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County Council - Private Acts of 1941, Chapter 156

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

Sincerely,

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COMPILER'S NOTE: The county council form of government, established by the Private Acts of 1941, Chapter 156, was abolished when Article VII of the Tennessee Constitution was amended in 1978. Pursuant to Tenn. Code Ann. § 5-5-101(b), effective September 1, 1978, the county council form of county government was abolished and all legislative powers that remained with such council were vested in the county legislative body. Tenn. Code Ann. § 5-5-203(a) further provides that any private act in conflict with any provision of Chapter 5 and Chapters 1 and 6 of Title 5 is repealed. See also AG OP 82-464 (October 8, 1982) and AG OP 15-60 (July 14, 2015).

SECTION 1. That there is hereby created a County Council in Hamilton County, authorized and empowered to direct and control the administrative affairs of said County in accordance with the provisions of this Act; and that said County Council shall consist of the County Judge and four (4) members to be elected as hereinafter provided. All administrative duties in connection with the County Government are hereby vested in said Council, except such as pertain to the offices of officials elected by the people in accordance with the constitutional and legislative regulations, except as herein otherwise provided.

Nothing herein shall be construed so as to change the power of the Quarterly County Court to elect, appoint, or fill vacancies, as the case may be, in the following statutory offices: School Board Members; Superintendent of Schools; Notaries Public; Public Administrator; Members, County Board of Equalization other than filling vacancies therein by the County Judge as otherwise provided by law; Members, Agricultural Extension Committee; Chairman pro tempore, Quarterly Court; Office of County Judge; Constables; and Office of County Court Clerk.

As amended by: Private Acts of 1974, Chapter 245

SECTION 2. That the County Judge shall be Chairman of said County Council, have a vote in its deliberations and exercise a general supervision over all expenditures, and sign all payable warrants, except as hereinafter provided.

SECTION 3. That the Council shall meet in regular session not less than twice every calendar month, at a time and place designated by resolution, and is authorized to hold special sessions upon a call of the County Judge or any three (3) members upon two (2) days' notice. All meetings of the Council shall be public. The Council is authorized to adopt its own rules of procedure, and shall keep a minute record of all its proceedings. Three (3) members of the Council shall constitute a quorum authorized to transact business, but all actions shall require at least three (3) affirmative votes to become effective. Any vacancy in the Council, except County Judge, shall be filled by the remaining members of the Council until the next County general election. One of the members of the Council shall be elected as Vice-Chairman, who shall serve in place of and perform the duties of the Chairman when he is absent. The County Court Clerk shall act as secretary of the Council and shall keep the minutes and records thereof and issue all necessary notices.

As amended by: Private Acts of 1943, Chapter 44

SECTION 4. That the Council shall have direct authority over all county activities falling within its jurisdiction and specifically including the activities enumerated as follows: Contracts, purchases, health and sanitation, public buildings and grounds, county hospitals and poor houses, highways and county roads, auditing and accounting, workhouses, budgeting, engineering, and parks and recreation, and all matters pertaining to public welfare. The specification of the foregoing activities shall not be construed as excluding other activities within the purview of this Act.

SECTION 5. That all administrative, legislative and appointive powers now vested in the Quarterly County Court, except such powers and duties as are invested in such Courts and the members thereof by the Constitution of the State of Tennessee, are hereby divested out of said Court and the members thereof, and vested in said Council, except as herein provided. The Council shall have and exercise all the duties and powers now vested in and imposed upon the Highway Commission, the Commissioners of the Poor, the Buildings and Grounds Commission, the County Board of Health, and all other boards, commissions and agencies of said County, except as herein provided. In addition to its other powers and duties, and not limiting nor derogating from the general powers herein provided for, the Council shall have and exercise the following specific powers, duties and jurisdiction:

1. It shall adopt a budget of all County expenses, and shall make appropriations of County funds for all lawful purposes.
2. It shall be authorized to borrow money in anticipation of collections of current revenue for the purpose

of paying existing indebtedness and defraying current operating expenses in accordance with the terms of the statutes now authorizing such borrowing by resolution of the County Court.

3. It is authorized to employ such assistants and fix the duties thereof, deemed necessary in the efficient administration of County affairs, and all employees under the control of the County shall be selected and their salaries fixed by the Council, and all such employees shall serve at the pleasure of the Council.

