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Chapter I - Administration

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,

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Chapter I - Administration

Boards and Commissions Voting

Private Acts of 1981 Chapter 19

SECTION 1. Notwithstanding any provision of the law to the contrary, any person who is elected by the people to serve on any county board, commission or other entity shall be entitled to vote on any business which is put to a vote by such board, commission or entity if such person is elected or appointed to chair such board, commission or entity.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Marion County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 3. 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, it shall become effective upon being approved as provided in Section 2.

Passed: February 25, 1981.

County Attorney

Private Acts of 1927 Chapter 34

COMPILER'S NOTE: See also Chapter 14, Private Acts of 1929.

SECTION 1. That in all counties of this State, having a population of not less than 17,400 and not more than 17,410 by the Federal Census of 1920 or any subsequent Federal census, there be created the office of County Attorney, whose salary shall be fixed at Twelve Hundred (\$1,200.00) Dollars per annum payable monthly by warrant of the County Judge issued on the 1st day of each month against the general fund.

As amended by: Private Acts of 1945, Chapter 413

SECTION 2. That it shall be the duty of said County Attorney to give legal aid and advice to the County Judge and other county officers, including the Board of Education and Road Commission, as well as the County Court in session and to represent the county in any litigation that the county may have for which the court may fix additional compensation.

SECTION 3. That the term of office of said county attorney shall be for two years, beginning the first Monday in January, 1927, and beginning on the first Monday in January, 1929, and every two years thereafter, the County Court shall elect a County Attorney to fill the office for the ensuing two years.

SECTION 4. That the Honorable A.R. Hall of Jasper, Tennessee, is hereby appointed to act as County Attorney for said county for the term beginning January 3rd, 1927, until the first Monday in January, 1929, when his successor shall be elected by the County Court as provided in Section 3 of this Act.

SECTION 5. That the provisions of this Act shall not conflict or interfere with the present engagement or employment of any attorney engaged in any present, pending litigation, where said county is interested or has been made a party.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 31, 1927.

Additional Duties

Private Act of 1929 Chapter 14

SECTION 1. That Chapter No. 34 of the Private Acts of Tennessee, 1927, Volume 1, be, and the same is hereby amended, so as to provide that it shall be the duty of the County Attorney to represent the County in all litigation and matters in which the County is interested, or its officials in an official capacity, without compensation in addition to the salary provided. The said counties to which said Act is applicable shall not employ additional counsel at the expense of the county for any purpose.

As amended by: Private Acts of 1939, Chapter 62

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 22, 1929

Administration - Historical Notes

County Attorney

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

1. The first Private Act creating the office of County Attorney for Marion County was Chapter 182 of the Public Acts of 1901. Under this Act, the County Attorney, elected by the Quarterly County Court, was to transact all the legal business of the county. This was repealed by Chapter 22, Acts of 1903.
2. Private Acts of 1959, Chapter 267, attempted to amend the current act, Chapter 34, Private Acts of 1927, by providing that the County Attorney would be appointed by the County Judge, but this Act was rejected on a local level and is therefore not operative.

County Clerk

The following act once affected the office of county clerk in Marion County. It is included herein for historical purposes.

1. Private Acts of 1857-58, Chapter 124, required the County Court Clerks in Marion and Bledsoe Counties to hand over to the Tax Collector of Sequatchie County a list of taxes for the year 1858, levied in the portions of those counties out of which the new County of Sequatchie had been organized.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Marion County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1891, Chapter 199, created the office of County Judge for Marion County. The person was to be learned in the law, be thirty years old, and a resident citizen of Marion County. The County Court was to be held by the County Judge on the first Mondays of each month.
2. Public Acts of 1893, Chapter 48, amended Acts of 1891, Chapter 199, by setting the time for holding county court on the first Mondays in January and July of each year.
3. Public Acts of 1899, Chapter 73, amended the Public Acts of 1891, Chapter 199, by requiring the county judge to make an official bond in the penalty of twenty-five thousand dollars, and by taking away "all control of county roads, county convicts, and the workhouse of the county" that had been granted the county court and county judge in Acts of 1891, Chapter 199.
4. Acts of 1903, Chapter 112, amended Chapter 199, Public Acts of 1891, to set the compensation of the County Judge at \$500 per year. As financial agent to the county, the County Judge was given an additional \$500 per year.
5. Private Acts of 1911, Chapter 55, amended Public Acts of 1891, Chapter 199, by striking the provision that the county judge be learned in the law.
6. Private Acts of 1911, Chapter 140, amended Public Acts of 1891, Chapter 199, by changing the time for holding court to the first Mondays in January, July, and October and the third Monday in April of each year.
7. Private Acts of 1915, Chapter 328, specifically repealed the Private Acts of 1911, Chapter 140.
8. Private Acts of 1917, Chapter 32, abolished the office of Commissioner of the Poor and placed those duties in the County Judge's office. This Act was amended by Chapter 578 of the Private Acts of 1919.
9. Private Acts of 1919, Chapter 108, required the County Judge to countersign all warrants drawn on the county treasury from the high school fund, common school fund, road fund, bridge fund, pike fund or other special fund.
10. Private Acts of 1919, Chapter 144, repealed the Private Acts of 1915, Chapter 328.
11. Private Acts of 1919, Chapter 546, amended Public Acts of 1891, Chapter 199, by providing that the additional compensation received by the county judge not exceed \$200 dollars per year.

