

HOME RULE CHARTER FOR

CLAIBORNE COUNTY TENNESSEE

SUBMITTED BY THE CLAIBORNE COUNTY CHARTER COMMISSION

JUNE 14, 2019

CERTIFICATION

We, the duly elected members of the Claiborne County Charter Commission, certify the attached document to be the Home Rule Charter developed by the Claiborne County Charter Commission, to be submitted for ratification by the voters of Claiborne County in the general election, scheduled for August of 2020. This document is to be placed before the voters without additional modification per Tennessee State Law.

Susan Leo, District #7 Charter Commissioner, Chairperson

Thomas Zachary, District #6 Charter Commissioner, Vice-Chairperson

J.D. Estep, District #8 Charter Commissioner, Secretary

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INTRODUCTION

PREAMBLE

We, the people of Claiborne County, Tennessee, in order to perfect the structure, enlarge the powers of our County Government, to insure that it is just, orderly, efficient, fully responsible and transparent to the people, and to secure the benefits of Home Rule and self-government for Claiborne County to the fullest extent possible under the Constitution of the State of Tennessee, do adopt this Charter as the fundamental law for the government of this County.

1. AUTHORITY FOR CHARTER FORM OF COUNTY GOVERNMENT

The Constitution of the State of Tennessee, in Article VII, Sec. 1, et seq., provides for alternative forms of County Government, including the right to Charter. Following this authority, the Tennessee State General Assembly adopted T.C.A. Sec. 5-1-210, et seq., as Chapter 402 of the Public Acts of 1979. This Act sets forth the manner and procedure whereby a County Home Rule Charter form of government could be drafted in Tennessee. Following this legislative authority, Claiborne County voters elected a Charter Commission for the purpose of placing a Home Rule Charter on a referendum ballot for the voters of the County to decide to change the existing form of County government into a Charter Home Rule form of government.

2. HOME RULE CHARTER

The Constitutional Home Rule Charter presented herein, sets forth the basic issue of Home Rule for Claiborne County, for it is in the truest sense a constitution prepared by the citizens of Claiborne County for the operation of Claiborne County's government, providing within it a method for amendment by residents of the County. The Charter will place in the hands of the people of Claiborne County the power to effectively operate and modify its government without going to the State legislature in Nashville for changes, private acts or law.

CHARTER SUMMARY

A Charter Commission, consisting of elected delegates from each district of Claiborne County, was sworn in on September 1, 2018. Its purpose was to explore the benefits of Home Rule and construct a Home Rule Charter for the citizens of Claiborne County to ratify by referendum in the August 2020 election. Below is a brief summary of the individual Articles of the Charter developed by the Commission.

Article I “Powers and Functions” and Article II “General Provisions”

These sections include; a citizen’s right to address all public meetings, spending limits for single purchases of 5% of the total County budget and the continuation of the 9th district (Clairfield). Methods for citizens to amend this Charter, hold referendum vote and submit petitions are included within this section.

Article III “Legislative Branch”

The Board of County Commissioners will consist of eleven (11) members, one member from each electoral district and two at-large members elected by County-wide vote. This provides each citizen access to three (3) commissioners for representation, providing equal representation to all County citizens. The County Commissioner elections will be staggered, allowing for one half of the County Commissioners to be elected every two (2) years. Commissioners will be limited to serving two, consecutive four-year terms. The Board of County Commissioners will have the authority to pass ordinances, emergency ordinances, resolutions, amend and approve the County budget. County Commissioners will no longer be paid for meetings attended, instead, they will receive an annual salary equal to 5% of the annual compensation provided to the County Mayor.

Article IV “Executive Branch”

The County Mayor shall serve as the Chief Executive and Financial Officer of the County. The County Mayor shall provide a consolidated budget to the Board of County Commissioners for approval, on or before February 15th each year. The budget must include input from each department, office and agency that receives taxpayer funding. The County Mayor will have veto power over the entire budget as well as specific parts. The County Mayor’s compensation will be based on the State of Tennessee salary schedule. The County Mayor can serve no more than to two, consecutive four-year terms.

Article V “Judicial Branch”

The Judicial Branch remains in its previous configuration, with all powers and authorities granted by Tennessee State Law and the State of Tennessee Constitution.

Article VI “County Charter Offices”

All Constitutional Offices will be considered County Charter Offices. Each office has the same powers and responsibilities as their constitutional predecessors. The Claiborne County Sheriff can serve no more than two, consecutive four-year terms. Compensation for the County Charter Officers will be the amount set forth in statute by the State of Tennessee.

Article VII “Education”

The Claiborne County School Board will be comprised of one member from each of the nine electoral districts. This will increase the school board membership from its current level to nine (9) members. The Director of Schools will be offered a minimum two-year contract with a renewal option of two years, for fulfilling goals set forth in the original contract. The Executive Committee shall consist of the Director of Schools, Chairperson of the School Board and the Vice-Chairperson of the School Board. The Director of Schools must be a resident of Claiborne County and must remain a resident while serving as the Director of Schools. The Director of Schools shall be appointed at the October meeting of the School Board. Each School Board member will receive an annual salary equal to five percent (5%) of the annual compensation provided the County Mayor.

Article VIII “Ethics”

The County Charter requires the Board of County Commissioners to appoint an Ethics Committee. The Ethics Committee shall consist of nine members, one (1) from each of the nine (9) electoral districts, serving two- year terms. The Ethics Committee will be charged with investigating all ethics complaints concerning any elected official and will meet only when a complaint has been filed. There are strict guidelines as to who can be appointed to this committee.

Article IX “Financial Controls and Accountability”

This Article provides guidelines for the Board of Commissioners and County Mayor regarding audits and financial reporting. Budget plans must include a five-year capital investment plan and a contingency fund in an amount equal to 5% of the County budget. Zero-based budgeting must be practiced throughout all County offices and departments. It sets guidelines for the amount of debt and management of the County debt.

Article X “Elections”

Elective officers shall be nominated and elected in the manner provided in the State of Tennessee election laws, except as modified by this Charter.

Article XI “Transition Provisions”

The referendum for this Charter will be held at the August 2020 election. Upon ratification, this Charter shall become effective on September 1, 2020, with the first election of Charter offices held in August of 2022.

In conclusion, since 1801 the people of Claiborne County have been a strong and independent people, fully capable of governing themselves. The adoption of this Charter will place in the hands of the people of Claiborne County, the power to operate its government without going to the State legislature for changes. This Charter outlines a solid framework for the governance of Claiborne County. It is fair, provides equal representation to all citizens of Claiborne County, allows for the efficient and cost effective management of County funds and affairs, provides total transparency of all government actions, and gives the citizens of Claiborne County the ability to amend this Charter and provide direct input to County Government through petition and referendum actions decided by the people at the ballot box,.

Article I

Powers and Functions

Section 1.01: Powers and Functions

The Claiborne County Government is vested in a County Mayor-County Commission form of government, which shall have the power to execute the duties and functions noted in this Charter. The powers and functions granted to County Government shall not violate the Constitution of the United States or the Constitution of the State of Tennessee. The powers and function of the County Government shall be limited to the lawful exercise of governance as defined in this Charter. These powers and functions are intended to protect, rather than restrain, the liberties of the people of Claiborne County.

Section 1.02: Private and Local Affairs

- a) With regard to County Governmental Affairs, all lawful powers are vested in a County Mayor, the Board of County Commissioners and other County officers as set forth herein, except those powers reserved for the Judiciary. The Board of County Commissioners has the sole authority to adopt ordinances and resolutions and establish procedures, offices and officers for the enforcement of the same. No officer, agent, or employee of County Government shall assume or assign any power or authority which is not expressly set forth in this Charter.

- b) This Charter does not address every power of County Government. Those powers not addressed herein, shall not be altered by the adoption of this Charter except as otherwise subsequently adopted by the citizens of Claiborne County in a duly held referendum or amendment to this Charter.

Section 1.03: Public Corporation Powers

The County Government described herein shall be a public corporation. It shall be vested with any and all powers that counties are, or may from now on be, authorized or required to exercise under the Constitution of the State of Tennessee and general laws of the State of Tennessee.

Section 1.04: Public Corporation Rights

The County Government shall be a public corporation, with the right of perpetual succession, thus capable of suing and being sued, capable of purchasing, receiving, and holding real estate and personal property and capable of selling, leasing, or disposing of the same to the fullest extent permitted. County Government shall have all express, implied and inferred rights necessary to exercise its public corporation rights.

Section 1.05: Rights Reserved for the People

- a) No provision of this Charter shall infringe upon the rights, privileges or powers reserved or guaranteed to individuals by the Constitution of the United States or the Constitution of the State of Tennessee.

- b) No action by any officer or employee of County Government shall infringe upon the rights, privileges, or powers reserved or guaranteed to individuals by this Charter, the Constitution of the United States, or the Constitution of the State of Tennessee.

- c) All powers are reserved for the citizens of Claiborne County, except those enumerated powers granted to County Government by this Charter.

Article II

General Provisions

Section 2.01: Title and Filing of Charter

- a) This Charter shall be known and cited as “The Home Rule Charter for Claiborne County, Tennessee” or as abbreviated herein “Charter”.

- b) Pursuant to T.C.A 5-1-209, both the certified copy of this Charter and the Proclamation of the Tennessee Secretary of State showing the result of the ratification election shall be deposited with the County Clerk for permanent filing.

Section 2.02: Liberal Construction of Charter

The failure to mention a particular power or enumerate similar powers of this Charter shall not be construed to exclude such a particular power or to restrict the authority that the County, as a public corporation, would have if the particular power is not mentioned or similar powers are not enumerated. This Charter shall be liberally construed to the end that, within the limits imposed by this Charter and by the Constitution and all applicable laws of the State of Tennessee, the County shall have all powers necessary and convenient for the conduct of its affairs, including all powers that counties may assume under the Constitution of the State of Tennessee and all applicable laws of the State of Tennessee concerning Home Rule.

Section 2.03: Terminology and Definitions

The following shall be applicable:

- a) Unless explicitly stated otherwise, all references to County entities contained in this Charter pertain to Claiborne County.

- b) The phrase “administrative or executive act or function” shall mean any act or function either for or on behalf of Claiborne County Government which is traditionally performed by the County Mayor or a representative or republican form of government; provided, however, that nothing in this definition shall be

construed as preventing any officer, member or employee of the Board of County Commissioners in carrying out any act or function necessary or desirable for the Board of County Commissioners to perform its legislative acts or functions.

- c) The word “ordinance,” when used in connection with any action taken by the County Board of Commissioners, shall mean any local legislation adopted by that body which is adopted according to the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee and is of permanent nature in its effect, whether in a governmental or proprietary nature, and shall include, but not be limited to, any action which would have required Private Acts of the Tennessee General Assembly with Constitutional ratification in the absence of this Charter.
- d) The words “emergency ordinance” shall mean any local legislation in regard to any subject within the definition of “ordinance” as provided in (c), which is adopted by the County Board of County Commissioners in accordance with the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee.
- e) The phrases “majority vote of the Commission” or “majority of the members (or membership) of the Commission” shall mean at least a majority of the membership of the County Board of Commissioners as provided in Section 3.05 of this Charter.
- f) The word “person” shall include both male and female, plural and singular, and shall include the terms “individual,” “corporation,” “partnership,” and “association,” unless reason dictates another structure.
- g) A “reading” shall consist of a distinct and audible reading of the caption of an ordinance, emergency ordinance or resolution by either the Chairperson of the Board of County Commissioners or the County Clerk and a copy of such ordinance, emergency ordinance or resolution being available for public inspection at such meeting and such other requirements as are provided by applicable law.
- h) The word “resolution” shall mean any measure adopted by the Board of County Commissioners which is not either an ordinance or emergency ordinance, requiring a majority vote for passage, relating to subject matter of either special or temporary nature and shall specifically include, but not be limited to, the

issuance of bonds, notes and other evidence of indebtedness and all matters relating thereto of the County.

- i) The word “shall” shall be construed as mandatory and the word “may” shall be construed as permissive.
- j) The phrase “three-fourths (3/4) of the members (or membership) of the Board of County Commissioners” shall mean at least three-fourths (3/4) of the membership of the Board of County Commissioners as provided in Section 3.05 of this Charter. Any fraction of a number that results in calculating three-fourths (3/4) of the members (membership) of the Board of County Commissioners shall be rounded up.
- k) The phrase “two-thirds (2/3) of the members (or membership) of the Board of County Commissioners” shall mean at least two-thirds (2/3) of the total membership of the Board of County Commissioners as provided in Section 3.05 of this Charter. Any fraction of a number that results in calculating two-thirds (2/3) of the total members (membership) of the Board of County Commissioners shall be rounded up.
- l) As used in this Charter, all masculine pronouns shall also mean feminine; where reason dictates, the singular shall also include the plural.
- m) The terms “Commissioner” and “Commissioners” shall refer to the individual(s) elected as representative(s) of the County population to serve on the Claiborne County Board of Commissioners.
- n) The terms “Commission,” and “County Commission” are interchangeable with the term “Board of County Commissioners.”
- o) The term “County Government,” means the body of County officials, appointees and employees, both elected or not, that operate the County Government for the benefit of the citizens of Claiborne County, using the guidelines set forth in this Charter, the Constitution of the State of Tennessee and the general laws of the State of Tennessee.

Section 2.04: Oath or Affirmation of Elected Officers and Appointed Officials

- a) Before entering upon their duties, every officer whose election or appointment is prescribed in this Charter shall meet all qualifications provided by this Charter and all applicable general laws of the State of Tennessee, and shall take and subscribe to the following oath or affirmation before a person authorized to administer oaths:

“I do solemnly swear (or affirm) that I will support, obey and defend the Charter of Government for Claiborne County, Tennessee, the Tennessee State Constitution and the Constitution of the United States that I will faithfully, ethically and impartially discharge the duties of my office to the best of my ability and that I will give due allegiance and fidelity to the citizens of Claiborne County without favor or affection.”

- b) Any person refusing to take the oath or affirmation, or who recants, shall forfeit that office immediately.

Section 2.05: Residence and Qualifications of County Officials and Appointed Officers

- a) Any member of the Board of County Commissioners or School Board who shall remove their full-time residence from the district from which elected or appointed shall forfeit that office immediately.
- b) Any County Government officer or official, elected or appointed, who shall remove their full-time residence from Claiborne County shall forfeit that office immediately.
- c) Any Lawyer, either elected or employed by the County in a legal capacity, who is suspended or barred from the practice of law in the State of Tennessee, shall forfeit that office immediately and shall not hold office or be reemployed during the term of such suspension or disbarment.
- d) No one may serve in the County Government unless he has attained eighteen (18) years of age.

