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# Chapter I - Administration

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

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

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# Chapter I - Administration

## Budget System

### Private Acts of 1937 Chapter 68

#### **SECTION 1.**

- (a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Hardeman County, Tennessee.
- (b) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Hardeman County, Tennessee.
- (c) The term "Sheriff" when used in this Act shall mean the Sheriff of Hardeman County, Tennessee.
- (d) The term "Trustee" when used in this Act shall mean the Trustee of Hardeman County, Tennessee.
- (e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Hardeman County, Tennessee.
- (f) The term "Register of Deeds" when used in this Act mean the Register of Deeds of Hardeman County, Tennessee.
- (g) The term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highway of Hardeman County, Tennessee.
- (h) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Hardeman County, Tennessee.
- (i) The term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any department or institution of Hardeman County.
- (j) The term "Quarterly County Court" when used in this Act shall mean any Justice of the Peace that is a member of the County Court of Hardeman County. After September 1, 1978, such term also means the county legislative body or the members of such body.
- (k) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Hardeman County.
- (l) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Hardeman County.
- (m) The term "School Board" when used in this Act shall mean the County Board of Education of Hardeman County.
- (n) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of Hardeman County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.
- (o) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Hardeman County.
- (p) The term "Budget Committee" when used in this Act shall mean the budget committee appointed pursuant to Section 12 of this Act.
- (q) The term "Expenditure or Expend" when used in this Act shall mean the act of committing Hardeman County to expend monies then and there in the County Treasury or to come into the County Treasury of Hardeman County.

As amended by:

Private Acts of 1980, Chapter 318

**SECTION 2.** That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Hardeman County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowing for the county for the ensuing appropriation year, which shall begin on the first day of September of each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases

or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: A statement of the contemplated revenues and disbursements, liabilities, reserves and surplus or deficit of Hardeman County as of the date of the preparation of the budget.

Second: An itemized and complete financial balance sheet of each fund account of the said Hardeman County at the close of the last preceding appropriation year.

**SECTION 3.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in Hardeman County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Hardeman County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the county for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it is mandatory upon the Quarterly County Court to levy:

(a) A general tax rate for the general fund, assuming that not more than eighty-five percent (85%) of the total aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the general fund budget so adopted by the Quarterly County Court; and

(b) A school tax rate for the dedicated education fund, assuming that not more than ninety-two percent (92%) of the total aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the education budget so adopted by the Quarterly County Court.

As amended by: Private Acts of 2003, Chapter 63

**SECTION 4.** That the Budget Committee of Hardeman County may require the heads or other responsible representatives of all departments, divisions, boards, commissions, agencies, or offices of said county to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SECTION 5.** That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such Court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months' period ending on the immediately preceding August 31st. A copy of such statement shall be posted at the front door of the courthouse and published in one or more newspapers of the county.

**SECTION 6.** That it shall, likewise, be the duty of the School Board on or before the first Monday in April or each year to prepare and file with the Budget Committee an itemized statement of budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement or budget.

**SECTION 7.** That the Quarterly County Court shall include in the county budget required by law and as a part thereof a budget for the schools of the county, a brief synopsis of which shall be posted as required in Section 4 of this Act.

**SECTION 8.** That it shall be the duty of the County Judge or Chairman to install and maintain or to cause to be installed and maintained a set of accounts as prescribed by the Quarterly County Court or its representative, classified according to functions and activities, which will at all times reveal the amount appropriated, the amount expended to date chargeable against such appropriation, and the unexpended balance of such appropriation. Furthermore, it shall be the duty of each and every official of the county before making an expenditure for any purpose whatsoever, whether it be for personal services, contractual services, materials and supplies, equipment, bounties and claims, pensions and relief contributions, or debt service, to issue or cause to be issued to the County Judge or Chairman a requisition and to receive from the County Judge or Chairman a purchase order which among other things shall show the unexpended balance of the appropriation against which such purchase order or requisition has been charged. Provided, however, a requisition and purchase order shall not be required for any expenditure of less than three hundred dollars (\$300).

As amended by: Private Acts of 2003, Chapter 22

**SECTION 9.** That any official of Hardeman County that has the power, right, or authority to expend

County Funds from the Treasury of the county or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the county to the credit of his or her department of the County Government or in excess of the budget adopted by the Quarterly County Court of Hardeman County covering that certain period of time as shown by the budget, such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Hardeman County, shall be personally liable, together with his sureties on his official bonds, to Hardeman County for such overdrafts or over expenditures, and the county shall have their bondsmen the amount of the overdrafts or over expenditure with interest from date.

