

**CHARTER FOR
GREENE COUNTY,
TENNESSEE**

**Submitted by the duly elected
Charter Commissioners:**

Ronald Davenport – District 1

Walter Johnson – District 2

Jeffrey A. Cobble – District 3

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TABLE OF CONTENTS

TABLE OF CONTENTS	I
ARTICLE I – INTRODUCTION	1
(1.01) PREAMBLE	1
(1.02) DECLARATION OF RIGHTS	1
(1.03) TERMINOLOGY	5
ARTICLE II – POWERS AND FUNCTIONS	6
(2.01) POWERS AND FUNCTIONS	6
(2.02) PRIVATE AND LOCAL AFFAIRS	6
(2.03) PUBLIC CORPORATION POWERS	6
(2.04) PUBLIC CORPORATION RIGHTS	6
(2.05) RIGHTS RESERVED TO THE PEOPLE	6
(2.06) ADHERENCE TO CHARTER REQUIREMENTS	7
ARTICLE III – GENERAL PROVISIONS	8
(3.01) TITLE AND FILING CHARTER	8
(3.02) QUALIFICATION AND OATH OF ELECTED OFFICERS AND APPOINTED OFFICIALS	8
(3.03) RESIDENCE AND QUALIFICATIONS OF COUNTY OFFICIALS AND APPOINTED OFFICERS	8
(3.04) HOLDING MORE THAN ONE COMPENSATED GOVERNMENT OFFICE	9
(3.05) TERM LIMITS FOR ELECTED OFFICES	9
(3.06) AMENDMENTS TO THIS CHARTER	9
(3.07) SEVERABILITY	10
(3.08) LIABILITY AND VOID OBLIGATION IF CONTRARY TO CHARTER	11
(3.09) SERVICE OF PROCESS ON COUNTY; CHALLENGES TO CHARTER	11
(3.10) BONDING OF OFFICERS AND EMPLOYEES	11
(3.11) PUBLIC MEETINGS AND RECORDS	11
a) <i>Compliance with the Tennessee Open Meetings Act (TOMA).</i>	12
b) <i>Public Records.</i>	13
c) <i>Open Records Requirements.</i>	13
d) <i>Computer Records Storage Requirements.</i>	13
e) <i>Remote Electronic Access to Greene County Records.</i>	13
(3.12) LOBBYING SPENDING	13
(3.13) PETITIONS FOR RECALL, REFERENDUM, AND INITIATIVE TO BE APPLICABLE	14
(3.14) ADDITIONAL INITIATIVE AND REFERENDUM PROVISIONS	15
(3.15) REAL PROPERTY ACQUISITION REQUIREMENTS	16
a) <i>Purchase of Land, or Building and Land.</i>	16
b) <i>New Construction or Additions to Existing Buildings.</i>	17
c) <i>Real or Personal Property Being Donated or Sold To County Government.</i>	17
(3.16) CONFISCATION OF PROPERTY	17
(3.17) RECOVERED STOLEN PROPERTY	18
(3.18) FUNCTIONS NOT ADDRESSED	18
(3.19) PRIVATE ACTS	18
ARTICLE IV – EXECUTIVE BRANCH	19
(4.01) EXECUTIVE AND ADMINISTRATIVE POWERS	19
(4.02) EXECUTIVE BRANCH	19
(4.03) COUNTY MAYOR DUTIES	19
(4.04) TERM, QUALIFICATIONS, AND COMPENSATION	21
(4.05) COUNTY MAYOR--VACANCY	22
(4.06) OFFICES, DIVISION, AND DEPARTMENTS	22

(4.07) MAYOR’S ROLE IN BUDGET PROCEDURES	22
ARTICLE V – LEGISLATIVE BRANCH.....	23
(5.01) LEGISLATIVE POWERS	23
(5.02) OTHER POWERS	23
(5.03) MEMBERSHIP AND ELECTION	24
(5.04) ELECTION OF CHAIRMAN AND VICE-CHAIRMAN	27
(5.05) COMMISSIONER’S SALARY	27
(5.06) PURPOSES OF ORDINANCES AND RESOLUTIONS DISTINGUISHED.....	27
(5.07) ORDINANCES, EMERGENCY ORDINANCES, AND RESOLUTIONS.....	27
(5.08) SIGNATURE AND VETO PROCESS	31
(5.09) PROCEDURE FOR ADJUSTING TAX RATES OR LEVYING NEW TAXES	31
(5.10) REMOVAL OF MEMBERS OF THE COMMISSION.....	32
(5.11) VACANCY.....	32
(5.12) APPROVAL OF NOMINATIONS	33
(5.13) MEETINGS AND QUORUM.....	33
(5.14) COMMITTEES.....	34
ARTICLE VI – OTHER OFFICES	35
(6.01) PROPERTY ASSESSOR	35
(6.02) SHERIFF	36
(6.03) REGISTER OF DEEDS.....	37
(6.04) COUNTY CLERK.....	38
(6.05) TRUSTEE	39
(6.06) HIGHWAY SUPERINTENDENT	40
(6.07) CIRCUIT COURT CLERK.....	41
(6.08) CONSTABLES.....	42
(6.09) OFFICES NOT ADDRESSED.....	42
ARTICLE VII – JUDICIAL BRANCH.....	43
(7.01) JUDICIARY	43
(7.02) VACANCY.....	43
(7.03) ABOLISHING DIVISIONS OR ALTERING COMPENSATION	43
(7.04) RULES OF COURT AND EVIDENCE.....	43
ARTICLE VIII – SCHOOLS	44
(8.01) SCHOOL BOARD STRUCTURE	44
(8.02) SCHOOL BOARD SALARY AND COMPENSATION	44
(8.03) SCHOOL BOARD – ACTIVITY.....	44
(8.04) SCHOOL BOARD DUTIES AND POWERS.....	46
(8.05) DIRECTOR OF SCHOOLS	47
(8.06) SCHOOL BOARD EMPLOYEES.....	47
ARTICLE IX – ETHICS.....	49
(9.01) DEFINITIONS.....	49
(9.02) ETHICS COMMITTEE - STRUCTURE	49
(9.03) ETHICS COMMITTEE – ACTIVITY	50
(9.04) CONFLICT OF INTEREST AND OTHER ISSUES	51
(9.05) MEMBERS OF BOARDS, AUTHORITIES, COMMISSIONS, OR AGENCIES.....	52
ARTICLE X – FINANCIAL MANAGEMENT.....	53
(10.01) INTENT	53
(10.02) DEFINITIONS.....	53
(10.03) FINANCE DEPARTMENT – GENERAL PROVISIONS.....	53
(10.04) FINANCIAL MANAGEMENT COMMITTEE – GENERAL PROVISIONS.....	54
(10.05) DIRECTOR – APPOINTMENT AND COMPENSATION.....	54

(10.06) DIRECTOR - DUTIES	55
(10.07) DIRECTOR - DEPUTY	55
(10.08) DIRECTOR - BOND	55
(10.09) ZERO-BASED BUDGETING.....	56
(10.10) BUDGET – PREPARATION AND COMMITTEE REVIEW	57
(10.11) BUDGET – HEARINGS – SUPPORTING DOCUMENTS – COMMISSION ACTION.....	58
(10.12) DEBT MANAGEMENT.....	60
(10.13) CONTINGENCY FUND	60
(10.14) APPROPRIATIONS – LATER MODIFICATIONS - IMPOUNDING	60
(10.15) EXPENDITURES – MINOR ADJUSTMENTS	61
(10.16) MONTHLY REPORTS	61
(10.17) ACCOUNTING SYSTEM – PRE-AUDIT OF INVOICES, ETC.	62
(10.18) DISBURSEMENT WARRANTS.....	63
(10.19) PAYROLL ACCOUNT.....	63
(10.20) DIRECTOR AS SUPERVISOR OF PURCHASING DEPARTMENT	63
(10.21) PURCHASING SYSTEM	64
(10.22) BIDDING.....	65
(10.23) CONFLICTS OF INTEREST	66
(10.24) COMMITTEE MEMBERS - COMPENSATION.....	66
(10.25) COUNTY EMPLOYEES UNAFFECTED.....	66
(10.26) VIOLATIONS - PENALTIES	66
(10.27) IMPLEMENTATION OF SYSTEM.....	66
(10.28) SUSPENSION OF PRIVATE OR LOCAL ACTS	67
(10.29) SALE OF SURPLUS, OBSOLETE OR UNUSABLE COUNTY GOVERNMENT-OWNED PROPERTY ON INTERNET WEB SITE	67
ARTICLE XI – ELECTIONS	68
(11.01) SPECIAL ELECTIONS	68
(11.02) PRIMARY ELECTION REQUIRED	68
(11.03) DATE OF PRIMARY	68
(11.04) QUALIFYING PETITIONS	68
(11.05) NOTICE OF ELECTION AND OTHER PROVISIONS	68
(11.06) NOTICE OF ELECTION AND OTHER PROVISIONS	68
ARTICLE XII – PENSIONS.....	69
ARTICLE XIII – TRANSITION PROVISIONS	70
(13.01) REPEAL OF CONTRARY LAWS	70
(13.02) REFERENDUM	70
(13.03) EFFECTIVE DATE	70
(13.04) AMENDMENTS TO CHARTER PRIOR TO SEPTEMBER 2018	70
(13.05) DELIVERY OF DOCUMENTS.....	70
(13.06) RESOLUTIONS AND REGULATIONS	70
(13.07) PENDING MATTERS.....	70
(13.08) JUDICIAL, LEGAL, AND OTHER ON-GOING PROCEEDINGS	71
(13.09) RIGHTS AND OBLIGATIONS.....	71
(13.10) ELECTED AND APPOINTED OFFICERS	71
(13.11) COMMISSION DISTRICTS.....	72
(13.12) SALARIES.....	72
(13.13) DEPOSITORIES.....	72
(13.14) CONTINGENCY FUND	72
(13.15) PRIVATE ACTS.....	72
(13.16) TRANSITION OFFICER.....	72

Article I

Introduction

(1.01) Preamble

We, the citizens of Greene County, in order that we might assume greater control of the size, scope, function, and cost of county government, and in order that we might increase the transparent and efficient operation of all county government functions and further secure and protect the rights of its citizens, do hereby adopt this document as the Charter of Government for Greene County, Tennessee.

(1.02) Declaration of Rights

The People of Greene County are bound to the Constitution of Tennessee and the Declaration of Rights which are contained therein as Article One of that document. These rights are restated here to emphasize their importance and to lay the foundation of this Charter.

- a) That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.
- b) That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.
- c) That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.
- d) That no political or religious test, other than an oath to support the Constitution of the United States and of this state, shall ever be required as a qualification to any office or public trust under this state.
- e) The elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.
- f) That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

- g)** That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not be granted.
- h)** That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.
- i)** That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.
- j)** That no person shall, for the same offence, be twice put in jeopardy of life or limb.
- k)** That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no ex post facto law shall be made.
- l)** That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.
- m)** That no person arrested and confined in jail shall be treated with unnecessary rigor.
- n)** That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.
- o)** That all prisoners shall beailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.
- p)** That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- q)** That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and

justice administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the Legislature may by law direct.

- r) The Legislature shall pass no law authorizing imprisonment for debt in civil cases.
- s) That the printing press shall be free to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.
- t) That no retrospective law, or law impairing the obligations of contracts, shall be made.
- u) That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefore.
- v) That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.
- w) That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address of remonstrance.
- x) That the sure and certain defense of a free people, is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.
- y) That no citizen of this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this state.
- z) That the citizens of this state have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

- aa)** That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.
- bb)** That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.
- cc)** That an equal participation in the free navigation of the Mississippi, is one of the inherent rights of the citizens of this state; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.
- dd)** That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this state.
- ee)** That the limits and boundaries of this state be ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock on French Broad river; thence along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this state, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands and waters lying west of said line, as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights and Constitution of North Carolina, the cession act of the said state, and the ordinance of Congress for the government of the territory north west of Ohio; Provided, nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act; And provided also, that the limits and jurisdiction of this state shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other states, or otherwise, although such land and territory are not included within the boundaries herein before designated.
- ff)** That the erection of safe prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

- gg)** That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this state.
- hh)** The General Assembly shall make no law recognizing the right of property in man.
- ii)** To preserve and protect the rights of victims of crime to justice and due process, victims shall be entitled to the following basic rights:
 - 1)** The right to confer with the prosecution.
 - 2)** The right to be free from intimidation, harassment and abuse throughout the criminal justice system.
 - 3)** The right to be present at all proceedings where the defendant has the right to be present.
 - 4)** The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.
 - 5)** The right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person.
 - 6)** The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.
 - 7)** The right to restitution from the offender.
 - 8)** The right to be informed of each of the rights established for victims. The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section

(1.03) Terminology

- a)** Unless explicitly stated otherwise, all references to County entities contained in this Charter pertain to Greene County.
- b)** All masculine pronouns used herein shall also mean the feminine of said pronouns, unless otherwise specified. Likewise, the singular shall also include the plural, unless otherwise specified.

