

PRIVATE ACTS
OF
MEIGS COUNTY, TENNESSEE

REVISED EDITION

COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
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Revised and Edited By
Steve Lobertini, Legal Consultant
and Theodore Karpynec, Administrative Assistant
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Updated By
Elaine Turner, Paralegal
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PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Meigs County will provide a useful reference for county administration in Meigs County.

We are indebted to the Meigs County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

HOW TO USE THE PRIVATE ACTS OF MEIGS COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984; currently LexisNexis) it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

This compilation is updated through the 2007 Session of the 105th Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

BUDGET SYSTEM

BUDGET COMMITTEE

PRIVATE ACTS OF 1949

CHAPTER 403

SECTION 6. That there is hereby created a County Budget Committee for Meigs County composed of the Chairman of the County Purchasing Commission, the County Judge or Chairman of the County Court and three Justices of the Peace appointed or elected by the Quarterly County Court at its April Term.

It shall be the duty of said Budget Committee, after full investigation of the fiscal affairs of each department, board, commission or office to adopt a proposed budget for the next fiscal year beginning on the next July first, for all affairs of the county except schools. Said proposed budget shall set out in detail the estimated expenditures for each department of the county government by months where practical and otherwise by quarters. Expenditures for each such period shall substantially comply with the budget for the period. It shall also recommend a tax levy for each department of the county government which, together with any unencumbered funds in the hands of the Trustee less a reserve for erroneous assessments and delinquent taxes for that year, it believes will be sufficient to operate each department of the county government on a cash or "pay as you go basis."

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

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

SECTION 7. That it is the purpose of this Act to provide for the "Cash" basis operation of all fiscal affairs of Meigs County. to that end no purchase shall be made for any department until it is determined and certified by the County Central Accounting office, set up under the commission as herein provided, that there is an unencumbered fund in the hands of the Trustee to the credit of the department for which the purchase is to be made, sufficient to pay for said purchase. It is further provided that no warrant shall be drawn by any county official until an encumbrance number has been assigned to it by the Central Accounting office and no encumbrance number shall be so assigned unless and until the Central Accounting office shall have determined that there is sufficient unencumbered funds in the hands of the Trustee to the credit of that particular department to pay such warrant.

SECTION 8. That it shall be a misdemeanor in office for any county official of Meigs County to willfully authorize or execute any contract for service or make any purchase or draw any warrant on the Trustee without having first determined as above set out that there is an unencumbered balance in the current budget for the affected department and that there is in the hands of the Trustee unencumbered funds to pay for the purchase or to pay the warrant, or to make any purchase from any vendor in which he has any personal interest directly or indirectly and upon conviction for this offense the official shall be dismissed from his office and disqualified for holding any public office in Meigs County for a period of five years.

COMPILER'S NOTE: See Road Law for the remainder of this Act.

Passed: April 1, 1949.

ADMINISTRATION

BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

The following acts once created a budgeting system for Meigs County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1970, Chapter 218, amended Chapter 403, Private Acts of 1949 by increasing the members of the Purchasing Commission from three to five and adding a

paragraph that the two added members would be elected by the Quarterly County Court and serve until September, 1970. In August, 1970, during the general election, their successors would be elected, the one getting the highest number of votes serving for four years, the second highest for two years. No more than one member could come from the same civil districts of the county.

2. Private Acts of 1970, Chapter 240, also amended Chapter 403, Private Acts of 1949, in Section 3 by removing the Board of Education and school system from its provisions. Neither of the above acts ever became a law.

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county mayor is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

ADMINISTRATION

COUNTY CLERK

AUTHORITY TO ISSUE BUSINESS LICENSES

PRIVATE ACTS OF 2001

CHAPTER 15

SECTION 1. Prior to the issuance of any new business license, the county clerk of Meigs County shall require evidence that the location of the applicant's business is in compliance with county zoning ordinances.

The county clerk may accept a statement of compliance signed by a planning or zoning officer of the county or municipality, that the location of the applicant's business is in conformity with the county or municipality's zoning requirements, respectively.

The county clerk shall verify the physical location of any applicant for a business license having a postal service box address.

In any actions relative to the enforcement of provisions of a zoning ordinance by an enforcement officer, the issuance of such business license by the county clerk shall not be construed as evidence of compliance with zoning requirements in such actions.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Meigs County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body of Meigs County 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 upon being approved as provided in Section 2.

Passed: March 15, 2001.

ADMINISTRATION

COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined in accordance with T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-701.

