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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

Budget System

General Budgeting Law

Private Acts of 1941 Chapter 481

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee as follows:*

- (a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Morgan County, Tennessee.
- (b) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Morgan County, Tennessee.
- (c) The term "Sheriff" when used in this Act shall mean the Sheriff of Morgan County, Tennessee.
- (d) The term "Trustee" when used in this Act shall mean the Trustee of Morgan County, Tennessee.
- (e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Morgan County, Tennessee.
- (f) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Morgan County, Tennessee.
- (g) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Morgan County, Tennessee.
- (h) The term "Commissioner" when used in this Act shall mean any Superintendent or person or persons appointed or elected by the Quarterly County Court over any Department or Institution of Morgan County, Tennessee.
- (i) The term "Quarterly County Court" when used in this Act shall mean anybody or group of people having jurisdiction over the operation of the fiscal affairs of Morgan County, Tennessee.
- (j) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Morgan County, Tennessee.
- (k) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Morgan County, Tennessee.
- (l) The term "School Board" when used in this Act shall mean the County Board of Education of Morgan County, Tennessee.
- (m) The term "Highway Commission or Commissioner" when used in this Act shall mean the Highway Department of Morgan County, Tennessee.
- (n) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by Court for each department or activity of Morgan County, Tennessee, for the period shown by the adoption of the Budget by the Quarterly County Court and any appropriation authorized by statute.
- (o) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Morgan County as hereinafter provided.
- (p) The term "Budget Committee" when used in this Act shall mean a Committee of three (3) members so elected by majority vote of the Quarterly County Court of Morgan County, one of which shall be a member of said Court, as hereinafter provided.
- (q) The term "Expenditure or Expend" when used in this Act shall mean the Act of committing Morgan County, Tennessee, to expend monies then and there in the County Treasury or to come into the County Treasury of Morgan County, Tennessee.

SEC. 2. That at least thirty (30) days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Morgan County shall prepare a Budget containing a Complete Plan, itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year. Opposite such item of proposed expenditure, the Budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount

expended during that year, the amount appropriated for the current appropriation year, and the increase or decreases in the proposed expenditures for the ensuing years as compared with the appropriation of the current year. This Budget shall be accompanied by:

First: An itemized estimate of the receipts to be available during the current fiscal year, but such itemized estimate shall be subject to the following provisions:

- (a) Such estimate of delinquent taxes shall not exceed an amount which represents the percentage of the amount of taxes delinquent on the first day of the current fiscal year which were actually collected in cash during such preceding fiscal year.
- (b) Such estimate of collections of special assessments shall not exceed an amount which represents the same percentage of the special assessments unpaid and owing to said County on the first day of the current fiscal year, as the percentage of special assessments unpaid and owing to said County on the first day of the preceding fiscal year where they were actually collected in cash during the preceding fiscal year.
- (c) Such estimate of collections of miscellaneous revenues from sources other than taxes or special assessments shall in no instance, nor as to any time, be in an amount in excess of the amount of such miscellaneous revenues collected in cash in the preceding fiscal year; provided, however, that there may be included in the estimate cash receipts for such amount of additional miscellaneous revenues to be derived from sources other than ad valorem taxes or special assessments as may be approved by the Director of the Budget.
- (d) The amount of cash surplus being an amount not larger than the amount of cash on hand or on deposit to the credit of the several funds of said County at the close of the preceding fiscal year, exclusive, however, of any cash derived from prepaid taxes or other sources applicable to the Budget of the succeeding fiscal year to the extent that such cash is in excess of all outstanding or unpaid bills or other obligations lawfully incurred during such fiscal year, and all amounts payable therefrom to all special funds of the County.

Second: An itemized and complete financial balance sheet of each fund account of said Morgan County, Tennessee, at the close of the last preceding appropriation year.

SEC. 3. That a brief synopsis of the Budget shall be published in a newspaper having general circulation in Morgan County, Tennessee, or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen (15) days prior to the date set for hearing, at which any citizen of the said Morgan County shall have the right to attend and state their views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such Budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the Budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a Budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it shall be mandatory upon the Quarterly County Court to adopt a Budget for the ensuing fiscal year, and the revenues applicable to such Budget so adopted shall be in conformity to the requirements of the provisions of Section 2 hereof.

