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Chapter I - Administration

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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Chapter I - Administration

Budget System

Accounting and Budget Director

Private Acts of 2009 Chapter 11

SECTION 1. There is created the position of Accounting and Budget Director for Chester County.

SECTION 2. The budget committee of the county legislative body of Chester County, subject to the approval of the full county legislative body, shall appoint an accounting and budget director. The budget committee of the county legislative body of Chester County, subject to the approval of the full county legislative body, may dismiss an accounting and budget director. Prior to taking action to remove or dismiss the accounting and budget director, thirty (30) days written notice of intent to dismiss or remove the director shall be sent to the entire membership of the county legislative body.

SECTION 3. The accounting and budget director shall be qualified by training and experience in the field of accounting to perform the duties of the position in a proficient manner and in accordance with generally recognized governmental accounting principles. These duties include but are not necessarily limited to implementing the financial policies of the county legislative body and budget committee, installing and maintaining a purchasing, payroll, budgeting, accounting and cash financial management system for the county. In addition, the director shall assist other county officials and employees in achieving an efficient financial management system for the county.

SECTION 4. The budget committee shall establish the compensation of the accounting and budget director. The budget committee shall include such compensation in its annual budget recommendation to the full county legislative body.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Chester County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 6. 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 as provided in Section 5.

Passed: April 23, 2009.

Budget Committee

Private Acts of 1983 Chapter 75

SECTION 1: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 2: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 3: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 4: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 5: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 6: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 7: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 8: [Repealed by Private Acts of 2002, Chapter 124].

SECTION 9. Chapter 124 of the Private Acts of 1941, is repealed.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of county commissioners of Chester County before September 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the Chester County Commission and certified by him to the Secretary of State.

SECTION 11. 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 10.

Passed: March 30, 1983.

County Attorney

Private Acts of 1967-68 Chapter 353

SECTION 1. At the end of the term of the county attorney holding such office upon the effective date of this act or in the event of a vacancy in the office of county attorney, whichever occurs first, the office of county attorney in Chester County is abolished. Thereafter, the county attorney shall be an employee of Chester County who shall be appointed by the county executive. Each such appointment shall be subject to confirmation by the county legislative body. The county attorney shall receive a salary, to be set annually by resolution of the county legislative body acting prior to the adoption of the county's annual budget.

SECTION 2. The county attorney must be a licensed attorney in the State of Tennessee and must be admitted to practice before the Supreme Court of Tennessee.

SECTION 3. It shall be the duty of the county attorney to transact all legal business of the county; to advise the county executive, county legislative body and other county officers of Chester County respecting their official duties and legal matters affecting their offices; and to prepare appropriate resolutions, when requested, for adoption by the county legislative body.

SECTION 4. The county attorney shall represent Chester County in litigation unless prevented from doing so because of a conflict of interest or other valid reason; however, the county attorney's annual salary shall not constitute compensation for representing the county in such litigation. In addition to the annual salary, the county attorney shall be entitled to compensation for litigation and other special services not noted above as part of the regular duties of the county attorney at an hourly rate established by resolution of the county legislative body together with reasonable expenses. If the county attorney cannot represent Chester County because of a conflict of interest or other valid reason, or if due to the complexity or volume of county litigation, one (1) or more additional attorneys are required, then the county executive is empowered to retain such additional attorney or attorneys as needed, subject to any funds necessary for this purpose being appropriated by the county legislative body. The county attorney may serve as delinquent tax attorney only if appointed to such position in accordance with the general law.

SECTION 5. The county attorney may engage in the private practice of law so long as his or her duties as county attorney are not impaired by such practice.

As amended by: Private Acts of 2002, Chapter 123

SECTION 6. This Act shall have no effect unless the same shall have been approved by two thirds (2/3) vote of the Quarterly County Court of Chester County on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court to be certified by him to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this Act, as provided in Section six (6), it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section six (6).

Passed: March 11, 1968.

Obion and Forked Deer River

Flood Control and Drainage Improvements

Public Acts of 1959 Chapter 129

WHEREAS, Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, authorized the construction of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries in Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison Counties, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session; and

WHEREAS, The construction of such flood control and drainage improvements at federal expense cannot

be undertaken by the Corps of Engineers, United States Army, until a responsible sponsoring agency furnished the United States of America written assurances that it will perform the local cooperation required by law:

SECTION 1. That, in consideration of the construction at federal expense by the Corps of Engineers, United States Army, of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries, in the Counties of Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session, as authorized by Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, the State of Tennessee, through its Obion-Forked Deer Basin Authority, be authorized and empowered to defray the cost of the alteration of existing highway bridges in Dyer and Lauderdale Counties required by such improvements, to acquire and furnish without cost to the United States of America all lands, easements, and rights of way required for construction of such improvements, and to maintain all such works after completion; and to execute and furnish to the United States of America written assurances that it will perform the aforesaid acts of local cooperation; and that the State of Tennessee, acting by and through the Governor and the Obion-Forked Deer River Basin Authority, be authorized and empowered to execute and furnish to the United States of America written assurances that it will hold and save the United States of America free from any damages that may result from any special construction, without cost to the Tennessee Game and Fish Commission, by way of continuous spoil banks, culverts, locks and/or other structures under contracts let by the Corps of Engineers, United States Army, along the improved channels of the Obion and Forked Deer Rivers and/or the tributaries thereof over, across or along the boundary of any tract of land owned by or leased to the Tennessee Game and Fish Commission designed to permit the control and/or regulation of the water level on said land in its use as a public hunting area and/or a game refuge or sanctuary.

As amended by: Public Acts of 1963, Chapter 149
Public Acts of 1974, Chapter 415

SECTION 2. That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves.

