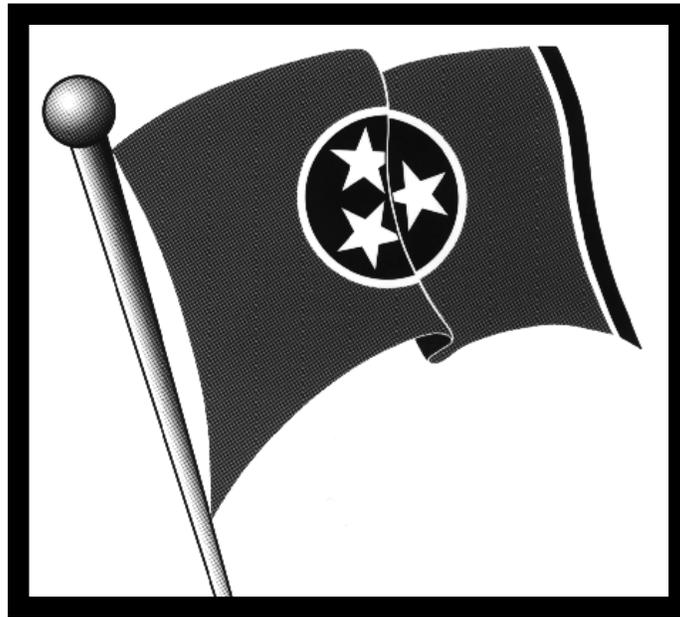


Report to the General Assembly by the:  
**Citizens Commission on  
Government Officials'  
Compensation**



**February 1995**

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Citizens Commission on Government Officials' Compensation

February 1, 1995

The Honorable John S. Wilder  
Speaker of the Senate  
The Honorable Jimmy Naifeh  
Speaker of the House of Representatives  
and  
Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243

Ladies and Gentlemen:

This report contains recommendations made by the Citizens Commission on Government Officials' Compensation as directed by Public Chapter 460, 1993. The report specifically examines how Tennessee's county officials are compensated and makes recommendations that we believe will improve the process.

We would like to thank the members of the General Assembly for the opportunity to offer our expertise. While it was a challenge to apply methods employed by the private sector to a public sector process, we have learned much about the workings of government. That is valuable knowledge and we thank you for the privilege of serving in this capacity.

Very truly yours,

Milton E. Fletcher

Clyde B. Webb  
Cochairs

# Executive Summary

In 1993, the General Assembly created the Citizens Commission on Government Officials' Compensation to study and make recommendations on the compensation of Tennessee's county officials. The General Assembly is responsible for establishing county officials' salaries through statute, but in recent years members became increasingly frustrated by pressure from individual officials to favor particular counties through amendments to the general salary schedule established in *Tennessee Code Annotated* §8-24-101.

The Citizens' Commission, comprised of 10 members from private business and industry, studied the issues during 1994 and reached several conclusions including:

- The current structure of county government, by requiring at least nine full-time elected officials per county, does not promote the effective and efficient use of county resources. Small counties may not have a workload sufficient to justify several county officials. (See page 6.)
- The state should continue to establish minimum compensation amounts for county officials rather than giving this responsibility to the counties. (See page 6.)
- The commission suggests establishing a state level compensation committee to recommend county officials' salaries to the legislature based on comparative data from both the public and private sectors. The commission made this recommendation after researching methods used in other states. (See pages 6-8.)
- Salaries should be set for each county office independently of other offices. Presently most officials' salaries are set at the same level without regard to differences in responsibility or difficulty. (See page 8.)
- Statutes should be amended to require that salaries be set before the election for each term of office and not changed during the term, except for general economic adjustments. (See page 8.)
- Provisions for general economic adjustments should continue to coincide with those of state employees, becoming effective July 1 of the year following the state increases. (See page 8.)
- Population should continue to be a significant factor in determining county officials' salaries, but the present population groupings need revision. The commission has proposed an alternative salary schedule. (See pages 9 and 10.)
- Population groups should be set after each decennial census, and moving from one population classification to another should be prohibited unless a county conducts a special census. (See page 9.)
- All county officials should be required to have a high school education or General Equivalency Diploma (GED). (See pages 9-11.)
- County officials should be allowed to participate in the Local Government Group Insurance Program, even if their county as a whole does not participate. (See page 11.)

- Officials should be required to achieve certification for offices and should be rewarded financially for doing so through state-funded financial incentives. (See pages 11-12.)
- Standards for certification will need to be developed. This could be a responsibility of the proposed compensation committee or of a task force of county officials. The Center for Government Training would be a likely resource for either group. (See page 13.)
- The Center for Government Training should be encouraged to develop training modes that will allow officials in small rural counties to obtain necessary training, and should continue to work with the various officials' groups to examine specific standards for certification and training for each office. (See page 13.)

Exhibit 3, which illustrates the present system and the proposed changes, is on page 14.

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# Introduction

## Charge from the Legislature

In 1993, the General Assembly passed Public Chapter 460 creating the Citizens Commission on Government Officials' Compensation. The legislature created the commission to study the duties and responsibilities of the various county offices, and determine how county size, location, and population affect those duties and responsibilities, existing classifications and proposed classifications, and any other matters as directed by the Speakers of the Senate and the House. The commission was also charged with making recommendations to the General Assembly by February 1, 1995, "as to what the commission believes to be the appropriate compensation for the county offices studied and how that compensation is affected by county size. The commission shall also recommend an appropriate mechanism, if any, for future salary increases based on the information received from the investigation." (See Appendix 1 for a complete copy of Public Chapter 460.)

Public Chapter 460 required the commission to be comprised of ten members, five appointed by the Speaker of the House and five by the Speaker of the Senate. Membership was to include residents of urban as well as rural areas of the state. In appointing the commission, the Speakers were to appoint citizens "who have demonstrated integrity and are widely recognized as knowledgeable and successful in the areas of business and finance." Members could not be elected officials or employees of government at any level, nor could they be employees of any association of governments or government officials. The act assigned staff of the Office of Local Government within the Office of the Comptroller of the Treasury and the County Technical Assistance Service (CTAS) to assist the commission as needed.<sup>1</sup>

Public Chapter 460 did not list specific county offices to be considered by the commission, but because the act amended Title 8, Chapter 24, Part 1, of *Tennessee Code Annotated*, the commission included the county officials listed there. In addition, case law in Tennessee has defined county officials as those who: are entitled to salary for a term of definite duration; have definite duties fixed by statute; and are required to take an oath of office.<sup>2</sup> Based on this reasoning, the commission's study included:

- county trustee
- sheriff
- county clerk
- clerk and master of chancery court
- clerk of probate court
- clerk of circuit court
- register of deeds
- clerk of general sessions court
- clerk of criminal court

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<sup>1</sup> Most of the staff of the Office of Local Government were transferred to a new Office of Research in July 1994. Staff who began work with the commission continued to provide assistance.

<sup>2</sup> Memo from Ron Fults, Director of Legal Services, County Technical Assistance Service, dated September 30, 1994, addressed to Ethel Detch, Director, Office of Research.

