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Private Acts of 1925 Chapter 663

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

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

Sincerely,

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Private Acts of 1925 Chapter 663

SECTION 1. That there is hereby created and established a Department of Highways for Sullivan County, Tennessee; that all the powers necessary for the administration of said Department of Highways shall be vested in an administrative officer, whose title shall be Commissioner of Highways; that said Commissioner of Highways shall be elected by the Quarterly County Court of Sullivan County, on the first Monday in April, 1923, and he shall hold his office by virtue of such election until the next regular county election to be held in August, 1924, at which election a Commissioner of Highways shall be elected by a vote of the people of the county, in the same manner as other county officers are elected, and each succeeding four (4) years thereafter, to assume office on September 1 following his election. Said Commissioner, however, shall hold his office until his successor is elected and qualified. In case of vacancy in said office at any time between sessions of the Quarterly County Court, either by death or otherwise, the County Judge or Chairman shall fill said vacancy by appointment until the next term of the County Court, at which time the County Court will fill said vacancy by electing a Commissioner to serve until the next regular election. Before entering upon the duties of his office, the said Commissioner shall give bond in the sum of Twenty Thousand (\$20,000.00) Dollars, with two or more good and solvent sureties or in some reputable guarantee company for the faithful performance of his duties as such Commissioner, and the proper handling and paying out of all funds that may come into his hands as such Commissioner, which bond shall be approved by the Judge of the County Court, and filed with the County Court Clerk, who shall be the custodian of the bond. He shall also subscribe to an oath to faithfully perform the duties of his office without favoritism and to the best of his skill and ability, and to be filed along with the said bond.

As amended by: Private Acts of 1965, Chapter 257.

SECTION 2. That the salary of said Commissioner of Highways shall be Twenty-Four Hundred (\$2,400.00) Dollars per annum, and his expenses while actually engaged in the duties of the office. However, if such Commissioner shall also act as Engineer for the county, which he may do if he is a civil engineer, and has had experience in road building, and in that case if said Commissioner of Highways performs the duty of Commissioner and Engineer, his salary shall be Three Thousand (\$3,000.00) Dollars per annum, and his necessary expenses while in actual performance of his duty. His expense account, however, shall be itemized and sworn to and audited by the Judge of the County Court before payment. The salary of said Commissioner, and all salaries and expenses incident to the running of said Department of Highways, shall be paid out of the ordinary funds of the county, unless the Quarterly County Court shall provide a different fund therefor, which they may do by special levy or from any road funds that may be on hand; said salaries and all administrative cost of said Department of Highways may be paid monthly by the County Judge by warrant or voucher drawn upon the Trustee of the County, but a copy or duplicate of such monthly statements shall be filed with the County Court Clerk and presented to the Quarterly County Court in the miscellaneous accounts under the head of salaries, etc., and certified by said Clerk along with other allowances made by the court for salaries in other departments of the county.

As amended by: Private Acts of 1925, Chapter 450,
Private Acts of 1929, Chapter 924,
Private Acts of 1933, Chapter 461,
Private Acts of 1935, Chapter 600.

SECTION 3. That the Quarterly County Court of said county shall, by resolution, provide for the necessary Engineers, Clerk and Bookkeepers or other assistants for said department, by designating the offices and fixing the salaries of such employees; but said Engineers, Clerks and Bookkeepers or employees shall be selected or employed by the Commissioner of Highways, and shall hold office at his pleasure and be subject to his directions, it being the intention of this Act that all questions arising in said Department of Highways that are not delegated to the Commissioner of Highways shall be settled by the Quarterly County Court if the Court should so desire.

SECTION 4. That said Commissioners of Highways shall have charge of all the public highways within the county, including both the improved or pike roads and the unimproved public roads of the county. He shall be charged with the construction and maintenance of all said roads, and for this purpose he shall have charge of all the machinery, tools and road equipment belonging to the county, all quarries and quarry sites. He shall have charge of all county road funds that may come into his hands by order of the County Court or by any laws now existing or hereafter passed, that provide funds to be placed in the hands of the Department of Highways provided, that after this Act takes effect all funds belonging to or appropriated by the Quarterly County Court for the use of the Department of Highways shall be placed in the custody of the Trustee of the county, and credited by said Trustee to the Department of Highways; and no expenditures shall be made from these funds, except upon an itemized statement signed by the

Commissioner of Highways, which statement shall be submitted to the Judge of the County Court who shall, if he approved the same, issue a voucher or vouchers upon the Trustee of the county directing said Trustee to make payment. The Commissioner of Highways shall succeed to all the duties of the present Board of Public Road Commissioners of the county, and assume and perform all duties now imposed on said Board of Public Road Commissioners by law and by orders and resolutions of the Quarterly County Court not in conflict with the provisions of this Act. The Commissioner of Highways shall be the custodian of all the records, books and papers of every kind and character now in the hands of the Board of Public Road Commissioners of the county, and all other records pertaining to public road matters in the county which do not properly belong in the County Court Clerks office, and it shall be the duty of the present Board of Public Road Commissioners upon the election and qualification of the Commissioner of Highways, as provided in this Act, to turn over to said Commissioner of Highways all the papers, documents, books and records and all machinery, tools and other property belonging to the county now in the hands of said Board of Public Road Commissioners. The Department of Highways for Sullivan County shall be authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Within the funds available for such purpose, the Department of Highways shall be authorized to expand, replace, or alter such plant or facility. It shall be authorized to sell, trade, barter, loan or give away the product of any such plant or facility to any municipality within the boundaries of Sullivan County as may be authorized by resolution of the Quarterly County Court.

As amended by: Private Acts of 1977, Chapter 52.

SECTION 5. That the Quarterly County Court shall have the power at any and all times, to pass resolutions or orders, setting out and designating the duties of the Commissioner of Highways and the entire working of the Department of Highways in so far as the same are not otherwise designated by law; provided, that the Commissioner of Highways shall make to the Quarterly County Court at each regular meeting a report covering the work done by his department during the past three months and giving a classified statement of all moneys expended by his department during this period; such report shall also show in detail the amount and cost of work done on each road or section of road in the county.

SECTION 6. That the Commissioner of Highways shall be the proper authority enter into, and execute all contracts for the construction and maintenance of highways either with the Federal Government, State Government or with local contractors, unless otherwise provided by order of the Quarterly County Court.

SECTION 7. That the Quarterly County Court shall provide all rules and regulations under which the Commissioner of Highways and the Department of Highways shall operate, where the same is not clearly designated and set out by law.

SECTION 8. That Chapter 530 of the Private Acts of the General Assembly of the State of Tennessee, of 1919, and all other Acts in conflict with this Act, be and the same are hereby repealed.

SECTION 9. That this Act take effect on the 2nd day of April, 1923, the public welfare requiring it.

Passed: February 15, 1923.

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