



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

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# Administration - Historical Notes

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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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# Administration - Historical Notes

## **Budget System**

The following acts once created a budgeting system for Polk County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1939, Chapter 102, established a Budget Commission consisting of 3 members to be elected by the Quarterly Court. The act detailed budget procedures to be followed. While this act was never specially repealed, it is deemed to be superseded by the Private Acts of 1975, Chapter 192.
2. Private Acts of 1975, Chapter 192, established a budget system for Polk County in sections 17 through 29 of the act. The Budget Committee consisted of three members elected by the County Council, two of which were to be council members. Private Acts of 1980, Chapter 334, amended Private Acts of 1975, Chapter 192, specifically pertaining to the budget system by directing that the County Judge shall be an ex officio non-voting member of the committee. Private Acts of 1975, Chapter 192, and its amendments have been superseded by the Public Acts of 1978, Chapter 934, Section 35, which allowed for a transition period extending until January 1, 1982 from the County Council form of government which was created under the 1975 Private Act to the County Legislative Body form of government which was established under the Public Acts of 1978, Chapter 934, which is now codified in Tennessee Code Annotated Section 5-5-101 et. seq.

## **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Polk 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 These acts are included for historical reference only.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 1939, Chapter 100, created the office of Polk County Attorney and provided for the qualification, election, and duties of the office. The Private Acts of 1939, Chapter 100, was repealed by the Private Acts of 1947, Chapter 30.
2. Private Acts of 1941, Chapter 76, amended Private Acts of 1939, Chapter 100, by increasing the salary of the office to \$1,800 per year and enlarging the duties of the office to provide for collection of delinquent taxes.
3. Private Acts of 1951, Chapter 324, created the office of Polk County Attorney; this act was amended by Chapter 113 of the Private Acts of 1971 to raise the salary of this office. Both of these acts were repealed by Private Acts of 1975, Chapter 192.
4. Private Acts of 1975, Chapter 192, Section 15, authorized the County Judge to hire a county attorney. This act has been rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which does away with the County Council type government.

## **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Polk County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 157, created the office of County Judge in Polk County and abolished the position of chairman of the county court. This was amended by Private Acts of 1931, Chapter 571, to provide that the Polk County Judge would also act as the purchasing agent of the county, with sole power to purchase the supplies and equipment needed by the county, but these powers were removed by Private Acts of 1935, Chapter 129. Private Acts of 1929, Chapter 157, was repealed by the Private Acts of 1949, Chapter 558.
2. Private Acts of 1935, Chapter 130, abolished the office of County Judge, by repealing Private Acts of 1929, Chapter 157.
3. Private Acts of 1939, Chapter 184, apparently revived Private Acts of 1929, Chapter 157, by amending the 1929 act to raise the salary of the County Judge, effective on the first Monday in September, 1950.
4. Private Acts of 1971, Chapter 112, provided for the election of a county judge, who would hold office for a term of six (6) years. The office of chairman of the county court was abolished and all the chairman's duties, powers and prerogatives were transferred to the county judge. The salary was determined by the quarterly court not to exceed \$8,500 per annum.
5. Private Acts of 1975, Chapter 192, created a five member County Council in Polk County. The

County Judge was also a voting member of the Council. The act and its 1980 amendment, while never specifically repealed, have been superseded by Public Acts of 1978, Chapter 934, Section 35, and codified in T.C.A. §§ 5-5-101, which does away with the Council type government.

### **County Legislative Body**

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

1. Private Acts of 1921, Chapter 836, set the salary of justices of the peace at \$3.00 per day plus 10¢ per mile for their travel to and from meetings of the quarterly county court. This act was repealed by Private Acts of 1967-68, Chapter 179.
2. Private Acts of 1929, Chapter 203, authorized the employment of a deputy county court clerk at a salary of not more than \$100 per month. This is now covered by T.C.A. §§ 8-2001 and 8-2404.
3. Private Acts of 1935, Chapter 187, created the office of Chairman of the County Court, but his office was abolished by Private Acts of 1971, Chapter 112.
4. Private Acts of 1951, Chapter 577, set the per diem salary of the justices of the peace at \$4.50 plus \$.05 for each mile traveled to and from the place of the county court meeting.
5. Private Acts of 1951, Chapter 664, created the office of clerk to the chairman of the county court to be paid \$200 per month.
6. Private Acts of 1961, Chapter 210, attempted to amend Private Acts of 1951, Chapter 664, by raising the salary of the clerk to the chairman of the county court to \$250 per month, but this act did not receive local approval and never became effective.
7. Private Acts of 1963, Chapter 77, raised the monthly salary of the chairman's clerk to \$250.
8. Private Acts of 1967-68, Chapter 87, attempted to create the office of Polk County Judge. This act was amended by Private Acts of 1967-68, Chapter 165, to provide that the local ratification election would be held on voting machines, but the Polk County voters rejected Chapter 87 of its provisions, and it never became effective law.
9. Private Acts of 1967-68, Chapter 179, set the compensation of Justices of the Peace at \$25 per day and 10¢ per mile for up to eight meetings per year actually attended.
10. Private Acts of 1969, Chapter 17, raised the salary of the clerk of the chairman of the county court to \$3,600 per annum.
11. Private Acts of 1975, Chapter 129, was almost a duplicate of Private Acts of 1975, Chapter 192, except in Section 3 where it was specified that the special elections would be called by the Election Commission instead of being held on the third Tuesday in July, 1975, and voting precinct 9(a) was omitted in the published act. This act was not only rejected by the Quarterly Court but was also repealed by Chapter 192.
12. Private Acts of 1975, Chapter 192, created a County Council in Polk County consisting of the County Judge and 5 elected members. The act also established a budget committee and purchasing agent for the county. This act was amended by Private Acts of 1980, Chapter 334, so as to remove the voting privileges of the County Judge in his official capacity as a member of the Council. The act and its amendment, were rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which abolished the County Council form of government and is codified in T.C.A. §§ 5-5-101.

