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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 1975 Chapter 131

SECTION 1. The Henderson County Board of Highway Commissioners, on or before the first Monday in April of each year, shall prepare and file with the county court clerk in an itemized statement or budget of the funds estimated to be necessary for the construction, maintenance, upkeep and operation of the roads, bridges and county workhouse in Henderson County, and all expenses incident thereto, for the year commencing on the first day of July following the making of said report. The said budget shall show in detail and in separate items the estimated amounts necessary for salaries and office expenses, new equipment, maintenance or repair of old equipment, bridges, lumber, gravel, maintenance of the county workhouse, etc. The budget shall also show in parallel columns the amounts expended the previous year for the respective purposes.

The Henderson County Board of Education, on or before the first Monday in April of each year, shall prepare and file with the County Court Clerk of Henderson County an itemized statement or budget of the funds estimated to be necessary for the maintenance and operation of the schools in Henderson County, and expenses incident thereto, for the year commencing on the first day of July following the making of the report. The budget shall show in detail and in separate items the estimated amounts necessary for (1) the office expenses and salary of the county superintendent; (2) the aggregate of the salaries for each individual school being shown; (3) wood, coal or other fuel; (4) floor oils and other supplies; (5) gasoline and motor fuels; (6) the purchase of new equipment; (7) for the maintenance and repair of old equipment and school buildings; (8) janitor service; (9) bus service; (10) insurance; and (11) all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes and items. The budget request for said department shall be accompanied by a financial report showing the amount expended the previous year for fuel, gasoline, and supplies indicating unit price and from whom such items were purchased.

The County Judge or Chairman of the Quarterly County Court of Henderson County, on or before the first Monday in April of each year shall prepare and file with the county court clerk an itemized statement or budget of the funds which he estimates necessary to be expended from the general county fund during the year commencing on the first day of July following the making of his said report, for payment of salaries, mother's pensions, maintenance of insane patients, outstanding paupers, jail bills, improvements and repairs of the courthouse and jail, court costs, jail buildings, and all other expenses which are properly paid out of the general county fund. The proposed budgets will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

The County Judge or the Chairman of the Quarterly Court shall also prepare and file with the County Court Clerk a statement or budget showing the amounts that will be necessary to pay the various county bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year.

All other county agencies and parties not hereinabove specifically mentioned, having authority to expend or expending county funds shall file with the said county court clerk each year on or before the first Monday in April an itemized statement or budget of the funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of July following.

The county court clerk shall record the budgets herein referred to in a manner that shall make a permanent record of same. It shall be the further duty of the county court clerk to make sufficient copies of the said budgets and to distribute same to the county judge or chairman of the quarterly court, each magistrate or justice of the peace and each member of the budget commission no later than the regular April term of the Quarterly Court.

SECTION 2. The budget committee shall consist of seven (7) members with the county executive serving as an ex officio member with no voting power. The county executive shall nominate three (3) members of the county commission to serve with the four (4) private citizens who are currently on the budget committee, and the county commission shall confirm the county executive's appointments to the budget committee. As the four (4) private citizens retire from the budget committee, the county executive shall nominate and the Henderson County Commission shall confirm a member of the county commission to fill the private citizen's position until the budget committee is ultimately composed of seven (7) members from the county commission. No more than one (1) member from any district within the county shall be appointed to serve on the budget committee.

The members of the budget committee shall select a chairman who shall be known as the chairman of the Henderson County budget committee and the chairman shall be a member of the county commission.

Four (4) members of the committee shall constitute a quorum for the transaction of the business. The budget committee shall be authorized to employ a secretary whose duties shall be to keep all records of the committee, including a complete report of the proceedings thereof, assist in the compilation of the data necessary for the committee to prepare the budget herein provided for and to assist in the preparation of the budget and shall perform such other duties as shall be prescribed by the committee. The secretary shall be compensated for services rendered in said capacity on a per diem basis as determined by the Henderson County Commission. The committee shall certify to the Henderson County Commission at the time it submits its budget as hereinafter provided, the number of days the secretary has been actually engaged in the performance of his or her duties.

As amended by: Private Acts of 1983, Chapter 60

SECTION 3. Each year prior to the meeting of the July term of the quarterly court, it shall be the duty of the said budget commission to consider and examine the budget proposals set forth in Section 1, and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of every kind and description to be made by or on behalf of the county for the next fiscal year commencing July 1. The commission is not be bound by the various departments of the county referred to in Section 1, and may make such changes therein as in the opinion of the commission are in the best interests of the county.

The budget commission shall cause to be prepared appropriate forms on which the budgets of the various departments of the county referred to in Section 1 hereof shall be submitted and appropriate forms on which the county budget shall be prepared and submitted. The form shall be of such nature as to enable the commission to submit to the quarterly court as hereinafter provided a complete itemized budget and financial statement of the county in a simple, intelligible form, to the end that the quarterly court shall have before it all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various departments of the county during the year for which the budget is proposed and the amount of revenue that will be available to pay such amounts. In determining the nature and kind of said forms, the budget commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desired ends.

