



December 22, 2024

Chapter I - Administration

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Chapter I - Administration 3
County Attorney 3
Private Acts of 1996 Chapter 200 3
County Mayor/County Executive 3
Private Acts of 2004 Chapter 126 3
Mobile Home Parks and Trailer Courts 4
Private Acts of 1977 Chapter 147 4
Purchasing 4
Private Acts of 1981 Chapter 63 4
Retirement System 5
Private Acts of 1951 Chapter 353 5
Private Acts of 1965 Chapter 128 5
Administration - Historical Notes 6

Chapter I - Administration

County Attorney

Private Acts of 1996 Chapter 200

SECTION 1. Chapter 459 of the Private Acts of 1949; Chapter 389 of the Private Acts of 1961; and Chapter 349 of the Private Acts of 1974, and any other acts amendatory thereto, relative to the county attorney of Putnam County, are repealed.

SECTION 2. The process shall be that the Putnam County executive shall make a recommendation for county attorney to the County Legislative Body, and the County Legislative Body must ratify the recommendation by a majority vote. The county executive may recommend termination of the county attorney, to be effective upon majority vote ratification by the County Legislative Body.

SECTION 3. The county attorney shall be licensed to practice law in all of the courts of the State of Tennessee and the United States District Court.

SECTION 4. The County Legislative Body of Putnam County shall establish the compensation of the county attorney from time to time.

SECTION 5. It shall be the function and duty of the county attorney to attend all meetings of the County Legislative Body and render advice as to legal matters arising during such sessions, and to render legal advice, legal opinions and other legal services to the county and any of its officials, departments, offices, boards and commissions upon request. It shall further be the function and duty of the county attorney to prosecute all suits instituted by the county and to defend all suits brought against the county or any of its departments, offices, boards and commissions, to represent the county at any hearings before any board or commission and to prepare resolutions at the request of members of the County Legislative Body. The duties of the county attorney shall not include representation of the county in delinquent property tax suits unless separately appointed pursuant to general law.

SECTION 6. In the event that the county attorney employed under this act shall have a conflict of interest which prevents his or her representation of the county or any of its departments, offices, boards or commissions in the prosecution or defense of any lawsuit, the county executive is authorized to employ, with the approval of the County Legislative Body, another attorney for the purpose of representation in such suit.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body 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 September 1, 1998.

Passed: April 24, 1996.

County Mayor/County Executive

Private Acts of 2004 Chapter 126

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

As amended by: Private Acts of 2019, Chapter 4.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Putnam 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.

Mobile Home Parks and Trailer Courts

Private Acts of 1977 Chapter 147

SECTION 1. The Quarterly County Court of Putnam County may adopt by resolution rules and regulations promulgated by the county planning commission pertaining to mobile home parks and trailer courts to provide for the health, safety, and welfare of the residents of such parks and courts.

The Quarterly County Court of Putnam County shall hold at least one (1) public hearing at which members of the public are allowed to express their views prior to adopting any rules or regulations. Notice of the hearing shall be published in a newspaper of general circulation in the county at least two (2) weeks prior to the public hearing.

SECTION 2. Any person who violates any rule or regulation promulgated under the provisions of this Act shall be guilty of a misdemeanor.

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 Putnam County. 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 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 19, 1977.

Purchasing

Private Acts of 1981 Chapter 63

SECTION 1. Chapter 458 of the Private Acts of 1949 and all amendments thereto, which established the office and duties of the County Judge of Putnam County, is hereby repealed in its entirety.

SECTION 2. Chapter 395 of the Private Acts of 1972, which established the office and duties of the County Manager of Putnam County is hereby repealed in its entirety.

SECTION 3. All judicial powers and duties formerly exercised by the County Judge whether pursuant to general law or private act which were transferred to the Judge of the Probate Court of Putnam County September 1, 1974 shall remain with the Probate Judge and he shall continue to have the authority to hire a secretary to help him carry out the duties imposed upon him, subject to the approval of the Putnam County Board of County Commissioners.

SECTION 4. The County Executive shall be the purchasing agent for all departments of the county except the County Board of Education and the Highway Department. These departments may at their option designate the County Executive to act as their purchasing agent and so elect to come under the provisions of this act. Such an election when made shall not be revocable for two years.

SECTION 5.

