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Chapter I - Administration

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,

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Chapter I - Administration

County Executive

Private Acts of 2004 Chapter 125

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Rhea 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 Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

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

Passed: May 13, 2004.

Purchasing

Purchasing and Finance Commission

Private Acts of 1955 Chapter 313

SECTION 1. That the Quarterly County Court of Rhea County, Tennessee, hereinafter called the County, is hereby empowered to adopt and enforce ordinances and resolutions prescribing detailed procedure to be employed in the administration of the finances, the personnel and the procedure of each office, official, agent, employee, department, institution and activity of the County Government, including, but not limited to the following:

- a. The assessment of property for taxation in all respects not contrary to the Constitution of General laws of Tennessee.
- b. The levying and assessing of property taxes, licenses, fees and charges;
- c. The collecting, safeguarding, depositing, expending and reporting of County funds collected by County officers, or offices, all fee and commission funds accruing to the offices of elective County officials, including Clerks of Courts who are declared to be officials of the County as well as the State in certain respects, but whose fiscal and reporting procedure pertaining to funds in which the County has an interest is hereby made subject to control by the County Court.
- d. The installation and operation of modern methods of accounting, auditing, budgeting, reporting, purchasing, contracting, debt administration, and all improved procedures for the aid of the County Government.
- e. Codes of regulation controlling building, electrical, plumbing, sanitary and other work in urban localities that are not incorporated;
- f. Violations of the provisions of such ordinances or resolutions so adopted shall constitute a misdemeanor.

SECTION 2. That there is hereby created a Purchasing and Finance Commission for Rhea County hereinafter called the Commission.

Said commission shall be composed of three (3) citizens of the county who have resided in the county for at least five (5) years and who shall be business persons with at least five (5) years of general business experience and shall be at least thirty (30) years of age.

The members of the Commission shall be elected by the Quarterly County Court. The Quarterly County Court at its regular meeting in July 1956, shall elect the first Commission, which shall take office on September 1, 1956. The County Court shall, at its July meeting in 1956, elect one member whose term shall expire on July 31, 1957; one member whose term shall expire on July 31, 1958; and one member whose term shall expire July 31, 1959; At its July meeting each year thereafter, the County Court shall elect the successor to the member whose term will expire the following July 31st, for a term of Three Years. The terms of office shall be so staggered that one member will be elected each year so as to have a

continuing Commission so that there will always be two experienced members.

Vacancies occurring in membership of the Commission shall be filled at the next meeting of the County Court.

Each member of the Board of Commissioner shall, before entering upon the duties of his office, make and file with the Clerk of the County Court an oath to the effect that he will faithfully, honestly, and impartially discharge the duties of his office to the best of his ability and shall execute a Corporate Surety Bond in the principal sum of Five Thousand Dollars (\$5,000.00), payable to the State of Tennessee, for the use of Rhea County, the said bond to be approved by the Chairman of the County Court, or the County Judge and to be filed with the Clerk of the County Court, to be conditioned that the said Commissioner will honestly, faithfully, and impartially discharge the duties of his office, and the premium upon said bond shall be paid from the County General Fund.

Said Board shall hold regular meetings on Wednesday of each week at the Court House in said County, the hour to be fixed by the Commissioners. All meetings shall be public and the Board will keep minutes of its proceedings. A majority of the Board shall constitute a quorum for the transaction of all business and the acts of two members of said Board shall, when same is in session, be deemed the Act of the Board.

The Commission shall at its first meeting organize itself by electing from its membership a Chairman, Vice-Chairman, and a Secretary. And shall so organize itself at its first meeting in August each year.

The compensation of the members shall be Six Hundred Dollars (\$600.00), except the Chairman who shall receive Nine Hundred Dollars (\$900.00) per year to be paid out of the County General Funds on warrants drawn by the County Judge or Chairman.

As amended by: Private Acts of 1981, Chapter 184

SECTION 3. That the administrative details of accounting and purchasing, auditing and budgeting, matters pertaining to finance, the drawing of warrants, the keeping of books and records of the County and all similar details shall be under the supervision of the Commission. The County Court shall prescribe, install, and maintain a centralized system of double entry accounting and fiscal control of all County funds, and may prescribe and supervise the administrative and fiscal procedures to be employed by each County office, agency and department and may require such records, reports and procedure and such general business methods as may to the Court seem desirable and necessary. But the system of accounts to be kept by the Department of Education shall be such as may be prescribed by the Department of Education of the State of Tennessee. The accounting system herein provided shall properly account for all revenues accruing to the County from any and all sources, including grants-in-aid or other income from the State and/or the Federal Government, and all disbursements made and obligations against any County fund or any fund administered by any branch of the County Government.