4. It is authorized to adopt rules and regulations governing the selection of employees, and may set up and put in force a civil service system for all employees under its jurisdiction.

5. It is authorized to adopt a system of Social Security in keeping with the Acts of Congress and the State Legislature with respect to old age benefits covering County employees.

6. It shall determine what employees shall be required to give bond, and shall fix the amount and form thereof, and shall approve the sureties thereon.

7. It shall have authority to employ and fix the salaries of necessary agents and departmental heads who shall serve at the pleasure of the Council, as follows: Attorneys and Solicitors, County Engineer and assistants, County Physician and assistants, Superintendent of the County Hospital and assistants, Superintendent of other institutions under the control of the Council, County Health officer and assistants, and all other assistants and employees of said Council and departments under its control. It shall have authority to fix the salary and allow office expenses of the Farm Demonstrators, insofar as the County contributes to the expense of such service.

8. It shall have power and authority to contract with attorneys for special services in unusual situations or controversies, or in cases involving the public revenue or the defalcation of public officers.

9. It shall be the duty of the Council to consolidate and coordinate various departments of the County government, and to this end said Council is authorized and empowered to reorganize each department of County government hereby placed under its control, and fix the duties of each employee and require additional duties, or dispense with the services of any employee or subordinate not required for efficient public service.

10. It is vested with full power to investigate the official conduct of any officer, employee subordinate official, department or agency of the County falling under the jurisdiction of the Council.

11. It is authorized to settle, compromise, and pay just claims against the County upon approval by the County Attorney and the Auditing Department.

12. It is authorized to exercise all powers of eminent domain and the institution, defense, and conduct of litigation in behalf of the County vested in the Quarterly County Court.

13. The Council may appoint an advisory committee of citizens to assist the head of any department or office in the performance of his duties. The members of such committee shall receive no compensation for such services. The service of such committee shall be for a definite term fixed at the time of its appointment.

As amended by: Private Acts of 1967-68, Chapter 465

14. The County Council is authorized in each and every year to make such allowance as it in its discretion shall think sufficient to compensate the Sheriff of Hamilton County for ex officio service, whether such allowance is or is not included in the county budget.

As amended by: Private Acts of 1949, Chapter 5

15. Any Board, Institution, Agency or Organization receiving County funds in any year of Ten Thousand (\$10,000.00) Dollars or more shall submit to the County Council quarterly statements containing full information as to its assets and liabilities, income and expense, receipts and disbursements in such detail as the County Council may require. The Council shall have access at all times through representatives designated by the Council, to records and files of the recipient of such County funds for the purpose of verifying and clarifying said reports.

The Council may lease any County owned or jointly owned facility or facilities to any responsible person, firm, association, trustee, corporations organized for public welfare or profit, or otherwise; under such terms, conditions and stipulations as, in its discretion, it may require.

As amended by: Private Acts of 1949, Chapter 5
Private Acts of 1953, Chapter 10
Private Acts of 1957, Chapter 175
Private Acts of 1967-68, Chapter 465

SECTION 6. That the Council must employ a General Manager of County Affairs at its first meeting, or as soon as practicable thereafter, who shall serve at the pleasure of the Council and shall be paid a salary to be fixed from time to time by the Council.

That the Council may require of the Manager the performance of the duties following:

1. To exercise general supervision over all departments of the County created by this Act.
2. To serve as head of any of the departments created by this Act except the Auditing Department.
3. To recommend to the Council suitable employees and their compensation.
4. To make recommendations to the Council for the consolidation of such activities as he deems advisable.
5. To assist in the formation of the budget and make estimates and recommendations with reference to the anticipated expenses of the succeeding fiscal year.
6. To make reports from time to time on such matters of County interest as the Council may require, and to perform such other duties as may be required of him by the Council.

SECTION 7. That there is hereby created an Auditing Department, the employees of which shall be appointed by and be solely responsible to the Council. This department shall make an annual audit of each office and officer of the County handling County funds, and shall report same to the Council, and shall perform such other auditing functions as may be required by the Council.

There shall be a Chief Auditor, who shall be employed by the Council and serve at its will. The Chief Auditor shall be a duly licensed accountant under the laws of the State of Tennessee.

