

LET'S TALK CHARTER COUNTY GOVERNMENT WHY OR WHY NOT?

Quick Course TWO

By

Claiborne County Grampus

Amanda Hamilton



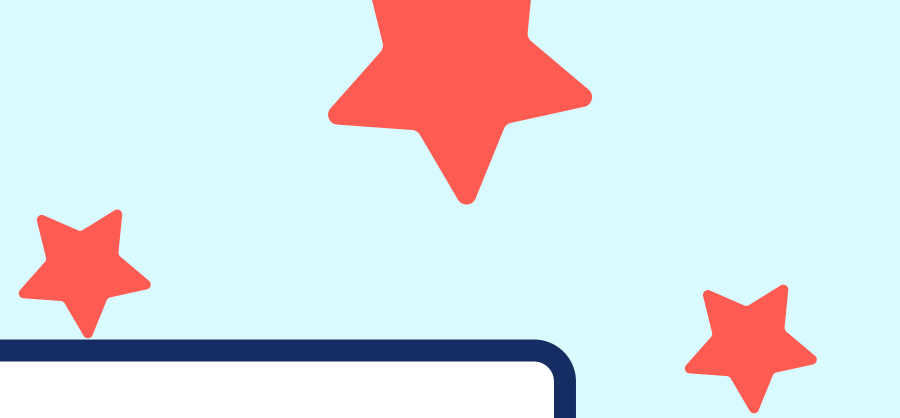
LET'S TALK CHARTER COUNTY GOVERNMENT

WHY OR WHY NOT?

1. What is a Charter?
2. What is Home Rule Structure?
3. Key features of a TN charter Gov
4. Key differences of TN Charter Gov
5. Why would a COUNTY want a charter?
6. Differences in Citizen Controls
7. Who would be against a County Charter & Why?
8. Overview on County Authority.
9. Summary of County Services.
10. County Officials
11. County Structure
- 12.

WHAT IS A CHARTER?

A Tennessee county charter government, authorized by the TN Constitution and state law, provides an alternative, "home rule" structure designed by citizens to alter traditional county governance. It allows counties to adopt ordinances, structure local departments, and sometimes implement term limits, distinct from standard state-mandated structures, usually approved via referendum.



WHAT IS A HOME RULE STRUCTURE?

Home rule is a governance structure where a municipality adopts its own charter to manage local affairs, rather than relying on general state laws. It allows cities to define their own government structure (e.g., strong mayor or city manager), pass local ordinances, and manage services like police and taxation, provided they do not conflict with state law.

What is a charter? **Key Features**

Key Features of TN Charter Governments

- **Legal Basis:** County charters are authorized by the Tennessee Code Annotated, Title 5, Chapter 1, Part 2.
- **Home Rule Authority:** These **counties** have **increased** discretion to change the **structure, form, and organization of their government**.
- **Ordinance Power:** Charter counties can adopt ordinances similar to municipal governments, relating to local affairs.
- **Structure:** Often includes a county commission and an elected executive (mayor) who holds appointment powers for department heads and limited veto power.
- **Term Limits:** The Tennessee Supreme Court has ruled that charter counties may legally implement term limits for officials.
- **Process:** Adoption involves forming a charter commission, drafting a document, and approving it via a public referendum. Tennessee County Technical Assistance Service +2

What is a charter? *Key Differences*

Differences from Traditional Government

- **Flexibility**: Traditional governments operate under strict state laws, while charters offer more tailoring to specific county needs.
- **Ordinances**: Charter counties have broader authority to pass local ordinances compared to non-charter counties.
- **Consolidation**: Some charter forms, such as metropolitan governments (city-county consolidation), go further by combining city and county services.

WHY WOULD A COUNTY WANT A CHARTER?

