste Plan
- Must meet 25% Waste Reduction Goal
- Must provide for Community Education



# COLLECTION, TRANSPORTATION AND DISPOSAL

Each county must assure that a collection system is available to all residents

- How transported
- Where disposed
- How financed



# WASTE REDUCTION/ RECYCLING

- Counties must divert 25% of Waste (T.C.A. 68-211-821)
- Methods for calculating waste reduction (T.C.A. 68-211-835)



# RESTRICTIVE WASTES

- Whole tires are banned from Tennessee landfills
- Other problem wastes include oil, batteries, and “E-wastes”
- Household Hazardous Waste collection events are available if scheduled with TDEC





# FINANCING SOLID WASTE

**Solid Waste Management Fund**  
(T.C.A. 68-211-821)

**Local Funding Options**  
(T.C.A. 68-211-835)

**Used Oil Collection Fund**  
(T.C.A. 68-211-1005)

**Waste Tire Funding**  
(T.C.A. 67-4-1610)

**Recycling Rebates (five most populous counties according to the annual census)**

## **Grants:**

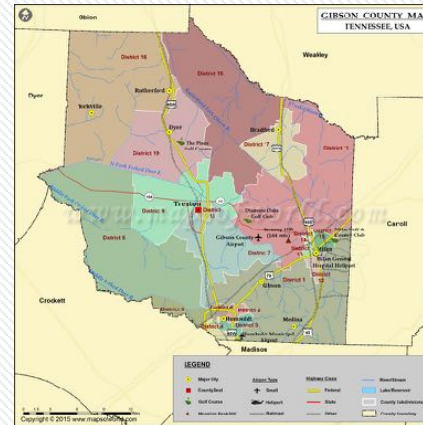
- Recycling Equipment
- Material Recovery Facility
- Used Oil
- Development Districts
- Household Hazardous Waste
- Planning Grants



# How CTAS can help...

## Technical Assistance Areas

- Facility Siting and Regulatory Compliance Issues
- Waste Reduction
- Bids and Equipment Specification
- Training
- Cost Effectiveness
- Benchmarking
- Safety



### INSTRUCTIONS FOR SUBMITTING NON-BINDING RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL QUOTES FOR HENDERSON COUNTY, TENNESSEE

#### 1. RECEIPT AND OPENING OF QUOTES

Henderson County invites and will receive non-binding quotes on the forms attached hereto, all information on which must be appropriately completed. Quotes will be received at the Henderson County Courthouse located at Court Square, Lexington, Tennessee, until 11:00 a.m. on \_\_\_\_\_, 2011 and publicly opened and read aloud on the afternoon thereafter. The envelopes containing the Proposals must be sealed and addressed to Don Hughes, County Mayor, and Post Office Box 528, Lexington, Tennessee, 38351 and plainly marked "Quote for Residential Solid Waste Collection and Disposal."

#### 2. PREPARATION OF THE INFORMAL QUOTE

All quotes shall be made on the Quote Form attached hereto and shall give the amount of quotes



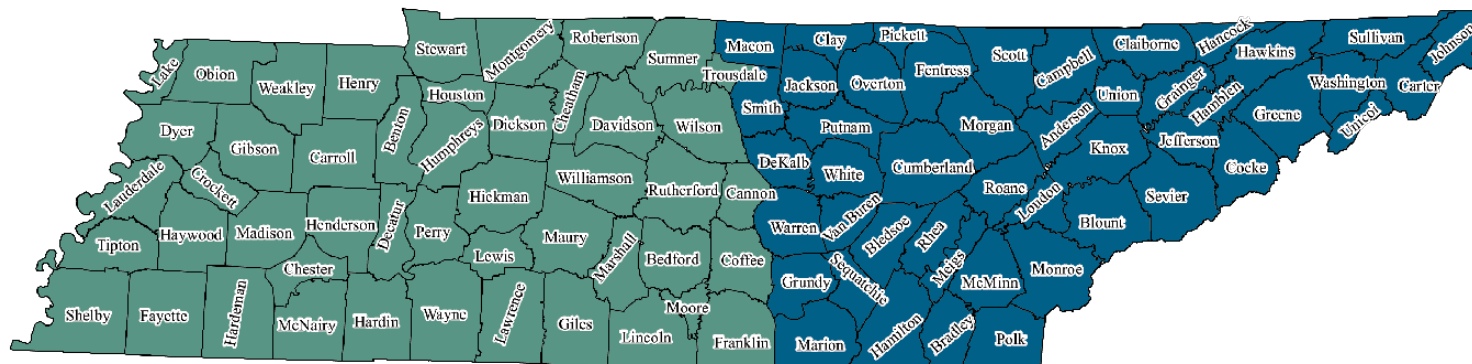
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# CONFLICTS OF INTEREST

