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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

Budget System

Private Acts of 1986 Chapter 163

SECTION 1. For the purposes of administration, the funds of Madison County shall be structured into a school fund, highway fund, county general fund, debt service fund, juvenile court services fund, revenue sharing fund, general purpose bond fund (other than school and highway) and such other funds as required by law or as deemed appropriate by the county legislative body.

SECTION 2.

(a) The County Mayor may employ a director of accounts and budgets to set up and maintain in the accounting office a system to account for the above funds that are under the administrative control and direction of the County Mayor.

As amended by: Private Acts of 1993, Chapter 50

(b) The accounting office shall establish a system of fiscal procedure, control, budgeting and accounting of said funds. Such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the County Mayor as fiscal agent of the County.

As amended by: Private Acts of 1993, Chapter 50

(c) The system of fiscal procedure, control, budgeting and accounting shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the National Council of Governmental Accounting and the rules and regulations established by the state comptroller of the treasury.

(d) The director shall install a uniform chart of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting representing all county funds, offices, agencies and activities of the county government, with the exception of school funds administered by the County Board of Education.

As amended by: Private Acts of 2001, Chapter 39

SECTION 3.

(a) It shall be the duty of the County Mayor with the approval and confirmation of the county legislative body, at its January term each year, to appoint a committee of three persons who shall be and constitute the budget committee. One of said persons so appointed shall reside outside the city limits of Jackson, Tennessee; one shall be a resident and citizen of the City of Jackson; and only one shall be a member of the county legislative body. That the county legislative [sic] may allow the non-county legislative body members of said committee such compensation for their services as the county legislative body may deem right and proper. That said compensation shall be paid from the county general fund.

As amended by: Private Acts of 1993, Chapter 50

(b) Said budget committee shall organize by electing a chairman and two members of said committee shall constitute a quorum for the transaction of business. The county mayor shall serve as a nonvoting ex-officio member of the budget committee. The director of accounts and budgets shall act as the nonvoting ex-officio secretary to the budget committee. That the duties of the secretary shall be to keep all records of the committee's proceedings, assist in compiling the necessary data, assist in the preparation of said budget, publish newspaper notices and perform such other duties as shall be prescribed by the committee chairman.

As amended by: Private Acts of 1993, Chapter 50

(c) The budget committee, in conjunction with the director shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary process. Each department or office of county government shall submit on request a proposed budget for the succeeding fiscal year and such other budgetary information as needed. The fiscal year for each office, department, institution, activity and agency shall begin on July 1st of each year and shall end on June 30th next following. Said fiscal year shall constitute the budget year.

SECTION 4.

(a) The county highway commissioners or superintendent shall, on or before the 15th day of April of each year, file with the director of accounts and budgets an itemized statement of the funds

estimated to be required for the operation of the county highway department for the ensuing fiscal year, together with an estimate of the highway and road funds expected to be received during the next fiscal year.

(b) The county board of education shall, on or before the 15th day of April of each year file with the director of accounts and budgets an itemized statement of the funds estimated to be required for the operation of the county school department for the ensuing fiscal year, together with an estimate of the school funds expected to be received during the next fiscal year.

(c) The county mayor and director shall, on or before the 15th day of April of each year, prepare an itemized statement estimating amounts necessary to be expended from the county general fund, the debt service fund and all other funds (excluding highway and school funds) together with an estimate of the revenue to be received during the next fiscal year for each fund.

As amended by: Private Acts of 1993, Chapter 50

(d) Each of the other operating departments, offices and agencies shall file with the director of accounts and budgets on or before the 15th day of April of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing fiscal year, together with an estimate of any county revenues to be received by such agency, office or department.

(e) The director of accounts and budgets shall, on or before May 15th of each year, file a consolidated budget document with the budget committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from all funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered cash balance of each of said funds at the beginning of said fiscal year.

SECTION 5.

(a) The proposed budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year and shall conform to the uniform classification of accounts established by the comptroller of the treasury. It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose, administered by the county board of education, shall conform in all respects to the classification of accounts as prescribed by the state commissioner of education.

(b) The budget document shall contain and prescribe, but not be limited, to the following format:

Opposite each item of estimated revenue, the budget shall show in opposite parallel columns a revised estimated amount for the current fiscal year and the estimated amount for the ensuing fiscal year. Likewise opposite each item of proposed expenditure the budget document shall show the probable amount which will be spent during the current fiscal year and the proposed appropriation or expenditure estimate for the ensuing fiscal year.

(c) In preparing the budget, the budget committee may revise, as it deems necessary, the estimates or requests made by the various departments, officials, offices, institutions and agencies of the county, but any county official shall be entitled to a hearing before the budget committee with reference to his or her budget requests or estimates.

(d) The budget committee shall fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year and shall propose a tentative tax rate for the current calendar year.

SECTION 6.

