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# Private Acts of 1972 Chapter 326

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Sincerely,

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# Private Acts of 1972 Chapter 326

**SECTION 1.** This Act shall be known and may be cited as "The Henry County Road Law."

**SECTION 2.** There is hereby created the Henry County Road Commission, hereinafter referred to as "the Commission." The Commission shall be composed of six (6) members, five (5) of which shall be elected from, and residing in, each of the five (5) road districts which shall be established by resolution of the county legislative body, and one (1) member shall be elected from the county at-large. The member serving at-large shall serve as chairman of the Commission.

Commission members shall be elected at the regular August general elections to four (4) year terms, and may succeed themselves without limitation as to the number of terms they may serve. Terms shall begin on the first day of September following their election.

Commission members in office on the date this act becomes effective shall continue to serve until the expiration of the terms to which they were elected. To accomplish the transition from seven (7) commission members to six (6) commission members, commission members shall be elected as follows: At the August 2002 elections, one (1) Commission member shall be elected to a four (4) year term from each of road districts 1 and 3. At the August 2004 elections, one (1) Commission member shall be elected to a four (4) year term from each of road districts 2, 4, and 5, and the at-large Commission member shall be elected to a four (4) year term from the entire county. Thereafter, Commission members shall be elected to four (4) year terms as the terms of each member expires.

As amended by: Private Acts of 2002, Chapter 107

**SECTION 3.** If a vacancy occurs in the office of County Road Commissioner or Chairman of said board, the Quarterly County Court shall elect some qualified person to serve for until the next General Election.

**SECTION 4.** At the organizational meeting of the newly elected Road Commission, there shall be elected a Vice-Chairman to preside in the absence of the Chairman. Roberts Rules of Order shall prevail at any and all official meetings of the Road Commission.

**SECTION 5.** Before entering upon their official duties the members of the County Road Commission shall make and subscribe to an oath to perform their duties faithfully, impartially, and without prejudice for or against any sections of the County, and before entering or taking such office shall execute and file with the County Court Clerk of said County a fidelity bond in a penal sum as required by law. Said bond shall be good and solvent security approved by the County Judge of such County. Said bond and oath of office are to be filed in the office of the County Court Clerk, and recorded on the minutes of said Court.

**SECTION 6.** No member of the County Road Commission shall be employed by the County Highway Department.

As amended by: Private Acts of 1991, Chapter 42.

**SECTION 7.** The Commission shall meet once each month at a time and place to be designated at the organizational meeting of such Commission and each member of the Commission shall be entitled to a sum not to exceed that provided for in the budget of Henry County. Meetings other than regular monthly meetings deemed necessary by the Chairman or a majority of the members may be held; provided, however, that no such meeting will be held unless the members of said Commission are notified at least 48 hours prior to the meeting. The above notice requirement may be waived by a majority vote of the Commissioners and the Chairman of said Commission, in the case of an emergency.

**SECTION 8.** The Commission has jurisdiction of expenditures of all road and bridge funds belonging to the County from whatever source insofar as the expenditure of said funds does not deviate from the budgeted chart of accounts as adopted by the Quarterly County Court for the Annual Operating Budget of the County. Any transfers of budgeted funds by series or subseries must be approved by proper resolution of the Quarterly County Court. It shall be the further duty of said Commission to classify all county roads and submit to the Quarterly County Court for its approval a five (5) year long-range maintenance and improvement plan for the County Road System, which shall be subject to annual review. It shall be the duty of said Commission to submit to the Quarterly County Court at its March term annual plans for execution during the ensuing fiscal year. The preparation and submission of the proposed annual budget for the County Road Department will follow the guidelines established by the Budgeting Act of the County. The Commission shall have general control of all county road and bridges. The acceptance and closing of roads shall be the responsibility of the Quarterly County Court and said Quarterly County Court shall take action on matters of this nature upon the recommendation of the Henry County Road Board, in accordance with the General State Law. Roads not maintained by the County Road Department for the past 10 years shall not be classified as a county public road as defined by the County Road Map of 1972. Before any new road shall be accepted as a county road, it must meet the road specifications as adopted by the Henry County Planning Commission.

