



July 03, 2024

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

Private Acts of 1939 Chapter 559

SECTION 1.

- (a) The Term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Claiborne County.
- (b) The Term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Claiborne County, Tennessee.
- (c) The Term "Sheriff" when used in this Act shall mean the Sheriff of Claiborne County, Tennessee.
- (d) The Term "Trustee" when used in this Act shall mean the Trustee of Claiborne County, Tennessee.
- (e) The Term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Claiborne County, Tennessee.
- (f) The Term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Claiborne County, Tennessee.
- (g) The Term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highways of Claiborne County, Tennessee.
- (h) The Term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Claiborne County, Tennessee.
- (i) The Term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any department or institution of Claiborne County.
- (j) The Term "Quarterly County Court" when used in this Act shall mean any body or group of people having jurisdiction over the operation of the fiscal affairs of Claiborne County, Tennessee.
- (k) The Term "Clerk and Master" when used in this Act shall mean the Clerk of The Chancery Court of Claiborne County, Tennessee.
- (l) The Term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Claiborne County.
- (m) The Term "School Board" when used in this Act shall mean the County Board of Education of Claiborne County.
- (n) The Term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of Claiborne County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.
- (o) The Term "Official of the County" when used in this Act shall mean any Official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Claiborne County.
- (p) The Term "Budget Committee" when used in this Act shall mean a Committee of three (3) members of the Quarterly County Court appointed by the Quarterly County Court of Claiborne County as hereinafter provided.
- (q) The Term "Expenditure or Expend" when used in this Act shall mean the Act of committing Claiborne County to expend monies then and there in the County Treasury or to come into the County Treasury of Claiborne County.

SECTION 2. That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Claiborne County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate

parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: A statement of the contemplated revenues and disbursements, liabilities, reserves and surplus or deficit of Claiborne County as of the date of the preparation of the budget.

Second: An itemized and complete financial balance sheet of each fund account of the said Claiborne County at the close of the last preceding appropriation year.

As amended by: Private Acts of 1941, Chapter 125

SECTION 3. That a brief synopsis of the budget shall be published in a newspaper having general circulation in Claiborne County or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Claiborne County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act, provided, however, that it is mandatory upon the Quarterly County Court to levy a tax rate, assuming that not more than 85% of the total tax aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the budget so adopted by the Quarterly County Court.

The Quarterly County Court at any regular or special session may make appropriations only in the event there is a surplus on hand in the general fund of the County sufficient to pay such appropriations or only when the Quarterly County Court shall levy a special tax to provide revenue sufficient to pay the appropriations as made. In the event the Quarterly County Court shall undertake to make an appropriation when no funds are thus available, such attempted appropriation shall be void and the County shall not be liable therefor. No funds set up in the budget as approved by the Quarterly County Court at the beginning of the fiscal year shall be transferred to any other item in the budget unless at the end of the fiscal year there shall remain a balance in said particular fund which might be needed to meet a deficiency in some other particular fund or appropriation carried in the budget. Nothing herein contained shall be construed as authorizing the Quarterly County Court to appropriate from the general funds of the County any sum of money to be used for any special County purpose.

As amended by: Private Acts of 1947, Chapter 444

SECTION 4. That the Budget Committee of Claiborne County, may require the heads or other responsible representatives of all departments, divisions, boards, commissions, agencies, or offices of said County to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

SECTION 5. That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such Court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months period ending on the immediately preceding August 31st. A copy of such statement shall be posted in the lobby of the Court House in a conspicuous place, or published in one or more newspapers of the County.

SECTION 6. That it shall, likewise, be the duty of the School Board on or before the first Monday in April of each year to prepare and file with the budget committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement or budget.

SECTION 7. That the Quarterly County Court shall include in the County Budget required by law and as a part thereof, a budget for the schools of the County, a brief synopsis of which shall be posted as required in Section 4 of this Act.

SECTION 8. [Deleted by Private Acts of 1953, Chapter 209].

SECTION 9. That any Official of Claiborne County that has the power, right, or authority to expend County Funds from the Treasury of the County or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the County to the credit of his or her department of the County government or in excess of the budget adopted by the Quarterly County Court of Claiborne County covering that certain period of time as shown by the budget,

such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Claiborne County, shall be personally liable, together with his sureties on his official bond, to Claiborne County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over expenditure with interest from date.