(a) On or before June 15th of each year the budget committee shall hold public hearings to be conducted by said budget committee at which time county officials and department heads shall have the right to appear and state his or her views on their particular budget request. Notice of such public hearings shall be given to county officials, department heads and a newspaper having general circulation in such county five (5) days prior to the public hearings.

(b) Following such public hearings, the budget committee shall make the final revision of the budget document and prepare copies for presentation to the county legislative body. The proposed budget document shall be mailed to the county legislative body and the local news media ten (10) days prior to the meeting jointly agreed to by the county major and the county legislative body for the purpose of adopting the tentative budget.

As amended by: Private Acts of 1993, Chapter 50

SECTION 7.

(a) The budget committee shall present the budget to the county legislative body on the date jointly

agreed to by the county major and the county legislative body for the purpose of adopting the tentative budget. With the proposed budget, the budget committee shall include a budget appropriation resolution and a tax levy resolution.

As amended by: Private Acts of 1993, Chapter 50

(b) The county legislative body may alter or revise the proposed budget except as to the provision for debt service requirements and for other expenditures required by law. The final adoption of the budget shall be made by the county legislative body on or before the third Monday in July of each year. Pending such final adoption the county mayor, school superintendent and highway superintendent are hereby authorized to make temporary allotments for expenditures for essential county services, in amounts not in excess of the comparable allotment for an average month of the preceding fiscal year. The budget, the appropriation resolution and the tax levy resolution, as adopted, shall be spread upon the minutes of the county legislative body.

As amended by: Private Acts of 1993, Chapter 50

SECTION 8.

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution and no expenditure shall be made or obligation created in excess of such limitation.

(b) The county mayor as chief financial officer of the county shall countersign all warrants drawn by any and every official, against any and every fund of the county. No warrant drawn against any such fund shall be valid and binding on or against the county unless the same shall have been countersigned by the county mayor.

As amended by: Private Acts of 1993, Chapter 50

(c) In performing his duties as chief financial officer of the county and in directing the budget of the county, the county mayor shall require quarterly reports on the condition of all funds during the budget year. Said report shall show for each item of appropriation the total expenditures for the month and the year to date and the amount of the unencumbered balance. Said reports shall also show for each fund an itemized statement of the revenues and receipts estimated for each year, the amount of the collections of each item for the month and year to date and the unrealized portion of the estimate. Also included in said reports shall be the amount of the current unappropriated fund balance of each fund. Said reports shall be due in the office of the county mayor on or before the 15th of the following month from which quarter such report covers. The due dates for said reports shall be the 15th of October, January, April and July of each year.

As amended by: Private Acts of 1993, Chapter 50

(d) That if at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the administrative officer of such fund to immediately inform the county mayor of the possible budget deficit. At such time the county mayor, along with the budget committee, shall review the data and if they deem necessary, shall present their findings to the county legislative body at any regular or special called session. At such time they shall advise the county legislative body of the condition of the budget and of any adjustment or reduction of appropriations which should be made and shall recommend any other action which, in their opinion, the county legislative body should take in order that the budget shall be kept in balance.

As amended by: Private Acts of 1993, Chapter 50

(e) In addition to the required quarterly reports from the administrative officer of the above stated funds, each officer, official, department, office, agency, board, committee or commission of the county shall furnish such information and make such reports as may be required to properly maintain the accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the county mayor or the director of accounts and budgets.

As amended by: Private Acts of 1993, Chapter 50

(f) If the need shall arise, the county legislative body may grant, by resolution, authority to the county finance committee created in Tennessee Code Annotated, Title 5, Chapter 8, Part 2, to recommend, with the approval of any official, head of any department or division which may be affected, all transfers or adjustments within any major appropriation category to the county legislative body. For transfers between major appropriation categories within the same fund, the county legislative body may grant, by resolution, authority to the county finance committee created by Tennessee Code Annotated, Title 5, Chapter 8, Part 2, to recommend all transfers or adjustments to the county legislative body. Major appropriation category means major categories of

summary accounts in the latest uniform chart of accounts as prescribed by the Comptroller of the Treasury. The school superintendent must obtain the approval of the board of education for all school department transfers.

As amended by: Private Acts of 1992, Chapter 146

SECTION 9. If any provision of this Act or the application thereof to any person or circumstances 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 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Madison county legislative body. 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.

Passed: April 2, 1986.

Building Regulations

Building Permit Fee

Private Acts of 2005 Chapter 16

SECTION 1. Where the Madison County legislative body has appointed a county building commissioner in accordance with Tennessee Code Annotated, Section 13-7-110, the building commissioner is authorized and directed to collect a building permit fee as set by resolution of the county legislative body for each building permit issued. The building commissioner shall collect the fee from the person, firm, or corporation to whom the building permit is issued and shall immediately remit the fee to the county trustee for general fund purposes.

SECTION 2. Chapter 166 of the Private Acts of 1963 is hereby repealed.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Madison County at the next regular meeting of the legislative body occurring more than thirty (30) days after the approval of this act by the governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. 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 as provided in Section 3.

