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# Chapter I - Administration

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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

## Budget System

### Private Acts of 1973 Chapter 137

**SECTION 1.** There is created the Budget Committee of Roane County. The committee shall consist of the County Judge or Chairman of the County Court and four (4) members of the Quarterly County Court. At its January session each year, the Quarterly County Court of Roane County shall elect four (4) members to serve on the budget committee for a term of one year and until their successors are elected. The budget committee shall be vested with the powers, duties and responsibilities of a budget committee under the provisions of The County Budgeting Law of 1957, being Chapter 12 of Title 5 of Tennessee Code Annotated.

**SECTION 2.** Chapter 378 of the Private Acts of 1933 and Chapter 97 of the Private Acts of 1941 are repealed.

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

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 3, 1973.

## Building Permits

### Private Acts of 1974 Chapter 279

**SECTION 1.** Except for lands within the incorporated municipalities where a building permit system already exists, any owner or owners of real property in Roane County who plan to build, erect, construct, or remodel, or who plan to cause or allow to be built, erected, constructed, or remodeled, any building or improvements upon their real property, where such construction or remodeling may have a value of or cost of five thousand dollars (\$5,000) or more, shall obtain a permit for such construction or remodeling. As amended by: Private Acts of 1980, Chapter 255

**SECTION 2.** (a) The Roane County Quarterly Court is hereby authorized to designate by resolution a person or group of persons, either salaried or not, to carry out the necessary inspection of proposed construction sites.

(b) The person or persons so designated shall:

(1) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage;

(2) Review subdivision proposals and other proposed new developments, not within the jurisdiction of the County Planning Commission, to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

(3) Determine whether the Department of Public Health has reviewed new or replacement water supply systems and/or sanitary sewage systems to be sure they are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and that onsite waste disposal systems are located so as to avoid their impairment or contamination during flooding.

**SECTION 3.** The County Planning Commission, as provided in Tennessee Code Annotated, Section

13-204, shall adopt regulations governing the subdivision of land which will assure that: (i) flood damage will be minimized; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

**SECTION 4.** The Roane County Quarterly Court is further authorized to pass and promulgate by resolution rules and regulations regarding the office from which a permit may be obtained, the cost of the permit, the amount of time within which the permit will be issued or refused, and such other matters as the Court may desire.

**SECTION 5.** Failure to obtain a permit as required by this Act is a misdemeanor, punishable, upon conviction thereof, by a fine of not less than two dollars, nor more than fifty dollars (\$50.00).

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Roane County by September 1, 1974. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 7.** 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 6.

Passed: March 12, 1974.

## Private Acts of 1998 Chapter 145

**SECTION 1.** No utility service shall be connected to any building or improvement to real property in Roane County after the effective date of this act unless proof is furnished to the provider of such utility service that a building permit for such building or improvement to such real property has been obtained pursuant to the provisions of Chapter 279 of the Private Acts of 1974, as amended by Chapter 255 of the Private Acts of 1980, and any other acts amendatory thereto.

**SECTION 2.** The provisions of this act shall only apply to the owner or owners of real property in Roane County who plan to build, erect, construct or remodel, or who plan to cause or allow to be built, erected, constructed, or remodeled, any building or improvement upon their real property which is subject to the provisions of Chapter 279 of the Private Acts of 1974, as amended by Chapter 255 of the Private Acts of 1980, and any other acts amendatory thereto.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the County of Roane. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Legislative Body of the County of Roane and certified to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: April 9, 1998.

## County Attorney

### Private Acts of 1937 Chapter 111

**SECTION 1.** That there is hereby created the office of County Attorney for counties in the State of Tennessee having a population of not less than 24,400 or more than 24,500 according to the Federal Census of 1930 or any subsequent census.

**SECTION 2.** That the Governor shall designate and appoint the first incumbent or incumbents for said office or offices, to serve in such capacity until the first Monday in September, 1938, his successor or their successors to be elected at the next regular elections to be held on the first Thursday in August, 1938, and to be inducted into office with and as other county officials on said first Monday in September, 1938.

**SECTION 3.** That the term of said office shall be for four years, the first full term commencing on said first Monday in September, 1938, and every fourth year thereafter.

**SECTION 4.** Provided, however, effective upon the expiration of the present term of office on the 31st day of August 2010, the salary of said office shall be sixty percent (60%) of the Roane County General Sessions Judges' salary per annum payable monthly out of the general fund of the county upon a warrant by the County Executive upon the County Trustee. Reasonably travel expenses related to said office shall be paid upon a warrant by the County Executive upon the County Trustee upon the presentation of vouchers and receipts showing such expenses.

As amended by: Private Acts of 1949, Chapter 793  
Private Acts of 1969, Chapter 77  
Private Acts of 1974, Chapter 186  
Private Acts of 1980, Chapter 254  
Private Acts of 1986, Chapter 149  
Private Acts of 2010, Chapter 70

**SECTION 5.** That it shall be the duty of said County Attorney to attend to and transact all the legal business of the county, either in Court or otherwise, to advise any and all county officials upon matters pertaining to their respective offices, and to represent the county in all legal matters.

**SECTION 6.** That said County Attorney shall be a resident of the county in which he is elected, and shall be duly licensed practicing attorney.

