



March 31, 2025

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Chapter I - Administration

## Building Permits

### Private Acts of 1975 Chapter 7

**SECTION 1.** Any person desiring to erect or have erected, constructed or reconstructed, any building or structure in Sumner County, shall first apply to the Building Commissioner of Sumner County for a building permit for such erection, construction, reconstruction, or alteration. The value of any alteration must exceed the sum of one thousand dollars (\$1,000) before a permit shall be required. Said application shall be in a form to be prescribed by the Building Commissioner 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 alterations; (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 the alteration of an existing structure, the estimated value of such structure before and after such alteration; and (5) such other information as the Building Commissioner shall prescribe. Upon proper application, duly filed and found to be in compliance with the Sumner County Zoning Resolution, the Building Commissioner shall issue a building permit and shall charge a fee for such service, the fee to be as prescribed by the Sumner County Planning Commission. All sums collected from the fees shall be paid into the General Fund of Sumner County. After issuance of the building permit, the Building Commissioner shall transmit a copy of it to the Sumner County Tax Assessor, provided however, that no new or additional property tax shall be assessed against such premises unless or until the same are completed to the extent that they are habitable or may be put to use.

**SECTION 2.** This Act shall apply to the setting of mobile homes or any other kind of sectional or modular housing units, and the fact that one unit is changed for another on the same site shall not exclude the unit from the provisions of this Act.

**SECTION 3.** This Act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same nor within official planning regions duly established under Tennessee Code Annotated, Section 13-202 and 13-711 -- 13-713 [now 13-3-102 and 13-7-302 -- 13-7-304], provided copies of such permits are made available to the Building Commissioner at regular monthly intervals.

**SECTION 4.** This Act shall not apply to the erection or construction of barns, silos, sheds, or other similar out-buildings directly associated with agricultural uses of the land.

**SECTION 5.** Sumner County is empowered to enjoin anyone from proceeding with any construction until the terms of this Act are complied with, and the County Attorney shall institute injunctive proceedings upon the request of the Building Commission and the Sumner County Planning Commission.

**SECTION 6.** Public or private utilities shall not furnish any service to any person or persons desiring to erect or have erected, constructed or reconstructed, any building or structure in Sumner County without being presented with a properly executed building permit.

**SECTION 7.** Violations of the provisions of this Act shall be punishable, upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day the violation continues shall be deemed a separate offense.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County on or before the next regular meeting of such court occurring more than thirty (30) days after its approval by the Chief Executive of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court of Sumner County and shall be certified by him to the Secretary of the State.

**SECTION 9.** 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 8.

Passed: March 6, 1975.

## County Attorney

### Private Acts of 1973 Chapter 95

**SECTION 1.** There is created the Office of Law Director for Sumner County who shall be elected by the Sumner County Board of County Commissioners for an initial six (6) year term, the initial institution of said term to begin at the regular meeting in September, 1995, or as soon thereafter as possible. At the expiration of this initial term, the term thereafter shall be elected by the Sumner County Board of County Commissioners at intervals of four (4) years.

As amended by: Private Acts of 1984, Chapter 225,  
Private Acts of 1995, Chapter 12.

**SECTION 2.** Pursuant to the terms set forth by the County Commission, the Office of the Law Director shall submit a budget for approval in order to operate the Office of Law Director and provide the necessary legal services to the County. As amended by: Private Acts of 1995, Chapter 12.

**SECTION 3.** It shall be the duty of the Law Director to transact all the legal business of the county, either in court or otherwise, and to advise the county officials upon legal matters effecting their offices, and no officer of the county shall employ any other attorney, unless such other attorney shall be required by the conflicting nature of specific litigation involved, or such other attorney shall be employed at the personal expense of the county officer, or the other attorney shall be specifically authorized and empowered by the Sumner County Board of County Commissioners.

As amended by: Private Acts of 1995, Chapter 12.

**SECTION 4.** Chapter 752 of the Private Acts of 1917, Chapter 451 of the Private Acts of 1931, Chapter 438 of the Private Acts of 1945, and Chapter 226 of the Private Acts of 1965 are repealed.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County on or before December 1, 1973. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 6.** 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 5.

Passed: May 2, 1973.

**COMPILER'S NOTE:** Private Acts of 1995, Chapter 21 appears to contain the same language as the act above; however, this act has not been certified to the Secretary of State's office.

## County Mayor

### Private Acts of 2004 Chapter 137

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

As amended by: Private Acts of 2019, Chapter 1.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner 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: May 21, 2004.

## Elderly and Child Care Centers

### Public Acts of 1992 Chapter 957

**SECTION 1.** Tennessee Code Annotated, Title 6, Chapter 54, is amended by adding Section 2 through 8 as a new part.

**SECTION 2.** The purpose of this act is to facilitate the operation of a child care center by a municipality. This act shall enable a municipality to establish a child care center and require payment of fees for the privilege of using a child care center.

**SECTION 3.** Definitions. Wherever used in this act, the following terms shall have the following

meanings:

- (1) "Child Care Center" or "Day Care Center" means a facility and all appurtenances by which child care is rendered by an agency operated by a person which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours a day without transfer of custody.
- (2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of a child care center, preliminary planning to determine the feasibility of a child care center, the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of a child care center, and the inspection and supervision of the construction of a child care center.
- (3) "Municipality" means any county, metropolitan government, or incorporated town or city or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.
- (4) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or county.

**SECTION 3.** The governing body of any municipality may authorize the construction, extension, enlargement, acquisition, improvement or operation of a child care center within or without its corporate boundaries.

**SECTION 4.** Consistent with all requirements of state and federal law that apply to such activities, a child care center may:

- (1) Exercise general regulation over the planning, location, construction, operation and maintenance over a child care center within or without the municipality; and
- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this act including the adoption of a system of fees for services.

**SECTION 5.** A municipality constructing, operating, or maintaining a child care center is authorized to establish a child care center user's fee which may be assessed and collected from each user of the child care center. These fees shall be reasonable in amount and used by the municipality for purposes set forth in this act.

**SECTION 6.** A municipal legislative body may finance a child care center under the provisions of the Local Government Public Obligations Act of 1986, as amended which is codified at Tennessee Code Annotated, Title 9, Chapter 21.

**SECTION 7.** The powers conferred by this act are in addition and supplemental to the powers conferred by any other law, charter, or home rule provision.

**SECTION 8.** Nothing herein shall be construed to limit the power or authority of the Department of Human Services with respect to regulation of child care centers of Tennessee. Any ordinance, or regulation adopted or imposed by a municipality shall be consistent with the regulations and oversight by the Tennessee Department of Human Services.

**SECTION 9.** The provisions of this act shall only apply in counties having a population of not less than 103,100 nor more than 103,400 according to the 1990 Federal Census or any subsequent Federal Census.

**SECTION 10.** 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 11.** This act shall take effect upon becoming a law, the public welfare requiring it.  
Passed: April 30, 1992.

**COMPILER'S NOTE:** This is a special public act and is not codified in Tennessee Code Annotated.

## Eminent Domain

### Private Acts of 2023 Chapter 19

**SECTION 1.** Eminent domain must not be used in Sumner County to acquire privately owned real property for parks, trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use, unless the privately-owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street, and applies to the following entities with the power to condemn in Tennessee:

- (1) Airport authorities under T.C.A. §§ 42-3-108-42-3-109; 42-3-204;
- (2) County airports under T.C.A. § 42-5-103;
- (3) County controlled access highways under T.C.A. § 54-16-104;
- (4) County electric plants under T.C.A. § 7-52-105;
- (5) County industrial parks under T.C.A. § 13-16-103;
- (6) County levees under T.C.A. § 69-4-105;
- (7) County public transportation systems under T.C.A. § 7-56-106;
- (8) County public works projects under T.C.A. § 9-21-107;
- (9) County railroad systems under T.C.A. § 7-56-207;
- (10) County recreational land under T.C.A. § 11-24-102;
- (11) County roads under T.C.A. §§ 29-17-801 et seq.; 54-10-205;
- (12) County schools under T.C.A. §§ 49-6-2001 et seq.;
- (13) County solid waste sites under T.C.A. § 68-211-919;
- (14) Drainage and levee districts under T.C.A. §§ 29-17-901 et seq.; 69-5-201 et seq.;
- (15) Hospitals under T.C.A. § 29-16-126;
- (16) Housing authorities under T.C.A. §§ 13-20-104; 13-20-108 - 13-20-109; 13-20-212;
- (17) Light, power, and heat companies under T.C.A. § 65-22-101;
- (18) Pipeline companies under T.C.A. § 65-28-101;
- (19) Road improvement districts under T.C.A. § 54-12-152;
- (20) Solid waste authorities under § 68-211-908;
- (21) Utility Districts under T.C.A. § 7-82-305;
- (22) Water and Wastewater Authorities under T.C.A. § 68-221-61 O; and
- (23) Water and Waterworks Companies under T.C.A. § 65-27-101.

**SECTION 2.** This act does not apply upon written agreement between the owner of the real property and a:

- (1) Planned unit development;
- (2) Homeowner's association; or
- (3) Business or related entity.

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

**SECTION 4.** 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 3.

Passed: May 11, 2023.

## Energy Authority

### Private Acts of 1978 Chapter 227

**SECTION 1.** There is hereby established an energy authority for Sumner County to provide dependable energy supplies for the citizens of the County.

**SECTION 2.** The membership of the authority shall consist of the Sumner County Judge, the County Court Clerk of Sumner County, one (1) member of the Sumner County Court, one (1) resident of Gallatin, one (1) resident of Hendersonville, one (1) resident of Portland, one (1) resident of Westmoreland, one (1) resident of White House, and those members of the Tennessee House of Representatives representing Sumner County, or any part thereof, in the General Assembly. The member representing the county court shall be appointed by the county judge and the members representing the towns and cities of Sumner County shall be appointed by the Mayors of the respective towns and cities. The County Court Clerk of

Sumner County shall serve as secretary of the authority.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 4.** 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 3.

Passed: March 13, 1978.

## Financial Management System

### Private Acts of 2002 Chapter 113

**SECTION 1.** This act shall be known and may be cited as the Financial Management System of the County of Sumner, Tennessee of 2002".

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

- (1) "Committee" means the county financial management committee;
- (2) "Department" means the finance department;
- (3) "Director" means the director of the finance department; and
- (4) "Local education agency," "LEA," "school system," "public school system," "local school system," "school district," or "local school district" means the Sumner County school system created or authorized by the general assembly of the State of Tennessee.

**SECTION 3. Finance department - General provisions [Exclusion from coverage of Act].**

- (a) (1) There is hereby created a finance department to administer the finances of the county for all funds of the various departments, agencies and boards which are handled by the county trustee.
- (2) The accounting, bank accounts, personnel and salary policies, and other policies of the funds and offices of the clerks of courts, county clerk, register of deeds, sheriff and trustee, which were not subject to the budgeting authority of the county legislative body prior to application of this act, are not subject to the provisions of this act. This act shall not be construed as authority over the fee and commission accounts of other accounts that are not handled by the trustee for offices other than the trustee nor for the trustees fee and commission account. This act shall not be construed as authority over personnel policies or procedures or salaries of the various county offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the finance committee.
- (b) The finance department shall be responsible for purchasing, accounting, budgeting, payroll, cash management and other such financial matters of the county as herein provided.
- (c) All employees, except employees of the LEA, performing the functions of purchasing, payroll, accounting and budgeting in the various operating departments shall be under the supervision of the director of finance, and such salaries, benefits and expenses relating to such personnel shall be budgeted under the finance department, notwithstanding any other law to the contrary. LEA employees performing such functions shall remain under the supervision of the director of schools.
- (d) (1) The department shall establish a system of fiscal management, control, accounting, budgeting, purchasing and cash management as herein provided.
- (2) Such system shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national council of governmental accounting, and the rules and regulations established by the comptroller of the treasury, commissioner of education and state law.
- (e)(1) Notwithstanding any provision of this act to the contrary, to the extent not prohibited by Tennessee Code Annotated, Title 49, Chapter 2 and Section 5-9-407 or any other provision of general law, the county legislative body may authorize, by two thirds (2/3) majority vote, the LEA or county highway department to perform any of the functions or provisions required under the provisions of this act affecting or related to the LEA or county highway department, respectively. In the event the LEA or county highway department is authorized to perform such functions, the county legislative body shall designate in writing the office of the LEA or county highway department, respectively, that is responsible for compliance with the provisions of this act relative

to the functions assigned and in addition may establish, after allowing the financial management committee to submit recommendations, financial procedures and reporting requirements to include, but not to be limited to, the following:

- (A) Monthly financial reports;
- (B) Approval of the required annual audit contract with a licensed Tennessee certified public accountant and the reports presented in such audit;
- (C) Inspection of records, bank statements and other financial records and
- (D) Approval of the annual budget by the county legislative body prior to the beginning of the fiscal year.

(2) If the LEA or highway department is authorized to perform the functions of this act in accordance with subdivision (1), the county legislative body may by two-thirds (2/3) majority vote withdraw such authorization from the LEA or highway department. Upon voting to withdraw such authority granted to such LEA or highway department as provided under subdivision (2), implementation of the provisions of this act with respect to the LEA or highway department shall begin no later than the beginning of the next fiscal year.

#### **SECTION 4. Financial management committee – General provisions.**

(a) A financial management committee is hereby created.

(b) (1) The committee shall consist of the county executive, supervisor of highways, director of schools, and four (4) members elected by the county legislative body at its regular September session of each year or at any subsequent session.

(2) The four (4) members shall be members of the county legislative body. If the finance department performs no functions for the highway department or the education department, then the superintendent of highways or the director of schools, respectively, shall not be a member of the committee and the sheriff shall be named to that committee.

(c) Such committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided herein.

(d) The director shall be the ex officio secretary of such committee.

(e) (1) The committee shall establish and approve policies, procedures and regulations in addition to the specific provisions of this act, for implementing a sound and efficient financial system for administering the funds of the county.

(2) Such system shall include budgeting, accounting, purchasing, payroll, cash management and such other financial matters necessary to an efficient system.

As amended by: Private Acts of 2003, Chapter 26.

#### **SECTION 5. Special committees – General provisions.**

(a) The county legislative body may authorize the committee to assume the functions of any or all of the following special committees or the county legislative body may by resolution create:

- (1) A budget committee;
- (2) An investment committee; or
- (3) A purchasing committee.

(b) The special committees shall be composed of a minimum of five (5) members appointed by the county legislative body. The members of such committees shall be members of the county legislative body.

(c) The director shall be the ex officio secretary of each such committee.

(d) The budget committee shall establish and approve policies, forms and documents, procedures, and regulations necessary for the preparation of the annual operating and capital improvement budgets.