The Commission shall be the purchasing agency for the County and the County Court is authorized to employ all necessary assistants to the Commission and to fix and pay compensation therefor. It shall be the duty of the Commission acting as Purchasing Agent to purchase all the supplies, materials or properties of every kind and character, including insurance on County property, used or consumed by the County or any of its officers, agents, employees, Boards or commissions including all County offices, the County Jail (exclusive of supplies for boarding prisoners), the County workhouse, the County schools and the County Board of Education, all the materials and supplies or equipment used in connection with the County Poor Farm, highways and bridges and all other officials, boards or Commissions of said County where such supplies, materials or properties are paid for out of the public funds belonging to or under the control of said County. "All contracts, for construction of buildings, roads, and any other work shall be let by the Commission at the request of the official or Board having jurisdiction to order the work done. The plans and specifications shall be adopted or supplied by such Board or official having jurisdiction. No County official or Board other than the Commission shall have any authority to make purchases or to let contracts as set out above which bind the County." The purchase of supplies, materials or properties in any one class in excess of Five Hundred (\$500.00) Dollars shall be made upon competitive bids, after due notice by advertisement or otherwise to prospective bidders; purchases in smaller amounts shall also be made at lowest and best price possible provided, however, that in case of emergency, competitive bids shall not be required. Provided further that nothing herein shall operate to prevent the purchase of coal from the State of Tennessee if it appears in the public interest to so purchase it. Said Commission shall, upon authorization of the County Court, sell any real or personal property of the County not needed or suitable for public use or that may have been condemned or discarded; either at public or private sale.

As amended by: Private Acts of 1978, Chapter 193

SECTION 4. That all County officials, commissions or boards and all authorized clerks of any Court in said County shall make requisition upon the Commission for the quantity and character of supplies, materials or properties needed or the needs of which are anticipated; and if such Commission be satisfied that the quantity, quality and character of such supplies, materials or properties so requisitioned are proper and

necessary, it shall proceed to purchase the same and make delivery thereof to the requisitioning officer, or officials, Board of Commission, or if deemed advisable store the same in such storage space as may be provided, delivery thereof to be made when, and if needed.

Said Commission after ascertaining that all materials, supplies or properties so requisitioned, and for which purchase orders have been issued are in order and properly accounted for from packing slips, invoices, etc., when delivery is made to requisitioner which are to be properly signed by an assistant or assistants of the Purchasing and Finance Commission office as a receiving report.

It shall further be the duty of all requisitioners, for which purchase orders are issued, to keep in their possession records of the disposition of all supplies, materials or properties and are to be held accountable to the said Commission for such records which shall periodically be audited by the Purchasing and Finance Commission office for a check of the disposition of all supplies, materials and properties, chargeable to such departments or officials.

It shall be the duty of all officials of the County to supply the Purchasing and Finance Commission with a property report of all equipment, office furniture, fixtures, office equipment, properties and supplies chargeable to such officials and officers, etc., and belonging to the County which shall be a permanent record of the Commissions' office, such properties, furniture, equipment, etc., shall be audited monthly by assistants of the Purchasing and Finance Commission office.

The Commission, or its assistant or assistants, shall prepare all necessary and proper vouchers for purchases made and shall accompany the same with the invoices and information as to price, quantity and character of such supplies, materials or properties. Said invoices are to specify the department or office for which the purchase was made, a warrant for which shall be drawn upon the County Trustee, signed by the Chairman of said Commission and by the County Judge or Chairman of the County Court, for the payment of all purchases made, with the exception of purchases made for supplies, materials and properties chargeable to the public school fund of said County, and for such purchases the invoice with the accompanying data aforesaid shall be presented to the County Board of Education, which shall draw its own warrant, or warrants, in payment thereof as now provided by law, and said Trustee shall not honor any warrant for the purchase of supplies, materials and properties or contracts as set out above other than those drawn by the County Board of Education and the County Purchasing and Finance Commission.

Said Commission shall make reports, listing all purchases and contracts consummated by it to the regular meetings of the County Court for the preceding quarter.

Said Commission shall be responsible for the auditing and checking all county officials, employees, Boards of Commissions and the County Court shall make available to it all necessary help and assistance, technical, expert or otherwise as may be advisable to the end that systematic audits, checks and surveys may be made at such times and in such manner as the County Court may determine and a report thereof kept in the office of the Commission for public inspection. Said County Court shall have authority to employ a certified public accountant who is not otherwise an employee of the County, or a firm of such accountants, and may enter into contracts with them on behalf of the County prescribing the method and time of such audits but the books and records of such County officials, Board of Commission, shall be audited not less than once each year, provided, however, that the expense of said audits shall not exceed Three Thousand Dollars (\$3,000.00), per year.

SECTION 5. That the scale of wages and salaries of all employees of the Highway Department shall be subject to the approval of the said Commission. And all authority to draw warrants on Highway Department funds in the hands of the County Trustee shall be removed from the Highway Supervisor and placed in the Commission, the same as for purchases. The County Highway Department shall submit its payroll to the Commission and if found in order it shall draw warrants in payment of it as above set out for payment for purchases of supplies, materials and properties.

SECTION 6. That until otherwise prescribed by the County Court, the fiscal year of the Government of Rhea County shall begin on July 1st and end on June 30th each year. **SECTION 7.** That there is hereby created a County Budget Committee for Rhea County composed of the Chairman of the County Purchasing Commission, the County Judge or Chairman of the County Court and three Justices of the Peace appointed or elected by the Quarterly County Court at its April term.