**SECTION 7.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 29, 1937.

## County Mayor

### Private Acts of 1905 Chapter 18

**SECTION 1.** That the office of County Judge of Roane County be, and the same is hereby established in said county.

**SECTION 2.** That the term of office of said County Judge shall be eight years, and he shall receive a salary of eight hundred dollars (\$800) per year, payable quarterly out of the county funds of said county upon warrants drawn as hereinafter provided. (See note at end of section for current salary).

**SECTION 3.** That said County Judge shall be elected at the regular election to be held in said county for county officers in August, 1906, that he shall be commissioned in the same manner as the other judges of the State, and before entering upon the duties of his office he shall take an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of Tennessee, and to faithfully discharge the duties of his office; and shall also enter into a bond in the sum of ten thousand dollars (\$10,000) conditioned to faithfully discharge the duties of his office, and to account for all moneys and county property that shall come into his hands as such County Judge. Said County Judge shall enter upon the discharge of his duties immediately after the passage of this Act and upon taking said oath and giving said bond as above required.

**COMPILER'S NOTE:** See Chapter 190, Private Acts of 1911, following this act.

**SECTION 4.** That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said county to serve from the time this Act becomes effective until the regular election in August, 1906, and until his successor is elected and qualified.

**SECTION 5.** That the office of Chairman of the County Court of said county be, and the same is, hereby abolished, and said County Judge shall have and exercise all of the powers and jurisdiction of said Chairman, and shall perform all the duties heretofore performed by said Chairman. Said County Judge shall be the accounting officer and agent for said county, and as such shall have the power, and it shall be his duty:

1. To have the care and custody of all county property.
2. To control all books, papers, and documents pertaining to his office, and to the fiscal affairs of the county.
3. To audit all claims of whatever character against the county, and when approved by him, he shall certify the same to the Clerk of the County Court, who shall issue a warrant therefor on the county treasury, to be signed by said County Court Clerk and countersigned by said County Judge.
4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk upon the county treasury, and no warrant shall be paid that is not so signed and countersigned.
5. Said County Judge shall audit and settle the accounts of the County Trustee, and those of all other officers collecting or receiving county revenues, and all officers or other persons entrusted with receiving or expending any money of the county.
6. He shall cause to be entered in a well-bound book to be kept by the Clerk of the County Court, said book to be known as the warrants entered in the order in which they are issued, giving the

number, date, and amount, and for what purpose and to whom given.

7. Said County Judge shall keep in a well-bound book, to be provided at the expense of the county for that purpose, an account of the receipts and disbursements of the county.

**SECTION 6.** That the County Court to be held by the County Judge under the provisions of this Act shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the same power to preserve order and to impose fines and imprisonments for contempt as other Judges in Tennessee.

**SECTION 7.** That the Quarterly Court of Roane County, composed of the Justices of the Peace of said County, shall meet as heretofore on the first Mondays in January, April, July, and October of each year, that said County Judge shall preside over same, and that they shall have such jurisdiction as heretofore vested in them by law.

**SECTION 8.** That the duties of said County Judge shall not interfere with the duties of the County Court Clerk of said county as now provided by law, that said clerk shall be and continue the clerk of the said court to be held by said County Judge under the provisions of this Act, that he shall have all power heretofore vested in him by law and shall perform all the duties heretofore performed.

**SECTION 9.** That it shall be the duty of the Clerk of said County Court to keep and preserve in a well-bound book, to be provided for such purpose, a docket of all cases coming before the County Court of said county for trial or other action, and no suit, motion, or other action shall be proceeded with until the same is placed upon the docket, and all suits, motions, and actions shall be tried, continued, or disposed of in the order in which they appear upon the docket.

**SECTION 10.** That said County Judge shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Roane County, and in cases appealed from his decisions.

**SECTION 11.** That whenever said County Judge is unable from sickness or other cause to attend and hold his court, the Governor shall have the power to appoint some suitable person to hold said court until the disability of the regular judge is removed.

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

Passed: February 3, 1905.

## Redesignating Title to County Executive

### Private Acts of 2007 Chapter 1

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

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

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: March 5, 2007.

## Parks and Recreation Commission

### Private Acts of 1941 Chapter 345

**SECTION 1.** That Roane County through its Quarterly County Court be and it is hereby authorized to create a Park and Recreation Commission, hereinafter referred to as the Commission, and to establish, operate, equip, maintain, improve, and enlarge, through said Commission, parks, playgrounds and recreational areas and facilities as hereinafter provided.

**SECTION 2.** That the Commission shall consist of the County Judge, two members of the Quarterly Court to be selected by the Quarterly Court, and two resident citizens of the County, not members of the Quarterly Court, but appointed by the Quarterly Court; provided that no more than one member of the Quarterly County Court on said Commission shall be from any one minor civil district of Roane County.

The terms of office of the members of said Commission shall be as follows:

(a) Of the first Commission to be appointed following the passage of this Act, one member shall be appointed for a term of five (5) years, and the terms of the other four members shall be arranged so that the term of one member will expire annually, beginning twelve (12) months from the appointment of said Commission.

(b) Following the first appointments to the Commission, all appointments made thereafter shall be for a period of five (5) years except for vacancies as hereinafter provided. Provided further that the membership of any member of the Quarterly County Court on said Commission shall not be longer than his term of office on said Court.

**SECTION 3.** That any vacancy in the membership of said Commission, other than by expiration, shall be filled for the unexpired term by the Quarterly County Court; provided further that that body shall also have the power to remove any member for willful misconduct or incompetency, but only after six (6) weeks' notice of the charges against him are submitted in writing and an opportunity is given for a public hearing.