SEC. 4. That the Budget Committee or Director of the Budget of Morgan County, Tennessee, may require the heads or other responsible representatives of all Departments, Divisions, Boards, Commissions, Agencies, or Offices of said County, as more specifically named in Section 1 hereof, to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

SEC. 5. That it shall, likewise, be the duty of the School Board of said County, on or before the first Monday in April of each year, to prepare and file with the Budget Committee an itemized statement or budget as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

SEC. 6. That it shall be distinctly understood that it shall likewise be the duty of the Highway Department and/or Highway Commission of said County, at least thirty (30) days prior to the beginning of the fiscal year in each year to prepare and file with the Budget Committee an itemized statement or Budget, as specified in Section 2 of this Act, of the funds which said Department or Commission estimates will be necessary for the maintenance and operation of the roads in said County and expenses incident thereto for the year commencing the first day of July and following the filing of such statement or Budget.

SEC. 7. That the Quarterly County Court shall at any regular, adjourned, or specially called session of such Court (at which time the bonds contemplated to be issued in connection herewith shall have been authorized), and at the expiration of each second calendar year thereafter (second calendar year

thereafter shall mean the time nearest to a regular session of the Quarterly County Court), elect a Budget Committee consisting of three (3) members, one of which must be a member of the Quarterly County Court, and the other two members to be such persons so designated and elected pursuant to a majority vote of the then existing members of the Quarterly County Court; the Budget Committee so elected shall receive as compensation for their services a fee of Three (\$3.00) Dollars for each and every day spent in the preparation of the Budget heretofore mentioned; provided, however, that the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of Forty-eight (\$48.00) Dollars.

Likewise, it shall be the duty of the Quarterly County Court at the time of naming the Budget Committee to appoint a person who shall be known as "Director of the Budget," which such person may be the Judge or Chairman of the Quarterly County Court, if so appointed upon a majority vote of the then existing members of the Quarterly County Court, or otherwise may be a person not being a member of the Quarterly County Court, but must be, however, a taxpayer within said County.

SEC. 8. That pursuant to the election of the Budget Committee as provided under Section 7 hereof, and pursuant to the adoption of a Budget recommended by said Committee, or otherwise, the Budget so adopted and approved by the Quarterly County Court, the completed Budget, after approval as afore provided for, shall be delivered to the Director of the Budget, which said Director shall be charged with the responsibility of seeing to the proper application and/or the expenditures made therefrom.

Thereupon during the ensuing fiscal year no member of the Quarterly County Court, or the Budget Committee, or other departmental head or representative of said County shall have the right to expend or to authorize the expenditure of any money in the County Treasury or any appropriation other than those set forth in the adopted Budget; and provided, further, that the expenditures can be made against the Budget so adopted only upon the following conditions:

(a) That any departmental head of Morgan County may authorize the expenditure of money, provided appropriation has been made for such expenditure, and, at the time of the expenditure is authorized, that a requisition has been properly executed by the Director of the Budget.

(b) That the Director of the Budget is hereby restricted from the execution of any requisition order or authorizing the expenditure of any money from the County Treasury, unless such appropriation has been made therefor in the Budget so adopted by the Quarterly County Court for the given year in which any expenditure is requested; and provided, further, that such expenditure can then be authorized only provided a sufficient balance remains to the credit of the department for which expenditure has been requested. It shall be the duty, however, of the Director of the Budget to approve expenditures requested by any of the departmental heads so long as same conform to the requirements of this Section.

SEC. 9. That any official of Morgan County having the power, right, or authority to expend County funds from the Treasury of the County, or funds coming into the County Treasury from the State of Tennessee in excess of the monies of funds then and there actually in the Treasury of the County to the credit of his or her department of the County government, or in excess of the Budget adopted by the Quarterly County Court of Morgan County covering that certain period of time as shown by the Budget, such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Morgan County, shall be personally liable, together with his sureties on his Official Bond, to Morgan County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen, the amount of the overdraft or over expenditure with interest from date.

SEC. 10. That it shall be unlawful and a misdemeanor in office for any Official or employee, including the Director of the Budget of Morgan County, to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment, added to amounts previously expended, shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made. That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act; and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

SEC. 11. That it shall be a misdemeanor in office for any Official of Morgan County, Tennessee, including

the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other Official of the County, including the Highway Department, to violate any provision of this Act, to fail or to refuse to perform any of the duties placed upon them, or any of them, by this Act, and any such Officer or Official failing to perform the duties imposed by this Act, or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00 nor more than \$500.00, by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court; provided, further, that any County official convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

SEC. 12. That in order that the fiscal affairs of Morgan County, Tennessee, may be placed on a cash basis, said County is hereby authorized and empowered to issue at one time, or from time to time, bonds of Morgan County, Tennessee, for the purpose of funding any or all warrants, judgments, or other indebtedness of said County, including the indebtedness of the Highway Department; provided, however, that the total Funding Bonds outstanding at any one time issued under the provisions of this Act shall not exceed \$200,000. That all bonds issued by the County under the provisions of this Act shall be authorized by a resolution passed by the Quarterly County Court of said County; said resolution shall be passed on roll call vote and record thereof kept by the Clerk of said Court, and shall be binding upon the County only upon a majority vote of the then existing members of the Quarterly County Court.

