

CONFLICTS OF INTEREST

SPECIAL RULES FOR COUNTY COMMISSIONERS WHO ARE COUNTY EMPLOYEES

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SPECIAL RULE

**County Commissioners Who Are County Employees
Have Spouses Who Are County Employees**

T.C.A. § 5-5-102

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.

HB 2319 – SB 2591 2026

County Government - As introduced, prohibits an employee of a local government from serving on the legislative body of the local government for which the employee works.

The bill failed.

Public Chapter 596

SB 624 - HB 618

Dual Office Holding Prohibited

Provides that an individual holding an elected office of a local government shall not hold another elected office in this state at the same time.

However, individuals holding an elected office of a local government and another elected office in this state on January 1, 2027, may continue holding such offices and may be reelected to such offices.

Public Chapter 596

SB 624 - HB 618

Dual Office Holding Prohibited

If an individual ceases holding more than one office after January 1, 2027, then the individual is prohibited from holding more than one office. The prohibition does not apply to an office in a political party's state executive committee.

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(a)(1)

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

NOT every conflict of interest.

This statute applies only to the conflict of interest set forth in the statute.

SPECIAL RULES

County Commissioners / County Employees

T.C.A. § 5-5-112(a)(1)

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(a)(2)

Each vote taken by a legislative body of a county that has the effect of increasing the pay or benefits of county employees must be by recorded electronic vote or by roll call vote.

SPECIAL RULES

County Commissioners / County Employees

T.C.A. § 5-5-112(a)(3)

The vote of any member having a conflict of interest is void if successfully challenged pursuant to subdivision (a)(4).

SPECIAL RULES

County Commissioners / County Employees

T.C.A. § 5-5-112(a)(4)

After each vote is taken that could involve a conflict of interest under subdivision (a)(1) and prior to the vote being announced by the chair, the chair shall ask the members of the legislative body if a member of the legislative body voted in violation of subdivision (a)(1). If the chair finds that a member voted in violation of subdivision (a)(1), the chair shall declare that member's vote void.

SPECIAL RULES

County Commissioners / County Employees

T.C.A. § 5-5-112(b)(1)

The 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(b)(2)

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 under subsection (a) or another existing 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(c)

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

T.C.A. § 5-5-112

PRO TIP

Don't put commissioners on the budget committee who are county employees or who have spouses that are county employees.

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 ONLY (Not The Whole 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.



THE END

