


1

COUNTY COMMISSIONER OVERVIEW IN TENNESSEE

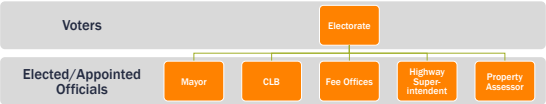
CURRENT STRUCTURE


Limitations and Opportunities




2

COUNTY GOVERNMENT STRUCTURE







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COUNTY LEGAL OVERVIEW

| State Constitution | General Assembly | State Law |
|---|---|---|
| <ul style="list-style-type: none"> Mandates certain offices except highway | <ul style="list-style-type: none"> Requires other offices/positions Determines duties | <ul style="list-style-type: none"> Counties operate based on state statute Cannot create laws |




Can only do what is authorized by state law

COOP 2022 Commissioners - August 15, 2022

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BASIS OF AUTHORITY

General Law

Charter/
Metro

Private Acts

5

ROLE OF COUNTY COMMISSION

Fiscal Responsibility

- Budget
- Tax Levies
- Set finance policies

Legislative Responsibility

- Private Acts

6

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

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

2/3 majority vote of Legislative body.

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

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

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

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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

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TCSA OFFICIALS

County Executives / Mayors

County Commissioners

Highway Officials

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COOP 2022 Commissioners - August 15, 2022

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

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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

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COUNTY LEGISLATIVE BODY

9-25 members

At-large or designated seat

1-3 commissioners per district

4-year term only

Districts reapportioned every 10 years

Elected in August

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COUNTY LEGISLATIVE BODY
IN ACTION

CLB Chair & Pro Tempore

Elected at 1st meeting

1-year term

Own member or county mayor

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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

14

CLB Powers

Issue debt (subject to referendum)

Non-school board property

Office space allocation

15

REGULATORY POWERS

Where specifically granted by statute

 Zoning

 Building Codes, Permits, Inspections

 Animal Control

 County Powers Act



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NO POWER TO....

 Hire and fire people

 Tell officials and departments heads how to spend money

 Conduct business on behalf of the county



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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




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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



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CLB INTERACTION WITH OTHER OFFICES







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COMPENSATION

Compensation is fixed by a resolution of the CLB


Minimum compensation is based on county population





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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

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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



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Commission Meeting

AGENDA



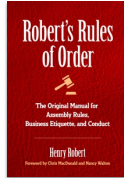
- Sets order of meeting
- Lists in order items to be considered
- Usually set by Chairman
- Agenda to be received prior to the meeting
- May allow time for public discussion



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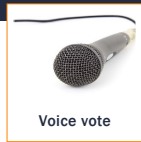
RULES OF PROCEDURE

- 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



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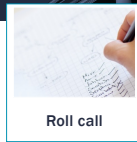
VOTING



Voice vote



Raise right hand



Roll call

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



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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.



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TYPES OF MOTIONS


Main

Subsidiary

Incidental

Privileged

Tabled



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MOTIONS PROCESS


Motion made

Seconded

Discussion

Proposed Amendments


Vote



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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.



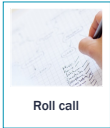
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FILLING A VACANCY

Majority vote:




Voice vote



Roll call

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




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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.



Conflict of Interest

Conflict of Interest: A conflict of interest factor in the voting of a commissioner/group/individual/organization/incentives, for or against a matter.




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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.





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COMMISSIONER SERVING MULTIPLE POSITIONS



Can be employee
Cannot be a school board member or hold county mayor office, fee offices
Hatch Act



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COMMITTEES

Required

- Created by laws
- Prescribed functions
- Powers vary

Internal

- No statutory requirements
- Composition and terms established by commission



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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

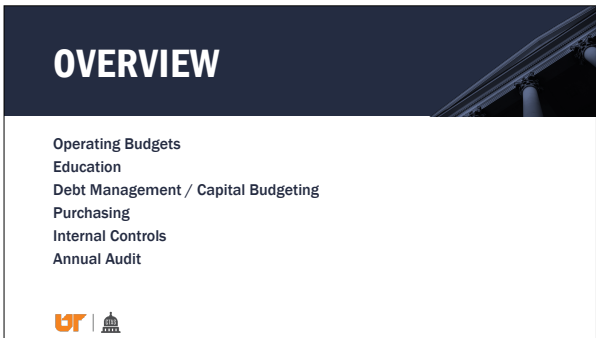
- Internal committee appointed to conduct studies prior to action by committee.
- Usually short term & function only until a recommendation is made
- Example: a committee to study need for an ambulance authority