Passed: March 17, 2005.

Private Acts of 1973 Chapter 116

SECTION 1. That Madison County is hereby authorized and empowered in all unincorporated areas in said County to prevent the erection, maintenance or occupancy of buildings, structures or premises dangerous to persons or property and to remove them when erected without their consent; to regulate the manner of building buildings, structures, signs, or parts thereof, whether of a permanent or temporary nature; to regulate the construction, repair and maintenance of stove pipes, flues, gas pipes and other like works in all buildings, and on all premises, for the purpose of preventing fires and the spread thereof; to regulate and prohibit the accumulation of junk cars, abandoned appliances and other debris; to regulate business of electricians and electrical work, and to enforce efficiency [sic] in the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated; to regulate waterworks and water systems whether publicly or privately owned; to regulate the disposition of sewage and waste so as to preserve the public health; to regulate and control plumbers and plumbing works, and to enforce the efficiency of the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated.

As amended by:

Private Acts of 1981 Chapter 94

SECTION 2. For the purpose of enforcement of such regulations, Madison County is hereby empowered to create the offices of Building Commissioner, Electrical Inspector and Plumbing Inspector; to provide for the appointment of such inspectors, and to fix their duties and compensation, and if it chooses, to contract with incorporated cities and towns in such county, or any agency thereof, for the services of such City Inspectors having special skill in the inspection of buildings, electrical, plumbing and water works under such conditions as may be agreed upon between the public officials of such county and cities, to the end

that City Inspectors may be made ex-officio or otherwise county inspectors.

SECTION 3. All regulations adopted pursuant to the authority hereby conferred shall affect only the unincorporated areas of said county, and shall not be held to abrogate or abolish any general or special Act of the General Assembly authorizing incorporated cities or towns to regulate such works, nor to affect any regulations enacted in any incorporated cities or towns lawfully enacted touching the subject matter of this Act.

SECTION 4. The regulations herein provided for shall be adopted by the Madison County Quarterly County Court by resolution, and may be adopted at any regular or special meeting of such Quarterly County Court. In order to carry out the provisions of this Act, the Madison County Quarterly County Court is hereby authorized and empowered to appropriate monies to carry out the provisions of this Act, and to provide for the compensation of the inspectors and other offices [sic] whose duty it shall be to enforce the provisions thereof.

SECTION 5. Any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00), for each offense; and each day that any violation of any such provision or regulations shall continue shall be deemed a separate offense.

SECTION 6. In case any building or structure, works or instrumentality is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of the provisions of this Act or of any regulation or provisions enacted or adopted by the Madison County Quarterly Court under the authority granted by this Act, such body, the county attorney, the county inspector of such works or any other officer or board of the county, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction reconstruction, alteration maintenance, or use.

SECTION 7. Neither this Act, nor any regulation promulgated hereunder, shall modify, alter or repeal or in any way affect the applicability to said County of any of the provisions of Chapter 25 and 48, Title 53, Tennessee Code Annotated, and the provisions of same are incorporated herein by reference.

SECTION 8. This Act shall have no effect unless the same shall be approved by a twothirds (2/3) vote of the Quarterly County Court of Madison County, such approval to be within one hundred twenty (120) days after the passage of this Act. The action of the Quarterly County Court shall be proclaimed by the presiding officer of such governing body and shall be certified by him to the Secretary of State.

SECTION 9. This Act, for the purpose of action thereon by the Quarterly County Court as provided in Section 8, shall take effect from and after its passage, and for all other purposes shall take effect from and after its approval by the Quarterly County Court as above provided, the public welfare requiring it.

Passed: May 1, 1973.

County Attorney

Private Acts of 1986 Chapter 162

SECTION 1. Chapter 433 of the Private Acts of 1929, Chapter 484 of the Private Acts of 1941, as amended by Chapter 218 of the Private Acts of 1943, Chapter 434 of the Private Acts of 1951 and Chapter 251 of the Private Acts of 1965, and any other acts amendatory thereto are hereby repealed.

SECTION 2. The office of County Attorney is hereby established in Madison County. The County Attorney shall be elected by the county legislative body and shall serve for a term of two (2) years or until a successor County Attorney is elected. In the event of a vacancy in the office of County Attorney, the same shall be filled by the county legislative body.

SECTION 3. The County Attorney shall be a resident of Madison County and shall be licensed to practice law in the state of Tennessee.

SECTION 4. It shall be the duty of the County Attorney to advise the County Executive and all other county officials upon legal matters pertaining to their respective offices, and shall prepare and render written legal opinions to all county officers pertaining to the performance of their official duties. The County Attorney shall give legal advice to the County Executive and to the county legislative body in regard to the issuance and sale of county bonds, and shall (execute and) prepare all necessary legal papers pertaining thereto when requested to do so by the County Executive or by the county legislative

body.

