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Chapter I - Administration

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

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Chapter I - Administration

Budget System

Director of Accounts

Private Acts of 1951 Chapter 15

SECTION 1. That in Counties of this State having a population of not less than 19,700, nor more than 19,800, by the Federal Census of 1940, or any subsequent Federal Census, the County Legislative Body shall be and it is hereby authorized to employ a Director of Accounts for the purposes hereinafter provided. The person so employed shall be a competent bookkeeper and/or accountant and shall have a practical knowledge of County affairs. His salary shall be fixed annually by the county legislative body of counties to which this Act applies, commencing at the July, 1982 session of such county legislative bodies, and annually thereafter in July; but such salary shall not exceed the salary of the trustees of such counties. It shall be paid in equal monthly installments out of the County General Fund. The person so employed by the County Legislative Body shall serve at the pleasure of such County Legislative Body.

As amended by: Private Acts of 1953, Chapter 128,
Private Acts of 1971, Chapter 42,
Private Acts of 1976, Chapter 210,
Private Acts of 1982, Chapter 271.

SECTION 2. That it shall be the duty of the Director of Accounts herein provided to audit the records of the various County offices which collect County revenue with a view to ascertaining any revenue due the County which has been collected and paid to the proper recipient. It shall be the further duty of such Director of Accounts to approve and countersign all warrants issued against County funds by any department of Counties to which this Act is applicable and after the effective date of this Act, no warrant drawn against County funds shall be valid until the same shall have been countersigned by such Director of Accounts shall satisfy himself that the same is legally issued under applicable law. Such Director of Accounts shall keep and maintain at all times an adequate set of records showing definitely the financial condition of the county as a whole and also of any and all accounts maintained by the County Trustee. He shall keep a record of every warrant approved by him, charging the same to the appropriate account against which it is drawn. Not later than five days prior to each regular session of the County Legislative Body, such Director of Accounts shall make such body a detailed report showing the financial condition of the County as a whole and of each particular account against which warrants may lawfully be drawn.

As amended by: Private Acts of 1982, Chapter 271.

SECTION 3. That this Act shall take effect from and after the second Monday in April, 1951, the public welfare requiring it.

Passed: January 15, 1951.

Quarterly Reports

Private Acts of 1925 Chapter 754

SECTION 1. That in all counties containing a population of not less than 17,306 nor more than 17,330, according to the Federal Census of 1920, or any subsequent Federal Census, shall make and publish a quarterly report of the financial conditions of said counties.

SECTION 2. That said report so made to the quarterly session of the County Court of said county, shall be published in some newspaper, published in said county. Said report shall show the receipts and disbursements of the funds of said county; the amount for county purposes; the amount for school purposes; the amount for bridge purposes and any and all other amounts received and disbursed by the county.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1925.

County Executive

Private Acts of 2005 Chapter 10

SECTION 1. Pursuant to Tennessee Code Annotated, section 5-6-101, the title of "county mayor" in Warren County shall be redesignated as "county executive".

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: March 14, 2005.

County Register

Private Acts of 1955 Chapter 129

SECTION 1. That in all counties of this State having a population of not less than 22,265 nor more than 22,275 according to the Federal Census of 1950 or any subsequent Federal Census, before any person in counties to which this Act is applicable, may have recorded any deed conveying in fee the title to any real estate, such person must first present such instrument to the County Tax Assessor, who shall list in a well bound book the following data: The name of the seller, the name of the purchaser, the consideration paid, the Civil District in which such property is located and a description of each tract of land so conveyed, by reference to the adjoining land owners of such other description as may designate said property.

SECTION 2. That the County Registers in the counties to which this Act may be applicable are expressly forbidden to record deeds conveying in fee the title to any real estate until such instruments have been presented to the County Tax Assessor and his stamp or signature has been placed thereon, indicating the provisions of this Act have been complied with.

SECTION 3. That provided at any time the Tax Assessor or his Deputy should not be available, in that event the Register may receive and note such instruments, but it shall not be recorded until the provisions of this Act shall have been complied with.

SECTION 4. That all laws or parts thereof in conflict with this Act are hereby repealed.

SECTION 5. That this Act shall have no effect unless that same shall have been approved by a two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: February 23, 1955.

Junkyard/Scrapyard and Landfill Regulations Act of 2000

Private Acts of 2000 Chapter 75

SECTION 1. This act shall be known and may be cited as the "Warren County Junkyard/Scrapyard and Landfill Regulations Act of 2000."

SECTION 2. The purpose of this act is to promote and protect the public safety, health, welfare, convenience and enjoyment of public travel; to protect the public investment in public highways and county roads; to protect and prevent the spread of disease and creation of nuisances; to preserve and enhance the scenic beauty of lands within the county; to establish regulations for landfills for disposal of solid wastes; and to protect the integrity of existing natural systems. This act applies to persons or entities who own or operate a junkyard/scrapyard or a landfill, including persons or entities that have developed a "roadside dump" or "hillside dump" with or without the permission of the property owner.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Landfill" means any non-governmental private landfill operation that seeks to be established within the county boundaries of Warren County.