Article II Powers and Functions

(2.01) Powers and Functions

County Government is vested in a 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 United States Constitution or the Tennessee Constitution. The powers and functions of 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 constrain, the liberties of the people of Greene County.

(2.02) Private and Local Affairs

- a) With regard to County Governmental Affairs, all lawful powers are vested in a County Mayor, the County Commission, and other county officers as set forth herein, except those powers reserved to the Judiciary. The County Commission has the sole authority to adopt ordinances and resolutions and to establish the 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 Greene County in a duly held referendum or amendment to this Charter.

(2.03) 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 Tennessee Constitution and general laws of the State of Tennessee.

(2.04) 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.

(2.05) Rights Reserved to the People

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

- b) No action by any officer or employee of County Government shall infringe upon the rights, privileges, and powers reserved or guaranteed to individuals by this Charter, the United States Constitution, or the Tennessee Constitution.
- c) All powers are reserved for the citizens of Greene County, except those enumerated powers granted to County Government by this Charter.

(2.06) Adherence to Charter Requirements

All elected and appointed County Government officials, employees, and officers who negligently or intentionally fail to adhere to, comply with, administer, and/or enforce all requirements set forth in this Charter shall be investigated by the Ethics Committee for prosecution. The Ethics Committee shall submit their findings and recommendations to the County Commission. The Commission shall weigh the evidence and vote whether or not to declare the accused in violation of this Charter. If found in violation, a fine not less than one thousand dollars (\$1000.00) for each and every occurrence shall be imposed, and all fines must be paid within seven (7) business days of having been levied. Failure to comply with the finding or make the required payment shall result in further prosecution and immediate removal from office (if elected) or terminated (if employed). All such fines shall be paid into the Contingency Fund of Greene County, Tennessee. (See Article IX for procedures to submit complaints to the Ethics Committee). Any defendant wishing to appeal the decision of the Commission may do so in Chancery Court. Any and all appeals must be filed within thirty (30) days of the Commission's final decision. All expenses incurred by the defendant, including legal fees and court costs, are the sole responsibility of the defendant.

Article III General Provisions

(3.01) Title and Filing Charter

- a) This Charter shall be known and may be cited as the "Charter of Government for Greene 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.

(3.02) Qualification and Oath 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 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 Greene County, Tennessee," the Tennessee Constitution, and the United States Constitution, 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 Greene County without favor or affection, so help me God."

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

(3.03) Residence and Qualifications of County Officials and Appointed Officers

- a) Any member of the County Commission, School Board, Constables, or Ethics Committee 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 Greene 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 County Government unless he has attained the age of 18 years of age.

(3.04) Holding More than One Compensated Government Office

- a) No elected or appointed Greene County official shall hold any other compensated municipal, county, state, or federal elected or appointed office, nor shall he be employed by any other local, state, federal or other governmental entity. If a county official violates this rule, he shall vacate the county office immediately; provided, however, anyone who currently holds another compensated office may be a candidate for, or appointed to, a Greene 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 on subcommittees or from serving as an appointed member of any other committee of County Government.

(3.05) Term Limits for Elected Offices

- a) No person shall be eligible to be elected to, or hold, any one elected office for more than two consecutive four (4) year terms. However, after one (1) term out of office, individuals may be eligible to serve additional terms, but may only serve two (2) 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.
- b) In compliance with the Tennessee Supreme Court holding in Jordan v. Knox County, 213 S.W.3d 751 (Tenn. 2007), these term limits do not apply to the County School Board or Circuit Court Clerk. However, at such time as the Tennessee Supreme Court reverses this holding, or the State Legislature changes the law to allow the term limiting of the School Board and/or the Circuit Court Clerk, the County School Board and/or the Circuit Court Clerk shall adhere to these term limits.

(3.06) Amendments to this Charter

- a) The County Commission may frame and, by a favorable vote of two-thirds (2/3) of the Commission, propose amendments to this Charter. Except as otherwise provided in this Subsection, every ordinance proposing a charter amendment shall be introduced in the form and manner, and 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 Greene County in accordance with the requirements of this 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, therein contained, to the voters of Greene County as provided in Section 3.06(c).

- b)** Voters of Greene County may frame and propose amendments to this Charter by a petition addressed to the Commission, which petition shall contain the information required by Section 3.06(a) for ordinances proposing amendments, and no other matter except as hereinafter provided in this Section 3.06(b). Notwithstanding the provisions of T.C.A. § 2-5-151(d), any petition proposing a charter amendment must be filed with the County Clerk and must be signed by at least five percent (5%) of the total number of qualified voters who voted in the last Mayoral election in Greene County. The County Clerk shall immediately deliver said petition to the County Election Commission. When the Election Commission determines that such petition is legally sufficient, it shall submit same to the voters of Greene County in accordance with Section 3.06(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 Greene County shall be submitted to the County Election Commission in accordance with this Charter and Tennessee law. The County Election Commission shall submit any proposed charter amendment, so long as certified and delivered to it in accordance with the provisions of this Section 3.06, to the voters of Greene 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 as provided by this Charter, shall be published in a newspaper of general circulation in Greene County and on the County website. The form of the ballot for the submission of proposed charter amendments shall be governed by Tennessee 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 by the Election Commission.
- d)** For any petition to amend the Charter, following approval of the proper form of the petition by the Election Commission, the petitioner shall have one hundred eighty (180) days to return the petition with qualifying signatures.

(3.07) 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 Greene 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.

(3.08) 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 provisions of this Charter are void. Every payment made in violation of provisions of 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, that action may be cause for his 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 or appointed 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 of payments or making of contracts for capital improvements to be financed wholly or partially by issuance of bonds, nor shall it prevent the 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 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.

(3.09) 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 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) Greene County Citizens, who shall be empanelled according to the customary procedures for the empanelling of jurors in Chancery Court.

(3.10) Bonding of Officers and Employees

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

(3.11) 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 notices 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 collectively as an “assembly”), regardless of whether the body be 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 Greene 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 posting the minutes on the County web page. Minutes will be made available to anyone requesting a copy, which request can be to the County Clerk in person, by phone, or by e-mail. A reasonable cost may be charged per copy.
 - 3) All assemblies shall 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-keeping or research. All such devices must be the property of the County Government and only 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 of 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 any of their legal rights or privileges granted to them by TOMA or this Charter may seek resolution in a court of law. They shall have standing, and that status cannot be denied them.
 - 7) Any citizen shall have the right to address any assembly as more specifically set forth in Section 5.13(i).
 - 8) Any assembly refusing to comply with these rules of conduct and record-keeping is nugatory, and any decisions of that meeting are null and void unless and until approved by the County Commission.
 - 9) Anyone convicted of a felony cannot serve on any assembly, in any capacity.

- 10) When uniformed security for meetings is necessary, it recommended that one uniformed officer per twenty people in attendance not be exceeded.
- 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.
- c) **Open Records Requirements.** All County Government records shall be open for personal inspection by any 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. § 10-7-503(c)(2). One important class of confidential records involves the personal information of state, county, municipal, and other government employees. An employee's, including a former employee's, home telephone and personal cell phone numbers, bank account information, health savings account information, medical records, retirement account information, pension account information, Social Security number, residential address, driver's license information, and similar information for the employee's family and household members are confidential. Where this confidential information is part of a file or document that would otherwise be 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)&(g).
- 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 County Government.
- e) **Remote Electronic Access to Greene County Records.** County Government shall provide computer access and remote electronic access, for inquiry only, to information contained in the electronic records, through the official county website, during and after regular business hours. However, remote electronic access to confidential records is prohibited. Equipment, software, and procedures used will ensure that this access will not allow a user to alter or impair the records.

(3.12) Lobbying Spending

Under no circumstances are County Government monies to be paid to influence or lobby anyone in rule or law making positions either directly or indirectly on the local, state or federal governments or organizations. If such expenditures are embedded in membership fees or dues for local, state or national organizations, such expenditures shall be separated, and the County Government shall only pay the applicable membership portion of the fees or dues. If expenditure

for influence cannot be separated from membership expenditure, then County Government shall not pay for membership in any local, state, or national organization for any elected or appointed official or employee of the County Government. County Government monies are those monies collected from county property tax, sales tax, wheel tax, fees from services provided, processing fees, sale of privilege licenses, fines, penalties, and any other monies collected, borrowed, or granted to County Government.

(3.13) Petitions for Recall, Referendum, and Initiative to be Applicable

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

- b) Petitions for Recall, Referendum or Initiative
 - 1) After a registered voter of Greene County shall have filed with the County Election Commission the proper form of the petition and the 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 phone 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 agent or replacement.

 - 3) During the certification of the Greene County voter signatures by the County Election Commission, the petitioner and another person of his or her choosing will have the right to witness the certification of the voter signatures. If the petitioner is unable to attend the certification process, the petitioner will submit a letter to the County Election Commission, appointing their replacement and identifying the two persons to witness the certification process.

 - 4) If a voter 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 still 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 of ten thousand dollars (\$10,000), 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, or 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 to refrain from signing, a petition.
- c) Petition Signature Requirements
- 1) For non–recall petition that do not deal with amendments to this Charter, the required number of voter signatures will be equal to ten percent (10%) of the qualified voters who voted in the last county mayoral election.
 - 2) Recall of elected county officials petitions:
 - (A) County-wide office holder: The number of voter signatures required on a recall petition shall be equal to at least fifteen percent (15%) of the 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 fifteen percent (15%) of the qualified voters who voted in the last county mayoral election within the district of the officeholder to be recalled.
- d) Proposed petitions for initiatives challenging any action of the County Commission shall be filed in proper form with the Election Commission within thirty (30) days after final action by the County Commission. The petitioner shall have ninety (90) days to gather qualified signatures and file the completed petition with the Election Commission.

(3.14) Additional Initiative and Referendum Provisions

- a) The 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 Mayor of said action.
- b) If at any time the Commission, by two-thirds (2/3) vote of the full Commission, agrees to meet, and abide by, all of 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 same on the next election ballot.
- c) This Section 3.14 does not apply to recall petitions or to the amendment process of this Charter.

(3.15) Real Property Acquisition Requirements

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

a) Purchase of Land, or Building and Land

- 1) A Purchase Proposal must be written and contain, at a minimum, an in-depth detailed description of the following:
 - (A) the land proposed to be acquired;
 - (B) the reasons for requesting the acquisition;
 - (C) a description of the acquisition's benefit(s) to the people of Greene County;
 - (D) the projected cost of the project, which shall include any site preparation work, utility costs, sewers, remodeling, etc.;
 - (E) the proposal's impact on the operating budget in the cost of any additional staff, furnishings, maintenance, utilities, insurance, etc.; and
 - (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 Mayor shall submit an explanation of why only one source qualified for the Purchase Proposal.
- 3) A Risk Assessment Report detailing all known associated risk and a risk mitigation plan must be prepared and submitted.
- 4) After the Purchase Proposal and Risk Assessment Report have been prepared with the required information, the Mayor will make a presentation to the Commission of the Purchase Proposal, Risk Assessment, and supporting data. The Commission 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 people of Greene County, or

(C) vote to not proceed with the acquisition.

5) The Commission shall not vote on the acquisition until after a public hearing and total contractual costs have been established, and the proposal will require a two-thirds (2/3) majority vote of the full commission for approval.

b) **New Construction or Additions to Existing Buildings.** The same due diligence steps must be performed by the Mayor as in 3.15(a) above. The Commission may by bid process, as specified in Section 10.21(b)(3), select architectural or engineering services to render drawings and a more formal estimate of the project costs. After receipt of architectural or engineering drawings, the Commission shall schedule a public hearing with people of Greene 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 3.15(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 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.

(3.16) Confiscation of Property

For all property confiscated within Greene County by the County Government or any of its agents, the County shall:

a) Provide to the owner or his agent or assignee an itemized list and photographed inventory agreed upon between the County and the owner or his 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 Greene County, TN.

d) Upon acquittal or dismissal of the charges associated with the accused, whose property was confiscated, all such confiscated property, except any 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 the

County, the disposition of all such awards must be disposed of as provided in this Charter and approved by the Commission. Any and all funds raised from the sale of such property shall be placed in the 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 the County for the recovery of the property value, court costs, and attorney's fees. All judgments awarded shall be paid by the County within thirty (30) days of final judgment. All judgments will be charged to the department responsible for the missing or damaged property.

(3.17) 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 natural 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 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 3.16(e), excluding the court procedure. All revenue from the sale of recovered property will apply in the same way as described in Section 3.16(e).

(3.18) Functions Not Addressed

This Charter is not intended to address every function of County Government. Those functions not addressed herein shall not be altered by the adoption of this Charter, except as otherwise subsequently adopted by the citizens of Greene County in a duly held referendum or by amendment to this Charter.

(3.19) Private Acts

- a) The Commission may request and adopt, according to the provisions of Section 5.07(c)(4), 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 Commission shall remain subject to the right of the people to petition for referendum.

Article IV

Executive Branch

(4.01) Executive and Administrative Powers

The executive and administrative powers of the County Government shall be vested in and exercised by the County Mayor, also called the executive branch, and, under the Mayor's control and direction, by such subordinate major divisions, departments, boards, offices, officers, and agencies as established by the Commission from time to time.

