

PART I
CHARTER*

Article I. Powers and Functions

- Sec. 1.01. Powers and functions.
Sec. 1.02. Private and local affairs.
Sec. 1.03. Public corporation powers.

***Editor's note**—Printed herein is the Charter of Knox County, Tennessee, as adopted by the qualified voters of Knox County on November 8, 1988, and effective on September 1, 1990. Amendments to the charter will be indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citation to state statutes has been used. Additions made for clarity are indicated by brackets. The commission, by Ord. No. O-90-9-131, declared the following private acts null and void and of no further force and effect after September 1, 1990, in accordance with its duty to review the private acts as specified in charter section 8.12:

<i>Year</i>	<i>Chapter</i>	<i>Subject</i>
1909	254	Free ferry created
1909	498	Property tax assessor to sign fee simple conveyances
1913	248	Kindergartens; funding provided
1919	32	Subdivision maps; recording
1925	143	School teachers' retirement; as amended by Private Act ch. 255 of 1929, and Private Act ch. 688 of 1937
1925	437	Peace officers' disability retirement
1925	729	Vehicles transporting passengers for hire; bond and insurance required
1931	289	Load limits on county roads
1933	366	Dependent and neglected children; institution established
1935	801	Billboards on State Highway 33 regulated
1937	702	Coroner's compensation
1941	256	Building operations; notice of to be filed with property tax assessor
1941	257	Subdivision maps; filing with property tax assessor required
1945	529	Auditor to be elected
1947	56	Humane Society officer's compensation
1949	105	Domestic fowl trespassing
1949	568	Fireworks; possession, use, sale or manufacture prohibited
1951	130	Coal; sale regulated
1951	711	Motion picture board of review; established
1955	66	Foxes; closed season regulated
1963	17	Election officials' compensation; as amended by Private Act ch. 226 of 1972 and Private Act ch. 234 of 1980
1963	53	Court officers' compensation; as amended by Private Act ch. 45 of 1973, Private Act ch. 126 of 1975 and Private Act ch. 186 of 1975
1963	127	Law enforcement officers' medical expenses; appropriation authorized
1963	225	Workmen's Compensation Insurance for county employees
1967-68	246	Pension and other benefits for county officials and employees; as amended by Private Act ch. 26 of 1969, Private Act ch. 91 of 1975 and Private Act ch. 282 of 1980
1967-68	382	County law director; office established; as amended by Private Act ch. 488 of 1967-68 and Private Act ch. 293 of 1980
1969	37	Air pollution control board created; as amended by Private Act ch. 164 of 1979, Private Act ch. 283 of 1980 and Private Act ch. 206 of 1982
1969	121	Historic site preservation; appropriation of county funds for private, nonprofit organizations authorized
1970	297	Property taxes; payment in two installments authorized
1970	306	County-wide fire department authorized; as amended by Private Act ch. 62 of 1971
1970	326	Merit system for sheriff's employees established; as amended by Private Act ch. 368 of 1982 and Private Act ch. 198 of 1986
1970	339	Board of education; created, powers; as amended by Private Act ch. 357 of 1974, Private Act, ch. 300 of 1972, Private Act ch. 280 of 1980 and Private ch. 241 of 1982
1971	38	Newly registered voters, list required
1971	64	Office of legislative affairs created
1973	156	County primary elections; as amended by Private Act ch. 207 of 1976 and Private Act ch. 97 of 1977
1975	182	Traffic; speed regulations
1975	189	Nonprofit organizations, appropriations for
1979	162	Amusement tax; religious events exempted from tax
1980	248	Personnel merit system; county legislative body authorized to adopt
1980	286	County executive, executive departments and legislative body, authority and functions established; as amended by Private Act ch. 112 of 1981

The preamble of the charter reads as follows: "We, the people of Knox County, Tennessee, in order to establish the structure and to enlarge the powers of our County Government, to insure that it is just, orderly, efficient and fully responsible to the people, and to secure the benefit of home rule and self-government for Knox County to the fullest extent possible under the Constitution of the State of Tennessee, do hereby publish, declare and adopt this Charter of Knox County, Tennessee, as the fundamental law for the government of this County."

KNOX COUNTY CODE

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ARTICLE I. POWERS AND FUNCTIONS

Sec. 1.01. Powers and functions.

The Knox County Government shall exercise any power or perform any function which is not denied by the Constitution of the State of Tennessee. It is the intent of this Charter that limitations on the powers of County Government shall be strictly construed, and that grants of power to County Government shall be liberally construed.

Sec. 1.02. Private and local affairs.

With regard to private and local affairs, all lawful powers are vested in the Mayor of Knox County and the Commission of Knox County, except those powers reserved to the judiciary, Board of Education, and elected Charter and Constitutional Officers as defined by the Constitution of the State of Tennessee. This investment of legislative, executive and other powers and duties shall be as full and complete, and the authority to perform or to direct them as broad, as is possible to delegate or confer, it being the intent to invest in the government of Knox County every authority, power and responsibility for the conduct of the affairs of the government of Knox County, including the powers to adopt and enforce resolutions, ordinances and emergency ordinances.

(Ref. of 8-5-04; Ref. of 8-2-12)

Sec. 1.03. Public corporation powers.

The government described herein shall be a public corporation vested with any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and all applicable laws of the State of Tennessee, including, but not limited to, the power to do all things necessary or convenient for the provision of public services or public works projects now or hereafter authorized or contemplated by the Constitution and all applicable laws of the State of Tennessee.

Sec. 1.04. Public corporation rights.

The government of Knox County shall be a public corporation, with the right of perpetual

succession, capable of suing and being sued, capable of purchasing, receiving and holding real and personal property and of selling, leasing, or disposing of the same to the fullest extent permitted, and having all express, implied and inferred rights necessary or convenient to the exercise of its public corporation powers.

Sec. 1.05. Rights reserved to the people.

No provisions of this Charter, and no action by any officer or employee of the County acting under its authority, shall infringe upon rights, privileges and powers now or hereafter reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the State of Tennessee.

ARTICLE II. LEGISLATIVE BRANCH

Sec. 2.01. Legislative powers.

The legislative power of the County is vested in the Commission of Knox County (hereinafter referred to as the "Commission"), which is the Legislative Branch and Legislative Body of Knox County. The legislative power of the County includes all lawful authority to adopt ordinances, emergency ordinances and resolutions governing the operation of government or regulating the conduct and affairs of the residents of the County, to adopt and amend the County budget, to fix all County tax rates and to provide for the collection of all County taxes, to release County taxpayers from double taxes, when such has occurred, to provide for corrections in tax lists, to appropriate County funds for any and all lawful purposes, and to exercise all other authority of a legislative nature which is vested in the County by the Constitution and all applicable laws of the State of Tennessee. The Commission may adopt any ordinance, emergency ordinance or resolution which is not in conflict with the Constitution or general laws of the State of Tennessee or this Charter.

Sec. 2.02. Other powers.

A. The Commission is vested with all other powers of the government of Knox County not specifically, or by necessary implication, vested

in some other official of the County by the Constitution of the State of Tennessee, by this Charter or by law not inconsistent with this Charter. However, neither the Commission nor the Chair of the Commission shall exercise any powers or perform any functions of the County Government which are vested, by the terms of this Charter, in the Executive Branch, Judicial Branch, Board of Education, and elected Charter and Constitutional Officers as defined by the Constitution of the State of Tennessee. Whenever any statute of the State of Tennessee purports to authorize the monthly or quarterly county court (or county chairman[(woman)] or county judge), the county commission (or chairman[(woman)] of the county commission) or the county executive to perform any administrative or executive act or function, then such act or function shall be performed by the Mayor of Knox County except as otherwise provided in this Charter.

B. The Commission shall provide annually, by resolution, for an independent audit of the accounts and other evidences of financial transactions of the County and of every County office and such other special audits as the Commission deems necessary. Such audits shall be made by a certified public accountant or by a firm of certified public accountants designated by the Commission, and no individual auditor or member of an auditing firm so designated shall have any personal financial interest, direct or indirect, in the fiscal affairs of the County or of any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audits. An individual certified public accountant or firm of certified public accountants shall be employed to perform the independent audits of the County as required under law. Upon employment by the County, the independent auditor shall serve at the pleasure of the Commission upon the recommendation of the Audit Committee. The hiring and replacement of an outside auditing firm shall require an outside auditing firm to submit a response to a Request for Qualifications (RFQ) to the Audit Committee for review and recommendation to the Commission.

C. By ordinance, the Commission shall establish rules and regulations governing all County purchases, sales, contracts for services and disposal of surplus property.

D. No sale or transfer of real property, or any interests therein, owned by the County shall be valid unless approved by resolution of the Commission.

E. By resolution which shall not be subject to veto by the Mayor of Knox County, the Commission shall have the power to authorize the borrowing of money and the issuance of bonds, notes and other evidences of indebtedness of the County and all matters pertaining thereto. Such a resolution shall be effective immediately upon its adoption by the Commission.

F. By resolution, the Commission may employ, contract with, or otherwise hire, any person(s) or business entity(ies) which it deems necessary to the exercise of the powers vested in it unless otherwise provided by this Charter.

