**B4** 

he Howard H. Baker Jr. Center for Public Policy was asked to create two research products as part of the "Knox County One Question" initiative. Thanks to generous support from the Seven Islands Foundation, the Center has assembled a team to complete the following reports. First is an overview or "snapshot" of local government functions, structures, and processes that is attached. Second is a more detailed report on best practices in governmental institutions in similar communities around the nation that will be completed by August 1 of this year.

The attached snapshot of local governance is intended to provide the basic facts on how local governments work in our community. Knox County, Knoxville, and Farragut are all included in this overview. The Baker Center research team has compiled a great deal of information on functions, structure, elections, and responsibilities of office holders. We believe this will serve as an excellent primer for members of the public attending the "Knox County One Question" meetings that commence on May 14.

# Knox County One Question

# Citizens have the opportunity to reshape local government

#### BY JOE JOHNSON

During the past four months, considerable attention has been centered on our Knox County government because of the historic Tennessee Supreme Court decision in the case of Jordan vs. Knox County and actions on term limits, employment practices, and appointment processes. Citizens have a keen interest in the organization, functions, and processes of Knox County



government. The Jordan vs. **Knox County** decision gives the people of Knox County the authority to shape and reshape their government in a fashion approved by the people.

Knox County citizens have a historic opportunity to take time to get better acquainted with what now exists in county government and to explore whether it is in ideal form and fashion or whether it should be changed by vote of residents of Knox

Accordingly, with these points in mind, a group of Knox County citizens from across the county came together to form Knox County One Question to address the question:

"What Changes, If Any, Do the Citizens Want to Make to the Form or Structure of Knox County Government?"

To aid citizens in coming to informed opinions, we engaged the Baker Center of Public Policy at the University of Tennessee to give us a snapshot of the current structures of governments in Knox County. Furthermore, the Baker Center will conduct a best practices research project to see how other governments address their government structure and function and if some of those might be a good fit for Knox County.

Sentinel a chart showing the structure of the local governments in Knox County. Take a look at it and see if you think we can do something better or if all is well with you. You may think we need to address certain issues, such as nepotism or election cycles. You may see some duplication of services, offices that should be made elective, or offices that should be made appointive. You may think everything is as it should be and no changes are needed. The point is you, the citizens, have an historic opportunity to weigh in on

Don't let this opportunity pass without your voice being heard. Some people might think we have an agenda, but our agenda will be set by what citizens tell us. You have an opportunity to make your concerns, frustrations, questions, or happiness a part of a final report to the people of Knox County by the Knox County One Question organization. Come out and participate in a public, democratic process.

We hope to see you there.

# **PUBLIC INPUT SESSIONS**

Monday, May 14, 7-9 P.M.

Halls High School

4321 E. Emory Road Tuesday, May 15, 7-9 P.M.

Bearden High School 8352 Kingston Pike

Thursday, May 17, 7-9 P.M. Carter High School 210 N. Carter School Rd.

Monday, May 21, 7-9 P.M. South Doyle Middle School

3900 Decatur Dr. Tuesday, May 22, 7-9 P.M.

Fulton High School 2509 N. Broadway

For further information visit

www.knoxcountyonequestion.org.

#### WHO DOES WHAT?

#### **GOVERNMENT FUNCTIONS AND SERVICES**

Local government performs numerous functions and is responsible for providing a wide array of public goods and services. The State of Tennessee established three major political subdivisions constituting local government within Knox County: Knox County, the City of Knoxville, and the Town of Farragut. These jurisdictions exercise such authority and responsibility as is provided to them by the State of Tennessee in the State Constitution and the acts of the General Assembly.

This graphic summarizes the major functions and services provided directly and indirectly by local government in Knox County. Not all public services are directly provided by government, sometimes public funds are delivered by private vendors by franchise or contract. Occasionally, governments provide the service to the public in a cooperative venture through intergovernmental agreements. Certain specialized services are provided by organizations called special districts, with service areas that cross the jurisdictional boundaries of Knox County, Knoxville, and Farragut.