SEC. 13. That the resolution providing for the issuance of the bonds may be presented or introduced at any regular, adjourned, or special call meeting of the Quarterly County Court of said County, and shall be in force from and after its passage; provided, however, that same shall have been voted by a majority of the then existing members of said Court. Said Court shall in the resolution determine the rate or rates of interest to be paid on the bonds, not exceeding six (6%) per cent per annum, and the time or times of payment of such interest, and the maturity or maturities of the bonds, which shall be at a time or times not exceeding thirty (30) years from the date of the bonds. Said Court, in the resolution, shall determine the form of bonds and the place or places of payment of principal and interest. Each of the Funding Bonds so authorized shall be executed in behalf of the County by the County Judge of the County and the County Court Clerk of said County, under the Seal of said County. In case any of the Officials whose signatures appear upon the bonds or coupons thereto attached shall cease to be such Officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The bonds may be registered as to principal under such terms and conditions as may be determined by said Court.

SEC. 14. That said County may sell any or all of the bonds authorized under the provisions of this Act in such manner and at such price as it may determine to be for the best interests of the County, but no such sale may be made at a price so low as to require the payment of interest on the money received therefor at more than Six (6%) per cent per annum, computed to the absolute maturity or the average maturities of the bonds, in accordance with Standard Tables of Bond Values. If bonds authorized under this Act are sold at a discount, then additional bonds may be authorized at the same time and in the same resolution to represent the amount of such discount; provided, that said Funding Bonds so issued at the price plus the discount do not exceed a net interest charge of Six (6%) per cent per annum to said County, computed as set out in this Section.

SEC. 15. That all bonds issued under the provisions of this Act shall be direct general obligations of Morgan County, Tennessee, for the payment of which the full faith, credit, and resources of said County shall be irrevocably pledged. Each year while any of the Funding Bonds issued under the provisions of this Act shall be outstanding there shall be levied upon all taxable property in said County an ad valorem tax sufficient in amount to pay the interest thereon as same falls due and the principal thereof as same matures, and the proceeds derived from said tax levy shall be kept in a fund separate and apart from all other funds of said County, and shall be used solely for the purpose of retiring principal and interest of bonds authorized under the provisions of this Act, and any person being a part in interest in either law or in equity upon suit, action, mandamus, may force and compel the performance of the duties required by this Act by governing body or any Official of said County.

SEC. 16. That no bonds issued under authority of this Act shall be subject to taxation by the State of Tennessee or any unit of government within the State of Tennessee, and such bonds shall so state on the face thereof.

SEC. 16-A. That it shall be necessary to include in the resolution authorizing the issuance of bonds under the provisions of this Act a brief description of the indebtedness to be funded thereby, and the indebtedness so described being funded thereby shall be considered the legal binding and incontestable obligations of Morgan County, Tennessee.

That the presently outstanding warrants issued against the various funds of Morgan County, Tennessee, notes, and other outstanding evidences of indebtedness, are hereby validated and legalized and declared to be the incontestable obligations of Morgan County, Tennessee.

SEC. 16-B. That the County Judge or County Chairman, and County Court Clerk, shall execute the bonds as soon as may be after the adoption of a resolution authorizing the issuance thereof, and said bonds shall be by them delivered to the Trustee of said County for delivery to the purchasers thereof. Upon delivery of said bonds by the Trustee of said County, the proceeds derived from the sale thereof shall be deposited by said Trustee in a fund separate and apart from all other County Funds, and shall be used for no other purpose other than the retirement of the indebtedness described in the resolution authorizing the issuance of said bonds.

SEC. 17. That at the end of the first fiscal year of operation of said County under the provisions of this Act, a statement shall be prepared, either by a firm of auditors or an auditor, which shall necessarily recite the expenditures and income for the County for its then ending fiscal year, and which shall show in detail any overdrafts or cash balances which shall have then accrued, and if it is found in such certification that any Section of this Act shall have been not carried out, action shall immediately be instituted and prosecuted to the fullest extent in accordance with the provisions of this Act.

