



July 03, 2024

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# Chapter I - Administration

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Dear Reader:

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

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

Sincerely,

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

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# Chapter I - Administration

## Audit

### Private Acts of 1943 Chapter 64

**SECTION 1.** That the Quarterly County Court of counties in the State of Tennessee with a population of not less than Twenty-nine Thousand and Forty (29,040) nor more than Twentynine Thousand and Fifty (29,050) according to the Federal Census of 1940 or any subsequent Federal Census, shall provide by proper resolution that an audit be made of all funds, offices, departments, institutions and agencies of said county each year by a certified public accountant who is licensed to practice accounting in the State of Tennessee. The Quarterly County Court shall provide by resolution the method of contracting for such audits and shall appropriate from the County General Fund each year a sum sufficient to pay for such annual audit. Each annual audit shall cover the County's fiscal year which shall be the period from July 1st in each year to June 30th of the following year. The Quarterly County Court shall require that the records of the various offices, departments, institutions and agencies, shall be checked by the Auditor at such time or times during the fiscal year as is necessary to verify the handling of all funds by the various officials, agents, and employees.

**SECTION 2.** That the audits required by this Act shall include a check and verification of the handling of all revenues or other funds, including trust funds, which are collected, received, held or disbursed by the county judge, county trustee, county court clerk, clerk and master, circuit court clerk, clerk of general sessions court, county register, county sheriff, county engineer, county superintendent of schools, superintendent of the county hospital and each other official, agent or employee of the county government. Each official heretofore referred to in this section and each other official, agent or employee of the county, shall make available to the Auditor all their records, statements, reports and files which the Auditor may request of them incident to making the audits required by this Act.

**SECTION 3.** That the Quarterly County Court shall require that a report be prepared by the Auditor for each fiscal year, showing the findings of the audit, including statements of the financial condition and operation of the county and each fund thereof and the condition of the budget. Said report shall be presented to the Quarterly County Court at the next regular session of said court after its completion. One copy shall be filed in the office of the county court clerk where it shall be available for examination by the members of the Quarterly County Court, the citizens of the County and any other interested person. A summary of each annual audit report shall be published by the County Judge in a newspaper having general circulation in Robertson County, and the cost of such publication shall be paid from the general fund of the county.

**SECTION 4.** That any official named in this Act or any other officials, agent or employee of the county who shall fail or refuse to perform the duties required by him by this Act or who shall otherwise fail or refuse to conform to the provisions of this Act shall be guilty of a misdemeanor and shall be subject to a fine of not more than Fifty Dollars and to removal from office.

**SECTION 5.** That in the event any section, sentence, clause, phrase or work of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remainder of this Act. The General Assembly hereby declares that it treats each and every section, sentence, clause, phrase and work of this Act as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 18, 1943.

## Budget System

### Division of Accounts

### Private Acts of 1943 Chapter 65

**SECTION 1.** That there is hereby created a Division of Accounts in the office of the County Judge of Robertson County, Tennessee. In the division of Accounts there shall be maintained a system of central accounting, which system shall include such records and procedures as are required to reflect the assets, liabilities, income and expenditures of each fund of the County and together with such other records and

accounts as are necessary to reflect the operations and conditions of all funds, departments, divisions, institutions, offices and agencies of the county government. The records of the county highway department shall be kept as a part of the central accounting system. As a part of the central accounting system there shall be maintained such records, accounts and files as are necessary to record and control the transactions relating to the budget and to show the expenditures and encumbrances against each item of appropriation and to otherwise facilitate the execution of the budget.

**SECTION 2.** That the County Judge is hereby authorized to employ a person who is skilled and experienced in bookkeeping or accounting to serve as county accountant and to keep the records of the central system of accounting. Said County Accountant shall hold office at the pleasure of the county judge. The salary of the County Accountant shall be paid from the general fund of the county and shall be in such amount as is provided by the quarterly county court. The County Accountant shall furnish such bond as is required of him by the county judge and the premium on said bond shall be paid from the general fund of the county.

**SECTION 3.** That it shall be the duty of the County Accountant to post and otherwise keep the records of the central accounting system, verify all bills and claims against the county before payment, to check the settlements and reports of the various officials and department heads of the county government and to prepare disbursement warrants on all funds of the county except those for which warrants are issued by the county board of education. The County Accountant shall at the end of each month prepare a report in such form as is necessary to provide complete information as to the financial condition and operations and the budget transactions of the county and of each fund, department, institution, office and agency thereof. The latest such report shall be presented by the county judge to the quarterly county court at each of its regular sessions. The County Accountant shall perform such other duties as may be required by the county judge or the quarterly county court.

**SECTION 4.** That salaries, bills, accounts and other obligations of the county schools, shall be paid upon disbursement warrants issued by the county board of education and countersigned by the county judge. Expenditures on all other funds of the county, except school funds, shall be made upon disbursement warrants signed by the county judge.

