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Private Acts of 1921 Chapter 472

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1921 Chapter 472

COMPILER'S NOTE: Two local acts are in effect for Monroe County: Private Acts, 1921, Chapter 472 and 1963, Chapter 204, both reproduced herein. The latter act does not repeal the first, but states, in Section 3, "That the duties of the County Superintendent shall be the same as those now provided for by local act and now in existence and applicable to Monroe County." The latter act does, however, provide for the popular election of the Superintendent and for his compensation.

SECTION 1. That in all counties of this State having a population of not less than 22,000 nor more than 22,100, according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of Superintendent of Roads, to be filled by a male citizen of such county, over the age of 25 years, who shall have had experience in road maintenance, and who shall be elected by the Quarterly County Court at the July 1946 term thereof for a four year term to begin on September 1, 1946. Said superintendent of roads to be paid such salary and expense allowance as is fixed by the said Quarterly County Court and make an additional bond for the faithful performance of the duties imposed upon him as superintendent of roads and the faithful accounting for all public funds received by him as such superintendent of roads in such amounts as is fixed by the Quarterly County Courts in such Counties. Said superintendent of roads shall serve during the term to which he is elected and until his successor is elected and qualified. Elections of superintendents of roads in such Counties shall take place at the July term of the Quarterly County Court in such Counties in every fourth year following 1946 and the superintendent elected thereat shall take his office on the first of September immediately following his election.

The superintendent of roads shall report in writing to each regular meeting of the Quarterly County Court in such counties in detail, the amount of money which he has spent and for what purpose it has been spent during the preceding quarter.

The superintendent of roads shall prepare an annual budget of the anticipated expenditures which he will make during each year beginning the first of July, which budget shall be prepared by him prior to the April term of the Quarterly County Court in such Counties and shall present it to such April term of the Quarterly County Court for approval by such Court. Thereafter, if the said superintendent of roads shall exceed his budget as so ratified by the Quarterly County Court without the prior approval of the Quarterly County Court, he shall be deemed guilty of a misdemeanor as set forth in this Act and shall be subject to removal from office in an ouster proceeding under the general laws of the State relating to ouster of unfaithful public officials.

Said Superintendent of Roads shall maintain an office in the Courthouse in such counties, and shall take over the equipment, fixtures, furniture and supplies that any Board of Public Road Commissioners may or does have on hand, and any and all other and future supplies and office equipment shall be furnished by the county as other county offices are equipped and supplied.

Such Superintendent of Roads shall not have, or receive, directly or indirectly, any interest in or profit arising from any work or contract referred to in this Act, nor any gift or gratuity or benefit from any person or corporation interested in such work or contract; and should he violate the provisions of this Act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$50.00 nor more than \$250.00, and shall be removed from office by the Circuit or Criminal Court. Any vacancy in said office shall be filled by election by the County Court of such county until the next bi-ennial August election.

As amended by:

- Private Acts of 1927, Chapter 346
- Private Acts of 1943, Chapter 44
- Private Acts of 1945, Chapter 452

SEC. 2. That said Superintendent of Roads shall appoint District Supervisors, one in each of the Civil Districts in said counties, the term of employment or appointment to be for one year unless sooner discharged or terminated for reasons satisfactory to the Superintendent of Roads. Each of said District Supervisors shall work in his Civil District 60 days in each year, and shall receive the sum of \$180.00 therefor, to be paid by the Superintendent of Roads upon warrant issued by him to the Trustee of such County, and shall be paid out of the road fund for the district in which said supervisor resides and said work was done.

Said District Supervisors shall, with the aid and advice of the Superintendent of Roads, each assign the labor and road hands in his particular Civil District, and shall appoint such assistant or precinct supervisors as may be necessary, whose duties shall be to warn all road hands and see that honest and faithful work is done by each such road hand, and shall report failure to work, or to do honest and faithful work, to the District Supervisor, who shall prosecute such hands as hereinafter provided.

