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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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<b>Chapter I - Administration .....</b>	<b>3</b>
<b>Board of Fair Commissioners .....</b>	<b>3</b>
<b>Acts of 1909 Chapter 490 .....</b>	<b>3</b>
<b>Private Acts of 1923 Chapter 515 .....</b>	<b>3</b>
<b>Private Acts of 1933 Chapter 502 .....</b>	<b>5</b>
<b>Board of Parks and Recreation .....</b>	<b>5</b>
<b>Public Acts of 1974 Chapter 754 .....</b>	<b>5</b>
<b>Farmers' Market .....</b>	<b>5</b>
<b>Private Acts of 1949 Chapter 400 .....</b>	<b>6</b>
<b>Retirement Benefits .....</b>	<b>10</b>
<b>Private Acts of 1961 Chapter 381 .....</b>	<b>10</b>
<b>Seat of Government .....</b>	<b>28</b>
<b>Acts of 1843-44 Chapter 1 .....</b>	<b>28</b>
<b>Sports Stadium .....</b>	<b>28</b>
<b>Public Acts of 1996 Chapter 582 .....</b>	<b>28</b>
<b>Water and Sewerage .....</b>	<b>29</b>
<b>Private Acts of 1953 Chapter 361 .....</b>	<b>29</b>
<b>Administration - Historical Notes .....</b>	<b>30</b>

# Chapter I - Administration

## Board of Fair Commissioners

### Acts of 1909 Chapter 490

**COMPILER'S NOTE:** This general law established the Board of Fair Trustees of the State of Tennessee. Sections 2 and 7 directly pertain to Davidson County.

SECTION 2. That the said Board of Fair Trustees is hereby invested with the power, authority, and duty to take complete charge and control, in behalf of the State of Tennessee, of any property which may hereafter be purchased by Davidson County and conveyed or leased by Davidson County to the State of Tennessee for the holding thereon of a State Fair, and they shall use and maintain said property by holding thereon at least once a year for not less than six days a fair or exposition for the benefit of the people of Tennessee, at which shall be exhibited, as far as possible, the resources and developments of the State of Tennessee and the progress of its people in all kinds of enterprise and endeavor. ...

SECTION 7. That should any property be conveyed or leased by Davidson County to the State of Tennessee as aforesaid, for the purpose of holding thereon said annual fairs, the said Board of Fair Trustees shall use and maintain said property for the purpose set forth in this Act, and should said property, without good and sufficient cause, such as bad weather, fire, storm, pestilence war, etc. cease to be used for the purpose herein set forth for a period of two years, beginning with the last day of any annual fair, then and in that event said property, with all fixtures thereon, shall revert back to and become the absolute property of the donor or conveyor, and all right, title, and interest whatever in said property which shall have been acquired by the State of Tennessee shall become null, void, and extinguished. This provision shall constitute a condition of the acceptance and use of said property by the State of Tennessee. In this manner and upon this condition the State of Tennessee through its said Board of Fair Trustees, shall accept and use such property as may be conveyed, leased, or otherwise tendered to the State of Tennessee by Davidson County for the purpose of holding thereon an annual State Fair; ...

Passed: May 1, 1909.

### Private Acts of 1923 Chapter 515

**SECTION 1.** That counties having a population of not less than One Hundred and Sixty-five Thousand (165,000) inhabitants nor more than Two Hundred Thousand (200,000) inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, be and hereby are authorized to establish, maintain and operate a divisional fair for the benefit of the people of said counties, at which shall be exhibited, for the education of the people of said counties, the resources and developments of said counties and the State of Tennessee; and the progress of its people in all kinds of enterprises and endeavor, the agricultural, mineral, live stock, commercial, industrial, educational and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

**SECTION 2.** That there shall be, and there hereby is, created a Board of Fair Commissioners, which shall be known as the "Board of Fair Commissioners," and shall consist of seven (7) members, one of whom shall be the County Judge, who shall ex officio be a member thereof; the remaining six (6) members shall be elected by the Quarterly County Court for a term of six (6) years, when and as the terms of office of the present members of said Board expire. Not more than two members of the County Court shall be eligible to election and to serve on said Board at one time. The members of said Board shall serve without compensation, but they shall be entitled to have all expenses actually incurred in the performance of their duties as such Commissioners, on properly certified statements submitted to and approved by the Financial Agent of such Court. These expenses, as all others, are to be paid out of the Fair funds.

As amended by: Private Acts of 1931, Chapter 178

**SECTION 3.** That said Board of Fair Commissioners shall have full power to prescribe rules and regulations for its own government and organization, and for the holding of said fairs and expositions, and shall elect officers for the fairs, and shall choose whatever employes (sic) it may deem necessary and fix their compensation; provided it shall not be lawful for the Board, or any authority, to issue free passes to said fair to any person or persons other than employes (sic) in connection with said fair, including exhibitors and persons holding concessions and their bona fide employes (sic) upon the grounds.

Provided that it shall be lawful for said Board to issue personal passes to members of the County Court, to the Governor of the State, to the Commissioner of Agriculture of the State, and to the Mayor of the City of

Nashville.

As amended by: Private Acts of 1931, Chapter 178

**SECTION 4.** That the members of said Board shall meet at the office of the County Judge on the first Tuesday in April and November of each year, and may meet whenever called together upon five days' notice by the Chairman upon his own motion, or upon written request of three members. A majority of the members of the Board shall constitute a quorum for the transaction of business.

**SECTION 5.** That said Board of Fair Commissioners, through its Chairman and Secretary, shall make a full report to the Quarterly County Court only at the January term of said Court of the condition of the property and the operation of the fair, accompanied by a statement of all receipts and expenditures, verified by the oath of the Chairman and the Secretary, which accounts shall be at all times open to inspection and examination by the County Auditor, or any committee the County Court may appoint for that purpose.

**SECTION 6.** That said Board of Fair Commissioners shall require its Secretary to execute a good and solvent bond in the sum of Five Thousand Dollars (\$5,000.00), payable to the State of Tennessee for the use and benefit of said county, conditioned upon the faithful performance and discharge of his duties as Secretary of said fair, the premium on said bond to be paid by the Board of Fair Commissioners out of the fair funds.

**SECTION 7.** That the said Board of Fair Commissioners shall install such system of accounting as the Auditing Commission of such counties coming under the provisions of this Act may direct.

**SECTION 8.** That the County Court of such counties may at the July term of the 1923 Court, and of each year thereafter, levy a tax upon all taxable property of the county of not more than two-tenths of a mill, to be known as the "Fair Tax," for the purpose of maintaining and operating a divisional fair. Said funds derived from the levy of this tax shall be expended under the direction of the Board of Fair Commissioners. Said Board shall have control of the disbursement of all funds collected by taxation, received from the State of Tennessee, or collected from gate receipts, concessions, or leases of the said fair property for educational or amusement purposes, for the operation, maintenance or improvement of the fair property.

Said Board of Fair Commissioners is hereby vested with the power and authority to borrow money for the purpose of making permanent improvements in and on any property held and owned by the county for fair purposes, to purchase additional property for fair purposes, and to secure the payment of money so borrowed by mortgages or deeds of trust on the whole or any part of said fair property. Provided, that before buying any additional property, or borrowing any money, or executing any such mortgages or deeds of trust, said Board of Fair Commissioners shall first obtain the approval of the County Court of the county, which approval shall be in the form of a resolution duly and legally adopted by said County Court, authorizing the purchase of said additional property, designating the officers of said Board of Fair Commissioners who shall sign and execute the evidences of any such indebtedness and the mortgages or deeds of trust securing the payment of same, and fixing the amounts to be borrowed and the maximum rate of interest to be paid therefor. And provided further, that any such obligations created in conformity with this provision, shall not be held or considered as the general obligation of the county, but shall be repaid only from the proceeds of the tax levy herein provided, and funds collected from gate receipts, concessions, or leases of said Fair Property for educational or amusement purposes. And provided further, that not more than \$250,000.00 shall be so borrowed, and when borrowed, shall mature in annual installments not more than six (6) years from date. And provided further, that until said loan is discharged, the tax levy of two-tenths (2/10) of a mill heretofore authorized shall be mandatory and shall be levied each and every year until said loan is liquidated or paid. And provided further, that the title to any property purchased under the provisions of this Act shall be taken in the name of Davidson County.

Provided, however, that all funds received by the Board of State Fair Commissioners shall rotate through the County Trustee's Office, for the more efficient and accurate accounting thereof.

As amended by: Private Acts of 1925, Chapter 235  
Private Acts of 1927, Chapter 203

**SECTION 9.** That the Board of Fair Commissioners shall have authority to cooperate with the State Division of Fairs on all matters, but if the expenditure of funds is contemplated beyond the amount raised by any tax levy made by the County Court, hereinbefore provided, such matter shall be referred to the County Court for its approval or disapproval.

**SECTION 10.** That said Board of Fair Commissioners is hereby vested with the power, authority and the duty to enter into negotiations with the Commissioner of Agriculture of the State of Tennessee, for the surrender and cancellation of any lease now held by the State of Tennessee of any fair property in such counties, and to take complete charge and control on behalf of such counties, and they shall use and maintain said property by holding thereon, at least once a year, for not less than six days, a fair or

exposition for the benefit of the people of such counties, and they may lease for amusement purposes said property at such times and in such ways as not to interfere with the operation of said fair, the proceeds received from said leases to be used in the maintenance of said fair, at which shall be exhibited, as far as possible, the resources of said county and the State of Tennessee, and the progress of its people in all kinds of enterprises and endeavor. The agricultural, mineral, live stock, commercial, industrial, and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

**SECTION 11.** That said Board of Fair Commissioners shall have power to formulate rules for the offering, and to offer special premiums, and in every other way possible promote the best interest of said counties in the conduct and management of said divisional fair.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 28, 1923.

## Private Acts of 1933 Chapter 502

**SECTION 1.** That the Board of Fair Commissioners of Davidson County, Tennessee, be and it is hereby authorized by and with the approval of the Finance Committee of said County to borrow money on short time loans at a rate of interest not exceeding six percent (6%), provided that in no event shall the amount borrowed exceed any special tax levy levied by the County Court of Davidson County for State Fair purposes, for the current year for which loan is made; and provided, further, that the money so borrowed for any one year shall be paid back out of revenue derived for fair purposes during said current year.

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

Passed: April 18, 1933.

## Board of Parks and Recreation

### Public Acts of 1974 Chapter 754

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

WHEREAS, there are no public recreational access areas on the Cumberland River where it flows through urban northwest Nashville; and

WHEREAS, the United States Army Corps of Engineers is able to participate on a cost-sharing basis in the construction of a boat launching and recreational facility on the Cumberland River; and

WHEREAS, the land area on either side of Glade Branch where it flows into the Cumberland River is owned by the state of Tennessee, and administered by the Department of Correction; now, therefore,

**SECTION 1.** The Commissioner of the Department of Corrections shall transfer and convey to the Metropolitan Government of Nashville and Davidson County or to the United States Government for the use and benefit of the Secretary of the Army, Corps of Engineers, any and all interest, including any reversionary interest, held by the State of Tennessee in and to certain tract or parcel of land of approximately fifty (50) acres lying and being situated on the Cumberland River and formerly constituting a part of the state penitentiary property, the same being more particularly described as follows:

"Bounded on the east by the property of the Tennessee Tufting Company; bounded on the west by the property of the State of Tennessee; bounded on the north by the site of a proposed Cockrell Bend industrial road subject to survey; and bounded on the south by the Cumberland River."

Said conveyance shall be for the purpose of establishing a recreational facility as set out above.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 28, 1974.

## Farmers' Market

## Private Acts of 1949 Chapter 400

**SECTION 1.** That Davidson County, State of Tennessee, be and is hereby authorized to borrow money and issue its bonds therefor in the aggregate amount of One Million (\$1,000,000.00) Dollars, bearing interest at not more than three per centum per annum, payable semi-annually, both bonds and interest to be payable at such place or places in Nashville, Tennessee, or elsewhere, as may be designated by resolution of the Quarterly County Court of Davidson County, Tennessee, for the purpose of establishing a public market or marketing facilities, to provide grounds therefor, to build, improve and construct thereon a modern public market or marketing facilities for use by farmers, transient produce dealers and licensed produce dealers as herein defined for the sale and distribution of fresh fruits and vegetables and other agricultural products and paying the expenses in connection with the issuance and sale of said bonds.

Said bonds shall mature in such annual installments not more than twenty-five years from their date, and shall be in such form and amount, registered or coupon, and shall be sold in such manner and for such prices as the Quarterly County Court of said County may determine, but in no event shall the bonds be sold for less than par, nor shall they be sold until the issue be first advertised at least once in some newspaper of general circulation in the City of Nashville, Tennessee, and once in some financial journal in New York City, said advertisement be published at least fourteen days before the sale of said bonds. The proceeds from the sale of said bonds shall be paid to the Trustee of said County to the credit of a fund to be designated as the "Davidson County Farmers' Market and Building Fund," and shall be used exclusively for the purposes above recited.

As amended by:

Private Acts of 1949, Chapter 650

Private Acts of 1959, Chapter 305

**COMPILER'S NOTE:** Private Acts of 1949, Chapter 650, amended the first Section of this act by striking the phrase "and produce dealers" so that the act applied to a market for farmers only. The amendatory act was declared unconstitutional in 1956 because it failed to refer to the caption of the act it sought to amend or otherwise properly refer to it. Private Acts of 1959, Chapter 305, added the phrase, "transient produce dealers and licensed produce dealers" to Section 1. See Baxter v. Jenkins, 199 Tenn. 625, 288 S.W.2d 701 (1956).

**SECTION 2.** That said bonds shall not issue until and unless authorized by Resolution of the County Court and the proposition of the issuance of such bonds shall have been approved by a majority of the qualified voters of Davidson County voting on that proposition at an election called for that purpose. At any election called for this purpose those voters desiring the issuance of said bonds shall vote in said election: "For Farmers' Market Building Bonds," and those opposing the issuance of said bonds shall vote: "Against Farmers' Market Building Bonds."

Such election or elections shall be held in conformity with the laws controlling elections in said Davidson County. Should a majority of the qualified voters upon said proposition in such election or elections vote "For Farmers' Market Building Bonds," then said bonds shall be issued as herein provided in this Act. Should a majority of such voters vote "Against Farmers' Market Building Bonds," then such bonds shall not be issued unless and until they shall have been presented by the Quarterly County Court and approved by a majority of the legal voters as herein provided.

**SECTION 3.** That the principal and interest of any such bonds falling due before the proceeds of the first tax levy becomes available shall be paid from the ordinary or general funds of the County, and in each year during the life of said bonds the said Quarterly County Court of Davidson County is required mandatorily to include in the annual tax levy over and above all other taxes authorized by law a special tax levy of sufficient size on all property in Davidson County to meet the principal and interest thereof falling due in the ensuing year, and a sum sufficient to reimburse the ordinary or general fund for the payment of any such interest or principal.

**SECTION 4.** That said Quarterly County Court may in its discretion provide that the owner or holder of any such bond may register the same both as to principal and interest, or as to principal alone, in his name on the books of the County in the office of the County Court Clerk, or in any bank or trust company in the City of New York that may be designated for such purpose, under such regulations as said Quarterly Court may provide.

**SECTION 5.** That said bond issue shall be called the "Farmers' Market Building Bonds."

**SECTION 6.** That no fees, commissions, or charges shall be made or paid to any officer of Davidson County for receiving, disbursing or handling said bonds, or the proceeds thereof.

**SECTION 7.** That the proceeds of said bonds placed to the credit of the Trustee of Davidson County shall be administered and expended by the Davidson County Farmers' Market Commission for the purposes herein provided.

**SECTION 8.** That there is hereby created the "Davidson County Farmers' Market Commission." The County Judge of Davidson County shall be an ex officio member of said Commission. The first Commission shall be composed of five qualified and competent persons, to-wit: J. D. Peay, Henry Neuhoﬀ, W. A. Strasser, Jack Hitt, and C. R. Bramwell, who shall serve until the next meeting of the Quarterly County Court, at which time there shall be elected one Commissioner for a term of one year, one Commissioner for a term of two years, one Commissioner for a term of three years, one Commissioner for a term of four years, and one Commissioner for a term of five years. As the respective terms of office of said Commissioners expire there shall be elected annually one Commissioner for a term of five years.

The membership of said commission is hereby increased from five (5) members to seven (7) members. Not less than two (2) members of said commission shall be licensed wholesale fresh fruit and vegetable distributors, or shall be officers of a corporation which is so licensed. The two (2) additional members of said commission shall be elected by the Quarterly County Court of Davidson County at its July term, 1959, and shall serve for the same term as the other members of said commission.

The members of said Commission shall possess the following qualifications: they shall be citizens of the United States of America, citizens of Davidson County, Tennessee, and shall be at least thirty years of age, and shall have been freeholders and taxpayers of Davidson County for at least three years.

Three Commissioners shall constitute a quorum for the transaction of business, provided, however, no action shall be taken by the Commission except by the concurrence of a majority of the entire Commission.

The Commissioners shall receive as compensation a per diem of Five (\$5.00) Dollars per day for each meeting of the Commission, but shall be paid for not more than twelve meetings in any one year.

The Commission, upon its election, shall organize by the election of a Chairman, Vice Chairman, and a Secretary from among the members of the Commission by a majority vote of all the members thereof, and a new Chairman and new Vice Chairman, and a new Secretary, shall thereafter be elected in like manner by the Commission each year.

All minutes of the Commission shall be recorded in a well-bound book, and shall be open for inspection.

All vacancies in the Commission shall be filled by the County Court for the unexpired term.

The Commission shall have authority to adopt rules and regulations for its government and for the management and operation of the Davidson County Public Market or Marketing Facilities not inconsistent with the provisions of this Act. Said rules and regulations, upon adoption by the Commission, shall be submitted to the County Attorney of Davidson County for approval, as to form and legality and, upon this approval, a copy of said rules and regulations shall be filed with the County Court Clerk of Davidson County and a copy shall be kept in a well-bound book at the office of the Commission and copies shall be posted on the market premises in at least three prominent places. The Commission shall have authority to revise such rules and regulations at any time and these revisions shall be approved, filed and posted in the prescribed manner.

The Commissioners shall be ineligible for appointment as Manager, or to hold any other position created by the Commission.

No person, firm or corporation shall be permitted to use or occupy any space of facility under the jurisdiction of said Commission except: (1) farmers as herein defined, (2) transient produce dealers as herein defined and (3) licensed produce dealers as herein defined.

The word "farmer" as used in this Act is defined to be an individual or individuals who are primarily engaged in producing products of the soil, dairy farming, the production of poultry or live stock and the principal part of whose income is derived from any one or more of the foregoing operations. The burden of establishing that he is a bona fide farmer within the foregoing definition shall be upon the person seeking to use such marketing facilities as a farmer. The General Manager shall have authority to determine whether or not any applicant is a bona fide farmer, subject to review by the Commission.

The term "transient produce dealer" as used in this Act shall mean every person or persons who engages in the sale or distribution of or who exposes or offers for sale, distributes or otherwise deals in any fresh fruit, vegetable or produce as a temporary business and who holds a license issued by the County Court Clerk of Davidson County under Item 65(b) of Section 67-4203 of Tennessee Code Annotated and a license as a transient and temporary merchant issued by the City of Nashville.

The term "licensed produce dealer" as used in this Act is defined to be an individual, firm or corporation duly licensed to buy, sell, store, handle or transport agricultural products in this state and who holds a license issued by the County Court Clerk of Davidson County, Tennessee, under Item 84 of Item 112 of Section 67-4203 of Tennessee Code Annotated, or under both of said Items, if applicable, and who holds a

license as a produce dealer issued by the City of Nashville, Tennessee; and who regularly pays state, county and city merchants ad valorem taxes.

The said General Manager shall have full authority to exercise control over the type, weight and measure, designation, labeling and quality grade of commodities brought on the market consistent with the standards of the United States Department of Agriculture, the State Department of Public Health, the Davidson County Department of Public Health, and the rules of the Commission. This authority of the General Manager shall include the right to condemn and dispose of substandard commodities, without personal liability to him or the Commission and without liability to Davidson County, Tennessee.

The Commission shall be authorized and empowered to construct, expand, remodel and extend marketing facilities.

The term, "marketing facilities" as used in this Act shall include marketing space for farmers; wholesale stores for fruit, vegetable, poultry, egg, dry grocery, and meat dealers; service stations, barber shops, restaurants, banks and space for telephone and telegraph service; and other like business enterprises deemed essential to the operation of the market by the Davidson County Farmers' Market Commission.

The Quarterly County court shall be authorized to borrow money in anticipation of the revenues from the market for the purpose of constructing (sic), expanding, remodeling and extending such market facilities.

The Commission shall be authorized to execute leases of unimproved real estate under its jurisdiction to licensed produce dealers for the purpose of constructing facilities. No such lease shall be executed for a period of time less than five (5) years. Such leases may be pledged as security for loans for the construction, renovation, improvement and extension of buildings or for improvements or equipment, with the approval of the Finance Committee of the Quarterly County Court of Davidson County, Tennessee.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 9.** That the "Davidson County Farmers' Market Commission" shall not have authority to incur any obligations, nor shall they receive any compensation for services rendered unless and until the bonds authorized to be issued under authority of this Act have, by resolution of the County Court, been issued and submitted to a vote of the people on a referendum election called for that purpose and have been approved by the people.

**SECTION 10.** That the Commission created by this Act shall have the sole and exclusive control of the operation and management of the Farmers' Market authorized herein and other marketing facilities in Davidson County and over the acquisition, construction and establishment of such Farmers' Market or other marketing facilities.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 11.** That the Commission may employ a Building Manager who shall supervise the construction of the Farmers' Market and other marketing facilities. Upon the completion of the construction of such Farmers' Market and other marketing facilities, the Commission is authorized to employ a General Manager who shall be in charge of the management and operation of such Farmers' Market and Marketing Facilities when constructed and established under the direction and supervision of the Commission as may be provided from time to time by rules and regulations.

Said General Manager shall be chargeable with the enforcement and execution of all rules and regulations, programs, plans and decisions made or adopted by the Commission. He shall make and keep full and complete books and records which shall at all times adequately reflect the affairs of the Commission, which books shall at all times be subject to the supervision, direction and control of the Commission.

**SECTION 12.** That the Commission shall have full power to regulate charges to be made for rental space on the market and shall prescribe the rules and regulations in connection therewith, and it shall be the duty of the General Manager to carry out the policies of the Commission with respect to such rentals and rental charges, including the power to negotiate contracts and licenses for the construction of marketing facilities and the occupation of space, from time to time with all tenants of the Commission.

As amended by: Private Acts of 1959, Chapter 305.

**SECTION 13.** That the confines of said market are hereby specifically declared to be within the police jurisdiction of the City of Nashville as well as within the jurisdiction of the Sheriff of Davidson County. It shall be the duty of the Police Department of the City of Nashville and the Sheriff of Davidson County and his deputies to enforce the provisions of this Act and to enforce the law and preserve the peace on said premises. Any violation of this Act, including the occupation or use of space on said market without the payment of the prescribed rental or license fee, is hereby declared to be a misdemeanor, punishable by a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment not to exceed ninety (90) days, or both, such fine and imprisonment within the discretion of the Court.

As amended by: Private Acts of 1959, Chapter 305.



**SECTION 14.** That said Commission is expressly authorized to exercise the power of eminent domain on behalf and in the name of Davidson County within the boundaries of said County, in order to acquire any property, real or personal, necessary or useful in exercising the power and authority conferred by this Act. The title to all property taken for the purpose of exercising the powers conferred by this Act, whether acquired by contract or by the exercise of the power of eminent domain, shall be taken in the name of Davidson County, Tennessee, and such condemnation proceedings as may be deemed necessary or proper shall be pursuant to and in accordance with the provisions of Section 3109 to Section 3134, inclusive, of the Code of Tennessee. Provided, however, that in no event shall said Farmers' Market Commission have authority beyond the amount of the funds made available to it by the issuance and sale of the bonds authorized by the provisions of this Act, with the exception that, for the purpose of constructing, expanding, remodeling and extending such marketing facilities, the Davidson County Quarterly Court is specifically authorized to borrow money at a rate not to exceed six (6%) per cent per annum in anticipation of the revenues from the market, and leases may be used as collateral for such loans as hereinabove provided.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 15.** That the County of Davidson is hereby authorized to acquire by purchase, gift, condemnation, or otherwise, and to construct, maintain, operate and use such buildings, works, lands, property and conveyance as in the judgment of the Commission will provide an efficient and satisfactory Farmers' Market and/or marketing facilities for the inhabitants of Davidson County.