## SPECIAL RULES FOR COUNTY COMMISSIONERS WHO ARE COUNTY EMPLOYEES

Presented by:  
University of Tennessee  
County Technical Assistance Service  
2022



## **SPECIAL RULES**

### **County Commissioners Who Are County Employees**

County employees may hold the office of county legislative body member. Any county employee who is otherwise qualified may serve as a member of the county legislative body, notwithstanding the fact that such person is a county employee.

T.C.A. § 5-5-102.



# **SPECIAL RULES**

## **County Commissioners Who Are County Employees and/or Have Spouses Who Are County Employees**

T.C.A. § 5-5-112

In 2016, the Legislature passed PC 1072.  
The new law became effective on May 20, 2016.

It was codified as T.C.A. § 5-5-112.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

No member of the legislative body of a county who is also an employee of the same county or whose spouse is an employee of the same county may vote on matters in which such member has a conflict of interest.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

A **conflict of interest** is created under this section when a member is voting on a matter which, if approved by the legislative body, would increase the pay or benefits of that member or that member's spouse.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

The vote of any member having a conflict of interest shall be void if challenged in a timely manner.

“Timely manner” means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

The new law does not prohibit a member of a local governing body of a county from voting on the 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.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

If a member of a county governing body who is voting on a proposed budget, appropriation resolution, or tax rate resolution, or amendments thereto, has a conflict of interest, then the member must declare the conflict of interest at the meeting prior to casting the member's vote.

Public Chapter 656 (2022).





# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

Any member of a local governing body of a county who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

Applies when voting on individual county offices' budgets.

Applies when voting as a member of the budget committee.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

### **EXAMPLE - BUDGET COMMITTEE MEETING**

A county commissioner who works for the sheriff's office and is a member of the budget committee:

The commissioner/employee may vote on the sheriff's proposed budget if the sheriff's proposed budget does not contain employee pay increases or employee benefit increases.

The commissioner/employee may not vote on the sheriff's proposed budget if the sheriff's proposed budget does contain employee pay increases or employee benefit increases.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

### **EXAMPLE**

#### **COUNTY LEGISLATIVE BODY VOTING ON THE COUNTY'S BUDGET**

A county commissioner who works for the sheriff's office may vote on the county's budget regardless of whether or not the sheriff's budget contains employee pay raises or increases in employee benefits.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

### **EXAMPLE**

#### **COUNTY LEGISLATIVE BODY VOTING ON THE SCHOOL'S BUDGET**

A county commissioner, whose spouse works for the school system, cannot vote on the school's budget if the school's budget contains employee pay increases or increases in employee benefits.

If the school's budget contains no pay or benefits increases, the commissioner can vote on the school's budget.



# **SPECIAL RULES**

## **County Commissioners / County Employees**

T.C.A. § 5-5-112

The new law does not apply to Davidson County. In addition, the legislative body of any metropolitan form of government or charter form of government may opt out of the new law.