#### **KNOX COUNTY GOVERNMENT**

FUNCTIONS AND SERVICES By Jurisdiction	Knox County	City of Knoxville	Town Farrag
General Government Administration	~	<b>V</b>	~
Record Keeping			
Birth/Marriage/Death/Certificates	V		
Registration of Deeds Public Meetings & Other Records	~	./	
rubiic Meetings & Other Necords		•	
Revenue Sources			
Sales Taxes Property Tax	~	V	
Miscellaneous Taxes, Fees and Fines		~	~
,	•		· ·
Administration of Justice			
Court of Limited Jurisdiction (traffic and ordinance violations)		•	
Court of Limited Jurisdiction			-
(misdemeanors; minor civil suits	) /		
Court of General Jurisdiction			
(civil and criminal cases) Juvenile Court	~		
Prosecutor's office	~		
Public defender office	V		
Probation Services	~		
Law Enforcement & Corrections			
Law Enforcement	~	~	
Jails	~		
Codes Enforcement		.1	.,
Coues Ellior Cellent		•	V
Business Licensure & Regulation	V	<b>V</b>	V
Animal Duotestian and Court			
Animal Protection and Control Animal Shelter & Adoption Services			
Animal Shelter & Adoption Services Animal Control	V	~	
Economic & Community Development			
Economic Development Community Development			
Community Development		•	
Neighborhood Outreach	V	V	~
Public Education (K-12)			
rubiic Education (R-12)			
Emergency Services			
Ambulance & Rescue	•		•
11 Emergency Service Emergency Management	V		_
Linergency Management	•	•	
Fire Protection		<b>/</b>	
Dayles & Decreation			
Parks & Recreation	V	~	V
Libraries	V		
Diamino 0 Zanion			
Planning & Zoning Land Use Planning and Regulation	~	~	1
Subdivision regulation	~	~	~
Sign Regulations	V	<b>/</b>	~
Engineering & Public Works			
Street/Road Maintenance	~	<b>V</b>	V
Stormwater Management	~	~	V
•			
Solid Waste Management		.,	
Waste Collection Waste Disposal	7	~	
Waste Recycling	~	V	
, c			
Environmental Protection			
Air Quality Environmental Codes Enforcement	7	V	V
		•	•
Utilities			
Water Sanitary Sowor			
Sanitary Sewer Electricity			
Natural Gas			
Cable services	•		
Public Transportation		./	
า นมกษาเสทร์คบเสนบก		-	
Arts, Culture and Entertainment	•	<b>V</b>	V
·			
Historic Preservation			
Social Services			
Public Housing	~	<b>/</b>	
Senior Services	~	<b>V</b>	
Veteran Services	~		
Public Health	V		
Miscellaneous Services			
Leaf and Bush Pickup Street Sweeping		~	
Street Lights		~	_

- ✓ Government provides service directly
- Function performed jointly by intergovernmental agency
- Government pays for service provided by private contractor Service provided by nonprofit organization supported by government
- Service provided by private company on subscription basis
- Service provided by public utility company/special district

Sources: Shirley R. Keller, Knox County Governments (League of Women Voters of Knoxville and Knox County, 1998); Websites for Knox County, City of Knoxville, and Town of Farragut; Interviews with local public officials in each jurisdiction.



### WHO DO WE ELECT?

Offices Elected by Voters in Knox County

Voters elect a total of fifty-five (55) public officials to Knox County Government. A number of these officials are elected to executive offices and are responsible to citizens for the conduct of the business in their office.

They supervise numerous other subordinate officials within these offices. Judicial officers and the Judges of the Courts in Knox County are also elected. In addition to electing Knox County officials, voters living within the city limits of Knoxville or the Town of Farragut elect municipal officers.

#### **HOW AND WHEN DO WE VOTE?**

#### **Basic Election Information**

Candidates for public office in Knox County run with party labels; elections are partisan with the exception of the school board. Candidates in Knoxville and Farragut run without party labels; elections are nonpartisan. Legislative and executive officials in all jurisdictions serve four (4) year terms. County judicial officers and judges of the courts have eight (8) year terms.

The election cycle varies depending on the jurisdiction and the office.

On Jan. 12, 2007, the Tennessee Supreme Court ruled that eight of the County Commissioners, the Clerk, Trustee, Register of Deeds, and Sheriff who were elected in 2006 were ineligible to serve due to term limits imposed by the County Charter. Subsequently, the County Commission appointed individuals to serve in these offices until the next election, which occurs in 2008. In 2008, voters choose among candidates for these offices who will then serve until the 2010 election.