Citizens generally have **more control over their county** with **Charter Rule** (often called "home rule") than with Traditional (non-charter) systems. Charter rule grants voters the authority to structure their own local government, adopt ordinances, and often provides tools like initiative, referendum, and recall, whereas traditional counties must follow rigid, state-mandated laws

<https://www.naco.org/page/county-structure-authority-and-finance#:~:text=Home%20Rule%20applies%20to%20counties,of%20counties%20by%20state%20statute.>



WHY WOULD A COUNTY WANT A CHARTER?

Here is a breakdown of the differences in **citizen** control:

- **Charter Rule County:**

- **Voter Control:** Allows citizens to draft, vote on, and amend their own county charter, defining the organization and structure.
- **Direct Democracy:** Often includes citizen initiatives, referendums, and the ability to recall officials, offering direct control.
- **Local Flexibility:** Allows for tailoring government services and regulations to local needs rather than following generic state laws.

- **Traditional (Non-Charter) County:**

- **State Control:** Operates under "Dillon's Rule," meaning the county can only do what the state explicitly authorizes it to do.
- **Rigid Structure:** The structure is specified by state law, offering little to no freedom to alter the organization.
- **Limited Autonomy:** **Local voters have less, or no, ability to change how their county is governed.**

WHY WOULD A COUNTY WANT A CHARTER?

Who would be against a County Charter & Why?

Based on common trends in local governance, opposition typically comes from:

Constitutional Officers: In many states, elected officials like Sheriffs, County Clerks, and Trustees (Assessors) operate under state-defined duties. A charter can consolidate these roles or reduce their authority, leading to opposition from officials who prefer the protection of state law.

Existing Political Leadership: Local leaders comfortable with the current non-charter system may oppose a charter that creates a new form of government (e.g., creating a County Executive position or a new council structure).

State Legislators: A charter often gives counties more "home rule" power to manage local affairs, which can reduce the ability of state legislatures to pass local laws or control county functions.

Special Interest Groups/Industry Associations: Groups such as local farm bureaus may oppose charters if they feel the charter will be used to create stricter local regulations on business activities, such as land use or natural resource development.

Municipal Governments within the County: Cities within a county might fear that a strong county charter could lead to the consolidation of services or unfair tax burdens, particularly if the county begins providing services previously handled only by cities.

Fiscal Conservatives/Opponents of Government Growth: If a charter is perceived as creating more bureaucracy—such as new departments, inspectors general, or administrative codes—it may be opposed by those favoring smaller government.

[https://www.shelbycountyttn.gov/DocumentCenter/View/475/ShelbyCounty-Charter?bidId=#:~:text=Section%201.02.&text=With%20regard%20to%20private%20and,6%2D2%2D08\).](https://www.shelbycountyttn.gov/DocumentCenter/View/475/ShelbyCounty-Charter?bidId=#:~:text=Section%201.02.&text=With%20regard%20to%20private%20and,6%2D2%2D08).)

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A charter can reduce officials authority without public awareness and require public oversight / transparency.

Existing Political Leadership: Local leaders comfortable with the current non-charter system may oppose a charter that creates a new form of government (e.g., creating a County Executive position or a new council structure).

A charter requires critical thinking, revisions, formation of a charter commission and community input which some people will not like the leg-work or time / money constraints even if in best interest of future citizens.

State Legislators: A charter often gives counties more "home rule" power to manage local affairs, which can reduce the ability of state legislatures to pass local laws or control county functions

This is REAL....Having a Charter can stop a lot of the political agendas that are harmful to locals by controlling the county's land use. This can save the community from "hidden secretive acquisitions."

[https://www.shelbycountyttn.gov/DocumentCenter/View/475/ShelbyCounty-Charter?bidId=#:~:text=Section%201.02.&text=With%20regard%20to%20private%20and,6%2D2%2D08\).](https://www.shelbycountyttn.gov/DocumentCenter/View/475/ShelbyCounty-Charter?bidId=#:~:text=Section%201.02.&text=With%20regard%20to%20private%20and,6%2D2%2D08).)