G. By ordinance, the Commission may establish and name such special districts and, in connection therewith, shall provide for assessments, levies and collections of taxes and assessments with respect to any or all property, real or personal, or privileges within any such district and the pledge of the revenues derived and to be derived therefrom, all as in its judgment may be necessary or appropriate for the exercise within such district of any one or more of the public corporation rights or powers of the government of Knox County not then being exercised for the benefit of all citizens of the County. The subsequent exercise of any such right or power for the benefit of all citizens of the County shall not impair any special district theretofore established or any contracts, pledges or obligations of the government of Knox County with respect thereto.

H. Upon adoption of an approving resolution in each instance by the affirmative vote of two-thirds ($\frac{2}{3}$) of the entire Commission, the Commission and its authorized committees shall have full power and authority to hold public hearings, with power to subpoena witnesses and to administer oaths where necessary or desirable, for the purpose of either (1) gathering information necessary or desirable for the purpose of considering proposed Commission legislation, or (2) investigating any allegation of violations of this Charter, ordinances or emergency ordinances

of the Commission brought by either the Mayor of Knox County or any member of the Commission against any elected official or employee of the County. No such hearing shall be held with or without such subpoena power having been exercised except when a quorum of the Commission or any authorized committee, as appropriate, is present.

I. By resolution, the Commission may appoint members to those boards and commissions the Commission deems necessary in the furtherance of its duties and responsibilities under this Charter or as provided by state law. All such appointees shall be residents of Knox County at the time of their appointment and at all times while serving on said board or commission. The Commission shall have the authority, by resolution, to remove and discharge all such members for good cause shown.
(Ref. of 8-1-96; Ref. of 8-5-04; Ref. of 8-2-12; Ref. of 8-2-18)

Sec. 2.03. Membership and election; district, seats, reapportionment and redistricting.

A. The Commission members shall be elected by the people of Knox County in the following manner:

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

sion as an at-large representative and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for one (1) of the specific at-large seats elected through County-wide vote. The two (2) at-large seats shall be referred to as Commission Seats ten (10) and eleven (11). Any qualified voter in any Commission District may vote for one (1) candidate for each Commission seat representing such District, one (1) candidate for at-large Commission Seat ten (10) and one (1) candidate for at-large Commission Seat eleven (11).

- (2) The regular terms of Commission members shall be four (4) years. Commission Seats 1, 2, 4, 5, 6, 8, and 9 shall be elected in the County primary and general election of 2010 for an initial extended term of six (6) years and every four (4) years thereafter. Commission Seats 3, 7, 10, and 11 shall be elected in the County primary and general election of 2010 and every four (4) years thereafter.
- (3) The foregoing provisions of Sections 2.03.A(1) and (2) shall become effective September 1, 2010 and prior thereto to the extent necessary to permit primary and general elections to be held for the eleven Commission Seats, to take office effective September 1, 2010.

B. On or before December 31, 1991, 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 constitutional requirements. The voting precincts of Knox County shall be established by the Commission by ordinance unless otherwise provided by applicable law.

C. No person shall be eligible to serve as a member of the Commission unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he/she filed his/her nominating petition and has been a resident of both the County and

the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first year after redistricting for the general election at which Commission seats appear on the ballot. A member of the Commission shall remain a resident of the Commission district which such member represents during his/her term of office.

Note—See editor's note at the end of this section.

D. The Commission shall adopt its own rules of order and procedure. All resolutions, ordinances and emergency ordinances shall be adopted in accordance with the Constitution, all applicable laws of the State of Tennessee and this Charter.

E. In all proceedings of the Commission to either elect officers of the Commission or to fill vacancies in elective offices, the following procedure shall be followed:

- (1) Nominations may be made by members of the Commission only.
- (2) Each member of the Commission 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.

F. 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 procedure shall be followed:

- (1) No member of the Commission who is absent from any proceeding to fill a public office shall be eligible to have his/her name placed in nomination unless either the Chairman(woman) 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(woman) 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 member of the Commission 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 to vote to fill that office.
- (5) If the Commission member is elected, his/her seat on the Commission shall immediately be vacant.

(Ref. of 11-4-08; Ref. of 8-2-12)

Editor's note—Pursuant to T.C.A. § 2-5-151 and Section 9.05.C of the Knox County Charter, the voters of Knox County voted on November 4, 2008 to amend the Knox County Charter by adding a new sentence to the end of Section 2.03.C, (scheduled to take effect on September 1, 2010) that reads: "Further, no person shall be eligible to serve as a member of the Commission who is employed in any other position by Knox County." This Amendment was challenged in Knox County Chancery Court in the Case of *Drew, et al. v. Knox County, Case No. 176120-1*. On April 16, 2010, the Court invalidated the above-quoted sentence. Unless or until that matter is appealed, the new sentence added to the end of Section 2.03.C is not included in, nor a part of, the Knox County Charter and Section 9.08.C shall remain in full force and effect.

Sec. 2.04. Commission members' salary and compensation.

The Commission shall set the compensation for members of the Commission which shall not be less than One Thousand Dollars (\$1,000.00) per month. The compensation allowed any member of the Commission shall not be decreased during the term of office and shall not be increased more than thirty percent (30%) during the term of office. Any increase in compensation shall be set by the annual budget.

Sec. 2.05. Meetings and quorum.

The Commission shall meet at least once each month at a time and place to be determined by

the Commission. A quorum for the purpose of conducting business shall be a majority of the membership of the Commission.

Sec. 2.06. Election of chairman(woman) and vice chairman(woman).

The Commission, at its first session on or after September 1, 1990, and annually thereafter, shall elect from its membership a chairman(woman), vice chairman(woman), and such other officers as the Commission deems necessary. The election procedures shall follow those established pursuant to Section 2.03E.

Sec. 2.07. Removal of member of the Commission.

A member of the Commission may be removed from office according to the laws of the State of Tennessee.

Sec. 2.08. Vacancy.

If a vacancy occurs on the Board of County Commissioners due to death, resignation, removal, or disability, the vacancy shall be filled by the Commission with a person meeting the qualifications for said position until his/her successor is elected in the next general election and sworn; provided, however, if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of that Commission seat. Said selection shall not occur until such time as the Commission conducts a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Commission. (Ref. of 8-5-10)

Sec. 2.09. Ordinances, emergency ordinances and resolutions.

A. Generally.

- (1) The Commission shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.

- (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 repealed, revised or amended.
- (4) In order to become effective, any ordinance or resolution shall receive a majority vote of the membership of the Commission except the following:
 - (a) Any ordinance proposing an amendment to this Charter shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.
 - (b) Any resolution authorizing the Commission, or its authorized committee(s), to hold public hearings pursuant to Section 2.02.H of this Charter shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.
 - (c) Any ordinance to reapportion Commission or Board of Education districts shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.
 - (d) All emergency ordinances shall be adopted in accordance with applicable law and this Charter.
- (5) No ordinance, emergency ordinance or resolution shall become effective unless the following procedure is followed:
 - (a) Each member of the Commission present shall distinctly, audibly or visually cast his/her vote, and the County Clerk shall record, in writing, each member's vote as "aye," "nay," or "abstain."
 - (b) At the conclusion of each vote, either the Chairman(woman) of the Com-

mission or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.

- (c) No member of the Commission shall change his/her vote after the vote is announced unless granted the right to do so by a majority of the membership of the Commission at such Commission meeting at which the original vote was cast. It shall be the duty of the Chairman(woman) 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 member of the Commission.
- (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 reasonable office hours, the voting record for each and every ordinance, emergency ordinance and resolution.
- (6) It shall be the duty of the County Clerk to deliver to the Mayor of Knox County true and attested copies of all ordinances, emergency ordinances and resolutions within four (4) days of final adoption by the Commission.
- (7) It shall be the duty of the County Clerk to deliver to the County Law Director true and attested copies of all ordinances, emergency ordinances and resolutions within thirty (30) days of their effective date.
- (8) 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.

The County Clerk shall furnish a true copy for a reasonable fee to any person so requesting.

- (9) It shall be the duty of the County Clerk to provide copies of this Charter and amendments thereto, together with all ordinances and emergency ordinances, to the Knox County Code Commission as provided in Section 4.05 of this Charter.
- (10) The County Clerk may delegate to his/her deputy(ies) any or all duties imposed upon the County Clerk by this Charter; provided, however, nothing in this Paragraph (10) shall be construed to relieve the County Clerk of any and all responsibilities imposed upon him/her by this Charter.

B. Ordinances.

- (1) An ordinance shall be considered to be on the agenda of any meeting of the Commission only if:
 - (a) 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 member of the Commission not later than five (5) days prior to such Commission meeting; and
 - (b) 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 accordance with all applicable laws of the State of Tennessee; provided, however, in the absence of any applicable law in conflict with this Charter, to become effective, each ordinance shall be approved by a majority of the members of the Commission upon two (2) readings.
- (3) An ordinance shall not take effect until 15 days after its passage on final reading, except in the case of an emergency ordinance.

- (4) Ordinances imposing fines or imprisonment as punishment for violation thereof shall be enforced by the Chief Law Enforcement Officer of the County unless such ordinance otherwise provides. Persons charged with 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 general fund.

C. *Emergency ordinances.*

- (1) An emergency ordinance shall be so designated in its caption.