The Commission is authorized to accept Federal and State aid.

**SECTION 16.** That the Commission is hereby authorized to charge and collect rents, rates, fees or other charges for its services and facilities.

Such rents, rates, fees and charges being in the nature of use or service charges, shall, as nearly as the Commission shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the facilities of the Commission.

The Commission shall prescribe and from time to time, when necessary, revise a schedule of such service charges or rentals, a copy of which shall at all times be kept on file and open to public inspection at the office of the Secretary of the Commission and at the office of the County Court Clerk of Davidson County.

**SECTION 17.** That the Commission, in addition to its authority for the employment of a General Manager for the management and operation of such marketing service, shall have the authority to employ such other necessary personnel in the operation of said marketing facilities, with the right to establish the pay scale for such employees; provided, however, that they shall confine themselves within the annual operating revenue of said marketing facilities, and provided, further, that the employees of the Davidson County Farmers' Marketing Commission shall not be subject to the provisions of the Davidson County Civil Service Act, nor of the Davidson County Pension Plan.

**SECTION 18.** That it shall be the duty of the General Manager of said marketing facilities to collect, report and pay into the County Trustee's office of Davidson County all monies received as rents, rates, fees and charges, monthly, and within ten days from the end of each month, said payments to be placed to the credit of a special fund to be designated "Farmers' Market Operating Fund." All expenditures of said Commission authorized by this Act shall be on vouchers signed by the Chairman or Vice Chairman of the Commission and countersigned by the Secretary.

**SECTION 19.** That any funds received from rents, rates, fees and charges remaining unexpended in the hands of the Trustee in the Special Account designated "Farmers' Market Operating Fund," and unexpended on April 1st of each year may, by resolution of the County Court be transferred from said fund and applied towards the retirement of any outstanding Farmers' Market Building Bonds, provided that said fund may not in this manner be reduced to less than Five Thousand (\$5,000.00) Dollars, or the Court may, by resolution, authorize its expenditure by the Farmers' Market Commission for betterments, extensions and repairs.

**SECTION 20.** That the Commission shall fix the amount of bonds to be required by the General Manager, and all others who are to handle or be responsible for the funds and/or property of the Commission, or the County hereunder, and all such bonds shall have as surety thereon some approved bonding or surety company.

**SECTION 21.** That all of the Commission's facilities and property are hereby declared to be public property of a political subdivision of the State devoted to an essential public and governmental function and purpose and shall be exempt from all taxation by the State or any subdivision thereof. All bonds issued pursuant to this Act are hereby declared to be issued by a political subdivision of this State and for an essential public and governmental purpose, and such bonds, and the interest thereon and the income therefrom and all service charges, funds, revenues, and other monies pledged or available to pay or

secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxation by the State or any subdivision thereof, except for transfer, inheritance and estate taxes.

Nothing in this Act shall be construed as relieving the users of said marketing facilities from the payment of all licenses, fees and taxes imposed upon such business by state and local laws, including rules and regulations prescribed by the Commission, and the failure of any user to pay said licenses, fees and taxes when due will operate to suspend his right to use said marketing facilities until said licenses, fees and taxes are paid.

As amended by: Private Acts of 1959, Chapter 305

**SECTION 22.** That when and if the bonds herein provided shall be authorized by the County Court, approved by referendum election of the people, and sold, then in that event, the said Farmers' Market Commission shall have the right to place to the credit of the "Farmers' Market Operating Fund" Ten Thousand (\$10,000.00) Dollars of said proceeds of the bond sale to be used in making necessary surveys and investigations required preliminary to the building of said Market Facility; and provided, that not less than Five Thousand (\$5,000.00) Dollars shall be reserved for the operation of said marketing facilities until such time as the rents, rates and fees charged for said services may make such facility selfsupporting.

**SECTION 23.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 30, 1949.

## Retirement Benefits

### Private Acts of 1961 Chapter 381

**COMPILER'S NOTE:** Private Acts of 1961, Chapter 381, amended Private Acts of 1943, Chapter 274, by rewriting the entire body of the act.

**SECTION 1.** That the caption of Chapter 274 of the Private Acts of 1943, as amended, which caption is set forth in the caption hereof, is hereby amended by inserting after the phrase "and to define its powers and duties," the following "to coordinate said system with the Federal Social Security program, to authorize two divisions of the system with provisions applicable there to, and to prescribe penalties and punishment for any violations of the terms of this Act,"

**SECTION 2.** That Chapter 274 of the Private Acts of 1943, as amended, the caption of which is set out in the caption of this Act, be and the same is hereby amended by striking out all of said Act following the caption, as hereby amended, and substituting in lieu thereof, the following:

#### ARTICLE 1.

##### GENERAL PROVISIONS.

**"SECTION 1.01** Definitions. That as used in this Act, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) System shall mean the Davidson County Pension System created by this Act.

(b) Employer shall mean Davidson County. Any department of Davidson County, other than the Department of Education, or any board of Davidson County, other than the Board of Education, shall be deemed to be Davidson County for the purpose of this Act.

(c) Employee shall mean any person who is regularly employed by the Employer; any person who is an official of the Employer and who is elected by popular vote or by the Davidson County Quarterly Court; any person who is regularly employed in the service of the Employer by an elected official of the Employer; and any person who is regularly employed in the service of the Employer and who is appointed by an elected official of the Employer. In all cases of doubt, the Pension Commission shall determine whether or not a person is an "Employee" as defined herein.

(d) Member shall mean either a Member of Davidson (sic) A or a Member of Davidson B.

(e) Member of Division A shall mean any Employee who becomes a Member of Division A as provided in Article 2 of this Act.

(f) Member of Division B shall mean any Employee who becomes a Member of Division B as provided in Article 3 of this Act.

(g) Retired Member shall mean any person who is no longer an Employee and is receiving a benefit provided by this Act, or any Act amendatory thereof.

(h) Fund shall mean the Davidson County Pension fund created by this Act which shall consist of all assets of the System.

(i) Fiscal Year shall mean the fiscal year of the employer.

(j) Pension Commission, or Commission shall mean the Pension Commission established by this Act which shall administer (sic) the System in accordance with the provisions of this Act.

(k) Effective Date shall mean July 1, 1961, which shall be the effective date of this Act.

(l) Earnings shall mean the total compensation paid to an Employee for his personal services rendered to the Employer, excluding overtime payments, fees of office paid to an Employee who is not elected by popular vote or by the Davidson County Quarterly Court, compensation paid to members of boards or commissions of the Employer for personal services rendered as members of such boards or commissions, prerequisites (sic), or other compensation not a part of the set scale for an established normal working period; provided however, that any compensation paid by the State of Tennessee or the Employer upon which benefits under the Tennessee State Retirement System or any other retirement system, other than this System, are based shall be excluded from "Earnings" as defined herein.

(m) Service shall mean years and completed calendar months of service of an Employee of the Employer.

**"SECTION 1.02.** Introduction. That there is created and established, as of the Effective Date of this Act, a pension system for Employees of Davidson County to be known as the "Davidson County Pension System." All transactions by the Davidson County Pension System shall be in the name of the System. The System shall have all the powers and privileges of a corporation, and the System shall function as hereinafter provided. All benefits payable to Retired Members and their Survivors under Chapter 274 of the Private Acts of 1943, and all amendatory Acts thereof, shall continue unimpaired, and such benefits shall be an obligation and liability of this System, subject to the provisions of this Act. All funds held by the Davidson County Trustee in connection with Chapter 274 of the Private Acts of 1943, and all amendatory Acts thereof, shall be deposited in the Fund established by this Act and be administered in accordance with (sic) the provisions of this Act.

The Davidson County Pension System provides for two (2) classifications of membership: Division A and Division B. Division A, set forth in Article 2 of this Act, shall cover Employees who have not been covered, prior to Effective Date of this Act, by any pension plan of the Employer; all persons who become Employees after the Effective Date of this Act; and Employees who are Members of Division B, as provided in this Act, and who voluntarily elect to transfer their membership to Division A in accordance with the provisions of this Act. Division B, set forth in Article 3 of this Act, shall cover persons who are Employees on the Effective Date of this Act and who were covered by the Davidson County Employees' Pension and Insurance Fund as it existed on the day before the Effective Date of this Act. Article 1 of this Act shall apply to Members of Division A and Members of Division B. Article 2 of this Act shall apply to Members of Division A. No Employee shall be a member of both Division A and Division B, notwithstanding anything in this Act to the contrary. Any benefit payable to a Retired Member in accordance with the provisions of this Act shall not be payable during any period of time he becomes or is an Employee, notwithstanding anything in this Act to the contrary.

**"SECTION 1.03.** Composition and Organization of Pension Commission. That the Pension Commission shall consist of the Davidson County Judge, the Davidson County Trustee, and the Davidson County Court Clerk. The Davidson County Judge shall be chairman of the Commission, and the Davidson County Court Clerk shall be secretary of the Commission. A majority of the members of the Commission shall constitute a quorum, and all action taken by the Commission shall be by affirmative vote of the majority of all members of the Commission. The Pension Commission shall meet at least once in each quarter of each calendar year, and the Commission may meet in special session upon call by any member of the Commission. Any two (2) members of the Commission shall execute any certificate, statement, or written direction on behalf of the Commission, and any person interested in the System shall be entitled to rely upon such execution as being an action of the Commission.

**"SECTION 1.04.** Duties and Powers of Pension Commission. That the Commission shall have complete control of the administrative of the System, subject to the provisions of this Act, with all powers necessary to enable it properly to carry out its duties in that respect. Not in limitation, but in amplification of the foregoing, the Commission shall have the power, not inconsistent with the provisions of this Act, to construe this Act and to determine all questions that may arise hereunder, including questions relating to eligibility of Employees to become Members and the amount of benefit to which any Member, Beneficiary, Survivor or Contingent Annuitant may become entitled hereunder. The decisions of the Commission upon all matters within the scope of its authority shall be final. The Commission shall establish rules and procedures to be followed by Members, Beneficiaries, Survivors and Contingent Annuitants in filing applications for benefits, in furnishing and verifying proofs necessary to determine age, Earnings, or in any

other matters required to administer the System.

The Commission shall receive all applications for benefits. Upon receipt by the Commission of such an application, it shall determine all facts which are necessary to establish the right of the applicant to benefits under the pro-visions of the System and the amount thereof as provided in this Act. Upon request, the Commission will afford any applicant the right of a hearing with respect to any findings of fact or determination. The Commission, as it sees fit, shall prepare from time to time information concerning the System and distribute such information to Employees and Members. The Commission shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities of the System. All proceedings and records of the Commission shall be open for inspection by the public.

To enable the Commission to perform its functions, the Employee shall supply full and timely information to the Commission on all matters relating to the Earnings of Members, their length of Service, their retirement or other causes of termination of employment, contributions to the Fund by Members, and such other pertinent facts as the Commission may require.

The Commission shall certify to the Davidson County Trustee the signatures of all members of the Commission. The Davidson County Trustee shall be entitled to rely on the last received such certification of signatures until written notice to the contrary from the Commission has been received by the Davidson County Trustee.

The Commission shall be empowered to employ the services of legal counsel, investment consultants, actuarial (sic) consultants, and the services of others which, in the sole discretion of the Commission, may be necessary to maintain a soundly designed, administered and financed pension system. All expenses incurred by or on behalf of the Pension Commission in the administration of the System during each Fiscal Year shall be paid from the Fund upon receipt by the Davidson County Trustee of written authorization by the Pension Commission. Members of the Commission shall serve without compensation as members of the Commission, but members of the Commission shall be reimbursed for the actual expenses incurred by them in the performance of their duties.

As soon as practicable after the Effective Date, the Commission shall adopt such actuarial (sic) and other tables as are necessary for the administration of the System. An annual actuarial (sic) valuation shall be made to determine the contingent assets, contingent liabilities and funding requirements of the System. At least once in each five (5) year period, the Commission shall cause an actuarial (sic) investigation to be made of the experience under the System. The Commission shall adopt from time to time, as it sees fit, new actuarial (sic) and other tables necessary for the administration of the System.

The Commission shall be entitled to rely upon all tables, valuations, certificates, and reports furnished by any consultant or actuary; all opinions given by the any legal counsel selected or approved by the Commission; and any advice of a qualified investment consultant. The Commission shall be fully protected with respect to any action taken or suffered by the Commission in good faith in reliance upon the advice or opinion of any such consultant, actuary, legal counsel, or investment consultant, and all actions so taken or suffered shall be conclusive upon each of them and upon all Members of other persons interested in the System.

The Commission shall have no power in any way to modify, alter, add to or subtract from any provision of this Act.

The Pension Commission shall be authorized and empowered to do all things and to take all actions necessary to meet all requirements of Section 218 (d) of the Social Security Act in order to effect retroactive coverage to January 1, 1956 for Members of Division B who voluntarily elect to become covered by the Social Security Act and to transfer their coverage to Division A as provided in Article 3. The Employer shall be authorized and empowered to negotiate coverage; and the Employer shall act in accordance with the directions of the Commission in all matters relating to any agreements or modifications of any existing agreement which may be necessary to accomplish such retroactive coverage and which shall be executed by the Employer on or before December 31, 1961. The Commission shall be authorized and empowered to pay from the Fund to the Social Security Administration the amount of any retroactive Social Security taxes as required by such agreement or agreements or modifications of any existing agreements.

The Commission shall determine whether any Employee meets the health examination requirements an Employee must meet to become eligible for participation as provided in Section 2.03 or Section 2.05; and the Commission shall determine all questions relating to the disability of any Member applying for disability benefits under this Act. The Commission shall employ from time to time, upon such terms and conditions as the Commission may prescribe, one or more physicians who are not Members of the System. The duties of such physician or physicians shall be to perform all medical examinations required by the Commission, and to investigate all health and medical statements and certificates made by or on

behalf of any Employee applying for membership in the System or any Member applying for or receiving disability benefits under this Act. The conclusions and recommendations on all matters submitted to such physician or physicians shall be reported in writing to the Commission; provided, however, the Commission shall not be bound by the conclusions and recommendations of such physician or physicians.

The Pension Commission shall be the trustee of the Fund and shall have the power to invest and reinvest the principal and income of the Fund, subject to the limitation that no investment shall be made except in securities and properties which at the time of making the investment are permitted by statute for the investment of funds by fiduciaries in the State of Tennessee. Subject to such limitations, the Pension Commission shall have full power to hold, purchase, sell, assign, transfer, or dispose of any assets of the Fund.

**SECTION 1.05.** Personal Interest of Members of Pension Commission Prohibited.

That no member of the Pension Commission shall have any interest, direct or indirect, in the gains or profits of any investment made by the Commission, except to the extent any member of the Commission may be a Member, Survivor, or Beneficiary of the System. No member of the Commission shall receive, directly or indirectly, any pay or emolument for his services except as expressly provided in this Act. No member of the Commission shall, directly or indirectly, for himself or as an agent, use in any manner the funds or deposits of the System, except to make such payments therefrom as are authorized by the Commission, nor shall any member of the Commission become an endorser or surety or in any manner or obligor for monies loaned or borrowed from the System.

**"SECTION 1.06.** Payments from Fund. That the Davidson County Trustee shall be the custodian of the Fund. All registered securities of the Fund shall be registered in the name of the Davidson County Pension System; every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the authorized signatures of members of the Pension Commission; and such securities shall be delivered by the Davidson County Trustee when directed in writing by the Pension Commission. All payments from the Fund shall be made on authority of the Pension Committee. For the purpose of making payments from the Fund, there may be kept available sufficient cash on deposit to the credit of the System in one (1) or more banks or trust companies located in Davidson County, organized under the laws of Tennessee or of the United States, and qualified as State depositories.

**"SECTION 1.07.** Members' Contribution Account. That the Members' Contribution Account shall be the account to which all Members' contributions, as provided in this Act, shall be credited. From this account shall be paid any refund of contributions to a Member terminating his Service other than by retirement or death; and at the time a Member retires or dies, his account balance shall be transferred to the Retirement Allowance Account as defined in Section 1.08. Contributions by a Member shall be deducted from his Earnings for each payroll period subsequent to his becoming a Member; and the amount so deducted shall be deposited in the Fund by the Davidson County Trustee and credited to the Member's individual account of the Members' Contribution Account. Contributions by Members provided for in this Act shall be made notwithstanding that the minimum compensation provided by law for any Member shall be reduced thereby. Every member shall be deemed to consent and agree to the payroll deductions made as provided in this Act; and payment of salaries or wages, less such deductions, shall be a full and complete discharge of all claims for services rendered by such Members during the period covered by such payment.

In the case of a Member of Division B who voluntarily elects to transfer his membership to Division A in accordance with the provisions of this Act, an amount equal to the required taxes under the Federal Insurance Contributions Act payable by such Member of Division B for the period beginning January 1, 1956, and ending on the date coverage under the Social Security Act is extended to such Member of Division B shall be deducted from amounts credited to his individual account of the Members' Contribution Account.

**"SECTION 1.08.** Retirement Allowance Account. That the Retirement Allowance Account shall be the account in which all Employer contributions, all amounts transferred from the Members' Contributions Account, and all income from the invested assets of the Fund shall be accumulated. From this account shall be paid the expense of the Pension Commission in administering the System, death benefits, retirement benefits, and any other benefits payable after a Member's retirement or death.

**"SECTION 1.09.** Employer Contributions. That the Employer shall contribute monthly to the Fund an amount equal to a certain percentage of the monthly Earnings of Members of Division A and Members of Division B, based on a rate to be known as the Employer Contribution Rate. The employer Contribution Rate applicable for any Fiscal Year shall be established by the Pension Commission prior to the commencement of such Fiscal Year on the basis of an actuarial valuation of the System made as of a valuation date within three (3) years of the beginning of such Fiscal Year. The Employer Contribution Rate shall be determined actuarially based on a normal contribution rate and five per cent (5%) of unfunded

past service liabilities as of the date an actuarial valuation is made.

The normal contribution rate and unfunded past service liabilities shall be determined by a qualified actuary on the basis of such actuarial assumptions last adopted by the Pension Commission prior to said actuarial valuation date and on the basis of accepted actuarial methods. Based on the Employer Contribution Rate, the Pension Commission shall determine (sic) its best estimate of the contribution required by the Employer for the Fiscal Year then beginning and of estimated expenses of the Pension Commission. Such estimated amounts shall be included in the budget of the Employer for such Fiscal Year, and the Employer shall make actual Employer contributions to the Fund each month based on the Employer Contribution Rate applicable to Earnings of the Members in the Month.

**"SECTION 1.10.** Correction of Errors. That if any change in records or error results in any Member, Survivor, Contingent Annuitant, or Beneficiary receiving from the System more or less than he would have been entitled to receive had the records been correct or had the error not been made, the Commission, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the payments in such manner that the benefits to which the Member, Survivor, Contingent Annuitant, or Beneficiary was correctly entitled shall be paid. If any change in records or error results in any Member or the Employer contributing to the Fund more or less than should have been contributed had the records been correct or had the error not been made, the Commission, upon discovery of such error, shall correct the error by adjusting, as far as practicable, the contribution payable by the Member or the Employer so that the total contributions paid will equal the amount payable had the records been correct or had the error not been made.

**"SECTION 1.11.** Retirement Benefits Exempt From Taxation, Execution or Assignment. That all retirement benefits and other benefits accrued or accruing to any person under the provisions of this Act, and the contributions by Members as well as the Employer, and other assets of the Fund are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

**"SECTION 1.12.** False Statements. That any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the System, in any attempt to defraud the System shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

**"SECTION 1.13.** Headings. That the headings and sub-headings of this Act have been inserted for convenience of reference only and are to be ignored in any construction of the provisions of this Act.

**"SECTION 1.14.** Construction. That in the construction of this Act, the masculine shall include the feminine and the singular the plural in all cases where such meanings would be appropriate.

**"SECTION 1.15.** Legally Incompetent. That if any Member, Retired Member, Survivor, Beneficiary or Contingent Annuitant is a minor, or is in the judgment of the Pension Commission otherwise legally incapable of personally receiving and giving a valid receipt for any payment due him hereunder, the Commission may, unless and until claim shall have been made by a duly appointed guardian or conservator of such person, direct that such payment or any part thereof be made to such person's spouse, child, parent, brother, or sister, deemed by the commission to have incurred expenses for or assumed responsibility for the expense of such person. Any payment so made shall be a complete discharge of any liability under the System for such payment.

**"SECTION 1.16.** Amendment or Repeal. That an amendment or repeal of any provision of this Act shall be made only following an actuarial determination of its effect on the soundness of the System's design as well as its effect on the cost of the System, and disclosure of such information to all interested persons. No amendment or repeal of a provision of this Act shall affect in any way the benefits then being paid to Members, Survivors, Contingent Annuitants or Beneficiaries or benefits based on Service completed prior to the date of such amendment or repeal, except as provided in Section 1.17; provided, however, that in determining such accrued benefits payable to Members of Division A, the Average Base Earnings and the Average Excess Earnings shall be determined as of the date of the amendment or repeal, as the case may be, and in determining such accrued benefits payable to Members of Division B, the Credited Earnings shall be determined as of the date of the amendment or repeal, as the case may be.

**"SECTION 1.17.** Repeal of Entire Act. That in even of repeal of this Act in its entirety including amendatory Acts thereto, the Pension Commission shall prepare a list of all Members, Retired Members, Survivors, Contingent Annuitants and Beneficiaries, showing for each, as of the date of such repeal, the following:

- (1) For each Retired Member, Survivor, Beneficiary or Contingent Annuitant receiving benefits, the amount and terms of payment of such benefits.
- (2) For each Member of Division A entitled to a deferred benefit as provided in Section 2.16 or

Section 2.55, the amount and terms of payment of such benefit; and for each terminated Member of Division B entitled to a deferred benefit as provided in Section 3.15 (c) (2), the amounts and terms of payment of such benefit.

(3) For each Member of Division B, the amount of his accrued benefit computed as of the date of such repeal in the same manner as set forth in Section 3.10; and for each Member of Division A, the amount of his accrued benefit computed as of the date of repeal in the same manner as set forth in Section 2.12.

The terms of payment of such benefit for a Member of Division A shall be the same as those of the deferred benefit described in Section 2.16 or Section 2.25, unless modified by a previous election of an option as provided in Section 2.26.

The benefits shown on the above list will then be separated into "priority classes" as follows:

Priority Class A: Benefits for Members who have reached their sixty-fifth birthdays, benefits for Retired Members who have reached their sixty-fifth birthdays, and benefits for Survivors, Beneficiaries and Contingent Annuitants of all deceased Members or Retired Members.

Priority Class B: Benefits for Members, Retired Members who are receiving benefits, terminated Members of Division B entitled to a deferred benefit as provided in Section 3.15 (c) (2), and Members of Division A entitled to a deferred benefit as provided in Section 2.16 or Section 2.25; provided, however, that they have reached their fifty-fifth but not their sixty-fifth birthdays and have completed twenty (20) years of Credited Service.

Priority Class C: Benefits for all Members, terminated Members and Retired Members the Commission will then arrange for the liquidation of all assets held in the Fund maintained in Connection with the System and prepare a statement of the liquidated value of such assets. The Commission will then arrange for the application of the assets of the Fund to purchase annuities from an insurance company or companies, to provide in full, if such assets are sufficient to do so, the benefits in Priority Class A. If such assets are not sufficient to purchase one hundred percent (100%) of benefits in Priority Class A, they shall be applied in full to purchase such uniform percentage as can be purchased. If the assets of the Fund are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class A, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class B. If the remaining assets are more than sufficient to purchase one hundred Percent (100%) of the benefits in Priority Class B, the remainder shall be applied in the same manner to purchase all or a uniform percentage of benefits in Priority Class C. If the remaining assets are more than sufficient to purchase one hundred percent (100%) of the benefits in Priority Class C, the remainder shall revert to the Employer. Upon completion of the steps specified above, this Act shall be considered repealed, and no Member, Retired Member, Survivor, Beneficiary or Contingent Annuitant shall have any further right or claim under this Act.