#### **KNOX COUNTY VOTERS ELECT** (55 PUBLIC OFFICIALS)

# Legislative

Partisan (Commissioners) Non-partisan (School Board) 4-Year Terms

- 28-Officials
- **Commission (19-Members)** 2-Elected from 8 Districts
- School Board (9-Members) 9-Districts X 1-Per District

#### **Executive**

- Partisan 4-Year Terms 7-Officials
- Mayor
- **■** Clerk **■** Trustee
- 3-Elected from the 5th District Property Assessor

■ Register of Deeds

**■ Law Director** ■ Sheriff

#### **Justice Administration** Partisan

Terms Vary 20-Officials

■ Circuit Court Clerk (4-Year Term)

- **■** Criminal Court Clerk (4-Year Term)
- Attorney General (8-Year Term)
- **Public Defender (8-Year Term)** ■ Judges of the Courts (8-Year Terms)
- Circuit Court (4-Judges) General Sessions Court (5-Judges) Criminal Court (3-Judges)

#### Chancery Court (3-Judges) Juvenile Court (1-Judge)

# WHAT DO ELECTED OFFICIALS DO?

**Duties of Elected Officials** 

Those elected to serve the public in Knox County, Knoxville, and Farragut perform a wide variety of important duties. These range from the very general, basic policy making and administration as is done by legislative bodies and executives—to the very particular, the collection of specific fees and taxes. In Knox County elected county and judicial officials are administratively autonomous. The salaries for those working in several County administrative and court offices are paid from the fees received for the services they provide. That is why these are commonly called fee offices.

Commission

## **DUTIES OF ELECTED OFFICIALS IN KNOX COUNTY**

#### County Commissioners (19): The legislative **body for Knox County**

- Adopt ordinances and resolutions governing the conduct and affairs of residents
- Create executive departments and divisions within the County Executive ■ Approve the County budget and set the
- property tax rate; review and approve the Knox County School system budget and property tax rate for education
- Approve the issuance of bonds or other indebtedness to finance capital improvements projects
- Adopt resolutions authorizing the borrowing of monies by various debt instruments or relating to subject matter of either a special or temporary nature
- Approve proposals for roads in approved subdivisions, the sale of county property, and condemnation of property for public welfare
- Consider and approve general and specific plans and ordinances prepared by the Metropolitan Planning Commission, as well as building regulations and other ordnances that promote public welfare
- Appoint members of the Commission to serve on the County Beer Board and the County Pension and Retirement Board
- Hold public meetings, gather information, subpoena, witness and investigate allegations of violation of the County Charter, ordinances or emergency ordinances.

#### Members of the Board of Education (9): Set operational policy for the County school

- Prepare the budget for the school system
- and submit it to the County Mayor
- Appoint and can remove the
- Superintendent of Schools to serve as the school systems administrative officer

#### The County Mayor: The chief executive of **Knox County Government**

- Responsible for the exercising of all executive and administrative functions of the **County Government**
- Administers, supervises and controls the county departments and agencies
- Appoints department heads subject to
- approval of the County Commission ■ Serves as a non-voting ex-officio member of the County Commission
  - May veto ordinances, resolutions, and

- specific budget items adopted by the County Commission—subject to an override by the
- Serves as the accounting officer, general agent and chief fiscal officer of the county
- Examines all contracts, orders and other documents incurring financial obligation by the county and assures the availability of funds to meet these obligations
- Prepares budgets and financial reports, including a consolidated county budget for the approval of the County Commission
- Examines the accounts, records and operations of county departments, offices and agencies
- Makes regular reports to the County Commission on county affairs and keeps the Commission appraised of the county's financial condition and needs

#### The County Trustee: The custodian of Knox **County funds** ■ Applies the tax rates set by the County

- Commission to individual properties ■ Prepares and mails county property tax bills
- Collects taxes when due
- Receives fees for each transaction to defray salaries and other office costs—fees gathered in excess of salaries and costs are transferred to the County General Fund

# The County Clerk:

- Keeps the official minutes and records of the County Commission
- Maintains marriage records and automobile titles and collects taxes for automobile sales and business taxes for the State Department
- Issues permits such as vehicle, game, and fishing licenses
- Collects business and hotel/motel taxes
- Receives fees for each transaction to defray salaries and other office costs—fees gathered in excess of salaries and costs are transferred to the County General Fund