**SECTION 10.** That it shall be unlawful and a misdemeanor in office for any official or employee of Hardeman County to draw, sign, issue, deliver or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by Quarterly County Court for the specific purpose for which the expenditure is made.

That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 11.** That it shall be a misdemeanor in office for any official of the county, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the county, to violate any provision of this Act, to fail or refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating the Act, shall upon conviction thereof be subject to a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the court, provided further that any County Official convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 12.** That the county legislative body shall at the January, 1981, regular meeting of such body, and at the expiration of each calendar year period thereafter, elect a Budget Committee consisting of five persons who shall be and constitute the Budget Committee of Hardeman County. Two of such persons so appointed shall reside in Hardeman County, Tennessee and three of such persons shall be members of the county Legislative Body of Hardeman County. That no member of such Budget Committee, with the exception of the members of the county legislative body, shall have any official connection with the County of Hardeman or be related by affinity of consanguinity to any official or employee of Hardeman County within the third degree computed by the Civil Law. Such Budget Committee to receive as compensation for their services a per diem fee of \$10.00 for each and every day, and mileage at the rate of ten (10¢) for each mile traveled from their home to the Courthouse and return spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation for each member of the committee shall not in any one appropriation year exceed the sum of \$100.00.

As amended by: Private Acts of 1967-68, Chapter 61  
Private Acts of 1980, Chapter 318

**SECTION 13.** That the holding of any section or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act, and each section, subsection, sentence, clause and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 14.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1937.

## Building Permit

# Private Acts of 1988 Chapter 154

**SECTION 1.** No person shall erect or have erected, constructed, or reconstructed, any building or structure in Hardeman County, or no person shall alter or have altered any existing building or structure in Hardeman County, where the value of such alteration will exceed the sum of five thousand dollars (\$5,000) without first applying to the assessor of property of Hardeman County for a building permit for such erection, construction, reconstruction, or alteration. As used in this act, "building or structure" includes any modular structure, or manufactured structure.

No person shall place, locate or cause to be placed or located any mobile home or trailer in Hardeman County regardless of the value of the mobile home or trailer without first applying to the assessor of property of Hardeman County for a building permit for such placement or location.

Such application shall be in a form to be prescribed by the assessor of property and shall contain the following information:

- (1) whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) the location or address of the proposed construction or alteration;
- (3) the identity of the owner or owners of the premises;
- (4) the estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and
- (5) Such other information as the assessor shall prescribe.

Upon proper application, duly filed, the assessor shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records.

**SECTION 2.** This act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same, providing that the copies of such permits are made available to the office of the county assessor of property.

**SECTION 3.** The assessor of property shall collect a fee for the issuance of each building permit. The amount of the fee shall be twenty-five dollars (\$25.00). The assessor shall make the monthly reports and pay over to the county trustee all funds received for such permits. The proceeds of the building permit fee shall be deposited in the general fund of Hardeman County. The expenses incident to this act shall be paid out of the general funds of the county.

**SECTION 4.** no electric, gas, or water service shall be provided for any building or other structure to which this act applies until the building permit as required herein has been obtained, and it shall be unlawful for any person, corporation, municipality, co-operative or other agency to make assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** When there is reason to believe that any violation of any of the provisions of this act is about to occur, is occurring or has occurred, the county attorney may institute proceedings in the appropriate court for injunctive relief to prevent continuance of such violation. In the event injunctive relief is granted in favor of the county, the court granting such relief may award the county all of its expenses incurred in enforcing this act including reasonable attorney fees all of which expenses and fees shall be a civil penalty in addition to the injunctive relief granted by the court.

**SECTION 6.** If any person shall erect or have erected, constructed or reconstructed, any building or structure shall alter or have altered any existing building or structure or shall place or locate any mobile home or trailer in Hardeman County without payment of the fee set forth in Section 3 hereof, then the fee shall constitute a lien on the real property and the lien shall be collected on the first assessment role prepared subsequent to such erection, construction, reconstruction of any building, or alteration of any existing building or structure in the same manner and at the same time as other real property taxes of hardeman County.

**SECTION 7.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect the other provisions or applications of this act which can be given effect without the invalid provisions or application and to end the provisions of this act are declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the county executive of Hardeman County, and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law , the public welfare requiring it. Upon being approved as provided in Section 8, for all other purposes, it shall become effective on July 1, 1988.

Passed: March 14, 1988.

