



County Officials Orientation Program 2026

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

COUNTY GOVERNMENT

OVERVIEW OF OFFICES

COUNTY GOVERNMENT

A collection of offices, boards and commissions with limited powers and duties defined by general law

- In some cases, modified by county or metropolitan charter
- Supplemented by private acts

Cannot succeed without cooperation

THREE FORMS OF COUNTY GOVERNMENT

Basic Form

- 90 counties

Metropolitan Government

- Davidson
- Moore
- Trousdale

County Charter

- Knox
- Shelby

BASIC FORM

Constitutional Officers
Tenn. Const. Art. 7

County
Executive
(Mayor)

County
Commissioners

County Clerk

Sheriff

Trustee

Register of
Deeds

Assessor of
Property

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

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



COUNTY
OFFICIALS
ASSOCIATION OF
TENNESSEE

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

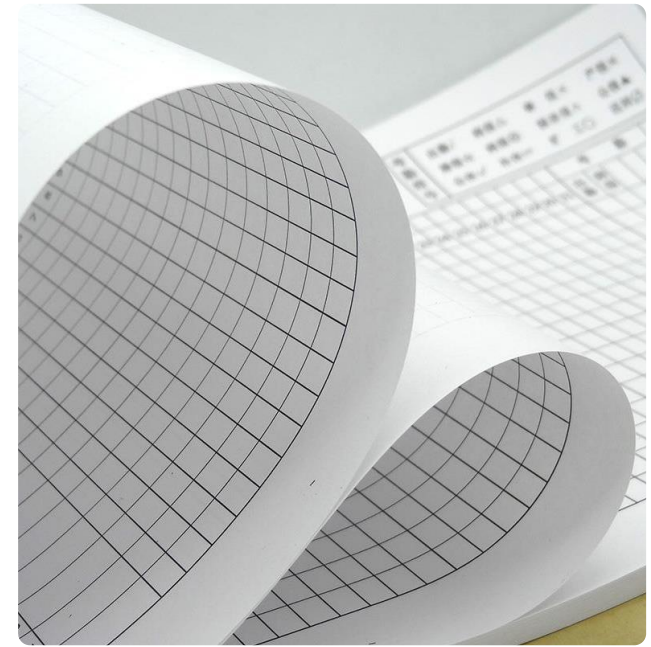
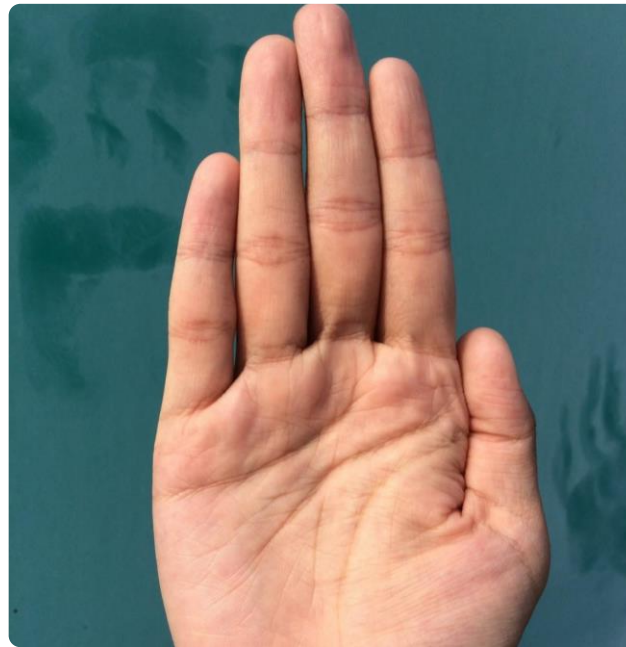
CLERKS OF COURT

