



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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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.

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# Chapter I - Administration

## 2003 Human Resources Act

### Private Acts of 2003 Chapter 61

**SECTION 1.** This act shall be known and may be cited as the "2003 Human Resources Law".

**SECTION 2.** There is hereby created a human resources department under the oversight of the county legislative body. The department shall perform the duties and responsibilities set out herein for all departments of Rutherford County government except for the board of education.

**SECTION 3.** The human resources department will operate for the purposes of oversight under the direction of the county mayor. All policies and procedures otherwise adopted by the county departments will apply to the human resources department unless specific exclusion is made by the county legislative body.

As amended by: Private Acts of 2019, Chapter 20.

**SECTION 4.** The designated oversight committee is hereby authorized to establish and approve policies, procedures, and regulations in addition to the specific provisions of this act, for implementing a sound and proficient system for administering matters related to human resources of the county.

**SECTION 5.** Upon adoption of this act, there shall be one (1) department established for human resources management of all departments of the county general operations and highway department, except as the public laws or other private acts of Rutherford County provide otherwise or are in conflict herewith. This department shall be known as the human resources department. All employees performing functions related to human resources shall be under the supervision of the human resources director and such salaries, benefits, and expenses related to said personnel shall be budgeted under the human resources department.

**SECTION 6.** The county mayor is authorized to appoint or dismiss a human resources director upon thirty (30) days' notice, subject to the approval of the county legislative body. The director shall be responsible to the county mayor in all matters relative to the director's position. The person hired for this position shall be qualified by training and experience in the field of human standards. The county legislative body or the steering committee of the county legislative body, as designated by the county legislative body, and in conjunction with the county mayor, shall jointly conduct an evaluation of the human resources director on an annual basis. The compensation of the human resources director shall be included in the annual budget recommendations by the budget, finance and investment committee subject to the approval of the county legislative body's budget appropriation.

As amended by: Private Acts of 2019, Chapter 20.

**SECTION 7.** The human resources director shall install and maintain a human resources management system in accordance with applicable law and regulations, restrictions of this private act and other acts of Rutherford County, and such policies and regulations of the county legislative body. More specific responsibilities shall be outlined in the job description approved by the oversight committee and the county legislative body. The director shall assist other county officials and department heads in matters related to human resources.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.

Passed: May 29, 2003.

**COMPILER'S NOTE:** Private Acts of 2003, Chapter 38, was also cited as the "2003 Human Resources Law". The language is identical to the Private Acts of 2003, Chapter 61 with the exception of the fourth sentence in Section 6 which states that the person holding the position of human resources director in the finance department at the date of adoption of this act shall continue employment with the finance

department in a capacity other than human resources director. No action was taken on this act by the county legislative body of Rutherford County.

## Audit System

### Private Acts of 1943 Chapter 278

**COMPILER'S NOTE:** See T.C.A. 5-8-501 through 5-8-506, a general state law on standard accounting systems and T.C.A. 5-8-601 through 5-8-604, on Revenue Commissioners, which could have superseded this act.

**SECTION 1.** That, in all counties of this State with a population of not more than 33,620 nor less than 33,590 according to the Federal Census of 1940 or any subsequent Federal Census, the books, accounts, funds and records of all county officials, employees, offices, departments, commissions, boards and other county agencies shall be audited as follows, to-wit: An initial audit of the books, accounts, funds and records of the office of the County Judge or Chairman of the County Court, as the case may be, the office of the County Court Clerk, and the Superintendent of Roads, the Superintendent of the Workhouse, the Board of Workhouse Commissioners, and/or other officer, employee, department, commission, board or other agency, as the case may be, having custody, control, management, administration, supervision and/or direction of the county road system and/or county workhouse in such counties, shall be and is hereby mandatorily required to be made for a period of not less than six years prior to and ending June 30, 1943; and an initial audit of the books, accounts, funds and records of any one or more or all other county officials, employees, offices, departments, commissions, boards and other county agencies in such counties is hereby permitted and authorized to be made. Annually thereafter, but beginning with the fiscal year beginning July 1, 1943 and ending June 30, 1944, the books, accounts, funds and records of the office of the County Judge or Chairman of the County Court, as the case may be, the office of the County Court Clerk, and the Superintendent of the Workhouse, the Board of Workhouse Commissioners and/or other officer, employee, department, commission, board or other agency, as the case may be, having custody, control, management, administration, supervision and/or direction of the county road system and/or county workhouse in such counties shall be and are hereby mandatorily required to be audited at and following the end of each fiscal year; and, annually thereafter but beginning with the fiscal year beginning July 1, 1943 and ending June 30, 1944, the books, accounts, funds, and records of any one or more or all other county officials, employees, offices, departments, commissions, boards and other county agencies in such counties, shall be and are hereby permitted and authorized to be audited at and following the end of each fiscal year.

The auditing commission in such counties hereinafter provided for shall be and is hereby authorized and empowered to determine the nature, extent and scope of the initial and annual audits hereinbefore permitted and authorized, but not mandatorily required, to be made.

**SECTION 2.** That, for each of such counties, there be and is hereby created a County Auditing Commission, composed of five (5) members, three of whom shall be members of the Quarterly County Court and two of whom shall be citizens and taxpayers at least twenty-one years of age who are not members of the Quarterly County Court. Each such County Auditing Commission shall elect the chairman and secretary thereof from its membership, and the compensation of the members thereof shall be Three Dollars (\$3.00) per day for every day said commission is in session; provided that, however, no member shall receive more than SeventyFive Dollars (\$75.00) in such compensation in any one year. Said compensation shall be paid by warrant of the County Judge or Chairman of the Quarterly County Court, as the case may be. Three members shall constitute a quorum for all purposes. The minutes of the meetings or sessions of said commission shall be recorded in a well bound book, and be safely kept by the secretary thereof, in which shall be recorded all action of the commission.

It shall be the duty of said commission, and said commission is hereby required, to employ and/or contract for the services of a certified public accountant or accountants to make the initial and subsequent annual audits that are mandatorily required to be made under the terms of Section 1 hereof, and to cause such audits to be made, and to supervise, manage, direct and conduct the same; and said commission is hereby authorized and empowered to employ and/or contract for the services of such accountant or accountants to make such additional initial and subsequent annual audits as are permitted and authorized, but not mandatorily required, to be made under the provisions of Section 1 hereof, and to cause such audits to be made, and to supervise, manage, direct and conduct the same.

The County Auditing Commission of such counties shall be authorized to expend for and in connection with the initial audits or either of them provided for in Section 1 hereof, not more than the sum of Five Thousand Dollars (\$5,000.00), and the Quarterly County Courts of such counties shall be and are hereby authorized and empowered to appropriate additional sums for the purpose of defraying the costs and

expenses of or incident to the making of said initial audits or either of them, and shall be and are hereby authorized and empowered to appropriate such sum or sums as may be necessary for the purpose of defraying the costs and expenses of or incident to the making of the subsequent annual audits provided for in Section 1 hereof.

Said sum of \$5,000.00 to defray the costs and expenses of said initial audit or audits is hereby appropriated from and out of the general county funds of such counties, and shall be available for said purpose in all events, regardless of any budgetary or other provision therefor or restriction thereon and regardless of whether or not approved by the Quarterly County Courts of such counties; and, in the event said sum of \$5,000.00 shall be insufficient to defray the costs and expenses of said initial audit or audits, it shall be the duty of such County Auditing Commission to certify to the Quarterly County Court that additional funds are needed therefor. Necessary amounts of said sum of \$5,000.00 shall be expended upon order of the chairman of said commission, drawn on the County Judge or Chairman of the County Court, as the case may be, and it shall be the duty of such County Judge or Chairman of the County Court to issue warrants drawn on the County Trustee for payment of such expenditures. The unexpended portion of said sum of \$5,000.00 shall be returned to the general county fund.

The County Auditing Commission of every such county shall, on or before June 30, 1944, and on or before June 30th in each succeeding year, file with the County Judge or Chairman of the County Court thereof, as the case may be, for submission to and filing with the Quarterly County Court thereof at the next regular meeting or session thereof, a report of the activities of such commission for the preceding year.

The County Auditing Commission of every such county shall be a continuing body, and no audit nor audits provided for in this Act in the process of being made shall be discontinued, interrupted, or be otherwise interfered with or prevented, nor shall the validity, effect or enforceability of any contract entered into by said commission as provided for in this Act be in anywise affected, either by or on account of the expiration of the period or term for which any member thereof has been elected to serve or the election of the successors to the members of said commission or by or on account of the removal, ouster or resignation of said members or any of them.

**SECTION 3.** That it shall be the duty of said auditing commission so designated and appointed, as soon as practicable after the passage of this Act, to assume the duties of said commission under this Act, and, as soon as practicable after the passage of this Act, said commission so designated and appointed shall promptly proceed to employ and/or contract for the services of a certified public accountant or accountants to make the initial audit mandatorily required and the initial audit permitted and authorized, to be made under the provisions of Section 1 hereof, and forth-with to proceed to cause said audit or audits to be made and to supervise, manage, direct and conduct said audit or audits, until the successors to the members of said commission are elected as hereinafter in this Section provided for.

At the first regular meeting of the Quarterly County Court after the passage of this Act, the County Judge or Chairman shall designate the names of six members of the Quarterly County Court, from which number the Quarterly County Court shall elect three members of the County Auditing Commission; and at such time the County Judge or Chairman shall also designate the names of four citizens and taxpayers of said county, from which number the Quarterly County Court shall elect two members of said County Auditing Commission, the five members so elected to compose the County Auditing Commission herein provided for, who shall hold their respective offices until the regular July term or meeting of the Quarterly County Court in 1944, and/or until their successors shall have been duly elected or appointed and qualified as provided for elsewhere in this Act. The successors in office of said County Auditing Commission shall be elected or appointed as herein provided annually, at the regular July term or meeting of the Quarterly County Court, who shall likewise hold their respective offices until their successors shall have been duly elected or appointed and qualified as herein provided in this Act.

In the event the County Judge or Chairman should fail to designate members of the Quarterly County Court and citizens and taxpayers at each meeting of the Quarterly County Court at which time the members of the County Auditing Commission is required to be elected or appointed as provided in this Act, then and in such event the Quarterly County Court shall elect such members without them first having been designated by the County Judge or Chairman, three to be elected from the Court and two from citizens and taxpayers who are not members of the Court as herein provided. On the other hand, should the Quarterly County Court fail for any reason to elect all or any number of said commission at the times herein designated, the County Judge or Chairman shall appoint such commission for the time hereinbefore provided for their election. Such appointments, however, shall be made from members of the Court and from citizens and taxpayers as hereinbefore provided in case of election by the Quarterly County Court.

Vacancies on said commission, whether occurring by reason of death, disability, resignation, ouster, removal or other cause whatsoever, shall be filled by the Quarterly County Court at its next regular

meeting after such vacancy occurs, from persons designated by the County Judge or Chairman, two designations or nominations to be made for each such vacancy, or appointed by the County Judge or Chairman in the event the Court fails to elect as hereinbefore provided, and such newly elected or appointed member or members shall hold their respective offices until the next regular July term of the Quarterly County Court, or until their successors are duly elected or appointed and qualified as herein provided.

the event a vacancy occurs between the regular quarterly sessions of the Quarterly County Court, the County Judge or Chairman shall appoint a successor, who shall hold office until the next ensuing regular Quarterly County Court, at which time a successor shall be elected or appointed as hereinbefore provided.