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Agricultural Groups within County have voices heard or commissions formed in Charter development including preservation of farmlands as priority if the citizens desire this!

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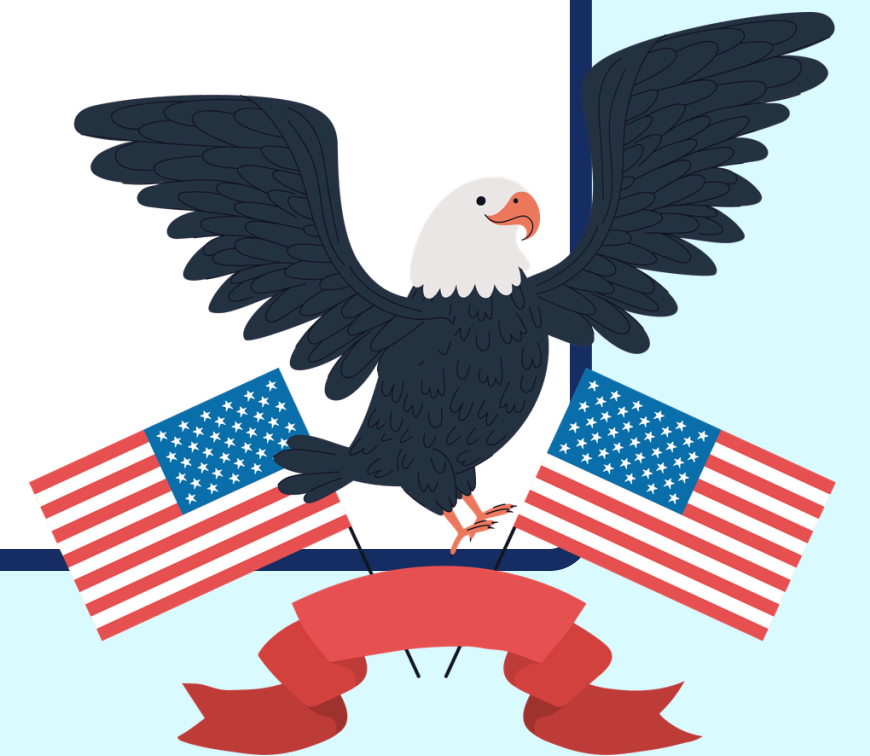
Towns should be involved in formation of Charter ; Charter needs to be formed with Claiborne County specifics

Fiscal Conservatives/Opponents of Government Growth: If a charter is perceived as creating more bureaucracy—such as new departments, inspectors general, or administrative codes—it may be opposed by those favoring smaller government

If the Charter is formed and not adopted from another County it can be customized to the Claiborne County Citizen. It involves more financial and time constraints but is tailored to the County Citizens desires not the politicians..... More citizen control over its County accountability.

**CHARTERS CAN ALLOW FOR REFORMS LIKE
INITIATIVE, REFERENDUM, AND RECALL, WHICH
SOME INCUMBENT OFFICIALS MAY FIND
THREATENING.**

*We cannot control what the state or federal
politicians pass into law but we can keep our
citizen voice in our community*