(2) "Junkyard/scrapyard" means an establishment or place of business that contains more than five (5) unlicensed and/or inoperable motor vehicles of any kind, or internal parts thereof, appliances or parts thereof, furniture, mattresses, box springs, or parts thereof, scrap copper or brass, steel or

scrap ferrous or nonferrous material, unoccupied mobile homes or mobile home parts that are not part of a state-licensed dealer operation, or any garbage, debris, trash or scrap metal processors. Junkyard/scrapyard does not include recycling centers or places at which locally handcrafted wood rockers or swings are made, displayed or sold.

(3) "Solid Waste Authority" means the body that may be established by resolution to oversee any solid waste operation within Warren County.

SECTION 4. The following requirements shall apply to any junkyard/scrapyard to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 54, Chapter 20, Parts 1 and 2, and any rules and regulations promulgated pursuant thereto, which regulate junkyards and automobile graveyards. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) Every junkyard/scrapyard shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways or is otherwise removed from sight.

(2) The following setback requirements shall apply to every junkyard/scrapyard in Warren County:

(A) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any city, county or state right-of-way;

(B) The junkyard/scrapyard shall be set back at least one hundred feet (100') from any residence, church, school, daycare center or vacant or occupied subdivision lot; and

(C) The junkyard/scrapyard shall be set back at least one hundred feet (100') from all other property lines not specified above.

(3) Notwithstanding any provision of this act to the contrary, in accordance with Tennessee Code Annotated, Section 54-17-108, no person shall construct, use, operate or maintain a junkyard/scrapyard within two thousand feet (2000') of any road or highway that is designated as part of the scenic highway system and which is located outside the corporate limits of a city or town in Warren County.

(4) Entrances to and exits from a junkyard/scrapyard shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto the junkyard/scrapyard shall be at least fifty feet (50') in length as measured from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(5) Junkyard/scrapyards may be "grandfathered in" and deemed in compliance with this act at the discretion of the Warren County Planning Commission under the following conditions:

(A) The existing junkyard/scrapyard was completed and began operation before the effective date of this act; and

(B) The existing junkyard/scrapyard meets or will come into compliance with the screening requirements of this act.

(6) The expansion of any junkyard/scrapyard in existence as of this act's effective date shall be considered a violation of this act if such expansion does not meet the requirements of subdivision (4).

(7) All requests for the construction or operation of a junkyard/scrapyard shall be submitted to the Warren County Planning Commission for review for compliance with this act and shall be accompanied by a development plat.

As amended by: Private Acts of 2006, Chapter 84.

SECTION 5. The following requirements shall apply to any landfill to be established, operated or maintained in Warren County. These requirements are intended to be supplemental to Tennessee Code Annotated, Title 68, Chapter 211, and any rules and regulations promulgated pursuant thereto, which regulate solid waste disposal. If any of the provisions of this act conflict with the provisions of general law, by being less stringent than the general law requirements or otherwise, then the general law provisions shall govern the matter at issue.

(1) All landfills in Warren County shall have an opaque privacy screening on all perimeter property lines consisting of a fence at least eight feet (8') in height and/or landscaping consisting of evergreen vegetation, preferably pines, planted in double rows. Such vegetation shall be at least eight feet (8') tall, fifteen feet (15') in width and ten feet (10') apart. Such screening or vegetation shall be constructed so that the junkyard/scrapyard is not visible from the main traveled ways of an

interstate or primary highway system, or is otherwise removed from sight.

(2) The following setback requirements shall apply to every landfill in Warren County:

- (A) The landfill shall be set back at least one thousand feet (1000') from any city, county or state right-of-way;
- (B) The landfill shall be set back at least one thousand feet (1000') from any residence, church, school, daycare or vacant or occupied subdivision lot; and
- (C) The landfill shall be set back at least one thousand feet (1000') from all other property lines not specified above.

(3) Entrances to and exits from a landfill shall be paved, at least twenty-four feet (24') wide, and shall adjoin a county or state road. Roads extending into and onto a landfill shall be a minimum of fifty feet (50') in length from the road right-of-way (this measurement shall not be taken from the edge of the pavement).

(4) All landfills shall conform and adhere to applicable state and federal laws, rules and regulations.

(5) A site plan for a proposed landfill shall be submitted to the Warren County Planning Commission for review for compliance with this act. The commission shall then hold a public hearing and make a recommendation regarding the landfill's

compliance with this act. After review and a public hearing, the commission shall be the final authority to approve the landfill in regard to compliance with this act. If the plan is approved, the County Executive shall issue a permit for the landfill.

(6) All landfill requests shall be subject to review and supervision by the Department of Environment and Conservation in accordance with applicable state law, rules and regulations. Such requests shall also be subject to review by the Warren County Solid Waste Authority, if such an authority is established.

SECTION 6. It shall be a violation of this act for any person or entity to establish or operate a junkyard/ scrapyards or landfill within Warren County without approval from the Warren County Planning Commission as required by this act. Violators shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per day. Each day of violation shall constitute a separate offense.

SECTION 7. The Legislative Body of Warren County shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

SECTION 8. 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 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.

Passed: February 7, 2000.