**SECTION 4.** That it shall be the duty of every such official, employee, office, department, commission, board or other county agency of any such county to make available to the County Auditing Commission of said county, and to the certified public accountant or accountants employed and/or contracted with by it, all the books, accounts, funds, records, warrants, files and other sources of information of every kind whatsoever in the possession, custody or control of any such official, employee, office, department, commission, board or other county agency in anywise relating to or helpful in the making of the audits mandatorily required, or permitted and authorized, to be made as provided for under this Act. Any person or persons refusing or failing to make any such books, accounts, funds, records, warrants, files and other information available for such purpose shall be guilty of a misdemeanor and upon conviction shall be punishable by fine of not less than \$10.00 nor more than \$50.00 and shall be subject to removal from office under Sections 1877 et seq. of the Code of Tennessee.

**SECTION 5.** That the County Auditing Commission of every such county shall have authority to subpoena witnesses and to examine them under oath, and to certify or cite any witness refusing to testify, pursuant to any such subpoena, to the Circuit or Criminal Court or Courts of such County for contempt.

**SECTION 6.** That in the event the constitutionality of this Act is challenged or any suit is filed involving the validity or construction of this Act, the County Auditing Commission of every such County is hereby authorized and empowered to employ an attorney or attorneys to represent said auditing commission in such litigation. The Judge or Chancellor of the Court in which such suit is tried shall fix the reasonable compensation of said attorney or attorneys, and said compensation so fixed shall be paid from the general county funds of such county. The County Auditing Commission of every such county shall be and is hereby authorized and empowered to employ and/or contract for the services of an attorney or attorneys, and to stipulate as to and/or fix the compensation to be paid such attorney or attorneys, to represent said commission in any litigation that may arise out of or preliminary to or in connection with the making of any of the audits mandatorily required or permitted and authorized to be made under this Act, and/or to consult with or advise said commission as to any and all legal questions that may arise either in regard to the powers, duties and/or authority of said commission or in connection with the making of any such audit; but any compensation payable under this paragraph of this Section to any such attorney or attorneys shall be chargeable against and be payable only out of sum or sums appropriated and made available for the making of such audit.

**SECTION 7.** That the term "certified public accountant" as used in this Act shall mean a person who has successfully passed an examination and, upon basis thereof, has been duly licensed as a Certified Public Accountant by the State Board of Accountancy.

**SECTION 8.** That the provisions of this Act are hereby declared to be severable; and, if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been passed even if such unconstitutional or void matter had not been included therein.

**SECTION 9.** That all laws or parts of laws, in conflict with this Act, be and the same are hereby to the extent of such conflict repealed.

**SECTION 10.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: February 2, 1943.

## Budget System

### Private Acts of 1979 Chapter 49

**SECTION 1.** Chapter 82 of the Private Acts of 1975 creating a system of accounting and budgetary procedures is hereby repealed.

**SECTION 2.** This Act shall be known as the "1979 Accounting and Budgeting Procedures Law".

**SECTION 3. GENERAL ORGANIZATION AND PROCEDURES**

(a) **FISCAL YEAR.** There is hereby created a fiscal year for the county and for each office, department, institution, activity, and agency thereof, which fiscal year shall begin on the first day of July of each year and shall end on the 30th day of June next following. Said fiscal year shall constitute the budget year, and the year for accounting and reporting of each and every fund, office, department, institution, activity, and agency of Rutherford County; but the aforesaid provision shall be in addition to, and not in lieu of, any accounting and reporting now required of any official by general law.

(b) **GENERAL FISCAL PROCEDURES.** The system of fiscal procedure, control, accounting, and budgeting herein provided 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 as prescribed by the State Comptroller of the Treasury, State Commissioner of Education and other state and federal agencies.

(c) **BUDGET AND FINANCE COMMITTEE.** A County Budget and Finance Committee is hereby created. The committee shall consist of not less than five (5) nor more than seven (7) members who shall be elected by the County Legislative Body at its regular September session of each year or at any subsequent session. Such committee shall elect its own chairman and shall meet from time to time as it may deem necessary for the discharge of its duties. The Director of Finance shall be the ex officio secretary of the Budget Committee. The Budget and Finance Committee shall perform all duties respecting county budgets and appropriations now performed, or required to be performed, by the Budget and Finance Committee and shall perform such other duties as herein provided.

(d) **GENERAL RESPONSIBILITIES OF MEMBERS OF THE BUDGET AND FINANCE COMMITTEE.** The Budget and Finance Committee is hereby authorized to establish and approve policies, procedures, and regulations in addition to the specific provisions of this law, for implementing a sound and proficient financial system for administering the funds of the County.

(e) **CENTRALIZED ACCOUNTING AND BUDGETING OFFICE.** Upon the adoption of this law, there shall be one (1) department established for the accounting and budgeting of all funds of the County General Operation, Highway Department and Board of Education and other such funds handled by the County Trustee. This office shall be known as the Finance Office. All employees performing the functions of payroll, accounting and budgeting in these departments shall be under the supervision of the Director of Finance and such salaries, benefits, and expenses relating to said personnel shall be budgeted under the Finance Office.

(f) **DIRECTOR OF FINANCE.** The Budget and Finance Committee shall have the authority to appoint or dismiss upon thirty (30) days' notice, subject to the approval of the County Legislative Body, a Director of Finance. He shall be responsible to the Budget and Finance Committee in all matters relative to his position. The person hired for this position shall be qualified by training and experience in the field of accounting to perform his duties in a proficient manner and in accordance with generally recognized governmental accounting principles. The person holding this position at the date of the adoption of this act shall continue his employment under the provisions of this act. The compensation of the Director of Finance shall be included in the annual budget recommendations by the Budget and Finance Committee subject to the approval of the County Legislative Body's budget appropriation.

(g) **GENERAL RESPONSIBILITIES OF THE DIRECTOR OF FINANCE.** The Director of Finance shall install and maintain an accounting and financial management system in accordance to state laws and regulations, to restrictions of this private act and other acts of Rutherford County, and to such policies and regulations of the Budget and Finance Committee and the local governing body. He shall assist other county officials in achieving a proficient financial management system for the County.

(h) **BONDING OF DIRECTOR OF FINANCE AND PERSONNEL OF THE OFFICE.** A blanket bond of a minimum of twenty-five thousand dollars (\$25,000.00) for dishonest acts and faithful performances shall be executed in accordance with the law for the Director of Finance and personnel of the office. Said bond may be for more than twenty-five thousand dollars (\$25,000.00) subject to the approval of the Budget and Finance Committee and the appropriations of the County Legislative Body and shall be recorded in the office of the Register of Deeds in the same manner as are the bonds of all county officials.

(i) **DEPUTY DIRECTOR OF FINANCE.** A person employed by the Finance Office shall be

recommended by the Director of Finance and approved by the Budget and Finance Committee to serve as Deputy Director of Finance. The person employed for this position shall perform such duties and responsibilities as assigned by the Director of Finance.

In the event the Director of Finance is absent or intends to be absent for more than twenty-one (21) days, or is incapacitated or otherwise unable to perform the duties of his office, the Deputy Director of Finance shall become Interim Director of Finance until the absence or disability is removed. In the event the Director of Finance objects to the Deputy Director of Finance acting as Interim Director of Finance, he shall so inform the Budget and Finance Committee and said committee shall resolve the issue. While serving as Interim Director of Finance, the Deputy Director shall perform the duties of the Director of Finance necessary to the continued operation of the office, including the co-signing of warrants and payroll checks.

As amended by: Private Acts of 1982, Chapter 332

**SECTION 4. BUDGETARY PROCEDURES.** It shall be the duty of each official, office, department, institution, agent or employee of the county government to furnish in writing such information, in such form and at such time as may be requested by the Budget and Finance Committee and to implement such budgetary procedures as contained in this Act.

(a) **BUDGET ESTIMATES.** The County Highway Commissioners shall, on or before the first day of May of each year, file with the Director of Finance an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation, repair and maintenance of the county road system and for the general administration of the Highway Department and Workhouse, together with an estimate of the highway and road funds expected to be received during such fiscal year along with supporting documentation.

The County Board of Education shall, after preparing its annual budget as now provided by law, file such budget together with supporting documentation including projected revenues on or before the 15th day of May with the Director of Finance for inclusion in the complete budget document to be presented to the Budget Committee.

The County Executive and Director of Finance shall, on or before the 15th day of April of each year, file with the Office of Finance an itemized statement of the amounts which they estimate are necessary to be expended from the county general fund, the debt service funds and from all other funds (excluding highway funds, school funds, and funds derived from the sale of bonds) together with an estimate of revenue to be received during the next fiscal year along with supporting documentation.

Each of the other operating departments, institutions, offices and agencies shall file with the Director of Finance on or before April 15th 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 along with supporting documentation.

The Director of Finance shall, on or before June 1st of each year file a consolidated budget document with the Budget and Finance 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, highway funds, 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 estimate of the unencumbered cash balance of each of said funds at the beginning of said fiscal year.

(b) **ADOPTION OF BUDGET BY COMMITTEE -- CONTENTS.** On or before June 15th the Budget and Finance Committee shall review and propose the annual budget. Said budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year, and shall conform to the uniform classification of accounts established by the Director of Finance, first approved by the Comptroller of the Treasury. 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 the County Superintendent of Schools shall conform to the classification of accounts as prescribed by the State Commissioner of Education.

Opposite each item of estimated revenue the finance department shall show in opposite parallel columns the amount actually collected for the last completed fiscal year, a revised estimated amount for the current fiscal year, and the estimate for the ensuing fiscal year. All departments working in conjunction with the Finance Department will estimate expenditures for the current and ensuing fiscal year, and supply these figures to the finance department.

Likewise opposite each item of proposed expenditure, the budget document shall show the amount



actually expended for such item during the last completed year, the probable amount which will be spent during the current fiscal year and the proposed appropriations or expenditure estimate for the ensuing fiscal year. In preparing the budget, the Budget and Finance Committee may revise as it deems necessary the total amount of each major category the estimated Budget requests made by the various departments, officials, offices, institutions and agencies of the County. The line items in various account categories of the County Board of Education's Budget shall be left to the County Board of Education. All departments shall be entitled to a hearing before the Budget and Finance Committee with reference to the contemplated changes in the total amount of the estimated budget. The Budget and Finance Committee shall certainly and 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 for the current calendar year.

(c) PUBLICATION OF PROPOSED BUDGET AND TAX RATE PUBLIC HEARING. On or before June 15th of each year the Budget and Finance Committee shall cause a synopsis of the proposed budget, and a statement of the tax rate required to finance the proposed budget, to be published in a newspaper having general circulation in such county. Said publication shall also contain a notice of a public hearing to be conducted by said Budget and Finance Committee at which any citizen of the county shall have the right to appear and state his views on the budget. Such public hearing shall be held by the Budget and Finance Committee not later than ten (10) days prior to the beginning of the fiscal year.