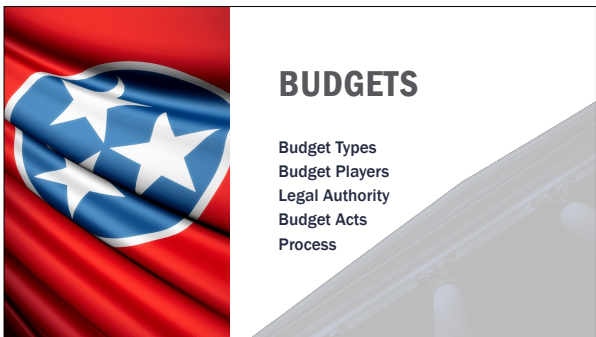
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TYPES OF BUDGETS

Operating Budgets

Fiscal Year

Current Revenue

Short-term

Regular Services



Capital Budgets

Multi-year

Long Life Expectancy

Borrowed Funds

Project Related

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BUDGET PLAYERS





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LEGAL AUTHORITY

General Law

General law with local option application

Private acts


Charter & Metro Charters

Local Applications

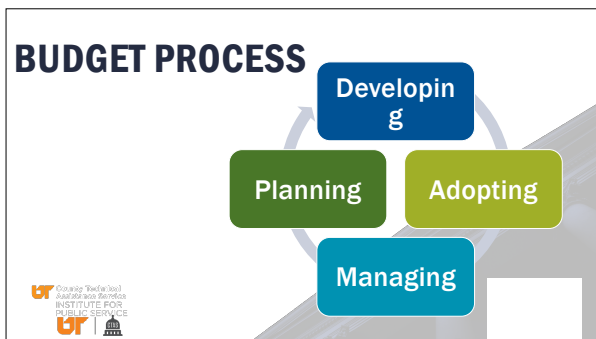
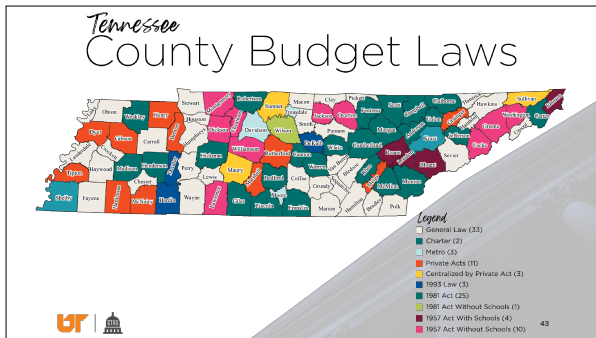
Fiscal Control Acts of 1957

County Financial Management System of 1981

Local Option Budgeting Law of 1993



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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 an annual budget.

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PLANNING

Review

Economic Environment

Current Revenues & Expenditures

Future Revenues & Expenditures

Surplus/Deficit

Maintenance of Effort Requirements





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STATUTORY BUDGET CALENDAR

Feb 1

Mar 1

Apr 1


May 1

Jul 1

Aug 15

Aug 31

Sep 30



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BUDGET DEVELOPMENT

Budget preparation instructions

Presented to budget committee

Review and approval by the CLB






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SOURCES OF REVENUE


| | | |
|-------------------------|-------------------------|-------------|
| Property Taxes | Sales Taxes | Wheel Tax |
| Mineral Severance Taxes | In Lieu of Tax Payments | State Funds |
| Federal Funds | User Charges | Grants |



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GRANTS


Policy • Awareness • CLB Approval



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MAINTENANCE OF EFFORT


| | | | |
|--------------------|--------------------------------------|--------------------|----------------------------|
| Board of Education | Sheriff's Office, including the jail | Highway Department | Administrator of Elections |
| Public Library | Assessor of Property | 911 Board | |



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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

UT | 

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

1981/1957/1993 Acts

Charter/Metro

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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))

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FAILURE TO ADOPT OPERATING BUDGET

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

Consolidated Budget with proposed amendments (except Education)

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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



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REQUIRED SUBMITTAL TO COMPTROLLER

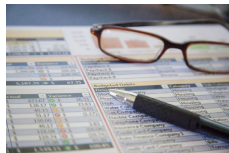
Checklist Highlights
Copy of Annual Operating Budgets
Copy of Tax Levy Resolution/Ordinance
Revenue Projections (when applicable)
Budget Summary Schedule
Schedule of Outstanding Debt
Detailed Budgets of ALL Funds
Cash Flow Analysis