**SECTION 5.** That the County Trustee, Clerk and Master, County Court Clerk, Circuit Court Clerk, Superintendent of the County Hospital, Superintendent of Schools, County Engineer and each other official, agent and employee of the county who collects, receives, holds or disburses revenue or other funds of the county or any of its funds, departments, institutions, offices or agencies, shall report to the county judge at the end of each month the amount of such funds collected, received and/or disbursed during the month in such form as the county judge may prescribe. Each official, heretofore referred to in this section, other than the county trustee, who collects or receives funds of the county or of any department, institution or agency thereof shall pay over such funds to the county trustee promptly after the close of the month during which said funds were collected. Each official, agent and employee of the county shall provide such other information which may be required to properly maintain the central accounting system, in such form and at such time or times as may be prescribed by the county judge. The records of all departments, offices, institutions and agencies of the county shall be made available by the respective officials and employees, for examination by the county judge or the county accountant upon his request.

**SECTION 6.** That 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 by this Act or who shall otherwise fail or refuse to conform to the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars and to removal from office.

**SECTION 7.** That in the event any section, sentence, clause, phrase or work of this act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remainder of the Act. The General Assembly hereby declares that it treats each and every section, sentence, clause, phrase and work of this Act as severable, and that it could have enacted this Act with any invalid or unconstitutional part thereof omitted.

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

Passed: January 18, 1943.

## Private Acts of 1943 Chapter 66

**SECTION 1.** That there is hereby created a Budget Committee for Robertson County, Tennessee. Said Committee shall consist of three members, one of whom shall be the County Judge and the other two members of the Quarterly County Court. The County Judge shall be chairman of said Budget Committee. The two elective members of the Budget Committee shall be nominated by the County Judge, and elected

by the Quarterly County Court in each year. The two elective members of the Committee shall serve for a period of one year and until their successors are appointed. The Quarterly Court may, in its discretion, allow the members of said Budget Committee such compensation for their services as said Court may deem proper.

**SECTION 2.** That there is hereby established a fiscal year for Robertson County and for each office, department, division, institution and agency thereof, which fiscal year shall begin on the first day of July each year and end on the 30th day of June of the following year. Said fiscal year shall constitute the budget year and the year for accounting and reporting of each and every office, department, division, institution and agency of the county.

**SECTION 3.** That the County Engineer shall, on or before the first day of April of each year, file with the Budget Committee an itemized statement of the funds which he estimates to be necessary for the construction, maintenance, upkeep and operation of the roads and bridges in Robertson County, together with an estimate of the revenues to be received in cash, during the fiscal year commencing on the first day of July following the making of said report.

The Robertson County Board of Education shall, on or before the first day of April of each year, file with the Budget Committee, an itemized statement of the funds which said Board estimates to be necessary for the improvement, administration, operation, maintenance and other expenses of the schools of Robertson County, together with an estimate of the revenues to be received in cash, during the fiscal year commencing on the first day of July following the making of said report.

The County Judge shall, on or before the first day of April of each year, file with the Budget Committee, an itemized statement of the amounts which he estimates necessary to be expended from the County General Fund, the Debt Service Fund and from each other County fund, exclusive of the funds of the Departments of Highways and Schools, together with an estimate of the revenue to be received, in cash in each fund, during the fiscal year commencing on the first day of July following the making of said report, and also a statement of the cash surplus or cash deficit which is estimated to be in each fund of the County at the beginning of the next succeeding fiscal year.

It shall be the duty of each official, department head, agent and employee of the County to furnish in writing such other information as may be requested by the Budget Committee. The statements required by this section shall be presented in such form as may be prescribed by the Budget Committee.

**SECTION 4.** That at least forty-five (45) days prior to the beginning of each fiscal year, the Budget Committee shall prepare the annual budget. Said budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year. Opposite each item of estimated revenue the budget shall show in separate parallel columns the amounts actually collected for the last completed fiscal year and the amount estimated for the current fiscal year. Opposite each item of proposed appropriation the budget shall show in separate parallel columns the amount expended for the last completed fiscal year and the amount estimated to be expended for the current fiscal year. In preparing the budget, the Budget Committee may alter or revise, as it deems necessary, the estimates or requests made by the various officials, department heads and agents of the County, provided, that the Budget Committee shall fully provide in the budget for interest, principal and sinking funds on debt and for any cash deficit existing at the beginning of the fiscal year. The Budget Committee shall prepare the budget, in all particulars, in accordance with the requirements of Chapter 300 of the Public Acts of 1937 and especially Section fifteen (15) of that Act or any amendment thereto.

**SECTION 5.** That on or before May 25th of each year the Budget Committee shall have a synopsis of the budget, and a statement of the tax rate required to finance the budget, published in a newspaper having general circulation in Robertson County. Said publication shall have notice of a public hearing to be conducted by said Budget Committee at which any citizen of the County shall have the right to appear and state his views on the budget. Provided, that such public hearing shall be held by the Budget Committee not later than thirty days prior to the beginning of the fiscal year covered by the budget.