Following such public hearing, the Budget and Finance Committee shall make the final revision of the budget document and notify each department of any revisions in their budget document. The Board of Education shall on or before seven (7) days prior to the July term of the Legislative Body adjust the line item required by changes made by the Budget and Finance Committee and report back to the Budget Committee.

(d) PRESENTATION OF BUDGET TO COUNTY GOVERNING BODY ALTERATION OR REVISION-ADOPTION-TEMPORARY ALLOTMENTS. The Budget and Finance Committee shall present the budget to the County Legislative Body at the regular July session each year or at a special session called for this purpose prior to the regular July session. 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. With the proposed budget, the Budget and Finance Committee shall deliver to the County Court a budget appropriation resolution and a tax levy resolution.

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, but the County Legislative Body shall finally adopt a budget in July. Provided, however, prior to the adoption of the budget any county official, board or commission shall be entitled to a hearing before the County Legislative Body with reference to any changes in budget requests or estimates. Pending such final adoption the Director of Finance is hereby authorized to make temporary allotments for expenditures for essential county service, in amounts not in excess of the comparable allotment for an average quarter of the preceding year.

The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the County Court.

(e) EXPENDITURES -- LIMITATIONS AND RESTRICTIONS -- DISBURSEMENT WARRANTS -- IMPOUNDMENT OF APPROPRIATIONS. 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 said resolution, and no expenditure shall be made or obligation created in excess of such limitation. Provided further, that 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 said court, which provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide by tax levy or otherwise sufficient revenue or other funds to meet expenditures to be made in consequence of such additional appropriation.

Provided, further, that 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 of Finance to impound the appropriations from such fund in such amount as shall appear necessary, subject to the written approval of the Budget and Finance Committee and such other requirements as provided by law.

The appropriations made by the County Legislative Body, as provided above, shall constitute authorization for expenditures unless otherwise limited by the County Legislative Body. Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated for such item except that each department or agency shall file with the Finance Director a copy of each purchase order at the time of origination with a notation indicating to which specific account it is to be charged. In addition, the expenditures and encumbrances against the amounts appropriated shall be made only in consequence of an order issued by the proper authority and subsequent approval of the invoice by the Director of Finance; except that payrolls and bills for telephones, water, gas, electric and other utility services, and such other exceptions as approved by the Budget and Finance Committee, shall first be checked and approved for payment by the various departments or otherwise as provided by law and county obligations imposed by law shall be approved by the proper authority before being submitted to the Director of Finance for payment. No expenditures made or obligations created in any manner shall be valid or binding against the county except as provided by law.

(f) **BUDGET AMENDMENTS.** The Budget and Finance Committee, with the consent of any official, head of any department or division which may be affected may take transfers and adjustments within the smallest budgetary itemization of any subdivision. Additionally, within a major category of the budget regarding any line item which varies within one thousand dollars (\$1,000), more or less, from the original budget adopted by the board of commissioners, except for those items affecting amounts budgeted for personnel costs and amendments reflecting the administrative or other expenses relating to the functioning of the county commission, the county mayor may amend by written approval said line item(s) within a major category of the budget at the sole discretion of the county mayor. Any other transfers and adjustments shall be submitted to the budget committee for its recommendation to the county's legislative body. Budget amendments should be timely and enacted before the expenditure of such funds.

(g) **MONTHLY REPORT OF DIRECTOR.** The Director of Finance shall make a report at the end of each month showing the condition of the budget. Said report shall show for each item of appropriation, and/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. Said 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. Each department head, elected official and board member shall be furnished copies of monthly reports for their respective departments as soon as the same is available. The most recent of such reports shall be presented by the Director of Finance at each regular session of the County Legislative Body. At such time he 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 his opinion, the County Legislative Body should take in order that the budget shall be kept in balance.

(h) **CHANGE IN REQUIRED DATES.** Any date referred to in Section 4 may be extended for any reasonable reason or altered to meet federal and state requirements in order to eliminate duplication subject to the approval of the Budget and Finance Committee and five (5) working days' written notice.

As amended by: Private Acts of 2006, Chapter 83

**SECTION 5. FISCAL PROCEDURE SYSTEM.** There shall be set up and maintained in the Office of the Director of Finance a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the Director of Finance; but such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the County Executive as fiscal agent of the county and respecting the statute duties and responsibilities of the County Board of Education as well as the responsibilities and duties of the County Highway Department.

(a) **DUTIES AND POWERS OF DIRECTION -- RECORDS, ACCOUNTS AND REPORTS -- DISBURSEMENT WARRANTS -- PAYROLL SYSTEM.** It shall be the duty of the Director of Finance to post and otherwise keep the records of the central accounting system; to verify all bills, invoices, payrolls and claims against the county before payment; and to check the settlements and reports of the various officials and department heads of the county government.

The Director shall, also, after careful pre-audit of invoices, bills, and claims against the county or any of its funds, prepare disbursement warrants on all county funds. It will be the responsibility of the Director of Finance to inform any requesting department of expenditure requests that appear to be inconsistent with original appropriations. It will, also, be the responsibility of the Director of Finance to inform the Budget and Finance Committee of any such invoices that cannot be resolved

by the Director and the requesting department.

The Director shall administer all funds in accordance with the laws affecting this county and as prescribed for such agencies as described in Section 3 (b). The Director shall establish a payroll system for the entire county, and maintain a complete set of records, and set-up a check and balance system for pre-audit and post audit of all payrolls. The Director is hereby authorized to maintain a special county payroll account at a local bank in which disbursement warrants for the total net payroll may be deposited and against which payroll checks for the net earnings may be issued to each county employee.

(b) RECEIPTS OF FUNDS -- RECEIVABLE WARRANTS. Excepting taxes such as the County Trustee is authorized to collect, the payment of all monies to the County Trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the County Executive instructing the Trustee to receive the amount named, for which the Trustee shall issue his receipt, duplicate of which shall be delivered to the Director of Finance to be used by him in posting the accounting records.

All monies received for each department or fund as established by law shall be deposited in such fund and distributed and used according to law.

(c) PAYMENT OF OBLIGATIONS -- DISBURSEMENT WARRANTS. 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 of Finance. Said Director shall establish a system for making a careful pre-audit 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. Disbursement warrants shall be promptly prepared for all such approved obligations by the Director of Finance Office, signed in accordance with Section 5 (d), and mailed or delivered to the payees thereof.

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 of Finance.

(d) SIGNING OF DISBURSEMENT WARRANTS AND PAYROLL CHECKS. All disbursement warrants drawn on the County Trustee for the obligations of the County Executive, the County Highway Department, and County Department of Education, shall be signed in accordance with the law. After the disbursement warrants are prepared in the Director of Finance Office, the disbursement warrant shall be provided to each department for signing. Upon the signing of said warrant, the department head signing the disbursement warrant may keep one (1) copy for filing in such department. The original and all other copies of such warrant shall be returned to the Director of Finance Office for filing and mailing from such office.

In lieu of each department signing disbursement warrants, the departments may authorize the Director of Finance to use a signature plate in accordance with the law and approval by the State Comptroller of the Treasury, provided a copy of such disbursement warrant is provided the department authorizing the use. 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. A record shall be maintained indicating when the signature plate is used, numbers of the warrants signed, and the person using such plate.

**SECTION 6.** Any official named in this Act, or any other official, agent, or employee of the county, who shall fail or refuse to perform the duties required of him under this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be deemed guilty of a misdemeanor and subject to removal from office.

**SECTION 7.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Rutherford County. Its approval or rejection shall be proclaimed by the presiding officer of the Legislative Body and certified by him to the Secretary of State.

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

Passed: March 19, 1979.

## County Attorney

### Private Acts of 2010 Chapter 56

**SECTION 1.** The County Attorney shall be appointed or elected by the Rutherford County Board of Commissioners. The terms, conditions, term of appointment, functions and duties of the office of County Attorney shall be as set forth in a written agreement approved by the Rutherford County Board of Commissioners.

**SECTION 2.** Rutherford County may enter such additional written agreements with private attorneys and law firms for the provision of additional legal services as the Rutherford County Board of Commissioners may deem appropriate.

**SECTION 3.** Chapter 123 of the Private Acts of 1955 and Chapter 67 of the Private Acts of 1957, as amended by Chapter 23 of the Private Acts of 1965, and any other acts amendatory thereto, are hereby repealed.

**SECTION 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified 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 as provided in Section 4.

Passed: April 15, 2010.

## County Legislative Body

### Private Acts of 1959 Chapter 53

**COMPILER'S NOTE:** The per diem payments of the County Legislative Body are now set by T.C.A 5-5-107 but no mention is made of mileage allowances.

**SECTION 1.** That from and after the effective date of this Act, the Justices of the Peace of Rutherford County, Tennessee, shall have and receive as their per diem for attendance upon the Quarterly County Court of their County and for any extra or special session of said Quarterly County Court, the sum of Twenty-Five Dollars (\$25.00) per day, plus Five cents (5¢) per mile travel each way in going to and from such meetings of the Quarterly County Court.

As amended by: Private Acts of 1969, Chapter 171

**SECTION 2.** That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee, and approved by a two-thirds vote of said Quarterly County Court. Its approval or non-approval shall be proclaimed by the Presiding Officer of the body, and shall be certified by him to the Secretary of State.

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

Passed: February 9, 1959.

## Juvenile Detention Center

### Private Acts of 2022 Chapter 65

**SECTION 1.** This act shall be known and may be cited as the "Rutherford County Board of Juvenile Detention Center Commissioners Act of 2022".

**SECTION 2.** There is hereby established the Rutherford County Board of Juvenile Detention Center Commissioners, hereafter referred to as the "Board." The County Legislative Body shall elect six (6) competent persons, who, in conjunction with the County Mayor, shall comprise the members of the Board, of which the County Mayor shall be the ex officio chair of the Board. The County Legislative Body may establish criteria regarding qualifications of the members of the Board to ensure that the Board is composed of competent persons to oversee the Rutherford County Juvenile Detention Center.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 3.** The six (6) commissioners shall be elected to the Board as follows:

Of the four (4) commissioners elected in 2022, two (2) commissioners shall serve an initial term of (1) year and two (2) commissioners shall serve an initial term of two (2) years; upon expiration of said initial terms, the County Legislative Body shall elect said commissioners for two-year terms.

Of the two (2) commissioners added to the Board in 2023, one (1) commissioner shall serve an initial term of one (1) year and one (1) commissioner shall serve an initial term of two (2) years; upon expiration of said initial terms, the County Legislative Body shall elect said commissioners for two-year terms.

The intended result of the foregoing staggering of terms is that, beginning in 2024, and annually thereafter, the County Legislative Body shall elect three (3) commissioners for two-year terms.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 4.** Four (4) members of the Board shall constitute a quorum for the transaction of business.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 5.** The commissioners shall take an oath to faithfully discharge and perform the duties of their office, which oath shall be filed with the County Clerk. The County Clerk shall record the oath made on the minutes of the County Legislative Body. The commissioners shall also appoint one (1) Board member as secretary.