- assessor of property
- county executive
- chief administrative officer of the county highway department

## Methodology

The report's conclusions and recommendations are based on the following sources:

- commission meetings (nine times between February 1994 and January 1995);
- findings of the commission's subcommittees on the following topics as they relate to county officials' compensation: population, economic base, the relationship of compensation to benefits, qualifications, certification and training, annual surveys, and job responsibility;
- a review of pertinent state laws in *Tennessee Code Annotated* to determine duties and responsibilities of county officials, population classes, and current salaries;
- a telephone and postcard survey of Tennessee county executives to determine health insurance available to elected county officials;
- a survey of county associations in all 50 states to determine other states' methods for compensating elected county officials (18 states responded);
- a review of available articles and publications on local government compensation;
- an analysis of the laws of states contiguous to Tennessee, including required qualifications for officials, certification practices, and methods for determining compensation, and a comparison of salaries paid to county officials in those states;
- discussions with representatives of various county officials associations, and comments from them regarding the content of this report;
- a review of the history of legislative action on population classes and ranges .

## Background

The General Assembly is responsible for setting county officials' salaries. *Tennessee Code Annotated* §8-24-101 provides a schedule that divides the counties into classes based on population. (See Appendix 3 for a current list of the classes and the corresponding counties.) *TCA* §8-24-102 lists the base compensation for specific offices, but does not list actual current salaries. Instead, a percentage is listed for each year that the General Assembly has approved an increase in salaries. The Code Commission Notes that follow the law list the actual salaries as calculated by the County Technical Assistance Service. (See Appendix 4 for an analysis of salaries as of July 1, 1994.)

The *Tennessee Constitution* in Article VII, Section 1, requires counties to elect certain officers: county executive, county legislative body, sheriff, trustee, register, county clerk, and assessor of property.<sup>3</sup> In addition, other offices have been created by the legislature, such as the chief administrative officer for highways.

In the past, state law set both a minimum and maximum salary for county officials. The General Assembly passed Public Chapter 1035 in 1990, which phased out the minimum-

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<sup>3</sup> Article VI, Section 13, governs the selection of court clerks. In most counties, the circuit court has both civil and criminal jurisdiction and uses only one clerk. Often, the circuit court clerk is also the general sessions court clerk. The clerk and master is the clerk of the chancery court and is appointed by the chancellor. The circuit and criminal court clerks and other special court clerks are elected by the voters.

maximum categories as of September 1, 1993. The law now provides the minimum salary each official must receive based on population classification. The county legislative body in each county, however, can elect to pay a higher salary to the county executive, sheriff, and chief administrative officer for highways.

### **History of Legislative Action on Population Classes and Ranges**

A review of the history of *Tennessee Code Annotated* §8-24-101 indicates that the counties were first divided into three population classes in 1921. The classes remained unchanged until 1935 when a fourth class was added. In 1953, two more classes were added; by 1961, there were seven classes. In 1971, the legislature added still another class, totalling eight. In 1987, the third class was divided into two subclasses, which added, in effect, a ninth class. This structure remains in place in 1994.

Undoubtedly, some of the expansion has been in response to Tennessee's growing population. However, by 1971 changes appeared to accommodate a specific county or counties rather than general growth. Before then, the population classes were divided at round numbers that appear to have been arrived at by "common sense": for example, 1st class/250,000 or more; 2nd class/150,000-250,000; 3rd class/50,000-150,000; etc. In 1971, however, when the seventh and eighth classes were added, the numbers began to divide the counties at very specific points: seventh class/3,800-6,000 and eighth class/less than 3,800. This occurred again in 1972 when those classes and another, the fifth, were revised to reflect specific breaking points: fifth class/12,000-24,500(formerly 25,000); seventh class/3,770-6,000; and eighth class/less than 3,770. And, this type of action was taken again in 1987 and 1991.

### **Comparison to Other States**

*Methods for Setting Compensation*—The commission examined a number of other states' methods for setting county officials' compensation. Many states have no central method for setting the compensation; it is determined at the county level. Of those that provide state guidelines for salaries, most are based on population. Some also use factors such as assessed property value or compute only an allowable annual increase based on the Consumer Price Index. A few states conduct surveys of surrounding jurisdictions and consider other pertinent data for purposes of setting local officials' salaries. (See pages 6 and 7 for further information on states that conduct salary surveys.)

*Salary Levels*—In an effort to determine how Tennessee county officials' salaries compare to those in neighboring states, staff compiled salary data for Tennessee's eight contiguous states. (See Exhibit 1 on page 5.) The analysis provides a general comparison but the commission did not study the duties of the other states' offices and therefore cannot conclude whether or not they are similar. For example, some states have no register of deeds; that function is handled by the county clerk. For others, the lowest salary ranges may reflect part-time positions rather than full-time positions. In spite of differences the commission found the information to be helpful.

In general, this comparison indicates that most of Tennessee's county officials have higher salaries than comparable county officials in contiguous states.

## **Benefits**

The commission reviewed the insurance and retirement benefits available to county officials. In short, all county officials may participate in the Tennessee Consolidated Retirement System, whether or not their particular counties choose to do so. The *1994 Annual Report of the Tennessee Consolidated Retirement System* indicates that 93 of the 95 counties have county officials and judges who participate in the state retirement system.

A survey of counties conducted by the Office of Research in July and August 1994 indicates that 69 of the 95 counties make group health insurance plans available to their elected officials, either through the state-administered Local Government Group Insurance Program or other plans. Of these, 30 counties pay 100 percent of the premium for elected officials.

**Exhibit 1: Salary Ranges in Contiguous States (ranked by highest salaries)**

County Executive		
North Carolina	\$19,000	\$133,105
<b>Tennessee</b>	<b>\$33,957</b>	<b>\$93,107</b>
Georgia <sup>1</sup>	\$1,200	\$91,806
Alabama	\$30,000	\$67,500
Arkansas	\$20,000	\$57,188
Kentucky	\$24,256	\$40,427
Mississippi	\$8,250	\$40,260
Missouri	\$19,000	\$28,000
Virginia	**	**

Sheriff		
Georgia	\$28,765	\$91,404
<b>Tennessee</b>	<b>\$32,340</b>	<b>\$88,673</b>
Virginia	\$37,148	\$83,846
North Carolina	\$23,160	\$80,712
Alabama	\$35,000	\$67,500
Arkansas	\$20,000	\$57,188
Mississippi	\$37,600	\$53,200
Missouri	\$32,000	\$46,000
Kentucky	\$9,601	\$40,427

Trustee		
North Carolina	\$15,840	\$80,761
<b>Tennessee</b>	<b>\$29,400</b>	<b>\$80,612</b>
Georgia	\$17,025	\$54,507
Arkansas	\$17,000	\$51,369
Kentucky	\$5,835	\$47,200
Missouri	\$9,270	\$45,000
Alabama	**	**
Mississippi	**	**
Virginia	**	**

Assessor of Property		
Virginia	\$37,324	\$81,350
<b>Tennessee</b>	<b>\$29,400</b>	<b>\$80,612</b>
North Carolina	\$14,560	\$76,728
Georgia	\$7,123	\$71,400
Arkansas	\$17,000	\$51,369
Alabama	**	\$48,000
Missouri	\$25,900	\$45,000
Mississippi	\$29,964	\$43,164
Kentucky <sup>2</sup>	**	**

County Clerk		
<b>Tennessee</b>	<b>\$29,400</b>	<b>\$80,612</b>
North Carolina	\$18,744	\$68,982
Georgia <sup>3</sup>	\$1,600	\$66,994
Arkansas	\$17,000	\$51,369
Missouri	\$26,500	\$42,500
Kentucky	\$10,200	\$40,427
Alabama	**	\$32,352
Mississippi	**	**
Virginia <sup>5</sup>	**	**

