

<effective 9/1/10 or 9/1/12 as set below>

ARTICLE VIII. COUNTY CHARTER OFFICERS

NOTES:

1. Article VIII, Sections 8.01 through 8.13 - Added pursuant to voter referendum of 11-4-08 (Ord. No. 364, 8-27-08). The adopted amendments become effective 9-1-10 as they apply to Shelby County Sheriff, Shelby County Trustee, Shelby County Register and Shelby County Clerk, but become effective 9-1-12 as they apply to Shelby County Assessor.

Section 8.01. Replacement of constitutional county officers.

In addition to the legislative and executive branches created herein, the officers listed in this article shall be officers of the county who shall be known as the “county charter officers” and are hereby created and established to perform the duties and functions of the former constitutional county officers that existed as part of Shelby County government prior to Shelby County adopting a charter form of county government. This article shall become effective September 1, 2010; provided, however, this article shall become effective September 1, 2012 as to the office of the Shelby County Assessor.

Section 8.02. Qualifications.

A. The qualifications for the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, Shelby County Clerk, and Shelby County Assessor shall be the same as those required of the former constitutional Sheriff, Trustee, Register, County Clerk, and Assessor, respectively, by state law as of the date this section becomes effective.

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

Section 8.03. Election; term.

A. The county charter officers, with the exception of the Shelby County Assessor, shall be elected each four years by the voters of Shelby County in accordance with the Tennessee Constitution, the general laws of the State of Tennessee and the Charter of Shelby County, commencing with the August 2010 general election.

B. Effective September 1, 2012, the Shelby County Assessor shall be elected to a term of two years by the voters of Shelby County in accordance with the Tennessee Constitution, the general laws of the State of Tennessee and the Charter of Shelby County. Effective September 1, 2014, and each four years thereafter, the Shelby County Assessor shall be elected to a term of four years.

C. The county charter officers shall not be subject to term limitations unless provided for in Article V herein.

Section 8.04. Vacancy.

When a vacancy occurs in the office of the county charter officers, the chief deputy, as designated from time to time in writing to the County Attorney, shall serve until the board of county commissioners elects an interim county charter officer. The interim county charter officer shall serve until a successor is elected and qualified in accordance with the Tennessee Constitution, the general laws of the State of Tennessee, and the Charter of Shelby County.

Section 8.05. Removal; recall.

A. The county charter officers shall be removed from office in accordance with the state law provisions providing for the removal of public officials.

B. The county charter officers shall be recalled in accordance with the provisions of Article V herein, but only if such provisions are provided for therein.

Section 8.06. Sheriff – Duties, functions, and obligations; rights, power and authority.

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

B. The Shelby County Sheriff shall carry out all duties, functions and obligations [of], and have all rights, power and authority granted to the office of the former constitutional Sheriff under state law, unless specifically excluded by the Charter of Shelby County. All private acts of the General Assembly of Tennessee and ordinances of Shelby County which affect the office of the former constitutional Sheriff, and which are in effect on September 1, 2010, to the extent not inconsistent with this charter, shall remain in effect and applicable to the Shelby County Sheriff until repealed or amended.

Section 8.07. Trustee – Duties, functions, and obligations; rights, power and authority.

A. Unless specifically provided for herein to the contrary, the duties of the former constitutional Trustee are vested in and shall be exercised by the Shelby County Trustee and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee, and the Charter of Shelby County. The general duties of the Shelby County Trustee shall include, but not be limited to, the responsibility for the collection of property taxes, the

collection and disbursement of County funds, the management of the County's cash flow, and the investment of idle County funds.

B. The Shelby County Trustee shall carry out all duties, functions, and obligations of, and have all rights, power and authority granted to, the office of the former constitutional Trustee under state law, unless specifically excluded by the Charter of Shelby County. All private acts of the General Assembly of Tennessee and ordinances of Shelby County which affect the office of the former constitutional Trustee, and which are in effect on September 1, 2010, to the extent not inconsistent with this charter, shall remain in effect and applicable to the Shelby County Trustee until repealed or amended.

Section 8.08. Register – Duties, functions, and obligations; rights, power and authority.

A. Unless specifically provided for herein to the contrary, the duties of the former constitutional Register are vested in and shall be exercised by the Shelby County Register and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee, and the Charter of Shelby County. The general duties of the Shelby County Register shall include, but not be limited to, the responsibility for filing or recordation of documents that affect the legal status of real or personal property.

B. The Shelby County Register shall carry out all duties, functions and obligations of, and have all rights, power and authority granted to, the office of the former constitutional Register under state law, unless specifically excluded by the Charter of Shelby County. All private acts of the General Assembly of Tennessee and ordinances of Shelby County which affect the office of the former constitutional Register, and which are in effect on September 1, 2010, to the extent not inconsistent with this charter, shall remain in effect and applicable to the Shelby County Register until repealed or amended.

Section 8.09. County Clerk– Duties, functions, and obligations; rights, power and authority.

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

B. The Shelby County Clerk shall carry out all duties, functions, and obligations of, and have all rights, power and authority granted to, the office of the former constitutional County Clerk under state law, unless specifically excluded by the Charter of Shelby County. All private acts of the General Assembly of Tennessee and ordinances of Shelby County which affect the office of the former constitutional County Clerk, and which are in effect on September 1, 2010, to the extent not inconsistent with this charter, shall remain in effect and applicable to the Shelby County Clerk until repealed or amended.