Purchasing

Purchasing Commission

Private Acts of 1951 Chapter 16

SECTION 1. That in Counties of this State having a population of not less than 19,700, nor more than 19,800, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized, empowered and directed to create a Purchasing Commission which will have the duties and powers hereinafter set forth. Said Purchasing Commission shall consist of three members, two of whom shall be elected by the Quarterly County Court annually at its April term in each year and shall serve for a period of one year and until their successors shall be elected and qualified. They shall be compensated for their services at the rate of \$5.00 per day as provided, however, that no member of such Commission shall draw pay for more than 20 days in any calendar year. The third member of such Commission shall be the County Auditor, who shall serve as Chairman of said Commission and shall

receive no compensation for his services upon such Purchasing Commission. The County Judge shall be a member ex officio of such Purchasing Commission with the power to vote upon any and all matters coming before the same to the same extent as though he had been originally named a member thereof; however, for his services on said commission the County Judge shall receive no additional compensation other than his salary as fixed by statute. The Warren County School System acting through the duly elected Board of School Commissioners shall not be required to make purchases through the Warren County Purchasing Commission, but shall be authorized to make its own purchases within the guidelines requiring sealed bids, and those not requiring sealed bids as provided by the laws regulating the Warren County Purchasing Commission.

As amended by: Private Acts of 1951, Chapter 666,
Private Acts of 1953, Chapter 489,
Private Acts of 1959, Chapter 63,
Private Acts of 1980, Chapter 221.

SECTION 2. That it shall be the duty of such Purchasing Commission to purchase all supplies of every kind and character, subject to the limitations hereinafter provided which shall be paid for from funds belonging to Counties to which this Act applies, provided, however, that contracts for personal services are expressly excluded from the jurisdiction of said Purchasing Commission. Any department of said County desiring to make any purchases of any sort shall requisition for the same to such Purchasing Commission, who shall thereupon proceed to procure the materials and supplies listed in the following manner: Purchases aggregating less than five thousand dollars (\$5,000.00) may be made by the Chairman of such Commission upon his own initiative without the necessity of action by the remaining members thereof. All purchases amounting to more than five thousand dollars (\$5,000.00) shall be made upon sealed competitive bids after due advertisement of the time and place as to where such bids shall be taken. All bids so taken shall be opened in the presence of all members of the Commission and the contract therefor awarded to the lowest and best bidder. The Commission shall likewise be authorized to let all contracts for the building of County structures paid for from public funds in said County except for construction of bridges upon the County Highways and all school buildings which latter shall remain under the jurisdiction of the County Board of Education. Upon request of the County Court made ten days prior to any regular session of the Quarterly County Court, the Purchasing Commission shall render to them a complete statement of all purchases made by them itemizing the amounts and the department for which purchased. It shall be the duty of said Purchasing Commission to meet monthly upon some date to be mutually agreed upon by such Commission.

As amended by: Private Acts of 1980, Chapter 221,
Private Acts of 1991, Chapter 13,
Private Acts of 1997, Chapter 81.

SECTION 3. That this Act shall take effect from and after the second Monday in April, 1951, the public welfare requiring it.

Passed: January 15, 1951

Tri-County Railroad Authority

Public Acts of 1981 Chapter 542

SECTION 1. There is hereby created the Tri-County Railroad Authority in the counties of Coffee, Warren, and White. This authority is intended to secure economic benefits to the above counties and to the cities of Manchester, Doyle, McMinnville, Morrison, Tullahoma, and Sparta by providing for the continuation of railroad service in Coffee, Warren, and White Counties. Within the region of the authority, it may acquire, construct, operate, maintain, and dispose of railroad facilities, properties, and equipment, and may, in addition to continuing the above-mentioned railroad service, provide any other rail service in the region as it is needed and feasible.

SECTION 2. The acquisition, construction, operation and maintenance of such properties and facilities are hereby declared to be public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. The organization of the authority shall be as follows:

- (a) The authority shall be governed by a board of directors.
- (b) Membership of the board of directors shall consist of:
 - (1) The county judge or county executive of each county becoming a member of the authority, in accordance with Section 16 of this Act.

- (2) The mayor of each city becoming a member of the authority, in accordance with Section 16 of this Act.
- (3) One member to be selected by the governing body of each county and city becoming members of the authority.
- (4) The term of each selected member shall be prescribed by the governing body making the selection.

(c) In the event of failure to elect a successor to any member of the board the members whose term has expired shall continue to serve until his successor has been duly elected as herein provided. In the event of the death or resignation of a member of the board, or his inability to serve prior to the expiration of his term, his successor shall be elected for the unexpired term by the remaining members of the board within thirty (30) days of the event. Any person at least twenty-five (25) years of age who has resided within the boundaries of the authority, for a period of at least one (1) year immediately preceding his election, shall be eligible to serve as a member of the board of directors of the authority. Any director who ceases to regularly reside within the boundaries of the authority shall automatically become ineligible to serve in said office.

(d) Before entering upon their duties, all directors shall take and subscribe to an oath of office, as provided by the constitution and law for county and city officers. Copies of the said oath of each director shall be filed with the clerk of the county court of the applicable county.

