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# Chapter I - Administration

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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.

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# Chapter I - Administration

## Auditing Commission

### Private Acts of 1919 Chapter 815

**SECTION 1.** That the three Commissioners hereinafter named in counties having a population of not less than 19,395, nor more than 19,405 according to the Federal Census of 1910 or any subsequent Federal Census shall elect an Auditor who shall be a public accountant and over twenty-one years of age, and who shall be clothed with the power and charged with the duties hereinafter defined.

**SECTION 2.** That the three Commissioners created by this Act shall be John Wood, of Edwina, Tennessee; J. Frank Nease, of Parrottsville, Tennessee, and D. C. Waters, of Cosby, Tennessee, whose terms of office shall expire April 1, 1921, and thereafter the Quarterly County Court shall elect their successors at the April term thereof for the succeeding two years.

**SECTION 3.** That it shall be the duty of said Auditing Commission to supervise the auditing and examination of all books, papers, and other records prepared by the county officers in all county institutions, and shall have access to all books, papers and other documents of said county officers and of all county institutions.

They shall have power to summon witnesses, administer oaths and to compel all witnesses to testify when necessary.

Refusal on the part of any officer of the county or other person handling the funds of the county, to allow said Auditing Commission and the Clerk of said Commission access to their offices, books, papers and other records shall be a misdemeanor, punishable by a fine of not less than \$200.00 nor more than \$1,000.00 and shall subject the offender thereof to removal of unfaithful officials.

**SECTION 4.** That said Auditing Commission is hereby authorized under the direction of the Quarterly County Court, in quarterly session assembled, to establish a more efficient system of bookkeeping and accounting, in various offices and institutions of the county, requiring them to make monthly reports to the County Chairman or financial agent of such county of all revenues collected and from whom collected, which report shall be sworn to before the Chairman or some Notary Public; that this section shall apply to all officers of the county except the Justices of the Peace, who shall make their reports quarterly instead of monthly, as above stated.

**SECTION 5.** That said Auditing Commission shall appoint an Auditor who shall also be Clerk of the Commission and who shall be a competent public accountant, qualified and licensed by the laws of Tennessee as an expert accountant, and it shall be the duty of the said accountant or clerk to make such an examination of the books, records and papers of the various institutions in the manner prescribed by said Commission, and to perform such duties as are prescribed by said Commission.

Said Auditor or Clerk shall be paid for his services at a rate not to exceed \$2,000.00 per year for such time as he may actually devote to the work assigned to him by said Commission.

Said Auditor or Clerk shall execute a bond in the sum of \$5,000.00 and take an oath to faithfully and impartially discharge his duties.

**SECTION 6.** That said Auditing Commission shall meet as often as in their judgment is for the best interest of the county, and *provided, further*, that a per diem of \$3.00 a day be allowed for each of the Commissioners for the time actually spent in their performance of their duties, not to exceed thirty days in any one year.

**SECTION 7.** That all meetings of said Auditing Commission and all records kept by them, or the said Auditor or Clerk, shall at all times be open to the inspection of the public.

**SECTION 8.** That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1919.

## Cemeteries

### Private Acts of 1919 Chapter 54

**SECTION 1.** That in all counties of this State having a population of not less than 19,395 and not more

than 19,405 according to the Federal Census of 1910 or any subsequent census, the Trustee, or Commissioners of any cemetery or graveyard are by this Act given the right to condemn 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: January 23, 1919.

## Draining Purposes

### Private Acts of 1919 Chapter 53

**SECTION 1.** That in all counties of this State having a population of not less than 19,395 and not more than 19,405, according to the Federal Census of 1910 or any subsequent census, that any citizen of said county may have the right and by this Act it is made lawful for such citizens of said counties to condemn sufficient land on adjoining farms to drain the land of the owner of such farm sought to be drained, and for such purpose may cut ditches across the adjoining farm so as to least damage the same, *provided* that before ditching and draining through the farm of another, the party or parties seeking the draining of their farms, shall by proper proceedings condemn sufficient of said land for the draining of said land, and said condemnation proceedings shall be the same as now required by law for the condemning land for railroad purposes.

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

Passed: January 23, 1919.

## Memorial Building

### Private Acts of 1929 Chapter 519

WHEREAS, It is the duty of the State of Tennessee to make adequate recognition of the deeds and valor of its sons and daughters in the World War and other wars in which our country has been engaged and who have brought honor to the Commonwealth; and,

WHEREAS, It is fitting that for such purpose a memorial in the nature of a building to be erected in the City of Newport, Tennessee, to be used by the Newport Post No. 41, American Legion, and other patriotic organizations in said city; and whereas such memorial ought to be erected in Newport, Cocke County, Tennessee. *Now, therefore:*

**SECTION 1.** That for the purpose of providing a fitting and suitable memorial, there shall be erected, established and maintained in the City of Newport, in Cocke County, Tennessee, a Memorial Building, to be known as the Memorial Building.