SEC. 3. That the said Superintendent of Roads shall, through the agencies hereinafter provided, manage and control all public roads and bridges of the county, giving special attention first to graded and macadamized roads and post roads; he shall have control over all road hands and all labor upon the public roads and bridges, and the expenditure of all road and bridge funds. He shall have the right to avail the County of any help from any good roads associations, the State or the Federal Government, either in the way of expert assistance or financial aid. He shall take into possession the road tools and machinery now owned by the County, and may purchase such other tools and machinery as may be necessary to carry out the purposes of this Act, and provide a modern and efficient system of road maintenance. He may make such contracts as may be necessary to properly maintain the system of roads existing in such county, and to the best interest of the public. He shall, in his discretion, have control of all prisoners confined in the County Jail or Workhouse, under workhouse sentences, as provided by law, and may work, or cause them to be worked upon the public roads for such credit on the sentences in time or money as is now, or may hereafter be provided by law for such work, and make necessary provision for guards. Provided that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such prisoners now or hereafter imposed by law, except when said prisoners are actually at work under the orders of the Superintendent of Roads. The Superintendent of Roads may work the prisoners confined in the county jail or workhouse under workhouse sentence on the roads or streets of the county seat town of such county at his discretion.

As amended by: Private Acts of 1925, Chapter 580

SEC. 4. That the Superintendent of Roads shall order the payment by the County Trustee by written order of all money collected by taxation and otherwise belonging to the road or bridge fund, for the construction, improvement, working or repairs of public roads or bridges, said orders to be drawn and signed by the Superintendent of Roads. Such orders shall plainly specify (1) The amount to be paid in. (2) To whom. (3) For what the expenditure is made. (4) The district and fund to which same should be charged, and such orders when so drawn and signed, shall be sufficient authority to the Trustee for the payment thereof.

SEC. 5. That the Superintendent of Roads shall keep a minute record of all transactions and an itemized account of all funds paid out by the Trustee and for what purpose, and said records shall be open at all reasonable times to the public and a succinct and complete report of same shall be published in some newspaper published in such counties during the months of May and November of each year.

As amended by: Private Acts of 1933, Chapter 719

SEC. 6. That at the time the county court shall levy taxes for other purposes it shall levy a road tax for the purposes of public road and bridge maintenance, which shall not be less than 10 cents nor more than 25 cents upon each one hundred dollars' worth of taxable property in such county.

SEC. 7. [Deleted by Private Acts of 1945, Chapter 452].

SEC. 8. That the several District Supervisors shall each for his Civil District bring suit before some Justice of the Peace in and for said County, against all persons who shall have been, during the year, subject to highway labor as hereinbefore provided, and who shall have failed to perform honest and faithful work, or failed or refused to work or commute as heretofore provided for, and such delinquent road hand shall, upon conviction, be, by the Justices of the Peace, fined \$2.00 for each day he fails to work, perform honest or faithful work or commute, together with the costs of the suit, which fine shall be by the Justice of the Peace paid to the County Trustee, and by him placed to the credit of the District from which it is collected, and in the event said road hand fails or refuses to pay said fine, he shall be punished as in other misdemeanor cases; provided said party may appeal to the next term of the Circuit Court of his County, upon giving a \$250.00 appearance bond, with good and sufficient security, to be approved by the trial Justice of the Peace.

SEC. 9. That all labor performed, or funds expended, upon the roads or bridges, will be performed under the immediate supervision of the District Supervisor, of the District in which work is being done or expenditure made, with the aid, advice and consent and general supervision of the Superintendent of Roads, and under such directions as said Superintendent of Roads shall deem proper to give. And inasmuch as the purpose of this Act is to effect a real improvement in the maintenance of public roads and bridges, and to secure adequate return for the money and labor subject to application on such roads and bridges, it is hereby expressly provided that no inefficient service shall be accepted, but real labor and full and sufficient service shall be required of all contractors, teams and hands, and a failure to enforce this provision of this Act will constitute misfeasance in office on the part of District Supervisors or Superintendent of Roads responsible therefor, or knowingly permitting the same, and shall subject the party guilty of such to removal from office upon conviction thereof upon indictment or presentment by the Circuit or Criminal Court.