(e) The investment committee shall establish and approve policies and procedures for cash management and investing idle cash funds in various investments as prescribed by law.

(f) The purchasing committee shall establish and approve policies and procedures for the purchasing of all supplies, equipment or goods for the county.

#### **SECTION 6. Director – Appointment and compensation.**

(a)

(1) The committee shall recommend the appointment of the director subject to ratification by the county legislative body.

(2) The committee may dismiss the director, subject to the approval of the county legislative



body.

(3) The director shall for all purposes be an employee of the county.

(b)

(1) The director shall have a minimum of a bachelor of science degree from an accredited college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting.

(2) The committee may select a person not having a bachelor of science degree or having a sufficient number of hours in account; provided, that such person has at least two (2) years of acceptable experience in a related position or an equivalent number of other related courses.

(c) The establishment of the compensation of the director shall be recommended by the committee and approved by the county legislative body.

#### **SECTION 7. Director – Duties.**

(a) The director shall oversee the operation of the department in the functions established by this act, and shall be responsible for the implementation of the policies of the committee or such special committees established by the county legislative body.

(b) The director shall, among the director's duties, install and maintain a purchasing, payroll, budgeting, accounting and cash financial management system for the county.

(c) The director shall assist other county officials and employees in achieving an efficient financial management system for the county.

(d) The director has the authority to hire personnel for the finance department; provided, that the positions are funded in the annual budget and the personnel so hired meet the written job requirements as recommended by the director and approved by the committee.

(e) The director shall be responsible for ensuring all applicable federal, state and county laws that apply to the finance department are complied with and shall immediately notify the county attorney and the financial management committee of any discrepancies noted.

#### **SECTION 8. Director – Deputy.**

(a) A person employed by the finance department shall be recommended by the director and approved by the committee to serve as deputy director of finance.

(b)

(1) The person employed for this position shall perform such duties and responsibilities as assigned by the director.

(2) In the absence of the director, the deputy director shall perform the duties of the director necessary to the continued operation of the department, including, but not limited to, the cosigning of warrants, payroll checks and purchase orders.

#### **SECTION 9. Director – Bond.**

(a) The director shall execute a blanket bond in an amount of not less than fifty thousand dollars (\$50,000) for the faithful performance of the director's duties as director and of the department employees in accordance with the general law for such bonds.

(b) The cost of such bond shall be paid from funds appropriated to the department for such purpose.

(c) The amount of such bond may be increased subject to the approval of the committee, and additional appropriations by the county legislative body.

(d) The bond shall be prepared in accordance with the provisions of Tennessee Code Annotated, Title 8, Part 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

#### **SECTION 10. Budget – Preparation and committee review.**

(a) The budget committee, in conjunction with the director shall, on or before February 1 of each year, prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.

(b) Each department or office of county government shall submit on request of the budget committee a proposed budget for the succeeding fiscal year and such other budgetary information requested by the director of the budget committee.

(c)

(1) The director shall prepare from the information submitted to such director a consolidated budget document.

(2) Such document shall show by item the amounts estimated by the various departments and

officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, school funds and all other funds.

(3) Such document shall show an estimate of the revenues to be received by each of the funds during the next fiscal year and an estimate of the unencumbered fund balance of each of such funds at the beginning of the fiscal year.

(d)

(1) The director shall file the consolidated budget with the budget committee.

(2) The budget committee shall review and present the recommended budget to the members of the county legislative body at least ten (10) days prior to the July meeting.

(3) Such budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year as submitted by each department, office or agency and recommended by the budget committee, and shall conform to the uniform classification of accounts established by the director in accordance with the prescribed state uniform accounting system.

(4) It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose, administered by the county board of education and county superintendent of schools, shall conform to the classification of accounts as prescribed by the commissioner of education.

(5) The budget committee shall fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate to fund such budget. The budget committee shall fully provide for any courtordered expenses, including, but not limited to, deputies' and assistants' salaries authorized by court order pursuant to Tennessee Code Annotated, Title 8, Part 20. The budget, when adopted, shall appropriate funds to fully comply with such court order. The county legislative body shall adopt any budget amendment necessary to implement the provisions of such court order.

#### **SECTION 11. Budget – Hearings – Supporting documents – County action.**

(a) (1)

(A) At least ten (10) days before the proposed budget is to be presented to the governing body, the budget committee shall cause to be published in a newspaper of general circulation the proposed annual operating budget.

(B) This budget shall contain a budgetary comparison for the following governmental funds:

(i) General:

(ii) Highway/public works;

(iii) General purpose school fund; and

(iv) Debt service that shall include comparisons of the proposed budget with the current year and the prior year.

(C) The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, state of Tennessee, federal government and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

(b) The budget committee shall present the budget to the county legislative body at the regular July meeting each year or at a special session called for this purpose prior to the regular July meeting.

(c) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget.

(d) With the proposed budget, the budget committee shall deliver to the county legislative body a budget appropriation resolution and a tax levy resolution.

(e)

(1) The county legislative body may alter or revise the proposed budget except as to provision for debt service requirements and for other expenditures required by law.

(2) The county legislative body shall finally adopt a budget in July.

(f)

(1) After the adoption of the budget, any county department, agency or official shall be entitled to a hearing before the county legislative body to justify any proposed additional

requests or budget estimates.

(2) The director may make quarterly allotments to any department, agency or official seeking a budget hearing in an amount not in excess of that approved in the budget for such quarter.

(3) Upon amendment of the budget, the director shall make a supplemental allotment or impound the funds of any department, agency or official to bring such appropriations in line with the amended budget.

(g) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the county clerk.

### **SECTION 12. Appropriations – Later modifications – Impounding.**

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by the resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) Any resolution presented to the county legislative body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the county legislative body, which provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide by tax levy sufficient revenues, or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

(c)

(1) If at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds, together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the director to impound the appropriations from such fund in such amount as shall be necessary to balance such account. Nevertheless, the impoundment power provided by this section

shall not apply to the funds appropriated to the offices of trustee, county clerk, assessor of property, clerks of courts, register of deeds or sheriff.

(2) Upon the written approval of the committee, such impounded funds shall be released;

### **SECTION 13. Expenditures – Minor adjustments.**

(a) The appropriations made by the county legislative body shall constitute authorization for the expenditures contained therein unless otherwise limited by the county legislative body.

(b) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated by line item.

(c) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

(d) No expenditures made or obligations created in any manner shall be valid or binding against the county except as provided by the provisions of this act.

(e)

(1) The budget committee, with the consent of any official or head of any department or division which may be affected, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.

(2) Any other transfers or adjustments shall be submitted to the budget committee for its recommendation to the county legislative body.

### **SECTION 14. Monthly reports.**

(a)

(1) The director shall make a report at the end of each month showing the condition of the budget.

(2) Such report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance.

(3) Such report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate.

(b) Each department head, elected official and board member shall be furnished copies of monthly reports for their respective departments as soon as the same are available.

(c)

- (1) The most recent of such reports shall be presented by the director at each regular session of the county legislative body.
- (2) At such time, the director shall advise the county legislative body of the condition of the budget, and of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in the director's opinion, the county legislative body should take in order that the financial condition of the county is not impaired.

**SECTION 15. Accounting system – Preaudit of invoices, etc.**

(a) There shall be set up and maintained in the department a system of fiscal procedure, control and centralized accounting which shall be under the administrative control and direction of the director except as provided for in subsection (e) of Section 3. The procedures and records shall be maintained in accordance with provisions of Tennessee Code Annotated, Section 5-21-103©).

(b)

- (1) Before any obligation against the county shall be paid or any disbursement warrant or voucher issued, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service should be approved by the head of an office, department or agency for which the obligation was made and be filed with the director.
- (2) The director shall establish a system for making a careful preaudit of such invoice, purchase order, or other documents, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable.
- (3) Disbursement warrants shall be promptly prepared for all such approved obligations by the director, signed in accordance with Tennessee Code Annotated, Section 5-21-116 and mailed or delivered to the payees thereof.

**SECTION 16. Disbursement warrants.**

(a) All disbursement warrants drawn on the county trustee for the obligations of all county departments, agencies, and officials, including the county executive, shall be signed as provided herein.

(b)

- (1) Except as provided for in subsection (e) of Section 3, the disbursement warrants shall be prepared in the finance department, and provided to each department for signing.
- (2) Upon the signing of such warrant by the finance department, the department head signing the disbursement warrant shall keep one (1) copy for filing in such department.
- (3) The original and all other copies of such warrant shall be returned to the director for such director's signature as a cosigner and for filing and mailing from the finance department.
- (4) A duplicate copy of all disbursement warrants, with all original invoices and other supporting documents attached thereto, shall be kept on file in the office of the director.

(c)

- (1) In lieu of each department agency or official signing disbursement warrants, the departments may authorize the director to use a signature plate in accordance with the general law and approval by the comptroller of the treasury.
- (2) If such signature plate is used, it shall be locked in a safe place when not in use and supervised by the person responsible for its safekeeping when in use.
- (3) A record shall be maintained indicating when the signature plate is used, numbers of the warrants signed, and the person using such plate.

**SECTION 17. Payroll account.**

(a) The committee shall maintain a special county payroll account at a bank, in which disbursement warrants for the total of each payroll shall be deposited and against which individual net earning checks may be issued to each of the county employees.

(b) The committee may authorize the issuance of such payroll checks on the signature of the director and, in such event, the depository bank shall be so instructed.

**SECTION 18. Director as purchasing agent.**

(a) The director or a deputy appointed by the director shall serve as the county purchasing agent

and shall assist the committee in developing policies and procedures for implementing an economical and efficient purchasing system.

(b)

(1) Upon the recommendation of the committee and approval of the county legislative body or as authorized by the county legislative body, a separate purchasing department may be established with a person hired as purchasing agent for the county.

(2) In the event a separate purchasing department is established and a purchasing agent is hired, all duties and responsibilities relative to purchasing shall be removed from the director.

### **SECTION 19. Purchasing System.**

(a) The committee, with the assistance of the purchasing agent, shall establish a purchasing system for the county.

(b) Such system shall provide, among other procedures, the following:

(1) Review of all contracts or purchases for biddable supplies, materials, equipment, and other needs of the county, shall be made by the purchasing agent;

(2) No purchase or contract shall be made when the bid prices exceed the current market price for the same merchandise or service;

(3) Purchases and contracts shall be awarded based on the lowest and best bid;

(4) Specifications development shall be made by the department, agency or official to receive the merchandise, construction or service;

(5) The purchasing agent shall:

(A) Review specifications and changes to allow for maximum competition of prospective bidders;

(B) Prepare formal and informal bids;

(C) Collect sealed bids;

(D) Open bids through a procedure open to the public;

(E) Evaluate, compare and submit bids for approval by the committee, if so deemed by the committee;

(F) Issue purchase orders and contracts; and

(G) Verify receiving the merchandise or service;

(6) The director shall:

(A) Accept requisitions by the department, agency or official, and, if such supplies are not currently on hand, transmit such requisition to the purchasing agent;

(B) Verify budget appropriations before authorizing a purchase;

(C) Approve invoices for payment; and

(D) Pay invoices and obligations of the county as provided herein; and

(7) Emergency purchases, total cost bidding, blanket purchases for small orders, grouping of purchases of the various departments, and other methods for receiving the most competitive price and best bid. Emergency purchases shall be limited to needs arising which are not normally foreseeable. Emergency purchases shall not be permissible if a department or agency fails to properly plan for the need, proper purchasing procedures, and delivery time.

### **SECTION 20. Bidding.**

(a) The committee shall authorize the dollar limitation when formal competitive bids are required but not to exceed the amount as authorized by state law for the highway and education departments or other such amounts as established by law.

(b) Subject to the policies and regulations of the committee, "biddable items" means any need of the county where more than one (1) bidder or contractor in the county's trade area can provide the material or service. Specifications shall not be written to exclude vendors and contractors or limit the bidding to a specific vendor or contractor.

(c) The county shall be liable for the payment of all purchases of supplies, materials, equipment and contractual service made in accordance with the provisions of this act, but shall not be liable for the payment of such purchases made contrary to its provisions unless such item is specifically approved by the committee.

### **SECTION 21. Conflicts of interest.**

(a) The director, purchasing agent, members of the committee, members of the county legislative body, or other officials, employees, or members of the board of education or highway commission shall not be financially interested or have any personal beneficial interest, either directly or

indirectly, in the purchase of any supplies, materials or equipment for the county.

(b) No firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer nor shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligation or contract for future reward or compensation.

**SECTION 22. Committee members – Compensation.** The county legislative body shall set the compensation based on the service and time rendered in implementing the provisions of this act for members of the various committees created herein.

**SECTION 23. County employees unaffected.**

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of the committee, director or purchasing agent shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and dismissal of personnel of the various county departments, agencies, or officials or set salaries nor determine the needs of such departments.

**SECTION 24. Education department – Withdrawal from system.**

(a) In the event the director or purchasing agent established under this act does not maintain records, follow accounting and budgetary procedures, and submit timely reports and information as prescribed by state law and the commissioner of education, the commissioner of education, after a hearing on the issue of such neglect, shall remove the education department of the county involved from the county financial management system established by this act by notifying in writing the prescribing officer of the county legislative body.

(b) Upon notice from the commissioner of education, the county legislative body shall transfer sufficient funds from the control of the department to provide financial services in the county education department under the supervision of the county director of schools as provided by general law.

(c) State funds may be withheld for failure to provide adequate funds to transfer the responsibilities to the education department.

**SECTION 25. Violations – Penalties.** Any official or employee of the county, or of any institution or agency thereof, who fails or refuses to perform the duties required by this act or who fails or refuses otherwise to conform to the provisions of this act is subject to removal from office or position in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 47, if applicable to such official or employee, and if not applicable to such official or employee in such manner as provided by the county legislative body.

**SECTION 26. Implementation of system.**

(a) Upon this act becoming law as provided in Sections 31 and 32, the county legislative body shall appoint members of the committee at the next meeting of such body.

(b) Within thirty (30) days after such appointment, the committee shall meet, elect a chair, and start the process for hiring a director.

(c) The committee shall also develop plans for implementing the financial management system beginning July 1 of the next fiscal year.

(d) In implementing the system, the committee and director shall seek recommendations from the state county audit division, the state department of education, the University of Tennessee's county technical assistance service, and other such organizations.

(e) After an implementation plan has been developed and approved by the committee, a report shall be submitted to the county legislative body by July 1 of the fiscal year in which the system is to be implemented.

(f) The committee shall publish in a local newspaper of county-wide circulation a notice specifying that:

(1) The county has adopted a private act relating to a financial management system and all employees, vendors and contractors must abide by its provisions beginning on a date specified in the notice; and

(2) The act or policies to implement the act will be available on a date specified in the notice and copies may be obtained at that time.