SECTION 10. That it shall be unlawful and a felony in office for any official or employee of Claiborne County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made.

That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act and if Warrants, Purchase Orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory, upon the Court or its qualified representative, to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

As amended by: Private Acts of 1943, Chapter 291

SECTION 11. That it shall be a felony in office for any official of the County, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the County, to violate any provision of this Act, to fail or to refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures aids or abets in the violation of any provision of this Act, provided further that any County official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

As amended by: Private Acts of 1943, Chapter 291

SECTION 12. That the Quarterly County Court shall at the April 1939 regular session of such Court, and at the expiration of each second calendar year period thereafter, elect a Budget Committee consisting of three members of the Court, such Budget Committee to receive as compensation for their services a per diem fee of \$3.00 per each and every day spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of \$48.00.

SECTION 13. That in order that the fiscal affairs of Claiborne County, Tennessee, may be placed on a cash basis, said County is hereby authorized and empowered to issue at one time or from time to time bonds of Claiborne County for the purpose of funding any or all warrants, notes, interest coupons, or other indebtedness of said County now outstanding or which are to be outstanding on or before August 31st, 1939. The holders of such indebtedness are directed at such time or times as they may wish, to present said indebtedness for payment and present said indebtedness to the County Judge, the County Court Clerk and the County Trustee of Claiborne County, Tennessee, for identification and verification; the County Judge, County Court Clerk and the County Trustee are authorized to examine such indebtedness so presented and if satisfied that such indebtedness is genuine, to issue their certificates certifying such indebtedness to be genuine. Such certificates are to be in any convenient form and may be issued as to the indebtedness of one holder or as to the indebtedness of a group of holders.

SECTION 14. That for the purpose of funding and retiring from time to time indebtedness of Claiborne County, Tennessee, certified to be genuine, as provided in Section 13, the Quarterly County Court may authorize not exceeding \$400,000.00 Funding Bonds of Claiborne County, Tennessee. Such bonds shall bear interest at not exceeding the rate of Six per cent (6%) per annum, shall be in denominations corresponding to the denominations of the indebtedness which is to be exchanged therefor, shall mature not more than twenty (20) years from their date of issuance, may be callable for redemption at the option of the County on any interest payment date at par and accrued interest pursuant to such notice as may be prescribed by the Quarterly County Court, and shall be in such form and in such details, not inconsistent with the provisions hereof, as may be prescribed by the Quarterly County Court in the resolution authorizing the issuance of the bonds.

SECTION 15. That the Funding Bonds herein authorized shall be executed in behalf of the County by the

County Judge and the County Court Clerk, under the County Seal, and shall be by the County Trustee of Claiborne County, Tennessee, deposited with a National Bank located in Nashville, Tennessee, as Escrow and Exchange Agent, with appropriate directions that as if and when the outstanding indebtedness hereinbefore mentioned and described and authorized to be funded, are surrendered, there shall be delivered in exchange therefor a like amount of Funding Bonds, all pursuant to appropriate resolutions to be adopted by the Quarterly County Court of Claiborne County, Tennessee, not inconsistent with the provisions of this Act. Said Bonds shall be issued in exchange for and upon the simultaneous cancellation of a like par principal amount of the indebtedness authorized to be funded.

SECTION 16. That the Funds Bonds herein authorized shall be fully registered as to principal and interest. The County Trustee shall act as Registrar and the name and address of the registered holder shall appear on the back of each bond and on the books of the County Trustee. Principal of and interest on each Funding Bond shall be payable only to the registered holder. Each bond may be assigned by the registered holder to other registered holders pursuant to procedure to be established by the Quarterly County Court in the resolution authorizing the bonds.

SECTION 17. That in order to facilitate the issuance of the Funding Bonds herein authorized and in order to establish the legality of the indebtedness to be funded thereby, all warrants, notes, and interest coupons of Claiborne County, Tennessee, which are to be funded under the provisions of this Act and which are herewith certified to be genuine by the County Judge, the County Court Clerk and the County Trustee in the manner provided in Section 13 hereof, are hereby validated and confirmed and declared to be the valid and enforceable obligations of Claiborne County, Tennessee.