(e) A majority of the directors shall constitute a quorum and the directors shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their election as herein provided, the directors shall hold a meeting to elect a chairman. The directors shall hold meetings quarterly at such times and places as the directors may determine. Special meetings may be called and held upon such notice and in such manner as the board of directors may, by resolution, determine. Save as otherwise expressly provided, the board of directors shall establish their own rules of procedure. The directors shall designate a secretary and a treasurer, or one (1) person as secretary-treasurer, and such person need not be a director. The secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of meetings shall be available for inspection by the public at the office of the authority, at all reasonable times. The board of directors, by resolution, shall require the treasurer or secretary treasurer, to execute a bond with an approved corporate surety, in such amount as the board may specify, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands. Such bonds shall be filed with the Secretary of State. The board of directors, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the board of directors may determine.

(f) All members of the board of directors shall serve without compensation, but may receive any per diem allowance which may be appropriated by the governing body of the county or city electing a director, for such director. Reasonable expenses incurred by members of the board while engaged in the business of the authority are subject to reimbursement by the authority.

(g) The directors shall be indemnified by the authority for any liability they might incur while acting in such capacity other than for culpable negligence.

(h) Except as otherwise herein provided, the directors shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 4. The directors shall be authorized to employ and fix the compensation of architects, attorneys, engineers, superintendents, consultants, professional advisors, and other subordinate officers and employees, as may be necessary for the efficient management and operation of the authority and its facilities. Such persons shall continue in the employment of the authority at the will and pleasure of the board of directors. Such employment or contracts shall conform to the statutes, regulations and procedures to which counties must generally adhere in making such transactions.

SECTION 5. The directors shall have the following duties and powers, and, in exercising such duties and powers, shall abide by all statutes, regulations and procedures to which counties must generally adhere in making such transactions:

- (a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of the authority the properties and facilities described in Section 1, and to make such properties and facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the authority.
- (b) To accept donations to the authority of cash, lands or other property to be used in the

furtherance of the purpose of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or other aid for the acquisition or improvement of any of the facilities of the authority.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, whether or not subject to mortgages, liens, charges, or other encumbrances, for the authority, which, in the judgment of the authority directors, is necessary or convenient to carry out the purpose of the authority. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(e) To acquire property which is suitable for use by industries requiring access to any railroad track owned, operated, or subsidized by the authority.

(f) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of the directors, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency for or in the aid of the acquisition or improvement of the facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages, and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of the board of directors may be necessary, proper, or advisable for the furtherance of the purpose of this act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(g) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the properties and facilities under its jurisdiction, and for services which it may render.

(h) To enter upon any lands and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities of the authority.

(i) To promulgate and enforce such rules and regulations as the board of directors may deem proper for the orderly administration of the authority and the efficient operation of its facilities. In exercising the powers granted in this subsection, the directors shall abide by all statutes, regulations and procedures to which counties must conform in such matters.

(j) To do all acts and things necessary or deemed necessary or convenient, to carry out the powers expressly given in this Act. This subsection shall not be construed to authorize the directors, in doing all things necessary and convenient, to conduct the administrative and business affairs of the Authority in a manner inconsistent with the statutes, regulations and procedures governing such matters in county government.

SECTION 6. Except as otherwise expressly provided in this Act, the directors shall have full and exclusive control of and responsibility for the administration of properties and facilities constructed or acquired pursuant to this act; provided, however, that the authority may lease or license lands or facilities under its jurisdiction for operation by private persons or corporations; provided further, however, that this subsection shall not be construed to authorize the directors to exercise such authority in a manner inconsistent with the statutes, regulations and procedures governing such matters in county government.

SECTION 7. The authority is hereby authorized and empowered to condemn, in the name of the authority, any land, easements, or rights of way in the boundaries of the authority that, in the opinion of the board of directors, are necessary or convenient to carry out the purposes of this Act as set forth in Section 1. Title to property so condemned shall be taken by and in the name of the authority, and the property shall thereafter be entrusted to the authority for the purposes of this Act. Such condemnation proceedings shall be in accordance with Chapters 16 and 17 of Title 29, Tennessee Code Annotated. Provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court. Provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the authority, and upon posting of a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 8. The authority shall have the powers with respect to finance as follows, and, in exercising such powers, shall abide by all statutes, regulations and procedures to which counties must generally adhere in such matters.

(a) To borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the

authority, including grants or contributions from the federal government or other sources, which bonds may be sold at public sale. Revenue bonds may be issued for the above purposes and the authority may pledge as security for such bonds all or any portion of the tolls, fees, rents, charges, or any other revenues derived from the operation of the railroad and related uses of the properties. Provided, that any such fees, rents, or charges so pledged that are fixed and established pursuant to the provisions of a lease or contract, shall not be subject to revision or change except in such manner as is provided in such lease or contract. Any bonds issued pursuant to this Act shall state on their face that they are payable as to principal and interest, solely from revenues of the authority and shall not constitute a debt of the state or any political subdivision thereof other than the authority, and shall not constitute any indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Neither a director of the authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. In case any of the directors or officers of the authority whose signatures appear on any bonds or coupons cease to be directors or officers after authorization but before delivery of the bonds, their signatures shall be valid and sufficient for all purposes. Any provision of the law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable. Any bond reciting in substance that it has been issued by the authority pursuant to this Act and for a purpose of purposes authorized by this Act shall be conclusively deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to such provisions and for such purpose or purposes. Bonds issued by the authority pursuant to the provisions of this Act are declared to be issued for an essential public and governmental purpose, and together with interest thereon, and income therefrom, shall be exempt from all taxes. With respect to refunding bonds, the provisions of Section 5-11-103 (14), when pertinent, and Section 9-12-103, Tennessee Code Annotated, shall apply, with respect to funding bonds, the provisions of Section 9-11-108, Tennessee Code Annotated, shall apply.

