



County Technical Assistance Service

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Adoption of Required Policies by County Officials

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Reference Number: CTAS-1098

Each county official (defined in T.C.A. § 5-23-102 as county trustees, registers of deeds, county clerks, judges who employ county employees, clerks of court, sheriffs, assessors, boards of education, and the chief administrative officer of the highway or public works department; this also includes county mayors who choose to adopt separate policies under T.C.A. § 5-23-103(e)) must determine whether he or she wants to adopt policies separately from the rest of the county, or whether it would be better to be governed by the policies adopted by the county legislative body.

There are several things to consider in making this decision. Probably the most important consideration is the method the county mayor and the county legislative body choose for dealing with the countywide policies. Is the need recognized for each affected office to have input and to participate in the process? Does the county already have countywide policies in place that are working? A positive answer to either of these questions points toward joining the rest of the county. It is often helpful to have a single set of policies that cover all county employees. On the other hand, if an office is different in some way that affects the basic policies that are needed and these issues are not adequately addressed by the countywide policies, then the official may want to prepare separate policies.

If a county official chooses to prepare separate policies, the policies are required to be reviewed for compliance with the law by an attorney appointed by the county mayor with the approval of the county legislative body, and then the approved policies must be presented to the county legislative body to be included in the minutes and filed in the office of the county clerk. These policies are *not* subject to approval by the county legislative body. The procedure is set out in T.C.A. § 5-23-103.

If a county official chooses not to adopt separate policies for his or her office, that official's office will be covered by the policies adopted by the county legislative body and the county mayor for all other county employees.

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