(4.02) Executive Branch

The Mayor shall be the head of the executive branch of County Government, responsible for the exercising of all executive and administrative functions of County Government and shall be the chief financial officer of the county. He shall devote his time to the performance of his duties as Mayor.

(4.03) County Mayor Duties

The Mayor shall:

- a) Ensure that all resolutions and ordinances of the Commission are faithfully executed, that all Tennessee laws applicable to the executive branch are enforced, and that all officers and employees within the executive branch are faithfully executing their duties under the law and this Charter; provided, however, the Mayor shall not assume any of the constitutional, statutory, or Charter duties of the Sheriff.
- b) Prepare and submit to the Commission, with the assistance of appropriate department heads, the financial management committee, and other responsible officials, the necessary budgets and financial reports. The Mayor shall present the consolidated budget to the Commission in the manner prescribed in Section 10.11 in order for the Commission either to approve said budget as presented or to modify and amend the same as may be deemed requisite in order to determine revenues necessary for a balanced budget. Adoption of the budget shall be by Commission resolution or ordinance.
- c) Examine at least quarterly the accounts, records, and operations of every department, office, and agency of the County Government; make regular reports at least quarterly to the Commission on the affairs of the County Government; advise the Commission on the financial condition and future needs of the County Government; and make such recommendations on County Government affairs as he deems appropriate.
- d) Have power to contract with the various municipalities and agencies in Greene County for consolidation of services and functions, upon the concurrence of the Commission by ordinance. To this end, the Mayor may contract with any city, town, agency, county, or state to have such services performed by the County Government

or by any such city, town, or agency, or by some office to be administered jointly by the contracting units.

- e) Provide for and maintain all accounting systems necessary for the County Government and 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 department, office, or agency. All warrants in payment of obligations of the County Government shall be signed by an officer as may be designated by law and countersigned by the Mayor, either in person or by facsimile.
- f) When not Chairman of the Commission, have veto power over ordinances, resolutions, or the annual budgets of the county, which 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 same procedure as provided in Section 5.08. Provided, however, the Mayor shall not have a line item veto over the budgets of the other elected county officials and clerks of courts. Any veto shall be exercised in writing and filed with the County Clerk within ten (10) days of passage of said ordinance, resolution, or budget.
- g) Nominate members of all boards, authorities, and committees, except for the Ethics Committee and the Financial Management Committee which are to be selected by the Commission. Said Mayoral nomination shall be subject to approval by resolution of the Commission. All such appointees shall be residents of Greene County at the time of their appointment and at all times while serving on said board, authority, or committee. The Mayor shall submit any such nomination within sixty (60) days of the vacancy arising. Any open positions must be actively solicited to the public for at least thirty (30) days on the county website, in the local newspaper, and on the local radio in order to allow Greene County residents to submit their names for consideration. At least three (3) candidates must be considered for any open position, unless fewer than three (3) candidates submit their names for consideration.
- h) Have the authority to remove and discharge the members appointed in Section 4.03(g) above, subject to the approval by resolution of the Commission. Also, the Commission, by resolution, shall have the authority to remove and discharge members appointed in Section 4.03(g) above. Any removal proceeding commenced by the Commission shall be subject to the veto procedures of this Charter, but only when the Mayor is not Chairman of the Commission.
- i) Have the right to serve individually or to appoint in writing from the administrative assistants, executive assistants, or any head of any division or department of county government, a designee to serve in the place and stead of the Mayor on any board or commission of which the Mayor is a member by law, and said designee shall have all powers including the power to vote as conferred upon the Mayor. Any designee appointed by the Mayor under 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 Mayor, whichever is less. During such periods of appointments, either the specified designee or the Mayor may exercise the voting powers granted by this section. However, at any meeting attended by the Mayor, only the Mayor shall exercise the voting power.

- j) Negotiate and execute loans, bonds, notes, and other evidence of indebtedness to the extent provided in the resolution authorizing the same.
- k) Maintain the records of county indebtedness and have charge of the payment of principal and interest thereon.
- l) Examine all contracts, orders, and other documents by which financial obligations are incurred by the county or any of its officials or offices, indicate the availability of funds to meet these obligations, and certify thereto.
- m) Have the authority to execute contracts on behalf of County Government, except as otherwise provided in this Charter, where said cost has been included in the current budget and complies with all Tennessee and County government procurement regulations, policies, and procedures, and, if applicable, all federal procurement regulations. If the situation arises such that non-budgeted goods or services are required for County Government, such requirements shall be reviewed for approval by the Financial Management Committee and shall be ratified by the Commission. Such approval will require that the current and future budgets shall be adjusted such that County Government will maintain a balanced budget. Contracts and purchases on behalf of the County Government shall be executed by the Mayor or the Mayor's designee.

(4.04) Term, Qualifications, and Compensation

- a) The Mayor shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- b) To be a candidate for office, the Mayor must meet all requirements of Tennessee law and this Charter.
- c) The Mayor must be a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- d) The Mayor's salary shall be set by the Commission. The salary of the Mayor may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Mayor was elected or after January 1 of the year in which the Mayor is to be elected.

(4.05) County Mayor--Vacancy

- a) If a vacancy occurs in the office of Mayor by death, resignation, removal, disability, or otherwise, the Chairman of the Commission shall immediately take office as Acting Mayor. If the Chairman of the Commission is unable or unwilling to serve as Acting Mayor for any reason, the Vice-Chairman of the Commission shall serve as Acting Mayor.
- b) The Acting Mayor shall serve until an Interim Mayor is elected by the Commission. The Acting Mayor shall not exercise the powers of his office as Commission Chairman or Vice-chairman while he serves as Acting Mayor. The Commission shall elect an Interim Mayor within forty-five (45) days after the Acting Mayor begins to serve.
- c) The Interim Mayor shall serve until a successor is qualified and elected at the next countywide election allowed by the Tennessee election laws.

(4.06) Offices, Division, and Departments

- a) The Mayor, subject to approval by resolution of the Commission and further subject to the limitations of the Tennessee Constitution, may abolish or consolidate major divisions of County Government.
- b) The duties, powers, and functions of the County Government departments, and of the divisions within the departments, shall generally be as established by ordinance of the Commission, and their jurisdiction shall extend throughout the County Government.

(4.07) 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 Mayor in a form specified by the 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.
- b) The Mayor will then submit the information obtained to the Financial Management Committee, which shall then submit said information to the Commission.

Article V

Legislative Branch

(5.01) Legislative Powers

- a) All legislative power of the County is vested in the board of county commissioners, or as otherwise authorized by referendum. This board is referred to as the “County Commission,” or simply “Commission.” Members of the Commission are referred to as “County Commissioners,” or simply “Commissioners.”
- b) Subject to the limitations and restraints of the U. S. Constitution and the Tennessee Constitution, the legislative power of the County includes all lawful authority to adopt ordinances, emergency ordinances and resolutions governing the operations of County Government.
- c) Notwithstanding the previous legislative powers delegated to the Commission, the citizens reserve the inalienable, indefeasible right to propose and adopt legislation by initiatives or referendum, as further described in this Charter.
- d) The Commission may not delegate (whether by resolution, contract, assignment, waiver, inaction or by any other means), in part or whole, any legislative power, authority, or function. As such, the Commission may not vest any other officer or individual, whether elected or appointed, or any committee, study group, advisory board, or the like, with:
 - 1) legislative power,
 - 2) policy-making authority,
 - 3) rule-making authority, or
 - 4) any other power or authority that is legislative or quasi-legislative in nature.

(5.02) Other Powers

- a) The Commission shall by resolution have the authority to provide for an independent audit of the accounts and other evidences of financial transactions of the County and of every County office as well as such other special audits as the Commission deems necessary. 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 Commission. 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 accountant(s) 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 three (3) successive years.

- b) By ordinance, the Commission shall establish purchasing procedures, rules, and regulations governing all county purchases, sales, contracts for services, and disposal of surplus property. These rules and regulations will apply to all County Government employees and officials, pursuant to this Charter, but will only apply to clerks of courts if not contrary to Tennessee law.
- c) No sale, purchase, or transfer of personal, real, or tangible property, or any interests therein, owned by County Government shall be valid unless approved by resolution of the Commission.
- d) By resolution, the Commission may employ, contract with, or otherwise hire, any persons or business entities which it deems necessary to exercise the powers vested in it, unless otherwise prohibited by this Charter.
- e) Upon adoption of an approving resolution, in each instance by the affirmative vote of a majority of commissioners present at any meeting wherein a quorum is present, the Commission and its authorized committees shall have full power and authority to hold public hearings on any matter that is related to the business of the county. No such hearing shall be held unless a quorum of the Commission (or any authorized committee, as the case may be) is present.
- f) When public hearings are, or have been, approved pursuant to the provisions of subdivision e) above, as a further power available to the Commission for and during the public hearing, the Commission by an affirmative vote of two-thirds (2/3) of the commissioners present, shall have full power and authority to issue subpoenas for witnesses and to administer oaths to those witnesses for the purpose of:
 - 1) gathering information necessary or desirable as it may relate to proposed Commission action, or
 - 2) investigating any allegation of misconduct by any elected official, representative, or employee of the county or investigating any allegation of a violation of this Charter, ordinances, or emergency ordinances of the Commission brought by any person against any elected official, representative, or employee of the county.

(5.03) Membership and Election

- a) The Commission shall be the legislative branch of County Government, whose members shall be elected by the people of Greene County for such terms and from such districts as may from time to time be provided by Tennessee law and this Charter.
- b) The Commission under this Charter shall consist of twenty-one (21) members, three (3) elected from each of the seven (7) districts of Greene County.

- c) No change shall be made in the Commission districts after November 1 of the year preceding the year in which elections for the Commission are to be held.
- d) All Commission Districts must comply with state and federal constitutional requirements.
- e) On or before December 31, 2022, and every ten (10) years thereafter, it shall be the duty of the Commission, based upon the most recent federal decennial census, to reapportion and/or redistrict the Commission seats so as to comply with Tennessee law.
- f) No person shall be eligible to serve as a Commissioner unless they have met all requirements set forth by Tennessee law and have maintained a permanent residence as a citizen of Greene County for at least one (1) year prior to filing to run for the office of Commissioner. Moreover, a Commissioner shall remain a full-time resident of the Commission district that he or she was elected to represent during their term in office.
- g) The Commission may, by resolution, adopt its rules of order and procedure for the conduct of its meetings, not to be in conflict with this Charter. The adopted rules and procedures shall be posted on the County Government website. Any motion to change or suspend any of the rules during a Commission meeting must be explained to the public before the rule change can be put to a vote. The Commissioner 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 upon a majority vote of the full Commission.
- h) If a Commissioner assumes another compensated city, county, state, or federal office, whether by election or appointment, said Commissioner shall vacate his seat on the Commission within thirty (30) days and the vacancy in the Commission shall be filled in accordance with Section 5.10 herein. Provided, however, anyone who currently holds another compensated city, county, state, or federal office may run for Commissioner so long as, if elected, that person resigns the existing city, county, state, or federal office within thirty (30) days of his election as a Commissioner.
- i)
 - 1) Commissioners shall be responsible for the financial management of County Government. This is primarily accomplished through the Financial Management Committee. The Financial Management Committee shall consist of nine members. The Mayor shall chair the committee and the Finance Director shall serve as ex officio secretary and in an advisory capacity; neither shall have voting power.
 - 2) The remaining seven members of said Committee shall be Commissioners, one (1) from each of the seven (7) commission districts, and they alone shall have voting power. The Commissioners from each district shall, from among themselves, nominate one (1) Commissioner from their respective district to serve on the

Financial Management Committee. If the Commissioners in a district are unable to settle on a nomination, the entire Commission shall vote to appoint a Commissioner, from that district, to the Financial Management Committee. The Commission will vote to approve, as a whole, those seven (7) Commissioners nominated for the Financial Management Committee. The Commission shall annually at the first regular Commission meeting in September, vote to appoint the Financial Management Committee. If a Financial Management Committee member wishes to resign from the Financial Management Committee, he must do so in writing to the Chairman of the Commission no later than seven (7) days prior to the September meeting. If a vacancy occurs on the Financial Management Committee, it shall be filled as specified in this Section 5.03(i)(2). The Commissioners composing the Financial Management Committee cannot be employed by any City, County, or State government.

- j)** In all proceedings of the Commission to elect Commission officers, the following procedure shall be followed:
 - 1)** Nominations may be made by a Commissioner only.
 - 2)** Each Commissioner may vote in favor of one (1) nominee, by name, only.
 - 3)** Election of a nominee shall require a majority vote of the membership of the Commission. Prior to such election, the Commission shall, by resolution or ordinance, establish the procedure for arriving at a majority vote.