**"SECTION 1.18.** Termination of System by Default. That in the event the Employer fails for four (4) consecutive Fiscal Years to contribute in accordance with the provisions of Section 1.09, the System shall automatically terminate and the provisions of Section 1.17 shall apply in the same manner as though the Act in its entirety had been repealed.

**"SECTION 1.19.** Right of Employment. That nothing contained in this Act shall be deemed to give any Member or Employee the right to be retained in the employment of the Employer or to interfere with the right of the Employer to discharge any Member or Employee, regardless of the effect which such discharge would have upon him as a Member.

## **ARTICLE 2 DIVISION A**

**"SECTION 2.01.** Introduction. That Article 2 shall apply only to Employees eligible to participate in Division A and to Members of Division A as provided in Article 2. Article 2 shall not apply to Employees who are Members of Division B. Members of Division A shall be covered by the Social Security Act.

**"SECTION 2.02.** Definitions. That when used in Article 2, and in Article 1, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) Prior Service shall mean all Service, whether continuous or not, prior to the Effective Date; provided, however, that any person who becomes an Employee after the Effective Date shall not be allowed credit for Prior Service.

(b) Current Service shall mean all continuous, uninterrupted Service after the Effective Date and prior to the date as of which Current Service is being determined; provided, however, after he has reached his seventieth birthday. Current Service shall not be deemed to be interrupted, but shall not include

extended sick leave or leave of absence granted by the appointing officer of the Employee and approved by the Pension Commission, or any service, voluntary or involuntary, in the Armed Forces of the United States, provided the Employee is entitled to re-employment under the provisions of the Universal Military Training and Service Act and amendments thereto, or any law applicable to such re-employment, and provided further that the Employee shall apply for re-employment with the Employer within the time specified by law and in the manner and under the conditions prescribed by law.

(c) Credited Service shall mean the sum of Prior Service, in any, and Current Service. Credited Service shall be expressed in years and a decimal fraction of a year based on completed calendar months.

(d) Base Earnings shall mean that part of Earnings in any calendar year which is subject to Social Security Tax.

(e) Excess Earnings shall mean that part of Earnings in any calendar year which is not subject to Social Security Tax.

(f) Average shall mean an arithmetic average determined for the full calendar years of Credited Service of a Member of Division A commencing with the Calendar year 1956 and ending with the calendar years of Credited Service actually completed by a Member of Division A; provided, however, that in no case shall such average be based on more than ten (10) full calendar years preceding the date as of which such average is being determined.

(g) Average Base Earnings shall mean the Average of Base Earnings; provided, however, that in the case of delayed retirement, such Average shall not to less than the Average of Base Earnings determined as of the Normal Retirement Date.

(h) Average Excess Earnings shall mean the Average of Excess Earnings; provided, however, that in the case of delayed retirement, such Average shall not to less than the Average of Excess Earnings determined as of the Normal Retirement Date.

(i) Normal Retirement Date shall mean the first day of the month next following the sixty-fifth birthday of a Member of Division A.

(j) Beneficiary shall mean the person last designated in writing by a Member of Division A in accordance with the provisions of Section 2.06 to receive benefits payable on the death of a Member of Division A.

(k) Contingent Annuitant shall mean the person last designated in writing by a Member of Division A to receive benefits payable under Option A or Option B as provided in Section 2.27.

**"SECTION 2.03.** Eligibility and Participation of a Person Becoming an Employee After the Effective Date. That each person becoming an Employee after the Effective Date shall, as a condition of employment, become a Member of Division A as of the first day of the month next following completion of six (6) full calendar months of Current Service, provided he meets the minimum health requirements established by the Pension Commission. Any Employee who does not meet such minimum health requirements shall become a Member of Division A on the date the Pension Commission certifies in writing that he does meet such requirements; provided, however, that all Service prior to such certification shall not be included as Current Service, notwithstanding anything in this Act to the contrary.

**"SECTION 2.04.** Eligibility and Participation of a Member of Division B who Transfers His Membership to Division A. That each Employee who is a Member of Division B and who voluntarily elects in writing to transfer his membership to Division A, in accordance with the provisions of Article 3 of this Act, shall thereafter be a Member of Division A. A Member of Division B who voluntarily elects to transfer his membership to Division A, in accordance with the provisions of Article 3 of this Act, shall cease to be a Member of Division B and shall thereafter have no rights under Article 3 of this Act.

**"SECTION 2.05.** Eligibility and Participation of Employees of the Effective Date Who Are not Members of Division B. That each Employee on the Effective Date who is not then a Member of Division B shall be eligible to become a Member of Division A as of the first day of the month next following completion of six (6) full calendar months of Credited Service, or on the Effective Date, whichever is later, provided he meets the minimum health requirements established by the Pension Commission. Any Employee who does not meet such minimum (sic) health requirements shall become a Member of Division A on the date the Pension Commission certifies in writing that he does meet such requirements; provided, however, that all Credited Service prior to such certification shall not be included as Credited Service, notwithstanding anything in this Act to the contrary.

An Employee on the Effective Date who is not then a Member of Division B shall deliver on or before September 15, 1961 written notice to the Pension Commission of his election to become a Member of Division A. In the case of an Employee on authorized leave of absence on the Effective Date, such written notice must be delivered to the Pension Commission within sixty (60) days of his return to active



employment. If an Employee does not deliver such written notice within the time limits prescribed in this Section, he shall be deemed to have refused membership in Division A, and he shall forfeit his right to any credit for Prior Service if he subsequently delivers such written notice, notwithstanding anything in this Act to the contrary. He may subsequently deliver such written notice to the Pension Commission, but he shall not have any right to credit for Prior Service and he shall pay into the Fund all contributions he would have made from the Effective Date to the date he delivers such written notice to the Pension Commission.

**"SECTION 2.06.** Beneficiary Designation. That a Member of Division A may designate any person as Beneficiary to receive benefits provided by Article 2 and payable upon the death of the Member of Division A. A change in such designation may be made at any time by the Member of Division A, subject to the provisions of Section 2.26. Such designation or change in designation shall be submitted in writing to the Pension Commission in such form and manner as the Commission may prescribe. No designation of Beneficiary shall be effective unless it has been received by the Pension Commission prior to the date of death of the Member of Division A. Upon any change in designation of Beneficiary, the rights of all previously designated Beneficiaries to receive any benefits provided by Article 2 shall cease.

**"SECTION 2.07.** Termination of Membership in Division A. That if a Member of Division A terminates his membership in Division A, he shall thereafter forfeit all rights to any benefit or benefits provided by Division A arising from Service completed prior to the date his membership is terminated. The membership of any Member of Division A shall terminate upon:

- (a) Withdrawal of his contributions at or any time after termination of employment, regardless of his length of Credited Service;
- (b) Termination of employment, unless at such termination of employment he has completed fifteen (15) years of Credited Services and he does not withdraw his contributions;
- (c) Retirement, except disability retirement followed by re-employment as an Employee subject to Section 2.17, or early retirement, if a monthly deferred early retirement benefit was elected, followed by re-employment as an Employee subject to Section 2.16;
- (d) Death;
- (e) Termination of employment at any time with prejudice, where "prejudice" shall mean the termination of employment of a Member of Division A as a result of his conviction in a court of competent jurisdiction of embezzlement or larceny of public funds or properties, or malfeasance in office, or shall mean the forcing of a Member of Division A to make restitution of any funds or properties similarly taken by the Member of Division A which resulted in his termination of employment.

**"SECTION 2.08.** Prior Service Certificates. That as soon as practicable after the Effective Date, the Pension Commission shall determine the Prior Service of each Member of Division A who was an Employee on the Effective Date and shall issue to such Member of Division A certificate of his Prior Service. If the Pension Commission discovers that the Prior Service recorded on a certificate is incorrect, a corrected certificate shall be issued promptly which shall supersede any certificate previously issued. Copies of such certificates shall become a part of the permanent records maintained by the Pension Commission for the purpose of determining benefits payable to Members of Division A or to their beneficiaries or Contingent Annuitants. In establishing such records, the Pension Commission may require, in its discretion, Members of Division A, Beneficiaries, Contingent Annuitants and other persons to submit affidavits as to any information and data which affect benefits payable to Members of Division A or their Beneficiaries or Contingent Annuitants. When a Member of Division A or their Beneficiaries or Contingent Annuitants. When a Member of Division A terminates his membership in Division A as provided in Section 2.07, his certificate of Prior Service shall become void.

**"SECTION 2.09.** Contributions Rates of Members of Division A. That each Employee who is a member of Division A shall contribute to the Fund in accordance with the contribution rate or rates per calendar year which shall be (a) and (b), as follows:

- (a) the contribution rate shall be three percent (3%) of Base Earnings;
- (b) the contribution rate shall be six percent (6%) of Excess Earnings.

The amount of contribution payable in any payroll period by each Member of Division A shall be computed, consistent with the provisions of this Section to the extent administratively feasible, in such manner as determined by the Pension Commission, and shall be made by payroll deductions in accordance with the provisions of Section 1.07 of this Act.

**"SECTION 2.10.** Application for Benefits. That before any benefit provided for in Article 2 can be paid, all conditions applicable to the payment of the benefit must be met, application for the benefit must be presented to the Pension Commission in such form and manner as the Commission shall determine, and the payment of benefit must be approved by the Pension Commission. If any retirement benefit provided

for in Article 2 is less than twenty dollars (\$20.00) per month, the Pension Commission in its discretion may pay the actuarially equivalent value of such benefit in one lump sum, or in such other manner as the Commission may determine.

**"SECTION 2.11.** Normal Retirement -- Conditions. That each Member of Division A shall be eligible to retire on his Normal Retirement Date and to receive a benefit as provided in Section 2.12.

**"SECTION 2.12.** Normal Retirement Benefit. That a Member of Division A shall, upon retirement on his Normal Retirement Date, receive a monthly normal retirement benefit which shall be payable on his Normal Retirement Date and on the first day of each month thereafter during his lifetime, computed as of his Normal Retirement Date as one-twelfth (1/12) of the product of (a) and (b):

(a) Credited Service.

(b) Seventy-five one hundredths percent (.75%) of Average Base Earnings, plus one and fifty one-hundredths percent (1.50%) of Average Excess Earnings.

Notwithstanding anything in this Act to the contrary, no amendment of this Act shall have the effect of changing either the ratio of the contribution rate applicable to Base Earnings (as provided in Section 2.09) and the benefit rate applicable to Average Base Earnings (as provided in this Section), or the ratio of the contribution rate applicable to Excess Earnings (as provided in Section 2.09) and the benefit rate applicable to Average Excess Earnings (as provided in this Section).

**"SECTION 2.13.** Delayed Retirement -- Conditions. That a Member of Division A may remain in the active employment of the Employer beyond his Normal Retirement Date, if requested in writing to do so by the head of his department and with the written approval of the Pension Commission, and shall be eligible to retire on his Delayed retirement Date, which shall be the first day of any month following the Effective Date and his Normal Retirement Date, and to receive a benefit as provided in Section 2.14. In no case shall a Member of Division A, other than an official of the Employer who is elected by popular vote, or by the Davidson County Quarterly Court, remain in the active employment of the Employer beyond his seventy-fifth birthday; provided however, that such Member of Division A who has reached his seventy-fifth birthday on the Effective date shall not be required to retire for a period of three (3) years after the Effective Date.

**"SECTION 2.14.** Delayed Retirement Benefit. That a Member of Division A shall, upon retirement on his Delayed Retirement Date, receive a monthly delayed retirement benefit, which shall be payable on his Delayed Retirement Date and on the first day of such computation shall be made as of his Delayed Retirement Date.

**"SECTION 2.15.** Early Retirement -- Conditions. That a Member of Division A who has reached his fifty-fifth birthday and completed twenty (20) years of Credited Service shall be eligible to retire on his Early Retirement Date, which shall be the first day of any month thereafter but prior to his Normal Retirement Date, and to receive a benefit as provided in Section 2.16.

**"SECTION 2.16.** Early Retirement Benefit. That a Member of Division A shall, upon retirement on his Early Retirement Date, receive either (a) or (b) as follows:

(a) a monthly deferred early retirement benefit, which shall be payable on his Normal Retirement Date, provided he is then living, and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in Section 2.12, except that such computation shall be made as of his Early Retirement Date; provided, however, that if the date of death of such Member of Division A occurs after his termination of employment and prior to his Normal Retirement Date, his Beneficiary shall receive a refund of the contributions standing to the credit of such deceased Member of Division A; or

(b) an immediate monthly early retirement benefit, which shall be payable on his Early Retirement Date and on the first day of each month thereafter during his lifetime, the amount of which shall be the amount of the benefit provided in subparagraph (a) of this Section, but reduced by five-twelfths percent (5/12%) thereof for each full month in the period of time between his Early Retirement Date and his Normal Retirement Date.

If a Member of Division A who has elected a monthly deferred early retirement benefit as provided in subparagraph (a) of this Section is re-employed by the Employer, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.17.** Definition of Disability -- Requirements. That disability shall mean a physical or mental condition of a Member of Division A which has persisted for six (6) continuous months, which is likely to be permanent, and which has rendered him incapable of performing work which would provide income at a rate of twenty-five percent (25%) or more of his regular rate of Earnings at the time such disability began. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or

one hand above the wrist and one foot at or above the ankle, or the complete irrecoverable loss of the sight of both eyes, shall conclusively determine disability, notwithstanding the extent of the income of the Member of Division A after the date of such loss.

Notwithstanding any provision of this Section to the contrary, disability as defined in this Section shall not include a physical or mental condition which results directly or indirectly from:

- (a) injury intentionally self-inflicted;
- (b) injury or disease resulting from military service; or
- (c) injury or disease suffered or contracted prior to the last date hired as an Employee by the Employer.

The Pension Commission shall have exclusive authority to determine the existence of disability. The Commission in its sole discretion, may secure such medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit and who has not reached his Normal Retirement Date to undergo a medical examination by a physician or physicians designated by the Pension Commission; and such examination shall be made at the place or residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refuses to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently. Prior to July 1 in each calendar year, each Retired Member who received a disability benefit in the preceding calendar year and who has not reached his Normal Retirement Rate shall submit proof satisfactory to the Pension Commission of the amount of his income earned in such preceding calendar year and derived from performing work. If the Pension Commission determines that such income is twenty-five percent (25%) or more of his regular rate of annual Earnings at the time such disability began, his disability benefit shall be discontinued as of the date of such determination; provided, however, that if the Retired Member reapplies for disability benefits and the Commission determines that disability exists, payment of his disability benefit shall resume as of the date of such determination. If a Retired Member refuses or fails to submit such proof to the Pension Commission prior to July 1, in each calendar year, his disability benefit shall be discontinued after such date and until he actually submits such proof; and if he fails to submit such proof within one year of such date, his disability benefit shall be discontinued permanently. If the disability benefit of a Retired Member is discontinued permanently prior to his Normal Retirement Date and he is re-employed by the Employer within six (6) months following the date his disability ceases, his Credited Services shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.18.** Disability Not in Line of Duty -- Conditions. That a Member of Division A who is any Employee, who has completed fifteen (15) years of Credited Service, and who has become disabled as defined in Section 2.17 shall be eligible to retire from the active employment of the Employer on his Disability Retirement Date, which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 2.19.

**"SECTION 2.19.** Disability Not in Line of Duty -- Benefit. That a Member of Division A shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 2.18, and on the first day of each month thereafter during the period of his disability, as defined in Section 2.17, and during his lifetime. Such monthly disability retirement benefit shall be computed in the same manner set forth in Section 2.12 except that such computation shall be made as of his Disability Retirement Date and the amount of such benefit shall not be less than fifty dollars (\$50.00) per month. A Member of Division A shall also receive, upon retirement on his Disability Retirement Date, as defined in Section 2.18, a lump sum benefit equal to six (6) months of his monthly disability retirement benefits.

**"SECTION 2.20.** Disability in Line of Duty -- Conditions. That a Member of Division A who is an Employee and who becomes disabled, as defined in Section 2.17, as a direct result of any act or thing done which, as determined in the discretion of the Pension Commission, was required of him in the performance of his duty as an Employee shall be eligible to retire from the active employment of the Employer on his Disability Retirement Date, which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 2.21.

**"SECTION 2.21.** Disability in Line of Duty -- Benefit. That a Member of Division A shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined

in Section 2.20, and on the first day of each month thereafter during the period of his disability, as defined in Section 2.17, and during his lifetime. Such monthly disability retirement benefit shall be either (a) or (b) as follows, whichever is the larger amount:

(a) a monthly benefit computed in the same manner set forth in Section 2.12 except that such computation shall be made as of his Disability Retirement Date and the amount of such benefit shall not be less than fifty dollars (\$50.00) per month; or

(b) a monthly benefit equal to one-twelfth (1/12) of the sum of fifty percent (50%) of Average Base Earnings and fifty percent (50%) of Average Excess Earnings determined as of his Disability Retirement Date; provided, however, that such sum shall be reduced by the primary insurance amount being paid to such Member of Division A under the Social Security Act.

A Member of Division A who is eligible to receive a disability benefit in accordance with the provisions of subparagraph (b) of this Section shall submit proof satisfactory to the Pension Commission that he has filed with the Social Security Administration an application for disability benefits in accordance with the provisions of the Social Security Act. The Pension Commission may require from time to time a Member of Division A who is eligible to receive a disability benefit in accordance with the provisions of subparagraph (b) of this Section to file an application for disability benefits with the Social Security Administration. If such Member of Division A fails or refuses to file such application, the Pension Commission shall estimate what would have been his primary insurance amount if a valid application for disability benefits had been filed, and his monthly disability benefit payable as provided in subparagraph (b) of this Section shall be reduced by such estimated primary insurance amount.

**"SECTION 2.22.** Death Benefits Before Retirement. That if the date of death of a Member of Division A occurs prior to the commencement of any benefits provided by this Act and prior to the first day of the month following his fifty-fifth birthday and his completion of twenty (20) years of Credited Service, his Beneficiary shall receive a lump sum payment of the Member's contributions standing to the credit of the deceased Member of Division A. If the date of death of a Member of Division A, who was in the active employment of the Employer on such date, occurs prior to the commencement of any benefits provided by this Act, but subsequent to the first day of the month following his fifty-fifth birthday and his completion of twenty (20) years of Credited Service, his then living Beneficiary shall receive a monthly survivor benefit, which shall be payable on the first day of the month following the date of death of the Member of Division A and during the lifetime of such Beneficiary. Such monthly survivor benefit shall be computed as though the Member of Division A had retired on the day before his date of death and had elected Option B as provided in Section 2.27; provided, however, that if no Beneficiary is living on the date of death of the Member of Division A, a refund of his contributions shall be payable to his estate. In lieu of all other benefits payable to a Beneficiary upon the death of a Member of Division A, the Beneficiary may elect to receive a lump sum payment of the Member's contributions standing to the credit of the deceased Member of Division A.

**"SECTION 2.23.** Death Benefits After Retirement. That no death benefits shall be payable in the case of a Retired Member of Division A whose date of death occurs after retirement, unless the deceased Retired Member of Division A elected an optional form of benefit specifically provides for a death benefit.

**"SECTION 2.24.** Termination of Employment Before Fifteen (15) Years of Credited Service. That any Member of Division A who has completed less than fifteen (15) years of Credited Service at the time of his termination of employment shall receive, in lieu of all other benefits he is eligible to receive, a refund of the Member's contributions standing to his credit.

**"SECTION 2.25.** Termination of Employment After Fifteen (15) Years of Credited Service. That a Member of Division A who has completed at least fifteen (15) years of Credited Service at the time of his termination of employment may elect to receive, in lieu of all other benefits he is eligible to receive, either (a) or (b) as follows:

(a) a refund of the Member's contributions standing to his credit; or

(b) a monthly deferred vested retirement benefit, which shall be payable on his Normal Retirement Date, provided he is then living, and on the first day of each month thereafter during his lifetime, computed in the same manner set forth in Section 2.12, except that such computation shall be made as of his date of termination of employment; provided, however, that if the date of death of such Member of Division A occurs prior to his Normal Retirement Date, his Beneficiary shall receive a refund of the Member's contributions standing to the credit of such deceased Member of Division A.

Notwithstanding anything in this Section to the contrary, if the termination of employment of a Member of Division A is with prejudice, as defined in Section 2.07 (e), he shall not be entitled to elect a monthly deferred vested retirement benefit in accordance with subparagraph (b) of this Section. If a Member of Division A who has elected a monthly deferred vested retirement benefit as provided in subparagraph (b)

of this Section is re-employed by the Employer, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**"SECTION 2.26.** Election of Optional Retirement Benefits. That a Member of Division A entitled to a retirement benefit, other than the disability benefit as provided in Section 2.19 or Section 2.21, may elect ninety (90) days or more prior to his retirement date to have a retirement benefit payable under one of the options set forth in Section 2.27 in lieu of all the benefits he may otherwise be entitled to receive. The benefit shall be paid in accordance with the terms of the option elected. A Member of Division A may revoke his election of an option, and he may make a new election at any time at least ninety (90) days prior to retirement; provided, however, that if his Beneficiary or Contingent Annuitant, as the case may be, dies prior to retirement, he may elect a new option at any time prior to retirement. Election of any option shall be subject to the approval of the Pension Commission and shall be made by the Member of Division A in writing and in such manner and form as the Pension Commission may prescribe. The Beneficiary or Contingent Annuitant last designated by the Member of Division A prior to the date he delivers written application for an option to the Pension Commission shall be the Beneficiary or Contingent Annuitant, as the case may be, to receive any benefits payable after his death. The election of Option A or Option B by a Member of Division A shall be null and void if the Member of Division A or his Contingent Annuitant, as the case may be, dies before benefits commence.

**"SECTION 2.27.** Description of Options. That the amount of any optional retirement benefit set forth in this Section shall be based on option rates adopted from time to time by the Pension Commission and shall be actuarially equivalent in value to the benefit that would otherwise be payable to a Retired Member; provided, however, that an optional retirement benefit in lieu of the delayed retirement benefit as provided in Section 2.14 shall not be less than if based on the option rate and would have been applicable had retirement occurred at his Normal Retirement Date.

Option A: Joint and Survivor Option: a decreased retirement benefit payable to the Retired Member for life which shall continue after his death to the surviving Contingent Annuitant for for (sic) life in the same amount as that payable to the Retired Member.

Option B: Modified Joint and Survivor Option: a decreased retirement benefit payable to the Retired Member for life which shall continue after his death to the surviving Contingent Annuitant for life in the amount of fifty per cent (50%) of the amount that was payable to the Retired Member.

Option C: Social Security Option: an increased retirement benefit payable to the Retired Member during his lifetime until his Normal Retirement Date and a reduced retirement benefit payable thereafter for life in order to have a more level retirement income when such reduced retirement benefit is added to his primary insurance amount payable under the Social Security Act. The optional benefit shall be based on the Retired Member's estimated primary insurance amount payable under the Social Security Act as such Act exists on his Early Retirement Date.

Option D: 120 Payments Certain and Life Option: a decreased retirement benefit payable for life with the first 120 payments guaranteed. Any guaranteed payments due after the death of the Retired Member shall be payable to his Beneficiary.

**"SECTION 2.28.** Coverage by Social Security Act. That all Members of Division A shall be covered by the Social Security Act. Any Member of Division B who desires to transfer his coverage from Division B to Division A must do so by written notice of his election delivered to the Pension Commission prior to September 15, 1961. Each Member of Division B who elects to transfer his coverage from Division B to Division A shall, as a condition of such transfer, contribute retroactive Social Security taxes as provided in Section 1.07 of this Act, contribute Social Security taxes from the Effective Date, and make contributions to the Fund as provided in Section 2.09.