The County Attorney shall also represent the County in all litigation in which the County is a party, whether as plaintiff or defendant, and in all the Courts. The County Attorney will be responsible for the prosecution or defense of all civil suits in which the County is a party, and the County Executive shall not have the authority to employ additional counsel to assist the said County Attorney, but should the County Attorney feel the need of assistance in the handling of any suit, such County Attorney shall present a petition before the county legislative body in regular, or called session, setting out reasons for requesting additional Attorney or Attorneys, and the county legislative body shall pass upon the petition as in other motions, and either grant or refuse said petition.

When any extra or special Attorney is so appointed by the county legislative body, the fees to be paid for such attorney's services, shall be fixed by the county legislative body.

SECTION 5. That upon an election of the County Attorney by the county legislative body, the said county legislative body shall fix his compensation at an amount not less than \$20,000 per year, which may be raised or may be lowered at the end of the appointed term, and which shall be payable in the same manner as other county employees.

SECTION 6. The county Attorney elected by the county legislative body as above provided shall take and subscribe to the following oath: "I do solemnly swear that I will perform with fidelity the duties of the office of County Attorney to which I am elected and which I am about to assume."

SECTION 7. The enactment of this Act shall have no effect upon the person presently serving as County Attorney, who shall continue to serve for the remainder of his term.

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 the 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 county legislative body of Madison County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Madison County Legislative Body and certified by him to the Secretary of State.

SECTION 10. For the purpose of approving or rejecting the provisions of this Act, It [sic] 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 9.

Passed: April 2, 1986

Joint Operations with City of Jackson

Private Acts of 1973 Chapter 12

SECTION 1. In all public operations wherein the City of Jackson and Madison County jointly share in the operation or expenses of operation, or both, the city and county may by contract agree upon a division of costs and any such contract now in existence or which may hereinafter be agreed upon is hereby ratified and approved.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Madison County and by a two-thirds (2/3) vote of the Board of Commissioners of the City of Jackson, such approval to be within sixty (60) days following the approval of this act by the Governor. Such approval or disapproval of the respective bodies shall be certified to the Secretary of State within ten (10) days following such action.

SECTION 3. For the purpose of the action hereon by the Quarterly County Court and the Board of Commissioners as provided in Section 2, this act shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved by the Quarterly County Court of Madison County and the Board of Commissioners of the City of Jackson, as provided in Section 2.

Passed: March 13, 1973.

Obion and Forked Deer River

Flood Control and Drainage Improvements

Public Acts of 1959 Chapter 129

WHEREAS, Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, authorized the construction of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries in Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison Counties, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session; and

WHEREAS, The construction of such flood control and drainage improvements at federal expense cannot be undertaken by the Corps of Engineers, United States Army, until a responsible sponsoring agency furnished the United States of America written assurances that it will perform the local cooperation required by law:

SECTION 1. That, in consideration of the construction at federal expense by the Corps of Engineers, United States Army, of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries, in the Counties of Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session, as authorized by Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, the State of Tennessee, through its Obion-Forked Deer Basin Authority, be authorized and empowered to defray the cost of the alteration of existing highway bridges in Dyer and Lauderdale Counties required by such improvements, to acquire and furnish without cost to the United States of America all lands, easements, and rights of way required for construction of such improvements, and to maintain all such works after completion; and to execute and furnish to the United States of America written assurances that it will perform the aforesaid acts of local cooperation; and that the State of Tennessee, acting by and through the Governor and the Obion- Forked Deer River Basin Authority, be authorized and empowered to execute and furnish to the United States of America written assurances that it will hold and save the United States of America free from any damages that may result from any special construction, without cost to the Tennessee Game and Fish Commission, by way of continuous spoil banks, culverts, locks and/or other structures under contracts let by the Corps of Engineers, United States Army, along the improved channels of the Obion and Forked Deer Rivers and/or the tributaries thereof over, across or along the boundary of any tract of land owned by or leased to the Tennessee Game and Fish Commission designed to permit the control and/or regulation of the water level on said land in its use as a public hunting area and/or a game refuge or sanctuary.

As amended by: Public Acts of 1963, Chapter 149
Public Acts of 1974, Chapter 415

SECTION 2. That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves. The state shall be primarily liable for the purchase price of such lands as may be needed for such improvements but suits by property owners for any taking without compensation shall be brought against the county, and the state's Obion-Forked Deer River Basin Authority shall reimburse the county for any final judgment rendered against it. In addition, it shall be the duty of the counties to defend such suits, but the commissioner may defend such suits if the counties fail or refuse to defend them, and the counties shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by: Public Acts of 1974, Chapter 415

COMPILER'S NOTE: The 1974 amendment deleted references to the state department of highways, but the reference to the "commissioner" contained in the second paragraph of Section 2 remains, probably in error.

SECTION 3. That drainage and levee districts which presently own any property interests or rights of way required for such improvements are hereby authorized, empowered and directed to transfer and convey such property interests or rights of way to the State of Tennessee for the purposes of this Chapter upon the request of the Obion-Forked Deer Basin Authority.