The following acts once affected the office of County Clerk in Meigs 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 1921, Chapter 153, fixed the salary of the County Court Clerk of Meigs County at \$900 annually, payable quarterly. The Clerk would file an itemized statement, sworn to, with the County Judge, or Chairman, showing the amount of fees collected by his office. If the fees collected were less than the salary, the County would make up the difference out of the regular County funds; if more, then the excess would be paid into the treasury. This salary would be in lieu of all other fees and compensations.
2. Private Acts of 1927, Chapter 329, amended Chapter 153, Private Acts of 1921, above, by raising the salary of the County Court Clerk to \$1,000 annually from \$900.
3. Private Acts of 1945, Chapter 592, set the annual salary of the County Court Clerk in Meigs County at \$1,400 payable monthly out of the regular County funds. All fees accruing in the Clerk's Office would be paid into the county treasury. All conflicting laws were repealed.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 et seq. The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the Quarterly Court or the county legislative body of Meigs 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 1837-38, Chapter 68, stated that the Sheriff of Meigs County would hold an election at Decatur for the purpose of electing an additional Justice of the Peace for that city, who shall be commissioned and exercise all like powers as other Justices. The Constable for Decatur would be elected at the same time.
2. Private Acts of 1945, Chapter 114, established the per diem pay of the Justices of the Quarterly County Court of Meigs County at \$4.00 per day and the mileage rate for travel between their homes and court at five cents per mile for each meetings.
3. Private Acts of 1969, Chapter 138, amended Chapter 114, Private Acts of 1945, above, by increasing the pay of the Justices to \$100 per year and apparently eliminated the mileage but this act was disapproved by the Quarterly County Court and never became a law under the Home Rule Amendment to the Tennessee Constitution.

ADMINISTRATION

COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

ADMINISTRATION

COUNTY REGISTER

PRIVATE ACTS OF 1969

CHAPTER 149

COMPILER'S NOTE: Section 1 of this act does not concern the Register. See under heading Assessor of Property in Chapter 11.

SECTION 2. That the Register of Deeds of such Counties are hereby prohibited from accepting any deed for register without it having been noted thereon that the ownership has been changed by the Tax Assessor in accordance with Section 1 of this Act. Every violation of this Act by the Register of Deeds shall be deemed a misdemeanor and upon conviction thereof the Register of Deeds shall be fined not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars for each and every violation of this Act.

SECTION 3. That all laws in conflict with this Act are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

SECTION 4. 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 any County to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: May 5, 1969.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined in accordance with T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

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

1. Private Acts of 1905, Chapter 219, amended the State Code to provide that the Register of Meigs County shall be ex-officio Clerk of the Circuit and Criminal Courts of that County and will perform their duties in their absence and, while doing so, receive their salaries and the fees of their office, but, these fees would also be shown by him in his report to the County Court on the operations of his office. The Act would take effect on September 1, 1906, unless a vacancy occurred prior to that date.
2. Private Acts of 1937, Chapter 89, established the salary of the Register and ex-officio Circuit Court Clerk at \$750 per year payable monthly out of the regular county funds for which the County Judge, or Chairman, would issue warrants.
3. Private Acts of 1945, Chapter 584, also concerned the salary of the Register and ex-officio Circuit Court Clerk in Meigs County raising the same to \$1,200 per year from \$750 payable monthly out of the County Treasury. All fees collected by the Register's office and while he was discharging the duties of the Circuit Court Clerk would be the property of the county.

ADMINISTRATION

COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is determined in accordance with T.C.A. § 8-24-102.

ADMINISTRATION

FINANCIAL MANAGEMENT ACT OF 2007

PRIVATE ACTS OF 2007

CHAPTER 28

SECTION 1. Short title. This act shall be known and may be cited as the “The Meigs County Financial Management Act of 2007.”

SECTION 2. Definitions. As used in this act, unless the context otherwise requires:

- (a) “Committee” means the Meigs County financial management committee;
- (b) “Department” means the Meigs County finance department; and
- (c) “Director” means the director of the Meigs County finance department.

SECTION 3. Finance department - general provisions.

(a) There is hereby created the Meigs County finance department to administer the finances of the county for all funds, excluding school funds, of the various departments, agencies and boards which are handled by the county trustee.

(b) The finance department shall be responsible for purchasing, accounting, budgeting, payroll, cash management and other such financial matters of the county as herein provided.

(c) Upon approval of this act pursuant to Section 28 of this act, all employees within the purchase and finance office performing the functions of purchasing, payroll, accounting and budgeting in the various operating departments shall be transferred to the supervision of the director of finance, and such salaries, benefits and expenses relating to such personnel shall be budgeted under the finance department, notwithstanding any other law to the contrary.