# THE END



# PROPERTY ASSESSMENT CONSULTANT PRESENTATION

County Commissioner – County Official Orientation program 2022

Presented by Joe Griffin

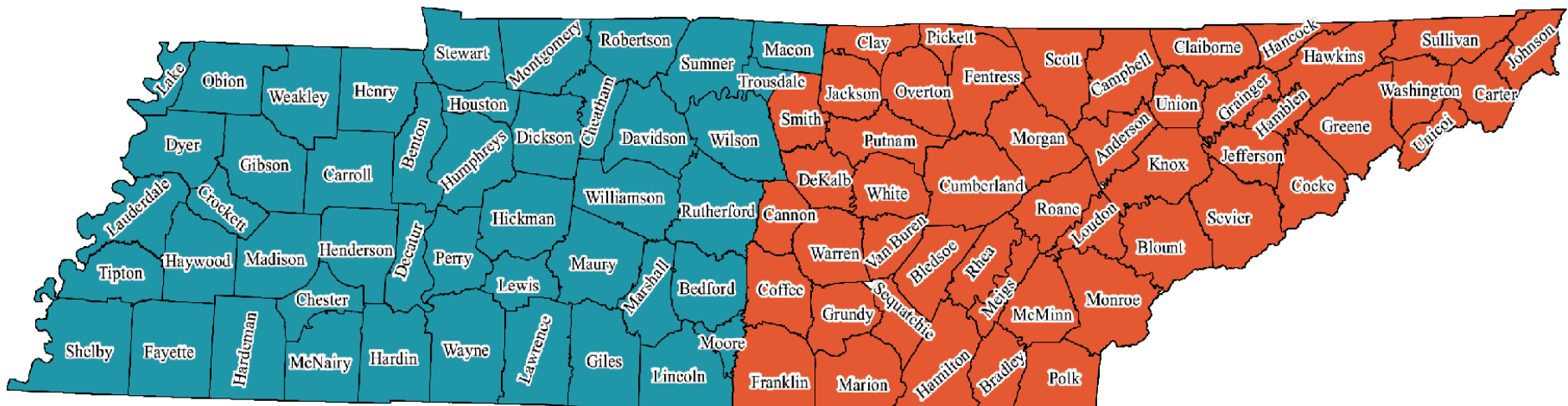




# PROPERTY ASSESSMENT CONSULTANTS

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**Gabe Looney** (865) 271-7803  
East Tennessee Eastern  
Middle Tennessee [gabe.looney@tennessee.edu](mailto:gabe.looney@tennessee.edu)



# COOP-ASSESSOR CONSULTANT SERVICES

1. Provide Technical Assistance to Assessors of Property and other Officials as requested
2. Provide Training and Education to Assessors and their Staff
3. Work with other Agencies: Comptrollers Office, DPA, SBOE, TNAAO, IAAO and others to ensure the success of the Office



# PROPERTY ASSESSMENT TYPES

Locally Assessed

Real Property

Tangible Personal Property

Intangible Personal Property



# ASSESSMENT RELATED FACTORS TO CONSIDER

Appeals

Equalization  
Ratio

Exemptions

Legislative

PILOT  
Agreements

Reappraisal

Tax Freeze

Timing



# EQUALIZATION RATIO ADJUSTMENT - EXAMPLE

	Current Assessments	Equalization Ratio	Equalized Assessments
Tangible Personal Property	\$1,310,060,187	0.9081	\$1,189,665,656
Public Utilities and Transportation	\$130,880,876	0.9081	\$118,852,923
Totals	\$1,440,941,063		\$1,308,518,579

In this example, the equalization ratio will reduce the assessments by \$132,422,484.

Question: How will the equalization ratio adjustment affect the value of the penny if there is not enough growth to absorb the reduction in assessments?



# RATIO STUDIES EQUALIZATION RATIO ADJUSTMENT

Between countywide reappraisals, a ratio adjustment is applied to tangible personal property and public utility assessments to equalize them with real property levels of assessment.



# COUNTYWIDE REAPPRAISALS

## Purpose:

- To adjust property values to current market value
- To restore equity

Viability of property tax depends on accuracy of appraisals

Reappraisals are not designed to create a financial windfall for the jurisdiction.



# CERTIFIED TAX RATE

Required by statute (T.C.A. § 67-5-1701)

Excludes new construction, additions, and deletions for the current tax year

Generates same property tax revenue for the jurisdiction that was levied during the previous year

Calculated by the State Board of Equalization





# EXCEEDING THE CERTIFIED TAX RATE

## **T.C.A. § 67-5-1702. Levy in excess of certified rate**

No tax rate in excess of the certified tax rate as provided for in § 67-5-1701 shall be levied by the governing body of any county or of any municipality until a resolution or ordinance has been approved by the governing body according to the following procedure:

- (1) The governing body shall advertise its intent to exceed the certified tax rate in a newspaper of general circulation in the county, and the chief executive officer of the county or municipality, as appropriate, shall within thirty (30) days after publication furnish to the state board of equalization an affidavit of publication; and
- (2) The governing body, after public hearing, may adopt a resolution or ordinance levying a tax rate in excess of the certified tax rate.