The books of the Council shall be audited at least once a year by a certified public accountant who is not in the regular employ of the Council, and such audit shall be made public by publication in some newspaper published in the county.

All warrants drawn upon the County treasury shall be signed by the County Judge or Vice-Chairman of the Council, and no funds shall be drawn from the treasury of the County, nor shall any obligation for the expenditures of money be incurred, except pursuant to an appropriation by the Council. It shall be the duty of the Council to make semi annual reports showing receipts and disbursements and condition of all funds, and such reports shall be certified to by the Auditing Department, and each report shall be made available promptly upon completion to any newspaper published in the County.

SECTION 8. That there is hereby created a department of accounting and purchasing which shall perform the administrative details of the accounting and purchasing duties vested in the Council. The accounting and purchasing department shall maintain a complete system of accounts of the financial transactions and of all moneys paid to and disbursed by the County. Such system shall be designed so as to avoid the keeping of duplicate records of financial transactions insofar as is consistent with proper accounting control, and a centralized control is to be attained as nearly as possible, provided, however, that nothing herein shall be construed so as to relieve the Trustee or any County officer of their duty to keep proper record of their financial transactions.

Promptly at the close of each month this department shall prepare and submit to the Council a statement of revenues and expenditures for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the County and of each department and division thereof; and at the close of each fiscal year it shall submit to the Council a complete report of the County finances, nor shall anything herein be construed as relieving any County officer of the duties imposed on him of keeping any records required by general statute.

The administrative details of all County purchases shall be performed by this department. All County purchases of food, supplies, materials and equipment of all County agencies and uses, made from County funds, shall be made in bulk and at wholesale if possible, and all such purchases shall be made by this department upon proper requisition. The Council is authorized to provide warehousing facilities, which shall be under the charge of this department, for the reception and storage of supplies, etc., purchased in wholesale quantities, to be distributed to the various departments and agencies, and it shall be the duty of the County agencies and officials to make requisition for any and all supplies upon this department; provided, the Council may make rules and regulations with respect to the character and extent of supplies to be kept in storage. This department may be authorized by the Council to make transfers of supplies, materials and equipment between departments and offices, and to sell surplus materials, equipment and supplies. This department shall have power, with the approval of the Council, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the County. It shall inspect and check all deliveries to determine their compliance with such other specifications and standards.

All food, clothing and other supplies needed in the operation of the county jails, county workhouses, county hospitals, Bonny Oaks Industrial School, Baroness Erlanger Hospital, and T. C. Thompson Children's Hospital shall be so requisitioned and furnished by such department within budget allowances.

In the case of temporary emergency the Council may by special permission permit purchases in a different manner than as provided in this section.

This department shall not furnish any supplies, materials or contractual services to any department or office except upon receipt of proper approved requisition, and unless there be an unencumbered appropriation balance sufficient to pay for same.

SECTION 9. Pursuant to Tennessee Code Annotated, Section 12-3-607, none of these provisions shall require or be deemed to permit any purchases to comply with any energy efficiencies standards and life cycles costing as employed by the state of Tennessee in its procurement policies.

As amended by: Private Acts of 2009, Chapter 16

SECTION 10. That there is hereby created a Department of Highways and Public Works, of which the County Engineer may be the head. Such department shall have charge of the construction, improvement and maintenance of roads, highways, bridges, buildings, and all other engineering, construction, repair and maintenance projects now or hereafter under the jurisdiction of the County. It shall have charge of the preparation of all plans and specifications for and supervise the construction and repair of all County buildings and projects. Such department shall have charge of the operation, maintenance and supervision of the court house and all other County buildings and property, and specifically including the management and control of the County work house. All duties of the Highway Commission, Workhouse Commission, and Buildings and Grounds Commission vested in the Council by this Act shall be performed by this department.

SECTION 11. That there is hereby created a Department of Health and Welfare, which shall have charge of all health functions, vital statistics, clinics, county hospitals and insane asylum, and other similar institutions now or hereafter under the exclusive jurisdiction of the County, and shall perform such other duties of this nature as may be allocated to it by the Council.

The duties of the County Board of Health and the Commissioners of the Poor, which are by this Act imposed upon the Council, shall be performed through the agency of this department. The County Physician may be designated to serve as the head of this department.