### **ARTICLE 3**

#### **DIVISION B**

**"SECTION 3.01.** Introduction. That this Article shall apply only to Employees eligible to participate in Division B and to Members of Division B as provided herein. This Article shall not apply to Employees who are Members of Division A. Members of Division B shall not be covered by the Social Security Act.

**"SECTION 3.02.** Definitions. That when used in this Article 3 and in Article 1, the following words and phrases shall have the meaning indicated unless otherwise defined or required by the context:

(a) Prior Service shall mean all Service, whether continuous or nor, prior to the Effective Date; provided, however, that Prior Service shall include all years and completed calendar months prior to the Effective Date during which an Employee was a member of the Davidson County Teachers' Retirement Plan. Prior Service shall include any service in the Armed Forces of the United States during World War II, provided the Employee was employed by the Employer immediately prior to entering such service.

- (b) Current Service shall mean all continuous, uninterrupted Service after the Effective Date and prior to the date as of which Current Service is being determined. Current Service shall not be deemed to be interrupted, but shall not include extended sick leave or leave of absence granted by the appointing officer of the Employee and approved by the Pension Commission, or any service, voluntary and involuntary, in the Armed Forces of the United States, provided the Employee is entitled to re-employment under the provisions of the Universal Military Training and Service Act and amendments thereto, or any law applicable to such re-employment, and provided further that the Employee shall apply for re-employment with the Employer within the time specified by law and in the manner and under the conditions prescribed by law.
- (c) Credited Service shall mean the sum of Prior Service, if any, and Current Service. Credited Service shall be expressed in years and a decimal fraction of a year based on completed calendar months.
- (d) Credited Earnings shall mean the highest Earnings in any full calendar year of Credited Service in which the Employee contributed to this Fund, as it existed prior to the Effective Date of this Act.
- (e) Dependent Child shall mean a child of a Member or Retired Member of Division B who is a natural born or adopted child and who has not reached his sixteenth birthday, including a natural born child of a Member or Retired Member of Division B who is born within ten (10) months after the date of death of the Member or Retired Member of Division B.
- (f) Dependent Mother shall mean the natural mother or the stepmother of a Member or Retired Member of Division B who received more than one-half ( $\frac{1}{2}$ ) of her support from the Member or Retired Member of Division B for the full calendar year next preceding the date of death of the Member or Retired Member of Division B; provided, however, that if such woman remarries after the date of death of the Member of Division B, she shall cease, for purposes of Article 3, to be the Dependent Mother of a deceased Member or Retired Member of Division B.
- (g) Widow shall mean the woman to whom a deceased Retired Member was married on his date of retirement and for five (5) full years prior to his date of retirement, or the woman to whom a deceased Member of Division B was married on his date of death and for five (5) full years prior to his date of death; provided, however, that if such woman remarries, she shall cease, for the purpose of this Article 3, to be the Widow of a deceased Member or Retired Member of Division B.
- (h) Survivor shall mean the Widow, or the Dependent Child, or the Dependent Mother or Retired Member of Division B who is eligible to receive any benefits payable upon the death of the Member or Retired Member of Division B as provided in this Article 3.
- (i) Normal Retirement Date shall mean the first day of the month next following the sixtieth birthday of a member of Division B and the completion of twenty-four (24) years of Credited Service, or the completion of thirty (30) years of Credited Service by a Member of Division B, whichever is the earlier date.

**"SECTION 3.03.** Eligibility and Participation. That each Employee, including any Employee who was on authorized leave of absence from the Employer as of the Effective Date, who was covered by the Davidson County Employees' Pension and Insurance Fund as of June 30, 1961 shall become a Member of Division b on the Effective Date. Each Employee who was not covered by the Davidson County Employees' Pension and Insurance Fund as of June 30, 1961 shall not be eligible to become a Member of Division B. Each person who becomes an Employee on after the Effective Date shall not be eligible to become a Member of Division B.

**"SECTION 3.04.** Transfer of Membership to Division A. That such Employee who is a Member of Division B as of the Effective Date may elect voluntarily to transfer his membership to Division A, subject to written application received by the Pension Commission on or before September 15, 1961. Following the receipt by the Pension Commission of such application, he shall become a Member of Division A as of the Effective Date; provided, however, that he shall not be eligible to receive any benefit provided by Division A unless and until coverage by the Social Security Act is effective. If a Member of Division B who transfers his membership to Division A retires, dies, or terminates his employment prior to the date coverage by the Social Security Act is effective, he shall be eligible to receive benefits provided by Division B, and he shall not be eligible to receive any benefit provided by Division A. After the date Social Security coverage is effective, he shall have no right thereafter to any benefit provided by Division B.

**"SECTION 3.05.** Termination of Membership in Division B. That if a Member of Division B terminates his membership in Division B, he shall not be eligible thereafter to become a Member of Division B. The membership of any Member of Division B shall terminate upon:

- (a) Termination of employment;
- (b) Retirement, except disability retirement followed by re-employment as an Employee subject to

Section 3.11 and Section 3.13;

(c) Death;

(d) Termination of employment at any time with prejudice, where "prejudice" shall mean the termination of employment of a Member of Division B as a result of his conviction in a court of competent jurisdiction of embezzlement or larceny of public funds or properties, or malfeasance in office, or shall mean the forcing of a Member of Division B to make restitution of any funds or properties similarly taken by the Member of Division B which resulted in his termination of employment.

**"SECTION 3.06.** Prior Service Certificates. That as soon as practicable after the Effective Date, the Pension Commission shall determine the Prior Service of each Member of Division B who was an Employee on the Effective Date and shall issue to such Member of Division B a Certificate of his Prior Service. If the Pension Commission discovers that the Prior Service recorded on a certificate is incorrect, a corrected certificate shall be issued promptly which shall supersede any certificate previously issued. Copies of such certificates shall become a part of the permanent records maintained by the Pension Commission for the purpose of determining benefits payable to Members of Division B or to their Survivors. In establishing such records, the Pension Commission may require, in its discretion, Members of Division B, Survivors and other persons to submit affidavits as to any information and data which affect benefits payable to Members of Division B and their Survivors. When a Member of Division B terminates his membership in Division B as provided in Section 3.05, his certificate of Prior Service shall become void.

**"SECTION 3.07.** Contribution Rates of Members and Retired Members of Division B. That each Employee who is a Member of Division B shall contribute to the Fund in accordance with the applicable contribution rate per calendar year which shall be (a) or (b) or (c), as follows:

(a) the contribution rate for each male Member of Division B shall be five percent (5%) of his Earnings in each calendar year during which he is a Member of Division B; or

(b) the contribution rate for each female Member of Division B who has elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be five percent (5%) of her Earnings in each calendar year during which she is a member of Division B;; or

(c) the contribution rate for each female Member of Division B who has not elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be two and one-half percent (2½) of her Earnings in each calendar year during which she is a Member of Division B.

The amount of contribution payable in any payroll period by each Member of Division B shall be computed, consistent with the provisions of this Section to the extent administratively feasible, in such manner as determined by the Pension Commission, and shall be made by payroll deductions in accordance with the provisions of Section 1.07 of this Act.

If a Member of Division B has not contributed to the Fund as of his retirement date for the required number of years in accordance with the applicable provisions of this Article, he shall continue to contribute each month to the Fund, until he has contributed for such required number of years, in accordance with the applicable contribution rate per month which shall be (d) or (e) or (f), as follows:

(d) the contribution rate for each male Retired Member shall be one-twelfth (1/12) of five percent (5%) of his Credited Earnings; or

(e) the contribution rate for each female Retired Member who has elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be one-twelfth (1/12) of five percent (5%) of her Credited Earnings; or

(f) the contribution rate for each female Retired Member who has not elected to have benefits payable to her Survivor in accordance with the provisions of this Article 3 shall be one-twelfth (1/12) of two and one-half percent (2½) of her Credited Earnings.

The amount of contributions, if any, payable by a Retired Member shall be collected by deductions from retirement benefits payable to him or by contributions payable by the Retired Member on or before the first day of each month. The Pension Commission in its discretion may determine, with or without uniformity, the method of collecting contributions to the Fund by Retired Members, and the Commission shall have the right to change such method at any time.

The contribution rates of Members and Retired Members of Division B set forth in this Section shall be effective as of the Effective Date. The amount of contribution payable, in accordance with the provisions of the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, by each Retired Member who retired prior to the Effective Date shall not be increased or decreased by the provisions of this Act; but such amount shall be payable to this Fund for the same period of time required by the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date.

The amount of contribution by a Member of Division B which was payable prior to the Effective Date, in accordance with the provisions of the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, shall not be increased or decreased by the provisions of this Act; provided, however, that Members and Retired Members of Division B who retire on or after the Effective Date shall contribute to this Fund on and after the Effective Date in Accordance with the contribution rates set forth in this Section.

**"SECTION 3.08.** Application for Benefits. That before any benefit provided for in this Article 3 can be paid, all conditions applicable to the payment of the benefit must be met, application for the benefit must be presented to the Pension Commission in such form and manner as the Commission shall determine, and the payment of benefit must be approved by the Pension Commission. If any retirement benefit provided for in this Article 3 is less than twenty dollars (\$20.00) per month, the Pension Commission in its discretion may pay the actuarially equivalent value of such benefit in one lump sum, or in such other manner as the Commissioner may determine.

**"SECTION 3.09.** Normal Retirement -- Conditions. That each Member of Division B shall be eligible to retire on his Normal Retirement Date and to receive a benefit as provided in Section 3.10.

**"SECTION 3.10.** Normal Retirement Benefit. That a Member of Division B shall, upon retirement on his Normal Retirement Date, receive a monthly normal retirement benefit which shall be payable on his Normal Retirement Date and on the first day of each month thereafter during his lifetime and which shall be equal to one-twelfth (1/12) of fifty percent (50%) of his credited Earnings; provided, however, that if the Member of Division B has not contributed to the Fund as of his Normal Retirement Date for twenty-four (24) full years, he shall contribute to the Fund in accordance with the applicable contribution rate of a Retired Member as set forth in Section 3.07, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

**"SECTION 3.11.** Disability in Line of Duty -- Conditions. That disability in line of duty shall mean a bodily injury or injuries which was received by accidental means, which resulted directly or exclusively of all other causes during the time a Member of Division B was engaged in the regular duties of his employment, which is likely to be permanent, and which has rendered him incapable of performing the duties of his employment. The Pension Commission shall have exclusive authority to determine the existence of disability in line of duty.

The Pension Commission, in its sole discretion, may secure medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit because of disability in line of duty and who has not reached his sixtieth birthday to undergo a medical examination by a physician or physicians designated by the Pension Commission, and such examination shall be made at the place of residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased or that he is able to resume employment with the Employer at an annual Earnings rate equal to or greater than that in effect at the time disability was initially determined, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refused to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently.

If the disability benefit of a Retired Member is discontinued permanently prior to his sixteenth (sic)\* birthday and he is re-employed by the Employer within six (6) months of the date his disability ceases, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee.

**\*COMPILER'S NOTE:** The Compiler assumes that "sixteenth" is incorrect.

A Member of Division B who is an Employee and who becomes disabled as defined in this Section shall be eligible to retire on his Disability Retirement Date which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 3.12.

**"SECTION 3.12.** Disability in Line of Duty -- Benefit. That a Member of Division B shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 3.11, and on the first day of each month thereafter during the period of his disability, as defined in Section 3.11, and during his lifetime. Such monthly disability retirement benefit shall be equal to one-twelfth (1/12) of fifty percent (50%) of his Credited Earnings.



**"SECTION 3.13.** Disability Not in Line of Duty -- Conditions. That disability not in line of duty shall mean a physical or mental condition of a Member of Division B which has rendered him incapable of efficiently discharging the duties of his position, which is likely to be permanent, and which has rendered him incapable of being gainfully employed. The Pension Commission shall have exclusive authority to determine the existence of disability not in line of duty. The Pension Commission, in its sole discretion, may secure medical and other evidence as it deems necessary and appropriate. Once each calendar year, the Pension Commission may require any Retired Member who is receiving a disability benefit because of disability not in line of duty and who has not reached his sixtieth birthday to undergo a medical examination by a physician or physicians designated by the Pension Commission, and such examination shall be made at the place of residence of such Retired Member or at any other place the Pension Commission designates. If the Pension Commission determines from such medical examination or any other evidence that the disability of the Retired Member has ceased, his disability benefit shall be discontinued as of the date of such determination. If a Retired Member refuses to submit to such medical examination, his disability benefit shall be discontinued until he shall actually undergo such medical examination; and if he fails to undergo such medical examination for one year from the date the Pension Commission requires such medical examination, his disability benefit shall be discontinued permanently. Prior to July 1 in each calendar year, the Pension Commission may require any Retired Member who received a disability benefit in the preceding calendar year because of disability not in line of duty and who has not reached his sixteenth (sic)\* birthday to submit proof satisfactory to the Pension Commission of the amount of his income earned in such preceding calendar year and derived from gainful employment, his disability benefit shall be discontinued as of the date of such determination; provided, however, that if the Retired Member reapplies for disability benefits and the Commission determines that disability exists, payment of his disability benefit shall resume as of the date of such determination. If a Retired Member refuses to submit such proof to the Pension Commission prior to July 1 in each calendar year, his disability benefit shall be discontinued after such date and until he actually submits such proof; and if he fails to submit such proof within one year of such date, his disability benefit shall be discontinued permanently. If the disability benefit of a Retired Member is discontinued permanently prior to his sixtieth birthday and he is re-employed by the Employer within six (6) months of the date his disability ceases, his Credited Service shall not be deemed to have been interrupted, but shall not include any time during which he was not an Employee. A Member of Division B who is an Employee, who has completed at least five (5) years of Credited Service, and who becomes disabled as defined in this Section shall be eligible to retire on his Disability Retirement Date which shall be the first day of the month following the determination by the Pension Commission that he is disabled, and to receive a disability benefit as provided in Section 3.14.

\*Probably should have said sixtieth.

**"SECTION 3.14.** Disability Not In Line of Duty -- Benefit. That a Member of Division B shall receive a monthly disability retirement benefit, which shall be payable on his Disability Retirement Date, as defined in Section 3.13, and on the first day of each month thereafter during the period of his disability, as defined in Section 3.13, and during his lifetime; provided, however, that if the Member of Division B has not contributed to the Fund as of his Disability Retirement Date for twenty-four (24) full years, he shall contribute to the Fund in accordance with the applicable contribution rate of a Retired Member as set forth in Section 3.07, and he shall contribute such amount during his lifetime and during the period of his disability, as defined in Section 3.13, or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time. Such monthly disability retirement benefit shall be equal to one-twelfth (1/12) of the applicable percent of his Credited Earnings (set forth in the table below) and based on his years of Credited Services, as follows:

<b>Years of Credited Service</b>	<b>Credited Earnings</b>
Five (5) years	20%
Six (6) years	25%
Seven (7) years	30%
Eight (8) years	35%
Nine (9) years	40%
Ten (10) years or more	50%

**"SECTION 3.15.** Termination of Employment. That if the employment of a Member of Division B is terminated with prejudice, as defined in Section 3.05 (d), he shall not be eligible to receive any benefits provided by this Section, notwithstanding anything in this Section to the contrary. A Member of Division B shall not be eligible to receive benefits provided by more than one of the subparagraphs set forth below in this Section.

(a) Any Member of Division B who has completed less than twenty-three (23) months of Credited Service at the time of his termination of employment, voluntary or involuntary, shall not receive any benefits provided by this Section.

(b) Any Member of Division B who has completed twenty-three (23) months or more of Credited Service at the time of his termination of employment, voluntary or involuntary, may elect to receive, in lieu of all other benefits he is eligible to receive, a refund of seventy-five percent (75%) of the Member's contributions to the Fund standing to his credit less any benefits paid to him prior to his date of termination of employment.

(c) Any Member of Division B who has completed ten (10) years or more of Credited Service at the time of his termination of employment and who is involuntarily deprived of his employment without fault on his part or terminates his employment voluntarily may elect to receive, in lieu of all other benefits he is eligible to receive (1) or (2), as follows:

(1) a refund of seventy-five percent (75%) of the Member's contributions to the Fund standing to his credit less any benefits paid to him prior to his date of termination of employment; or

(2) a monthly retirement benefit which shall be payable on the first day of the month following his sixtieth birthday and on the first day of each month thereafter during his lifetime and which shall be computed in the same manner set forth in Section 3.10; provided, however, that he shall contribute to the Fund in accordance with Section 3.07, as such Section applied to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

(d) Any Member of Division B who has completed more than twenty-three (23) months of Credited Service but less than Fifteen (15) years of Credited Service and who is involuntarily deprived of his employment without fault on his part may elect to receive, in lieu of all other benefits he is eligible to receive, a refund of eighty-five percent (85%) of the Member's contributions to the Fund standing to his credit, less any benefits paid to him prior to his date of termination of employment.

(e) Any Member of Division B who has completed fifteen (15) years or more of Credited Service, who has reached his sixtieth birthday and who is involuntarily (sic) deprived of his employment without fault on his part or terminates his employment voluntarily may elect to receive, in lieu of all other benefits he is eligible to receive, a monthly retirement benefit, which shall be payable on the first day of the month following his date of termination of employment and each month thereafter during his lifetime, equal to one-twelfth (1/12) of the applicable percent of his Credited Earnings (set forth in the table below) which shall be based on his years of Credited Service as of his date of termination of employment for the applicable number of full years (set forth in the table below), he shall contribute to the Fund in accordance with Section 3.07, as such Section applies to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for such number of full years, whichever is the shorter period of time.

Credited Service	Percent of Credited Earnings	Number of Full Years Member Shall Contribute to the Fund
15 years	30%	15 years
16 years	32%	16 years
17 years	34%	17 years
18 years	36%	18 years
19 years	38%	19 years
20 years	40%	21 years
21 years	42%	21 years
22 years	44%	22 years
23 years	46%	23 years
24 years or more	48%	24 years

(f) Any Member of Division B who has completed twenty-eight (28) years or more of Credited Service and who is involuntarily deprived of his employment without fault on his part may elect to receive, in lieu of all other benefits he is eligible to receive, a monthly retirement benefit which shall be payable on the first day of the month following his date of termination of employment and each month thereafter during his lifetime and which shall be computed in the manner set forth in Section 3.10; provided, however, that he shall contribute to the Fund in accordance with Section 3.07, as such Section applies to a Retired Member, and he shall contribute such amount during his lifetime or until he has made contributions to the Fund before and after retirement for twenty-four (24) full years, whichever is the shorter period of time.

**"SECTION 3.16.** Survivor Benefits -- Conditions. That the Survivor of a Member or Retired Member of Division B, as the case may be, who is eligible to receive a Survivor benefit, shall receive a Survivor benefit as provided in Section 3.17; provided, however, that the Member of (sic) Retired Member of Division B meets the following conditions:

(a) the Member or Retired Member of Division B has contributed to the Fund for at least five (5) years in accordance with the applicable contribution rate set forth in subparagraphs (a), (b), (d) or (e) of

Section 3.07, and dies from any cause; or

(b) the Member of Division B loses his life in the line of duty.

Upon the death of a Member or Retired Member of Division B who has met the conditions set forth above in this Section, the Survivor who is eligible to receive the monthly survivor benefit provided in Section 3.17 shall be determined as follows:

(a) The Widow shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter during the Widow's lifetime or as long as she is a Widow, as defined in Section 3.02 (g), whichever is the shorter period of time.

(b) If there is no Widow on the day next following the date of death of a Members or Retired Member of Division B, the Dependent Child shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter as long as he is a Dependent Child, but in no event shall the monthly survivor benefit be payable to a Dependent Child for more than ten (10) full years. If there are Dependent Children, the monthly survivor benefit provided in Section 3.17 shall be divided equally between the Dependent Children.

(e) (sic)\* If there is not Widow or Dependent Child on the day next following the date of death of a Member or Retired Member of Division B, the Dependent Mother shall receive a monthly survivor benefit as provided in Section 3.17 which shall be payable on the first day of the month following the date of death of the Member or Retired Member of Division B and on the first day of each month thereafter during the Dependent Mother's lifetime or as long as she is a Dependent Mother, as defined in Section 3.02 (f), whichever is the shorter period of time.

**\*COMPILER'S NOTE:** The Compiler assumes "(e)" should have been "(c)".

**"SECTION 3.17.** Survivor Benefits. That the Survivor, determined in accordance with the provisions of Section 3.16, shall receive a monthly survivor benefit which shall be payable for the period of time set forth in Section 3.16 and which shall equal sixty percent (60%) of the benefit computed in the same manner set forth in Section 3.10, except that such computation shall be made as of the date of death of the Member or Retired Member of Division B provided, however, that such monthly survivor benefit shall not be more than One Hundred Twenty-Five dollars (\$125.00) per month or less than Fifty Dollars (\$50.00) per month.

**"SECTION 3.18.** Benefits Payable to Retired Members and Survivors Prior to Effective Date. That all benefits payable to Retired Members and their Survivors in accordance with the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date shall continue unimpaired for the same duration provided in the Davidson County Employees' Pension and Insurance Fund as it existed prior to the Effective Date, and such benefits shall be an obligation and liability of this System, subject to the provisions of this Act. No provision of this Act shall be construed to affect in any way the benefits payable to a Retired Member or Survivor, who commenced receiving benefits prior to the Effective Date, notwithstanding any provision of this Act to the contrary.

#### ARTICLE 4

##### MISCELLANEOUS PROVISIONS

**"SECTION 4.01.** Severability. That the provision of this Act are hereby declared to be severable; and if any of its section (sic), provisions, exceptions, sentences, clauses, phrases, or parts be unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would be passed, even if such unconstitutional or void matter had not been included therein.

**"SECTION 4.02.** That Chapter 452 of the Private Acts of 1941, the Davidson County Pension Act, and all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed, except that such repeal of Chapter 452 of the Private Acts of 1941 shall not deprive those employees of pension benefits under said Act who may have been retired prior to the passage of Chapter 29 of the Private Acts of 1945."

**Section 3.** That this Act shall have no effect, unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Davidson County, Tennessee. Its approval or non-approval shall be proclaimed by the Chairman of the Davidson County Quarterly Court, and such action shall be certified by him to the Secretary of State.

Passed: March 16, 1961.

# Seat of Government

## Acts of 1843-44 Chapter 1

That the town of Nashville in the county of Davidson, shall be, and is hereby established as the seat of the State Government of this State, in accordance with the second section of the schedule to the Constitution.

Passed: October 7, 1843.

# Sports Stadium

## Public Acts of 1996 Chapter 582

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** The State of Tennessee, acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell direct general obligation interest-bearing bonds of the State of Tennessee in amounts not to exceed fifty-five million dollars (\$55,000,000.00) to effectuate the projects authorized in Section 4 of this act. Such bonds may be issued and sold as determined by the funding board, after advertisement as provided by law, including Title 9, Chapter 9, Tennessee Code Annotated.

**SECTION 2.** Said bonds and the interest-bearing coupons attached thereto, if any, shall be in such form, mature at such time or times within thirty (30) years from the date of their issuance, be executed in such manner, be payable at such place or places both as to principal and interest, and be in such denomination and bear such rate of interest, payable in such manner, as the funding board shall by resolution direct; provided, however, that the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Section 47-14-103 of the Tennessee Code Annotated. Said bonds shall be sold by the funding board after advertisement as provided by law at not less than ninety-eight percent (98%) of the par value thereof, together with the accrued interest thereon, and when they have been sold, the proceeds derived from the sale thereof shall be paid to the State Treasurer to be disbursed by him and other fiscal officers and agencies of the state as provided by the general law and this act. Said bonds and interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes.

**SECTION 3.** When said bonds are so issued and sold, they shall be direct general obligations of the State of Tennessee for the payment of which well and truly to be made according to the tenor, effect and terms thereof the full faith and credit of the state together with its taxing power, shall irrevocably be pledged, and said bonds as authorized herein shall be issued agreeable to the term of Title 9, Chapter 9, Tennessee Code Annotated; and they shall be financed, retired, and paid both as to principal and interest as provided in said chapter and shall be subject to the terms and conditions therein and herein contained. When said bonds are sold and proceeds paid over to the State Treasurer, said funds shall be paid out by him and the proper fiscal officers of the state, as provided by general law, but only on order of the proper administrative authorities of the agency or department herein named for the benefit of which such bonds have been authorized and only to the extent such bonds have in fact been issued for the benefit of such agency or department.

