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Private Acts of 1986 Chapter 148

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 1986 Chapter 148

SECTION 1. There is hereby created and established a County Highway Commission for Carroll County. The Commission shall be composed of two (2) members who shall be called Road Supervisors, together with the County Mayor who shall, in his official capacity as the financial agent of Carroll County, serve as chairman of the County Highway Commission and preside over the meetings of the Commission. The Road Supervisors shall function as the chief administrative officers of the Highway Department for purposes of the County Uniform Highway Law, codified at Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2. The County Mayor, acting as chairman of the Commission, shall not be entitled or empowered to cast a vote in the deliberations of the Commission except for the purpose of breaking a tie vote. The chairman shall have the authority to call special meetings.

For the purpose of this Act, Carroll County shall be divided into two (2) Road Districts, based upon voting precincts in the County of Carroll, as follows:

ROAD DISTRICT No. 1 shall be composed of the following voting precincts:

- 1 Lavinia
- 2 Trezevant
- 5 Cedar Grove
- 6 Clarksburg
- 11 Buena Vista
- 16 Atwood
- 19 Concord
- 20 Westport

ROAD DISTRICT No. 2 shall be composed of the following voting precincts:

- 4 McLemoresville
- 7 Macedonia
- 8 Civic Center
- 9 Huntingdon City Hall
- 12 Bruceton
- 13 Hollow Rock
- 14 Vale
- 17 McKenzie Senior Citizens
- 18 Cannon
- 21 Bethel
- 22 McKenzie City Hall

In order to qualify for the office of Road Supervisor, who shall also function as chief administrative officer in either of the above road districts, a person shall:

- (1) Be a graduate of an accredited school of engineering, with at least two (2) years of experience in highway construction or maintenance;
- (2) Be licensed to practice engineering in Tennessee; or
- (3) Have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to subdivision (a)(1) or (a)(2), as evidenced by affidavits filed with the Tennessee Highway Officials Certification Board ("Board").

In no event shall the Road Supervisor have less than a high school education or a general equivalency diploma ("GED").

Incumbent Road Supervisors in office on December 31, 2012, who have met the qualifications for the office of Road Supervisor applicable to them in effect at the time of their last election shall be able to succeed themselves in office without meeting the qualifications set forth in this section for as long as such incumbents continuously hold office. If such incumbent leaves office for any reason and then subsequently is elected or appointed to the office of Road Supervisor, such incumbent shall then be subject to the qualifications set forth in this section.

Satisfactory evidence of graduation from an accredited school of engineering shall be in the form of a diploma, transcript or other official documentation. Evidence of a candidate's engineering licensure shall only be deemed to be satisfied if the candidate can provide the Board with a copy of the candidate's engineering license, including the candidate's license number. Any provision in this section requiring a Road Supervisor to have a high school diploma or GED shall only be deemed to be satisfied if the candidate can demonstrate that the candidate has obtained a high school diploma or its equivalent in

educational training as recognized by the state board of education by providing the Board with the candidate's diploma, GED certificate or other official documentation.

Carroll County shall send a copy of this Act to the Board, which Board has and shall exercise the power to review the qualifications of all candidates for elected positions as chief administrative officer of the highway department pursuant to Tennessee Code Annotated, Section 54-7-104. Candidates for the office of Road Supervisor where the position is filled by popular election shall file affidavits and other evidence the Board requires with the Board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the applicable qualifications and standards, the Board shall certify to the coordinator of elections that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. The coordinator of elections shall forward the certification to the appropriate county election commission. A certificate of qualification from the Board shall be filed with the candidate's qualifying petition prior to the qualifying deadline. Notwithstanding any law to the contrary, votes for write-in candidates, whether in a primary convention or general election, shall only be counted for an individual who has been certified by the Board prior to the date of the election. Persons wishing to receive a party nomination or to be elected by write-in ballot must file with the Board affidavits and other evidence the Board requires not later than sixty-four (64) days prior to the election.

At the regular general election to be held on the first Thursday in August 2014, and every four (4) years thereafter, the people qualified to vote within a Road District shall elect from qualified candidates who reside in that Road District, a Road Supervisor to serve a term of four (4) years or until a successor has been elected and qualified. The persons who presently serve as Highway Commissioners shall serve as such until September 1, 2014 or until the Road Supervisors to be elected in the general election on the first Thursday in August of 2014 have been elected and qualified. No person shall be eligible to be elected as a Road Supervisor of a Road District unless he is a resident of such Road District. No member of the County Legislative Body shall be eligible to be elected as a Road Supervisor. Candidates for Road Supervisor shall be nominated in the same manner as candidates for other county offices.

Road Supervisors are expressly prohibited from being interested, either directly or indirectly, financially or otherwise, in the letting or acceptance of any contract, the sale of any material, or in the purchase of any tools, machinery, equipment, supplies, or appliances of any kind by the County Highway Commission and are subject to the prohibitions and penalties set forth in Tennessee Code Annotated, Section 54-7-203. If a Road Supervisor violates these prohibitions against conflict of interest, he shall be removed from office by the County Legislative Body in the manner required by the ouster provisions codified at Tennessee Code Annotated, Title 8, Chapter 47.

