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# Budget System

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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,

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](http://www.ctas.tennessee.edu)

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# Budget System

## Audit System

### Private Acts of 1927 Chapter 505

**SECTION 1.** That it shall be the duty of the County Judge or Chairman of the County Courts in counties of this State having a population of not more than 7,800 nor less than 7,765, according to the Federal Census of 1920 or any subsequent Federal Census, to have made, not less than every two years, and oftener, if sufficient cause should arise, an audit, by competent auditors or certified public accountants, of the books and records of all County Officials, who handle, in any way, any County revenue, boards or commissions, including the County Judge or Chairman of the County Court, the County Court Clerk, Sheriff, County Trustee, Circuit Court Clerk, Clerk and Master, Superintendent of Public Instruction, County Board of Education, Special School Districts, Drainage Districts, Road Commissioners, Bridge and Levee Supervisor, Justices of the Peace, all other officials, boards or commissions, who handle any County revenue of counties coming within the provisions of this Act. Whenever the term of office of any County official expires, he, she or they shall be checked out and a full settlement be made with the counties herein affected, before the new officials shall take the oath of office and such audit and settlement as shown shall be certified to the County Judge or Chairman.

**SECTION 2.** That it shall be the duty of the County Judge or Chairman of the County Courts of the counties herein affected to have such audit or audits made before the qualification date of any new official, it being the legislative intent of this Act, that no retiring official shall leave office without a final audit and settlement as herein is provided and that not any new official enter upon the duties of office until he, she or they be properly checked in and for the carrying out of this provision, any such retiring or new official shall give of such of his, her or their time, without compensation more than is paid such retiring official, as may be necessary for a proper functioning of this Section, that retiring officials make proper settlement and new and incoming officials have full knowledge of condition of offices assumed. Such County Judge or County Chairman, in order to have such audit or audits made as is herein required, shall appoint a committee of three members from the County Quarterly Courts of such counties as come within the provisions of this Act, who with the County Judge or Chairman of such Court or Courts, shall compose the committee to have charge and control of such audit or audits, as such County Judge or Chairman may order. This committee shall first organize and they shall then have the power to make rules and regulations, to govern such audit or audits and is by this Act empowered to contract with auditors or certified accountants, by bids or otherwise; if bidding is used, such committee is given the right to reject any and all bids; they are by this Act given authority to summon witnesses to appear before them and such auditors or accountants; to question such witnesses and any person failing or refusing to obey any such subpoena to appear and who fails or refuses to testify when called upon by such committee shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$25.00, and each time such party or parties refuse to answer any subpoena to appear and testify or refuses to give testimony by the answering of any question or the production of any record, book, file or paper, as may be demanded, each such refusal shall under this Act, constitute a separate offense. The cost of such audit or audits shall be paid out of the funds of the County, upon warrant drawn by the County Judge or Chairman, when such committee as may have charge of such audit or audits certifies to the County Judge or Chairman the completion of such audit.

**SECTION 3.** That it shall be the duty of such committee as mentioned in Section 2 of this Act, when the audit is completed to make a report, which shall include the findings of the auditors or accountants, to the Quarterly Court, either at a regular or called session of such Court, for such Court's consideration and action and such report shall be made a part of the record of such Court in such manner as the membership thereof may prescribe.

**SECTION 4.** That any official, board or commission of any county herein affected, who fails or refuses to deliver to such committee as named in Section 2 hereof, auditors, agents or attorneys of such committee or auditors, any record, file, book or paper, as maybe required of them, being in their possession, having been in their possession or that come into their possession during such time as such audit may be in progress, or who attempts, in any way to interfere with, block in any manner a full and fair investigation and audit of his, her or their office, records, books, files, shall be deemed guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$50.00 for each offense.

**SECTION 5.** That any settlement by the paying into the County Treasury of any money, by any official, board or commission, so audited and who may be found indebted to any county or counties as may be

affected by the Act, is to be the final of such Act, that is to say, no such official, commission or board, shall have any right to make any demand for the return of such money paid by them, or to enter suit in any court, or allow same to be entered by agent or attorney for the recovery of any such money as may have been paid, or produce any paper, file, receipt, book, record of any kind and claim a refund or payment back of any such money paid as herein set out, that was not produced during the course of such audit; and by the payment of such money is estopped from asking, suing or making any effort for the return of any sum for which he, she or they have already paid and for which proper credit has been given by such auditors or accountants.