**SECTION 4.** The proceeds of bonds (and bond anticipation notes) issued under the authority of this act shall be allocated to the Department of Finance and Administration for the purpose of making a grant to the Metropolitan Government of Nashville and Davidson County for the construction of a sports stadium.

**SECTION 5.** The proper authorities heretofore enumerated and charged with the duty of expending said funds shall have authority to proceed with the projects authorized herein and for that purpose may hire an architect or architects, advertise for low bids and award contracts to low bidders, shall within the provisions of the general law, expressly including the provisions of Title 4, Chapter 15, Tennessee Code Annotated, and in agreement with the terms of this act. No contract, including a contract for architectural services, involving a project authorized by this act which is subject to the approval of the State Building Commission shall be entered into unless and until said contract shall have been approved by the said building commission.

**SECTION 6.** The appropriation made to each agency or department as aforesaid may be applied as determined by the funding board to bear its pro rata part of the expense of advertising said bonds for sale and furnishing an approved legal opinion of bond attorneys.

**SECTION 7.** Pending the issuance of the definite bonds authorized by this act, the State of Tennessee,

acting by resolutions of its funding board, is hereby authorized and empowered to issue and sell, either at public or private sale, at not less than ninety-eight percent (98%) of the par value thereof and accrued interest, its interest-bearing bond anticipation note or notes. Such note or notes shall be authorized by resolution of the funding board, shall bear such date or dates, and shall mature at such time or times, including any renewals thereof, not exceeding five (5) years from the date of issuance of the original note or notes, as such resolution or resolutions provide. Said note or notes shall bear interest at such rate or rates, be in such denominations, be in such form, be executed in such manner, be payable in such medium of payment, at such place or places and subject to such terms and conditions as such resolution or resolutions may provide. Provisions of general law with respect to authentication, execution and registration of general obligation bonds of the State of Tennessee shall also apply to said notes to the extent applicable. Said note or notes and interest payable thereon shall be exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the state except inheritance, transfer and estate taxes.

Any resolution or resolutions of the funding board authorizing the issuance of such bond anticipation note or notes shall provide that the same are issued in anticipation of the bonds authorized hereunder and shall further provide that the full faith and credit of the State of Tennessee are pledged to the payment thereof.

**SECTION 8.** No bonds shall be issued under the authority of this act until such time as the General Assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

**SECTION 9.** In its discretion, and notwithstanding any language in this act, the funding board may provide that a bond anticipation note or any renewal of such note issued pursuant to the provisions of such acts and the Title 9, Section 9 of the Code, may mature more than five (5) years from the date of issue of the original note; provided, that an amortization schedule for repayment of principal is established for the project funded by the note and provisions are made such that any note or renewal note or bond refunding such note attributed to the financing of such project shall be redeemed or retired either thirty-five (35) years from the date of issue of such original note or thirty (30) years from the date the project is completed and placed in full service, whichever is earlier.

**SECTION 10.** Notwithstanding any other provision of this act to the contrary, the bonds and bond anticipation notes authorized by this act may be designated "college savings bonds" and be issued pursuant to the provisions of the Baccalaureate Education Savings for Tennessee Act, Tennessee Code Annotated, Section 9-9-206, Section 49-3-1203 and Sections 49-7-901 through 907.

**SECTION 11.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 12.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: February 29, 1996.

## Water and Sewerage

### Private Acts of 1953 Chapter 361

**COMPILER'S NOTE:** This act is probably superseded by the Metropolitan Code, Section 20-1-160.1, which adopts the regulations of the Tennessee Department of Public Health concerning private sewage disposal, effective July 10, 1974. Charter authority for the regulation of sewage is contained in Section 2.01(9).

**SECTION 1.** That in counties of this State having a population of not less than 300,000 nor more than 350,000 by the Federal Census of 1950, or any subsequent Federal Census, it shall be unlawful for any person to dig or maintain a well for that purpose of disposing of sewage, waste, or drainage of any kind.

**SECTION 2.** That it shall be unlawful for any person to dump, transfer, drain or otherwise dispose of sewage, waste or drainage of any kind in a well. Nothing herein shall prevent such discharge into septic tanks and connecting disposal systems not over fifteen (15) feet in depth.

**SECTION 3.** That a well, as used herein, is defined as a hole dug or drilled vertically into the ground a distance of more than fifteen (15) feet from the land surface by hand or by machinery such as a cable tool, rotary drilling equipment or other means.

**SECTION 4.** That each person violating the provisions of this Act shall be subject to a fine of not less

than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars upon conviction, and that each day's violation shall constitute a separate offense.

**SECTION 5.** That the provisions of this Act shall become effective as of July 1, 1953, the public welfare requiring it.

Passed: April 2, 1953.

## Administration - Historical Notes

### **Audits**

The private acts listed below concern governmental audits prior to the establishment of the Metropolitan Government and are no longer in effect.

1. Private Acts of 1917, Chapter 171, permitted the Quarterly County Court of Davidson County, in a regular or special session, to make an appropriation out of the ordinary funds of the County to pay Fisher and Graham for making an audit and survey of the books of the County according to the terms of the contract existing between them and Davidson County.
2. Private Acts of 1917, Chapter 375, provided the Davidson County Quarterly Court would elect three Commissioners, each to be a competent businessman of the community, to audit all the records, books, and papers of every County department. The Commission had the authority to conduct hearings whenever necessary and to establish a more efficient system of accounting and bookkeeping. The Commission would meet at least once each month for a report from its Clerk. The Clerk's salary could not exceed \$2,000 per year and the Clerk was required to be a Certified Public Accountant.
3. Private Acts of 1919, Chapter 105, amended Private Acts of 1917, Chapter 375, above, by removing the requirement that the Clerk to the Auditing Commission be a Certified Public Accountant and by removing the \$2,000 a year salary limit. The Clerk would be appointed by the Commission and the appointment would be ratified by the Quarterly County Court. A provision was added granting the Commission the authority to employ clerical help as needed but the aggregate amount of salaries to be paid to them could not exceed \$4,000 a year.
4. Private Acts of 1921, Chapter 98, amended Private Acts of 1917, Chapter 375, above, broadening the scope of the authority of the Auditing Commission by allowing it to inspect and audit the books of all State and County officers charged with collection and disbursement of County Funds.
5. Private Acts of 1921, Chapter 227, amended Private Acts of 1917, Chapter 375, above, by extending the terms of the members of the Auditing Commission from one year to two years.
6. Private Acts of 1923, Chapter 78, amended Private Acts of 1917, Chapter 375, Section 4, above, by adding a new provision granting the Auditing Commission the right to employ an Auditing Clerk and an assistant, upon ratification of the Quarterly County Court. Their duties would be to examine the books and records of the various county institutions under the direction of the Commission. Additional personnel could be employed when needed. The annual salary of the Clerk was fixed at \$3,600, and the assistant's at \$2,400. An estimate of salaries needed for each year had to be submitted to and approved by the County Court. The Clerk was allowed to purchase supplies and office equipment requiring expenditures of up to \$6,500 a year, but could not spend any unappropriated balance in the Audit Account.
7. Private Acts of 1925, Chapter 99, amended Private Acts of 1923, Chapter 78, above, by giving the Auditing Commission the authority to fix the salaries of the Auditing Clerk and the assistant and by increasing the limit on the aggregate clerical salaries from \$6,500 to \$7,500 annually.
8. Private Acts of 1927, Chapter 241, amended Private Acts of 1925, Chapter 99, above, by raising the limitation placed on the aggregate salaries of clerical assistants employed by the Auditing Commission from \$7,500 to \$7,900 per year.
9. Private Acts of 1929, Chapter 467, amended Private Acts of 1927, Chapter 241, above, by reducing the aggregate amount allotted to salaries for the Clerk and assistant for the Auditing Commission from \$7,900 to \$7,600, annually. All purchases of equipment and supplies for the Auditing Commission were to be made from the ordinary funds of the County through a request filed with the Ways and Means Committee of the Quarterly County Court.
10. Private Acts of 1931, Chapter 328, declared that the Davidson County Auditing Commission, established by Private Acts of 1917, Chapter 375, above, was authorized to employ such auditors

as may be essential to the proper and efficient audit of all departments, offices, and institutions of the County. The Commission was given the right to spend no less than \$7,600 and no more than \$10,000 a year for that purpose. The Commission could fix the salaries of the Auditors but the aggregate amount for salaries could not exceed the maximum stated above, unless a larger amount had been approved by the Quarterly County Court.

11. Private Acts of 1939, Chapter 269, amended Private Acts of 1917, Chapter 375, above, by changing the lengths of the terms of the members of the Auditing Commission. Terms of office would be staggered initially at one, two, and three years, then all terms would be for three years.
12. Private Acts of 1949, Chapter 478, amended Private Acts of 1931, Chapter 328, above, by increasing the aggregate yearly amount to be spent for employees of the Auditing Commission from \$10,000 to \$12,000.
13. Private Acts of 1951, Chapter 335, amended Private Acts of 1931, Chapter 328, Section 2, above, by giving the Auditing Commission the authority to expend for Commission purposes any necessary sum, upon prior approval of the County Court. Section 3 was amended to fix the salary of the Auditor and the assistants in accordance with the General Pay Plan of the County, as approved by the Quarterly County Court. Section 7 was amended to provide members of the Auditing Commission compensation at the rate of \$25 a month.
14. Private Acts of 1953, Chapter 323, stated that the annual salary of the Auditors for Davidson County would be \$7,200, and that they would no longer be subject to the provisions of the General Pay Plan of the County.

### **Beer Committee**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1941, Chapter 353, stated that the members of the Beer Committee of Davidson County, appointed by the Quarterly County Court under the authority of Public Acts of 1933, Chapter 69, would receive \$300 per year as compensation for their services, to be paid quarterly out of the regular and ordinary funds of the County.
2. Private Acts of 1943, Chapter 339, amended Public Acts of 1933, Chapter 69, as it applied to Davidson County, to allow the Quarterly County Court to authorize the position of Beer Inspector for the County and to fix the salary for the job. The Inspector would serve only in the areas of the County located outside of incorporated cities. The Committee of the Court appointed to enforce beer regulations was granted subpoena power in the conduct of its hearings.
3. Private Acts of 1951, Chapter 638, amended Private Acts of 1941, Chapter 353, above, by raising the annual compensation of the members of the Beer Committee from \$300 to \$600.

### **Board of Fair Commissioners**

The following acts once affecting Davidson County are no longer in effect but are listed here for historical purposes.

1. Acts of 1909, Chapter 490, created a State Board of Fair Trustees consisting of 13 members, three from each grand division of the State, three from the State at large, and the State Commissioner of Agriculture, who would serve as Chairman. The Board would be sworn when its membership was complete and it would take charge of any land leased or turned over to the State by Davidson County to be used as a Fair Grounds. The Board would cause to be held thereon for at least six days each year a fair which would be composed and conducted according to the provisions contained in the act. The whole Board would choose four of its members to serve as an executive committee for the Fair, and, if the State failed to hold the Fair for two consecutive years, the property would revert to its previous owner. The net profits of the Fair would go first towards the payment of any debts which might have been incurred.
2. Public Acts of 1921, Chapter 168, amended Acts of 1909, Chapter 490, Section 1, by creating an eighteen member Board of Fair Trustees whose membership would consist of state and local officials. Section 2 granted the Board the authority to cancel the then current ninety-nine year lease of the State on the Fair Grounds in Davidson County and to execute new leases from time to time as deemed necessary. The Board was required to appoint an Executive Committee to make recommendations on expenditures to the other members. Fifty percent of the revenues of the Fair were to be set aside as a reserve fund to improve and develop the Fair Grounds.

3. Public Acts of 1923, Chapter 112, authorized the State Commissioner of Agriculture, with the approval of the Governor, to enter into negotiations with the Board of Fair Commissioners of Davidson County to surrender, cancel, and relinquish the lease held by the State on the Fair Grounds, property owned by Davidson County, on the best terms obtainable commensurate with the dignity of the State. The Commissioners could use any funds in the Treasury, not otherwise appropriated, with the Governor's approval to pay lawful obligations of the State in relation to the operation of the Fair Grounds.
4. Private Acts of 1955, Chapter 75, removed all the employees of the Board of Fair Commissioners from the Civil Service System of the County.

### **Board of Parks and Recreation**

The private act summarized below has been superseded by the Metropolitan Charter.

1. Private Acts of 1951, Chapter 357, authorized the Quarterly Court of Davidson County to include within its annual operating budget at the beginning of each fiscal year an appropriation of \$150,000 for the use and benefit of the Board of Park Commissioners of the City of Nashville. The Trustee would pay over this amount to the Park Board of the City at the proper time.

### **Budget System**

The Private act listed below established a Budget Department for Davidson County. It has been superseded.

1. Private Acts of 1951, Chapter 356, established a budget system for Davidson County. It created a five-member Budget Committee composed of the County Judge, who would be Committee Chairman, and four other persons elected by the Quarterly Court. The fiscal year was set from July 1 through the following June 30. The County Highway Commission, the Board of Education, and the Clerk of the County Judge who was concerned with accounts and budgets, would each file budget requests with the Budget Committee at the proper times. The Budget Committee would prepare the annual Budget at least 45 days before the beginning of the fiscal year in accordance with the requirements of the act. A synopsis of the budget would be published in local newspapers. The budget would be presented to the Quarterly Court at its July session with an appropriations resolution and a tax levy resolution. The Clerk of the Judge in charge of the accounts and budgets would be the Director of Accounts and Budgets. The Quarterly Court could borrow money in anticipation of tax revenues, but any such debt had to be repaid within the fiscal year. See *White v. Davidson County* 210 Tenn. 456, 360 SW2 15 (1961). The Supreme Court held that this act did not apply to the Davidson County Sheriff or affect disbursements which he had an exclusive right to make under general law.

### **Civil Service - Personnel**

The acts below relate to the personnel system in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1943, Chapter 273, created and established a Civil Service System for certain employees of Davidson County and a system of personnel administration based on merit principles which governed the appointment, promotion, transfer, lay-off, removal, and discipline of covered officers and employees. The act defined the various terms as used within the act. It provided for a Civil Service Commission and a Director of Personnel. It prescribed qualifications for both positions. Some classes of employees were exempted from the classified service.
2. Private Acts of 1945, Chapter 28, amended Private Acts of 1943, Chapter 273, above, by exempting the County Health Department, its Director, and all its employees from the provisions of the act.
3. Private Acts of 1945, Chapter 181, amended Private Acts of 1943, Chapter 273, Section 9, by adding to the list of those positions exempt from the provisions of that act. The Agricultural Agent, the Home Demonstration Agent, and the other employees of the Agricultural Department of Davidson County, plus the employees of the Davidson County Planning Commission were excluded from coverage under the act.
4. Private Acts of 1947, Chapter 716, amended Private Acts of 1943, Chapter 273, Section 4, by increasing the annual salary of the Director of Personnel from \$3,000 to \$3,600, and in Section 9 by adding to the list of those positions exempted from the act as follows: the Engineer, Assistant



Engineer, Superintendent, Assistant Superintendent, Secretary, and Assistant Secretary of the County Highway Department Asylum and Home, provided those individuals who had attained civil service status could choose to remain under it. Section 15 was amended to give veterans of World War II credit for their service time, the benefit of any pay increases while away, and a bonus of five points on any examination taken for promotion or other personnel action.

5. Private Acts of 1949, Chapter 704, directed the County Court of Davidson County to hold a referendum for the purpose of ascertaining the will of the electorate on whether or not County employees should be placed on a five day work week. If approved, the County Court was obligated to put the five day week into effect.
6. Private Acts of 1949, Chapter 805, gave all the employees of Davidson County and any County Board, Commission, Department, agency, or office, a monthly salary increase according to amounts specified in the act which ranged from \$20 a month for those employees whose salary did not exceed \$235 a month, to \$12.50 a month for those employees who earned up to \$335 a month. Hourly employees were given a blanket fifteen percent increase.
7. Private Acts of 1951, Chapter 253, authorized the Quarterly Court of Davidson County to pay all the claims for money damages, accumulated or to be accumulated, which were caused by the wrongful or negligent act of an employee, agent, or servant within the scope of their employment. No such award could be made until a thorough investigation had been made into the facts and circumstances of the claim. No award could be paid under this act after a period of two years following the accrual of the claim. The Quarterly Court would appoint a committee of five to investigate and hear evidence under such rules as were necessary to effectuate the intents and purposes of the act. If the County obtained liability insurance to cover such negligent acts, the provisions of the act were to be inoperative. The act was repealed by Private Acts of 1955, Chapter 272, below. In Griffin v. Davidson County, 194 Tenn. 335, 250 SW2d 554 (1952), the Court upheld the constitutionality of the act.
8. Private Acts of 1951, Chapter 336, amended Private Acts of 1943, Chapter 273, Section 4, above, by requiring the Civil Service Commission to employ a Director of Personnel for the County who would serve at the pleasure of the Commission. The Director's salary would also be fixed by the Civil Service Commission, but would not exceed \$4,800 a year.
9. Private Acts of 1951, Chapter 337, amended Private Acts of 1943, Chapter 273, Section 34, above, by adding a provision that any employee suspended without action of the Commission could appeal the action by notifying the Director of Personnel within 30 days after the suspension. The Commission could order the employee reinstated without loss of pay or make such other order as to them seemed proper under the circumstances, but only after a public hearing on the matter.
10. Private Acts of 1951, Chapter 540, amended Private Acts of 1943, Chapter 273, Section 31, above, by inserting a provision that all classified employees of the County would be entitled to twenty days sick leave with pay. Sick leave would not be charged against their annual leave but would constitute additional time off.
11. Private Acts of 1951, Chapter 542, provided that all classified employees of Davidson County or any Board, Commission, Department, agency, or office, except those officials elected by the people, effective July 1, 1951, would be paid monthly salary increases. All classified employees and those employees at the County Hospital and Home would receive a \$25 per month increase by the raising of the minimum and maximum pay levels by that amount. The increase did not apply to those employees getting \$275 a month or more nor to hourly workers. A raise of twelve cents per hour was granted those employees making \$275 a month or less.
12. Private Acts of 1955, Chapter 75, amended Private Acts of 1943, Chapter 273, Section 9, above, by adding the employees of the Board of Fair Commissioners to those classes of persons exempted from the provisions of the Davidson County Civil Service Act.
13. Private Acts of 1955, Chapter 272, repealed Private Acts of 1951, Chapter 253, above.
14. Private Acts of 1955, Chapter 291, amended Private Acts of 1943, Chapter 273, by placing in the unclassified service category all teachers and employees of the Board of Education rather than only teachers and positions requiring a teaching certificate.

### **County Attorney**

The acts listed below refer to the position of County Attorney for Davidson County prior to the establishment of the Metropolitan Government.

1. Public Acts of 1899, Chapter 96, created the office of County Attorney in Davidson County to be filled by election of the County Court for terms of two years. The County Attorney would transact all the legal business of the County and advise County officials on legal matters affecting their offices. No officer of the County was permitted to employ County legal counsel on his own.
2. Private Acts of 1943, Chapter 275, amended Acts of 1899, Chapter 96, above, by increasing the term for which the County Attorney was appointed from two years to four years.
3. Private Acts of 1957, Chapter 184, authorized the County Attorney of Davidson County to employ an assistant, who was required to be a person licensed to practice law in the State of Tennessee. The assistant would serve at the pleasure and direction of the County Attorney and would devote his entire time to the performance of his duties, not engaging in the private practice of law at anytime. The salary of the assistant would be set by the Court and paid out of County general funds.
4. Private Acts of 1959, Chapter 132, allowed the County Attorney of Davidson County, with the prior approval of the County Judge, to employ special counsel to assist him in the performance of his duties. The special counsel would serve at the pleasure and direction of the County Attorney and devote whatever part of his time necessary to complete his duties. Compensation was to be agreed upon by the special counsel, the County Attorney, and the County Judge, and would be paid out of the County's ordinary funds.

### **County Executive**

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

1. Public Acts of 1857-58, Chapter 38, created the office of County Judge for Davidson, Shelby, Knox, Montgomery, and Williamson Counties. The Judges were required to be learned in the law and would be commissioned as were other judges. The Judges would serve eight-year terms. Quorum Courts were abolished and their duties transferred to the County Judges. The County Court would meet on the first Monday of every month. In those months of the Quarterly Sessions, its business would be conducted prior to the business of the County Judge. The duties and powers of the Judge and the jurisdiction of the court were prescribed in the Act. The County Judge would be paid \$5.00 per day while the Court was sitting and the Justices of the Peace would receive \$2.50 a day for their attendance during the court terms. The County Judge could practice law in other Courts of the State, but could not act as counsel in cases appealed from his own Court.
2. Private Acts of 1859-60, Chapter 176, repealed Acts of 1857-58, Chapter 38, above, as it applied to some counties. Davidson County remained under the provisions of the act.
3. Private Acts of 1911, Chapter 66, set forth the duties, responsibilities, and qualifications of the County Judge of Davidson County. The Judge was to be learned in the law and over thirty years of age, he was to have business training and experience, and he was to be a resident and freeholder or householder of the County for more than five years. The act named the Judge as the general agent and accounting officer of the County, and it prescribed his duties in each position. See the cases of White v. Davidson County, 210 Tenn. 456, 360 SW2d 15 (1962), and Perry v. Banks, 521 SW2d 549 (1975), for significant discussions of the office of County Judge in Davidson County.
4. Private Acts of 1919, Chapter 132, amended Private Acts of 1911, Chapter 66, Section 10, above, by increasing the annual salary of the County Judge from \$3,000 to \$5,000. This Act was repealed in 1920.
5. Private Acts of 1920, Chapter 2, amended Private Acts of 1911, Chapter 66, above, by providing that the cost of the bond which the Deputy Clerk was required to make under that act was to be paid by the County, as well as the cost of the bond which the law required the County Judge to make. It raised the annual salary of the Judge from \$3,000 to \$6,000, repealing Private Acts of 1919, Chapter 132, above.
6. Private Acts of 1921, Chapter 100, made the County Judge of Davidson County the custodian of the Courthouse. The Judge would have general supervision over the Courthouse, the janitors, the elevator men and the porters. As custodian the Judge would appoint the janitors, the elevator men, and the porters, but the County Court would fix the pay scale for each job. The County Judge would not receive additional compensation for these duties.

7. Private Acts of 1923, Chapter 147, amended Private Acts of 1920, Chapter 2, above, by increasing the annual salary of the County Judge from \$6,000 to \$6,300.
8. Private Acts of 1925, Chapter 100, amended Private Acts of 1911, Chapter 66, Section 6, above, by giving the Judge authority to authorize all clerks in the office to sign his name instead of one particular Clerk. The County was required to pay the premiums on all their bonds. Section 9 was changed to allow the County Judge to issue warrants for the payment of salary to each clerical employee monthly, but the aggregate amount of all such salaries could not exceed \$6,900 per year. Section 10 was amended by fixing the annual salary of the County Judge for his services as accounting officer and general agent of the County at \$4,500.
9. Private Acts of 1927, Chapter 242, amended Private Acts of 1925, Chapter 100, above, by increasing the maximum amount allowed the County Judge to pay his deputies from \$6,900 to \$7,800 a year.
10. Private Acts of 1935, Chapter 111, recited that the Quarterly Court of Davidson County had unanimously adopted a Resolution to memorialize the General Assembly to pass legislation which would increase the compensation of the County Judge as accounting officer and the general agent of the County from \$4,500 to \$6,000 per annum. This Act amended Private Acts of 1911, Chapter 66, by increasing the compensation of the County Judge, as desired by the Quarterly Court, to \$6,000 a year.
11. Private Acts of 1947, Chapter 287, amended Private Acts of 1911, Chapter 66, Section 9, above, by increasing the aggregate amount allowed the County Judge to pay his deputies from \$7,800 to \$10,000 per year, and in Section 10 by raising the annual salary of the Judge as the accounting officer and general agent of the County from \$6,000 to \$8,500, payable monthly.
12. Private Acts of 1951, Chapter 524, amended Private Acts of 1911, Chapter 66, and provided for the establishment of a system of fiscal procedure, control, and centralized accounting, which would be operated under the administrative direction and control of the County Judge as Davidson County's Fiscal Agent. The Judge would appoint a clerk in his office to be the Director of Accounts and Budgets whose duties were to be defined by the Judge. The act further set up procedures for the disbursement of funds by the County Trustee. The act allowed the Judge \$25,000 a year for clerical assistance, and set the Judge's compensation for these services at \$10,000 a year. The fiscal year was set to begin on July 1 of each year and end on June 30 the following year.
13. Private Acts of 1955, Chapter 302, amended Private Acts of 1911, Chapter 66, by allowing the County Judge as much technical assistance as he required to perform his duties. The annual budget would include adequate provisions for salaries of Assistants. These assistants would be appointed by the County Judge. The Director of Budgets and Accounts and such other clerical employees as might be necessary for the operation of the central accounting system would be compensated as determined by the County Judge and as fixed in the budget.