SECTION 18. That the Quarterly County Court of Claiborne County is authorized and directed annually to levy taxes on all taxable property in Claiborne County at such rates and in such amounts as will be fully sufficient to pay interest on such funding bonds issued under the provisions hereof as may be from time to time outstanding and to provide a Sinking Fund adequate to retire said bonds at maturity.

SECTION 19. That any holder or holders of bonds issued under the provisions of this Act or any officers being a part in interest in either law or in equity by suit, action or mandamus may force and compel the performance of the duties requested by this Act of the governing body or any part or officer of the unit. Inasmuch as the purpose of this Act is to place and maintain the fiscal affairs of Claiborne County, Tennessee, on a cash basis, the provisions of this Act will constitute an irrevocable contract with the holders of the bonds issued under the provisions of this Act.

SECTION 20. That Clark and Company of Nashville, Tennessee, are hereby authorized to act as Fiscal Agents for Claiborne County, Tennessee, in the handling of this program in regard to the exchange of bonds, for which said Clark and Company shall be entitled to Two and one-half (2½%) per cent of the par value amount of indebtedness so exchanged in accordance with the provisions of this Act and which said fee shall be payable from any available funds of Claiborne County, Tennessee.

SECTION 21. That the holding of any section, or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, sub-section, sentence, clause and phrase thereof, would have been passed and enacted, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, and phrases thereof would have been passed and enacted, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

SECTION 22. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1939.

COMPILER'S NOTE: The above act was held not to be in contravention of the general law in Kivett v. Runions 191 Tenn. 62, 231 S.W. 2d 384 (1950).

Building Permits

Private Acts of 1967-68 Chapter 74

SECTION 1. Any person desiring to erect, construct, or reconstruct or to have erected, constructed, or reconstructed any building or other structure in Claiborne County, and any person desiring to alter or have altered any existing building or other structure in Claiborne County shall first apply to the County Executive of Claiborne County for a building permit for such erection, construction, reconstruction or

alteration.

The application shall be in a form to be prescribed by the County Executive 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 and 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, in the case of new construction, or in the case of the alteration of an existing structure, the value of the structure before and after the alteration; and
- (5) Such other information as the County Executive shall prescribe.

A fee shall be charged of each applicant according to rates adopted by the Claiborne County Legislative Body. The fee shall be properly accounted for by the County Executive and shall be deposited with the County Trustee on a daily basis, to be deposited in the county general fund.

Upon proper application, duly made and filed, and payment of the proper fee, the County Executive shall then issue a building permit, file a copy in his office and cause a copy to be filed in the office of the County Assessor of Property, so that the fact of such erection, construction, or alteration shall be noted for property tax records and assess such improvements or construction in accordance with the provisions of general law.

As amended by: Private Acts of 1989, Chapter 33

SECTION. 2. [Deleted by Private Acts of 1989, Chapter 33].

SECTION 3. It is unlawful for any municipality, county, cooperative or utility district to furnish utility services to any property on which a building or other structure is being erected, constructed, reconstructed or altered, or to such building or other structure unless the building permit required by this Act is obtained and displayed thereon.

SECTION 4. Violation of this Act is a misdemeanor, punishable upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Claiborne County at or before the next regular meeting of the 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 6. This Act shall take effect, for the purpose of ratifying it pursuant to the provisions of Section 5, upon its passage, the public welfare requiring it, and for all other purposes on July 1, 1967.

Passed: April 6, 1967.

Cemeteries

Private Acts of 1919 Chapter 628

SECTION 1. That in all counties of this State having a population of not less than 23,450 and not more than 23,550, and in counties having a population of not less than 13,600 nor more than 13,625, according to the Federal Census of 1910 or any subsequent Federal Census, the Trustees, or Commissioners of any cemetery, church, or graveyard, shall have the right to condemn any land adjacent to said cemetery or graveyard for burial purposes, the taking and condemning of said land shall be under the same laws and regulations as now required by law for the condemning of land by and for railroad purposes.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 15, 1919.