SEC. 18. That the Quarterly County Court of said County may adopt a resolution by a majority vote of the then existing members of said Court for the purpose of borrowing money for meeting appropriations made for the current fiscal year in an amount not exceeding Fifty (50%) per cent of the appropriation made by the Quarterly County Court for such fiscal year. Negotiable notes shall be issued for all monies so borrowed. Such notes shall be issued for a period of time not exceeding Sixty (60) days from their date and may be renewed from time to time; provided, however, that payment of the original note, or its respective renewal, shall be made within the current fiscal year in which same is issued. The proceeds derived from any notes, executed under the provision of this Section, by the County Judge and/or Director of the Budget, and County Court Clerk, in behalf of Morgan County, Tennessee, shall be shown in the Budget for the given fiscal year in such manner that the expenditure column thereof shall not be increased above the amount fixed by the Quarterly County Court. At such time as any notes executed in accordance with the provisions of this Act shall mature and be subject to payment, payment thereof shall be effected and made from the income credited to the Department for which the money was originally borrowed.

SEC. 19. That the purpose of this Act is to place and maintain the fiscal affairs of Morgan County, Tennessee, on a cash basis, and the provisions of this Act shall constitute an irrevocable contract with the holders of the bonds issued under the provisions of this Act.

SEC. 20. That authority and power is hereby granted to Morgan County, Tennessee, to make special tax levies for any purpose irrespective of any laws or parts thereof heretofore passed in conflict herewith, in order to carry out the provisions of this Act, and to make any special pledges necessary in connection therewith by and through action of the Quarterly County Court of said County.

SEC. 21. That the holding of any Section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other Section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each Section, sub-section, sentence or clause or phrase thereof would have been passed and enacted, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

SEC. 22. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1941.

Citizens Gas Utility District

Public Acts of 1959 Chapter 225

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. That all acts and proceedings heretofore taken in connection with the organization of the Citizens Gas Utility District of Scott and Morgan Counties, Tennessee are hereby legalized and validated and said District is hereby constituted a valid district under the provisions of the law pursuant to which such organization proceedings were taken, notwithstanding any defect in such proceedings.

SECTION 2. From the date of the ratification of this act until the regular August election in 1978, the governing body of the Citizen Gas Utility District of Scott and Morgan Counties shall consist of the present

board of that district plus James Griffith of Route 1, Helenwood, Tennessee; Maxine Burton of Elgin, Tennessee; Wilma Laxton of Oneida, Tennessee; Loretta Lloyd of Helenwood, Tennessee; Gary Mason of Oneida, Tennessee; and Verna Bardill of Wartburg, Tennessee. At the regular August election in 1978, there shall be an election held among the subscribers of the district to elect a board of five (5) trustees to govern the district. In the 1978 election one (1) member shall be elected for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Each trustee shall hold office for the term for which he is named or elected or until his successor shall have been elected and qualified. Annual elections shall be held among all the membership in the same way and manner as electric cooperatives. The board of trustees shall promulgate a set of by-laws similar to those provided by electric co-operatives within six (6) months of the enactment of this act which by-laws shall be submitted to the members for ratification. Representation on the board of trustees shall be apportioned so that, at all times, three (3) of the trustees shall be residents of Morgan County. Election of trustees shall be conducted so that the customer owners of the district who reside in Scott County shall vote on each trustee to be elected from Scott County and the consumer owners of the district who reside in Morgan County shall vote on each trustee to be elected from Morgan County.

As amended by: Public Acts of 1977, Chapter 237
Public Acts of 1993, Chapter 176

SECTION 3. That all Acts and proceedings heretofore had or taken by the governing body of said District in connection with the authorization of bonds of said District for purchasing, acquisition, construction, reconstruction, improving, betterment, extending, maintaining and operation of said gas system are hereby legalized and validated and said bonds, when delivered in accordance with the provisions of such proceedings, shall constitute the valid and binding obligations of said District payable from the income and revenue provided in such proceedings. After this law shall become effective, no suit or contest shall be instituted in any court of law or equity contesting the validity of any such bonds or the proceedings in connection with the issuance thereof, or in connection with the right of any acting member of the governing body of said District to his office.