(d) The department shall administer all funds and functions prescribed by this act for all county departments, agencies, and officials, including the highway department.

(1) The department shall establish a system of fiscal management control, accounting, budgeting, purchasing, and cash management as herein provided.

(2) Such system shall conform to generally accepted principles of governmental accounting, shall be in substantial agreement with the recommendations of the national council of governmental accounting, and shall

be in compliance with the rules and regulations established by the state comptroller of the treasury and state law.

SECTION 4. Financial management committee - general provisions.

(a) The Meigs County financial management committee is hereby created.

(b)

(1) The committee shall consist of the county mayor, supervisor of highways, and five (5) members elected by the county legislative body at its regular September session of each year or at any subsequent session.

(2) The five (5) members elected by the county legislative body need not be members of such body.

(c) Such committee shall elect its own chair and shall meet from time to time as it may deem necessary for the discharge of its duties as provided herein.

(d) The director shall be the ex officio secretary of such committee.

(e)

(1) The financial management committee shall establish and approve policies, procedures and regulations in addition to the specific provisions of this act, for implementing a sound and efficient financial system for administering the funds of the county.

(2) Such system shall include budgeting, accounting, purchasing, payroll, cash/investment management, debt management and such other financial matters necessary to an efficient system.

SECTION 5. Special committees - general provisions.

(a) The county legislative body may authorize the committee to assume the functions of any or all of the following special committees or the county legislative body may by resolutions create:

(1) An investment/debt committee;

(2) A purchasing committee; or

(3) Any other committee for effective operation of county government.

(b)

(1) The special committees shall be composed of a minimum of five (5) members appointed by the county legislative body. The members of such committees need not be members of the county legislative body.

(c) The director shall be the ex officio secretary of each such committee.

(d) The finance committee shall establish and approve policies, forms and documents, procedures, and regulations necessary for the preparation of the annual operating and capital improvement budgets.

(e) The investment/debt committee shall establish and approve policies and procedures for cash management and investing idle cash funds in various investments as prescribed by law.

(f) The purchasing committee shall establish and approve policies and procedures for the purchasing of all supplies, equipment or goods for the county.

SECTION 6. Director of finance - appointment and compensation.

(a)

(1) The committee shall recommend a qualified (as outlined in the director of finance job description) candidate for approval by the simple majority of the full county legislative body.

(2) The committee may dismiss the director, subject to the approval by simple majority vote of the full county legislative body.

(3) The director shall for all purposes be an employee of the county.

(b) The compensation of the director shall be established by the committee, subject to the approval of the county legislative body. The salary shall not exceed the state minimum, mandated salary of the county trustee, unless approved by a two-thirds (2/3) majority of the full county legislative body.

SECTION 7. Director - duties.

(a) The director shall oversee the operation of the department in the functions established by this act, and shall be responsible for the implementation of the policies of the committee or such special committee established by the county legislative body.

(b) The director shall, among the director's duties, install and maintain a purchasing, payroll, budgeting, and accounting and cash financial management system for the county.

(c) The director shall assist other county officials and employees in achieving an efficient financial management system for the county.

(d) The director has the authority to hire personnel for the finance department; provided that the positions are funded in the annual budget and the personnel so hired meet the written job requirements as recommended by the director and approved by the finance committee.

(e) In the event of a vacancy in the position of director, the committee may appoint someone to the position of interim director to assume the duties of the director until a director is appointed and confirmed by the county legislative body. An interim director shall not serve longer than ninety (90) days consecutively without the approval of the county legislative body. The compensation of the interim director shall be set by the committee within the budget. The line item in the operating budget for the director may be used to compensate the interim director. The interim director need not have the qualifications of a director.

SECTION 8. Director - deputy.

(a) A person employed by the finance department shall be recommended by the director and approved by the finance committee to serve as deputy director of finance.

(b)

(1) The person employed for this position shall perform such duties and responsibilities as assigned by the director.

(2) In the absence of the director, the deputy director shall perform the duties of the director necessary to the continued operation of the department, including, but not limited to, the cosigning of warrants, payroll checks and purchase orders.

SECTION 9. Director - bond.

(a) The director shall execute a blanket bond in an amount of not less than (sic) fifty thousand dollars (\$50,000) for the faithful performance of the director's duties as director and of the department employees in accordance with the general law for such bonds.

(b) The cost of such bond shall be paid from funds appropriated to the department for such purpose.

(c) The amount of such bond may be increased subject to the approval of the committee and additional appropriations by the county legislative body.

