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# Chapter I - Administration

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Chapter I - Administration

## Ashland City Port Authority

### Private Acts of 1977 Chapter 70

**SECTION 1.** That in order to facilitate transportation in the County of Cheatham and Town of Ashland City in the State of Tennessee, and to promote navigation on the Cumberland River, which traverses portions of the said county; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said county; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said county, there is hereby established in Cheatham County and Town of Ashland City, Tennessee, a Port Authority, to be known as "The Ashland City Port Authority", "The Cumberland River Port Authority" or "The Ashland City Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating, and maintaining ports and navigation terminals on the Cumberland River and its tributaries, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities: (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Cumberland River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Ashland City Port Authority as hereinafter provided.

**SECTION 2.** That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The Powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

**SECTION 3.** That the Ashland City Port Authority shall consist of the Ashland City Port Authority Commissioners, who shall be five in number, and such subordinate officers and employees as may be selected by said Ashland City Port Authority Commissioners, as hereinafter provided.

**SECTION 4.** That the said Ashland City Port Authority Commissioners shall have power, and they are hereby authorized:

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of Cheatham County and Town of Ashland City, Tennessee (except not within the present corporate limits of Ashland City without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purpose of this act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said county which, in the judgment of the Port Authority Commissioner, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Cumberland River and the navigable channel provided by the Cheatham Dam Reservoir.

(e) To make contracts and execute instruments containing such covenants, terms and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages, and deeds

of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purpose of this act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

**SECTION 5.** That, except as otherwise expressly provided in this act, the Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction for operation by private persons or corporations, as provided in Section 4(e) of this act.

**SECTION 6.** That the Port Authority is hereby authorized and empowered to condemn in the name of the Ashland City Port Authority, any land, easements, or rights-of-ways in Cheatham County that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this act. Title to property so condemned shall be taken by and in the name of the Ashland City Port Authority, and the property shall thereafter be entrusted to said Authority, to accomplish the purposes of this act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive of the Tennessee Code Annotated, or as the same may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the Port Authority taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

**SECTION 7.** That bonds issued pursuant to this act, and income therefrom, shall be exempt from all state, county, municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this act, remains in the County of Cheatham, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

**SECTION 8.** That Cheatham County, The Ashland City Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this act.

**SECTION 9.** That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the Port Authority with respect to the management and control of the facilities authorized by this act, including the establishment of rates, fees, and charges or otherwise.

**SECTION 10.** That the Board of Commissioners of the Port Authority shall consist of five members. Two of the initial members of the Board of Commissioners of the Port Authority shall be appointed by the Judge of the County Court and approved by a majority vote of the members of the County Court of Cheatham County. An additional two members of the initial Board of Commissioners shall be appointed by the Mayor of Ashland City and approved by a majority vote of the Town of Ashland City, Board of Aldermen. These initial four members shall meet within thirty days of their appointment and shall choose a fifth member of the initial Board of Commissioners by a majority vote. The terms of office shall be as follows:

(a) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire one year from the date of their appointment.

(b) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire two years from the date of their appointment.

(c) The member selected by the initial four appointed members of the Board of Commissioners shall serve a term to expire three years from the date of his appointment.

The successors in office, for each of the respective five initial members of the Board of Commissioners of the Port Authority whose full terms of office have expired shall be appointed in the same manner as described above, but for regular terms of office of three years each thereafter.

In the event of failure to elect a successor to any member of said board the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the remaining members of the Board of Commissioners within thirty days of the event.

Any person at least twenty-five years of age who has resided within the boundaries of the county, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Court of Cheatham County and elected officials of the Town of Ashland City shall not be eligible to serve as members of said Board of Commissioners. Any commissioner who ceases to regularly reside within the boundaries of the county shall automatically become ineligible to serve in said office. All Commissioners shall be eligible for reelection, provided they are qualified as herein required.

Before entering upon their duties, all commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of said oath of each commissioner shall be filed with the clerk of the County Court of Cheatham County.

A majority of the commissioners shall constitute a quorum and the commissioners shall set by vote of a majority present at any meeting attended by a quorum, and vacancies among the commissioners shall not affect their power and authority, so long as quorum remains. Within thirty days after their election as herein provided, the commissioners shall hold a meeting to elect a chairman. The commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution shall require the Treasurer or Secretary-Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as may be appropriated by the County Court of Cheatham County and the Town of Ashland City, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Court of Cheatham County and/or for the Town of Ashland City.