Court Clerks		
Georgia	\$11,900	\$91,404
Virginia	\$48,844	\$90,714
<b>Tennessee</b>	<b>\$29,400</b>	<b>\$80,612</b>
Arkansas	\$17,000	\$51,369
Alabama <sup>4</sup>	\$50,000	\$50,000
Missouri	\$37,000	\$45,000
Mississippi	\$33,000	\$33,000
Kentucky	\$11,000	\$25,000
North Carolina	**	**

County Highway Official		
Georgia	\$21,000	\$86,903
<b>Tennessee<sup>6</sup></b>	<b>\$32,340</b>	<b>\$75,492</b>
Alabama <sup>7</sup>	\$43,134	\$65,754
Kentucky	\$7,505	\$60,427
Mississippi	\$20,400	\$32,472
Arkansas <sup>8</sup>	**	**
Missouri <sup>9</sup>	**	**
North Carolina	**	**
Virginia	**	**

Register of Deeds		
<b>Tennessee</b>	<b>\$29,400</b>	<b>\$80,612</b>
North Carolina	\$18,744	\$68,982
Arkansas	\$17,000	\$51,369
Missouri	\$24,000	\$45,000
Georgia	**	**
Kentucky	**	**
Mississippi	**	**
Virginia	**	**
Alabama	**	**

Source: Compiled by the Office of Research from various state codes and salary surveys.

Note: \*\* Unavailable or Not Applicable

<sup>1</sup> Includes part-time officials.

<sup>2</sup> The Commonwealth performs the function of tax assessment.

<sup>3</sup> Local charters define this position.

<sup>4</sup> If not combined with the Register, the position is governed by state civil service law (see Alabama Code Annotated §12-17-1). If combined with the Register, offices are not comparable to Tennessee Court Clerks.

<sup>5</sup> Virginia clerks' offices perform functions that are divided among the Tennessee offices of County Clerk, Circuit Clerk, Chancery Court Clerk and Register of Deeds. See Chairman's Handbook, Compensation Board, Commonwealth of Virginia (p. 6).

<sup>6</sup> The highest salary specified in statute is \$55,509. Of the largest four counties, the highest salary is reported above.

<sup>7</sup> The state reimburses the county for 70 percent of salary, which is tied to state employee pay (not a mandatory position).

<sup>8</sup> Arkansas, North Carolina, and Virginia have no county highway officials. State is responsible for road construction and maintenance.

<sup>9</sup> County Highway Official is not required.

## Conclusions and Recommendations

- The commission finds that the current structure of county government, by requiring at least nine full-time elected officials per county, does not promote the effective and efficient use of county resources. The commission recommends that the General Assembly seek ways to allow a reduction in the number of full-time officials per county, especially those with low populations. The workload per official in small counties may not be enough to justify several full-time officers, each with a present mandated annual salary of at least \$29,000. Requiring all of these elected officials places a disproportionate burden on the tax base of those counties.<sup>4</sup> In addition, some functions may not need to be handled by elected officials but by professional staff hired by a county administrator, similar to Tennessee's municipalities.

The commission recognizes that the state's constitution places limitations on the General Assembly in this area, but recommends that these concerns be addressed as constitutionally appropriate.

- The state should continue to establish minimum compensation amounts for county officials rather than giving this responsibility to the counties. The commission recommends setting minimum salaries at the state level to provide comparability among counties of similar size and to assure that compensation is adequate to attract qualified persons. The commission reached this conclusion after conversations with officials in other states where salaries are set locally.
- The state legislature should create a state level compensation committee to recommend county officials' salaries to the legislature based on comparative data from both the public and private sectors. Such a committee should be appointed by the Speakers and could be comprised of seven members, four with compensation expertise from private industry, and three with government expertise. None of these, however, should be county officials or representatives of their various associations. The committee could also include the Commissioner of Personnel and a person with county government expertise as ex officio non-voting members. Inclusion of these persons would help to provide resources and county government expertise to the committee. The commission examined a great deal of information but concluded that the comparative information needed to make salary recommendations based on objective criteria was not readily available and could not be developed within the constraints of the present commission.

In addition, the commission recommends retaining a professional compensation consultant in the committee's start-up period, to provide specific expertise in reviewing county officials' responsibilities, conducting salary surveys, and other functions as the committee may find useful.

The commission arrived at the state compensation committee concept by researching the methods employed by several other states to set county officials' salaries. Virginia,

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<sup>4</sup> Staff analyzed the annual per capita burden by county for compensating nine full-time elected officials. It ranged from \$0.91 in Shelby County to \$63.20 in Pickett County.

Kentucky, Nebraska, and Oregon all have or have had boards that recommend county officials' salaries based on objective assessments of salary and compensation data. Nebraska and Oregon both use compensation boards and both use some comparative data derived from annual salary surveys. Although both ultimately delegate the setting of salaries to the county level, some elements could be adapted for use in Tennessee. For example, the Nebraska Association of County Officials assists committees comprised of county officials with a survey of existing salaries and benefits and recommendations for minimum salaries. The committee considers a variety of factors, including: county population, county valuation, the salaries of elected and appointed officials, health benefits, cost-of-living adjustment factors in use, Consumer Price Index increases for the previous four years, salary increases received by state employees, and county salaries from other Midwestern states.

In Oregon, state law requires each compensation board to examine the salaries of positions in state government that are comparable to the county elected officials, as well as positions in private business "within a labor market deemed appropriate by the board for each elective officer." The board is also to consider the number of employees supervised by the elected official, the size of the budget administered, duties and responsibilities, and the salary paid to subordinates and other appointed employees who serve in positions of comparable management responsibility. Counties are given leeway to establish their own methods for comparing data. Polk County, Oregon, compares the salaries, budgets, and number of permanent employees of its five contiguous counties, and draws recommendations from the resulting data.

Both Virginia and Kentucky have state level compensation boards. Although Virginia's board no longer sets salaries for elected constitutional officers, it does set salaries for lower level county officials. Board members include the Auditor of Public Accounts and State Tax Commissioner, both as ex officio members, and a chairman appointed by the Governor "who may or may not be an officer or employee of the Commonwealth" (*Virginia Code*, Article 7 §14.1-48).

Kentucky has established a Public Officials' Compensation Commission as well as a County Officials' Compensation Board. (*KRS* §§64.741, 64.770, 64.780) The Public Officials Compensation Commission's primary duty is to study the retirement benefits, per diem, mileage, travel expenses, and other allowances, reimbursements, and emoluments of public officials, in order to make specific recommendations to the Kentucky General Assembly.

Kentucky's County Officials' Compensation Board consists of the commissioner of the Department of Local Government, the state local finance officer, the president of each of the state associations of county officials, three members of the General Assembly appointed by the Governor, and two citizens appointed by the Governor. The board is to submit a written report to the "interim legislative committee having jurisdiction of matters relating to county government and county officials" by October 1 of every odd-numbered year and to every regular session of the General Assembly containing recommendations concerning the compensation of county officials. The board is directed to examine, but not be limited to, the following items: consolidation of certain offices in the counties; methods to improve the auditing and accounting systems of

county officials; means to classify counties or county officials; salary grades for county officials; guidelines for the expenditure of income of county officials' offices; the increase, decrease, creation, or abolishment of any state-financed compensation fund or expense account for county officials; establishment of a minimum salary for county officials and the amount thereof; increase or decrease in the maximum salary allowed county officials and the amount thereof; revision and clarification of fee schedules of county officials; and retirement system and benefits for county officials.