SECTION 4. The trustees of said district shall receive no salary for their services, but each trustee shall be entitled to receive a fee of one hundred dollars (\$100) for attendance at each meeting of the board, and to reimbursement for all expenses incurred in connection with the performance of their duties, subject to the maximum allowed by the by-laws. No more than one hundred dollars (\$100) shall be paid a trustee for attendance fees for meetings held in any one month, but this limitation in payment of attendance fees shall in no way affect the number of meetings the board may hold in any one month. In the event of a vacancy on the board of trustees, the remaining trustees shall have the right to elect a temporary trustee to serve until the next annual election at which time a successor shall be elected to fill the remaining term of the trustee whose office is vacated.

As amended by: Private Acts of 1977, Chapter 237

SECTION 5. That the provisions of this act are severable, and if any of its provisions shall be held to be invalid by any court of competent jurisdiction, the remaining provisions shall remain fully effective, it being hereby declared to be the legislative intent that this Act would have been adopted had any such invalid provision not been included therein.

SECTION 6. That all laws or parts of laws in conflict herewith be and the same are hereby repealed and that this act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1959.

County Attorney

Private Acts of 1951 Chapter 467

SECTION 1. That there is hereby created the office of County Attorney for Morgan County, whose compensation and duties shall be as hereinafter provided. At the August election 1952, there shall be elected by the qualified voters of said county some person as County Attorney, who shall be a licensed practicing attorney, who shall hold office for a period of four years and until his successor shall be elected and qualified. He shall take office upon September 1 next following his election. To fill the vacancy occasioned by the creation of such office, Geo. W. Dagley is hereby named as such County Attorney to serve until September 1, 1952. The Quarterly County Court shall fix the salary of the County Attorney and may provide such emoluments as it deems necessary and proper for the efficient operation of the office of county attorney. If a vacancy should occur in said office of County Attorney, said vacancy shall be filled by the Quarterly County Court at its next regular quarterly meeting. After the occurrence of such vacancy, the person so elected by said Quarterly County Court shall serve until the next regular election.

As amended by: Private Acts of 1976, Chapter 233

SEC. 2. That the duties of said County Attorney shall be as follows:

1. To attend all meetings of the Quarterly County Court when requested by the County Judge and to advise such Court as to legal matters arising during its sessions.
2. To render opinions to the County Judge and all other county officers, in writing, upon such legal matters as may be duly presented to him by such officials. Likewise, the Quarterly County Court in session may request opinions of the County Attorney, the same to be rendered to the County Judge as representative of the Court, but such County Attorney shall not be bound to render any opinion in writing except upon matters directly pertaining to the affairs of the County.
3. To represent the County in all litigation in which it may be involved and also to draft all necessary documents to which the County is a party and to supervise the draftsmanship of those in which the County shall be directly interested.

SEC. 3. That the County Judge of said Morgan County is hereby directed, authorized and empowered to pay the compensation of said County Attorney out of the funds appropriated in the budget for legal expense.

As amended by: Private Acts of 1976, Chapter 233

SEC. 4. That all Acts or parts of Acts in conflict with this Act be, and the same are hereby repealed.

SEC. 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 12, 1951

County Mayor

Redisgnated Title to County Executive

Private Acts of 2004 Chapter 136

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Morgan 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 Morgan 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 20, 2004.

Office Space for County Officials

Private Acts of 1937 Chapter 264

SECTION 1. That all counties having a population of not less than 13,603 nor more than 13,625, or any subsequent Federal Census, shall provide through the Quarterly County Courts and the County Judges ample and sufficient office space in or near the Court House for all county offices coming under the provisions of this Act.

SEC. 2. That all officers coming under the provisions of this Act are hereby required to keep their offices open each and every day, with Sundays and legal holidays excepted, so that any taxpayer, citizen or interested party may have the right to inspect any records, books or papers that may be in said offices and otherwise have free access to said records.

SEC. 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 19, 1937.

Purchasing

Purchasing Commission

Private Acts of 1937 Chapter 149

SECTION 1. That in counties of this State having a population of not less than 13,590, nor more than 13,610, by the Federal Census of 1930, or any subsequent Federal Census, there is hereby created a Purchasing Commission which shall be composed of the County Judge, who shall be Chairman thereof and Trustee of the County and the Superintendent of Roads. Said Commission shall meet at such times as the Chairman shall deem necessary.