## County Mayor

### Private Acts of 1919 Chapter 482

**COMPILER'S NOTE:** Private Acts of 1919, Chapter 482, was amended by Private Acts of 1925, Chapter 958, by adding a paragraph declaring that the County Judge need not be an attorney. The act applied the amendment to Putnam County by population figures. Furthermore, the Index only attributes the Act to Putnam County and the Act was introduced by the Putnam County Representative.

Private Acts of 1919, Chapter 482, was also amended by Private Acts of 1937, Chapter 239, which required the County Judge to be the Purchasing Agent. The amending act did not change any wording of the original act and is therefore re-printed in full, with its amendments, under the heading: "Administration, Purchasing Agent".

**SECTION 1.** That the office of County Mayor is hereby created in counties of this State having a population of not less than 23,000 and not more than 23,025 according to the Federal Census of 1910 or any subsequent Federal Census.

**SECTION 2.** That said County Mayor shall not be under thirty years of age, and shall be a citizen of the United States and a resident of the State of Tennessee for at least five years and a resident of said counties for at least one year.

**SECTION 3.** That said County Mayor shall be commissioned as other Judges of the State and before entering upon the duties of the office shall execute bond for the sum of one thousand (\$1,000.00) dollars, to be approved by the Judge of the Circuit Court, for the faithful performance of his duties, and shall take an oath to support the constitution of the United States and the State of Tennessee and to faithfully perform the duties of his office.

**SECTION 4.** That all vacancies in the office of County Mayor of said counties of this State shall be filled in the same manner as vacancies in the office of Chancellor and Circuit Judges, and when from sickness or other causes, said Mayor is unable to hold his court or attend to the duties of his office, temporary appointments shall be made in the same manner as is now provided by law for Chancellors and Circuit Judges under similar circumstances.

**SECTION 5.** That the office of Chairman and Chairman pro tem of the County Court in said counties of this State be, and the same is hereby abolished, and the office of County Mayor created by this Act shall have and exercise all the powers and jurisdiction now conferred by law on said Chairman and shall perform all of the duties now required of him by law.

**SECTION 6.** That said County Mayors shall also have power and authority to grant fiats for writs of attachment or injunction and certiorari and supersedeas that Chancellors and Circuit Judge (sic) of the State now have; to hear and determine cases on writ of habeas corpus, and in so doing he will be governed by the same rules and regulations provided for Chancellors and Circuit Judges.

**SECTION 7.** That said County Mayors of said counties of this State shall have the rights to solemnize the rites of matrimony.

**SECTION 8.** That said County Mayors shall be the accounting officers and agents of said counties and as such shall have the power, and it shall be their duty, to control all books, papers and documents pertaining to the office of County Court and that it shall be their duty to audit all claims against said counties and audit and settle the accounts of the County Trustee, and those of any other collection of revenues, taxes, or income payable into the County Treasury, and those of any other person intrusted to receive and expend any money of the counties and to require said officers or persons to render and settle their accounts as required by law, or their authority under which they may act.

**SECTION 9.** That the Mayors of the County Court of said counties of this State shall be ex-officio Chairman of the Workhouse Commissioners, and shall also audit all of the accounts of said Workhouse Commissioners, and no warrant shall be drawn and paid by the County Trustee for any purpose out of the county road, bridge or any other fund of the county until it is first approved and signed or countersigned by the County Mayor.

**SECTION 10.** That it shall be the duty of the County Mayors of said counties of this State, and they are hereby authorized to call all of the Road Commissioners to meet at the courthouse in the county seat of

said counties on Tuesday after the first Monday in January, April, July and October of each and every year for the purpose of hearing reports and advising with said Road Commissioners and they shall require all of said Road Commissioners to make settlements as now required by law.

**SECTION 11.** That the County Mayors of said counties shall be Chairman of all committees appointed by the Quarterly Court to build any bridge or levee in said counties and they shall not draw a warrant for the payment of any bridge or levee built by any person in said counties that cost more than one hundred (\$100.00) dollars, unless aid person has a written contract signed by a majority of a committee of three citizens and the Road Commissioner of the District and by the Mayor of the County Court.

**SECTION 12.** That said County Mayors and Road Commissioners shall not approve and sign such warrants until they have first inspected said bridge or levee or other work, and then shall not sign same unless said work has been done according to contract.

**SECTION 13.** That no stationery, books, fuel or other property shall be bought for the said counties except upon the order of said County Mayors, to be approved by the Quarterly Court of said counties.