The budget prepared by the commission, shall be filed with the county court clerk no later than June 15th of each year and it shall be recorded with the budgets prepared by the several departments of the county as hereinabove provided and kept as a permanent record in the office of the County Court Clerk. The County Court Clerk shall make sufficient copies of said budget and distribute same to the county judge of chairman of the quarterly court, the county attorney, and each magistrate or justice of the peace at least 10 days prior to the meeting wherein said budget is to be approved and adopted. The budget submitted by the budget commission shall be published by the county court clerk in a newspaper of general circulation in Henderson County at least seven (7) but no more than twenty-one (21) days prior to the date it will be considered by the Henderson County Quarterly Court. The budget shall be submitted by the chairman of the budget commission each year to a duly constituted regular or called meeting of the quarterly court prior to July 1. The budget shall be presented in open court and it shall be the duty of said court before fixing the tax rate for the current year to fully consider in open court said budget prepared by said budget commission. The court shall have the right and power to alter, vary or change in any way it deems right and proper the budget so submitted by the budget commission, however the court shall, prior to July 1 of each year, fix, establish and adopt a complete, itemized budget of the amounts to be expended by each department of the county government during the year beginning on the first day of July following, and no warrant drawn against county funds after July 1, 1975 shall be binding on the county unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said court as herein provided and no warrant shall be valid or binding on the county after the aggregate amount of warrants theretofore drawn during the fiscal year by and on behalf of any department of the county government, shall equal the amount allowed said department in the budget adopted for that year.

In preparing the proposed budget, it shall be the duty of the budget commission to take into consideration any unexpended balances that may remain at the end of the year to the credit of any department from the amount allowed such department for the previous year.

As nearly as may be practicable, the commission shall show in its budget the amount of actual expenditures of each department of the county government during the preceding year covering each item or head in the budget, said amounts of such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

The county trustee shall furnish such data and information to the budget commission and any other county agency as it may be necessary to examine, the budget commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the county tax on property, which said commission has reasonable grounds to believe will be available during the year for payment of the amount allowed in its budget for said year, and it shall also show as nearly as may be practicable the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the county tax on property during the such preceding year.

The budget commission shall, along with its budget, submit its recommendation to the court with respect to the tax rate on property for the current year together with its estimate of the amount that will actually collected during the year beginning on the first day of the following July from the tax so recommended. At the same time and in the same report, the budget commission shall submit to the quarterly court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the county, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said commission shall deem pertinent.

In addition to the proposed budget and report said commission shall submit to said court such other data, information and recommendations as it may deem advisable and necessary to enable the said quarterly court and the public to fully understand the financial condition of the county and the necessity for the amounts fixed in said budget and the tax rate recommended by said commission.

SECTION 4. In the event that said budget commission fails, refuses or neglects to prepare and submit the budget as herein provided at the time herein stated to the said quarterly court, then it shall be the duty of said quarterly court, at a regular or specially constituted meeting for the purpose of adopting and approving a budget, to establish and adopt an itemized statement of the budget covering the amounts to be expended by each department of the county government for the year beginning on the first day of the following July, said budget to be of the same kind and form as that herein required to be prepared by said budget commission, and it shall be a misdemeanor in office for any official of Henderson County to fail in his or her duties as herein set forth or for any official of Henderson County from and after July 1, 1975, to draw, sign or issue the warrant of Henderson County against any fund of Henderson County unless a budget has been adopted by said quarterly court as herein provided; and no warrant shall be valid or binding on the County of Henderson unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof.

The budget as finally adopted by the quarterly court each year as hereinabove provided, shall be spread on the minutes of said court, and from and after July 1, 1975, no warrants shall be drawn against any funds of Henderson County by any official of said county unless and until a budget has been adopted by the quarterly court as herein required; provided that warrants may be issued prior to July 1, 1975, covering any obligation or indebtedness of said county incurred prior to said date.

SECTION 5. It shall be the duty of each department of the county government that disburses public funds, including the Henderson County Board of Education, Henderson County Board of Highway Commissioners, and the County Court Clerk and County judge or chairman in regard to the fund designated as the "General County Fund," to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by him as of the 30th day of June each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not; and it shall likewise be the duty of each of said departments and said officials to open its or his books on the first day of July of each year bringing forward the balance, if any, arrived at in the manner herein provided, remaining to the credit of said department or fund from the previous year, to which shall be added the amount allowed said department or fund in the budget adopted by the quarterly court as hereinabove provided.

Said books shall be kept in such a manner as to at all times show the amount allowed that department or fund in said budget adopted by the quarterly court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued.

On the first day of July each year the amount allowed each department or disbursing agency of the county government or county fund in said budget shall also be placed at an appropriate accounting journal and at the end of each month it shall be the duty of every official drawing warrants against any fund of Henderson County to reconcile the balance to the credit of the fund drawn against as shown on the appropriate records. The fiscal year beginning July 1, the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the regular or

specially constituted meeting of the quarterly court for that purpose.

SECTION 6. It shall be unlawful and a misdemeanor in office for any official or employee of Henderson County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said county, when the aggregate of the warrants theretofore issued or signed, whether the same shall have been paid by the trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that department or fund of the county against which said warrant should otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any county fund, in excess of the amount allowed said fund in the budget adopted by the quarterly court plus any balance remaining to the credit of such fund from the previous year.