Clerk or deputy attend each session of court

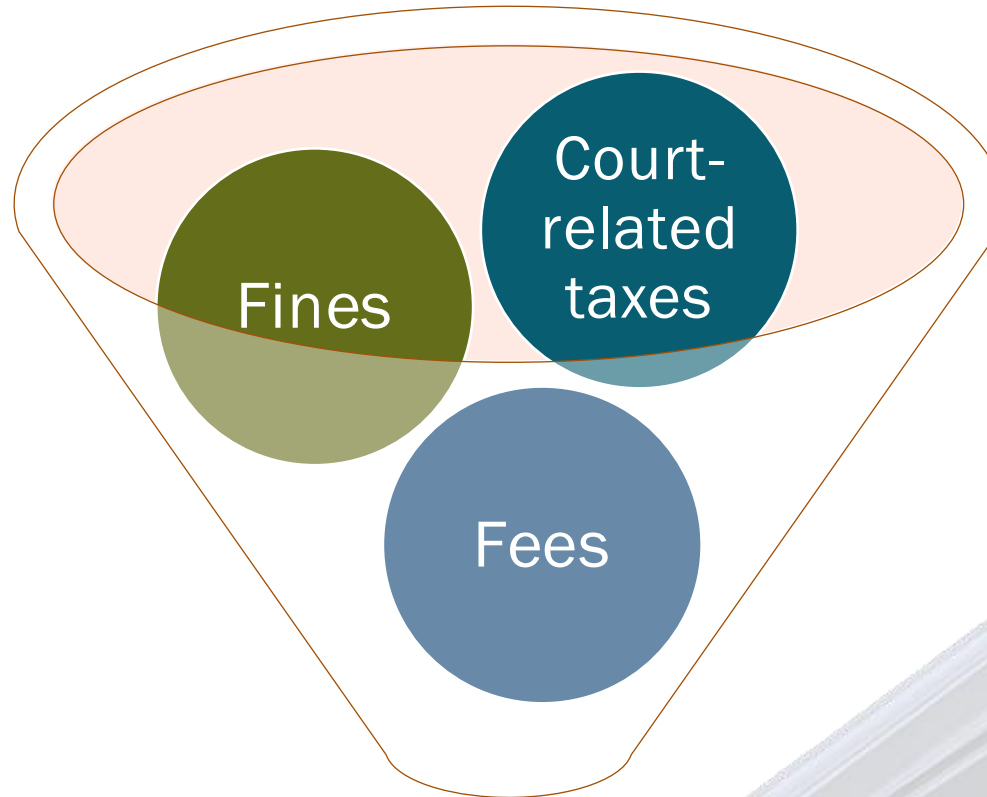
- Administer oaths to parties and witnesses
- Keep minutes

Maintain court records

- Dockets
- Case files
- Indexes



CLERKS OF COURT



Collect &
Disburse

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)