**SECTION 11.** That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

**SECTION 12.** That the Port Authority Commissioners shall be authorized to employ and fix the

compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of The Port Authority, and the operation of the facilities provided for in this act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

**SECTION 13.** That the County Court of Cheatham County and/or the Town of Ashland City are authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this act, and said County Court and/or Town of Ashland City are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

**SECTION 14.** That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the Office of the Treasurer.

**SECTION 15.** That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

- (1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.
- (2) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes as may be required under any bond indenture or as the Port Authority Commissioners may deem necessary or desirable.
- (3) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this act. None of such revenue shall go into the general funds of the said county, except as may be directed by the Port Authority Commissioners.

**SECTION 16.** That except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than five hundred dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than one thousand dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or
- (2) Repair parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among businessmen.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may

employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this act with its own employees.

**SECTION 17.** That the Port Authority may use any property, right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, or the Federal government, provided such governmental agency shall consent to such use.

**SECTION 18.** That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the County of Cheatham and/or the Town of Ashland City sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority.

**SECTION 19.** That the powers, authority and rights conferred by this act shall be in addition and supplemental to, and the limitations imposed by this act shall not affect the powers conferred by any other general, special, or local law.

**SECTION 20.** That if any clause, sentence, paragraph, section or any part of this act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this act, it being hereby declared to be the legislative intent to have passed the remainder of this act, notwithstanding the part held to be invalid, if any.

**SECTION 21.** That this act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Cumberland River and its tributaries, the navigable Channel of the Cheatham Dam Reservoir, facilitating the movement and transfer of goods and merchandise to, from, and through the County of Cheatham, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said county.

**SECTION 22.** That this act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Cheatham County and by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Ashland City. Its approval or nonapproval shall be proclaimed and countersigned by the Clerk of the Quarterly County Court of Cheatham County and the Recorder for the Town of Ashland City, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

**SECTION 23.** That for the purpose of approving or rejecting this act as provided in Section 22, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 22.

Passed: April 27, 1977.

## Building Code

### Private Acts of 1971 Chapter 71

**SECTION 1.** Definitions. As used in this Act, the following terms shall have the meanings indicated:

(a) "Governing body." The Quarterly County Court, Board of Commissioners, County Council, or other body in which the general legislative powers of a county are vested.

(b) "Code." Any published compilation of rules which have been prepared by technical trade associations or model code organizations, including but not limited to the regulation of housing and other building construction, electrical wiring and plumbing and gas installations.

**SECTION 2.** Adoption and Amendment of Code Reference. The governing body of any County having a population of not less than 13,000 nor more than 13,500, according to the United States Census of population of 1970 or any subsequent United States Census of population, may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and sources, without setting forth the provisions of such code in full. At least three copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to or complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of ninety (90) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion or amendment by reference shall be effective until published in a newspaper having a general circulation in the county.

**SECTION 3.** Administration. The adopting resolution may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials administering zoning and planning regulations of the county.

**SECTION 4.** Enforcement. The County Attorney of any official vested with the powers of enforcing the provisions of any code incorporated by reference, may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provisions of such code.

**SECTION 5.** Penalties. The authority of this act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm or corporation or agent shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars (\$50.00).

**SECTION 6.** Applicability. The provisions of this act shall apply only to the unincorporated area of a county adopting such a code resolution and to those incorporated cities and towns within the county which do not elect, now or hereafter, to adopt their own codes regulating the same subject areas.

**SECTION 7.** Severability. 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 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply within sixty (60) days after its passage and approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove, and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving this Act as provided in Section 8, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the act shall be effective only upon being approved as provided in Section 8.

Passed: April 14, 1971.

## Building Permits

### Private Acts of 1971 Chapter 73

**SECTION 1.** Any person or persons desiring to erect or have erected, constructed, or reconstructed, any building or structure in Cheatham County, where the value of such alteration will exceed the sum of one thousand dollars (\$1,000.00), shall first apply to the Assessor of Property for a building permit for such erection, construction, reconstruction, or alteration. The application shall be in a form to be prescribed by the Assessor of Property and shall contain the following information: (1) whether the proposed work is to be new construction or the alteration of an existing structure; (2) the location or address of the proposed construction or alteration; (3) the identity of the owner or owners of the premises; (4) the cost of the completed structure of the case of new construction, or in the case of the alteration of an existing structure, the value of such structure before and after such alteration; and (5) such other information as the Assessor of Property shall prescribe.