**SECTION 27. Suspension of private or local acts.** Upon ratification by the county legislative body and implementation of this act's provisions, the operation of all private or local acts relative to county finances, budgeting, and purchasing in conflict with this act are suspended until such time as the provisions of this act are revoked as provided in Section 28.

**SECTION 28. Audits.**

(a) All audits whether by the controller's (sic) office, division of county audit, or by private firm as authorized by law shall include a review of, and report on, the state of the finance department's compliance with all applicable federal, state and county laws that apply to the operation of the finance department.

(b) Any adverse findings shall be subject to a ninety (90) day review in which the adverse finding shall be corrected. No controversy arising from the audit shall be considered a Section 25 violation if corrected.

**SECTION 29. Applicability of General Law.** If any provision of this act conflicts with the general law, then general law shall control.

**SECTION 30. Severability.** 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 severable.

**SECTION 31.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of the County of Sumner, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and certified to the secretary of state.

**SECTION 32.** 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 31.

Passed: April 3, 2002.

## Private Acts of 2012 Chapter 70

**COMPILER'S NOTE:** Until this act is fully implemented, upon the adoption of a resolution by the County Legislative Body, Chapter 113 of the Private Acts of 2002, as amended by Chapter 26 of the Private Acts of 2003, and any other act amendatory thereto or any other private act relative to the operation of County finances, budgeting, and purchasing remain in effect. The 2002 act is reproduced in full following this act.

**SECTION 1.** This act shall be known and may be cited as the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012." It shall also be referenced as the "2012 Finance Act.'

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

- (1) "Board of Education" means the elected body that governs the County School System;
- (2) "Budget Committee" means the separate committee created for the operation by the County of the annual budget process as well as the monthly expenditure of funds;
- (3) "The Committee" means the 2012 Finance Committee;
- (4) "County" or "Organization" means the county and includes the School System if the School System chooses to join the Organization;
- (5) "Earning records" means detailed records of all time worked, leave taken, and all leave balances maintained on a real-time basis exclusively by a comprehensive time and attendance system, which shall be used by all agencies of the County. This application must be fully integrated into the ERP and automated to the utmost extent technologically possible and shall comply with all wage and hour rules or regulations;
- (6) "Enterprise Resource Planning" or "ERP" means a system which integrates internal and external management information across an entire organization, embracing finance/accounting and all other departmental information and relationships. ERP systems automate this activity with an integrated software application. Its purpose is to facilitate the flow of information between all business functions inside the boundaries of the organization and manage the connections to outside stakeholders;
- (7) "Finance Department" means the County Finance Department;
- (8) "Finance Director" or "County Finance Director" means the Director of the Finance Department;
- (9) "School Finance Director" means the Sumner County School Department employee chosen by the Sumner County School Department to perform functions specified by this act;

- (10) "Policy Subcommittee" means the Policy Subcommittee created pursuant to Section 3(a);
- (11) "Standing Committee" means a committee created by the County Legislative Body that shall continue until the County Legislative Body takes action to abolish such committee;
- (12) "School System" means the County School System created or authorized by the general assembly of the State of Tennessee;
- (13) "Capital asset" means land, improvements to land, easements, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, and all tangible or intangible assets that are used in operations and that have initial useful lives extending beyond the fiscal year;
- (14) "Office Holders" means the County sheriff and all County officials designated as general officers in Section 8-24-102 (a);
- (15) "Purchase" means the purchase, lease, lease-purchase, or contract for procurement of personal property or services or any combination thereof; and
- (16) "State of Tennessee's Division of Local Government Audit" means the State of Tennessee's Division of Local Government Audit or any other State of Tennessee agency subsequently created to perform that division's current functions.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 3.** 2012 Finance Act Committees or Subcommittees. Within sixty (60) days of the passage of this 2012 Finance Act, the following 2012 Finance Act Committees or Subcommittees shall be created:

(a) A five (5) member Policy Subcommittee.

(1) The Policy subcommittee to be composed of five (5) voting members as follows:

- (A) County Executive;
- (B) County Finance Director;
- (C) Chairman of the Financial Management Committee;
- (D) Road Superintendent; and
- (E) One elected county official, chosen annually by the Sumner county officials Association or by majority vote of any subsequent organization that the statutorily and constitutionally elected officials create.

(2) This Policy Subcommittee shall:

- (A) Draft, develop and propose policies, procedures and regulations for the initial implementation of this act;
- (B) Plan and recommend the initial policies and procedures of the enterprise resource planning system;
- (C) Plan and recommend an accounting system in conformity with nationally recognized standards for governmental accounting as approved by the comptroller of the treasury for all funds of the various departments, agencies and boards that are operated through the County Trustee;
- (D) Design and suggest an implementation plan for the implementation of the act;
- (E) Where appropriate, recommend policies and procedures for purchases; and
- (F) After implementation, meet only when necessary to address new matters or necessary changes in policies and procedures for the 2012 Finance Committee created pursuant to subsection (b).

(3) The Policy Subcommittee shall be advised by the legal counsel of the County Legislative Body and the School Board.

(b) A seven (7) member 2012 Finance Committee.

(1) The 2012 Finance Committee shall consist of the County Executive, Supervisor of Highways, Director of Schools, and four (4) members elected by the County Legislative Body at its regular September session of each year or at any subsequent session, provided that the four (4) members elected by the County Legislative Body need not be members of the County Legislative Body.

(2) The 2012 Finance Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.

(3) The 2012 Finance Committee shall adopt policies, procedures and regulations for the initial implementation of this act proposed by the Policy Subcommittee.

(4) Upon approval of this 2012 Finance Act, the 2012 Finance Committee shall direct the County Finance Director to implement, carry out and oversee the policies and procedures created pursuant to this act. Such policies and procedures



shall include budgeting, accounting, purchasing, payroll, cash management and such other financial matters necessary for an efficient financial system.

(5) The 2012 Finance Committee shall recommend policies and procedures for cash management and investment of idle cash funds as prescribed by law. Such recommendations shall be approved by majority vote of the County Legislative Body.

(c) A seven (7) member Budget Committee.

(1) The Budget Committee shall consist of seven (7) members of the County Legislative Body elected by the County Legislative Body at its regular September session of each year or at any subsequent session.

(2) The Budget Committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided in this section.

(3) This Budget Committee shall:

(A) Establish and approve policies, forms and documents, procedures and regulations necessary for the preparation of the annual operating and capital improvement budgets;

(B) Study funding requests and recommendations as received from other Standing Committees; consider the fiscal impact of any resolution presented to the Budget Committee; and report its finding to the Legislative Body;

(C) Recommend to the Legislative Body a proposed Tax Rate;

(D) Approve budget transfers; and

(E) Provide general oversight of the County's Self-Insurance activities.

As amended by:

Private Acts of 2019, Chapter 8

**SECTION 4.** Finance Director. The County Executive shall recommend the appointment of the Finance Director subject to ratification by the County Legislative Body.

(1) The County Legislative Body, with a thirty (30) day notice, may dismiss the Finance Director with a 2/3 majority vote, subject to any approved agreements to the contrary.

(2) The Finance Director shall, for all purposes, be an employee of the County.

(3) The Finance Director shall be a Certified Public Accountant with an active license in Tennessee and shall have a minimum of five years of experience with local governments in the field of accounting and/or auditing.

(4) The compensation of the Finance Director shall be established by the County Legislative Body.

**SECTION 5.** Assistant Finance Director.

(a) A person employed by the Finance Department shall be recommended by the Finance Director and approved by the 2012 Finance Committee to serve as the Assistant Finance Director.

(b) The Assistant Finance Director shall have a minimum of a Bachelor of Science or Business Administration degree from an accredited college or university. Such person shall have had at least eighteen (18) quarter hours or equivalent semester hours in accounting.

(c) The person employed for this position shall perform such duties and responsibilities as assigned by the Finance Director.

(d) In the absence of the Finance Director, the Assistant Finance Director shall perform the duties of the Finance Director necessary for the continued operation of the Finance Department.

**SECTION 6.** Director's Bond.

(a) The Finance Director shall execute a blanket bond in an amount of not less than one hundred thousand dollars (\$100,000) for the faithful performance of the Finance Director's and the department employees' duties in accordance with the general law for such bonds.

(b) The cost of such bond shall be paid from funds appropriated to the Finance Department for such purpose.

(c) The amount of such bond may be increased subject to the approval of the 2012 Finance Committee and additional appropriations by the County Legislative Body.

(d) The bond shall be prepared, recorded and transmitted in accordance with state law.

**SECTION 7.** Integrated Financial Management and Enterprise Resource Planning System.

(a) There is hereby created an integrated financial system for the various departments, agencies, and boards that are operated through the County Trustee, which may or may not include the School System, depending upon the decision of the School System to participate as set forth in this Act.

(b) Such system shall include budgeting, accounting, purchasing, payroll, cash management,

human resources, and such other financial matters necessary for an efficient financial system.

(c) Such system shall have:

- (1) A common platform for all enterprise resource planning activities for all departments, agencies, commissions, boards, divisions or offices;
- (2) Real-time operations and complete integration of all related systems and/or subsystems; and
- (3) The accounting system, which shall have real-time access to all documents necessary through the enterprise resource planning system:

- (A) For the annual audit with the State of Tennessee's Division of Local Government Audit or any necessary agreed upon procedures to be performed by a Certified Public Accountant with an active license in Tennessee; procedures will be considered necessary if requested by the State of Tennessee's Division of Local Government Audit;
- (B) For preparation of financial statements in compliance with accounting principles generally accepted in the United States of America;
- (C) To support any amount in the approved budgets;
- (D) To support any item in the fund financial statements;
- (E) To support all necessary documentation for the preparation of Government-Wide Financial Statements;
- (F) To support all capital assets balances and transactions by maintaining records of capital assets of the County in accordance with accounting principles generally accepted in the United States of America;
- (G) All necessary documentation for the proficient accounting of grants; and
- (H) To support any amount necessary for payroll, including taxes and earning records.

(d) The school system Human Resource Department shall be under the control of the Director of Schools but may be integrated into the enterprise resource planning system, if the School System votes to seek integration into the system.

(e) The school system's budgets shall be under the control of the Sumner County School Board, but may be integrated into the enterprise resource planning system, if the School System votes to seek integration into the system.

(f) The enterprise resource planning system provided for in this section shall at all times maintain a comprehensive set of internal controls.

As amended by: Private Acts of 2019, Chapter 8

### **SECTION 8. Accounting System.**

(a) By this 2012 Finance Act, there is hereby created an accounting system for all funds of the various departments, agencies, and boards that are operated through the County Trustee, which may include the School System if the School System votes to seek integration into the system.

- (1) There shall be set up and maintained in the office of the Finance Director a system of accounting, set out and described in this section, which shall be managed by and be under the administrative control of the Finance Director.
- (2) The accounting system shall be an integral part of the enterprise resource planning system.
- (3) The Finance Director shall be responsible for the implementation of the policies of the 2012 Finance Committee or such special committees established by the County Legislative Body.
- (4) The accounting system provided for in this section shall conform to accounting principles generally accepted in the United States of America.
- (5) The accounting system shall comply with the rules and regulations established by the Comptroller of the Treasury, the Commissioner of Education and state law.
- (6) The accounting system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, revenues and expenditures of each fund, together with such records, accounts and files as are necessary to record:
  - (A) The transactions relating to revenues, and the revenues for each of its several funds;
  - (B) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
  - (C) The transactions relating to debt;

- (D) All financial transactions for all grants awarded to the County;
- (E) All necessary documentation to prepare Government-Wide Financial Statements in accordance with accounting principles generally accepted in the United States of America;
- (F) Such other records as may be necessary to facilitate the recording of the adopted budgets and the proper accounting for each item of expenditure; and
- (G) Any and all of the records may be maintained solely in electronic format, unless otherwise prohibited.

(b) This 2012 Finance Act shall not be construed as authority over the fee and commission accounts or the accounts of office holders.

(c) This 2012 Finance Act shall not be construed as authority over personnel policies or procedures or salaries of the various County offices or departments, except with respect to requiring necessary recordkeeping and reporting needed for performing the payroll functions as prescribed by the 2012 Finance Committee.

(d) All employees performing the functions of payroll, accounts payable, cash management, and financial reporting in the various operating departments shall be supervised and managed by the Finance Director notwithstanding any other law to the contrary. All such employees shall be budgeted and paid through the Finance Department. Such necessary changes will be detailed in and made in accordance with the approved implementation plan.

(e) The School System may operate separately from these functions except that such records shall be available for view by the County Finance Department.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 9.** County Finance Director's Accounting Duties. It is the duty of the County Finance Director, through the County's accounting system, to perform the following duties:

(1) General:

- (A) Post and otherwise keep the records of the accounting system;
- (B) Install, with the approval of the Comptroller of the Treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting respecting all funds, offices, agencies and activities of the County government;
- (C) If integrated with the School System, to consult with the School Finance Director to verify that the classification of all expenditures and revenues of the County school department's funds conform to the appropriate County Uniform Chart of Accounts;
- (D) Set up and maintain an accounting system for recording the transactions of all of the funds, including both proprietary and budgetary accounts, in conformity with accounting principles generally accepted in the United States of America;
- (E) Set up the necessary accounts to properly record the annual budget and each appropriation made by the County Legislative Body; and
- (F) Confirm that all encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(2) Receipt of funds.

- (A) Except for taxes which are to be collected by the Trustee, the payment of all monies to the County by any collectors authorized by statute or by anyone on account due the County shall be made only by issuance of a receipt or receivable warrant through the Finance Department instructing the Trustee to receive the amount named, for which the Trustee shall issue a receipt.
- (B) The Finance Department's receipt or receivable warrant shall directly post to the County's accounting records.

(3) Disbursement of funds.

- (A) The County shall use a checking system instead of warrants for the disbursement of funds. The checking system shall be installed and maintained by the Finance Director in accordance with the provisions of Section 5-8-210.
- (B) All checks on County funds held by the County Trustee shall be signed by the Finance Director and the following person(s) as indicated:

- (1) Chairman of the Board of Education and the Director of Schools for disbursements from school funds; provided, that if the School System chooses to not be included in the Organization, signature of checks shall be undertaken in a form acceptable by state standards;
- (2) Chief Administrative Officer of the County Highway Department for disbursement from highway funds; and
- (3) County Executive for all other disbursements of County funds.

(C) All signatures required on County checks may be executed by methods other than personal signature if such methods are approved by the person authorized to sign, the 2012 Finance Committee, and the Comptroller of the Treasury.