**SECTION 14.** That on the first day of each Quarterly term of County Court, the Mayors of said counties shall require the clerks of said courts in one general report to state the amount of money in said office in the cases to which said sums belong, but no cost need be stated except State and county revenue, and it shall be the duty of said County Mayors to appoint some person or persons to examine said report to see that same is correct in every respect, and the same shall be filed, not only for the inspection of the court but also for that of the attorneys of the party, or the parties interested, or their agents.

**SECTION 15.** That the duties of said County Mayors shall not interfere with the duties of the County Court Clerk of said counties as now provided by law, but the said clerk shall be and continue the clerk of said county under the provisions of this Act, and shall have and perform all duties and have all power and jurisdiction incident to the duties of County Court Clerk.

**SECTION 16.** A warrant drawn against the county shall be signed by the county mayor and an employee in the county mayor's office, who shall be designated by the county mayor and approved by the county legislative body. Such employee shall enter into bond with good and sufficient sureties as shall be determined by the county legislative body for the faithful performance of the employee's duties.

As amended by: Private Acts of 1993, Chapter 27

**SECTION 17.** That the County Court to be held by the County Mayor under the provisions of this Act shall hold its regular sessions on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and shall have power to preserve order by imposing such fines as will affect that purpose. County Quarterly Court shall meet as now provided by law.

**SECTION 18.** That said County Mayors of said counties shall not practice as attorneys in the court over which they preside, nor act as counsel in any case provided by law.

**SECTION 19.** That the County Court Clerk shall keep a docket of all cases pending before said County Mayor and to be tried by him showing the date of filing, names of parties and attorneys, issue all process and returns, etc.

**SECTION 20.** That said County Mayors of said counties shall receive a salary of twenty-seven hundred (\$2700.00) dollars per annum to be paid monthly out of the county revenue on warrant drawn and issued for that purpose.

As amended by: Private Acts of 1949, Chapter 642

**SECTION 21.** That within thirty days after the passage of this Act, the Governor shall appoint a County Mayor for said counties to serve from the first day of January, 1920, until the first day of September, 1921, and that at the first regular August election for the purpose of electing county officer, a County Mayor shall be elected by the qualified voters of said counties to serve from the first day of September, 1921, until the next regular election of Judges, and that at said election a County Mayor shall be elected by the qualified voters of said counties to serve for a term of eight years, or until their successors are elected and qualified.

As amended by: Private Acts of 2003, Chapter 19

**SECTION 22.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed, and that this Act take effect from and after January 1st, 1920.

Passed: April 9, 1919.

## Private Acts of 1959 Chapter 352

**SECTION 1.** That in counties of this State having a population of not less than 23,300 nor more than 23,325 by the Federal Census of 1950 or any subsequent Federal Census the county mayor is authorized and empowered to employ a clerk and the salary of such clerk shall be fixed at an amount not to exceed



Fifteen Hundred (\$1,500.00) Dollars per annum payable in equal monthly installments from the general fund of the county.

As amended by: Private Acts of 2003, Chapter 19

**SECTION 2.** That this Act shall be of no effect unless the same shall have been approved by a two-thirds vote of the governing body of such county. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court. The result shall be certified by him to the Secretary of State.

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

Passed: March 20, 1959.

**COMPILER'S NOTE:** Many of the provisions of these acts relating to the County Judge have been superseded. The County Executive has no judicial power and exercises no judicial functions.

## County Legislative Body

### Private Acts of 1967 - 68 Chapter 59

**SECTION 1.** That the County Court of Hardeman County, under the provisions of Section 9 of Article II, of the Constitution of Tennessee, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the members thereof, at any meeting of said County Court; providing notice of intention to present such ordinances or ordinance has been given in the manner hereinafter set forth.

**SECTION 2.** That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be considered by the County Court of Hardeman County after notice of intention to propose an ordinance, together with a copy of the proposed ordinance under the authority of this Act, shall have been filed in the office of the Clerk of the County Court of Hardeman County, at least two weeks prior to the session of the County Court at which such ordinance shall be considered.

**SECTION 3.** That it shall be the duty of the Clerk of the County Court of Hardeman County, upon the filing of intention to propose an ordinance, together with a copy of said proposed ordinance, to cause to be published in at least two newspapers of general circulation in Hardeman County, a copy of said proposed ordinance, together with a copy of the notice of intention to propose said ordinance. Said newspaper publication shall carry the following statement, over the name of the County Court Clerk, "The above is a copy of an ordinance filed in my office on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, by Esquire \_\_\_\_\_." Said ordinance may be considered at any meeting of the County Court of Hardeman County at any time within two weeks after the date said ordinance was filed."