Section 2.06: Holding More than One Compensated Government Office

- a) No elected or appointed Claiborne County official shall hold any other compensated municipal, County, state, federal government office, nor shall he be employed by any other local, state or federal government entity. If a County official violates this rule, he shall vacate the County office immediately; however, anyone who currently holds another compensated office may be a candidate for or appointed to another Claiborne County office. Before beginning the County position, that person shall resign from their existing governmental position.
- b) This section shall not be interpreted to prohibit any duly elected Commissioner from serving as an appointed member of any other committee of County Government

Section 2.07: Term Limits for Elected Officers

No person shall be eligible to be elected to, or hold, any one elected office for more than two consecutive four (4) year terms, unless specified elsewhere in this Charter. However, after one (1) term out of office, individuals may be eligible to serve additional terms, but may serve only two (2) four (4) year terms in any twelve (12) year period. If an individual is appointed to fill an unexpired term, this term shall not be counted as part of the two (2) consecutive elected terms.

Section 2.08: Amendments to this Charter

- a) The County Board of Commissioners may frame and, by a favorable vote of two-thirds (2/3) of the total County Board of Commissioners, propose amendments to this Charter. Except as otherwise provided in this Section 2.08, every proposed Charter Amendment shall be introduced in the form and manner governed by the procedure and requirements prescribed for Ordinances. Every such Ordinance proposing a Charter Amendment shall contain, after the enacting clause, the following, and no other matter:
 - 1) A statement that the Charter Amendment set out in the Ordinance is proposed for submission to the voters of Claiborne County in accordance with the requirements of the Charter, and
 - 2) The full text of the proposed Charter Amendment, including those portions of the existing Charter which may be deleted, altered or otherwise changed. Such an Ordinance shall become effective upon

adoption, and its effect shall be to require that the County Clerk immediately deliver a certified copy of the Ordinance to the County Election Commission and that the Election Commission submit the proposed Charter Amendment, contained therein, to the voters of Claiborne County as provided in Subsection 2.06 (c).

- b) Voters of Claiborne County may frame and propose amendments to this Charter by a petition addressed to the County Board of Commissioners, which petition shall contain the information required by Subsection 2.06 (a) for ordinances proposing amendments, and no other matter as hereinafter provided in this Subsection 2.06 (b). Notwithstanding the provisions of T.C.A. 2-5-15 (d), any petition proposing a Charter Amendment must be filed with the County Clerk and must be signed by at least ten percent (10%) of the total number of qualified voters who voted in the last Mayoral election in Claiborne County. The County Clerk will immediately deliver the petition to the County Election Commission. When the Election Commission determines that such petition is legally sufficient, it shall submit the proposed Charter Amendment to the voters of Claiborne County in accordance with Subsection 2.06 (c). Proposed amendments shall be on the ballot at the next scheduled Countywide election after the amendment meets the requirements of this Charter; there shall be no special election to ratify a proposed amendment.

- c) Any and all proposed Charter Amendments to be submitted to the voters of Claiborne County shall be submitted to the Claiborne County Election Commission in accordance with this Charter and Tennessee state law. The County Election Commission shall submit any proposed Charter Amendment, so long as certified and delivered in accordance with the provisions of this Section 2.06, to the voters of Claiborne County at the next scheduled Countywide election which follows the delivery to the County Election Commission of the ordinance or petition proposing the amendment. Not less than three (3) weeks before any ratification election, the proposed Charter Amendment(s), in the form provided by this Charter, shall be published in a newspaper of general circulation in Claiborne County and on the County website. The form of the ballot for submission of proposed Charter amendments shall be governed by Tennessee state law governing referendum elections. If a majority of those voting on the proposed amendment ratify the proposed Charter amendment, the amendment shall become effective at the time fixed in the amendment or, if no time limit is therein fixed, then it shall become effective immediately upon certification of results by the Election Commission.

- d) For any petition to amend the Charter, following approval of the proper form of the petition by the County Election Commission, the petitioner shall have one hundred and eighty (180) days to return the petition with qualifying signatures, to the Claiborne County Clerk.

Section 2.09: Charter Review Commission

- A. In the August general election of 2024 and in each general election every six (6) years thereafter, a Charter Review Commission will be elected for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. The Charter Review Commission will be composed of nine citizens elected from each of the nine (9) county electoral districts. One person will be elected from each district. Each person elected shall be a resident of the district from which they are elected, shall be a registered voter of Claiborne County and meet all qualifications and be certified as a candidate for the Charter Review Commission by the Claiborne County Election Commission. It shall be the duty of the Charter Review Committee to give ample opportunity to the County officeholder and members of the general public to make suggested changes to the Charter. In accordance with state law, the Charter Review Commission shall either: (1) certify to the Claiborne County Election Commission such amendment(s) it has found to be desirable, or (2) certify to the County Mayor and to the Board of County Commissioners a statement that it does not recommend amending the Charter.

- B. The currently serving Charter Commission, elected in August 2018 general election, will also serve as the Charter Review Commission until such time as the new Charter Review Commission is officially sworn into office on September 1, 2024.

Section 2.10: Severability

If any article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any person or circumstance, then it is intended and declared by the people of Claiborne County that all other articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be severable and shall not be affected by any such decision.

Section 2.11: Liability and Void Obligation if Contrary to Charter

- a) Except as otherwise provided in this Charter, every obligation incurred and every authorization of payment in violation of this Charter are void. Every payment made in violation of provisions in this Charter is illegal and all County Officials who authorize or make such payment or any part thereof are jointly and severally liable to County Government for the full amount so paid or received. If any County Government official, employee or appointee makes any payment or incurs any obligation in violation of the provisions of this Charter, the action may be cause for discharge from office or employment. Where simple mistakes are made and these errors are easily rectified, no action shall take place. However, repeated errors by an employee should bring reprimand from their supervisor and repeated errors of an elected official will be referred to the Ethics Committee for investigation and possible discipline.

- b) Nothing contained in this Charter is intended to prevent the making or authorizing payments or making of contracts for capital improvements to be wholly or partially financed by issuance of bonds, nor shall it prevent making, when permitted by law, of a contract or lease providing for payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from appropriations of a later fiscal year or of more than one (1) fiscal year shall be made or approved by resolution.

Section 2.12: Service of Process on County; Challenges to Charter

- a) Service of any legal process notice or other legal matter which is required to be served upon County Government pursuant to any law, rule or regulation shall be made upon the County Mayor, regardless of any other provision of Tennessee law to the contrary.

- b) All challenges to any provision of this Charter shall be tried in Chancery Court by a jury of twelve (12) citizens of Claiborne County, who shall be empaneled according to the customary procedures for empaneling of jurors in Chancery Court.

Section 2.13: Bonding of Officers and Employees

The County Mayor and such other County Government officers and employees shall give bond and surety in the amount as prescribed by Tennessee law. The premiums for such bonds shall be paid by County Government.

Section 2.14: Public Meetings and Records

a) Compliance with the Tennessee Open Meetings Act (TOMA).

All meetings of boards, commissions and authorities, where official decisions are made, shall be open to the public and shall be governed by TOMA (T.C.A. 8-44-101, et. seq.) and this Charter. TOMA and this Charter not only require that all meetings be open to the public but also require that adequate public notice be given, and thorough minutes of such meetings be kept. These requirements apply to all meetings, retreats or gathering of any sort (hereinafter referred to as an “assembly”), regardless of whether the body is elected or appointed. Any assembly making recommendations or assertions of any kind, which may affect a business decision, or if any expense is charged to the County, that meeting will come under TOMA and the provisions of this Charter.

- 1) All assemblies must convene in Claiborne County and be readily accessible to all citizens that wish to attend, including those that may have some physical impairment.
- 2) All assemblies must keep detailed minutes of all discussions. All minutes (including draft minutes), except where attorney-client privilege would be violated, will be submitted within seven (7) business days to the County Clerk, who will prepare and maintain a permanent record of said minutes, as well as post the minutes on the County website. Minutes will be made available to anyone requesting a copy, which request can be to the County Clerk in person or by telephone or e-mail. A reasonable cost may be charged per copy for any request made by non-citizens of Claiborne County.
- 3) All assemblies will be conducted in English.
- 4) All electronic communication by assembly members is prohibited during a public meeting, regardless of the device used. Electronic communication does not include loudspeakers or video projection

for attendees or board members. The secretary may use a computer, laptop or tablet for minute recording or research. All such devices must be the property of the County Government and connected to the County web provider.

- 5) All assemblies must be conducted in all parts of the meeting area with audio levels that can be easily heard by anyone with normal hearing capacity. All board members must adhere to these requirements when speaking. Any attendee making a request for increased volume must be recognized by the chair, without penalty, and must be accommodated, within reason, to satisfy the request.
- 6) Any attendee that feels they have been denied their legal rights or privileges granted to them by TOMA and this Charter may seek resolution in a court of law. They shall have standing and that standing cannot be denied.
- 7) Any citizen of Claiborne County shall have the right to address any assembly as more specifically set forth in Section 3.05.
- 8) Any assembly refusing to comply with these rules of conduct and record-keeping is nugatory and any discussions of that meeting are null and void.
- 9) Anyone convicted of a felony cannot serve on any assembly, in any capacity.

b) Public Records

All County records shall be public documents and shall be open for inspection. All minutes of County Government meetings shall be posted on the Official County Government Website (online) within ten (10) working days of the meeting date.

c) Open Records Requirements

All County Government Records shall be open for personal inspection by any Claiborne County citizen. County Government officials in charge of these records may not refuse the request of such records, unless another statute specifically provides otherwise or unless they are included in the list of specific records that are to be kept confidential under T.C.A. 10-7-504 or

some other legal authority. Information made confidential by TOMA must be redacted whenever possible, according to T.C.A. 10-7-504. One important class of confidential records involves the personal information of state, County, municipal and other government employees. An employee, including a former employee's, home telephone and personal cellphone numbers, bank account information, pension account information, health savings account information, medical records, retirement account information, Social Security number, residential address, driver's license information, and similar information for the employee's family and household members are confidential. When this confidential information is part of a file or document that would be considered public information, such information shall be redacted if possible so that the public may still have access to the non-confidential portion of the file or document, according to T.C.A. 10-7-504(f).

d) **Computer Records Storage Requirements**

Any information required to be kept as a record by any County Government Official shall be maintained and preserved on computer storage media controlled by the County, in addition to bound books or paper records. County Government must maintain safeguards and procedures for ensuring that all information is securely protected on all computers and other removable storage devices used by the County Government.

e) **Remote Electronic Access to Claiborne County Records**

County Government shall provide computer access and remote electronic access, for inquiry only, to information contained in electronic records, through the official County website, during and after regular business hours. However, remote electronic access to confidential records is prohibited. The equipment, software and procedures used will ensure that this access will not allow users to alter or impair the records.

Section 2.15: Petitions for Recall, Referendum or Initiative

- a) County Government hereby adopts, with modifications, T.C.A. 2-5-151, "Petitions for Recall, Referendum or Initiative," which shall apply to Claiborne County, Tennessee. All referendum outcomes are binding on County Government.
- b) Petitions for Recall, Referendum or Initiative

- 1) After a registered voter of Claiborne County shall have filed with the County Election Commission the proper form of petition and text of the question posed in the petition and the County Election Commission has certified the petition, the petition and all copies of the petition will become official documents of the County Government.
- 2) The petitioner will place his name, address and telephone number upon each petition and copy. Notwithstanding any provision of this Charter to the contrary, for any duty required of the petitioner, the petitioner may appoint a proxy to serve as his/her agent or replacement.
- 3) During the certification of the Claiborne County voter signatures by the County Election Commission, the petitioner and one other person of his/her choosing will have the right to witness the certification of voter signatures. If the petitioner is unable to attend the certification process, the petitioner will submit a letter to the Election Commission appointing their replacement and identifying the two persons to witness the certification process.
- 4) If a voter's signature fails certification, the petitioner will be granted the right to cure the problem and said voter signature re-examined for certification, as long as this is completed within the established time limit for submitting signatures.
- 5) The certified petition will appear on the referendum ballot verbatim as certified by the Election Commission. The petitioner will have the right to verify the referendum ballot before the election.
- 6) It shall be a violation of this Charter, punishable by a fine up to ten thousand dollars (\$10,000.00), for any person, directly or indirectly, personally or through any other person:
 - (A) By force or threats to prevent, or endeavor to prevent, any qualified voter from signing or promoting a petition;
 - (B) To make use of any violence, force, restraint, or to inflict or threaten the infliction of any injury, damage, harm or loss; or

- (C) In any manner to practice intimidation upon or against any person to induce or compel such person to sign or refrain from signing a petition.

c) Petition Signature Requirements

1. For non-recall petitions that do not deal with amendments to this Charter, the required number of voter signatures shall be equal to ten percent (10%) of the qualified voters who voted in the last County mayoral election.
 - a) Once a petition is verified by the County Election Commission, any actions, legislative or otherwise, shall be placed “on hold” until the outcome of the referendum is certified by the County Election Commission.
2. Petitions for Recall of Elected County Officials:
 - a) County-wide office holder: The number of voter signatures required on a recall petition shall be equal to at least ten percent (10%) of the total qualified voters who voted in the last County mayoral election.
 - b) District-wide office holder: The number of voter signatures required on a recall petition shall be equal to at least ten percent (10%) of the total number of qualified voters who voted in the last County mayoral election within the district of the office holder to be recalled.
 - c) Proposed petitions for initiatives challenging any action of the County Board of Commissioners shall be filed in proper form with the Election Commission within thirty (30) days after final action by the County Board of Commissioners. The petitioner shall have ninety (90) days to gather qualified signatures and file the completed petition with the Election Commission.

Section 2.16: Additional Initiative and Referendum Provisions

- a) The County Mayor shall be notified when the Election Commission has approved an initiative petition or referendum in proper form. Once the signatures have been validated and the petition certified by the Election Commission, the Election Commission shall notify the County Mayor of said action.
- b) If at any time the Board of County Commissioners, by three-fourths (3/4) vote of the full commission, agrees to meet and abide by all the terms of the proposed initiative petition or referendum, the initiative petition or referendum requirements will be deemed satisfied by the petitioner and the proposal will become law without the need of placing the same on the next election ballot.
- c) The Claiborne County Government will be put on notice, when the County Election Commission has certified that a non-recall referendum petition is in proper form. Upon signature validation and certification of a referendum petition, the measure that is subject to the referendum shall be rendered not in effect, there will be a stoppage of work or activity and all funding to the measure suspended, pending the outcome of the referendum. However, if the County Government agrees to meet and abide by the all terms of the subject measure in the referendum petition by vote of the Board of County Commissioners with Executive approval, the referendum petition requirements will be deemed met by the petitioner or appointee and will not be placed on the next election ballot by the County Election Commission.