### **County Legislative Body - Justices of the Peace**

The acts summarized below have been superseded.

1. Private Acts of 1819, Chapter 6, authorized and required the Justices of the Peace of Davidson County to select two Justices to replace Robert Weakley and William Williams on the Quorum Court.
2. Public Acts of 1835-36, Chapter 1, Section 3, stated there would be two Justices of the Peace and one Constable elected in each county district except in those districts which contained the county seat. Three Justices of the Peace and two Constables would be elected in that district. This act was enacted immediately after the effective date of the 1835 Constitution.
3. Acts of 1855-56, Chapter 246, Section 11, gave the City of Nashville two additional Justices of the Peace who would be elected by the qualified voters within the time specified in the law.
4. Public Acts of 1859-60, Chapter 125, amended Section 337 of the Code of Tennessee to allow the district which contained the City of Nashville to elect two Justices of the Peace from each ward in the City, and, further, the act allowed Nashville to annex certain areas under the conditions set forth in the act.
5. Private Acts of 1869-70, Chapter 118, Section 6, allowed an additional Justice of the Peace for the Town of Edgefield in the 17th Civil District of Davidson County.
6. Public Acts of 1883, Chapter 178, permitted the 20th Civil District of Davidson County to have an additional Justice of the Peace for the town of Goodlettsville. The Justice would have the same powers and jurisdiction as other Justices, but was to reside in and have his office in the said

town. He would be elected by the qualified voters of the town in the election of May 6, 1883.

7. Acts of 1909, Chapter 389, declared that the Justices of the Peace in Davidson County would be paid \$2.00 for each morning session and \$2.00 for each afternoon session of all regular and special meetings of the Quarterly Court they attended. The clerk would call the roll at the start of the meeting and an answer would be sufficient for payment. The total number of days for which payment was allowed in one year could not exceed fifteen.
8. Private Acts of 1921, Chapter 539, was virtually a repetition of the 1909 Act above. In Davidson County, the Justices of the Peace would be paid \$2.00 for each morning and afternoon session of the Quarterly Court which they attended. A limitation of fifteen days payment per year was imposed. The clerk was required to call the roll and enter the names of those present, which would be sufficient for payment.
9. Private Acts of 1937, Chapter 12, created the Court of General Sessions Courts for Davidson County. It divested the Justices of the Peace of their authority and jurisdiction to hear civil and criminal cases, suits, and actions, and it conferred this jurisdiction upon the new Court. The authority of the Justices in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony was not to be affected by the act. The constitutionality of the act was upheld in Hancock v. Davidson County, 171 Tenn. 420, 104 SW2d 824 (1937).
10. Private Acts of 1937, Chapter 889, fixed the per diem compensation of Justices of the Peace in Davidson County for their attendance at the regular meetings of the Quarterly Court, or at extra sessions properly convened, at \$25. Justices who resided more than five miles from the courthouse would be paid five cents per mile for each mile traveled from home to courthouse and return.
11. Private Acts of 1949, Chapter 752, amended Private Acts of 1937, Chapter 889, above, by raising the per diem payments of the Justices of the Peace for their attendance at regular and called sessions of the Quarterly Court from \$25 to \$100.
12. Private Acts of 1961, Chapter 345, increased the compensation of the Justices from \$100 per day to \$300 per day and disallowed all other compensation.
13. Public Acts of 1969, Chapter 272, divided Davidson County into nine magisterial districts and authorized the election of fifteen Justices of the Peace.

### **County Legislative Body**

The following acts are no longer in effect. They relate to the legislative bodies of Davidson County prior to the Metropolitan Government.

1. Acts of 1785, Chapter 2, Laws of North Carolina, set the dates for the beginning of the terms of all the Courts of Pleas and Quarter Sessions for the counties of North Carolina, including Davidson County. The Court in Davidson County would convene on the first Monday in January, April, July, and October. This act extended the jurisdiction of those courts to include actions of trespass in ejectments, remainder and reverter, dower and partition, and actions of trespass quare clausum fregit.
2. Acts of 1785, Chapter 47, Laws of North Carolina, directed the Court of Pleas and Quarter Sessions of the County to furnish forty-eight house holders as jurors for the newly established superior court of Law and Equity.
3. Acts of 1787, Chapter 21, Section 4, Laws of North Carolina, declared that prior to the establishment of a Superior Court jurisdiction in Davidson County, sundry appeals had been granted from the County Court of the County to the Superior Courts of the Districts of Morgan and Washington. For the ease and convenience of the appellants, the Clerks of the Superior Courts involved, upon the application of either party, were directed to transfer all papers relative to the appeals to the Superior Court in the District of Davidson.
4. Acts of 1789, Chapter 15, Section 3, directed that the County Court of Pleas and Quarter Sessions be held in Davidson County, after the passage of this act, on the second Monday in January, April, July and October.
5. Acts of 1799, Chapter 31, declared it to be lawful for nine Justices of the Peace to lay County taxes and to make all appropriations of County money to be made in Davidson County, any law to the contrary notwithstanding.
6. Acts of 1803, Chapter 39, set the dates for the meetings of the Courts of Pleas and Quarter Sessions for the Counties of Smith, Sumner, Wilson, Rutherford, Williamson, Robertson,

Montgomery, Stewart, Dickson and Davidson, which comprised the Mero District. Davidson County's Court would meet on the third Monday in January, April, July and October.

7. Acts of 1805, Chapter 53, stated that the Court of Pleas and Quarter Sessions for Davidson County could continue to sit for twelve judicial days if the business of the court required it.
8. Acts of 1809, Chapter 93, established the schedule of the opening dates of the terms of the Court of Pleas and Quarter Sessions for every county then existing in the State of Tennessee. In Davidson County, the Court would continue to meet on the third Monday in January, April, July and October.
9. Acts of 1813, Chapter 5, provided that the Judge of the Fourth Judicial Circuit and the presiding Judge of the County Court of Davidson County could adjourn the Courts from the Courthouse in Nashville to any other house in Davidson County and all process and writs would be made to conform to the change.
10. Acts of 1815, Chapter 55, virtually repeated the authority granted to the Judge of the County Court of Davidson County and to the Judge of the Fourth Judicial Circuit to adjourn their respective Courts to any other house or place, in Davidson County, on the first day of the October term or the November term.
11. Acts of 1817, Chapter 138, Section 3, set opening dates for the County Court sessions of several counties, continued the dates for Davidson County on the third Monday in January, April, July and October. It lengthened the term of Court to two weeks in Davidson County.
12. Private Acts of 1819, Chapter 6, authorized and required the Justices of the Peace to select from their body two persons suitable and qualified to replace Robert Weakley and William Williams who had been absent from the Quorum Court of Davidson County, the new members to have the same power and authority as the ones being replaced.
13. Private Acts of 1823, Chapter 226, stated that, whenever persons were confined to jail during the recess periods of the County Court for any offense which was answerable to that Court, it would be lawful for any three Justices of the Peace, on being notified by the Sheriff, to open and hold Court in an extra session to try the confined persons. The Sheriff would summon jurors for them, if any were needed, and the Justices were to have and exercise all the powers of the regular Court. The Solicitor of the District was required to attend and prosecute the causes for which he was responsible.
14. Private Acts of 1829, Chapter 113, provided that the County Court of Davidson County would continue the term of Court for three weeks unless the business of the Court should be disposed of sooner, and that the Court term would be devoted exclusively to county jurisdiction causes. This act was partially repealed in 1829.
15. Private Acts of 1829, Chapter 244, repealed that part of Acts of 1829, Chapter 113, above, that required the County Court of Davidson County to continue its sessions, and it required that the State docket be taken up in the third week of the sessions, and provided that the docket would be heard as the law prescribed, but no more than one week was to be devoted to the State docket unless all the civil cases were disposed of in less than two weeks.
16. Private Acts of 1833, Chapter 74, authorized the County Court of Davidson County to continue its term then in session for one week, in addition to the time established for it under the current laws of the State.
17. Private Acts of 1835-36, Chapter 6, provided for a county court to meet in every county on the first Monday of the month to hold until the business of the court was completed. Three of the Justices could constitute a Court to hear the probate of wills and related matters, but such Court could not hold jury trials. The County Court was required to select twenty-five jurors, one from each civil district of the County (or thirty-seven jurors, whichever number might be better) and was allowed to levy taxes on property in the County to pay the Court's operating expenses, including \$1.00 per day to be paid to jurors as compensation.
18. Private Acts of 1857-58, Chapter 160, directed the County Court of Davidson County and the corporate authorities of the City of Nashville to make an estimate of the cost of supporting the poor and indigent in the Court at its April Session. The Court would then appropriate the cost agreed upon and pay it over to the treasurer of the City of Nashville.
19. Acts of 1909, Chapter 218, authorized the County Court of Davidson County to appropriate from the ordinary funds of the County sums to compensate Justices for extraordinary services rendered by them as members of the various committees. Such services were to be those services beyond the scope of duties ordinary and incidental to membership on the County Court. The services were to require more than thirty days work and the project had to involve \$50,000 or more in

outlay. No allowance was to be paid for attendance at the ordinary and customary meetings of committees.

20. Private Acts of 1915, Chapter 89, allowed the Quarterly Court of Davidson County to make appropriations to compensate the members of the Court for their services on the various committees, not to exceed \$3.00 a day for a period of forty days maximum per year, except that the committee chairmen could draw pay for up to sixty days a year. The County Judge would issue his warrant upon the filing of statements showing the number of days worked. Any work requiring a longer period than sixty days would be investigated for the Court by a committee of three.
21. Private Acts of 1915, Chapter 406, granted to the County Court jurisdiction concurrent with the Chancery Court in all cases instituted for the sale of property, real or personal, of infants, lunatics, or others under disabilities, or instituted for the investment of funds belonging to such individuals or for encroachment upon the corpus of any trust for the use and benefit of those under disabilities. The procedure in the County Court would be the same as that used in the Chancery Court.
22. Private Acts of 1927, Chapter 528, amended Acts of 1909, Chapter 218, above, so that members of the County Court could receive compensation for attendance at meetings of subordinate boards as well as committees.

### **County Register**

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

1. Private Acts of 1919, Chapter 808, was the authority for the County Court of Davidson County to buy book machines for the County Register's office and to make appropriations for payment of the cost of the machines from the ordinary funds of the County.

### **County Trustee**

The following acts once affected the office of County Trustee in Davidson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 56, directed the Trustee of Davidson County to pay over to the Treasurer of the City of Nashville any common school funds in his hands, which funds were to be credited to the account of the City schools.
2. Acts of 1903, Chapter 206, granted authority to the Davidson County Quarterly Court to make appropriations for clerical and other assistance in the office of the County Trustee of Davidson County, not to exceed \$5,000 in any one year, for the efficient operation of the office in collection of taxes and disbursement of funds. This act was repealed in 1907.
3. Acts of 1907, Chapter 63, repealed Acts of 1903, Chapter 206, above.
4. Private Acts of 1913, Chapter 101, required the Trustee of Davidson County to give one bond to the State of Tennessee for its own use and another bond to the State for the use and benefit of the County. The bonds would be in amounts equal to one-quarter of the taxes collected for the State and for the County, respectively, during the year prior to execution of the bonds. The tax figures were to be those appearing on the Trustee's report to the Comptroller in September of each year. All the bonds in effect at the time of passage were to be readjusted to conform with the act within thirty days.
5. Private Acts of 1933, Chapter 408, provided that the Davidson County Trustee would give one bond to the State for its own use and one bond to the State for the use and benefit of the County. The amount of the bond would be equal to one-tenth of the amount of State and County taxes collected during the preceding year, but the bond to the State would not be less than \$50,000 and bond for the use and benefit of the County would not be less than \$200,000.
6. Private Acts of 1951, Chapter 618, directed the Trustee of Davidson County to set aside and pay to the Treasurer of any incorporated city, after January 10, 1950, and prior to June 1, 1950, all the district road funds collected from within the incorporated city for the year 1950.

### **Department of Public Works**

The following act is no longer effective.

1. Private Acts of 1959, Chapter 304, created the Department of Public Works in Davidson County to be an administrative department under the direction of the County Judge. The department would consist of a director and such numbers and types of employees as were authorized by the Quarterly County Court. The department would provide urban-type facilities and services for the inhabitants of the County and establish regulations and standards for various governmental and private activities. Primary duties of the department consisted of the operation of a water system and providing standards, regulations, enforcement, and inspection for construction activities. The act allowed intergovernmental contracts in connection with the department's duties, if approved by the County Court.

### **Department of Public Works - Electrical Regulations**

The following acts applied to electrical regulations in force in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1917, Chapter 524, directed the Governor of Tennessee to appoint a three-member Board of Electrical Examiners and Supervisors in Davidson County, one member to be nominated by the oldest, local association of electrical contractors, one by the Chief of the Fire Department, and one by the local association of fire insurance underwriters. The Board would select one its members as Chairman and another as Secretary and Treasurer, the officers to be compensated at a rate decided by the Board. Other members would be paid \$5.00 a day, all expenses to come from fees collected and not from the State. The Board would adopt rules and regulations for the examination of Master Electricians and issue a license to each one passing the exam. The possession of a license was a condition precedent to the conduct of an electrical business. There would be a \$25 fee for the application and a \$10 fee for the annual renewal of the license. The license was not transferable and could be revoked under certain circumstances. Violations of the act could result in fines ranging from \$10 to \$100.
2. Private Acts of 1921, Chapter 897, created the office of Electrical Inspector in Davidson County. The official was required to be a practical electrician and would be elected by the Quarterly County Court to four-year terms. The Inspector would receive the fees of the office. His compensation of \$1,500 a year would come from the fees. If the fees failed to amount to \$1,500, then such fees would constitute his salary, while any surplus over \$1,500 would be paid to the Trustee. The Inspector was required to approve or disapprove plans for electrical work, inspect work in progress, and keep adequate records of his activity. The act included a schedule of fees to be charged and penalties to be assessed for violations of the established standards and failure to follow the lawful orders of the Inspector. See Null v. Electric Power Board, 30 Tenn. App. 696, 210 SW2d 490 (1948). The Court of Appeals held in that case that the Electrical Inspector's failure to inspect prior to allowing current to be turned on at the premises where a child was later electrocuted was negligence per se.
3. Private Acts of 1923, Chapter 694, amended Private Acts of 1921, Chapter 897, Section 1, above, by raising the annual salary of the Electrical Inspector from \$1,500 to \$2,100 with all other terms and conditions to remain as they were.
4. Private Acts of 1935, Chapter 500, amended Private Acts of 1921, Chapter 897, Section 1, above, by changing the annual salary of the Electrical Inspector from \$2,100 to \$2,400.
5. Private Acts of 1941, Chapter 388, amended Private Acts of 1935, Chapter 500, above, by inserting a new Section which left the annual salary of the Electrical Inspector at \$2,400 but added a \$600 annual car expense allowance to be paid out of the fees of the office. All other terms regarding shortage and surplus of fees remained unchanged.
6. Private Acts of 1943, Chapter 107, amended Private Acts of 1921, Chapter 897, above, by adding a paragraph at the end stating that for the two years following passage of the act, the annual salary of the Electrical Inspector would be \$1,800, payable monthly out of the fees of office, but if the fees did not equal that amount, the County would pay the difference out of regular County funds on warrant of the County Judge.
7. Private Acts of 1945, Chapter 301, amended Private Acts of 1921, Chapter 897, above, by setting the salary of the Electrical Inspector at \$2,400 a year, payable out of the fees of the office, for the two years following the passage of the act. The County had the responsibility to pay the difference between \$2,400 and the fees collected, if the fees failed to amount to \$2,400.
8. Private Acts of 1947, Chapter 306, amended Private Acts of 1921, Chapter 897, Section 1, above, by inserting a new Section which fixed the annual salary of the Electrical Inspector at \$3,600, gave an allowance of \$600 per year for auto expenses, and allowed \$1,200 for an office

assistant. The assistant would be appointed by the Inspector, provide a bond as the Inspector would decide, and execute all permits in the name of the Inspector. All such compensation was to be paid out of the fees collected by the office, and the County would contribute no funds to the operations of the office.

9. Private Acts of 1949, Chapter 245, amended Private Acts of 1921, Chapter 897, Section 1, above, by adding a provision which made it clear that the Electrical Inspector's office would be operated only from funds provided by fees. After paying allowable expenses, the office would pay over any surplus collections to the Trustee. The annual salary of the Inspector was \$3,600, plus a yearly travel allowance of \$750. The salary of the office assistant was set at \$1,800 per year, and \$600 was allotted to the office for supplies, rent, telephone, and other expenses. The Inspector was allowed to appoint an assistant Electrical Inspector at an annual salary of \$2,700 plus a \$750 annual car expense allowance. Section 6 was amended to provide that the Electrical Inspector could not have or exercise jurisdiction in municipalities located within the County which maintained an electrical inspection department.
10. Private Acts of 1951, Chapter 452, created the Division of Electrical Inspection, composed of an electrical inspector and such assistant inspectors and clerical help as might be determined and authorized by the Quarterly Court. The Court would set compensation and authorize payment from the ordinary funds of the County, but the salary of the current Inspector could not be less than the then current salary during the remainder of his term. The Inspector would be elected at the July term of the Quarterly Court for a four-year term. Rules and regulations pertinent to all phases of the operation of the office were set, and a schedule of fees to be charged was included. Fees would be paid to the Inspector, who would report them on forms to the County Trustee. All work was to be inspected within forty-eight hours of the filing of a request to do so. The National Electrical Code, the State of Tennessee Fire Prevention Law, and the State Fire Safety Code were adopted as the standards to apply to all electrical work.

### **Department of Public Works - Plumbing Regulations**

The following acts concerned plumbing regulations in Davidson County prior to the establishment of the Metropolitan Government.

1. Private Acts of 1921, Chapter 964, directed the Board of Health of Davidson County to adopt and promulgate rules and regulations for the construction and installation of all plumbing and sewerage in houses and on premises located outside of corporate cities. It would be the duty of the sanitary Inspectors to enforce the regulations.
2. Private Acts of 1923, Chapter 690, declared that for the purpose of protecting the people of Davidson County from the improper installation of plumbing, the County would provide plumbing inspection services in the suburban districts that were being served by a public water supply. Plumbing Inspectors would be nominated by the Board of Health and confirmed by the Quarterly Court to serve terms of four years. The salary would be \$2,400 a year, if the fees collected amounted to that much. If the fees were less, they would constitute the salary. If the fees exceeded \$2,400, the excess would be paid to the County Trustee. The Inspector would use only the voucher books furnished by the Trustee and would issue permits in triplicate. The Inspector was given the authority to enter premises to inspect work. A schedule of fees to be charged was contained in the act, and any violation could be punished by fines from \$10 to \$25, each day of a continuing violation being a separate offense. All the expenses of the office were to be paid out of the fees collected.
3. Private Acts of 1925, Chapter 473, provided that all the plumbing work performed outside of cities providing plumbing inspection in Davidson County would be subject to the control of the Board of Health and the Plumbing Inspector. The Board would appoint the Plumbing Inspector whose salary was set at \$2,400 a year. The Inspector had the duty to inspect all plumbing installed, constructed, or repaired. He had the right to enter and inspect premises on which all plumbing installations, except minor repair, were made. The procedures to be followed by the installer and the Inspector were set forth in the law. Septic tanks and filtration beds were declared to be within the purview of this law and standards for them were established. A schedule of fees was set forth in the bill. Penalties were provided for violations.
4. Private Acts of 1933, Chapter 685, created the Board of Plumbing Examiners and transferred to it from the Board of Health the responsibility for supervising plumbing inspections. The three members of the Board were to be the County Health Officer, one journeyman plumber, and one master plumber. The Board would elect a plumbing inspector who would receive as compensation the fees of office up to \$2,160, with the excess being paid over to the County. The two plumber



- members of the Board would serve without compensation. Permits from the inspectors were required for plumbing work. No water closet could be connected to a septic tank of less than 600 gallons capacity. All bath tubs were to have a lead 4 X 8 drum trap and a brass cleanout screw.
5. Private Acts of 1939, Chapter 289, amended Private Acts of 1925, Chapter 473, Section 3, above, by adding a provision that a plumber performing work to be inspected was required to obtain a certificate of approval from the Plumbing Inspector before covering up the work. It set forth specifications for acceptable septic tanks and for their installation for buildings up to and including houses with five bathrooms.
  6. Private Acts of 1941, Chapter 159, amended Private Acts of 1925, Chapter 473, Section 3, above, by revising the specifications to be met by plumbers when installing septic tanks and their accessories in Davidson County.
  7. Private Acts of 1943, Chapter 328, amended Private Acts of 1925, Chapter 473, above, by allowing compensation of \$10 per meeting for the two plumber members of the Board of Plumbing Examiners, not to exceed twelve meetings in one year. The act required all who desired to engage in the plumbing business outside of Nashville, but within Davidson County, to file an application with the Board and be examined as to their qualifications. If the Board was satisfied with their qualifications, they would receive a license for one year. All who were then engaged in the plumbing business in the specified area would have ninety days in which to comply with the terms of the act.
  8. Private Act of 1945, Chapter 143, established new procedures and regulations for plumbing and plumbing inspections and served as the Plumbing Code for Davidson County. All plumbing outside the corporate limits of cities would be under the regulation of a three-member Board of Plumbing Examiners, composed of the County Health Officer, one master plumber, and one journeyman plumber. The Plumbing Inspector, elected by the Board, would receive \$2,700 per year salary and a \$600 per year travel allowance. An assistant Plumbing Inspector could be employed upon the approval of the County Court at a salary of \$2,160 a year. The plumber members of the Board would be paid \$10 for each meeting, up to twelve per year. Installation, repairs, or modifications of plumbing work could not be done until a permit was granted after application and approval of plans submitted. Plumbing work was not to be covered up until inspected. Applicants would pay a fee of fifty cents for each fixture and \$2.00 for each septic tank inspected. Master plumbers would pay \$15 and journeymen plumbers \$1.50 for annual licenses to do business. Several regulations concerning fixtures and septic tanks were set forth in the act, such as the size of septic tanks required for various numbers of bathrooms. Persons violating the act were subject to misdemeanor charges.
  9. Private Acts of 1947, Chapter 563, amended Private Acts of 1945, Chapter 143, Section 2, above, by raising the travel allowance for the Plumbing Inspector and assistant from \$600 to \$750 a year, and by giving the Quarterly Court the right to provide clerical assistance in place of an assistant Plumbing Inspector at a salary not to exceed \$1,800 annually. Alterations were made in the specifications for house sanitary sewers and in the table of sizes for septic tanks and their disposal fields. Standards for field requirements in percolation tests and another table for the size and minimum spacing requirements for disposal trenches were included in the amendment.
  10. Private Acts of 1949, Chapter 247, amended Private Acts of 1945, Chapter 143, Section 2, by setting the annual salary of the Plumbing Inspector at \$3,600 and by allowing him \$750 for travel expenses. Authority to elect an assistant Plumbing Inspector, with compensation of \$2,700 a year plus \$750 travel allowance, was granted to the Board of Plumbing Examiners.
  11. Private Acts of 1949, Chapter 753, amended Private Acts of 1945, Chapter 143, Section 4, by making it unlawful for any person, firm, or corporation to repair or install any plumbing or plumbing fixtures contemplated under the act without a license and a permit. Fees were set at 50 cents for each fixture permit and \$2.00 for each septic tank permit.
  12. Private Acts of 1951, Chapter 338, amended Private Acts of 1945, Chapter 143, Section 2, by providing that the Board of Plumbing Examiners had the duty of electing a Plumbing Inspector and such assistants as were needed or authorized by the Davidson County Quarterly Court, at such salaries and allowances as the Court might determine. The two plumber members of the Board would be paid \$15 for each session actually attended, not to exceed twelve in one year. The act required the Quarterly Court to take the measures necessary to supply permits, forms, and stationery.
  13. Private Acts of 1953, Chapter 433, amended Private Acts of 1945, Chapter 143, Section 4, by requiring that plumbers obtain permits before their work was started and that the permits be on forms furnished by the Audit Commission, which were forms to be kept in the office of the

Plumbing Board. The costs for permits were increased from fifty cents to seventy-five cents for fixtures and from \$2.00 to \$3.00 for a septic tank. Fees for master plumber licenses were increased from \$1.25 to \$2.50 a year.

