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Private Acts of 1974 Chapter 234

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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.

Sincerely,

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Private Acts of 1974 Chapter 234

SECTION 1. This Act shall be known and may be cited as the Fayette County Public Works Act.

SECTION 2. There is hereby created a county board of public works which shall have complete charge of the working and maintenance of all public roads in Fayette County, except such as are maintained by the state or federal departments of transportation. This function will be accomplished by creation of a department of public works.

As amended by: Private Acts of 1995, Chapter 61

SECTION 3. Section was deleted in its entirety by the Private Acts of 1995, Chapter 61.

SECTION 4. The county board of public works shall consist of five (5) members, all of whom shall be resident citizens of Fayette County, and no one holding any other office in the county shall be eligible to be a member of said board. The board members shall be appointed by majority vote of the quarterly county court. In addition, the county judge or chairman shall serve as a non-voting ex-officio sixth (6th) member of the board. The five (5) appointees shall serve two (2) year terms from the first day of September next succeeding their date of appointment which shall be made by the quarterly county court of Fayette County at its July term in even years. One of the members so elected shall at the time of his election be a resident of the First, Second or Third Civil District of said County; one a resident of the Fourth, Fifth or Sixth Civil District of said County; one a resident of the Seventh, Eighth or Ninth Civil District of said County; one a resident of the Tenth, Eleventh or Twelfth Civil District of said County; and one a resident of the Thirteenth, Fourteenth or Fifteenth Civil Districts of said County, and shall offer themselves as candidates for the group of civil districts in which they reside. The quarterly county court shall in like manner fill any vacancies which may occur for the unexpired terms thereof.

Such members shall receive for their duties as members of the county board of public works salaries on a monthly basis as follows:

Chairman	\$150.00
Secretary	120.00
All Other Board Members	100.00

As amended by: Private Acts of 1988, Chapter 157

A majority of the board shall constitute a quorum. The board shall elect its own chairman and secretary. The board shall hold public meetings at least once each month at such regular time and place as the board may determine, and special meetings upon the call of the chairman. Such meetings shall be for the purpose of discussing and considering in a body any and all such matters as may pertain to the carrying out of the work, and to hear and consider petitions and complaints, and to attend to such other business or duties as may be necessary. It shall establish its own rules of procedure.

Any member of the board may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the quarterly county court, but only after preferment of formal charges by a resolution of a majority of such governing body and following a public hearing before it.

Before the board shall adopt any proposed budget, it shall submit same to the quarterly county court for approval or rejection. The board shall prepare such a budget after appropriate consultation with the budget committee of the quarterly county court.

The board shall develop and adopt a personnel and salary plan for the department; or in lieu of this, the board may choose to approve and adopt any county-wide plan concerning public works' employees that may have been adopted by the quarterly county court.

SECTION 5. Before entering into the discharge of their duties, the members of the board shall take and subscribe to an oath in writing before the county court clerk that they will perform with fidelity the duties of their offices as members of the county board of public works and shall each enter into a bond in the amount of ten thousand dollars (\$10,000) payable to the county and conditioned upon the faithful discharge of his duties and for the accounting of all money and property coming into his hands in his official capacity. The premium for the bond shall be paid out of the public works fund in the same manner as other disbursements are made.

SECTION 6. The board shall maintain an office in the county seat of Fayette County, Somerville, Tennessee, where all books, records and other materials pertaining to its work shall be kept. At all meetings of the board, it shall be the duty of the secretary to keep an accurate account of all business transacted, and accurate minutes of the meetings in a well-bound book. These minutes at the next meeting shall be read, approved and signed by the secretary and chairman of the board. These records are subject to inspection by any person at all reasonable times.

SECTION 7. The board shall have general supervision, control, and management of county policies

relating to all public roads, levees, culverts and bridges of the county, and shall have general supervision of all work to be done in repairing and building roads, building levees, building bridges, and all other matters pertaining to the same.

As amended by: Private Acts of 1995, Chapter 61

The board has the authority within its budgetary limits to contract with any county, city, state, federal, or private entity to secure the provision of services mandated under this Act. The board is also hereby given jurisdiction over the receipt and expenditure of all road funds belonging to the county from whatever source, subject to the limitations of this Act and subject to any restrictions the quarterly county court may place on this authority.

The board has the authority and duty to classify all county roads by grade in accordance with Sections 54-903 and 54-904 of the Tennessee Code Annotated and to submit to the quarterly county court a long range maintenance and improvement plan for the county road system and for sanitary services.

SECTION 8. The board of public works shall submit reports periodically to the quarterly county court, the frequency and manner of which shall be determined by said court, which constitute a full and complete accounting of their activities and of the activities of the department. Such a report will show the amount of road funds on hand at the beginning of the period, together with an itemized statement of all amounts expended for labor, machinery, supplies, materials, equipment and other expenditures during the period, as well as a complete list of all articles purchased, the number of persons employed and the amount paid each, the number of miles of road constructed, repaired or maintained, or fraction thereof, and where located.

