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Private Acts of 1971 Chapter 8

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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Private Acts of 1971 Chapter 8

SECTION 1. Coffee County is divided into four (4) highway commission districts, as follows:

Highway Commission District 1. Highway Commission District 1 shall be composed of Rural County Commission District 3.

Highway Commission District 2. Highway Commission District 2 shall be composed of Rural County Commission District 4.

Highway Commission District 3. Highway Commission District 3 shall be composed of Rural County Commission District 5.

Highway Commission District 4. Highway Commission District 4 shall be composed of Rural County Commission District 6.

The rural county commission districts referred to in this section shall be those established by the Coffee County commission in a reapportionment plan adopted by the commission in 2021. The county commission is authorized to make subsequent redistrictings of the highway commission districts from time to time as necessary for the election of highway commission members from districts that are substantially equal in population. Such districts shall be so defined that they contain one (1) rural county commission district and that their boundaries shall conform to those of rural county commission districts. Following each subsequent reapportionment of the county commission districts after the effective date of this act, it shall not be necessary to amend this act or any other private act applicable to the Coffee County Highway Commission such that any change in the reapportionment of the county commission in Coffee County will automatically change and reapportion the Coffee County Highway Commission. There shall be the same number of highway commission members as there are rural county commission districts of the county commission and the district of each highway commission member shall be consistent with the commissioner's corresponding rural county commissioner.

As amended by: Private Acts of 1998, Chapter 105
Private Acts of 2002, Chapter 78
Private Acts of 2022, Chapter 37

SECTION 2. The members of the Highway Commission now in office shall serve in their respective positions until their successors are elected and qualified. At the August election in 2022 and every four (4) years thereafter, members of the Highway Commission shall be elected and take office on September 1 next following said election and serve a four-year term.

At the August 2022 general election for county officers, one (1) highway commission member shall be elected by the qualified voters of Highway Commission District 1, one (1) highway commission member by the qualified voters of Highway Commission District 2, one (1) highway commission member by the qualified voters of Highway Commission District 3, and one (1) highway commission member by the qualified voters of Highway Commission District 4.

The Highway Commission shall be composed of the highway commission members elected as provided above and shall elect a chairperson from among its members. The county executive shall be an ex officio member.

Highway Commission members living in new districts shall continue to serve out their elected terms. District seats without current Highway Commission members, or those seats for which the Highway Commission member's term ends, shall hold elections for the County Highway Commission in August 2022 and at appropriate intervals thereafter.

If any member ceases to reside in any of the rural county commission districts from which the member was elected, the member's office shall become vacant and the County Commission shall elect another resident within said districts to fill the unexpired term. However, a change in the corporate limits of the municipality resulting in a change in rural county commission district lines shall not constitute a vacancy and the member so affected shall serve out the remainder of the member's term. Thereafter, the portion of the rural county commission district taken into the corporate limits of the municipality shall not be treated as a part of the highway commission district herein created.

The Commission Districts in Coffee County are more fully described in the reapportionment resolutions adopted by Coffee County in regard to the County Commission at the Special Commission meeting held September 30, 2021, as on file in the office of the County Clerk and the County Election Commission.

As amended by: Private Acts of 1982, Chapter 204
Private Acts of 1998, Chapter 105
Private Acts of 2002, Chapter 78

Private Acts of 2022, Chapter 37

SECTION 3. Each member of the Highway Commission shall be a resident of Coffee County at least one (1) year prior to his election. The Highway Commission shall qualify by filing a joint bond with good and solvent sureties in the penalty of Eight Thousand Dollars (\$8,000.00) to honestly, faithfully and correctly account for and expend all funds coming into their hands as members of said commission. Each member of the Highway Commission shall take and subscribe to an oath administered by the County Court Clerk as a part of the records, to the effect that each member will honestly, faithfully and impartially discharge his official duties and correctly account for and pay over all moneys coming into his hands.

SECTION 4. The Highway Commission shall elect from its membership a Chairman and Secretary, each to serve for a term of one year. The Chairman shall not be eligible to succeed himself as Chairman. The Chairman shall preside at all meetings of the Highway Commission. The Secretary shall keep and preserve the records of the Highway Commission which shall show the actions of the said commission in all regular or called meetings.

The Highway Commission shall hold a regular meeting at the courthouse on the first Wednesday of each month and such called meetings as the Chairman may call by written notice delivered to the other members of the Highway Commission; and if at least two (2) of the members request the Chairman to call a meeting for any purpose, he shall be required to do so.

Any three (3) members present at any meeting shall constitute a quorum.

The Highway Commission is authorized to promulgate rules and regulations to govern their conduct as members of said commission in the discharge of their official duties.

Each member of the Highway Commission shall file a worksheet of his official activities at each regular meeting of said commission.