**SECTION 6.** That at least three weeks prior to the beginning of the fiscal year, and after the public hearing on the budget has been held, the Budget Committee shall deliver the budget to the State Director of Local Finance. The Budget Committee shall make such revisions in the budget as may be required by the State Director of Local Finance in order to make the budget comply with the provisions of Chapter 300 of the Public Acts of 1937. The Budget Committee shall do all things necessary for the county to comply fully with the provisions of Section seventeen (17) of said Chapter 300.

**SECTION 7.** That the Budget Committee shall present the budget to the Quarterly County Court at the regular session of said Court in July of each year. The budget shall be accompanied by a budget message from the Budget Committee explaining the financial program and outlining the services, work and activities to be financed by the budget. With the budget, the budget Committee shall deliver to the

Quarterly County Court a Budget Appropriation or revise the budget as provided in Section fifteen (15) of Chapter 300, Public Acts of 1937, but the Quarterly County Court shall finally adopt a budget not later than the fifteenth day of July of each year. The Budget Appropriation Resolution, as finally adopted by the Quarterly County Court, shall comply fully with the provisions of Section fifteen (15) of Chapter 300, Public Acts of 1937. The tax levy resolution, as finally adopted by the Quarterly County Court, shall comply fully with the provisions of Section sixteen (16) of said Chapter 300. The budget appropriation resolution and the tax levy resolution shall be spread upon the minutes of the Quarterly County Court.

**SECTION 8.** That the appropriations made in the budget appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the various fund of Robertson County for the fiscal year covered by said resolution and no expenditure shall be made or obligation created unless it is authorized by an appropriation. Provided, that any resolution presented to the Quarterly County Court in any fiscal year, after the original budget appropriation resolution for the year has been adopted and the tax rate for the year has been fixed, which provides for an appropriation in addition to these made by the original budget appropriation resolution, shall specifically provide sufficient revenues or other funds to meet such additional appropriation.

The appropriations as made by the Quarterly County Court shall constitute authorizations for expenditures; and expenditures may be made and obligations incurred up to the maximum amounts appropriated. Expenditures and obligations against the amounts so appropriated shall be made or obligations created without such approval shall be valid and binding against Robertson County. Provided, however, that the County Judge may issue such regulations or make such arrangements, as he deems necessary, for the prompt handling of bona fide emergencies. Salaries, bills, accounts and other obligations of the county schools, after being approved by the County Judge, shall be paid upon disbursement warrants issued by the County Board of Education and countersigned by the County Judge. Expenditures on all other funds of the County, except school funds, shall be made upon disbursement warrants signed by the County Judge. Bills and accounts incurred in accordance with the authorized appropriations shall be paid promptly in order that the County may obtain the benefit of cash discounts; and, for this purpose, it shall not be necessary for each such bill and accounts to be filed and recorded by the County Court Clerk or to be approved before payment by the Quarterly County Court.

**SECTION 9.** That the County Judge shall make or have made, a report at the end of each month showing the condition of the budget. Said report shall show for each item of appropriation the amount of expenditure, the amount of unpaid obligations and the amount of the unencumbered balance. It also shall show for each fund an itemized statement of the revenues and receipts estimated for the year compared with collections to the end of the month and show the amounts still expected to be collected. In a parallel column shall be shown the amount of each item of revenue received during the comparable elapse period of the preceding fiscal year. The most recent such report shall be presented to each regular session of the Quarterly County Court. In the report to the Quarterly County Court the County Judge shall advise the Court of the condition of the budget and of any adjustment or reduction of appropriations or expenditures which should be made, and shall recommend any other action which the Court shall take in order that the budget may be kept in balance.

**SECTION 10.** That 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 by this Act or who shall otherwise fail or refuse to conform to the provisions of this Act shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars and to removal from office.

**SECTION 11.** That in the event any section, sentence, clause, phrase or work of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remainder of the Act. The General Assembly hereby declares that it treats each and every section, sentence, clause, phrase and word of this Act as severable, and that it would have enacted this Act with any invalid or unconstitutional part thereof omitted.

**SECTION 12.** That this act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 18, 1943.

## Building Permits

### Private Acts of 1979 Chapter 66

**SECTION 1.** Any person desiring to erect or have erected, constructed or reconstructed any building or structure in Robertson County, shall first apply to the Building Commissioner of Robertson County for a building permit for such erection, construction, reconstruction, or alteration. The value of any alteration must exceed the sum of three thousand dollars (\$3,000) before a permit shall be required. Said

application shall be in a form to be prescribed by the Building Commissioner and shall contain the following information: (1) whether the proposed work is to be new construction or the alteration of an existing structure; (2) the location or address of the proposed construction or alterations; (3) the identity of the owner or owners of the premises; (4) the estimated cost of the completed structure in the case of new construction, or in the case of the alteration of an existing structure, the estimated value of such structure before and after such alteration; and (5) such other information as the Building Commissioner shall prescribe.

Upon proper application, duly filed and found to be in compliance with the Robertson County Zoning Resolution, the Building Commissioner shall issue a building permit and shall charge a fee for such service, the fee to be as prescribed by the Robertson County Planning Commission. All sums collected from the fees shall be paid to the General Fund of Robertson County.