SECTION 12. That the Council shall have no authority in connection with the school system in the operation of the schools, nor shall the Council have authority to divert any general revenue from school purposes. The School revenue and the County revenue shall at all times be kept distinct and shall not be co-mingled in general accounts, nor be used, either temporarily or permanently, other than for specific purposes provided by law. Nothing herein shall be construed as modifying the General Education Act or changing the method of school management under the provisions relating to school revenue, except as herein provided, and except insofar as the law now provides for the duties of the Buildings and Grounds Commission with reference to the construction and maintenance of school buildings.

It shall be the duty of the Board of Education to submit a detailed estimate of the expenses of the operation of the schools for the succeeding year not later than April 1st of each year to the Council. Such estimate shall cover all contemplated expenses, including recommendations for new buildings and necessary repairs. Such estimates shall be given consideration by the Council and a budget made and adopted by the Council which shall be included in the general County budget as a part thereof, and a school tax fixed and levied sufficient to cover such adopted budget.

The Board of Education and the Council are authorized to contract with each other for the performance by the Council of any matter of business administration now vested by law in the Board of Education; but this provision shall not in any way apply to the actual operations of the schools from an instructional standpoint.

SECTION 13. That the power and duty of the County Court with respect to issuing County bonds as now provided by law, or as hereafter vested in the County Court by general acts of the State Legislature, is hereby vested in the County Council, and such Council shall have and exercise all the powers with respect to approving and issuing County bonds, or calling elections for such purposes.

SECTION 14. That the Council shall have the power to contract with municipalities, taxing units, other counties, states, inter-governmental bodies and federal agencies for the establishment and operation of hospitals, industrial schools, public libraries, public health clinics and services, jails, workhouses and reformatories, garbage, trash and waste collection, treatment plants, sewers and/or sewer systems, and incinerators, and to make and accept contributions for the same.

As amended by: Private Acts of 1967-68, Chapter 287

SECTION 15. That the Council may employ an attorney for the collection of delinquent poll taxes and require the County Trustee to deliver delinquent poll tax lists to such attorney. It shall be the duty of such attorney to collect all delinquent poll taxes possible by active effort, and to that end he is authorized to take such action as the law allows to enforce such collections. Such attorney shall be compensated as

fixed by the Council, and shall serve at the pleasure of the Council.

SECTION 16. That no member of the Council, or the Manager, or any other subordinate or regularly employed employee of said Council, shall be connected with or interested in, directly or indirectly, any contract with or purchase by the County or by the Council, and if any such councilman, manager or other employee shall become interested in any such contract or purchase, he shall be guilty of a felony, and upon conviction shall be sentenced to the State Penitentiary for a term of not less than one nor more than five years, and his office shall be forfeited.

SECTION 17. That the Council shall have the authority to authorize the employment and fix the salaries of such court officers as may be required in the efficient operation of the courts of the County; provided, that the judges of the several courts shall have the right to name the officers so authorized for their respective courts. The Council may authorize the employment and fix the salaries of such juvenile officers and assistants as may be found necessary to the efficient operation of the juvenile court of the County. The Council may also provide for necessary expenses for transportation, detention and care of the juvenile offenders in carrying out the orders of the juvenile court; provided, that such juvenile officers and necessary employees shall be named by the judge of the Juvenile Court. The Council shall have the authority to require the services of the court officers and juvenile officers in other County activities when such officers are not actively engaged in their regular employment and services.

SECTION 18. That not later than June 1st of each year, the manager shall submit to the Council a budget consisting of detailed estimates of the expenditures and revenues for the forthcoming fiscal year. Said budget shall be upon forms prescribed by the Council showing a classification according to funds, organization units, character, objects and functions. Said budget shall include all expenditures of all departments, offices, agencies and institutions payable from County funds and all capital outlays for public improvements to be paid for the whole or in part by the County, the State or the Federal Government. Said budget shall also show all anticipated revenues classified according to source. Said budget shall be available for inspection by the public. Thereafter and before the end of the fiscal year the council shall adopt a budget for the forthcoming fiscal year and levy a tax, or taxes, sufficient in amount to produce the amounts called for in said budget.