As amended by: Private Acts of 1939, Chapter 567

SEC. 2. That it shall be the duty of said County Purchasing Commission to make all purchases of every kind and character which are paid for from funds belonging to or allocated to said County, and highway departments of said County and in case the county jail in said counties shall be or has been declared a workhouse under the provisions of the statute, then such Purchasing Commission shall make all purchases for said workhouse. Provided, that said Commission shall make no purchases for the operations of the schools of said County.

As amended by: Private Acts of 1939, Chapter 567

SEC. 3. That in all cases where the price of articles purchased for any Department of the County at the same or any contemporaneous time shall aggregate \$100.00 or more, it shall be the duty of the County Purchasing Commission to advertise for bids for such articles as hereinafter provided. In case the value of articles to be bought shall exceed \$100.00 but shall not exceed \$500.00, then such advertisement for bids shall be made by the Commission by written or printed posters posted in three or more public places in said County, one of which shall be at the Courthouse door of said County, in case the contemplated purchase shall aggregate more than \$1,000.00 the advertisement for bids shall be published for ten days (10) prior to the date of letting thereof in some newspaper published in said County. If there is no newspaper in said County, then in some newspaper published in an adjoining County which has a substantial circulation in Counties to which this Act applies. Provided, that all purchases of \$100.00 or less may be made by the Chairman without the necessity of a meeting of the board or of letting bids. Upon the day fixed by the notice for the receiving of bids, the said Purchasing Commission shall proceed to open said bids in the presence of as many taxpayers as may choose to attend and shall in all cases proceed to let the contract to the lowest bidder therefor. In case the bid should not be let to the lowest and best bidder, either any aggrieved bidder or any interested taxpayer of counties to which this Act applies shall have the right by appropriate legal procedure, to compel the reception of such lowest bid and likewise no contract purported to be executed by said County Purchasing Commission in compliance with a bid which is not the lowest bid therefor shall be valid and enforceable, either upon said contract or upon a quantum merit basis.

All bids so received by said Commission after being opened and after the award of contract is made thereon shall be filed by said Commission in the office of the County Court Clerk of said County and shall be preserved by him for the remainder of the calendar year in which opened and for the two calendar years next succeeding such year, during which time they shall be open for inspection, during reasonable business hours, to any interested taxpayer.

The Commission shall have the right in the case of purchases of motor fuel, lubricating oil and other consumable articles of like nature to procure bids and let the contract for supplies for the county for a definite period of time, however, not to exceed twelve months from the date of the letting of such contract.

As amended by: Private Acts of 1939, Chapter 567

SEC. 4. That in all cases where an emergency shall exist due to unforeseen action of the elements, of conflagrations and other acts of God, the Purchasing Commission shall have the right and power to make purchases without the necessity of making advertisement for bids as herein provided; provided, however, that prior to making such purposes the County Judge shall by proclamation, which shall be entered upon the minutes of the County Court of said county, publicly proclaim the existence of such emergency, the cause thereof, and as far as possible, substantially the damages occasioned thereby and the need for repairs which will not permit of delay and after such proclamation be duly made and spread upon the minutes of the County Court, then the Purchasing Commission as aforesaid may make purchases to be delivered within the next ten days following such proclamation without the formality of either advertising or requiring competitive bids but no purchase shall be made under these conditions, delivery of which purchase is to be made more than ten days after the date of such proclamation.

SEC. 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1937

Rugby Historic District

Public Acts of 1972 Chapter 821

COMPILER'S NOTE: The provisions of the Public Act have special effect for Morgan County and are not found in the Tennessee Code Annotated.

WHEREAS, Rugby, Tennessee, is rich in historic sites and historic buildings worthy of preservation as part of the educational and patriotic heritage of future generations; and

WHEREAS, Each year the historic buildings are being changed by remodeling, are being allowed to degrade entirely, or are encroached upon by buildings or uses in the immediate environs which substantially detract from their characters; and

WHEREAS, Many of the local citizens and land owners wish to participate in and encourage the preservation and protection of such land, buildings, and historic facilities; and

WHEREAS, Many individuals, land owners, local citizens, and officials are concerned that the educational and cultural heritage of Rugby has been neglected through the demolition of historic buildings or their conversion beyond recognition, occupancy of historic sites by other use, and encroachments which have rendered buildings or sites unattractive; now, therefore,

SECTION 1. This act shall be known as the "Rugby Historic Preservation Act".

SECTION 2. There is created and established a Rugby Historic Commission of five members made up as follows:

- (a) A representative from the Morgan County Quarterly Court.
- (b) A representative of the Tennessee Historical Commission.
- (c) A registered architect with a demonstrated familiarity with historic preservation.
- (d) A citizen-at-large who has a demonstrated interest in the historic preservation of Rugby; and
- (e) A member from the Rugby Restoration Association.

