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# Chapter I - Administration

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Dear Reader:

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

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

Sincerely,

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Table of Contents

<b>Chapter I - Administration .....</b>	<b>. 3</b>
<b>County Clerk .....</b>	<b>. 3</b>
<b>Private Acts of 1995 Chapter 19 .....</b>	<b>. 3</b>
<b>County Executive .....</b>	<b>. 3</b>
<b>Private Acts of 1995 Chapter 27 .....</b>	<b>. 3</b>
<b>County Legislative Body .....</b>	<b>. 3</b>
<b>Private Acts of 1959 Chapter 248 .....</b>	<b>. 3</b>
<b>Administration - Historical Notes .....</b>	<b>. 4</b>

## Chapter I - Administration

### County Clerk

#### Private Acts of 1995 Chapter 19

**SECTION 1.** Prior to the issuance of any new business license, the County Clerk of Trousdale County shall require evidence that the location of the applicant's business is in compliance with county zoning ordinances. The county clerk may accept a statement of compliance signed by a planning or zoning officer of the county or municipality, that the location of the applicant's business is in conformity with the county or municipality, respectively. The county clerk shall verify the physical location of any applicant for a business license having a postal service box address. In any actions relative to the enforcement of provisions of a zoning ordinance by an enforcement officer, the issuance of such business license by the county clerk shall not be construed as evidence of compliance with zoning requirements in such actions.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Trousdale County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Trousdale County 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 upon being approved as provided in Section 2.

Passed: March 9, 1995.

### County Executive

#### Private Acts of 1995 Chapter 27

**SECTION 1.** The county legislative body of Trousdale County is authorized by resolution to designate the chairman pro tempore of the county commission to carry out the necessary duties of the county executive if the county executive of Trousdale County is chairman of the county commission and is absent or intends to be absent, or is temporarily unable to perform the regular necessary duties of such office for any period of less than twenty-one (21) days. If the county executive is not the chairman of the county commission, then such legislative body may designate the chairman of the county commission to carry out such duties of the county executive during such period. The county executive of Trousdale County shall by letter filed with the county clerk designate the periods of less than twenty-one (21) days that he or she intends to be absent or will be temporarily unable to perform the regular necessary duties of such office, if known in advance, and such chairman pro tempore or chairman, as appropriate, shall perform such duties. "Regular necessary duties" means such duties of the county executive which are routinely required to be performed for the day-to-day operation of the county.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Trousdale 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 purposes 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 upon being approved as provided in Section 2.

Passed: March 27, 1995.

### County Legislative Body

#### Private Acts of 1959 Chapter 248

**COMPILER'S NOTE:** This Act is published as the most recent authority for mileage payments in Trousdale County. The per diem compensation of the County Legislative Body is now regulated by T.C.A. 5-5-107.

**SECTION 1.** That the various Justices of the Peace of Trousdale County, Tennessee, shall receive the sum of \$15.00 per diem for each day's attendance as a member of the Quarterly County Court of Trousdale County for their attendance at each regular or special session of said Court.

In addition thereto each Justices of the Peace shall receive the sum of Ten cents (10¢) for each mile necessarily travelled in attending each regular or special session of the Quarterly County Court.

As amended by:

Private Acts of 1971, Chapter 18

**SECTION 2.** That the provisions of this Act shall become effective on September 1, 1960, provided the same shall be approved by a majority of the voters voting in a special election to be held for such purpose. Within sixty (60) days after the approval of this Act by the Governor, it shall be the duty of the Trousdale County Board of Election Commissioners to call a special election to be held in said County and said election shall be held not less than thirty (30) nor more than sixty (60) days from the date of such call for the purpose of approving or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the provisions of this Act and the voters shall vote for or against its adoption. The vote cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days after the date of such election and the results thereof shall be proclaimed by such election commission and certified to the Secretary of State, at Nashville. The qualification of the voters voting in said election shall be the same as now required of voters casting their ballot for members of the General Assembly and all laws applicable to general elections shall apply to the election to be held hereunder, the public welfare requiring it.

Passed: March 11, 1959.

## Administration - Historical Notes

### County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Trousdale County. They are included herein for historical purposes only.