COUNTY CLERK

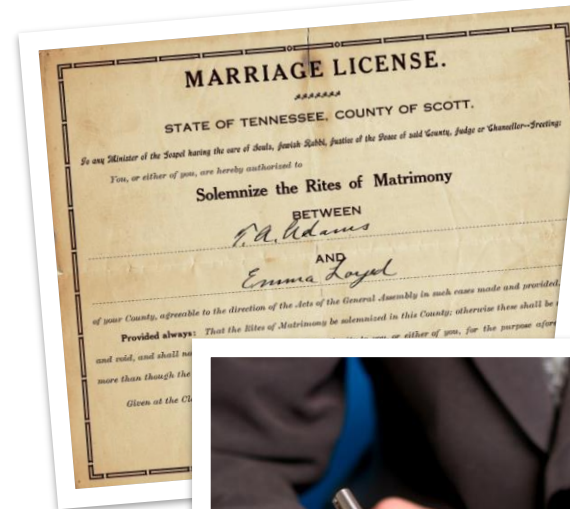
Clerk of county legislative body

- Keeps minutes
- Issues notices

Motor vehicle titling and registration

Issues marriage licenses

Collects various fees



COUNTY CLERK

Handles
notary public
applications

Keeps county
road list

Issues other
licenses

Collects other
privilege
taxes

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



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

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



REGISTERS OF DEEDS

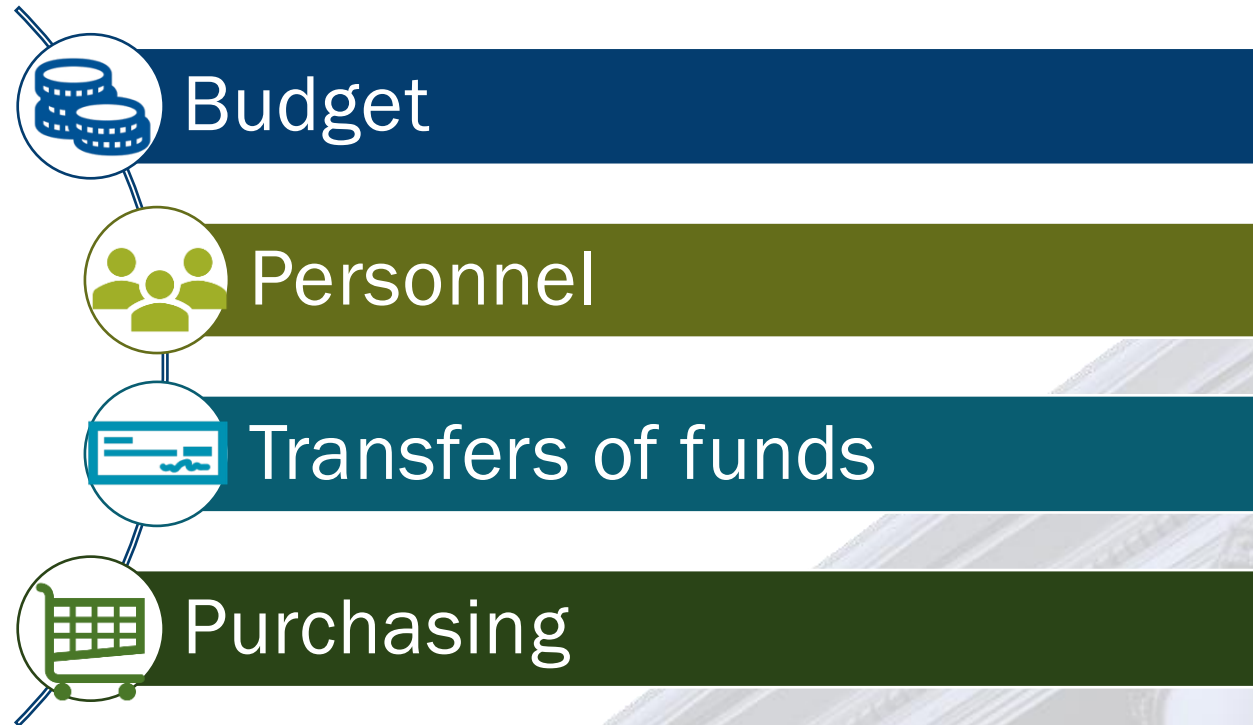