### **County Register**

The following act once affected the office of county register in Polk County, but is no longer operative.

1. Private Acts of 1921, Chapter 441, set the annual salary of the Polk County register of deeds at \$1,500. Private Acts of 1921, Chapter 684 also set the register's salary at \$1,500 per annum, and it was amended by Private Acts of 1923, Chapter 638, and Private Acts of 1927, Chapter 621, to raise this salary. There was a discrepancy in the captions of these amendatory acts since they referred to the salary of the registrar, while the original act referred to the register. The maximum and minimum compensation of a county register is now regulated by Sections 8-24-102 and 8-24-104 of Tennessee Code Annotated, and set by the governing body of the county.

### **County Trustee**

The following acts once affected the office of county trustee in Polk County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 476, set the salary of the county trustee at \$4,000 per annum, but

this act was repealed by Private Acts of 1929, Chapter 156.

2. Private Acts of 1929, Chapter 325, authorized the employment of a deputy trustee at a monthly salary of \$150. The authorization for hiring a deputy trustee is now found in T.C.A. §§ 8-20-101 and §§ 8-24-103 provides the method for compensating these deputies.

### **Purchasing**

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

1. Private Acts of 1931, Chapter 571, added Section 8 of the Private Acts of 1929, Chapter 157, so as to make the County Judge the purchasing agent in Polk County. This act was repealed by the Private Acts of 1935, Chapter 129.
2. Private Acts of 1975, Chapter 192, which established the County Council, also provided for a County Purchasing Department and a Purchasing Agent. This act has been rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which abolished the County Council form of government.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Polk 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 1839-40, Chapter 81, authorized the county court to appoint a county surveyor. This is now covered by T.C.A. §§ 8-1201.
2. Acts of 1842 (Ex. Sess.), Chapter 11, directed the state treasurer to pay William A. Eichbaum \$225 for the 45 copies of Nicholson and Caruther's Digest of the Statute Laws of Tennessee, which were to be supplied to the counties of Polk and Van Buren.
3. Acts of 1843-44, Chapter 80, provided that the militia in the Seventh and Eighth Civil Districts of Polk County were to constitute a battalion and were to be attached to the 152nd Regiment but were not to be compelled to attend battalion muster.
4. Acts of 1843-44, Chapter 202, ordered the commissioners of Polk County to pay over to the county trustee all monies received from the sale of lots in Benton which had not been expended on county improvements.
5. Acts of 1866-67, Chapter 30, incorporated for ninety-nine years the Polk County and Caney Fork Petroleum Oil and Land Company.
6. Private Acts of 1933, Chapter 65, removed the disabilities of infancy and minority from Jessie Clayton.
7. Private Acts of 1935, Chapter 576, authorized Polk County to contract with the Public Works Administration and/or any other federal agencies, for funds or not more than \$300,000 which were to be used for acquiring the necessary lands, constructing and equipping school buildings and facilities. This was repealed by Private Acts of 1937, Chapter 327.
8. Private Acts of 1935, Chapter 577, authorized Polk County to contract with the federal Public Works Administration or any other federal agencies for funds of not more than \$75,000 to be used for remodeling, repairing and building additions to the county courthouse and jail.
9. Private Acts of 1947, Chapter 367, restructured the Polk County government by forming a three member Board of County Commissioners and dividing the county government into the divisions of Highways and Public Works, Purchasing and Finance, and Welfare and Institutions. This act was amended by Private Acts of 1949, Chapter 79, to place additional duties in the County Commission, by Private Acts of 1949, Chapter 561, to extend the term of the County Commissioners to six years and by Private Acts of 1947, Chapter 747, to require the secretary of the Board of County Commissioners to sign all county warrants. All of these acts were repealed by Private Acts of 1951, Chapter 167.
10. Private Acts of 1951, Chapter 663, required the Chairman of the County Court to advertise in newspapers, notifying all holders of Polk County warrants which were dated prior to September 1, 1950, that they must register such warrants within ninety days after the newspaper publication in order to have them honored as valid obligations of the county.

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