



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 03, 2024

County Attorney

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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County Attorney

Private Acts of 1977 Chapter 29

SECTION 1. The office of County Attorney for Marshall County is hereby created.

SECTION 2. The county Attorney shall be a licensed attorney of the state of Tennessee, shall be not less than thirty (30) years of age, and shall be otherwise legally qualified for such office. The Quarterly County Court of Marshall County shall elect a County Attorney at its October 1976 term, and the term of office of said County Attorney shall be for two (2) years. Said term shall commence on the third Monday of October of even-numbered years. Thereafter, a County Attorney shall be elected by the Quarterly County Court of Marshall County at the last regular meeting of the Marshall County Legislative Body prior to the beginning of the term of office. Should a vacancy occur in the office of County Attorney prior to the expiration of the two-year term, the Quarterly County Court shall elect a County Attorney for the unexpired term.

SECTION 3. It shall be the duty of the county attorney, upon written request, to issue opinions and advice to the county commission, county executive, the chairmen of committees of the county commission and upon written request from any of such officers to request opinions from the State Attorney General. The county attorney shall draft or review, or both, contracts of the county, attend meetings of the county commission and the county executive in their official capacities in litigation as plaintiff or defendant, and upon direction of the county commission or the county executive represent other county officeholders in their official capacity as the county attorney will issue written opinions and advice to other county officers. Copies of all opinions issued by the county attorney shall be filed as directed by the county commission. In the event of the disability of the county attorney, because of a conflict or for any other reason, the county commission or county executive shall have authority, upon the recommendation of the county attorney, to employ other counsel or paralegals to associate in specific matters with the county attorney.

As amended by: Private Acts of 1991, Chapter 6

SECTION 4. The compensation of the county attorney for attending meetings of the county commission and for issuing opinions and advice as provided for in Section 3 shall be a salary in an amount to be fixed from time to time by the county commission. For services performed by him in addition to attending meetings of the county commissions and rendering opinions and advice, the county attorney shall be compensated at a reasonable rate to be fixed by the county commission.

As amended by: Private Acts of 1991, Chapter 6

SECTION 5. Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of office of any official prior to the end of the term for which he was elected.

SECTION 6. No provisions of this Act shall be construed in any manner to affect the office of Back Tax Attorney for Marshall County.

SECTION 7. Private Acts of 1947, Chapter 196 and Private Acts of 1951, Chapter 270, relating to the office of County Attorney for Marshall County, are hereby repealed.

SECTION 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

SECTION 9. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Marshall County before October 30, 1977. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 10. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, including the salary provision in Section 4, this Act shall become effective upon being approved as provided in Section 9, the public welfare requiring it.

Passed: April 7, 1977

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