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BUDGET MANAGEMENT

Proper accounting
Continuous monitoring
Amend as needed
Allotments and Impoundments



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BUDGET AMENDMENTS

```

graph LR
    A[Document request] --> B[Present request]
    B --> C[CLB vote]
  
```

UF |

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MONITORING THE BUDGET - AMENDMENTS

T.C.A. § 5-9-407
T.C.A. § 5-12-212

Within Major Categories

Between Major Categories

UF |

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ALLOTMENTS AND IMPOUNDMENTS

Laws that allow

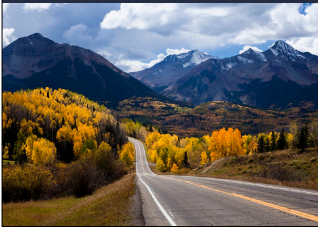
- County Budgeting Law of 1957
- County Financial Management System of 1981
- Local Option Budgeting Law of 1993
- Some private acts

No provision under General Law

UF |

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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

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EDUCATION

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



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EDUCATION BUDGET TIMELINE



66

BEP FUNDING



INSTRUCTIONAL
SALARIES



INSTRUCTIONAL
BENEFITS



CLASSROOM



NON-
CLASSROOM



67

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.



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MOE LOCAL REVENUE CALCULATION

| Account | Account Description | Budget 2016-2017 | Amended Budget 2016-2017 | Original Budget 2016-2017 | APR 2016-2017 | Actual vs. Budget 2016-2017 | 2017 Budget vs. 2016 Budget |
|----------------|---|------------------------|--------------------------|---------------------------|------------------------|-----------------------------|-----------------------------|
| 4010 | Current Property Taxes | \$13,731,777.00 | \$13,731,777.00 | \$13,731,777.00 | \$13,819,567.00 | \$87,790.00 | \$0.00 |
| 4010 | Tuition Collections - Prior Year | \$45,480.00 | \$45,480.00 | \$45,480.00 | \$45,480.00 | (\$0.00) | \$0.00 |
| 4010 | Tuition Collections - Elementary | \$21,600.00 | \$21,600.00 | \$21,600.00 | \$21,600.00 | (\$0.00) | \$0.00 |
| 4010 | Capital CB/CB & Master Ctl - Prior Yrs | \$215,474.00 | \$215,474.00 | \$215,474.00 | \$177,210.00 | (\$38,264.00) | \$0.00 |
| 4010 | Interest & Penalty | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$11,525.00 | (\$1,525.00) | \$0.00 |
| 4010 | Payments in Lieu of Taxes - Other | \$402,000.00 | \$402,000.00 | \$402,000.00 | \$402,000.00 | \$0.00 | \$0.00 |
| 4010 | Local Option Sales Tax | \$7,349,302.00 | \$7,349,302.00 | \$7,349,302.00 | \$7,545,632.00 | \$196,330.00 | \$0.00 |
| 4010 | Mixed Drink Tax | \$0.00 | \$0.00 | \$0.00 | \$2,755.00 | \$2,755.00 | \$0.00 |
| 4010 | Intergovernmental Communications Tax | \$1,200.00 | \$1,200.00 | \$1,200.00 | \$1,200.00 | \$0.00 | \$0.00 |
| 4010 | Other Statutory Local Taxes | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$0.00 | \$0.00 |
| | Total County Taxes | \$22,482,453.00 | \$22,482,453.00 | \$22,482,453.00 | \$22,871,094.00 | \$388,641.00 | \$0.00 |
| 4110 | Marriage Licenses | \$1,100.00 | \$1,100.00 | \$1,100.00 | \$1,100.00 | \$0.00 | \$0.00 |
| 4110 | Investment Income | \$1,500.00 | \$0.00 | \$0.00 | \$7,288.00 | \$7,288.00 | (\$1,500.00) |
| 4110 | Local Option | \$0.00 | \$0.00 | \$0.00 | \$5,007.00 | \$5,007.00 | \$0.00 |
| 4110 | State Revenue Sharing - TRA | \$1,157,560.00 | \$1,157,560.00 | \$1,157,560.00 | \$1,157,560.00 | \$0.00 | \$0.00 |
| | Total Local Revenue per School Records | \$23,639,613.00 | \$23,639,613.00 | \$23,639,613.00 | \$23,884,077.00 | \$244,464.00 | \$0.00 |
| Capital Outlay | (Levy) Local revenue increases for Capital Outlay | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Debt Service | (Levy) Local revenue increases for Debt Service | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | Total Adjusted Local Revenue | \$23,639,613.00 | \$23,639,613.00 | \$23,639,613.00 | \$23,884,077.00 | \$244,464.00 | \$0.00 |


Test Not

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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.