(2) To become effective, an emergency ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, that in the absence of applicable law in conflict with this Charter, an emergency ordinance shall be adopted by an affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the Commission pursuant to the following procedure:

- (a) An emergency ordinance which appears on the regular agenda, as any other ordinance, pursuant to Section 2.09.B, shall take effect either upon the signature of the Mayor of Knox County or, in the absence of a veto as hereinafter provided and without the signature of the Mayor of Knox County, upon the eighth (8th) day following its adoption upon one (1) reading by the Commission, whichever first occurs.
- (b) An emergency ordinance may be added to the agenda of any meeting of the Commission at which a quorum is present by unanimous consent of the members of the Commission present and voting for the sole purpose of a reading thereof; such emergency ordinance may be adopted upon second (2nd) reading at the next meeting of the Commission. Such emergency ordinance shall become effective either upon the signature of the Mayor of Knox County or, in the absence of a veto as hereinafter provided and without the signature of the Mayor of Knox County, upon the eighth (8th) day following its adoption, whichever first occurs.

D. *Resolutions.* All 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 Section 2.10 of this Charter.

(Ref. of 8-5-04; Ref. of 8-2-12; Ref. of 11-6-12)

Sec. 2.10. Signature and veto by the Mayor of Knox County.

A. Every ordinance, emergency ordinance and resolution shall be submitted to the Mayor of Knox County for approval or veto; provided, how-

ever, that this requirement shall not apply to (1) resolutions authorizing the borrowing of money and the issuance of bonds and notes and other evidences of indebtedness of the County and all matters pertaining thereto, as provided in Section 2.02.E of this Charter, which resolutions shall become effective immediately upon their adoption by the Commission, or (2) ordinances, emergency ordinances and resolutions affecting zoning regulations, which shall become effective immediately upon their adoption by the Commission. Upon the signature of the Mayor of Knox County, an ordinance, emergency ordinance or resolution becomes effective as provided in Sections 2.09 and 2.10 of this Charter.

B. Any ordinance or resolution vetoed by the Mayor of Knox County shall be returned to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor. Any emergency ordinance vetoed by the Mayor of Knox County shall be returned to the County Clerk within three (3) days after the emergency ordinance is required by this Charter to be submitted to the Mayor. The County Clerk shall notify the members of the Commission, in writing, within five (5) days of receipt by the County Clerk.

C. Any vote of the Commission to override the veto of the Mayor of Knox County shall be taken within thirty-five (35) days of the expiration of the period required of the County Clerk to notify the members of the Commission of the veto which is the subject of such override vote. The affirmative vote of not less than a majority plus one (1) of the membership of the Commission shall be required to override the veto of the Mayor of Knox County; provided, however, in the case of ordinances and emergency ordinances requiring a two-thirds ($\frac{2}{3}$) vote for original passage, a two-thirds ($\frac{2}{3}$) vote of the membership of the Commission shall be required to override the veto of the Mayor of Knox County. The ordinance, emergency ordinance or resolution shall immediately become effective upon the Commission overriding the veto.

D. If the Mayor of Knox County fails either to sign or veto an ordinance or resolution and to report this action to the County Clerk within ten (10) days after the ordinance or resolution is

required by this Charter to be submitted to the Mayor (or within three (3) days in the case of an emergency ordinance), the Mayor of Knox County shall have no further power to veto the ordinance, emergency ordinance or resolution, and it shall become effective without the signature of the Mayor of Knox County upon the expiration of the time periods in this paragraph provided, or at a later date if the ordinance or resolution so provides.

(Ref. of 8-5-04)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.01. Executive and administrative powers.

The executive and administrative powers of the Knox County Government shall be vested in, and exercised by, the Mayor of Knox County (hereinafter referred to as the "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 from time to time.

(Ref. of 8-5-04)

Sec. 3.02. Executive branch.

The Mayor shall be the head of the Executive Branch of Knox County Government, responsible for the exercising of all executive and administrative functions of the County Government and shall be the chief fiscal officer of the County. The Mayor shall devote his full time to the performance of his duties as the Mayor.

(Ref. of 8-5-04)

Sec. 3.03. The Mayor's duties.

The Mayor shall:

A. See that all provisions of this Charter, resolutions, ordinances and emergency ordinances of the Commission and all applicable laws of the State of Tennessee subject to execution by Knox County are faithfully executed; 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 and other responsible officials, budgets and financial reports. The Mayor shall present a consolidated budget of the County to the Commission on or before June 1 of each and every year 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 the amount of taxes necessary to be levied. The adoption of the budget by the Commission shall be by resolution.
- C. Examine regularly the accounts, records and operations of every department, office and agency of the County; make regular reports to the Commission on the affairs of the County; keep the Commission fully advised of the financial condition and the future needs of the County; and make such recommendations to the Commission on County affairs as he/she deems appropriate.
- D. Take such other executive and administrative actions as are permitted or required by this Charter and all applicable laws of the State of Tennessee or as may be prescribed by the Commission.
- E. Have power to contract with various municipalities, other governmental units or public corporations in the County for the consolidation of services and functions, upon the authorization of the Commission by resolution. The Mayor may also contract with one or more states or counties, or both, for institutional or other services which may be rendered more efficiently or economically.
- F. Provide for and maintain all accounting systems necessary for the County and for each department, office and agency thereof. The Mayor shall maintain such systems in accordance with generally accepted accounting principles applicable to govern-

mental 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 shall be signed by the Mayor, either in person or by facsimile, except where another officer is authorized so to do by either applicable law or this Charter.

G. Have veto power over 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 procedure as provided in Section 2.10 of this Charter; provided, however, that no veto pursuant to this paragraph shall be valid unless the Mayor, within the time provided for vetoes in Section 2.10.B of this Charter, shall provide, in writing to the County Clerk, the following information:

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

Such reduced amount of each specific item, or parts of items, shall become a part of such annual budget if such item, or parts of items, are not overridden by the Commission; provided, however, nothing contained in this paragraph shall be construed as prohibiting the Commission thereafter, by resolution pursuant to Sections 2.09 and 2.10, amending or supplementing such annual budget, including such vetoed items.

H. Appoint members of all boards, authorities and commissions not delegated by this Charter to appointment by the Commission. All appointees shall be residents of Knox County at the time of their appointment and at all times while serving

on said board, authority or commission. Such members may be removed and discharged for good cause shown.

I. Have the right to serve, individually, or to appoint from administrative assistants, executive assistants or any head of any division or department of the County, in writing, a designee, to serve in place and stead of the Mayor on any board or commission of which the Mayor is a member by law. Said designee shall have all powers, including the power to vote, as are conferred upon the Mayor. Any designee appointed by the Mayor under the provisions of this Section shall be appointed to serve in that capacity for at least one (1) year, or for 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 evidences of indebtedness of the County 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 by any of its officials or officers, and indicate the availability of funds to meet these obligations, and certify thereto.

M. Have the sole power and authority to enter into contracts on behalf of Knox County, except as otherwise provided in this Charter. Contracts and purchases on behalf of the County shall be entered into by the Mayor or the Mayor's designee. On all contracts in an amount greater than \$50,000, or such greater amount as established in advance by the Commission, the

Mayor shall obtain the approval of the Commission by resolution prior to execution.

- N. Develop purchasing regulations for all purchases made with funds that have been collected for the use of Knox County. Any such purchasing regulations shall be enacted as an Ordinance by the Knox County Commission. To the maximum extent allowed by law, each constitutional, statutory or Charter official of Knox County, whether appointed or elected, shall be required to follow the provisions of the Knox County Purchasing Ordinance for construction or purchases of goods and services with public funds.

(Ref. of 8-5-04)

Sec. 3.04. Mayor—Term, qualifications, compensation.

The Mayor shall be elected by the qualified voters of Knox County each four (4) years, commencing with the 1990 County general election, and shall take office on September 1 following his/her election. The Mayor shall be twenty-five (25) years of age or older, a resident of Knox County at least one (1) year prior to filing for this office and shall remain a resident of Knox County during his/her term of office. The Mayor's compensation shall be set by the Commission which compensation shall be greater than the compensation paid any other elected County official. Such compensation shall be paid in equal monthly installments. The salary of the Mayor may be changed from time to time by resolution of the Commission; provided, however, that such compensation shall not be decreased during the term for which the Mayor was elected; and, provided further, the Commission shall take no action changing the Mayor's salary for any succeeding term of the Mayor during the year in which the Mayor is to be elected.

(Ref. of 8-5-04)

Sec. 3.05. Same—Vacancy.

If a vacancy occurs in the office of Mayor by death, resignation, removal, or disability, the vacancy shall be filled by the Commission with a person meeting the qualifications for said position

until his/her successor is elected in the next general election and sworn; provided, however, if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of the Mayor. Said selection shall not occur until such time as the Commission conducts a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Commission.

(Ref. of 8-5-04; Ref. of 8-5-10)

Sec. 3.06. County departments and other entities.

A. The Mayor, subject to approval by resolution of the Commission, may create or abolish major departments of County Government with each department having a Department Director. The Department Directors of the County shall be appointed by the Mayor, shall be subject to dismissal by the Mayor without cause, and shall be residents of Knox County at the time they assume the duties of their office and at all other times while serving the County in such capacity.