Tennessee's Judicial Council, established in *Tennessee Code Annotated* §16-21-101, also has features that might apply to a compensation committee. For example, the judicial council is charged with reporting on the advisability of any legislative proposal affecting the judicial system, particularly any that propose the creation of new judgeships, district attorneys general, assistant district attorneys general, public defenders, and assistant public defenders. The council's staff is to report the effects of the proposed creation of new positions on the personnel requirements of the existing offices.<sup>5</sup>

- **Salaries should be set for each county office independently of other offices.** The commission recommends that the salaries for each office should be based on the relative worth of that office, rather than the compensation of other county officials. Presently, the salaries of the trustee, the court clerks, the register of deeds, and the assessor of property are all set at the same amount, without regard to differences in responsibility or difficulty. Similarly, the salaries of other officials such as the highway official and the sheriff are set relative to that of the trustee. As a result, if any one office gets additional money, it causes a “domino effect” among the other offices, causing unnecessary salary escalation. The commission recommends that the officials be paid amounts commensurate with the responsibilities of the position, the skills required, the amount of risk assumed, etc.
- **Statutes should be amended to require that salaries are set before the election for each term of office and are not changed during the term except for general economic adjustments described below.** This would provide counties adequate time to plan their budgets, would give candidates information as to the salary available, and would discourage annual lobbying to adjust salaries. In Nebraska, for example, salaries for all elected officials must be established prior to January 15 of the year in which a general election is held. The salaries are set for the duration of the next term of office.
- **Provisions for general economic adjustments should continue to coincide with those of state employees, and should become effective on July 1 of the succeeding year.** Since state employees' raises correlate closely to economic growth and increases in state revenues, this allows for periodic adjustments without endangering county budgets in times of high inflation.

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<sup>5</sup> TCA §16-21-107.

- The commission finds that population should continue to be a significant factor in the establishment of county officials' salaries, but finds that the present population groupings need revision. The commission considered a number of possible methods, including a system indexed completely according to population and inclusion of other factors such as number of parcels.<sup>6</sup> The commission concludes that any new system should be simple to compute and easily understood, and that a strict correlation to population does not seem warranted. The commission proposes a system with four groupings of counties based on population, with subgroupings roughly by quartiles. As discussed on page 8, the commission concludes that eventually salaries should be set for each official, based on additional factors such as responsibility, complexity, and authority. The recommendation included here, however, assumes the present relationship among the various offices, and is based generally on the existing lowest and highest salaries.

Exhibit 2 on page 10 illustrates a possible classification system for the general county officials group, which includes the trustees, registers, assessors of property, and court clerks. (Equivalent tables for the County Executive, Highway Official, and Sheriff can be found in Appendix 6.) The advantages to this method are that it is easy to understand and that the salaries increase in relatively equal amounts.

No matter how the groupings change, there are some counties that drop in salary and others that have significant increases. The commission would propose to hold salaries at the current level for any officials whose salaries would otherwise decrease, but only for the remainder of the present term. For counties with a large increase the General Assembly might need to allow a phase-in over a number of years. All, of course, might be revised if the proposed compensation committee were to be established. Staff calculated the fiscal impact of the commission's proposal on each county. With the exception of one county, in those counties where expenditures would increase, the difference would be equivalent to one cent or less on the property tax.<sup>7</sup>

- After a decennial census has occurred and county population classifications have been set, moving from one population classification to another should be prohibited unless a county conducts a special census and obtains a new certified population as provided for in TCA §9-16-101. One of the biggest complaints about the current classification system is that counties constantly lobby the legislature to change the classifications to improve the standing of particular counties. Freezing the population classifications after each census would prevent the continuous efforts to move into the next higher classification. (This assumes that the legislature will continue to use population classifications as a base for setting salaries.)
- All county officials should be required to have a high school education or general equivalency diploma (GED). Currently, only the chief administrative officer for the county highway department and the sheriff are required to have graduated from high

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<sup>6</sup>Staff analyzed the relationship of parcel count to population and found them to be highly correlated with a few exceptions.

<sup>7</sup>This does not imply that property tax is the only source of revenue that could be used for funding differences in salaries.

## Exhibit 2: Commission's Recommended Salary Schedule for County Officials

(Illustrates salaries for county clerks, court clerks, registers of deeds, assessors of property, and trustees.)

Note: This schedule was based on salaries in effect as of July 1, 1994. It does **not** reflect estimated adjustments of four percent that county officials will receive on July 1, 1995, as provided in TCA 8-24-117(b).

		Group 3		Group 2		Group 1	
						Salary	Min. Pop.
						\$81,000	400,000
						\$78,365	350,000
						\$75,808	300,000
						\$73,250	250,000
				\$69,000	200,000		
				\$65,500	150,000		
				\$57,500	100,000		
				\$50,000	65,000		
		\$47,750	54,500				
		\$45,500	44,000				
		\$43,250	33,500				
		\$41,000	23,000				
Group 4							
Salary	Min. Pop.						
\$38,500	18,500						
\$36,000	12,500*						
\$33,500	9,500						
\$31,000	5,000						
42 Counties Small		38 Counties Medium		11 Counties Large		4 Counties Largest	
0 - 22,999		23,000 - 64,999		65,000 - 249,999		250,000-	

\*Commission adjusted population minimum to reduce fiscal impact on selected counties

school or have a GED. The legislature is responsible for setting qualifications for county offices. General qualifications for officeholders, located in *Tennessee Code Annotated* §8-18-101, provide that all persons over 18 years of age, who are citizens of the United States and Tennessee, and who meet certain residency requirements, are qualified to hold office, unless they:

1. have been convicted of offering or giving a bribe, of larceny, or any other offense declared infamous by law, unless they have been restored to citizenship as prescribed by law;

2. have not paid a judgment against them for money received by them in an official capacity, which is due to the United States, Tennessee, or any county;
3. have defaulted to the treasury at the time of election (in which case the election is void);
4. serve as soldier, seaman, marine, airman, in the regular United States army, navy, or air force;
5. serve as a member of Congress, or hold any office of profit or trust under any foreign power, other state of the Union, or the United States.

Additional statutory qualifications are required for specific county offices. (See Appendix 5.) The commission agreed that county officials should be required to have a minimum of a high school diploma or GED to fulfill the mission of their offices.<sup>8</sup>

- The commission recommends that all county officials be allowed to participate in the state-administered Local Government Group Insurance Program, even if the county does not participate and even if the officials must pay 100 percent of the premium. Presently, officials may choose to participate in the Tennessee Consolidated Retirement System, but have no options for health insurance if their county does not participate in a plan. The commission finds the lack of health insurance benefits in some counties to be a source of inequity in compensation among the various counties.
- Officials should be required to achieve certification for their offices and should be rewarded financially for doing so. The commission finds that professional development is highly desirable for all county officials. Of the county officials that the commission’s research addresses, only the assessor of property and the sheriff have pay incentives for completing certification programs. *TCA* §67-1-510 authorizes the State Board of Equalization to prescribe educational and training courses for assessors of property and their deputies, and to provide certification to those who complete the courses.