Overview on County Authority

Counties

95

Government Form

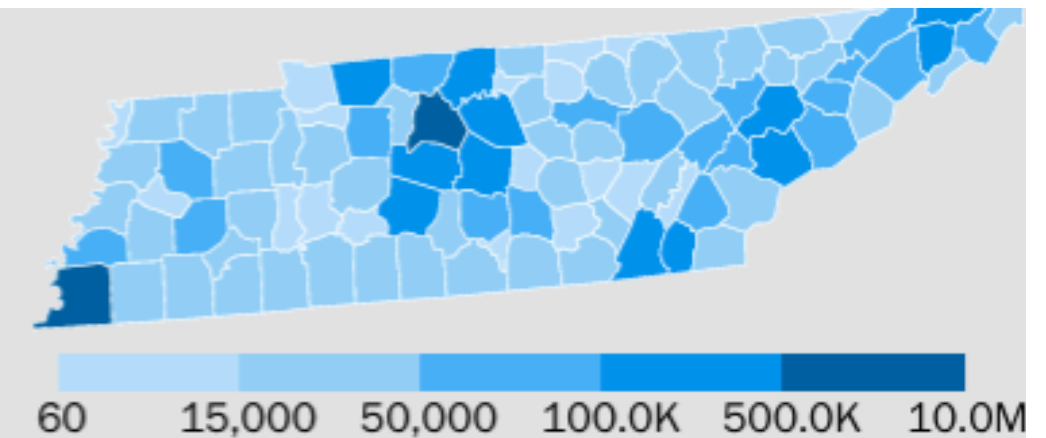
Reformed¹

Governing Body Size

9-25

Population (2020)

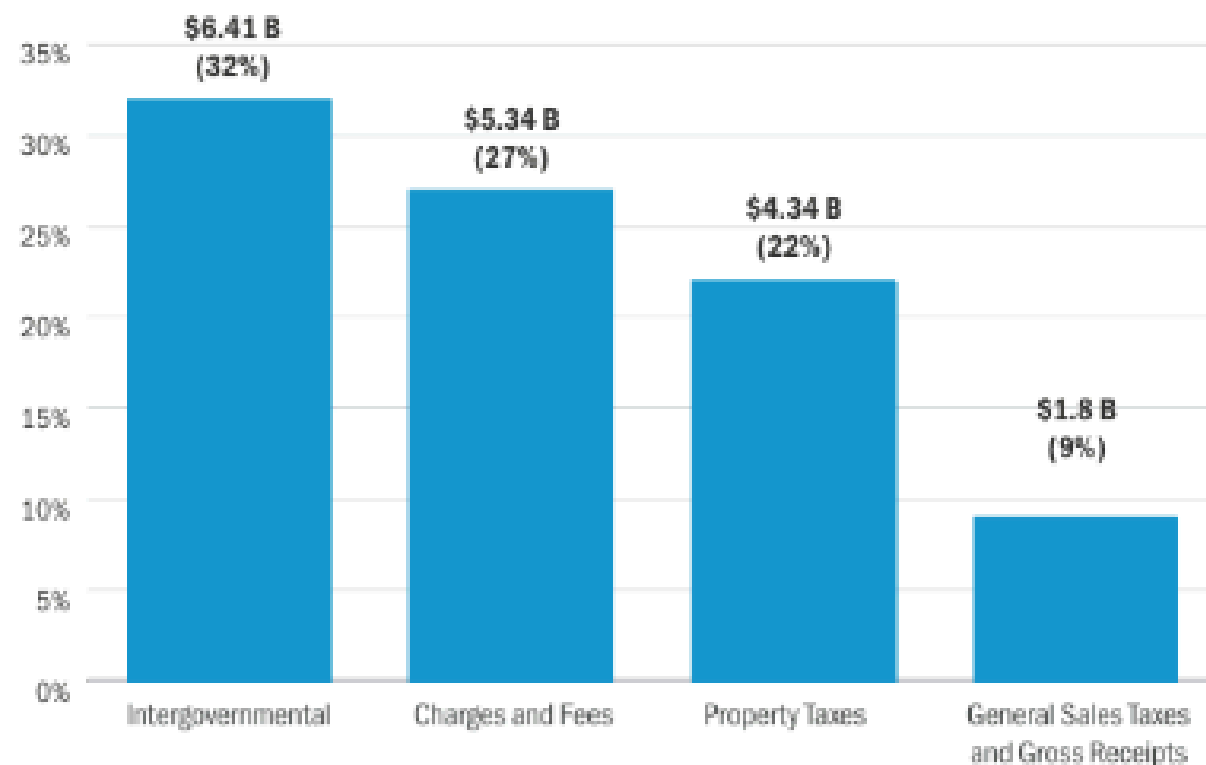
6.9 million²



County Authority

Optional Home Rule. Counties in the state of Tennessee are mostly governed under general law, but counties are permitted to adopt a home rule charter through a vote by qualified electors. Counties with home rule charters have the authority to determine their local affairs and government so long as it is not inconsistent with state law. Currently, only two Tennessee counties - Shelby and Knox counties - have adopted a home rule charter. In addition, Tennessee has three consolidated city-county governments.