Section 8.10. Assessor – Duties, functions, and obligations; rights, power and authority.

A. Unless specifically provided for herein to the contrary, the duties of the former constitutional Assessor are vested in and shall be exercised by the Shelby County Assessor and shall be governed by the Tennessee Constitution, the general laws of the State of Tennessee, and the Charter of Shelby County. The general duties of the Shelby County Assessor shall include, but not be limited to, the responsibility of appraisal, classification, and assessment of all property within the County, whether real, personal or mixed, except for property valued by the State of Tennessee.

B. The Shelby County Assessor shall carry out all duties, functions, and obligations of, and have all rights, power and authority granted to, the office of the former constitutional Assessor under state law, unless specifically excluded by the Charter of Shelby County. All private acts of the General Assembly of Tennessee and ordinances of Shelby County which affect the office of the former constitutional Assessor, and which are in effect on September 1, 2012, to the extent not inconsistent with this charter, shall remain in effect and applicable to the Shelby County Assessor until repealed or amended.

Section 8.11. Compensation.

Effective September 1, 2018, the compensation of all county Charter officers shall be set based upon Tennessee Code Annotated, Section 8-24-102, as may be from time to time amended by the Tennessee State General Assembly, and shall be adjusted annually based on the statutory requirements. The compensation of all county Charter officers may be changed from time to time by Ordinance of the Board of County Commissioners, as provided for in Article II, Section 2.06C(3)(e), herein for increases in salary. No change in compensation by the Board of Commissioners shall take placed during the term for which the county Charter officers were elected and may not be set lower than the amount called by Tennessee Code Annotated, Section 8-24-102.

NOTES:

1. Subsection D - Amended pursuant to voter referendum of 8-2-18, effective 9-1-18 (Ord. No. 482, 5-14-18). The compensation of all Charter officers shall be based upon Tennessee Code Annotated, Section 8-24-102.

Section 8.12. Personnel salary and positions – Generally.

The county charter officers shall not have the authority to file salary petitions in accordance with state law or any other authority to challenge the funding of the personnel budget as approved in the County budget by the board of county commissioners. The Shelby County Sheriff shall have authority to file a petition for funding in accordance with Article VIII, Section 8.13 herein.

Section 8.13. Personnel salary and positions - Sheriff.

A. The Shelby County Sheriff shall not have the authority to file salary petitions under state law. However, the Shelby County Sheriff may file a petition with the chairman of the board of county commissioners and the county mayor within twenty (20) days of the approval of the County budget for the purpose of seeking an increase in the funding of the Shelby County Sheriff's personnel budget as to the number of positions and/or the amount of the salaries.

B. The burden of proof shall be on the Shelby County Sheriff to prove by clear and convincing evidence that absent the requested relief:

- (1) In the case of a petition for law enforcement personnel positions and expenditures, the public safety of the citizens of Shelby County will be in imminent danger of irreparable harm, or
- (2) In the case of a petition for jail personnel positions or expenditures, the current personnel budget is inadequate to operate the jail in accordance with applicable court orders and federal and state constitutional principles, laws, and regulations.

C. The petition shall be heard and determined by binding arbitration. The county mayor and Shelby County Sheriff shall mutually appoint a retired judge of a Tennessee state court of record to act as arbitrator, provided, however, if a retired judge is not available or cannot be agreed upon, the county mayor and Shelby County Sheriff shall mutually agree upon an arbitrator. The arbitrator shall conduct the proceedings in accordance with the rules of the American Arbitration Association and the rules set forth in the Tennessee Rules of Civil Procedure applicable to discovery and shall make written findings of fact and conclusions of law. The written award of the arbitrator shall be final and binding and may be entered with, and enforced by, a court of competent jurisdiction in Shelby County. Shelby County shall pay reasonable compensation to, and expenses of, the arbitrator.

D. If the arbitrator enters an order requiring Shelby County to increase the number of personnel positions and/or personnel funding, each property tax bill shall state as a separate line item the number of cents of the ad valorem tax rate which is necessary to fund such increase, including the cost of employee benefits, and the proportionate tax amount for that taxpayer.

- (1) The statement shall be conspicuously labeled in capitalized bold print of at least 14- point font and shall read "ADDITIONAL TAXES TO FUND EXPENDITURES OBTAINED BY SHERIFF [INSERT NAME] IN EXCESS OF THE APPROVED COUNTY BUDGET AS ORDERED BY ARBITRATOR."
- (2) The statement shall include the website address where a complete copy of all pleadings, briefs, findings, orders, and all other documents filed in the case may

be viewed.

- (3) The statement shall be included on the property tax bill for all subsequent tax years until either:
 - (a) The positions and increase are relinquished by the Shelby County Sheriff, or
 - (b) The Shelby County Sheriff leaves office.

E. Shelby County shall promptly place all pleadings, briefs, findings, orders, and all other documents on the County website as they are filed in the case or submitted to the arbitrator.”

EXHIBIT “A” (DELETED)*

NOTES:

1. Deleted pursuant to voter referendum of 8-7-08, effective 9-1-08 (Ord. No. 361, 6-2-08).

Editor’s Note – Ord. No. 361, adopted August 7, 2008, deleted Exh. A, being a duplicate copy of the Civil Service Act which is a private act that is properly codified in Ch. 12, Arts. II and III, §§ 12-26 – 12-66 of this Code.