**SECTION 4.** That the Commission shall elect its Chairman from among its appointive members for a term of one year with eligibility for reelection, and the Commission may create and fill such other offices as it may determine. It shall keep adequate and accurate records of all its findings, proceedings, and transactions. Such records shall be open and available for public inspection at all times. The Commission may adopt such rules and regulations as are necessary for the operation of the park and recreation areas.

**SECTION 5.** That funds for the use of said Commission in the discharge of its duties shall be provided by any one or more of the following: a special appropriation, a tax levied on the real and personal property of Roane County, or by the collection of fees and charges for the use of the recreation areas or facilities; provided further, that Roane County is hereby specifically authorized to levy taxes in an amount sufficient to carry out the provisions of this Act; provided further, that any appropriations requested by said Commission shall be based on a budget prepared and submitted to the Quarterly County Court at least one (1) month before the beginning of each fiscal year; provided further, that all funds, irrespective of source, available to said Commission shall be used for the purpose of defraying all expenses incident to the establishment, operation, maintenance, equipment, improvement, and expansion of the park and recreation system.

The expenditures of the Commission shall be within the total of the amounts appropriated and of the accrued revenue from any other sources.

The Quarterly County Court of Roane County may levy and collect a tax, the rate of which is to be set by said Court and the proceeds of which are to be designated as the "Park and Recreation Fund." This tax, if adopted, shall be levied and collected in the usual manner and shall be in addition to and exclusive of other taxes which Roane County may levy and collect.

**SECTION 6.** That the Commission may cooperate with other agencies in carrying out its program and, with the approval of the Quarterly County Court, may enter into agreements with the State or Federal Government or with the Park and Recreation Commission or other corresponding body of other counties or municipalities for the joint establishment and financing of parks, recreation areas or supervised recreational programs.

The Commission may enter into contracts with private persons or agencies, individually or jointly, for the leasing of concession privileges within the parks or recreation areas operated by said Commission and such contracts shall set forth the standards to be observed by the lessee regarding the construction, appearance, maintenance, and operation of all facilities. All rentals and fees accruing from such contracts shall be paid into the general funds of Roane County to the account of the Park and Recreation Commission.

**SECTION 7.** That the Quarterly County Court may dedicate and set apart for use as parks, playgrounds, recreation centers and for other recreation purposes any land, buildings, and equipment, including schools and school grounds, owned or leased by said county and not dedicated to another and inconsistent public use, provided, however, that no such lands, buildings and equipment, may be so dedicated without the approval of the agency in direct control of such lands or buildings. The County may, on the approval of the Quarterly County Court, acquire for park and recreational purposes, lands, buildings and equipment by gift, purchase, condemnation, or lease. The Commission may improve and maintain such property, and may acquire, construct, operate, and maintain such facilities and equipment as are necessary or desirable.

The Commission may employ trained recreation leaders, recreational area directors, supervisors, superintendents or such other employees as it may deem necessary for the proper management and conduct of the work, and it may contract with other agencies for such services as it may require. The Commission may adopt such rules and regulations as are necessary for the operation of the parks as it may be authorized and directed by the Quarterly County Court.

**SECTION 8.** That Roane County, through its Park and Recreation Commission may apply to the State Department of Conservation for advice and consultation pertaining to the planning, acquisition, establishment, development, maintenance, operation, and enlargement of park and recreation areas, systems, facilities, and programs, and it shall be the duty of said department to assist such municipality to the fullest extent of its power and facilities to assist on such matters.

**SECTION 9.** That nothing in this Act shall be deemed to modify or supplant any provision of any earlier private or special statute creating a public park or recreation body (whether designated as board, commission, council, bureau, or other title); provided, however, that such body shall be deemed to have all such original powers in addition to the powers granted under this Act except wherein the latter may be at variance with the original in which case the original ones shall prevail.

**SECTION 10.** That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the remainder of this Act nor any part thereof other than the part so held to be unconstitutional or invalid.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1941.

## Public Utilities Board

### Private Acts of 2007 Chapter 51

**SECTION 1.** Tennessee Code Annotated, Section 5-16-103(f), is amended by adding the following as an appropriately designated subsection:

(7)(A) In counties having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000), according to the 2000 federal census or any subsequent federal census, the county legislative body may provide for compensation of not more than one hundred dollars (\$100) per month for such board members, provided that attendance at board meetings shall be required in order to receive such compensation, upon approval by a two-thirds (2/3) vote of the county legislative body to which this subdivision (f)(7)(A) may apply.

(B) The approval or nonapproval of subdivision (f)(7)(A) shall be proclaimed by the presiding officer of such county legislative body and certified by such presiding officer to the secretary of state.

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

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: May 31, 2007.

## Purchasing

### Private Acts of 1933 Chapter 477

**SECTION 1.** That the County Judge or Chairman of any county in the State of Tennessee, having a population of not less than Twenty-four Thousand, and not more than Twenty-five Thousand inhabitants according to the Federal Census of 1930, or any subsequent Federal Census, be, and he is hereby required, and the duty is imposed upon him that he serve as purchasing agent of said county, in addition to the duties already imposed on him by law, without additional compensation.