- k)** When any public office is to be filled by the Commission, if any member of the Commission accepts the nomination as a candidate for such public office, the following procedures shall be followed in addition to Section 5.10:
 - 1)** No member of the Commission who is absent from any proceeding to fill a public office shall be eligible to have their name placed in nomination unless either the Chairman of the Commission or the County Clerk shall have present at such meeting of the Commission a written acceptance of such nomination signed by such member of the Commission.
 - 2)** If a Commission member's name is placed in nomination, the Chairman of the Commission shall, prior to the first vote, require that member to either accept or decline the nomination. A refusal to either accept or decline shall disqualify that member for nomination.
 - 3)** No vote shall be recorded in favor of any Commissioner who has either declined nomination or has been otherwise disqualified.
 - 4)** The acceptance of nomination by a member of the Commission shall automatically disqualify such member from voting to fill that office.

- 5) If a Commission member is elected, his seat on the Commission shall immediately be vacant.

(5.04) Election of Chairman and Vice-Chairman

- a) The Commission, annually, during the first September meeting, shall elect from its membership a Chairman, Vice-Chairman, and such other officers as the Commission deems necessary. The County Mayor may be elected Chairman, but remains a non-member of the Commission and has no vote, except as necessary to break a tie vote. The election procedures shall follow those established pursuant to Section 5.03(j) of this Charter.
- b) Chairman of the Commission shall have administrative support from the Office of the Mayor.

(5.05) Commissioner's Salary

- a) The salary of Commissioners shall not exceed the minimum salary required by Tennessee law.
- b) Any Commission member may refuse his salary and return the money to the county treasury.

(5.06) Purposes of Ordinances and Resolutions Distinguished

The enactments of the Commission shall be denominated “ordinances” when they are designed to be permanent and abiding. Enactments appointing committees, requiring investigations, or merely expressive of the sense of the Commission shall be denominated “resolutions.” Any resolution that upon passage shall become an ordinance shall be voted on and passed in accordance with Section 5.07(c).

(5.07) Ordinances, Emergency Ordinances, and Resolutions

- a) Generally
 - 1) The Commission shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as set forth herein.
 - 2) No ordinance, emergency ordinance, or resolution shall become effective which embraces more than one (1) subject, the subject to be expressed in its caption.
 - 3) All ordinances, emergency ordinances, and resolutions which repeal, revise, or amend former ordinances, emergency ordinances, or resolutions shall recite in their caption the number and date of adoption of the ordinance, emergency ordinance, or resolution that is proposed to be repealed, revised, or amended.

- 4) No ordinance, emergency ordinance, or resolution shall become effective unless the following procedure is followed:
 - (A) Each Commissioner present shall distinctly, audibly or visually, cast his/her vote, and the County Clerk shall record, in writing, each member's vote as "aye/yes," "nay/no," or "abstain."
 - (B) At the conclusion of each vote, either the Chairman of the Commission or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.
 - (C) No Commissioner shall change his vote after the vote is announced unless granted the right to do so by a majority of Commissioners at such meeting at which the original vote was cast. It shall be the duty of the Chairman of the Commission or the County Clerk, at the time of such vote change, to announce distinctly, audibly or visually, the caption of the subject legislation as well as the name and manner of vote change of such Commissioner. No vote change may occur after the Commission has moved on to a new order of business.
 - (D) Upon the adjournment of each and every meeting of the Commission, it shall be the duty of the County Clerk to maintain and preserve unchanged, as public records available for inspection during normal office hours, the voting record for each and every ordinance, emergency ordinance, and resolution. In accordance with Section 3.11, these records must be posted on the County Government's website.
 - 5) It shall be the duty of the County Clerk to deliver to the Mayor true and attested copies of all ordinances and resolutions within seven (7) business days of final adoption by the Commission.
 - 6) The County Clerk shall number and compile in an ordinance book all ordinances and emergency ordinances and shall number and compile in a resolution book all resolutions and shall preserve such books in the County Clerk's office, open to public inspection during normal business hours. The County Clerk shall furnish a true copy for a reasonable fee to any person so requesting.
 - 7) The County Clerk may delegate to his deputy any or all duties imposed upon the County Clerk by this Charter; provided, however, nothing in this Paragraph 7 shall be construed to relieve the County Clerk of any and all responsibilities imposed upon him by this Charter.
- b) Resolutions shall be adopted upon receiving a majority vote of the membership of the Commission upon one (1) reading and shall become effective in accordance with this Charter.

c) Ordinances

- 1) An ordinance shall be considered to be on the agenda of any meeting if the caption of such ordinance is quoted verbatim in the agenda for such meeting and a copy of such agenda has been made available to each and every Commissioner not later than five (5) days prior to such Commission meeting, and a copy of such ordinance has been made available to each member of the Commission at least forty-eight (48) hours prior to such meeting.
- 2) To become effective, each ordinance shall be adopted in compliance with Tennessee law and this Charter.
- 3) To become effective, each ordinance must be approved by the Commission upon two (2) readings. These readings must occur at two (2) consecutive monthly meetings. The time between the first reading and second reading must exceed twenty-five (25) days.
- 4) All ordinances shall be adopted upon receiving a majority vote of the full Commission unless the ordinance deals with the following subjects, which shall be adopted only on receiving two-thirds (2/3) vote of the full Commission:
 - (A) Any proposal for a referendum to amend this Charter;
 - (B) Any proposal to change the purchasing procedures of County Government or any agency or authority subject to the county purchasing ordinances;
 - (C) Any proposal authorizing the Commission, or its authorized committee(s), to hold public hearings pursuant to Section 5.02(f) of this Charter;
 - (D) Any proposal that imposes a fine or incarceration as punishment for a violation thereof;
 - (E) Any proposal that increases the salary and/or expenses of any elected official, except for the salaries and expenses of Commissioners;
 - (F) Any proposal that changes district lines;
 - (G) Any proposal ratifying the contracting of services between the county with various municipalities and agencies pursuant to Section 4.03(d) of this Charter;
 - (H) Any proposal for the purchase or issuance of bonds; or
 - (I) Any proposal that requests the adoption of a Private Act of the General Assembly pursuant to Section 3.19.

- 5) An ordinance shall take effect no less than thirty (30) days following its passage on final reading, except in the case of emergency ordinances or in the case of a specific effective date being noted in the ordinance itself.
- 6) Ordinances imposing fines or incarceration as punishment for violation thereof shall be enforced by the Sheriff unless such ordinance otherwise provides. Persons charged with a violation of such an ordinance shall be tried in the Court of General Sessions. Any fines or penalties, or both, and court costs collected for such violation, shall be paid into the County Government general fund.

d) Emergency Ordinances

- 1) An emergency ordinance can be passed only when a situation such as a natural or man-made disaster requires urgent assistance to prevent or reduce damage.
- 2) An emergency ordinance may not be passed for acquisitions.
- 3) A failure to act on previous legislation is not legitimate grounds to pass said legislation or similar legislation through an emergency ordinance.
- 4) An emergency ordinance may become effective upon the date of its passage, provided it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency. An emergency ordinance can be in effect for up to one hundred and eighty (180) days.
- 5) A two-thirds (2/3) vote of the Commission body present, either in person or via telecommunications, shall be required to pass an emergency ordinance. However, at least a majority of the Commission must be present, either in person or via telecommunications, in order to hold a vote on the emergency ordinance.
- 6) An emergency ordinance must be so designated in its caption and shall be published after passage in a newspaper of general circulation and the County website.
- 7) After an emergency ordinance receives a two-thirds (2/3) vote from the Commission present, the Mayor has one (1) hour to respond with either a signature or veto of the emergency ordinance. If the Mayor fails to respond, the measure is passed. If the Mayor vetoes the emergency ordinance, the Commission may take an immediate revote. A two-thirds (2/3) plus one vote of the Commission present is required to override the veto. If the veto is overridden or the Mayor signs the emergency ordinance, the emergency ordinance will immediately take effect.
- 8) If the Mayor is absent from the county at the time the Commission passes an emergency ordinance, the Mayor may authorize a veto or signature of an emergency ordinance via telecommunication.

(5.08) Signature and Veto Process

- a) It shall be the duty of the County Clerk, or such other officer as may be designated by Tennessee law and this Charter:
 - 1) to deliver to the Mayor a true and attested copy of all ordinances or resolutions within seven (7) days of the final passage.
 - 2) to, within 30 days of final passage, cause to be delivered to the County Attorney a certified copy of every ordinance or resolution.
 - 3) to maintain an up-to-date record of all ordinances and resolutions and furnish a true copy to interested persons for a reasonable fee.
- b) Every ordinance, emergency ordinance, and resolution of the Commission shall be submitted to the Mayor. If the Mayor signs it, the ordinance or resolution shall become effective as provided in Section 5.07 of this Charter, or at a later date if the ordinance or resolution so provides.
- c) If the Mayor is not the Chairman of the Commission, he may veto the ordinance or resolution, and it shall be returned to the Commission for action on the veto. If the resolution or ordinance required a simple majority vote upon original passage, a vote of a simple majority plus one (1) shall be required to override the Mayor's veto. If the ordinance required a two-thirds (2/3) vote upon original passage pursuant to Section 5.07(c)(4) of this Charter, a vote of two-thirds (2/3) of the Commission after receiving the veto, shall be required to override the Mayor's veto. Such passage must take place within thirty (30) days of receiving the Mayor's message of veto as provided in Section 4.03(f).
- d) If the Mayor fails either to sign or veto an ordinance or resolution and thereafter fails to report his action to the Commission within ten (10) days after the ordinance or resolution is submitted to him, the Mayor shall have no further power to veto the ordinance or resolution, and it shall become effective without the signature upon the expiration of the ten-day (10) period, or at a later date if the ordinance or resolution so provides.

(5.09) Procedure for Adjusting Tax Rates or Levying New Taxes

- a) Tax rates may be decreased by a simple majority vote of the Commissioners who are present at any regular month meeting or at any other meeting called for the purpose of setting tax rates.
- b) Tax rates may be maintained from one year to the next by a simple majority vote of the Commissioners who are present at any regular month 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 Commission, 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 an affirmative two-thirds (2/3) vote of the full Commission at each of two (2) consecutive monthly meetings or at any other meeting which has been duly advertised and called for the purpose of establishing taxes or tax rates.
 - 2) The time between the first and second meeting must exceed twenty-five (25) days.
 - 3) The number of votes needed to establish an annual budget or to establish tax rates shall not be decreased due to the absence of any Commissioners; however, if five (5) or more Commissioners are disqualified from voting due to the provisions of Section 9.04, the Commission shall:
 - (A) decrease or maintain tax rates, or establish an annual budget, by a simple majority of those Commissioners qualified to vote.
 - (B) increase taxes or levy new taxes by a three-fourths (3/4) vote of the Commissioners qualified to vote.
 - d) Notwithstanding any other language in this Charter to the contrary, there shall never be an income tax enacted or levied by the County on the citizens of Greene County.
 - e) Without further amendment of this Charter, no provision in this Charter shall be interpreted to authorize any referendum or initiative that will set aside any action by the Commission to establish taxes.

(5.10) Removal of Members of the Commission

A Commissioner may be removed from office according to the provisions of this Charter or other provisions of Tennessee law.

(5.11) Vacancy

In the event of a vacancy of any county office, the members of the Commission shall fill the vacancy with a person who meets the qualifications prescribed by this Charter and Tennessee law, with the procedure being as prescribed below:

- a) When an office is vacated for any reason, the County Clerk shall provide written notice to all remaining members of the Commission of the need to fill the vacancy. Also the County Clerk shall give public notice on the county website and in a newspaper of general circulation in Greene County at least seven (7) days prior to the Commission meeting at which nominations for said seat shall be taken from the public or the Commission.
- b) Before the Commission votes to fill any vacated seat, the Chairman of the Commission shall allow registered voters in Greene County to nominate candidates

for the vacancy. The names may be submitted in writing before the meeting or verbally at the meeting.

- c) Any member of the Commission may also nominate candidates to be considered to fill any vacated seat.
- d) After nominations cease, the Commission shall discuss the nominations and shall interview nominees or allow the nominees to speak to the Commission.
- e) Having met all requirements of this Charter and Tennessee law, the Commission shall vote on the qualified nominees. If no nominee receives a majority of votes in the initial vote, the nominee receiving the least amount of votes shall be removed from consideration, and there will be a subsequent vote to consider the remaining candidates. This process will continue until one candidate receives a majority of the votes.
- f) Any challenge to the legality of an appointment shall be submitted to a judge of the General Sessions Court within ten (10) days of the date of appointment.
- g) A vote to fill a vacancy cannot occur at the same Commission meeting where nominations are first taken to fill said vacancy.

(5.12) Approval of Nominations

All nominations by the 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 Commission, in accordance with Section 9.05(b) of this Charter.

(5.13) Meetings and Quorum

- a) The Commission shall hold at least one regular monthly meeting which shall start at or after 5 p.m. and be held at a place to be determined by the Chairman of the Commission, who shall also determine the time, place, and agenda for all regular meetings.
- b) The Chairman of the Commission shall have the authority to call special Commission meeting when deemed necessary. A special meeting also may be called upon the request of one-third of the membership of the Commission. When a special meeting is called, the Chairman of the Commission shall determine the time, place, and agenda of such meeting. This same procedure shall apply to meetings of any Committee and its Chairman.
- c) The Chairman of the Commission shall have posted on the County website the agenda, Commissioner packets, or other handouts. Also, anyone may obtain copies of meeting handouts at the County Clerk's office for a reasonable fee.