B. The duties, powers and functions of the departments of the County Government shall be generally as set by ordinance, and their jurisdiction shall extend throughout the County Government.

C. The Mayor, subject to approval or ratification by resolution of the Commission, may create and establish, or cause the creation and establishment of, nonprofit corporations or authorities in accordance with general law to act for or on behalf of the County alone or in conjunction with one or more municipalities, counties, other governmental units, public corporations, or combination thereof, for public, civic or charitable purposes. Any such corporation shall have all the powers and privileges provided by general law unless restricted by its corporate charter. No County funds shall be appropriated, contributed or loaned to any such corporation nor shall the County enter into any contract with such corporation without the prior approval of the Commission by resolution.

(Ref. of 8-5-04)

Sec. 3.07. Budget procedures.

A. The head of each County department or County office, including constitutional officers, shall, upon request, furnish to the Mayor in a form specified by the Mayor:

- (1) estimates of the revenues and expenditures of the department or office for the ensuing fiscal year and/or balance of the current fiscal year,
- (2) estimates of the costs of any capital improvements pending or proposed to be undertaken (i) within the ensuing fiscal year and (ii) within the four (4) fiscal years immediately thereafter, and
- (3) such other information as the Mayor requests.

B. All constitutional officers shall submit their budgets to the Mayor no later than May 1 of each and every year. The Mayor shall submit a consolidated budget to the Commission.

C. All offices or departments which receive appropriations from County Government shall utilize such appropriations strictly in accordance with the applicable provisions of the budget as finally approved or amended; provided, however, upon the recommendation of the chief elected administrative officer of the unit or department, or if none, the Mayor, the Commission may provide for approval of transfers between line items within the budget of offices or departments. The chief elected administrative officer of the unit or department, or if none, the Mayor, shall affirmatively certify that such transfer will not impair the necessary functions or operations of the office(s) or department(s). Capital appropriations shall not be altered or varied except with the approval of the Commission by resolution. No appropriation shall be reduced below the level required either by law or by bond covenants. (Ref. of 8-5-04)

Sec. 3.08. Knox County Law Director.

A. The office of County Law Director is hereby established. The Law Director shall be an attorney duly licensed to practice law in the State of Tennessee, shall devote full time to the duties of the office of Law Director and shall not engage in

the private practice of law while holding the office of Law Director for Knox County except for the purpose of disposing of matters or cases for which he/she was employed as of the date of his/her election.

B. The salary of said Law Director is hereby fixed as the same salary as is provided by law for judges of the Circuit and Chancery courts for the State of Tennessee, which salary shall not be lowered during the Law Director's term of office. The Law Director's salary shall be payable in equal monthly installments from the general funds of the County.

C. The Law Director shall be elected by the qualified voters of Knox County at the 1992 County general election and at the County general election at which the Assessor of Property is elected and each and every four (4) years thereafter. The Knox County Law Director shall be subject to the term limits provisions of this Charter to the same extent as any Constitutional officer of Knox County Government, as that term is defined by Article VII, Section 1 of the Tennessee Constitution.

D. It shall be the duty of the Law Director to take the oath of office prescribed for other County officials and appropriate to his/her office before entering upon the discharge of his/her duties, and thereafter to execute and administer all of the legal affairs of the County, including litigation, drafting of contracts or other documents, instruments and papers, the investigation of titles, and to advise and counsel County officials and the Commission on all legal matters affecting their respective offices. No elected or appointed officer or employee of the County shall employ any other attorney to represent the County or any officer, board, or member of the Commission unless he/she shall first be authorized and empowered to do so by resolution of the Commission. Provided, however, that the Law Director shall have authority, within the budget approved by the County Commission for this purpose, to hire outside counsel when, in the judgment of the Law Director, such is necessary for the fulfillment of his/her duties under the Section.

E. The County shall pay all reasonable and necessary expenses incurred by the Law Director in the discharge of his official duties, subject to submission of such bills, receipts, invoices, or other documents and papers as may be required by the accounting practices established for the County Government.

F. The Law Director is hereby authorized to employ such assistants and office personnel as may be necessary for the discharge of the Law Director's duties at salaries to be set by the Commission. The Commission shall provide suitable offices, appurtenances, and conveniences for the Law Director and the use of his/her assistants and office personnel. The Commission shall also furnish the Law Director with appropriate equipment, furniture, and supplies as may be necessary in the performance of his/her duties, including an appropriate law library.

G. If a vacancy occurs in the office of Law Director by death, resignation, removal, or disability, the vacancy shall be filled by the Commission with a person meeting the qualifications for said position, as provided in Section 3.08.A, until his/her successor is elected in the next general election and sworn; provided, however, if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of the Law Director upon the conclusion of a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Commission.

(Ref. of 8-5-04; Ref. of 8-5-10)

Sec. 3.09. Reserved.

Editor's note—The referendum of November 7, 2006, repealed § 3.09 in its entirety, which pertained to the position of sheriff and derived from original codification. For current provisions relating to the position of sheriff, the user's attention is directed to section 4.02 of this Charter.

Sec. 3.10. Knox County Code Commission.

A. There is hereby created the Knox County Code Commission, which shall be composed of the County Mayor, the County Clerk, and three members of the Knox County Commission, and which, for budgetary purposes, shall be treated as a department of the County Government. The County

Commission shall appoint the County Commission members of the Code Commission. The members shall be selected upon this section becoming a law, and shall serve until the first meeting of the Commission on or after September 1, 2010, and shall serve terms of four years thereafter. The Code Commissioners shall serve without compensation, but it shall be the duty of the County Mayor and the County Commission to provide for the payment by the county of all necessary and reasonable expenses, as determined by the County Commission, in its sole discretion, incurred by the Knox County Code Commission in carrying out the intent and purpose of this provision.

B. It shall be the duty of the Knox County Code Commission to provide for the codification and publication, in a bound volume, updated not less often than annually, of this Charter and all ordinances and emergency ordinances (hereafter collectively the "Knox County Code") of the Commission of Knox County. The Mayor shall cooperate with the Knox County Code Commission with respect to recommendations for contracts by Knox County with any law book publishers or other persons necessary and reasonable to implement this provision. The Commission shall annually appropriate funds to pay for the expenses of codification and costs of publication of the Knox County Code. Such code shall be made available for purchase by any person desiring same. Such Code, as published by the Knox County Code Commission, shall be prima facie evidence in all courts of the authenticity of such Charter, ordinances and emergency ordinances. All Courts of Knox County shall take judicial notice of this Charter and of county ordinances and emergency ordinances.

(Ref. of 11-7-06)

ARTICLE IV. OTHER OFFICERS*

Sec. 4.01. Property Assessor.

The duties of the Assessor of Property are vested in and exercised by the Knox County

***Editor's note**—The referendum of November 7, 2006, added the provisions herein as article IV and subsequently renumbered the former articles IV—IX as articles V—X. The historical notation of the renumbered articles has been preserved for reference purposes. At the discretion of the editor, changes to internal references due to said renumbering have been included in brackets without notation.

Property Assessor. The duties, qualifications, oath of office, bond requirements and compensation of the Assessor of Property shall be governed by the Constitution and laws of the State of Tennessee and the Knox County 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 County Commission.
(Ref. of 11-7-06)

Sec. 4.02. Sheriff.

The duties of the Sheriff are vested in and exercised by the Knox County Sheriff, who shall be the Chief Law Enforcement Officer of Knox County. The duties, qualifications, oath of office, bond requirements, and compensation of the Knox County Sheriff shall be governed by the Constitution and laws of the State of Tennessee and the Knox County Charter. The general duties of Sheriff shall include, but not be limited to, being the Chief Law Enforcement Officer of Knox County, maintaining the jails 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 County Commission.
(Ref. of 11-7-06)

Sec. 4.03. Register of Deeds.

The duties of the Register of Deeds are vested in and exercised by the Knox County Register of Deeds. The duties, qualifications, oath of office, bond requirements and compensation of the Register of Deeds shall be governed by the constitution and laws of the State of Tennessee and the

Knox County 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 County Commission.
(Ref. of 11-7-06)

Sec. 4.04. County Clerk.

The duties of the County Clerk are vested in and exercised by the Knox County Clerk. The duties, qualifications, oath of office, bond requirements, and compensation of the County Clerk shall be governed by the Constitution and laws of the State of Tennessee and the Knox County Charter. The 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 County Commission.
(Ref. of 11-7-06)

Sec. 4.05. Trustee.

The duties of the Trustee are vested in and exercised by the Knox County Trustee. The duties, qualifications, oath of office, bond requirements, and compensation of the Trustee shall be governed by the Constitution and laws of the State of Tennessee and the Knox County 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 County funds; provided, however, that nothing in this section shall diminish the duties of the Office of the County Trustee as prescribed by the Gen-

eral Assembly, although additional duties may be given to this office by this Charter or by Ordinance of the County Commission.

(Ref. of 11-7-06)

Sec. 4.06. Elections and Filling Vacancies.

