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Administration - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained 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 CTAS website material.

Sincerely,

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Table of Contents

Administration - Historical Notes	3
--	----------

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for McMinn County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1943, Chapter 45, created the office of Purchasing Agent and Budget Clerk. This act was repealed by Private Acts of 1947, Chapter 346, below.
2. Private Acts of 1947, Chapter 346, set up the budget procedure for McMinn County. The Office of Director of Finance was to be held by an experienced accountant to administer the financial affairs of the county, including the budget.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in McMinn County. These acts are included for historical reference only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. The position of McMinn County Attorney was first created by Private Acts of 1919, Chapter 26. This officer was to be elected by the county court for terms of two years and was to receive such compensation as the county court might set. This act was repealed by Private Acts of 1935, Chapter 209.
2. Private Acts of 1943, Chapter 171, recreated the position of County Attorney. This act provided that McMinn County Court would elect a person to that office every two years and pay him an annual retainer of \$1,800. The County Attorney was to advise county officials on legal problems, file nuisance abatement suits and act as delinquent tax collector. This office was abolished when the County Council was created in 1947.

County Clerk

The following acts once affected the office of county clerk in McMinn County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1823, Chapter 68, directed the McMinn County Court Clerk to move his office and the county records from Calhoun to Athens, by the first Monday of December, 1823.
2. Private Acts of 1929, Chapter 530, provided for the appointment of a deputy county court clerk, at an annual salary of \$1,200.
3. Private Acts of 1931, Chapter 226, increased the deputy county court clerk's annual salary to \$1,500. Private Acts of 1933, Chapter 306, decreased the deputy county court clerk's annual salary to \$1,080. Private Acts of 1931, Chapter 226 was repealed by Private Acts of 1935, Chapter 175.
4. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, authorized the appointment of one deputy county court clerk at an annual salary of \$1,500. This salary was to be paid from the fees of the office with any deficit to be paid from the county general funds.
5. Private Acts of 1933, Chapter 859, set the annual salary of the county court clerk at \$3,750 per annum.
6. Private Acts of 1935, Chapter 175, repealed the Private Acts of 1931, Chapter 226.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of McMinn County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1826, Chapter 78, provided that the McMinn County justices of the peace could at their first session of the year elect three of their members to hold the remaining courts for that year.
2. Acts of 1832, Chapter 113, gave the county court the authority to make contracts for the construction of offices in Athens for the county clerks and the register.
3. Private Acts of 1855-56, Chapter 246, authorized the election of a Magistrate in the town of Calhoun, in McMinn County. This act was repealed by Acts of 1868-69, Chapter 21.
4. Acts of 1881, Chapter 15, provided for the appointment of Notaries Public for McMinn County. This act was superseded by T.C.A. § 8-16-101 which allows the respective legislative bodies to elect as

many notaries as deemed necessary.

5. Private Acts of 1921, Chapter 344, set the per diem of Justices of the Peace in McMinn County at \$4.00, and limited this to ten days per annum.
6. Private Acts of 1947, Chapter 346, created a 9 member County Council for McMinn County which was vested with all policy-making and administrative powers of county government that were not expressly reserved to another agency. The Council employed a County Manager to serve as the executive head of county government. The manager in turn employed the Director of the Department of Finance and the Director of the Department of Highways and Public Works. This act was amended by Private Acts of 1967-68, Chapter 127, Private Acts of 1976, Chapter 244 and Private Acts of 1978, Chapter 237. This act was impliedly repealed by Public Acts of 1978, Chapter 934, Section 35, which required the General Assembly to submit an alternative form of government to the voters of counties that had a county council-manager form of government. McMinn county rejected the alternative form of government as set forth in the Private Acts of 1980, Chapter 180, and therefore county administration falls under the provisions set forth in general statutory law.
7. Private Acts of 1951, Chapter 123, amended Private Acts of 1947, Chapter 346, by authorizing the County Council to procure an official seal for papers and documents.
8. Private Acts of 1953, Chapter 314, amended Private Acts of 1947, Chapter 346, above, by rewriting Section 20 in its entirety so that the County Council would have the sole power to sell or issue bonds or other obligations of the county.
9. Private Acts of 1967, Chapter 183, allowed Justices of the Peace twenty-five dollars for any regular or called meeting of the court and a five cent mileage allowance.
10. Private Acts of 1975, Chapter 13, amended Private Acts of 1947, Chapter 346, above, by authorizing a procedure for certain purchases and contracts without competitive bids.

County Register

The following acts once affected the office of county register in McMinn County, but are no longer operative.

1. Private Acts of 1929, Chapter 529, provided for the appointment of a deputy county register in McMinn County, who was to receive a monthly salary of \$60, to be paid out of the county general fund.
2. Private Acts of 1931, Chapter 250, was identical to the 1929 act described above, except that the salary of the deputy county register was raised to \$70 per month. This act was amended by Private Acts of 1933, Chapter 307, to lower that monthly salary to \$50.
3. Private Acts of 1933, Chapter 861, set the salary of the register of deeds in McMinn County at \$2,750 annually.
4. Private Acts of 1935, Chapter 210, was an act to repeal Private Acts of 1929, Chapter 307, the same being an Act fixing salary or compensation of one Deputy County Register. Private Acts of 1929, Chapter 307, was actually an act authorizing Crockett County to issue road bonds, so the legislative intent of this act is unclear. Apparently, Private Acts of 1935, Chapter 210, was meant to be a repealer of either Private Acts of 1929, Chapter 529, or Private Acts of 1931, Chapter 250.

County Trustee

The following act once affected the office of county trustee in McMinn County, but is no longer operative.

1. Private Acts of 1933, Chapter 860, set the annual salary of the McMinn County Trustee at \$3,750.

Purchasing

The following act once affected the purchasing procedures of McMinn County, but is no longer operative.

1. Private Acts of 1947, Chapter 346, which set up the County Council-Manager form of government required that competitive bids were to be made for purchases over \$500.

General Reference

The following private or local acts constitute part of the administrative and political history of McMinn County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1822, Chapter 179, provided that the county court might make an additional allowance of money to the persons who had run and marked the county boundary lines.
2. Acts of 1837-38, Chapter 79, authorized the appointment of a surveyor by the county court.

3. Private Acts of 1943, Chapter 45, established the office of Purchasing Agent and Budget Clerk for McMinn County, but this position was abolished with the establishment of the County Council by Private Acts of 1947, Chapter 346.
4. Public Acts of 1965, Chapter 79, created the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in that part of the Cherokee National Forest and adjacent areas lying in the southeastern area of the State of Tennessee and for the attraction of tourists to this area of the state.
5. Private Acts of 1980, Chapter 180, created an alternative form of County Manager government in McMinn County which contained several variations from the current government. Provisions for four additional councilmen to be elected at large, appropriate rules for their conduct of meetings and their business, the powers and duties of the County Manager, the various departments of the government, the budget and capital improvement program, and other aspects of the proposed county government were all contained in this Act. The effectiveness of this legislation depended on the approval of it by a majority of the voters at the May 6, 1980, election. Our information is that the people rejected this statute at the election rendering it null and void. McMinn County therefore comes under the general law as described in Public Acts of 1978, Chapter 934, Sections 1 through 27.

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