**SECTION 4.** That acting as herein set forth said County Court of Hardeman County may by ordinance: (1) Establish speed and/or load limits upon any county secondary roads and other public grounds outside of incorporated towns, in said County; (2) Enact zoning and health ordinances, applying to sections outside incorporated towns, in said County.

**SECTION 5.** That acting under the provisions of this Act, the County Court of Hardeman County may provide that any violation of any ordinance, passed under the provisions of this Act, is a misdemeanor.

**SECTION 6.** That the provisions of this Act are hereby declared to be severable; and that if any Section, provision, exception, sentence, clause, phrase, or part of this Act, be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the Legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in same.

**SECTION 7.** That this Act shall be void and of no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1967.

## County Register

## Private Acts of 1949 Chapter 925

**SECTION 1.** That the County Register of the County of Hardeman, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 2.** That it shall be the duty of the Tax Assessor of Hardeman County to be present in person, or to have a deputy present, at his office in the courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of Hardeman County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof. Failure of the Tax Assessor of Hardeman County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

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

Passed: April 15, 1949.

## Purchasing

### Private Acts of 1989 Chapter 90

**SECTION 1.** Chapter 239 of the Private Acts of 1937, as amended by Chapter 114 of the Private Acts of 1965, Chapter 92 of the Private Acts of 1967, Chapter 335 of the Private Acts of 1982, and Chapter 63 of the Private Acts of 1985 are repealed. This act shall supersede all private acts that may be in conflict with this act.

**SECTION 2.** This act shall be known and may be cited as the "Hardeman County Purchasing Law of 1989".

**SECTION 3.** The county executive of Hardeman County shall serve as the county purchasing agent and shall have the sole power and authority to contract, purchase, lease, or lease-purchase for services, supplies, materials, equipment, construction projects, or any obligation of Hardeman County as further provided by this act, except for items costing less than five thousand dollars (\$5,000) purchased by the Hardeman County Board of Education and the Hardeman County Highway Department.

As amended by: Private Acts of 1997, Chapter 20

**SECTION 4.** All purchases or contracts of Hardeman County shall be made within the limits of the approved budget and the appropriations for the specific department, office, or agency for which the purchase is made.

**SECTION 5.** Purchases or contracts for less than five thousand dollars (\$5,000) may be made directly by the Superintendent of the Hardeman County Board of Education or the Hardeman County Highway Superintendent without going through the county purchasing agent. All other purchases or contracts of Hardeman County for less than five thousand dollars (\$5,000) shall be made by the county purchasing agent. No bidding or advertisement shall be required for purchases or contracts for less than five thousand dollars (\$5,000). Any increases in the bidding limit amount as provided in T.C.A. § 5-14-204 of the County Purchasing Act of 1983 shall apply to purchases pursuant to this act.

**SECTION 6.** Contracts, purchases, leases or lease-purchases for the use of any official, employee, department, or agency of Hardeman County which equal or exceed five thousand dollars (\$5,000) shall, except in emergencies as hereinafter provided, be executed by the county executive as county purchasing agent only after advertising one (1) time in the newspaper published in Hardeman County stating that sealed bids shall be received by the county purchasing agent at a time fixed in the advertisement which time shall not be less than seven (7) days after the publication of the advertisement and which sealed bids shall be opened publicly at the place, time and date advertised. Such advertisement for bids shall describe the requirements and state that detail specifications may be obtained from the county purchasing agent upon request. Bids received after the time of opening shall not be considered. Tabulation of bids shall be compiled as promptly as possible and provided to interested persons upon request. Contracts shall be awarded only to established and responsible vendors or contractors and awards shall be made to the lowest and best bidder or bidders. The county purchasing agent shall reserve the right to reject any or all bids in whole or part and to waive any technical defects in bids received. When two (2) or more bids

are submitted at the same price of the same character, kind and quality, the county purchasing agent may in his discretion award the contract or contracts to either of such bidders or may apportion the requirements between or among such bidders, or may reject all such bids and advertise for additional bids.

As amended by: Private Acts of 1997, Chapter 20

**SECTION 7.** Whenever the item or items are to be delivered in the future and/or require future or extended payments, a written purchase order or contract shall be issued at the time the order is placed or the contract becomes an obligation of the county. The county purchasing agent shall keep a complete record of all purchases or contracts with copies of descriptive advertising, original bids when submitted in writing and the names of all bidders together with the amounts of their several bids, which records shall be open to inspection by any person during normal business hours.

**SECTION 8.** The county purchasing agent may require security to accompany bids and fix the amount thereof and the county purchasing agent may require performance or surety bonds to cover any potential loss to the county.