(D) The Finance Director may cause checks to be signed and or delivered by electronic means, or funds electronically transferred from County bank accounts, upon approval of the 2012 Finance Committee and the Comptroller of the Treasury.

(E) Subject to the availability of funds, the Finance Director shall not refuse to sign checks presented for his or her signature if proper appropriation of funds and documentation for the disbursement has been made in accordance with this act.

(F) The Finance Department shall keep a copy of all checks signed by the Finance Director alone and as co-signer.

(G) Before any obligation shall be paid, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service and authorization of payment should be approved by the head of an office, department or agency for which the obligation was made and be filed with the Finance Director.

(H) After careful pre-audit of invoices, bills and claims against the County or any of its funds, disbursements shall be prepared.

(I) Expenditures incurred in accordance with authorized appropriations shall be paid promptly in order that the County may obtain the benefit of cash discounts.

(J) Payroll disbursements shall be based upon documentation furnished to the Finance Department and certified by all heads of departments, offices, and agencies of the County for themselves and their employees establishing the employment relationship and all relevant information required by the Finance Director to determine proper payment, withholding of income for taxes and other purposes, benefits, leave status or other information relevant to the County's financial relationship to the employee.

#### (4) Financial Reporting.

(A) At the end of each month, the Finance Director shall prepare a comprehensive report of all revenues and expenditures of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. Such report shall show:

- (1) For each item of appropriation or allotment thereof, the total expenditures for the month and year to date, the amount of outstanding encumbrances, and the amount of the unencumbered balance; and
- (2) For each fund, an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and year to date, and the unrealized portion of the estimate.

(B) The most recent of such reports shall be available on the County's Web site and/or other electronic media as specified by the 2012 Finance Committee.

(C) Each department head, elected official and board member shall be furnished, in electronic format or by other means specified by the 2012 Finance Committee, copies of monthly reports for the respective departments as soon as the same are available.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 10.** School Finance Director's Accounting Duties. It is the duty of the School Finance Director, through the School System accounting system (or the County, if the School system so chooses), to perform the following duties:

- (a) To verify that all requests for expenditures are appropriately classified based on County's Uniform Chart of Accounts.

- (b) Verify that all transactions have been duly authorized before forwarding them to the Finance Department for recognition in the accounting system.
- (c) Verify that all account classifications are consistent between the budget approved by the Sumner County Board of Education and the operations of said fund.
- (d) Verify that all activities related to each of Sumner County School Department's grants are accurately reported.

As amended by:

Private Acts of 2019, Chapter 8

**SECTION 11. Purchasing Agent.**

- (a) The Finance Director or a deputy appointed by the Finance Director may serve as a purchasing agent for the County and shall assist the Policy Subcommittee in developing policies and procedures for implementing an economical and efficient purchasing system.
- (b) The 2012 Finance Committee shall adopt the policies and procedures for purchasing and acquisitions in the County as provided for in this 2012 Finance Act.
- (c) The School System shall be authorized to perform any purchasing functions which shall aid the County. Said purchases shall be made pursuant to this 2012 Finance Act.
- (d) Notwithstanding subsections (a) through (c) of this section, this 2012 Finance Act shall not serve as authorization to remove any purchasing activities or authority from the School System.

**SECTION 12. Purchasing System.** The purchasing system for the County shall be an integral part of the enterprise resource planning system and shall provide for a set of comprehensive internal controls. These comprehensive internal controls shall ensure the following:

- (1) All purchases shall comply with general law;
- (2) All budgets shall be timely encumbered for all necessary purchases; and
- (3) All necessary documentation shall be electronically maintained on the ERP.

**SECTION 13. Bidding.**

- (a) The dollar limitation, for when formal competitive bids are required, shall be the amount as authorized by state law, for the highway department, education department, or other departments or agencies.
- (b) In accordance with Tennessee Code Annotated, Section 12-3-1001, the County may purchase any authorized item from the Department of General Services without public advertisement or competitive bidding.
- (c) The County may purchase any item authorized by federal law or regulations through the federal General Services Administration (GSA) without public advertisement or competitive bidding.
- (d) The County may cooperatively purchase with any Tennessee county or school system without public advertisement or competitive bidding, if the lead purchasing entity complied with its own purchasing requirements and general state law governing cooperative purchases. Such purchase may be made from the other governmental entity or directly from the bidder or contractor.
- (e) Subject to the policies and regulations of the 2012 Finance Committee, "biddable items" means any need of the County where more than one (1) bidder or contractor can provide the material or service. Specifications shall not be written to exclude vendors and contractors or to limit the bidding to a specific vendor or contractor.
- (f) The County shall be liable for the payment of all purchases of supplies, materials, equipment and contractual services made in accordance with the provisions of this act but shall not be liable for the payment of such purchases made contrary to its provisions.
- (g) The purchasing system may use any exclusion from bidding pursuant to any state statute.

**SECTION 14. Procedures for Budget Preparation.**

- (a) All County budgeting processes, including preparation, shall be integrated into the enterprise resource planning system.
- (b) On or before January 1 of each year, the Budget Committee, in conjunction with the Finance Director, shall prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.
- (c) Except for the County Board of Education, each of the other operating departments, institutions, offices and agencies shall file with the Finance Director, on or before March 1 of each year, a detailed estimate of its requirements for expenditures from the County's funds for the ensuing fiscal year, together with an estimate of any County revenues to be received by such agency, office or department.
- (d) The County Board of Education, after preparing its annual budget as now provided by law, shall file such budget with the Finance Director before June 1 for inclusion in the complete budget document to be presented to the Budget Committee.

(e) The Finance Director, on or before June 30 of each year, shall file a consolidated budget document with the Budget Committee showing an itemized statement of the amounts estimated by the various departments and officials to be

required for the efficient operation of the County government from the County general fund, the debt service funds, the highway funds, the school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered balance of each of the funds at the beginning of the fiscal year. The consolidated budget shall be prepared on the basis of accounting required for fund financial statements by accounting principles generally accepted in the United States of America. The budget, as adopted, shall be balanced as to all funds.

(f) Such consolidated operating budget document shall comply with provisions of the County Uniform Chart of Accounts and show, by major categories and line items, the amounts requested by the various departments, offices, agencies and nonprofit organizations for their operations during the ensuing fiscal year from the various County funds. The County Finance Director shall include, within the consolidated operating budget, the amounts necessary to pay principal and interest on any indebtedness of the County. The proposed and revised consolidated operating budget document shall show, at a minimum, the following: actual revenues received during the last audited fiscal year, the actual expenditures during the last audited fiscal year, the actual fund balance in each fund of the County at the end of the last audited fiscal year, the estimated revenues during the current fiscal year, the estimated expenditures during the current fiscal year, the estimated fund balance in each fund of the County at the end of the current fiscal year, the estimated revenues to be received during the ensuing fiscal year, the estimated expenditures during the ensuing fiscal year, and the estimated fund balance in each fund of the County at the end of the ensuing fiscal year.

(g) The consolidated operating budget document shall:

- (1) Not conflict with requirements of state law for funding of the County Department of Education.
- (2) Not conflict with requirements of state law for funding the Highway Department.
- (3) Not decrease the personnel budget for the sheriff's office from that of the current year without the consent of the sheriff according to Section 8-20-120.
- (4) For the County Election Commission, conform to the requirements of Section 2-12-209.
- (5) Shall conform to the requirements of Title 8, Chapter 20.
- (6) Shall fully provide for any court-ordered expenses.

(h) The Budget Committee shall fully provide in the budget for any fund deficit, other than proprietary funds, at the beginning of the fiscal year.

(i) The Budget Committee shall fully provide in the budget for any cash overdraft in any of its proprietary funds at the beginning of the fiscal year.

(j) The Budget Committee shall propose a tentative tax rate to fund the consolidated operating budget.

#### **SECTION 15. Budget Publication and Adoption.**

(a) The Finance Director shall cause the proposed operating budget to be printed in a newspaper of general circulation in the County at least ten (10) days before the proposed budget is to be presented to the County Legislative Body for adoption. The budgetary publication shall contain a comparison based on the proposed operating budget for the ensuing fiscal year as required by Section 14, subsection (f) herein. Such comparison shall contain the proposed operating budget, the current year operating budget, and the prior year operating budget. Such publication must encompass, at a minimum, the General Fund, the Highway/Public Works Fund, the General Purpose School Fund, Debt Service Funds, and any other funds budgeted to receive property tax revenues, if any. The budgetary comparison shall also present estimated beginning and estimated ending fund balances and the number of employee positions budgeted. The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, State of Tennessee, federal government and other sources, if any. Expenditures shall be summarized by salaries and other costs. Such publication shall also contain a notice of a public hearing to be conducted by the Budget Committee at which any citizen of the County shall have the right to appear and state such citizen's views on the budget.

(b) Additionally, the Finance Director shall cause a complete listing of proposed expenditures for each nonprofit organization to be printed in a newspaper of general circulation in the County in conjunction with the summary of the proposed operating budget.

(c) The Budget Committee shall present the budget to the County Legislative Body.

(d) With the proposed budget, the Budget Committee shall deliver to the County Legislative Body a

budget appropriation resolution and a tax levy resolution.

(e) The Board of Education has the right to address the County Legislative Body in regard to the board's budget and tax rate proposals.

(f) The County Legislative Body may alter or revise the proposed budget, with the exception of the school budget which shall be accepted or rejected in total, except as to provision for debt service requirements and for other expenditures required by law.

(g) On or before October 1 of each year, the County Legislative Body shall adopt an operating budget, a property tax levy with a rate sufficient with other revenues and fund balances to fully fund the operating budget, and an appropriation resolution. All funds from whatever source derived, including, but not limited to, taxes, county aid funds, federal funds, fees and fines, which are to be used in the operation and programs of the various offices, departments, commissions, Institutions, boards and agencies of County government shall be appropriated to such use by the legislative body.

(h) Before the adoption of the budget, any County department, agency or official shall be entitled to a hearing before the County Legislative Body in order to justify any proposed additional requests or budget estimates.

(i) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the County Clerk.

**SECTION 16.** Continuing Appropriations.

(a) If the budget, tax rate and appropriation resolutions are not adopted by the County Legislative Body on or before twelve o'clock (12:00) midnight on June 30 for the ensuing fiscal year, all departments and offices of the County may make expenditures according to the budget of that department or office as adopted for the preceding fiscal year, except that such departments and offices are limited to expenditures and obligations based on a monthly allotment from the preceding fiscal year's budget.

(b) The allotment from the preceding fiscal year shall not include any major capital items, unless first approved by the County Legislative Body; however, such exclusion shall not preclude emergency purchases.

**SECTION 17.** Appropriations.

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such County for the fiscal year covered by the resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) The appropriations made by the County Legislative Body shall constitute authorization for the expenditures contained therein unless otherwise limited by the County Legislative Body.

(c) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated by line item.

(d) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

**SECTION 18.** Budget Adjustments, Amendments and Impounding.

(a) The Budget Committee, with the consent of any official, head of any department or division that may be affected, with the exception of the school budget, may make transfers and adjustments within the smallest budgetary itemization of any subdivision.

(b) The School System shall make transfers and adjustments within the smallest budgetary itemization of any subdivision of the school budget as provided in general law.

(c) Any other transfers or adjustments shall be submitted to the Budget Committee for its recommendation to the County Legislative Body.

(d) Any resolution presented to the County Legislative Body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the County Legislative Body, that provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide, by tax levy, sufficient revenues or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

**SECTION 19.** County Employees Unaffected.

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of any committee or subcommittee created pursuant to this 2012 Finance Act and the Finance Director shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and

dismissal of personnel of the various County departments, agencies, or officials or to set salaries or to determine the needs of such departments.

**SECTION 20.** Education Department - Participation with the 2012 Finance Act.

(a) If the School System does not maintain records, follow accounting and budgetary procedures, and submit timely reports and information as prescribed by state law and by the Commissioner of Education, the Commissioner of Education, after a hearing on the issue of such neglect, shall seek to have the County Education Department placed under this 2012 Finance Act by written notification to the presiding officer of the County Legislative Body.

(b) Upon notice from the Commissioner, the County Legislative Body shall transfer sufficient funds from the control of the Finance Department to provide financial services in the County Education Department under the supervision of the School Board, as provided by general law.

(c) State funds may be withheld for failure to provide adequate funds to transfer the responsibilities to the County Education Department.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 21.** Implementation.

(a) The Financial Management Committee shall evaluate the ongoing operation of the implementation of all areas of this Act and shall notify the full County Commission, the School System, all offices, elected officials, and the public when it deems that portions or all of the provisions of this Act are to be fully implemented.

(b) Until that time, the County shall work towards the goal of implementation; however, delays in implementation in no way violate this Act if full implementation is not reached in a timely manner.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 22.** Suspension of Conflicting Laws.

(a) When this act is fully implemented, upon the adoption of a resolution, Chapter 113 of the Private Acts of 2002, as amended by Chapter 26 of the Private Acts of 2003, and any other act amendatory thereto or any other private act relative to the operation of County finances, budgeting, and purchasing in conflict with this act are repealed. Upon the adoption of such resolution for the repeal of such acts, the presiding officer of the County Legislative Body shall certify the action to the secretary of state.

(b) Where any conflict arises between this act and Title 49 or other sections of Tennessee Code Annotated that provide for the duties, responsibilities, and authority of the elected school board members, Title 49 or other sections of Tennessee Code Annotated shall take precedence.

**SECTION 23.** Public Notice. In addition to any other methods for sales of County-owned property authorized by law, Sumner County having adopted the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012," is authorized to conduct a sale of surplus County-owned property on any Internet auction Web site approved by the County Legislative Body.

**SECTION 24.** County Approval.

(a) This Act *and the subsequent amendments thereto* shall have no effect unless it is approved by a two thirds (2/3) vote of the County Legislative Body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County legislative Body of Sumner County and certified to the secretary of state.

As amended by: Private Acts of 2019, Chapter 8

**SECTION 25.** Effectiveness. 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 24.

Passed: April 26, 2012.

## Insurance

### Private Acts of 1987 Chapter 83

**SECTION 1.** Sumner County, Tennessee and any of the municipalities located therein are authorized to collectively enter into group insurance arrangements or self insurance arrangements for the purpose of providing the following fringe benefits to their employees: medical, surgical or hospital care benefits, or



benefits in the event of sickness, accident, disability, death or day care centers, or prepaid legal services. Sumner County and any such participating municipality are hereby authorized to join together, as they shall agree, in the creation of a trust or trusts to provide such benefits. The trustee(s) of the said trust(s) are authorized to receive contributions from the county, the municipalities and any employee of the county or municipalities; and further, the trustee(s) shall be authorized and required to discharge their duties solely in the interest of the participants and beneficiaries of the trust(s) and

(1) for the exclusive purpose of:

- (A) providing benefits to participants and their beneficiaries; and
- (B) defraying reasonable expenses of administering the trust;

(2) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(3) by diversifying any investments of the trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

**SECTION 2.** Annual Audits. The trustee(s) shall prepare and submit to the governing bodies of Sumner County and each municipality participating in the trust(s), a financial statement which shall be audited by a recognized firm of independent certified public accountants.