SEC. 10. That said Superintendent of Roads shall have the right and authority to let contracts for maintenance of such parts of roads and bridges herein committed to his care as in his judgment may be

advantageous to the best interest of the public. In letting and execution of any contract involving an expenditure of less than \$250.00 the said Superintendent of Roads shall not be required to advertise for bids, but will use his own best judgment and discretion as to the advantage of so doing, being hereby held only to the ordinary care and prudence of business men generally; but in the letting of any contract involving an expenditure of more than \$250.00, advertisement will be made by the Superintendent of Roads in one of the weekly newspapers then being published in the County, which advertisement shall state in general terms the work to be contracted and the time and place of opening sealed bids therefor. Such advertisement shall be run for at least two weeks prior to the day of opening bids, and all such advertisements shall reserve the right to reject any and all bids; and if no bids are received carrying terms which are regarded by the Superintendent of Roads as reasonable and advantageous, all bids shall be rejected and new advertisement made until such reasonable and advantageous bids are received. The said Superintendent of Roads shall have general supervision and control and management of all road maintenance and repair work of the County, and there is hereby conferred upon him all power and authority necessary for the proper exercise of such management, control and supervision, and to do all such things as may be reasonably necessary or incident to the carrying out of the work entrusted to his care. For failure to faithfully carry out the provisions of this Act the said Superintendent of Roads may, upon conviction upon indictment or presentment, be by the Circuit Court removed from office.

The Superintendent of Roads of Monroe County is authorized to purchase, and contract to purchase, supplies under annual contract. In making any purchase, or letting and executing any contract to purchase, of less than five hundred dollars (\$500.00), the Superintendent of Roads shall not be required to give opportunity for competition by bidding. The Superintendent shall use his own best judgment and discretion, being hereby held to the ordinary care and prudence of businessmen generally.

As amended by: Private Acts of 1980, Chapter 236

SEC. 11. That the Superintendent of Roads shall, before entering upon the discharge of his duties, make with the County Court Clerk a bond in the just and full sum of \$1,000.00, payable to the State of Tennessee, for the use and benefit of the County, conditioned upon his faithful performance of the duties of his office as set out and prescribed by the terms and provisions of this Act, the faithful accounting for all funds and County property coming into his hands as such official. He shall give the several District Supervisors written instruction as to the time and place of working the various sections of roads, and the application of funds thereto; he shall inspect all contract work throughout its execution, and shall not pay for same until all contract provisions have been complied with, reserving no less than 15 per cent of the full contract price as a guarantee that all such provisions will be complied with, until the full completion and compliance therewith.

SEC. 12. That public roads may be opened, closed or changed, at any time, upon application of a majority of the citizens interested in such change or opening or closing of such roads, said application to be by written petition, addressed to the Superintendent of Roads, stating its full purpose and giving the general direction and description of the road, and showing the facts showing the necessity for the road, or change proposed, and said petition shall be by the Superintendent of Roads published in some weekly newspaper in such county for two consecutive weeks, after which all parties whose lands are to be affected or touched by the proposed road shall be served with written notice for at least five days in the manner notices are now served in Courts of Chancery, except non-resident land owners shall be notified by posting said notices upon their lands for said five-day period by some officer qualified to serve notices in such county, which notice shall state when and where the superintendent of Roads shall be present to take action in the premises, and at such time and place said officials shall be present and hear any pertinent matters, such interested parties may present and act in the premises. If, in the judgment of said superintendent of roads, said proposed road or change is of public necessity, he may lay out said proposed road or change, and shall summon three freeholders, who, after being first duly sworn by said Superintendent of Roads, shall constitute a jury of view, and shall proceed to condemn such land as may be necessary, and to assess the damages therefor. Either the Superintendent of Roads or any interested party may appeal from the written findings of the jury of view to the Circuit and Supreme Courts, and any interested party may appeal from the decision of the Superintendent of Roads on the question of such proposed road or change being a public necessity to the Circuit and Supreme Courts.