As amended by: Public Acts of 1974, Chapter 415

SECTION 4. That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is hereby authorized, empowered and directed to maintain all such works upon completion, in which maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415

SECTION 5. That the Obion-Forked Deer Basin Authority and the counties affected be and they are hereby authorized to expend their funds for the acquisition of the necessary rights of way for such channel improvement and to properly maintain the completed improvements.

As amended by: Public Acts of 1974, Chapter 415

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

Payment of Bond Premiums

Private Acts of 1937 Chapter 338

SECTION 1. That in counties of the State of Tennessee having a population of not less than 51,050 and not more than 51,064, by the Federal Census of 1930 or any subsequent Federal Census, the county shall pay the premium on the bonds of such officials of the county, viz; Sheriff, Clerk of the Circuit Court, Clerk of the County Court, County Register, Trustee, Clerk & Master of the Chancery Court, tax assessor, Clerk of General Sessions Court, and their deputies, and County Judge, when and where the official bonds are executed by such officials with a bonding company as surety.

As amended by: Private Acts of 1941, Chapter 38
Private Acts of 1945, Chapter 283

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

Passed: March 3, 1937.

Purchasing

Purchasing Agent

Private Acts of 1947 Chapter 102

SECTION 1. That the office of Purchasing Agent is hereby created in all Counties of the State of Tennessee having a population of not less than 54,110 nor more than 54,120 according to the Federal Census of 1940, or any subsequent Federal Census. The Purchasing Agent shall be elected by the county legislative body of such Counties at its regular April, 1947, term and shall serve from April 10, 1947, for a term of two years, or until his successor is elected and qualified; the compensation of such Purchasing Agent shall be fixed annually by the Board of County Commissioners of Madison County but shall not be less than thirteen thousand nine hundred and ten dollars (\$13,910) per annum, to be payable in equal amounts monthly upon warrants drawn on the General Fund of the County. In the event of a vacancy in the said office of Purchasing Agent, the same shall be filled by the county legislative body.

As amended by: Private Acts of 1967-68, Chapter 145
Private Acts of 1972, Chapter 306
Private Acts of 1975, Chapter 93
Private Acts of 1978, Chapter 213

Private Acts of 1979, Chapter 105
Private Acts of 1980, Chapter 323
Private Acts of 1990, Chapter 220

SECTION 2. That said Purchasing Agent shall be familiar with and qualified to purchase office, highway and school equipment and supplies, automobiles and heavy road equipment and parts therefor.

SECTION 3. That the Purchasing Agent elected under the terms of this Act shall serve at the pleasure of the county legislative body, but he shall not be discharged without thirty days' notice and without a hearing before the said county legislative body in regular or duly called special session.

As amended by: Private Acts of 1990, Chapter 220

SECTION 4. The Purchasing Agent shall have the sole power and authority to contract for and purchase all materials, supplies, and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of, or under the control of, the County government, and no other official, employee or agent of the County or of any of its departments or agencies shall have the right to contract for or purchase any of such materials or supplies. The Purchasing Agent shall also have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rents are to be paid out of any funds belonging to or under the control of Madison County or any department, institution or agency thereof and no other official, employee or agent of Madison County shall have the right or power to make or arrange for such purchase or rental.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of Madison County with an estimated value five thousand dollars (\$5,000) or some greater amount, shall, except in emergencies as hereinafter provided, be executed by the Purchasing Agent only after he or she shall have advertised in a daily newspaper published in Madison County, or radio or television within Madison County, that sealed bids will be received by the Purchasing Agent at the time fixed in the advertisement, which time shall not be less than ten (10) days after the publication of the advertisement. The sealed bids shall be opened publicly at the place, hour and date advertised. The advertisement shall describe requirements by general classifications and state that detailed descriptions of the supplies, materials, or equipment desired may be obtained from the Purchasing Agent upon application. Proposals will be considered from manufacturers, producers, dealers, etc., or their duly authorized selling agents, or any other appropriate available source. Bids received after the hour designated for opening of bids will not be considered. Tabulations of bids will be effected as promptly as possible and awards will be made to the lowest and best bidder or bidders. The Purchasing Agent shall in all matters have the right to reject any or all bids in whole or in part, and may waive technical defects in bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, materials or equipment to be purchased, the Purchasing Agent (in his or her discretion) may award the contract or contracts to either of such bidders, or may apportion the requirements between or among the bidders, or may elect to reject all such bids and advertise for additional bids. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other appropriate and feasible means.