**SECTION 3.** The trustee(s) shall be empowered to employ consultants, claim's administrators, accountants, attorneys, actuaries and such other personnel as may be necessary to carry out a plan of benefits. The reasonable costs of obtaining such service providers may be borne by the trust(s).

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 5.** 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 4.

Passed: April 23, 1987.

## Port Authority

### Private Acts of 1978 Chapter 226

**COMPILER'S NOTE:** Private Acts of 1977, Chapter 140, was exactly like Private Acts of 1978, Chapter 226, above, but was not ratified by the county legislative body.

**SECTION 1.** There is established a port authority for Sumner County which shall have authority to plan and develop port facilities for Sumner County.

**SECTION 2.** The membership of the authority shall consist of the Sumner County Judge, the County Court Clerk of Sumner County, one (1) member of the Sumner County Court, one (1) resident of Gallatin, one (1) resident of Hendersonville, one (1) resident of Portland, one (1) resident of Westmoreland, one (1) resident of White House, and those members of the Tennessee House of Representatives representing Sumner County, or any part thereof, in the General Assembly. The member representing the County Court shall be appointed by the County Judge and the members representing the towns and cities of Sumner County shall be appointed by the mayors of the respective towns and cities. The County Court Clerk of Sumner County shall serve as secretary of the authority.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 4.** 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 3.

Passed: March 13, 1978.

## Repeal of Inactive Laws

### Private Acts of 1974 Chapter 369

**SECTION 1.** The following private and public acts or parts of acts applicable solely to Sumner County are

hereby repealed:

Chapter 74 of Acts of 1815, relative to advertising of sale of land in execution by sheriff or ranger; Chapter 65 of Acts of 1817, relative to the office of Attorney General; Chapter 293 of Acts of 1838, relative to incorporation of Gallatin Common School; Chapter 40 of Acts of 1843, relative to the county boundary line Chapter 46 of Acts of 1851, relative to establishment of Tennessee High School Chapter 194 of Acts of 1853, relative to bond issue for subscription to Louisville and Nashville Railroad Company; Chapter 67 of Acts of 1868, relative to authority of county commissioner to issue bonds; Chapter 149 of Acts of 1871, relative to duties of the Attorney General; Chapter 118 of Acts of 1889, relative to county boundary line; Chapter 337 of Acts of 1899, relative to protection of certain game birds for five (5) years; Chapter 239 of Acts of 1901, relative to boundaries of school districts; Chapter 240 of Acts of 1901, relative to protection of certain game birds; Chapter 492 of Acts of 1903, relative to protection of deer; Chapter 564 of Acts of 1903, relative to prohibition of livestock running at large Chapter 584 of Acts of 1911, relative to bond issue to pay for turnpike roads Chapter 8 of Acts of 1913, relative to tax for repair of turnpike; Chapter 135 of Acts of 1915, relative to prohibition of livestock running at large; Chapter 129 of Acts of 1905, relative to bond issues to build turnpike roads; Chapter 504 of Acts of 1907, relative to practice of veterinary medicine Chapter 405 of Acts of 1909, relative to practice of veterinary medicine; Chapter 169 of Acts of 1911, relative to prohibition of livestock running at large; Chapter 446 of Acts of 1919, relative to payment of expenses of assessing property; Chapter 439 of Acts of 1919, relative to bond issue to build courthouse; Chapter 456 of Acts of 1919, relative to compensation of County Assessor; Chapter 706 of Acts of 1923, relative to the hours for holding elections; Chapter 709 of Acts of 1925, relative to additional compensation of sheriff in enforcement of prohibition laws; Chapter 277 of Acts of 1927, relative to compensation of Chancery Court Clerks and Masters; Chapter 332 of Private Acts of 1927, relative to election of members of County Board of Education; Chapter 501 of Acts of 1927, relative to compensation of jurors; Chapter 29 of Public Acts of 1929, relative to office and duties of Assistant Attorney General; Chapter 476 of Private Acts of 1929, relative to bond issue for construction of high school and elementary schools; Chapter 667 of Private Acts of 1929, relative to establishment of college courses in high schools; Chapter 827 of Private Acts of 1929, relative to authority to organize public schools by grades; Chapter 859 of Private Acts of 1929, relative to bond issue for construction of high school and elementary schools; Chapter 339 of Private Acts of 1931, relative to regulation of taking of fish; Chapter 417 of Private Acts of 1931, relative to bond issue to pay for roads, schools and floating indebtedness; Chapter 418 of Private Acts of 1931, relative to bond issue for two (2) school buildings; Chapter 796 of Private Acts of 1931, relative to compensation of Circuit Court Clerk; Chapter 14 of Private Acts of 1933, relative to Board of Jury Commissioners Chapter 117 of Private Acts of 1933, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 118 of Private Acts of 1933, relative to school districts and members of County Board of Education; Chapter 129 of Private Acts of 1933, relative to term of members of County Board of Education; Chapter 535 of Private Acts of 1933, relative to compensation of jurors and foremen of grand juries; Chapter 649 of Private Acts of 1933, relative to regulation of fishing with artificial bait; Chapter 702 of Private Acts of 1935, relative to practice of veterinary medicine; Chapter 827 of Private Acts of 1935, relative to special tax to repair county jail; Chapter 163 of Private Acts of First Extraordinary Sessions of 1935, relative to bond issue to build courthouse and jail Chapter 143 of Private Acts of 1937, relative to bond issue for indebtedness for school purposes; Chapter 576 of Private Acts of 1937, relative to acquisition of high school property by issuance of warrants; Chapter 662 of Private Acts of 1937, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 205 of Private Acts of 1939, relative to eligibility of teachers by kinship to members of County Board of Education; Chapter 334 of Private Acts of 1939, relative to bond issue for road rights of way; Chapter 107 of Private Acts of 1941, relative to bond issue for school purposes; Chapter 249 of Private Acts of 1941, relative to bond issue for road rights of way; Chapter 8 of Private Acts of 1943, relative to the compensation of jurors and foremen of grand juries Chapter 112 of Private Acts of 1943, relative to Board of Jury Commissioners Chapter 162 of Private Acts of 1943, relative to regular quarterly sessions of County Court; Chapter 672 of Private Acts of 1947, relative to compensation of Tax Assessor and employment of deputies; Chapter 392 of Private Acts of 1949, relative to compensation for holding general and primary elections; Chapter 254 of Private Acts of 1951, relative to regular quarterly sessions of County Court Chapter 257 of Private Acts of 1951, relative to Board of Jury Commissioners Chapter 55 of Private Acts of 1953, relative to place and hours for voting; Chapter 227 of Private Acts of 1953, relative to preservation and protection of minnows Chapter 332 of Private Acts of 1953, relative to compensation of members of County Court; Chapter 2 of Private Acts of 1955, relative to voting place in Tenth Civil District; Chapter 47 of Private Acts of 1955, relative to Board of Jury Commissioners; Chapter 260 of Private Acts of 1955, relative to compensation of members of County Board of Education; Chapter 402 of Private

Acts of 1957, relative to compensation of members of County Board of Education; Chapter 183 of Private Acts of 1963, relative to wheel or privilege tax on motor vehicles Chapter 2 of Private Acts of 1965, relative to wheel or privilege tax on motor vehicles; Chapter 10 of Private Acts of 1965, relative to compensation of election officials; Chapter 182 of Private Acts of 1965, relative to certain unlawful acts during election hours; Chapter 65 of Private Acts of 1967, relative to the office and duties of the Deputy Attorney General; and Chapter 471 of Private Acts of 1967, relative to restrictions on practice of law by County Judge.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sumner County before September 1, 1974. Its approval or non approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him 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 21, 1974.

## Resource Authority

### Private Acts of 1979 Chapter 157

**SECTION 1.** Creation of Authority. A governmental authority to be known as the "Resource Authority in Sumner County, Tennessee" is hereby created and established for and on behalf of Sumner County, Tennessee, and the Cities of Gallatin and Hendersonville, Tennessee, for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating and maintaining solid waste disposal and resource recovery facilities, systems, properties and services as hereinafter provided, selling, donating, conveying, leasing or otherwise disposing of or utilizing energy, energy producing materials, or other materials or commodities resulting therefrom, and undertaking any project or work related thereto or connected therewith. It is hereby determined and declared that the Authority shall be a public and governmental body acting as an instrumentality and agency of said county and said cities and that the powers herein granted are for public and governmental purposes and matters of public necessity.

**SECTION 2.** Definitions. Wherever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

"Authority" means the Resource Authority in Sumner County, Tennessee created by this act;

"Bonds" means bonds, notes, interim certificates or other obligations of the Authority issued pursuant to this act;

"Governing body" means the chief legislative body of a municipality, as hereinafter defined.

"Municipality" means any county, incorporated city or town, utility district, school district, power district, sanitary district or other municipal, quasi-municipal or governmental body or political subdivision in this state, and any agency, authority, branch, bureau, commission, corporation, department or instrumentality thereof now or hereafter authorized by law to be created;

"Person" means any individual, firm, partnership, association or corporation, or any combination thereof;

"Solid waste" means garbage, rubbish, refuse and other discarded solid materials, including, without limitation, all waste materials of a solid nature resulting from municipal, residential, industrial, commercial and agricultural operations and from community activities;

"Solid waste disposal facility" means land, rights in land, buildings, facilities and equipment suitable or necessary for collecting, receiving, transferring, placing, confining, compacting, treating or covering solid waste or for processing solid waste by, without limitation, incinerating, composting, separating, grinding, shredding, reducing or otherwise modifying the characteristics or properties thereof, including all property, real and personal, appurtenant thereto or connected with such work;

"Resource recovery facility" means land, right in land, building, facilities and equipment suitable or necessary for the recovery or production of energy or energy producing materials in any form resulting from the controlled processing or disposal of solid waste or the systematic separation, extraction and recovery of recyclable material from solid waste, including facilities or systems for the storage, conversion or transportation thereof;

"Project" means any solid waste disposal facility or resource recovery facility, or any combination thereof; and

"Revenues" means all rents, fees and other charges received by the Authority for use of its

projects, facilities and services including, without limitation, all amounts received for the collection, transportation, disposal or processing of solid waste, the operation of any project, or the sale, storage, distribution or transportation of energy, energy producing materials, or other materials or commodities by the Authority.

**SECTION 3.** Board of Directors. The Authority shall have a Board of Directors in which all powers of the Authority shall be vested and which shall consist of seven (7) directors, all of whom shall be duly qualified electors of and taxpayers in Sumner County. The directors shall serve with such per diem compensation as the Board of Directors may determine by resolution, provided, however, that at no time shall the compensation of any director of the Authority exceed the compensation of any member of the governing body of Sumner County. The directors shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. Two (2) directors of the Authority shall be appointed by the governing body of the City of Hendersonville, two (2) directors shall be appointed by the governing body of the City of Gallatin, and three (3) directors shall be appointed by the governing body of Sumner County. The directors shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first Board of Directors, the directors shall be divided into three (3) groups made up as follows: a first group which shall be comprised of one (1) director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin and one (1) director appointed by the governing body of Sumner County; a second group comprised of one (1) director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin, and one (1) director appointed by the governing body of Sumner County; and a third group comprised of one (1) director appointed by the governing body of Sumner County. All appointments shall be made within thirty (30) days following the effective date of this act and the terms of office of all directors shall commence on the thirtieth day following such effective date. The initial term of directors included in the first group shall be two (2) years; the initial term of the directors included in the second group shall be four (4) years; and the initial term of the director included in the third group shall be six (6) years; and thereafter, the terms of all directors shall be six (6) years; provided that if at the expiration of any term of office of any director a successor thereto shall have not been appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so appointed. Any vacancy in the Board of Directors shall be filled for the unexpired term by the same governing body which filled the position becoming vacant. Any member appointed to the Board of Directors may, for reasonable cause, be removed from his or her office in the same manner and by the same governing body as such member was appointed to the office; provided that such removal shall be preceded by a full hearing before the remaining members of the Board of Directors after adequate notice of such hearing, and a report of such hearing shall be forwarded to such appointing authority. "Reasonable cause" shall include, but shall not be limited to, misconduct in office, failure to perform duties prescribed by this act or other applicable law, or failure to diligently pursue the objectives for which the Authority was created. The directors shall meet and organize as a board and shall elect one of its members as chairman, one as vice-chairman, one as treasurer and one as secretary and such officers shall annually be elected thereafter in like manner. The duties of secretary and treasurer may be performed by the same director. Any action taken by the Board of Directors under the provisions of this act may be authorized by resolution at any regular or special meeting, and any such resolution shall take effect immediately and need not be published or posted. Any meeting held by the Board of Directors shall be open to the public. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The concurring vote of a majority of all the directors shall be necessary for the exercise of any of the powers granted in this act. Any member appointed by the governing body of Sumner County shall be a member of the governing body of Sumner County. Should a Sumner County Director resign, retire or should his term of office as a Commissioner of Sumner County expire or otherwise for any reason his term of office or seat becomes vacant, then his seat as a Director for the Resource Authority shall expire and terminate as of the date of termination as a County Commissioner of Sumner County. The Sumner County governing body shall appoint one (1) of its commissioners to serve the remainder of the unexpired term.

As amended by: Private Acts of 1995, Chapter 20.