The officers listed in Article IV shall be elected by the voters of Knox County in accordance with the Constitution and general laws of the State of Tennessee and the Knox County Charter. Any vacancy in the offices listed in Article IV due to death, resignation, removal, or disability, the vacancy shall be filled by the Commission with a person meeting the qualifications for said position until his/her successor is elected in the next general election and sworn; provided, however, if such vacancy occurs within sixty (60) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of that officer. Said selection shall not occur until such time as the Commission conducts a duly noticed public hearing during which time interested, qualified candidates will be interviewed by the Commission.

(Ref. of 11-7-06; Ref. of 8-5-10)

ARTICLE V. JUDICIAL BRANCH*

Sec. 5.01. Judiciary.

A. The judiciary of Knox County Government shall be vested in the existing courts of Knox County or in any other courts established by law. Judges of the various courts of Knox County shall expressly continue as elective officers with all powers and duties conferred or implied by law upon their respective offices.

B. The Commission may, by ordinance, create such additional divisions of the General Sessions Court, as well as courts having such jurisdiction as is, or may hereafter be, provided by law, which it deems necessary and may abolish such divisions so long as the Commission shall comply with Section 4.03[5.03] of this Charter. Such additional divisions of the General Sessions Court may be given exclusive jurisdiction over County

*Note—See editor's note at article IV.

ordinance violations, and such other jurisdiction as may be authorized by all applicable laws of the State of Tennessee and this Charter.

Sec. 5.02. Vacancy.

If a vacancy occurs in any judicial office of the General Sessions or Juvenile Court, or in any other County judicial office established by law or by this Charter in Knox County, 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/her successor is elected and sworn.

Sec. 5.03. Abolishing divisions or altering compensation.

Nothing herein shall grant to the Commission the 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 the 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 the County during the year in which an election of the judge of such court shall be held.

Sec. 5.04. 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 Knox County. The power to make rules of court or rules of evidence shall be expressly reserved to the respective courts of Knox County, and/or to the Supreme Court of the State of Tennessee, and the Tennessee General Assembly, as applicable by law.

Sec. 5.05. Reserved.

Editor's note—Referendum of August 5, 2004, repealed § 4.05[5.05] in its entirety, which pertained to the Knox County Code Commission and derived from original codification.

Sec. 5.06. Fourth Circuit Court.

There is hereby established the Circuit Court, Division IV of the Third Judicial Court of the State of Tennessee, hereinafter referred to as the Fourth Circuit Court for Knox County, Tennessee. The Fourth Circuit Court for Knox County, Tennessee, has previously been established by Chapter 265 of the Public Acts of 1965 and it is the intent of this Charter to continue said Court pursuant to the Act with full Charter status.

Sec. 5.07. Juvenile Court.

There is hereby established the Juvenile Court of Knox County, Tennessee. The Juvenile Court of Knox County, Tennessee, has previously been established by Chapter 277 of the Private Acts of 1913, as amended, and it is the intent of this Charter to continue the Juvenile Court of Knox County, Tennessee, pursuant to the Act with full Charter status.

ARTICLE VI. EDUCATION***Sec. 6.01. Board of Education.**

A. There is hereby created the Knox County Board of Education. The exclusive management and control of the school system of Knox County (hereinafter referred to as the "School System") is vested in the Knox County Board of Education (hereinafter referred to as either the "Board of Education" or the "Board"). The Board of Education members shall be elected by the people and shall take office on September 1 following their respective elections.

B. The Board of Education under this Charter shall consist of nine (9) members elected according to state law.

C. At the County general election of 1990 a member of the Board of Education shall be elected for each of the school districts 1, 4, 6, 7 and 9 for terms of four (4) years. The members of the Board of Education from school districts 2, 3, 5 and 8 elected for four (4) year terms in the general election of 1988, as provided in Chapter 339 of the Private Acts of 1970, as amended, shall serve as

*Note—See editor's note at article IV.

members of the Board of Education until the County general election of 1992 at which time members of the Board of Education from such districts shall be elected for regular terms.

D. The districts of the members of the Board of Education shall be the districts as shall exist on December 31, 1989. The Commission may from time to time alter the boundaries of districts so long as all districts comply with constitutional requirements. On or before December 31, 1991, and every ten (10) years thereafter, it shall be the duty of the Commission, based upon the most recent Federal decennial census, to reapportion the Board of Education districts so as to comply with constitutional requirements.

E. No person shall be eligible to serve as a member of the Board of Education unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he/she filed his/her nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first year after redistricting for the general election at which a seat on the Board of Education appears on the ballot. A member of the Board shall remain a resident of the Board district which such member represents during his/her term of office. No member of the Commission or any other public official or employee of the Board of Education shall be eligible for appointment or election to the Board of Education.

(Ref. of 8-1-96; Ref. of 8-2-12; Ref. of 11-6-12)

Sec. 6.02. Board duties and powers.

A. The Board shall hold regular meetings at least monthly. The Chairman(woman) may call such special meetings when, in his/her judgment, the interest of the public schools require it or when requested to do so in writing by five (5) members of the Board.

B. The Board, at its first meeting on or after September 1, 1990, and annually thereafter, shall elect from its membership a Chairman(woman), Vice Chairman(woman), and such other officers as the Board deems necessary.

C. The Board shall have all such duties, powers and authority necessary or reasonably implied to manage and control the County School System as provided by Constitution, general law, this Charter or ordinance.

D. The Board may adopt such rules of order to govern its proceedings as it considers advisable and authorize such committees as necessary to carry out its responsibilities. Six (6) members of the Board shall constitute a quorum.

E. The Superintendent of Schools shall be the Secretary of the Board and the Executive Officer of the Board. The Chairman(woman) shall be the presiding officer of the Board and appoint all committees of the Board.

F. The Superintendent of Schools and the Chairman(woman) of the Board shall constitute the Executive Committee of the Board and shall meet as often as necessary to perform their duties. 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.

G. All members of the Board shall give bond in an amount and under such terms as provided by law or ordinance.

Sec. 6.03. Board salary and compensation.

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

Sec. 6.04. Superintendent of Schools.

A. The Superintendent of Schools (hereinafter sometimes referred to as the "Superintendent") shall be the chief administrative officer and executive official of the School System.

B. The Superintendent shall be responsible for the exercising of all executive and administrative functions of the School System. The Superintendent shall have all duties and exercise all powers and authority necessary to perform his/her responsibilities as authorized by general law, this Charter, ordinance, emergency ordinance or resolution.

C. The Superintendent of Schools shall be selected in accordance with State law.

D. No person shall be eligible to serve as Superintendent of Schools unless that person shall have attained the age of twenty-five (25) and has obtained the necessary education and certifications required by general law to hold such office. The Superintendent shall remain a resident of the County during his/her term of office.

E. The Superintendent of Schools shall receive annual compensation, paid in equal monthly installments, of not less than the amount provided by general law or not less than any elected County official, except the Mayor, whichever is greater.

(Ref. of 8-1-96; Ref. of 8-5-04)

Sec. 6.05. Board of Education employees.

Knox County adopts the Tennessee teacher tenure statutes. All employees of the Knox County School System not covered by the Tennessee teacher tenure statutes or separate contract shall be considered employees at will.

(Ref. of 8-5-04)

ARTICLE VII. PENSIONS*

Sec. 7.01. Continuation of present system.

Pursuant to the provisions of Chapter 246, Private Acts 1967-68, as amended, the County has established a local retirement system for County employees except for certified employees of the School System. The intent of this Charter is to continue such system with its powers and authority under this Charter.

Sec. 7.02. Pension system.

A. There is hereby created a system of pension and/or retirement and/or benefits for elected officials and employees of Knox County Government.

B. The intent of this Charter is to empower the Knox County Retirement and Pension Board (hereinafter sometimes referred to as the "Retirement

*Note—See editor's note at article IV.

Board") to design, adopt, administer and place into effect a financially sound retirement system and other benefits provided by ordinance.

C. The Retirement Board shall not adopt a policy, plan, plan amendment or administrative action unless it is actuarially sound and is actuarially funded at the time of adoption.

Sec. 7.03. Knox County Retirement and Pension Board.

A. The Knox County Retirement and Pension Board shall have nine (9) members. The members shall be the Mayor, four (4) members of the Commission to be selected by a majority vote of the membership thereof and four (4) current employees of Knox County who are participating members of the system.

B. The Commission shall select four (4) of its members to serve on the Knox County Retirement and Pension Board at its first session on or after September 1, 1990, and every four (4) years thereafter for terms of four (4) years concurrent with their terms as members of the Commission.

C. The Mayor shall serve as a member of the Knox County Retirement and Pension Board concurrently with his term as Mayor.

D. The active participants in the Knox County Retirement and Pension System shall select two (2) active participants as members of the Retirement Board each two (2) years for four (4) year terms under such procedure as may be established by the Retirement Board. The terms of members elected by the participants shall begin on March 1 following their election. The terms of two (2) members elected by the participants shall begin on March 1, 1991 for four (4) year terms and two (2) participant members shall be elected for terms of two (2) years beginning on March 1, 1991. The participant members of the former Knox County Retirement and Pension Commission, established by Chapter 246 of the Private Acts of 1967-68, shall serve as members of the Retirement Board from the effective date of this Charter until participant members are elected as herein provided.