It shall be a mandatory duty of every official drawing warrants against any county fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against said funds out of which said warrant is payable equals the amount allowed said fund or department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said budget commission before submitting its annual report to the quarterly court to examine the books and records of each department of the county government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said departments during the year ending on the preceding June 30th have exceeded the amount allowed said departments in the budget adopted for that year, and said commission shall show in its report to be filed with its budget each year the departments, if any, that have warrants in excess of the amounts allowed such department in the budget for said year, and it shall be the mandatory duty of the quarterly court to certify the facts to the district attorney general for presentation to the grand jury at the next term of the circuit court; and it shall be the duty of the district attorney general to present the facts to said grand jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

SECTION 7. Chapter 797 of the Private Acts of 1935, and all acts amendatory thereto and all laws or parts of laws in conflict with this act are repealed.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Henderson County before July 1, 1975. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9 [sic], it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 9 [sic].

Passed: May 5, 1975.

County Attorney

Private Acts of 1970 Chapter 268

SECTION 1. That in counties of this State having a population of not less than 16,110 nor more than 16,160, by the Federal Census of 1960, or any subsequent Federal Census, there is hereby created the office of County Attorney. Such County Attorney shall possess a license to practice law in the State of Tennessee and shall be a person with good moral character.

The compensation for said County Attorney shall be fixed by the Quarterly County Court, payable in equal monthly payments out of the general fund.

As amended by: Private Acts of 1975, Chapter 125
Private Acts of 1980, Chapter 206

SECTION 2. That the said County Attorney shall be elected at the meeting of the Quarterly County Court in April, 1970, and shall take office on July 1, 1970. The term of this officer shall be for one year and until his successor shall be elected and qualified in the same manner.

SECTION 3. That the said County Attorney shall have the following duties:

1. To advise all county officials as to their official duties and powers.
2. To attend all of the meetings of the Quarterly County Court.

SECTION 4. That this Act shall have no effect unless the same be submitted to the Quarterly County Court of Henderson County, Tennessee, and be approved by a two-thirds (2/3) vote of said Quarterly County Court, on or before its next regular meeting occurring more than five (5) days after the approval or non-approval of this Chapter shall be proclaimed by the presiding officer of the Court and shall be

certified by him to the Secretary of State within ten (10) days after the action of the Court.

COMPILER'S NOTE: An obvious error appears in the fourth line of Section 4 of this act, which probably was intended to read "more than five (5) days after the approval of this act. The approval or non-approval of this Chapter shall be"

SECTION 5. That this Act shall take effect from and after its passage and ratification, the public welfare requiring it.

Passed: February 18, 1970.

County Legislative Body

Voting Procedure

Private Acts of 1931 Chapter 526

SECTION 1. That in counties having a population of not less than 17,665 and not more than 17,7 by the Federal Census of 1930, or any subsequent Federal Census, the Quarterly County Courts when electing any county officers, which under the law they are empowered to elect, shall cast their votes by calling the name or names of the candidates for whom they desire to vote when the roll of the court is called by the County Court Clerk for the purpose of ascertaining and recording the vote and/or votes of the members of said courts in the elections of county officers as aforesaid. It shall be mandatory for the vote in the election of county officers by the County Courts to be so ascertained and the clerk of the court shall record the vote of each and every member of the court, and the minutes of the court shall show how each and every member of the County Court voted or for whom each voted in the election of county officers. No person shall be legally elected to any county office in the counties coming under the provisions of this Act by the said courts to any county officer, unless the vote is so taken and so recorded.

SECTION 2. That the Quarterly County Courts in the counties coming under the provisions of this Act, in voting on appropriations of county funds for any purpose, shall in each and every instance wherein the amount for any one item shall be in the amount of One Hundred (\$100.00) Dollars, or in excess thereof, in response to a roll call by the County Court Clerk vote aye or no, and the record or minutes of the court shall show how each and every member of the court voted on said item. No appropriation for any one item in the amount of One Hundred (\$100.00) Dollars, or in excess thereof, shall be deemed to have been approved by the Quarterly County Courts in the counties coming under the provisions of this Act, unless the minutes of the court show how each and every member voted on each particular item mentioned above, and in no case shall any such appropriation of the amount above designated be deemed to have been made by the Quarterly County Courts in counties coming under the provisions of this Act, unless a majority of the members of said court vote for said appropriation and the record show that the majority of the court did so vote.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

County Registers

Clerical Assistant

Private Acts of 1967-68 Chapter 67

SECTION 1. The County Register of Henderson County shall have the right to employ a suitable person as clerical assistant at a salary, to be set by the county legislative body, such clerical assistant to be employed on a full time basis, and to be paid out of the general funds of the county.

As amended by: Private Acts of 1980, Chapter 189.

SECTION 2. This Act shall have no effect unless it is approved by two-thirds (2/3) vote of the Quarterly County Court of Henderson County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 4, 1967.

Purchasing

Purchasing Agent

Private Acts of 2000 Chapter 86

SECTION 1. Chapter 59 of the Private Acts of 1983, as amended by Chapter 40 of the Private Acts of 1995, is hereby repealed.