The state shall be primarily liable for the purchase price of such lands as may be needed for such improvements but suits by property owners for any taking without compensation shall be brought against the county, and the state's Obion-Forked Deer River Basin Authority shall reimburse the county for any final judgment rendered against it. In addition, it shall be the duty of the counties to defend such suits, but the commissioner may defend such suits if the counties fail or refuse to defend them, and the counties shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by: Public Acts of 1974, Chapter 415

COMPILER'S NOTE: The 1974 amendment deleted references to the state department of highways, but the reference to the "commissioner" contained in the second paragraph of Section 2 remains, probably in error.

SECTION 3. That drainage and levee districts which presently own any property interests or rights of way required for such improvements are hereby authorized, empowered and directed to transfer and convey such property interests or rights of way to the State of Tennessee for the purposes of this Chapter upon the request of the Obion-Forked Deer Basin Authority.

As amended by: Public Acts of 1974, Chapter 415

SECTION 4. That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is

hereby authorized, empowered and directed to maintain all such works upon completion, in which maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415

SECTION 5. That the Obion-Forked Deer Basin Authority and the counties affected be and they are hereby authorized to expend their funds for the acquisition of the necessary rights of way for such channel improvement and to properly maintain the completed improvements.

As amended by: Public Acts of 1974, Chapter 415

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Chester County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 358, created a budget system for Chester County. This act required all county agencies having the authority to expend county funds to file budget requests for the coming fiscal year. The County Judge or Chairman was to appoint a three-member budget commission each year. This act was repealed by Private Acts of 1941, Chapter 124.
2. Private Acts of 1941, Chapter 124, repealed Private Acts of 1939, Chapter 358, and created a new budget system for Chester County. This 1941 Act was similar to the prior law. This act was repealed by Private Acts of 1983, Chapter 75 (reproduced hereinabove).
3. Private Acts of 1982, Chapter 356, would have repealed Private Acts of 1941, Chapter 124, and set up a five-member budget committee for Chester County, with a director of accounts and budgets. This act was not approved by the Chester County legislative body and never became operative.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Chester County and are included herein for historical purposes.

1. Private Acts of 1891, Chapter 91, amended Section 394 of Milliken and Vertrees' Compilation of Laws to allow an additional Justice of the Peace for the sixth civil district of Chester County, in the town of Henderson.
2. Private Acts of 1921, Chapter 172, set the compensation of Justices of the Peace in Chester County at \$3 per day, plus the mileage allowed by law for their attendance at meetings of the Quarterly County Court.
3. Private Acts of 1921, Chapter 196, was a duplicate of Private Acts of 1921, Chapter 172, summarized above.

County Mayor

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

1. Private Acts of 1939, Chapter 437, required the county board of election commissioners to hold an election to determine the will of the voters in Chester County with regard to the creation of the offices of County Judge and County Purchasing Agent and the popular election of a road supervisor, superintendent of education, tax assessor, and county board of education.
2. Private Acts of 1951, Chapter 57, created the office of County Judge for Chester County, to be popularly elected to an eight-year term. The act states that the Judge was to be paid \$100,000 per year. An attempt was made to correct this error in Chapter 232 of the same session, summarized below. The Judge was to assume all the duties formerly held by the Chairman of the Quarterly County Court and especially all ex-officio duties once held by the Chairman. The County Judge would also be the financial officer of the County.
3. Private Acts of 1951, Chapter 232, amended Private Acts of 1951, Chapter 57, to strike "\$100.00 per annum" (which did not appear in Chapter 57) and insert instead "\$1200.00 per annum." This

was an obvious attempt to correct the generous compensation of \$100,000 per year granted to the County Judge under Chapter 57.

4. Private Acts of 1957, Chapter 373, repealed Private Acts of 1951, Chapter 57, thereby abolishing the position of County Judge in Chester County.
5. Private Acts of 1975, Chapter 120, created the office of County Judge in Chester County. The County Judge was to be popularly elected to an eight-year term and would receive the same compensation as judges and chancellors. The County Judge would serve as chief administrative officer and fiscal agent, and was vested with judicial powers including juvenile and probate jurisdiction. This act failed to receive local approval and never became law.
6. Private Acts of 1976, Chapter 239, attempted to repeal Private Acts of 1975, Chapter 120, and reestablish the office of County Judge for Chester County. The act was almost identical to the 1975 act with the exception of the compensation provisions. This act failed to receive local approval and never became effective law.

County Trustee

The following act once applied to the office of county trustee of Chester County is included herein for historical purposes.

1. Private Acts of 1949, Chapter 229, relative to registration of conveyances of real property in Chester County. Counties having a population of not less than 11,100 nor more than 11,200, by the Federal Census of 1940, or any subsequent Federal Census, no conveyance of realty shall be recorded by the register of said counties until the same shall have been presented to the County Trustee of said counties. Upon presentation of such conveyance to him, the County Trustee shall note upon his tax books the names of the grantor and grantee, the acreage conveyed and the civil district in which the property is located and such other data as may be of aid in enabling the Tax Assessor of said counties to properly and adequately assess the subject of such conveyance. This act was repealed by Private Acts of 2002, Chapter 128.

Obion and Forked Deer River: Flood Control and Drainage Improvements

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the department of agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the department of highways and public works to the department of agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

Purchasing

The following acts once affected the purchasing procedures of Chester County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the creation of the office of Purchasing Agent in said County.
2. Private Acts of 1949, Chapter 277, and any other acts amendatory thereto relative to the purchasing commission of Chester County was repealed by Private Acts of 1997, Chapter 57.