Collects recording fees

Collects and remits state taxes

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

INTERACTION WITH OTHER OFFICIALS



BUDGET



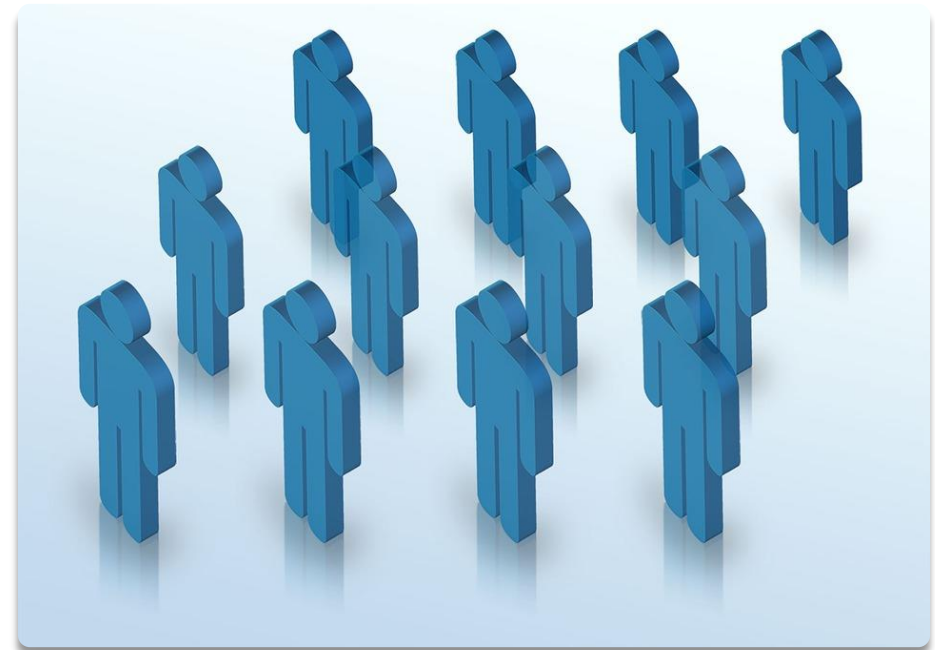
- Fee Official proposes budget for office annually
- Mayor and budget committee may recommend changes to county legislative body
- County legislative body may decrease or increase budget subject to court orders
- Exact budget process varies among counties

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



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)