TOP REVENUE SOURCES FOR TENNESSEE COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

¹“Government Form” refers to the distribution of executive decision making authority in a county. “Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority. “Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- County roads, bridges and highways.
- Develop county emergency management plan and program.
- Certain counties must provide environmental services such as air pollution control and storm water management.

Services counties **CAN** provide:

- Support people who have mental illness or developmental disabilities.
- Maintain urban-type facilities.
- Create transport and airport authorities.

Services counties **CANNOT** provide:

- Any services not explicitly authorized by the state.

County Officials

SUMMARY

Tennessee county governments can either be in the form of a board of 9-25 commissioners with a county mayor, a city-county consolidated government with executive officers as established by charter or a charter form of government. The county mayor or other chief executive has appointment power for department heads, boards and agencies, and is a non-voting ex officio member. The mayor has the power to veto legislation put forth by the board of commissioners unless they are selected to act as its chair, in which case the mayor may only cast a vote to decide an equally divided issue. In addition to the county officers that are in charge of day-to-day operations, counties commissioners are required by state law to appoint a county historian and they have the option to appoint a notary public as well. These positions are established by state legislation but are not compensated nor considered to be part of a county government.

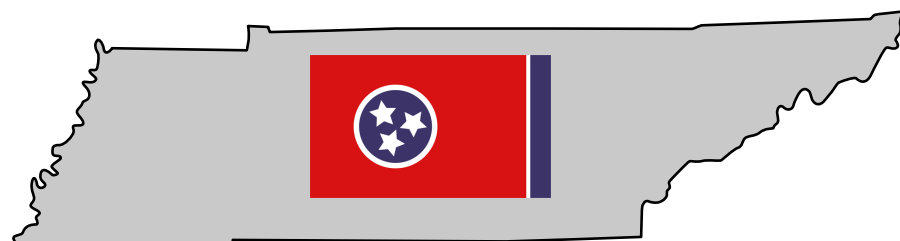
Row Officers	Elected/ Appointed	Mandatory/ Optional
Assessor of Property	Elected	Mandatory
Clerk and Master	Appointed	Mandatory
Clerks of Court	Elected	Mandatory
Constable	Elected	Optional
Coroner	Appointed	Optional
County Clerk	Elected	Mandatory
Register of Deeds	Elected	Mandatory
Sheriff	Elected	Mandatory
Surveyor	Appointed	Mandatory
Trustee	Elected	Mandatory



COUNTY STRUCTURE

Legislative Branch: A board of 9-25 commissioners acts as the legislative decision-making body for counties.

Executive Branch: All non-consolidated counties must have an elected county mayor or executive as the chief executive and financial officer.



Judicial Branch: The 95 counties of Tennessee are divided into 31 judicial districts. Some districts have established criminal courts and probate courts, but all districts contain circuit courts and chancery courts. Chancery courts have over, e.g., probate of wills and administration of estates, among others. Circuit courts also have criminal jurisdiction. Each county also has a general sessions court which has jurisdiction over civil matters up to a maximum of \$25,000 and misdemeanor criminal cases.