SECTION 9. The board of directors of the authority shall report annually to the governing bodies of the various counties and cities within the boundaries of the authority. Such reports shall include statements of financial receipts and expenditures and a summary of activities and accomplishments for the period and proposed plans for the next year and for subsequent years. The board of directors annually shall require an audit to be performed of the authority's operations. Such audits shall meet the requirements placed on county offices by Section 4-3-304(5), Tennessee Code Annotated; when applicable, the cost of such audits shall be borne in the same manner and paid at the same rates established for county government in Section 9-3-110, Tennessee Code Annotated.

SECTION 10. The revenues derived from the operation of the properties and facilities authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as provided in this section: provided, however, that nothing in this section shall be construed to authorize the authority to administer these provisions in manner inconsistent with statutes, regulations or procedures governing such transactions and activities carried out by county governments, and the authority shall assure that procedures and practices covered by this section conform with statutes, regulations and procedures to which county governments must adhere. All revenues shall be received, deposited and accounted for and all financial transactions shall be handled consistent with the requirements of statutes, regulations and procedures affecting county government.

(a) The payment of all operating expenses of the authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.

(b) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of properties and facilities, storage transfer facilities and any other facilities, or other purposes as may be required under any bond indenture or as the authority directors may deem necessary or desirable. This subsection shall not be construed to authorize the authority to exercise these provisions in a manner inconsistent with statutes, regulations or procedures governing such matters in county government.

(c) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the authority facilities and for the acquisition or construction of new facilities which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go into the general funds of the participating counties, except as may be directed by the authority directors.

SECTION 11. All contracts of the authority shall be entered into and executed in such manner as may be prescribed by statutes, regulations and procedures governing contracting by county governments; but no contract or acquisition by purchase of equipment, apparatus, materials or supplies involving more than five hundred dollars (\$500), or for construction, installation, repair or improvement of the property of facilities involving more than five hundred dollars (\$500) shall be made except after such contract has

been advertised for bids, provided that advertisement shall not be required when:

- (a) An emergency arises and requires immediate delivery of the supplies or performance of the service.
- (b) To receive funds from county or city governments for purposes of planning; the acquisition of properties and facilities; and the construction, operation, management, the maintenance of all properties and facilities, to which end such governments are authorized to provide funds for any of the aforesaid purposes, upon grant or loan and are empowered, but not required to, impose taxes to accomplish the purposes of this Act.

SECTION 12. The authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the state of Tennessee or any county or municipality in the state of Tennessee, provided such governmental agency shall consent to such use; provided, however, that all statutes, regulations and procedures regulating the use, management, and disposition of state property must be complied with.

SECTION 13. The powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

SECTION 14. If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

SECTION 15. This Act is remedial in nature and shall be liberally construed to effect its purposes of promoting the movement and transfer of people, goods and merchandise to, from and through the boundaries of the authority; encouraging utilization of the natural resources therein; and promoting the growth and development of commerce and industry in the counties and cities. Such liberal construction shall not work to override the application of the general statutes, regulations or procedures to the administrative or financial management practices of the authority in the same manner as they apply to county governments.

SECTION 16. This Act shall take effect when two (2) or more of the counties of Coffee, Warren, and White and the cities of Tullahoma, Manchester, McMinnville, Morrison, Doyle, and Sparta are authorized by a majority vote of their respective governing bodies to become members of the authority; evidence of such authorization is proclaimed and countersigned by the presiding officer of each ratifying county and city and certified by him to the Secretary of State; and the governing bodies of all governments voting to become members of the authority have indicated their willingness to appropriate sufficient funds to provide for the initial administration of the authority.

SECTION 17. For the purpose of approving or rejecting this Act as provided in Section 16, it shall take effect upon becoming a law, the public welfare requiring it; but for all other purposes, it shall be effective upon being approved as provided in Section 16.

Passed: March 12, 1981.

Uniform Nepotism Policy Act of 2006

Private Acts of 2006 Chapter 111

SECTION 1. This act shall be known and may be cited as the "Warren County Employees Uniform Nepotism Policy Acts of 2006".

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "Governmental entity" means any agency, authority, board, commission, department, or office within the Warren County government;
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household; and
- (3) "County employee" means any person who is employed by Warren County.

SECTION 3. Within each governmental entity, no county employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

SECTION 4. When as a result of a marriage, county employees are in violation of the prohibition established by Section 3 of this act, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The appointing authority of such governmental entity shall advise the employees of each of the alternatives available to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the appointing authority shall take appropriate action to remove such violation.