SECTION 2. The office of purchasing agent for Henderson County is abolished. Nothing in this act shall be construed as reducing the term of office of the current county purchasing agent. Such person shall continue to serve in that capacity and retain all powers and responsibilities of the office until the expiration of the current term on August 31, 2000, or until he or she vacates office, whichever occurs first. In the case of a vacancy in the office of county purchasing agent prior to August 31, 2000, such office shall not be filled, but shall be abolished on the effective date of the vacancy.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Henderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of Henderson County 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: February 28, 2000.

Fiscal Procedure

Private Acts of 1983 Chapter 61

SECTION 1.

(a) There shall be set up and maintained in the office of the county executive a system of fiscal procedure, control and centralized accounting, hereinafter set out and described which shall be under the administrative control and direction of the county executive; but such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the county executive as fiscal agent of the county.

(b) The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national committee on governmental accounting.

(c) The system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, income, and expenditures of each fund of the county, together with such records, accounts and files as are necessary to record and control:

- (1) The transactions relating to county revenues, and the revenues for each of its several funds;
- (2) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
- (3) The transactions relating to the bonded debt; and
- (4) Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

SECTION 2.

(a) It shall be the duty of the county executive, or an employee under his direction, to post and otherwise keep the records of the central accounting system to:

- (1) Verify all bills, invoices, payrolls and claims against the county before payment; and
- (2) Check the settlements and reports of the various officials and department heads of the county government.

(b) The county executive, or an employee under his direction, shall also, after careful pre-audit of invoices, bills and claims against the county or any of its funds, prepare disbursement warrants of all county funds. It shall be the duty of such county executive, or an employee under his direction, to sign all county disbursement warrants as evidence of his audit and approval of the expenditures made thereby,

but no disbursement warrant drawn on the county trustee shall become a county liability payable by the county trustee until such warrant shall also have been signed by the county executive, county superintendent of schools, or other official or officials whose signatures are required on such warrants.

(c) The county executive, or an employee under his direction, shall install with the approval of the comptroller of the treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting, and financial reporting respecting all county funds, offices, agencies, and activities of the county government, with the exception of school funds administered by the county board of education and the county superintendent of schools, and shall prescribe the forms to be used by each official and employee of the county in connection therewith. The classification and expenditures and receipts of county schools funds shall conform to the classification of accounts as prescribed by the state commissioner of education.

(d) The county executive, or employee under his direction, shall set up and maintain a double entry system of accounting for recording the transactions of all county's funds, including both proprietary and budgetary accounts. The accounts shall be kept on the modified cash basis.

(e) The county executive, or employee under his direction, shall set up the necessary accounts to properly record the annual budget and each appropriation made by the county legislative body. All encumbrances, expenditures, or other charges against any item of the budget shall be promptly recorded in order [sic] the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(f) At the end of each month the county executive, or employee under his direction, shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies, and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. The most recent of such reports shall be presented to the county legislative body at each regular meeting and copies of such reports shall be furnished the members thereof.

(g) The county executive, or employee under his direction, shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county. The county executive is hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earnings checks may be issued to each of the county employees.

SECTION 3. Excepting taxes such as the county trustee is authorize to collect, the payment of all moneys to the county trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the county executive instructing the trustee to receive the amount named, for which the trustee shall issue his receipt, duplicate of which shall be delivered to the county executive, or employee under his direction, to be used by him in posting the accounting records.

SECTION 4.

(a) Before any obligation against the county shall be paid, or any disbursement warrant or voucher issued thereof, a detailed invoice or statement approved by the head of the office, department, or agency for which the obligation was made shall be filed with the county executive, or employee under his direction. The county executive, or employee under his direction, shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable. Disbursement warrants shall be promptly prepared for all such approved items by the county executive, or employee under his direction, and mailed or delivered to the payees thereof.

(b) A duplicate copy of all disbursement warrants, with all original invoices and/or other supporting documents attached thereto, shall be, kept on file in the office of the county executive.

SECTION 5.

(a) Each official, office, department, institution, agency, board, committee, commission, or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central 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 executive.

(b) The records of all county offices, departments and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the county executive.

SECTION 6. Any official named in this Act, or any other official, agent, or employee of the county who shall fail or refuse to perform the duties required of him under this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be deemed guilty of a misdemeanor, and subject to removal from office.

SECTION 7. The county executive is authorized to employ necessary personnel to carry out the duties of this Act.

SECTION 8. The provisions of this Act shall not apply to county school funds for any purpose, the county board of education, or the county superintendent.

SECTION 9. The provisions of this Act will effect [sic] only the general fund budget.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henderson County before September 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the Henderson County Commission and certified by him to the Secretary of State.

SECTION 11. 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 10.

Passed: April 7, 1983.

Repealing Statute

Private Acts of 1980 Chapter 194

SECTION 1. Chapter 661 of the Private Acts of 1921 is hereby repealed.

SECTION 2. Chapter 399 of the Private Acts of 1935, as amended by Chapter 277 of the Private Acts of 1967, is hereby repealed.

SECTION 3. Chapter 635 of the Private Acts of 1947 is hereby repealed.

SECTION 4. Chapter 221 and 344 of the Private Acts of 1957 are hereby repealed.

SECTION 5. Chapter 172 of the Private Acts of 1959 is hereby repealed.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henderson County before November 1, 1980. 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 7. 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 6.

Passed: February 18, 1980.