As an incentive, assessors of property may be additionally compensated by the board if the necessary course work and training have been completed and the assessor has been designated as a “Tennessee Certified Assessor” under the Tennessee Certified Assessor’s Program, or a “Residential Evaluation Specialist” or “Certified Assessment Evaluator” by the International Association of Assessing Officers. The compensation ranges from \$750 to \$1,500 annually, and is funded by the state.<sup>9</sup> Additionally, the State Board of Equalization, through the State Division of Property Assessments, administers an Assessment Certification and Education Program which certifies five levels of proficiency in assessment practice and administration, including the designations set out above.<sup>10</sup>

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<sup>8</sup>The Tennessee Association of Assessing Officials recommends that the state level compensation committee, if created, should continue the study of pre-election qualifications and post-election continuing education and proficiency requirements, as compensation factors for the respective offices.

<sup>9</sup> *TCA* §67-1-508.

<sup>10</sup>Rules of the State Board of Equalization, Chapter 0600-4.

Sheriffs may apply for and receive police officer recruit and in-service training for P.O.S.T. (Police Officers Standards and Training) certification. Any sheriff who completes the required 32 hours of classroom training and eight hours of firing range training is issued a certificate of compliance and is entitled to receive a cash salary supplement of \$600. To retain certification, officers must obtain 40 hours of in-service training each year. The salary supplements are paid by the Tennessee Peace Officers Standards and Training Commission to the counties for payment to the certified sheriffs.<sup>11</sup>

Although they receive no compensation for doing so, clerks of court are required to attend an annual meeting of the Tennessee state court clerks' conference, which provides educational seminars or training for members in addition to business sessions. The conference also may provide other educational seminars from time to time in cooperation with the administrative director of the courts and the University of Tennessee's Center for Government Training. The state, through the administrative office of the courts, pays for all expenses incurred in administering the seminars.<sup>12</sup>

The University of Tennessee Center for Government Training (CGT) offers voluntary training at no cost to all county officials in Tennessee. CGT establishes curriculum and presents training seminars across the state for government officials and their staffs. The County Officials Certificate Training Program (COCTP),<sup>13</sup> established jointly with CTAS, involves three levels of training:

- Level one: Job/Office specific (technical) skills—42 hours
- Level two: Development of Human Skills—48 hours
- Level three: Advanced—25 hours

After completing the required hours, participants are given a certificate of completion for each level. Those who complete all levels are designated as "Certified Public Administrators." To maintain that designation, officials must complete 12 hours additional training annually. However, this certification has no effect on county officials' compensation.

In addition, CGT offers other training courses throughout the year in general areas such as public relations, office management, and communications skills.

If certification were required, a state level entity would have to be designated to determine the requirements for certification for each office, what amounts and types of coursework could count toward the certification, and what types of qualifications or coursework might substitute for training. For example, college courses in accounting might substitute for certain training required of trustees. The commission recommends that if a state level compensation committee is formed (see page 6) that it might consult with the University of Tennessee's Center for Government Training to determine the certification requirements for each office, as well as the comparability of training for each type of official and education or experience that might be deemed equivalent. Another possible placement for this responsibility would be a task force of

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<sup>11</sup> TCA §38-8-111(f)(1).

<sup>12</sup> TCA Title 18, Chapter 1, Part 5.

<sup>13</sup> TCA Title 5, Chapter 1, Part 3.

county officials representatives, which could consult the Center for Government Training.

According to representatives of various county officials associations, including the County Officials Association of Tennessee, the Highway Officials Association, the County Executives Association, and the Tennessee Association of Assessing Officials, they would support incentive pay for certification, but none would support mandatory certification.<sup>14</sup> However, some indicated that if training became more widely accessible to all officials through the use of correspondence courses and/or videos, they would be more likely to support mandatory certification.

- **The commission recommends that financial incentives be established for obtaining certification and that such incentives be funded by the state.** Compensation should be set as a fixed amount, such as \$1,000 annually for everyone, and could be graduated to allow for various levels of attainment. Because the small counties would probably have difficulty paying the additional compensation, the commission recommends that the state pay these salary increases.
- **The Center for Government Training should be encouraged to develop training modes, such as correspondence courses, weekend courses, video tapes, or a combination, that will allow officials in small rural counties to obtain necessary training.** In addition, CGT should continue to work with the various officials' groups to examine specific standards for certification and training for each office. These might include continuing education requirements for certification. According to Tom Ballard, Associate Vice President for the University of Tennessee's Institute for Public Service, they are currently experimenting with alternative methods, including interactive video. While all classes are currently provided at no cost to county officials, Mr. Ballard suggested that county officials might be willing to pay for some of the cost of delivery if they were eligible to receive financial incentives for certification. This would help offset the cost for developing alternative approaches to training.

Exhibit 3 on page 14 provides a summary of the commission's recommendations compared to the present system.

In closing, the members wish to thank the General Assembly for the opportunity to serve on the Citizens Commission on Government Officials' Compensation. The members present this report to the General Assembly in the hope that their perspectives representing some of Tennessee's businesses, as well as its citizens, will be helpful to the legislative process.

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<sup>14</sup> The Tennessee Association of Assessing Officials expressed support for mandatory continuing education requirements, which could count toward certification.

### Exhibit 3: Comparison of present conditions and proposed changes

Present	Proposed
Each county is required to elect at least nine full-time officials regardless of the workload.	The General Assembly should consider ways to allow a reduction in the number of full-time officials if not justified by the workload.
The state establishes minimum compensation amounts for county officials rather than giving this responsibility to the counties.	No change.
The General Assembly sets salaries for county officials. In recent years county officials' associations have increased pressure on this process.	The General Assembly should appoint a seven-member state level compensation committee to recommend county officials' salaries to the legislature based on objective criteria.
Salaries of several county officials are set at the same amount or as a percentage of a particular office's salary regardless of responsibilities.	Officials' salaries should be determined based on responsibilities, skills required, amount of risk assumed, etc.
Salaries can be changed at any time through action by the General Assembly.	Salaries should be set prior to election for each term of office and should not be changed during the term, except for periodic economic adjustments.
Economic adjustments in county officials' salaries coincide with those of state employees and become effective the following July 1.	No change.
For purposes of determining salaries, counties are divided into population classes established in TCA 8-24-101.	Current system of population classes should be revised; counties could be divided into four groupings based on population with subgroupings roughly by quartiles.
Population classes may be revised at any time through legislative action allowing counties to move up to a higher range of compensation for county officials.	Population groupings should be revised only after the decennial census or if a county conducts a special census as provided in TCA 9-16-101.
Only the chief administrative officer for the county highway department and the sheriff are required to have graduated from high school or have a GED.	All county officials should be required to have a minimum of a high school diploma or GED.
Counties are not required to make health insurance plans available to county officials.	All county officials should be allowed to participate in the state-administered Local Government Group Insurance Program, even if the county does not participate and even if the officials must pay 100% of the premium.
Only the assessor of property and the sheriff have pay incentives for completing certification programs.	All officials should be required to achieve certification and should be rewarded financially for doing so.
(Same as above.)	Financial incentives should be established for obtaining certification for each county official and such incentives should be funded by the state.
The Center for Government Training works with the various officials' groups to examine specific standards for certification and training.	CGT should continue this and should develop alternative training modes that will allow officials in small rural counties to obtain necessary training. Additional standards will need to be developed.