SECTION 5. The compensation of each member of the Highway Commission shall be determined by the Quarterly County Court, and such compensation shall not be less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) per month. The Chairman and Secretary may receive compensation for their services in an amount not less than One Hundred Fifty Dollars (\$150.00) and not more than Two Hundred Twenty Five Dollars (\$225.00) per annum in addition to their compensation as a member as shall be determined by vote of the Commission. All compensation shall be payable out of the general road fund or warrant drawn on the trustee. All disbursements made by the Highway Commission for any purpose shall be by warrants signed by the Chairman and countersigned by the Secretary.

SECTION 6. The Highway Commission shall have jurisdiction over all of the roads, culverts, levees, rock quarries, gravel beds, drains, ingress and egress to and from such quarries, etc., exclusive of the roads located within the corporate limits of any municipality within the County, and shall have jurisdiction and control over all machinery, tools and equipment of every kind and character belonging to the county or which may hereafter be purchased for said purposes. The Highway Commission shall only have and exercise only such authority over bridges as may be delegated to it by the Quarterly County Court through the Bridge Commission.

The Highway Commission is vested with the power of condemnation under the general laws of the State for the purpose of condemning rights of way for roads, bridges, culverts, quarries, levees, gravel beds, drains, etc., and said Highway Commission is authorized within the appropriation for any given year to purchase tools, machines, and equipment necessary to maintain and keep the roads in repair, and they shall take good care of such machinery, equipment, tools, etc., and care for the same and keep the same in proper state of repair.

SECTION 7. The office of the County Road Superintendent is hereby created. The Superintendent shall be experienced in purchasing and contracting rural road construction, maintenance and repair, including concrete and bridge work, and be familiar with the laws concerning real estate conveyancing and public and private property.

Candidates for the position of County Road Superintendent shall file satisfactory proof of such qualifications with the County Judge of said County, and to the Coffee County Election Commission along with his petition to place his name on the official ballot used in the General Election.

The County Road Superintendent shall be elected by the qualified voters of Coffee County at the Special Election provided for in Section 2, whose term of office shall begin September 1, 1971, and he shall hold office until September 1, 1972, or until his successor is duly elected and qualified. At the General Election in August of 1972, and every two years thereafter, the County Road Superintendent shall be elected in Coffee County by the qualified voters of the said County, whose term of office shall begin September 1 next thereafter, and he shall hold office for two years, and until his successor is duly elected and qualified. He shall be required to make a bond in the amount of \$5,000.00.

In case of death, resignation, removal, or vacancy for any cause in the Office of County Road Superintendent, the Coffee County Quarterly Court shall elect another qualified person to fill said vacancy, and he shall hold office for the remainder of said term, and until his successor is duly elected and qualified.

The salary of the Superintendent shall be determined by the Quarterly County Court, but shall not be less than Six Thousand Five Hundred Dollars (\$6,500.00) per year nor more than Ten Thousand Dollars (\$10,000.00) per year.

The Superintendent shall be a full-time employee, shall have full and complete charge, and shall superintend all road work carried on in the county and all work incident to the roads in Coffee County. The Superintendent shall act under the direction of the Commission.

The County Highway Superintendent shall attend all meetings of the Commission, and shall have the duty, right and power to cast the deciding vote on all matters coming before the commission when said County Highway Commission is equally divided.

SECTION 8. The Chairman, with approval of the Highway Commissioners, is vested with jurisdiction as the representative of Coffee County to cooperate and deal with the State Highway Department and the Commissioner thereof in connection with all matters pertaining to road work located within the County in which the State shall have any interest or as to which the State shall desire to cooperate under any existing law.

SECTION 9. The Superintendent may make any purchase of less than Five Hundred Dollars (\$500.00) without obtaining competitive bids. Purchase of Five Hundred (\$500.00) or more shall be made only after approval by the Commission and on a competitive bid basis.

The Highway Commission shall annually publish an itemized statement of all receipts and disbursements by them. Such statement, so far as disbursements be concerned, shall contain the amount of each payment by them, the party to whom made and the subject matter of such purchase and such statement shall be published annually in some newspaper of general circulation in Coffee County, payment for such publication to be made from the highway funds of the County.

The Highway Commission shall keep permanent records of their actions as members of such commission, and make reports showing their actions and their receipts and disbursements to each quarterly term of the County Court, and a copy thereof shall be mailed to the State Commissioner of Highways at Nashville.

SECTION 10. The Highway Commission shall have power to let contracts for the construction, maintenance, and repair of any road coming under its jurisdiction within the amount of funds available for that year for such purposes, and said contracts shall be in writing and the Commission shall retain 20% of the contract price until the contract is completed and the work accepted and final estimated issued.