- d) Designated committees of the Commission shall meet at a time and place to be determined by the Chairman of such committee.
- e) For each Commission meeting and each committee meeting, the Chairman of the Commission 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.
- f) For each Commission meeting and each committee meeting, the County Clerk shall keep minutes of each such meeting, shall post same on the County website within five (5) business days, and shall submit a copy to the Mayor, to the Financial Director, and to all Commissioners at least five (5) days prior to the next Commission meeting. It shall be the duty of the County Clerk's office to maintain minutes of all Commission and committee meetings in such manner that the records shall at all times, during normal business hours, be open for public inspection.
- g) A quorum for the purpose of conducting business shall be a majority of the membership of the Commission or committee. All meetings shall be held in compliance with the provisions of T.C.A. § 8-44-101, et. seq., and this Charter.
- h) Emergency meetings can take place for the sole purpose of assessing emergency conditions and determining appropriate courses of action.
- i) Any citizen of Greene County shall have the right to address the Commission or any other assembly as set forth below:
 - 1) At the beginning and ending of any meetings, any citizen may, for no more than three (3) minutes per person, make suggestions, ask questions, or ask for a redress of grievances. If possible, a verbal response must be given to each person addressing the assembly. If time is needed to reply, then the chair is responsible for providing a written response within the first three business days following the meeting.
 - 2) Before the Commission can proceed to vote on any matter, the Chairman of the Commission shall ask the audience for any questions or comments regarding the matter at hand. The Chairman of the Commission shall recognize any Greene County resident who wishes to make a comment or ask a question. These questions or comments must be germane 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.

(5.14) Committees

The Commission shall establish and/or dissolve any committees as determined by a majority vote of the full Commission, as well as set the level of participation for its members, not to be in conflict with Tennessee law or this Charter. This provision shall not authorize any changes to the Financial Management Committee or the Ethics Committee.

Article VI Other Offices

(6.01) Property Assessor

- a)** The duties of the Assessor of Property are vested in and exercised by the Greene County Property Assessor. The Property Assessor's duties, qualifications, oath of office, and bond requirements shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. The duties of this office shall include, but not be limited to, the responsibility of determining and recording the value of all property within the county, whether real, personal or mixed, except for the property of public utilities valued by the State; provided, however, that nothing in this section shall diminish the duties of the Office of the Property Assessor as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Commission.
- b)** The Property Assessor shall be elected every four (4) years, commencing with the general election that is scheduled for 2020.
- c)** The Property Assessor must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Property Assessor must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Property Assessor's salary shall be set by the Commission. The salary of the Property Assessor may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Property Assessor was elected or after January 1 of the year in which the Property Assessor is to be elected.
- f)** If a vacancy occurs in the office of Property Assessor by death, resignation, removal, disability, or otherwise, the Deputy Assessor shall serve as Acting Assessor until an Interim Assessor is elected by the Commission.
 - 1)** The Commission shall elect an Interim Assessor within forty-five (45) days after the Acting Assessor begins to serve.
 - 2)** The Interim Assessor shall serve until a successor is elected and qualified at the next countywide election.

(6.02) Sheriff

- a)** The duties of the Sheriff are vested in and exercised by the Greene County Sheriff, who shall be the Chief Law Enforcement Officer of Greene County. The Sheriff's duties, qualifications, oath of office, and bond requirements shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. General duties of Sheriff shall include, but not be limited to, maintaining the jail(s) of the County, providing courthouse and courtroom security, and providing civil and criminal warrants service as well as those duties traditionally performed by the Sheriff in accordance with common law; provided, however, that nothing in this section shall diminish the duties of the Office of the Sheriff as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Commission.
- b)** The Sheriff shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The Sheriff must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Sheriff must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Sheriff's salary shall be set by the Commission. The salary of the Sheriff may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Sheriff was elected or after January 1 of the year in which the Sheriff is to be elected.
- f)** If a vacancy occurs in the office of Sheriff by death, resignation, removal, disability, or otherwise, the Chief Deputy Sheriff shall serve as Acting Sheriff until an Interim Sheriff is elected by the Commission.
 - 1)** The Commission shall elect an Interim Sheriff within forty-five (45) days after the Acting Sheriff begins to serve.
 - 2)** The Interim Sheriff shall serve until a successor is elected and qualified at the next countywide election.

(6.03) Register Of Deeds

- a)** The duties of the Register of Deeds are vested in and exercised by the Greene County Register of Deeds. The duties, qualifications, oath of office, and bond requirements of the Register of Deeds shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. The duties of this office shall include, but not be limited to, the responsibility for the filing or recordation of documents that affect the legal status of real or personal property; provided, however, that nothing in this section shall diminish the duties of the Office of the Register of Deeds as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Commission.
- b)** The Register of Deeds shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The Register of Deeds must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Register of Deeds must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Register of Deeds' salary shall be set by the Commission. The salary of the Register of Deeds may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Register of Deeds was elected or after January 1 of the year in which the Register of Deeds is to be elected.
- f)** If a vacancy occurs in the office of Register of Deeds by death, resignation, removal, disability, or otherwise, the Deputy Register shall serve as Acting Register until an Interim Register is elected by the Commission.
 - 1)** The Commission shall elect an Interim Register within forty-five (45) days after the Acting Register begins to serve.
 - 2)** The Interim Register shall serve until a successor is elected and qualified at the next countywide election.

(6.04) County Clerk

- a)** The duties of the County Clerk are vested in and exercised by the Greene County Clerk. The duties, qualifications, the oath of office, and bond requirements of County Clerk shall be governed by the Constitution, Tennessee law, and this Charter. General duties of this office shall include, but not be limited to, the responsibility for the collection of business taxes, motor vehicle registration and licensing, the collection of wheel taxes, the issuance of marriage and other licenses, and the keeping of records of the county's notaries public; provided, however, that nothing in this section shall diminish the duties of the Office of the County Clerk as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Commission.
- b)** The County Clerk shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The County Clerk must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The County Clerk must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The County Clerk's salary shall be set by the Commission. The salary of the County Clerk may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the County Clerk was elected or after January 1 of the year in which the County Clerk is to be elected.
- f)** If a vacancy occurs in the office of County Clerk by death, resignation, removal, disability, or otherwise, the Deputy Clerk shall serve as Acting Clerk until an Interim Clerk is elected by the Commission.
 - 1)** The Commission shall elect an Interim Clerk within forty-five (45) days after the Acting Clerk begins to serve.
 - 2)** The Interim Clerk shall serve until a successor is elected and qualified at the next countywide election.

(6.05) Trustee

- a)** The duties of the Trustee are vested in and exercised by the Greene County Trustee. The duties, qualifications, the oath of office, and bond requirements of the Trustee shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. The general duties of this office shall include, but not be limited to, the responsibility for the collection of property taxes, the collection and disbursement of county funds, and the management of the County's cash flow and the investment of idle funds; provided, however, that nothing in this section shall diminish the duties of the Office of the County Trustee as prescribed by the General Assembly, although additional duties may be given to this office by this Charter or by ordinance of the Commission.
- b)** The Trustee shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The Trustee must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Trustee must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Trustee's salary shall be set by the Commission. The salary of the Trustee may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Trustee was elected or after January 1 of the year in which the Trustee is to be elected.
- f)** If a vacancy occurs in the office of Trustee by death, resignation, removal, disability, or otherwise, the Deputy Trustee shall serve as Acting Trustee until an Interim Trustee is elected by the Commission.
 - 1)** The Commission shall elect an Interim Trustee within forty-five (45) days after the Acting Trustee begins to serve.
 - 2)** The Interim Trustee shall serve until a successor is elected and qualified at the next countywide election.

(6.06) Highway Superintendent

- a)** The duties of the Highway Superintendent are vested in and exercised by the Greene County Highway Superintendent. The duties, qualifications, the oath of office, and bond requirements shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. The general duties of the Office of Highway Superintendent shall be defined and prescribed by the General Assembly, although additional duties may be given to this Office by this Charter or by ordinance of the Commission.
- b)** The Highway Superintendent shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The Highway Superintendent must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Highway Superintendent must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Highway Superintendent's salary shall be set by the Commission. The salary of the Highway Superintendent may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Highway Superintendent was elected or after January 1 of the year in which the Highway Superintendent is to be elected.
- f)** If a vacancy occurs in the office of Highway Superintendent by death, resignation, removal, disability, or otherwise, the Assistant Superintendent shall serve as Acting Superintendent until an Interim Superintendent is elected by the Commission.
 - 1)** The Commission shall elect an Interim Superintendent within forty-five (45) days after the Acting Superintendent begins to serve.
 - 2)** The Interim Superintendent shall serve until a successor is elected and qualified at the next countywide election.

(6.07) Circuit Court Clerk

- a)** The duties of Circuit Court Clerk are vested in and exercised by the Greene County Circuit Court Clerk. The duties, qualifications, the oath of office, and bond requirements shall be governed by the Tennessee Constitution, Tennessee law, and this Charter. The general duties of the Office of Circuit Court Clerk shall be defined and prescribed by the General Assembly, although additional duties may be given to this Office by this Charter or by ordinance of the Commission.
- b)** The Circuit Court Clerk shall be elected every four (4) years, commencing with the general election that is scheduled for 2018.
- c)** The Circuit Court Clerk must meet all requirements of Tennessee law and this Charter to be a candidate for office.
- d)** The Circuit Court Clerk must have been a resident of Greene County at least one (1) year prior to filing to run for this office and must remain a full-time resident during his term of office.
- e)** The Circuit Court Clerk's salary shall be set by the Commission. The salary of the Circuit Court Clerk may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Circuit Court Clerk was elected or after January 1 of the year in which the Circuit Court Clerk is to be elected.
- f)** If a vacancy occurs in the office of Circuit Court Clerk by death, resignation, removal, disability, or otherwise, the Deputy Clerk shall serve as Acting Clerk until an Interim Clerk is elected by the Commission.
 - 1)** The Commission shall elect an Interim Clerk within forty-five (45) days after the Acting Clerk begins to serve.
 - 2)** The Interim Clerk shall serve until a successor is elected and qualified at the next countywide election.

(6.08) Constables

- a) Tennessee Constables are sworn and bonded peace officers with full powers of arrest under T.C.A. § 8-10-101, et seq.
- b) The constable is required to participate in 40 hours of in-service training and to be range-qualified each year by a Certified Firearms Instructor prior to carrying a firearm in an official capacity or having powers of arrest. A copy of both of the aforementioned certifications is to be provided by the Constable to the Greene County Sheriff who will maintain a file for each Constable.
- c) Anyone disqualified for not meeting these requirements cannot fill a constable's position in that four-year election cycle.
- d) The number of constables in Greene County cannot exceed one per district. The number of constables can be decreased, or the constable position can be eliminated, at any time, by a simple majority vote of the County Commission, on two consecutive readings.
- e) The constables of Greene County have no constable authority outside the county boundary. They cannot enter into a confederacy with constables from any of the surrounding counties.

(6.09) Offices Not Addressed

This Charter does not address every office of County Government. Those offices not addressed herein shall not be altered by the adoption of this Charter, except as otherwise subsequently adopted by the citizens of Greene County in a duly held referendum, amendment to this Charter, or an ordinance of the Commission.

Article VII Judicial Branch

(7.01) Judiciary

- a) The judiciary of County Government shall be vested in the existing courts of Greene County or any other courts established by Tennessee law. Judges of the various courts of Greene County shall expressly continue as elective officers with all powers and duties conferred or implied by Tennessee law upon their respective offices.
- b) This Charter shall not be construed to dismantle or discontinue any lawful courts or judgeships established prior to the adoption of this Charter.
- c) The Commission may, by ordinance, create additional divisions of the General Sessions Court, as well as other courts that may hereafter be provided by Tennessee law. The Commission is authorized to create any division of the General Sessions Court which it deems necessary and may abolish such divisions so long as the Commission shall comply with Section 7.03 of this Charter. Such additional divisions of the General Sessions Court may be given exclusive jurisdiction over Greene County ordinance violations and such other jurisdiction as may be authorized by Tennessee law or this Charter.

(7.02) Vacancy

If a vacancy occurs in any judicial office of the General Sessions Court, or in any other judicial office established by Tennessee law or by this Charter, then that vacancy shall be filled by a vote of the Commission as prescribed in this Charter, and the person so selected shall serve until his successor is elected and sworn.

(7.03) Abolishing Divisions or Altering Compensation

Nothing herein shall grant to the Commission power to abolish a division of any General Sessions Court, or any other county judicial office, during the term of office of a judge of that court, nor shall the Commission alter the compensation of any judge of any court of Greene County during the term of office of such judge. The Commission shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of Greene County during the year in which an election of the judge of such court shall be held.

(7.04) Rules of Court and Evidence

Nothing herein contained shall confer upon the Commission the power to make rules of court, rules of evidence, or otherwise affect the rules of civil or criminal procedure applicable to the courts of Greene County. The power to make rules of court or rules of evidence shall be expressly reserved to the respective courts of Greene County, to the Tennessee Supreme Court, and to the Tennessee General Assembly.