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FAILURE TO ADOPT EDUCATION BUDGET

No education budget adopted by August 31?

Equal to minimum required for MOE, local match, and BEP

3rd year: mandatory 3% increase in local funding

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.



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DEBT MANAGEMENT AND CAPITAL IMPROVEMENTS



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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.




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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% |



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MANAGING COUNTY DEBT

Determine needs

Develop capital projects plan

Analysis: Know your debt capacity

Payment calendar / cash flow availability



75

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.

 | 

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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.

 | 

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YOUR DEBT RATING

Invest ment Grade



Non-Invest ment Grade

Strongest

↓

Weakest

| Moody's | Standard & Poor's/Fitch |
|---------|-------------------------|
| Aaa | AAA |
| Aa | AA |
| A | A |
| Baa | BBB |
| Ba | BB |
| B | B |
| Caa | CCC |
| Ca | CC |
| C | C |
| C | D |

 | 

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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



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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



80

DETERMINE NEEDS



Input from department heads and elected officials
Separate needs from wants
Prioritization is critical – you must look beyond cost

81

DEVELOP A CAPITAL IMPROVEMENT PLAN

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


Avoid
CRISIS MANAGEMENT



82

PURCHASING AUTHORITY


| | |
|-------------|-------------------|
| General Law | 1981/1957 Acts |
| Private Act | Charter/ Metro |



83

THREE PRINCIPLES OF PURCHASING

| | | |
|-----------------------------------|----------------------------------|--------------------------------------|
| Maximization of Competition | Equal and Fair Competition | Best Value at the Lowest Price |
|-----------------------------------|----------------------------------|--------------------------------------|



84

PURCHASING PROCESS

Need Requisition Purchase Order Material Receiving Report

85

METHODS OF PURCHASING

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

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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

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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



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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.



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WRAP UP

Congratulations!

Welcome to county government!



COUNTY OFFICIALS ORIENTATION PROGRAM 2022

08/22/2022

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COUNTY ENVIRONMENTAL COMPLIANCE

1

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



 

2

HOW WILL YOUR COMMUNITY GROW?

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

| COSTS | NEEDS |
|---|--|
| <p>"Pollution Mitigation"</p> <ul style="list-style-type: none">• Cleanup and Redevelopment <p>Infrastructure Improvements</p> <ul style="list-style-type: none">• Capital Improvements• Development and Reuse• Preparedness <p>Regulatory Compliance</p> <ul style="list-style-type: none">• Air• Land• Water | <p>Strong Economy</p> <ul style="list-style-type: none">• Workforce and Employment Training/Good Jobs• Affordable Places to Live <p>Cost Effective Government</p> <ul style="list-style-type: none">• Affordable Public Works Services <p>Stronger Communities</p> <ul style="list-style-type: none">• Great Places• Healthy lifestyles• Healthy environment• Quality of Life |

3

4

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



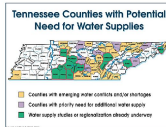
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WATER

Water Quantity

Water Quality

Source Water Protection



6

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



7

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): EMP's for Agriculture

Through Zoning and Zoning Overlays: can require development to locate away from high-quality water bodies, impaired waterways, or wetland protection areas. Can restrict deep slope developments, require setbacks, determine Septic Drain locations and control Landfills

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



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SOLID WASTE MANAGEMENT



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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.



ENVIRONMENTAL_COOP 2022_Commissioners_Presentation - July 26, 2022

MUNICIPAL SOLID WASTE

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

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.

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



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COSTS OF SOLID WASTE MANAGEMENT

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



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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



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COLLECTION, TRANSPORTATION AND DISPOSAL

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

- How transported
- Where disposed
- How financed



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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)



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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



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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. 67-4-1630)

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



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How CTAS can help...