Administration - Historical Notes

Budget System

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

1. Private Acts of 1935, Chapter 797, was the Budget Law for Henderson County until it was repealed by Private Acts of 1975, Chapter 131 (reproduced hereinabove). The principal provisions of the two laws are substantially the same. The dates were changed to conform to the change in the fiscal year, and the Budget Committee was increased from three to five members. Some changes were made in the procedural rules for filing and maintaining records.
2. Private Acts of 1971, Chapter 39, would have created a five-member Budget Committee, consisting of two members from the Quarterly Court, one from the Board of Education, and two from the citizenry, with one of those to be an attorney selected by the Quarterly County Court. This law was rejected by the Quarterly County Court and never became effective.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Henderson 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 1927, Chapter 680, created the office of County Attorney in Henderson County. The applicant had to be a licensed attorney, over 30 years of age, and otherwise legally qualified in all respects. Julian L. Jones was appointed to serve until the voters could elect a County Attorney at the next general August election. The County Attorney was to transact all legal business of the county, and county officials, who were forbidden to employ any other attorney without authorization by the county court. The salary was \$600 per year, payable quarterly out of regular county funds. The County Attorney was to receive additional compensation for trials in state and federal court. This act was repealed by Private Acts of 1941, Chapter 483.
2. Private Acts of 1929, Chapter 418, reduced the salary of the County Attorney to \$300 per year. For litigation in the state or federal Courts, the County Attorney was to be paid an extra fee set by the Quarterly County Court. The County Attorney had to be a duly licensed and practicing attorney of the State and not related to the County Judge, or Chairman. The age qualification established by Private Acts of 1927, Chapter 680, was eliminated. The County Attorney was to be elected by the Quarterly County Court for a term of two years.
3. Private Acts of 1941, Chapter 483, repealed Private Acts of 1927, Chapter 680, abolishing the office of County Attorney in Henderson County.
4. Private Acts of 1969, Chapter 66, would have re-established the office of County Attorney for Henderson County. Qualifications were a license to practice law in Tennessee and good moral character. The annual salary, to be set by the Quarterly Court, was to be no less than \$1,200 and no more than \$1,500. The County Attorney was to be elected by the Quarterly County Court to serve a one-year term. Our information is that this act was never acted on by the Quarterly Court of Henderson County, and therefore never went into effect.
5. Private Acts of 1975, Chapter 185, was a duplicate of Private Acts of 1975, Chapter 125, and was rejected by the Quarterly Court of Henderson County.
6. Private Acts of 1980, Chapter 206, amended Private Acts of 1975, Chapter 125, which amended Private Acts of 1970, Chapter 268 (reproduced hereinabove). The 1980 act corrected an erroneous reference to Private Acts of 1970, Chapter 268, contained in the 1975 act. The 1975 act had stated that it amended Private Acts of 1969, Chapter 66, which had been repealed by the 1970 act.

County Mayor

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in Tennessee, to be elected by the voters for a four-year term. The County Judge was required to be a person learned in the law, to be commissioned as the other Judges of the State. The County Judge would preside over the County Court, and was granted all the powers, jurisdiction and authority formerly exercised by the Chairman of the County Court, as well as those formerly belonging to the Quorum Court which was abolished. The County Judge would also serve as the accounting officer and general agent of the county. The County Judge was to receive compensation of \$5 per day, with such additional compensation as the Quarterly Courts might determine, payable quarterly out of the county treasury. The County Judge was allowed to practice law in other courts, but he was prohibited from practicing in County Court or from acting as counsel in cases appealed to other courts from his own court. This Act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, abolishing the office of County Judge effective January 1, 1858.
3. Acts of 1903, Chapter 26, established the office of County Judge in Henderson County, to be elected by the voters for an eight-year term. The Judge was required to be learned in the law and was granted all the jurisdiction, powers and authority formerly held by the Chairman of the County Court. The compensation was \$500 per year, payable out of the regular county funds. The County Judge was also to serve as the financial officer of the county at no additional compensation. This act was repealed by Private Acts of 1929, Chapter 603.
4. Acts of 1903, Chapter 68, amended Acts of 1903, Chapter 26, to require the County Judge to take the same oath of office as Circuit Judges before a Justice of the Peace and to file his oath with the County Court Clerk before entering upon the duties of his office.
5. Private Acts of 1917, Chapter 233, amended Acts of 1903, Chapter 26, to add a requirement that the Judge be a licensed attorney engaged in the actual practice of law for a period of five years, and enrolled as a practicing attorney in either Circuit or Chancery Court. This act erroneously

recited that it amended Chapter 26 of the Acts of 1913, rather than 1903.