It shall be the duty of said Budget Committee, after full investigation of the fiscal affairs of each Department, Board, Commission or office to adopt a proposed budget for the next fiscal year beginning on the next July 1st, for all affairs of the County, except schools. Said proposed budget shall set out in detail the estimated expenditures for each department of the County Government by months where practical and otherwise by quarters. Expenditures for each such period shall substantially comply with the budget for the period. It shall also recommend a tax levy for each department of the County Government which, together with any unencumbered funds in the hands of the Trustee less a reserve for erroneous

assessments and delinquent taxes for that year, it believes will be sufficient to operate each department of the County Government on a cash or "pay as you go basis."

This proposed budget shall be prepared in time to furnish a copy of it to each member of the County Court, to all interested officials and to newspapers for publication not later than June 1st immediately preceding the beginning of the fiscal year covered by the proposed budget.

This proposed budget shall be submitted to and acted upon at the July Term of the County Court. The County Court may modify as it sees fit such budget before its adoption but it shall make a tax levy upon the adoption of such budget sufficient to operate the County affairs on a "Cash" or "Pay as you go" basis, as outlined above.

SECTION 8. That it is the purpose of this Act to provide for the "Cash" basis operation of all fiscal affairs of Rhea County. To that end no purchase shall be made for any department until it is determined and certified by the County Central Accounting office that there is an unencumbered fund in the hands of the Trustee to the credit of the department for which the purchase is to be made, sufficient to pay for said purchase. It is further provided that no warrant shall be drawn by any County official until an encumbrance number has been assigned to it by the Central Accounting office and no encumbrance number shall be so assigned unless and until the Central Accounting office shall have determined that there is sufficient unencumbered funds in the hands of the Trustee to the credit of that particular department to pay such warrant.

SECTION 9. That the Commission shall have authority to purchase road equipment for the County highway upon rental purchase basis, after ascertaining there is sufficient income from road funds to make said rental payments under any contract so made. This right to make such rental purchase contract is provided because the said County does not have sufficient cash on hand at all times from road funds to make cash payments for heavy machinery used for said Highway Department and unless the Commission is given this right, said County could be deprived of machinery needed for said County roads.

SECTION 10. That it shall be a misdemeanor in office for any County official of Rhea County to willfully authorize or execute any contract for service or make any purchase or draw any warrant on the Trustee without having first determined as above set out that there is an unencumbered balance in the current budget for the affected department and that there is in the hands of the Trustee unencumbered funds to pay for all the purchase or to pay the warrant, or to make any purchase from any vendor in which he has any personal interest directly or indirectly and upon conviction for this personal offense, the official shall be dismissed from his office and disqualified for holding any public office in Rhea County, for a period of Five Years.

SECTION 11. That the County Judge or County Chairman, the Supervisor of Roads and the members of the County Purchasing and Finance Commission are hereby constituted a County Highway Supervisory Committee. The County Judge or Chairman shall be its chairman. Said Committee shall approve in writing a program of Road maintenance and construction for each quarter of the budget year which shall be followed by the Supervisor of Roads in expending of County Road Funds. This program shall set out what roads are to be constructed and/or improved and in what order. The above program shall provide a fair and equitable distribution of road construction, improvement and maintenance as between the Civil Districts and various communities of the County. Account shall be taken of such matters as population, road mileage, mail routes, and work previously done in the several districts and communities and the current condition of the roads.

All machinery, tools and materials for use by the Highway Department shall be requisitioned by the Supervisor of Roads subject to the approval of the Commission. This committee shall have full authority to act for the County in making recommendations to the State Highway Department as to where and how State and/or Federal Highway funds available to the County shall be spent. The employment of personnel, with the exception of a bookkeeper, and their salaries shall be upon the recommendation of the Supervisor of Roads and subject to the approval of the Commission. The Purchasing and Finance Commission shall employ a bookkeeper for the County Highway Department, and the Road Supervisor or the County Highway Supervisory Committee shall have no authority to employ a bookkeeper for said Department. Said bookkeeper for said Department to be paid out of the road funds.

SECTION 12. That should any section, or part of a section, of this Act be declared unconstitutional, or for any reason invalid, same shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section or part of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, or parts of sections, would have been approved or adopted without regard to the invalidity or unconstitutionality of any part of a section, unless it clearly appears that the remainder of the Act be necessarily dependent upon that part declared invalid or unconstitutional.

SECTION 13. That all laws, or parts of laws, in conflict with or inconsistent with the provisions of this Act,

or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it, but this Act shall not have the effect of removing from office the present Board of Commissioners elected by virtue of Chapter 48, of the Private Acts of 1953 or to amend, alter, or abridge their duties or authority under Chapter 48 of the Private Acts of 1953 until their term expires on August 31, 1956.

SECTION 14. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Rhea County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than Sixty Days after its approval by the Chief Executive of this state. Its approval or non-approval shall be proclaimed by the Chairman of the Quarterly County Court of Rhea County, Tennessee, and shall be certified by him to the Secretary of State.

Passed: March 9, 1955.