County Attorney

Private Acts of 1943 Chapter 94

SECTION 1. That in counties of this State having a population of not less than 24,600, nor more than 24,700, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the position of County Attorney. At the April Term of 1943, it shall be the duty of the quarterly county court

of counties to which this Act applies to elect some practicing attorney, possessing license to practice law to such position. The term of office of the person [sic] so elected shall be for four years and until his successor shall be elected and qualified. The minimum compensation of such County Attorney will be six thousand six hundred dollars (\$6,600.00) per annum, payable out of the county treasury in equal monthly installments. Furthermore, the County Court of such county shall have the authority to provide compensation for a legal secretary for such county official.

As amended by: Private Acts of 1978, Chapter 185

SECTION 2. That it shall be the duty of said County Attorney to advise all county officials upon matters affecting the conduct of their offices, to represent the county generally in litigation involving such county but this shall not inhibit the employment of special counsel to aid such County Attorney in cases where the Quarterly County Court shall authorize the same. Such employment shall be in accordance with existing law provided therefor. Such County Attorney shall likewise possess the power to investigate the accounts of county officials of counties to which this Act applies with reference to their payments of county revenue into the county treasury and may in his discretion, bring suits for the recovery of any delinquent revenue found owing by the county from any county official; but the County Attorney shall not be the attorney bringing suits for the collection of delinquent ad valorem taxes, it being the legislative intent that the general statutes providing for the selection of such delinquent tax attorney by the Trustee and County Judge shall not be affected by the provisions of this Act.

As amended by: Private Acts of 1953, Chapter 320

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 25, 1943.

County Clerk

Countersign All County Warrants

Private Acts of 1957 Chapter 98

SECTION 1. That in counties of this State having a population of not less than 24,700 nor more than 24,850 by the Federal Census of 1950, or any subsequent Federal Census, in addition to all other county officers required by the general law to countersign county warrants drawn against the county general fund the County Court Clerk shall also countersign the same.

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of said Quarterly County Court occurring more than thirty 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 body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 20, 1957.

County Mayor

Private Acts of 1929 Chapter 532

SECTION 1. That there be and the same is hereby created the office of County Judge of Claiborne [sic] County, Tennessee, and that there shall be elected by the qualified voters of said county a person to be styled the County Judge of Claiborne County, and who shall be County Judge of said county. Such person shall be a citizen of said County, of moral character, a practicing attorney, and at least thirty years of age. He shall hold his office for a term of eight years.

As amended by: Private Acts of 1937, Chapter 351

SECTION 2. That the first election for County Judge of Claiborne County shall be held at the same place, and at the same time, and by the same officers as other county elections are held on the first Thursday in August, 1930, and under the same rules and regulations that are prescribed by law for other county elections, the person so elected to hold said office until his successor shall be elected and qualified at the regular August election in 1934. Subsequent elections shall be held for the election of such County Judge on the first Thursday in August, and every eight years thereafter, except vacancies, which shall be filled when they occur in the manner prescribed by law.

SECTION 3. That F. F. Overton, a citizen of Claiborne County, Tennessee, who possesses all of the qualifications provided for said County Judge be, and he is hereby named and appointed to said office of County Judge of Claiborne County, Tennessee, for the period commencing from and after the passage of this Act, and to serve as such County Judge until his successor is elected and qualified at the regular August election in 1930.

SECTION 4. That the County Judge of Claiborne County shall be commissioned in the same manner as other judges of the State, and before entering upon the duties of said office he shall take the oath prescribed by law and taken by other judges of the State, and shall also enter into bond in the sum of Ten Thousand Dollars (\$10,000.00) conditioned faithfully to account for all moneys and county property that may come into his hands as such County Judge.

SECTION 5. That the County Judge of Claiborne County shall have and exercise all the rights, powers and jurisdictions that are conferred by existing laws upon the county judges of this State, and in addition thereto the right to hear applications for writs of injunction, attachment, habeas corpus, and may hear and finally dispose of habeas corpus writs, and other writs, and to make and pass orders for the issuance of such writs as other judges and chancellors of the State.

As amended by: Private Acts of 1939, Chapter 299

SECTION 6. That all the powers and jurisdictions now vested in and belonging to the Chairman of the County Courts of this State be and the same are hereby conferred upon the County Judge of Claiborne County herein named and who are to be elected and qualified as hereinbefore provided.