Optional Forms of Government:

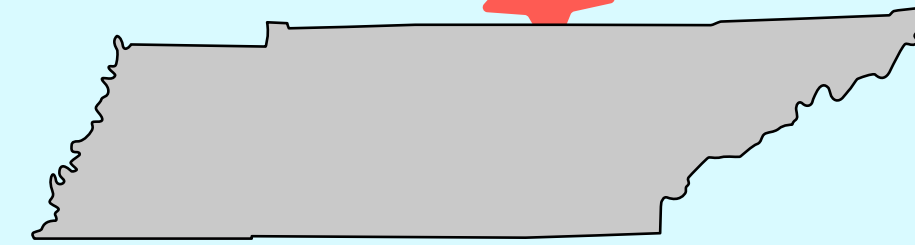
- County commissioners and a county mayor
- City-county consolidated government with or without a county mayor
- Charter



COUNTY AUTHORITY

Executive Power: Counties and municipalities share many executive powers. Counties may not, however, prohibit or impede any municipality in exercising any of their power or authority. Counties have the power to make local improvements, incur debt, buy property and more.

Ability to Form Partnerships: Cities and counties can form a city-county consolidated government. Counties may enter mutual aid agreements with other government entities for the provision of police and/or firefighting services. Counties may also enter interlocal agreements with other counties, municipalities or public agencies to exercise their powers jointly or cooperatively.



Call a State of Emergency: The mayor or executive of a county or metropolitan government may declare a local state of emergency by executive order.

Special Districts: There are around 450 special districts in Tennessee. The state creates most types of special districts, but counties may create regional airport authorities, housing authorities, port authorities and solid waste authorities. Counties in various regions of the state are also authorized by the state legislature to form railroad authorities which become operational when a certain number of counties join the authority.



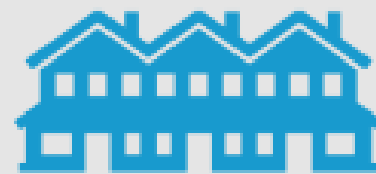


OVERVIEW OF COUNTY SERVICES

Court decisions in Tennessee have held that counties have no authority except that expressly given to them by state statute or necessarily implied from it. However, there have been many broad grants of authority that allow counties to provide a wide variety of public services including, but not limited to, K-12 education, maintenance on roads and bridges, law enforcement, the operation of jails and workhouses, land use planning and zoning and emergency management. They may also provide several services that are less common, including sober ride programs and veterans' services. Within the unincorporated territory of the county, counties have also been granted several regulatory powers which municipalities are generally able to exercise inside corporate limits.



**HEALTH AND HUMAN
SERVICES**



ZONING AND DEVELOPMENT



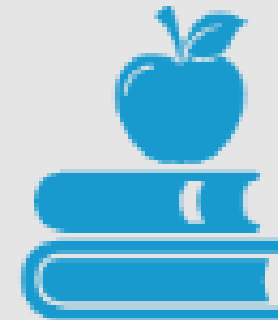
PUBLIC AMENITIES



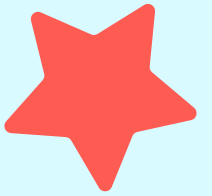
INFRASTRUCTURE



PUBLIC SAFETY



SCHOOLS



OVERVIEW OF COUNTY FINANCE STRUCTURE

Counties in Tennessee have fairly unfettered authority for the imposition of property taxes. In addition to property taxes, counties may impose a local option sales tax and a motor vehicle privilege tax. State legislation also specifically authorizes counties to receive gifts and donations to be either deposited in the county general fund or used for a specified project, depending on the donation. A county can impose a mineral severance tax but is not authorized by state law to impose taxes on income or on fuel.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Counties may levy an ad valorem tax on all real property within the county to be used for general purposes. There is not a state mandated limit on the rate for which counties may levy property taxes. Certain properties cannot be taxed by counties such as housing authority properties and educational institutions.

Personal Property: Personal property of commercial entities may be assessed for ad valorem taxes.

Income Tax: Counties cannot impose an income tax.

Sales Tax: Counties may levy a local option tax on eligible sales at a maximum rate of 2.75 percent on the first \$1,600 of the sale.

Mineral Tax: Counties may levy a mineral severance tax on certain materials severed from the ground within the county. The county may set a max rate of \$0.15 per ton. The tax is collected by the state department of revenue.