**SECTION 6.** That it shall be the duty of such County Judge or Chairman to have a condensed report of such audit or audits made printed, at least one time, in each newspaper published in such county or counties as are herein affected and authority to pay the cost of such publication is given by this Act upon warrant drawn by such Judge or Chairman upon the Trustee of such county or counties.

**SECTION 7.** That any County Judge, or Chairman, whose county may come within the provisions of this Act, who fails or refuses to carry out the provisions herein set out, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$50.00.

**SECTION 8.** That if any word, phrase or section of this Act be declared unconstitutional, that it will not affect or render invalid or unconstitutional the whole Act.

**SECTION 9.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 19, 1927.

## Auditor

### Private Acts of 1927 Chapter 646

**SECTION 1.** That the office of County Auditor is hereby created for all the counties of the State of Tennessee, having a population of not less than 7,750 nor more than 7,800, according to the Federal Census of 1920 or any subsequent Federal Census.

**SECTION 2.** That John T. Whorley, a citizen of Perry County, Tennessee, shall serve as said Auditor until the January term, 1928, of the Quarterly Court of the Counties to which this Act applies, at which time the Quarterly Court of said counties shall elect his successor and to hold office for a term of two years beginning January 1st, 1928, or until his successor shall be appointed and qualified, the sum of Four Dollars (\$4.00) per day as compensation to be paid out of the general funds of said counties quarterly upon warrants of County Judge or Chairman.

**SECTION 3.** That said Auditor shall be experienced and competent to perform the duties required by the Act; that before entering upon his duties, he shall take and subscribe to an oath before the County Court Clerk of his county as required for other county officials. The County Auditor shall inspect the report of all officials made to the County Judge or Chairman of the County Court Clerk of said County and the books of said officers. He shall carefully examine the official report of the County Judge or Chairman of the said County; the report of the County Court Clerk, Trustee, Sheriff, Circuit Court Clerk, County Superintendent, Clerk and Master, County Road Supervisor and District Supervisor, or road overseers and the report of the County School Board, High School or Elementary School Board and the report of the Justices of the Peace of the Counties and all other County officials handling county funds, which report is hereby required to be made quarterly and which shall be spread in full on the minutes of County Court Clerk, the said County Auditor shall examine the checks and warrants on which such disbursements from the Trustee of said County have been made and compare it with books of the Judge of said County. The said Auditor shall ascertain what warrants have been drawn by the Chairman of said counties for said preceding quarter, which of them have been paid and which remain unpaid, and how many of same have either been paid or remain unpaid.

The County Auditor shall look to see that the balance as stated in the report of the County Judge or Chairman of said county corresponds with the balance shown to be on hand by the books of the County Trustee, and the exhibits of the cash or assets which he has or should have on hand at such examination. The said County Auditor shall report in writing at the end of each quarter the result of his investigation and it shall be his duty to call the attention of the Quarterly Court to any violation which he may observe on the part of any officials of the county. The said County Auditor shall also check the books of the Justice of the Peace of said county, the County Road Supervisor, the County Superintendent of Public Schools and all other county officials. That in the case of the Justice of the Peace his report will show what fines have been assessed by the Justice of the Peace and those which have been paid or should be paid by said

Justices to the county. The said Justices of the Peace shall present their respective books at the office of said County Auditor for examination at such time as said Auditor shall demand them. The said County Auditor shall at the direction of the County Court or County Judge or the Quarterly Court of said County make any investigation in which the said county is interested and report the result of his investigation the County Judge or Chairman of said court. It shall also be the duty of said County Auditor to check up and pass on all bills of cost to be paid by the county. It shall also be his duty to check and pass on the bill of cost, the amount of fees collected and paid to the various county officials and the amount of fees unpaid and report the condition as to the solvency or insolvency of all the bonds of county officials and to make a detailed written report to the Quarterly Court of the financial condition of the County at least once a year and if the County Judge or Quarterly Court demanded the said County Auditor may make a full and complete report of the condition of the accounts of all county officials at any time the said County Judge or Quarterly Court may demand it. The bill of cost of the Circuit Court or Criminal Court shall be approved by the said County Auditor before any part of said bill of cost is to be paid.

**SECTION 4.** That said County Auditor shall have the right to appoint an assistant, whose power and duty shall be the same as that of the County Auditor; and the compensation of the Assistant County Auditor or Auditors shall be paid such compensation as the Quarterly Court may fix, in no event to exceed that of Four (\$4.00) Dollars per day.

**SECTION 5.** That the County Auditor herein created shall not charge for more than three days for any one quarter unless directed to make a report by the County Judge or the Quarterly Court. The said County Auditor in making his annual report shall not charge for more than three days for making said annual report.