**SECTION 9.** Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product may be exempted from the competitive and sealed bidding process provided the Hardeman County legislative body has authorized the exemption for such product or service prior to the order or contract. Goods and/or services may be purchased from or sold to other governmental entities without competitive bidding. Contracts for professional services pursuant to Tennessee Code Annotated, Section 12-4-106 shall be exempt from competitive bidding requirements.

**SECTION 10.** Purchases, contracts or leases of any supplies, materials or equipment, may be made by the county purchasing agent for immediate delivery in actual emergencies arising from unforeseen causes or which would affect the health or safety of the citizens of Hardeman County, or which might result in Hardeman County being liable or causing harm to any person. A record of any such emergency purchase shall be made by the county purchasing agent and shall specify the amount paid, the items purchased, from whom the purchase was made, the nature of the emergency, and prices or bids secured from various vendors.

**SECTION 11.** The County Executive as County Purchasing Agent shall receive a minimum annual salary of six hundred dollars (\$600) or such greater amount as may be authorized by the county legislative body, payable in equal monthly installments, as compensation for his services as County Purchasing Agent. Such compensation shall be in addition to and apart from any compensation otherwise allowed the County Executive for any other services.

**SECTION 12.** In the event any section, sentence, or part of this act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this act as severable, and that it would have enacted this act with any invalid or unconstitutional part thereof omitted.

**SECTION 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of the act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: May 11, 1989.

## Welfare Fund Transfers

### Private Acts of 1949 Chapter 370

**SECTION 1.** That Hardeman County, acting by and through its Quarterly County Court at any regular or specially called session, be and the same is hereby authorized to transfer from its County Welfare Fund such sum or sums as it may deem necessary, not in excess of \$20,000.00, and to place the same to the credit of its General County Fund.

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

Passed: March 23, 1949.

## Administration - Historical Notes

### **Budget System**

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

1. Private Acts of 1980, Chapter 210, amended Private Acts of 1937, Chapter 68, by increasing the number of members of the Budget Committee from three to five. The act was not approved by the Hardeman County Legislative Body and did not become effective.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, the official to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County, and would be responsible for discharging the duties as enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Private Acts of 1855-56, Chapter 253, above, in its entirety, and restored the Quorum Courts to their former status.
3. Private Acts of 1921, Chapter 687, provided that the County Judge of Hardeman County would receive, in addition to all other compensation then provided by law, the sum of \$300 annually for his services as financial agent of the County, to be paid monthly out of the general funds of the County as other salaries were paid.
4. Private Acts of 1967-68, Chapter 42, empowered the County Judge with jurisdiction concurrent with the Chancery Court in actions to allow guardians and conservators to encroach upon the corpus of the ward's estate for the use and benefit of the ward.

### **County Legislative Body**

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

1. Public Acts of 1823, Chapter 41, stated that the County Court of Hardeman County would meet on the second Monday in February, May, August and November, and hold Court for one week unless its business was sooner finished.
2. Private Acts of 1823, Chapter 108, created Hardeman County and provided that the Court of Pleas and Quarter Sessions would meet at the home of Thomas McNeil in the County on the third Monday in November, February, May and August.
3. Private Acts of 1824, Chapter 102, provided that the County Court of Hardeman County would meet on the third Monday in February, May, August and November.
4. Private Acts of 1825, Chapter 318, changed the opening dates for several county courts in the State. Terms for the County Court of Hardeman County was scheduled for the first Monday in January, April, July and October.
5. Private Acts of 1826, Chapter 78, authorized the Justices of the Peace of the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison Counties, a majority being present, at the first term of each year, to select three of their number to hold a Quorum Court monthly, or more often during the year. The act was made to apply to several other counties including Hardeman County.
6. Private Acts of 1921, Chapter 137, declared that the Justices of the Peace would be paid \$3 per day and a mileage allowance as provided by law for their regular attendance at the sessions of the County Court.
7. Private Acts of 1935, Chapter 766, required all Justices of the Peace of Hardeman County to file with the County Court within five days next preceding the regular quarterly meeting of the Court, a written, itemized, sworn statement showing the amount of all fines, forfeitures, and other

revenue collected by them during that quarter of the year, the report to be filed whether they had any income or not. Failure to comply would subject the Justice to a fine of from \$10 to \$50, plus an additional \$5 for the County's use, and a penalty of twenty-five percent of any money due the county and not paid. The County Judge or Chairman would furnish printed forms to the Justices on which these reports would be made.

8. Private Acts of 1957, Chapter 392, allowed a per diem of \$8 to Hardeman County Justices of the Peace for attendance at the Quarterly County Court. Along with the per diem, a mileage allowance of five cents per mile was authorized.