Upon proper application, duly filed, the County Assessor of Property shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records. The Assessor of Property may charge a fee of two dollars (\$2.00) for the issuance of such permit, if the County Court so directs. Money so collected shall be paid into the General Fund of Cheatham County by the Assessor of Property.

No new or additional property tax shall be assessed against such premises unless and until the same are completed or at least completed to the extent that they are habitable or may be put to use. However, in the case of the alteration of an existing structure not therefore on the tax books of the County, or against



which no property tax has been assessed, the Assessor of Property is not precluded from assessing such structure at its value before such alteration is completed and subsequently increasing the assessment upon completion of such alteration, so as to include the value thereof.

**SECTION 2.** This Act shall not apply to the erection, construction, reconstruction or alteration of buildings, or other structures in cities requiring permits for the same, providing that copies of such permits are made available to the office of the Assessor of Property.

**SECTION 3.** Violation of the provisions of this Act shall be punishable, upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds vote of the Quarterly County Court of Cheatham County on or before the next regular meeting of such 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 5.** For the purpose of being approved as provided in Section 4, this Act shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 4.

Passed: April 14, 1971.

**COMPILER'S NOTE:** This act can also be found in Chapter 10 of this volume, under Taxation, Assessor of Property.

## Purchasing Commission

### Private Acts of 1933 Chapter 250

**SECTION 1.** That a Purchasing Commission be, and the same is, hereby created for all counties in this State having a population of not less than 9,020 and not more than 9,030, according to the Federal Census of 1930, or any subsequent Federal Census. Said Purchasing Commission shall be composed of three persons; one member of which shall be the County Judge, or the Chairman of the County Court of said county; one member of which shall be the Director of Accounts and Budgets of said county, who shall be the secretary of said Commission; and the third member of which shall be a qualified citizen of said county, who is a free-holder, who has been a bona fide resident of said county for at least three years prior to his election, and who holds no other public office or position.

As amended by: Private Acts of 1972, Chapter 317  
Private Acts of 1975, Chapter 15

**SECTION 2.** That T. J. Stump is hereby named and appointed as the third member of said Commission, and he shall serve until the first Monday in January, 1934, when his successor shall be elected by the Quarterly County Court of said county, and such successor shall serve for a term of one year, and until his successor shall be elected and qualified. Said third member of said Commission shall be elected by the Quarterly County Court of said county at its January Term each year, for a term of one year.

**SECTION 3.** That the duties of said Purchasing Committee shall be to buy all supplies, materials, and equipment, required for the proper support and maintenance of any and all departments, institutions and agencies, supported by, or under control of, said county, and to arrange for the purchase or rental of any and all real estate, machinery, and all other supplies where said purchases or rents are to be paid out of any funds belonging to, or under the control of, said county, or any department, institution or agency thereof. Said Commission shall make such purchases by competitive bids under such manner as they may deem best for any bids that they may deem proper for the best interest of the county.

**SECTION 4.** That said Purchasing Commission may require such security as it may deem proper to accompany the bid or bids, and shall fix security to be given by the bidder, when bids are required. The Commission may reject any and all bids and secure new bids, if for any reason it is deemed for the best interest of the county to do so; and it shall have the power and authority to purchase goods or any other supplies, or to arrange for any rentals deemed necessary, without first advertising for bids on same, when such action is deemed necessary by the Commission.

**SECTION 5.** That said Purchasing Commission shall meet within thirty days after the passage of this Act and shall organize by the election of one of their number as chairman, and make a survey of the needs of the various departments, institutions and agencies of the county. Said Commission shall have the power to meet as often as its members deem necessary and advisable, and the duties of their office require. They shall also have the power to prescribe rules and regulations for their own government.

**SECTION 6.** That the Purchasing Commission shall keep a complete record of all purchases. All of said

records will be kept in the files and accounting records which shall remain in the office of the County Judge.