14. Private Acts of 1957, Chapter 183, amended Private Acts of 1945, Chapter 143, Section 8, by rewriting the standards for installation of septic tanks and their sewer connections, their disposal fields, and venting systems.

### **Farmers' Market**

The act summarized below did not become effective.

1. Private Acts of 1961, Chapter 213, amended Private Acts of 1949, Chapter 400, and Private Acts of 1959, Chapter 305, above, by limiting use of the marketing facility for produce sales to Tennessee farmers, their family members, and employees. No person could enter the facility for sales purposes unless he was operating a motor vehicle with a Tennessee farmer's motor vehicle license plate or he presented convincing proof he was a Tennessee farmer. The act was not approved locally and did not become effective.

### **Purchasing**

The following acts once affected the purchasing procedures of Davidson County, but are no longer operative.

1. Private Acts of 1917, Chapter 239, authorized the appointment by the Quarterly Court of Davidson County of three competent people to be known as the Purchasing Commission of Davidson County. They would serve one-year terms and each member would receive \$100 annually. The Commission would procure all supplies needed by the County in accordance with such rules and regulations as it might adopt, except that all purchases in excess of \$100 would be by competitive bid procedures. The Commissioners were to be sworn and were to provide bonds of \$5,000. They were authorized to meet as often as necessary. The Commission was empowered to appoint a clerk, effective upon ratification by the Quarterly Court, to keep records and perform such other duties as might be prescribed by the Commission. The clerk's salary could not exceed \$1,500 annually.
2. Private Acts of 1919, Chapter 205, amended Private Acts of 1917, Chapter 239, above, by increasing the amount of individual purchases not requiring competitive bidding from \$100 to \$300. It increased the bond required of the Commissioners to \$10,000. It granted the Commission authority to employ additional clerical help but the number of assistants and their salaries was required to be approved by the Quarterly Court. The act fixed the maximum salary of the Clerk at \$2,000 annually and the maximum salaries of the assistants at \$60 a month.
3. Private Acts of 1921, Chapter 99, amended Private Acts of 1919, Chapter 205, above, by increasing the maximum amount payable to clerical assistants of the Purchasing Commission from \$60 to \$75 a month.
4. Private Acts of 1921, Chapter 630, amended Private Acts of 1919, Chapter 205, above, by increasing the salary limit of the Clerk to the Purchasing Commission from \$2,000 to \$2,400 per year.
5. Private Acts of 1925, Chapter 372, amended Private Acts of 1917, Chapter 239, above, by adding a provision that the act amended was not be construed as being applicable to the Charities Commission of Davidson County.
6. Private Acts of 1925, Chapter 648, amended Private Acts of 1917, Chapter 239, above, by making the Act specifically applicable to the Educational Board, the Board of Health, the State Fair Commissioners, the Board of Highway Commissioners, and "all other departments and boards of the county." Section 7 was amended to raise the annual salary limit of the secretary (clerk) to the Commission to \$2,400 and provide the secretary with a \$25 per month allowance for the car used in official business. The salary of the assistant could not exceed \$100 per month.
7. Private Acts of 1927, Chapter 402, amended Private Acts of 1917, Chapter 239, by requiring the Purchasing Commissioners at the next regular election to be elected for staggered terms of one, two, and three years, and after that for three year terms, and by directing the Commissioners be paid \$375 each year. Section 2 was amended by taking the Charities Commission and the Board of Fair Commissioners out from under the provisions of the Act.
8. Private Acts of 1931, Chapter 147, fixed the salary of the stenographer clerk to the Davidson County Purchasing Commission at \$150 per month.

9. Private Acts of 1937, Chapter 667, amended Private Acts of 1919, Chapter 205, above, by increasing the annual salary limitation placed on the position of clerk of the Purchasing Commission from \$2,400 to \$2,750.
10. Private Acts of 1943, Chapter 111, amended Private Acts 1917, Chapter 239, above, by increasing the annual salary limit of the clerk to \$3,000 from \$2,750, and by granting an allowance of \$300 per year for automobile expenses.
11. Private Acts of 1943, Chapter 377, amended Private Acts of 1917, Chapter 239, by adding a provision that if no bids were received after advertisement had been properly made, and the same had been properly recorded, the Purchasing Commission would proceed to make purchases, but not in excess of \$300 per purchase.
12. Private Acts of 1945, Chapter 182, amended Private Acts of 1917, Chapter 239, by declaring that the annual salary of the clerk would be no less than \$3,600 and no more than \$4,200 and by granting an annual auto-mobile expense of \$300 a year, payable monthly.
13. Private Acts of 1947, Chapter 639, amended Private Acts of 1917, Chapter 239, above, by increasing the compensation of the members of the Board of Purchasing Commissioners from \$375 to \$500 annually, payable quarterly out of the regular county funds.
14. Private Acts of 1949, Chapter 260, amended Private Acts of 1917, Chapter 239, above, by raising the annual salary of the clerk to the Purchasing Commission to a level not less than \$4,800 nor more than \$5,000, plus an automobile expense allowance of \$300, payable monthly.

### **Retirement Benefits**

Its original provisions are summarized below along with other acts pertaining to County employee retirement benefits which are no longer in effect.

1. Private Acts of 1941, Chapter 452, set up a retirement system for officials and employees of Davidson County who had reached the age of 65, who had been employed for a period of five consecutive years immediately preceding retirement, and who had an aggregate of twenty-four years service, or more. An employee's retirement pension was to be fifty percent of his annual pay, but could not exceed \$60 per month. Elected officials and employees of the Education Department were excluded, but employees of the Sheriff, County Trustee, County Court Clerk, County Register, Circuit Court Clerk, Criminal Court Clerk, and the Clerk and Master were made eligible to participate. Certain standards to be met and regulations to be observed were prescribed in the act. Any pension payments under the act were to be free from the claims of creditors. The act was repealed in 1943.
2. Private Acts of 1943, Chapter 274, repealed Private Acts of 1941, Chapter 452, above. The act created a Pension and Insurance Fund to cover all officers and employees of the County except officials elected by the people, the Clerk and Master, and the employees in the school system. It provided for contributions by the County and by employees to the fund and authorized a two mill tax levy to provide additional funds, if necessary. The mechanics of collection and disbursement were set up and pension payments could not exceed \$100 a month, but the bookkeeper in the County Judge's office could be paid \$50 additional compensation for keeping the records. The act contained a schedule of percentage pension benefits for employees based on their length of service, and provisions were made for payment of disability pensions. One had to have twenty-four years service to receive fifty percent of his salary as a pension, except for disabilities. The County Judge, the County Trustee, and the County Court Clerk constituted the Pension Commission of the County. Any other retirement payments from the State, Federal Government, or cities, would reduce the \$100 maximum by that amount. Any employee, age fifty-five or more, with at least fifteen years service could elect not to come within the act. Contributions would be continued only for the twenty-four years service.
3. Private Acts of 1945, Chapter 29, amended Private Acts of 1943, Chapter 274, above, by replacing all sections of that act appearing after the caption. Some changes instituted by the amendatory acts were: (1) the monthly payment for disability in line of duty was increased from \$100 to \$150 per month; (2) the condition was removed that the disabled employee was not to have employment by the County, State, Federal or City Governments unless his pension payment was reduced; (3) the minimum retirement age was reduced from 65 to 60.
4. Private Acts of 1945, Chapter 594, amended Private Acts of 1945, Chapter 29, above, clarifying the options of persons covered under the act who became disabled.
5. Private Acts of 1947, Chapter 782, amended Private Acts of 1945, Chapter 29, above, by limiting

to \$6,000 the total salary on which the pension was calculated for workers who had been paid during employment by both the State and the County. The act made additional changes in coverage and made technical adjustments in the retirement system.

6. Private Acts of 1949, Chapter 662, amended Private Acts of 1945, Chapter 29, above, by correcting an inconsequential grammatical error, by making any employee with 28 years of service eligible to retire regardless of age, and by opening up the pension plan again to those who elected not to enter in 1943, provided all payments of back pension contributions were made. In Smith v. Davidson County, 201 Tenn. 686, 301 SW2d 385 (1957), the Supreme Court held that the section of Private Acts of 1949, Chapter 806, conferring benefits on the widow of a deceased employee was constitutional. The opinion contained dicta to the effect that provisions providing benefits for survivors other than widows, in a proper case, should be elided because of the caption of the act did not refer to such benefits.
7. Private Acts of 1949, Chapter 806, amended Private Acts of 1945, Chapter 29, above, by increasing the percentage of salary payable as pension contributions from three percent to five percent for both employee and employer. The act amended Section 5 to provide a widow's pension equal to sixty percent of the deceased employee's pension, but not over \$80 a month, nor less than \$50 per month, provided the widow had been married to the employee for five years prior to death. If the deceased employee left no surviving widow, but had surviving minor children under sixteen, the children would receive a pension equal to a widow's for a period not to exceed ten years. Contributions of females were reduced to two and one-half percent of salary unless they stipulated their intention to participate in the survivors benefits, in which case they would contribute five percent. Section 18 of Chapter 29 relating to death benefits was repealed. The \$6,000 limitation on salary used to calculate a pension payment for employees paid by both the State and the County was removed. The pension would be calculated using a percentage rate applied to the highest salary earned prior to time of retirement.
8. Private Acts of 1949, Chapter 865, amended Private Acts of 1947, Chapter 782, Section 5, above, by reducing the amount of service required from fifteen years to twelve years for an employee who had been involuntarily separated, or who had resigned, to be eligible to receive a percentage of his pension contributions as a refund.
9. Private Acts of 1951, Chapter 431, amended Private Acts of 1945, Chapter 29, Section 5, above, by setting a deadline of May 1, 1951, to elect participation in the retirement system.
10. Private Acts of 1951, Chapter 541, amended Private Acts of 1943, Chapter 274, Section 7, above, to provide that any employee of the county coming under the provisions of the act who was accidentally injured in the course of his regular duties and was disabled because of such injuries would be retired on a pension, regardless of his length of service, which pension would be fifty percent of the salary he was drawing.
11. Private Acts of 1951, Chapter 616, amended Private Acts of 1943, Chapter 274, above, by providing that if the commission determined an employee to be unable to perform his duties because of his physical or mental infirmities, which were not due to accidental injuries, and if the employee had served as long as five years, the employee was to be retired on payments made according to a graduated scale beginning at twenty-five percent for five years service and increasing five percent per year up to fifty percent for ten years service. Contributions would continue to be made to the pension fund until twenty-four years of service were completed.
12. Private Acts of 1953, Chapter 434, amended Private Acts of 1945, Chapter 29, Section 5, above, by postponing the deadline for entry into the retirement system of the county until August 1, 1953.
13. Private Acts of 1955, Chapter 203, amended Private Acts of 1943, Chapter 274, Section 11, above, by reducing the number of years of service making a discharged or resigned employee eligible to be refunded a portion of his pension contributions from twelve years to ten years.
14. Private Acts of 1955, Chapter 222, amended Private Acts of 1943, Chapter 274, above, by stating that no employee would be eligible to be refunded any pension fund contributions for any reason unless he had served at least five years. Section 8 was written regarding pensions for employees who were disabled from causes not related to their employment so that their payments were to be scaled at twenty percent for five years, twenty-five percent for six years, thirty percent for seven years, thirty-five percent for eight years, forty percent for nine years, and fifty percent for ten years. No person elected to office who was over forty-five years of age could join the retirement system. No one become a member until he had undergone a physical examination and been given a certificate by the physician that he met the standards required. Persons retired early would continue to contribute to the pension for twenty-four years. These new provisions were not

to be retroactive. No former employee who became re-employed would be allowed in the system until all funds have been repaid in full. He would be required to elect whether to participate within 30 days of his re-employment.

15. Private Acts of 1955, Chapter 280, amends Private Acts of 1943, Chapter 274, above, by declaring that an employee subject to the provisions of Chapter 274, who had served more than five years and who had died from causes other than those arising in the course of employment, was allowed a refund to his or her spouse, or to his or her estate, of seventy-five percent of the amount of the contributions to the pension fund, less deduction of all benefits received. This act was not approved locally and did not become effective.
16. Private Acts of 1957, Chapter 181, amended Private Acts of 1955, Chapter 222, above, by striking the phrase, "five consecutive years", and inserting the phrase, "twenty-three consecutive months", relating to the minimum time to be served before being eligible for a refund of a percentage of contributions to the pension fund when involuntarily separated from employment.
17. Private Acts of 1959, Chapter 131, amended Private Acts of 1949, Chapter 806, Section 3, above, to increase the maximum amount of the pension to be paid to widows or to dependent children from \$80 to \$125 a month. The increase did not apply to pensions to which the right of payment had already accrued.

### **Social Services**

The private acts listed below concern the status of welfare and charitable programs prior to the creation of the Metropolitan Government.

1. Public Acts of 1885, Chapter 92, provided that all orphanages and houses for destitute children incorporated in Davidson County would be governed by a twelve-member Board, five members to constitute a quorum. The Board would be composed entirely of women. The women could have an Advisory Board of men and refer to it matters in which the women needed instruction. The institutions could receive all children under eighteen and keep them until they were twenty-one years of age, or could cause others to adopt them. Children over six years old were to be educated properly, including the teaching of a trade. Counties were authorized to contribute up to \$50 per year per child if the institution needed it. The same regulations would apply to those institutions caring for colored children.
2. Acts of 1903, Chapter 86, amended Acts of 1885, Chapter 92, above, to include all charitable institutions as well as orphan homes, and to require that all charitable institutions render quarterly reports to the County Judge which accurately stated their expenses. The County Judge was authorized to draw funds to pay any deficit of the institution if the amount did not exceed \$50 per capita per year.
3. Private Acts of 1915, Chapter 519, created a Charities Commission in Davidson County to administer the public charities in the County. Members of the Commission were required to be residents for at least five years and be qualified for the task. Two members would be appointed by the Board of Commissioners of Nashville, two by the Quarterly Court of the County, and the fifth member would be chosen annually by the other four. The Commission would administer the funds for charities in the County, and it could employ a Secretary at \$1,200 a year. The members would meet monthly and keep accurate and sufficient records which would at all reasonable times be open to inspection by the County Judge, members of the County Court, the Commissioners of the City, and the newspapers. This act was repealed in 1955.
4. Private Acts of 1917, Chapter 602, was the authority for the Quarterly Court of Davidson County, by a vote at any regular or called session, to appropriate and expend such sums of money as might be deemed advisable for the care and maintenance of dependent persons sent out to any fresh air camp outside the city limits of Nashville. The appropriation could be made on the basis of a given amount per day, week, or month.
5. Private Acts of 1925, Chapter 87, amended Private Acts of 1915, Chapter 519, above, by raising the limit on the annual salary of the secretary of the Charities Commission from \$1,200 to \$3,000.
6. Private Acts of 1927, Chapter 5, recited in its preamble that there were unbudgeted funds remaining to the credit of the Charity Fund of Davidson County with which some relief could be provided for the flood sufferers of the December-January, 1926-1927 flood in Nashville and Davidson County. The Quarterly County Court was allowed to transfer from the ordinary fund to the Charity Fund, the sum of \$15,000 for that purpose.
7. Private Acts of 1927, Chapter 204, amended Private Acts of 1915, Chapter 519, above, to add a

provision that all funds received and disbursed by the Charities Commission of Davidson County would rotate through the County Trustee's office so that more accurate and efficient records might be kept.

8. Private Acts of 1931, Chapter 179, amended Private Acts of 1915, Chapter 519, above, in the caption by striking the word, "Charities", and inserting the word "Welfare", and by doing the same throughout the body of the act wherever the words appeared so that the Charities Commission would be known as the "Welfare Commission."
9. Private Acts of 1931, Chapter 259, recited that the funds available from the then current tax levy for charitable purposes in Davidson County and budgeted to the Davidson County Charities Commission and Pauper Account, were insufficient to provide proper aid for those in a destitute condition because of unemployment and drouth. The Quarterly Court of Davidson County was authorized to transfer funds from ordinary funds to the Charitable Fund in an amount up to \$35,000 to provide additional funds for the destitute and for paupers.
10. Private Acts of 1955, Chapter 284, repealed Private Acts of 1915, Chapter 519, above, and created a Welfare Commission for Davidson County with the duty and power to administer general or emergency assistance to persons in Davidson County. It would make social investigations and would report to the County Court and other governmental agencies. It could enter into cooperative agreements with other agencies for welfare purposes. It would consist of nine members elected by the County Court.
11. Public Acts of 1986, Chapter 877, was a special public act applicable to Davidson County that declared the need for affordable day care services for the economically disadvantaged and directed the Department of Human Services to establish a pilot program providing for grants to fund care for one hundred children.

### **Taxicabs**

The acts listed below affected the regulation of taxicabs prior to the creation of the Metropolitan Government.

1. Private Acts of 1925, Chapter 729, applied to Knox, Hamilton, Shelby and Davidson Counties. The act made it unlawful for any person, firm, or corporation to operate any motor vehicle, not running on fixed tracks, for the transport of passengers or property for hire, without executing a bond or providing insurance, except such taxicabs or motor vehicles operated principally in cities where a bond was required by ordinance. Liability insurance was required in the amount of \$300 covering freight service, and \$5,000 one each vehicle used for passenger service. The County Court Clerk was responsible for issuing the permits when all requirements were satisfied and any County Court Clerk failing in this responsibility could be fined and removed from office. Any person violating the terms of the act could be fined. See State, ex.rel. Lewis v. McLemore, 155 Tenn. 59, 290 SW 386 (1927) and United States Fidelity and Guaranty Company v. Allen, 158 Tenn. 504, SW2d 724 (1929). These cases interpreted the statute, resolving ambiguities involving the purchase of bonds and insurance.
2. Private Acts of 1947, Chapter 224, made it unlawful in Davidson County for any person, firm, or corporation to operate a taxicab without first complying with the provisions of the act. A bond or insurance policy, in the amount of \$5,000 for each vehicle operated, had to be filed with the County Court Clerk for the benefit of members the public who might be injured or damaged by negligence, but this provision was not to apply to vehicles operated principally within the limits of an incorporated city. The County Court Clerk issuing a permit without complying with the terms of the act was subject to a fine. The Clerk could charge a fee of 50 cents for his services. Any person operating a taxicab but failing to comply with the act could be fined upon conviction.
3. Private Acts of 1947, Chapter 662, amended Private Acts of 1947, Chapter 224, Section 3, above, by striking out the word "company" as it appeared in the first paragraph, which related to insurance certificates, and substituting for it the word, "carrier".

### **Water and Sewerage**

The Acts listed below concerning water and sewerage were in effect prior to April 1, 1963.

1. Private Acts of 1951, Chapter 347, was the authority for the Quarterly Court of Davidson County to contract with the City of Nashville for the construction and maintenance of water mains in the territory outside the city boundaries to be used to distribute water to residents of the County. The contracts were to be approved by the joint action of the Quarterly Court and the Mayor and City

- Council of Nashville. The Court was authorized to appropriate the necessary funds to accomplish these purposes.
2. Private Acts of 1953, Chapter 268, authorized Davidson County to contract with the City of Nashville for the construction and maintenance of sewers in the territory outside the corporate limits to furnish sewerage services to the residents and institutions of Davidson County. These contracts had to be approved by the joint action of the Quarterly Court and the Mayor and City Council of Nashville.
  3. Private Acts of 1961, Chapter 378, created Improvement Districts in Davidson County for the distribution of water and sewerage systems in the County to be established by the Quarterly Court. The County Judge or the Director of Public Works would present a proposal for a District to the County Court, setting forth a statement of necessity, the geographical boundaries, a general description of the projects, and a proposed plan of financing, either by general obligation or revenue bonds. The County Judge would call a hearing and if the Court appeared, a referendum would be held. Rules to estimate costs and authority to issue bonds were included, provided certain other specified conditions were met.

### **General Reference**

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

1. Acts of 1783, Chapter 3, Section 9, Laws of North Carolina, provided that Anthony Bledsoe, Absalom Tatom, and Issac Shelby, Commissioners, were to obtain titles to such quantity of land to which they were entitled by the act under which they were appointed, by entering the said lands with the Entry-Taker of Davidson County, who was required to receive their claims without any purchase money and to grant them warrants for their land.
2. Acts of 1785, Chapter 52, Laws of North Carolina, directed the County Court of Davidson County to appoint annually two or more persons who were well acquainted with the nature and quality of tobacco to be tobacco inspectors. They would take the same oath and be subject to the same rules and regulations as were other inspectors. They would be paid eight shillings for each hogshead of tobacco inspected. The Court was allowed to appoint two other persons to supervise the tobacco warehouse in Nashville.
3. Acts of 1787, Chapter 25, Laws of North Carolina, declared it to be lawful for the commanding officer of militia in Davidson and Sumner Counties to lay out and work a road from the lower end of Clinch Mountain to the settlements of the Cumberland. They were granted full authority to order out the militia of the two Counties to cut and clear the road when it was marked. Those who refused to obey would be subject to court martial and penalties. Both Counties were allowed to lay a tax on polls and property in an amount sufficient to pay the laborers on the road and their supervisors. The taxes were to be collected as were any other taxes.
4. Acts of 1787, Chapter 26, Laws of North Carolina, declared that the titles to the salt licks or springs, commonly called French Lick, Neely's Lick, Gasper's Lick, and Ramsey Lick together with the tracts of land associated with each were vested in John Kirkpatrick, Lardner Clark, Jonathan Drake, William Simpson, John Boyd, Ephraim McClaine, and Robert Edmondsdson, Commissioners, to lease, or rent, on terms up to ten years, the rentals to be applied to public use in Davidson County. The Commissioners were required to make bond for the faithful performance of their duty.
5. Acts of 1789, Chapter 29, Laws of North Carolina, directed the Courts of Pleas and Quarter Sessions of Davidson, Sumner, and Tennessee Counties at their April terms in 1790 to make out a list, which must be signed by the Chairman of the Court and the Clerk, of all the salt licks or springs in their respective counties which the Court would consider fit for the manufacture of salt, including all those that had been set aside as public property and supervised by Commissioners appointed for that purpose, namely, Heaton's Lick, Denton's Lick, French Lick, Neeley's Lick, Kasper's Lick, Madison's Lick, Drake's Lick, Stoner's Lick, and Bledsoe's Lick. These licks or springs were to be entered of record and all other licks were declared to be vacant land.
6. Acts of 1789, Chapter 63, Laws of North Carolina, empowered the County Courts of Davidson, Sumner and Tennessee Counties, whenever it appeared to their satisfaction that persons wounded by Indians in the Mero District were not able to defray the expenses of doctors and medical treatment, to pass the accounts of physicians, surgeons, nurses, and drugs, properly attested, to be received in payment of all public taxes by the tax collectors. All accounts for provisions for Indians would also be received in payment of public taxes.