If a Road Supervisor ceases to be a resident of the Road District for which he is elected, moves out of the County, vacates his office for any other reason, or becomes disqualified to serve, the County Legislative Body shall declare his office to be vacant and shall elect in its first meeting, after such vacancy occurs, a Road Supervisor to fill the office until the expiration of the term.

As amended by: Private Acts of 2013, Chapter 2

SECTION 2. Each Road Supervisor shall be responsible for the building, maintenance, and repair of that part of the road system in his Road District, except that it shall not be his duty or responsibility to maintain or repair any roads or road systems which are classified as state or federal roads.

Each Road Supervisor shall supervise the actual work and labor upon the roads, bridges, and levees within his District.

Each Road Supervisor shall, within his District, exercise complete power and authority to employ or discharge all employees or laborers as may be deemed necessary by him for the building, maintenance, and repair of all roads, bridges, culverts, and levees.

The Road Supervisors shall check the time clock each day to make certain that all employees are at work. The Road Supervisors shall authorize a secretary to perform this duty in an efficient manner. The secretary shall maintain a complete record of such information for each Road Supervisor in permanent record books or ledgers which are suitable for this purpose.

Under no circumstances shall any Road Supervisor under the provisions of this Act enter into any contract or agreement of contract for the purchase of any equipment, machinery, supplies, repairs, or any other item of purchase of any character or kind, but all purchases which may be required within his district shall be submitted in proper form on requisition and purchase order to the Chairman of the Highway Commission.

The Road Supervisors shall be held accountable to the Carroll County Legislative Body for the efficient and faithful performance of their duties.

Each member of the County Highway Commission shall, before entering upon his duties, take and subscribe to a suitable oath for the faithful performance of his duties, and each shall execute a good and solvent bond upon assuming the duties of his office, which bond shall be in the penal amount of five

thousand dollars (\$5,000), conditioned upon the faithful discharge of his responsibilities and made payable to the State of Tennessee for the use and benefit of Carroll County, Tennessee.

As full pay and compensation for their services, the members of the County Highway Commission shall be paid an amount per year as set forth in the annual budget by the Carroll County Legislative Body, which shall be paid by warrant drawn against the General Road Fund of Carroll County.

It shall be the duty of the Road Supervisor to prepare and submit to the County Legislative Body, and to the Department of Transportation, an annual work program to be financed under the state aid assistance program.

As amended by: Private Acts of 2013, Chapter 2

SECTION 3. The Highway Commission may enter into any contract for the construction, maintenance or improvement of any road or bridge, or any other kind of road work, and it shall be the Commission's duty to see that all contracts are properly carried out. In letting contracts for any and all kinds of road work, the Commission shall take due precaution to see that the interest of the County is preserved. It shall take bond of any contractor. All machinery, tools, supplies, and equipment of any nature shall be bought according to the Purchasing Law of Carroll County. All bids requiring competitive bids shall be sealed and submitted to the County Highway Commission at its office, and they shall be opened and announced by the Commission in the presence of a majority of its members at the hour and date stated in the advertisement. Any citizen shall be entitled to be present at the opening of such bids and to inspect them. All such purchases shall be awarded to the lowest bidder or bidders where such bidder offers materials of suitable quality and quantity. If the bids so submitted are deemed excessive or otherwise unsatisfactory, the Commission shall have authority to reject all bids and advertise again in the same manner for new bids. Any purchases made without compliance with the Purchasing Law of Carroll County shall be illegal, void and unenforceable, except in genuine cases of emergency where it is necessary to purchase materials or parts speedily to avoid great inconvenience to the public. The Commission shall also have authority to enter into any contract or agreement with the Department of Transportation of the State of Tennessee for the construction of any County road and may enter into contract or agreement with the United States Department of Transportation. It shall be the Commission's duty to cooperate with and encourage the expenditure of any state and federal road funds in Carroll County and it may appropriate any funds at its disposal for any kind of road work in Carroll County to be expended under the direction of the Federal or the State Departments of Transportation. Any Road Supervisor who violates any provision of the Purchasing Law of Carroll County shall be guilty of a misdemeanor and punishable under the criminal laws of the State and shall be subject to ouster from office under the ouster laws of this State.

SECTION 4. The members of the Carroll County Legislative Body are expressly authorized and empowered to set forth the hourly wages of the employees of the Carroll County Highway Department in the annual Highway Department budget for each fiscal year.

SECTION 5. The members of the Highway Commission shall keep a time book and a daily card checking system upon which the name of each employee of the Highway Commission shall appear together with his hourly wage, the kind of work done, where such labor was performed, and the number of hours of labor actually performed per pay period. The Road Supervisors shall report this detailed information each pay period to the Chairman of the Highway Commission who shall approve the report if it is correct and shall cause checks or vouchers to be issued out of the General Road Fund of Carroll County in payment for the work done and shall cause proper entries to be made in the permanent books of the Highway Commission.