After issuance of the building permit, the Building Commissioner shall transmit a copy of it to the Robertson County Assessor of Property, provided however, that no new or additional property tax shall be assessed against such premises unless or until the same are completed to the extent that they are habitable or may be put to use.

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

**SECTION 3.** This act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits of the same nor within official planning regions duly established under Tennessee Code Annotated, Section 13-202 and Tennessee Code Annotated, Sections 13-711 through 17-713, provided copies of such permits are made available to the building commissioner at regular monthly intervals.

**SECTION 4.** Robertson County is empowered to enjoin any one from proceeding with any construction until the terms of this act are complied with, and the County Attorney shall institute injunctive proceedings upon the request of the Building Commissioner and the Robertson County Planning Commission.

**SECTION 5.** Public or private utilities shall not furnish any service to any person or persons desiring to erect or have erected, constructed or reconstructed, any building or structure in Robertson County without being presented with a properly executed building permit.

**SECTION 6.** Violations of the provisions of this act shall be punishable, upon conviction thereof, by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and each day the violation continues shall be deemed a separate offense.

**SECTION 7.** Chapter 31 of the Private Acts of 1967 is repealed.

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

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

Passed: March 29, 1979.

## Purchasing

### Private Acts of 1943 Chapter 98

**COMPILER'S NOTE:** This Act may be suspended by the adoption of the 1981 Act.

**SECTION 1.** That the office of County Purchasing Agent is hereby created in Robertson County, Tennessee. The County Judge shall be and is hereby designated as the County Purchasing Agent of said County and hereafter, in this Act, he shall be referred to as the "Purchasing Agent."

**SECTION 2.** That said Purchasing Agent shall have the sole power and authority to contract for and purchase all materials, supplies, equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of, supported by, or under the control of the County government, with certain exceptions herein set out; 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 materials, supplies

or equipment. The Purchasing Agent shall likewise have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where such purchases or rents are to be paid out of any funds belonging to or under the control of Robertson County or any department, institution or agency thereof; and no other official, employee or agent of the county shall have the right or power to make or arrange for any such purchase or rental.

**SECTION 3.** That purchases or contracts for the purchases of supplies, equipment or material for the use of any official, employee, department or agency of the county government, the estimated value of which exceeds \$500.00, which, except in emergencies as hereinafter provided, shall be executed by the Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Springfield, Tennessee, and such other newspaper as he may deem property, that sealed bids will be received by the Purchasing Agent, at a time fixed in the advertisement, which shall not be less than ten days after the publication of the advertisement, which sealed bids shall be opened publicly at the place, hour and date advertised. Such advertisement shall prescribe 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, dealers, merchants, or their duly authorized selling agents. Bids received after the hour of opening will not be considered. Tabulation of bids shall be effected as promptly as possible, after which such tabulation will be opened for inspection. Contracts shall be awarded only to established and responsible manufacturers, producers, dealers and merchants, and awards shall be made to the lowest and best bidders. The Purchasing Agent shall have the right to reject any or all bids in whole or in part, and to waive technical defects in bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, materials or equipment to be purchases, the Purchasing Agent may, in his discretion, award the contract or contracts to either of such bidders, or may apportion the requirements between or among such bidders, or may elect to reject all such bids and advertise for additional bids. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other feasible means. The Purchasing Agent shall in all cases inform prospective bidders of the County's needs and stimulate and encourage competitive biddings.

As amended by: Private Acts of 1983, Chapter 100

**SECTION 4.** That when the estimated value of supplies, materials or equipment required for essential functions of the County governments is \$500.00, or less, the Purchasing Agent is authorized to purchase same without the necessity of advertisement or sealed bids, but in making such purchases the Purchasing Agent shall be diligent in securing competitive prices from manufacturers, producers, dealers and merchants, and shall always secure the lowest price possible; and in no instance shall any supplies, materials or equipment purchases under the authority of this paragraph be purchased at a higher price than the prevailing current market price at Springfield, Tennessee, for such supplies, materials or equipment.

As amended by: Private Acts of 1983, Chapter 100

**SECTION 5.** That when in the opinion of the Purchasing Agent, an emergency exists requiring the immediate purchase of supplies, materials, or equipment for the use of an official or agent of the county, the Purchasing Agent may purchase or contract for the purchase of such materials, supplies or equipment without the necessity of advertisement or competitive bids, purchasing the same on the most advantageous basis possible. Provided that on all purchase orders issued for such emergency purchases there shall be included a statement signed by the Purchasing Agent, explaining the nature of the emergency and the reason for handling the purchase an emergency. Provided further, that in order to take care of emergencies the department heads of the county may purchase by means of purchase order, or otherwise, any materials, supplies, repairs or services required, the costs of which in the aggregate shall not exceed the sum of \$25.00 for all departments except that of County Engineer which sum shall not exceed \$225.00, but proper evidence of such expenditures, or purchases as purchase orders or invoices or vouchers shall be filed with the Purchasing Agent daily and failure to do so may be disallowed by the Purchasing Agent and all of said sums shall fall within and not exceed the budget submitted and allowed by the county court of Robertson County, Tennessee. If any department head shall abuse the privilege granted hereto to make purchases, the Purchasing Agent may revoke such right, which right to purchase shall then be vested in the Purchasing Agent only.