Section 2.17: Spending Limits

The County Government shall be limited to a total amount equal to five percent of the total County budget for any acquisition of land, buildings or modifications to existing buildings or structures. For sums greater than this, a referendum must be placed before the voters of Claiborne County for their approval before any funds may be allocated.

Section 2.18: Real Property Acquisition Requirements

Before real property can be acquired by County Government, the following due diligence shall be performed by the County Mayor:

- A. Purchase Land or a Building

- 1) A Purchase Proposal must be written and contain, at a minimum, an in-depth detailed description of the following:
 - (a) The land or building proposed to be acquired;
 - (b) The reasons for requesting the acquisition;
 - (c) A description of the acquisition benefits to the citizens of Claiborne County;
 - (d) The projected cost of the project, which shall include any site preparation work, utility costs, sewers, remodeling, etc.;
 - (e) The proposals impact on the operating budget in the cost of any additional staff, furnishings, maintenance, utilities, insurance, etc.;
 - (f) The proposed financing method, the costs to finance and the total cost of interest.
- 2) The above purchase proposal must be written in such a manner that would create the most available options to meet the acquisition needs. If there is only one source meeting the above requirements, the County Mayor shall submit an explanation of why only one source qualified for the Purchase Proposal.
- 3) A Risk Management Report detailing all known associated risk and a risk mitigation plan must be prepared and submitted.
- 4) After the Purchase Proposal and Risk Management Report have been prepared with the required information, the County Mayor will make a presentation to the County Board of Commissioners of the Purchase Proposal, Risk Assessment and supporting data. The County Board of Commissioners may, by majority vote, take one or more of the following actions:
 - (a) Request more information,

(b) Schedule a public hearing to present the acquisition plan to the citizens of Claiborne County,

(c) Vote not to proceed with the acquisition.

5) The Board of County Commissioners shall not vote on the acquisition until after a public hearing and total contractual costs have been established. The proposal will require a three-fourths (3/4) affirmative vote of the full County Board of Commissioners for approval.

B. New Construction or Additions to Existing Buildings

The same due diligence steps must be performed by the County Mayor as in Section 2.17 (a) above. The County Board of Commissioners may, by bid process, as specified in Section 3.02 (B) select architectural or engineering services to render drawings and a more formal estimate of project costs. After receipt of architectural or engineering drawings, the Commission shall schedule a public hearing with the people of Claiborne County before proceeding to a final vote on the project. Projects involving normal maintenance and minor alterations to existing buildings are excluded from this Section 2.17 (b).

C. Real or Personal Property Being Donated or Sold to County Government

All real or personal property which is offered as a gift to, or for purchase by, County Government shall only be accepted as a gift or considered for purchase only if said real or personal property has a clean, clear, and unencumbered title at the time of transfer. Prior to accepting such property, a specific evaluation shall be made as to the possible liability associated with said property, including, but not limited to, assessing environmental liability and handicap accessibility.

Section 2.19: Confiscation of Property

For all property confiscated in Claiborne County by the County Government or any of its agents, the County shall comply with the following:

- a) Provide to the owner or his/her agent or assignee an itemized list and photographed inventory agreed upon between the County and the owner and his/her agent or assignee.
- b) Maintain such confiscated property in safekeeping and preserve such confiscated property in its “as received” condition, excluding natural depreciation.
- c) Maintain such confiscations in Claiborne County.
- d) Upon acquittal or dismissal of the charges associated with the accused whose property was confiscated, all such confiscated property, except contraband, shall be immediately returned to the owner, free of any encumbrances levied by the County or its agents.
- e) Any property confiscated cannot be disposed of until the accused is charged and convicted by a court. If such confiscated property becomes the property of Claiborne County, the disposition of all such awards must be disposed of as provided in this Charter and approved by the County Board of Commissioners. Any and all funds raised from the sale of such property shall be placed in the County Contingency Fund.
- f) For property lost or damaged, excluding property damaged by an Act of God, the owner shall have recourse to the courts to sue County Government for the recovery of the property value, court costs and attorney’s fees. All judgments awarded shall be paid by County Government within thirty (30) days of the final judgments. All judgments will be charged to the department responsible for the missing or damaged property.

Section 2.20: Recovered Stolen Property

- a) All recovered property must be secured in a safe place.
- b) The property shall be maintained in the condition in which it was recovered, excluding normal depreciation.

- c) Recovered property must be itemized, photographed and witnessed by two County law enforcement officers. All such photographs must be delivered to the owner if the owner can be located.
- d) All recovered property shall be returned to the owner without the imposition of County fees. If the recovery required additional expense to the County, such as wrecker service or private storage, then that cost will be the responsibility of the owner.
- e) After one hundred eighty (180) days, all unclaimed recovered property may become the property of the County and will be disposed of by the same procedure described in Section 2.18 (e), excluding the court procedure. All revenue from the sale of recovered property will apply in the same way as described in Section 2.18.

Section 2.21: County Districting

For governing and election purposes, the County shall be divided into nine (9) districts. Districts will be numbered 1 through 9 for identification purposes. The districts will be structured to meet all guidelines outlined in the “Guide to Local Redistricting in Tennessee” the 2011 or later edition. Districts 1 through 8 will meet the “equal population” requirements, while District 9 (Clairfield) will be exempt from this requirement. Each District will be represented by one (1) County Commissioner, elected by the vote of the residents of each District. An additional two (2) At Large Commissioners will be elected by County-wide vote. These eleven (11) Commissioners will compose the Board of County Commissioners, the Legislative Branch of the County Government. Each district is entitled to elect one representative to the County School Board.

- a) District 9 (Clairfield area) will exist until such time as the residents of District 9 vote to dissolve the district, or the population of the district decreases to an amount 40% lower than the population of the district as listed in the 2020 U.S. Census. Such a change will compel reapportionment of the County, reducing the number of districts to seven (7) and the total number of Commissioners to nine (9), one Commissioner for each district and two At Large Commissioners. The number of School Board members would be changed to seven (7), one for each district.

b)

Section 2.22: Pensions

The existing Pension/Retirement System as it existed prior to the adoption of this Charter shall be continued as specified by Tennessee State law.

Section 2.23: Nepotism

No elected or appointed official or employee of the County shall advocate, recommend, supervise, manage or cause the employment, appointment, promotion, transfer, or advancement of his or her relative to an office or position of employment within the County Government.

For the purpose of this policy, “relative” means parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, step brother, foster brother, sister, sister-in-law, foster sister, step sister, grand parent, son-in-law, daughter-in-law, grandchild or other person who resides in the same household. A court-appointed legal guardian or a person who has acted as a parent substitute is also included within this definition.

Section 2.24: Zoning

This Charter shall not alter or change zoning regulations effective in the County but the same shall continue until modified by the Board of County Commissioners acting under authority granted in this Charter.

Section 2.25: Incorporation

Nothing in this Charter shall be construed as interfering with the rights of the citizens within the County to retain powers and functions relative to incorporation, as provided by state law.

Section 2.26: Non-Discrimination

No person shall be discriminated against with respect to any County position or appointive County Administrative Office because of race, creed, color, sex or national origin, political opinions or affiliations.

Section 2.27: Existing Rights and Liabilities

- A. Nothing in the provisions of this Charter shall be construed to abolish, limit, or abrogate any rights, privileges, duties or liabilities created by contract with the County prior to the adoption of this Charter.
- B. Nothing in the provisions of this Charter shall be construed to abolish, limit or abrogate any rights for or against the County existing prior to the adoption of this Charter.

Section 2.28: Appointments and Promotions

No person who seeks appointment or promotion with respect to any County position or appointive County administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

ARTICLE III

LEGISLATIVE BRANCH

Section 3.01: LEGISLATIVE POWERS

The legislative power of the County is vested in the Board of County Commissioners of Claiborne County, hereinafter called the County Board of Commissioners. The legislative power includes all lawful authority to adopt ordinances and resolutions governing the operation of the County Government or regulating the conduct and affairs of the residents of the County, to adopt a County budget, to fix the County tax rate, to make appropriations of County funds for all legal purposes and to exercise all other authority of a legislative nature which is vested in the County by the Constitution of the State of Tennessee, general statutes or special, local or private acts of the Tennessee State General Assembly or this Charter. The Board of County Commissioners may adopt any ordinance, that is not in conflict with the Constitution or general laws of the State of Tennessee, or this Charter. T.C.A. 5-5-102

SECTION 3.02: OTHER POWERS

The Legislative Branch is vested with all other powers of the County not specifically, or by necessary implication, vested in some other official of the County by the Constitution or by statute not inconsistent with this Charter. In exercising its legislative functions, the Legislative Branch may employ, subject to budgeting limitations, special counsel, assistants and other employees. However, neither the Legislative Branch nor the Chairperson (Chairwoman) of the Legislative Branch shall exercise executive, administrative or judicial powers or perform any functions of the County Government delegated or assigned by the terms of this Charter to other offices, branches, or departments of County Government. Whenever any public or private act of the state of Tennessee purports to authorize the County court or County Commission or its Chairperson to perform any administrative or executive act or function, then such act or function shall be performed by the County Mayor.

- A.** The County may request an independent audit of the accounts and other evidences of financial transactions of the County and of every County office and such special audits as deemed necessary. The audit shall be made by a certified public accountant or by a firm of certified public accountants designated by the board of County Commissioners and no individual auditor or member of an auditing firm so designated shall have any personal financial interests, direct or indirect, in the fiscal affairs of the County or any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audit. The individual certified public

accountant or firm of certified public accountants may be employed to perform the audit for the term set by resolution.

- B.** By ordinance or resolution, the Board of County Commissioners shall establish purchasing procedures and/or regulations for all purchases, sales and contracts for services through competitive bids or otherwise. Such ordinance or resolution may provide that the County Mayor may promulgate rules and regulations to administer the purchasing procedures established by ordinance. The purchasing rules and regulations shall apply to all County officials elected pursuant to this Charter and shall apply to clerks of court, only if such application is not contrary to state law.
- C.** The Board of County Commissioners shall have the sole power to grant franchises by ordinance or resolution, provided no such franchise shall be granted for a period to exceed twenty (20) years.
- D.** No sale of real property or any interests therein shall be valid unless approved by resolution of the board of County commissioners.

SECTION 3.03: MEMBERSHIP AND ELECTION

The County Commissioners of Claiborne County shall be elected by the people for such terms and from such districts as may from time to time be provided by law.

- A.** The County Board of Commissioners under this Charter shall consist of nine (9) members elected from nine (9) electoral districts, and two (2) members elected at-large, through a Countywide vote. The nine (9) members elected by districts shall be residents of and represent the districts from which they are elected. Any resident of any such district desiring to stand for election and qualified to do so pursuant to the requirements of this Charter, shall qualify in accordance with applicable law for the specific seat representing such district. The nine (9) district seats shall be referred to Commission Seats one (1) through nine (9) respectively, with the numbers corresponding to the district numbers from which the Commissioners are elected. Any resident of Claiborne County desiring to stand for election to the Commission as an At- Large Commissioner and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for one (1) of the specific At Large seats elected through County-

wide vote. The two (2) At-Large seats shall be referred to as Commission Seats ten (10) and eleven (11). Any qualified voter in any Commission District may vote for one (1) candidate for each Commission Seat representing such district, one (1) candidate for At-Large Commission Seat ten (10) and one (1) candidate for At-Large Commission Seat eleven (11). T.C.A. 2-2-122, T.C.A. 8-18-101

- B. The regular terms for County Commission Members shall be four (4) years. No member of the Board of County Commissioners shall be eligible to be elected to or hold the office of County Commissioner for more than two consecutive four (4) year terms. Provided, however, that if an individual is appointed to fill an unexpired term of a County Commissioner, this term shall not be counted as part of the two (2) consecutive elected terms.
- C. Commission Seats 1, 3, 5, 7, 9, and 11 shall be elected in the County General Election of 2022 for an initial extended term of six (6) years and every four (4) years thereafter. Commission Seats 2, 4, 6, 8 and 10 shall be elected in the County General Election of 2022 for an initial term of four (4) years and every four (4) years thereafter.
- D. No member of the Board of County Commissioners shall be eligible to hold any other local, County, state or federal compensated elective office so long as they hold the office of Claiborne County Commissioner. If a County Commissioner assumes another compensated elected office, the County Commissioner shall vacate the County Commission office immediately and the vacancy shall be filled in accordance to the method recorded in this Charter. T.C.A.2-5-101
- E. The foregoing provisions of Sections 3.03, (b) and (c) shall become effective September 1, 2022, and prior thereto to the extent necessary to permit general elections to be held for the eleven (11) Commission seats, to take office effective September 1, 2022.

SECTION 3.04: COMMISSIONER'S SALARY AND EXPENSE

(a) The annual salary of each Commissioner shall be a sum equal to five percent (5%) of the minimum annual salary listed for the County Mayor on the County Technical Assistance Service (CTAS) schedule for the fiscal year in which the Commissioner is elected. Commissioner compensation shall be adjusted annually per state employee increase recommendations and reset upon each election cycle. The salary shall be paid in equal monthly installments during the fiscal year. This amount is the total sum of payment to be received by the Commissioner. T.C.A. 5-5-107, T.C.A. 8-24-101

(b) Any Commission Member may refuse his salary and return the money to the County treasury.

(c) Commissioners will be reimbursed for travel expense that are related to necessary training meetings or other meetings concerning County business, that requires overnight travel. Reimbursement amounts will be based on the current state per diem schedule and shall be inclusive of all daily expenses. To qualify for per diem reimbursement, the travel must be pre-approved by both the Chairperson of the Board of County Commissioners and the County Mayor.

SECTION 3.05: MEETINGS AND QUORUM

A quorum for the purposes of conducting business shall be three-fourths (3/4) of the total membership of the County Board of Commissioners.