# QUESTIONS?

**Joe Griffin RES, AAS**  
**Property Assessment Consultant**  
**(931) 215-1635**  
**joe.griffin@tennessee.edu**





# County Officials Orientation Program 2022

Hosted by University of Tennessee County Technical Assistance Service  
in coordination with the Tennessee County Services Association and the  
County Officials Association of Tennessee

# PUBLIC SAFETY CONSULTING SERVICES

August 2022



# JIM HART

## Jail Management Consultant



# **MOST COMMON JAIL RELATED REQUESTS**

**Jail Staffing**  
**Requests for Proposals/Qualifications**  
**Technical Assistance**  
**Jail Needs Assessments**  
**Jail Budget Review**  
**Law Suits**  
**TCI's County Corrections Partnership**  
**Internal Controls**



# TENNESSEE CORRECTIONS INSTITUTE

## Tennessee Code Annotated 41-4-140

### Minimum Standards for Local Correctional Facilities:

- Physical Plant
- Administration/Management
- Personnel
- Security
- Discipline
- Sanitation/Maintenance
- Food Services
- Mail and visiting
- Inmate Programs and Activities
- Medical Services
- Admission, Records and Release
- Hygiene
- Supervision of Inmates
- Classification





# WHAT CAN YOU DO?

- Is the jail well maintained?
- Ask what facility problems affect the jail operation.
- Does the jail have adequate staffing?
- Is there an adequate written policy and procedure manual?
- Is the jail budget clearly defined?
- Does your jail have an objective inmate classification system?
- Remember – Jail crowding is not just a Sheriff's problem.





# JOHN ROSE

Criminal Justice Consultant



# MOST COMMON NON-JAIL ISSUES FOR SHERIFFS

## Personnel

- Hiring, Firing – CTAS as a sounding board
- Excessive Overtime/Comp-time
  - Staffing
  - Scheduling properly
  - Using as a reward in-lieu of funded pay raise

## Exempt versus Non-Exempt

- Not the same as “Hourly versus Salary”
  - Some Salary employees DO receive Overtime



# MOST COMMON NON-JAIL ISSUES FOR SHERIFFS

## Audit Issues

- Managing the Drug Fund
- Evidence Disposal

Property room management

Cash – Firearms – Drugs – Vehicles

All have very specific disposal requirements and CTAS offers in-depth training classes

## Letters of Agreements

## Purchasing - RFPs



# MOST COMMON NON-JAIL ISSUES FOR SHERIFFS

Interlocal  
Agreements

Records  
Management  
- Retention



# KEVIN LAUER

Fire and Emergency Services Consultant









# REQUIRED EMERGENCY SERVICES

## Emergency Management Office/ Program

- Director requirements set by statute

T.C.A. § 58-2-133

Mitigation, Preparation, Response and Recovery for emergencies and disasters

Mayor is responsible for the disaster response

Local Emergency Planning Committee (LEPC)





# PUBLIC SAFETY SERVICES

## Fire Protection

- Transition to Countywide Fire Department
- Career and Volunteer staff model
- Station location analysis
- Management/ Structure analysis

## Emergency Medical Services

- Private vs. County
- Billing practices

## Building and Fire Codes

- Commercial and Residential buildings
- Fire Prevention Code
- Wildland/Urban Interface



# JOINT PROJECTS

## Large Jail Projects

## Multi-agency Projects

- Dispatch Consolidation
- Assessment Center for Hiring/Promoting Personnel

## Training

- Incident Command for Elected Officials
- Emergency Management Overview for Counties



# CONTACT



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# PATRICK SHEEHAN

Director

Tennessee Emergency  
Management Agency



Department of  
**Military**

**TEMA**