**SECTION 6.** That subject to all other requirements herein set out, the purchase of supplies, materials and equipment for the county and its agencies may be on long or short-term contracts or orders to be executed or filled at certain seasons of the year, or by blanket contracts or orders of continuous duration to be executed at stated intervals.

**SECTION 7.** That the Purchasing Agent shall keep a complete record of all purchases made by him with copies of description advertising, original bids when submitted in writing, and the names of all bidders, together with the amounts of their several bids, which records shall at all times be open to inspection by



any taxpayer of the county or other interested party.

**SECTION 8.** That the Purchasing Agent shall not be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county, nor in any firm, corporation, partnership, association or individual furnishings any such supplies, materials or equipment; nor shall the Purchasing Agent or any assistant or employee thereof accept or receive, directly or indirectly, from any person, firm, corporation, partnership or association to whom any contract may be awarded by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward, compensation or remuneration.

**SECTION 9.** That the Purchasing Agent may, by regulation or otherwise, require security to accompany bids, and fix the amount thereof; govern the procedure by which vendors shall submit their invoices for payment; govern the method and procedure whereby the departments, agencies or officials of the county shall inform the Purchasing Agent of the need or necessity for the purchase of supplies, materials and equipment; prescribe form for estimates, requisitions, orders and contracts; 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 supplies, materials or equipment; and waive such rules or regulations in special or emergency cases.

**SECTION 10.** That Robertson County, Tennessee, shall be liable for the payment of all purchases made by the Purchasing Agent for the use of the County or any of its departments or agencies under the provisions of this Act, but shall not be liable for the payment of any purchases made contrary to its provisions.

**SECTION 11.** That the County Judge shall furnish a bond in the sum of \$10,000, which bond shall be conditioned upon faithful and proper performance of his duties as Purchasing Agent. The Premium on said bond shall be paid from the General Fund of the county.

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

**SECTION 13.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1943.

## Administration - Historical Notes

### **Audit**

The Acts listed below are no longer in effect in Robertson County, and since the general state law referenced above was enacted in 1947 while the local law bears a date of 1943, any conflict between the two would be resolved by the state statute. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1941, Chapter 386, formed an audit committee in Robertson County, composed of three people serving two year terms, who would be elected by popular vote in the general August election and take office following September 1. Until that time the statute named J. E. Powell as the chairman of the audit committee, and Henry Gower and Ernest Porter would be the other members. The Committee members would be paid \$5 each for every day actually spent in the work of the Committee which has specific power to conduct investigations and examine the records of all departments of county government. The Committee could issue subpoenas, administer oaths, and examine witnesses. They could also employ auditors and accountants as they deemed essential, as well as attorneys, when the need arose. The Committee would file a report on their activities and expenses every six months with the County Clerk. This Act was repealed by the one following.
2. Private Acts of 1943, Chapter 63, specifically repealed Private Acts of 1941, Chapter 386, above, as the same was written.

### **Budget System**

The following acts once created a budgeting system for Robertson 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 1917, Chapter 576, created a Board of Finance in Robertson County composed of

three men over 25 years of age and residents of the county, but no member of the Quarterly County Court could serve on this Board. F. G. Ewing, A. L. Dorsey, and John N. Richards were named in the act as the first members of the Board of Finance who would serve until the first Monday in January, 1919, when the county judge, or chairman, would appoint the members to serve for the ensuing two years. The members would be sworn into office, choose one of their number as a chairman and as secretary, and discharge the duties and responsibilities outlined in the act for which they could hire an accountant to assist them, if necessary. The accountant's salary would be fixed by the Board and paid monthly and department heads would be required to cooperate with auditors and accountants. Proper and timely reports were to be made to the County Court. This Act was repealed by the one following.

2. Private Acts of 1919, Chapter 276, repealed Private Acts of 1917, Chapter 576, in its entirety, and the Board of Finance was abolished.

### **Building Permits**

The act mentioned below was in effect in Robertson County until repealed specifically by the act published herein, Private Acts of 1979, Chapter 66.