The appointment of Commission members from the Morgan County Court, the Tennessee Historical Commission, and the Rugby Restoration Association shall be by resolution of those respective organizations. The selection of the registered architect and the citizen-atlarge shall be by the three organizational members, from a list of at least three names submitted by the public for each position, public notice having been given that such selection would occur. Terms of membership shall be five (5) years, except that of those first appointed, one shall be for one year, one for two years, one for three years, one for four years and one for five years, with the length of the respective first terms to be determined by lot.

SECTION 3. The Commission shall elect a chairman from among its membership and shall at its first meeting develop and adopt the necessary operating regulations and rules not inconsistent with the provisions of this act. These regulations, rules, and procedures shall be available for public information. The Commission members shall serve without compensation.

SECTION 4. In administering this act the Rugby Historic Commission shall receive for review and prompt action applications from persons desiring to build, remodel, demolish, or change the use of buildings or lands within the designated Rugby Historic District. The Commission should meet promptly and not delay the applicant. They may require of the applicant detailed construction plans in order that they may do an adequate job of considering (1) the historical or architectural value of the present structure, (2) the relationship of the exterior architectural features of the structure to the structure and to the surrounding area, (3) the general compatibility of exterior, design, arrangement, texture, and materials proposed to be used, and (4) any other factor including aesthetics deemed pertinent: The Commission shall give a decisions within thirty (30) days following the availability of necessary data. They may direct the granting of the building permit with or without attaching conditions, or they may direct refusal of the building permit but the grounds of refusal shall be stated in writing. Anyone who may be aggrieved by any final order or judgment of the Commission may have such order or judgment reviewed by the courts as provided by Chapter 9 of Title 27, Tennessee Code Annotated.

SECTION 5. The Rugby Historic District is defined as including those lands within Morgan County bounded by the Clear Fork River on the North and West, Whiteoak Creek on the East, and the Whaley Branch Creek on the South, except that the western end of Whaley Branch Creek be extended to the Brewster Bridge over the Clear Fork River and the eastern portion be extended to about mile post 6 on the Whiteoak

Creek, such mile post being defined on TVA's Rugby Quadrangle map.

SECTION 6. If any section or provision of this act be held to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so held to be unconstitutional.

SECTION 7. This Act shall take effect on becoming a law, the public welfare requiring it.

PASSED: April 7, 1972.

Administration - Historical Notes

County Attorney

The following act once affected the appointment, election, or office of the county attorney in Morgan County. This act is included for historical reference only.

1. Private Acts of 1933, Chapter 344, set the compensation of the Morgan County Court Clerk at \$1,800 per annum. This act was later repealed by Private Acts of 1935, Chapter 101.

County Clerk

The following acts once affected the office of county clerk in Morgan County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1820, Chapter 58, authorized William Wall to keep the Morgan County Clerk's office at his own home.
2. Private Acts of 1826, Chapter 27, authorized that the Morgan County Clerk keep his office at his own house, within one mile of the town of Montgomery, in said county.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Morgan 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 1817, Chapter 132, set the time for holding county court in Morgan County on the third Mondays in January, April, July, and October.
2. Private Acts of 1825, Chapter 269, established the county seat of Morgan County at Samuel Scott's.
3. Acts of 1845-46, Chapter 149, called for an election to keep the county seat in Montgomery, to move it to Wartburg, or to a point designated by five commissioners.
4. Private Acts of 1869-70, First Session, Chapter 20, called for an election on whether to move the county seat of Morgan County to Wartburg or to keep it at Montgomery. This act was amended by Public Acts of 1869-70, First Session, Chapter 62, Section 2, which moved the date of the election from the 1st to the 4th Saturday in March.
5. Public Acts of 1870-71, Chapter 108, validated the actions taken by the county court in Montgomery after the county seat had been officially moved to Wartburg.
6. Private Acts of 1913, Chapter 212, fixed the compensation of the justices of the peace who attended the regular or special sessions of the Morgan County Quarterly Court at \$2.50 per day. In addition, each justice of the peace received 5¢ for each mile traveled in going to and from his residence to the county seat.
7. Private Acts of 1921, Chapter 357, fixed the per diem compensation of the justices of the peace for Morgan County at \$3.00 per diem for their attendance, in addition to the 5¢ for each mile traveled in going to and from their residences to the county seat.
8. Private Acts of 1923, Chapter 501, validated the issuance of \$55,000 in school bonds for Morgan County. The purpose of the bonds was for the construction and equipment of a high school building in said county.
9. Private Acts of 1923, Chapter 624, validated the issuance of \$20,000 in road bonds for the purpose of constructing roads in Morgan County.
10. Private Acts of 1929, Chapter 730, validated and authorized the payment by Morgan County of certain outstanding indebtedness created by the school authorities for the purpose of operating schools within the county.
11. Private Acts of 1937, Chapter 364, validated all actions taken by the Morgan County Court in

issuing \$1,291,300 in refunding bonds.