It is further the duty of the Road Commission to let contracts for the construction of roads in said County, and that said contracts shall be let only upon the receipt of sealed competitive bids after reasonable public notice of inviting bids in a newspaper of general circulation in Henry County. Letting of contracts and taking of bids shall be done pursuant to and in accordance with the provisions of Tennessee Code Annotated, 5-1408 and amendments thereto, for letting contracts.

The Commission shall keep detailed records of all bids and bidders. The purchases or contracts let for construction by the Commission shall be let to the best bidder subject to desirable bidding requirements. The Commission is further empowered to contract with State and Federal Agencies as may be appropriate to carry out their duties.

It shall be the duty of the County Road Commission to see to the removal of obstructions of roads, bridges and ditches; to clean out and clear all fences and ditches along or adjacent to county roads. It shall be the duty of the County Road Commission to prescribe rules and regulations governing the weight and size of motor vehicles using county roads, said rules and regulations to be reduced to writing and approved by the Quarterly County Court in accordance with County, State, and Federal regulations.

**SECTION 9.** All purchases of supplies, materials, equipment, and contractual services and all sales of county-owned property which has become surplus obsolete, or unusable, shall be governed by Tennessee Code Annotated, Section 5-1408; with the exception of and in lieu of County Purchasing Agent, the County Road Supervisor with the authority of the Road Commission shall act as Purchasing Agent for the County Road Commission. Practices as outlined in the Budget Law of the County shall take precedent.

Purchase of used capital outlay items shall be in keeping with sound business practices, carefully weighing the true market value of such item. Said purchases being made with the approval of the Road Commission and in conformance with budgetary limitations.

**SECTION 10.** There is hereby created an executive officer of the county road system to implement the County Road Law. The official title of the executive of the county highway or road system shall be county road supervisor. The county road supervisor shall meet the requirements for such chief administrative officer, as set forth in Tennessee Code Annotated, Section 54-1004. The county road supervisor shall be elected by a majority vote of the county road commission, and shall serve at the sufferance of said commission.

The compensation of the county road supervisor shall be as the county road commission may from time to time set in accordance with the budget passed by the county commission.

The county road commission may grant the county road supervisor permission to spend, in the event of an emergency, not more than \$1,000.00 for county road purposes without first obtaining the approval of the county road commission.

As amended by: Private Acts of 1979, Chapter 54.

**SECTION 11.** Before entering upon the discharge of his duties, the county road supervisor shall take and subscribe to an oath in writing before the county court clerk or some other official authorized by law to administer oaths, that he will faithfully perform the duties of his office as county road supervisor. He shall also enter into a fidelity bond in the amount as required by state law payable to the State of Tennessee for the use and benefit of the county and conditional upon faithful discharge of his duties for the accounting of all money and property coming into his hands in the official capacity. The premium for the bond shall be paid out of the county general fund in the same manner as other disbursements are made.

As amended by: Private Acts of 1979, Chapter 54

**SECTION 12.** The county road supervisor is charged with the duty of carrying out policies of the county road commission. It shall be the duty of the county road supervisor to employ and discharge all personnel, administrative and otherwise, and to fix the wages and salaries within salary ranges set by the county road commission. The county road supervisor shall perform such duties and be vested with such responsibilities and authority as the county road commission may from time to time direct.

The county road supervisor shall under the direction of the county road commission, act as state and federal aid coordinator in all instances where state or federal aid may be involved in the construction, maintenance or improvement of county roads and bridges; work in cooperation with all agencies, officials, and employees of the state and federal governments in the planning of county road building and improvement projects, in providing engineering services necessary to be provided by the counties in connection with such projects, in the procurement of right of ways and to report on and make recommendations relating to all such projects to the road commissioners whose duty it shall be to take appropriate action with respect to such reports and recommendations.

As amended by: Private Acts of 1979, Chapter 54

**SECTION 13.** The county shall furnish a vehicle to the County Road Supervisor for his use in the discharge of his official duties. The purchase price of said vehicle, the expenses incident to the

maintenance and operation of the same, while used by the Supervisor in the discharge of his duties, shall be paid out of the county road fund as in the case of machinery purchased for the use of the county.