6. Private Acts of 1917, Chapter 540, amended Acts of 1903, Chapter 26, to give the County Judge the authority and jurisdiction to grant extraordinary writs of injunction and attachment, to appoint receivers, and to hear and determine petitions for writs of habeas corpus, in the same manner and under the same rules as Chancellors and Circuit Judges. The County Judge's annual salary was increased from \$500 to \$600 per year.
7. Private Acts of 1921, Chapter 870, authorized the County Judge of Henderson County to serve as a member or Chairman of the County Highway Commission and to receive compensation therefor.
8. Private Acts of 1929, Chapter 603, repealed Acts of 1903, Chapter 26, and all acts amendatory thereto, effective June 30, 1929.
9. Private Acts of 1937, Chapter 185, made the County Judge or Chairman of the County Court the ex-officio purchasing agent for Henderson County, with the sole power and authority to purchase material, supplies and equipment of every kind for the use of every County Board, Agency and department, including the authority to arrange and contract for the rentals of the same. Competitive bidding was required for all purchases and contracts for \$50 or more, except in emergency, but competitive prices were to be sought and solicited in all purchases. The Judge/Chairman was prohibited from having any personal interest in any contract or deal. An additional \$9,000 bond was required. The Judge/Chairman was to be paid additional compensation of \$60 per year. This act was repealed by Private Acts of 1947, Chapter 633.
10. Private Acts of 1937, Chapter 201, authorized the County Court of Henderson County to appropriate \$900 per year for clerical or stenographic assistance for the County Judge or Chairman of the County Court. This act was repealed by Private Acts of 1941, Chapter 69.
11. Private Acts of 1937, Chapter 613, amended Private Acts of 1937, Chapter 185, to require the County Judge to countersign all warrants drawn against the general fund of the county, to raise the competitive bid requirement from \$50 to \$100, and to prohibit the Trustee from paying any warrants drawn on the county general fund which were not countersigned by the Purchasing Agent and to declare all such unsigned warrants null and void even in the hands of an innocent holder for value. The compensation of the Judge/Chairman for his services as Purchasing Agent was increased from \$60 to \$720 per year.
12. Private Acts of 1939, Chapter 467, created the office of County Judge in Henderson County, who was required to be at least 30 years of age, learned in the law, and a licensed lawyer with at least three years actual practice. The County Judge was to be elected by the voters for an eight year term, and would be commissioned in the same manner as other judges and to execute a \$10,000 bond. The act abolished the quorum and Chairman's Court and the office of Chairman of the County Court, transferring all duties, powers, authority and jurisdiction to the County Judge who would preside over the County Quarterly Court. The County Judge was given the same power to grant extraordinary writs as Chancellors and Circuit Judges, to hear writs of habeas corpus, and to appoint receivers. The County Judge was also made the county purchasing agent. The County Judge was authorized to sit by interchange with other County Judges in Tennessee. If the County Judge was unable to serve due to sickness or other cause, the Governor was to appoint a temporary replacement. The salary of the County Judge was \$1,800 per year. This act has been superseded by general law.
13. Private Acts of 1939, Chapter 470, required County Judges or County Chairmen to countersign all warrants issued against the public funds not required by law to be originally issued by said County Judges or County Chairmen.

County Legislative Body

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

1. Public Acts of 1823, Chapter 41, provided that the Quarterly County Court of Henderson County would meet on the third Mondays in March, June, September and December.
2. Private Acts of 1823, Chapter 247, authorized the county court of Henderson County to appoint additional commissioners to assist the existing commissioners with the business of the county.
3. Private Acts of 1824, Chapter 102, set the dates for holding county court in Henderson County on the third Mondays in February, May, August and November.
4. Private Acts of 1825, Chapter 318, set the dates for holding county court in Henderson County on the second Mondays in February, May, August and November.

5. Private Acts of 1826, Chapter 90, set the dates for holding Quarterly Court of Henderson County on the second Mondays in January, April, July and October, with court to remain in session for one week each term if necessary.
6. Private Acts of 1829, Chapter 20, authorized the county courts of the counties of Henderson, Carroll, Gibson, Dyer, Knox, Anderson and Obion, on the first day of the first term in the year, to select three of their number to hold the county courts for the remainder of that year. These Justices were to be paid \$1.50 a day for each day spent holding this Quorum Court, and the county court was given the power to levy a tax of \$1 on each suit filed, if necessary.
7. Public Acts of 1835-36, Chapter 6, was an act to reorganize the county courts in Tennessee. A court was established in each county to be held by the justices of the peace on the first Monday in every month, to be called the County Court. One third, or twelve justices, constituted a quorum for all business except assessment of tax and appropriation of public funds over \$50. The court had no jurisdiction to hear jury trials. A chairman was to be selected each year. These courts were obligated to select 25 jurors, one from each civil district if that many existed in the county, or thirty seven jurors if the needs of the county required, for circuit court. These Jurors would be paid \$1 per day. Taxes could be levied on all taxable property of the county to produce operating funds.
8. Private Acts of 1931, Chapter 517, authorized the election of two additional justices of the peace for the municipal corporation of Lexington in Henderson County, to be elected by the qualified voters in Lexington.
9. Private Acts of 1937, Chapter 201, authorized the County Court of Henderson County to appropriate \$900 per year for clerical or stenographic assistance for the County Judge or Chairman of the County Court. This act was repealed by Private Acts of 1941, Chapter 69.
10. Private Acts of 1949, Chapter 666, fixed the compensation of Justices of Peace at \$5 per day plus mileage payments as provided by law.
11. Private Acts of 1967-68, Chapter 137, amended Private Acts of 1949, Chapter 666, to increase the per diem of the Justices of the Peace from \$5 to \$15.