SECTION 5. The prohibition established by Section 3 of this act shall not be applied retroactively, but shall be adhered to by each governmental entity in all hiring and employee transactions subsequent to the effective date of this act as provided in Section 8.

SECTION 6. The provisions of this chapter shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this act.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

Passed: May 27, 2006.

Administration - Historical Notes

Budget System

The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1961, Chapter 6, fixed the annual salary of the County Auditor and/or Comptroller at \$5,000 annually, but was rejected at the local governmental level and, therefore, did not become law.

County Attorney

The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1957, Chapter 84, created the office of County Attorney who was to be a resident of the county, 21 years old, and a licensed lawyer. The Quarterly County Court would appoint someone until a successor could be elected and qualified. The election would be in August, 1958, and the victor would take office in September, 1958, at a salary of \$3,000 annually. He would render whatever legal services were required to all the officials, departments, agencies, commissions, and boards; and prosecute and defend, as need be, all litigation in which the County was involved. He could not represent any other county or city agency or government and no county official could employ another attorney without first obtaining leave from the Quarterly County Court. This Act was not approved by the local governing body and, therefore, never became effective as law.

County Clerk

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

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk would have the benefit of using the said building or they could use another one by paying the Clerk or his heirs the fair market value of the building.

County Executive

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

1. Acts of 1855-56, Chapter 253, provided for the election of the County Judge, who would be a person learned in the law, for a four year term. He would be commissioned as other judges were, and take an oath, to faithfully discharge the duties of the office. Quorum Courts were abolished

and all their jurisdiction and powers given to the County Judge. He would preside over the County Court at its Quarterly Sessions and exercise all the authority of the Chairman. He would be the accounting officer and general agent and, as such, would possess those powers enumerated therein. Also specified was compensation to the Judge. This act was repealed by Acts of 1857-58, Chapter 5.

2. Private Acts of 1915, Chapter 561, also created the office of County Judge of Warren County. He would be a licensed lawyer, not under 30 years of age, and have been a resident of the county for one year and of the State for five years. He would be commissioned as other Judges, execute a bond for \$1,000 and take oath to support the Constitution. The office of Chairman of the County Court was abolished and those powers and jurisdiction were given to the County Judge. His duties were detailed in the Act and his term set at four years. This Act was repealed by the following act.
3. Private Acts of 1917, Chapter 328, specifically repealed Acts of 1915, Chapter 561, in its entirety.
4. Private Acts of 1921, Chapter 556, provided that the County Judge of Warren County would receive \$250 a year for his services as Financial Agent and Accounting Officer, to be paid quarterly out of the county funds.
5. Private Acts of 1923, Chapter 101, also repealed specifically, and entirely, Chapter 561, Acts of 1915, which created the position of County Judge.
6. Private Acts of 1925, Chapter 510, amended Acts of 1915, Chapter 561, Section 2, by striking out the requirement that he be a licensed lawyer and adding a provision that the County Judge must keep his office open at the Courthouse in McMinnville on a daily basis. This Act amended an act which had previously been repealed.
7. Private Acts of 1927, Chapter 48, amended Private Acts of 1915, Chapter 561, which had already been repealed twice, by conferring the same jurisdiction enjoyed by Justices of the Peace upon the County Judge just as fully as if he were a Justice in all civil and criminal cases. This Act was repealed by Acts of 1937, Chapter 38.
8. Private Acts of 1931, Chapter 162, authorized the County Judge to borrow money for county purposes, from time to time, at an interest rate not to exceed 6% per annum, and to issue warrants therefor; but the aggregate sum of warrants and interest should not exceed the tax levy or the uncollected portion thereof.
9. Private Acts of 1937, Chapter 38, specifically repealed Private Acts of 1927, Chapter 48, which conferred on the County Judge the same jurisdiction as possessed by Justices of the Peace.
10. Private Acts of 1937, Chapter 218, amended Private Acts of 1921, Chapter 556, by increasing the compensation of the County Judge as Financial Agent and Accounting Officer of the county from \$250 to \$700 annually, to be paid monthly rather than quarterly, out of the regular county funds.
11. Private Acts of 1943, Chapter 372, made the Judges of the County Court and the General Sessions Court interchangeable so one could preside in the other's absence.
12. Private Acts of 1945, Chapter 380, set the salary for services as the County Judge, Chairman of the County Court and the Financial Agent at \$1,800 annually, payable in equal monthly installments. All conflicting laws were repealed.
13. Private Acts of 1953, Chapter 489, amended Private Acts of 1951, Chapter 666, (see under Purchasing in Administration), which made the County Judge an ex officio member of the Purchasing Commission and provided him with additional compensation as said member by increasing the pay from \$600 to \$1,200 annually.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Warren County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 28, provided that the first County Court of Warren County would meet on the first Monday in February, May, August, and November at the home of Joseph Westmoreland on the east side of Barren Fork of Collins River, near a big spring.
2. Acts of 1807, Chapter 53, set the times for the various county courts to meet in all the counties of the Winchester District to which Warren County was assigned. Court days in this case remained as stated in Item One for Warren County. Franklin, Warren, White, Jackson, Smith, and Overton Counties composed the Winchester District.
3. Acts of 1809, Chapter 93, established Court Day for County Courts of Pleas and Quarter Sessions. Warren County's Court would meet on the first Monday in February, May, August and November.