When parties appeal, bonds for costs and damages, or pauper oaths in lieu thereof, shall be required. The jurors of view shall each receive one dollar per day for their services, and no party of interest or related to party of interest nearer than second cousin, shall serve as a juror. The damages and such costs as shall be properly taxed against the County shall be paid by the Trustee upon order of the Superintendent of Roads out of the funds for the District in which the change is made.

SEC. 13. That the grand juries shall have inquisitorial power over all offenses committed under this Act, and this Act shall be especially given in charge to the grand jury by the Circuit and Criminal Judges.

SEC. 14. That nothing in this Act shall be construed, as to affect, impair, or change the authority, rights

and duties of any Board of Pike Commissioners heretofore created and now existing under legislative acts for the carrying on of Pike road improvement or construction work.

SEC. 15. That each District Supervisor in said counties is hereby required to classify and lay out the roads of his Civil District in sections and to appoint one assistant supervisor for each section of road so laid out. The District Supervisor shall make, or cause to be made, a full and complete list of all hands subject to road duty, and see that the several assistant supervisors require road hands to either work or commute for same as required by this Act. Each person subject to road duty shall work not less than five days, and not more than eight days in each year (nine hours shall constitute a day's work) or pay \$10.00 in case in lieu thereof as hereinbefore provided. The labor to be performed at such time and place as the Assistant Supervisor or District Supervisor, or Superintendent of Roads may direct, but not later than October 1st of each year, and the cash paid for commutation not later than November 1st of each year.

SEC. 16. That the Assistant Supervisor shall give all hands subject to road duty at least three days' notice in person or by written letter or notice left at his residence, or usual stopping place, of the time and place of working. And when such Assistant Supervisor willfully fails or refuses to give such notice to any such road hand, said Assistant Supervisor shall be held, and hereby is made liable for the \$10.00 commutation money due from each such hand, and for failure to pay same shall be punished in each instance as such hand would have been, had he been legally notified and failed to appear and work. Any hand subject to road duty may work part of the time and pay for the remainder of the time, if he so desires. Any hand subject to road duty may furnish a substitute, provided such substitute is not under 16 years of age. Any hand or substitute subject to road duty, may be dismissed by the Assistant Supervisor or the District Supervisor for failure to put in good time and do honest and faithful work or refusal to obey orders.

SEC. 17. That each Assistant Supervisor shall serve 5 days without compensation and for each additional day of active service, he shall receive \$2.50 per day, but in no event shall he receive more than \$15.00 for any one year, provided that if any civil district has funds sufficient to hire hands to work on the roads, or in a case of emergency where it is necessary to remove obstruction or make repairs, said Assistant Supervisor may be allowed additional compensation for services so rendered, but same shall be at the rate of \$2.50 per day. All hands assigned to each Assistant Supervisor must be worked at the same time if same is practical, and the Assistant Supervisor shall not be allowed pay for superintending hands who fail to work on the days designated. Each Assistant Supervisor shall file with the District Supervisor an itemized account showing the number of days and dates of same devoted by him to the discharge of his duties, such to be filed not later than the 15th of November of each year, and he shall at that time file a list of all hands subject to road duty, who have failed to work or commute in lieu of work. Said District Supervisor shall supply the Superintendent of Roads with one copy of such report and shall retain one on file, and shall immediately proceed as provided in Section 8 hereof.

The District Supervisor shall have the right to fix a reasonable price for the Assistant Supervisors of their several districts to allow hands for teams, same to be in cash or time on road duty.

SEC. 18. That the Sections of this Act and parts thereof are declared hereby to be independent sections and parts of sections and the holding of any section or of any part thereto, to be unconstitutional, void or ineffective for any cause shall not affect any other section or part thereof.

SEC. 19. That except as herein otherwise provided, all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 20. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1921.

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