As amended by: Private Acts of 1953, Chapter 317

SECTION 7. That the County Judge of Claiborne County shall receive a salary of Two Thousand, Four Hundred Dollars (\$2,400.00) per annum, to be paid quarterly out of the revenue collected for the year in which the services are rendered, the same to be paid by the county upon a warrant drawn by him out of the County Treasury, which shall be paid monthly.

Said County Judge shall receive One Hundred (\$100.00) Dollars per month as compensation for his services as financial agent of said County.

As amended by: Private Acts of 1941, Chapter 237

Private Acts of 1941, Chapter 238

SECTION 8. That the County Court Clerk of said County shall be and continue the Clerk of the County Court to be held by the County Judge, and shall perform all the duties and have all the powers, jurisdictions and authority now possessed by him.

SECTION 9. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1929.

COMPILER'S NOTE: The requirement of Private Acts 1937, Chapter 351, stated that the County Judge be a practicing attorney was held unconstitutional by the Tennessee Supreme Court in Kivett v. Mason, 206 S.W. 2d 789 (1947).

County Register

Notice of Land Transfers

Private Acts of 1949 Chapter 893

SECTION 1. That in all Counties of this State having a population of not less than 24,650 and not more than 24,700, according to the Federal Census of 1940, or any subsequent Federal Census, the Register of Deeds shall notify the Tax Assessor of all land transfers effected by deeds of conveyance which are entered in the office of the Register of Deeds, to be recorded. That upon receipt of such notice the Tax Assessor shall adjust the tax records, accordingly.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1949.

Home Demonstration Agent

Private Acts of 1933 Chapter 388

SECTION 1. That in counties of this State having a population of not less than 24,300 nor more than 24,400 by the Federal Census of 1930, or any subsequent Federal Census, that there shall be paid to the person chosen as Home Demonstration Agent by the Quarterly County Court out of the funds of the county Six Hundred (\$600.00) Dollars per annum, which shall be in lieu of the present appropriation by the county therefor, provided, however, that this Act shall affect only such portions of her total compensation as shall be paid by the county and shall not be construed as a limitation on her maximum compensation from all sources.

SECTION 2. That this Act shall take effect from and after April 1, 1933, the public welfare requiring the same.

Passed: April 10, 1933.

Uniform Nepotism Policy Act

Private Acts of 2000 Chapter 85

SECTION 1. This act shall be known and may be cited as the "Claiborne County Uniform Nepotism Policy Act."

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "County employee" means any person who is employed or appointed by a governmental entity.
- (2) "Employee" means the governmental entity that appoints or employs the county employee.
- (3) "Governmental entity" means Claiborne County or any agency, authority, board, commission, department, or office of Claiborne County or an office of an elected county official; and
- (4) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.

SECTION 3. Within each governmental entity, no county employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this act shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

SECTION 4. When as a result of a marriage, county employees are in violation of the prohibition established by Section 3, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The employer shall advise the county employee of each of the alternatives available to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the employer shall take appropriate action to remove such violation.

SECTION 5. The prohibition established by Section 3 shall not be applied retroactively, but shall be adhered to by each employer in all appointing, hiring and employee transactions subsequent to this act being approved as provided in Section 7.

SECTION 6. The provisions of this act shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this act.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Claiborne County, prior to July 30, 2000. Its approval or nonapproval shall be proclaimed by the presiding officer of Claiborne County and certified to the Secretary of State.

SECTION 8. 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 7.

Passed: February 28, 2000.

Administration - Historical Notes

County Clerk

The following act once affected the office of county clerk in Claiborne County. It is included herein for historical purposes.

1. Private Acts of 1821, Chapter 175, authorized the county clerk of the Claiborne County to build an office on some part of the public square in the town of Tazewell.