4. Acts of 1812, Chapter 71, Section 4, set the dates for the County Court of Warren County to meet on the fourth Monday of February, May, August, and November.
5. Acts of 1813, Chapter 133, set the Quarterly County Court meeting times on the second Monday of January, April, July, and October.
6. Acts of 1817, Chapter 139, dealt with Circuit Court and further changed the meeting dates for the County Court of Warren to the first Monday of January, April, July, and October.
7. Acts of 1819, Chapter 55, gave the County Court of Warren County the authority to permit John Guest to prove the signature on a deed to fifty acres of land, said signer being unable to appear in person to prove it, and, when the court had approved the signature, the said John Guest may register the conveyance as any other one would be.
8. Acts of 1819, Chapter 160, provided, inter alia, that the Quarterly County Court would continue to meet on the first Monday in January, April, July, and October but the January and July terms would be for two weeks, or longer, if necessary.
9. Acts of 1825, Chapter 171, retained the same meeting days for the court but provided that all of the four meetings would last for one week.
10. Acts of 1829, Chapter 292, Section 2 authorized the County Courts of Warren and Franklin Counties to make an allowance to the Commissioners of school lands for all expenses incurred in prosecuting or defending suits involving school lands, which expenses would be paid out of the rents received from the leases of the lands as supervised by the commissioners.
11. Acts of 1867-68, Chapter 19, established a Board of County Commissioners for Sumner County but all the provisions were made applicable to Warren County also by Section 11 of the Act. The Board would consist of three members, appointed by the Governor until an election could be held, wherein their successors would be chosen for three year terms. The commissioners would meet at least four times a year; were vested with all the power, authority, and responsibilities previously held by the Quarterly County Court; and, in addition, were granted several other powers enumerated in the Act. The Magistrates of the county were relieved from all further duties and obligations incident to their office. This Act was expressly repealed by Acts of 1869-70, Chapter 49.
12. Acts of 1867-68, Chapter 65, Section 22, and others. Section 19 of this Act abolished all Quorum Courts and vested all their power and jurisdiction in the Board of County Commissioners created by this Act. Section 20 transferred all the power and authority of the Chairman of the County Court to the same Board. Section 21 relieved all the Magistrates of their duties and obligations incident to them as members of the Quorum or the County Court and made all these the duties and obligations of the same Board of County Commissioners. Section 22 made all the provisions of this Act applicable to Warren County and repealed all conflicting laws.
13. Acts of 1868-69, Chapter 24, Section 3, repealed all laws and parts of laws establishing a Commissioner's Court for Warren County.
14. Acts of 1869-70, Chapter 49, expressly repealed in their entirety all laws which set up Boards of County Commissioners in this State and restored to full force and effect all laws and parts of laws which had been repealed by them, restoring the county courts and the quorum courts.
15. Private Acts of 1919, Chapter 176, specified that all Justices should receive \$2.00 per day for each day's regular attendance at meetings of the Quarterly County Court, provided that the mileage payments remained as the law provided.
16. Private Acts of 1941, Chapter 90, provided that the Quarterly County Court of Warren County would meet in regular session on the second Monday in January, April, July, and October.
17. Private Acts of 1949, Chapter 124, created a Board of County Commissioners consisting of three members who must be residents of the county for not less than five years, 30 years of age, and who would be elected by popular vote for a term of two years. Members of the County Court were not eligible, and no two could come from the same Civil District of the county. E. W. Walling, Robert E. Bonner, and J. S. Simmons were named to the Board until September 1, 1950, when their elected successors would take office. The Board would meet on the first Monday of each month. At its first meeting, the Board would elect one of its members as Chairman, and another as Secretary, whose duty would be to keep the minutes of all the meetings. They could not be interested in any contract or project and could not receive any pay other than the \$5.00 per day specified in the law. Among its powers were all the administrative powers of the county, the supervision and control over roads, schools, public health, and other county functions. It was to prepare a budget for the county annually and publish all revenue and expenditure figures. Any vacancy would be filled by the remaining commissioners. This Act was specifically and entirely

repealed by Private Acts of 1951, Chapter 13.

18. Private Acts of 1949, Chapter 491, came only a few weeks later than Chapter 124 in Item 17, above. It set forth all those provisions previously stated in said Chapter 124 in a more detailed form and added many specific provisions of an administrative nature of its own. Three governmental departments, Highways and Public Works, Purchasing and Finance, and Welfare and Institutions, were created and one of the three commissioners would be the immediate supervisor of one of the department. This act was repealed in 1951.
19. Private Acts of 1949, Chapter 549, raised the payments to all Justices of the Peace for their attendance at the County Court meetings to \$4.00 per day, and would pay four cents per mile each way as travel allowance if the Justices lived more than ten miles from the courthouse.
20. Private Acts of 1951, Chapter 13, specifically repealed Private Acts of 1949, Chapter 124, above.
21. Private Acts of 1951, Chapter 14, specifically repealed Private Acts of 1949, Chapter 491, above, in its entirety.
22. Private Acts of 1955, Chapter 128, provided that the Justices of the Peace in Warren County would get \$10 per diem for attendance at the meetings of the Quarterly County Court and a travel allowance of ten cents per mile one way. This Act was properly ratified by the County Court.
23. Private Acts of 1967-68, Chapter 396, repealed, Acts of 1955, Chapter 128, above, and set the per diem for Justices at \$10 a day for attendance at meetings of the Quarterly County Court and mileage at 10 cents a mile traveled for the round trip from home to the courthouse.
24. Private Acts of 1969, Chapter 111, amended Acts of 1955, Chapter 128, Section 1, by deleting it and substituting another paragraph, which set forth payment to the Justices of the Peace of \$25 a day for attendance at meetings of the Quarterly County Court.