1. Private Acts of 1947, Chapter 462, established the office of County Judge in Trousdale County and abolished the office of Chairman of the County Court of Trousdale County. The County Judge was popularly elected for a term of eight years. The act provided for the County Judge to perform the duties formerly exercised by the Chairman and he was empowered to break tie votes of the Quarterly County Court. This act was superseded by Chapter 934 of the Public Acts of 1978 which created the office of County Executive and abolished the office of County Judge, transferring administrative duties to the County Executive and judicial duties to other courts.
2. Private Acts of 1955, Chapter 104, would have repealed Private Acts of 1947, Chapter 462, which created the office of County Judge effective on September 1, 1958. However, this Act was rejected in a referendum election by the people of Trousdale County and was therefore rendered null and void.
3. Private Acts of 1974, Chapter 255, would have amended Private Acts of 1947, Chapter 462, by increasing the annual salary of the County Judge from \$1,500 to \$6,600, but this Act was not approved by the Quarterly Court and never became effective.
4. Private Acts of 1974, Chapter 368, would have amended Private Acts of 1947, Chapter 462, by transferring effective September 1, 1974, every judicial function, authority and responsibility of the County Judge as a juvenile and probate court to the Judge of the General Sessions Court. The salary of the County Judge would not be diminished by the transfer of his judicial authority. This Act was not approved by the local authorities and never took effect.

### County Legislative Body

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

- Private Acts of 1919, Chapter 242, fixed the per diem of the Justices of the Peace in Trousdale County at \$3 per day for each day he attends any regular, or special, session of the Quarterly County Court. The Act also specified that the Justices would be paid all the mileage, ferriage and toll fees as were then provided under the general law.
- Private Acts of 1923, Chapter 596, set the per diem payments to Justices of the Peace in Trousdale County at \$2 per day for each day of attendance at meetings of the Quarterly Court plus such mileage as the Quarterly Court may allow.
- Private Acts of 1929, Chapter 664, stated that after September 30, 1930, the Chairman of the County Court of Trousdale County would be elected by the members of the County Court instead of by the qualified voters of the county. The election would take place at the same time the county general election was held.

- Private Acts of 1931, Chapter 315, declared that in Trousdale County, the Justices of the Peace shall be entitled to receive as compensation for their services the sum of \$4 per day for each day he attends any regular or special session of the Quarterly County Court, plus such mileage, ferriage, and tolls as may be payable under the general law.
- Private Acts of 1943, Chapter 228, stated that hereafter the Quarterly County Court of Trousdale County would meet in regular session on the second Monday in January, April, July and October instead of on the first Monday in the same months.
- Private Acts of 1949, Chapter 732, provided that the Quarterly Court of Trousdale County would meet in regular session on the Wednesday after the first Monday in January, April, July and October instead of on the second Mondays in the same month. This Act was repealed by Private Acts of 1963, Chapter 95.

### **County Register**

The following acts once affected the office of county register in Trousdale County, but are no longer operative.

1. Private Acts of 1917, Chapter 538, provided that women over the age of 21 in Trousdale County would be eligible to serve as Deputy Register with all the responsibilities, duties and privileges of the office.
2. Private Acts of 1935, Chapter 321, amended Private Acts of 1933, Chapter 444, which set the maximums on the supplementary salaries of the Sheriff, the Clerk and Master, and the Circuit Court Clerk of Trousdale County, by adding the County Register to that list and setting the supplemental salary maximum of the Register at \$300 per year, which would be in addition to all the fees of the office.

### **Purchasing**

The following act once affected the purchasing procedures of Trousdale County, but is no longer operative.

1. Private Acts of 1955, Chapter 321, set up a system for purchasing supplies, materials and equipment for Trousdale County. The officer in charge of each office, commission, board or agency would make all purchases in excess of \$100 through competitive bidding. The officer would receive no compensation for his duties as purchasing agent. This Act was rejected by the voters in a local referendum and consequently never took effect.

### **General Reference**

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

1. Public Acts of 1870-71, Chapter 50, authorized the counties to impose taxes for county purposes subject to two conditions: (1) That all taxable property shall be taxed according to its value upon the principles established in regard to State taxation, and (2) That the credit of the county shall not be given or loaned to any person, company or association except upon the consent of a majority of the Justices of the Peace and upon approval of three-fourths of the voters in a local election. Trousdale and twenty-five other counties required only the approval of a majority of the voters until 1880.
2. Public Acts of 1897, Chapter 124, fixed the salaries for several of the county officials according to the population of the county in which the official was serving, provided certain requirements for filing a sworn, itemized statement of the fees collected in the office were observed. All fees would become the property of the county, and in no event shall the salary exceed the amount of the fees paid in. This Act was declared unconstitutional by the courts in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
3. Private Acts of 1937, Chapter 442, gave the authority to the Quarterly County Court of Trousdale County to appropriate up to \$3,000 in funds to pay innocent purchasers of unpaid county warrants, which were purchased at face value, the amount such purchasers may have paid therefor.

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