### **County Trustee**

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

1. Private Acts of 1917, Chapter 611, amended Private Acts of 1911, Chapter 46, which set the bonds for county trustees across the State, so that the County Trustee of Hardeman County, charged with the collection of state and county revenues, taxes, funds, and money, was required to enter into a bond in an amount not less than one-fourth of the amount of the state taxes collected the previous year, and a bond in an amount not less than one-fourth of the County taxes collected in the prior year, and both bonds were to be conditioned upon the faithful performance of the duties of office by the County Trustee.

### **Purchasing**

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

1. Private Acts of 1931, Chapter 760, created a Purchasing Commission for Hardeman County to be composed of three members. The County Sheriff and County Judge would be members and the Quarterly Court would elect the third member. The duty of the Commission was to purchase all supplies and materials for the County and to set procedures for the maintenance and storage of County property. The commission was further vested with authority over the County Workhouse and the prisoners sentenced to the workhouse. For their services, the members were allowed \$5 per day, \$50 per month, maximum.
2. Private Acts of 1933, Chapter 260, repealed Private Acts of 1931, Chapter 760, above.
3. Private Acts of 1937, Chapter 239, as amended by Chapter 114 of the Private Acts of 1965, Chapter 92 of the Private Acts of 1967, Chapter 335 of the Private Acts of 1982, and Chapter 63 of the Private Acts of 1985, sets out the procedure for purchases or contracts for purchases for the county. This act was repealed by Chapter 90 of the Private Acts of 1989.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Hardeman 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. Private Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds, as Commissioners to select and fix on a site for the permanent seat of justice in the Counties of Dyer, Weakley, Gibson, McNairy, Hardeman, Obion, Tipton and Haywood. These sites would be selected as near the center of the particular county as possible. The Commissioners were authorized to acquire at least fifty acres of land, subdivide the acreage into lots, and cause deeds to be made to themselves and their successors in office by general warranty deed.
2. Private Acts of 1824, Chapter 132, stated that the Commissioners appointed by the County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy Counties to lay off and sell the lots in the Counties' seats of justice, would have full power to determine the size of the public square in the towns and the widths of their streets and alleys. The act stated that the name of the County Seat in Hardeman County would be Hatchee.
3. Private Acts of 1825, Chapter 114, declared that the Town of Hatchee in Hardeman County would thereafter be known and called by the name of the Town of Bolivar.
4. Private Acts of 1825, Chapter 204, appointed James Chisom, Josiah Hatley, and Ebenezer Kilpatrick as additional Commissioners for the Town of Bolivar, all of whom would have the same authority and responsibilities as the Commissioners appointed prior to the act.