County Register

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

1. Acts of 1827, Chapter 4, stated that the General Assembly of the State would appoint an additional Register of the Land Office who shall hold office during good behavior and keep his office at Sparta as a Register of the Mountain District. All land required to be entered from Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties would be brought to this office to be registered.

County Trustee

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

1. Private Acts of 1927, Chapter 801, provided that the Trustee and Tax Collector of Warren County was deprived of all fees, commissions, emoluments and perquisites and was to be given a salary of \$2,400 annually. He was to pay himself \$200 a month from the fees first coming into his hands, and all excess fees were to be held in the various accounts under his supervision.

General Reference

The following private or local acts constitute part of the administrative and political history of Warren County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1819, Chapter 193, appointed several persons to be notaries public in the state, including Benjamin Hancocke for Warren County.
2. Acts of 1819, Chapter 214, authorized and allowed any persons living in a bottom of Caney Fork, called the Narrows, in Warren County, to vote at elections, do and perform militia duty, and be competent jurors in White County, as if they were citizens of same, and exempted them from any of those duties in Warren County.
3. Acts of 1826 (Ex. Sess.), Chapter 4, established the position of Entry-Taker for Warren County and further provided that any vacant land within five miles of the falls on the Caney Fork River in Warren and White County may be entered and possessed at the rate of one cent per acre as the other vacant lands were being developed.
4. Acts of 1826 (Ex. Sess.), Chapter 32, validated all previous grants of land issued by the State within five miles of the falls of the Caney Fork River in Warren and White Counties subsequent to the Act of 1823, and the grantees were given good and marketable title thereto.
5. Acts of 1826 (Ex. Sess.), Chapter 152, permitted Reuben Ross to enter in the entry-takers office a 3,000-acres tract at one cent per acre which was heretofore laid off and entered upon by him for

his salt works.

6. Acts of 1831, Chapter 43, named Harold Bias and John B. Perkins as incorporators of an organization to clean out the obstructions to navigation in the Caney Fork River after they had executed a good and solvent performance bond with the County Judge.
7. Acts of 1832, Chapter 73, appointed Archibald Hicks, Isaac Hill, and Andrew Robertson, Sen. of Warren County, and Samuel A. Moore, Henry Lyda, and James Young of White County, to examine the books of and to settle with the Internal Improvement Boards for the counties of Warren and White. They shall also examine those portions of the Caney Fork River alleged to have been improved in its navigation and report on the conditions of the stream as they find them and the expenses therefor to their respective Quarterly County Courts.
8. Acts of 1832, Chapter 106, authorized Isaac and Melchisedeck Hill of Warren County to execute a bond to Jesse Savage, with said bond to be void on condition that the Hills would pay all damage, satisfy and perform according to a decree that might issue from the Chancery Court in a suit pending where Savage was the complainant against the Hills, enjoining them from erecting a mill on Collins' river in said county. Upon execution of the bond, the Hills were allowed to proceed with construction of the mill without being in contempt of court. The chancellor was to have the power at the next term of court to renew the injunction and prevent the erection of the dam or have the dam removed if constructed, provided it was proven that the dam was the cause of irreparable damage.
9. Private Acts of 1923, Chapter 202, (made applicable to Warren County by the 1920 Federal Census figures), made it a misdemeanor for any official or officials having the authority to expend and disburse county or public funds for any purpose to contract for or draw and deliver any warrant or order for the disbursement of same without sufficient sum in the hands of the County Trustee to pay such warrant, order or contract. The Act was not made applicable to contracts and disbursements made on behalf of what was known as the general county fund for operation of the poorhouse, jail, courts, etc.
10. Private Acts of 1931, Chapter 104, repealed Private Acts of 1923, Chapter 202, in its entirety.
11. Private Acts of 1941, Chapter 218, was in effect, the same as Private Acts of 1923, Chapter 202, with an added provision: the County Judge or Chairman was to countersign all warrants, orders and contracts of the Superintendent of Roads, Superintendent of Public Schools, or any and all other warrants by each and every department of the county.
12. Private Acts of 1945, Chapter 508, repealed Private Acts of 1941, Chapter 218, in its entirety.
13. Private Acts of 1947, Chapter 447, made it unlawful for any official or officials of Warren County (as designated by the 1930 Federal Census figure) charged with the expenditures and disbursement of public or County funds, to issue or draw any warrant or order for the disbursement of the funds without the amount to be expended or disbursed actually being in the hands of the County Trustee at the time of the warrant or order, unless specifically authorized by resolution of the Quarterly County Court.

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