# Appendix 1: Public Chapter 460 (1993)

## State of Tennessee

PUBLIC CHAPTER NO. 460

SENATE BILL NO. 393

By Koella

Substituted for House Bill No. 804

By West, Kisber

AN ACT Relative to county officials and to amend Tennessee Code Annotated, Title 8, Chapter 24.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 24, Part 1, is amended by adding the following as a new section:

(a) The compensation for each officer provided herein shall be raised, effective July 1, 1993, to an amount four percent (4%) greater than the compensation in effect on July 1, 1992, provided, however, no such increase shall exceed two thousand dollars (\$2,000) annually.

(b) Effective July 1, 1994, all county officials whose compensation is determined by the provisions of this part shall receive a compensation increase equal to the average annualized percentage increase received generally by state employees during fiscal year 1993-94 pursuant to the terms of general compensation increases provided by the General Appropriation Act. On or before May 1, 1994, the Commissioner of Finance and Administration shall certify to the Comptroller of the Treasury the percentage of such increase.

(c) Any increase in expenditure by a county resulting from an increase required by this section shall be appropriated from funds that the county receives from state government that are not earmarked by statute for a particular purpose.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 24, Part 1, is amended by adding the following as a new section:

(a) There is created a temporary commission to be known as the Citizen Commission on Government Officials Compensation. The commission shall serve as an investigatory body for the purpose of studying the duties and responsibilities of the various county offices and how county size, location and population affect those duties and responsibilities, existing classifications and proposed classifications, and such other matters as may be directed by the Speakers of the Senate and the House.

(b) On or before February 1, 1995, the commission shall make recommendations to the General Assembly as to what the commission believes to be the appropriate compensation for the county offices studied and how that compensation is affected by county size. The commission shall also recommend an appropriate mechanism, if any, for future salary increases based on the information received from the investigation.

(c) The commission shall consist of ten (10) members, five (5) of whom shall be appointed by the Speaker of the Senate and five (5) of whom shall be appointed by the Speaker of the House. These ten (10) members shall be chosen from each of the three (3) grand divisions in a manner so as to achieve as equal a representation as possible. Membership shall include residents of urban as well as rural areas of the state. In making the appointments authorized herein, the Speakers shall appoint citizens who have demonstrated integrity and are widely recognized as knowledgeable and successful in the areas of business and

finance. Such appointees should have broadly based and demonstrated leadership, knowledge, and business or professional ability. No member of the commission shall be an elected municipal, county, or state official or an employee of state or local government, or an employee of any association of governments or government officials.

(d) The commission shall meet in Nashville at such times and places as it deems necessary.

(e) The commission shall elect one (1) member to serve as chair for the commission.

(f) The commission may establish such subcommittees as it may deem necessary for the performance of its duties.

(g) Members of the commission shall receive no compensation for their services, but shall be reimbursed for travel and other expenses actually incurred in the performance of their official duties. Such reimbursement shall be paid in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

(h) The office of local government within the Office of the Comptroller of the Treasury and the county technical advisory service shall provide staff and such other assistance as may be necessary for the commission to fulfill its duties.

SECTION 3. Tennessee Code Annotated, Section 8-24-112(a)(1), is amended by deleting from the first sentence the language "fifteen percent (15%)" and by substituting instead the language "five percent (5%)".

Tennessee Code Annotated, Section 8-24-112(a)(1), is further amended by deleting from the first sentence the language "county trustee" and by substituting instead the language "any other county constitutional officer".

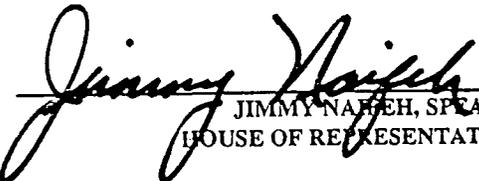
SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

SENATE BILL NO. 393

PASSED: May 18, 1993

  
\_\_\_\_\_  
JOHN S. WILDER.  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
JIMMY NAFIEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 26<sup>th</sup> day of MAY 1993

  
\_\_\_\_\_  
NED McWHERTER, GOVERNOR

## Appendix 2: County Officials' Duties

Although the 1978 constitutional amendment made many structural changes in Tennessee's system of county government, it did not integrate all of a county's operations under a single executive. Like most county government in the United States—sometimes described as “the headless wonder”—county government in Tennessee is not hierarchical. Instead, executive officers, such as the county executive, assessor, sheriff, trustee, and others, are elected (except some highway officials who are appointed) and are free to carry out their responsibilities without having to report to a superior or to a central office.

The following are abbreviated lists of the duties of Tennessee county officials. The lists are not inclusive, but are simply for the purpose of general reference. *Tennessee Code Annotated* and *The County Government Handbook* may be consulted for more in-depth information.

### **County Executive.** (*TCA §5-6-101, et seq.*)

- Acts as a nonvoting ex officio member of the county legislative body and of all committees of the body.
- May be elected chairman of the county legislative body; as chairman, may break a tie by casting a deciding vote, but otherwise cannot vote on measures before the county legislative body. If not chairman, may veto resolutions of the county legislative body of a legislative nature, but these may be overridden by a majority of the members of the county legislative body.
- May call special meetings of the county legislative body.
- Compiles a budget for all county departments, offices, and agencies, (unless an optional general law or private act provides otherwise) and presents the budget document to the county legislative body.
- Member of the financial management committee, if the county operates under the optional 1981 Financial Management System.
- Member of the county budget committee, if the county operates under the optional 1957 County Budgeting Law.
- May employ a county attorney if a county attorney is not provided by private act.
- Approves the delinquent tax attorney selected by the county trustee.
- Serves as county purchasing agent in many counties.
- Serves on various boards and committees with multi-county jurisdiction such as the development district boards.
- Unless otherwise provided by law, appoints department heads or members of county boards and commissions, subject to the approval of the county legislative body.

### **Assessor of Property.** (*TCA §67-1-501, et seq.*)

- Classifies, appraises, and maintains current records of all property in the county, whether real, personal, or mixed, and all other property except property of public utilities valued by the Public Service commission.
- Maintains and updates property ownership records and maps, and keeps current indexes of taxpayers with description of the property on the tax books sufficient to identify the

property, and maintains central computerized records of all property for use by the public and private sectors.

- Responsible for reappraisal of all property on either a four- or six-year cycle, and biannual updates based on appraisal ratio studies.
- Analyzes all recorded deeds to determine sales data to be used in appraisal ratio studies, and identifies and designates by area code homogenous property characteristics that affect market value.
- Annually notifies property owners of any change of assessments prior to meeting of local board of equalization.
- Files annual assessment reports to local and state boards of equalization.
- Represents the tax jurisdictions in assessments appeals before local and state boards of equalization.

**County Clerk.** (*TCA §18-6-101, et seq.*)

- Serves as clerk of the legislative body in most counties, including keeping the records of the county legislative body and sending required notices.
- Collects business taxes and county wheel taxes.
- Conducts motor vehicle registration and licensing.
- Issues marriage licenses and may solemnize marriages; collects the state and any county privilege tax on marriage.
- Keeps a record of the notaries public in the county and has duties involving coordination between the secretary of state and notary applicants.
- Has other miscellaneous licensing requirements, including pawnbroker licensing, hunting and fishing licensing and others.
- Some may have certain clerk of court duties, the most common of which are juvenile and probate court clerking duties.

**County Register.** (*TCA §8-13-101, et seq.*)

- Files and records instruments that affect the legal status of real and personal property, including deeds, deeds of trust (mortgages), financing statements under the Uniform Commercial Code, assignments, plats, court decrees, leases, liens, releases, and others.
- Maintains indexes of the records of the office.
- Collects two state privilege taxes: the transfer tax and the mortgage tax.