5. Private Acts of 1826, Chapter 127, Section 2, authorized C. Brock to build a mill on Little Creek in Hardeman County.
6. Public Acts of 1827, Chapter 12, created a Treasury Department for the Western District of Tennessee which consisted of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison and Gibson. The Treasurer of the District would be appointed by joint ballot of both Houses of the Legislature and would open an office in the city of Jackson, Tennessee. All taxes due the State from the Western District would be paid at that office instead of in Nashville.
7. Private Acts of 1827, Chapter 50, incorporated the citizens of Bolivar into a body corporate and politic to operate by the name of the Mayor and Aldermen of the Town of Bolivar. The Sheriff would hold an election for seven Aldermen who would choose one of their number to be Mayor.
8. Private Acts of 1827, Chapter 58, allowed Joseph W. McKain, Francis Shoemake, Thomas J. Hardeman, Hiram Bradford, Jacob Tipton, John T. Brown, Lawrence McGuire, David Jeffries, Jesse L. Kirk, John Bills, John Lee, James Ruffin, David Laird, Edmund Anderson, Austin Miller, and William Polk to compose a scheme and conduct a lottery to raise up to \$20,000 to improve the navigation of the Hatchie River. All money raised by the lottery would be paid to the Chairman of the County Court in Hardeman County.
9. Private Acts of 1831, Chapter 183, allowed Robert Robson, of Hardeman County, to lay off a town on thirty acres of property which he owned and lived on, including the Cross Roads, which town would be named Van Buren. All streets, alleys, and public places would be marked on the official map of the town and held in trust for those who were to buy lots in the town.
10. Private Acts of 1832, Chapter 511, authorized the Court of Pleas and Quarter Sessions of Hardeman County to permit David McKinly to build a bridge and causeway across the Hatchie River at or near the point where the Purdy Road crossed. The court would regulate the amount of tolls to be charged.
11. Private Acts of 1833, Chapter 71, permitted Elihu C. Crisp, the surveyor of the Tenth District, to keep his office at any place within three miles of the town of Bolivar in Hardeman County. Those laws which required the office kept at or in the town of Bolivar were repealed.
12. Public Acts of 1835-36, Chapter 48, abolished the County Surveyor offices in those counties south and west of the Congressional Reservation Line. Surveyors would turn over all of their official records to the Entry Takers of the respective counties who would perform and discharge the Surveyors duties in the future. The Surveyor of the 10th District would deliver and turn over all his official records to the Entry Taker of Hardeman County.
13. Acts of 1837-38, Chapter 48, repealed that part of the 1835 Public Law which permitted the Board of Common School Commissioners of Hardeman County to receive the portion of the Internal Improvement Fund to which the County would be entitled. The County Court of the County would receive this money and all other money which would be due Hardeman County from any source. The County Court was authorized to expend the monies in whatever way it may deem best for the County's internal improvement.
14. Acts of 1837-38, Chapter 60, declared the Big Hatchie River in Hardeman County to be navigable up to the place known as Rosson's Bridge, near the three forks of the River. It would be unlawful for anyone to obstruct or impede the navigation of the River by a dam, or otherwise, except that the public bridges then standing were not required to be removed.
15. Acts of 1847-48, Chapter 11, stated that certain persons had been granted the authority to build a bridge across the Hatchie River on the road from Bolivar to Purdy; that the river had been declared navigable along that route; that money had been spent to clear the river of obstructions; and that the river was obstructed by this bridge so that steamboats could not go beyond Bolivar. The act appropriated \$500 to build a drawbridge using the existing bridge. Thomas Joynes, David McKennie, and Rufus P. Neely were named Commissioners to oversee the work, subject to final acceptance by the County Court of Hardeman County.
16. Acts of 1847-48, Chapter 12, repealed the laws incorporating Bolivar and re-incorporated the City. It provided for the election of seven Aldermen, from whose number a Mayor would be selected. The act created the offices of Recorder, Constable, and Treasurer.
17. Acts of 1847-48, Chapter 209, appropriated \$250 to clear out obstructions in the Hatchie River and to convert a bridge into a drawbridge in the area between the two bridges over the said River, one on the road leading from Bolivar to Purdy, and the other on the road from Bolivar to Jackson.
18. Acts of 1849-50, Chapter 231, appropriated \$300 to clear out the Hatchie River of obstruction and to complete a drawbridge on Simpson's Bridge so as to afford a safe and convenient passage for

steamboats from the mouth of the Hatchie River to the mouth of the Tuscumbia River. William Simpson, Rufus P. Neely, and Jesse Franklin were appointed Commissioners to supervise the projects and to report to the Hardeman County Court.

19. Public Acts of 1870-71, Chapter 98, declared that the Hatchie River was navigable from its mouth to the railroad bridge at Bolivar.
20. Public Acts of 1871, Chapter 119, specifically repealed Acts of 1870-71, Chapter 98, above, and declared that the Big Hatchie was navigable from its mouth only to the railroad bridge in Haywood County.
21. Acts of 1879, Chapter 32, repealed Public Acts of 1871, Chapter 119, above, and declared that the Big Hatchie River was navigable from its mouth to the point where the Mississippi Central Railroad crosses said river in Hardeman County, provided that all railroad companies having bridges across said River would have until the first Monday in November, 1879, to put draws on their bridges, or arrange the bridge structure so that they would not impede the navigation of the river.
22. Public Acts of 1879, Chapter 104, granted the authority to the County Court of Hardeman County to appoint three Notaries Public for the County in addition to the number then permitted by law. They would reside and keep their offices respectively, in Pocahontas, Grand Junction, and Toons Station.
23. Public Acts of 1899, Chapter 69, closed navigation on the Big Hatchie River from the point where the Illinois Central Railroad crossed the River in Hardeman County to the point where the dividing line between Hardeman and Haywood Counties crossed the River, but no obstruction was allowed to be placed in the portion of the River described which would prevent the passage of rafts and flat boats up and down the River.
24. Acts of 1907, Chapter 546, amended Acts of 1901, Chapter 136, above, in several details but most importantly, but primarily in the manner that the Road Commissioner would receive and dispose of petitions to open, close, or change the roads.
25. Private Acts of 1915, Chapter 90, authorized the County Court of Hardeman County to appoint female citizens, over the age of 21, who are residents of the County and State, to the office of Notary Public.

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