



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Road Law

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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Road Law

Private Acts of 1975 Chapter 30

SECTION 1. Bedford County is hereby divided into nine (9) highway districts corresponding to the nine (9) magisterial districts in existence pursuant to the law applicable to such county in effect immediately prior to the passage of this act.

SECTION 2. There is hereby created and established the Bedford County Road Board, hereinafter referred to as the board, which shall be composed of nine (9) members, together with the County Road Superintendent who shall serve on the board as a non-voting ex officio member. The board shall be composed of one (1) member from each highway district, such member being a resident of the highway district from which he is elected. In the August, 1976 general election and every four (4) years thereafter, the qualified voters of each highway district shall elect one (1) member, hereinafter called a board member who shall hold office for four (4) years from the first of September following his election.

SECTION 3. There is hereby created the office of County Road Superintendent, hereinafter referred to as the superintendent. The superintendent shall be elected by the qualified voters of the county at the August, 1976 general election and shall hold office for four (4) years thereafter from the first of September following his election. The superintendent shall receive a salary equal to the salary paid to the County Court Clerk of Bedford County.

The superintendent shall be a person of skill and experience in highway or bridge construction work, having not less than five (5) years full-time experience and employment while engaged in such work, and shall be a person of good moral character. Any candidate for the office of superintendent shall file simultaneously with his qualifying petition with the county board of election commissioners a summary of his requisite experience which he believes entitles him to qualify for this office.

SECTION 4. One member of the board shall be elected to serve as chairman, and the chairman shall hold the office for a term of one (1) year or until his successor in office shall be elected. It shall be the duty of the chairman to preside over the meetings of the board, to countersign warrants and perform such other acts as may be directed by the board. The board shall conduct regular meetings at least once a month and may conduct special meetings upon call by the chairman, the superintendent, or any three (3) board members upon five (5) days' written notice to all board members. Each call for special meeting shall set forth the purpose for which such meeting is called and the character of business to be discussed and considered at such meeting. Any member may waive notice of such special meeting either before, at, or after the meeting. Five (5) members shall constitute a quorum for the transaction of business at any regular or special meeting. The chairman shall have a vote in all matters coming before the board to the same extent as other members. Any vacancy in the office of chairman may be filled at any time by the board.

The meetings of the board shall be held in the Courthouse in the City of Shelbyville, and shall be public, but subject to change of place in case of emergency. Each board member shall be entitled to receive as compensation the sum of fifty dollars (\$50.00) per meeting but not to exceed a total annual compensation of six hundred dollars (\$600.00). A board member must be present at any board meeting in order to draw the fifty dollars (\$50.00) salary per meeting.

As amended by: Private Acts of 1989, Chapter 39

SECTION 5. Whenever a vacancy shall occur in the office of the Bedford County Highway Board or superintendent, then such vacancy shall be filled for the unexpired term of such office by election by the Bedford County Quarterly Court. In the event that the unexpired term of said office shall not terminate before the next general election, then said appointment shall expire on the date of the next general election, and the vacancy shall be filled thereafter by election as set forth herein.

SECTION 6. The superintendent shall have full and complete authority over the constructing, reconstructing, maintaining and supervising all county highways and public roads within said counties, as well as all culverts and bridges subject to the express limitations hereinafter set forth, and shall have full and complete control and authority over all monies and funds now available, or which may be hereafter available, for road and bridge purposes realized and derived from any source, save and except the express limitations on such authority hereinafter set forth. The superintendent shall have the exclusive and complete power to employ and discharge such employees as he may see fit, to administer the road and bridge system of Bedford County, to determine the nature and extent and location of any improvements to be made on the road and bridge system of Bedford County, and shall have authority to perform all other duties and functions in connection therewith.

The superintendent shall have the exclusive right and power to expend up to three hundred dollars (\$300.00) for any single item concerning the construction and maintenance of the road system of Bedford County and shall have the same authority to expend not over one thousand dollars (\$1,000.00) toward the construction and maintenance of any one bridge in Bedford County. All expenditures for a single item over three hundred dollars (\$300.00) regarding the Bedford County road system and over one thousand dollars (\$1,000.00) regarding the Bedford County bridge system must be approved by a majority vote of the board.

It shall be the duty of the superintendent to keep or cause to be kept an accurate and complete record of all receipts and disbursements and shall keep separate accounts and records of all purchases made for the building, repairing and maintenance of said roads and bridges as well as an account of all machinery and equipment purchased.