**SECTION 4.** Powers of Authority. The Authority shall have the following powers in addition to those specified in other sections of this act, together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To have a seal and to alter the same at pleasure;
3. To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain and operate one or more projects, which projects shall be situated within the boundaries of Sumner County, Tennessee, including all real and personal property, facilities and

appurtenances which the Board of Directors of the Authority may deem necessary in connection therewith and regardless of whether or not any such project shall then be in existence;

4. To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, any and all types of property, whether real, personal or mixed, tangible or intangible and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate or convey any or all of its properties, facilities or services, whenever the Board of Directors of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created;

5. To remove, receive, transport, collect, purchase, transfer or otherwise obtain solid waste for disposal or processing from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person and to enter into contracts, agreements or other arrangements in connection therewith;

6. To sell, transfer, distribute or otherwise dispose of electricity, steam, or other forms of power or energy or energy producing material or any other material, product or commodity resulting from the operation of any project, facility or service of the Authority to any municipality, the State of Tennessee, the United States of America or any agency thereof, the Tennessee Valley Authority or any person and to enter into contracts, agreements or other arrangements in connection therewith;

7. To make and enter into all contracts, trust instruments, agreements and other instruments with any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person, including, without limitation, bonds and other forms of indebtedness and contracts for the management and operation of any project, facility or service of the Authority or the treatment, processing, storage, transfer or disposal of solid waste;

8. To incur debts, to borrow money, to issue bonds and to provide for the rights of the holders thereof;

9. To pledge all or any part of the revenues and receipts of the Authority to the payment of any indebtedness of the Authority and to make covenants in connection with the issuance of bonds or other indebtedness or to secure the payment thereof;

10. To have control of its projects, facilities and services with the right and duty to establish and charge fees, rentals, rates and other charges for the use of the facilities and services of the Authority or the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds;

11. To apply for and accept donations, contributions, loans, guaranties, financial assistance, capital grants or gifts from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person for or in aid of the purposes of the Authority and to enter into agreements in connection therewith;

12. To enter onto any lands, waters and premises for the purpose of making surveys, soundings and examinations in and for the furtherance of the purposes authorized by this act;

13. To employ and pay compensation to such employees and agents, including attorneys, accountants, engineers, architects and financial advisors, as the Board of Directors shall deem necessary for the business of the Authority;

14. To use in the performance of its functions the officers, agents, employees, services, property, facilities, records, equipment, rights and powers of Sumner County or the Cities of Gallatin and Hendersonville, Tennessee, with the consent of said county or said cities, and subject to such terms and conditions as may be agreed upon; and

15. To exercise all powers expressly given to it and to establish and make rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the Authority's affairs.

**SECTION 5.** Power to Condemn Property. The Authority is hereby authorized and empowered to condemn in its own name any land, rights in land, easements or rights of way situated within the territorial limits of Sumner County which, in the judgment of the Board of Directors, are necessary for carrying out the purposes for which the Authority is created and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority. Such power of condemnation may be exercised in the manner prescribed by Chapter 15 of Title 23, Tennessee Code Annotated, or in the manner prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain. Provided, however, the power to condemn as authorized by this section shall not be exercised unless such condemnation be approved by a two-thirds (2/3) vote of the county legislative body of Sumner County.

As amended by: Private Acts of 1980, Chapter 291.

**SECTION 6.** Bonds of the Authority. The Authority shall have the power to issue bonds from time to time

in order to accomplish its purposes. All bonds issued by the Authority shall be payable solely out of and secured by a pledge of all or any portion of the revenues and receipts derived by the Authority as may be designated in the proceedings of the Board of Directors of the Authority under which the bonds shall be authorized to be issued; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in fully registered form or in bearer form registrable either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may be subject to redemption, either with or without premium, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the Authority and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the Board of Directors whereunder the bonds shall be authorized to be issued. Any bonds of the Authority may be sold at public or private sale for such price and in the manner and from time to time as may be determined by the Board of Directors of the Authority to be the most advantageous, and the Authority may pay all expenses, premiums and commissions which the Board of Directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issue of bonds. Proceeds of bonds issued by the Authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for the such payment. Any bonds shall, except as herein otherwise expressly provided, be issued for capital expenditures and none of the proceeds shall be used for operational expenditures or routine maintenance needs. Any bonds or notes of the Authority at any time outstanding may at any time and from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Directors may deem necessary, but not exceeding the sum of the following: (a) the principal amount of the obligations being refinanced, (b) applicable redemption premiums thereon, (c) unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds, (d) in the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the Board of Directors, or to the date or dates of maturity, whichever shall be determined by the Board of Directors to be the most advantageous or necessary to the Authority, (e) a reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve, (f) if the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced), and (g) expenses, premiums and commissions of the Authority, including bond discount deemed by the Board of Directors to be necessary for the issuance of the refunding bonds. A determination by the Board of Directors that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive. Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. Unless the obligations to be refunded are to be retired at the time of delivery of the refunding bonds, the Board of Directors shall, prior to the issuance of the refunding bonds, cause notice of its intention to issue such bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time in a newspaper having general circulation in Sumner County and, as soon as practicable after the delivery of the refunding

bonds, and whether or not any of the obligations to be refunded are to be called for redemption, shall cause notice of the issuance of the refunding bonds to be given in like manner. If any of the obligations to be refunded are to be called for redemption, the Board of Directors shall cause notice of redemption to be given in a manner required by the proceedings authorizing such outstanding obligations. The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

- (a) To the immediate payment and retirement of the obligations being refunded; or,
- (b) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the State of Tennessee if such certificate shall be secured by a pledge of any of said obligations having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificate so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption. All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

**SECTION 7.** Security for Payment of Bonds. The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of such revenues and receipts out of which the same may be made payable. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the projects or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any projects, facilities or systems or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds of the Authority, each pledge and agreement made for the benefit or security of any of the bonds of the Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of default in such payment or in any agreements of the Authority made as a part of the proceedings under which the bonds were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or any one or more of said remedies, all as provided in the proceedings under which the bonds are issued. The county executive and county clerk are hereby authorized and directed, to the extent which is now or hereafter legally possible, to execute all documents necessary to guarantee or in any other manner to secure the payment of the bond obligations of such Resource Authority, including bond anticipation notes or any other similar obligations of the Authority; provided, however, that the approval of the governing bodies of Sumner County, the city of Gallatin and the city of Hendersonville to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that if such cities and county are called upon to pay any obligations of the Resource Authority, such cities and county hereby agree that Sumner County shall pay three-sevenths (3/7) of such obligation and the city of Gallatin and the city of Hendersonville shall each pay two-sevenths (2/7) of such obligation. Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or either city, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or cities if such authorization is given. The approval by the governing bodies as prescribed above shall be by a two-thirds (2/3's) vote of the county legislative body of Sumner County, the city legislative body of Gallatin and the city legislative body of Hendersonville; and such legislative bodies shall also by a two-thirds (2/3's) vote approve the amounts of any bonds and/or notes which may be issued or entered into by the authority. Any bond issue under this Act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal of the Authority. The requirements for recordation of mortgages and other security instruments in the County Register's office shall be waived in the case of the Authority's execution of such mortgages or security instruments. Any pledging of the credit of Sumner County or guarantees of bond issues by Sumner County shall be for the purpose of incinerating, recycling, separating, selling, reusing, salvaging, reclaiming, disposing, removing, dissolving, composting, landfilling, covering, storing, collecting, compacting, grinding, shredding, transporting, receiving, distributing, transferring, managing, utilizing,

handling, processing, and converting, and/or transforming waste and shall be in accordance with and not contrary to Tennessee Code Annotated, Titles 5 and 6.

As amended by: Private Acts of 1980, Chapter 291,  
Private Acts of 1990, Chapter 165.

**SECTION 8.** Neither Sumner County, the City of Gallatin, the City of Hendersonville, the State of Tennessee, nor any municipality other than the Authority shall, except as may otherwise be authorized by the governing body of any such county, city, state, or other municipality, in any event be liable for the payment of the principal of or interest on any bonds of the Authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by the Authority and none of the bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of said state, county, cities or any such municipality within the meaning of any constitutional or statutory provision whatsoever.

As amended by: As amended by: Private Acts of 1980, Chapter 291.

**SECTION 9.** Exemption from Taxation. The Authority is hereby declared to be performing a public function on behalf of Sumner County and the Cities of Gallatin and Hendersonville, Tennessee and to be a public instrumentality of said county and said cities. Accordingly, the Authority and all properties at any time owned by it and the income and revenues therefrom shall be exempt from all taxation in the State of Tennessee. All bonds issued by the Authority and the income therefrom shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes. Also, for purposes of the Securities Law of 1955, compiled as §§ 48-1601 -- 48-1648, Tennessee Code Annotated, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State of Tennessee.

**SECTION 10.** Authority Non-Profit--Disposition of Earnings. No part of the net earnings of the Authority remaining after payment of its expenses shall enure to the benefit of any person except that, at such times as no bonds of the Authority are outstanding and unpaid and adequate provisions have been made for the full payment of expenses, appropriate reserve accounts and other obligations and contracts of the Authority, any net earnings of the Authority to the extent not necessary for such purposes shall be paid to Sumner County, the City of Gallatin and the City of Hendersonville in such proportions as may be agreed upon among such parties and the Board of Directors. If no agreement has been reached among the parties within sixty (60) days after the commencement of negotiations therefor, the question of the allocation of any available net earnings shall be settled by arbitration in accordance with the laws of the State of Tennessee pertaining to arbitration in effect at the time of submission to the arbitrators. Nothing herein contained shall prevent the Board of Directors from transferring all or any part of the properties of the Authority in accordance with the terms of any contract, agreement or covenant entered into or undertaken by the Authority.

**SECTION 11.** Annual Audits. The Board of Directors shall prepare and submit to the governing bodies of Sumner County, the City of Gallatin and the City of Hendersonville each fiscal year a financial statement which shall be audited by a recognized form of independent certified public accountants.

**SECTION 12.** Powers Not Restricted. Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which the Authority might otherwise have under any laws of this state, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice or approval shall be required with respect to the issuance of any bonds of the Authority or any instrument as security therefore except as provided in this act, any law to the contrary notwithstanding; provided that nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers over properties of the Authority, or to impair any power of any official or agency of said state and its governmental subdivisions which may be otherwise provided by law.

**SECTION 13.** Agreements with Authority Authorized. The State of Tennessee or any municipality therein is hereby authorized, whenever the same shall be found desirable by its governing body, to enter into contracts, agreements or other arrangements with the Authority regarding any project, facility or service of the Authority, including, without limitation, the collection, transfer, storage, transportation, processing or disposal of solid waste or the purchase, sale, lease or other disposition of energy, energy producing materials and other materials, commodities or properties of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof. Any payments to be made to the Authority pursuant to an agreement may be payable from general funds, to the extent permitted by law, or from such limited source as may be agreed upon between the Authority and such entity, and in the case of payments to be made from general funds, the governing body of any municipality having the taxing power may provide for the levy and collection of a direct, annual tax sufficient to make such payments to the Authority when the same become due. Such tax shall be assessed, levied, collected and paid in like manner as other taxes of such municipality and shall be in



addition to all other taxes now or hereafter authorized to be levied by such municipality. Such tax shall not be included within any statutory or other limitation as to rate or amount for such municipality, but shall be excluded therefrom and be in addition thereto and in excess thereof. The governing body of any municipality not having the taxing power shall, upon entering into an agreement with the Authority, make adequate provision for the timely payment of all amounts to be paid to the Authority. No payments shall be construed to be an indebtedness of a municipality within the meaning of any constitutional or statutory provision.

**SECTION 14.** Powers of County and Cities. Sumner County, the City of Gallatin and the City of Hendersonville, Tennessee, shall have all necessary powers in order to further the purposes of this act, including without limitation, the power:

(a) To provide that any funds on hand or to become available to it for solid waste or resource recovery purposes shall be paid directly to the Authority; and

(b) To sell, lease, dedicate, donate or otherwise convey to the Authority any of its interest in any existing solid waste disposal or resource recovery facility or other related property, or grant easements, licenses or other rights or privileges therein to the Authority. The respective governing bodies of said county and cities are authorized to appropriate funds to the Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Authority or the operation of any of the projects, facilities and systems authorized by this act, and said governing bodies are also authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within said county or said cities, sufficient to pay such appropriation to the Authority.

**SECTION 14A.** (a) The City of Gallatin, the City of Hendersonville and any other incorporated municipality in Sumner County, Tennessee, are each authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within their boundaries, and in furtherance of the energy and environment objectives of this act and those of Tennessee Code Annotated, Sections 68-31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(b) Sumner County is authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within that portion of the county's boundaries not located within the corporate limits of a municipality, and in furtherance of the energy and environmental objectives of this chapter, and those of Tennessee Code Annotated, Sections 68- 31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(c) The jurisdiction and right to control granted by this section may be exercised by ordinance, resolution, contract, or otherwise; provided that manufacturing firms which hold state permits to dispose of or utilize their own solid wastes on plant property on the effective date of this act shall not be subject to the provisions of this section except by mutual agreement between plant management and the municipality or county.

(d) Each municipality and the county is authorized to establish, levy and collect fees, rates, or charges in connection with the collection, delivery, sale, purchase, or disposal, whether at the site of the resource recovery facility, a landfill, or otherwise, of solid waste.

(e) Any person who willfully violates any of the ordinances or resolutions passed by any of the municipalities or of Sumner County or willfully fails, neglects or refuses to comply with such ordinances or resolutions shall be guilty of a misdemeanor and upon conviction, shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than \$2,500.00 for each violation, within the discretion of the court having jurisdiction over such matter, and each day of continued violation shall constitute a separate offense.

(f) In addition to the penalties provided herein, the municipalities and Sumner County may enforce any ordinances, resolutions or contracts issued or entered into to carry out the provisions of this section by instituting legal proceedings to enjoin the violation of the provisions of this section, in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation hereof.

As amended by: Private Acts of 1986, Chapter 193.

**SECTION 15.** Project Sites, Sumner County, the City of Gallatin or the City of Hendersonville, Tennessee may acquire a project site by gift, purchase, lease or condemnation, and may transfer any project site to the Authority by sale, lease, or gift. Such transfer may be authorized by a resolution of the governing body of said county or said cities without submission of the question to the voters, and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

**SECTION 15A.** Any tax levied by the Authority shall be authorized by a private act enacted by the Tennessee General Assembly. The term "tax" shall not be construed to include any reasonable tipping fees or similar fees which the Authority may impose for services rendered to the County of Sumner, any city therein, or any other person.

As amended by: Private Acts of 1980, Chapter 291.

**SECTION 16.** Liberal Construction. This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of solid waste disposal and encouraging the best utilization and conservation of energy and natural resources.

**SECTION 17.** Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application 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 18.** Local Approval. This act shall have no effect unless approved by a two-thirds (2/3) favorable vote of the governing body of Sumner County and by a two-thirds (2/3) favorable vote of each of the respective governing bodies of the City of Gallatin and the City of Hendersonville, Tennessee. Its approval or disapproval shall in each case be proclaimed by the presiding officer of each governing body and certified by such officer to the Secretary of State.

**SECTION 19.** Effective Date. For the purpose of approving or rejecting the provisions of this act, as provided in Section 18, it shall be effective upon becoming a law, but for all other purposes it shall be effective only upon being approved as provided in Section 18.

Passed: May 17, 1979.