**SECTION 2.** That the management of said Memorial Building after same shall have been completed, shall be placed in Newport Post No. 41, American Legion, and its successors, said building to be a permanent and perpetual memorial.

**SECTION 3.** That the details of the building to be erected as such memorial shall be determined by a commission hereinafter provided for; but said memorial shall be in the form of a building, which shall contain an auditorium in which the American Legion and other patriotic organizations of Newport, Tennessee, and the people of Newport and Cocke County may meet for public purposes, or in connection with matters of interest to citizens of Newport and Cocke County, Tennessee; and there shall also be constructed therein suitable rooms for the carrying out of the general ideas of this Act, including provisions for the assembling and collection of portraits, statues, memorials and relics of distinguished citizens of the State of Tennessee who have participated in wars or rendered distinguished public service.

**SECTION 4.** That there shall be and is hereby created a commission to be known as the Memorial Building Commission, which shall be composed of nine (9) members, three to be appointed by the Governor, three by the American Legion, Post No. 41, of Newport, Tennessee, and three by the Chairman of the County Court of Cocke County. Said Commission shall have the power and authority and it shall be its duty, to provide for and supervise the construction of the Memorial Building provided for in this Act, according to designs and plans for such building to be selected by said Commission from designs and plans for same submitted by competition, which plans and designs shall include provisions for walkways

and roadways and other incidental features connected with said memorial.

**SECTION 5.** That for the purpose of providing the funds to carry out the terms and provisions of this Act, there is hereby appropriated, out of moneys not otherwise appropriated, in the State Treasury of Tennessee, the sum of Twenty Thousand Dollars (\$20,000.00), which shall be paid over to the Memorial Building Commission, herein provided for, as requested by said Commission, by warrants of the Comptroller drawn on the Treasury of Tennessee; *provided, however,* that the payment of said appropriation shall be conditioned upon Cocke County, Tennessee and American Legion No. 41 shall furnish in cash the sum of Twenty Thousand Dollars (\$20,000.00).

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

Passed: April 2, 1929.

## Recreation Department

### Private Acts of 2000 Chapter 95

**SECTION 1.** The County Legislative Body of Cocke County, Tennessee is hereby authorized, by resolution, to establish and provide for the operation of a recreation department for the benefit of the residents of Cocke County. In providing for the operation of such recreation department, the Legislative Body may establish a separate recreational activity fund to receive monies from admission to sporting or other events held by the recreation department, concession revenue from these events and private donations. Such funds shall be deposited with the county trustee. All expenditures from the recreational activity fund shall be for the specific purposes designated by resolution of the County Legislative Body and in accordance with guidelines adopted by the County Legislative Body. An accounting shall be made of receipts and expenditures from the recreational activity fund in accordance with any resolution of the County Legislative Body. All accounts and records of the recreation department shall be public records and shall be open to inspection by any member of the public. The county executive shall have the duty to inspect the accounts of the recreational activity fund on a quarterly basis and report the findings to the County Legislative Body.

As amended by: Private Acts of 2007, Chapter 44

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

**SECTION 3.** 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 2.

Passed: March 2, 2002.

## Administration - Historical Notes

### **Budget System**

The following act once created a budgeting system for Cocke County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1981, Chapter 164, would have created a county budget committee for Cocke County, however, according to the Cocke County Executive the act was never ratified locally and therefore never became law.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Cocke County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 179, as amended by Private Acts of 1945, Chapter 579, created the office of county attorney. The county attorney was elected by the Cocke County quarterly county court for a term of two years and a salary of \$360 per annum. This act was repealed by Private Acts of 2004, Chapter 99.