- a) The County Board of Commissioners shall hold at least one (1) regular monthly meeting, which shall start on or after 6:00 PM and be held at a place to be determined by the Chairperson of the Commission, who shall also determine the time, place and agenda for all regular meetings.
- b) The Chairperson of the County Board of Commissioners shall have the authority to call a special commission meeting when deemed necessary. A special meeting may also be called upon the request of one-third (1/3) of the membership of the commission. When a special meeting is called, the chairman (chairwoman) of the commission shall determine the time, place and agenda of such meeting. The same shall apply to any meetings of any committee and its chairman (chairwoman).
- c) The Chairperson of the County Board of Commissioners shall have posted on the County website and public offices around the County, the agenda, Commissioner packets, or other handouts being used, ten (10) days prior to any scheduled meeting of the County Board of Commissioners. Also, anyone may obtain copies of meeting agenda and handouts at the County Clerk's Office.
- d) Emergency meetings can take place for the sole purpose of assessing emergency conditions and determining appropriate courses of action.
- e) Designated committees of the County Board of Commissioners shall meet at a time and place to be determined by the chairperson of such committee.
- f) For each County Board of Commissioners meeting and each committee meeting, the chairperson of the County Board of Commissioners shall notify the public of any such meeting and shall thereafter file with the County Clerk's office proof of public notice prior to said meeting.

- g) For each County Board of Commissioners meeting and each committee meeting, the County Clerk shall keep minutes of each such meeting, shall post the same on the County website within five (5) business days, and shall submit a copy to the County Mayor, to the financial director, and to all of the Commissioners, at least five (5) days prior to the next scheduled commission meeting. It shall be the duty of the County Clerk's office to maintain minutes of all County Board of Commissioners and committee meetings in such a manner that the records shall be, at all times, during normal business hours, be available and open for public inspection.
- h) Any citizen of Claiborne County shall have the right to address the commission or any other assembly as set forth below:
 - a. Before the commission can proceed to vote on any matter, the chairperson of the County Board of Commissioners shall ask the audience for any questions or comments regarding the matter at hand. The chairperson shall recognize any Claiborne County resident who wishes to make comment or ask a question. These questions and comments must be germane only to the item being discussed by the commission and will be limited to no more than one (1) minute unless more time is allotted at the discretion of any Commissioner.
 - b. At the end of any meeting, any citizen may, for no more than three (3) minutes per person, make suggestions, ask questions, or ask for redress of grievances. If possible, a verbal response must be given to each person addressing the assembly. If additional time is needed to reply, the chair is responsible for providing a written response within the first five (5) business days following the meeting.
 - c. Commissioners are expected to attend the regularly scheduled monthly meetings. Any Commissioner missing more than three monthly meetings without just cause or extenuating circumstances shall be subject to sanctions and/or penalties as may be determined by the County Board of Commissioners by resolution.

SECTION 3.06: ORDINANCES AND RESOLUTIONS

A. Generally:

1. The Board of County Commissioners shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.
2. No ordinance, resolution or emergency ordinance shall be opposed to the general laws of the State of Tennessee and no resolution, ordinance or emergency ordinance shall interfere with the local affairs of any municipality within the boundary of Claiborne County.
3. Resolutions, ordinances and emergency ordinances shall be adopted to the forms and formalities set forth below.
4. An ordinance may provide suitable penalties or fines or both, for the violation thereof as provided by law.

B. Resolutions

All resolutions shall be adopted upon receiving a majority vote of the membership of the County Board of Commissioners, except as otherwise required by general law for the issuance of bonds, notes and other indebtedness of the County.

C. Ordinances

1. Every ordinance shall be read on three (3) different days in open session of the legislative body before its adoption, and not less than one (1) week shall elapse between the first and third readings. Any ordinance not so read shall be null and void. The Claiborne County Board of Commissioners shall establish a procedure to read the caption of the ordinance on the first and second readings and the ordinance in its entirety on the third reading, provided however, that for any ordinance longer than two type written pages, the Board of County Commissioners may adopt a procedure to read a summary of said ordinance in lieu of reading the entire ordinance. Copies of such ordinances shall be available during regular business hours at the office of the County Clerk or such other office as may be designated by law and during sessions in which the ordinance has its second and third readings.

2. In all ordinances adopted on third reading under this section, the vote shall be decided by yeas and nays and the names of the members voting for or against an ordinance shall be entered into the minutes.

3. All ordinances shall be adopted upon receiving a majority affirmative vote of the membership of the Board of County Commissioners, except for ordinances dealing with the following subjects, which shall be adopted upon receiving a super majority (2/3) affirmative vote of the full membership of the Board of County Commissioners:

- (a) Any proposal which changes the purchasing procedures of County Government or any agency or authority subject to the County purchasing ordinances.
- (b) Any proposal that imposes a fine or imprisonment as punishment for a violation thereof.
- (c) Any proposal that grants a franchise to any private party, company or corporation.
- (d) Any proposal ratifying the contracting of services between the County and various municipalities and agencies.

4. An ordinance shall not take effect until fifteen (15) days after its passage except in the case of an emergency ordinance.

5. No ordinance making a grant, removal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall ever be amended except by a new ordinance.

6. The County Clerk or such other officer as may be designated by law shall number and compile in an ordinance book all ordinances and shall preserve such book in that office.

7. Ordinances shall be enforced by the chief law enforcement officer of the County unless an ordinance otherwise provides. Persons charged with violation of an ordinance, in whole or part, shall be tried in the court of general sessions. All fines, penalties and court costs

collected for such violation shall be paid into the County General Fund unless the ordinance or state law otherwise provides.

D. EMERGENCY ORDINANCES

(1) An emergency ordinance may be passed with a single reading and become effective on the date of its final passage, provided it shall contain a statement that an emergency exists and specifies with distinctness the facts and reasons constituting such an emergency.

(2) The unanimous vote of all members of the Board of County Commissioners present shall be required to pass an emergency ordinance. However, at least two-thirds (2/3) of the legally constituted body shall be present and voting.

(3) An emergency ordinance shall be so designated in its caption and shall be published in a newspaper of general circulation prior as soon as practical.

E. ADJUSTING TAX RATES and LEVYING NEW TAXES

a) Tax rates may be decreased by an affirmative super majority vote by the County Board of Commissioners, who are present at any regular monthly meeting or at any other meeting called for the purpose of setting tax rates.

b) Property Tax rates may be retained from one year to the next by an affirmative super majority vote of the County Board of Commissioners, who are present at any regular monthly meeting or at any other meeting called for the purpose of setting tax rates.

c) Authority to increase County taxes or levy new taxes shall be vested solely in the County Board of Commissioners, which may increase taxes only as specified below:

- 1) Any proposal or resolution, that will or may become an ordinance, to increase the property tax rate, wheel tax rate, or any other tax or fee, or to levy a new tax or fee, can only be adopted by receiving a super majority affirmative vote by the County Board of Commissioners at each of three

(3) consecutive monthly meetings or any other meeting which has been duly advertised and called for establishing taxes or tax rates.

2) The time between the first and second vote must exceed twenty-five (25) days.

F. CAPTION, SUBJECTS

No ordinance or resolution shall become effective which embraces more than one (1) subject, the subject to be expressed in the title. All ordinances and resolutions which revise, repeal or amend former ordinances, resolutions or acts of the County shall recite in their caption the title or substance of the ordinance or resolution or act repealed, revised or amended.

G. DELIVERY OF COPIES

(1) It shall be the duty of the County Clerk or such other officer as may be designated by law to deliver to the County Mayor a true and attested copy of all ordinances or resolutions within four (4) days of the final passage.

(2) Within thirty (30) days of final passage, the County Clerk or such officer as may be designated by law shall cause to be delivered to the County Attorney a certified copy of every ordinance and resolution.

(3) The County Clerk or such officer as may be designated by law shall maintain an up-to-date record of all ordinances and resolutions and furnish a true copy to interested persons for a reasonable fee.

SECTION 3.07: MAYOR SIGNATURE AND VETO

A. Every ordinance and resolution except emergency ordinances of the Board of County Commissioners shall be submitted to the County Mayor. If the County Mayor signs it, the ordinance or resolution shall become effective as provided in this Charter.

B. If the County Mayor vetoes the ordinance or resolution, it shall be returned to the Board of County Commissioners for action on the veto. A resolution or ordinance shall become effective upon receiving an affirmative vote of three-fourths (3/4) of the Board of County Commissioners. Such vote must take place within thirty (30) days of receiving the County Mayor's message of veto.

C. If the County Mayor fails to either sign or veto an ordinance or resolution and to report this action to the Board of County Commissioners within ten (10) days after the ordinance or resolution is submitted to him (her), the County Mayor will have no power to veto the ordinance or resolution and it shall become effective without signature upon the expiration of the ten (10) day period or at a later date if the ordinance or resolution so provides.

SECTION 3.08: ELECTION OF CHAIRMAN and CHAIRMAN PRO TEMPORE

The Board of County Commissioners, at its first session on or after September 1, 2022, and annually thereafter, shall elect from its membership a Chairperson and Chairperson pro tempore and such other officers as deemed necessary. The election procedures shall follow those provided by this Charter, except that this will not be an election in which the public can make nominations. T.C.A. 5-5-103

SECTION 3.09: REMOVAL OF A COMMISSIONER

A County Commissioner may be removed from office according to state law. T.C.A.45-1-114

SECTION 3.10: CHAIRMAN DESIGNEE AUTHORITY

The chairperson shall have the right to serve individually or to appoint from the other Commissioners and assistants of the Board of County Commissioners, in writing, a designee to serve in place and stead of the chairperson on any board or commission of which the chairperson is a member by law and said designee shall have all the powers, including the power to vote, as are conferred upon the chairperson. Any designee appointed by the chairperson under the provisions of this Section shall be appointed to serve in that capacity for at least a year, or the remainder of the term of the chairperson, whichever is less. During such periods of appointments, either the specified designee or the chairperson may exercise the voting powers granted by this Section. However, at any meeting attended by the chairperson, only the chairperson shall exercise the voting power.

SECTION 3.11: VACANCY

In the event of a vacancy in the office of Commissioner, the remaining Commissioners shall fill said vacancy with a person meeting the qualifications of said position, including residency in the affected district, who shall hold the office until the next general election or special election conducted in the commission district. The person elected in such election shall serve the remainder of the unexpired term. T.C.A. 54-9-122

SECTION 3.12: APPROVAL OF NOMINATIONS

All nominations by the County Mayor for any Board, Commission, Agency, Authority, Chief Administrative Officer, County Attorney, or Public Defender, shall be subject to the approval and consent by resolution of the Board of County Commissioners.

SECTION 3.13: RECODIFICATIONS

The Board of County Commissioners shall, at least every five (5) years, cause to be prepared a recodification of all ordinances that are continued in force, together with this Charter and all amendments thereto. The recodification shall be reproduced in binder or book form and shall be made available to any person desiring a copy, for a reasonable fee. Fees may also be charged for annual revisions. After adoption of the Code, each ordinance of general application shall be adopted as a numbered section or sections of the Code. All new ordinances shall be published annually as an appendix to the Code.

SECTION 3.14: PRIVATE ACTS

- a) The County Board of Commissioners may request and adopt, according to the provisions of Section 3.01, a Private Act of the General Assembly of the State of Tennessee; however, no Private Act may be requested or adopted that would amend, alter, or otherwise be in conflict with this Charter.

- b) Notwithstanding the aforementioned, any Private Act that is adopted by the County Board of Commissioners shall be placed on the ballot at the earliest general election for approval by the voters and shall remain subject to the right of the people to petition for referendum.

ARTICLE IV

EXECUTIVE BRANCH

SECTION 4.01: EXECUTIVE AND ADMINISTRATIVE POWERS

The executive and administrative powers of the County Government shall be vested in, and exercised by, the Mayor of Claiborne County (hereinafter referred to as the “County Mayor”), also called the Executive Branch, and, under the Mayor’s control and direction, by such subordinate major divisions, departments, boards, officers and agencies as may be established from time to time. T.C.A. 5-6-105

SECTION 4.02: EXECUTIVE BRANCH

The County Mayor shall be the head of the Executive Branch of the County Government, shall be responsible for the exercising of all executive functions of the County Government and shall be the chief fiscal officer of the County. The Mayor shall devote his/her full time to the performance of his /her duties as County Mayor. T.C.A. 5-6-105

SECTION 4.03: THE MAYOR’S DUTIES

The Mayor shall:

A. Prepare and submit to the Board of County Commissioners, with the assistance of appropriate department heads and other responsible officials, budgets and financial reports. The Mayor shall present to the Board of County Commissioners a consolidated budget for the operation of Claiborne County on or before February 15th of each and every year in order for the Commission to either approve said budget as presented or to modify and/or amend the same as deemed requisite in order to determine the amount of taxes necessary to be levied. The adoption of the budget by the County Board of Commissioners shall be by resolution. T.C.A. 5-6-108, 5-5-121, 5-5-122

B. Examine regularly the accounts, records and operations of every department, office and agency of the County; make regular reports to the Board of County Commissioners on the affairs of the County; keep the Board of County Commissioners fully advised of the financial condition and future needs of the County; and make such recommendations to the County Board of Commissioners on County affairs as he/she deems appropriate.

C. Take such other executive and administrative actions as are permitted or required by this Charter and all applicable laws of the State of Tennessee or as may be prescribed by the County Board of Commissioners.

D. Have power to contract with various municipalities, other governmental units or public corporations in the County for the consolidation of services and functions, upon authorization of the County Board of Commissioners by resolution. The Mayor may also contract with one or more states or counties, or both, for institutional or other services that may be rendered more efficiently or economically.

E. Provide and maintain accounting systems necessary for the County and for each department, office and agency thereof. The Mayor shall maintain such systems in accordance with generally accepted accounting principles applicable to governmental entities, keeping accounting records for, and exercising financial and budgeting control over, such departments, office or agency. All warrants in payment of obligations of the County shall be signed by the Mayor, either in person or facsimile, except where another officer is authorized so to do by either applicable law or this Charter.

F. Have veto power over the annual budgets of the County that may be exercised by vetoing specific items or parts of items without invalidating the whole. The veto shall be exercised and may be overridden by the procedure as provided by this Charter, provided however, that no veto regarding the annual budget shall be valid unless the Mayor, within the time provided for vetoes, provides in writing to the County Clerk, the following information:

- (1) A list of specific items, or parts of items vetoed;
- (2) An amount for each specific item or parts of items, less than, and in lieu of, the amount contained in each specific item, or parts of items vetoed; and
- (3) An explanation by the Mayor as to his/her reason for each such veto.