(d) The bond shall be recorded in the office of the county register of deeds in the same manner as are the bonds of county officials.

SECTION 10. Budget - preparation and finance committee review.

(a) The finance committee in conjunction with the director shall, on or before February 1 of each year, prescribe the budgetary procedures, forms, calendar and other information as may be necessary to implement the budgetary procedures contained in this act.

(b) Each department or office of county government shall submit on request of the finance committee a proposed budget for the succeeding fiscal year and such other budgetary information requested by the director or the finance committee.

(c)

(1) The director shall prepare from the information submitted to such director or consolidated budget document.

(2) such document shall show by item the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, and all other funds.

(3) Such document shall show an estimate of the revenues to be received by each of the funds during the next fiscal year and an estimate of the unencumbered fund balance of each of such funds at the beginning of the fiscal year.

(d)

(1) The director shall file the consolidated budget with the finance committee.

(2) The finance committee shall review and present the recommended budget to the members of the county legislative body at least ten (10) days prior to the July meeting.

(3) Such budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year as submitted by each department, office or agency and recommended by the finance committee, and shall conform to the uniform classification of accounts established by the director in accordance with the prescribed state uniform accounting system.

(4) The finance committee shall fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year and shall propose a tentative tax rate to fund such budget.

SECTION 11. Budget - hearings - supporting documents - county action.

(a)

(1) At least ten (10) days before the proposed budget is to be presented to the legislative body for approval, the finance committee shall cause a synopsis of the proposed budget to be published in a newspaper of general circulation in the county.

(2) Such publication shall also contain a notice of a public hearing to be conducted by the finance committee at which time any citizen of the county upon five (5) days written request shall have the right to appear and state his or her views on the budget.

(b) The finance committee shall present the budget to the county legislative body at the regular July meeting each year or at a special session called for this purpose prior to the regular July meeting.

(c) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget.

(d) With the proposed budget, the finance committee shall deliver to the county legislative body a budget appropriation resolution and a tax levy resolution.

(e)

(1) The county legislative body may alter or revise the proposed budget except as to provision for debt service requirements and for other expenditures required by law.

(2) The county legislative body shall finally adopt a budget in July.

(f)

(1) After the adoption of the budget, any county department, agency or official shall be entitled to a hearing before the county legislative body to justify any proposed additional requests or budget estimates.

(2) The director may make quarterly allotments to any department, agency or official seeking a budget hearing in an amount not in excess of that approved in the budget for such quarter.

(3) Upon amendment of the budget, the director shall make a supplemental allotment or impound the funds of any department, agency or official to bring such appropriations in line with the amended budget.

(g) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the county clerk.

SECTION 12. Appropriations - later modifications - impounding.

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by the resolutions, and no expenditure shall be made or obligation created in excess of such limitation.

(b) Any resolution presented to the county legislative body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by the county legislative body, which provides for an appropriation, shall specifically provide by tax levy sufficient revenues, or designate the source of funds to meet expenditures to be made in consequence of such additional appropriation.

(c)

(1) If at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds, together with its unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the director to impound the appropriations from such fund in such amount as shall be necessary to balance such account.

(2) Upon the written approval of the committee, such impounded funds shall be released.

SECTION 13. Expenditures - minor adjustments.

(a) The appropriations made by the county legislative body shall constitute authorization for the expenditures contained therein unless otherwise limited by the county legislative body.

(b) Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated.

(c) The expenditures and encumbrances against the amounts appropriated shall be made only upon an order or authorization issued by the department.

(d) No expenditures made or obligations created in any manner shall be valid or binding against the county except as provided by the provisions of this act.

(e)

(1) The director, upon the written consent of any official or head of any department or division which may be affected, may make transfers and adjustments equal to or less than one thousand dollars (\$1000), excluding personnel or fund balance.

(2) Any other transfers or adjustments shall be submitted to the finance committee for its recommendation to the county legislative body.

SECTION 14. Monthly reports.

(a)

(1) The director shall make a report at the end of each month showing the condition of the budget.

(2) Such report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance.

(3) Such report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate.

(b) Each department head, elected official and board member shall be furnished copies of monthly reports for their respective departments as soon as the same are available.

(c)

(1) The most recent of such reports shall be presented by the director at each regular session of the county legislative body.

(2) At such time, the director shall advise the county legislative body of the condition of the budget, of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in the director's opinion, the county legislative body should take in order that the financial condition of the county is not impaired.

SECTION 15. Accounting system - pre-audit of invoices, etc.