(a) All purchases of goods, supplies or materials, wherein the sum to be expended from public funds is equal to or in excess of the maximum amount authorized under Tennessee Code Annotated § 5-14-108, shall be made by the County Executive upon competitive bidding after at least ten (10) days' advertisement in a newspaper published in Putnam County. Purchases of like items individually costing less than the maximum amount authorized under Tennessee Code Annotated § 5-14-108, but which are customarily purchased in lots of two (2) or more, must likewise be subjected to the competitive bidding provisions of this subsection if the total purchase price of such like items would equal or exceed the maximum amount authorized under Tennessee Code Annotated § 5-14-108 during any fiscal year.

(b) Except as provided by subsection (a) to the contrary, all purchases of any goods, supplies or materials, wherein the sum to be expended from public funds is one thousand dollars (\$1,000) or more, but not equal to or in excess of the maximum amount authorized under Tennessee Code Annotated § 5-14-108, shall be made after the purchaser has obtained proposals from at least three (3) prospective vendors.

(c) All purchases of any goods, supplies or materials, wherein the sum to be expended from public funds is less than one thousand dollars (\$1,000), may be made by the purchaser without the necessity of competitive bids; however, the County Executive shall use all reasonable efforts to

ensure competition among prospective vendors.

(d) Notwithstanding the provisions of this section to the contrary, if an emergency necessitates immediate purchase of any goods, supplies or materials, then the County Executive may purchase such goods, supplies or materials without the necessity of advertisement or written bids, regardless of the amount of such purchase. However, before making such purchase, the County Executive shall state in writing, over his or her signature, the nature of such emergency and shall file the same with the County Clerk, who shall transcribe the same upon the minutes of the County Commission; and the same shall be a public record and shall be subject to inspection by any interested citizen.

As amended by: Private Acts of 2002, Chapter 112
Private Acts of 2014, Chapter 41

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer and certified 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 25, 1981.

Retirement System

Private Acts of 1951 Chapter 353

SECTION 1. That in counties of this State having a population of not less than 26,200, nor more than 26,300, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court of said counties are hereby authorized to pension any and all employees of said county who have been in the county service for as much as 35 years and who have attained the age of 70, provided, however, that no pension in excess of \$50.00 a month shall be granted by said Quarterly County Court. Said pension shall be payable monthly out of the General County Account.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1951.

Private Acts of 1965 Chapter 128

SECTION 1. That the Quarterly County Court of Putnam County, Tennessee, is hereby authorized to provide, by resolution duly adopted, for retirement pay for any County employee who is at least sixty-five (65) years of age and has had active full-time service of at least twenty (20) years with such County, and who has retired therefrom or who has had active full-time service of at least twenty (20) years with such County and is presently totally and permanently disabled from doing gainful work as evidenced by the written certificate of at least two (2) physicians duly licensed and practicing such profession within Putnam County.

The amount of such retirement benefit shall be fixed by such Quarterly County Court at the time it provides for such benefit at an amount not to exceed five dollars (\$5.00) per month multiplied by the number of years of service rendered to the County by such employee, but in no event to exceed one hundred and twenty-five (\$125.00) per month, payable in monthly installments from the general funds of the County.

SECTION 2. [Deleted by Private Acts of 1975, Chapter 12]

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the Quarterly County Court of Putnam County on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State, or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

SECTION 4. That this Act shall take effect for the purpose of validating the same as provided for in Section 3 above, from and after its passage, and for all other purposes, on and after July 1, 1965, the public welfare requiring it.

Passed: March 8, 1965.

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Putnam 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 1911, Chapter 586, established the position of County Attorney for Putnam County who would be appointed by the Governor and hold office until the next January term of the Quarterly Court at which time the County Attorney would be elected by the Court for the ensuing year. An annual salary of \$400, which could not be increased or diminished during the term of office, was provided for this official. The County Attorney would transact all the legal business of the County in court, or otherwise, and no county official had the authority to employ another attorney except at his own personal expense. This Act was repealed by Private Acts of 1945, Chapter 426.
2. Private Acts of 1915, Chapter 421, amended Private Acts of 1911, Chapter 586, by providing that the County Attorney would be elected by the Quarterly Court of the county at its January meeting in 1916 for a term to last until the general August election in 1916 when the Attorney's successor would be elected for two years by popular vote. The annual salary was \$400 which could not be changed during the term. This Act was repealed by Private Acts of 1945, Chapter 426.
3. Private Acts of 1929, Chapter 636, amended Private Acts of 1915, Chapter 421, by increasing the term of office for the County Attorney from two years to four years and by raising the annual salary from \$400 to \$1,000. This Act was repealed by Private Acts of 1945, Chapter 426.
4. Private Acts of 1949, Chapter 459, as amended by Private Acts of 1961, Chapter 389, and Private Acts of 1974, Chapter 349, created the office of county attorney, defined duties, set compensation, and named C. A. Cameron to fill the position of county attorney until September 1, 1950. This act was repealed by Private Acts of 1996, Chapter 200.