#### **The County Register of Deeds:**

- Records and maintains records of deeds, mortgages and other legal papers relating to land and personal property within Knox
- Receives fees for each transaction to defray

See **QUESTION** on **B5** 

# **CITY OF KNOXVILLE**

# CITY OF KNOXVILLE VOTERS ELECT

Legislative Executive Judicial						
9 members	Nonpartisan	1 judge				
(6 from districts; 3 elected at large)	4-Year Term	Nonpartisan				
Nonpartisan						
4-Year Terms						

#### **ELECTION INFORMATION FOR OFFICIALS ELECTED BY CITY OF KNOXVILLE VOTERS**

**Non-Partisan Ballot 4-Year Terms** 

Office	Elected By District or At-Large	Election Schedule: November of odd-numbered years	Next Election Year
Mayor	At Large	<b>V</b>	2007
City Council Member	At Large	<b>✓</b>	2007
City Council Member	At Large	<b>V</b>	2007
City Council Member	At Large	<b>✓</b>	2007
City Council Member	District 1	<b>V</b>	2009
City Council Member	District 2	<b>✓</b>	2009
City Council Member	District 3	<b>V</b>	2009
City Council Member	District 4	<b>✓</b>	2009
City Council Member	District 5	<b>V</b>	2007
City Council Member	District 6	<b>✓</b>	2009
City Judge	At large	<b>V</b>	2007

## **DUTIES OF ELECTED OFFICIALS** IN THE CITY OF KNOXVILLE

#### **City Council Members (9):**

The Legislative Body for the City of Knoxville

- Adopt ordinances and resolutions governing the conduct and affairs of city residents
- Approve the City budget
- Confirm mayoral appointments
- to boards and commissions ■ Sit as members of the Beer
- Board and as the Public Utilities Commission

#### The City Mayor: The chief executive of Knoxville

City Government

- Responsible for the exercising of all executive and administrative functions of the City Government
- Is responsible for seeing that all laws and ordinances are enforced
- Administers, supervises and controls the city departments and agencies—appoints and removes department heads consistent with civil service regulations
- Appoints all members of boards or commissions created by charter or ordinance subject to confirmation by the City Commission
- Presides at City Council meetings and recommends

measures for adoption—the mayor does not vote expect in the case of a tie

- Exercises the powers of a fiscal agent and financial officer. advising the City Council at to the financial condition and future needs of the city
- Prepares the annual City budget and submits it to the City Council for approval
- Administers the terms of contracts and agreements entered into by the city, including public utility franchises
- In the event of a public crisis, brings all city and community resources to bear for the purpose of protecting the citizens of Knoxville

#### **The City Court:**

- A court of limited jurisdiction
- The judge primarily handles traffic citations and parking
- The Judge handles city ordinance violations involving alcohol (non-DUI), animal control, building & zoning codes, business regulations, environmental, noise, and ordinances involving personal

# **TOWN OF FARRAGUT**

#### TOWN OF FARRAGUT VOTERS ELECT (5 PUBLIC OFFICIALS)

**Board of Alderman Mayor** Non-partisan Non-partisan 4-Year Term 4-Year Term Elected from wards Elected at-large 4 Officials (2 from each ward) 1 Official

# **ELECTION INFORMATION FOR OFFICIALS ELECTED BY TOWN OF FARRAGUT VOTERS**

**NON-PARTISAN BALLOT** 

Office	Term of Office	Elected By District/Ward or At-Large	Election Schedule: April of odd- numbered years	Next Election Year
Alderman	4 years	Ward 1	<b>/</b>	2009
Alderman	4 years	Ward 1	<b>✓</b>	2011
Alderman	4 years	Ward 2	<b>V</b>	2009
Alderman	4 years	Ward 2	<b>~</b>	2011
Mayor	4 years	At Large	V	2011