As amended by: Private Acts of 1972, Chapter 317,  
Private Acts of 1975, Chapter 15.

**SECTION 7.** [Deleted by Private Acts of 1975, Chapter 15]

**SECTION 8.** That the County Judge, or Chairman of the County Court, shall not receive any additional compensation for his services as a member of said Commission; the Director of Accounts and Budgets shall receive as compensation an amount as may be set by the Quarterly County Court for services as Purchasing Agent; the third member thereof shall receive the sum of Fifteen Dollars (\$15.00) per diem for each day's service while actually engaged in performing the work of the Commission. In addition thereto, the actual expenses incurred by the Commission, or any member thereof while acting in conformity with the rules and directions of said Commission, and in the performance of their duties, shall be paid; and all amounts payable under this section shall be paid out of the general county funds of said county, upon the warrant of the County Judge, or the Chairman of the County Court of said county.

As amended by: Private Acts of 1972, Chapter 317  
Private Acts of 1975, Chapter 15

**SECTION 9.** That said Purchasing Commission shall make rules and regulations that shall govern the method and procedure for the purchase, delivery and storage of supplies, materials and equipment, for the various departments, institutions and agencies of the county. Such rules and regulations shall, as far as practicable, be uniform, and they shall be either general or limited in their application. They shall include provisions relating to the following:

1. Standardization of forms for estimates, requisitions, orders, contracts, and stores control.
2. Standardization of specifications for the purchase of supplies, materials and equipment.
3. Standardization of quality, grades and brands, to eliminate all unnecessary classes of commodities, or unnecessary grades or brands of the same commodity.
4. Establishment of definite periods for submitting estimates, and requisitions for various supplies, materials and equipment.
5. Submission of proposal for bids, and the receipt of bids for supplies, materials and equipment, and the stimulation of competition relative thereto.
6. Purchase of supplies, materials, and equipment by long or short term contracts, or by contracts or orders made at certain seasons of the year, or by blanket contracts or orders covering the requirements for such supplies, materials and equipment, of one or more using agencies.
7. Contracts for services other than personal services, such as telegraph and telephone services, and fuel, lights, water, and other office services for the several using agencies.
8. Regulations to secure prompt delivery of all supplies to using agencies.
9. Purchase of supplies, materials and equipment, without competition, in cases of emergency requiring immediate action.
10. Use and disposal of the products of county institutions or other agencies.
11. Disposal of obsolete, excess, and unsuitable supplies, materials, and salvage, or the transfer of same to other using agencies.
12. Storage of surplus supplies, materials and equipment not needed for immediate use.
13. Testing of supplies and materials.
14. Hearings on complaints with regard to the quality, grade or brand of goods.
15. Waiver of rules in special cases.

**SECTION 10.** That hereafter no official or employee of said county shall make any purchase, or contract to purchase, any materials, equipment, or supplies of any kind, except through, or in accordance with the rules and regulation of said Purchasing Commission. And it shall be unlawful for the County Judge, or Chairman of the County Court, or any other official of said county, to issue his warrant upon any fund or funds belonging to said county, or any department, institution or agency thereof, for any purchase or purchases, or for any rents or storage, until a proper requisition for same shall have been filed with said Purchasing Commission, and their written approval thereof obtained.

**SECTION 11.** That said Commission shall procure the necessary books, requisitions and all other supplies necessary to the carrying out of the purpose of this Act; and such books and supplies shall be paid for upon the warrant of the County Judge, or Chairman of the County Court, of such county, in the same manner as all other purchases are paid.

**SECTION 12.** That if any section, paragraph, clause, or phrase, of this Act shall be held invalid or unconstitutional, for any reason by any Court or other authority of competent jurisdiction and power, such action shall not affect the remaining portions of said Act, as the same would have been enacted into law had such invalid or unconstitutional part or parts been stricken out or elided therefrom.