**SECTION 2.** That the said County Judge or County Chairman, when discharging the duties imposed upon him as purchasing agent or representative of said county as aforesaid, shall be required, and it shall be his duty to purchase all supplies of every description, kind and character, including insurance on all county property which may be needed, or used in or for all county offices of said county, and by all county officers, officials and employees thereof, or in and for the county jail, the county workhouse, the county poorhouse or asylum or the county poor farm, the public schools thereof, the highway commissioners, highway commission and highway officials thereof, or by any of the other boards of, or commissions of said county where any such supplies of any description, kind and character are paid for, or shall be paid for, out of the public funds belonging to said county, or counties. No supplies or materials where the amount of the purchase is in excess of five hundred dollars (\$500.00) shall be purchased except upon



competitive bids after sufficient notice or advertisement requisite to notify prospective bidders of such proposed purchase.

In addition to the aforementioned duties, the said County Judge or County Chairman, in the discharge of said duties related to purchasing of supplies, etc., shall upon being so requested or directed by the Quarterly County Court, or any other county official duly authorized so to do, sell any and all real and personal property of the county not needed or serviceable for the public use, or that may have been condemned or discarded as useless.

As amended by: Private Acts of 1984, Chapter 246

**SECTION 3.** That all county officials, all chairmen, all commissions or boards, and all superintendents or authorized clerks of any department or court in said counties, shall make requisitions upon the said County Judge or Chairman for the quantity and kind of materials, supplies and articles needed, or which said officials may think needed by his office, commission or department, and if the said County Judge or Chairman shall be satisfied that the quantity, quality and character of such supplies, materials, etc., so requisited are proper, he shall thereupon purchase the same as hereinbefore provided for.

**SECTION 4.** That the said County Judge or Chairman shall inspect, count, measure, or weigh all supplies delivered under such contracts of purpose as he may make, in order to determine the quantity and the quality thereof, and the conformity thereof with specifications therefor under which said purchase may have been made.

**SECTION 5.** That the said County Judge or Chairman shall make out necessary and proper vouchers for all purchases so made, accompanying the same with invoices, information as to price, quantity and character of such supplies and materials, as may have been bought, and approve and order for payment of these said vouchers, with the accompanying papers aforesaid. Said vouchers to specify the department or office for which said purchase was made, and the fund against which the same, when paid, shall be charged, provided further that in such counties which may have a County Board of Education that all vouchers made for the purchase of supplies, materials, etc., which is chargeable to the Public School Fund of said county, shall after approval by the said County Judge or Chairman, be delivered to the County Board of Education which Board shall cause warrants to be issued in payment thereof, and which shall be charged against said public School Funds.

**SECTION 6.** That the said County Judge or Chairman is charged with the duty of keeping a full and correct record of all his actions pursuant to this Act, and shall keep a full and correct inventory of all the materials, supplies purchased by the county and not delivered directly at the time of the purchase to the various offices or departments of said county, and of the disposition thereof.

**SECTION 7.** That the County Judge or Chairman shall not issue payable warrants for any materials, supplies or articles of any description unless the same shall have been purchased under the provisions of this Act.

**SECTION 8.** That this Act shall not in any particular or matter effect (sic), abridge or repeal the provisions, powers privileges or salary granted the County Judge of certain counties by Senate Bill No. 159, being Chapter 108 of the Private Acts of Tennessee, 1929.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1933

## Roane County Uniform Nepotism Policy Act

### Private Acts of 1998 Chapter 139

**SECTION 1.** This act shall be known and may be cited as the "Roane County Uniform Nepotism Policy Act." **SECTION 2.** As used in this act, unless the context otherwise requires:

- (1) "Governmental entity" means Roane County or any agency, authority, board, commission, department, or office of Roane County or an office of an elected county official.
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, Foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household; and
- (3) "County employee" means any person who is employed or appointed by a governmental entity.
- (4) "Employer" means the governmental entity that appoints or employs the county employee.

**SECTION 3.** Within each governmental entity, no county employees who are relatives shall be placed

within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that the extent possible, the provisions of this act shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

**SECTION 4.** When as a result of a marriage, county employees are in violation of the prohibition established by Section 3, such violation shall be resolved by means of such transfer with the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The employer shall advise the county employee of each of the alternatives available to remove such violation. Such employees are unable to agree upon any such alternative within sixty (60) days, then the employer shall take appropriate action to remove such violation.

**SECTION 5.** The prohibition established by Section 3 shall not be applied retroactively, but shall be adhered to by each employer in all appointing, hiring and employee transactions subsequent to this act being approved as provided in Section 7.

**SECTION 6.** The provisions of this act shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this act.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Roane County prior to December 1, 1998. Its approval or nonapproval shall be proclaimed by the Presiding Officer of Roane County and certified 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 as provided in Section 7.

Passed: April 2, 1998

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Roane 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 378, was the legal authority given to Roane County (identified by the 1930 census figures) acting through its Quarterly Court to manage, supervise, and control, the fiscal affairs of the County in relation to every department of its government. The fiscal year would begin on July 1 of each year and end on August 31, of the subsequent year. The County Judge would appoint one member of the County Court and the Court would select two more of its members to be a Finance Ways and Means Committee who would meet at least 30 days prior to the fiscal year. The Committee would summon each department head to present the needs of that department for the coming year, except the school system. A budget must be prepared and adopted and a tax rate calculated which would produce that amount of money. The Quarterly Court, however, could change the budget, and the tax rate, if it so desired. The Committee was supposed to meet quarterly during the year to review the budget and financial status. This Act was repealed by Private Acts of 1973, Chapter 137.
2. Private Acts of 1941, Chapter 97, validated, ratified, and confirmed a Resolution adopted by the Roane County Quarterly Court on October 14, 1940, which created a Budgetary Control System, a Budget Committee, and provided for the appointment of a Budget Director. The Act fixed the manner in which the above named Budget System would operate, and declared that all the covenants and conditions would be binding on all departments except the School System, which would figure its budget on the anticipation of 95% of the taxes for school purposes being collected. This Act was repealed by Private Acts of 1973, Chapter 137.