(a) There shall be set up and maintained in the department a system of fiscal procedure, control and centralized accounting which shall be under the administrative control and direction of the director. The procedures and records shall be maintained in accordance with provisions of this act.

(1) Before any obligation against the county shall be paid or any disbursement warrant or voucher issued, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service shall be approved by the head of an office department or agency for which the obligation was made and shall be filed with the director.

(2) The director shall establish a system for making a careful pre-audit of such invoice, purchase order, or other documents, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable.

(3) Disbursement warrants shall be promptly prepared for all such approved obligations by the director, signed in accordance with Section 16 of this act and mailed or delivered to the payees thereof.

SECTION 16. Disbursement warrants

(a) All disbursement warrants drawn on the county trustee for the obligations of all county departments, agencies, and officials, including the county mayor and the county highway department, shall be signed as provided herein.

(b)

(1) The disbursement warrants shall be prepared in the finance department and provided to each relevant county department for signing.

(2) Upon the signing of such warrant by the department head or, in his or her absence, the county mayor or chair of the finance committee, the person signing the disbursement warrant shall return the warrant to the finance director for such director's signature as a cosigner and for filing and mailing from the finance department.

(3) A duplicate copy of all disbursement warrants, with all original invoices and other supporting documents attached thereto, shall be kept on file in the office of the director.

SECTION 17. Payroll account.

(a) The committee shall maintain a special county payroll account at a bank in which disbursement warrants for the total of each payroll shall be deposited and against which individual net earning checks may be issued to each of the county employees.

(b) The committee may authorize the issuance of such payroll checks on the signature of the director and, in such event, the depository bank shall be so instructed.

SECTION 18. Director as purchasing agent - optional purchasing department.

(a) The director or a deputy appointed by the director shall serve as the county purchasing agent and shall assist the committee in developing policies and procedures for implementing an economical and efficient purchasing system.

(b) The following shall be the responsibility of the director:

(1) The contract, purchase, or any obligation of the county for supplies, material, equipment, contractual services, rental of machinery, buildings, or equipment, transfer of materials, supplies, and equipment between county offices or agencies;

(2) Supervision of storeroom or warehouse;

(3) Contracts for building construction and the purchase of land;

(4) Public sale of all surplus materials, equipment, buildings and land; and

(5) Any other created obligation of the county.

SECTION 19. Purchasing system.

(a) The committee, with the assistance of the purchasing agent, shall establish a purchasing system for the county.

(b) Such system shall provide, among other procedures, the following:

(1) Review of all contracts or purchases for biddable supplies, materials, equipment, and other needs of the county, shall be made by the purchasing agent;

(2) No purchase or contract shall be made when the bid prices exceed the current market price for the same merchandise or service;

(3) Purchases and contracts shall be awarded based on the lowest and best bid;

(4) Specifications development shall be made by the department, agency or official to receive the merchandise, construction or service;

(5) The purchasing agent shall:

(A) Review specifications and changes to allow for maximum competition of prospective bidders;

(B) Prepare formal and informal bids;

(C) Collect sealed bids;

(D) Open bids through a procedure open to the public;

(E) Evaluate, compare and submit bids for approval by the committee, if so deemed by the committee;

(F) Issue purchase orders and contracts; and

(G) Verify receiving the merchandise or service;

(6) The director shall:

(A) Accept requisitions by the department, agency or official, and, if such supplies are not currently on hand, transmit such requisition to the purchasing agent;

(B) Verify budget appropriations before authorizing a purchase;

(C) Approve invoices for payment; and

(D) Pay invoices and obligations of the county as provided herein;
and

(7) Emergency purchases, total cost bidding, blanket purchases for small orders, grouping of purchases of the various departments, and other methods for receiving the most competitive price and best bid. Emergency purchases shall be limited to needs arising, which are not normally foreseeable. Emergency purchases shall not be permissible if a department or agency fails to properly plan for the need, proper purchasing procedures, and delivery time.

SECTION 20. Bidding.

(a) The committee shall authorize the dollar limitation when formal competitive bids are required but not to exceed the amount as authorized by state law.

(b) Subject to the policies and regulations of the committee, “biddable items” means any need of the county where more than one (1) bidder or contractor in the county’s trade area can provide the material or service. Specifications shall not be written to exclude vendors and contractors or limit the bidding to a specific vendor or contractor.

(c) The county shall be liable for the payment of all purchases of supplies, materials, equipment and contractual service made in accordance with the provisions of this act but shall not be liable for the payment of such purchases made contrary to its provisions unless such item is specifically approved by the committee.

SECTION 21. Conflicts of interest.