G. Appoint members of all boards, authorities and commissions not delegated by this Charter to appointment by the County Board of Commissioners. All appointees shall be residents of Claiborne County at the time of their appointment and at all times while serving on said board, authority or commission. All such appointees shall be confirmed by a vote of

the Board of County Commissioners. Such members may be discharged and removed for good cause shown. T.C.A. 5-6-106

H. Have the right to serve individually, or to appoint in writing from administrative assistants, executive assistants or heads of any divisions of the County, a designee to serve in place and stead of the County Mayor on any Board or Commission of which the County Mayor is a member by law. Said designee shall have all of the powers, including the power to vote, as are conferred upon the County Mayor. Any designee appointed by the County Mayor under the provisions of this Section shall be appointed to serve in that capacity for at least one (1) year, or the remainder of the term of office of the County Mayor, whichever is less. During such periods of appointments, either the specified designee or the County Mayor may exercise the voting powers granted by this Section. However, at any meeting attended by the County Mayor, only the County Mayor shall exercise the voting power. T.C.A. 5-6-116

I. Negotiate and execute loans, bonds, notes and other evidences of indebtedness of the County to the extent provided in any resolution authorizing the same.

J. Maintain the records of County indebtedness and have charge of the payment of principal and interest thereon.

K. Examine all contracts, orders, and other documents by which financial obligations are incurred by the County, or by any of its officials or officers, and indicate the availability of funds to meet these obligations and certify thereto.

L. Have the sole power and authority to enter into contracts on behalf of Claiborne County, except as otherwise provided in this Charter. Contracts and purchases on behalf of the County, shall be entered into by the County Mayor or the County Mayor's designee. On all contracts in an amount greater than fifty thousand dollars (\$50,000.00) or such amount as established in advance by the Board of County Commissioners, the Mayor shall obtain the approval of the Board of County Commissioners by resolution prior to execution.

M. Develop purchasing regulations for all purchases made with funds that have been collected for the use of Claiborne County. Such purchasing regulations shall be enacted by the Board of County Commissioners as an ordinance, to be known as the Claiborne County Purchasing Ordinance. To the maximum extent allowed by law, each constitutional, statutory or Charter official of Claiborne County, whether appointed or elected, shall be

required to follow the provisions of the Claiborne County Purchasing Ordinance for construction or purchases of goods and services with public funds.

SECTION 4.04: QUALIFICATIONS, TERM OF OFFICE, DESCRIPTION OF DUTIES, COMPENSATION

The County Mayor shall be elected by a Countywide vote of the qualified voters of Claiborne County every four (4) years, commencing with the 2022 County General Election, and shall start their term of office on September 1, following his/her election. T.C.A. 5-6-101. The County Mayor shall be a minimum of twenty-five (25) years of age, prior to completing the filing process, shall be a resident of Claiborne County for at least one (1) year period prior to filing for this office and shall remain a resident of Claiborne County during the term of his/her office. (T.C.A. 5-6-104)

The regular term for the County Mayor shall be four (4) years. No Mayor shall be eligible to be elected to or hold the office of Mayor for more than two consecutive four (4) year terms. Provided, however, that if an individual is appointed to fill an unexpired term of a County Mayor, this term shall not be counted as part of the two (2) consecutive elected terms.

The County Mayor is required to devote full time to the office of County Mayor. The County Mayor is the accounting officer and chief financial officer for the County; he/she is charged with the care and custody of County property. While the County Mayor is charged with care of County property, the Board of County Commissioners has the power to erect, control and dispose of County property (T.C.A. 5-5-121), and the authority to levy taxes for this purpose. (T.C.A. 5-5-122) The County Mayor appoints members of County Boards and Commissions and department heads unless the law or this Charter specifically provides otherwise: these appointees are subject to confirmation by the Board of County Commissioners. (T.C.A. 5-6-106 c) The County Mayor is authorized to employ secretarial and clerical assistants needed in the performance of his duties of the office of County Mayor. The County Mayor shall establish the compensation of any such assistant within the amount appropriated for such purpose by the County legislative body. (T.C.A. 5-6-116)

The Mayor's compensation shall be the minimum amount listed in the Salary Schedule published annually by the County Technical Assistance Service (CTAS) and based on the most current available Claiborne County U.S. Census information. The Mayor's compensation shall be greater than the compensation paid to any other Claiborne County elected official. Such compensation shall be paid in equal monthly installments. The salary of the County Mayor may be changed from time to time in accordance with the provisions and other requirements contained in T.C.A. 8-24-102 (d)

SECTION 4.05: COUNTY MAYOR'S ROLE IN BUDGET PROCEDURES

- A. The head of each County Government department, as well as all elected County Government officials and Clerks of Courts, shall furnish to the County Mayor in a form specified by the County Mayor:
 - 1) Detailed estimates of the revenues and expenditures of their office for the ensuing fiscal year and the two (2) fiscal years immediately thereafter,
 - 2) Detailed estimates of the costs of any capital improvements pending or proposed to be undertaken within the ensuing fiscal year and the four (4) fiscal years immediately thereafter, and
 - 3) Such other information, related to budgeting, as the Mayor requests
 - 4) Zero Based Budgeting principals shall be utilized in preparing all departmental forecasts.
- B. All Charter Offices and Other elected offices shall submit their budgets to the Mayor no later than January 5th of each and every year.
- C. All offices or departments which receive appropriations from County government shall utilize such appropriations strictly in accordance with the applicable provisions of the budget as finally approved or amended, provided, upon the recommendation of the elected administrative officer of the unit or department, or if none, the County Mayor or Board of County Commissioners may provide approval of transfers between line items within the budgets of offices or departments. The elected administrative of the unit or department, or if none, the Mayor, shall affirmatively certify that such transfer will not impair the necessary functions or operations of the office(s) or department(s). Capital appropriations shall not be altered or varied except with the approval of the County Board of Commissioners by resolution. No appropriation shall be reduced below the level required either by law or by bond covenants.
- D. The Mayor shall submit a consolidated County budget to the County Board of Commissioners by February 15th of each and every year. The County Board of Commissioners shall amend, approve and adopt the budget by resolution.

SECTION 4.06: VACANCY

- A. If a vacancy occurs in the office of County Mayor by death, resignation, removal, or disability, or otherwise, the Chairperson of the Board of County Commissioners will serve as acting County Mayor. If the Chairperson is unwilling to serve as the acting County Mayor for any reason, the Chairperson pro tempore of the Board of County Commissioners shall serve as County Mayor.

- B. The Chairperson or Chairperson pro tempore shall serve as acting County Mayor until a new County Mayor is elected and qualified in the next county election allowed by state election laws. While serving as acting County Mayor, the Chairperson or Chairperson pro tempore shall not exercise the powers of his office as Chairperson or Chairperson pro tempore. T.C.A. 5-1-104

ARTICLE V

JUDICIARY

Section 5.01: Judiciary

- A. The Judiciary of Claiborne County Government shall be vested in the existing courts of Claiborne County or any other courts established by law. Judges of the various courts of Claiborne County shall continue as elective officers with all the powers and duties conferred or implied by law upon such office of Judge of the various courts.

- B. However, the Board of County Commissioners may, by ordinance, create additional divisions of general sessions court, as it deems necessary. Such additional divisions may be given exclusive jurisdiction over County ordinance violations, and such other jurisdiction as provided by the laws of the State of Tennessee.

Section 5.02: Vacancy

If a vacancy occurs in any judicial office of the general sessions, probate, juvenile courts or any other County judicial office established by law in Claiborne County, then that vacancy shall be filled by a vote of the Board of County Commissioners as prescribed in this Charter, and the person so selected shall serve until his successor is elected and qualified as prescribed by law.

Section 5.03: Abolishing Divisions or Altering Compensation Prohibited

Nothing herein shall grant the County Board of Commissioners the power to abolish a division of any general sessions, probate or juvenile court or any other County judicial office of Claiborne County during the term of office of a judge of that court, nor shall there be the power to alter the compensation of any judge of any court of Claiborne County during that term of office. The Board of County Commissioners shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of Claiborne County after the first day of January of the year in which an election shall be held or in the year in which a vacancy shall be filled.

Section 5.04: Rules of Court and Evidence

Nothing herein contained shall confer upon the County Board of Commissioners the power to make rules of court, or rules of evidence, or otherwise affect the rules of civil or criminal procedure of the courts of Claiborne County. The power to make and affect rules of court, rules of evidence and rules of procedure shall be expressly reserved to the respective courts of Claiborne County, and/or to the Supreme Court of the State of Tennessee, and the Tennessee General Assembly as applicable and as provided by law.

Section 5.05: Judicial Notice of Charter and Ordinances

A Code or other volume or volumes containing this Charter and the ordinances of Claiborne County published by authority of the County Board of Commissioners shall be prima facie evidence in all courts of the authenticity of such ordinances. All courts of Claiborne County shall take judicial notice of County ordinances.

ARTICLE VI

COUNTY CHARTER OFFICERS

Section 6.01: Replacement of Former Constitutional County Officers

In addition to the Legislative, Executive and Judicial branches created herein, the officers listed in this article shall be officers of the County who shall be known as the “County Charter Officers” and are hereby created and established to perform the duties and functions of the former constitutional County officers that existed as part of the Claiborne County government prior to Claiborne County adopting this Home Rule Charter. This article shall become effective September 1, 2022.

Section 6.02: Qualifications

- A. The qualifications for the Claiborne County Sheriff, Claiborne County Trustee, Claiborne County Register of Deeds, Claiborne County Clerk, Claiborne County Assessor of Property and Claiborne County Road Superintendent shall be the same as those required of the former constitutional County Sheriff, County Trustee, County Register of Deeds, County Clerk, County Assessor of Property and Commissioner of Roads respectively, by state law as of the date this section becomes effective.

- B. The Claiborne County Sheriff shall also be qualified as a Certified Corrections Executive by the American Corrections Association within one (1) year from the date the Claiborne County Sheriff takes office, or, in the alternative, have at least three (3) years of experience as a chief executive officer of a jail or prison. If the Claiborne County Sheriff fails to become certified in accordance with this section, the compensation of the Claiborne County Sheriff shall be reduced in accordance with the compensation section herein. T.C.A. 8-8-102, 38-8-106, 8-18-101.

- C. The Claiborne County Superintendent of Roads shall be qualified according to state law in T.C.A. 54-7-104. The County Superintendent of Roads must have:
 - 1. A High School education or general equivalency diploma (GED).
 - 2. At least one of the following:
 - (a) Be a graduate of an accredited school of engineering, with at least two (2) years of experience in highway construction or maintenance;

- (b) Be licensed to practice engineering in the State of Tennessee; or
- (c) Have had at least four (4) years of experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to (a) or (b), as evidenced by affidavits filed with the Tennessee Highway Officials Certification Board. T.C.A. 54-7-104

D. A Certificate of Qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline set by the County Election Commission.

Section 6.03: Election; Term

- A. The County Charter officers shall be elected by County wide vote, to four (4) year terms, each and every four years by the qualified voters of Claiborne County in accordance with the Tennessee Constitution, the general laws of the State of Tennessee and this Charter, commencing with the August 2022 election.
- B. The County Charter Officers shall not be subject to term limitations except as provided elsewhere within this Charter.

Section 6.04: Vacancy

Upon election to a County Charter Office, the elected officer shall designate one department employee to serve as their Chief Deputy. If for any reason the County Charter Officer vacates the office prior to the end of their term, the Chief Deputy, as previously designated, shall serve as the head of that office, until the Board of County Commissioners elects an interim County Charter Officer. The interim County Charter Officer shall serve until a successor is elected and qualified in accordance with the Tennessee Constitution, the general laws of the state of Tennessee, and this Charter. T.C.A. 8-48-101, 8-19-117

Section 6.05: Removal; Recall

- A. The County Charter Officers shall be removed from office in accordance with the state law provisions providing for the removal of public officials. T.C.A. 45-1-114
- B. The County Charter officers shall be recalled in accordance with the provisions of Article II, Section 2.14 (b) herein.

Section 6.06: Claiborne County Sheriff – Duties, Functions and Obligations; Rights, Power and Authority, Term of Office

- A. Unless specifically provided for herein to the contrary, the duties of the former Constitutional Sheriff are vested in and shall be exercised by the Claiborne County Sheriff, who shall be the chief law enforcement officer of Claiborne County. The general duties of the Claiborne County Sheriff shall include, but are not be limited to, maintaining the jails of the County, providing courthouse and courtroom security, patrolling and providing civil and criminal warrants, executing service process, as well as those duties traditionally performed by the former constitutional Sheriff in accordance with common law and assigned to the former constitutional office of Sheriff by state law. The duties of the Claiborne County Sheriff shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee and this Charter.

- B. The Claiborne County Sheriff shall carry out all duties, functions and obligations, and have all rights, power and authority granted to the office of the former Constitutional Sheriff under state law, unless specifically excluded by this Charter. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County, which affect the former constitutional office of Sheriff and which are in effect on September 1, 2022, to the extent and not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Sheriff until repealed or amended. T.C.A. 8-8-102 (a), T.C.A. 38-8-106, T.C.A. 8-18-10, T.C.A. 8-8-201, 5-7-108.

- C. The regular term for the Claiborne County Sheriff shall be four (4) years. No person shall be eligible to be elected to or hold the office of Claiborne County Sheriff for more than two consecutive four (4) year terms. Provided, however, that if an individual is appointed to fill an unexpired term of a County Sheriff, this term shall not be counted as part of the two (2) consecutive elected terms.

Section 6.07: Claiborne County Trustee – Duties, Functions, and Obligations; Rights, Power and Authority

- A. Unless specifically provided for herein to the contrary, the duties of the former Constitutional Trustee are vested in and shall be exercised by the Claiborne County Trustee and shall be governed by the Tennessee Constitution, the general laws of the state of Tennessee and this Charter. The general duties of the

Claiborne County Trustee shall include, but not be limited to, the responsibility of collecting property taxes, the collection and disbursement of County funds, the management of the County's cash flow, and the investment of County funds.

T.C.A. 8-11-101

- B. The Claiborne County Trustee shall carry out all duties, functions, and obligations of, and have all the rights, power and authority granted to, the office of the former Constitutional Trustee under state law, unless specifically excluded by this Charter of. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County which affect the former Constitutional office of Trustee, and which are in effect on September 1, 2022, to the extent they are not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Trustee until repealed or amended.

Section 6.08: Claiborne County Register of Deeds - Duties, Functions and Obligations; Rights, Power and Authority

- A. Unless specifically provided for herein to the contrary, the duties of the former Constitutional Register of Deeds are vested in and shall be exercised by the Claiborne County Register of Deeds and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee and this Charter. The general duties of the Claiborne County Register of Deeds shall include, but not be limited to, the responsibility for filing and recordation of documents that affect the legal status of real or personal property. T.C.A. 8-13-106, 8-13-107, 8-13-108, 66-24-101
- B. The Claiborne County Register of Deeds shall carry out all duties, functions, and obligations of, and have all the rights, power and authority granted to, the office of the former Constitutional Registrar under state law, unless specifically excluded by this Charter. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County which affect the former Constitutional office of Register of Deeds, and which are in effect on September 1, 2022, to the extent they are not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Register of Deeds until repealed or amended.