**SECTION 6.** The Board shall have charge, supervision, and control of:

- (1) The juvenile detention center in all of its departments;
- (2) The juvenile inmates; and
- (3) The selection of a Director of the juvenile detention center. The Board shall also regulate and control that department of the County's business generally.

**SECTION 7.** The Board shall:

- (1) Meet once each month, or more if necessary, for transaction of business at the Historic Courthouse in Rutherford County located at One Public Square;
- (2) Keep, in a well-bound book to be furnished by the County, full and complete minutes of Board proceedings; and
- (3) Visit and inspect the juvenile detention center, as necessary.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 8.** The Board shall have the authority to appoint or dismiss upon thirty (30) days' notice, subject to the approval of the County Legislative Body, the Director of the juvenile detention center. The salary of the Director is fixed by the Board, subject to the approval of the County Legislative Body.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 9.** The Director shall name, select, manage, and discharge such other staff members, and prescribe their duties, authority, and responsibilities, as approved by the Board.

**SECTION 10.** It is the duty of the Director to:

- (1) Discharge each juvenile inmate as soon as they complete their time served in the juvenile detention center;
- (2) Ensure that juvenile inmates are properly guarded to prevent their escape;
- (3) Ensure that juvenile inmates are kindly and humanely treated, and properly provided with clothing and wholesome food properly cooked and prepared for eating three (3) times each day;
- (4) Ensure that juvenile inmates are warmly and comfortably housed at night and in bad weather;
- (5) Ensure that juvenile inmates have proper medicine and medical treatment when sick;
- (6) Ensure that juvenile inmates are provided educational and recreational activities in accordance with applicable law; and
- (7) Ensure that male juvenile inmates are kept separate from female juvenile inmates.

**SECTION 11.** The Director shall also:

- (1) Attend all Board meetings in the status of a non-voting advisor;
- (2) Provide a monthly report to the Rutherford County Public Safety Committee; and
- (3) Provide the Board with quarterly reports of all detention center operations, including, but not limited to, the amount of monies expended for the operation of the juvenile detention center, and any other

matters deemed necessary by the Director or ordered by the Board or the County Legislative Body.

As amended by: Private Acts of 2023, Chapter 6.

**SECTION 12.** The Director is authorized, with the approval of the Board and County Legislative Body, to contract jointly with federal, state, county, and municipal agencies to accept juvenile inmates in the custody of such other governmental agencies, as authorized under Tennessee Code Annotated, Section 37-1-116. Any funds so collected pursuant to a joint contract must be paid to the County's general fund.

**SECTION 13.** The Director shall establish rules and regulations for the orderly operation of the juvenile detention center. The rules and regulations must be approved by the Board.

**SECTION 14.** The commissioners of the Board may each receive such compensation as may be fixed by the County Legislative Body.

**SECTION 15.** All purchases of equipment, material, and supplies must be made in accordance with the Rutherford County Purchasing Act and Rutherford County's purchasing policies and procedures, as amended.

**SECTION 16.** 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 that can be given effect without the invalid provision or application, and to that end, this Act is declared to be severable.

**SECTION 17.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 18.** 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 17.

Passed: May 25, 2022

## Parking Commission

### Private Acts of 1959 Chapter 173

**SECTION 1.** That the Quarterly County Court of Rutherford County, is hereby authorized to create and establish a Parking Commission in said County to be composed of three (3) members, who shall be elected for a term of two (2) years, and until their successors are elected and qualified.

The Parking Commission herein created shall have the authority to make and issue all such rules and regulations which they deem necessary and advisable in connection with the regulation of the parking of motor vehicles on the inner circle, being property owned by Rutherford County, and the same being adjacent to the Court House yard in Murfreesboro.

The Parking Commission shall also have the authority to make and issue rules and regulations in connection with the parking of motor vehicles on any other property owned by Rutherford County, or which may be acquired by Rutherford County, the same to be situated either in the City of Murfreesboro or outside the City of Murfreesboro and all such areas shall be classified as off street parking areas, and within the provisions of this Act for the purpose of regulating motor vehicles parked thereon.

**SECTION 2.** That the Quarterly County Court is hereby expressly authorized to pass and adopt any such resolution necessary and deemed advisable in order to carry out any of the provisions of this Act with reference to the parking of motor vehicles on the inner circle adjacent to the Court House yard as well as including the parking of such motor vehicles on any of the off street parking areas which may now be owned by Rutherford County or which may be acquired by Rutherford County under the provisions of this Act.

**SECTION 3.** That the Parking Commission, with the approval of the Quarterly County Court, is hereby authorized to acquire land, either by gift, purchase, or condemnation, in the name of the County for the purpose of establishing off street parking areas, pursuant to the provisions of this Act. Said land may be located in the City of Murfreesboro, or the same may be acquired outside the corporate limits of said City, in the discretion of the Parking Commission. The Quarterly County Court is expressly authorized to issue bonds in such amounts to be fixed by the Court in order to defray the cost of acquisition of any of such property and the Court is likewise authorized by proper resolution to appropriate sufficient funds for the purpose of carrying out the provisions of this Act.

**SECTION 4.** That the Parking Commission is further authorized to contract for, purchase, erect, install, maintain, and operate parking meters on any or all of the property or off street parking areas as

authorized under this Act.

The Parking Commission is likewise authorized to fix the rates to be charged for the parking of motor vehicles in or on such property or areas, and said Parking Commission is likewise authorized to fix and regulate the hours of parking on such property and on such areas as in their discretion they may deem advisable and proper.

That all parking fees, funds, revenue and fines received and collected under the provisions of this Act shall be paid into the general fund of Rutherford County.

**SECTION 5.** That the Parking Commission is hereby authorized to enter into a contract or contracts with the City of Murfreesboro, individuals or firms in connection with the operation of any of the off street parking areas, as authorized under this Act.

**SECTION 6.** That the Parking Commission, with the approval of the Quarterly County Court, is hereby authorized to employ sufficient personnel in order to carry out the provisions of this Act. The compensation of such personnel shall be fixed by the Quarterly County Court and paid out of the funds and revenue received under the provisions of this Act.

**SECTION 7.** That the Sheriff of Rutherford County and his Deputies are hereby expressly authorized and directed to carry out and enforce the provisions of this Act, including the arrest and prosecution of any and all persons violating any of the parking rules, regulations or ordinances which may be passed or adopted in connection with the regulation of the parking of motor vehicles under the provisions of this Act. The Sheriff and his Deputies shall have the same authority and duty with respect to parking meters as authorized hereunder.

In addition, the Sheriff of Rutherford County is likewise authorized to employ sufficient Deputies to assist in the enforcement of the provisions of this Act and all such rules, regulations and ordinances which may be passed or adopted in connection with the parking of motor vehicles on any of the areas herein designated or outlined, and also for the violation of any rule or regulation or ordinance in connection with parking meters.

**SECTION 8.** That the Sheriff of Rutherford County and his Deputies are hereby expressly authorized to issue citations or arrest warrants against any person for the violation of any parking rule or regulation, including parking meters, under the provisions of this Act. Any such citation or warrant issued shall be returnable and tried before the Court of General Sessions of Rutherford County, and said Court shall be authorized to levy a fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) against any person found guilty of violating any of such parking rules or regulations, including rules and regulations in respect to the parking meters.

The provisions of this Section shall include any violation in connection with the parking of motor vehicles on any of the property owned by the County or any property which may be acquired by the County under the provisions of this Act, as well as violations of parking of motor vehicles with respect to parking meters.

All fines levied and collected under the provisions of this Act shall be paid into the general fund of the County.

**SECTION 9.** That the provisions of Chapter 777 of the Private Acts of 1949 are hereby repealed in their entirety.

**SECTION 10.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Rutherford County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of said body and shall be certified by him to the Secretary of State, at Nashville, the public welfare requiring it.

Passed: March 12, 1959.

## Planning Commission

### Private Acts of 1979 Chapter 129

**SECTION 1.** The Rutherford County Planning Commission is authorized to assess a fee not to exceed twenty-five dollars (\$25.00) for each plat submitted to it for approval and an additional fee not to exceed twenty-five dollars (\$25.00) on each lot submitted to it for Commission approval. All funds received from such fees shall be used exclusively for the purpose of offsetting the operating expenses of such Planning Commission.

As amended by: Private Acts of 1982, Chapter 333

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding

officer of the Rutherford County legislative body 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: May 7, 1979.

## Purchasing

### Private Acts of 2017 Chapter 17

**SECTION 1.** Chapter 421 of the Private Acts of 1943, as amended by Chapter 45 of the Private Acts of 1959, Chapter 102 of the Private Acts of 1989, Chapter 148 of the Private Acts of 1990, Chapter 136 of the Private Acts of 1996, Chapter 22 of the Private Acts of 1999, Chapter 81 of the Private Acts of 2002, Chapter 53 of the Private Acts of 2007, and any other acts amendatory thereto, that being the Rutherford County Purchasing Act, is amended by deleting Chapter 421, as amended, in its entirety and substituting instead the following:

**Section 1.** This act shall be known as the "Rutherford County Purchasing Act of 2017."

**Section 2.** Authority is hereby vested in the County Commission of Rutherford County to establish a County Purchasing Committee to be composed of seven (7) members consisting of the County Mayor and six (6) County Commissioners. The six (6) County Commissioners shall be recommended to the County Commission annually by the Steering Committee and voted upon by the County Commission. It shall be the duty of the County Purchasing Committee to purchase any and all supplies and equipment and to enter into contracts for labor or services which are chargeable under the law to the County. The County Purchasing Committee is hereby authorized to enact internal rules, regulations, and bylaws to govern its internal processes in carrying out the provisions of this Act.

The County Mayor shall be the Purchasing Agent for Rutherford County and ex-officio chairman of the County Purchasing Committee, and shall be charged with the full responsibility of executing any and all of the provisions of this Act under the direction of the County Purchasing Committee, which shall have the sole power and authority to contract for and purchase all materials, supplies, and equipment of every kind whatsoever, including insurance, for the use of every official, agent, servant, department, or agency of, supported by or under the control of, the county government, and no other official, employee, or agent of the County or of any of its departments or agencies shall have the right to contract for or purchase any of such material or supplies. The County Purchasing Committee likewise shall have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rents are to be paid out of any funds belonging to or under the control of Rutherford County or any department, institution, or agency thereof, and no other official, employee, or agent of the county shall have any authority to make such purchase or rental. In the event the County Mayor shall become disabled or otherwise incapacitated such that the County Mayor is unable to perform the duties of the Purchasing Agent as prescribed under this Act, or should the County Mayor vacate or otherwise leave office without a replacement, the County Budget & Finance Director shall temporarily perform the duties of the Purchasing Agent until such disability or incapacity is removed or until the vacancy of the office of County Mayor is filled, as the case may be.

