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Private Acts of 1959 Chapter 265

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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Private Acts of 1959 Chapter 265

SECTION 1. That for the purpose of providing an efficient system of roads, highways and bridges and the building, constructing, reconstructing, maintenance and repair of roads, highways and bridges in Blount County, Tennessee, a Department of Highways for said County is hereby created.

SECTION 2. That there is hereby created the office of County Road Superintendent, which office holder shall be twenty-one years of age or over, of good moral character and shall be a resident and citizen of said County and who shall be qualified by training and experience for the duties imposed upon him as such Superintendent; that said County Road Superintendent shall be elected by the popular vote of said county at the general election for the year 1970 and shall take office on the first day of September, 1970, and who shall serve for a period of four (4) years or until his successor shall have been elected and qualified; that at the August general election, every four years thereafter, there shall be elected a County Road Superintendent, who shall serve for a period of four (4) years or until his successor is elected; that in case of a vacancy in said County Road Superintendent's office, such vacancy shall be filled by the vote of the Quarterly County Court of said county until the next August general election when his successor shall be elected as hereinabove provided; that the said elections, candidates for the office of County Road Superintendent shall qualify in the same manner as candidates for other county offices are now required by law to qualify.

As amended by: Private Acts of 1970, Chapter 214

SECTION 3. That the minimum compensation to be paid said County Road Superintendent shall be the sum of Seven Thousand (\$7,000.00) Dollars per year, payable in equal monthly installments and shall be paid from the Highway Funds of the County as other expenses and salaries of said Highway Department are paid.

COMPILER'S NOTE: The compensation of the County Road Superintendent (chief administrative officer of the county highway department) is determined in accordance with T.C.A. § 8-24-102.

SECTION 4. That said County Road Superintendent before entering upon the discharge of his duties shall take and subscribe to an oath before the County Court Clerk that he will faithfully perform the duties of his office and he shall also enter into a good and sufficient corporate bond in the sum of Twenty-Five Thousand (\$25,000.00) Dollars conditioned upon the faithful accounting of all money and property coming into his hands and for the faithful performance of the duties and obligations of said County Road Superintendent, premiums for such bond to be paid by the County out of the Highway Funds.

COMPILER'S NOTE: T.C.A. § 54-7-108 provides the current bond amount for the County Road Superintendent.

SECTION 5. That said County Road Superintendent shall purchase and/or rent all necessary machinery, tools, and materials for the efficient operation of said road system of Blount County, Tennessee and shall have the general charge of all location, construction, repairing and upkeep of all roads, highways and bridges in said County, provided, however, in the purchase and rental of materials or machinery for said road system before he is authorized to make purchases in excess of Five Hundred (\$500.00) Dollars, he shall first obtain the consent or approval of the Budget and Finance Committee of said County for such rental or purchases and in the rental or purchase of all such materials involving more than Five Hundred (\$500.00) Dollars, such purchases shall be made upon competitive bids received therefor, which requirement as to competitive bids shall also include gas, oil and tractor fuel, provided, however, in the event there is created the office of a General County Purchasing Agent for Blount County, the duties and responsibilities of purchasing and rental of materials for said County Road System shall automatically be transferred to and be assumed by County Purchasing Agent, as provided by the Act creating said County Purchasing Agent.

COMPILER'S NOTE: This section may have been superseded by general law. See Tennessee Code Annotated § 54-7-113.

SECTION 6. That said County Road Superintendent shall submit to the Budget Committee of Blount County his yearly detailed and itemized budget which shall contain all of the expected receipts for said Road Department and all of the anticipated expenditures and which budget shall be approved by said Budget Committee and also by the Quarterly County Court of Blount County and when so approved shall be strictly adhered to and there shall not be transferred one budget item to another without the prior approval of said Budget Committee.

SECTION 7. That the number and compensation of all personnel of said Road Department shall be approved by the Budget Committee of the County and before said personnel shall be raised either in number or in compensation, such shall be approved by the said Budget Committee of the Quarterly County Court.

SECTION 8. That said County Road Superintendent shall keep or cause to be kept adequate book and books of account and inventories showing the machinery and tools on hand and showing all of the receipts and disbursements of said Road Department and shall make a full and detailed accounting to each term of the Quarterly County Court of said County, and that the books of said Department shall be audited annually in the same manner as the books of other offices in said County are audited.

SECTION 9. That all Municipal Corporations in said County shall have charge and control of the roads, highways and streets within the borders thereof unless excluded by their respective Charters, provided, however, said County Road Superintendent shall have power and authority to cooperate with the respective Municipal authorities relative to the joint laying out, construction and maintaining of any road or highway intersecting with or leaving from said Municipal Corporation or of any bridges or viaducts on said roads and streets.

SECTION 10. That there is hereby created a General Highway Fund for said County, which fund shall be made up of all Highway Funds or moneys which come into the hands of the County from whatsoever source and all moneys received by the County for said road purposes shall be deposited with the County Trustee and be placed in said Highway Fund; that said County Road Superintendent shall have authority and be empowered to expend all of said money as and where he deems proper and expedient for the best interest of said County, subject alone to the restrictions imposed by this Act; that said fund shall be paid out by the County Trustee on orders drawn by the County Road Superintendent, but shall be countersigned by the County Judge.