For the purpose of this Act, a working day is defined to be eight (8) working hours.

SECTION 6. The County Highway Commission and the Highway Committee may lay out and classify all public roads of Carroll County, divide the roads into sections or divisions as may be necessary and proper for their efficient construction and maintenance, and make or have made a map or maps of all roads, highways, bridges, culverts and levees within the Carroll County Road System, all of which shall be preserved and kept in well-bound permanent record books which are suitable for this purpose.

The Carroll County Highway Commission and Highway Committee shall have the right to open, close, change, restore, or widen any of the public roads of the County and to procure rights-of-way for such roads, either by purchase, gift, or condemnation. In the event that any right-of-way shall be procured by purchase or gift, deed shall be taken to such right-of-way in the name of Carroll County, and the deed shall be duly recorded. If a right-of-way is not secured by purchase or gift, the County Highway Commission shall vote to condemn such right-of-way, and the County shall proceed with condemnation proceedings in the form and manner now laid down in the general laws of the State of Tennessee which govern such matters.

SECTION 7. Any and all monies, taxes, fees, or other revenues from whatever source belonging to the road or highway funds of Carroll County, together with Carroll County's apportionment of the gasoline tax from the State of Tennessee, shall be paid into the hands of the Trustee of Carroll County who shall

account for such funds and deposit them in an account kept separate and apart from all other funds, to be known and designated as the General Road Fund of Carroll County.

The County Trustee shall under no circumstances at any time honor any drafts, checks, or vouchers, or expend or permit to be expended any of the funds deposited in the General Road Fund unless such expenditure is properly authenticated and authorized upon an order or warrant signed by the County Executive setting out the amount of the expenditure both in words and figures. The County Trustee shall be permitted the same compensation as he is now allowed by law for the handling, receiving and expending of funds of the General Road Fund.

The County Trustee shall, before payment of funds from the General Road Fund of Carroll County, first make certain that each warrant to be paid out of the General Road Fund has been plainly marked with the words "Road Warrant".

The County Highway Commission is hereby expressly authorized and empowered to employ a secretary and bookkeeper. The secretary and bookkeeper shall be paid a salary as set forth by the Carroll County Legislative Body in the annual Highway Department Budget each fiscal year.

Not more than fifty-five percent (55%), nor less than forty percent (40%) of the County Highway Revenues received from the gasoline tax fund can be spent in any one of the two road districts in any fiscal year. Nothing in this section, shall be construed to include funds that may be received from the Federal Government as its participation in any highway project, nor from the State of Tennessee under the State Aid System or from such other funds that may be furnished the County Highway Commission by the State of Tennessee as a participation in the road system in Carroll County which will come from funds other than the gasoline tax.

As amended by: Private Acts of 2013, Chapter 2

It shall be the duty of the County Legislative Body of Carroll County to investigate thoroughly and efficiently the County Highway Commission's receipts and disbursements at least once a year and at the end of a Road Supervisor's term of office. The County Legislative Body shall appoint a committee to make this investigation and to report its findings to the County Legislative Body. The expense of any such audit shall be borne out of County Highway Funds.

SECTION 8. It shall be the further duty of the County Highway Commission to meet in open and public session at the Courthouse in Huntingdon on the second Monday in each month for the necessary and proper discussion and solution of whatever problems and questions as may arise in the conduct of the affairs of the County Highway Commission.

SECTION 9. Each Road Supervisor shall, not less than seven (7) days before the first day of each month, make out a full, complete and detailed account of all monies owed by the Highway Commission to the employees under his supervision and control and for all materials and supplies of whatever character and kind. He shall file the report with the Chairman of the Highway Commission.

SECTION 10. The Secretary of the County Highway Department shall before each monthly regular meeting of the Carroll County Legislative Body, make out a simple itemized statement of the amount of work done, the road district in which such work was done, the amount of money spent for each item, such as gas, oil, labor, materials and salaries, and any and all other expenditures, all of which shall be sworn to by the members of the Highway Commission and filed with the County Clerk.

SECTION 11. Chapter 584 of the Public Acts of 1951 as amended by Chapter 323 of the Private Acts of 1957, Chapter 315 of the Private Acts of 1967, Chapter 186 of the Private Acts of 1969, Chapter 258 of the Private Acts of 1972, Chapter 322 of the Private Acts 1974, Chapter 175 of the Private Acts of 1975, Chapter 15 of the Private Acts of 1977, Chapter 309 of the Private Acts of 1978, Chapter 33 of the Private Acts of 1979, Chapter 199 of the Private Acts of 1980, Chapter 42 of the Private Acts of 1981, Chapter 83 of the Private Acts of 1983, Chapter 199 of the Private Acts of 1984, and all other acts amendatory thereto is repealed.

SECTION 12. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carroll County.

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 13. 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 12.

Passed: March 31, 1986.

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