(a) The director, purchasing agent, members of the committee, members of the county legislative body, other officials, employees, members of the board of education or highway commission shall not be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials or equipment for the county.

(b) No firm, corporation, partnership, association or individual furnishing any such supplies, materials or equipment, shall give or offer, nor shall the director or purchasing agent or any assistant or employee accept or receive directly or indirectly, from any person, firm, corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other things of value whatsoever, or any promise, obligations or contract for future reward or compensation.

SECTION 22. Committee members' compensation. The county legislative body shall set the compensation based on the service and time rendered in implementing the provisions of this act for members of the various committees created herein.

SECTION 23. County employee unaffected.

(a) Notwithstanding any provision of this act, each department, agency or official shall have the authority to hire personnel and set salaries and to determine the needs for its use, all subject to budget limitations and the availability of funds.

(b) The authority of the committee, director or purchasing agent shall be limited to the provisions of this act and such policies necessary to implement the provisions of this act. They shall not have the authority to veto the hiring and dismissal of personnel of the various county departments, agencies, or officials or set salaries nor determine the needs of such departments.

SECTION 24. Violations - penalties. Any official or employee of the county, or of any institution or agency thereof, who shall fail or refuse to perform the duties required of such person by this act, or who shall fail or refuse otherwise to conform to the provisions of this act shall be guilty of neglect of duty and shall be subject to the provisions of the general law for removal of public officials from their office or position and shall also be subject to a civil monetary penalty not to exceed fifty dollars (\$50) if such civil monetary penalty is imposed by the county legislative body pursuant to law.

SECTION 25. Approval / implementation of private act.

(a) Upon approval of this act pursuant to Section 28, the county legislative body shall appoint members of the committee at the next meeting of such body.

(b) Within thirty (30) days after such appointment, the committee shall meet, elect a chair, and start the process for hiring a director.

(c) The committee shall also develop plans for implementing the financial management system that will begin no later than one hundred eighty (180) days after the effective date of this act.

(d) After an implementation plan has been developed and approved by the committee, a report shall be submitted to the county legislative body within one hundred eighty (180) days of the effective date of this act.

SECTION 26. Repeal of prior acts. Any or all parts of Chapter 403 of the Private Acts of 1949, as amended by Chapter 104 of the Private Acts of 1975, Chapter 5 of the Private Acts of 1977, Chapter 44 of the Private acts of 1999, Chapter 94 of the Private Acts of 2006, and any other acts amendatory thereto, that prescribe fiscal procedures in direct conflict with the provisions of this act are hereby repealed.

SECTION 27. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 28. Local approval. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Meigs County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 29. Effective date. 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 28 of this act.

Passed: April 12, 2007.

ADMINISTRATION

PORT AUTHORITY

On March 21, 1963, the General Assembly passed Chapter 247, Private Acts of 1963, Page 772, which created a Port Authority for Rhea and Meigs counties but the Quarterly County Court of Meigs County did not approve this Bill and, as a result of that, it never did become a law under the Home Rule Amendment to the Tennessee Constitution.

This Act is not published herein because it never became effective but a synopsis of its contents is written below for those to whom the program might have some interest.

1. Private Acts of 1963, Chapter 247, created a Port Authority for Meigs and Rhea Counties in order to facilitate transportation in those counties and to promote navigation on the Hiwassee River together with some other stated purposes. The Authority would consist of six Commissioners and such other employees as were necessary to exercise and discharge the powers granted and to accomplish the purposes and objectives prescribed in the Act. The Act granted authority for the construction, acquisition, ownership, maintenance, and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water, sports, and recreation facilities by Rhea and Meigs counties; and for the promotion of and facilitating of commercial and industrial development programs in the area by the said counties and by other parties. Provisions for the management, regulation, and government of the Port Authority were written into the Act and, also for the issuance and sale of bonds by the two governments. The conditions under which money could be borrowed for the purpose of carrying out the powers granted herein were enumerated. The Commissioners would not be compensated except as the County Courts might allow them a per diem, but their necessary and incidental expenses incurred while on the business of the Authority would be paid. In most instances Rhea and Meigs would have shared the expenses and costs for which each was granted the power to levy taxes or borrow money for those purposes.

ADMINISTRATION

PURCHASING

PURCHASING AND FINANCE COMMISSION

PRIVATE ACTS OF 1949

CHAPTER 403

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

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

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

Said Commission shall be composed of three citizens of the county who have resided in the county for at least five years and who shall be business men with at least five years of general business experience or successful farmers and shall be at least thirty years of age.