**SECTION 14.** Neither the County Road Supervisor nor the County Road Commission shall authorize or knowingly permit trucks or road equipment, rock or crushed stone or any other materials to be used for private use or the use of any individual for private purposes other than approaches, at fills and outs, and the failure to see that this provision is enforced shall constitute a misdemeanor in office.

**SECTION 15.** Neither the County Road Supervisor, County Road Commission, nor any employee of the County Road Department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials or equipment for the Department or System of Roads for the County or in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials; nor shall the County Road Supervisor, County Road Commission, or any employee thereof accept or receive either directly or indirectly from any person, firm, partnership or association to whom any contract may be awarded, any rebate, gift, or other thing in money or thing of value or any promise, obligation, or contract for future award for compensation.

Any employee of the County Road Department who shall use any truck or other road equipment, rock, crushed stone, or other road material for his personal use or sell or give away the same shall be immediately discharged.

Any person who knowingly allows his property to be improved by having a road built thereon, material placed thereon, or road equipment used thereon is in violation of this provision and shall be liable to the County for the value of such improvement.

Violation of any of the provisions of this Section shall subject the person or persons responsible to such criminal and/or civil actions as are available to the County under Tennessee Law.

**SECTION 16.** The county road supervisor shall submit quarterly to the county legislative body, a full and complete report of its activities showing in such reports the budget appropriations, the amount of road funds on hand at the beginning of the quarter, amounts received from any source during the quarter together with an itemized statement of all amounts expended for labor, machinery, supplies, materials, equipment and other expenditures during such quarter accompanied by a complete list of all articles purchased, the number of laborers and clerical help employed, and the amount paid each, the number of miles of road constructed, repaired or maintained or fraction thereof in each road district where the work was performed.

As amended by: Private Acts of 1979, Chapter 54

**SECTION 17.** Half of all funds received from the State as the proceeds of gas tax and other sources, except Federal Secondary and State rural roads fund, shall be used in the six road districts created by this Act for the purpose of grading, draining, and bridging the roads in said districts, and divided between the six road districts in the county proportion to the mileage of public roads other than state roads in said district, exclusive of the incorporated towns, as shown by the last Federal Census. The other half of said funds received from the state as the proceeds of the state, automobile tax, etc., shall be used in surfacing and maintaining the surface of the roads in the county with gravel. The number of cubic yards of gravel used in each of the county's six road districts each calendar year shall be in proportion to the mileage of public roads other state roads in said district, exclusive of the incorporated towns, as shown by the last Federal Census, and said Commission and Road Supervisor shall keep a record of the cubic yardage of gravel used in each of the six road districts which said record shall be open to public inspection.

**SECTION 18.** All county prisoners subject to labor shall be employed on the public roads as the County Court may direct subject to existing laws.

**SECTION 19.** Any violation of any of the provisions of this Act by an elected official or appointed person constitutes official misconduct and a misdemeanor in office, punishable by a fine of not less than \$200 nor more than \$1,000.00 and removal from office as provided by Tennessee Code Annotated, Section 8-2701 et seq.

**SECTION 20.** If any part or section of this Act shall be declared unconstitutional, it shall in no wise affect the validity of the remaining part or sections of the same.

**SECTION 21.** All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

**SECTION 22.** A copy of this law shall be on file in the Road Supervisor's Office at all times.

**SECTION 23.** Chapter 620 of the Private Acts of 1933 as amended by Chapter 98 of the Private Acts of 1947, Chapter 187 of Private Acts of 1951, Chapter 280 of the Private Acts of 1965, and Chapter 17 of the Private Acts of 1971 are repealed.

**SECTION 24.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the

Quarterly County Court and certified by him to the Secretary of State.

**SECTION 25.** 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 the purposes of electing the officers hereinabove provided, it shall become effective upon being approved as provided in Section 24. For all other purposes, it shall become effective September 1, 1972.

Passed: March 23, 1972.

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