#### **DUTIES OF ELECTED OFFICIALS IN THE TOWN OF FARRAGUT**

#### **Board of Mayor and Town Aldermen (5):**

The governing body for the Town of Farragut

- The Mayor presides over Town Board meetings—the Mayor and Aldermen have equal voting rights
- Adopt ordinances and policy governing the conduct and affairs of town residents
- Approve the annual town budget
- Approve Town contracts and review capital improvement projects
- Approve comprehensive planning and zoning requirements
- Appoint the Town Administrator who serves as an appointed chief executive responsible for the supervision and coordination of all town services and projects
- Appoint the Town Attorney and Town Judge
- Appoint citizen committees

#### The Town Court (1-Judge): A court of limited jurisdiction

■ The judge primarily handles traffic citations and parking

tickets ■ The Judge handles city ordinance violations involving alcohol (non-DUI), animal control, building & zoning codes,

business regulations, environmental, noise, and ordinances involving personal

behavior

**Farragut** 

# **Knox County** Knoxville

# **ETHICS**

# **ARE ELECTED OFFICIALS SUBJECT TO ETHICS RULES AND EMPLOYMENT RESTRICTIONS?**

**Ethics and Hiring Restrictions** 

The charters and ordinances of Knox County, Knoxville, and Farragut all contain some form of ethics guidelines for elected officials in the conduct of their office—most especially regarding conflicts of interest.

Only Knoxville currently restricts the hiring of relatives of elected officials to salaried positions within the city government. Knoxville also does not allow members of the Council to hold a salaried position in the city government.

Knoxville also does not allow members of the Council to hold a salaried position in the City Government. No such restriction exists for the County or the Town of

#### **ETHICS AND HIRING RESTRICTIONS** IN LOCAL GOVERNMENT

County	Knoxville	Farragut
~	<b>V</b>	V
g		
nent	<b>V</b>	
	<b>V</b>	
	g	3

# **Knox County One Question**

#### A Snapshot of Local Governments In Knox County: **What Citizens Need to Know**

Sunday, May 13, 2007

Submitted by the Howard Baker Jr. Center for Public Policy

#### **Investigators:**

Dr. Michael Fitzgerald Dr. John Scheb

Dr. David Folz

Dr. Amy Gibson

This research was funded by a grant provided by the Seven Islands Foundation.

For further information visit www.knoxcountyonequestion.org.

salaries and other office costs—fees gathered in excess of salaries and costs are transferred to the County General Fund

#### The County Property Assessor:

- Sets an appraised value on each parcel of land and any improvements on it for tax purposes ■ Determines the value of the tangible personal
- property of businesses ■ Hears appeals as to the value that has been set on real and personal property

#### The County Law Director: The attorney for county

- Responsible for defending the county in all civil litigation
- Issues opinions on legal questions
- Reviews and approves contracts, and drafts resolutions and ordinances for the consideration of the County Commission

#### The County Sheriff: The chief law enforcement officer for Knox County

- Enforces the criminal laws and vehicular regulations of the state in Knox County
- Serves legal documents issued by the court in Knox County
- Administers the county jails

#### The Clerk of the Circuit Court:

- Responsible for all administrative functions to support the Judges of the Circuit, General Sessions, and Juvenile Courts in Knox County
- Keeps all the documents pertaining to the courts, collects fees owed through the courts, maintains record books and cases, and the dockets for each of

#### The Clerk of the Criminal Court:

- Responsible for administrative functions to support the Judges of the Criminal Court
- Keeps all the documents pertaining to the Criminal Court, collects fees owed to Knox County through the courts, maintains record books and cases, and the court dockets

# **The District Attorney General:**

■ Prosecutes alleged criminal defendants on behalf of the State of Tennessee

#### **ELECTION INFORMATION OFFICIALS ELECTED** BY KNOX COUNTY VOTERS

#### **The County Commission (19-Members)**

Elected in Even Non-Presidential Election Years Partisan Ballot 4-Year Term

	Vacancy Appointment 8-Members	Next Election
District 1A	<b>V</b>	2008
District 1B		2010
District 2A		2010
District 2B	<b>✓</b>	2008
District 3A		2010
District 3B		2010
District 4A	<b>✓</b>	2008
District 4B	<b>V</b>	2008
District 5A		2010
District 5B		2010
District 5C	<b>✓</b>	2008
District 6A	<b>✓</b>	2008
District 6B		2010
District 7A		2010
District 7B		2010
District 8A		2010
District 8B	<b>V</b>	2008
District 9A	<b>V</b>	2008
District 9B		2010

Appointed Commissioners were selected by the County Commission in Special Session on January 2007. They are successors to Commissioners identified by the Supreme Court of Tennessee in Jordan v. Knox County as ineligible for election in 2006 due to term limits. Appointed Commissioners serve until the next general election, when voters choose among candidates to complete the remaining terms for these seats.