SECTION 9. It shall be a duty of the board to employ a superintendent of a department of public works who shall serve it at its will and pleasure. Neither the board nor the superintendent shall expend in any fiscal year a sum in excess of the revenues approved by the quarterly county court for manifestation of the public works function.

SECTION 10. The superintendent shall be responsible for the implementation and interpretation of the general policies specified by the board and the day-by-day operation of the department, including the operation and management of all services, equipment, facilities, and employees which are herein provided for, as well as preparation of a regular and timely payroll. The superintendent shall enforce all rules, regulations, programs, plans and decisions of the board and the quarterly county court. Within the limits of a budget, a salary plan and a job classification plan as approved by the board, the superintendent shall hire, dismiss, promote and demote all employees and fix their duties, except that the engagement of technical consultants and advisors, such as engineers and architects, shall be subject to the approval of the board, and subject to budgetary limitations.

As amended by: Private Acts of 1995, Chapter 61

Said superintendent, with the approval of the board may acquire and dispose of all property necessary to effectuate the purposes of this Act. Title to such property shall in all cases be taken in the name of the county. The superintendent, under direction of the general policies of the board, shall have control over the location, relocation, construction, reconstruction, repair and maintenance of the road, bridge systems of the county.

As amended by: Private Acts of 1995, Chapter 61

The superintendent, subject to the approval of the board, shall let all contracts. He may, however, make purchases of supplies and materials up to a cost of one thousand dollars (\$1,000) within budgetary limits, without prior approval, subject to such rules as the board may prescribe. Purchases of supplies, materials, and equipment costing more than five hundred dollars (\$500) shall be let by bidding or as the board shall determine. Any contract for construction exceeding two thousand dollars (\$2,000) shall be advertised by the superintendent for competitive bids after reasonable notice.

The salary of the superintendent shall be fixed by the quarterly county court, subject to a recommendation by the board. The superintendent shall be a person who is qualified by training and experience for supervision over the maintenance and operation of the facilities and services herein provided for, in accordance with the qualifications approved in a personnel plan adopted by the board. Such person need not be a resident of the county or of the state at the time of his selection.

The superintendent shall enter into a bond in an amount to be determined by the board, payable to the county, and conditioned upon the faithful discharge of his duties and for the accounting of all money and property coming into his hands in his official capacity. The premium for the bond shall be paid out of the public works fund in the same manner as other disbursements are made.

SECTION 11. It shall be a duty of the superintendent or his designee to list all claims and accounts against the department of public works in a well-bound book, to keep all such claims and vouchers always on file in his office, and to keep a list of all warrants drawn on the public works fund in the order drawn, as well as stubs of all warrants drawn on said fund. All paid vouchers or receipts shall be carefully filed and kept, and all records are subject to inspection by any person at any reasonable time.

No claim or account or other amount shall be paid out of the public works fund except upon warrant drawn by the department, signed by the superintendent, and co-signed by the chairman of the board. These warrants shall be drawn upon the funds in the hands and custody of the county trustee. At each monthly meeting, the superintendent shall make a full and complete report of all such financial transactions, as well as on other activities of the department.

SECTION 12. The superintendent under the direction of the general policies of the board, shall have supervision and control over and shall be responsible for all machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads, and bridges. He shall make or cause to be made a complete inventory of such machinery, equipment, tools, supplies and materials and file copies of the same with the board. All machinery and equipment shall be plainly marked as the property of the public works department and each item shall be numbered and the number entered on the inventory filed by the superintendent. Thereafter, on or before September 15 of each year he shall again make and file a complete inventory with the quarterly county court. It is the duty of the county judge or chairman to examine the inventories for compliance with this provision; upon his determination that the inventory does not comply with said requirements, he shall notify the county trustee, who shall cause to be withheld from superintendent any funds due him until the county judge or chairman is able to certify compliance with this provision.

SECTION 13. It shall be a duty of the superintendent under the direction of the general policies of the board to have all public roads, culverts, levees, and bridges of the county kept in repair, including the proper erection of traffic and highway signs. This work shall be done in the most economical way as practicable in order to make permanent and lasting improvements. Subject to the stipulations of this act, he may purchase and sell trucks, dozers, graders, tractors, tools and other necessary equipment and materials and may employ necessary labor to operate such equipment and to work in performance of the duties of the department. Some work may be done by private contractor with approval by the board. Such work must be let to the lowest bidder after advertising the nature and amount of work as well as the place and time for bidding for two weeks in a newspaper with county-wide distribution, subject to the right to reject any and all bids. All such work shall be under the supervision and according to the plans and specifications to be furnished by the superintendent, and no payment for work or material shall be made until the same has been inspected and received and approved by the superintendent or his designee. It shall also be the duty of the superintendent to keep all public roads in the county in as near the same state of repair as may be practicable.