Retention of Government

Private Acts of 1978 Chapter 194

SECTION 1. Unless otherwise required by general law or constitutional provision, the governmental organization of Rhea County shall remain as now provided for by general law or private act, and the powers, duties, and authority of each component of such county government shall remain unchanged by actions taken by any other local government on such local government's behalf.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Rhea County before September 1, 1978. 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 3. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 27, 1978.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Rhea 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 1931, Chapter 467, created a three member Budget and Finance Commission for Rhea County which would be elected annually by the Quarterly Court and sworn to perform their respective duties. The Commission would meet no later than December's first Monday to make a careful study of the financial conditions and needs of the County for the coming fiscal year beginning January 1 and ending December 21, except in the school department whose fiscal year would run from July 1 through June 30. The Commission would prepare a suggested budget showing in detail the financial condition and needs of the county and a suggested tax rate to produce the funds necessary to meeting those needs, and present the same to the Quarterly Court. The School Board would submit their budget request not later than March 15 each year. The budget, as proposed and adopted, would be printed in some newspaper. Any county official exceeding the budget allotment was subject to fine and forfeiture of office and it was the mandatory responsibility of the Commission to report and prosecute such events. Any purchase made in excess of available funds constituted an illegal and unenforceable contract.
2. Private Acts of 1937, Chapter 862, also created a budget system for Rhea County but repealed only the conflicts of any prior law. The Commission was increased to five members, the Act naming E. M. Williamson, Chairman, Mrs. Daisy Morgan, Secretary, and W. R. Spivey, Creed Cunningham, and Mrs. Ethel England as members. Each member would be paid \$75 per year for their services. The remainder of this Act coincides with the provisions of its predecessor, analyzed in Item One above. This Act was repealed by Private Acts of 1949, Chapter 317, below.
3. Private Acts of 1943, Chapter 127, created the office of County Auditor in Rhea County and made it the duty of the Quarterly Court at its April, 1943, term to elect some person with a substantial knowledge of bookkeeping and accounting as the County Auditor who would serve a term of four years at \$1,200 a year compensation payable monthly. He shall be the Director of the Budget and

examine the accounts for all the departments to see that they stay within their budget allotments; to examine the records and expenditures of all the county agencies to see whether any revenues are due the County, including the Justices of the Peace. He shall file a report by March of each year with the Court showing the results of his audits and the action taken to correct the discrepancies found. This act was repealed by the one following.

4. Private Acts of 1945, Chapter 604, amended Private Acts of 1937, Chapter 862, by appointing Charles C. Keith and E. C. Byron as members of the Budget Commission, and by adding a provision that the terms of all the members of the Commission shall expire on the first Monday in July, 1945. Each member of the Commission would be paid \$100 a year, payable quarterly, out of the general fund account of the County on the warrant of the County Court Clerk, countersigned by the County Judge, or Chairman.
5. Private Acts of 1949, Chapter 25, specifically repeals Private Acts of 1943, Chapter 127, above, as the same was written.
6. Private Acts of 1949, Chapter 317, reorganized through the Quarterly Court of Rhea County the fiscal affairs of the government by giving the Quarterly Court the power to adopt Ordinances and Resolutions prescribing detailed procedures to be followed in the Administration of Finance, personnel, and the procedures of each office, official agent, employee, department, institution and activity of the Rhea County Court, including, but not limited to, assessment of property, levying of taxes; the handling of funds of all kinds, fiscal procedures and methods, regulating electrical, plumbing, and building codes, and providing for the penalties to be imposed on violations. This Act created a Purchasing and Finance Commission, prescribing the qualifications for members and naming Birch Arnold, Craven Hinch and James M. Abel, as members, all of whom would be paid \$300 a year. The scale of wages to be paid in the Highway Department must first be approved by the Commission, which is in charge of all county finances. The County Budget Committee would be composed of the Chairman of the Purchasing Committee, the County Judge, and three justices of the peace, members of the court, whose duties and authority are enumerated herein. The County Highway Supervisory Committee was made up of the County Judges, the Supervisor of Roads, and the members of the Purchasing Commission. This Act expressly repealed Private Acts of 1937, Chapter 862, Item 2 above, and was in return repealed by Private Acts of 1953, Chapter 47, below. This Act was upheld by the Supreme court in Hicks v. Rhea County, 189 Tenn. 384, 225 S.W.2d 544 (1949).
7. Private Acts of 1953, Chapter 47, repealed Private Acts of 1949, Chapter 317, in its entirety.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Rhea 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 1931, Chapter 659, created in Rhea County, identified by the use of the 1930 Federal Census figures, the position of County Attorney whose compensation shall be fixed at \$50 per annum, retainer fees, and such additional sums as may be appropriated by the County Court for services rendered, all of which shall be paid quarterly by the Court. The County Attorney shall give legal aid and advice to all county officials, attend all meetings of the County Court, and represent the County in all litigation. The County Attorney could be removed by the Court. This Act was repealed by the one below.
2. Private Acts of 1933, Chapter 70, repealed Private Acts of 1931, Chapter 659, above, in its entirety.