### **Building Permits**

1. Private Acts of 1980, Chapter 255, which was approved by the Roane County Legislative Body on May 12, 1980, rewrote Private Acts of 1974, Chapter 279, Section One, as it now appears, the principal change being in raising the construction limit without having a permit from \$1,000 to \$5,000.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Roane 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 1929, Chapter 541, created the Office of County Attorney for Roane County who would be initially appointed by the Governor to serve until September 1, 1930, and be elected by popular vote to four (4) year terms thereafter. The County Attorney must be a resident of the County and a practicing member of the Bar. The annual salary was \$1,500, payable monthly, out of the regular County funds on the warrant of the County Judge, or Chairman. The Attorney was obligated to transact all the legal business of the County, both in and out of Court, advise county officials on all matters of law, and no one could employ any other attorney on county business except at their own personal expense. The County Attorney was not required to collect the back taxes due the County, or the State. This Act was repealed by the one following.
2. Private Acts of 1931, Chapter 210, specifically repealed in full Private Acts of 1929, Chapter 541, which created the post of County Attorney in Roane County.
3. Private Acts of 1978, Chapter 224, amended Private Acts of 1937, Chapter 111, by rewriting Section 4 to increase the annual salary of the County Attorney from \$7,200 to \$12,000, payable monthly out of the general county funds and to provide an expense account of \$1,200 annually. This act was disapproved by the Quarterly Court and never became an effective law. According to our information, the court action occurred on April 12, 1978.

### **County Legislative Body**

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

1. Acts of 1809, Chapter 93, set up schedules for the opening dates of the regular terms of the Courts of Pleas and Quarter Sessions for every county in Tennessee. The Court would meet in Roane County on the third Monday in April, July, October, and January, all process being made to conform to the new dates.
2. Acts of 1817, Chapter 132, fixed the times for the terms of the Roane County Court of Pleas and Quarter Sessions on the fourth Monday in January, April, July, and October.
3. Acts of 1821, Chapter 127, allowed the County Court of Roane County hereafter to sit for two weeks in every term of Court when there were five Mondays in the month in which the term of court began.
4. Acts of 1827, Chapter 34, scheduled the opening dates of the terms of the Roane County Quarterly Court to begin on the second Monday in February, May, August, and November.
5. Acts of 1835-36, Chapter 6, established a county court in every county of the State which would meet on the first Monday of every month and continue in session until the business of the Court was cleared. This Act prescribed certain rules of procedure and pleading for parties to observe. This Court would select a Chairman at the first term in each year to serve for one year. Some cases were to be transferred out of the County Court and into the Circuit Court. Authority was granted to the Court to summon, and use, either 25, or 37, jurors as the needs of the county might require.
6. Private Acts of 1927, Chapter 199, provided that the Justices of the Peace in Roane County would be paid as compensation for their services as members of the Quarterly County Court the sum of \$5 per day for each day, or fraction thereof, actually spent in attendance at any regular, or called, meeting of the Court, plus the mileage now allowed by law.
7. Private Acts of 1929, Chapter 833, stated that all Justices of the Peace in Roane County must issue criminal warrants on the blanks provided by the County Court Clerk which must be uniform in size, form, and language. No costs would be allowed to the Justice of the Peace unless that particular form were used. Each Justice of the Peace would file with the Judge, at least ten days prior to the coming Court term of the Quarterly Court all the stubs of the warrants issued by them, together with the fines collected. No payment of costs could be made to the Justices until they had fully complied herewith and he would be deprived of collecting any criminal costs until full compliance with the terms of this Act were made.
8. Private Acts of 1965, Chapter 246, increased the per diem payments of the Justices of the Peace to \$25 for each day of regular attendance at the meetings of the Quarterly Court. Nothing was mentioned in this Act about mileage payments of any kind. This Act has been superseded by Public Acts of 1974, Chapter 736, Section 5-5-107, T.C.A. 9. Private Acts of 1967-68, Chapter 308, which increased the number of Justices of the Peace in the cities of Harriman and Rockwood.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in