Section 6.09: Claiborne County Clerk Duties, Functions and Obligations; Rights, Power and Authority

- A. Unless specifically provided for herein to the contrary, the duties of the former Constitutional County Clerk are vested in and shall be exercised by the Claiborne County Clerk and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee and this Charter. The general duties of the Claiborne County Clerk shall include, but not be limited to, the responsibility for the collection of business taxes and wheel taxes, motor vehicle registration and licensing, issuance of marriage licenses, and keeping records of the County's notaries public. T.C.A. 18-6-101

- B. The Claiborne County Clerk shall carry out all duties, functions, and obligations of, and have all the rights, power and authority granted to, the office of the former constitutional County Clerk under state law, unless specifically excluded by this Charter. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County which affect the former Constitutional office of County Clerk, and which are in effect on September 1, 2022, to the extent they are not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Clerk until repealed or amended.

Section 6.10: Claiborne County Property Assessor Duties, Functions and Obligations; Rights, Power and Authority

- A. Unless specifically provided for herein to the contrary, the duties of the former Constitutional Assessor are vested in and shall be exercised by the Claiborne County Property Assessor and shall be governed by the Tennessee Constitution, the general laws of the state of Tennessee and this Charter. The general duties of the Claiborne County Property Assessor shall include, but not be limited to, the responsibility of appraisal, classification and assessment of all property within the County, whether real, personal or mixed, except for property valued by the State of Tennessee. T.C.A. 67-1-506

- B. The Claiborne County Property Assessor shall carry out all duties, functions, and obligations of, and have all the rights, power and authority granted to, the office of the former Constitutional Assessor under state law, unless specifically excluded by this Charter. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County which affect the former Constitutional office of County Assessor, and which are in effect on September 1, 2022, to the extent they are not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Property Assessor until repealed or amended.

Section 6.11: Superintendent of Roads Duties, Functions and Obligations; Rights, Power and Authority

- A. Unless specifically provided for herein to the contrary, the duties of the former Highway Commissioner are vested in and shall be exercised by the Claiborne County Superintendent of Roads and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee and this Charter. The general duties of the Claiborne County Superintendent of Roads shall include, but not be limited to, the location, relocation, construction, reconstruction, repair and maintenance of the Claiborne County Road System as well as other administrative tasks, that are conferred by law, plus any other authority granted by this Charter, that does not conflict with general law. T.C.A. 54-7-109.
- B. The Claiborne County Superintendent of Roads shall carry out all duties, functions, and obligations of, and have all the rights, power and authority granted to, the office of the former Highway Commissioner under state law, unless specifically excluded by the Charter. All Private Acts of the General Assembly of the State of Tennessee and ordinances of Claiborne County which affect the former office of Highway Commissioner, and which are in effect on September 1, 2022, to the extent they are not inconsistent with this Charter, shall remain in effect and applicable to the Claiborne County Superintendent of Roads until repealed or amended.

Section 6.12: Compensation

- A. The compensation of the Claiborne County Trustee, Claiborne County Register of Deeds, Claiborne County Clerk, Claiborne County Assessor, Claiborne County Sheriff and the Superintendent of Roads shall be based on the current County Official Pay Schedule established by the County Technical Assistance Service (CTAS) of the State of Tennessee. The salaries shall be set at the minimum level required for each office, based on the 2020 U.S. Census data for Claiborne County, beginning September 1, 2022.
- B. Notwithstanding any provision to the contrary within, if the Claiborne County Sheriff fails to meet the qualifications set forth herein, the compensation shall be reduced in the same manner and by the same amount as that prescribed by state

law for the reduction of salary of the former constitutional Sheriff for failure to hold a current and valid peace officer certification.

- C. Effective September 1, 2022, the compensation of all County Charter Officers shall be based upon Tennessee Code Annotated, Section 8-24-102, as may be amended by the Tennessee State General Assembly and shall be adjusted annually based on the statutory requirements. No salary may be set lower than the amount called for by Tennessee Code Annotated, Section 8-24-102.

Section 6.13: Personnel Salary and Positions-Generally

- A. The County Charter Officers shall have the authority to file salary petitions in accordance with state law or any other authority to challenge the funding of the personnel budget as approved in the County budget by the Board of County Commissioners. These petitions will be adjudicated in criminal court in accordance with Tennessee State law.

ARTICLE VII

EDUCATION

SECTION 7.01: School Board Structure

1. There is hereby created the Claiborne County Board of Education (hereinafter referred to as the School Board). The people of Claiborne County will elect a School Board comprised of one (1) member from each of the nine (9) County electoral districts. The School Board and County Commissioner Districts will be identical.

2. At the County general election of 2022, a person shall be elected from Districts 2, 3, 5, 6 and 8 for a term of four (4) years. At the County general election in 2024, persons elected in school Districts 1, 4, 7, and 9 will be elected to serve regular four (4) year terms. The terms are to be staggered, so that the board is not comprised of all new members every 4 years.

3. The County Board of Commissioners may, from time to time alter the boundaries of Districts so long as all Districts comply with constitutional requirements. On or before December 31, 2021, and every ten (10) years thereafter, it shall be the duty of the Board of County Commissioners, based upon the most recent Federal decennial census, to reapportion districts so as to comply with constitutional requirements.

SECTION 7.02: Qualifications, Terms

Members of the School Board shall be elected to four (4) year terms. At this time, in accordance with state law, there are no limits placed upon the number of terms a School Board member may serve.

- A) For term limits to apply to School Board members, the Education Improvement Act of 1991 would have to be amended. In 2007, the state Supreme Court of Tennessee decided in *Jordan vs. Knox County*, ruled that term limits do not apply to judicial officers and school board members. If at some future time the option is provided by the state of Tennessee to allow counties to enact term limits on members of the School Board, a Charter Amendment will be placed on the ballot at the earliest general election providing the voters of Claiborne County with a referendum on this alternative.

B) No individual shall be eligible to serve on the School Board unless he/she has met all the requirements set forth by Tennessee law and this Charter. The threshold requirements a person must meet in order to run for an elected position in Tennessee, as provided in TCA 8-18-101; TCA 49-2-202.

1. A citizen of Tennessee;
2. At least eighteen 18 years of age;
3. A resident of the school district;
4. A high school graduate or G.E.D;
5. A registered voter in the County
6. Not fall within TCA 8-18-101(1)-(5), which are those unable to run for public office.

C) Candidates must also meet these additional requirements to be elected to the local School Board:

1. Shall reside within Claiborne County for at least one (1) year prior to such person's election, provided, however, that the district residency requirement shall not apply in the first year after redistricting for the general election at which a seat on the School Board appears on the ballot. A member of the School Board shall remain a resident of the School Board district which such member represents during his/her term of office and be a qualified voter of the district represented. TCA 49-2-201
2. Shall file with the County election Commission proof of graduation from high school or receipt of a GED, evidence by a diploma or other documentation satisfactory to the Election Commission; TCA 49-2-202

3. No member of the Board of County Commissioners nor any other County official shall be eligible for election as a member of the County School Board. TCA 49-2-202
4. No member of any local School Board shall be eligible for election as a teacher or any other position under the board carrying with it any salary or compensation. TCA 49-203
5. No school board member shall be eligible to hold any other compensated government position, whether local, County, state or federal, so long as they hold the office of School Board member. If a School Board member assumes another compensated government position, whether by election or appointment, said member shall vacate the seat on the School Board within thirty (30) days and the vacancy in the School Board shall be filled by the County Commission. However, anyone who currently holds another compensated government position may run for School Board so long as, if elected, that person resigns the existing government position within thirty (30) days of election to the School Board.

SECTION 7.03: School Board Compensation

Each member of the School Board shall receive a salary and be compensated in the same manner and amount as members of the Board of County Commissioners.

- a) The annual salary of each school board member shall be a sum equal to five percent (5%) of the minimum annual salary listed for the County Mayor on the County Technical Assistance Service (CTAS) schedule for the fiscal year in which the School Board member is elected. School Board member compensation shall be adjusted annually per state recommendations and reset upon each election cycle. The salary shall be paid in equal monthly installments during the fiscal year.
- b) Any School Board member may refuse his/her salary and return the money to the County treasury.
- c) School Board members will be reimbursed for travel expenses that relate to necessary training meetings or other meetings concerning school

board business that requires overnight travel. Reimbursement amounts will be based on current state per diem schedule and shall be inclusive of all daily expenses. To qualify for per diem reimbursement, the travel must be preapproved by the Chairperson of the School Board and the Director of Schools.

SECTION 7.04: School Board Duties and Powers

1. Management and control of the Claiborne County School system shall be vested in the Claiborne County School board, subject to the approval of all budgetary matters by the County Board of Commissioners.
2. The School Board shall have all duties, powers and authority necessary or reasonably implied to manage and establish policy for the Claiborne County School system as provided by the Tennessee Constitution, Tennessee State law, or this Charter. The duties of the local school board are found in TCA 49-2-203. These duties include the following all, included in TCA 49-2-203,
 - a) Except as otherwise provided in Title 49 of the Tennessee Code, dismiss teachers, principals, supervisors and employees upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense; an affirmative super majority vote of two thirds (2/3) of the School Board's membership with no abstentions is required to fire employees.
 - b) Develop and implement an evaluation plan for all certified employees in accordance with the guidelines and criteria of the State Board of Education.
 - c) Each School Board shall adopt a written policy regarding the method of accepting and reviewing applications and interviewing candidates for the position of Director of Schools;
 - d) No School Board shall extend the contract of a Director of Schools without giving notice of intent to do so at least fifteen (15) calendar days prior to the scheduled meeting at which action will be taken, giving notice as required in T.C.A.49-2-202(c)(1), and including the proposed action as a

specific, clearly stated item on the agenda for the meeting. Such item, for the convenience of the public attending the meeting, shall be the first item on the agenda;

3. The School Board shall hold regular monthly meetings. The Chairperson may call a special meeting when, in his/her judgments, the interest of the public schools requires it, or when requested to do so in writing by four (4) members of the School Board.
4. Any citizen of Claiborne County shall have the right to address the School Board as set forth below:
 - a. At the beginning and ending of any meeting, any citizen may address the Board for no more than three (3) minutes to address concerns, though if concerning personnel, no names shall be used. Personnel concerns must be brought directly to the Director of Schools.
 - b. Before the School Board can proceed to vote on a matter, the Chairperson of the School Board shall ask the audience for any questions or comments regarding the matter at hand. These questions or comments must be pertinent to the item being discussed by the School Board and will be limited to no more than one (1) minute unless more time is allotted at the discretion of any School Board member.
5. Seven (7) members of the Board being present shall constitute a quorum. Committees shall have at least three (3) members present. All meetings shall be held in compliance with the provisions of the Tennessee Open Meetings Act (TCA 8-44-101, et.), and this Charter.
6. The School Board may, by resolution, adopt its own rules of order and procedure for the conducting of its meetings, not to be in conflict with this Charter. The adopted rules and procedures shall be posted on the County Government website and the County School Board website. Any motion to change or suspend any of the rules during a School Board meeting must be explained to the public before the rule change can be put to a vote. The School Board member wishing to suspend the rule(s) must state the specific rule(s) to be changed or suspended and why he wishes to suspend, or change said rule(s). The rule(s) to be changed or suspended

must be cited verbatim, and the rule(s) shall be changed or suspended only up a majority vote of the full School Board.

7. The School Board, at its first meeting on or after September 1st, and annually thereafter, and shall elect from its membership a Chairperson, Vice Chairperson, and other such officers as the Board deems necessary. Each of these positions will be held for a one (1) year term. The Chairman of the School Board shall be the presiding officer of the Board and appoint all committees of the Board. In all proceedings of the School Board to elect officers and the hiring of the Director of Schools, the following procedure shall be followed:
 - a. Nominations may be made only by School Board members.
 - b. Each member may vote in favor of only one (1) nominee.
 - c. Election of a nominee shall require a majority vote of six (6) of the full membership of the School Board.
 - d. The following minimum qualifications for the Director of Schools; five (5) years of classroom experience, five (5) years in an administrative position as either principal or assistant principal, either an Educational Administration Master's Degree or Educational Leadership Ed. D, is preferred.
 - e. The contract offered will be a two (2) year contract with a two (2) year renewal. The renewal of the contract will be determined by the school board evaluation of the plans and goals of Director of Schools when they were hired and how well the goals were met.
8. The Director of Schools, The Chairperson of the School Board, and Vice-Chairperson of the School Board shall constitute the Executive Committee of the Board and shall meet as often as necessary to ensure attainment of the Board's lawful objectives. All actions of the Executive Committee shall be submitted to the School Board at its meetings and shall be subject to ratification, modification, or rejection by the Board.
9. The hiring and firing of the Director of Schools require an affirmative super majority vote of two-thirds (2/3) of the School Board membership, with no abstentions, unless there is a clear and stated conflict of interest of a School Board member.

10. The School Board shall operate on a balanced budget financial plan for each current year. A five (5) year capital improvement plan must be maintained and updated each fiscal year during the budgeting process.
11. All members of the School Board shall give bond in an amount and under terms as provided by this Charter or Tennessee law.
12. School Board members are bound by Section 8.00 herein, Board members are required to disclose personal interests in matters that affect, the exercise of discretion of an official or employee. The required disclosure should be detailed and must be disclosed publicly.

SECTION 7.05: Director of Schools

1. The Director of Schools shall be the chief administrative officer and executive official of the Claiborne County School System, responsible for exercising all executive and administrative functions of the School Board.
2. The Director of Schools shall satisfy the requirements of Tennessee law and this Charter. T.C.A. 49-2-301 pertains to Director of Schools.
3. The Director of Schools shall be a resident of Claiborne County and shall remain a resident of Claiborne County during the term of office. To the degree possible, the Director of Schools should be a job that is filled from the pool of local educators.
4. The School Board shall appoint, during their October meeting, a Director of Schools who shall be a full-time employee of Claiborne County charged with performing the daily duties of the School Board. Such appointment shall be reviewed during each October meeting, and a reappointment, or new appointment, shall be made. There will be an annual performance review of the Director of Schools, which will be done in accordance with T.C.A. 49-2-203.
5. The salary of the Director of Schools shall be recommended by the School Board in accordance with the Tennessee Department of Education State Mandated Minimum Salary Schedule for Superintendents/Directors. This states that the Director of Schools total compensation;
 - a) is defined as all compensation paid by the School Board regardless of source or purpose.