As amended by: Private Acts of 1995, Chapter 61

SECTION 14. The superintendent shall develop a plan for provision of road, bridge for the county which is to be submitted to and approved by the board. Such plan must also be submitted to the Fayette County Regional Planning Commission for study and a written report to be rendered to the quarterly county court within ninety (90) days after such submission, unless by resolution the quarterly county court allows a longer period of study. Such a plan of services shall set forth at a minimum the identification (sic) and proposed timing of the services to be rendered. No construction or acquisition of facilities may be undertaken until the recommended plans of the board and the planning commission, including necessary engineering and financing plans, are submitted to the quarterly county court for final approval and adoption.

As amended by: Private Acts of 1995, Chapter 61

SECTION 15. The procedure for opening, closing, or changing the location of public roads shall be submission of a written petition, signed by the applicant, to the chairman of the board of public works, specifying in particular the changes or action asked. Subsequent procedures are the same as provided by general law, Tennessee Code Annotated, Sections 54-906 et seq.

SECTION 16. This Act should not be interpreted in any way to limit the county from use of general enabling legislation applicable to all counties of Tennessee with regard to roads, bridges, and other public works facilities and services or use of county bonds for the financing of facilities in behalf thereof, so long as there is not conflict with the provisions of this Act. All county properties, records and other assets and liabilities owned or in custody of the board of roads and bridges at the time this act becomes effective are hereby transferred to the new department of public works. The quarterly county court is hereby authorized to transfer to the department of public works all properties, records and other assets and liabilities owned or in custody of other existing departments performing like functions.

As amended by: Private Acts of 1995, Chapter 61

SECTION 17. The members of the present board of roads and bridges shall serve in the interim as the board of public works as created herein and are eligible for appointment to said board by the quarterly county court, for a term or terms beginning September 1, 1974 as provided for in this Act.

SECTION 18. The board shall not authorize or knowingly permit the trucks or road equipment, the rock, crushed stone or any other road materials to be used for any private use or for the use of any individual for private purposes. Failure to see that this provision is enforced is a misdemeanor, punishable by a fine

of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Any employee of the public works department who shall use any truck or any other road equipment or any rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any rock, crushed stone or any road material shall be used to work private roads or for private purposes of owners thereof. The use of any trucks or any other road material of the public works department for other than official departmental purposes as herein provided, is a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Each separate use of the same for other than official departmental purposes shall constitute a separate offense and be subject to a separate fine. Any person whose property is improved by having road material placed thereon in violation of this provision shall be liable to suit for the value of such improvement and a penalty equal to one hundred per cent (100%) of the value of such improvement. Such a suit shall be filed by the county attorney in behalf of and for the benefit of Fayette County, any recovered damages accruing to the public works fund.

SECTION 19. Neither the superintendent nor any member of the board shall be financially interested in or have any personal interest, either directly or indirectly in the purchase of any supplies, machinery, materials, or equipment for the department or system or (sic) roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials; nor shall any member of the board, or the superintendent or any employee thereof accept or receive, either directly or indirectly, from any person, firm, partnership or association to whom any contract may be awarded, any rebate, gift or other thing in money or thing of value or any promise, obligation or contract for future reward or compensation.

Violation of any of the provisions of this section constitutes official misconduct and a misdemeanor in office, punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and removal from office as provided by Sections 8-2701 *et seq.*, Tennessee Code Annotated.

SECTION 20. It shall be unlawful and a misdemeanor for any person to place any obstruction in or on any public road or bridge and it shall be deemed an obstruction if such are placed in the ditches or drains along said road or to divert any water course from its usual natural course into or on said road in any way or manner so as to cause the road to become muddy or otherwise damaged. The superintendent is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads within public rights-of-way. Transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road under the direction and with the permission of the superintendent.

SECTION 21. The quarterly county court is hereby authorized to assign the performance of any and all reasonable public works functions other than those specifically enumerated in this act to the board and to the department as it sees fit by a resolution adopted by majority vote.

SECTION 22. Chapter 454 of the Private Acts of 1941, Chapter 223 of the Private Acts of 1919, Chapter 738 of the Private Acts of 1919, Chapter 75 of the Private Acts of 1921, Chapter 109 of the Private Acts of 1927, Chapter 271 of the Private Acts of 1929, Chapter 324 of the Private Acts of 1931, Chapter 454 of the Private Acts of 1941, Chapter 143 of the Private Acts of 1949, Chapter 46 and 227 of the Private Acts of 1955, Chapter 154 of the Private Acts of 1961, Chapter 480 of the Private Acts of 1968, Chapter 331 of the Private Acts of 1970 and Chapter 76 of the Private Acts of 1973, are hereby repealed in their entirety, and all subsequent amendments thereto.

SECTION 23. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 24. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Fayette County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

SECTION 25. For the purposes of approving or rejecting the provisions of this Act, as provided in Section 24, this Act shall be effective upon becoming a law, the public welfare requiring it.

Passed: March 7, 1974.

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