When the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, purchases may be made as outlined in this paragraph without the necessity of newspaper, radio or television advertisement or sealed bids. Notwithstanding the provision requiring all purchases and contracts be made by the Purchasing Agent, when the estimated value of such materials, supplies or equipment is five thousand dollars (\$5,000) or less, but more than two thousand dollars (\$2,000), the Purchasing Agent may adopt a written procedure or policy to allow any department head or official of the county to make purchases or let contracts with the prior approval of Purchasing Agent to make the purchase. Further, when the estimated value of such materials, supplies or equipment is two thousand dollars (\$2,000) or less, officials or department heads designated by the Purchasing Agent are authorized to purchase supplies, materials or equipment required for the essential functions of their offices or departments. In making such purchases, the purchasing officials and department heads under the authority of this act shall be diligent in securing the lowest price possible; and in no instance shall supplies, materials or equipment purchased under the authority of this paragraph be purchased at a higher price than the prevailing current market for such supplies, materials or equipment.

When in the opinion of the Purchasing Agent and an official or agent of the County needing or desiring supplies, materials or equipment, an emergency requires their immediate purchase, the Purchasing Agent may purchase or contract for the purchase of such materials, supplies or equipment without the necessity of advertisement or competitive bids, purchasing them on the most advantageous basis possible.

Subject to all other requirements herein set out, the purchase of supplies, equipment, etc., for the County and its agencies may be for long or short term contracts, contracts or orders to be executed or filed at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

The Purchasing Agent shall keep a complete record of all purchases made by him, with copies of descriptive advertising, original bids when submitted in writing, and the names of all bidders, together with the amount of their several bids, which records shall at all times be open to inspection by any taxpayer of the County or other interested party.

Neither the Purchasing Agent nor any assistant or employee working under his direction shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the County, nor in any firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment; nor shall the Purchasing Agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation. The said Purchasing Agent may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials and equipment; [sic] govern the method and procedure whereby the departments, agencies, or officials of the County shall inform him of the need or necessity for the purchase of supplies, materials, equipment, etc.; prescribe forms for estimates, requisitions, orders, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess, and unsuitable supplies, equipment, and salvage, or transfer them to other using agencies of the County; provide for hearings on complaints with regard to the quality, grade or brands of goods; and waive such rules in special or emergency cases. The Purchasing Agent is not only required to make all purchases for the County, but is also required to make a check and inspection of all purchases made for the County.

As amended by: Private Acts of 1963, Chapter 164
Private Acts of 1979, Chapter 15
Private Acts of 1990, Chapter 220
Private Acts of 2001, Chapter 12

SECTION 5. That the bond required of said Purchasing Agent shall be in the amount of \$25,000.00, and the premium on said bond shall be paid from the General Fund of such County.

SECTION 6. That the said Purchasing Agent shall devote his full time to carrying out the duties of his office as created and outlined herein, and shall not, during his term of office as Purchasing Agent, hold any other public or private office, position or job for profit; nor shall he, during his term of office as said Purchasing Agent, engage in the practice of any profession for profit or otherwise; nor shall he, during his term of office, engage in any other occupation for profit, such as farming.

SECTION 7. The Purchasing Agent shall furnish the Director of Budgets information showing purchases made for any office or department of Madison County, a description of such purchases, from whom purchased and the prices paid upon request of the Director of Budgets.

As amended by: Private Acts of 1990, Chapter 220

SECTION 8. That in the event of any section, sentence, or part of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the Act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this bill as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted.

SECTION 9. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 10. That this Act shall take effect from and after April 10, 1947, the public welfare requiring it.

Passed: January 27, 1947

Retirement System

Private Acts of 1971 Chapter 183

SECTION 1. That Madison County be, and it is, authorized in the discretion of the Quarterly County Court of Madison County, and by proper resolution of said Court, to establish a retirement or pension system for its employees and to do so by contract with a reputable insurance company, bank or other similar institution and said County, through its Quarterly Court, it further authorized and empowered, where the inclusion of any employee of Madison County in said retirement system or pension is not feasible on account of the age of such employee, to provide for the payment of benefits to such employee after his or her retirement; and said County, through its Quarterly Court, is further authorized and empowered to do all things else necessary or incidental to the establishment of a retirement or pension system for its

employees.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a (2/3) vote of the Quarterly County Court of Madison County, such approval to be within 180 days from and after the approval of this Act by the Governor of Tennessee. The action of the Quarterly County Court shall be proclaimed by its presiding officer and shall be certified by him to the Secretary of State.

SECTION 3. That this Act, for the purpose of action hereon by the Quarterly County Court, shall take effect from and after its passage, and for all other purposes shall take effect from and after its approval by the Quarterly County Court of Madison County, the public welfare requiring it.