### **County Clerk**

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

1. Private Acts of 1933, Chapter 790, set the maximum salary of the Cocke County Clerk at \$2,500 per year.

### **County Legislative Body**

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

1. Acts of 1797, Chapter 6, provided that the court of pleas and quarter sessions in Cocke County would meet on the first Mondays in February, May, August and November.
2. Acts of 1809, Chapter 93, First Session, changed the meeting dates of the court of pleas and quarter sessions to the first Mondays in March, June, September and December.
3. Private Acts of 1819, Chapter 160, again changed the meeting dates of the court of pleas and quarter sessions, to the fourth Mondays in February, May, August and November.
4. Public Acts of 1865-66, Chapter 19, Section 14, removed the county seat of Cocke County from Newport to Mouth of Sweewater.
5. Public Acts of 1881, Chapter 98, Section 7, provided for the removal of the county seat of Cocke County from Mouth of Sweewater which required a two-thirds vote from the qualified voters of the county.
6. Private Acts of 1919, Chapter 73, provided that registration would not be a prerequisite to voting in any election held in Cocke County.
7. Private Acts of 1919, Chapter 261, set the mileage allowance of justices of the peace for attendance at the quarterly county court meetings. This act provided that no justice of the peace who lived within five miles of the courthouse could receive a mileage allowance, but those who lived beyond that distance would receive \$.05 per mile for each mile traveled to and from the courthouse, for not more than two days each term of court.
8. Private Acts of 1931, Chapter 208, made it unlawful and a misdemeanor for justices of the peace to associate or share an office with justices from other civil districts for the purpose of transacting business except interchanges authorized by law. Fines were between \$25 and \$50 and removal from office.
9. Private Acts of 1973, Chapter 48, set the compensation for attendance at quarterly county court meetings at \$25 with no mileage allowance.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Cocke 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. Private Acts of 1967-68, Chapter 265, would have created the office of county judge of Cocke County. This act was rejected by local authorities and never became operative law.
2. Private Acts of 1967-68, Chapter 473, was an act to repeal Chapter 265 above. This act also was rejected and never became operative law.

### **County Trustee**

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

1. Private Acts of 1933, Chapter 787, set \$2,500 annually as the maximum compensation which the Cocke County Trustee could receive.

### **Purchasing**

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

1. Private Acts of 1935, Chapter 780, created a purchasing commission for Cocke County and provided for their duties, powers, election and compensation.
2. Private Acts of 1981, Chapter 165, would have repealed Private Acts of 1935, Chapter 780 and enacted a new purchasing law for Cocke County, but according to the county executive of Cocke County, the act was never passed by local officials and therefore never became effective.
3. Private Acts of 1991, Chapter 29, repealed Private Acts of 1935, Chapter 780, relative to the purchasing commission of Cocke County created by said act.

### **General Reference**

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

1. Acts of 1805, Chapter 4, appointed Isaac Leonard, Abraham M'Coy and John Inman to call all persons who were appointed by law to erect a courthouse, prison and stocks for Cocke County.
2. Acts of 1812, Chapter 6, authorized Edward Conway the proprietor of Knob Creek Lick, in Cocke County, to raise a sum of money through a lottery for the purpose of enabling him to procure salt.
3. Public Acts of 1833, Chapter 76, provided for the calling of a convention for the purpose of revising, amending the state constitution. The counties of Cocke and Sevier composed one district and elected one delegate to the convention.
4. Acts of 1839-40, Chapter 110, authorized Cocke County citizens to build mill dams across the Big Pigeon River at any point above the land of James R. Allen.
5. Acts of 1853-54, Chapter 143, provided for one director for the branch of the Bank of Tennessee in Cocke County.
6. Acts of 1855-56, Chapter 61, authorized Cocke County to purchase railroad stock in any railroad passing through or near Cocke County.
7. Public Acts of 1870-71, Chapter 72, appointed a board of commissioners to designate a new county site for Cocke County, provided that any site selected by them would have to be approved by a majority of the Cocke County voters.
8. Public Acts of 1877, Chapter 2, provided for the relief of Cocke county wherein the courthouse and county records had been burned.
9. Public Acts of 1891, Chapter 10, made it lawful for Cocke County citizens and corporations to build mill dams and dams for any other machinery or manufacturing establishments across the Big Pigeon River at any point above the War Ford near and opposite the residence of Mrs. Catherine McSween, with the written permission of the landowners on each bank. This act was apparently superseded by Public Acts of 1899, Chapter 387, which made it "unlawful for any person, company, or corporations to build any dam or obstruction across any stream in Cocke County."
10. Public Acts of 1919, Chapter 10, appropriated money for the purpose of erecting monuments or buildings or libraries as a memorial to the honor and memory of American soldiers, sailors and marines, who served in World War I. This act was amended by Private Acts of 1927, Chapter 594 by including veterans from the Spanish-American War and other foreign wars, insofar as it applied to Cocke County.
11. Private Acts of 1933, Chapter 445, removed the disabilities of infancy from Ella Mae Finchum.
12. Private Acts of 1935, Chapter 411, removed the disabilities of infancy from Eunice Elmeda Rains.
13. Private Acts of 1965, Chapter 123, attempted to authorize Cocke County to contract with other counties, cities, state and federal governments, private industry and individuals for the sale of crushed rock, but the quarterly county court did not approve this act and it never became an operative law.
14. Private Acts of 1980, Chapter 271, would have established a civil service system and a civil service board for Cocke County, however, according to the Cocke County County Executive the act was never ratified locally and therefore never became law.

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