The members of the Commission shall be elected by the voters of the county for six years but their terms of office shall be so staggered that one member will be elected each August election so as to have a continuing Commission so that there will always be two experienced members.

The following persons are hereby appointed to serve as members of said Commission until September 1, 1950; Guy Sanders, J. H. Hornsby, and Charles Hagler, and/or until their successors are elected and qualified.

In the August, 1950 election, one member shall be elected for a two year term, one member for a four year term and one member for a six year term. The candidate receiving the highest vote shall serve for six years; the candidate receiving the next highest vote shall serve four years, and the candidate receiving the third highest number of votes shall serve two years; provided, that not more than one member shall be elected from the same civil district. The terms of office of each member shall begin on September 1, succeeding their election. Candidates for said Commission shall qualify in the manner prescribed by Section 2047 of The Code of Tennessee.

After the first election in August, 1950, there shall be elected in each biennial August election a successor to the member whose term expires on the succeeding September first, and the term of office will be six years. Not more than one member of the Commission shall be elected from or a resident of the same civil district. In event more than one member is elected from the same civil district in the August election of 1950, only the member from such civil district receiving the highest number of votes shall be entitled to serve as a member of said Commission and the other candidates from the same civil district shall not be entitled to serve regardless of the number of votes they may receive, and the candidates receiving the next highest vote and residing in another civil district shall be entitled to serve as a member of said Commission. The third member of said Commission shall be from still another civil district and shall be chosen in the same manner.

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

The compensation of the members shall be seven hundred dollars (\$700.00) per year, and the Chairman shall receive an additional one hundred dollars (\$100.00) per year. Such compensation shall be paid out of county highway funds on warrants drawn by the County Judge or Chairman.

As amended by: Private Acts of 1975, Chapter 104,
Private Acts of 2006, Chapter 94.

SECTION 3. That the administrative details of accounting and purchasing, auditing and budgeting, matters pertaining to finance, the drawing of warrants, the keeping of books and records of the county and all similar details shall be under the supervision of the Commission.

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

The Commission shall be the purchasing agency for the county and is authorized to employ all necessary assistants and to fix and pay compensation therefor out of the general and/or highway funds of the county. It shall be the duty of the Commission acting as Purchasing Agent to purchase all the supplies, materials or properties of every kind and character, including insurance on county property, used or consumed by the county or any of its officers, agents, employees, boards or commissions including all county offices, the county jail (exclusive of supplies for boarding prisoners), the County Workhouse, the county schools and the County Board of Education, all the materials and supplies or equipment used in connection with the County Poor Farm, highways and bridges and all other officials, boards or commissions of said county where such supplies, materials or properties are paid for out of the public funds belonging to or under the control of said county. All contracts, for construction of buildings, roads, and any other work shall be let by the Commission at the request of the official or board having jurisdiction to order the work done. The plans and specifications shall be adopted or supplied by such Board or official having jurisdiction. No county official or board other than the Commission shall have any authority to make purchases or to let contracts as set out above which bind the county. The purchase of supplies, materials or properties in any one class in excess of five thousand dollars \$5,000.00 shall be made upon competitive bids, after due notice by advertisement or otherwise to prospective bidders; purchases in smaller amounts shall also be made at lowest and best price possible; provided however, that in case of emergency, competitive bids shall not be required. Provided further, that nothing herein shall operate to prevent the purchase of coal from the State of Tennessee if it appears in the public interest to so purchase it.

As amended by: Private Acts of 1977, Chapter 5,
Private Acts of 1999, Chapter 44,
Private Acts of 2006, Chapter 94.

Said Commission shall, upon authorization of the County Court, sell any real or personal property of the county not needed or suitable for public use or that may have been condemned or discarded; either at public or private sale.

All county officials, commissions or boards and all authorized clerks of any Court in said county shall make requisition upon the Commission for the quantity and character of supplies, materials or properties needed or the needs of which are anticipated; and if such

commission be satisfied that the quantity, quality and character of such supplies, materials or properties so requisitioned are proper and necessary, it shall proceed to purchase the same and make delivery thereof to the requisitioning officer or officials, board or commission, or if deemed advisable store the same in such storage space as may be provided, delivery thereof to be made when, and if, needed.

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

Said Commission shall make reports, listing all purchases and contracts consummated by it to the regular meetings of the County Court for the preceding quarter, and/or reports which shall summarize the county's financial operations for the fiscal year to date, specifying for each item in the budget the appropriation, the expenditures to date, outstanding encumbrances, and unencumbered balance; and specifying further for each revenue source the amount estimated for the year, the amount collected to date, and the uncollected balance; and presenting any other financial information deemed pertinent by the commission.