SECTION 11. That said County Road Superintendent shall conduct open meetings on the 1st and 3rd Mondays of each month, at which citizens of the County shall be heard and he shall keep or cause to be kept proper minutes of such meetings.

SECTION 12. That said County Road Superintendent shall not lend himself, his office or any of his employees or any County owned equipment, materials or supplies nor shall he use the same for the purpose of working upon, repairing, maintaining or constructing any road, roadway or driveway upon any privately owned property, provided, however, this restriction shall not be construed as prohibiting the renting of such equipment to incorporated towns and cities in said County.

SECTION 13. That the Superintendent of the workhouse in said County shall be the Sheriff of the County, who shall serve ex officio and without additional compensation and shall turn over and deliver to said County Road Superintendent the custody and control of all of the workhouse prisoners that have been or may hereafter be committed to the workhouse, whenever the said County Road Superintendent shall demand the same, for the purpose of working said prisoners on the roads of the County; but nothing in this Act shall be construed so as to release the Sheriff or Jailer of any responsibility for such prisoners which may be now or hereafter imposed by law. And it shall be the duty of the County Road Superintendent to work all of the prisoners committed to the workhouse upon the roads of said County, excepting such prisoners as are physically unfit for hard labor, and excepting female prisoners; but prisoners shall not be required to work during periods rendered unsuitable and unfit by weather conditions.

SECTION 14. That all applications to open, change, close or restore to the public use any and all roads or highways shall be made by regular petition signed by at least one of the citizens affected thereby and filed with the said County Road Superintendent, which petition shall state the district or districts in which the road is located and giving complete description of the present road and the proposed changes and the names of the landowners to be affected and within ten (10) days after the filing of said application or petition, the said Superintendent shall notify by written notice the person first named on the petition and the land owners affected by the proposed change of the date on which said Superintendent will be present at the place designated as the beginning point in said petition, to act on said application, which notice shall be served at least five (5) days before the date set for the acting on said petition. If any land owner affected by the proposed change is a non-resident of the County, ten (10) days written notice shall be served on him and if any land owner affected thereby is a non-resident of the State or if his place of residence is unknown, publication shall be made for four (4) consecutive weeks in a newspaper published in the County, of the time and place of the acting upon said petition.

Upon giving the required notice as above, the said Superintendent shall attend at the appointed time and place and shall act upon the application and if he decides the proposed change is for the best interest of the County, he shall assess whatever damages there may be if any against the County and report in writing his action thereon to the Judge of the County Court and with said report shall file with the Clerk of the County Court, the original petition and copies of all notices to land owners. The Judge of the County Court shall consider the report and facts connected with the matter and prepare such order or orders as he may deem for the welfare and best interest of the County. Any party affected may within ten (10) days from the date of the entry of the decision or judgment of the Judge of the County Court, appeal such finding or judgment to the next term of the Circuit Court upon execution or proper appeal bond.

SECTION 15. That the Quarterly County Court for said County shall have power to levy and collect taxes on all taxable property in said County for the building and maintaining of highways and roads and the money so collected shall go into and become part of the General Highway Fund as above defined.

SECTION 16. That the Trustee of said County shall pay over to the Treasurer of any City in said Counties, constructing and maintaining its road, highways and streets, the amount of said funds received from the tax hereinbefore authorized, which shall bear the same ratio to the entire amount collected from said tax as the population of said city or cities bears to the entire population of the Counties. Provided, however, that said funds paid over to said Treasurer of said Cities shall be kept separate from all other funds and be used for the purposes herein provided for said County Funds to be used.

SECTION 17. That the County Road Superintendent shall not contract with himself in any manner, either directly or indirectly, for any material or labor or in any manner pertaining to the construction, maintenance and repair of bridges and roads, nor with anyone related to him by affinity or consanguinity within the third degree according to the civil law.

SECTION 18. That the County Road Superintendent shall expend for the use of the County for road purposes all funds coming into his hands, including the gasoline tax received by the County from the State.

SECTION 19. That said County Road Superintendent shall be subject to removal from office upon the grounds and by the procedure set out in Section 8-2701 through 8-2726 of Tennessee Code Annotated.

SECTION 20. That all sections of this Act and parts thereof are declared to be independent sections, or parts of sections, and the holding of any section or part thereof to be unconstitutional or void shall not affect any other section or provision of this Act.

SECTION 21. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 22. That this Act shall be submitted to the County Court for Blount County, Tennessee, at their next regular session or regularly called session for their approval and if approved by two-thirds vote of the County Court, this Act shall take effect from and after such approval, the public welfare requiring it; that if less than two-thirds of the County Court for Blount County, Tennessee, vote in favor of such approval, this Act shall not take effect.

SECTION 23. That the County Court Clerk of Blount County shall certify the result of the action taken by the County Court as herein provided to the Secretary of State for the State of Tennessee within five (5) days after the time the County Court for said County takes action on this Act as provided herein.

Passed: March 16, 1959.

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