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Private Acts of 1951 Chapter 565

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

Sincerely,

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Private Acts of 1951 Chapter 565

SECTION 1. In order to more effectively maintain public roads and highways, there is hereby created the office of Highway Commissioner in Counties of this State having a population of not less than 10,900, nor more than 10,950, by the Federal Census of 1940, or any subsequent Federal Census. His term of office shall be for a period of four (4) years from September 1, next following his election and until his successor shall be elected and qualified. At the August election, 1970, and every four (4) years thereafter, there shall be elected by the qualified voters of counties to which this Act applies, such highway Commissioner. His compensation shall be \$9,500 per annum payable in equal monthly installments out of the County Highway Funds and in addition thereto, he shall have the use of a county vehicle in his official capacity. Such Highway Commissioner may appoint an assistant who shall hold office at the pleasure of such Highway Commissioner and shall perform such duties as may be required of him by such Commissioner. Such assistant shall act as secretary to the Commissioner and have complete charge of the books and records of the commissioner. Such assistant shall be paid such sum, not to exceed \$6,000 per annum, as may be agreed upon between him and the Commissioner, which sum likewise shall be payable out of the County Highway Funds. Both the Commissioner and his assistant shall devote their full time to the duties of their office.

As amended by:

Private Acts of 1969, Chapter 28
Private Acts of 1970, Chapter 262
Private Acts of 1973, Chapter 146

SECTION 2. That the Commissioner shall have the following duties:

- (a) To have general supervision over the construction, repair and maintenance of all roads, bridges, gravel pits and other like structures which form a part of the county highway system.
- (b) To employ such labor as he may deem necessary for the efficient construction and maintenance of the highway system of such counties.
- (c) To act upon all applications to open and close roads and to take such action thereon as he may deem to the best interest of the county system. To this end the Commissioner is hereby vested with the power of eminent domain which shall be exercised in the manner provided by the general laws of the State therefor. Any damages assessed by reason of the exercise of the power of eminent domain shall be paid from the general funds of such county which general county fund shall be reimbursed therefor from the highway funds.
- (d) To have charge of all county highway equipment and to at least once a year make an inventory thereof which shall be filed in the office of the County Court Clerk and open to the inspection of any interested part.
- (e) To make all purchases of material and equipment necessary in the maintenance and repair of such highway system; but all purchases shall be made upon competitive bids except in case of an emergency when with the approval of the County Judge, the Commissioner may make purchases of material or equipment not in excess of \$500. The assent of the County Judge for such emergency purchase shall be in writing and filed with the records of the Commissioner.
- (f) To keep a full and accurate account of all disbursements made from highway funds. Disbursements from highway funds shall be made only upon the warrant of the Commissioner, and drawn on the County Trustee.
- (g) To store all equipment belonging to the County Highway Department when not in use and to prohibit the use of any part thereof on business other than that of the highway system.
- (h) To make to the County Judge a monthly report showing all employees (sic) of such highway system, the rate of pay of each, the number of hours worked by each during such month and all equipment and supplies purchased from highway funds during such month.
- (i) To make and file in the office of the County Court Clerk at least 5 days prior to each regular session of the Quarterly County Court a report, itemized in form, all expenditures made from highway funds during such quarter and where equipment be purchased, such report should show the nature of the equipment, the person from whom purchased and the price paid therefor.

Likewise, the Commissioner and/or his assistant shall furnish to each justice of the peace of the County a copy of the above mentioned report.

As amended by:

Private Acts of 1953, Chapter 205

SECTION 3. That before entering upon the duties of his office, the Commissioner herein and any assistants whom he may appoint shall execute bond with sureties to be approved by the County Judge, in the sum of \$5000 conditioned upon the faithful performance of the duties of his office and to account for

all county property and funds which may come into his hands by reason of such office; and it is hereby declared to be the legislative intent that both the Commissioner and his assistant shall execute such bonds conditioned as above mentioned. The present road authorities shall retain their office until September 1, 1952, and no appointment shall be made to fill the vacancy herein created.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 12, 1951.

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