County Legislative Body

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

1. Acts of 1809, Chapter 16, changed the time of holding the courts of pleas and quarter sessions for Claiborne County to the first Mondays in January, April, July and October.
2. Acts of 1809, Chapter 93, set up the schedules for the terms of the courts of pleas and quarter sessions in every county of the state. In Claiborne County the court would meet on the fourth Monday in the February, May, August and November.
3. Acts of 1813, Chapter 134, set the time for holding the quarterly county court of Claiborne County to the second Mondays of February, May, August, and November.
4. Private Acts of 1823, Chapter 74, changed the time for holding county court to the third Monday in March, June, September, and December.
5. Private Acts of 1823, Chapter 153, authorized the county court of Claiborne County to sell the jail of said county.
6. Private Acts of 1823, Chapter 252, changed the time for holding the county court of Claiborne County to the second Mondays in March, June, September, and December.
7. Private Acts of 1829, Chapter 58, authorized the Claiborne County Court to lease the house attached to the jail.
8. Private Acts of 1913 (Ex. Sess.), Chapter 84, provided and regulated the compensation of justices of the peace in certain counties based on the 1910 Federal Census, Anderson County being one of them. The act authorized the justices of the peace to receive \$2.50 for each day in the quarterly court and an additional five cents per mile for traveling to and from the courts.
9. Private Acts of 1919, Chapter 29, amended Private Acts of 1917, Chapter 811, so as to make the act apply to counties in the state with a population of not less than 23,550 nor more than 23,600 according to the Federal Census of 1910.
10. Private Acts of 1923, Chapter 354, required the approval of the Claiborne County Court of all county warrants over \$500.00.
11. Private Acts of 1925, Chapter 560, authorized the Claiborne County Court to use unused highway funds to repair the courthouse.
12. Private Acts of 1927, Chapter 80, validated all actions of the Claiborne County Court in issuing warrants to build a memorial to soldiers of World War I.
13. Private Acts of 1929, Chapter 320, validated all actions taken by the Claiborne County Courts in reference to a \$200,000 bond issue dated January 1, 1929.
14. Private Acts of 1937, Chapter 607, validated all actions taken by the Claiborne County Court in issuing Claiborne County 1936 General Refunding Bonds in the amount of \$695,075.00.

County Register

The following act once affected the office of county register in Claiborne County, but is no longer operative.

1. Private Acts of 1831, Chapter 162, stated that all deeds of conveyance and other instruments of writing heretofore registered in Claiborne County shall be read in evidence on trials at law or in equity.

County Trustee

The following act once affected the office of county trustee in Claiborne County, but is no longer operative.

1. Private Acts of 1832, Chapter 20, authorized the county trustee of Claiborne County to pay Isom Simmons, Wesley Simmons and John Day the sum of \$39.00 for mistakenly paying circuit court fines.

General Reference

The following private or local acts constitute part of the administrative and political history of Claiborne County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new

substantive provisions.

1. Acts of 1809, Chapter 80, established James Roddye's Ferry, on Powell's River in Claiborne County, as a place of public inspection.
2. Acts of 1811, Chapter 127, authorized that any money which may be remaining in the hands of the treasurer of Claiborne County, after discharging the arrearages and repairs of the courthouse and jail of the same, may be applied to other county purposes.
3. Acts of 1817, Chapter 65, Section 3, divided the state into solicitorial districts. The counties of Hawkins, Grainger, Claiborne and Campbell composed the second district.
4. Private Acts of 1823, Chapter 254, provided for the relief of John Hunt, sheriff and collector of the public taxes of Claiborne County.
5. Private Acts of 1827, Chapter 238, established an inspection for tobacco and other articles at the mouth of Gap Creek on Powell River in Claiborne County.
6. Acts of 1849-50, Chapter 162, provided for the relief of Thomas L.W. Sawyers, former revenue collector for Claiborne County, by allowing him two years to collect all arrearages of taxes for the years 1845 and 1846.
7. Private Acts of 1911, Chapter 653, provided that women were eligible for election to the office of notary public.
8. Private Acts of 1923, Chapter 354, regulated the approval of county warrants over \$500.00. This act was subsequently repealed by Private Acts of 1941, Chapter 140.
9. Private Acts of 1953, Chapter 210, created a purchasing commission for Claiborne County. This act was subsequently repealed by the Private Acts of 1955, Chapter 18.
10. Private Acts of 1967, Chapter 74, establishing the system of building permits in Claiborne County. Private Acts of 2000, Chapter 156, would have amended this act, but never received local approval.

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