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Rhea 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 1856, Chapter 253, established the post of County Judge in every Tennessee county, who would be elected by the people for a four year term. The first election would occur on the first Saturday in May, 1856, under regular election laws. The Judge shall be learned in the law, sworn to office, and commissioned as other Judges. The Quorum Courts were abolished and their functions assigned to the Judge. The Courts would convene on the first Monday in every month and hold open until the dockets were completed. The jurisdiction of the Court is defined in the Act plus the fact that the Judge would be the accounting officer and general agent of the county for which positions general assignments were enumerated. The County Court Clerk would serve as the Clerk. The Judge shall not be precluded from practicing law in other courts than the one over

which he presided. This Act was repealed by the one below.

2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1856, Chapter 253, above, as it was written, and restored all the laws rendered inoperative by it.
3. Private Acts of 1923, Chapter 398, created the position of County Judge for Rhea County who would serve an eight year term and be paid \$1,800 annually. The Judge would be sworn and commissioned as other Judges and vacancies would be filled by appointment of the Governor until a Judge could be popularly elected by the next general August election. The office of Chairman was abolished, these duties being given to the Judge, and his other responsibilities were listed in eight separate paragraphs in Section 5 of the Act. The Court was required to be open at all times and process was to be made returnable to the first Monday occurring after five days from issue. The Quarterly Court would continue to meet as before on the first Monday in January, April, July, and October. The Clerk's duties would continue as before and he would keep a well bound docket book in addition. Again, the Judge could practice law in all courts except the one over which he presided. This Act was repealed in Item 5, below.
4. Private Acts of 1927, Chapter 739, amended Private Acts of 1923, Chapter 398, Section 5, by granting to the County Judge the authority to vote on issues before the Court in case the vote is a tie, and by giving him the further jurisdiction to issue injunctions to the same extent exercised by Circuit Judges and Chancellors.
5. Private Acts of 1949, Chapter 485, expressly repeals Private Acts of 1923, Chapter 398, as amended, above, in Item 3.
6. Private Acts of 1968, Chapter 491, created the office of County Judge in Rhea County, but was rejected by the Quarterly Court and never became an active law under the Home Rule Amendment to the Constitution of the State. The Judge, who must be 30 years of age, or older, a resident of the county for five years preceding, would be elected to an eight year term by popular vote in November, 1968, entering upon the office January 1, 1969 and complete the term ending September 1, 1974. He would be sworn and commissioned as other Judges of courts of record and be compensated at the rate of \$7,800 a year. The office of Chairman was abolished as of January 1, 1969, and the Judge would assume all the responsibilities and jurisdiction of that office. The Judge must keep an office in the Courthouse and devote his full time to the position. All of the above was subject to approval by referendum

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Rhea County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 53, fixed the terms of the Quarterly Court, or the Court of Pleas and Quarter Sessions, for Bledsoe County and Rhea County. The Court would meet in Rhea County on the fourth Monday in January, April, July, and October.
2. Acts of 1809, Chapter 93, set the opening dates for all the terms of all the Quarterly County Courts in Tennessee but Rhea County's Court would continue to meet on the fourth Monday in January, April, July, and October.
3. Acts of 1817, Chapter 132, established the term times for the Circuit Courts and the Courts of Pleas and Quarter Sessions for several of the counties. Hereafter the Quarterly Court of Rhea County would meet on the first Monday in February, May, August, and November.
4. Acts of 1822, Chapter 86, was the authority for Daniel Rawlings, the Clerk of the Court of Pleas and Quarter Sessions in Rhea County, to keep the Clerk's office for the said County at his own home where he now lives adjoining the town of Washington.
5. Acts of 1826, Chapter 78, granted the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison, a majority of the Justices being present, the right to elect three of their own number, at the first meeting of the year to hold the Court for the rest of the year under the same rules and regulations. Section 2 of the Act extended the same privilege to the County Courts of Rhea, Bledsoe, Bedford, and several other counties.
6. Acts of 1827, Chapter 34, changed the starting dates of the terms of the Quarterly Court in several of the counties. In Section 3, the schedule provided for Rhea County's Quarterly Court to convene on the third Monday of February, May, August, and November. This Act was repealed in Item 8, below.
7. Acts of 1827, Chapter 65, provided that the Courts of Pleas and Quarter Sessions of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea Counties could, on the first day of

the first term select three of their number to hold the said Courts for that year. The Clerk shall enter their names on his records and notify them of their selection to serve. Same rules and regulations will apply as to the other court.