Pursuant to Tennessee Code Annotated, Section 5-14-202(8), nonemergency, nonproprietary purchases for the use of any official, employee, department, or agency of the county government, the estimated value of which exceeds Fifty Thousand Dollars (\$50,000'.00) shall be executed by the County Mayor as Purchasing Agent only after such agent has advertised for sealed bids in one ( 1) or more newspapers published in Rutherford County and such other newspaper or newspapers as the agent may deem proper. The sealed bids shall be received by the County Purchasing Committee at a time fixed in the advertisement, which ten shall not be less than days after the publication of the advertisement, and which sealed bids shall be opened publicly at the place, hour, and date advertised. Such advertisements shall describe requirements by general classifications, and state that detailed descriptions of the supplies, materials, or equipment desired may be obtained from the Purchasing Agent upon application. Proposals shall be considered from manufacturers, producers, or dealers,



etc., or their duly authorized selling agents, and bids received after the hour for opening bids shall not be considered. Tabulation of bids shall be effected as promptly as possible, after which such tabulation shall be opened for inspection. Contracts shall be awarded by the County Purchasing Committee only to established and responsible manufacturers, producers, or dealers, etc., or their authorized agents, and awards shall be made to the lowest and best bids or bidders. The County Purchasing Committee may reserve the right to reject any and all bids in whole or in part, and to waive technical defects in bids received. When two (2) or more bids are submitted at the same price on the same character, kind, and quality of supplies, materials, or equipment to be purchased, the County Purchasing Committee may in its discretion award the contract or contracts to either of such bidders, or may apportion the requirements between or among such bidders, or may elect to reject all such bids and advertise for new or additional bids. In addition to advertising for sealed bids, it shall be the duty of the County Purchasing Committee to stimulate bidding by all other feasible means.

Pursuant to Tennessee Code Annotated, Section 5-14-202(8), where the estimated fair market value of any nonemergency, nonproprietary purchase does not exceed the sum of Fifty Thousand Dollars (\$50,000.00), the County Mayor in his capacity as Purchasing Agent is hereby granted the authority to make such purchases and execute contracts for said nonemergency, nonproprietary purchases, without the necessity of newspaper advertisement or taking bids for such purchases; provided, however, at least three (3) written quotations shall be required whenever possible for purchases costing less than the Fifty Thousand Dollar (\$50,000.00) bid threshold established for public advertisement and sealed competitive bids or proposals but more than Twenty Thousand Dollars (\$20,000) (i.e., forty percent (40%) of the Fifty Thousand Dollar (\$50,000.00) bid threshold). The Purchasing Agent shall use all the necessary care and diligence in securing the best price possible for the benefit of the County, commensurate with the quality of said merchandise to be purchased. In no instance shall the purchase price or the contract price be in excess of the current fair market value of such nonemergency, nonproprietary purchases.

Notwithstanding any provision of this Act to the contrary, in the event of actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work, the Purchasing Agent may waive the requirement for publicly advertised sealed bids. Such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. The Purchasing Agent shall prepare an emergency purchase order for each emergency purchase, which order shall contain at a minimum a description of the nature of the circumstances which precluded the observation of normal purchasing procedures, and the procedures followed to obtain a competitive price for the product or service. Each emergency purchase shall be based on competitive bids, which bids shall be documented and attached to the emergency purchase order. The procedure for evaluating competitive bids shall be the same as provided for publicly advertised sealed bids, except that the Purchasing Agent may receive and evaluate competitive bids, and award contracts for such emergency purchases in lieu of prior approval by the County Purchasing Committee. A report of such emergency purchases shall be presented, in writing, by the Purchasing Agent at each meeting of the County Purchasing Committee. Such report shall be kept on file and shall be open to public inspection.

Subject to all other requirements herein set out, the purchase of supplies, materials, equipment, etc. for the County and its agencies may be for long- or short-term contracts, contracts or orders to be filled or executed at certain seasons of the year, or by blanket contracts or riders of continuous duration to be executed at stated intervals.

The Purchasing Agent shall keep a complete record of all purchases, with copies of descriptive advertising, original bids when submitted in writing, and the names of all bidders together with the amounts of their bids, which records shall be at all times open to inspection by any taxpayers of the county or any other interested party.

Neither the County Purchasing Committee nor any official, department head, or any other agent or employee that engages in or who participates in any phase of the purchasing process established herein or by the rules and regulations of the County Purchasing Committee shall 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, nor in any firm, corporation, partnership, association, or individual furnishing any such supplies, materials, or equipment; nor shall the County Purchasing Committee or any official, department head, or any other agent or employee who engages in or who participates in any phase of the purchasing process established herein or by the rules and regulations of the

County Purchasing Committee accept or receive, directly or indirectly, from any person, firm, corporation, partnership, association, or individual to whom any contract is awarded or may be awarded, by rebate, gift, or otherwise, any money or other thing of value whatsoever, or any promise, obligation, or contract for future reward or compensation.

The County Purchasing Committee may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials and equipment; govern the method and procedure whereby the departments, agencies and officials of the county shall inform the Committee of their need for the purchase of supplies, materials, equipment, etc., prescribe forms for estimates, requisitions, orders, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess and unsuitable supplies, equipment, and salvage or transfer them to other using agencies, of the county; provide for hearings on complaints with regard to the quality, grade, or brand of goods; and waive such rules in special or emergency cases.

The provisions of this Act shall not apply to the purchase of materials, supplies, or equipment of the Rutherford County Highway Commission, as authorized under Chapter 55 of the Private Acts of 1951, and neither shall the provisions of this Act apply to the Rutherford County School Board, and likewise shall not apply to the Community Care Board, as authorized under the general statutes of Tennessee, nor to purchases from non-profit corporations such as the Local Government Data Processing Corporation, whose purpose is to provide goods or services specifically to counties. Further, the provisions of this Act shall not apply to contracts for professional services under T.C.A. § 12-3-1209.

As amended by:

Private Acts of 2018, Chapter 63

Private Acts of 2024, Chapter 47

**Section 3.** The County Mayor shall furnish a bond in the sum of One Hundred Thousand Dollars (\$100,000.00), which bond shall be conditioned upon the faithful and proper performance of his duties as Purchasing Agent charged with the full responsibility for the execution of any and all purchases made under the provisions of this Act. The premium on said bond shall be paid from the General Fund of the County.

**Section 4.** The Purchasing Agent shall have the right to require the presentation, or other forms of regulation, of nonemergency, nonproprietary purchases before other nonemergency, nonproprietary purchases are made by him; the Purchasing Agent shall have the authority to regulate the distribution of articles, parts, equipment, property, and supplies, requiring reports if he deems them necessary.

As amended by:

Private Acts of 2018, Chapter 63

**Section 5.** No obligation incurred in the name of the County by any official or representative of the County, or any other person, shall be a binding obligation upon the County unless it is executed in conformity with the provisions of this Act as herein set out, and the County Mayor shall be charged with the responsibility of determining whether or not any such obligations shall have been incurred in conformity with the provisions of this Act, and shall have the authority to refuse payment of any claims that do not conform with the provisions of this Act.

**Section 6.** Any official named in this Act, or any other official, department head, or any other agent or employee that engages in or who participates in any phase of the purchasing process established herein or by the rules and regulations of the County Purchasing Committee and who fails or refuses to perform the duties required by the official of this Act or the rules and regulations established by the County Purchasing Committee, or who shall otherwise fail or refuse to comply with the provisions of this Act or the rules and regulations of the County Purchasing Committee, may be subject to removal from office by ouster proceeding or terminated from employment, as the case may be.

**Section 7.** 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 8.** That all Private Acts or parts of such Acts in conflict with the provisions of this Act shall be and they are hereby repealed.

**Section 9.** Notwithstanding any provision of the Rutherford County Purchasing Act of 2017 to the contrary, the Rutherford County Purchasing Act of 2017 shall not apply to any purchases by the local board of education or local education agency (LEA).

As amended by:

Private Acts of 2018, Chapter 63

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or non-approval 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 upon being approved as provided in Section 2.

Passed: May 11, 2017.

## Repealing Statute

### Private Acts of 1979 Chapter 138

**SECTION 1.** Chapter 186 of the Acts of 1823, Chapter 574 of the Acts of 1909, Chapter 274 of the Private Acts of 1919, Chapter 484 of the Private Acts of 1923, Chapter 683 of the Private Acts of 1923, Chapter 287 of the Private Acts of 1931, Chapter 838 of the Private Acts of 1933, Chapter 876 of the Private Acts of 1933, Chapter 134 of the Private Acts of 1937, Chapter 841 of the Private Acts of 1937, Chapter 359 of the Private Acts of 1939, Chapter 494 of the Private Acts of 1939, Chapter 323 of the Private Acts of 1945, Chapter 615 of the Private Acts of 1949, Chapter 758 of the Private Acts of 1949, and Chapter 69 of the Private Acts of 1957 are repealed.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County legislative body 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: May 9, 1979.

## Administration - Historical Notes

### Audit System

The following private acts were once applicable to Rutherford County but they now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Private Acts of 1919, Chapter 587, created the office of County Auditor in Rutherford County who would be appointed by the Governor for a four year term at an annual salary of \$750, payable in equal monthly installments. Many of the Auditor's duties were catalogued in the Act. The Auditor was given the authority to appoint an Assistant but the assistant's pay would have to come from the auditor's compensation.
2. Private Acts of 1939, Chapter 517, established an audit in Rutherford County at the end of each fiscal year involving all the county officials and offices. The audit would be made by a Certified Public Accountant employed for that purpose by the County Court from competitive bids which cost would be paid from the general funds of the county.

### Budget System

The following acts once created a budgeting system for Rutherford County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 386, conferred the authority to manage, supervise, and control the county fiscal affairs upon the County Court of Rutherford County. The fiscal year would begin on July 1 of each year and end on August 31 of the following year for which a budget must be adopted. The Chairman or Judge of the Court would appoint one member and the Court would elect two more of its members to the "Committee on Finance, Ways, and Means" who would begin hearings approximately thirty days preceding the July term of each year for all departments and divisions, except the Schools. The Committee would prepare a tentative budget for the Court and recommend a tax levy. This Act was repealed by Private Acts of 1975, Chapter 82. As published, the census figures listed in the Act would appear to make this Act apply only to Roane County.
2. Private Acts of 1935, Chapter 821, was almost an exact duplicate of Private Acts of 1935, Chapter 386, except that all three members of the "Committee on Finance, Ways, and Means" would be

elected from the membership of the Quarterly Court by the Quarterly Court. This Act was repealed by Private Acts of 1975, Chapter 82.