12. Private Acts of 1919, Chapter 547, amended Public Acts of 1891, Chapter 199, by taking out the provision that the county judge must reside at the county seat during the time he is acting as the county judge.
13. Private Acts of 1921, Chapter 199, amended Public Acts of 1891, Chapter 199, by authorizing the county judge to employ an attorney for the county, and retain the attorney to represent the county. The county judge's compensation for serving as financial agent for Marion County was also set at \$1,900 per year.
14. Private Acts of 1921, Chapter 215, was an exact duplicate of the Private Acts of 1921, Chapter 199.
15. Private Acts of 1923, Chapter 607, provided that the County Court was to meet semiannually on the first Monday in January and July, rather than quarterly.
16. Private Acts of 1923, Chapter 650, made it the duty of the County Judge to employ a licensed accountant to prepare an annual audit of all officials of the county who collect public revenue.
17. Private Acts of 1943, Chapter 183, provided that the County Court of Marion County meet quarterly instead of semi-annually, and to repeal all Acts in conflict therewith.
18. Private Acts of 1945, Chapter 600, increased the compensation received by the County Judge for his duties as fiscal agent to \$300 per month. Chapter 146, Private Acts of 1949, set the salary of the County Judge at \$3,600 per year, payable in equal monthly installments.
19. Private Acts of 1953, Chapter 341, empowered the county judge to assign offices and office space in the county courthouse, and to make rules and regulations for opening, closing and maintaining the county courthouse. The county judge could not expend more than \$100 out of the general funds of the county for repairs to the courthouse, except in case of emergency without the appropriation of the quarterly county court. Changes in office space required approval of the quarterly county court by a majority vote of the members present at a regular session.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Marion County and are included herein for historical purposes.

1. Acts of 1817, Chapter 138, set the meeting days for the County Court on the first Mondays in March, June, September and December.
2. Acts of 1819, Chapter 160, provided that the County Court would meet on the third Mondays in February, May, August and November.
3. Acts of 1822, Chapter 93, authorized the Court of Pleas and Quarter Sessions to appoint three commissioners to lease school lands for not more than five years, in order to provide funds for the support of the common school system.
4. Acts of 1829-30, Chapter 228, authorized the Court of Pleas and Quarter Sessions to erect a poorhouse and to levy a tax for that purpose.
5. Acts of 1829-30, Chapter 264, allowed the nine members of the Quarterly County Court, by majority vote, to select three of their members to hold court for each term.
6. Private Acts of 1913, Chapter 212, set the salary of Justices of the Peace at \$2.50 for each day's attendance upon a regular or special session of the Quarterly County Court.
7. Private Acts of 1923, Chapter 174, authorized the County Courts in all Counties having a population of not less than 17,400 and not more than 17,410 according to the Federal Census of 1920, to levy certain taxes for certain county purposes, in addition to the maximum rate of taxation authorized to be levied in such counties by the provisions of Chapter 17 of the Acts of Tennessee (Ex. Sess.), 1920.
8. Private Acts of 1923, Chapter 209, prohibited the County Court from paying any exofficio fees to any county official.
9. Private Acts of 1923, Chapter 607, provided that the County Court was to meet semiannually on the first Monday in January and July, rather than quarterly.
10. Private Acts of 1943, Chapter 183, provided that the County Court of Marion County meet quarterly instead of semi-annually on the first Monday in January, April, and October.

County Register

The following acts once affected the office of county register in Marion County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 215, allowed the Register of Marion County a monthly salary in addition to the fees of his office and to provide for the payment of such salary.
2. Private Acts of 1939, Chapter 30, set the salary of the County Register at \$150 per month. This was amended by Private Acts of 1947, Chapter 605, to raise that salary to \$175 per month.
3. Private Acts of 1957, Chapter 316, authorized the employment of a clerk-typist to assist the Register of Deeds in Marion County. This was repealed by Chapter 128, Private Acts of 1967-68.