Technical Assistance Areas

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



STRONG SUPPORT FOR ENVIRONMENTAL PROTECTION
REGULATORY AND FACILITY SITING COMPLIANCE
WASTE AND EQUIPMENT SPECIFICATION

1. **REGULATORY AND FACILITY SITING COMPLIANCE**
 Assistance is provided to local governments in the process of obtaining permits from the Tennessee Department of Environment and Conservation (TDEC) for the siting and construction of solid waste facilities. This assistance includes reviewing permit applications, conducting site visits, and providing technical support throughout the permitting process.

2. **WASTE AND EQUIPMENT SPECIFICATION**
 Assistance is provided to local governments in the process of specifying waste management equipment and services. This assistance includes reviewing specifications, conducting market research, and providing technical support throughout the procurement process.



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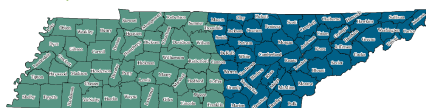
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CONFLICTS OF INTEREST

SPECIAL RULES FOR
COUNTY COMMISSIONERS
WHO ARE COUNTY EMPLOYEES

Presented by:
University of Tennessee
County Technical Assistance Service
2022



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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.

3

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.

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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.



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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.



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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.





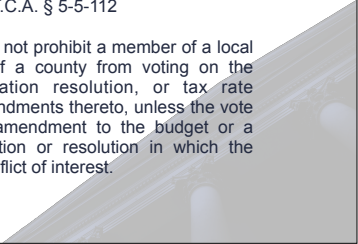
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SPECIAL RULES
County Commissioners / County Employees

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.







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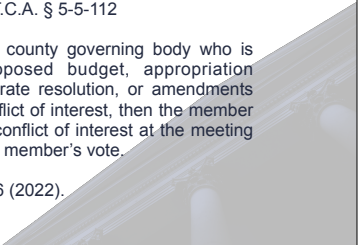
SPECIAL RULES
County Commissioners / County Employees

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).







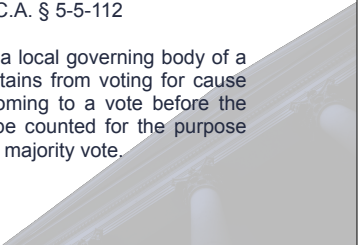
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SPECIAL RULES
County Commissioners / County Employees

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.





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Applies when voting on individual county offices' budgets.

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

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.



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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.



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PROPERTY ASSESSMENT CONSULTANT PRESENTATION

County Commissioner – County Official Orientation program 2022


Presented by Joe Griffin




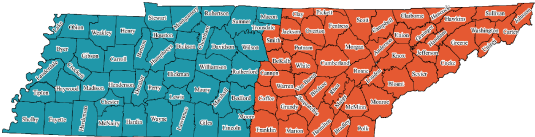
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**Gabe Looney** (865) 271-7803
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Middle Tennessee gabe.looney@tennessee.edu





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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



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PROPERTY ASSESSMENT TYPES

Locally Assessed

Real Property

Tangible Personal Property

Intangible Personal Property

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ASSESSMENT RELATED FACTORS TO CONSIDER

Appeals

Equalization Ratio

Exemptions

Legislative

PILOT Agreements

Reappraisal

Tax Freeze

Timing

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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?

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2022 COOP Assessor Consultant Services - July 26, 2022

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.



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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.



8

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



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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.



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QUESTIONS?

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Property Assessment Consultant
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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



4

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



5

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.



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JOHN ROSE

Criminal Justice Consultant



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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



9

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



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KEVIN LAUER

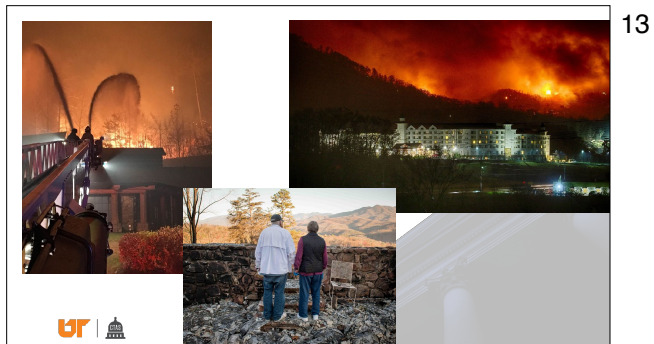
Fire and Emergency Services Consultant



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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)

14

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

15

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




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PATRICK SHEEHAN

Director
Tennessee Emergency
Management Agency



TEMA




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