E. The members of the Retirement Board shall serve without compensation but may be reimbursed for any necessary and reasonable expenses incurred by them in the performance of their duties. A member of the Retirement Board shall not be prohibited from participating in the benefit or pension plans of any other retirement fund. Any vacancy in the membership of the Retirement Board shall be filled in the same manner as the original member to serve for the remainder of such term.

F. A majority of the authorized membership of the Retirement Board shall constitute a quorum and all actions taken must be by a majority of the authorized membership. The Retirement Board shall, at its regular meeting in September, elect a Chairman(woman) and such other officers from its members as it deems appropriate for terms of one (1) year. The Retirement Board shall meet at least monthly in regular session, and special meetings may be called by the Chairman(woman) or by written request of a majority of the members.

(Ref. of 8-5-04)

Sec. 7.04. Powers and duties.

A. The intent of this Charter is to continue the existing retirement and benefit plans established and administered under the provisions of Chapter 246 of the Private Acts of 1967-68 with minimal change as deemed appropriate and to transfer to a Charter-based authority.

B. The Retirement Board is empowered and shall have all necessary power and authority to design, adopt and administer a financially sound retirement system.

C. The Retirement Board is empowered to employ the services of legal counsel, investment consultants, actuarial consultants, and the services of others which it may deem necessary to maintain a soundly designed, administered and financed system.

D. The Retirement Board shall have complete control over the administration of the system and the rights of the participants to benefits thereunder and shall make any and all determinations, rulings and interpretations of the system in open

meetings. The Retirement Board shall maintain records in accordance with generally accepted accounting principles applicable to governmental entities, and, for audit purposes, shall be considered as accounts of the County.

E. The Retirement Board shall not have the power or authority to adopt or approve any plan or plan amendment, or take any other action, which thereby would increase the funding or financial obligations of the County either at the time of the action or in the future without notification to and express consent and funding from the Commission by resolution. The intent of this provision is to restrict the power of the Retirement Board so that all plans, benefits, annuities or pensions are actuarially sound and actuarially funded from the date of their creation.

F. The Retirement Board shall annually file a financial report with the County Clerk showing all receipts, disbursements, liabilities and actuarial status of the system. The annual report and records of the Retirement Board shall be audited and reviewed by the County Auditor as any other fund of the County. All records of the Retirement Board shall be open for public inspection.

G. The provisions of the system designed by the former Retirement and Pension Commission under the provisions of Chapter 246 of the Private Acts of 1967-68 shall be the plan and system to be administered subject to amendment under the provisions thereof by the Retirement Board hereby created. The Retirement Board shall have full power to modify and amend such plan subject to the provision of Section 6.04.E[7.04.E] of this Charter.

H. All benefits payable to participants, retired participants, survivors, beneficiaries or otherwise, as lawfully adopted in the provisions of the system, shall continue unimpaired as provided therein and such benefits shall be an obligation of the Retirement Board and of Knox County.

I. Any person who shall knowingly make any false statements or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall be guilty of a misdemeanor and upon conviction shall be punished accordingly and shall further forfeit any

benefits under the provisions of the system. Any County elected official or employee who is convicted of a felony in the discharge of his/her county governmental duties shall forfeit any benefits under the provisions of the system.

Sec. 7.05. Uniformed Officers Plan.

A. The Retirement Board is hereby authorized and directed to establish, maintain and administer one or more plans of the system as separate, tax qualified plans and trusts, known and designated collectively as the Uniformed Officers Plan (hereinafter referred to as the "Officers Plan") for sworn officers regularly employed by the Sheriff's Department. The Officers Plan shall provide distinct benefits for officers who participated prior to January 1, 2014 ("2007 Officers Plan") and those employed thereafter ("2014 Officers Plan"), as provided in this Section 7.05.

B. The 2007 Officers Plan, adopted effective July 1, 2007, shall be closed to enrollment of officers hired on or after January 1, 2014. The 2007 Officers Plan shall remain in effect for any officers who participated in it prior to January 1, 2014 so long as such officer remains continuously employed as an officer. A participant in the 2007 Officers Plan who is not vested on January 1, 2014, but who thereafter completes five years of service under that Plan shall be entitled to benefits under the 2007 Officers Plan.

C. The Retirement Board shall recommend for approval by the Commission a 2014 Officers Plan to be effective commencing January 1, 2014 for officers hired on and after that date.

D. The actuary for the system shall annually compute and report normal and past service contributions for the Officers Plan, which report shall be considered by the Retirement Board and passed with the Board's recommendation to the Commission for acceptance and funding approval. The Officers Plan shall be actuarially funded.

E. The Officers Plan shall be administered by the Retirement Board as otherwise provided in this Article 7. The Retirement Board may amend the Officers Plan from time to time under the

authority of Section 7.04(E), so long as any such amendment is consistent with the terms set out in this Section.

(Ref. of 11-7-06; Ref. of 11-6-12)

Note—By Resolution R-13-8-901, the Knox County Commission adopted a 2014 Officers Plan, known as the "Sheriff's Total Accumulation Retirement Plan" or "STAR", effective January 1, 2014.

ARTICLE VIII. ELECTIONS*

Sec. 8.01. Primary election required.

A primary election shall be held in Knox County for the selection of all political party nominees of all parties, which are qualified under State law as political parties, for the selection of candidates for all County offices, judicial offices and all other offices which are filled by the voters of Knox County at the August general election in even-numbered years. All such elections shall be held in the manner provided for holding such primary elections by general law.

Note—Pursuant to Tenn. Code Ann. § 49-2-201, beginning with the election for members of boards of education to be held in the year 2000, a local governing body in a county that would otherwise conduct a county primary election may elect, by a two-thirds (2/3) vote, to have a non-partisan primary election for members of the school board at that primary election. By Resolution R-98-10-104 approved on October 26, 1998, the Knox County Commission, by a two-thirds (2/3) vote of its membership, resolved to provide for non-partisan primary and general elections for members of the Knox County Board of Education in accordance with the pertinent provisions of Tenn. Code Ann. § 49-2-201.

Sec. 8.02. Date of primary.

The primary election to nominate candidates for the County general election shall be held on the first Tuesday in May next preceding the County August general election.

In years in which a Presidential Preference Primary is to be held in the State of Tennessee, the County 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 Ordinance passed at least one (1) year before the proposed date, set the date for the County Pri-

***Note**—See editor's note at article IV.

mary on such date as the County Commission determines shall be the most economical and convenient for the citizens of Knox County.

(Ref. of 8-1-96)

Sec. 8.03. Qualifying petitions.

Any person deciding to submit his/her name to the voters in such primary election shall file a qualifying petition, in compliance with general law. The Election Commission shall verify the compliance of the petition with all requirements and declare the person a candidate and place his/her name on the primary ballot pursuant to general law.

In years in which a Presidential Preference Primary is to be held in the State of Tennessee, the qualifying position shall be filed no later than the date and time set forth for the filing of qualifying petitions for the Presidential Preference Primary. Where so authorized by law, the County Commission by Ordinance passed at least one (1) year before the date proposed, may set the date and time for filing qualifying petitions for the County Primary Election, provided that such date shall not be more than ninety (90) days preceding nor less than forty-five (45) days preceding the County Primary Election.

(Ref. of 8-1-96; Ref. of 11-7-06)

Sec. 8.04. Notice of election and other provisions.

All voters shall have the right to cast write-in ballots as provided by general law. The Election Commission shall give public notice of the election and employ officials to hold the primary as provided by general law. No person shall be placed on the ballot for any office in the August general election, subject to the provisions of this Article, and designated as a nominee of a political party, unless such person has received such nomination by virtue of having been selected as that party's candidate for such office in such County primary election except for replacement of candidates as provided by general law or when a vacancy occurs for which parties select nominees at a time in which compliance with the provisions of this Article is not possible.

Sec. 8.05. Recall.

(A) This recall provision is applicable only to officials holding the positions of Knox County Mayor, County Commissioner, Law Director, Sheriff, County Clerk, Trustee, Register of Deeds, Property Assessor, and member of the Knox County Board of Education. The Judicial Branch, including the court clerks, are not subject to recall.

(B) Such recall petition, process and recall election shall meet the requirements of state law.

(C) Notwithstanding subsection (B), in the case of a recall of an official elected county-wide, the petition shall be signed by at least ten percent (10%) of those registered to vote in Knox County. However, in the case of a recall of a district county commissioner or member of the Board of Education, the petition shall be signed by at least ten percent (10%) of those registered to vote in the district represented by said official. The number of registered Knox County voters shall equal the number of voters registered in Knox County on January 1st of the calendar year the recall petition is filed with the Knox County Election Commission. No such petition shall be circulated until after the official has served one full year in office.

(D) Notwithstanding subsection (B), the signed recall petition shall be filed with the Knox County Election Commission within ninety (90) days after final certification of the proper form of the petition by the Election Commission.

(E) In a recall election, the following question shall be presented to each qualified voter:

"Shall _____ (name of official) be recalled and removed from the Office of _____ (name of office).

(F) If a majority of the voters vote "Yes," the incumbent shall be deemed recalled and removed from office upon the certification of the recall by the Knox County Election Commission.

(G) In the event the incumbent is recalled, subject to Section (H) and pending the election provided for in Section (H), the County Commission shall fill the vacancy with a person meeting the qualifications for said office until his/her successor is elected, qualified, and sworn following the next general election.