Roane 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, established the position of County Judge in every Tennessee County who would be learned in the law and elected by popular vote for four (4) year terms. The County Judge would be sworn into office and commissioned as other Judges were. Quorum Courts were abolished, and the posts of Chairman of the County Court were abandoned, the responsibilities of both being given to the County Judge. The Judge would also be the general agent and accounting officer of the county, the duties in all three areas being enumerated in the law. The County Court Clerk would continue as Clerk of the Court but would keep a docket of all the court cases as the Circuit Court Clerk must do. The County Judge could practice law in any court except the one over which he presided. This Act was repealed by the one following.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, and restored the positions of the Quorum Court and County Chairman as they existed prior to the enactment of that Act.
3. Private Acts of 1905, Chapter 18, created the office of County Judge in Roane County. This Act was cited in *Brooks v. Eblen*, 185 Tenn. 566, 206 S.W.2d 793.
4. Private Acts of 1911, Chapter 190, amended Private Acts of 1905, Chapter 18, Item 3, above, to give the County Judge the power to grant fiats for writs of injunctions, attachment, certiorari and supersedeas, and all other extraordinary writs which Chancellors and other Judges could issue, all of which, when issued by the County Judge, would have the same force and effect as if they had been issued by the other Judges. (This Act could not logically be incorporated into the 1905 statute.)
5. Private Acts of 1921, Chapter 727, provided that in Roane County (identified by the 1920 Federal Census) the County Judge would not be permitted to act as, or to hold the office of, Pike or Highway Commissioner, but by virtue of his office as County Judge would preside over the meetings of the commission as their Chairman. The county court would designate someone to fill out the term of the County Judge as a Highway Commissioner at its April meeting.
6. Private Acts of 1927, Chapter 166, stated that the County Judge of Roane County would receive as compensation for his services as the Financial Agent of the county, in addition to the salary paid him as County Judge, the sum of \$750 per year, payable monthly out of the regular county treasury. The county court was given the authority to appropriate and expend that sum of money for that purpose.
7. Private Acts of 1929, Chapter 108, was in the same order as Private Acts of 1927, Chapter 166, Item 6, above, except that the annual salary of the County Judge as Financial Agent of the county was increased from \$750 to \$1,200 payable monthly out of the county funds.
8. Private Acts of 1933, Chapter 477, made the County Judge the Purchasing Agent of Roane County.
9. Private Acts of 1935, Chapter 819, amended Private Acts of 1905, Chapter 18, by broadening the jurisdiction of the County Court and the County Judge presiding over it to be concurrent with the Chancery, Circuit, and Criminal Courts of the State.
10. Private Acts of 1937, Chapter 52, amended Private Acts of 1905, Chapter 18, again in such a way by adding to the jurisdiction of the Court and the County Judge that the Act is reproduced herein on its own rather than being incorporated into the 1905 Act as an amendment. All the printed acts must be taken together to get a picture of the jurisdiction of the County Judge's office, established by the 1905 Act in Roane County.
11. Private Acts of 1937, Chapter 61, repealed Section 3 only of Private Acts of 1935, Chapter 819, which section required the County Judge to be a person who was qualified to and had been admitted to practice in all the Courts of this State.
12. Private Acts of 1941, Chapter 116, declared that in Roane County (identified by the 1940 Census) the County Judge, or Chairman, would have the power and the authority to employ a stenographer to do the work in the office of the County Judge, the Budget Director, the County Highway Commission, and the Water Department whose salary could not exceed \$50 per month paid by warrant of the County Judge drawn on the Trustee.
13. Private Acts of 1949, Chapter 792, fixed the annual salary of the County Judge of Roane County at \$3,600, payable on the warrant of the County Judge, or the Chairman, on the first day of each month of the year, which amount would include all the compensation due that official as the County Judge and the Fiscal Officer of the County as well as for any other duties imposed upon him by law.

14. Private Acts of 1973, Chapter 136, would have repealed Private Acts of 1933, Chapter 477, which made the County Judge the Purchasing Agent for the county, but this Act was not acted on by the Quarterly Court of Roane County and never became a law.
15. Private Acts of 1974, Chapter 197, was rejected by the Quarterly Court of Roane County and therefore, never took effect because of the provisions of the Home Rule Amendment to the Constitution of the State. This Act would have abolished the office of County Judge in Roane County, effective on September 1, 1974, and would have substituted the position of County Administrator in its place, who would be an elected employee of the county and the Chief Executive Officer, having the same powers and duties as the County Judge. All the judicial powers of the County Judge were transferred to the General Sessions Court and the Clerk of that Court would assume the responsibility for all cases then pending in the County Court. Some qualifications for the Administrator were established in Section 3, who would also be elected by the people for a four year term, the first election to be at the general August election in 1974. If no candidate received a majority of the votes cast, there would be a run-off election within 14 days between the two candidates with the highest number of votes. Section 5 included five specific powers granted to the Administrator whose annual salary would be \$18,000 or the sum set by the general law, whichever amount was greater. The Chairman pro tem of the County Court would preside in the absence of the Administrator, whose recall could be initiated under procedures prescribed in this Act. Private Act of 1905, Chapter 18, and all the amendments thereto, would have been repealed by this Act.
16. Private Acts of 1975, Chapter 102, was another attempt to repeal Private Acts of 1933, Chapter 477, which made the County Judge the Purchasing Agent of Roane County, but this Act was not acted on by the Quarterly Court of Roane County and consequently did not become an effective law.

### **County Register**

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

1. Acts of 1829, Chapter 149, required the personal representative of John Purris, deceased, to turn over to the Register of Roane County, upon his request, all the books and papers of the decedent, Purris, which records should be kept preserved by the Register, and used as a basis for plats and certificates which would be issued in the 4th Surveyor's District. The Register must make a bond in whatever amount might be decided by the Quarterly Court.
2. Acts of 1831, Chapter 162, provided that all instruments and deeds of conveyance, heretofore registered in Roane, and 15 other named counties, although their certificates might not recite that the deeds, or instruments, had been acknowledged by the grantors, or proved by subscribing witnesses, yet they were as good and valid, and binding upon all parties, as if they had been acknowledged and proved at the time of their execution. The above mentioned omissions would not affect any lawsuit, filed or to be filed.
3. Private Acts of 1939, Chapter 87, stated that in Roane County where the Register and the County Judge desired to make official surety bonds, the County would pay the cost of making these bonds on a warrant drawn on the general account which warrant would be paid upon presentation to the County Court Clerk for payment.