3. Private Acts of 1943, Chapter 460, made it the duty of the Board of Workhouse Commissioners to file a budget request, in the form specified by the Act, with the Fiscal Agent of the County by the first Monday in May for the road department; the Board of Education must do likewise for the school system; the County Judge must file for the expenses of the general county fund including those areas of responsibility assigned to him; all other county agencies, departments, etc., must submit requests for their divisions; the County Trustee must file one for his department. The Quarterly Court would appoint a three member Budget Commission, one from outside Murfreesboro, one from inside Murfreesboro, and only one could be a member of the Court, all to be paid \$5 per day for each day spent on the budget process. The Secretary, appointed by the Commission to keep records, would also be paid \$5 per day. The County Judge would be the ex-officio Director of the Budget. The details of budget preparation and a time schedule for submission of departmental budget requests were specified in the Act. The Judge could employ an assistant to help with budget and could draw a minimum of \$100 a month for this purpose, the maximum to be set by the Court. The Commission would file a tentative budget containing their recommendations for adoption by the whole court and for a tax levy which would produce that amount of money. Penalties were provided for the misuse of authority and funds and for failure to comply. Budget appropriations would constitute the limit of expenditures except in emergencies when certain conditions must also be met. This Act was repealed by Private Acts of 1975, Chapter 82.
4. Private Acts of 1949, Chapter 504, amended Private Acts of 1943, Chapter 460, to provide that all three members of the Budget Commission must be members of the County Court and elected by the Court at its April meeting. The residency restrictions were removed. This Act was repealed by Private Acts of 1975, Chapter 82.
5. Private Acts of 1957, Chapter 239, properly ratified by the Court, amended Private Acts of 1943, Chapter 460, thus relieving the County Judge of the task of countersigning school warrants, it being the intention of the General Assembly to make school warrants, properly issued, valid without the County Judge's signature. This Act was repealed by Private Acts of 1975, Chapter 82.
6. Private Acts of 1969, Chapter 65, amended Private Acts of 1943, Chapter 460, increasing the membership of the Budget Commission from three to five. This Act was repealed by Private Acts of 1975, Chapter 82.
7. Private Acts of 1972, Chapter 410, would have enacted the "County Budgeting Law of 1972" had it been approved by the Quarterly County Court. A five member Budget Committee was to have been established consisting of the County Judge and four members of the County Court selected by the County Court. The Budget Committee was empowered to appoint, with the approval of the County Court, a Director of Accounts and Budgets.
8. Private Acts of 1974, Chapter 184, was to have enacted the "County Budgeting Law of 1974", but it never became effective as it never received local approval. A seven member County Budget and Finance Committee was established to include the County Judge and six members of the County Court. Provision was made for the Committee to appoint a Director of Accounts and Budgets.
9. Private Acts of 1974, Chapter 355, amended Private Acts of 1974, Chapter 184, as to the compensation of the Director of Accounts and Budgets. This Act was not approved locally and never became effective.
10. Private Acts of 1975, Chapter 82, known as the County Budgeting Law of 1975, set forth the procedures for budgeting, which included the Highway Commission and the Board of Education. A seven member County Budget and Finance Committee was created who would appoint a Director of Accounts and Budgets. This act was repealed by Private Acts of 1979, Chapter 49.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Rutherford County. These acts are included for historical reference only.

1. Private Acts of 1955, Chapter 123, created the office of County Attorney for Rutherford County. This act was repealed by Private Acts of 2010, Chapter 56.
2. Private Acts of 1957, Chapter 67, as amended by Private Acts of 1965, Chapter 23, was repealed by Private Acts of 2010, Chapter 56.

### **County Clerk**

The following acts once affected the office of county clerk in Rutherford County. They are included herein

for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 274, permitted females, married or single, over the age of twenty-one years, and residents of the counties appointing them, to serve as a Deputy in the office of the County Court Clerk, granting all the rights and imposing all the obligations of other Deputy Clerks upon them, and specifying that acceptance of the position would constitute a waiver of any defense as a married woman, and work as an estoppel to deny any legal liability peculiar to coverture. This Act was repealed by Private Act of 1979, Chapter 138.
2. Private Acts of 1933, Chapter 876, established the annual salaries for several positions in Rutherford County. The salary of the County Court Clerk was fixed at \$3,000 but would be paid only when the fees collected in the office equaled that amount. Any surplus would be paid into the county treasury and be properly accounted for. The expenses of the office would continue to be paid in the manner provided by law. This Act was repealed by Private Acts of 1979, Chapter 138.

### **County Legislative Body**

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

1. Acts of 1803, Chapter 39, regulated the terms of the Courts of Pleas and Quarter Sessions as they existed in the district of Mero. In the newly formed County of Rutherford, the Court would meet on the first Monday in January, April, July, and October.
2. Acts of 1803, Chapter 70, established the court terms for the Courts of Pleas and Quarter Sessions in Rutherford County to the first Monday in March, June, September, and December. The Courts would meet in the house of Thomas Rucker until a court house was built.
3. Acts of 1809, Chapter 93, fixed the opening dates of the terms of the Courts of Pleas and Quarter Sessions in every County. In Rutherford County the Court would officially convene on the first Monday in January, April, July, and October.
4. Acts of 1813, Chapter 134, changed the meeting dates of the Quarterly Courts in the Counties of Williamson, Bedford, Lincoln, Hickman, Maury, Giles, Claiborne, Sumner, and Rutherford where the Court would meet on the second Monday in January, April, July, and October.
5. Acts of 1815, Chapter 137, stated that the volume of business in the Courts of Pleas and Quarter Sessions of Rutherford, Maury, and Grainger Counties is such that it cannot be finished in the time allotted to the Courts, therefore the Justices of these Courts could hereafter continue the term from day to day up until two weeks, or to such time as the business of the Court may be completed if less than the two weeks.
6. Acts of 1817, Chapter 128, was the enabling law for the Counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson, and Dickson, at the first meeting of the year of their respective Quarterly Courts, to levy a tax for the purpose of providing additional compensation to the jurors attending the county and circuit courts. The additional compensation could not exceed fifty cents per day.
7. Acts of 1817, Chapter 138, set the terms of the Quarterly Court of Rutherford County to start on the second Monday in March, June, September, and December, of each year, to continue for two weeks unless the business of the Court was completed earlier.
8. Acts of 1819, Chapter 136, provided that the Court of Pleas and Quarter Sessions would meet in Rutherford County on the third Monday in March, June, September, and December, for a term of two weeks unless the docket of the Court was cleared sooner than that.
9. Acts of 1820, Chapter 26, stated that the Rutherford County Court of Pleas and Quarter Sessions would open and hold their March and September Sessions at the Court House in Murfreesboro on the second Monday in each of those months, to continue from day to day for three weeks, unless the Court's business was finished earlier than three weeks. The June and December sessions would meet on the third Mondays.
10. Acts of 1821, Chapter 127, provided that the Rutherford County Quarterly Court from and after April 1, next, would sit regularly on the third Monday in January, April, July, and October, for a term of two weeks unless the dockets were completed prior to that time.
11. Acts of 1822 (Ex. Sess.), Chapter 58, vested the presiding Judge of the Fourth Judicial Circuit and the Justices of the Court of Pleas and Quarter Sessions of Rutherford County with the right to adjourn their Courts to any other house in Murfreesboro which they might consider proper, any law to the contrary notwithstanding.

12. Acts of 1823, Chapter 197, allowed the Justices of the Court of Pleas and Quarter Sessions of Rutherford County, a majority being present and deeming it expedient, on the first day of the first term of each year to select three of their number to hold the Court for the remainder of the year, their names being recorded by the County Court Clerk. Those selected would attend each term of Court and hold the same each day except when county business was to be considered, and proceed with the trial of civil and criminal cases. The Justices chosen would be paid \$1.50 per day except when the Quarterly County Court meets. The Clerk would add \$1.00 to the costs in each case before the Court to finance this program of Quorum Courts.
13. Acts of 1827, Chapter 89, scheduled after April 1, next, the Court of Pleas and Quarter Sessions of Rutherford County to meet on the third Monday in February, May, August, and November.
14. Acts of 1835-36, Chapter 6, enacted pursuant to the 1835 State Constitution, established the Court in every county to be held by the Justices of the Peace. The Court would meet on the first Monday of every month and would continue in session until the public business was completed. The Justices would elect a Chairman for a one year term who would preside over the Court. The Court was empowered to levy a tax in accordance with Section 29, Article 2 of the State Constitution.
15. Acts of 1869-70, Chapter 118, allowed the town of Smyrna in Rutherford County an additional Justice of the Peace over and above the two who were allowed to the Civil District by the general law.
16. Acts of 1879, Chapter 216, recited in the preamble that at the December term of the Criminal Court in Rutherford County in 1878, W. J. Carney, a Justice of the Peace for the said County, was found guilty of being in an intoxicated state which is a misdemeanor in office, and he was consequently disqualified from holding office under the laws of this state, and, further, all of the good citizens of his neighborhood were now requesting that this disability be removed, this Act accomplishes that fact and restores Carney to all the rights, privileges and immunities of full citizenship.
17. Private Acts of 1901, Chapter 319, established a Court known as the Common Law, Chancery, and County Court of Rutherford County, on which was conferred jurisdiction to try all cases arising at law of a criminal, commercial, or civil nature, formerly possessed by the Circuit, Chancery, and County Courts. The Judge would be elected by people and have all the powers of the Circuit and County Judges and the Chancellors of the State with whom he might interchange. Terms were set for all the different jurisdictions of the Court, the County Court division meeting on the first Monday of every month. The Circuit Court Clerk, the Clerk and Master, and the County Court Clerk would continue to serve the Court in their respective areas of authority. The Judge would be ex-officio Chairman of the Quarterly and County Courts. The Judge's salary was set at \$1,800 a year, and the District Attorney also provided for in this law, would be paid \$600 annually. The Governor was required to appoint the first Judge and District Attorney to serve until their successors were elected and qualified.
18. Private Acts of 1931, Chapter 352, abolished the offices of Chairman and Chairman pro tempore of the County Court in Rutherford County from and after the first Monday in January, 1932.
19. Private Acts of 1933, Chapter 279, authorized the Rutherford County Quarterly Court to set the compensation of the standing committees of the Court which were called upon to render special services. The amount would be fixed by Resolution of the Court and would remain thusly until changed by the same method. This Act did not apply to the County Judge, the Trustee, or the County Court Clerk.
20. Private Acts of 1939, Chapter 135, stated that the Quarterly Court of Rutherford County would hereafter convene in regular session on the second Monday of January, April, July, and October.
21. Private Acts of 1951, Chapter 296, declared that the Justices of the Peace shall receive \$5 per day compensation for their services in attending the regular and called meetings of the Quarterly County Court. The per diem payment, specified above, would be in addition to any mileage allowed them under current law. NOTE: Rutherford County did not fall into the population bracket listed in the Act nor did any other county. The House Sponsor of this Act was the Representative for Rutherford County.
22. Private Acts of 1955, Chapter 297, increased the per diem payments for the Justices of the Peace in Rutherford County from \$5 to \$10 and set mileage payments at five cents per mile for each mile traveled in going from their homes to the Court house and return. This Act was not acted on by local authorities and therefore never assumed active status under the provisions of the Home Rule Amendment of the State Constitution.