1. Private Acts of 1967, Chapter 31, required that people apply to the Assessor of Property for building permits when the value of the work to be done exceeded \$1,000, for which the Assessor could charge a \$1 fee. The Act did not apply to construction or alteration in cities when the city charged for a building permit. This Act was repealed by Private Acts of 1979, Chapter 66.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Robertson County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 448, created the position of County Attorney in Robertson County who would be a licensed attorney, at least thirty years of age, and otherwise qualified to perform the duties of the office. The Governor would appoint an attorney to serve until the next general August election who could produce a successor to serve a term of four years. The County Attorney would transact all the legal business of the county, in court, or otherwise, advise all county officials concerning the law; would act as prosecutor in the criminal court and assist the District Attorney in the prosecution and trial of all criminal cases in the Circuit Court of Robertson County. The annual salary was set at \$1800 but the County Attorney would be paid extra when compelled to litigate matters in State and Federal Courts. This Act was repealed below.
2. Private Acts of 1939, Chapter 196, amended Private Acts of 1935, Chapter 448, above, by adding a provision that the County Attorney would not represent, either directly or indirectly, or in connection with any other attorney, or become involved as claimant, defendant, or insurer in any claim for damages to person, property, or character, of another, or further, be involved in any matter wherein a criminal prosecution had, or could, grow out of the claim.
3. Private Acts of 1941, Chapter 132, specifically repealed Private Acts of 1935, Chapter 448, above, as the same was amended, and abolished the office of county attorney in Robertson County, Tennessee.
4. Private Acts of 1967, Chapter 33, was the legal authority for the position of county attorney in Robertson County, until it was repealed by Private Acts of 1980, Chapter 330.

### **County Clerk**

The following act once affected the office of county clerk in Robertson County. It is included herein for historical purposes.

1. Private Acts of 1933, Chapter 567, provided that the County Court Clerk of Robertson County (identified by the use of the 1930 Federal Census figures) would receive a salary, or compensation, for his services a sum not to exceed \$3,000 annually, beginning on September 1, 1934. The Clerk must file a sworn, itemized statement showing the amount of fees collected in the office with the County Judge, or Chairman. If the fees were less than \$3,000 the sum total of the fees would constitute the salary of the clerk and, if the fees exceeded \$3,000, the clerk was directed to pay the excess into the county general fund through the Trustee.

### **County Legislative Body**

The following act once affected the office of county clerk in Robertson County. It is included herein for historical purposes.

1. Private Acts of 1933, Chapter 567, provided that the County Court Clerk of Robertson County

(identified by the use of the 1930 Federal Census figures) would receive a salary, or compensation, for his services a sum not to exceed \$3,000 annually, beginning on September 1, 1934. The Clerk must file a sworn, itemized statement showing the amount of fees collected in the office with the County Judge, or Chairman. If the fees were less than \$3,000 the sum total of the fees would constitute the salary of the clerk and, if the fees exceeded \$3,000, the clerk was directed to pay the excess into the county general fund through the Trustee.

### **County Mayor**

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

1. Private Acts of 1909, Chapter 440, created the office of County Judge in Robertson County.
2. Private Acts of 1923, Chapter 520, amended Private Acts of 1909, Chapter 440, above, so as to increase the annual salary of county judge from \$1,200 to \$1,800 annually, which amount would be paid in equal monthly installments out of the regular county funds on the warrant of the Judge.
3. Private Acts of 1909, Chapter 440, as amended by Private Acts of 1923, Chapter 520, which established the office of county judge (and abolished the office of chairman of the county court of Robertson County) has been superseded by general law, Public Acts of 1978, Chapter 934. The administrative duties of the former county judge have been transferred to the county executive. T.C.A. § 5-6-101.
4. Private Acts of 2005, Chapter 1, redesignated the title of county mayor to county executive. This act was repealed by the Private Acts of 2007, Chapter 2.

### **County Register**

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

1. Acts of 1806, Chapter 1, divided Tennessee into two districts, the East District, and the West District, with one Register for each district. The Register would be located in Knoxville for the East District and at Nashville for the West District.
2. Acts of 1851-52, Chapter 119, required that all the duties of the Entry Taker would hereafter be performed by the Register in those counties south and west of the Congressional Reservation line who would collect the same fees as the Entry Takers had been collecting. The Entry Takers were obligated to turn over their books and records, plus all maps, to the Registers of the respective counties involved. The Registers were given permission to employ a Deputy Register where the public interest would be best served thereby. Robertson County was among those counties exempting themselves from the application of this law.
3. Private Acts of 1933, Chapter 565, fixed the annual salary of the Register for Robertson County at \$3,000, starting September 1, 1934 (the act had Registrar but obviously meant Register). All excess fees, commissions, and emoluments would be paid into the county treasury and any amount less than \$3,000 would be the salary of the Register for that year.
4. Private Acts of 1949, Chapter 821, provided that in Robertson County, before any person could have a deed conveying the title to any real estate in the county, they must first present the same to the Tax Assessor who was directed to record the information specified in the act on his records. Registers were prohibited from recording any of these instruments conveying title to real estate which did not have the stamp on it showing that the above had been done. This Act was repealed by the one following.
5. Private Acts of 1951, Chapter 267, expressly repealed Private Acts of 1949, Chapter 821, above, as the same was written and enacted.