(H) In the event the incumbent is recalled, an election to fill the vacancy shall be held at the next general election occurring at least sixty (60) days following certification of the recall. All such elections shall be held in the manner provided by law for holding a county general election as follows:

- (1) Political parties recognized under Tennessee Code, Title 2, Chapter 13 may nominate their candidates for office by any method authorized under the rules of the party.
- (2) Candidates not affiliated with a recognized political party shall be listed as independent.
- (3) The person elected to fill the vacancy created by the recall shall serve the remainder of the term of that office.

(I) It shall be a violation of the Knox County Charter, punishable by a fine of One Thousand Dollars (\$1,000.00), for any person, directly or indirectly, personally or through any other person:

- (1) By force or threats to prevent or endeavor to prevent any qualified voter from signing or promoting a petition for recall;
- (2) To make use of any violence, force or restrain or to inflict or threaten the infliction of any injury, damage, harm or loss; or
- (3) In any manner to practice intimidation upon or against any person in order to induce or compel such person to sign or refrain from signing a petition for recall;
- (4) Any Knox County voter who has reasonable suspicion of the foregoing shall report said acts to the Knox County Election Commission and one of the following: the Knox County Sheriff, the District Attorney General, and the Knox County Law Director.
- (5) The General Sessions Court shall have jurisdiction of such Charter violation.

- (6) This Charter subsection is in addition to and does not supplant any provision of state law which may render any of these acts a felony or misdemeanor.

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

(K) This provision shall become effective on August 5, 2010.
(Ref. of 8-5-10)

Editor's note—The referendum of August 5, 2010, replaced section 8.05 in its entirety to read as herein set out. Formerly, section 8.05 pertained to similar subject matter and derived from the referendum of August 7, 2008.

ARTICLE IX. GENERAL PROVISIONS*

Sec. 9.01. Title and filing of Charter.

This Charter shall be known and may be cited as the "Charter of Knox County, Tennessee." Pursuant to T.C.A. § 5-1-209, the certified copy of the Charter of Knox County, Tennessee and the Proclamation of the Secretary of State of the State of Tennessee showing the result of the November 8, 1988 election shall be deposited with the County Clerk for permanent filing.

Sec. 9.02. Liberal construction of Charter.

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

*Note—See editor's note at article IV.

Sec. 9.03. Definitions.

The following definitions shall be applicable:

- A. The phrase "administrative or executive act or function" shall mean any act or function either for or on behalf of the Knox County Government which is traditionally performed by the Mayor of a representative or republican form of government; provided, however, nothing in this definition shall be construed as prohibiting any officer, member or employee of the Commission in carrying out any act or functions necessary or desirable for the Commission to perform its legislative acts or functions.
- B. The words "emergency ordinance" shall mean any local legislation with regard to any subject within the definition of "ordinance" as provided in Section 8.03.D[9.03.D], of this Charter, adopted by the Commission in accordance with the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee.
- C. The phrases "majority vote of the Commission" or "majority of the members (or membership) of the Commission" shall mean at least a majority of the membership of the Commission as provided in Section 2.03.B of this Charter.
- D. The word "ordinance," when used in connection with any action taken by the Commission, shall mean any local legislation adopted by that body which is adopted according to the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee and is of a permanent nature in its effect, whether in a governmental or proprietary nature, and shall include, but not be limited to, any action which would have required Private Acts of the Tennessee General Assembly with constitutional ratification in the absence of this Charter.
- E. The word "person" shall include both male and female, plural and singular, and shall include the terms "individual," "corpora-

tion," "partnership" and "association," unless reason dictates another construction.

- F. A "reading" shall consist of a distinct and audible reading of the caption of an ordinance, emergency ordinance or resolution by either the Chairman(woman) of the Commission or the County Clerk and a copy of such ordinance, emergency ordinance or resolution being available for public inspection at such meeting and such other requirements as are provided by applicable law.
- G. The word "resolution" shall mean any measure adopted by the Commission which is not either an ordinance or emergency ordinance, requiring a majority vote for passage, relating to subject matter of either a special or temporary nature, and shall specifically include, but not be limited to, the issuance of bonds, notes, other evidence of indebtedness and all matters relating thereto of the County.
- H. The word "shall" shall be construed as mandatory, and the word "may" shall be construed as permissive.
- I. The phrase "two-thirds ($\frac{2}{3}$) of the members (or membership) of the Commission" shall mean at least two-thirds ($\frac{2}{3}$) of the membership of the Commission as provided in Section 2.03.A. of this Charter. Any fraction of a number that results in calculating two-thirds ($\frac{2}{3}$) of the members (or membership) of the Commission shall be rounded up.

(Ref. of 8-5-04; Ref. of 8-2-12)

Sec. 9.04. Construction of words in this Charter.

As used in this Charter, all masculine pronouns shall also mean the feminine; where reason dictates, the singular shall also include the plural.

Sec. 9.05. Amendments to this Charter.

A. In the manner provided by law for the framing, proposal and submission of new charters, a Charter Commission may frame and pro-

pose amendment(s) to this Charter and shall submit any such amendment(s) to the voters of the County.

B. The Commission of Knox County may frame and, by a favorable vote of two-thirds ($\frac{2}{3}$) 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 generally. 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 the County in accordance with the requirements of this Charter, and (2) the full text of the proposed Charter amendment. 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 the County as provided in Section 8.05.E[9.05.E].

C. Voters of the 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 9.05.B for ordinances proposing amendments, and no other matter except as hereinafter provided in this Section 9.05.C. Notwithstanding the provisions of Section 2-5-151(d) of the Tennessee Code Annotated, any petition proposing a Charter amendment must be filed with the County Clerk and must be signed by qualified voters of the County equal in number to at least fifteen percent (15%) of the persons who voted in the last gubernatorial election in Knox County. The County Clerk shall immediately deliver said petition to the County Election Commission. When the County Election Commission determines that such petitions are legally sufficient, it shall submit same to the voters of the County in accordance with Section 9.05.E.

D. On or before March 1, 1996, and on or before January 1 of each eight (8) years thereafter, there shall be constituted a Charter Review

Committee for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. The Charter Review Committee shall be composed of twenty-seven (27) total members with one (1) member of the Commission from each Commission district to be nominated by the Knox County Commission, nine (9) citizen members who are registered voters of Knox County and who are not members of the Commission to be nominated by the Knox County Commission and nine (9) citizen members who are registered voters of Knox County who are not members of the Commission to be nominated by the Knox County Mayor. Not more than two (2) such citizen members who are registered voters of Knox County shall be nominated from each Commission district. Each nominee shall be voted upon individually by the Knox County Commission. In the event a nominee does not receive a majority of votes, then the person who nominated said nominee shall bring forth a different nominee. It shall be the duty of the Charter Review Committee to give ample opportunity to County officeholders and members of the general public to make suggested changes to this Charter. In accordance with state law, the Charter Review commission shall either: (1) certify to the Knox County Election Commission such amendment(s) which it has determined to be desirable; or (2) certify to the Mayor and to the County Commission a statement that it does not recommend amending this Charter.

E. Any and all proposed charter amendments to be submitted to the voters of the County shall be submitted to the Knox County Election Commission in accordance with state law. The County Election Commission shall submit any Charter amendments certified and delivered to it, in accordance with the provisions of this Section 9.05, to the voters of the county at the next regular State or County election following the delivery to the County Election Commission of the ordinance or petition proposing the amendment. Not less than three (3) weeks before any election at which a proposed Charter amendment is to be voted on, the Election Commission shall publish a notice of the proposed amendment(s), in the form as provided by law, in a daily newspaper of general circulation in the County. The form of the ballot

for submission of proposed Charter amendments shall be governed by the laws of the State of Tennessee concerning referendum elections. If a majority of the voters of the County voting upon a proposed Charter amendment votes in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters of the County. Any Charter amendment shall be published promptly after its adoption in the manner provided in this Charter for adopted ordinances.

(Ref. of 8-5-04; Ref. of 8-7-08; Ref. of 11-4-08)

Sec. 9.06. Discrimination prohibited.

A. No elected official, administrator, director, or employee of Knox County shall discriminate against any person in employment or provision of services based upon race, sex, religion, age or nationality without due process of law. The Commission, by ordinance, or in the absence of ordinance, the Mayor, by executive order, may establish such processes and procedures as may be deemed necessary to carry out the provisions of this Section. The Commission shall, by ordinance or resolution, take any action which it deems appropriate to ameliorate any condition or circumstance created by, or resulting from, any one or more violations of the provisions of this Section.

B. The Mayor shall designate an administrative official to:

- (1) enforce ordinances or resolutions adopted by the Commission pursuant to this Section;
- (2) review practices of the Knox County Government to insure compliance with this Section 8.06[9.06] and all applicable Federal and State laws; and
- (3) investigate complaints and claims of violations of this Section or of applicable State or Federal laws relating to equal employment practices.

(Ref. of 8-5-04)

Sec. 9.07. Qualification and oath of elected officers.