23. Private Acts of 1957, Chapter 66, set the compensation at \$10 per day and five cents per mile for the Justices of the Peace of Rutherford County but this Act was never approved by the Quarterly Court and never became effective.
24. Private Acts of 1972, Chapter 383, transferred all the judicial functions of the County Judge and all the judicial jurisdiction, duties, and functions heretofore vested in the Quarterly Court to the Chancery Court of Rutherford County and its Clerk and Master. Many of the judicial functions involved were specified in the law, and the title "County Judge" was redesignated as "County Administrator". This Act was not acted on by the Rutherford County Quarterly Court and consequently never took effect under the provisions of the Home Rule Amendment to the State Constitution.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Rutherford 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 Tennessee County, abolishing the Quorum Courts and the post of Chairman of the County Court, both of which would be hereafter filled by the County Judge. The County Judge would be elected by the people for a four year term and would be sworn and commissioned as any other Judge. The Court would hold regular sessions on the first Monday in every month but on those Mondays when the Quarterly Court met, the business of that Court would be disposed of first. The powers and duties of the Judge were specified in Sections Six and Eight both as the Judge and as the accounting officer and general agent of the County. The County Court Clerk would continue to operate in that capacity. The County Judge was not precluded from the practice of law in all other Courts except the one over which he presided. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Private Acts of 1909, Chapter 577, created the office of County Judge in Rutherford County who must be learned in the law and who was to be elected by the people for an eight year term. The Governor would appoint the first Judge who would serve until the next election in August, 1910, when his successor would be elected. All the duties and responsibilities of the Chairman of the County Court and the Chairman Pro Tem of the County Court were transferred to the Judge. Sections Six and Eight contained the specific grants of jurisdiction and duties to the Judge. The Judge was permitted to practice law in all courts but his own and would conduct the meetings of the Quarterly Court on the first Monday in January, April, July, and October. The County Judge's salary was fixed at \$700 annually payable quarterly. This Act was repealed by Private Acts of 1911, Chapter 219.
3. Private Acts of 1931, Chapter 57, was the enabling act for a referendum to be held in Rutherford County on the question of creating the office of County Judge. The results would be certified to the Representatives in the General Assembly.
4. Private Acts of 1931, Chapter 353, as amended, created the office of county judge in Rutherford County. The governor would appoint a county judge until the regular August election in 1934.
5. Private Acts of 1933, Chapter 280, amended Private Acts of 1931, Chapter 353, so as to alter the method of administering insolvent estates in Rutherford County and by enlarging the jurisdiction of the Court in regard to these estates and those of minors and persons under disability. The power over insolvent estates was transferred from the Chancery Court to the County Court, procedures to be followed being detailed in the Act. The authority for the County Judge to interchange with Chancellors and Circuit judges was granted by inserting a new Section 6-D to that effect. This Act was repealed by Private Acts of 1965, Chapter 24.
6. Private Acts of 1947, Chapter 366, stated in the preamble that the administration of the Social Security Law had greatly increased the duties of the County Judge, and a great number of the Justices of the County has requested the General Assembly to increase the salary accordingly, therefore this Act grants additional compensation of \$1,100 per year to the Judge, payable monthly. This Act was repealed by Private Acts of 1963, Chapter 226, Page 707.
7. Private Acts of 1967-68, Chapter 448, would have replaced the office of County Judge with the office of County Administrator. The individual would have and exercise the powers and duties of the County Judge, except certain judicial functions. All judicial duties of the County Judge were transferred to the Judge of the Court of General Sessions. This Act never received local approval and did not become effective.
8. Private Acts of 1972, Chapter 383, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. The office of County Judge would be

redesignated as the "County Administrator of Rutherford County." This Act never received local approval and did not become effective.

9. Private Acts of 1973, Chapter 1, would have made the office of County Judge exclusively an executive and administrative office, removing all of its judicial functions but retaining the title "County Judge." The County Judge would be elected for a four year term. This Act never received local approval and did not become effective.
10. Private Acts of 1973, Chapter 2, was similar to Private Acts of 1973, Chapter 1, except the compensation of the County Judge was set at \$17,500 per year. This Act never received local approval and did not become effective.
11. Private Acts of 1974, Chapter 187, amended Private Acts of 1931, Chapter 353, as amended by Private Acts of 1933, Chapter 280, and Private Acts of 1965, Chapter 24, by deleting sections 5, 6, 7, 10, 12 and 13. Before June 1, 1974 the county election commissioners held a special election giving voters the opportunity to vote for or against a four (4) year term for the county judge.
12. Private Acts of 1977, Chapter 64, authorized the Rutherford County Judge to administer any oath provided for under the Tennessee Constitution or any other provision of law.

### **County Register**

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

1. Acts of 1820 (Ex. Sess.), Chapter 126, authorized and required the Register of the Land Office for West Tennessee on or before January 1, next, to move all the records, books, and public documents, belonging to his office, to the seat of government (Murfreesboro at that time), where he would keep the office and do and perform all the duties and responsibilities of the Register. The Act requiring the Register to keep his office at Nashville was repealed. The office could be kept by the Register, or a Deputy, but the Register was answerable for the acts of the Deputy.
2. Private Acts of 1919, Chapter 274, allowed females, married or single, over the age of 21 and a resident of the county of appointment, to serve as a Deputy in the office of the Register of Rutherford County, imposing upon them all the obligations and duties of any other Deputy Register, and denying them the right to plead coverture to any action by their acceptance of the job and estopping them to deny liability for their actions on the ground of their being women. This Act was repealed by Private Acts of 1979, Chapter 138.
3. Private Acts of 1933, Chapter 876, set the annual salaries for several officials in Rutherford County. The salary of the Register would be \$2,500 per year if the fees of the office reached that amount. If the fees exceeded that amount, the surplus would be paid into the county treasury. Expenses of the office would continue to be paid as the law now provided.
4. Private Acts of 1959, Chapter 44, directed that in Rutherford County all deeds, mortgages, deeds of trust, subdivision plots, tract maps, and all other instruments vesting or divesting title to or in real property be first presented to the Tax Assessor's office from which the Tax Assessor must extract some specified information and stamp the instrument to that effect, for all of which a fee of fifty cents could be charged, before the Register of the County was permitted to record the same. Unless the above were fully complied with the transfer of property would not become effective, as to the creditors of the bargainor or grantor. This Act was repealed by Private Acts of 1975, Chapter 40.
5. Private Acts of 1973, Chapter 127, was the legislative authority for Rutherford County to adopt an official property identification map which would assign a number, or some other symbol of identification to every piece of property in the County. After the adoption of the Map, the Register could not record any deed unless it contained the identification numbers and a statement of whether it was improved property, or not, and the Post Office address of the property and its owner, or owners. The numbers were not designated as a part of the official description of the property and could be noted in the margins or some other appropriate spot. This Act was repealed by Private Acts of 1975, Chapter 41.

### **County Trustee**

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

1. Acts of 1815, Chapter 48, required that after January 1, next the Treasurers, or Trustees, of the



Counties of Greene and Rutherford, keep their respective offices at the towns of Greeneville and Murfreesborough, any law to the contrary notwithstanding.

2. Acts of 1823, Chapter 232, authorized and directed the Treasurer of West Tennessee to pay over to the Trustee of Rutherford County the sum of \$61.10 the same being so much of the revenue of Rutherford County which was raised and collected by the Sheriff of the County in 1821, and paid by mistake into the State Treasury when the money should have been paid to the County.
3. Private Acts of 1917, Chapter 597, provided that the County Trustee of Rutherford County would give one bond to the State of Tennessee for the State's use and benefit, and another bond for the use and benefit of the County in the sum of one-fourth of the total taxes collected for State and County purposes during the year immediately preceding the year of the bond, as the taxes were reported in the State Comptroller's Office.
4. Private Acts of 1919, Chapter 274, granted to all females, married or single, over the age of 21, and residents of the county appointing them, the right to serve as a Deputy in the County Trustee's office, assuming all the obligations and duties in the same manner as anyone else, and by their acceptance of the position were estopped to plead any defense of coverture or to deny any legal liability because they were women. This Act was repealed by Private Acts of 1979, Chapter 138.
5. Private Acts of 1933, Chapter 876, fixed the salaries of several county officials in Rutherford County among which the sum of \$3,000 was prescribed to be paid to the Trustee each year, but only when the fees collected in the Trustee's office amounted to that much, and the surplus, if any, would be paid into the county treasury, and accounted for. All expenses of the office would continue to be paid by the county as the law permitted.
6. Private Acts of 1935, Chapter 820, authorized the Quarterly County Court to empower the Trustee to stamp a prescribed endorsement on the county warrants issued by the Board of Education when the available funds were not enough to pay the same, which endorsement specified that 6% interest would be paid on the amount of the warrant from the date of endorsement until the date of payment.
7. Private Acts of 1947, Chapter 4, amended Private Acts of 1935, Chapter 820, so as to change the payment of interest on school warrants from an arbitrary 6% to an amount which would be less than and which could not exceed 6% in any circumstances.

#### **Parking Commission**

1. Private Acts of 1949, Chapter 777, authorized the Quarterly Court of Rutherford County to elect a Parking Committee of three of their members to serve for a two year period, to regulate and control parking on county property connected with or adjacent to the Court House and Square, to erect and manage parking meters, if and when installed, and to remove any parking meters which may be situated on the above mentioned area, or to contract with those who have installed the existing meters, whichever seems to be the most expedient. This Act was repealed by Private Acts of 1959, Chapter 173. This Act was discussed in Rutherford County v. City of Murfreesboro, 309 S.W. 2d 778 (1958).

#### **Purchasing**

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

1. Private Acts of 1933, Chapter 281, vested the authority in the Quarterly Court of Rutherford County to set up a purchasing agency composed of not more than three County Officials whose duty it was to purchase supplies and equipment and to enter into contracts for labor or services which are chargeable to counties under the law. The Court was enabled by Resolution, properly adopted, to designate the county officials, one of whom would be the County Judge, or Chairman, who would serve as the agency and to prescribe in the same manner such rules and regulations as might be necessary. All conflicts were repealed except that this Act would in no way affect Private Acts of 1931, Chapter 353, which regulated the County Judge's office.
2. Private Acts of 1972, Chapter 410, enacted a system of accounting, budgeting, and set up purchasing procedures for Rutherford County which would have repealed several earlier acts on these same subjects but this act was not acted on by the Quarterly Court being thus nullified. A seven member County Purchasing Committee was created who would appoint a County Purchasing Agent.
3. Private Acts of 1974, Chapter 184, created a County Purchasing Committee of seven members, one of whom would be the County Judge. The Committee would appoint a County Purchasing

Agent whose duties were specified in the Act. This Act was not approved by the Quarterly Court thereby failing to become operative.

4. Private Acts of 1974, Chapter 355, amended Private Acts of 1974, Chapter 184, rewriting the paragraph on the salary of the Director of Budgets and Accounts so that the salary would be set by the Quarterly Court upon the recommendation of the Budget and Finance Committee, but the salary could not exceed the salary of the County Trustee. This Act was also rejected by the Quarterly Court as was the Act it purported to amend.
5. Private Acts of 1975, Chapter 39, provided for a Purchasing Agent to be appointed by the Purchasing Committee, who must be bonded, and qualified in the field of purchasing. The salary would be set annually by the Quarterly Court who must furnish the Purchasing Agent an office which the agent must keep open during regular hours. Several specific powers and duties are mentioned in the Act. A purchasing committee of seven members was devised, one of whom would be the County Judge, one would come from the School Board, one from the Highway Commission, and four from the Quarterly Court. The Committee, with the agent, would promulgate the rules and regulations in accordance with the general restrictions laid down in the Act as they were specified in regard to the information of contracts and procedures to be followed in the solicitation and award of bids. Nothing could be bought unless the funds were available to pay for it except under the conditions formulated in the act. All personal interest in contracts, rebates, and gifts was prohibited and forbidden under penalty. This Act was rejected by the Quarterly Court of Rutherford County.
6. Public Acts of 1977, Chapter 87, increased the minimum dollar amount from \$500 to \$1,500 for which advertised sealed bids were required. The official records from the Secretary of State's office show that no action was ever taken by the County Commissioners on this act.
7. Private Acts of 2017, Chapter 17, deleted and replaced Private Acts of 1943, Chapter 421, as amended, the Rutherford County Purchasing Act. The Private Acts of 2017, Chapter 17, enacted the "Rutherford County Purchasing Act of 2017."