County Legislative Body

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

1. Private Acts of 1919, Chapter 323, fixed the per diem rate of pay for the Justices of the Peace in Putnam County at \$3 for each day of attendance at any regular, or called, session of the Quarterly Court, plus such mileage, ferriage and tolls as were allowed under the general law.
2. Private Acts of 1941, Chapter 226, provided that the Quarterly Court of Putnam County would hereafter meet in regular session on the second Monday in January, April, July, and October instead of the first Monday as fixed by general law.
3. Private Acts of 1969, Chapter 30, amended Private Acts of 1919, Chapter 323, by increasing the per diem payments for the Justices of the Peace from \$3 to \$25 per day for each day of attendance at regular, or called, meetings of the Court. This Act also repealed the mileage, ferriage and tolls allowances. This Act has been superseded by T.C.A. 5-5-107.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Putnam 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, set up the office of County Judge in every county of the State who would be a person learned in the law and elected by the people for terms of four years. The first election would occur at the general election in 1856 under same regulations as other elections. The Judge must be sworn and commissioned as other Judges were. Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court in place of the Chairman whose duties were also assumed. The Court would meet on the first Monday in every month and the agenda of the Quarterly Court would be disposed of first on the days that Court met. The jurisdiction of the Judge and the Court were spelled out in the Act. The County Judge would also be the accounting officer and general agent of the County and, as such, do and perform the duties enumerated in Section 8 in nine specific assignments. The County Judge was free to practice law in any court except in cases arising from his Court. This Act was repealed by Acts of 1857-58, Chapter 5.

2. Acts of 1875, Chapter 70, abolished the Quorum Courts and vested all their powers and jurisdiction in the Chairman of the County Court. The Chairman was also vested with all the powers, duties and privileges conferred on County Judges.
3. Acts of 1891, Chapter 206, created and regulated the office of County Judge in Putnam County, who would be elected by the voters of the County on the first Thursday in August, 1892, and every eight years thereafter. The County Judge must be of good moral character, learned in the law, thirty years of age or older, and a resident of the county. The Judge would be sworn and commissioned as were other Judges and would have and exercise all the rights, privileges, powers and jurisdiction formerly held by the Chairman of the County Court. This Act amended Acts of 1875, Chapter 70, to conform to the terms of this Act, and the office of County Chairman was abolished after the first Monday in May, 1891. The County Judge would preside over both the county courts and be paid an annual salary of \$350. This Act was repealed by Private Acts of 1949, Chapter 268.
4. Private Acts of 1909, Chapter 581, amended Acts of 1891, Chapter 206, by raising the annual salary of the County Judge from \$350 to \$600.
5. Private Acts of 1925, Chapter 798, amended Private Acts of 1919, Chapter 482, which did not apply to Putnam County, by adding a new Section after Section Five which provided that the qualifications of the County Judge as required by that act would not be so construed as to require the County Judge to be a legally qualified or practicing attorney. This Act was applicable only to Putnam County. This Act was superseded by Article VII, Section I of the 1978 Amendments to the Tennessee Constitution.
6. Private Acts of 1943, Chapter 143, established the qualifications of the County Judge of Putnam County who must be a resident of at least five years, thirty years of age or older, trained in business and learned in the law. The Judge would also be the general agent and accounting officer of the County who was required to keep the books and records specified in the act. The county judge must issue the warrants for the payment of money and report of the County Court on the financial condition and affairs of the County. The Judge was permitted to depute a clerk to sign his name but only after that Clerk was sworn and bonded. The Clerk's compensation could not exceed \$720 annually. The Judge would be paid, as fixed by Acts of 1891, Chapter 206, and Private Acts of 1909, Chapter 581, \$600 annually but would be paid \$1,800 a year as additional compensation for his other duties. Nothing in this act would be construed as interfering with the incumbent Judge's tenure of office. This Act was repealed by Private Acts of 1949, Chapter 268.
7. Private Acts of 1945, Chapter 278, amended Private Acts of 1943, Chapter 143, by increasing the maximum annual salary of the clerk from \$720 to \$1,020.
8. Private Acts of 1949, Chapter 458, created the office of County Judge of Putnam County effective September 1, 1950. The Judge would be popularly elected to an eight year term, be paid \$3,000 per annum, and receive \$1,800 per year for clerical and stenographic assistance. He would possess the same qualifications required of Circuit Judges, could sit by interchange with the Judge of the General Sessions Court, and serve as fiscal agent for the County. In addition, he would be the purchasing agent for all county departments except the County Board of Education. This Act was repealed by Private Acts of 1981, Chapter 63.
9. Private Acts of 1959, Chapter 166, amended Private Acts of 1949, Chapter 458, by setting the compensation of the County Judge as provided by general law. The Quarterly County Court was authorized to set the compensation of clerical help appointed by the Judge. This Act was repealed by Private Acts of 1981, Chapter 63.
10. Private Acts of 1972, Chapter 395, created the office of County Manager for Putnam County to be elected to a four year term by the voters of the County. He would exercise the same duties, authority, powers and jurisdiction, except those of a judicial nature, as were exercised by the County Judge. His salary was set at \$15,000 per annum. The office of County Judge was abolished and all of its judicial powers transferred to the Judge of the Probate Court of Putnam County. This Act did not receive local approval and never became effective law.