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 laws of the State of Tennessee and shall take and subscribe to the following oath or affirmation before a person authorized to administer oaths:

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, the Constitution of the State of Tennessee, and the Charter of Knox County, Tennessee, and that I will faithfully discharge the duties of my office to the best of my ability.

Any person refusing to take the oath or affirmation shall forfeit that office immediately.

Sec. 9.08. Conflict of interest.

A. It shall be unlawful for any member of the Commission, the Mayor, other elected officeholder, or any administrative assistant, executive assistant, head of any division or department of County Government, or any other person employed by the County to vote for, let out, overlook, or in any manner to superintend any work or contract with the County for the sale of any land, materials, supplies, or services to, or by, the County, or to a contractor supplying the County, where such person has a substantial financial interest, direct or indirect, as defined by T.C.A. § 12-4-101, and any subsequent amendment thereto.

B. Any person who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall be subject to ouster from office or termination of employment. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the County shall render the contract voidable by the Mayor or the Commission.

C. Any member of the Commission who is also an employee of the County may vote on matters in which he has a conflict of interest arising from his/her employment with the County if the member informs the Commission immediately prior to the vote as follows: "Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote

answer only to my conscience and to my obligation to my constituents and to the citizens this body represents."

Note—See editor's note at the end of this section.

D. In the event a member of the Commission has a conflict of interest in a matter to be voted upon by the body, he/she may abstain for cause by announcing such to the presiding officer.

E. The vote of any member of the Commission having a conflict of interest who does not inform the Commission of such conflict shall be void if challenged by a member of the Commission in a timely manner and ruled to be a conflict of interest by the Chairman(woman) of the Commission. As used in this Section, "timely manner" shall mean during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

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

For the purposes of this policy, "relative" means parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in-law, grandchild or other person 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.

G. (i) An elected official or employee of Knox County with responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before any discussion or vote on the measure and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, said elected official or employee shall recuse him/herself from the discussion and/or vote on the matter. This provision shall not be applicable to voting on

measures for reappointment of districts or other measures that affect all members of the Knox County Commission.

- (ii) "Personal Interest" means, for the purposes of disclosure of personal interests in accordance with this policy, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

(Ref. of 8-5-04; Ref. of 11-4-08)

Editor's note—See note at the end of Section 2.03.

Sec. 9.09. Bonding of officers and employees.

The Mayor and such other County officers and employees, as the Commission may provide, shall give bond in the amount and in the surety form prescribed by the Commission. The premiums of such bonds shall be paid by the County.

(Ref. of 8-5-04)

Sec. 9.10. Residence and qualifications of County officials and employees.

A. Any County official who shall voluntarily remove his/her residence outside the district from which elected or appointed shall forfeit that office immediately.

B. Any lawyer, either elected or employed by the County in a legal or judicial 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.

Sec. 9.11. Ex-officio members [of] boards, authorities, commissions, agencies.

No County officer or employee who is compensated for his/her service by salary shall receive any additional salary for serving as an ex-officio member of a County board, commission, authority or agency.

Sec. 9.12. Private Acts.

All Private Acts of the General Assembly of Tennessee, either referenced and/or included in this Charter by paraphrase, shall be, and remain, a part of this Charter with full Charter status. Between September 1, 1990 and September 1, 1991, it shall be the duty of the Law Director and the Commission to review all Public Acts having local application to Knox County, and all Private Acts which affect Knox County, of the General Assembly of the State of Tennessee, not in conflict with the provisions of this Charter, for the purpose of the Commission enacting ordinances to replace such Acts as the Commission, in its sole discretion, shall determine to be in the public welfare; provided, however, the Commission shall enact such ordinances, either replacing such Acts or continuing such Acts in full force and effect, where any such Acts constitute the authority for Knox County to continue to levy taxes and/or where such Act constitutes, or forms the basis of, any continuing obligation of Knox County or of any department, agency, authority or commission thereof. All other Public Acts with local application to Knox County, and all Private Acts which affect Knox County, of the General Assembly of the State of Tennessee, shall become null and void and of no further force and effect from and after September 1, 1991.

Sec. 9.13. County seal and flag.

The Commission shall have the power either to adopt an official seal and flag for the County or to continue the same seal and flag from the previous County Government.

Sec. 9.14. Service of process on County.

Service of any legal process, notice, or other matter to be served upon the County pursuant to any rule, regulation or law shall be made upon the Mayor or as authorized by law.

(Ref. of 8-5-04)

Sec. 9.15. Health service.

A. The County may acquire, construct, equip, extend, repair, maintain and manage, or contract for management, and operate, or cause to be

operated through contract, hospitals, clinics, and nursing homes and other extended care facilities owned, supported or controlled by the County.

B. The County may act through a nonprofit corporation or authority established by it to accomplish or carry out any or all of the above-outlined duties.

Sec. 9.16. Severability.

If any article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of the 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.

Sec. 9.17. Term limits.

A. No person shall be eligible to hold, or be elected to, the same elected office of Knox County for more than two consecutive terms. A "term" is defined as a full, elected four (4) or six (6) year period, depending upon the length of the elected office as provided by this Charter or Tennessee Law. A person who is not eligible to serve in an elected office of Knox County due to the term limitations set forth herein shall not be precluded from serving in a different elected office of Knox County. Judges are exempt from this section.

B. If a person is elected or appointed to fill an unexpired term, that term shall not be counted as part of the term limitations set forth herein. Any person's partial service in an elected office of Knox County prior to December 1, 2012 shall not be counted as part of the term limitations set forth herein.

C. The members of Commission elected by districts and the members of Commission elected at-large through County-wide vote shall be considered the same elected office for the purposes of this section.

D. If any provision of this section shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of the County that all other

provisions of this section and their application to all other persons and circumstances shall be severable and shall not be affected by such decision.

(Ref. of 11-8-94; Ref. of 11-6-12)

ARTICLE X. TRANSITION PROVISIONS*

Sec. 10.01. Repeal of contrary laws.

This Charter shall occupy the entire field of self-government for Knox County allowed by the Constitution of the State of Tennessee, and all public acts, private acts, ordinances, resolutions, orders, regulations, proclamations and any other enactment of any nature whatsoever, legislative, executive or judicial, local in effect, which are in force when this Charter becomes effective, are hereby repealed to the extent that they are inconsistent with, or interfere with, the effective operation of this Charter or of the ordinances, emergency ordinances or resolutions adopted by the Commission pursuant to the provisions of this Charter.

Sec. 10.02. Prior resolutions, orders and regulations.

All resolutions, orders, regulations and directives of the former County government, of whatsoever branch, division or department, which are in full force and effect at the time this Charter takes effect, to the extent that they are not inconsistent with the provisions of this Charter, shall remain in full force and effect until altered, modified or repealed in accordance with this Charter.

Sec. 10.03. Pending matters.

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

*Note—See editor's note at article IV.

Sec. 10.04. Judicial and other proceedings.

All judicial proceedings of any kind or character, either by or against the County, and all proceedings to incur debt, whether by notes, bonds or other evidences of indebtedness, begun or pending at the time this Charter takes effect, all contracts for the doing of any kind of public work, not completed and performed at the time this Charter takes effect, and 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, shall in no way be affected by the adoption of this Charter, but the same may be completed in every respect as nearly as may be in accordance with the provisions of this Charter.

Sec. 10.05. Rights and obligations.

All rights of action, contracts, obligations, titles, fines, penalties, forfeitures, and fees, accrued to or in favor of, or against, the County, at the time this Charter takes effect, shall remain in existence in full force and effect as fully as though this Charter had not taken 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 the County, and the lien thereof, and all writs, prosecutions, actions and causes of action shall continue and remain unaffected by this Charter.

Sec. 10.06. 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 without abridgement of term or reduction of salary, unless lawfully removed, until their respective successors are duly elected, or appointed, and sworn.

Sec. 10.07. Zoning.

This Charter shall not alter or change zoning regulations effective in the County, but the same shall continue until modified, altered, amended or repealed by the Commission acting under authority granted in this Charter.

Sec. 10.08. Referendum.

This Charter shall be submitted by the Knox County Election Commission to the vote of the qualified voters of Knox County, Tennessee, at an election to be held on November 8, 1988. The ballots used in such election shall contain the following, and no further or different words:

"SHALL KNOX COUNTY GOVERNMENT BE CHANGED FROM ITS CURRENT FORM TO A HOME RULE CHARTER GOVERNMENT CONSISTING OF AN EXECUTIVE BRANCH HEADED BY THE EXECUTIVE OF KNOX COUNTY, A LEGISLATIVE BRANCH CONSISTING OF THE COMMISSION OF KNOX COUNTY AND A JUDICIAL BRANCH CONSISTING OF THE EXISTING COURTS OF KNOX COUNTY, OR ANY OTHER COURTS ESTABLISHED BY LAW?

FOR A CHARTER FORM OF COUNTY GOVERNMENT _____

AGAINST A CHARTER FORM OF COUNTY GOVERNMENT _____"

Sec. 10.09. Effective date.

This Charter shall become effective September 1, 1990, and shall be effective prior thereto to the extent necessary to permit primaries and elections to be held as otherwise provided herein during the year 1990. Article VII of this Charter, relating to nominations and elections, shall apply to the nomination and election of all officers required to be elected under this Charter commencing with the primary and general elections for the year 1990.