8. Acts of 1827, Chapter 83, repealed Acts of 1827, Chapter 34, Item 6, above, as it was originally written for all the counties.
9. Acts of 1835-36, Chapter 6, set up a County Court in every county of Justices of the Peace to meet on the first Monday of every month and hold open until the business of the Court is complete. Three Justices may constitute a Court to hear the probate of wills and related matters but would hold no jury trials. The Court would select 25 or 37 Jurors, whichever is better at \$1 per day and may levy taxes to pay them.
10. Acts of 1901, Chapter 364, provided that the Second Civil District of Rhea County shall hereafter be entitled to one additional Justice of the Peace to be elected by the qualified voters residing in the old corporate limits of Spring City. The Justice of the Peace shall reside in and keep his office in the said town and would have all the powers and privileges of other Justices of the Peace.
11. Private Acts of 1937 (Ex. Sess.), Chapter 22, amended Private Acts of 1907, Chapter 46, Section 2, which incorporated the city of Dayton, by striking out "one additional Justice of the Peace", and inserting in its place "two additional Justices of the Peace." The Act named B. M. Wilbur, to be commissioned to serve as the new Justice of the Peace until September 1, 1938, when his successor, elected at the general August election in 1938, would take office.
12. Private Acts of 1937 (Ex. Sess.), Chapter 23, amended Private Acts of 1917, Chapter 41, Section 5, which incorporated the town of Graysville in Rhea County, by adding a provision allowing two additional Justices of the Peace for all of that portion of the city lying north of what is known as the short line road, running from the Rail Road to Montague. Their duties and privileges shall be the same as others of similar position.
13. Private Acts of 1945, Chapter 100, stated that in Rhea County the per diem of each member of the County Court shall be \$4 for attending the sessions of the court plus five cents for each mile traveled while going to and from the sessions of the Court. This Act is repealed in Item 14.
14. Private Acts of 1949, Chapter 22, expressly repealed Private Acts of 1945, Chapter 100, which set up the per diem and mileage for Justices of the Peace.
15. Private Acts of 1949, Chapter 547, recited population figures of no less than 16,030 and no more than 17,000, according to the 1940 Census, which would include Rhea County. The bill fixed the compensation of Justices of the Peace attending a regular, special, or called meeting of the Quarterly Court at \$5 per meeting. This act was intended to apply only to Smith County. In any event, it was repealed by Private Acts of 1972, Chapter 245, and Private Acts of 1974, Chapter 170.
16. Private Acts of 1973, Chapter 102, set the per diem compensation of the members of the Quarterly Court, other than the chairman of \$20 with an additional 10¢ per mile for traveling to meetings.

County Register

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

1. Private Acts of 1919, Chapter 447, provided that hereafter in Rhea County females over the age of 21, and possessing a common school education, are hereby declared to be eligible to hold the office of and discharge the duties of Deputy County Register.
2. Private Acts of 1957, Chapter 377, stated that the Register shall not record any deed, or instrument of conveyance unless the same bears a stamp from the office of the Tax Assessor certifying that his office has the names of the parties and the amount of the consideration of the conveyance. The Tax Assessor, or his Deputy, must be present when instrument is presented for recording. This Act was not presented to the Quarterly Court for approval and therefore never became an effective law under the Home Rule Amendment to the Constitution.
3. Private Acts of 1949, Chapter 896, relative to the duties of the register of deeds and the tax assessor in Rhea County, was repealed by Private Acts of 2019, Chapter 33.

Port Authority

1. Private Acts of 1963, Chapter 247, created a Port Authority in Rhea County and Meigs County on the Hiwassee River calculated to expedite transportation and commerce and which would exercise those powers specifically granted herein. Six Commissioners, three from each county, elected by the people, would operate the Authority with whatever employees might be needed. The Authority

could exercise the power of eminent domain within the confines of this Act and the general law, and may issue bonds where certain conditions precedent are met. The County Courts of the respective counties nominate the Commissioners to be voted on, and no Justice of the Peace is eligible to serve. The Commissioners would not be paid except such per diem as might be allowed by the Quarterly Court but can be paid their legitimate expenses. Each county would pay one-half of the expense generated including the employment of architects. The operation of the Port Authority is declared to be a governmental function for which the Quarterly Courts may appropriate funds. A priority schedule for the expenditures of funds is established and the Act is intended to promote the navigation of the Little Tennessee River. This Act was disapproved by the Quarterly Court and never became an effective law

Purchasing

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

1. Private Acts of 1953, Chapter 48, created a central Accounting and Purchasing Commission in Rhea County, naming Creed Shipley, Dwight Swafford, and Will H. Fox, as its first members, who would serve until their successors, elected by popular vote in the August General Election, 1954, would assume office on September 1, 1954. Members of the Commission must be sworn and bonded, would meet every Wednesday at the Courthouse in public meetings of which minutes would be kept at all times. No member of the County Court was eligible to serve and vacancies would be filled by the remaining members, unless they could not agree, whereupon the County Judge, or Chairman, would fill the vacancy. The Chairman would be paid \$600 a year, and the members \$300 a year. The Commission would supervise all accounts and purchasing procedures, instituting a system of double entry bookkeeping, make all purchases for the county, employing such help as may be needed to do so, and soliciting competitive bids on all items over \$100. The Commission was responsible for the disposition of surplus property and the audit of each department every year, or to hire someone to do it at a compensation of less than \$3,000. The Highway Supervisor was not allowed to draw on highway funds. The Commission would prepare and submit a budget from requests of the Department heads and be prepared to report and prosecute anyone who exceeded, or violated, the budget allocations, once adopted. This act is repealed in Item 3.
2. Private Acts of 1953, Chapter 574, amended Private Acts of 1953, Chapter 48, Section 2, by adding a provision at the end making the Commission responsible for checking to see that all supplies and materials requisitioned are of the quality and in the quantity specified, and by requiring the requisitioners to retain all documentation of purchases until the commissioner can do this. Each section and department would file inventories of all property in their divisions which would be a permanent record.
3. Private Acts of 1955, Chapter 255, specifically repealed Private Acts of 1953, Chapter 48, as amended, in its entirety.