### **County Trustee**

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

1. Private Acts of 1915, Chapter 223, fixed the amount of the bonds required of the Trustee of Robertson County for State taxes at \$20,000 and the bond to be made by the Trustee for county taxes was set at \$40,000, both bonds to be conditioned as was required by law.
2. Private Acts of 1919, Chapter 388, provided for the Trustee of Robertson County to contract with banks on the question of the interest rate to be paid on county deposits.
3. Private Acts of 1943, Chapter 89, recited in the preamble that funds were not in the hands of the County Trustee of Robertson County, all being the remainders left in various bond issues for the

county whose purpose had been fulfilled and completed. This Act enabled the Trustee to transfer the specified funds out of the bond issue accounts and into the general county fund, the total amount of all funds in this category being around \$7,000.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Robertson 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 1797, Chapter 15, stated that prior to the division of Tennessee County into Robertson County and Montgomery County, Tennessee County owed some of its citizens for their services as jurors and for other public purposes which debts were not paid at the time of the division. This Act authorized those citizens who had sums due them to apply to their present county of residence for payment out of that particular county's tax funds.
2. Acts of 1801, Chapter 5, declared that no pork, beef, hogs, lard, butter, hemp, meal or other perishable commodities could be sold unless the same was inspected. Justices of the Peace were authorized to enforce this law, Regulations were enacted for keeping the warehouses, for inspecting the products, and for the conduct of all those who would be involved in the process, including the sale of the goods after inspection had been made. Springfield and Fayetteville were designated as inspection points in Robertson County.
3. Acts of 1807, Chapter 5, increased the bonds of the Treasurer of the Robertson District to \$50,000 which bonds would be secured with ten securities, all being occasioned by the increased revenue of the State and to the high probability of further increases.
4. Acts of 1809, Chapter 56, was the legal authority for Thomas Dixon, of Robertson County, who had a large family and only one leg, and who had moved into the county with a small amount of merchandise, to sell, either by himself or his representative, those goods he had brought with him without having to obtain a license. Acts of 1809, Chapter 21, did the same as the above act.
5. Acts of 1811, Chapter 34, vested the properties of Hollis Lick in Robertson County with the power to make and proceed to a conclusion a lottery to procure salt out of the above Lick, the amount to be raised by the lottery not to exceed \$2,000 on such scheme as the proprietors might devise. The properties must enter into appropriate bond to secure the prize money. If for some reason, some funds were not used, or the lottery was not fully consummated, any funds not to be returned to the ticket holders could be donated to Liberty Academy in the County.
6. Acts of 1811, Chapter 42, made it lawful for any person, or persons, to erect two warehouses on the Cumberland River, one on the north side of the River at Weakleys' Ferry in Montgomery County; and the other on the south side of the River near Weakleys' Ferry in Dickson County, both sites being adjacent to Robertson County, for the inspection of tobacco and other articles for sale.
7. Acts of 1815, Chapter 199, named John Hutchison, William Lain, Benjamin Tucker, Jack E. Turner, William L. Armstrong, Thomas Kilgore, and James H. Bryan, as commissioners to conduct a lottery scheme to raise a sum of money not to exceed \$4,000 which would be used in building a court house in Springfield in Robertson County. The Commissioners were required to make bond in an amount sufficient to insure the payment of the prizes. The drawing for the lottery prizes would be in accordance with the stipulations in this Act.
8. Acts of 1820, Chapter 82, was the authority for John Shannon, of Robertson County, to retail spirituous liquors in the county of his residences without having to pay any license fee to the county or the State.
9. Acts of 1822, Chapter 70, permitted John Brooks, of Robertson County, to hawk and peddle goods, wares, and merchandise in the State of Tennessee without having to pay any taxes for doing so in the State.
10. Acts of 1822, Chapter 85, provided that property belonging to the estate of Herbert Harwell, a citizen who recently died in Robertson County, would be sold under execution by the Sheriff which executions were obtained heretofore and remain unsatisfied. After the property was sold, the proceeds would be applied to the payments of judgments against Harwell.
11. Acts of 1825, Chapter 149, allowed James Read, of Robertson County, to vend and sell at retail merchandise and goods throughout the State of Tennessee without having to pay any State or County taxes for doing so.
12. Acts of 1825, Chapter 177, among other things, changed the name of Caroline Read to Caroline