12. Private Acts of 1949, Chapter 180, fixed the per diem and compensation of the justices of the peace for Morgan County at \$10 per day for their attendance, in addition to the mileage provided.
13. Private Acts of 1967-68, Chapter 432, would have amended Private Acts of 1949, Chapter 180, by increasing the salary of the justices of the peace of Morgan County to \$25 per diem, however, this act was rejected by Morgan County and never became law.

County Mayor

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

1. Public Acts of 1889, Chapter 41, created the office of county judge for Morgan County. The act set an eight year term and defined the judge's duties. This act was repealed by Private Acts of 1901, Chapter 456.
2. Acts of 1909, Chapter 370, as amended by Private Acts of 1919, Chapter 380, Private Acts of 1929, Chapter 687, Private Acts of 1931, Chapter 609, and Private Acts of 1972, Chapter 275, established the office of county judge for Morgan County. The act also abolished the office of chairman of the county court and transferred the powers and jurisdiction of that office to the county judge.
3. Private Acts of 1941, Chapter 497, authorized the Morgan County Judge to expend as much as \$900 per year for secretarial help. This act was amended by Private Acts of 1949, Chapter 178, to increase the amount allowed to be expended to \$1,500.
4. Private Acts of 1951, Chapter 223, authorized \$2,400 dollars in extra compensation for the county judge of Morgan County.

County Register

The following acts once affected the office of county register in Morgan County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 6, authorized Daniel S. Lavender, the county register of Morgan County, to keep his office at his own house in said county.
2. Private Acts of 1831, Chapter 162, provided that all deeds of conveyances and other instruments of writing registered in Morgan County be as good and valid in law and equity as if the same had been endorsed and certified in the most formal and legal manner, and that the same shall be read as evidence on trials at law or in equity in all cases.

General Reference

The following private or local acts constitute part of the administrative and political history of Morgan 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

1. Private Acts of 1821, Chapter 198, released and discharged David Thomas, of Morgan County, from the payment of a fine or judgment taken against him on a scire facias in the Overton County Circuit Court, as security for the appearance of a certain George Cook.
2. Private Acts of 1829-30, Chapter 25, validated the official acts of Benjamin C. White, former surveyor of Morgan County who had been commissioned as Benjamin White.
3. Private Acts of 1831, Chapter 125, authorized the sale of the public square and buildings in Montgomery, the former county seat of Morgan County.
4. Private Acts of 1831, Chapter 223, authorized Thomas Butler, William Butler, James Gilbreath and Meriman Rector to enter any quantity of land, near their salt well, in Morgan, Roane and Anderson counties, provided that they not exceed five thousand acres. This act also provided that the land entered shall not be liable to taxation for fifteen years.
5. Private Acts of 1831, Chapter 231, authorized the tax collectors in Morgan County to turn over all state taxes collected to commissioners appointed by the county court to build a jail.
6. Private Acts of 1835-36, Chapter 116, authorized the remainder of the public square in the town of Montgomery, not previously sold, to be sold.
7. Acts of 1847-48, Chapter 76, authorized Morgan County to furnish a director for the branch of the Bank of Tennessee at Sparta.

8. Acts of 1849-50, Chapter 195, authorized the German Evangelical Church of Morgan County to hold land for church purposes.
9. Acts of 1909, Chapter 483, authorized the governor to grant a right of way through and over the property of the state in Morgan and Anderson counties for a railroad tunnel, so as to more fully develop the state's coal lands.
10. Private Acts of 1915, Chapter 539, made women over the age of 21 years eligible to be appointed and serve as deputy clerk of any of the courts in Morgan County.
11. Private Acts of 1925, Chapter 779, prevented county officials charged with the expenditure of public funds in Morgan County, from drawing or approving checks or warrants against the funds of the county to the amount of \$500.00 or more.

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