General Reference

The following private or local acts constitute part of the administrative and political history of Rhea 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 1809, Chapter 88, commissioned Jesse Roddy, Alexander Ferguson, Azariah David, Daniel Rawlings, Robert Patterson and David Campbell, to fix on a place as near the center as possible of Rhea County, to secure at least 30 acres, lay out a town, sell and convey lots, reserving at least one acre for a public square, on which shall be built a courthouse, prison, and stocks. The name of the town would be Washington, and it would have the same powers and privileges as others.
2. Acts of 1811, Chapter 65, stated that the Act passed in Knoxville in 1809, Item one, above, which appointed Commissioners to lay out the town of Washington in Rhea County is hereby suspended until further provision is made by law.
3. Acts of 1811, Chapter 106, nominated James Campbell, Jesse Roddy, Alexander Ferguson, Azariah David, Daniel Rawlings, David Murphey, Daniel Walker and John Luck, as Commissioners, to select a seat of justice as near the center of Rhea County as possible, to be called Washington, to secure at least 40 acres to lay out a town, to sell and convey lots, reserving sufficient ground for a public square, and to build or contract to build, a courthouse, prison, and stocks. All the Courts of Rhea County would continue to meet as before and all Acts enacted on this subject prior to this one are repealed.

4. Acts of 1812, Chapter 18, recited in the preamble that the General Assembly passed an Act on November 11, 1811, to lay off the town of Washington, on the Tennessee River in Rhea County and the Commissioners appointed did not have the power to procure an eligible site for the said town on the River, and have laid out the said town at the head of Spring Creek at high water mark. This Act proclaims that the town of Washington shall be permanently established where the same is now located and shall proceed under the same rules and regulations.
5. Acts of 1813, Chapter 65, appointed Thomas J. Campbell, James Rogers, Daniel Rawlings, George Colville, Carson Caldwell, and John H. Rodes, as Commissioners for the town of Washington in Rhea County. The Commission had the power to call on all the inhabitants of the city liable and subject to do so to repair and maintain the streets. The Commission was also allowed to levy a tax not to exceed fifty cents per \$100 of property valuation for these purposes.
6. Acts of 1813, Chapter 71, was the legal authority for the County Court of Rhea County, two-thirds of the Justices being present, to require the Commissioners appointed for the town of Washington to pay to either of the undertakers of the public buildings any sum of money not otherwise appropriated, but no more money shall be paid to either of the above until the buildings are finished and accepted by the proper authorities.
7. Acts of 1819, Chapter 38, incorporated the citizens of Washington in Rhea County under the Mayor-Alderman type of government subject to the same rules and regulations enacted for Murfreesboro, Tennessee.
8. Acts of 1820, Chapter 106, recited that Roswell Hall, of Rhea County, had obtained a license to hawk and peddle his goods and wares at retail for one year in Rhea County but he moved to Marion County before being able to use the license very much. This Act permits Hall to sell his goods in Marion County for the remainder of the period covered by the license without having to obtain another one.
9. Acts of 1822, Chapter 104, named Benjamin C. Stout, James Berry, John Day, Edmund Bean, Carson Caldwell, John Parker, and David S. Williams as Commissioners for the town of Washington in Rhea County with full power to pass all laws to preserve the health, prevent and remove nuisances, provide for the licensing and regulation of auctions, taxing, theatrical productions and other public amusements. Proper warrants for the violation of any of the above may issue from Justices of the Peace.
10. Acts of 1825, Chapter 101, established and authorized two warehouses for the inspection of tobacco on the south side of the Tennessee River in Rhea County, one to be located opposite Thomas Kelly's ferry and one opposite Thomas Price's ferry which inspection shall be conducted under the same rules and requirements as others.
11. Acts of 1827, Chapter 187, declared it to be lawful for Jesse Matthews, of Rhea County, to have surveyed by the surveyor of the Hiwassie District the vacant fraction of land on which he now lives, adjourning the lands of Lewis Ross, in Rhea County, under the very same rules and regulations which apply elsewhere.
12. Acts of 1829, Chapter 114, released Sally Mapes, of Rhea County, from the payment of any sum due and owing to the State on the southwest quarter of Section 22 in fractional township #2, and the register of the Hiwassie District shall issue to her a grant for the quarter section mentioned.
13. Acts of 1829, Chapter 235, incorporated the residents of Washington in Rhea County and of Pikeville in Bledsoe County, under the Mayor-Alderman form of government. The Sheriff was directed to hold an election for seven aldermen in the city, who would then select one of their number to act as Mayor.
14. Acts of 1829-30, Chapter 49, proclaimed it lawful for any person in Roane and Rhea Counties to enter in the Entry Takers office after January any vacant and unappropriated island in the Tennessee River in the County at the rate of \$5 per acre, and with a gradually decreasing scale of entry fees as time progressed. The County surveyor must, however, survey and work the land and the Entry Taker handle the money as in any other case.
15. Acts of 1829-30, Chapter 159, declared that it had been represented to the General Assembly that a certain parcel of land in Rhea County in the Hiwassie District was unappropriated, and there was no known provision where the said land might be entered, or disposed of. This Act made it the duty of the Surveyor of Rhea county to ascertain by actual survey the quantity of the land involved, and to divide the same into two equal portions between the occupants, Jesse Matthews, and Ezekiel Bates, so as to include the separate improvements on the lot of each one, and they would each pay the regular rates for entering upon land of this sort.
16. Acts of 1831, Chapter 27, released the minor heirs and representatives of James Casey, of Rhea