Article VIII Schools

(8.01) School Board Structure

- a) There is hereby created the Greene County Board of Education (hereinafter referred to as the School Board). The people of Greene County shall elect a School Board comprised of seven (7) members, one from each of Greene County's seven electoral (7) districts. The election shall be non-partisan; the candidates shall be listed on the ballot as Independents; and there shall be no primary elections to select candidates for inclusion on the ballot.
- b) School Board terms are four (4) years. The election cycle in place at the adoption of this Charter shall continue under this Charter. Board members shall take office on September 1 following their respective elections.
- c) No individual shall be eligible to serve on the School Board unless he has met all of the requirements set forth by Tennessee law and this Charter and has maintained a permanent residence as a citizen of the county for at least one (1) year prior to filing to run for this office. He must remain a full-time resident of the district during his term of office.
- d) 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 his seat on the School Board within thirty (30) days and the vacancy in the School Board shall be filled by County Commission in accordance with Section 5.10 of this Charter. Provided, 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 his election to the School Board.

(8.02) School Board Salary and Compensation

Each member of the School Board shall receive compensation in the same amount per meeting as provided for members of the County Commission.

(8.03) School Board – Activity

- a) The School Board shall hold regular meetings at least monthly. The Chairman may call such special meetings when he feels that the interest of the public schools require such or when requested to do so in writing by four (4) members of the Board.
- b) Five (5) members of the Board shall constitute a quorum. Committees shall have at least three (3) members. All meetings shall be held in compliance with the provisions of the Tennessee Open Meetings Act (T.C.A. § 8-44-101, et. seq.), and this Charter.

- c) 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 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 upon a majority vote of the full School Board.
- d) The School Board shall elect, during the first meeting in September each year, a Chairman, Vice-Chairman, and Secretary from within its ranks. 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, the following procedure shall be followed:
 - 1) Nominations may be made only by School Board members.
 - 2) Each member may vote in favor of only one (1) nominee.
 - 3) Election of a nominee shall require a majority vote of the full membership of the School Board. Prior to such election, the School Board shall establish the procedure for arriving at a majority vote.
- e) School Board members are bound by the provisions of Section 9.04 (Conflict of Interest) of this Charter.
- f) For each School Board meeting and each School Board committee meeting, the School Board Secretary shall notify the public of any such meeting in accordance with the provisions of the Tennessee Open Meetings Act and shall thereafter file with the County Clerk's office proof of public notice prior to said meeting.
- g) For each School Board meeting and each School Board committee meeting, the Secretary shall keep minutes of each such meeting, shall provide a copy to the County Clerk, and shall post same to the County website and the Greene County Schools website within five (5) business days. Thereafter, the County Clerk shall submit a copy to the Mayor, to the Financial Director, and to all School Board members at least five (5) days prior to the next School Board meeting. It shall be the duty of the County Clerk's office to maintain minutes of all School Board and School Board committee meetings in such manner that the records shall at all times, during normal business hours, be open for public inspection.
- h) Emergency meetings can take place for the sole purpose of assessing emergency conditions and determining appropriate courses of action.

- i) Any citizen of Greene County shall have the right to address the School Board or any other assembly as set forth below:
 - 1) At the beginning and ending of any meetings, any citizen may, for no more than three (3) minutes per person, make suggestions, ask questions, or ask for a redress of grievances. If possible, a verbal response must be given to each person addressing the assembly. If time is needed to reply, then the chair is responsible for providing a written response within the first three (3) business days following the meeting.
 - 2) Before the School Board can proceed to vote on any matter, the Chairman of the School Board shall ask the audience for any questions or comments regarding the matter at hand. The Chairman of the School Board shall recognize any Greene County resident who wishes to make a comment or ask a question. 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.

(8.04) School Board Duties and Powers

- a) Management and control of the Greene County School system shall be vested in the Greene County School Board, subject to the approval of all budgetary matters, said budgetary matters to be approved by the Commission, as more particularly set forth in Section 10.10.
- b) The School Board shall have all such duties, powers, and authority necessary or reasonably implied to manage and establish policy for the Greene County School System as provided by Tennessee Constitution, Tennessee law, or this Charter.
- c) The School Board shall operate on a balanced budget financial plan for each current year. Additionally, each year's balanced budget shall be developed by using projected income and expenditures for the current year and two (2) fiscal years forward (3-year total operations and financial planning budgets). Further, a five (5) year capital improvement plan must be maintained and updated each fiscal year during the budgeting process as specified in Article 10 of this Charter.
 - 1) Normal operating costs are things such as fuel costs, payroll, utility bills, facilities and vehicle maintenance, and similar recurring costs.
 - 2) The Capital budget will consist of costs incurred for the purchase of equipment such as buses, computers, school equipment, and other things not normally occurring on a regular basis.
- d) The Director of Schools, the Chairman of the School Board, and the Secretary 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 Board at its meetings and shall be subject to ratification, modification, or rejection by the Board.

- e) All members of the Board shall give bond in an amount and under terms as provided by this Charter or Tennessee law.
- f) “Any member of the Board who votes to create debts beyond the legitimate income provided in the school budget for any school year or in any way misappropriates or misuses school funds commits a Class A misdemeanor and shall forfeit office and shall be replaced by the Commission.” (T.C.A. § 49-2-204).

(8.05) Director of Schools

- a) The School Board shall appoint, during their October meeting, a Director of Schools who shall be a full-time employee of County Government 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, made. Appointment to fill a vacancy in the Director of Schools’ office, if any should occur due to death, disability, resignation, or removal from office, shall be made at the discretion of the School Board.
- b) The Director of Schools shall satisfy the requirements of Tennessee law and this Charter, shall make Greene County their primary residence within thirty (30) days of taking office, and shall remain a resident of Greene County during the term of office.
- c) The Director of Schools shall be a chief administrative officer and executive official of Government School System, responsible for exercising all executive and administrative functions of School Board. The Director of Schools shall have and exercise all powers and authority necessary to perform his responsibilities as authorized by Tennessee law, this Charter, or ordinance.
- d) The salary of Director of Schools shall be recommended by the School Board. Such salary may be changed from time to time by ordinance of the County Commission; provided, however, that no change in salary shall take place during the term for which the Director of Schools was appointed.
- e) If a vacancy occurs in the office of Director of Schools by death, resignation, removal, disability, or otherwise, the Deputy Director of Schools shall serve as Interim Director of Schools.
- f) The Interim Director of Schools shall serve until a Director of Schools is appointed by the School Board.
- g) No extension or renewal of any current contract can be offered or ratified until the current contract has been ninety (90) percent completed. Bonuses cannot be given to the Director of Schools.

(8.06) School Board Employees

- a) The handling of employment in County Schools shall meet the requirements of Tennessee law.

- b)** Any salary increases, any changes in job titles/responsibilities, and any changes in the number of employees of the Board of Education or of the Director of Schools shall be approved in advance by a majority of the School Board. Failure to comply with the provisions of this subsection shall be deemed to be a violation of T.C.A. § 49-2-204.

Article IX

Ethics

(9.01) Definitions

- a) For the purpose of this Article, "**personal interest**" means a financial interest of the official or employee, whether direct or indirect, or a financial interest of the official's or employee's relative, in any matter to be voted upon, regulated, supervised, or otherwise acted upon as an agent of County Government.
- b) For the purpose of this Article, "**relative**" means parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household. A court-appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.
- c) For the purpose of this Article, "**assembly**" means any group or subgroup where decisions are determined by voting, including County Commission, School Board, Election Commission, and any group or subgroup in which an elected official or employee of County Government is a member.

(9.02) Ethics Committee - Structure

- a) The County Commission shall appoint an Ethics Committee. The first Commission seated after this Charter takes effect shall appoint an Ethics Committee no later than December 2018 which shall consist of seven (7) members, one from each of Greene County's seven districts, who shall then serve a term of four (4) years. Thereafter, every four (4) years, the Ethics Committee shall be appointed by December following that year's general election in August and shall take office on January 1 of the year following.
- b) The Commissioners from each district shall nominate one (1) individual who shall reside in that district, who is not a government employee, official, or officer, and who does not have a member of the immediate family who is a county government employee, official, or officer. The nominees shall be presented to the County Commission at its first meeting in October, at which time the Commission shall select the seven (7) individuals to serve on the Ethics Committee. If the Commission rejects any of the nominees, another vote shall be taken at the next Commission meeting, according to the same procedures, until a nominee from each district is selected.
- c) The County Commission shall not create any other committee with a name or duties similar to that of the Ethics Committee.

(9.03) Ethics Committee – Activity

- a)** The provisions of this article shall be broadly construed and strictly enforced for the purpose of preventing County Government officers and employees from securing any pecuniary advantage, however indirect, from their government associations, other than the compensation provided by Tennessee law, this Charter, or by ordinance.
- b)** Within twenty (20) days of taking office, the Ethics Committee shall meet to select a Chairman, Vice-chairman, and Secretary from within its assembly. The Ethics Committee members shall, at the first meeting, take the Oath of Office as prescribed in Section 3.03.
- c)** The Ethics Committee shall not hold regular meetings but, instead, shall meet when necessary to work on the investigation of complaints or its recommendations. The Secretary shall record and submit minutes of each Committee meeting to the County Clerk, and such minutes shall be filed in the office of the County Clerk, where they shall be open to public inspection. The members of the Ethics Committee shall be compensated for their individual time at the same rate as members of other County Government committees.
- d)** The Ethics Committee shall have the authority and responsibility to investigate all complaints regarding Charter violations, misconduct, fraud, waste, or abuse by any appointed or elected County Government employee or official. If an Ethics Committee member is the subject of a complaint, said member shall recuse himself from all proceedings involving the complaint.
- e)** All complaints shall be submitted in writing to the Chair of the Ethics Committee, be signed by the individual making the complaint, and shall include in reasonable detail the facts upon which the complaint is based. The Complaint will not be considered unless the Complaint is notarized and sworn. The procedure shall be as follows:
 - 1)** All complaints shall be given a case number and subject.
 - 2)** Any Ethics Committee member may, if desired, interview the Complainant one-on-one and record the information for personal use.
- f)** A simple majority vote of the Ethics Committee is required for any future action.
- g)** The Ethics Committee, notwithstanding Section 5.02(f), shall have power and authority to subpoena witnesses and to administer oaths, where necessary or desirable, for the purpose of completing its investigatory duties.
- h)** The Ethics Committee may undertake an investigation on its initiative when it acquires information indicating a possible wrongdoing, in effect making a complaint to itself.

- i) The Ethics Committee shall function only to investigate complaints and to make recommendations, if warranted by the investigatory result. Recommendations for local disciplinary actions, along with all the information obtained, shall be presented to the Commission who shall then decide, by simple majority vote, whether to impose the recommended or other disciplinary action(s). If the violations are severe, the Ethics Committee shall contact the District Attorney and state authorities to refer the matter for further action pursuant to Tennessee law.
- j) All meetings of the Ethics Committee shall be held in compliance with the Tennessee Open Meetings Act.

(9.04) Conflict of Interest and Other Issues

- a) Except as otherwise approved for the performance of official duties, no elected or appointed officer or employee of County Government shall, in any other manner whatsoever, have a personal interest in, or any additional benefit or compensation from, any contract, job, work, or service of County Government. No such officer or employee shall accept, directly or indirectly,
 - 1) any service or item of value, or
 - 2) any part of any fee, commission, or other compensation paid by or payable to County Government, whether by or from any officer, agent, board, or employee, except as part of a salary or other compensation package which has been approved for the services performed as part of his official duties.
- b) No elected or appointed officer or employee of County Government shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any bonds purchased by County Government.
- c) No elected or appointed officer or employee of County Government shall solicit or accept any compensation or gratuity in the form of money, or otherwise, for any act or omission in the course of the person's employment with the County Government.
- d) No elected or appointed official of County Government shall advocate, recommend, supervise, manage, or cause the employment, appointment, promotion, transfer, or advancement of his relative to an office or position of employment with County Government.
- e) No elected or appointed officer or employee of County Government shall vote for, lease, overlook, or in any manner superintend any work or contract with County Government for sale of any land, materials, supplies, or services to or by County Government, or to a contractor supplying County Government, where such person has a personal interest.

- f) Any elected official or employee of County Government with responsibility to vote on an issue shall disclose, before any discussion or vote on the issue, and so it appears in the minutes of the meeting, any personal interest in the issue. Also, said elected official or employee shall recuse himself from the discussion and from voting on the issue and shall leave the room until discussion ends and the vote is taken. Any and all unresolved conflicts of interest shall be resolved by the Chairman prior to the vote.
- g) No elected or appointed officer or employee of County Government shall advocate or vote for any budgetary item or tax rate that would directly or indirectly benefit him or his relatives, as that term is defined in Section 9.01(b).
- h) If a complaint involves a voting violation of this Section 9.04, and the Ethics Committee determines that such a violation has occurred, the Ethics Committee shall recommend any disciplinary recommendations.
- i) The Commission may enact ordinances to guard against injustice, to supplement various provisions herein, and to extend prohibitions against conflict of interest which are not inconsistent with this Charter. Further, it is the stated intention of this Charter that all such future ordinances passed by the Commission shall be not less stringent than Tennessee law.

