



July 22, 2024

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# County Attorney

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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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# 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the Private Acts of 1951 and Chapter 251 of the Private Acts of 1965, and any other acts amendatory thereto are hereby repealed.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

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