The Council shall be limited in its expenditures to the amounts authorized as shown by such budget, and no part of the general revenue shall be expended beyond such amounts, and no contract or commitment shall be made in excess of such amounts. Provided, however, that the Council may amend such budget and appropriations from time to time as previously unbudgeted revenues and/or funds, without regard to source, become available for appropriation and/or expenditure; and provided further that the Council, upon the recommendation of the County Judge, may, in regular meeting, reallocate previously budgeted and appropriated funds, without regard to source, as may be deemed necessary for the proper operation of County government if notice of such proposed budget amendment or reallocation has been given in the previous Council meeting and if the proposed reallocation of funds involves transfers of funds between any unit or division within a department but does not involve transfers of funds between departments.

Provided, that nothing herein shall hinder the County Council in making allowances to the Sheriff of Hamilton County to compensate him for ex officio service.

In all departments where the expenses are fixed and can reasonably be divided into periodical or monthly allowances, the budget for such department shall be divided and allocated to such periodical expenses, and no more than the monthly or periodical allowance shall be expended in any such period; provided, that in cases of emergency four members of the Council may authorize a variance from this limitation.

No warrant shall be drawn by the County Judge or Vice-Chairman in excess of such limitations, or in excess of budget allowances, and no contract shall be approved by the Council or expenditure authorized in violation of these provisions.

Provided, that nothing herein shall hinder the County Judge or the Vice-Chairman in drawing, signing, issuing and delivering warrants for allowances made by the County Council to the Sheriff of Hamilton County to compensate him for ex officio service, and the County Judge and Vice-Chairman are authorized and directed to draw, sign, issue and deliver warrants for such allowances made by the County Council.

That no contract, purchase order, order on stores, agreement or other obligation involving the expenditure of tax, bond or any other money received by the County shall be issued or entered into, nor shall any such be valid unless the department of accounting and purchasing shall first certify thereon that there is in the county treasury to the credit of the appropriation or loan authorization from which it is to be paid an otherwise unencumbered balance; that is, a balance in excess of all unpaid obligations, which is properly available and sufficient to meet such contract, purchase, order, order on stores, agreement or obligation. Before so certifying, the department of accounting and purchasing shall encumber the proper appropriation or loan authorization with the amount of the contract, purchase order, order on stores,

agreement or obligation until the County is discharged therefrom. At the close of the fiscal year any unencumbered balance of a general fund appropriation shall revert to the general fund.

Deferred liability contracts may be entered into during the last two months of the fiscal year for coal and school equipment for delivery prior to the beginning of the new fiscal year; provided, that such contracts shall first receive the unanimous approval of the Council, and the amounts thereof shall be charged against the proper appropriations the first day of the new fiscal year.

That all encumbered moneys actually in the treasury to the credit of a fund from which they may be drawn, all moneys anticipated to be received in the annual budget, all money to be derived from bonds, notes and certificates of indebtedness, either then or previously authorized to be sold, and either sold for the purpose of the department of accounting and purchasing certification, shall be deemed in the treasury to the credit of the appropriate fund and subject to certification.

That all contracts, purchase orders, orders on stores, agreements and obligations issued or entered into, contrary to the provisions of this Act, shall be void and no person shall have any claim or demand whatever against the County thereunder, nor shall any official or employee of the County waive, or qualify, the limitations fixed by this Act or fasten upon the County any liability whatever in excess of such limits.

That should any emergency affecting public welfare, such as epidemics, floods, fires or other catastrophes, arise, the Council shall have the power, after publicly declaring by resolution, passed by unanimous vote, the existence of such emergency, to appropriate necessary funds to meet such emergency. Such funds shall be drawn from otherwise unappropriated revenues, if any, or raised by temporary loans. Such temporary loans, when made, shall be approved by the Council by unanimous vote, shall be repaid at an annual rate equivalent to not less than two mills upon the assessed valuation of real property in said County.

Any official violating the provisions of this section, including the members of the Council, shall be deemed guilty of a misdemeanor in office, and shall be removed from office in accordance with the provisions of the general law, and in addition shall be personally liable to the County for such illegal expenditures, which liability shall extend to the sureties on their official bonds.

The County Council of Hamilton County, Tennessee, is hereby authorized and empowered to appropriate out of the funds of the County not already appropriated, a sum not exceeding twenty-five cents per day for keeping and feeding each prisoner in the County Jail in addition to the amount already authorized by law, the same to be paid to the Sheriff's Office and the necessity for appropriating said sum is discretionary with the Council.

