

Register of Issues

Mandatory Issues

- I. In an effort to cure any substantive deficiencies in the Shelby County Charter, as identified by the Tennessee Supreme Court relative to the Knox County Charter, a charter amendment must be proposed and approved by the voters addressing the offices and duties of the following county officers: Sheriff, Trustee, Register, County Clerk and Assessor.

The Committee will consider whether each officer should be an:

- a. Elected charter officer with the same title and duties as current constitutional officers;
- b. Elected charter officer with some of the same and/or additional duties;
- c. Appointed charter officer with the same duties; or
- d. Appointed charter officer with some of the same and/or additional duties.

- II. In addition to the above issues, the Committee will also consider other issues affecting the county officers (parenthetical references are to sections of the current County Charter):

1. If the Sheriff is appointed, should the Sheriff continue to be the chief law enforcement officer? (§ 4.06)
2. Should the duties of any of the five officers be diminished or reassigned to other officials? (§ 6.04)
3. Should qualifications for holding office, such as term limits and minimum standards for education and training, apply to any of the five officers, whether elected or appointed? (§ 2.03G) (02-13-08 amended in ad hoc committee)
4. How should vacancies in any of the offices be filled?
5. How should the officers be referred to in the charter? They are now called "constitutional officers," "elected officers," etc. throughout charter.
6. Should any of these officers have the right to file salary petitions with the courts?
7. Should commissioners be prohibited from holding any current elective offices that are changed by proposed charter amendment to appointed offices? (§ 2.03F) (02-13-08 added in ad hoc committee)
8. ~~Should the charter prohibit the duties of any current constitutional county officers that are changed by proposed charter amendment to appointed offices from being diminished? (§ 6.04) (02-13-08 failed in ad hoc committee)~~
9. How should the salary of these officers be determined (i.e., charter, state law, etc.)? (02-13-08 added in ad hoc committee)

Secondary Issues

1. Section 5.10C – residency requirement: create exemption for fire EMTs and paramedics (01/16/08 proposed solution: authorize commission to create exemptions by ordinance or resolution)
2. Section 2.04B – salary of commission chairman: set annually by resolution, not ordinance (01/16/08 approved for consideration)
3. Section 3.05 – vacancy in office of mayor: fill as set forth in state election laws (01/16/08 proposed solution: insert general language "unless otherwise provided by state law to the contrary")
4. New section – emergency preparedness: how will county government be structured and conduct business after a disaster (01/16/08 approval pending; 02-13-08 amended and approved for consideration)

5. Section 2.03E – delete “office of superintendent of roads” and “superintendent of schools” (Note: positions are no longer elected by County Commission) (01/16/08 approved for consideration)
6. Section 2.03E – add to end of section: “If the member is not elected, the member may immediately return to his seat on the Board of County Commissioners.” (01/16/08 approval for consideration pending legal research)
7. Section 2.06C(3)(e) – delete “the school superintendent” (Note: County Commission does not set salary) (01/16/08 approval for consideration pending legal research)
8. ~~Section 2.12 – delete “divorce referee (Note: amend so position no longer requires consent of County Commission) (01/16/08 failed in ad hoc committee)~~
9. Section 3.03B – mayor to present budget to commission ~~“no later than March 1”~~ instead of “in April” (01/16/08 proposed solution: authorize commission to set deadline “as directed by resolution”)
10. Section 3.03G – delete last sentence so mayor has line item veto of budgets of elected officials and clerk (01/16/08 approved for consideration)
11. Section 3.07B – elected officials and clerk to submit budgets to “mayor” instead of “commission” (01/16/08 approved for consideration)
12. ~~Section 3.08C(1) – delete section in its entirety (Note: contingent on secondary issue 8 above) (01/16/08 failed in ad hoc committee)~~
13. Section 5.05C – conform to state law: voter petition proposing charter amendment – where to file petition and percentage of signatures required (01/16/08 proposed solution: insert general language “unless otherwise provided by state law to the contrary”)
Alternative - utilize authority under Tenn. Code Ann. § 2-5-151(j) to readopt original charter provision (superceded by state election laws); proposed alternative amendment: 15% of persons who voted in last governor’s election in county (02-13-08 approved for consideration)
14. Section 5.05D – conform to state law: county election commission to submit proposed charter amendment to voters – guidelines for determining which election amendment can be voted on (01/16/08 proposed solution: insert general language “unless otherwise provided by state law to the contrary”)
15. Section 2.02B – change term for CPA performing audit from “four successive years” to “ten successive years” (01/16/08 approval for consideration pending)
16. ~~New section – prohibit salary petitions by constitutional officers (01/16/08 deleted: duplicate of mandatory issue, part II, no. 6)~~
17. Section 2.03F – delete “state or federal” so as to allow county commissioners to simultaneously hold commission seat and an elected state or federal compensated office (01/16/08 added in ad hoc committee; 02-13-08 amended and approved for consideration)
18. Section 2.03F – expand inability of county commissioners to simultaneously hold any other local, county, state, or federal compensated elective office to all county elected officers (01/16/08 added in ad hoc committee; 02-13-08 approved for consideration)
19. Section 2.03F – allow county commissioners to serve in another county appointed or civil service position (02-13-08 added and approved for consideration)
20. New section – add authority for petition for recall of county elected officials (02-13-08 added and approved for consideration)