- Read Payne, daughter of Solomon Payne, of Robertson County.
13. Acts of 1826, Chapter 80, was the enabling act which permitted the holding and drawing of a lottery in Robertson County for the benefit of Richard Jones. Commissioners were named in the Act and directed to give bond in twice the amount of the prizes to be paid. (This Act was practically unreadable in the volume available to us so that the names of the Commissioners and the purpose of the lottery could not be ascertained. We were unsuccessful in our efforts to locate this Act in a legible form.)
  14. Acts of 1826, Chapter 121, authorized Mark P. Duncan, of Robertson County, to sell goods at retail throughout Robertson County without having to obtain a license, provided the said Duncan took an oath before the County Court Clerk that he would not sell any goods belonging to any other person, only sell goods belonging to him.
  15. Acts of 1827, Chapter 85, released Phillip Silvers and Cornelius Wilson, both of Robertson County, and their security, John C. Straughon, from the payment of a fine of \$10 for each one which was imposed upon them by the county court of Robertson County for an alleged assault and battery charge plus one of false imprisonment.
  16. Acts of 1827, Chapter 147, required the collector of the public revenue in Robertson County for the year 1827 to pay to the commissioners heretofore appointed by law to superintend the construction of a jail in Springfield one-half of the State tax which the 1825 act ordered to be paid to the county trustee for county purposes. The Commissioner's receipt would be a good voucher for the same.
  17. Acts of 1827, Chapter 171, was legal authority for Anthony Hinkle, of Robertson County, to hawk and peddle goods and merchandise in Robertson County and Davidson County without paying any tax provided the said Hinkle took the oath before some Justice of the Peace in either county that the goods he sold were his own and the proceeds were for his own personal benefit.
  18. Acts of 1831, Chapter 43, stated that the cashier of the Bank of Tennessee would place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin and Wilson, their pro rata share of the \$60,000 set aside for the internal improvement of Middle Tennessee. The share for each county was based on the percentage of the population of that county of the combined population of all the counties.
  19. Acts of 1832, Chapter 97, appointed Henry Frey, Robert Green, Matthew Powell, Henry Hart and William Seal, as the Internal Improvement Board for Robertson County who had the power to receive and expend all the funds for Robertson County, being granted all the powers and obligations as other commissioners of Internal Improvement.
  20. Acts of 1833, Chapter 34, established the Planter's Bank in Tennessee whose main office would be at Nashville and one of the branch offices would be at Springfield under the supervision of Richard Cheatham, George C. Conrad, Thomas Farmer, Thornton H. Cook and William Seal. All the rules and regulations pertinent to corporate banking institutions at that time were included within this statute.
  21. Acts of 1847-48, Chapter 42, attached the County of Robertson to the Nashville Bank District and there would be a director for the said county who would be chosen as other directors were selected and enjoy all their rights and privileges.
  22. Acts of 1853-54, Chapter 317, stated that Robertson County would be added to the Nashville Bank District (as the preceding Act did) and would be entitled to have a Director on the Bank Board in the same manner as other Directors.
  23. Acts of 1855-56, Chapter 163, incorporated the town of Turnersville in Robertson County which contained the territory described in the act and which town would be entitled to a Justice of the Peace.
  24. Acts of 1867-68, Chapter 42, incorporated John H. Pope, Thomas L. Green, William Moore, G. B. Randolph, W. R. Sadler, C. C. Bell, William Pitt, Willie Woodard, M. V. Ingram, Jo C. Stark, E. A. Fort, G. B. Mason, John S. Hare, John Woodard, Thomas J. Brisle, B. B. Ralls, N. H. Anderson, Mills Taylor, George C. Benton and Solomon Hiser as the "Robertson County Agricultural and Horticultural Association" with an authorized capital stock of \$10,000. The corporation could be organized as soon as \$5,000 in stock was subscribed and confirmed. Officers were to be elected in Springfield who were given the powers necessary to carry out the general purposes of the corporation.
  25. Acts of 1869-70, Chapter 96, incorporated John Woodrell, William Moore, John S. Hart, Willie Woodrell, C. M. Warfield, Boyd M. Cheatham, G. G. Mason, and their associates as the "Bank of

Springfield" which would come under all the general laws pertinent to corporate banking institutions.

26. Acts of 1897, Chapter 124, concerned the annual salaries of the elected county officials which were classified according to the population of the county in which the official served. The officers would be deprived of all fees which became the property of the county. Although this Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900), yet, it with others soon to follow have been the forerunners of the salary acts under which the State currently operates.
27. Acts of 1899, Chapter 232, incorporated Springfield as Mayor and Alderman of Springfield granting to them the 29 powers specifically enumerated in the act. The city contained the area described from which a Mayor and 6 aldermen would be elected for two year terms and then appoint the Marshal, Recorder and Treasurer.
28. Private Acts of 1929, Chapter 273, removed the disabilities of infancy from Very Johnson, of Robertson County, and granted to her the right to contract to do all other things in the same capacity as an adult.
29. Private Acts of 1933, Chapter 103, took Homer Ellis, Jr., of Robertson County, away from all the deficiencies of being a minor in order that he could take the Bar Examination and thereafter be the same as a legal adult.
30. Private Acts of 1933, Chapter 442, took away all the disabilities of her minority from Vergie May Savage and granted her all the rights of a majority so that she could transfer and convey some real estate.
31. Private Acts of 1937, Chapter 77, made Polly Henry a legal adult of Robertson County by removing her minority. At the time of the passage of this act, she resided in Memphis, Tennessee.
32. Private Acts of 1937, Chapter 481, created the "Orlinda Taxing District" which contained the certain areas described in the Act for the purpose of constructing and maintaining a system of water works. The officers would be three commissioners and a Treasurer who would be elected on the first Tuesday in May 1941, for a term of four years. The Commission would make the rules and regulations and the bylaws for the District. The District had the authority to issue \$22,000 in bonds to buy the water system, at an interest rate not to exceed 5%, and maturing as directed. All the property of the District was pledged to the payment of the bonds, plus the Commissioners could fix the rates to be charged to the water consumers. This Commission would in no way have any power over the roads or the schools in the district.

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