**County Trustee.** (*TCA §8-11-101, et seq.*)

- Acts as county treasurer or banker.
- Sends out property tax statements, collects property tax payments, and issues receipts for all payments.
- Responsible for receipt and disbursement of county funds.
- Files monthly and annual reports with the county executive, all other county departments, the commissioner of education; also publishes the reports in the county newspaper.
- Manages the cash flow of the county and invests idle cash funds.

**Court Clerks.** (*TCA Title 18, Chapter 1-5*)

- Attends each session of court with all the papers in the cases on the docket.

- Administers the oaths to parties and witnesses who testify in a case.
- Keeps minutes of the court.
- When case is appealed from a court of record, compiles the record needed for the appeal.
- Maintains the rule docket and an execution docket in which all court judgments or decrees are entered in order of rendition by the court and in which all receipts and disbursements in a case are entered.
- Maintains indexes for all books and dockets that are kept by the office.
- Collects state and county litigation taxes, criminal injuries compensation tax, county expense fees, funds for the impaired driver's trust fund, Tennessee Bureau of Investigation fees, misdemeanor jail per diems, fines, sheriff's fees, clerk's fees, witness fees, and other items of court costs.
- Prepares bills of costs in cases, accounts for these monies, and makes collection efforts when these amounts are unpaid.
- Maintains a cash journal (general ledger) to account for and summarize the cash transactions of the office and issues receipts for all collections.
- Invests idle funds under the authority of *TCA* §18-5-106.
- Often serves in a fiduciary capacity to invest funds held for third parties.
- Conducts delinquent tax sales and other sales of property as ordered by the court.
- May collect support, including alimony and child support, pursuant to court order and Tennessee statute.

**Highway Officials.** (*TCA* §54-7-101, et seq., §54-7-201, et seq.)

Highway officials in Tennessee may be known by a variety of names such as county highway or road superintendent, supervisor, commissioners, engineer, public works director, or other title. There are basically two types of highway officials: (1) chief administrative officer (CAO) of the county highway or public works department, who has day-to-day charge of the department and supervises personnel; and (2) county highway commissioner, a member of a board that deals with broad policy issues of the department. In the four largest counties, (Davidson, Hamilton, Knox, and Shelby) which are not under the County Uniform Highway Law, duties are determined by private act or county or metropolitan charter.

- In all other counties, which are under the County Uniform Highway law, CAO submits to the county legislative body and the Department of Transportation an annual work program for the use of state-aid funds.
- Supervises and controls machinery, equipment, tools, and supplies of the department.
- Makes annual inventories.
- Makes recommendations to the county legislative body concerning whether or not roads should be added to the county highway system.
- Determines work priorities and general highway policy (except in those counties with a popularly elected road board).

**Sheriff.** (*TCA* §8-8-101, et seq., §8-8-201, et seq.)

- Attempts to prevent crimes.
- Investigates criminal conduct.
- Arrests criminals.

- Acts as jailer and may serve as superintendent of county workhouses.
- In some counties, obtains state reimbursement for expenses associated with housing state prisoners.
- Disposes of contraband, abandoned motor vehicles, and unlawful weapons.
- Executes and returns the civil process and orders of the courts of record and general sessions courts.
- Serves subpoenas, executes writs of possession, levies writs of execution, serves garnishments, and serves orders of protection.

# Appendix 3: Counties by Population Class

(according to the 1990 Census)

## Class 1

### Over 400,000

Shelby	826,330
Davidson	510,784

## Class 2

### 150,000-400,000

Knox	335,749
Hamilton	285,536

## Class 3, Subclass A

### 74,500-150,000

Sullivan	143,596
Rutherford	118,570
Sumner	103,281
Montgomery	100,498
Washington	92,315
Blount	85,969
Williamson	81,021
Madison	77,982

## Class 3, Subclass B

### 50,000-74,500

Wilson	67,675
Greene	55,853
Maury	54,812
Carter	51,505
Putnam	51,373
Sevier	51,043
Hamblen	50,480

## Class 3, Subclass C

### 67,300-67,600 (according to the 1980 federal census)<sup>1</sup>

Bradley	73,712
Anderson	68,250

## Class 4

### 23,300-50,000

Roane	47,227
Gibson	46,315
Hawkins	44,565
McMinn	42,383
Robertson	41,494
Coffee	40,339
Tipton	37,568

Lawrence	35,303
Campbell	35,079
Dickson	35,061
Dyer	34,854
Cumberland	34,736
Franklin	34,725
Jefferson	33,016
Warren	32,992
Weakley	31,972
Obion	31,717
Loudon	31,255
Monroe	30,541
Bedford	30,411
Cocke	29,141
Lincoln	28,157
Henry	27,888
Carroll	27,514
Cheatham	27,140
Claiborne	26,137
Giles	25,741
Fayette	25,559
Marion	24,860
Rhea	24,344
Lauderdale	23,491
Hardeman	23,377

## Class 5

### 12,000-23,300

Hardin	22,633
McNairy	22,422
Henderson	21,844
Marshall	21,539
White	20,090
Haywood	19,437
Scott	18,358
Overton	17,636
Morgan	17,300
Grainger	17,095
Hickman	16,754
Unicoi	16,549
Macon	15,906
Humphreys	15,795
Fentress	14,669
Benton	14,524
DeKalb	14,360
Smith	14,143
Wayne	13,935
Johnson	13,766

Union	13,694
Polk	13,643
Crockett	13,378
Grundy	13,362
Chester	12,819

## Class 6

### 5,500-12,000

Decatur	10,472
Cannon	10,467
Bledsoe	9,669
Stewart	9,479
Jackson	9,297
Lewis	9,247
Sequatchie	8,863
Meigs	8,033
Clay	7,238
Lake	7,129
Houston	7,018
Hancock	6,739
Perry	6,612
Trousdale	5,920

## Class 7

### 3,770-5,500

Van Buren	4,846
Moore	4,721
Pickett	4,548

## Class 8

### Less than 3,770

No counties currently fit this description.

<sup>1</sup> See TCA 8-24-102(a)(3)(C).

# Appendix 4: Analysis of Tennessee County Officials' Salaries as of 7/94

County Class	Population Stratification	No. of Counties in Class	Salary of Trustee, Circuit Court Clerk, Clerk and Master, County Clerk, Register of Deeds Effective 7/1/94	Minimum (3) Salary of Assessor of Property Effective 7/1/94	Minimum (5) Salary of County Highway Official Effective 7/1/94	Minimum (7) Salary of Sheriff Effective 7/1/94	Minimum (8) Salary of County Executive Effective 7/1/94
1st	400,000 or more	2	\$80,612	\$80,612 (4)	(6)	\$88,673	\$93,107
2nd	150,000 - 400,000	2	\$74,333	\$74,333	(6)	\$81,766	\$85,854
3a	74,500 - 150,000	8	\$50,463	\$50,463	\$55,509	\$55,509	\$58,284
3b	50,000 - 74,500	7	\$47,791	\$47,791	\$52,570	\$52,570	\$55,199
3c	67,300 - 67,600 (1)	2	\$50,231	\$50,231	\$55,254	\$55,254	\$58,017
4th	23,300 - 50,000	32	\$40,964	\$40,964	\$45,060	\$45,060	\$47,313
5th	12,000 - 23,300	25	\$37,549	\$37,549	\$41,304	\$41,304	\$43,369
6th	5,500 - 12,000	14	\$32,430	\$32,430	\$35,673	\$35,673	\$37,457
7th	5,500 or less	2	\$30,724	\$30,724	\$33,796	\$33,796	\$35,486
7th	5,500 or less (2)	1	\$29,400	\$29,400	\$32,340	\$32,340	\$33,957

(1) According to 1980 or subsequent Census (Anderson and Bradley). See TCA 8-24-102 (a)(3)(C).