County, from the payment of the balance of the same yet due and owing to the State on the southeast quarter of a section of the Hiwassie District in Rhea County. The widow's name was Elizabeth.

17. Acts of 1851, Chapter 314, stated that hereafter Rhea County is allowed and shall be entitled to have a Director in the Branch of the Bank of Tennessee at Athens in McMinn County, who shall be appointed as the other Directors are and possess the same power and authority. He shall also be subject to and bound by the limitations and restrictions imposed on the others.
18. Acts of 1859-60, Chapter 76, incorporated John Whalley, R. M. Stephens, Colonel Day, Dr. James E. Godfrey, F. S. Barlow, W. E. Harris, John R. Haines, John S. M. French, John S. Lee, E. A. James, and J. P. Buckner as the Rhea Coal Company with the authority to make its own rules and by-laws for internal management and discipline.
19. Acts of 1869-70, Chapter 49, expressly repealed all the prior laws which created county commissioners for any county in this state and restored all the laws which they may have expressly, or implicitly repealed.
20. Acts of 1875, Chapter 48, empowered the county court of Rhea County at its April meeting in 1875, or at any term thereafter, to elect a notary public for the Second Civil District of Rhea County, who shall have his office in the town of Sulphur Springs.
21. Acts of 1881, Chapter 131, repealed Acts of 1829, Chapter 235, Item 15, above, which incorporated the residents of Washington and Pikeville insofar as the same applied to the town of Washington.
22. Acts of 1897, Chapter 124, fixed the annual salary of the several county officials in a general state law which used the population of the counties to differentiate among the salaries. The officials were deprived of the fees of their offices 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), it nevertheless furnished many of the features we find in our current salary statutes.
23. Acts of 1901, Chapter 377, repealed Acts of 1895, Chapter 211, which incorporated Spring City in Rhea County, in its entirety.
24. Private Acts of 1937, Chapter 618, validated and confirmed the claim for \$225 filed by R. M. Green against Rhea County for damages done to a private telephone line which was destroyed on his property as the result of the construction of a highway in the said county. The county judge and the county court clerk shall issue a warrant for that amount to Mr. Green.
25. Private Acts of 1937, Chapter 619, validated and legalized the claim of Walter White, former Superintendent of Rhea County Schools, in the sum of \$327, with 6% interest from January 1, 1932 to the date of the approval of this Act, which amount was for services rendered, as the said school superintendent from August until December, 1931. The current superintendent of schools, and the chairman of the board of education were directed to issue a warrant against any funds available to pay the above stated amount plus interest to White.
26. Private Acts of 1937, Chapter 772, also validated, legalized, and confirmed the claim for \$200 filed by Mrs. Mary B. Davis against Rhea County for damages caused to her private property as the result of the construction of a road between Graysville and Dayton. The county judge and the county court clerk were directed to draw a warrant on the general fund of Rhea County for that amount in favor of Mrs. Davis.
27. Private Acts of 1937 (Ex. Sess.), Chapter 6, removed the disabilities of minority and infancy from Betty Jo Rimmer, of Rhea County, who shall henceforth have, possess, and enjoy all the rights and privileges of an adult, including the authority to execute deeds of conveyance and releases for any property which may be due to her from the clerk and master of the chancery court in Dayton.
28. Private Acts of 1945, Chapter 159, stated that the amounts (of salaries) set out in the Circuit Court and Chancery Court Bills, numbered 3680 and 2612, respectively, in Rhea County, identified by using the 1940 Federal Census figures, are hereby ratified, validated, and confirmed. There shall also be provided supplementary allowances in the amount of \$65 a month plus 15 cents a day for postage of those petitioning under the Circuit Court Bill #3680, and \$85 a month plus 35 cents a day postage for those coming under the Chancery Court Bill #2612. Officials shall be reimbursed for postage spent and uncollected at these rates until fully repaid. Total of all fees and compensation shall revert to them for the proper maintenance of their offices. This act was repealed by the one following.
29. Private Acts of 1949, Chapter 36, expressly repeals Private Acts of 1945, Chapter 159, Item 28, above.

30. Private Acts of 1949, Chapter 487, repealed Private Acts of 1937 (Ex. Sess.), Chapter 23, which amended the Charter of the City of Graysville to allow them an additional Justice of the Peace.

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