PURCHASING

County Legislative Body

- Optional purchasing laws
- Private Act

Purchasing Agent

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

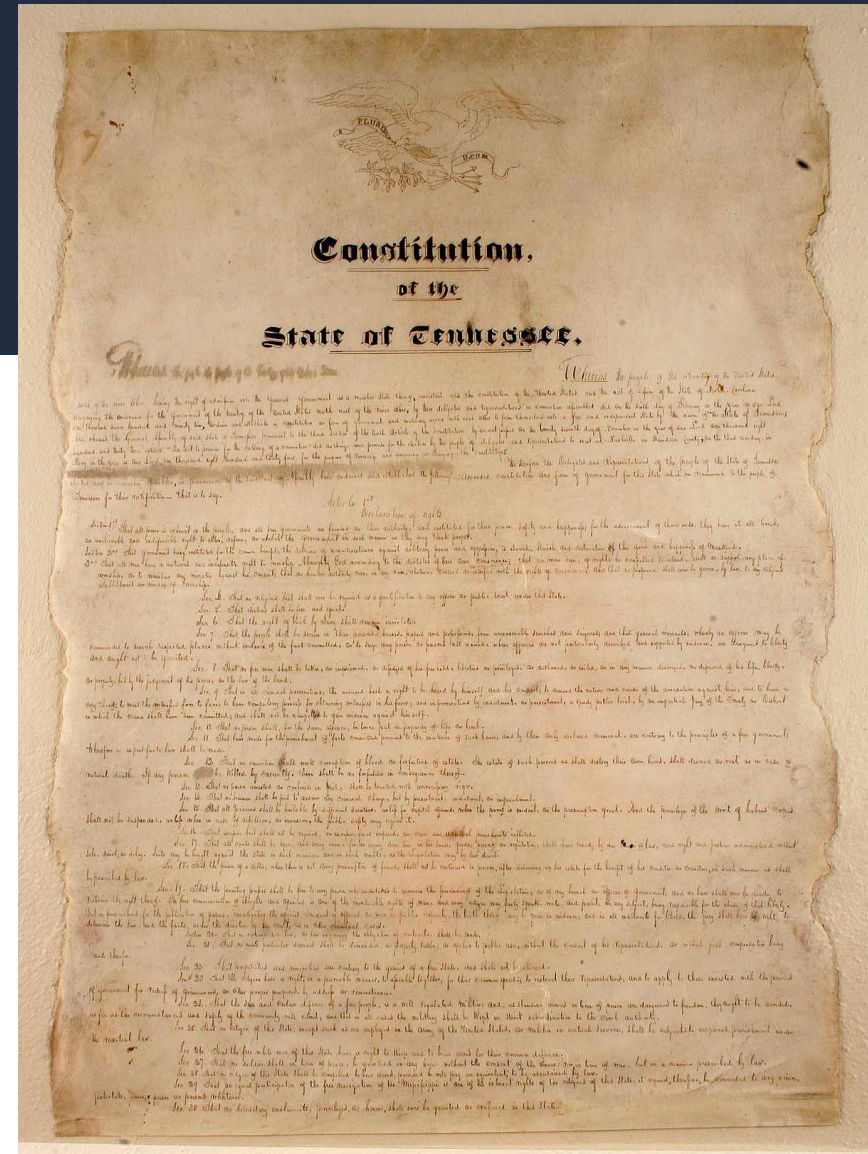


COUNTY GOVERNMENT

BASIS OF AUTHORITY

TENNESSEE CONSTITUTION

- Limits power of legislature
- Few limits on what legislature may enact regarding county and city government
- Duties of officials set by legislature
- Constitutional requirements differ for counties with consolidated county/city government or county charters



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

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

SOURCES OF AUTHORITY

General
Law

Charter/
Metro

Private
Acts

Common
Law

COUNTY AUTHORITY

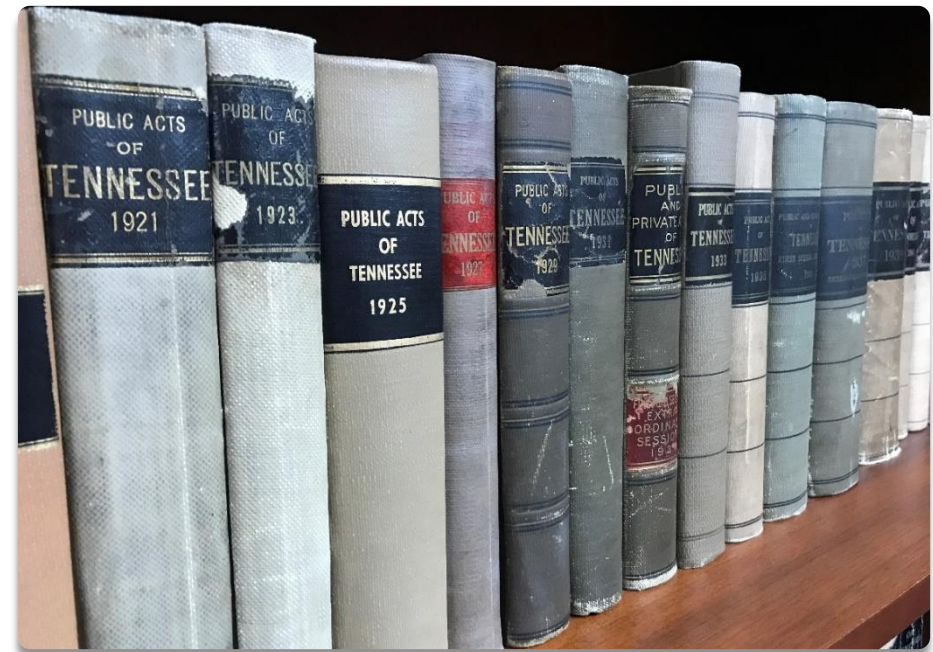


- Granted by state statutory law
- Counties and county officials have NO power to act outside of power granted through state statutes
- Federal law may limit action but does not empower county officials