SECTION 11. No person, firm, or corporation shall tear up or dig ditches or drains for any purpose in any road coming under the jurisdiction of the Highway Commission without first obtaining the written permission of the Commission and filing bond with the Commission conditioned to restore the road to its former condition. Any person violating the provisions of this Act shall be guilty of a misdemeanor and subject to a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each day of the offense.

SECTION 12. No funds shall be expended or obligations contracted for by the Highway Commission in any one (1) year in excess of the appropriations allotted by the State; or otherwise for said year, plus the unexpired balance carried over from any previous year.

At any time there are registered with the County Trustee outstanding and unpaid warrants issued by the Highway Commission, such Commission shall not expend or contract or incur obligations in any month in excess of sixty per centum (60%) of the gasoline tax allotment made by the State of Tennessee and/or the expenditure by warrants in any one month by said Commission in excess of sixty per centum (60%) of the amount of the State's gasoline tax allotment to the Commission for said preceding month, while there are outstanding and unpaid obligations of the Commission, shall be a misdemeanor in office and punishable by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each such offense.

SECTION 13. The Highway Commission shall have authority to issue notes bearing interest at the rate of eight per centum (8%) per annum or less for capital equipment provided that no note shall be made to run for a period of more than three years. There shall at no time be more than Sixty Thousand dollars (\$60,000.00) of such notes outstanding. A certified list of such note or notes shall be filed with the County Judge at the time of issuance of said notes by the Commission. The Commission shall keep a register of all such notes together with notes issued from time to time, the notes outstanding at the present time to be a part of the Sixty Thousand Dollars (\$60,000.00) authorized. Such notes shall be

signed by all members of the Commission and countersigned by the Superintendent and the County Judge.

SECTION 14. Prisoners committed to the workhouse of the County may be used by and be under the control and supervision of the Highway Commission in the construction, repair, and the maintenance of the roads of the County.

SECTION 15. All contracts let by the Highway Commission shall be advertised by the Commission in some newspaper published in the County for at least two weeks and sealed bids shall be received for such work and no contract shall be let to any of the members of the Highway Commission, or to any one related to any member of such commission within the third degree.

All accounts shall be awarded by the Highway Commission and approved for payment in an open meeting of the Commission.

SECTION 16. In building and repairing County roads, the Highway Commissions shall be authorized to make such changes in location as are necessary to avoid heavy grades and cut out sharp turns or curves, and to properly provide for the drainage of said roads, by ditches, culverts, etc. In the construction of said roads, a system shall be adopted which shall tend to the promotion and carrying out a permanent system of county highways in accordance with the best standards of engineering experience. All funds expended by the Highway Commission for road construction and maintenance shall be spent as equally as possible in each of Magisterial Districts Three, Four, Five and Six.

The Highway Commission shall have jurisdiction and control of all the expenditures of all road funds (except the bridge fund) now in the hands of the County Trustee and of all funds which may come into his hands for such purpose, it being the intention of this Act to supplant and supersede all other road laws applicable to such County. The appropriation and expenditure of bridge funds shall be within the exclusive province of the County Court and its Bridge Commission. The County Highway Commission shall have no authority to commit or expend such bridge funds. Taxes assessed for bridge purposes shall be collected by the County Trustee and paid out on warrants of the Chairman, countersigned by the County Judge, after approval by the Quarterly County Court through the Bridge Commission.

The County Bridge Commission shall be composed of four (4) members, all of whom shall be members of the Quarterly County Court, and they shall be elected at the January Term by such Quarterly County Court and shall serve for a term of one year. One member of the Bridge Commission shall be elected from each of Magisterial Districts Three, Four, Five and Six, and such members must reside within the Magisterial District from which they are elected. The County Judge shall be an ex-officio member of the Bridge Commission and shall have the power to vote on any matters in case of a tie vote; and shall serve without compensation.

Taxes assessed for bridge purposes shall be assessed against property lying outside the corporate limits of the cities of Manchester and Tullahoma.

SECTION 17. The Coffee County Highway Commission or Superintendent shall not lend themselves, their office, nor any of their employees or any County owned equipment, material; nor shall they use the same, for the purpose of working upon, repairing, maintaining or constructing any road, roadway or driveway, or otherwise making any improvement, upon any privately owned property.

The Highway Commission and Superintendent shall be prohibited from using, or allowing any County owned equipment, material, employees or funds allocated to the Highway Commission to be used to construct, repair or maintain any street, road, roadway or driveway, or improving property within the corporate limits of any incorporated town located within the boundaries of said County, except County owned property.

SECTION 18. The provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even is such unconstitutional or void matter had not been included therein.

SECTION 19. Chapter No. 307 of the Private Acts of 1967; Chapter No. 113 of the Private Acts of 1969, and all other laws and parts of laws in conflict herewith are hereby repealed in their entirety.

SECTION 20. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Coffee County at or before the next regular meeting of the Court occurring 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 21. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 11, 1971.

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