### **General References**

The following private or local acts constitute part of the administrative and political history of Rutherford 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 1803, Chapter 43, stated that Robert Weakley and Thomas Bedford had laid off a town in the forks of the Stones' River in Rutherford County and had sold a number of lots located therein, which would be called by the name of Jefferson. This Act further appointed Thomas Bedford, James Sharp, Mark Mitchell, Joseph Herndon, and Alexander McCulloch, as Commissioners, to regulate the said town.
2. Acts of 1804 (Ex. Sess.), Chapter 23, commissioned John Hill, Frederick Barfield, Mark Mitchell, Alexander McKnight and Fred LeGrande, with full authority to select a site for the County Seat for Rutherford County, having regard for water and the center point of the County, and to contract for the erection of the Court House, prison, and stocks. The Commissioners could pass good and valid title to any of the lots sold.
3. Acts of 1811, Chapter 33, recited that it appeared to the General Assembly that the town of Jefferson is not near the center of Rutherford County and the courts ought to be held in some other place. This Act appointed Charles Ready, Hugh Robinson, Hans Hamilton, James Armstrong, Owen Edwards, Jesse Brasher, and John Thompson, Sr., to fix on a place near the center of the County and purchase 60 acres of land, reserving two acres for the Public Square, which town would be called Cannonsburgh. The Commissioner were empowered to sell lots, and to build, or cause to be built, a Court House, prison, and stocks in said town. All offices and courts would be moved to the new town. See *Rutherford County v. City of Murfreesboro*, 309 S.W.2d 778 (1958).
4. Acts of 1811, Chapter 35, stated that the Surveyor's office of the Second Surveyor's District had been kept at Jefferson which was inconvenient for the greater part of the District, therefore, after January 1, next, the principal surveyor would maintain his office at Shelbyville to which all the records and documents must be moved. The move, however, had to be publicly advertised in Rutherford County and in Nashville before taking place.
5. Acts of 1811, Chapter 104, repealed so much of Acts of 1811, Chapter 33, directing Commissioners to select a County Seat for Rutherford County which would name the county seat Cannonsburg, and from hereafter the name of the town would be called Murfreesborough. See

- Rutherford County v. Murfreesboro, 43 Tenn App. 489, 309 S.W.2d 788 (1958).
6. Acts of 1813, Chapter 13, commissioned Joel Childress, Joel Dyer, John M. Telford, Abraham Thompson, Alexander Carmichael, Burwell Ganaway, and Blackman Coleman, with full power and authority to regulate the town of Murfreesborough.
  7. Acts of 1813, Chapter 84, directed the County Court of Rutherford County to pay the balance of money arising out of the sale of lots in Murfreesborough, after settling up with the Commissioners appointed to establish the town, to the present Commissioners for the use and benefit of the said town.
  8. Acts of 1815, Chapter 27, declared it lawful to inspect tobacco, flour, hogs, lard, butter, hemp, kiln dried corn meal, and other articles in the town of Jefferson in Rutherford County. Any person desiring to do so could erect a warehouse in which to do the inspecting, after petitioning the County Court for an order.
  9. Acts of 1815, Chapter 72, repealed four sections of the Acts of 1813, Chapter 13, regulating the town of Murfreesborough and substituted a different set of rules and laws in their place. See Rutherford County v. Murfreesboro, 43 Tenn. App. 489, 309 S.W.2d 778 (1958).
  10. Acts of 1817, Chapter 10, stated that it appeared to the General Assembly that the Commissioners heretofore appointed by a previous Act to regulate the town of Murfreesborough had completed their duties and the Rutherford County Court had made an allowance to them for their services, but the present Commissioner had commenced an action against them to obtain the said allowances, this law repealed all Acts which would prohibit the payment of these allowances to the first Commissioners, and required the present Commissioners to dismiss their suit and pay the costs incurred.
  11. Acts of 1817, Chapter 30, incorporated the City of Murfreesboro.
  12. Acts of 1819, Chapter 121, appointed Benjamin Deckard as a Notary Public in Rutherford County.
  13. Acts of 1820, Chapter 59, stated a representation had been made to the General Assembly that the public convenience would be promoted by the establishment of a town on the lands of Gideon Thompson, in Rutherford County. This Act permitted a town to be laid off into proper streets, alleys, and lots on the land mentioned above, which would be called by the name of Milton.
  14. Acts of 1823, Chapter 262, emancipated Mary Alley, wife of William Alley, of Rutherford County, who would have all the rights and privileges of a feme sole, to sue and be sued, to contract and to hold property in her own name.
  15. Acts of 1825, Chapter 187, made it lawful for the heirs and representatives of John Sharp, deceased, to execute a deed of conveyance to Abraham W. Cannon, and his wife, Mary, for 150 acres of land in Rutherford County, which deed must be duly registered.
  16. Acts of 1826, Chapter 194, was the authority for William B. Clayton to peddle merchandise in Rutherford County if he applied to the County Court Clerk and made oath that he would not sell at retail any goods except his own, whereupon the Clerk would issue him a license.
  17. Acts of 1833, Chapter 160, permitted Hartwell Miles, of Williamson County, to hawk and peddle goods, wares, and merchandise in both Williamson and Rutherford Counties without having to obtain a license.
  18. Acts of 1833, Chapter 164, permitted Eli A. Seay, of Williamson County, to hawk and peddle in Rutherford and Williamson Counties, without having to obtain a license.
  19. Acts of 1869-70, Chapter 23, incorporated Smyrna in Rutherford County under the Mayor-Aldermen form of Charter, naming as officers, the Mayor, five aldermen, a Town Constable, and a Town Treasurer. The Mayor would act as Recorder. All would be elected to one year terms.
  20. Acts of 1887, Chapter 107, authorized and empowered the Funding Board of Tennessee, composed of the Governor, the Comptroller, and the Treasurer, to fund for the benefit of Henry Gregory, of Rutherford County, the mutilated \$500 Bill of Tennessee money belonging to Mr. Gregory, which was numbered 243.
  21. Acts of 1897, Chapter 124, was a statewide salary Act which fixed the annual salary of county officials according to the population of the county in which they served. All fees and other income of the offices were declared to be the property of the County for which they would be held accountable. The office holders were required to file a sworn, itemized statement on the first Monday in each month showing the total amount of fees and income collected in the office for that month. This Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105, (1900).

22. Private Acts of 1927, Chapter 106, was the legal power and authority for the Quarterly Court of Rutherford County to make appropriations of money and bind the credit of the County for sites and buildings to encourage the development of enterprises and industry for the manufacture of the County's agricultural products. A Resolution could be considered and adopted by the Quarterly Court which would relate all the essential details.
23. Private Acts of 1927, Chapter 577, allowed the Quarterly Court of Rutherford County to appropriate and spend up to \$5,000 each year to advertise through the press, or otherwise, with a view to inducing persons and capital to locate in the County. Section 2 specified that all proper records be kept so that a strict accounting of the appropriation could be had at any time.
24. Private Acts of 1927, Chapter 580, amended Private Acts of 1927, Chapter 106, by adding a provision that the appropriations authorized therein would be paid out of the fines and forfeitures paid into the County Treasury for the use of the Counties by the Circuit Court Clerks and Magistrates, which must be kept in a separate account by the Trustee.
25. Private Acts of 1929, Chapter 767, amended part of the County Road Law, Private Acts of 1927, Chapter 313, by permitting the use of the prisoners at the Workhouse and the county road equipment to aid and assist enterprises coming into Rutherford County get established.
26. Private Acts of 1929, Chapter 920, was the authority to use all the funds on hand in the Rutherford County Treasury, which were collected for special purposes, for which special tax levies might have been made, which now had been assumed by the State. The Quarterly Court could transfer these funds into other lawful funds to be used for other purposes.
27. Private Acts of 1931, Chapter 788, restored W. H. Garrett, a citizen of Rutherford County, to full citizenship, which included the right to hold office under the laws and Constitution of the State.
28. Private Acts of 1933, Chapter 32, vested Rutherford County with all the rights, powers, and privileges which an individual citizen would have in a like position under the Constitution and law in connection with liens on real estate. The Quarterly Court could by proper Resolution designate two county officials, or the County Judge, or Chairman, or the County Court Clerk in order that all the above might be accomplished.
29. Private Acts of 1933, Chapter 60, removed all the disabilities of minority from Edmund B. Allen, Jr., of Rutherford County.
30. Private Acts of 1933, Chapter 272, removed the minority of Ralph Kelton, of Rutherford County, who is now in his 21st year and soon to be a graduate of the Lebanon School of Law, and desiring to take the next Bar Examination in the State of Tennessee, and begin law practice as soon as possible.
31. Private Acts of 1933, Chapter 274, emancipated Lucy Connell from all the disabilities of her minority, conferring upon her all the rights and privileges of adulthood.
32. Private Acts of 1933, Chapter 278, authorized the Quarterly Court of Rutherford County to borrow money to pay current expenses of any and all departments of the said County under the limitations in the Act.
33. Private Acts of 1933, Chapter 802, moved Willie Clyde Gilbert, of Rutherford County, from his minority into all the rights, privileges, and obligations of being an adult. No special circumstances were cited.
34. Private Acts of 1933, Chapter 838, was the authority for the Quarterly Court of Rutherford County to protect their public buildings by accumulating a reserve account out of which might be paid the cost of reconstruction of any public building destroyed by fire, or otherwise. This reserve account could be created by a tax levy and preserved by investment in safe securities which could be readily realized if the need arose. Schools might be included within the purview of this Act. Any matter connected herewith which needed to be made public could be published in a newspaper.
35. Private Acts of 1937, Chapter 27, removed the disabilities of minority from Sam B. Sherrill, Jr., of Rutherford County.
36. Private Acts of 1939, Chapter 359, created a five member Board of Fair Commissioners consisting of the County Judge and four members elected by the Quarterly Court. The County Court was authorized to levy a property tax of one cent per \$100 assessed valuation for the Fair Fund for the purpose of maintaining and operating a divisional fair. This Act was repealed by Private Acts of 1979, Chapter 138.
37. Private Acts of 1971, Chapter 186, which was not acted on by the Rutherford County Quarterly Court and was thus nullified, was the authority for the Quarterly Court to acquire from the United States Government, the State Government, or any other governmental agency or authority, any

real or personal property which has been declared surplus, including a portion of Sewart Air Force Base and the Wherry and Capehart housing areas. The purchase could be financed by any method available. The Act further authorized the Court to dispose of, improve, or encumber, any property acquired, and to enter into any contracts in connection with it

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