**SECTION 13.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1933.

## Administration - Historical Notes

### **County Legislative Body**

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

1. Private Acts of 1945, Chapter 42, set the meeting dates of the Quarterly County Court on the second Mondays in January, April, July and October. This is now regulated by general law found in Tennessee Code Annotated 5-5-104.
2. Private Acts of 1947, Chapter 266, set the per diem of Cheatham County Justices of the Peace at \$5.00 plus mileage. This was repealed by Private Acts of 1949, Chapter 815.
3. Private Acts of 1949, Chapter 815, set the salary of Justices of the Peace at \$4.00 per day plus mileage for each regular or special session of the Quarterly County Court.
4. Private Acts of 1955, Chapter 308, set the per diem to be paid Justices of the Peace at \$6.00, with no provision for mileage.
5. Private Acts of 1965, Chapter 88, set the salary to be paid Justices of the Peace at \$15 per day, but this act was repealed by the current law, Private Acts of 1974, Chapter 328.
6. Private Acts of 1974, Chapter 328, set the per diem to be paid Justices of Peace at \$25 and mileage at five cents per mile. Justices of the Peace residing within five miles of the courthouse were not entitled to receive mileage compensation.

### **County Mayor**

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

1. Acts of 1867-68, Chapter 30, created the office of county executive for Cheatham County, with the first judge to take office on the first Saturday in March, 1868, for a term of eight years. This act was abolished by Acts of 1869-70 (First Session), Chapter 113.
2. Private Acts of 1943, Chapter 69, was an amendment to the act which created the office of Cheatham County Judge, Private Acts of 1939, Chapter 236. This amendatory act provided a certain amount of money for the travel expenses of the county judge, but it was repealed by Private Acts of 1945, Chapter 46.
3. Private Acts of 1939, Chapter 236, as amended by Private Acts of 1977, Chapter 133, created the office of county judge. J. Fred Murff was named to fill the position until a successor was elected in the regular August election in 1940.

### **General Reference**

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

1. Acts of 1857-58, Chapter 133, attached Cheatham County to the Clarksville Bank District and provided that Cheatham County was entitled to have one director in the branch bank.
2. Acts of 1857-58, Chapter 171, was an act for the relief of Cheatham County, since the creation act did not give the County Court the authority to levy any taxes in 1856. This act provided that the state treasurer was to pay over certain school monies to Cheatham, while Davidson and Robertson Counties were to pay certain other expenses incurred by Cheatham County in its first year of existence.
3. This act, Acts of 1857-58, Chapter 171, also provided that the name of the county seat could, by the majority vote of the county court, be changed to Cheathamville.

4. Acts of 1875, Chapter 56, was an early example of the state trying to provide some sort of public assistance for the poor and needy.
5. Acts of 1887, Chapter 116, made it the duty of the County Surveyors in Cheatham, Montgomery and Dickson Counties to survey the boundaries of those counties which were south of the Cumberland River. This act also required that they make a map from their surveys and deposit it with their County Court Clerk by the first Monday in October, 1887.
6. Private Acts of 1915, Chapter 603, provided that the county court could by resolution contract with banks for the payment of interest on the monthly balances deposited to the credit of the Cheatham County Trustee.
7. Private Acts of 1919, Chapter 173, gave the Cheatham County Court the power to fix the amount of commutation money to be paid by men who were by law required to work the roads in Cheatham County. This sum could be set at an amount not less than \$1 per day nor more than \$2.50 per day.
8. Private Acts of 1971, Chapter 103, attempted to place a midnight to 5:00 A.M. curfew on all minors in Cheatham County, who were not accompanied by a parent, guardian or similar adult charged with responsibility for them. This act never became operative law, since it failed to win local ratification.
9. Private Acts of 1975, Chapter 15, made the same amendments to Private Acts of 1933, Chapter 250, as Private Acts of 1972, Chapter 317, did, except that the per diem rate of pay was increased from \$5 to \$15 for the third member of the Purchasing Commission and the limitation of 20 days in each year was removed. Private Acts of 1972, Chapter 317, was not acted on by local authorities and never really took effect. Hence, it was necessary that the amendments be reenacted.
10. Private Acts of 1980, Chapter 326, amended Private Acts of 1968, Chapter 132, the Ashland City Charter to increase the salary of the Mayor to \$400 per month and of the Council to \$25 per meeting, plus a change was made in Section 16 of the Charter. This Act was approved by the Legislative Body of Ashland City on May 13, 1980.
11. Private Acts of 1981, Chapter 134, approved locally on June 9, 1981, amended Private Acts of 1968, Chapter 132, the Charter of Ashland City, by raising the amount which could be purchased without bid from \$50 to \$100.

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