(2) Van Buren County officials were not given an increase effective 9/1/87.

(3) The minimum salary of the Assessor of Property is equal to the salary of the Trustee. County legislative body can appropriate above that amount.

(5) The minimum salary of the County Highway Official is 10% more than the salary of the Trustee. County legislative body can appropriate above that amount.

(7) The Minimum Salary of the Sheriff if 10% more than the salary of the Trustee. County legislative body can appropriate above that amount.

(8) The minimum salary of the County Executive is 5% more than the Sheriff's salary.

Source: Prepared by Division of County Audit from County Technical Assistance Service's *Technical Bulletin 93-1*.

# Appendix 5: Qualifications by office

## I. Constitutional Offices

Person qualified to hold office if meets requirements for individual offices, unless:

1. Has been convicted of offering or giving a bribe, of larceny, or any other offense declared infamous by law, unless they have been restored to citizenship as prescribed by law;
2. Has not paid a judgment against them for money received by them in an official capacity, which is due to the United States, Tennessee, or any county;
3. Has defaulted to the treasury at the time of election (in which case the election is void);
4. Is a soldier, seaman, marine, airman, in the regular United States army, navy, or air force;
5. Is a member of Congress, or holds any office of profit or trust under any foreign power, other state of the Union, or the United States.

### County Executive

1. Must be a qualified voter of the county;
2. Must be at least 25 years old; and
3. Must be a resident of the county for at least one full year prior to filing a nominating petition for the office.

### Assessor / County Clerk / Register of Deeds / Trustee

1. Must be at least 18 years old;
2. Must be a citizen of the United States and Tennessee; and
3. Must be a resident of the state, county, district, or circuit for the period required by state law.

### Clerks of Chancery, Circuit, Criminal, and General Sessions Courts

1. Must be at least 18 years old;
2. Must be a citizen of the United States and Tennessee; and
3. Must be a resident of the county where the court is held and must maintain an office in the county seat.

### Sheriff

1. Must be at least 21 years old;
2. Must be a qualified voter of the county;
3. Must be a high school graduate or possess equivalency;
4. Must not have been convicted by a court of the United States, the State of Tennessee, or any state or territory of the United States of a felony offense;
5. Must not have been released or discharged from the United States armed forces with any discharge other than honorable;
6. Must have fingerprints on file with Tennessee Bureau of Investigation;

7. Must have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders;
8. Must be a citizen of the United States and Tennessee;
9. Must be a resident of the state, county, district, or circuit for a period required by states law; and
10. Must not be a member of the General Assembly or a practicing attorney.

## **II. Statutory Offices**

### **Chief Administrative Officer (CAO) for Highways and Roads**

1. Must be at least 18 years old;
2. Must be a citizen of the United States and Tennessee;
3. Must be a resident of the state, county, district, or circuit for the period required by state law;
4. Must have a high school education or general equivalency diploma (GED); and
5. At least one of the following:
  - a. A graduate of an accredited school of engineering, with at least two years experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or
  - b. Four years experience in a supervisory capacity in highway construction or maintenance; or
  - c. A combination of education and experience equivalent to either of the above, as evidenced by affidavits filed with the appointing authority or with the state coordinator of elections, when the chief administrator is an elected official.

NOTE: No length of residency requirements have been established except as specifically noted.

# Appendix 6: Recommended Salary Schedules for County Executives, Sheriffs, and Highway Officials

(Note: The following are recommended salary schedules for county executives and sheriffs. See page 10 for recommended salary schedules for county clerks, court clerks, registers of deeds, assessors of property, and trustees.)

Note: This schedule was based on salaries in effect as of July 1, 1994. It does **not** reflect estimated adjustments of four percent that county officials will receive on July 1, 1995, as provided in TCA 8-24-117(b).

## County Executive

		Group 3 Salary Min. Pop.		Group 2 Salary Min. Pop.		Group 1 Salary Min. Pop.	
						Salary	Min. Pop.
		\$55,250	54,500	\$78,250	200,000	\$93,000	400,000
		\$52,500	44,000	\$71,500	150,000	\$90,280	350,000
		\$49,750	33,500	\$64,750	100,000	\$87,640	300,000
		\$47,000	23,000	\$58,000	65,000	\$85,000	250,000
Group 4 Salary Min. Pop.							
\$44,000	18,500						
\$41,000	12,500*						
\$38,000	9,500						
\$35,000	5,000						
42 Counties Small		38 Counties Medium		11 Counties Large		4 Counties Largest	
0 - 22,999		23,000 - 64,999		65,000 - 249,999		250,000-	

\*Commission adjusted population minimum to reduce fiscal impact on selected counties

## Sheriff

Note: This schedule was based on salaries in effect as of July 1, 1994. It does **not** reflect estimated adjustments of four percent that county officials will receive on July 1, 1995, as provided in TCA 8-24-117(b).

						Group 1	
						Salary	Min. Pop.
						\$88,000	400,000
						\$85,620	350,000
				Group 2		\$83,310	300,000
				Salary	Min. Pop.	\$81,000	250,000
				\$74,500	200,000		
				\$68,000	150,000		
				\$61,500	100,000		
				\$55,000	65,000		
		Group 3					
		Salary	Min. Pop.				
		\$52,500	54,500				
		\$50,000	44,000				
		\$47,500	33,500				
		\$45,000	23,000				
Group 4							
Salary	Min. Pop.						
\$42,250	18,500						
\$39,500	12,500*						
\$36,750	9,500						
\$34,000	5,000						
42 Counties Small		38 Counties Medium		11 Counties Large		4 Counties Largest	
0 - 22,999		23,000 - 64,999		65,000 - 249,999		250,000-	

\*Commission adjusted population minimum to reduce fiscal impact on selected counties

## Highway Official

Note: This schedule was based on salaries in effect as of July 1, 1994. It does **not** reflect estimated adjustments of four percent that county officials will receive on July 1, 1995, as provided in TCA 8-24-117(b).

		Group 3 Salary    Min. Pop.		Group 2 Salary    Min. Pop.		Group 1	
						Salary	Min. Pop.
						N/A**	400,000
						N/A**	350,000
						N/A**	300,000
						N/A**	250,000
		\$52,500	54,500	\$74,500	200,000		
		\$50,000	44,000	\$68,000	150,000		
		\$47,500	33,500	\$61,500	100,000		
		\$45,000	23,000	\$55,000	65,000		
Group 4							
Salary	Min. Pop.						
\$42,250	18,500						
\$39,500	12,500*						
\$36,750	9,500						
\$34,000	5,000						
42 Counties Small		38 Counties Medium		11 Counties Large		4 Counties Largest	
0 - 22,999		23,000 - 64,999		65,000 - 249,999		250,000-	

\*Commission adjusted population minimum to reduce impact on selected counties.

\*\* The four largest counties are exempted from the Uniform Highway Law (TCA §54-7-102).