



July 22, 2024

Private Acts of 1923 Chapter 312

Dear Reader:

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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 CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1923 Chapter 312

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties thereof having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, a Board of Road Commissioners which shall be known as the "County Board of Highway Commissioners," to be composed as hereinafter stated, and whose duties and the manner whose election shall be as is hereinafter defined and provided for.

SECTION 2. That said County Board of Highway Commissioners shall consist of three members, who shall be taxpayers and freeholders of the county, of lawful age and of good business qualifications, but no one of whom shall be a member of the County Court; provided, that the Judge or Chairman of the County Court shall be an ex officio member of said Board; one of whom shall be selected as Supervisor and the other two as Associate Members of the Board and with whom the Judge or Chairman of the County Court shall serve in an advisory capacity. One of said Commissioners shall be chosen from that section of the county lying south of the Cumberland River and the other two from that section lying north of said river, one from the eastern and the other from the western portion thereof, so that no two shall be selected from and reside in any one portion of the county.

SECTION 3. That the Supervisor of Roads shall be elected by the people, and the Associate members of the Board of Highway Commissioners shall be elected by the County Court. The term of office of the Associate members shall be for four (4) years and shall correspond with the term of office for which the Supervisor is elected. The County Court shall elect the Associate members at the next regular term of the County Court following the date on which the Supervisor takes office.

In case of a vacancy on the Board occasioned by the death, resignation or removal of any Associate member, the County Court shall elect his successor for the remainder of the term of office.

As amended by: Private Acts of 1969, Chapter 190

SECTION 4. That each of the Commissioners shall qualify by subscribing to an oath to perform his duty faithfully, impartially, without prejudice for or against any section of the County, or any individual, and for the best interests of said County, and shall give a good and solvent bond with sufficient security in such sum as may be fixed by the County Court, not in excess of Two Thousand (\$2,000.00) Dollars, for the faithful performance of the duties of his office and for accounting for all funds coming into his hands or under his control as a member of said Board, the cost of which shall be paid by warrant on the general road fund of said County as other road expenses are paid. The Commissioners shall each subscribe to the oath and make the prescribed bond as soon as practicable after the date of their election or appointment as the case may be. The Board shall thereupon organize with the Supervisor as ex officio Chairman thereof. The Board may designate some person as Secretary. The Board shall have its office in such convenient building in Clarksville, Tennessee, the County seat, as the Board may designate, where all official meetings will usually be held and all the general business of the Board shall usually be conducted, and where all the official records and documents pertaining to the affairs and business of the Board shall be kept.

The Supervisor shall receive as compensation for his services the sum of Eight Thousand Five Hundred (\$8,500.00) Dollars annually during the remainder of the present term of office for which he has been elected, and thereafter he shall receive as compensation for his services annually an amount equal to the maximum amount allowed by law to be received by other elected County fee officials of Montgomery County.

Each associate member of the Board shall receive as compensation for his services the sum of One Thousand Eight Hundred Dollars (\$1,800) annually. The Judge or Chairman of the County Court shall receive no compensation for his services as an ex officio member of the Board.

For purposes of representation on the Board, Montgomery County is divided into three areas, one of which shall be comprised of all that portion of the County located south of the Cumberland River, one of which shall be comprised of all that portion of the county located north of the Cumberland River and north of the Red River, and one of which shall be comprised of all that portion of the county located north of the Cumberland River and south of the Red River. The associate members of the Board shall reside in the two areas in which the elected Supervisor does not reside.

The Supervisor shall have authority, in his discretion, to employ such clerical help as may be necessary for the proper maintenance of records and accounts of the Highway Department. The Board shall have authority in its discretion to employ legal counsel as needed and considered desirable, and the cost of such clerical help and legal counsel shall be paid out of the general road fund of the county as part of other road expenses on proper certification. An associate member of the Board may be removed from office for malfeasance, misfeasance, nonfeasance or incompetency by the County Court in regular session,

upon proper and competent evidence of same.

As amended by: Private Acts of 1955, Chapter 237
Private Acts of 1969, Chapter 190
Private Acts of 1992, Chapter 185
Private Acts of 2008, Chapter 81

SECTION 5. That said Board of Commissioners shall designate and fix the day and hour of the month at which time the regular meetings of the Board shall be held, which said meetings shall not be oftener than once in every two weeks; provided, that the Supervisor or Chairman of the Board, and in his absence the Vice-Chairman, may call special meetings thereof when in his judgment the public interest requires it; and it shall be the duty of each member of the Board to attend all meetings. Two members of said Board, however, shall constitute a quorum to transact business.

It shall be the duty of the Chairman to preside at all meetings of the Board, and in the absence of the Chairman, the Vice-Chairman shall preside and shall perform all the duties usual to such position. He shall inspect all vouchers presented to him to determine their correctness, and shall officially certify the same to the Judge or Chairman of the County Court for payment as is now provided by law. It shall also be the duty of the Chairman as Supervisor to prepare and present on behalf of said Board a report to each regular meeting of the Quarterly Court, which report shall show in detail the amount and sources of all funds which may have come into the hands or custody of said Board, the date when received and on what account, all the work done and costs of same, and all expenditures in detail, and any facts and figures which are deemed pertinent to the general condition of roads, ferries and bridges in said county and the working, maintenance, repairing and building thereof by said Board.

The Board shall keep and safely preserve in a well-bound book a record of all proceedings of the Board in session, and shall preserve all vouchers, stubs, accounts, etc., and these records shall be open at all times for the inspection of the public; and also shall keep a legible account of all funds and expenditures thereof on account of the roads, ferries and bridges of the county in the matter of running expenses, labor, material and equipment bought and sold.

SECTION 6. That the said County Board of Highway Commissioners shall take and have full charge and control of the public roads, ferries and bridges of the County, including but not limited to the repair, construction, improvement, maintenance and operation thereof, including the power to open and close roads, ferries and bridges, to condemn rights-of-way in the name of the County for road purposes, quarries, gravel pits, and dirt for the purpose of obtaining (sic) therefrom material for the construction and maintenance of said roads, ferries and bridges by eminent domain proceedings; to purchase on the credit of the County such machinery, equipment, materials and supplies as may be necessary for the proper construction, maintenance and repair of said roads, ferries and bridges; provided that the disbursing of the public road and bridge fund and the payment of all vouchers for road purposes shall be made by warrant of the Judge or Chairmen (sic) of the County Court drawn upon such funds as is by law provided, and all such machinery, equipment, materials and supplies shall be under the control of and subject to the orders of the Board.

It shall be the duty of the Board to adopt all matters of policy and rules and regulations necessary for the proper conduct of the business affairs of the Board in the operation and maintenance of the public road system of the County.

It shall be the duty of the Supervisor to (1) devote the whole of his time to the supervision of the public road system of the County, (2) direct and look after the proper construction, improvement and maintenance of the public roads, ferries and bridges of the County, (3) have personal supervision and charge of all personnel and employees of the Board in the operation of the public road system of the County, including specifically the authority to employ and discharge all such personnel and employees, and (4) in general implement and carry out all matters of policy, rules and regulations adopted by the Board for the operation of the public road system of the County.

It shall also be the duty of the associate members of the Board to visit and examine all such roads, ferries and bridges in the County at such times and as often as may be agreed upon and as may be necessary for them to familiarize themselves with the needs of the various communities and the condition of such roads, ferries and bridges.

As amended by: Private Acts of 1969, Chapter 190

SECTION 7. That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act, but the same shall be enforced without reference to the part so held to be invalid.

SECTION 8. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1923.

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