(9.05) Members of Boards, Authorities, Commissions, or Agencies

- a) No elected or appointed official or employee of County Government who is compensated for their service by salary and/or wages shall receive any additional salary for serving as an ex-officio member of a county board, commission, authority, committee, or agency.
- b) Should any offices, boards, or committees need to be filled by the County Commission, the vacancy shall be filled as specified in Section 5.11.

Article X Financial Management

(10.01) Intent

Article X of this Charter adopts certain provisions of the Tennessee “County Financial Management System of 1981,” found in T.C.A. §§ 5-21-101 through 5-21-129. However, this Article is complete and fully effective as written, and reference to the Tennessee “County Financial Management System of 1981” does not imply the adoption of the entire “County Financial Management System of 1981.”

(10.02) Definitions

As used in this Article, unless the context otherwise requires,:

- a) “**Committee**” means the County Financial Management Committee;
- b) “**Department**” means the Finance Department; and
- c) “**Director**” means the Director of the Finance Department.

(10.03) Finance Department – General Provisions

- a) **1)** This Article creates a Finance Department to administer the finances of the County for all funds of the various departments, agencies, and boards that are part of County Government.
- 2)** This Article shall not be construed as authority over personnel policies or procedures or salaries of the various County offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the Committee.
- b) The Finance Department shall be responsible for purchasing, accounting, budgeting, payroll, cash management, and other such financial matters of the County as provided in this Article.
- c) All employees performing the functions of purchasing, payroll, accounting, and budgeting in the various operating departments shall be transferred to the supervision of the Director, and such salaries, benefits, and expenses relating to such personnel shall be budgeted under the Finance Department, notwithstanding any other law to the contrary.
- d) **1)** The Department shall establish a system of fiscal management, control, accounting, budgeting, purchasing, and cash management as herein provided.

- 2) Such system shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national council of governmental accounting, and the rules and regulations established by the Comptroller of the Treasury and state law.

(10.04) Financial Management Committee – General Provisions

- a) A County Financial Management Committee is hereby created.
- b) 1) The Committee shall consist of nine (9) members: the County Mayor, the Director, and seven (7) County Commissioners.

2) The seven (7) members elected to the Committee by the County Commission must be members of such body selected in accordance with Section 5.03(i).
- c) Such Committee shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.
- d) The Mayor shall be the ex officio chairman of such Committee. The Director shall be the ex officio secretary of such Committee. Neither the Mayor nor the Director shall be entitled to vote. In the absence of the Mayor or Director, the Committee shall select from among its members a temporary replacement, who shall maintain the right to vote.
- e) 1) The Committee shall establish and approve policies, procedures, and regulations in addition to the specific provisions of this Article, for implementing a sound and efficient financial system for administering the funds of the County.

2) Such system shall include budgeting, accounting, purchasing, payroll, cash management, and such other financial matters necessary to an efficient system.

(10.05) Director – Appointment and Compensation

- a) 1) The Committee shall appoint the Director, subject to the approval of the Commission.

2) The Committee may dismiss the Director, subject to the approval of the Commission.
- b) The Director shall be an employee of the County.
- c) The Director shall have a bachelor degree from a college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting or equivalent experience in accounting.

- d) The Director shall make Greene County his primary residence within thirty (30) days of taking office and shall remain a resident during his term of office.
- e) The compensation of the Director shall be established by the Committee, subject to the approval of the Commission.

(10.06) Director - Duties

- a) The Director shall oversee the operation of the Department and the functions established by this Article and shall be responsible for the implementation of the policies of the Committee or such special committees established by the Commission.
- b) The Director shall, as part of the director's duties, install and maintain a purchasing, payroll, budgeting, accounting, and cash financial management system for the county.
- c) The Director shall assist other county officials and employees in coordinating an efficient countywide financial management system for the County.
- d) The Director has the authority to hire and terminate personnel for the Finance Department subject to the approval of the Financial Management Committee; provided, however, that the hired positions must be funded in the annual budget, and the personnel so hired must meet the written job requirements as recommended by the Director and approved by the Committee.
- e) The Director shall prepare a consolidated annual budget for submission to the Committee.
- f) The Director shall have the authority to request any pertinent financial information from any department or office of County Government.

(10.07) Director - Deputy

- a) The Director shall recommend an employee of the Finance Department to serve as Deputy Director of Finance, subject to the approval of the Committee.
- b) The Deputy Director shall perform such duties and responsibilities as assigned by the Director.
- c) In the absence of the Director, the Deputy Director shall perform the duties of the Director necessary to the continued operation of the department, including, but not limited to, the co-signing of warrants, payroll checks, and purchase orders.

(10.08) Director - Bond

- a) The Director shall execute a blanket bond in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for the faithful performance of the Director's duties

as Director and of the Department employees in accordance with the general law for such bonds.

- b) The cost of such bond shall be paid from funds appropriated to the Department for such purpose.
- c) The Committee may recommend to the Commission that such bond be increased, but any increase in appropriations must be approved by the Commission.
- d) Such bond shall be prepared in accordance with the provisions of T.C.A. § 8-19-101, et. seq., shall be approved by the Commission, shall be recorded in the Office of the County Register of Deeds, and shall be transmitted to the Office of the County Clerk for safe keeping.

(10.09) Zero-Based Budgeting

- a) Each fiscal year, the head of each County Government department, all elected county officials, Clerks of court, all other county entities or organizations for which the County Government is ultimately responsible for their debts, and any other entity requesting money from the citizens of Greene County, shall prepare and submit a zero-based budget to the Financial Management Committee.
- b) These Zero-Based Budgets:
 - 1) Must be built from the bottom up each fiscal year, starting with a blank slate each fiscal year.
 - 2) Must include a breakdown of the proposed zero-based budget and capital investment plan for three (3) year's operations, which shall include the current year, the proposed year, and one (1) year forward.
 - 3) Must note any increase from the previous year's operations and financial planning budget as well as any changes in the capital improvement budget.
 - 4) Must note the total amount the department, office, or organization spent the previous year for operations and capital investments. This figure shall include the total amount budgeted and approved by the Commission, as well as the total amount of funds actually disbursed by the department, office, or organization.
 - 5) Must be itemized to the lowest level of cost reported.
- c) Capital Improvement budgets shall not be altered or varied between yearly budgets, except with the approval of the Commission by resolution.

- d) All unspent budgeted line item allocations shall, at year end, be transferred into the general fund for use in the projected budget funding.
- e) All revenue realized from the sale of any county-owned assets shall be transferred directly into the Contingency Fund, and, shall not be used to fund any line item expense.
- f) All reductions in operating funds received from either the State of Tennessee or the Federal Government shall result in an immediate reduction in budgeted expenditures within the affected department for the then-current budget year and subsequent budget years.

(10.10) Budget – Preparation and Committee Review

- a) On or before February 1 of each year, the Committee, in conjunction with the Director, shall prescribe the budgetary procedures, forms, calendar, and other information as may be necessary to implement the budgetary procedures contained in this Article.
- b) Each department or office of County Government shall submit a proposed budget for the succeeding fiscal year and such other budgetary information requested by the Director or Committee.
- c) From the information submitted, the Director shall prepare a consolidated budget document as authorized by Section 10.06(e).
 - 1) Said document shall show, by line item, the estimated expenditures by the various departments and officials which are required for the efficient operation of the County Government from the county general fund, the debt service funds, highway funds, schools funds, and all other funds.
 - 2) Said document shall show estimated revenues to be received by each of the funds during the next fiscal year and an estimate of the unencumbered fund balance of each of such funds at the beginning of the fiscal year.
- d) The Director shall file the consolidated budget document with the Committee.
 - 1) The Committee shall review the consolidated budget, and, where deemed appropriate by the Committee, address recommended spending adjustments with each department head. All unresolved budgetary conflicts are to be presented to the Commission for final resolution. The recommended consolidated budget, along with all unresolved budgetary conflicts, shall be presented to the Commission at least ten (10) days prior to the June Commission meeting.
 - 2) Such consolidated budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year as

submitted by each department, office, or agency and recommended by the Committee, and shall conform to the uniform classification of accounts established by the Director in accordance with the prescribed uniform accounting system of the State of Tennessee.

- 3) It is expressly provided that the classification of expenditures and receipts of any and all county school funds which are administered by the School Board and County Director of Schools shall conform to the classification of accounts as prescribed by the Commissioner of Education for the State of Tennessee.
- 4) Committee shall fully provide in the budget for all requirements for debt service, interest, bond maturities, and for any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate to fund such budget. The Committee shall fully provide for any court-ordered expenses, including, but not limited to, deputies' and assistants' salaries authorized by court order pursuant to T.C.A. § 8-20-101, et seq. The budget, when adopted, shall appropriate funds to comply fully with such court order. The Commission shall adopt any budget amendment necessary to implement the provisions of such court order.

(10.11) Budget – Hearings – Supporting Documents – Commission Action

- a) 1) (A) At least ten (10) days before the proposed budget is to be presented to the Commission, the Committee shall cause to be published on the County website the proposed annual operating budget, and a summary of said budget shall be published in a Greene County newspaper of general circulation in the form prescribed by Tennessee law.
- (B) This budget shall contain a budgetary comparison, which shall include comparisons of the proposed budget with the current year and the prior year, for the following governmental funds:
 - i) General;
 - ii) Highway/public works;
 - iii) General purpose school fund; and
 - iv) Debt service.
- (C) Budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, State of Tennessee, the federal government, and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

- 2) Such publication shall also contain a notice of a public hearing which shall be conducted by the Committee, and at which said hearing, any citizen of the County shall have the right to appear and have three (3) minutes to state such citizen's views on the budget.
- b) The Committee shall present the budget to the Commission at the regular June Commission meeting each year, or at a special session called for this purpose prior to the regular June meeting.
- c) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work, and activities to be financed by the proposed budget and a brief discussion of the means proposed for funding the expenditure program set forth in the budget.
- d) With the proposed budget, the Committee shall deliver to the Commission a budget appropriation resolution and a tax levy resolution.
- e)
 - 1) The Commission may alter or revise the proposed budget, except as to the provision for debt service requirements and other expenditures required by State law. However, when reviewing the proposed budget of the County School Board, the Commission may only alter or revise the total amount of expenditures as proposed, and such alterations or revisions shall comply with state law and regulations. Upon alteration or revision of the proposed budget of the School Board, the Director of Schools shall submit a revised budget within the total expenditures approved by the Commission within ten (10) days. If the revised budget complies with the amount of expenditures as adopted by the Commission, the revised budget will become the approved budget for the School Board.
 - 2) The Commission shall adopt a budget prior to August 1.
- f)
 - 1) After adoption of the budget, any county department, agency, or official shall be entitled to a hearing before the Commission to justify any proposed additional requests or budget estimates.
 - 2) In the event of a dispute, the Director may make quarterly allotments to any department, agency, or official seeking a budget hearing, but not to exceed the approved amount for such quarter.
 - 3) Upon amendment of the budget, the Director shall make a supplemental allotment or impound the funds of any department, agency, or official in order to bring such appropriations in line with the amended budget.
- g) The budget, the appropriation resolutions, and the tax levy resolution, as adopted, shall be recorded in the minutes of the County Clerk.

(10.12) Debt Management

- a) The Committee shall report annually, as a part of their annual budget report to the public as outlined in Section 10.11(a), the following:
 - 1) Total debt calculation that itemizes all outstanding amortized principal and interest payments.
 - 2) Calculation of total debt per capita.
 - 3) Calculation of total debt as a percentage of per capita income.
 - 4) Calculation of total debt as a percentage of total appraised value of the County's taxable real property.
 - 5) Most recent debt rating provided by the County's bond rating agency.
- b) The Commission will not incur total indebtedness (principal and interest) that exceeds any of the following parameters:
 - 1) Total debt will not exceed \$750 per capita.
 - 2) Total debt will not exceed 4% of per capita income.
 - 3) Total debt will not exceed 1.25% of the total appraised value of the County's taxable real property.

(10.13) Contingency Fund

- a) The Commission shall maintain a Contingency Fund equal to 5% of the total annual budgeted expenditures. This fund is to be used only for emergency expenditures upon approval by 2/3 vote of the full Commission, and not to be used to fund budgetary line items or to balance budgets.
- b) Any withdrawals from the Contingency Fund shall be replaced in the next two (2) fiscal years in equal yearly installments.
- c) The initial funding of the Contingency Fund shall be equally spread annually over the first six (6) years after the ratification of this Charter.

(10.14) Appropriations – Later Modifications - Impounding

- a) Appropriations made in the appropriation resolution or any amendments thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by the resolution, and no expenditure shall be made, or obligation created, in excess of such limitation.