### **Purchasing**

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

1. Private Acts of 1975, Chapter 117, was never acted on by the local authorities and, consequently, never became an effective law. This act, if approved, would have established the County Purchasing Law of 1975 for Roane County.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Roane 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 1801, Chapter 5, provided for the inspection of certain commodities which were held out for public sale. Inspectors were to be appointed and trained for this job. The commodities to be inspected were pork, beef, lard, butter, hemp, and a host of other products offered for sale to the public. Warehouses were to be built at designated places and serve as inspection points. In Roane County the warehouse was to be located at Kingston and all goods included in this law were to be brought to this warehouse for examination and approval before being sold to the public.

2. Acts of 1805, Chapter 56, appointed Thomas I. Vandyke, Samuel Elkridge, Jacob Jones, and John McCune, as Commissioners who would act with the ones formerly appointed, who have not removed from the county, as Commissioners for Kingston who were possessed with all the powers stipulated before. It was their duty to procure a deed to themselves and their successors for the public square laid out for the town, and to secure suitable workmen to build a courthouse, prison, and stocks in the city. Included within this Act were provisions to fill any vacancies which may occur among the Commissioners.
3. Acts of 1806, Chapter 34, was the legal authority for the Commissioner of Kingston in Roane County to make all the rules necessary to good order in the town with provisions incorporated in them to fine those who were guilty of violating them. The money derived from the imposition and collection of fines could be spent as the Commissioners decided was in the town's best interest. The Commissioners were empowered to enlarge the said town by changing its boundaries and filing plats showing the changes.
4. Acts of 1807, Chapter 102, had provisions for the Sheriff of Roane County to hold an election to choose five Commissioners for the city of Kingston. The election would be held on a day set aside by the Quarterly Court. The Commissioners would appoint a clerk and fix the salary, appoint a Treasurer and fix a bond and salary, and were empowered to levy taxes but they could not exceed the amount in this Act. Included was a grant of some specific powers.
5. Acts of 1815, Chapter 80, named Gilbreath Barton, Adam Cox, and Solomon Geran, as additional Commissioners for the town of Kingston who were to supervise the building of a courthouse, prison, and stocks in Kingston, and who would be subject to the same regulations and restrictions as the other Commissioners.
6. Acts of 1815, Chapter 133, required the Sheriff to hold an election to select five Commissioner for the town of Kingston who must meet the qualifications specified in this Act, who, when elected, must be sworn into office and make performance bonds, who had the task of appointing a town Clerk and fixing his salary, and who would choose one of their own number as Treasurer. Other rules, regulations, procedures, and grants of authority were contained in this Act which seemed to be the first comprehensive, detailed Charter for Kingston.
7. Acts of 1817, Chapter 83, made it legal for the County Court of Roane County to sell the Courthouse and the lot on which it stood in Kingston under the same rules and subject to the same liabilities as those imposed upon the Commissioners of Knoxville (which were not repeated in this Act). All the proceeds of the sale were to be applied to the cost of a new Courthouse.
8. Acts of 1820, Chapter 36, incorporated the people of Kingston as the Mayor and Aldermen of Kingston, which corporation would exist and operate under the same rules and regulations as those contained in the Charter of Murfreesborough in Rutherford County. The Roane County Sheriff would hold an election in the city on the first Monday in January, next, to elect seven aldermen for Kingston.
9. Acts of 1822, Chapter 74, designated John Loyd, Henry Liggett, Robert S. Gilleland, Richard Richards, William H. McEwen, Samuel Martin, and David Patton, as Commissioners for the city of Kingston with the authority to pass laws to preserve the health of the town, to prevent and remove nuisances, to provide for the licensing and regulation of businesses, theatrical and public amusement shows, to restrain and prohibit gambling, and to do all other things to preserve and promote the general welfare of the inhabitants. The Commission could appoint a Town Clerk, Treasurer, and High Constable, could levy and collect taxes, and the Justices of the town could issue warrants, as allowed under the law.
10. Acts of 1826, Chapter 35, was the legal authority for Jesse Gallaway, of Roane County, to build a mill on his own land across the small sluice of the Clinch River on the north side of Harvey's Island, but in such a way that the free navigation of the river would not be obstructed.
11. Acts of 1829, Chapter 45, required the personal representative of John Purris, deceased, the late Surveyor of Roane County, to file with the present Surveyor of the County the field notes, compiled by the said Purris, of all the surveys upon which plats and certificates were predicated, whereupon it would be incumbent then upon the present Surveyor to make out any plats and certificates which might be needed.
12. Acts of 1829, Chapter 49, made it lawful for anyone in Roane County, or Rhea County, to enter in the Entry Taker's Office after next January 1, any vacant and unappropriated island in the Tennessee River. The Entry Taker's Office would be kept open for such a purpose until April at least. The rates to be paid per acre of land entered was set up in this Act, and the Entry Taker would be accountable for all money taken in in this manner.