Purchasing

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

1. Private Acts of 1941, Chapter 373, was the authority for the Putnam County Quarterly Court to elect a competent person to be the purchasing agent of the county for one year at an annual compensation of \$600, payable monthly, who would be responsible for buying all the supplies

needed for the proper support and maintenance of any and all institutions operated by the county except the roads and schools. All purchases over \$50 would be by competitive bids solicited pursuant to the rules to be promulgated by the Purchasing Agent and the Advisory Purchasing Commission. The Advisory Commission would consist of three people appointed by the Quarterly Court for two years who would be paid \$20 a year. The Purchasing Agent could require security from bidders under certain circumstances. The Agent could appoint a clerk to assist him in the performance of his duties and serve as the secretary to the Advisory Purchasing Commission. The Clerk would be paid \$150 a year, payable monthly out of regular county funds. Emergency purchases could be made if certain conditions were met without observing the formalities of this law. This Act was repealed by Private Acts of 1949, Chapter 163.

2. Private Acts of 1943, Chapter 174, amended Private Acts of 1941, Chapter 373, so as to increase the term of office of the Purchasing Agent from one year to four years. The 1941 Act was further amended to give the Purchasing Agent the sole authority to adopt rules and by abolishing the Advisory Purchasing Commission. This Act was repealed by Private Acts of 1949, Chapter 163.
3. Private Acts of 1949, Chapter 458, made the County Judge the Purchasing Agent of the County for all departments except the schools. This Act was repealed by Private Acts of 1981, Chapter 63.