Purchasing

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

1. Private Acts of 1919, Chapter 20, made it the duty of the county judge or chairman of the county court to buy all supplies, equipment, furniture, fuel and materials for all departments of the county including the poor house, jail, roads, bridges, and schools.

General Reference

The following private or local acts constitute part of the administrative and political history of Marion County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1820, Chapter 97, removed the office of Surveyor General of the Third District from Sparta to the courthouse in Marion County and required him to keep his office there for at least twelve months.
2. Public Acts of 1824, Chapter 97, legalized the official acts of Samuel N. Pryor as county surveyor of Marion County.
3. Acts of 1829-30, Chapter 196, allowed Burges Mathes, entrytaker of Marion County, to keep his office in his home.
4. Acts of 1833, Chapter 242, provided that the regimental court martial in Marion County was to be held on the fourth Saturday in November.
5. Acts of 1833, Chapter 305, declared Battle Creek in Marion County navigable from its mouth up to Jones and Shead's store.
6. Acts of 1837-38, Chapter 157, set the time of the annual county drill on the second Monday and Tuesday of September.
7. Private Acts of 1917, Chapter 139, abolished the office of county health officer and placed his duties in the county judge.
8. Private Acts of 1917, Chapter 172, created the office of Assistant District Attorney but this office was abolished and the Act was repealed by Private Acts of 1919, Chapter 155.
9. Private Acts of 1919, Chapter 1, authorized the County Judge to hire accountants at \$7.00 per day to audit the accounts of all public officers in Marion County who collected revenue.
10. Private Acts of 1921, Chapter 462, created the office of County Physician for Marion County. This Act was amended by Acts of 1931 (2nd Ex. Sess.), Chapter 33, which was repealed by Private Acts of 1945, Chapter 412. The office of County Physician was abolished and the 1921 Act repealed by Private Acts of 1933, Chapter 542.
11. Private Acts of 1923, Chapter 134, made it unlawful for any warrants to be drawn upon the County Treasury unless there was sufficient revenue to cover them.
12. Private Acts of 1931, Chapter 444, authorized counties with a population of not less than 17,545 and not more than 17,555 under the Federal Census of 1930 to borrow \$50,000 for the purpose of paying off their debts. Private Acts of 1935 (Ex. Sess.), Chapter 100, retired the indebtedness of Marion County.
13. Private Acts of 1933, Chapter 808, amended the general law to set the salaries of various Marion County offices.
14. Private Acts of 1935, Chapter 478, allowed Motion Pictures to be shown in Marion County on Sundays.
15. Private Acts of 1935, Chapter 570, authorized Marion County to issue promissory notes amounting to \$30,000, to provide funds for acquiring, equipping, stocking and improving a County Agricultural and Industrial Farm. This was repealed by Private Acts of 1935 (Ex. Sess.), Chapter 101.
16. Private Acts of 1937, Chapter 188, created a Board of County Commissioners for Marion County,

to be composed of three members with the county judge acting as the ex-officio secretary of the Commission. This Act was repealed by Private Acts of 1939 (Ex. Sess.), Chapter 4, which was a more comprehensive Act creating a Board of County Commissioners. The 1937 Act was repealed by Chapter 145, Private Acts of 1949.

17. Private Acts of 1937, (2nd Ex. Sess.) Chapter 14, authorized the issuance of a warrant to Dr. John A. Price for his services as County Physician from the date of his election to the date of the Supreme Court decision that the term of office had not yet begun.
18. Private Acts of 1939, Chapter 500, gave the board of county commissioners authority to regulate dance halls and beer parlors.
19. Private Acts of 1951, Chapter 140, provided that Marion County was to compensate Charles Thomas, who was injured in the operation of a ferry owned by Marion County, in the amount of \$1,500, payable out of the general county account.
20. Private Acts of 1959, Chapter 326, attempted to establish a County Governmental Library, but the Marion County Quarterly Court did not approve this Act, so its provisions never became effective.
21. Private Acts of 1965, Chapter 178, established a building permit system for Marion County, but it was repealed by Chapter 344, Private Acts of 1967-68.
22. Private Acts of 1967-68, Chapter 344, required any one wishing to erect, construct, reconstruct, or alternate any building or structure in Marion County, to gain a building permit from the County Tax Assessor of Marion County. This Act was repealed by Private Acts of 1994, Chapter 130.

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