Passed: May 13, 1971.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Madison County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 456, created a County Budget Commission of five members and set forth their duties and compensation. This act was repealed by Private Acts of 1925, Chapter 174.
2. Private Acts of 1933, Chapter 123, governed the budget system in Madison County. A three-person budget committee was created which prepared and filed the county budget, recommended property tax rates, and otherwise provided recommendations to the Quarterly County Court on budget matters.
3. Private Acts of 1937, Chapter 14, amended Private Acts of 1933, Chapter 123, to make the County Judge the ex-officio budget director of Madison County, to be paid \$1,600 per year.
4. Private Acts of 1947, Chapter 76, amended Private Acts of 1937, Chapter 14, to increase the salary of the County Judge for his services as budget director from \$1,600 to \$3,200 per year.
5. Private Acts of 1977, Chapter 67, provided for a system of fiscal procedure for Madison County. A Director of Accounts and Budgets, appointed by the County Judge, controlled and directed the county's finances under a central accounting system.
6. Private Acts of 1986, Chapter 165, repealed Private Acts of 1933, Chapter 123, Private Acts of 1937, Chapter 14, Private Acts of 1947, Chapter 76, and Private Acts of 1977, Chapter 67

County Attorney

The following acts once affected the appointment, election, or office of the County Attorney in Madison County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 433, created the office of County Attorney who would be paid an annual salary of \$1,200 per year. This act was repealed by implication by Private Acts of 1941, Chapter 484, and was expressly repealed by Private Acts of 1986, Chapter 162.
2. Private Acts of 1941, Chapter 484, created the office of County Attorney in Madison County, to be elected by the quarterly county court to a 2-year term and to be compensated at not less than \$150 nor more than \$200 per month. This act was repealed by Private Acts of 1986, Chapter 162.
3. Private Acts of 1943, Chapter 218, amended Private Acts of 1941, Chapter 484, to add a requirement that the county attorney represent the county in all litigation, and extra or special attorneys to assist the county attorney could be appointed only by petition to quarterly county court. The county attorney's maximum salary was raised to \$250 per month. This act was repealed by Private Acts of 1986, Chapter 162.
4. Private Acts of 1951, Chapter 434, amended Private Acts of 1941, Chapter 484, to raise the county attorney's maximum salary to \$300 per month. This act was repealed by Private Acts of 1986, Chapter 162.
5. Private Acts of 1965, Chapter 251, amended Private Acts of 1941, Chapter 484, to authorize the county attorney to employ assistants for collection of delinquent taxes without petitioning the quarterly county court, and to authorize the county attorney to retain all attorneys' fees collected by him in delinquent tax suits. This act was repealed by Private Acts of 1986, Chapter 162.

County Clerk

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

1. Acts of 1855-56, Chapter 170, authorized the County Court Clerk in Madison County to appoint a deputy clerk.

County Legislative Body

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

1. Private Acts of 1822, Chapter 199, provided that the land laid off the general plan at the main fork of the Forked Deer River for a new County which might be created be attached to the County Court of Madison County for jurisdictional purposes.
2. Private Acts of 1822, Chapter 210, directed the county courts of Madison, Henry, Henderson and Carroll Counties to appropriate funds to pay Molton Dixon \$3 per day for fixing the sites for the seats of justice for those counties.
3. Private Acts of 1824, Chapter 102, set the times for holding county court in Madison County.
4. Private Acts of 1825, Chapter 318, set the times for holding county court in Madison County.
5. Private Acts of 1826, Chapter 78, regulated county court in Madison County.
6. Public Acts of 1827, Chapter 44, authorized a majority of the acting Justices of the Peace in Madison, Haywood, Fayette, Tipton and Shelby Counties to select three of their number to hold their county courts for the year. These courts were known as Quorum Courts.
7. Acts of 1837-38, Chapter 28, empowered the county court to lay out and expend the Internal Improvement Fund.
8. Acts of 1843-44, Chapter 180, authorized the election of an additional Justice of the Peace in the 15th Civil District of Madison County.
9. Public Acts of 1867-68, Chapter 65, established a Board of County Commissioners to replace the county court in Madison County. This act was repealed by Public Acts of 1869-70, Chapter 5, and by Public Acts of 1869-70, Chapter 49, which expressly revived the law as it was prior to the passage of Chapter 65, and again by Public Acts of 1869-70, Chapter 119, which also revived prior law.
10. Public Acts of 1889, Chapter 49, authorized the county court of Madison County to pay over to the city of Jackson the taxes assessed and collected for county purposes on the Tennessee Midland Railway Company.
11. Private Acts of 1923, Chapter 494, changed the time of quarterly court meeting from the first Monday to the second Monday in January, April, July and October. This act was repealed by Private Acts of 1925, Chapter 175.
12. Private Acts of 1925, Chapter 439, set the salary of quarterly county court members at \$5 per day for each day the Court was in session. This was amended by Private Acts of 1963, Chapter 165. The salary of members of the county legislative body is now controlled by general law.
13. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
14. Private Acts of 1947, Chapter 16, authorized the quarterly county court to appropriate funds for the improvement of barracks and other buildings adjacent to McKellar Field Airport.

County Mayor

The references below are of acts which once applied to the office of County Judge, or County Executive in Madison County. They are included herein for historical purposes only.