Gas/Fuel Taxes: Counties cannot impose gas or fuel taxes but there is a state tax which is shared with the county where the wellhead is located.

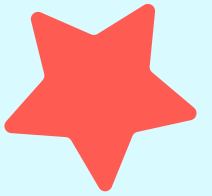
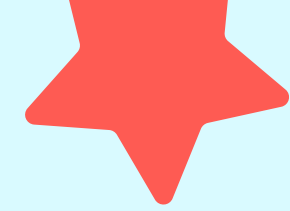
Debt and Debt Limit: Counties may authorize the issuance of fully registered bonds, without coupons, payable in installments corresponding to the maturities of such serial bonds. Loan agreements that counties enter cannot exceed a 40-year term. Counties may also apply for financial aid or loans from the state in the event of an emergency.


Other Finance Info:

- **Motor Vehicle Privilege Tax:** Counties may levy motor vehicle privilege tax as a condition precedent to the operation of a motor vehicle within the county. The revenue for this tax must be used for general county purposes. It must be approved by the county's governing body or by the voters.
- **Gifts and Donations:** Counties are authorized to accept and receive gifts and donations of money or property for conditional use or to be deposited into the general fund.

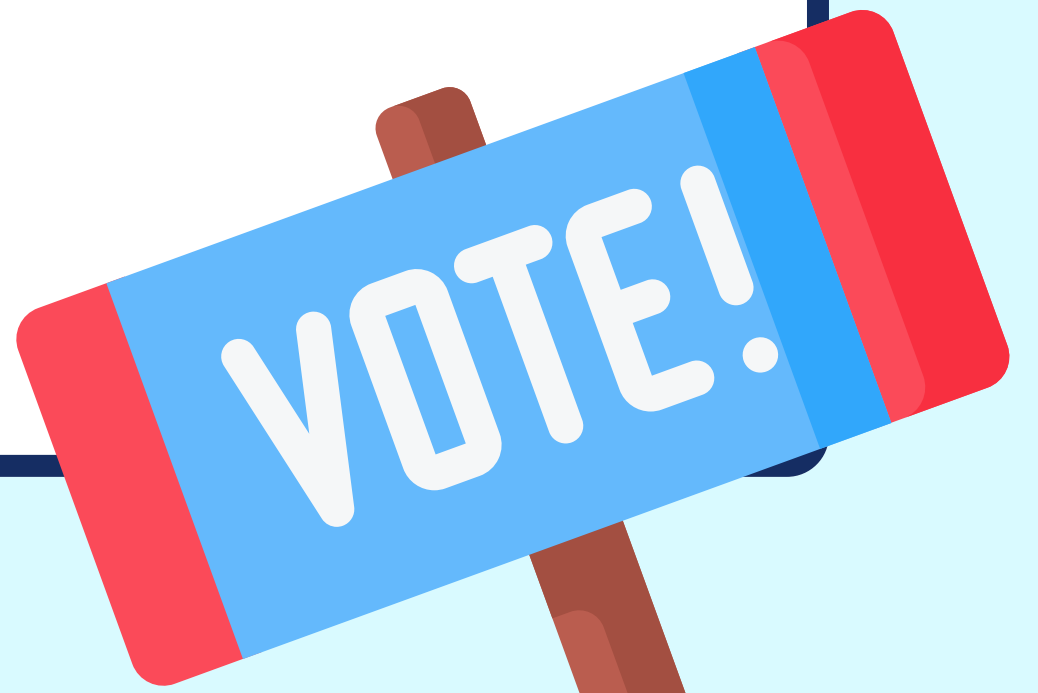
Key Measures for Citizen-Driven Reform:

- **Implement Radical Transparency:** **Mandate public access** to all government budgets, spending reports, and public records. Ensure procurement processes are open and fair, reducing the risk of fraud and allowing public auditing.
- **Establish Independent Oversight:** Create **independent** ethics commissions and watchdog groups tasked with investigating misconduct and enforcing ethics laws without political interference.
- **Strengthen Citizen Participation:** Use citizen forums, surveys, and digital tools for decision-making. Ensure public meetings are accessible and promote participatory budgeting, where residents help allocate public funds.
- **Reorganize Contracting and Procurement:** **Utilize "open contracting" platforms** to publish all tender documents and contracts, helping to eliminate corruption in the procurement process.
- **Reform Campaign Finance:** Implement public financing for local elections to reduce the influence of special interests and large campaign donations.
- **Protect Whistleblowers:** Create secure and anonymous channels for reporting misconduct and protect those who report it from retaliation.
- **Modernize Voting Processes:** Adopt paper-based voting systems and improve auditing to ensure election integrity.
- **Identify Allies:** Collaborate with community members and local media to build a coalition advocating for these changes



Four red stars of varying sizes are scattered in the top right corner of the page.

Abraham Lincoln viewed corruption as a severe threat to American democracy, emphasizing the rule of law and the vigilance of citizens to protect the Constitution. While a famous quote regarding the "money power" and corporate corruption is widely considered a forgery, Lincoln was keenly aware of the dangers of greed and the need for accountability in public office.

A blue sign with red ends on a wooden stick, tilted upwards, with the word "VOTE!" written in white capital letters.

VOTE!

James Madison viewed public corruption as a fatal threat to republican government, designing the U.S. Constitution to combat it through checks and balances, federalism, and a large republic that forces competing interests to check each other. He argued that a "multiplicity of interests" prevents any single faction from capturing the government. Zócalo Public Square +2

Not to blame but change the game....

Independent oversight, consequences, and ethical culture



THE CREDIT WHERE IT BELONGS

2008 Anti-Corruption Principle, The Zephyr Teachout Fordham University School of Law, zteachout@fordham.edu

<https://www.ctas.tennessee.edu/eli/county-charters#:~:text=The%20General%20Assembly%20has%20provided,County%20of%20Shelby%2C%20188%20S.W.>

https://www.naco.org/sites/default/files/event_attachments/DRAFT_Tennessee_012022.pdf

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TELL EVERY CITIZEN YOU KNOW TO VOTE

People have given up trying to make governments accountable.



CHANGE TAKES TIME, MONEY AND EFFORT.

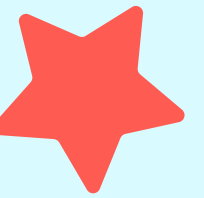
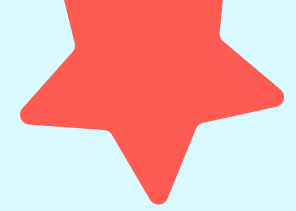
**REWARDS ARE SEEN OVERTIME AND NOT TO BE MISTAKEN
AS HANDOUTS FROM A HIGHER AUTHORITY**



RESTORING TRUST IN THE GOVERNMENT WILL NOT BE A SMALL TASK



But Faith, Family and Community can move mountains !



I did this research because I strongly believe in a Citizen Driven Government platform. I was told multiple times that I did not understand " County Government".

Yet, when I asked for elaboration oexplanation of said details I was STRCTY told that they " know" , for instance the Charter was " supposedly" such a bad thing . I spent over two weeks researching finding law papers, researching it's foundation and its purpose. I also found I was told a lot of BS. I am hoping this is not the case for everyone but like I swore to those individuals I found the truths, I studied the research and now I am YELLING it to those in the back who were told over and over that it was BAD ..Yeah, It was bad for people who want to be paid to do do less. It's bad for current commissioners and leadership because it requires WORK , INITIATIVE, RESEARCH, more public meetings and more votes. But what they did not say is It GIVE CITIZENS more power, more voting strength, more involvement and KEEPS transparency guaranteed.

As you vote this election require your commissions to tell you explanations not just say it's bad, or I will give full transparency ..Make them explain how they will meet or exceed those political words..