The superintendent shall make a detailed report to the County Court of Bedford County setting forth the financial status, including receipts and disbursements, made by him out of the County Road Fund. This report is to be made a regular meeting of the County Court of Bedford County, or at the request of a majority of the County Court; and such report shall be available for inspection by the public at all times at the office of the superintendent. It shall be the duty and responsibility of the board to establish a budget subject to approval by the County Court for each fiscal year, to insure that monies expended by the superintendent do not exceed the budget, and to approve or reject any request by the superintendent to expend in excess three hundred dollars (\$300.00) for any single item concerning construction and maintenance of the road system and any item in excess of one thousand dollars (\$1,000.00) towards the construction and maintenance of any one bridge in Bedford County. The Board's authority and jurisdiction shall be limited to the control of monetary expenditures stated herein and shall not be construed as to vest the Board with any power or authority over the method by which the superintendent shall discharge his responsibility and authority stated herein, except the superintendent shall submit to the board for their approval and concurrence all matters pertaining to and over planning, establishing, opening, closing and abandoning all county highway and public roads within the county.

SECTION 7. The superintendent and chairman, before entering upon the discharge of their duties, shall take and subscribe to an oath that they will perform the duties of their offices faithfully and impartially, and without prejudice against or in favor of any section of the county, or individual, and shall execute to the State of Tennessee a good and solvent bond in the amount of one hundred thousand dollars (\$100,000.00), payable to the State of Tennessee for the benefit of Bedford County, and that they will faithfully and impartially execute and perform all the duties imposed upon them without fear, favor, or partiality, and that they will honestly and faithfully expend and account for all monies coming into their hands, and honestly and faithfully discharge all duties required of them by law.

SECTION 8. The board and superintendent shall have the authority to purchase such equipment as they consider necessary to be used in the building and maintenance of the roads and highways of Bedford County and such equipment shall be paid for out of any road funds available to Bedford County; except all purchases of equipment of any character, as well as gas and other supplies, which shall contemplate the expenditure of more than five hundred dollars (\$500.00) shall be made by the superintendent and board jointly upon competitive bids and in such quantities as will give the county the benefit of the best possible prices. The superintendent shall have the right to make all necessary purchases of supplies, materials and equipment when the costs of the same do not exceed the limitations set forth in Section 6. The superintendent, upon emergency basis, may make an expenditure for the repair of equipment greater than the amount stated herein as limitations subject to subsequent full disclosure to the board of such expenditure and approval by the board of the same.

SECTION 9. Any and all funds now available or hereafter made available to Bedford County for use in highway, road and bridge construction or maintenance, irrespective of source from which such funds are realized, shall be received and disbursed by the board and superintendent, subject to the express limitations herein set forth. All funds expended by the board and superintendent or either of them shall be paid by the County Trustee only upon warrant, drawn by the superintendent and countersigned by the chairman of the board, and all such warrants shall indicate plainly the fund upon which the same is drawn and shall be supported by proper voucher or vouchers on permanent file with the office of the Superintendent.

The board and superintendent or either of them is hereby expressly forbidden to expend monies or funds or to incur or contract for any indebtedness the amount of which is in excess of its anticipated revenues for its fiscal year, however, the superintendent and board or either of them may purchase equipment on terms of installment with the express limitation that the aggregate amount of installments together with other expenditures do not exceed in total the estimated revenues for the applicable fiscal year.

SECTION 10. It is hereby declared to be unlawful for any member of the board or the superintendent to

enter into any contract with themselves or each other or to be interested directly or indirectly in any matter in any contract pertaining to the construction, maintenance or repairs of the highways, roads and bridges and culverts within the county. No board member shall be permitted to hold any other elected county office, or to be employed by the Highway Department or to be employed in any capacity by any other governmental agency or office of Bedford County while serving in the capacity of a board member. Any violation of this section is declared to be a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00), and by the removal from office, the judgment of conviction making a proper provision for such removal or forfeiture of office.

SECTION 11. The board is authorized to employ a secretary whose function will be to assist the board and the superintendent in the maintenance of their respective records. The secretary's salary shall be set by the board and shall be consistent with the time required for the discharge of the secretary's duties. The board shall be required to keep an accurate record of all proceedings or business transactions, and all other actions taken at the meetings of said board, both regular and special, said records to be reduced to a journal record and/or minute book which shall remain open for inspection by the public during the business hours at the office of the superintendent.

SECTION 12. The board shall cause to be made at least once a year an audit of the books of the superintendent, and shall pay for the same out of the funds in its hands not otherwise specifically allocated.

SECTION 13. If any provision of this Act or the application thereof to any person or circumstance 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 14. Chapter 223 of the Private Acts of 1953, Chapter 397 of the Private Acts of 1955, Chapter 345 of the Private Acts of 1957, Chapter 274 of the Private Acts of 1965, Chapter 189 of the Private Acts of 1967, Chapter 385 of the Private Acts of 1968, and Chapter 221 of the Private Acts of 1970 are repealed.

SECTION 15. This Act shall have no effect unless it is approved by a two-thirds (b) vote of the Quarterly County Court of Bedford County at its next meeting, after approval of this Act by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 16. 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 September 1, 1976.

PASSED: April 2, 1975.

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