County Register

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

1. Private Acts of 1947, Chapter 771, provided that a deed was ineffectively noted for registration unless it had first been reported to the County Trustee. This act was repealed by Private Acts of 1980, Chapter 193.

County Trustee

The following acts once affected the office of county trustee in Henderson 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 1929, Chapter 416, authorized the County Trustee of Henderson County to use the proceeds of the issuance and sale of 350 road improvement bonds issued by the county in 1920 for the discharge and payment of the interest accruing on the said bonds or on any judgment rendered against the County for interest on the bonds, or for the payment or discharge of the bonds.
2. Private Acts of 1931, Chapter 122, authorized the Trustee of Henderson County to transfer \$6,000 from the "Interest and Bond Fund" to the "General Fund" of Henderson County to pay off or cancel county warrants issued for land and a building for the county fair.
3. Private Acts of 1947, Chapter 771, required that all land sales be reported to the County Trustee for entry into the Trustee's records prior to registration with the County Register. This act was repealed by Private Acts of 1980, Chapter 193.

Purchasing

The following acts once affected the purchasing procedures of Henderson 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 185, made the County Judge or Chairman of the County Court the ex-officio purchasing agent for Henderson County, with the sole power and authority to purchase material, supplies and equipment of every kind for the use of every county board, agency and

department, including the authority to contract for rentals of same. Competitive bidding was required for all purchases and contracts for \$50 or more, except in emergency, but competitive prices were to be sought and solicited in all purchases. The Judge/Chairman was prohibited from having any personal interest in any contract or deal. An additional \$9,000 bond was required. The Judge/Chairman was to be paid additional compensation of \$60 per year. This act was repealed by Private Acts of 1947, Chapter 633.

2. Private Acts of 1937, Chapter 613, amended Private Acts of 1937, Chapter 185, to require the County Judge to countersign all warrants drawn against the general fund of the county, to raise the competitive bid requirement from \$50 to \$100, and to prohibit the Trustee from paying any warrants drawn on the county general fund which were not countersigned by the Purchasing Agent and to declare all such unsigned warrants null and void even in the hands of an innocent holder for value. The compensation of the Judge/Chairman for his services as Purchasing Agent was increased from \$60 to \$720 per year.
3. Private Acts of 1939, Chapter 467, made the County Judge the purchasing agent for Henderson County.
4. Private Acts of 1947, Chapter 642, created the office of county purchasing agent for Henderson County, to be elected by the voters for a two-year term at a salary of \$1,200 per annum. (The act recites "Twelve Hundred Dollars (\$12,000)" which is an obvious typographical error.) Leo Jones was appointed to serve until the next regular election. The purchasing agent was required to solicit bids for all purchases in excess of \$200. This Act is similar to the 1983 act now in effect (reproduced hereinabove). This Act was repealed by Private Acts of 1971, Chapter 35.
5. Private Acts of 1970, Chapter 298, would have amended Private Acts of 1947, Chapter 642, to extend the term of office of the county purchasing agent to four years and to provide that the compensation would be set by the Quarterly County Court at not less than \$12,000 annually. This act was rejected by the Quarterly County Court of Henderson County and never went into effect.
6. Private Acts of 1971, Chapter 35, created the office of county purchasing agent for Henderson County, to be elected by the voters for a four year term at a salary between \$1,200 and \$2,400, to be set by the Quarterly County Court. The county purchasing agent was given the duty and the exclusive power to contract for and purchase or rent all supplies, materials and equipment for the county. The purchasing agent was in charge of the central storeroom, mailing room, and similar services. Sealed bids were required for purchases in excess of \$500, in accordance with a prescribed bidding procedure. The purchasing agent was prohibited from having any financial interest in purchases made for the county. The act authorized the purchasing agent to employ a secretary at a salary of not more than \$50 per month. This act was repealed by Private Acts of 1983, Chapter 59.
7. Private Acts of 1971, Chapter 155, would have amended Private Acts of 1971, Chapter 35, by changing the bidding requirements. This Act was never acted on by the Quarterly County Court, and consequently never became law.
8. Private Acts of 1981, Chapter 49, amended Private Acts of 1971, Chapter 35, to raise the salary range of the purchasing agent to \$2,400-\$4,800 annually, and to raise the threshold amount for sealed bids to \$1,000, and to raise the salary of the secretary to an amount not to exceed \$200 per month. This act was repealed by Private Acts of 1983, Chapter 59.
9. Private Acts of 1983, Chapter 59, created the office of county purchasing agent for Henderson County. This act was repealed by Private Acts of 2000, Chapter 86.