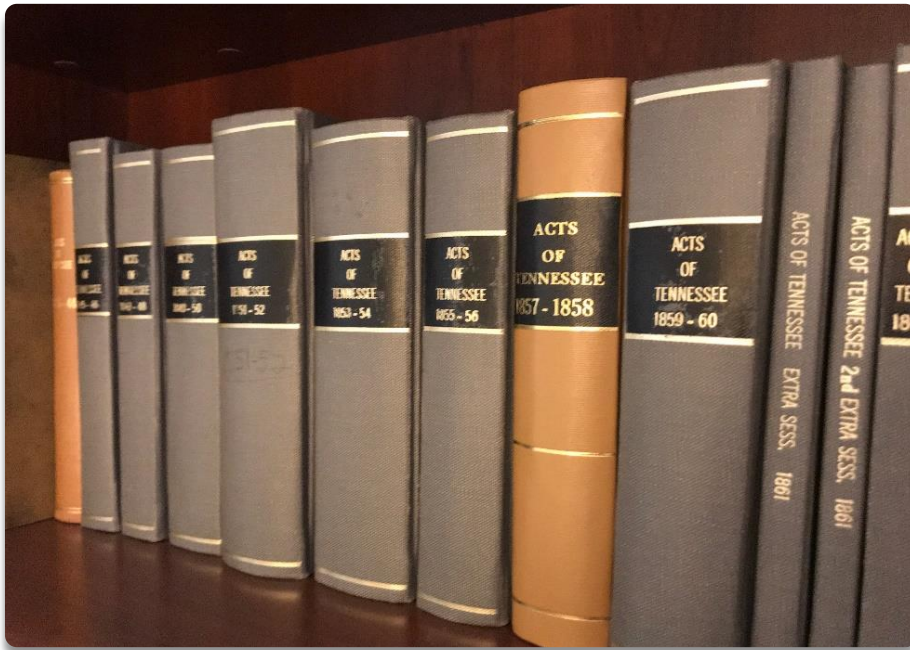
GENERAL LAW

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**



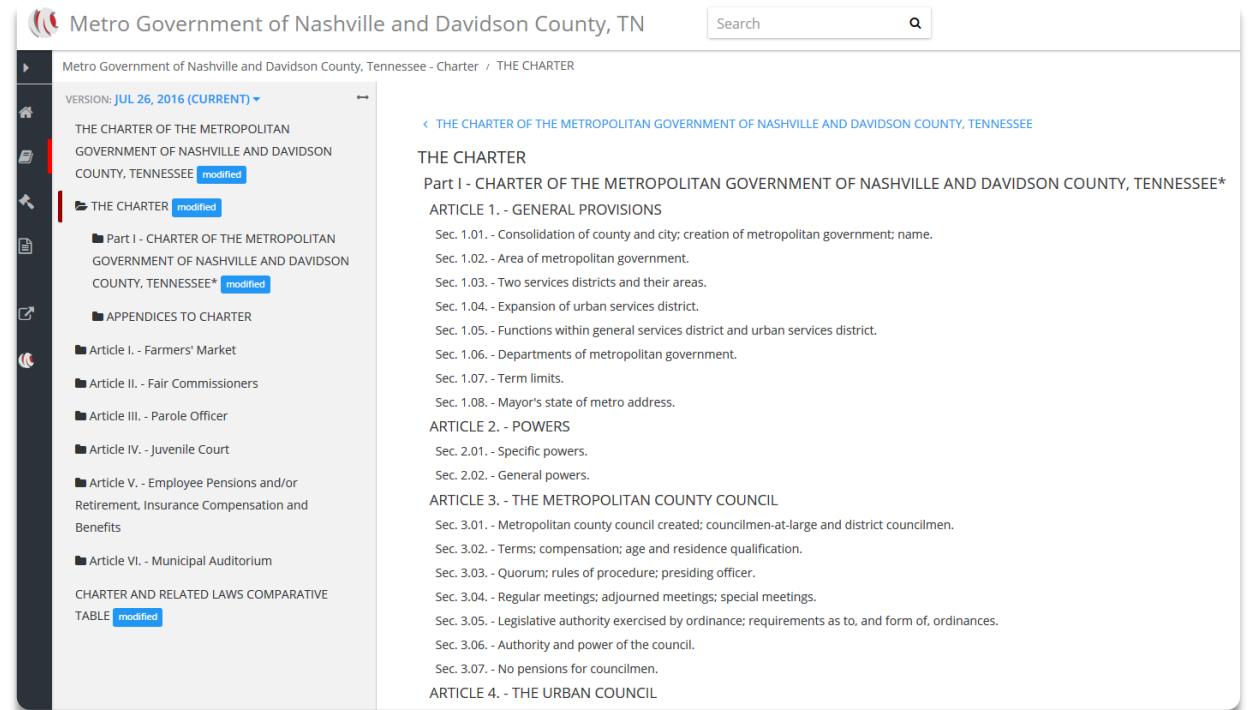
PRIVATE ACTS



- 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

METRO CHARTERS

- Metropolitan Government merges a county with its most populous city with option for other cities in county to join
- Under enabling general law, metro government has powers of a county and a city
- Wide power granted to restructure local government through metro charter
- Must be approved by majority votes both inside and outside most populous city



COUNTY CHARTERS

Shelby County Charter

About the Charter

The Shelby County Charter was approved by the voters of Shelby County, Tennessee, on August 2, 1984, and became effective in 1986. A constitution for the operation of Shelby County's government, the Shelby County Charter places the power to effectively govern in the hands of the citizens of Shelby County. Download the entire [Shelby County Charter](#) here, or search the charter sections:

- [Introduction](#)
 - Creation of First Shelby County Charter Commission
 - History of Previous County Government Structure
 - Authority for Charter Form of County Government
 - Home Rule Charter
 - Charter Highlights
 - Conclusion
- [Preamble](#)
- [Article I - Powers and Functions](#)
 - Section 1.01 - Powers and functions
 - Section 1.02 - Private and local affairs
 - Section 1.03 - Public corporation powers
 - Section 1.04 - Public corporation rights
 - Section 1.05 - Rights reserved to the people
- [Article VI - Prohibitions](#)
 - Section 6.01 - Consolidation prohibited
 - Section 6.02 - County board of education
 - Section 6.03 - Removal of incumbents
 - Section 6.04 - Constitutional officers