1. Acts of 1905, Chapter 14, created the office of County Judge in Madison County. The Judge was required to be learned in the law and would hold office for a term of eight years. The salary was to be \$800 per annum.
2. Private Acts of 1915, Chapter 405, gave the County Judge concurrent jurisdiction with the chancery court to permit encroachment on the corpus of estates by guardians for minors, lunatics and others under a disability, in estates valued at \$1,200 or less.
3. Private Acts of 1917, Chapter 614, gave the County Judge jurisdiction and power to grant writs of attachment, injunction, and habeas corpus.
4. Private Acts of 1927, Chapter 21, provided that the County Judge could authorize a guardian to expend any part of the principal of an estate to support the ward when the income became insufficient.

5. Private Acts of 1937, Chapter 15, amended Acts of 1905, Chapter 14, to provide that the County Judge would be the Purchasing Agent for Madison County and would receive an additional salary of \$1,600. This act was repealed by Private Acts of 1947, Chapter 103.
6. Private Acts of 1951, Chapter 239, authorized the Quarterly Court to pay the County Judge an additional \$2,500 per year for his services as Financial Agent for Madison County.

County Register

The following acts once affected the office of County Register in Madison County, but are no longer operative.

1. Public Acts of 1825, Chapter 11, created a Register of the Land Office in Jackson, to be known as the Register of the Western District.
2. Private Acts of 1827, Chapter 152, authorized the Register of the Western District to maintain his office at his home, which was not more than 300 yards from Jackson.
3. Public Acts of 1865-66, Chapter 7, consolidated the land office at Jackson with the entry taker's office in Madison County.
4. Private Acts of 1866-67, Chapter 41, directing the Register of the Land Office of West Tennessee to make an index to all the books in the office, to be paid 10¢ per entry indexed. The register was also named ex-officio entry taker for Madison County.

County Trustee

The following acts once affected the office of County Trustee in Madison County, but are no longer operative.

1. Private Acts of 1824, Chapter 119, required the Madison County Trustee to pay over to the Trustees of Hardeman and Haywood Counties the amount of county taxes collected in those counties by Madison County in the year 1823.
2. Private Acts of 1915, Chapter 102, required that the Madison County Trustee enter into a bond in an amount not less than 1/4 the state taxes to be collected by him, and a bond in an amount not less than 1/4 the county taxes to be collected by him.
3. Private Acts of 1933, Chapter 509, required that the Madison County Trustee enter into a bond in the amount of state taxes to be collected for the ensuing year, and a bond in the amount of \$100,000 for county taxes to be collected by him. Although this act has not been repealed, bonds for collection of taxes are governed by general law found at T.C.A. § 67-5-1901, which requires bonds in the full amount of state and county taxes to be collected.

Obion and Forked Deer River - Flood Control and Drainage Improvements

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the Department of Agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the Department of Highways and Public Works to the Department of Agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

Purchasing

The following acts once affected the purchasing procedures of Madison County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
2. Private Acts of 1982, Chapter 294, would have given the County Purchasing Agent the authority to make the purchases for the Jackson-Madison County Ambulance Authority but the act was disapproved by the county legislative body and never became effective.
3. Private Acts of 1983, Chapter 46, would have allowed the Purchasing Agent of Madison County to hold other administrative, non-elected positions. This act was disapproved by the county

legislative body and is therefore ineffective.

General Reference

The following private or local acts constitute part of the administrative and political history of Madison 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 1841-42, Chapter 72, directed the Comptroller of the Treasury to issue warrants to Madison County residents William Croom (enumeration of voters), Grant & Love (\$13 tax overpayment), and Samuel Lancaster (\$21.60 tax overpayment).
2. Acts of 1853-54, Chapter 180, gave certain counties, including Madison, the authority to buy stock in railroads and to issue bonds for that stock.
3. Public Acts of 1895, Chapter 58, authorized Madison County to subscribe to the capital stock of manufacturing companies.
4. Acts of 1909, Chapter 350, established an experimental farm station in Madison County.
5. Private Acts of 1919, Chapter 281, authorized the Madison County Court to employ a person living outside the county to serve as county surveyor.
6. Private Acts of 1923, Chapter 498, amended the general law to provide that the county surveyor would be paid \$8 per day for his services in Madison County.
7. Public Acts of 1929, Chapter 108, appropriated up to \$75,000 to construct a National Guard Armory in Madison County, provided that Madison County and/or the City of Jackson furnished an equivalent sum in money or property for that purpose.
8. Private Acts of 1933, Chapter 603, amended the general law fixing the compensation of county officers in counties with a population between 50,000 and 75,000 (which included Madison County). County Trustees, Registers, Sheriffs, Clerks and Masters of Chancery Courts, Clerks of County and Probate Courts, Clerks of Circuit Courts, and Clerks of Criminal Courts each would be paid \$3,600 per year.
9. Private Acts of 1961, Chapter 34, created the position of Director of Industrial Development in Madison County. This act was repealed by Private Acts of 1967-68, Chapter 416.
10. Private Acts of 1963, Chapter 166, authorized the building commissioners in Madison County to collect a building permit fee. This act was repealed by Private Acts of 2005, Chapter 16.

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