- Responsible for determinations as to who shall be prosecuted, the particular charges to be brought, and following through after charges are brought
- Represents the state at the district level in the Criminal, General Sessions, and Juvenile Court, as well as at the Grand Jury

■ Represents the criminally accused who cannot

**The District Public Defender:** 

otherwise afford a lawyer

■ Represents indigent clients in criminal prosecutions and juvenile delinquent proceedings where incarceration is possible

# **ELECTION INFORMATION FOR OFFICIALS ELECTED BY KNOX COUNTY VOTERS**

PARTISAN BALLOT (With the exception of the School Board)

Office	Term	Elected By District or At-Large	Even-numbered Presidential Election Years	Even-numbered Non-Presidential Election Years	Vacancy Appointment	
School Board (Non-partisan)	4	District	4 Members ✓	5 Members 🗸		2008
Mayor	4	At Large		<b>✓</b>		2010
Clerk	4	At-Large		<b>V</b>	<b>/</b>	2008
Trustee	4	At-Large		<b>✓</b>	<b>V</b>	2008
Register of Deeds	4	At-Large		<b>✓</b>	<b>V</b>	2008
Sheriff	4	At-Large		<b>✓</b>	<b>✓</b>	2008
Property Assessor	4	At-Large	<b>V</b>			2008
Law Director	4	At-Large	<b>✓</b>			2008
Circuit Court Clerk	4	At-Large		<b>✓</b>		2010
Criminal Court Clerk	4	At-Large		<b>✓</b>		2010
Attorney General	8	At-Large		<b>✓</b>		2014
Public Defender	8	At-Large		<b>✓</b>		2014
Judges of the Courts	8	At-Large		V		2014

Appointed officials were selected by the County Commission in Special Session on January 2007. They are successors to officials identified by the Supreme Court of Tennessee in Jordan v. Knox County as ineligible for election in 2006 due to term limits. Appointed officials serve until the next general election, when voters choose among candidates to complete the remaining terms for these offices.

#### **JUDGES OF THE COURTS:**

#### Circuit Court (4-Judges): Has jurisdiction over all civil matters not specifically given to another court

- Judges hear domestic relations cases
- Judges hear civil cases with or without a jury ■ Judges hear appeals from General Sessions and
- city courts with or without a jury ■ Judges can change names and legitimize children
- **Criminal Court (3-Judges): Has jurisdiction over** criminal matters not decided by the city or General

#### ■ Judges preside over criminal hearings and trials ■ Judges set appearance bonds and hear habeas corpus petitions

- Chancery Court (3-Judges): Has jurisdiction civil law ■ Chancellors preside over cases such as divorce, adoptions, boundary disputes, and other property
- Chancellors preside over cases of an equitable
- nature where the demand is greater than \$50.00 ■ Chancellors have jurisdiction over the probate of
- wills and administration of estates
- Chancellors appoint the Clerk and Master—the administrative officer of the Court

# General Sessions Court (5-Judges): Has civil and

- criminal jurisdiction ■ Judges hear civil cases involving \$10,000 or less or actions to recover property as well as detainer and limited equity cases
- Judges decide criminal cases where the defendant waives the right to a grand jury hearing and the penalty for the crime is less than one year in jail and/or a fine of \$50.00 or less
- Judges hear traffic violations cases occurring in **Knox County**
- Judges conduct preliminary hearings in more serious criminal cases and may bind a person to the
- Judges issue orders of protection

#### **Juvenile Court (1-Judge): Has jurisdiction in cases** involving children and youths under eighteen years ■ Hears cases involving minors charged with major

- and minor criminal offenses, traffic violations, truancy and delinquency
- Presides over trials for adults charged with contributing to the delinquency of a minor
- Hears cases involving such matters as dependency and neglect, abandonment, custody, child support, visitation, termination of parental
- rights, paternity, and guardianship ■ May refer cases to the Criminal Court to try juveniles as adults