- b) After the original annual appropriation resolution has been adopted and the tax rate for the year fixed by the Commission, any resolution presented to the Commission in any fiscal year that provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide by tax levy sufficient revenues, or, in the alternative, designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.
- c)
 - 1) If at any time during the fiscal year, it shall become apparent that the revenues of any of the County's funds, together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the Director to impound the appropriations from such fund in such amount as shall be necessary to balance such account.
 - 2) Upon written approval of the Committee, as determined by a majority vote of the full Committee, such impounded funds shall be released.

(10.15) Expenditures – Minor Adjustments

- a) Appropriations made by the Commission shall constitute an authorization for the expenditures contained within, unless limited by the Commission.
- b) Expenditures may be made, and obligations created against, any appropriation to an aggregate total of the amount appropriated.
- c) Expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the Department.
- d) No expenditures made, or obligations created in any manner, shall be valid or binding against the County except as provided by the provisions of this Article.
- e)
 - 1) The Committee, at the request of any official or head of any department or division that may be affected, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.
 - 2) Any other transfers or adjustments shall be submitted to the Committee for its recommendation to the Commission.

(10.16) Monthly Reports

- a)
 - 1) The Director shall make a report at the end of each month showing the condition of the budget.

- 2) Such report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the fiscal year-to-date, the amount of outstanding encumbrances, and the amount of the unencumbered balance.
 - 3) Such report shall also show for each fund an itemized statement of revenues and receipts estimated for the fiscal year, the amount of the collections of each item for the month, the year-to-date, and the unrealized portion of the estimate.
- b) Each department head, elected official, and board member shall be furnished copies of monthly reports for their respective departments as soon as the same are available.
- c) 1) The most recent of such reports shall be presented by the Director at each regular session of the Commission.
 - 2) At such time, the Director shall advise the Commission of the condition of the budget and of any adjustment or reduction of appropriations that should be made, and shall recommend any other action that, in the Director's opinion, the Commission should take in order that the financial condition of the county is not impaired.

(10.17) Accounting System – Pre-audit of Invoices, etc.

- a) There shall be set up and maintained in the Department a system of fiscal procedure, control, and centralized accounting, which shall be under the administrative control and direction of the Director.
- b) 1) Before any obligation against the county shall be paid or any disbursement warrant or voucher issued, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service must be approved by the head of an office, department, or agency for which the obligation was made, and be filed with the Director.
 - 2) The Director shall establish a system for making a careful pre-audit of such invoice, purchase order, or other documents, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable.
 - 3) Disbursement Warrants shall be promptly prepared for all such approved obligations by the Director and mailed or delivered to the payees thereof.

(10.18) Disbursement Warrants

- a) All disbursement warrants that are drawn on the County for the obligations of all county departments, agencies, and officials, shall be signed as provided in this Section 10.18.
- b)
 - 1) Disbursement Warrant shall be prepared in the Finance Department and provided to the department head for signing.
 - 2) Upon preparation of such warrant by the Finance Department, the department head signing the disbursement warrant request shall keep one (1) copy for filing in such department.
 - 3) The original and all other copies of such warrant shall be returned to the Director for such Director's signature as a co-signer and for filing and mailing from the Finance Department.
 - 4) A duplicate copy of all disbursement warrants, with all original invoices and other supporting documents attached thereto, shall be kept on file in the office of the Director.
- c)
 - 1) In lieu of each department, agency, or official signing disbursement warrants, the departments may authorize the Director to use a signature plate in accordance with Tennessee law and with approval by the comptroller of the treasury.
 - 2) If such signature plate is used, it shall be locked in a safe place when not in use and supervised by the Director for its safe-keeping when in use.
 - 3) A record shall be maintained indicating when the signature plate is used, number of the warrants signed, and the person using such plate.

(10.19) Payroll Account

- a) The Committee shall maintain a special county payroll account at a bank, in which disbursement warrants for the total of each payroll shall be deposited and against which individual net earning checks may be issued to each of the county employees.
- b) The Committee may authorize the issuance of such payroll checks or equivalent direct deposits on the signature of the Director and, in such event, the depository bank shall be so instructed.

(10.20) Director as Supervisor of Purchasing Department

- a) The Director, or a deputy appointed by Director, shall serve as the county purchasing agent and shall assist the Committee in developing policies and procedures for implementing an economical and efficient purchasing system.

- b) The financial oversight of the following shall be the responsibility of the Director:
 - 1) The contract, purchase, or any obligation of the county for supplies, material, equipment, contractual services, the rental of machinery, buildings, or equipment, and the transfer of materials, supplies, and equipment between county offices or agencies;
 - 2) Contracts for building construction and the purchase of land;
 - 3) Public sale of all surplus materials, equipment, buildings, and land; and
 - 4) Any other created obligation of the county.
- c)
 - 1) Upon the recommendation of the Committee and approval of the Commission or as authorized by the Commission, a separate Purchasing Department may be established with a person hired as purchasing agent for the County.
 - 2) In the event that a separate Purchasing Department is established, and a purchasing agent is hired, all duties and responsibilities relative to purchasing shall be removed from the Director.

(10.21) Purchasing System

- a) The Committee, with the assistance of the purchasing agent, shall establish a purchasing system for the county.
- b) Such system shall provide, among other procedures, for the following:
 - 1) Review of all contracts or purchases for biddable supplies, materials, equipment, and other needs of the county shall be made by the purchasing agent;
 - 2) No purchase or contract shall be made when the bid prices exceed the current market price for the same merchandise or service;
 - 3) Purchases and contracts shall be awarded based on the lowest and/or best bid;
 - 4) Development of specifications shall be made by the department, agency, or official that is to receive the merchandise, construction, or service.
 - 5) Purchase of products by the purchasing agent, who shall:
 - (A) Review specifications and changes to allow for maximum competition of prospective bidders;
 - (B) Prepare formal and informal bids;

- (C) Collect sealed bids;
 - (D) Open bids through a procedure open to the public;
 - (E) Evaluate, compare and submit bids to the Committee for approval;
 - (F) Issue purchase orders and contracts and verify the receipt of the merchandise or service.
- 6) Emergency purchases, total cost bidding, blanket purchases for small orders, grouping of purchases of the various departments, and other methods for receiving the most competitive price and best bid. Emergency purchases shall be limited to needs arising that are not normally foreseeable.
- c) The Director shall:
- 1) Accept requisitions by the department, agency, or official, and, if such supplies are not currently on hand, transmit such requisition to the purchasing agent;
 - 2) Verify budget appropriations before authorizing a purchase;
 - 3) Approve invoices for payment; and
 - 4) Pay invoices and obligations of the county as provided within.

(10.22) Bidding

- a) The Committee shall authorize the dollar limitation when formal competitive bids are required, but not to exceed the amount as authorized by state law for the highway and education departments, or such other amounts as established by law.
- b) Subject to the policies and regulations of the Committee, “biddable items” means any need of the county where more than one (1) bidder or contractor in the county’s trade area can provide the material or service. Specifications shall not be written to exclude vendors and contractors or to limit the bidding to a specific vendor or contractor.
- c) The County shall be liable for the payment of all purchases of supplies, materials, equipment, and contractual services made in accordance with the provisions of this Article, but shall not be liable for the payment of any such purchase which is made contrary to the provisions of this Article, unless such item is specifically approved by the Committee.

(10.23) Conflicts of Interest

- a) The Director, purchasing agent, Committee members, Commission members, or other officials, employees, or members of the board of education, shall not be financially interested or have any personal beneficial interest, either directly or indirectly, on the purchase of any supplies, materials, equipment, or contractual services for the county.
- b) No firm, corporation, partnership, association, or individual furnishing any such supplies, materials, equipment, or contractual services, shall give or offer, nor shall the Director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership, or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation.

(10.24) Committee Members - Compensation

The Commission shall set compensation, based on service and time rendered in implementing the provisions of this Article, for members of any committee created by this Article.

(10.25) County Employees Unaffected

- a) Notwithstanding any provision of this Article, the head of each department, agency, or office shall have the authority to hire personnel, set salaries, and determine the needs for its use, but all such action shall be subject to budget limitations and the availability of funds.
- b) The authority of the Committee, Director, or Purchasing Agent shall be limited to the provisions of this Article and to such policies as are necessary to implement the provisions of this Article. They shall not have the authority to veto the hiring and dismissal of personnel of the various county departments, agencies, or officials or to set salaries or determine the needs of such departments.

(10.26) Violations - Penalties

As provided in T.C.A. § 5-21-125, any official or employee of the county, or of any institution or agency thereof, who fails or refuses to perform the duties required by this Article, or who fails or refuses otherwise to conform to the provisions of this Article, commits a Class C misdemeanor, and is subject to removal from office or position.

(10.27) Implementation of System

- a) Upon implementation of this Charter, the Commission shall appoint members of the Committee at the first meeting of such body.

- b) Within thirty (30) days after such appointment, the Committee shall meet and start the process of appointing a Director.
- c) Until such appointment and confirmation of a Director is fulfilled, the existing Director will continue to serve.
- d) The Committee shall begin the implementation of this Article immediately.

(10.28) Suspension of Private or Local Acts

Upon creation of the said Committee, the operation of all Private Acts or Acts of the Commission which are relative to the county finances, budgeting, and purchasing and which are in conflict with this Article are suspended.

(10.29) Sale of Surplus, Obsolete or Unusable County Government-Owned Property on Internet Web Site

In addition to any other methods for the sale of county-owned property which are authorized by this Charter, the Committee may approve the sale on an Internet auction website of any county-owned property that has become surplus, obsolete, or unusable, so long as authorized in accordance with Section 5.02(c) of this Charter.

Article XI Elections

(11.01) Special Elections

- a) Greene County cannot institute special elections except to satisfy citizen referendum initiatives and for recall petitions, either of which may be called at the discretion of the County Commission.
- b) County Commission is hereby authorized to call a special election for any purpose related to the duties or responsibilities of the County Commission.
- c) This section shall not prohibit special elections that are called by the State or Federal Government.

(11.02) Primary Election Required

Greene County shall only hold primary elections that are required by state or federal law.

(11.03) Date of Primary

In years in which a Presidential Preference Primary is to be held in the State of Tennessee, the Primary Election shall be held on the date selected by the Legislature for said Presidential Preference Primary. Where so authorized by state law, the County Commission may, by an ordinance passed at least one (1) year before the proposed date set the date for the primary, establish such date as the County Commission determines to be the most economical and convenient for the citizens of Greene County.

(11.04) Qualifying Petitions

Any person deciding to submit his name to the voters in an election shall submit the qualifying petition in compliance with Tennessee law. The County Election Commission shall verify that the petition complies with all requirements, shall thereafter declare the person a candidate, and shall place his name on the ballot.

(11.05) Notice of Election and Other Provisions

All voters shall have the right to cast write-in ballots, as provided by law. The Election Commission shall give public notice of the election and employ officials to hold the election as provided by law.

(11.06) Notice of Election and Other Provisions

If for any reason, such as natural disasters or other causes, regular elections are delayed, all incumbent County Government officeholders whose terms are expiring will continue in their positions until such time as the elections may be rescheduled.

Article XII

Pensions

The existing pension/retirement system, as it existed prior to the adoption of this Charter, shall be continued as specified by Tennessee law.

Article XIII Transition Provisions

(13.01) 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 Greene 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 Commission under the provisions of this Charter.

(13.02) Referendum

This Charter shall be proposed and adopted according to the provisions of T.C.A. § 5-1-209.

(13.03) Effective date

Upon ratification, this Charter shall become effective on September 01, 2018.

(13.04) Amendments to Charter Prior to September 2018

All amendments proposed in accordance with Section 3.06 of this Charter, and ratified by a majority vote of the citizens of Greene County in a referendum held before September of 2018 but after August 2016, shall go into effect when this Charter takes effect.

(13.05) 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 and transferred.

(13.06) 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 and be in force and effect until altered, modified or repealed in accordance with this Charter.

(13.07) Pending Matters

To the extent they are not inconsistent with the provisions of this Charter, all matters pending before, or under consideration by, the 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.

(13.08) 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, and
 - 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 County Government after certification by the Election Commission of the adoption of this Charter, but prior to its implementation in September 1, 2018, any contract, bid, bond negotiation, labor 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.

(13.09) 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.

(13.10) 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.

(13.11) Commission Districts

The districts from which the Commissioners shall be elected in August 2018 shall be the same as the districts existing in August 2014.

(13.12) Salaries

- a) The act of adopting this Charter shall not be deemed to affect the salary or compensation of any County official which 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 of any elected or appointed county official, whether by ordinance or resolution of the Commission, or by Charter amendment, referendum, or initiative by the public.

(13.13) 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 Commission.

(13.14) Contingency Fund

The initial funding of the Contingency Fund may be spread over the first six (6) years after the ratification of this Charter.

(13.15) Private Acts

All private acts of the General Assembly of Tennessee which affect County Government and which are in effect on the effective date of this Charter shall, to the extent not inconsistent with this Charter, be deemed ordinances of County Government, and shall remain in effect until and unless repealed or amended by the Commission.

(13.16) Transition Officer

The Mayor is designated as the officer in charge of all phases of the transition period, subject only to the oversight and supervision of the Commission. 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 Commission certifies that the transition is complete.

***** END OF CHARTER *****