- b) Must be equal to or greater than the amount determined by the State Mandated Minimum Salaries.
 - c) Systems with salaries above the State Mandated Minimum Salaries are not required to raise salaries. Any increase in salary must be approved by the Claiborne County Board of Commissioners.
6. Within ten (10) days of assuming the office of Director of Schools, the Director shall submit the name of one (1) person to be nominated, as Assistant Director of Schools, to the School Board. This nominee shall be confirmed by resolution with an affirmative vote of the School Board. The person nominated must meet all of the requirements and standards set forth by this Charter.
 7. If a vacancy occurs in the office of Director of Schools by death, resignation, removal, disability, or otherwise, the Assistant Director of Schools shall serve as Interim Director of Schools until a new Director of Schools is appointed by the School Board.
 8. The Interim Director of Schools shall serve until a Director of Schools is appointed by the School Board.
 9. In section (a)14 of T.C.A. 49-2-203 it states, "Notwithstanding any other public or private act to the contrary, it is the duty of the school board to employ a director of schools under a written contract of up to four (4) years' duration which may be renewed. No school board, however, may either terminate, without cause, or enter into a contract with any director of schools during a period extending from forty-five (45) days prior to the general school board election until thirty (30) days following the election. Any vacancy in the office of the director that occurs within this period shall be filled on a temporary basis, not extending beyond sixty (60) days following the general school board election. An option to renew a contract that exists on May 22, may be exercised within the time period set out in this subdivision (a)(14)(A). Any such person transferred during the term of the person's contract shall not have the person's salary diminished for the remainder of the contract period. The board may dismiss the director for cause. The school board is the sole authority in appointing a director of schools;"
 10. The Education Improvement Act of 1991, "Authorizes school boards to hire a director of schools under a written contract for up to four years. The director would replace the elected superintendent." After September 1, 1996, "All school directors

and superintendents must be appointed by the school board.” The citation for this is Chapter no. 535 (SB 1231/HB 752) Education Improvement Act of 1992. This act makes numerous amendments to T.C.A. Title 49. The Charter Commission is of the opinion that the Director of Schools should be an elected position. If the Education Act should be amended and/or the referenced Supreme Court ruling is overturned or reversed, or any act by the by the Tennessee General Assembly allows the County a choice, a referendum allowing for the election of the Director of Schools shall be held at the earliest general election.

SECTION 7.06: Claiborne County School Board Employees

1. The handling of employment in Claiborne County Schools shall meet the requirements of Tennessee law.
2. Claiborne County adopts the Tennessee teacher tenure statutes. All employees of the Claiborne County School System not covered by the teacher tenure statutes or separate contract shall be considered employees at will.

Article VIII

ETHICS

Section 8.01: General

The ability of government to function depends upon the continuing consent of the governed, which in turn depends upon the trust the electorate holds for its government. The Charter Commission recognizes this need to maintain the public trust and confidence in the workings of County Government.

A Code of Ethics alone does not instill public trust, nor can it bring ethical behavior by our public servants. These goals are attained only through visible evidence of the manner in which the County's officials and employees apply the principles herein to the actual execution of the County's business. Public servants are stewards of public resources and, as such, are held to a higher standard than that of private citizens. The adherence to this Code of Ethics by those members of government satisfies the written law. However, it is the hope that public servants, in conducting business, rise to levels that fulfill the higher law of treating others as we would want to be treated. All Claiborne County public servants are encouraged to continuously conduct themselves in a manner that takes them beyond all reproach.

Section 8.02: Definitions

1. "County" includes all boards, committees, commissions, departments, and other instrumentalities created by the County.
2. "Officials and employees" are to be interpreted in the broadest sense. This term includes elected and appointed County officials, County employees, committee members, and members and employees of County boards, agencies, commissions, authorities, and corporations regardless of whether they are paid.
3. "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.
4. "Political activity" means: (1) Soliciting support or funds for the re-election of a person occupying an elective office or a candidate for an elective office or for a political party or political group; and (2) advocating passage or defeat of any matter or issue on an election ballot.

Section 8.03: Disclosure of Personal Interest in Voting Matters

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 8.04: Disclosure of Personal Interest in Non-voting Matters

An official or employee who must exercise discretion relative to any matter other than causing a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest to the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 8.05: Acceptance of Gifts and Other Things of Value

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the County:

1. For the performance of an act, that they would be expected to refrain from performing or for refraining from the performance of an act that they would be expected to perform, in the regular course of their duties;
2. That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an elected official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with an event sponsored by an established or recognized statewide association of County governments officials or by an umbrella or affiliate organization of County government officials. Another exception to this policy is that County employees, including appointed and elected officials may reasonably accept items when they are offered and accepted in the spirit intended (i.e.: working luncheon to conduct business or recognition of a holiday season, etc.). The dollar value of these items should not reasonably exceed a value of twenty-five dollars (\$25.00).

Section 8.06: Conducting Political Activity on County Time

A non-elected County official or County employee shall not conduct political activity while on shift, working for, or during time that is to be devoted to County business.

An elected official also serving in a paid, non-elected position may not conduct political activity during time compensated for the non-elected position. However, an elected official also serving in a paid, non-elected position may conduct political activity during normal business hours if that person takes vacation days or reimburses the County for such compensated time.

No elected official, non-elected official or County employee may use County resources for political activities.

Section 8.07 Coercion of Employees

No Claiborne County official, department head, or employee shall, directly or indirectly, use or threaten to use, any official authority or any influence in any manner whatsoever which tends:

1. To coerce any person to participate in political activities, an election campaign, or fundraising effort; or
2. To discourage, restrain, deter, prevent, interfere with, or discriminate against any person who chooses to participate in political activities, an election campaign, or fundraising effort.

Section 8.08 Ethics Committee

A County Ethics Committee (the "Ethics Committee) consisting of nine (9) members shall be appointed to two a (2) year term. Each County Commissioner shall nominate one (1) individual who shall reside in that district, who is not a government or school employee, official or officer and who does not have a member of their immediate family who is a County government employee, official or officer. The nominee shall have been a legal resident of Claiborne County for at least one (1) year immediately preceding their nomination shall, be a registered voter, shall have an interest in promoting ethics in government, shall not have been convicted of a felony and shall not be an elected official or a member of any other County Board or Commission. The nominees shall be presented to the full County Board of Commissioners at its first meeting in October following the County general election, at which time the Board will elect the nine (9) individuals to serve on the Ethics Committee. If the County Board of Commissioners rejects any of the nominees, another vote shall be taken at the next Board meeting, according to the same procedures, until a nominee from each district is selected. The Ethics Committee may convene as soon as practical after their election and elect a chairperson, a vice chairperson and a secretary. A 2/3 super majority is required for any actions of the Ethics Committee. A quorum to conduct any committee business will be six (6) members present. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the County Clerk, where they shall be open to public inspection.

Section 8.09: Ethics Committee Compensation

Member of the Ethics Committee shall not be compensated for their service.

Section 8.10: Ethics Complaints

Question and complaints regarding violations of the Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint and shall set forth in reasonable detail the facts upon which the complaint is based.

The Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Ethics Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

1. Refer the matter to the County Attorney for a legal opinion or recommendations for action;
2. In the case of an official, refer the matter to the Board of County Commissioners for possible public censure if the Board finds such action warranted;
3. In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
4. In a case involving possible violation of state statutes, refer the matter to the District Attorney for possible ouster or criminal prosecution.

In interpreting and enforcing this Code of Ethics, the standard of "a reasonable person under the circumstances" shall be applied. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

Section 8.11: Applicable State Law

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of County officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by

state law (law of general application, public law of local application, local option law, or private act), the provision of that state law, to the extent they are more restrictive, shall control.

Following is a brief summary of selected state laws concerning ethics in County government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance – T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of interest – T.C.A. 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest - T.C.A. 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of interest - T.C.A. 5-1-125 applies in all counties and prohibits County officials and employees from purchasing surplus County property except where it is sold by public bid.

Conflict of interest T.C.A. 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the County legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of interest - T.C.A. 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all County officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the County.

Conflict of interest – T.C.A. 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all County officials and employees from having any financial or other personal beneficial interest in the purchases of any supplies, materials or equipment for the County.

Conflict of interest – T.C.A. 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of County legislative bodies.

Conflict of interest disclosure statements – T.C.A. 8-50-501 require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information and to keep these statements up to date.

Gifts – T.C.A. 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all County officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the County.

Gifts – T.C.A. 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the County.

Honoraria – T.C.A. 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Private use of public property – T.C.A. 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court sales – T.C.A. 39-16-405 prohibits judges, clerks of court, court officers, and employees of court from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court – Rule 10, (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee statutes – T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected County officials – T.C.A. 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing County legislative or administrative action.

Crimes involving public officials – T.C.A. 39-16-101 prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct – T.C.A. 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression – T.C.A. 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes – T.C.A. 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information – T.C.A. 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information that was obtained in an official capacity and is not available to the public.

Ouster law – T.C.A. 8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect of duty.

Purchasing – Financial Management Act of 1981: T.C.A. 5-21-105 provides County purchasing oversight.

Article IX

Financial Controls and Accountability

Section 9.01. Audits and Reporting

A. An annual audit of all Claiborne County revenues, accounts, and accounting and spending practices must be performed at the close of each fiscal year. Such audits shall be made by the Tennessee Comptroller General, a certified public accountant, or by a firm of certified public accountants designated by the Board of County Commissioners. No individual auditor or member of an auditing firm so designated shall have any personal financial interest, direct or indirect, in the fiscal affairs of the County or of any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audits. No individual certified public accountant or firm of certified public accountants shall be employed to perform the audits for more than seven (7) successive years. The audit shall be completed within six (6) months after the close of the fiscal year. The Board of County Commissioners may provide for special audits, as it deems necessary.

B. Annually, in regard to defeasance relationships Claiborne County may have with a third party (trust or fiduciary), an independent auditor must give an opinion as to the reasonableness of the trust to meet Claiborne County obligations within the trust.

C. Annually, during the budgeting process, in regard to all discretionary fund accounts in which tax dollars were placed, full and detailed accounting reports of all funds expended shall be made. All expenditures of such discretionary funds will be accounted for as to (1) where said funds were transferred, (2) to who/what said funds were issued, and (3) for what goods or services said funds were expended. Accountability reports for all discretionary funds shall be clearly posted on the Claiborne County Government web site in a prominent position in the final financial statement of the previous year's budget.

Section 9.02: Budget Plans and General Financial

A. The County and each department within the County Government shall operate on a financial plan based on a balance budget for the current year and two (2) fiscal years successive (3-year total operations and financial planning budgets).

Additionally, a five (5) year capital investment plan and budget must be maintained and updated each fiscal year during the budgeting process. No expenditure of funds shall be made or authorized in excess of the available unencumbered income.

- B. County budgets shall be determined by the projected County income of the existing departments, agencies, offices, and debt payments and shall include estimates of capital improvement projects pending or proposed to be undertaken:
 - 1. Within the ensuing fiscal year
 - 2. Within two (2) fiscal years immediately thereafter (must include risk assessment)
 - 3. With the five (5) year capital investment plan (must include risk assessment)
- C. All surplus funds in all budget line items shall be zeroed out in the first budget prepared under this Charter, including the School Board budget. The surplus funds from each department will be returned to departmental contingency funds, which shall be maintained by each department. Any other fund balances not required by existing County Commission resolution shall be canceled.
- D. A total budget contingency fund shall be maintained at five percent (5%) of the County budget.
- E. All tax rates shall be adopted by ordinance and are subject to any limitation(s) established in this Charter.
- F. Claiborne County adopts T.C.A. 67-5-705 (Property Tax Freeze Act). This allows for senior citizens who meet age, income, and living requirements—set by state law—to freeze their property taxes.
- G. Claiborne County adopts T.C.A.5-12-215 (Impoundment power to prevent deficit operation – Override – Applicability).

“If at any time the County Mayor determines that the revenues or other resources are, with respect to any fund, less than was anticipated in the adopted budget, or if unanticipated expenditures arise that will likely create a budget deficit, the County Mayor, upon certification to each member of the County legislative body, may impound such appropriation as may be necessary to prevent deficit operation. Such impoundment power may be overridden by a two-thirds (2/3) vote of the County legislative body, if the County legislative body makes such amendments at the same meeting to the budget as may be necessary to prevent deficit operation. Such necessary amendment requires a majority vote of the County legislative body. Notwithstanding this section, there shall be no impoundment of funds previously appropriated to the trustee, clerks of courts, register of deeds, County clerk, assessor of property, or sheriff.”

- H. No County owned real estate or natural resources can be transferred out of the direct control of the County Board of Commissioners or the County Mayor to an independent board or person without approval by voter referendum.
- I. Claiborne County is prohibited from imposing a County income tax.

Section 9.03: Reporting to the Executive Branch During Budgeting Process

1. The head of each County department as well as all elected County officials and clerks of courts shall furnish to the County Mayor in a form specified by the mayor:
 - A. Detailed estimates of the revenues and expenditures of their office for the ensuing fiscal year and the two (2) fiscal years immediately thereafter,
 - B. Detailed estimates of the costs of any capital improvements pending or proposed to be undertaken within the ensuing fiscal year and within the four (4) fiscal years immediately thereafter, and
 - C. Such other information, related to budgeting, as the County Mayor requests.
2. The County Mayor will then submit the information obtained to the County Board of Commissioners.

Section 9.04: Zero (0) Based Budgeting Process

1. Each fiscal year, the head of each County department, all elected County officials, Clerks of courts as well as any other entity requesting money from citizens of Claiborne County and all other County entities or organizations for which the County Government is ultimately responsible for their debts, in consultation with the County Mayor, shall prepare and submit a zero (0) based budget to the Board of County Commissioners for review. These Zero (0) Based Budgets:
 - a. Must be built from the bottom up each fiscal year, starting with a blank slate each fiscal year.
 - b. Must include a breakdown of the proposed zero (0) based budget proposal for the three (3) year operations and financial planning budget and five (5) year capital investment budget.

- c. Must note any increase from the previous year's operations and financial planning budget as well as any changes in the capital investment budget.
- d. Must note the total amount of real spending on operations and capital investment the department/office/organization/etc. spent the previous fiscal year. This figure should include the total amount approved throughout the year by the Board of Commissioners as well as the total amount of funds spent by department/office/organization/etc.
- e. Must be itemized to the lowest level of cost reported.
- f. Capital improvement budgets shall not be altered or varied between yearly budgets except with the approval of the Board of Commissioners by resolution.