 - Section 6.05 - Municipalities
 - Section 6.06 - Zoning
 - Section 6.07 - Annexation
 - Section 6.08 - Incorporation
 - Section 6.09 - Civil service
 - Section 6.10 - Appointments and promotions
 - Section 6.11 - Existing rights and liabilities
- [Article VII - Transition Provisions](#)
 - Section 7.01 - Repeal of contrary laws

- 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



COUNTY OFFICIALS

BONDS AND OATHS

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

OFFICIAL BOND DOCUMENTATION

County Mayor or Court
approves

Recorded with Register
of Deeds

Filed with the County
Clerk within thirty (30)
days after election or
appointment

OFFICIAL BONDS BY POSITION

Clerks of Court

- \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k
- Filed with County Clerk

County Clerks

- \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k
- Filed with County Clerk

Registers of Deeds

- \$100,000 (min.) pop. > 15k and \$50,000 (min.) < 15k
- Filed with County Clerk

Trustees

- Based on office revenues
- Filed with County Clerk

OFFICIAL BONDS

Required amount of bond may be increased by county legislative body



Blanket bonds

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

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.
- Must record certificate of insurance, policy, or endorsement with register of deeds and then file with county clerk.

FAILURE TO EXECUTE YOUR OFFICIAL BOND



Failure to timely execute
your bond and transmit it
for approval results in a
vacancy in office!

T.C.A. § 8-19-117



Officials have thirty (30)
days from the time the
bond becomes available
for execution.

T.C.A. § 8-19-117

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.

MORE INFO ON OATHS IN E-LI

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