**SECTION 6.** That in all Counties where it is provided that the County Judge or Chairman of the County Court or the Quarterly Court shall appoint or elect County Revenue Commissioners, in which case the same is hereby repealed.

**SECTION 7.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare require it.

Passed: April 23, 1927.

## Board of Revenue Commissioners

### Private Acts of 1929 Chapter 614

**SECTION 1.** That a Board of County Revenue Commissioners is hereby created for all counties of the State of Tennessee, having a population of not less than 7,750 and not more than 7,800 according to the Federal Census of 1920 or any subsequent Federal Census.

**SECTION 2.** That for the purpose of carrying out the provisions of this act, J. M. Godwin, T. R. Ledbetter, and J. H. Hinson are constituted a Board of Revenue Commissioners for said county and shall serve until the January term of 1930 of the Quarterly Courts of said counties to which this act applies, at which time the Quarterly Courts of said counties shall elect their successors and to hold office for a term of two years, beginning January 1, 1930, or until their successors shall be appointed and qualified and the sum of Five Dollars (\$5.00) per day is to be paid out of the general fund as compensation of said counties coming under the provisions of this act, upon warrants of the County Judge or Chairman.

**SECTION 3.** That said Board of Revenue Commissioners be experienced and competent to perform the duties required by this Act; that before entering upon their duties, they shall take and subscribe to an oath before the County Court Clerk of their county as required for other county officials. The Revenue Commissioners shall inspect the report of all officials made to the County Judge or Chairman of the County Court Clerk of said county and the books of said officers. They shall carefully examine the official report of the County Judge or Chairman of said County; the report of the County Court Clerk, Trustee, Sheriff, Circuit Court Clerk, County Superintendent, Clerk and Master, County Road Officials, or road overseers and the report of the County School Board, High School or Elementary School Board and the report of the Justices of Peace of the Counties and all other County officials handling county funds, which report is hereby required to be made quarterly and which shall be spread in full on the minutes of County Court Clerk, the said County Revenue Commissioners shall examine the checks and warrants on which disbursements from the Trustee of said County have been made and compare it with the books of the Judge of said county. The said Board shall ascertain what warrants have been drawn by the Chairman of said counties for said preceding quarter, which of them have been paid and which remain unpaid, and how many of same have either been paid or remain unpaid. The Board shall look to see that the balance as stated in the report of the County Judge or Chairman of said county corresponds with the balance shown

to be on hand by the books of the County Trustee, and the exhibits of the cash or assets which he has or should have on hand at such examination. The said County Board shall report in writing at the end of each quarter the result of their investigation and it shall be his duty to call the attention of the Quarterly Court to any violation which they may observe on the part of any officials of the county. The said County Board shall also check the books of the Justice of the Peace of said county, the County Road officials, the County Superintendent of Public Schools and all other county officials. That in the case of the Justice of the Peace his report will show what fines have been assessed by the Justice of the Peace and those which have been paid or should be paid by said Justices to the county. The said Justice of the Peace shall present their respective books at the office of said County Board for examination at such time as said Board shall at the direction of the County Court or County Judge or the Quarterly Court of said county make any investigation in which the said county is interested and report the result of their investigation to the County Judge or Chairman of said Court. It shall also be the duty of said County Board to check up and pass on all bills of cost to be paid to the county. It shall also be their duty to check up and pass on the bill of cost, the amount of fees collected and paid to the various county officials and the amount of fees unpaid and report the condition as to the solvency or insolvency of all the bonds of county officials and to make a detailed written report to the Quarterly Court of the financial condition of the county at least once a year and if the County Judge or Quarterly Court demanded the said County Board may make a full and complete report of the condition of the accounts of all county officials at any time the said County Judge or Quarterly Court may demand it. The bill of cost of the Circuit Court or Criminal Court shall be approved by the said County Board before any part of said bill of cost is to be paid.

**SECTION 4.** That said County Revenue Commissioners shall have the right to examine the reports of all county officials who receive a salary either from the county or the State and report with reference to the fees collected by such officials whose salaries are guaranteed by the County or State. If necessary, the County Revenue Commissioners are hereby given the right to summon witnesses to testify with reference to fees collected by said officials and to gather such information as in their opinion is proper, in order to make a full and complete report of the conditions of reports filed by the County officials.

**SECTION 5.** That the County Board of Revenue Commissioners herein created shall not charge for more than three days for any one quarter unless directed to make a report by the County Judge or the Quarterly Court. The said County Board in making their annual report shall not charge for more than three days for making said annual report.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be and the same are repealed.

**SECTION 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1929.

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