General Reference

The following private or local acts constitute part of the administrative and political history of Putnam 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 1842 (Ex. Sess.), Chapter 11, appropriated \$225 with which to purchase 45 copies of the Nicholson and Carruther's Digest of the Statute Laws of Tennessee which were to be distributed to the counties of Polk, Van Buren, and Putnam.
2. Acts of 1843-44, Chapter 206, appointed James Bartlet, James Jackson, William R. Vance, Edward Anderson, and John Bohannan, as Commissioners to locate and establish the seat of justice in Putnam County but in doing so they could not go east of White Plains, nor west of Cheek's old place on the road from Gainsborough to Sparta. An election would be held in the event agreement could not be reached on the county seat. When a site was agreed upon, the streets of the town would be laid off and suitable public buildings erected wherein the Judge of the Circuit Court would hold the terms of the Court. The name of the county town would be Monticello.
3. Acts of 1843-44, Chapter 236, was an Act similar to Acts of 1843-44, Chapter 206, except that it corrected the spelling of James Bartlett, William B. Vance and Check's.
4. Acts of 1845-46, Chapter 75, cited in the preamble the decision of Chancellor Bromfield L. Ridley, in Livingston, that the Act creating Putnam County was unconstitutional because the Act reduced the territorial area of both Jackson County and Overton County to less than the minimum specified in the Constitution of Tennessee, but, during the time of the Act establishing the County and the court decision abrogating it, many acts had been accomplished such as marriages, court decisions, registration of deeds and other instruments, and many others which needed to be validated. This Act ratified, confirmed, validated, and legalized all those deeds. (The style of the subject case was Patrick Pool and William Goodbar v. William H. Carr, but we have no other citation).
5. Acts of 1853-54, Chapter 152, made it the duty of the Quarterly Court of Putnam County to levy and collect a tax sufficient for the purpose of paying for the surveying of the County and to pay the Commissioners appointed by the Act establishing the County a reasonable compensation for their services in the reorganization of the County.
6. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners who would serve three year terms, the initial terms being staggered so that one would be elected each year. The Commissioners must be sworn and bonded and meet at least four times each year. The remaining members of the Board would fill any vacancy which might occur. The duties and powers of the Quarterly Court were all vested in the Board and Magistrates were stripped of their authority and relieved of all their duties. The Chairman of the Board in Putnam County would be paid \$200 each year and each of the associate members \$150 each year. This Act was repealed as to Putnam County by Acts of 1869-70, Chapter 6.
7. Acts of 1869-70, Chapter 49, repealed Acts of 1867-68, Chapter 65, and revived all laws repealed by Acts establishing County Commissioners.
8. Acts of 1869-70, Chapter 119, was identical to Acts of 1869-70, Chapter 49.
9. Acts of 1897, Chapter 124, set the annual salary for several county officials which was based upon

the population of the respective county in which they served. All fees collected in their offices were declared to be the property of the County and would be paid over to the Trustee and strict accounting rendered. The compensation provided in this Act would be in the place of all other salary and emoluments. This Act was declared unconstitutional in the case of *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).

10. Private Acts of 1909, Chapter 570, was the authority for the Quarterly Courts of the Counties of Putnam, Dickson, and Franklin, to adopt a Resolution to contract with a bank, or banks, which would make the highest bid to pay interest on the monthly balances deposited in the bank by the County. The County Judge was given the authority to execute the contract and to carry it out as the Resolution might direct. The County Trustee was instructed and obligated to deposit the county funds to conform to the agreement. The bank which was the successful bidder must submit an itemized statement of the status of the account by the 15th of each month to the Trustee who would pass the information on to the Quarterly Court.
11. Private Acts of 1911, Chapter 653, stated that in Putnam County and in Claiborne County, women who were eighteen years, or more, of age and otherwise possessing the necessary qualifications would be eligible for election to the office of Notary Public.
12. Private Acts of 1933, Chapter 257, removed the disabilities of infancy from Pauline E. Tallman, of Putnam County, and granted to her all the rights and privileges, and all the responsibilities of an adult.
13. Private Acts of 1933, Chapter 896, amended Section 6019, of the Code of Tennessee for the year 1932, to provide that, in Putnam County banks could be granted Chapters and permits issued to them to organize with a minimum paid up capital stock of \$5,000, and a paid up surplus of not less than 50% of the capital stock of the Bank, but at least 25% of all the deposits in the Bank must be kept available at all times.
14. Private Acts of 1935, Chapter 112, removed the infancy status of Inez Burgess, of Putnam County, who could exercise and enjoy all the prerogatives of an adult after the passage of this act including the authority to settle all her affairs with her guardian. Private Acts of 1935, Chapter 444, was identical to this Act.
15. Private Acts of 1935, Chapter 425, dissipated the minority of Robert Carr, of Putnam County, granting to him the authority to conduct himself as an adult in all things including the conveyances of real estate.
16. Private Acts of 1974, Chapter 166, was the enabling legislation for the Putnam County Quarterly Court to appropriate money and direct the payment of compensation to the widow of Charles Olen Maxwell who was killed while engaged in the course of his duties as an employee of Putnam County, said benefits to be limited to those allowed under the Workmen's Compensation Law of Tennessee. This Act was properly ratified by the Quarterly Court of Putnam County.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-i-administration-51>