## Rock Castle

### Public Acts of 1967 Chapter 257

WHEREAS, General Daniel Smith was a Revolutionary War General, a Tennessee Constitutional Convention Delegate, the first United States Senator from Tennessee and otherwise a leading citizen of Tennessee in its early days of Statehood, and finished construction in 1791 on his residence known as "Rock Castle" in the community of Hendersonville, Sumner County, Tennessee; and WHEREAS, "Rock Castle" is of great historical value to the citizens of Tennessee and our nation; and

WHEREAS, in the interest of the citizens of Tennessee, our nation, future generations, students of history and for the purpose of preserving objects which are monuments to the stalwart men who helped form the glorious history of our fair State, "Rock Castle", the home of General Daniel Smith, should be purchased by the State in order that it may be preserved; now therefore;

**SECTION 1.** There is created a Commission which shall be composed of the following named individuals and residents of Sumner County, Tennessee: Miss Sarah Berry; Martin Curtis, Sr.; Mrs. Neal Chenault, Sr; J. H. Lawson; and Earl Hurt. The members of this Commission shall serve without pay, and shall be subject to removal by the Governor for good cause. Membership on said Commission shall be permanent. In the event of a vacancy by death, resignation, removal from the State or otherwise, the Governor shall, upon the advice and recommendation of the remaining members of the Commission, appoint a successor. The Commission hereby established shall serve in an advisory capacity only to the Tennessee Historical Commission in carrying out the provisions of this Act.

**SECTION 2.** The Tennessee Historical Commission as defined by Section 4-1101 - 4- 1108, Tennessee Code Annotated, is hereby authorized and empowered to use any funds appropriated or available to said Tennessee Historical Commission to purchase and acquire a tract of land in Sumner County, Tennessee, on which is located "Rock Castle", for a sum not to exceed Sixty Thousand Dollars (\$60,000.00), said tract of land being bounded and described as follows:

Land in the 5th Civil District of Sumner County, Tennessee, described as follows: Said property starting at a point in the westerly side of Island Drive at a point 410 feet S. of the northerly margin of Indian Lake Road, S. 0° 07' E. 646 feet along the westerly side of said Island Drive to a point, S. 85° 05' W. 355 feet, S. 1° 0' E. 120 Feet, S. 65° 43' W. 151.9 feet, N. 74° 57' W. 367.7 feet, S. 20° 48' W. 59.8 feet, S. 85° 15' W. 174.6 feet, N. 70° 35' W. 154.7 feet, N. 0° 45' E. 219.3 feet, N. 87° 12' E. 51.3 feet, N. 37° 37' E. 172.5 feet, N. 27° 18' W. 214.2 feet, N. 47° 42' E. 188.8 feet, N. 29° 3' W. 137 feet, N. 80° 49' E. 59.8 feet, to the center line of the driveway into the "Rock Castle" property (which point is 415 feet S. of the N. margin of Indian Lake Road), thence approximately 930 feet more or less easterly to the point of beginning. Said tract of ground containing 18.3 acres more or less.

**SECTION 3.** The Tennessee Historical Commission is authorized to expend any funds appropriated or available to it in the repair, renovation, and restoration of "Rock Castle" and in doing so may seek the advice of the Commission created in Section 1 of this Act.

**SECTION 4.** The said Tennessee Historical Commission is hereby authorized and empowered after the

purchase and acquisition of said land and after the repair, renovation and ;restoration of said "Rock Castle" and the improvement of tract of land, as herein contemplated, to convey the same in trust to the Association for the Preservation of Tennessee Antiquities, a Tennessee Corporation, to hold for the use and benefit of the State of Tennessee and its citizens provided, that the actual custody and control of said property shall be lodged in the Sumner County Chapter of the Association for the Preservation of Tennessee Antiquities, which shall have the right to designate the personnel who shall have actual charge of said premises and shall have the right to promulgate rules and regulation with respect to said premises.

**SECTION 5.** The object for which this trust is created is to permit and encourage the Association for the Preservation of Tennessee Antiquities, and particularly, the Sumner County Chapter thereof, to improve and beautify the said "Rock Castle" in such manner as they deem best and to maintain it in a high state of improvement and repair, and to operate and maintain the grounds improved by the Tennessee Historical Commission for use by the general public. It is a condition of the trust that said property shall revert to said Tennessee Historical Commission to be held by it in trust for the State of Tennessee, if the Association for the Preservation of Tennessee Antiquities fails or refuses to carry out the conditions of this trust.

**SECTION 6.** This Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: May 22, 1967.

COMPILER'S NOTE: This is a Special Public Act and is not printed in the Tennessee Code Annotated.

## Administration - Historical Notes

### **Audit**

The Acts listed below are no longer in effect in Sumner County.

1. Private Acts of 1929, Chapter 828, created an Auditing Commission in Sumner County composed of two members elected by the Quarterly Court at the July term, 1929, and every two years thereafter. The Commission would inspect and audit the records and reports of county departments and offices and report to the Quarterly Court. This Act was repealed by Private Acts of 1949, Chapter 190.
2. Private Acts of 1949, Chapter 190, as amended by Private Acts of 1967, Chapter 43, created an Auditing Commission consisting of two members appointed by the Quarterly Court at the July term and every two years thereafter. The Act names the offices, and officials, which were to be audited and specified the frequency with which it was to be done. The Commission would report to the Quarterly Court at each term. Private Acts of 1929, Chapter 828, above, was expressly repealed and this law substituted. This Act was repealed by Private Acts of 1973, Chapter 103.

### **Cemeteries**

The following acts once applied to Sumner County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 2022, Chapter 49, repealed Private Acts of 1953, Chapter 30, which established a process for the creation of private cemeteries in Sumner County. Going forward, the authority for establishing a process for the creation of private cemeteries in Sumner County will be with the Board of Zoning Appeals and the Planning Commission, and in accordance with state law.

### **County Clerk**

The following acts once affected the office of county clerk in Sumner County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 230, repealed part of an 1853 Act of the general law which required the collector of the railroad tax to deposit the same in a bank in Nashville to the credit of the Sumner County Trustee. The revenue was applied on the payment of bond interest. It was the duty of the County Court Clerk to furnish the collector of the tax statements showing the amount of interest which would be due on the bonds, and the railroad tax collector would apply the money to the payment of interest. The account was settled by the County Court Clerk before January 1 of the year following the collection. The Clerk was required to prepare a book showing records of all collections and payments.
2. Private Acts of 1982, Chapter 232, was an Act which designated the County Clerk of Sumner County as the Clerk of Chancery Court. This Act was rejected and never became operative. This act was later repealed by Private Acts of 1989, Chapter 93.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Sumner 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 1803, Chapter 39, regulated the times for holding the Courts of Pleas and Quarter Sessions in the counties making up the Mero District which were the counties of Jackson, Smith, Wilson, Rutherford, Williamson, Davidson, Robertson, Montgomery, Stewart, Dickson, and Sumner. The court would meet in Sumner County on the third Monday in December, March, June, and September.
2. Acts of 1806 (Ex. Sess.), Chapter 48, rescheduled the court terms for the county courts of the counties in the Mero District but left Sumner County's Court to meet on the second Monday in December, March, June, and September, and provided for the court to remain open for 12 judicial days which was a right not granted to all the courts, this being an exception rather than the rule.
3. Acts of 1807, Chapter 60, required the county court of every county on the second day of each term to determine on what day of the succeeding term the court would transact the county's business, and to direct the clerk of the court to post a notice of the opening date on the courthouse door as well as the day on which the state docket would be called.
4. Acts of 1809, Chapter 93, fixed the schedule of the opening dates for the terms of the Courts of Pleas and Quarter Sessions in most of the state's counties. Sumner County's Court would continue to meet on the second Monday in March, June, September, and December.
5. Acts of 1813, Chapter 134, rearranged the court dates for the County Courts of several counties, including Sumner whose court would hereafter meet on the fourth Monday in February, May, August, and November.
6. Acts of 1817, Chapter 138, changed the opening dates for the terms of the County Court in Sumner County to the third Monday in February, May, August, and November.
7. Acts of 1823, Chapter 252, declared that the County Court of Sumner County would hereafter commence its terms on the second Monday, instead of the third Monday.
8. Acts of 1826 (Ex. Sess.), Chapter 78, was the authority for the Justices of the Peace in the Court of Pleas and Quarter Sessions in Maury, Williamson, Lawrence, Sumner, and Madison Counties, on the first day of the first term of the year, to select three of their number to hold the court for the rest of the year under the same rules as if all were meeting.
9. Acts of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once each month and hold open until the business of the court was finished. Three of the Justices were a court to hear the probate of wills and related matters but no jury trials were allowed. The County Court had the further responsibility of selecting jurors for the courts and had the power to levy taxes in order to pay them, if necessary.
10. Acts of 1868, Chapter 47, provided that an additional Justice of the Peace would be elected by the qualified voters within the Corporation of Gallatin, Tennessee, who would have offices in that city and the Election Commission of the said County of Sumner was authorized to open and hold an election for that purpose.
11. Private Acts of 1925, Chapter 544, stated that the County Court of Sumner County, identified by the 1920 Federal Census, was authorized, concurrently with the Chancery Court, to permit encroachment upon the corpus, or body, of estates by guardians for minors, lunatics, idiots, and other persons under disability in estates of the value of \$1,000 or less.
12. Private Acts of 1943, Chapter 162, changed the terms of the Quarterly Court of Sumner County to begin on the Thursday following the first Monday in January, April, July and October. This Act was repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1949, Chapter 393, fixed the per diem pay of the Justices of the Peace of Sumner County for attendance at the meetings of the Quarterly County Court.
14. Private Acts of 1951, Chapter 254, set the terms of the Quarterly Court of Sumner County to begin on the first Monday in January, April, July, and October. This Act was repealed by Private Acts of 1974, Chapter 369.
15. Private Acts of 1953, Chapter 332, was listed by as applying to Sumner County but does not affect Sumner County. In any event, this law was repealed by Sumner County in Private Acts of 1974, Chapter 369.
16. Private Acts of 1955, Chapter 156, set the per diem for the Sumner County Justices of the Peace at \$10 for each day of attendance at the meetings of the Quarterly County Court and, in addition, the Justices would be paid 10 cents per mile for each mile traveled, one way, between their

homes and the county seat, to be paid out of the regular funds of the county. This Act was rejected by the Sumner County Quarterly Court and therefore never became an effective law.

17. Private Acts of 1957, Chapter 403, also provided for the Justices of the Peace to be paid \$10 for each day's attendance at the sessions of the Quarterly Court and, in addition, ten cents per mile for each mile traveled between their homes and the county seat, one way. This Act was also rejected by the Quarterly Court.
18. Private Acts of 1965, Chapter 9, stated that for each day's attendance at regular, special, or called, meetings of the Quarterly Court, the Justices would be paid \$8, and, in addition, ten cents per mile for each mile traveled from residence to county seat by the nearest practical route. This Act was not approved by the Quarterly Court of Sumner County and failed to become an effective law.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Sumner 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, created the office of County Judge in every county in the state 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 that Court were assigned to the County Judge who would preside over the sessions of the Quarterly Court. The jurisdiction of the County Court was specifically outlined in the Act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in this law.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, in its entirety, and restored all Quorum Courts to their former status.
3. Acts of 1859-60, Chapter 148, created the office of County Judge, to be elected to 8 year terms by the people. The first election was to take place on the first Saturday in May under the same rules and laws as other elections were conducted. The Judge was to be learned in the law, sworn, and commissioned as other Judges and Chancellors. The Judge would preside over the Quarterly Court as the Chairman, and the Quarterly Court would perform the duties of the Quorum Court, which was abolished. The Judge was also the accounting officer and general agent of the county being required to perform the duties specified for each. This Act was repealed by Acts of 1877, Chapter 15.
4. Acts of 1868-69, Chapter 40, required the County Judge of Sumner County to perform, in addition to the other duties of the office, all duties formerly discharged by the President of the Board of County Commissioners. The office of President of the Board of County Commissioners was abolished and all laws or parts of laws, in conflict with the provisions of this Act were repealed. This Act was repealed by Acts of 1868-69, Chapter 44, below.
5. Acts of 1868-69, Chapter 44, consolidated the office of Entry Taker and Surveyor in Henderson County, and further repealed everything in the Act which referred to the County Commissioners and the County Judge of Sumner County.
6. Acts of 1869-70, Chapter 6, abolished the Board of County Commissioners in Dyer and Sumner Counties but the office of County Judge was retained in Sumner County.
7. Acts of 1875, Chapter 134, repealed Section 4540 of the Code of Tennessee regarding the compensation allowed for County Judges and provided that the compensation paid to the County Judge would not exceed \$500 annually in Williamson and Sumner County.
8. Acts of 1877, Chapter 15, repealed Sections 2 through 13 of the Acts of 1859-60, Chapter 148, above, and in Section 2 authorized the Justices of the Peace to elect a Chairman out of their number on the first Monday in July, 1878 to serve until January, 1879, and then to elect a Chairman, annually, thereafter. This Act was repealed by Private Acts of 1967-68, Chapter 471.
9. Private Acts of 1967-68, Chapter 471, created the office of County Judge, repealing Acts of 1877, Chapter 15, above. The first Judge would serve until September 1, 1974, and be succeeded by a Judge elected in the August general election, for 8 years. The Judge was to be at least 30 years old and a three year resident of Sumner County. Various powers were granted to the Judge and specific responsibilities were placed the office. All of the terms of this Act were subject to the approval of the people in a referendum election to be held for that purpose. This Act was repealed by Private Acts of 1974, Chapter 369.

### **County Register**

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

1. Private Acts of 1945, Chapter 564, provided that, in Sumner County, any instrument conveying the fee title in real estate must first be submitted to the County Tax Assessor who would note in a book the name of the seller, the name of the buyer, and a description of the tract being transferred by reference to the names of adjoining land owners before being recorded in the County Register's office. No Register could record the instrument until this requirement was met. This Act was repealed by Private Acts of 1967, Chapter 122, published herein.
2. Private Acts of 1967, Chapter 122, provided that, in Sumner County, before any person in Sumner County presented for registration an instrument conveying the fee title in real estate (as distinguished from mortgages and deeds of trust) the person must present the conveyance to the County Tax Assessor who was required to note and list in a well-bound book the name of the seller; the name of the purchaser; the consideration paid; the Civil District of the County; and a description of each tract of land so conveyed by reference to the adjoining landowners. This Act was repealed by Private Acts of 2014, Chapter 59.

### **Junk Yards**

The following private act regarding junkyard control once affected Sumner County, but is no longer operative.

1. Private Acts of 1961, Chapter 302, required the approval of the Quarterly County Court before any new junk yard could be established or existing junkyard could be expanded. The Act also required approval by the governing body of any city or town within three miles of the proposed junkyard and provided other requirements for obtaining such permit. This Act was repealed by Private Acts of 1984, Chapter 223.