13. Acts of 1829, Chapter 62, was the authority for the present Commissioners of the town of Kingston to call upon the former Commissioners of the town, the Mayor and the Aldermen, and any other city official for any monies which might be in their hands to which the city was entitled, the same having been collected for the use and benefit of the said town, and if they failed or refused to pay the same, the present Commissioners could file suit against them to recover the same. The official acts of William McEwen, and all other officials, were hereby ratified and validated. The present Commissioners were empowered to make any regulations essential to the maintenance of good order in the city whose limits were extended to include the land of Ambrose Jones where he then lived within its boundaries.
14. Acts of 1829, Chapter 275, was the enabling law for the Director of the Branch Bank of the State at Knoxville to allow a credit of three years to the securities of John Purris, deceased, the late agent for the said Bank in Roane County, for any sum of money which might be due and owing from the agent, provided the securities execute their good notes for the same amount.
15. Acts of 1831, Chapter 41, authorized and required the Treasurer of East Tennessee to pay to the heirs and personal representatives of John McEwen, deceased, of Roane County, and James McKamey, of McMinn County, the sum of \$50 each, out of any money which was unobligated and unappropriated. This was the amount improperly paid to the State for a License to operate a retail store in Athens.
16. Acts of 1831, Chapter 223, stated that it had been represented to the General Assembly that Thomas Butler, William Butler, James Gilbreath, and Meriman Rector, were boring for salt in Morgan County, and, therefore, the above named were hereby given the authority to enter upon a quantity of land in the neighborhood of the salt works in any of the three Counties of Morgan, Roane, and Anderson, but the land entered upon was not to exceed 5,000 acres and would not be taxable for the next 15 years.
17. Acts of 1832, Chapter 17, Section 2, stated that the Court of Pleas and Quarter Sessions in Roane County would not in the future allow James P. Haynes more than \$15 per year for keeping the bridge across Caney Creek in Roane County in good repair.
18. Acts of 1832, Chapter 43, named Thomas N. Clark, Thomas Brown, William S. McEwen, Samuel H. Smith, Robert S. Gilliland, David Patton, Richard Richards, and James McCampbell, as Commissioners to resurvey the town of Kingston which survey must be agreeable to the plan on which the town was originally laid out. This Act further promulgated some general rules and regulations for the operation of the town.
19. Acts of 1833, Chapter 261, was the legal authority for the County Court of Roane County, on the petition of John M. Walker, and Jane P. McKamy, to emancipate Jane, a slave, belonging to the estate of the late Col. Samuel Walker, as provided in his Will and without requiring Jane to remove from the County, or the State, provided that the petitioners named above would enter into a bond to cover any damages the slave might do, or to cover the costs, if she became a public charge.
20. Acts of 1837-38, Chapter 75, incorporated the city of Kingston under the Mayor-Alderman form of Charter, which contained general and specific grants of power to the corporation. The Sheriff of the county must hold an election on the first Monday in November, 1838, to elect a Mayor, six Alderman, and a Constable. The six getting the highest number of votes were elected Aldermen. The city was granted the general taxing powers plus the special power to tax billiard tables.
21. Acts of 1847-48, Chapter 73, declared that Paint Rock Creek in Roane County was navigable from the mouth of the said Creek to Col. Byrd's mills in the said county. This Act was repealed in Item 22.
22. Acts of 1849-50, Chapter 204, expressly repealed Acts of 1847-48, Chapter 73, above, in its entirety.
23. Private Acts of 1885, Chapter 41, repealed all the laws amending the Charter of the City of Kingston in Roane County. The Trustee of Roane County was required to collect the taxes already levied for corporate purposes and pay the same on the debts of the city. Any balance remaining after the debts were paid would be applied to the purposes of the common schools of the county.
24. Acts of 1897, Chapter 124, was a general law which fixed the annual salaries of the various county officials according to the population of the county in which they served. These officials would be deprived of the fees collected in their offices, which would become the property of the county, and the salary would be in lieu of all other compensation. The salaries, however, were not to exceed the amount of fees paid into the treasury. Although this Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900), it, and some

of those which followed, combined to form the basis upon which the current laws on salaries were predicated.

25. Private Acts of 1933, Chapter 748, authorized the Quarterly Court to maintain free ferries at certain locations within Roane County.
26. Private Acts of 1935, Chapter 734, provided that all disbursements of county monies would be paid out only on County warrants, signed by the County Court Clerk, and countersigned by the County Judge, and a receipt, which contains the information specified in the Act, must be signed by the payee and kept on file by the County Court Clerk. The Clerk must, within 15 days after each Quarterly Court Session publish a list of the payees in the newspaper, showing the amount received by each one. No warrant would be issued to any person who had not furnished goods, or services, to the county. It was a misdemeanor to violate the requirements of this law which was repealed by the one following.
27. Private Acts of 1937, Chapter 74, specifically repealed Private Acts of 1935, Chapter 734, Item 26, above.
28. Private Acts of 1939, Chapter 505, specified that in Roane County (identified by the 1930 Census), the keeper of the poor farm, or the poor house, would be required to furnish all board, food, wearing apparel, lights, telephones, fuel, soap, disinfectants, and all other supplies necessary for the proper operation and maintenance of the said poor house and farm, for the price fixed by contract between the keeper and the Commissioner of the Poor in Roane County. This Act was repealed by the one following.
29. Private Acts of 1947, Chapter 270, specifically repealed Private Acts of 1939, Chapter 505, Item 28, above, as it was written.
30. Private Acts of 1987, Chapter 91, provided for the creation of a port authority for Roane County. The Act was not ratified and therefore did not become effective.

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