As amended by: Private Acts of 1945, Chapter 134
Private Acts of 1949, Chapter 5
Private Acts of 1953, Chapter 10
Private Acts of 1975, Chapter 145

SEC. 19. (a) This section shall be know and may be cited as the "Hamilton County Procurement Law of 1993".

(b) Procurement by and for Hamilton County, or any of its agencies, departments, offices or officials, shall be awarded by sealed competitive bid or by sealed competitive proposal, except as follows:

- (1) All purchases and purchase-leases for said county must be preceded by competitive bid or competitive proposal only if that purchase or lease-purchase amount exceeds that authorized by Tennessee Code Annotated, § 12-3-1007(b), as such section shall be amended from time to time.
- (2) Repair of heavy machinery for which limited repair facilities are available;
- (3) Professional, technical or consultant services;
- (4) All lease purchase arrangements requiring payments of less than two thousand five hundred dollars (\$2,500.00) during any fiscal year;
- (5) Perishable commodities and motor fuel may be purchased in the open market pursuant to the County Purchasing Rules and Regulations; and
- (6) All emergency purchases and single source items.

(c) Nothing in this section shall be construed to prevent Hamilton County from procuring equipment or real property and contracting for services to the extent otherwise authorized by law, including, but not limited to, entering into federal and state purchasing contracts.

(d) The county legislative body is authorized to develop rules, regulations and procedures to implement this section, including rules, regulations and procedures to govern purchases requiring expenditures of less than the ten thousand dollar (\$10,000.00) amount authorized by Tennessee Code Annotated, §

12-3-1007(b), as such section shall be amended from time to time, for emergency purchases, single source items, leases, lease purchases and professional, technical or consultant services.

As amended by: Private Acts of 1959, Chapter 140
Private Acts of 1972, Chapter 409
Private Acts of 1993, Chapter 73
Private Acts of 2007, Chapter 55

SECTION 20. That the members of the Council shall be residents of Hamilton County of not less than five (5) years duration, and shall not be less than twenty-five (25) years of age. Each member of the council shall be paid a salary of Thirty-six Hundred Dollars (\$3600.00) per annum, payable in monthly installments; provided, that the County Judge shall not receive any additional compensation for his services as a member of the Council. No member of the Council shall demand or receive in any manner or form any greater compensation than that provided herein. Each member of the Council shall be required to execute bond for the faithful performance of his duties in the penalty of Five Thousand (\$5,000.00) Dollars, with corporate surety to be approved by the Chairman of the Council. Cost of said bond to be paid by the County.

The Vice-Chairman of the Council shall be paid an additional salary not to exceed Thirty-Six Hundred (\$3,600.00) Dollars per month, on account of the extra duties he performs. The amount of said additional salary is to be fixed by Resolution of the County Council.

That in addition to the salary of Thirty-Six Hundred (\$3,600.00) Dollars per annum paid to each member of the County Council in Hamilton County, Tennessee, said Council is hereby authorized to pay its Vice-Chairman an additional salary for extra services performed in such amount as the County Council in its discretion deems reasonable and proper, to be fixed by a resolution of the said Council.

As amended by: Private Acts of 1943, Chapter 44
Private Acts of 1947, Chapter 251
Private Acts of 1957, Chapter 168
Private Acts of 1961, Chapter 371
Private Acts of 1973, Chapter 141

SECTION 21. That nothing herein contained shall be construed as depriving the present Board of Trustees of the Bonny Oaks Industrial School, or the Board of Trustees of the Erlanger Hospital and the Children's Hospital of any of their authority in the management and direction of such institutions; provided, that such Trustees shall procure insofar as practicable such supplies as needed by requisition upon the Purchasing Department, within the rules promulgated by the Council.

SECTION 22. That the first Council shall consist of the County Judge and the following named residents of Hamilton County, qualified as herein provided, to-wit: (1) James Pitts, (2) R. E. Holbert, (3) Victor Hallmark, (4) Wiley O. Couch. The members of the Council hereby named shall serve until September 1st, 1942, and until their successors are elected and qualified. At the general election in August, 1942, there shall be elected four members of the Council who shall serve for a term of four (4) years. Thereafter, at the general election in August every four years, the four members of the Council other than the County Judge shall be elected. The County Judge will continue to be elected in the manner now provided by law.