### **Purchasing**

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

1. Private Acts of 1955, Chapter 379, created a Purchasing Commission for Sumner County made up of the County Judge, the County Court Clerk, and one Justice of the Peace, who would be selected annually by members of the Quarterly Court to serve for one year. This Act did not apply to purchases under \$100 and all items over \$500 were to be secured on a bid basis after being advertised. The Commission would buy for all the departments of government using the forms and blanks as prescribed. This Act was rejected by the Quarterly Court and consequently never became an active law under the provisions of the Home Rule Amendment to the Constitution.
2. Private Acts of 1981, Chapter 21, expressly repealed Private Acts of 1975, Chapter 6, and all its amendments, which collectively constitute the Purchasing Law of Sumner County. This Act was rejected by the Sumner County Legislative Body and consequently never became law.
3. Private Acts of 1996, Chapter 138, repealed Private Acts of 1975, Chapter 6, as amended by Private Acts of 1977, Chapter 83, and Private Acts of 1979, Chapter 55 relative to the purchasing law of Sumner County.

### **General References**

The following private or local acts constitute part of the administrative and political history of Sumner 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 1789, Chapter 29, recited in the preamble that by an act passed at Hillsborough in North Carolina for the relief and benefit of soldiers, all the salt licks, or springs, and 640 acres of adjoining lands remain, and the selling of the same would promote the manufacture of salt. This act appointed Robert Ewing, Joel Rice, David Wilson, Edward Douglas, and Robert Nelson, as Commissioners to sell the salt springs and the land, after they were properly sworn, and bonded. Since some of the licks were not good for making salt, the County Courts of Davidson, Sumner, and Tennessee counties would make a list of those which were good, naming several to be specifically investigated and reported on.
2. Acts of 1789, Chapter 63, recited that the poor people who have been wounded fighting Indians and could not afford medical attention from a Doctor, were to be furnished a doctor and the charges were to be paid out of the regular funds of the county.

3. Acts of 1796, Chapter 25, appointed William Bowen, John Wilson, Isaac Walton, George A. Blackmore, and Hugh Crawford, as Commissioners to make a choice of a place in Sumner County which was convenient, reasonably priced, having a good location and availability of water. Section 2 named Henry Bradford, David Shelby, and Edward Douglass, as trustees to purchase 200 acres of land at the place picked, the title to it being vested in them as Trustees of the town of Cairo. They would lay off the town in lots of ½ acre, or less, after setting aside two acres for a Public Square, sell the lots, take the money and build a courthouse, prison, and stocks on the Square. The Justices could lay a tax, if necessary, to keep the development of the town going. This Act was repealed by the one following.
4. Acts of 1797, Chapter 27, repealed the 1796 Act appointing Commissioners to lay out a town in Sumner County. This statute named James Clendennin, Kasper Mansker, William Edwards, William Bowen, Capt. James Wilson, James Frazier, More Stephenson, William Gillespie, James White, Wetherel Lattimore, and John Morgan as Commissioners to make choice of the most convenient place in Sumner County to purchase land on which to erect a courthouse, prison, and stocks, and to establish a town thereon, having regard for the center of the county. If the Commissioners could not agree, a surveyor could be employed to measure 12½ miles from Mansker's Creek up the road leading to Bledsoe's Creek. Daniel Smith, James Winchester, and Wilson Cage were appointed as Trustees to buy the 200 acres of land, taking title as Trustees of the town of Cairo, and their responsibilities were almost identical to the others.
5. Acts of 1797, Chapter 29, was an Act to frame a certain tract of land into two townships on the property of Thomas Storm, of New York, and his associates. The tract was generally described in the Act. One town was to be called Manningvale, and the other was to be called Falkland, both located in Sumner County.
6. Acts of 1797, Chapter 30, provided for a town to be laid off on the north bluff of the Cumberland River, known as Saunders Bluff in Sumner County, located on the land of Will Saunders. There would be 200 lots of one-half acre, named Bledsoeborough, but two acres must be reserved in the center of the town for the Public Square. The Commissioners named for the task were Tilmon Dixon, William Alexander, Charles Donohoe, Peter Turner, and Henry McKinney.
7. Acts of 1799, Chapter 45, stated that no tobacco would be shipped from Tennessee unless it was packed in hogsheads, or casks, and inspected according to the requirements of this Act and at the places mentioned herein. In Sumner County inspections could be made at Cairo and at James Saunders's place.
8. Acts of 1801, Chapter 5, was an act setting up the regulations for the inspection of tobacco and other commodities which were to be sold openly. In Sumner County the inspection locations mentioned were Cairo, Saunders's Ferry, below the mouth of Drake's Creek, the mouth of Mansker's Creek, the mouth of Station Camp Creek, and at Eccle's, opposite Cairo.
9. Acts of 1801, Chapter 50, stated in the preamble that the Commissioners named in the 1799 Act to select a site for a county town in Sumner County had failed to carry out their mission, and it was essential that the General Assembly take some action to establish permanently where the courts of the county would be held. The public buildings of Sumner County would be established at one of three places lying east of Station Camp Creek, (1) the place known by the name of Dickens, the property of John G. Hamilton, or (2) at the place of James Trousdale, or (3) at the place where David Shelby lived. Samuel Donelson, Shadrach Nye, James Wilson, Charles Donoho, and Major Thomas Murray, were appointed Commissioners to select the best site. After purchasing 40 acres, the Commissioners would lay off a town to be called Gallatin, reserving 1½ acres near the center of the town for a Public Square on which would be built a Courthouse, prison, and stocks. Rules and the procedures to be followed in laying out the town, selling and conveying the lots and building the public institutions were contained in the Act.
10. Acts of 1806 (Ex. Sess.), Chapter 28, required the County Courts of Jefferson, Sumner, and Hawkins Counties to appoint a day on which five Commissioners would be elected for the towns of Dandridge, Gallatin, and Rogersville. The Commissioners, once elected, would appoint a Town Clerk, a Treasurer, and would have the power to levy taxes in accordance with the amounts specified in the act.
11. Acts of 1807, Chapter 19, allowed the Sumner County Court, a majority of the Justices being present, and, if they should deem it proper, to appropriate such sums of money as they might consider sufficient to compensate George Dawson Blackmore for procuring scales and weights for the inspection of tobacco at the town of Cairo, and, when the money was paid, the scales and weights would become the property of the County.
12. Acts of 1809, Chapter 19, added a small area to the City of Gallatin which was contiguous to the

- city on its eastern boundary. All the citizens of the area added would have the same rights and privileges as other residents of the city.
13. Acts of 1815, Chapter 7, was the authority for the Commissioners of Gallatin to sell at a private sale to Joseph Barron, at a fair and reasonable price, part of the north side of the Public Square, not exceeding four feet wide, adjoining and in front of different lots. The Commissioners would execute the deed and collect the money from Barron.
  14. Acts of 1815, Chapter 187, incorporated the towns of Cairo and Gallatin in Sumner County under the same rules and regulations and with the same Charter provisions as were granted to the town of Franklin, in Williamson County.
  15. Acts of 1817, Chapter 107, incorporated Gallatin with a regular Charter under the Mayor-Alderman form of government. The Sheriff was to hold an election on the first Saturday in November, 1818, for the people of the city to elect seven Aldermen to one year terms, who would select one of their own number to be Mayor for the year. Some specific grants of power were enumerated in the act.
  16. Acts of 1819, Chapter 65, changed the name of Elizabeth Cowin, the daughter of Margaret Cowin, of Sumner County, to Elizabeth White, by which name she would thereafter be known.
  17. Acts of 1819, Chapter 119, was the legal authorization for Alfred H. Douglas, Anthony B. Shelby, Samuel Gwinn, Daniel McNally, and Ansel D. Hogg, to draft a lottery scheme to raise a sum not to exceed \$5,000 to build a Masonic Hall in Gallatin by the members of King Solomon's Lodge #6. They were to give bond in double the amount and keep accurate records of all funds raised and spent.
  18. Acts of 1819, Chapter 121, appointed several Notary Public Officials for several different counties, naming William Smith as one for Sumner County.
  19. Local Acts of 1821, Chapter 132, established a town laid out by Thomas Murry on his lands on the north bank of the Cumberland River to be called Murrysville. Murry was granted the authority to build a warehouse near the mouth of his ferry branch and set up a tobacco inspection point there. The County Court of Sumner County would appoint three inspectors to make the examinations of tobacco at this and other warehouses.
  20. Local Acts of 1823, Chapter 97, was the legal authority for Jane Jones, of Sumner County, the wife of William Jones, to have and to hold property by descent, or otherwise, in her own name and as a feme sole. The property so held would be free of the claims of creditors of William Jones, any law to the contrary notwithstanding.
  21. Private Acts of 1826, Chapter 120, permitted Francis Moore, of Sumner County, and Robert C. Davis, of Wilson County, to hawk and peddle their goods, wares, and merchandise in Sumner County, and in Wilson County, without having to pay any license fee, provided they would swear before the County Court Clerk that they would not peddle anyone's goods but their own.
  22. Public Acts of 1831, Chapter 43, required the cashier of the Bank of the State of Tennessee to place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson their respective portions of the \$60,000 set aside for the Internal Improvement of Middle Tennessee. Their shares would be in the proportion of the population of each county to the combined population of all the counties allocated to the Middle Tennessee District.
  23. Private Acts of 1832, Chapter 30, allowed George Crockett, the Bank Agent for Sumner County, in addition to his annual salary, the sum of \$75 for his extra services in refunding the money on lands entered at 12½ cents per acre, and for payments made for improvements between Matthew's and Walker's line.
  24. Private Acts of 1832, Chapter 97, provided that the Internal Improvement Fund belonging to Sumner County and Williamson County as pointed out in Chapter 43, Public Acts of 1831, above, would be paid by the cashier of the Bank of Tennessee to the County Court Clerks of the above counties, and the County Courts of these counties were allowed to dispose of the funds as they considered fit and proper.
  25. Private Acts of 1833, Chapter 81, authorized Thomas Lockhart, of Sumner County, to hawk and peddle in Sumner County without having to buy a license.
  26. Private Acts of 1833, Chapter 122, allowed Sarah Groves, wife of Hiram Groves, both of Sumner County, to possess and enjoy all the rights, privileges, and immunities of a single woman except to marry, including the right to hold real estate and other property in her own name, and none of the property would be subject to the debts owed by her husband, Hiram.



27. Private Acts of 1833, Chapter 219, granted the right to Henry T. Brassell to hawk and peddle goods in Sumner County without having to procure a license.
28. Public Acts of 1835-36, Chapter 11, allowed the Justices of the County Court of each county in the State to appoint two Notaries Public in each county to serve for a four year term.
29. Acts of 1867-68, Chapter 19, established a three member Board of County Commissioners for Sumner County to serve for three years, the first of whom would be appointed by the Governor, and their successors would be elected one each year, according to the rotation set up by the original appointment. The Commissioners, after being sworn and bonded, would hold four sessions each year at Gallatin at the times provided for the Quarterly Court whose powers were vested in the County Commissioners, plus some specific grants of additional powers made to the Commissioners. The Sumner County magistrates were relieved of all their powers and duties as members of the Quarterly Court. The President of the Board would be paid \$500 a year, and the members \$300, payable quarterly out of the regular funds. This Act was repealed generally in 1870, below.
30. Acts of 1867-68, Chapter 67, was the enabling legislation for the County Commissioners of Sumner County to issue bonds for the purpose of paying the debts of the county, the amount of which was never to exceed the amount of debts owing at the time. This act was specifically repealed in Private Acts of 1974, Chapter 369, and by Acts of 1869-70, Chapter 49, below.
31. Acts of 1869-70, Chapter 49, expressly repealed all laws, or parts of laws, and their amendments, which created Boards of County Commissioners in several counties of the State, and all the laws which might have been repealed, or superseded by those laws, were revived and restored to their full force and effect.
32. Acts of 1871, Chapter 58, required the County Surveyor and the Entry Taker to keep their records at the County Seat in an office there.
33. Private Acts of 1919, Chapter 776, was the legislative authority for the Sumner County Court to appropriate up to \$1,000 for the purpose of welcoming and entertaining soldiers and sailors. The Court could pay the money out on the warrant of the chairman of the committee in charge of the program.
34. Private Acts of 1931 (2nd Ex. Sess.), Chapter 103, removed the disabilities of infancy from Gomer T. Latimer, of Sumner County, who could hereafter conduct himself as any other adult citizen.
35. Private Acts of 1935, Chapter 91, removed the minority of Wesley Perry, of the 12th Civil District of Sumner County, conferring hereafter all the privileges of a majority upon him.
36. Private Acts of 1935, Chapter 198, granted to Miss Jennie Wright Wallace, of Sumner County, who was past 20 years of age, all the powers of adulthood.
37. Private Acts of 1935, Chapter 199, relieved Mrs. Anna Mae Durham Miller, of Sumner County, who was then 19 years of age, of all the restrictions of her minority.
38. Private Acts of 1935, Chapter 331, freed Mrs. Ruby King Canida, of Sumner County, from all the limitations of being a minor, and conferred upon her all the powers of an adult.
39. Private Acts of 1935, Chapter 336, removed all the disabilities of being a minor from Albert Bradley, Jr., who was born on September 18, 1916, in Sumner County.
40. Private Acts of 1937, Chapter 35, emancipated Mrs. Ruby Mae Perdue Shaw, born on June 2, 1918, in Sumner County, from the disabilities and restrictions of her minority.
41. Private Acts of 1937 (3rd Ex. Sess.), Chapter 9, removed all the restrictions of being a minor from Glen Durham, age 18 of Sumner County, granting to him all the legal rights of adulthood. Chapter 31, of the same Volume was a duplicate of this Act.
42. Private Acts of 1967-68, Chapter 78, created the office of County Manager for Sumner County to be elected by the people for a 4 year term of office. The salary was fixed at \$12,000 annually, payable monthly. The manager was to maintain an office in the courthouse and could hire a secretary and other staff personnel to enable him to carry out his duties. The manager would have the same duties, authority, powers, and jurisdiction as the County Judge, and the county fiscal and accounting officers. The position of Chairman of the County Court was abolished. The first County Manager would be elected in the election to be held on October 10, 1967, take office on January 8, 1968, and serve until September 1, 1970. This Act was rejected by the Quarterly Court and never became law.
43. Acts of 1967-68, Chapter 211, amended Chapter 78, same session, above, in Section 4 by adding a provision that in the event a vacancy occurred in the office of County Manager, the Quarterly Court of Sumner County would appoint some qualified person to fill the vacancy until a successor

could be duly elected. Since the Quarterly Court failed to ratify the Act which this Act amended, it was unnecessary to act on this law.

44. Private Acts of 1974, Chapter 369, repealed many of the private acts enacted in prior years. This act is published herein as a convenient reference point for our readers.

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