7. Acts of 1792, Chapter 9, Territorial Acts, set up two Treasury Departments, one for the Washington and Hamilton Districts, and one for the Mero District, which would receive all revenues in their respective areas and distribute them according to the directions of the General Assembly. Accounts of distribution were to be kept. The Treasurer was required to be sworn and bonded, and would be paid a commission of twenty-five percent of all the money handled.
8. Acts of 1796 (Nov. Sess.), Chapter 6, was a repetition of the 1792 Territorial Act, above, and set up two Treasury Departments, one for the District of Washington and Hamilton, and one for the District of Mero, giving them the same duties and responsibilities, but reducing the pay of the Treasurer to three percent of the money handled.
9. Acts of 1797, Chapter 28, stated that a town was to be laid off by the name of Waynesborough on the north bluff of the Cumberland River, which was called Lancaster's Bluff, below Heaton's old station on the lands of William Barrow. The town would consist of 150 lots and a two-acre parcel for a public square. Howell Tatom, William Donelson, Thomas Talbot, and Edmund Gamble were named Commissioners to further lay off, design, and improve Waynesborough. The money left from the sale of the lots by the Commissioners, after all expenses had been paid, would be turned over to Willie Barrow.
10. Acts of 1797, Chapter 36, declared that James Hamilton would have and enjoy the exclusive use and benefit of that part of the Cumberland River on the south side between Nashville and Heaton's old station for the express purpose of keeping up a floating mill or mills, any law, custom, or usage to the contrary notwithstanding. The County Court could condemn any land which might be essential to the completion of this purpose, but Hamilton would pay damages to anyone who might be impaired by the condemnation.
11. Acts of 1797, Chapter 40, authorized and directed the Justices of Davidson County to cause to be built a warehouse and other conveniences necessary to it for the reception, inspection, and safekeeping of tobacco in or near the town of Waynesborough on the north side of the Cumberland River. When built, it would be declared a public warehouse. The Justices were to appoint inspectors, set their salaries, and cause them to make regular inspections. Another warehouse on the south side of the river was recognized and a tax was to be levied to complete both of them.
12. Acts of 1799, Chapter 34, stated that it would conduce to the expedition of the business of the Courts to have a good and complete stone courthouse with suitable stocks erected in Nashville. The act appointed John McNairy, Joseph Coleman, Robert Searcy, Joseph Phillips, and David McGavock as Commissioners, giving them the power to let the said building to the lowest bidder, after advertising for 60 days at the present courthouse. The County Court would, subject to the limitations in the act, lay a tax to be continued each year until the building were complete. The Sheriff would collect the taxes and pay the proceeds over to the Commissioners, all of whom would be held accountable. The Commissioners could sell the old courthouse whenever they thought proper and they were to be paid a moderate consideration for their efforts.
13. Acts of 1799, Chapter 36, provided for Commissioners to be appointed to lay off the town of Hayesborough on a north bluff of the Cumberland River in Davidson County. The Commissioners appointed were Robert Hays, Simpson Harris, Thomas Harney, John Graves, and Samuel Harness. They were to design and lay out the town, making streets and alleys, selling lots, and turning over any excess money to the original owner of the property.
14. Acts of 1799, Chapter 56, recited that the building and keeping of a courthouse, prison, and stocks in Nashville for the District of Mero, would be attended with such expense as to become burdensome for the people of Davidson County; therefore, all monies arising from the fines and forfeitures imposed on public offenders by the Superior Court of the Mero District and the County Court of Davidson County would be appropriated to the building and to keeping of the courthouse, prison, and stocks. If any money of that nature was then on hand it was to be paid over immediately and used for that purpose.
15. Acts of 1799, Chapter 65, regulated the public inspection of tobacco, establishing the standards which were required to be met, and promulgating the guidelines for the inspectors to follow. The three warehouses in Davidson County, which were to be the sites for the inspections, were at Nashville, Haysborough, and Waynesborough.
16. Acts of 1801, Chapter 68, stated that the Counties of Davidson and Williamson failed to comply with the true intent and meaning of the prior act which had detached the territory that became Williamson County from Davidson County. Therefore, all debts which Davidson County justly owed at that time would be apportioned between the two Counties in relation to the amount of taxable property in each. The Courts of the Counties each were to appoint a Commissioner to



- settle the problem and pay him \$2.00 per day for each day devoted to the issue. If one county failed to appoint a Commissioner, the other could proceed unilaterally.
17. Acts of 1803, Chapter 61, recited that it had been represented to the General Assembly that keeping open the French Lick and Denton's Lick had proved injurious to the stock of persons living near them. Therefore, John McNairy was authorized to enclose French Lick and William P. Anderson to enclose Denton's Lick.
  18. Acts of 1804, Chapter 8, stated that the time appointed in the Act creating Williamson County for persons to come forward with claims had expired and that there were apparently some persons who had not complied; therefore, the act extended the time for filing claims another year.
  19. Acts of 1809, Chapter 99, declared that it appeared to the General Assembly that the Big Harpeth River was by no means a navigable stream and pretending to keep it open as such had a tendency to discourage the erection of mills and other utilities in Davidson and Williamson Counties. Therefore, the act declared that the Big Harpeth River in Davidson and Williamson Counties would in no wise be a public or navigable stream.
  20. Acts of 1809, Chapter 127, commented in its preamble that debts were due and unpaid by Davidson County at the time of the formation of Williamson County. Both Counties were mutually responsible for the debts. Each County would name a Commissioner to settle the debts, to ascertain the true and correct amount of each debt, and to determine the individuals to whom the debts were owned. The Quarterly Courts were empowered to levy a tax to pay the debts.
  21. Acts of 1815, Chapter 69, was the authority for Pleasant Talley, a citizen of Davidson County, to retail spirituous liquors in the County without a license or the payment of any tax for the two years next following the passage of the act.
  22. Acts of 1815, Chapter 148, allowed David Allen to build a mill on his tract of land lying on Stone's River in Williamson and Davidson Counties which would be a public mill. Allen was directed to meet the standards and specifications mentioned in the act when building the dam for the mill. The dam was not to obstruct navigation on the river. Allen would be liable in damages to property owners who might be injured thereby.
  23. Acts of 1815, Chapter 170, instructed the Treasurer of West Tennessee to pay the witnesses in the case of John Sevier, Governor, vs. Robert Searcy, Treasurer of the Mero District, and His Securities, Andrew Jackson and William Dickson, when the attendance and mileage of the witnesses had been satisfactorily proved.
  24. Acts of 1817, Chapter 76, recites that Governor Willie Blount employed Mose Eakin to ride to the different militia units in the State with an important communication for which service Eakin had not been paid, although he performed in a most satisfactory manner. The act directed the Treasurer to pay Eakin \$48 for his services.
  25. Private Acts of 1819, Chapter 10, stated that Michael Campbell, Robert C. Foster, and Jacob McGavock, or any two of them, were authorized to receive from the person in possession of the same, the amount of the fine of \$500 imposed on Benjamin P. Pearson by the Davidson County Court for an assault and battery on the person of one William Rutherford. After obtaining the money, it was to be their duty to pay the same over to the family of Rutherford, but not to pay it on his debts.
  26. Private Acts of 1821, Chapter 130, stated that two men of color, commonly called Sam and Harry Molloy, slaves of Thomas Molloy, deceased, having been conveyed by the executors of Molloy's will to John Cockrill, were emancipated and free, provided Cockrill appeared in open Circuit Court of the County and gave his assent to the same and then entered into bond to cover any wrong or injury done by the two while free.
  27. Private Acts of 1823, Chapter 193, stated that after passage, Susan Fussell, wife of Harrison Fussell, was to be authorized to have and hold personal property in her own name and in all respects to act and manage for herself and children over whom she was named guardian. She would exercise all rights as a feme sole without any control from or subjection to her husband.
  28. Private Acts of 1827, Chapter 101, authorized Thomas Horman of Davidson County to hawk and peddle his goods in Robertson and Davidson Counties without a license, as long as the goods were his own and no one else's.
  29. Public Acts of 1831, Chapter 43, Section 6, ordered the Cashier of the Bank of Tennessee to place to the credit of Davidson County its respective share of the \$60,000 previously set apart for the internal improvements of Middle Tennessee.
  30. Public Acts of 1831, Chapter 46, named Commissioners for several counties to serve on their

- Boards of Internal Improvement. The Board of Internal Improvements for Davidson County was to be composed of Robert Weakley, Samuel Seay, and Robert C. Foster. As soon as \$20,000 had been subscribed in the stock thereof, the commissioners were to pay the amount over to the Nashville, Murfreesboro, and Shelbyville Turnpike Company. See Nashville, Murfreesboro and Shelbyville Turnpike v. W & S Turnpike Co. v. Davidson County, 106 Tenn. 261 61 SW 68 (1901), for a discussion of the rights of the turnpike company when the County opened a competing road.
31. Public Acts of 1832, Chapter 30, declared that after January 1, 1833, all laws theretofore passed authorizing lotteries to be held for any purpose were repealed and anyone conducting any lottery would be subject to prosecution and fine, but the Act was not to be extended to include the lottery then being sold to extend Union Street in Nashville.
  32. Private Acts of 1833, Chapter 166, authorized and directed the County Court of Davidson County, Tennessee, to license James Goodwin to keep a house of entertainment and to retail liquors in Nashville without paying any tax therefor, provided Goodwin gave a bond and security to the Court to keep all things orderly at the house of entertainment.
  33. Private Acts of 1833, Chapter 241, permitted James B. Moore to hawk and peddle in Davidson County without having to procure a license.
  34. Public Acts of 1835-36, Chapter 11, gave the Justices of every county the authority to appoint two Notaries Public in each county except in Davidson where they could appoint three.
  35. Acts of 1839-40, Chapter 143, directed the Trustees of the Counties of Davidson, Bedford, and Rutherford, to demand from the Board of Internal Improvement Commissioners in each respective county all the monies to which each was entitled under the existing laws, and upon receipt to apportion the money among the school districts in their respective counties.
  36. Acts of 1849-50, Chapter 189, Section 2, authorized the County Court of Davidson County to appoint one Revenue Commissioner for each Ward in the City of Nashville District and allow to the said Revenue Commissioner such compensation as the Court in its discretion might deem proper and just.
  37. Acts of 1853-54, Chapter 139, amended Public Acts of 1835-36, Chapter 11, above, which provided for the appointment of notaries public, to allow Davidson County to appoint four notaries instead of three.
  38. Acts of 1853-54, Chapter 281, formed a corporation for the building of a synagogue in Davidson County for those persons of the Jewish faith.
  39. Acts of 1855-56, Chapter 96, was the authority for the Governor of the State to purchase the five hundred acres and mansion known as the Hermitage from Andrew Jackson's heirs, and to issue bonds in the amounts not exceeding \$48,000 to provide the funds to do so. The property was to be offered to the United States as a branch of West Point. Mr. A. Jackson, the then present owner, was given the right to stay on the property for two years.
  40. Public Acts of 1867-68, Chapter 58, created a five-member Board of County Commissioners for Davidson County. The members were required to be residents for two years and they were to be elected for five-year terms by popular vote, although the first election for the five-year term would be President and would have and exercise all the powers of the County Judge, who was relieved of all the duties imposed on him by law. Any vacancies would be filled by the remaining members. All the powers and jurisdiction of the County Court was transferred to the Board. The Magistrates were also relieved of all responsibilities. Personal interest in any County contract was prohibited. The President would draw \$2,000 annually and the members would draw \$1,500. The act was repealed by Acts of 1869-70, Chapter 6, below.
  41. Public Acts of 1867-68, Chapter 77, Section 4, stated that the presiding Judge of the County Court of Davidson County was authorized and directed, in addition to the number of notaries public then authorized by law, to appoint an additional notary who would be able to understand, speak, and write the German language, but otherwise would be as all other notaries.
  42. Private Acts of 1867-68, Chapter 99, Section 20, amended Section 1 of Public Acts of 1867-68, Chapter 58, above, by reducing the number of County Commissioners from five to three and requiring them to be two-year residents and to serve six-year terms. The first Board would be appointed by the Governor to serve until March 1, 1870, when their successors would be elected. Section 2 was amended by making the person serving the longest the president and setting his salary at \$1,500 and those of the members at \$1,200, payable out of regular county funds. No injunction would be allowed to prevent this act from taking effect.
  43. Public Acts of 1868-69, Chapter 35, Section 14, allowed the County Commissioners of Davidson County to appoint one additional notary public for Davidson County, who, when appointed, would

keep his office in Nashville.

44. Public Acts of 1869-70, Chapter 6, repealed Public Acts of 1867-68, Chapter 58, above, which created a Board of County Commissioners in Davidson County. The Magistrates would hold the Quarterly County Court at the times specified by law, the first session following this act to begin on the 1st Monday in November, 1869.
45. Public Acts of 1869-70, Chapter 49, repealed all prior acts which had created a board of county commissioners in any county and revived all acts which had been repealed when such boards of county commissioners were established.
46. Public Acts of 1869-70 (2nd Sess.), Chapter 68, consolidated the offices of Entry Taker and County Surveyor with the Surveyor being required to perform the duties of both offices and be paid the same fees and emoluments as the Entry Taker.
47. Public Acts of 1870-71, Chapter 81, amended Section 1792, Code of Tennessee, so that there would be appointed by the Justices of the County Court, if they deemed it necessary, three notaries in every county except Davidson County which would have six.
48. Public Acts of 1875, Chapter 15, amended Section 1792, Code of Tennessee, to allow the Counties of Knox, Dekalb, Shelby, Cannon, White, Davidson, and Weakley to appoint one more notary public than was then allowed by law.
49. Public Acts of 1897, Chapter 124, fixed the annual salaries of most of the county officials according to a classification of the counties by population. Although this Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900), many of its features were carried over into later acts and survive in our current salary laws.
50. Acts of 1905, Chapter 109, stated that no person, firm or corporation, could engage in the business of making loans on personal property or wages, without first filling an application for a license to do so, after making bond. The application was to contain certain information specified by the act and the license was not transferrable but could be defaulted. Records were to be kept which would be open at all times for inspection. This act applied to all counties with 50,000 or more in population. The act was declared unconstitutional in Spicer v. King Brothers, 136 Tenn. 408, 189 SW 865 (1916).
51. Acts of 1907, Chapter 306, authorized the Quarterly Court of Davidson County, a majority being present, to adopt a Resolution to contract with a bank making the highest and best bid to pay interest on the monthly balances in county government accounts. The Finance Committee of the Court would consist of the County Judge, the Trustee, and three members of the Court. When the contract was complete and signed, and the bank had made bond, the Trustee would be notified to deposit government funds in that bank. The bank was required to render to the Quarterly Court by the fifteenth of every month a statement of the interest earned.
52. Acts of 1909, Chapter 250, declared that all banks and trust companies in Davidson County, organized under Acts of 1883, Chapter 168, with a paid up capital of \$100,000 for the purpose of conducting a savings, safe deposit, and trust banking business, could deposit \$25,000 in bonds or cash with the State Treasurer, whereupon the bank would have the right to assume such fiduciary capacities as permitted under its charter. The deposit would constitute security for the performance of its obligations. The Treasurer of the State would issue a certificate to the bank as evidence of the deposit.
53. Private Acts of 1917, Chapter 541, was the legislative authority for Davidson County to elect and appoint some competent person as the janitor of the Courthouse to hold office for two years, drawing the salary set by the County Court.
54. Private Acts of 1919, Chapter 91, allowed Davidson County to pay F. C. Beerman the sum of \$2,400 for services rendered by him in installing a new system of bookkeeping in the various County institutions. The County Judge was directed to issue his warrant in Beerman's favor for that amount.
55. Private Acts of 1919, Chapter 704, amended Acts of 1907, Chapter 306, Section 1, above, by changing the population figures in the caption to make them conform to the then present population of Davidson County, and then adding a provision to authorize the Finance Committee of the Quarterly Court to contract with banks, trust companies, or persons to borrow money for the use of the County on short term loans, the interest rate not to exceed six percent.
56. Private Acts of 1921, Chapter 14, recited that Carl Hardin had worked as a stenographer during June, July, and August, 1920, and that some doubt existed as to the legality of appropriating county funds to pay him. The act authorized the Quarterly Court to appropriate \$300, that amount seeming to be a reasonable one, and to pay the same to Carl Hardin on the warrant of

the County Judge.

57. Private Acts of 1923, Chapter 98, was the authority for the County Court of Davidson County to make appropriations out of the ordinary funds of the County to pay the premiums on liability insurance policies covering public officials serving without compensation, but no more than \$5,000 coverage would be taken on any official.
58. Private Acts of 1925, Chapter 589, authorized the Davidson County Quarterly Court to appropriate an amount not to exceed \$15,000 to the "Nashville Battlefield Memorial Association".
59. Private Acts of 1927, Chapter 794, returned to T. A. McAdams, the sum of \$125 which he had deposited as bail for one Otis London who had apparently ignorantly failed to appear for trial, at which time the bond had been forfeited, but who later did appear when notified and was acquitted. No other remedy being available, the General Assembly authorized the return of the money to McAdams.
60. Private Acts of 1929, Chapter 410, was the authority for the Quarterly Court of Davidson County to appropriate an amount not to exceed \$3,750 to the Treasurer of the Fort Nashboro Market for the purpose of erecting a monument in Nashville to the original settlers of Nashville to be known as "Fort Nashboro", which project was being sponsored by the four Nashville Chapters of the Daughters of the American Revolution. The money was not to be appropriated until matched by the City of Nashville and by a donation of \$7,500 from the State.
61. Private Acts of 1929, Chapter 656, allowed Davidson County to erect a public building on the Public Square in Nashville at such place as would be determined by the County Court, the Mayor, and City Council of Nashville with such plans and specifications as would be selected by the Public Building and Courthouse Commission upon a competition as provided in another act permitting a bond issue of \$3,000,000. The building would be used by the County as a Courthouse and for other purposes and by the City as a City Hall and for other City purposes. The County was also empowered to lease space to the City for not more than fifty years but with the right to renew or extend the lease for twenty-five year terms. The old Courthouse was to be torn down and removed and if done before the new one could be occupied, the County was authorized to rent or acquire suitable space elsewhere until the new Courthouse could be built. Any and all actions taken and business transacted in the temporary location would be as valid as if done in the then present Courthouse.
62. Private Acts of 1933, Chapter 71, removed the disabilities of being a minor from Lester T. Gifford, of Davidson County, making him a legal adult in all respects.
63. Private Acts of 1933, Chapter 177, removed the disabilities of infancy from Thomas Alexander Kelly, who was born November 6, 1912, in Davidson County.
64. Private Acts of 1933, Chapter 291, removed the disabilities of her minority from Margaret Rollow, of Davidson County.
65. Private Acts of 1933, Chapter 410, made Edward H. Hooper, a minor residing in Davidson County, a legal adult.
66. Private Acts of 1933, Chapter 440, removed the minority status of Robert Donald Goodlett of Davidson County, Tennessee.
67. Private Acts of 1933, Chapter 441, removed the disabilities of minority of Hammonds Goodlett of Davidson County.
68. Private Acts of 1933, Chapter 500, provided that all the salaries, wages, and per diems, of all the office holders, clerks, deputies, court officers, jurors, or other employees of Davidson County which were fixed by private or special act, except the District Attorney General and his assistants whose compensation had already been reduced by twenty-five percent by the State, were reduced by ten percent of the amount stated in the acts. The Tax Assessor whose compensation was fixed by special enactment was exempt. The act reduced the lump sum allowances for salaries wherever and however fixed, by ten percent. The Act would be in effect for two years.
69. Private Acts of 1933, Chapter 503, authorized the Quarterly Court of Davidson County, by appropriate action and coordination with other officials, to refund to the Fourth and First National Band of Nashville, as the administrator of the estate of B. H. Klyce, deceased, the sum of \$90 which was the County's part of an ad valorem tax inadvertently assessed on the personal property of the decedent for the year 1928.
70. Private Acts of 1933, Chapter 610, amended the general law by setting up additional classes of counties determined by population figures from the 1920 Federal Census, and then fixing a schedule of annual salaries to be paid certain county officials in each class. In counties of the first

- class, the Trustee, Sheriff, and County Court Clerk, would be paid \$7,500 a year, and the Clerk and Master, the Circuit Court Clerk, the Register, and the Criminal Court Clerk would be paid \$6,000 a year.
71. Private Acts of 1935, Chapter 205, removed all the disabilities of minority from Dolly Dearman of Davidson County.
  72. Private Acts of 1935, Chapter 206, removed the disabilities of minority from Jeannette Caldwell Mitchell of Davidson County, and granted her the right to receive from the Clerk and Master of the Chancery Court certain funds belonging to her and to execute valid receipts therefor as if she were an adult.
  73. Private Acts of 1935, Chapter 351, removed the disabilities of minority from Fannie Hawkins Searcy, granting her the right to conduct herself as an adult and the power to convey real estate.
  74. Private Acts of 1935 (Ex. Sess.), Chapter 165, emancipated Willie Clay Markett, Jr., granting him the authority to conduct all his affairs as an adult.
  75. Private Acts of 1937, Chapter 620, removed the disabilities of minority from Clarence Albert Head of Davidson County.
  76. Private Acts of 1937, Chapter 634, emancipated Robert Baltz, Jr., of Davidson County.
  77. Private Acts of 1937, Chapter 690, removed the minority of Paul Jones Slayden, giving him the authority to settle accounts with his guardian.
  78. Private Acts of 1937, Chapter 735, emancipated Francis Lorraine Ford of Davidson County, granting her the privilege to follow her business as a Notary Public and do all other things as an adult.
  79. Private Acts of 1937, Chapter 855, removed the disabilities of infancy from William Franklin Tinnin of Davidson County so that he could settle affairs with his guardian and the administrator of his father's estate.
  80. Private Acts of 1937 (Ex. Sess.), Chapter 4, recited that John Richard Moore was a young man under twenty-one years of age, finishing high school and desiring to go to college, and that it would be necessary so sell some property to enable him to do so. This act removed his minority in order for him to sell his real estate.
  81. Private Acts of 1951, Chapter 220, recited that there was no specific authority for the County Court to make appropriations for Civil Defense; therefore, the act validated the resolution of the Quarterly Court which appropriated \$7,000 for the purpose of cooperating with the City of Nashville in the maintenance of a Civil Defense Organization, notwithstanding the lack of any statutory authority to do so at the time.
  82. Private Acts of 1951, Chapter 222, was the authority for Davidson County to purchase and carry liability insurance for the protection of the public from accidents resulting from the negligent operation of county owned and operated vehicles. The Quarterly Court would determine whether such insurance should be carried or not, and if so, in what amounts. Any such insurance would be purchased through the Purchasing Commission.
  83. Private Acts of 1951, Chapter 225, allowed the Davidson County Court to appropriate public funds from time to time, not to exceed an aggregate of \$35,000, to be expended by the Community Services Commission for Davidson County and Nashville. Payments would be made on the vouchers of the County Judge or Chairman, and signed by the Chairman and Secretary of the Commission.
  84. Private Acts of 1951, Chapter 241, created the Community Services Commission in Davidson County to study and analyze the relationship of the two government, city and county, and how services were provided the public. A report and recommendation would result from the study concerning improvement and efficiency in government.
  85. Private Acts of 1951, Chapter 496, was the authority for Davidson County to pay rent for the County Committee of the Production and Marketing Association in a sum not to exceed \$750 a year and to continue until office space became available for the Committee in the Courthouse or otherwise.
  86. Private Acts of 1951, Chapter 643, authorized public officials, in their discretion, to close the offices and departments over which they exercised control to business on Saturdays. The authority did not extend to custodial institutions such as jails and hospitals.
  87. Private Acts of 1961, Chapter 408, created a metropolitan government charter commission in and for the County of Davidson. The commission was vested with all authority provided by law and

would function until the date of ratification or rejection of the charter, which would be determined by majority vote of the qualified voters residing inside the Nashville city limits and by those residing outside Nashville but inside Davidson County.

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