SECTION 23. That the following Acts of the General Assembly of Tennessee, applicable to Hamilton County be, and the same are hereby, repealed:

Private Acts of 1927, Chapter 298, authorizing the County Judge of Hamilton County to appoint clerks and purchasing agents and fix their compensation; Private Acts of 1927, Chapter 299, creating a Board of Buildings and Grounds Commissioners for Hamilton County; Acts of 1913, Chapter 23, as amended by Private Acts of 1929, Chapter 511, fixing the salary of the County Physician or Jail Physician; Private Acts of 1915, Chapter 15, as amended by Private Acts of 1929, Chapter 913, providing for the appointment of a County Engineer and fixing his compensation; Private Acts of 1929, Chapter 914, except the first section thereof; Special Act providing for a salary of a clerk for the Highway Commission and for the appointment and salary of a Clerk for the Highway Commission; Acts of 1899, Chapter 352, as amended by Private Acts of 1922 [sic], Chapter 55, providing for the election of a county attorney and fixing his salary; Private Acts of 1917, Chapter 424, to regulate county expenditures by requiring the making of a County budget, and prohibiting the expenditure of any amount beyond that placed and fixed in such budget.

SECTION 22.1 That (a) there is hereby created a County Home Rule Board to consist of nine (9) members, five (5) members to be such ex officio or by virtue of their being members of said Council, and four (4) members to be such ex officio or by virtue of their election to the General Assembly, that is to say, the Senator and the three (3) Representatives; (b) the members of said Board who are ex officio members as members of said Council shall hold office while members of said Council, and the members of said Board who are ex officio members by virtue of their being members of the General Assembly of the

State of Tennessee shall take office when elected and hold office until their terms as members of the General Assembly expire; (c) said Board shall be called into meeting by the County Judge ten (10) days after the election by the members of the General Assembly in November, and it shall be the duty of said Board to pass upon the advisability of and give adequate publicity to proposed legislation with respect to the organization or administration of Hamilton County, and if any member thinks it best, arrange for a public hearing on the matter; (d) at any time there is contemplated a change in the compensation of any State or County officer who is elected by vote of the people whose compensation is paid in full by Hamilton County, said Board shall be called into meeting, or if any member of said Board deems it expedient to have a discussion with respect to the compensation of any of said officials, including the five members of said Council, said Board shall be called into meeting for a discussion; and following the discussion, if said Board is of the opinion that action should be taken, notice shall be given to the public by advertisement in at least two newspapers published in Hamilton County of a public hearing to be had with respect to the matter, and at that public hearing said County Home Rule Board of nine, by a majority of at least seven (7), shall have the power to fix by resolution the compensation of any of said officials, either increasing or decreasing the compensation; (e) no member of said Board shall receive any compensation for services thereon, and said Board may provide that any compensation of officials which it may determine upon, either increase or decrease, shall be effective at a later date to be fixed by resolution; (f) provided, however, the compensation of any employees of the State, the County, or any State or County official functioning in the County shall be fixed by said Council, notwithstanding any Private Acts which may now be in force (e.g., Private Acts of 1947, Chapter 542, p. 2316, or acts of which it is amendatory).
As amended by: Private Acts of 1949, Chapter 772

SECTION 24. That the Private Acts of 1933, Chapter 746, providing for the establishment of hospitals for the insane in Hamilton County, Tennessee, be and the same is hereby amended so as to comply with the terms of this Act, and all the powers vested by said Act in the Commissioners of the Poor shall be vested in the Council herein created.

SECTION 25. That if any section, subsection, sentence, clause or phrase of this Act is for any reason held to be invalid or unconstitutional, it shall not impair the validity or constitutionality of the remaining portions of this Act, it being hereby expressly declared by the General Assembly that this Act, and each section, subsection, sentence, clause or phrase thereof would have been adopted irrespective of any other portions thereof being declared invalid or unconstitutional. Each separate power created by any section, subsection, clause or phrase of this Act is declared separable, and its validity or unconstitutionality shall not affect any other part of the Act.

SECTION 26. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 27. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1941.

COMPILER'S NOTE: The constitutionality of Private Acts of 1941, Chapter 156, was upheld in Ragon v. Thrasher, 253 S.W.2d 31 (Tenn. 1952).

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