General Reference

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

1. Private Acts of 1821, Chapter 201, appointed Sterling Brewer, James Fentress and Abram Maury as Commissioners to procure plots of land of at least 50 acres each within three miles of the center of Henry, Carroll, Madison and Henderson Counties, to be the seat of justice in each county. The county court of each county was directed to appoint commissioners to lay out its respective town, streets and alleys, to sell lots, and to superintend the construction of a courthouse, prison and stocks under contracts awarded to the lowest bidder. If the sale of lots did not produce sufficient revenue to accomplish those tasks, the county courts were authorized to levy taxes to obtain the funds.
2. Private Acts of 1822, Chapter 210, directed the county courts of Hickman, Henderson, Madison, Carroll and Henry Counties to make appropriations to the commissioners appointed by the

- Legislature in 1821 to fix the seats of justice in those counties in order to compensate them at the rate of \$4 per day.
3. Public Acts of 1823, Chapter 50, directed the President and Directors of the Bank of the State of Tennessee to appoint an agent, and establish an agency, in McMinn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll and Henry Counties.
 4. Private Acts of 1824, Chapter 68, incorporated the town of Lexington under the Mayor-Alderman form of government with seven aldermen, with succession for 50 years.
 5. Private Acts of 1826, Chapter 115, authorized a lottery in Henderson County to up to \$20,000 to endow an academy in Lexington. (Lotteries were declared illegal in the State of Tennessee by Public Acts of 1835-36, Chapter 47, effective March 1, 1936.)
 6. Private Acts of 1826, Chapter 123, authorized Wyly Ledbetter of Maury County to hawk and peddle his own goods, wares and merchandise, domestic and foreign, in the counties of Maury, Hardin, Lawrence, Wayne, McNairy, Madison, Henderson, Perry and Hardeman without a license.
 7. Public Acts of 1827, Chapter 12, established a Treasury Department in the Western District for the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison and Gibson, the Treasurer to be appointed by joint ballot of both houses of the legislature. The Treasurer was to have his office in Jackson, where tax money from the above-named counties was to be deposited, rather than in Nashville.
 8. Private Acts of 1829, Chapter 274, authorized and required the Surveyor of the 10th Surveyor's District to receive an entry on a valid warrant in the name of Isaac L. Moody or his assignees, for land not to exceed 10 acres, including the Methodist meeting house and camp ground on Clear Creek in Henderson County, known by the name of Ebenezer. The Register was directed to issue a grant on the entry according to law, as long as it did not interfere with existing claims of others.
 9. Public Acts of 1831, Chapter 77, repealed a state law insofar as the same applied to Henderson County which required the owners or operators of mills west of the Tennessee River to cut down and remove the standing or decaying timber in their mill ponds.
 10. Private Acts of 1831, Chapter 149, permitted Charles Austin, Jonothan Duck and Matthew Jones to enter an occupant claim to 25 acres of land in the 9th Surveyor's District in Henderson County to include a school house erected by them.
 11. Private Acts of 1832, Chapter 19, authorized John Autry of Henderson County to have surveyed and entered upon the general plan of the 9th Surveyor's District 100 acres of vacant and unappropriated land upon the north Forked Deer River, adjoining his own lands and convenient to his mills.
 12. Private Acts of 1832, Chapter 79, gave John and Barnett Rowark the preferred right of entering any grant of vacant and unappropriated lands, not to exceed 200 acres, lying upon Middleton's Creek in Henderson County, which would include any convenient mill site, for the purpose of building a mill.
 13. Private Acts of 1833, Chapter 181, exempted the property left by John Brazeal from all forms of execution and judgment, because Brazeal had been convicted in the courts of Henderson County for assault with intent to kill and sentenced to 21 years in confinement, leaving Brazeal's large family helpless and dependent for support on the little amount of property left by him.
 14. Private Acts of 1833, Chapter 188, authorized John Mallard of Henderson County to hawk and peddle goods, wares and merchandise without a license in the congressional district in which he lived.
 15. Private Acts of 1835-36, Chapter 12, incorporated the town of Lexington in Henderson County under the Mayor-Alderman form of government in perpetual succession. The Sheriff was ordered to hold an election on the second Monday in September 1836 to choose seven Alderman, who would then select one of their own number as Mayor.
 16. Public Acts of 1835-36, Chapter 48, abolished the Surveyor's office south and west of the Congressional Reservation line, and directed the county courts in each county to elect an entry taker and a surveyor, each to serve a four-year term. Each entry taker was to maintain an office at his respective county seat. The Surveyor of the 9th Surveyor's District was directed to deliver all his records and papers to the Entry Taker's Office in Henderson County.
 17. Acts of 1843-44, Chapter 146, authorized the County Courts of Perry and Henderson Counties to expend the Internal Improvement Funds belonging to the said counties, arising from all sources, in such manner as seemed proper to them, and all persons, public, or private, who may have internal improvement funds in their hands were directed to pay the same to the court on demand,

or subject themselves to prosecution for violation of the act.

18. Public Acts of 1868-69, Chapter 40, directed the Surveyor of Henderson County to perform all duties and functions of the Entry Taker in addition to the duties of Surveyor. He would be paid the normal and customary fees of the Entry Taker. The Surveyor was directed to keep all books, papers and records at the county seat.
19. Private Acts of 1923, Chapter 468, provided that in Henderson County no contract could be let or bonds issued for drainage purposes pursuant to Acts of 1909, Chapter 185, or for drainage districts, until and unless all the provisions and conditions contained in the 1923 amendment to that act had been met.
20. Private Acts of 1935, Chapter 637, removed all the disabilities of infancy from Pauline Christopher O'Brien of Henderson County, granting to her all the rights and privileges of adults including the authority to settle all accounts with her former guardian, J. M. Manley, and with her present one, G. H. Maxwell, and to receive her entire estate from them.
21. Private Acts of 1935, Chapter 740, removed the disabilities of infancy and minority of Mrs. Mozell Woods of Henderson County.

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