Section 9.05: Budget Review Process

1. The County Mayor must receive proposed budgets from all offices, departments, County branches, and any entity or organization wishing to obtain funds from Claiborne County as well as all other County entities or organizations for which the County Government is ultimately responsible for their debts, no later than January 5 of each year.
2. The County Mayor is responsible for reconciling the proposed budgets of the individual offices, departments, schools, and other entities that receive funds from Claiborne County with the relevant revenue projections to create a proposed annual budget which does not exceed the fiscal year's revenue projection, while maintaining a minimum five percent (5%) contingency fund.
3. The County Mayor will present the proposed annual budget to the County Board of Commissioners no later than February 15th and begin accepting comments and input sixty (60) days prior to an initial vote on whether to adopt the budget.
4. The County Board of Commissioners must review and approve all operations and financial planning budgets as well as all capital investment budgets and debt management policies.

5. All County Commission meetings regarding budgets shall be open to the public and shall include time for citizen comments and questions.

Section 9.06: Administration of the Budget

The head of each County department, all elected County officials, Clerks of courts, and any others receiving money from the County, are responsible for managing their approved budgets as well as keeping their operations and capital expenditures within budget.

Section 9.07: Capital Improvement Plan and Budget

A. The Capital Improvement Plan and Budget (CIPB) is implemented to help the County Government better manage the County resources by reserving incremental amounts in current periods for future needs. Items to be included but not limited to, in the CIPB are building maintenance costs and planned new equipment or replacement equipment costs. These costs do not occur every budget year but will occur at some point in the future. The Claiborne County Government will reserve an amount each year in its CIPB equal to the total of the annual reserves of the items in the CIPB. CIPB items include:

1. Building maintenance costs that are beyond annual maintenance costs—such as new roofs, remodeling, HVAC replacements, etc.
2. New equipment, defined as equipment not being used by County Government in performance of current tasks but is identified for use in future plans.
3. Replacement equipment, defined as replacement of similar equipment being used by the County Government in performance of current tasks.

B. Equipment to be included in the CIPB will be those items with costs greater than two percent (2%) of each department's annual budget or where the equipment is assigned a value of twenty-five thousand dollars (\$25,000.00), whichever amount is less. The annual item reserve amount for each item in the CIPB will be the projected total cost of the item divided by the number of years before the item is planned to be purchased or replaced. If an item has been placed in the CIPB due to requirements or technology changes, a substitution may be made. The substitution's projected cost less the total amount of accumulated reserve divided by the total number of years before purchase equals the new annual reserve. In the event equipment in the CIPB is deemed no longer necessary, its accumulated reserves will be transferred to a CIPB contingency fund to be used to cover any short falls in future CIPB purchases. Annual budgeted funds in the CIPB will only be used for approved items in the CIPB and cannot be transferred to the County's annual operating budget.

Although the detailed CIPB is for five (5) years, items will be included that project out further in the future than five (5) years.

C. In implementing the CIPB, once this Charter has become effective, there will be a three (3) budget year transitional period before total implementation of the CIPB.

Section 9.08: Debt Management

- A. The County Government will annually report:
 - 1. Net debt calculation (total principal outstanding less most recent year respective debt fund balance)
 - 2. Calculations of percentage of total debt to assessed property value
 - 3. Calculation of debt to per capita income
 - 4. Calculation of net debt per capita
 - 5. Documentation of the most recent debt rating
- B. Any County owned asset that is used to secure any debt will not be used to secure new debt without the encumbered asset being unencumbered for a minimum of twelve (12) months.
- C. Claiborne County will not renew or re-issue any instruments of debt that will extend the date of maturity of any outstanding debt unless there is documented proof of savings or other major benefit to the County and does not increase the amount of the original debt.
- D. The Board of Commissioners must approve or dis-approve all contracts for financial services longer than one (1) year.
- E. Claiborne County will not backload, use "wrap around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other extended factors occur, the County may use non-level debt methods. However, the use of such methods must be thoroughly discussed in a public hearing and the County Board of Commissioners must determine that such use is justified and in the best financial interest of the County.

- F. Claiborne County will adopt a capital asset policy for assets' useful lives. No repayment schedule of debt will extend past the useful life of the asset for which the funds were issued. The County's most current, adopted, asset policy will be referenced for asset's useful lives. No refunded debt issue will extend beyond the useful life of the asset for which the original debt was issued.

- G. All leases will be reviewed by the County Attorney prior to execution of the lease in order to determine if the instrument is a capital or operating lease. If borrowing or using capital outlay notes, the County will solicit a minimum of three (3) rate and issuance cost quotes and select the lowest, best offer. The County will contact the state loan pool to solicit a quote from the pool, as well as local banks.

In the cases of refinancing:

- 1. An analysis report must be provided that fully explains the reasons for the refinancing and the net savings and the costs of the refinancing which will include not only interest charges but also the fees associated with the transaction.

- 2. Refinancing will never lead to extending the date of maturity of the original issue of debt unless such a change results in a major savings to the County.

Section 9.09: Debt Guidelines

Claiborne County will not incur total indebtedness for which the taxpayers are liable that exceeds any of the following guidelines for debt management:

- a) Debt per capita ratio will not exceed one thousand five hundred dollars (\$1,500.00). This ratio is used in evaluating the County's ability to pay off its debt by taking the total principal on all outstanding debt divided by the County's population from the latest U.S. Census Report.

- b) The overall net debt per capita will not exceed twelve percent (12%) of per capita income.

- c) Debt to assessed property value (excluding any government owned property) will not exceed ten percent (10%) of the total assessed property value of the County. This ratio examines the County's current indebtedness to the assessed property value. It shows the wealth available to support percent indebtedness, thus determining whether the County has the capacity to meet present and future obligations.

Section 9.10: Tax Raises and County Income

A. If a new tax increase is proposed, no other Claiborne County department or organization shall automatically be included in the proposed tax increase. Each increase in taxes must stand on its own merits and justifications.

- 1. No tax raise can be tied to an automatic increase in funding
- 2. No more than one (1) tax can be included in a proposal to raise taxes.

B. If a tax increase is for a capital item (buildings, bridges, sewers, etc.), the said tax increase must be for a stated period of time and must be removed from the tax rolls at the end of the stated period. Any residual amounts of taxes collected for the proposed capital item, after retirement of the debt, will be applied to the CIPB.

C. The County's detailed projected total income for each year (plus the next four (4) years—by year—projections) shall be based on the following:

- 1. Property taxes
- 2. State disbursement of taxes
- 3. State disbursement of school funding
- 4. Fees and other County or departmental income

D. Using state statistics, the Board of Commissioners must establish the growth in the County from the previous year and project this growth (or decline) for the next four (4) years.

Article X

Elections

Section 10.01: Method of Electing Officers

Elected offices shall be nominated and elected in the manner provided in the election laws of the State of Tennessee for the nomination and election of state and County offices, except as modified by this Charter. Title 2 Elections, Chapters 1-20, Tennessee Code Annotated.

Section 10.02: Special Election

Claiborne County shall follow all state laws listed in the Tennessee Code Annotated, concerning Special Elections with the following exceptions:

- A. Claiborne County will not institute special elections except to satisfy citizen referendum initiatives and recall petitions, either of which may be requested of the Election Commission at the discretion of the Board of Commissioners.

- B. The Board of Commissioners is hereby authorized to request the Election Commission to hold a special election for any purpose related to the duties or responsibilities of the Board of Commissioners.

- C. This section shall not prohibit special elections that are called by the State or Federal Government.

Section 10.03: Primary Election

- A. Claiborne County shall hold primary elections as required by state and federal law.

- B. A primary election may be requested to determine the candidates for any elected County, state, or federal government office. The cost of said primary shall be borne by the requestor.

- C. By referendum initiative, any citizen of Claiborne County or the Board of Commissioners, may request the County to hold a primary election. The requesting initiative must be ratified at least one (1) year prior to the next

general election to be affected. The cost of said primary will be borne by the requestor.

Section 10.04: Date of Primary Election

If a primary election is requested or required in years in which a Presidential Preference Primary is to be held in the state of Tennessee, the primary election will be held on the date selected by the Tennessee General Assembly for said Presidential Preference Primary. T.C.A. 2-13-205. Where so authorized by state law, the Board of Commissioners may, by an ordinance passed at least one (1) year before the proposed date, establish the date for the primary election which the Board determines to be the most convenient and economical for the citizens of Claiborne County. Otherwise, the primary election date will be held on the first Tuesday in May. T.C.A. 2-13-203.

Section 10.05: Qualifying Petitions

Any person deciding to submit his/her name to the voters in an election shall submit the qualifying petition in compliance with Tennessee state law, T.C.A. 2-5-101 and 2-5-102. The County Election Commission shall verify that the petition complies with all state, local, federal requirements, shall thereafter declare the person a candidate, and shall place his/her name on the ballot.

Section 10.06: Notice of Election and Other Provisions

- A. All Claiborne County registered voters shall have the right to cast write-in ballots, as provided by law. T.C.A. 2-7-117
- B. The Election Commission shall give public notice of the election and employ officials to hold the election as provided by law. T.C.A. 2-12-111, 2-5-211.
- C. If for any reason, such as natural disasters or other causes, scheduled elections are delayed, all incumbent County Government Officeholders whose terms are expiring will continue in their respective positions until such time as the elections may be rescheduled.

ARTICLE XI

Transition Provisions

Section 11.01: Repeal of Contrary Laws

This Charter shall, as far as the Constitution of the State of Tennessee permits, occupy the entire field of self-government for Claiborne County, Tennessee, and all laws relating to or affecting this County or its agencies, officials, employees, public acts of local application, ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective, are repealed to the extent that they are inconsistent with, or interfere with, the effective operation of this Charter or of any ordinances or resolutions adopted by the County Board of Commissioners under the provisions of this Charter.

Section 11.02: Referendum

This Charter shall be submitted to the qualified voters of Claiborne County, Tennessee, at an election which shall be held in the month of August of the year 2020. The election shall be conducted by the offices and officers charged with conducting elections in Claiborne County. The ballots used in the election shall have printed on them a brief summary of the proposed Charter as required by T.C.A 2-5-208. The ballots shall be prepared so as to provide a choice for voters as follows:

For a Charter Form of County Government _____

Against a Charter Form of County Government _____

Section 11.03: Effective Date

Upon ratification, this Charter shall become effective on September 01, 2020.

Section 11.04: Delivery of Documents

For any County Government department, office, agency or commission whose functions, powers or duties are assigned or transferred by this Charter or by future ordinance passed pursuant to this Charter, the head of said entity shall deliver up all of the reassigned or transferred property to the new entity so assigned or transferred.

Section 11.05: Resolutions and Regulations

To the extent they are not inconsistent with the provisions of this Charter, all resolutions, orders, regulations and directives of the former County Government shall remain in force and effect until altered, modified or repealed in accordance with this Charter.

Section 11.06: Pending Matters

To the extent they are not inconsistent with the provisions of this Charter, all matters pending before, or under consideration by, the current County Commission at the time this Charter takes effect, may be acted upon and disposed of as if they had originated and had been introduced under this Charter.

Section 11.07: Judicial, Legal and Other On-going Proceedings

- A. The following on-going proceedings shall in no way be affected by the adoption of this Charter:
- 1) All judicial proceedings of any kind or character,
 - 2) All condemnation proceedings for the taking or damaging of private property for public use,
 - 3) All proceedings to incur debt and issue bonds that have begun or are pending at the time this Charter is certified by the Election Commission,
 - 4) All contracts for the doing of any kind of public work that are not completed or performed at the time this Charter is certified by the Election Commission,
 - 5) All contracts or bids for the purchase or sale of property entered into prior to the time this Charter takes effect but not consummated at such time.
- B. For any proceeding, such as those mentioned above, which shall come before the County Government after the certification by the Election Commission of the adoption of this Charter, but prior to its implementation in September 01, 2022, any contract, bid, bond negotiation, insurance negotiation, or capital improvement project, shall be subject to re-negotiation or re-ratification if such does not comply with the provisions and intent of this Charter.

Section 11.08: Rights and Obligations

All rights of action, contracts, obligations, titles, fines, penalties, forfeitures and fees accrued to or in favor of County Government, or against County Government, before this Charter goes into effect, shall remain in existence and in full force and effect. All recognizances, contracts and obligations lawfully entered into or executed by or to the County, and the lien thereof, all taxes due or owing to County Government, and the lien thereof, and all writs, prosecutions, actions and causes of action shall continue and remain in effect.

Section 11.09: Elected and Appointed Officers

All officers elected or appointed for definite terms prior to the effective date of this Charter shall continue to hold office, unless lawfully removed, until their respective successors are duly elected or appointed and sworn.

- a) This Charter shall not have the effect of removing the incumbent from any County office or abridging the term of office, prior to the end of the term for which such public officer was elected.

Section 11.10: County Commissioner Districts

The districts from which the County Commissioners shall be elected in August 2022 shall be the same as the districts existing in 2020 unless the district boundaries have been altered due to reapportionment caused by the 2020 census. In such case, the newly created districts will stand.

Section 11.11: Salaries

- a) The act of adopting this Charter shall not be deemed to affect the salary or any compensation of any County official who was elected or appointed prior to the implementation of this Charter.
- b) Notwithstanding subsection (a) above, nothing in this Charter shall be deemed to prevent the subsequent raising or lowering of salaries or compensation by Charter Amendment or initiative by the public.

Section 11.12: Former Constitutional Officers

The duties of the former constitutional County officers as prescribed by the General Assembly of the State of Tennessee, shall not be diminished under this Charter; provided, however, that such officers may be given additional duties under this Charter.

Section 11.13: Depositories

The procedure for selecting depositories or custodial institutions for County Government Funds in force at the adoption of this Charter shall remain in effect until and unless changed by ordinance of the Board of Commissioners.

Section 11.14: Private Acts

All Private Acts of the General Assembly of Tennessee which affect County Government that are in effect on the effective date of this Charter shall, be deemed repealed, until such time they are submitted to the voters of the county in referendum for approval.

Section 11.15: Municipalities

Nothing in this Charter shall be construed as interfering with the rights of municipalities within the County to retain their powers and functions and to provide municipal services in accordance with law. Further, ordinances enacted by the County Board of Commissioners under this Charter shall not interfere with the local affairs of any municipality residing within the borders of Claiborne County.

Section 11.16: Transition Officer

The County Mayor is designated as the officer in charge of all phases of the transition period, subject only to the oversight and supervision of the County Board of Commissioners. The transition period shall begin on the date of the Election Commission's certification of the adoption of the Charter and shall extend thereafter until such time as the County Board of Commissioners certifies that the transition is complete or until the next general election is held in August of 2022.