Said Commission shall be responsible for the auditing and checking all county officials, employees, boards or commissions and the County Court shall make available to it all necessary help and assistance, technical, expert or otherwise as may be advisable to the end that systematic audits, checks and surveys may be made at such times and in such manner as the County Court may determine and a report thereof kept in the office of the Commission for public inspection. Said County Court shall employ a certified public accountant who is not otherwise an employee of the county, or a firm of such accountants, and may enter into contracts with them on behalf of the county, prescribing the method and time of such audits, but the books and records of such county official, board or commission, shall be audited not less than once each year, provided, however, that the expense of said audits shall not exceed \$1,000.00 per year.

SECTION 4. That the scale of wages and salaries of all employees of the Highway Department shall be subject to the approval of the said Commission. And all authority to draw warrants on highway department funds in the hands of the County Trustee shall be removed from the Highway Supervisor and placed in the Commission, the same as for purchases. The County Highway Department shall submit its payroll to the Commission and if found in order it shall draw warrants in payment of it as above set out for payment for purchases of supplies, materials and properties.

SECTION 5. That until otherwise prescribed by the County Court, the fiscal year of the government of Meigs County shall begin on July 1st and end on June 30 each year.

And that the current fiscal year which began January 1, 1949, shall end June 30, 1949, and the County Court shall have authority to take proper action to facilitate his change over to the new fiscal year.

COMPILER'S NOTE: The remainder of this act concerned matters other than Purchasing and Finance and is not copied here.

Passed: April 1, 1949.

ADMINISTRATION

PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 *et seq.* Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$10,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 *et seq.*, unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$10,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 *et seq.*

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county

operates under one act rather than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$10,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$10,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$10,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.

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

1. Private Acts of 1970, Chapter 218, provided for 2 additional members to serve on the Purchasing and Finance Commission. This act was not ratified by the county legislative body and is therefore not operative.
2. Private Acts of 1976, Chapter 219, attempted to raise the purchasing limit from \$100 to \$300. This act was not approved; however, the same amendment did pass in 1977.

ADMINISTRATION

GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the Tennessee County Government Handbook, a CTAS publication.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

RED FOXES

PRIVATE ACTS OF 1955

CHAPTER 368

SECTION 1. That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 6,075 and not more than 6,083 inhabitants, according to the Federal Census of 1950 or any subsequent Federal Census; and in all counties of this State having a population of not less than 16,037 and not more than 16,045 according to the Federal Census of 1950 or any subsequent Federal Census.

It shall be lawful for any person to kill a red fox at any time in the counties to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

SECTION 2. That all laws or parts of laws in conflict with this Act 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 17, 1955.

ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Meigs County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1889, Chapter 179, made it unlawful for any non-resident of Tennessee to hunt, shoot, kill, catch, or carry away game of any kind in 19 counties named in the law including Meigs County.
2. Acts of 1889, Chapter 244, provided that only citizens of Tennessee could hunt, kill, or capture wild deer, wild turkeys, quail, partridge, or any species of game or fish in 14 counties enumerated in the Bill, including Meigs. Only citizens of the named counties could kill deer for profit but non-county residents of Tennessee could down them for their own use and consumption. The violations of the Act would be subject to fines ranging from \$5.00 to \$25.00 for each offense.
3. Acts of 1893, Chapter 128, amended Chapter 179, Acts of 1889, above, so as to permit a non-resident to hunt and kill deer in Sullivan County at the request of or with the consent of the owner of the land but this Act did not affect any other county in the group.
4. Acts of 1897, Chapter 283, made it lawful to catch fish in Lincoln, Macon, Meigs, and Carroll Counties in every way and at all times except by the use of explosives, poisons, and devices that prevent the free and easy passage of fish up and down the stream.
5. Acts of 1905, Chapter 408, made it illegal to place in any running stream in Meigs County any sawdust, acid, or other substance injurious to the fish in the said streams. The act was declared to be a misdemeanor and to be punished as such.
6. Private Acts of 1909, Chapter 502, declared that a fence constructed of four strands of barbed wire or ribbon wire, or four planks of wood, or a combination of barbed wire and woven wire netting, securely fastened to substantial posts firmly set in the ground no more than 16 feet apart, and eight feet next to corners, shall be a lawful fence along public roads and open lands in Meigs County. The distance between the strands of wire from the ground to the fence top were specified. Any person whose lands were enclosed by such a fence would be compensated in damages by the owner of any trespassing live stock.

7. Private Acts of 1911, Chapter 625, is almost a reenactment of the fence requirement listed in the Act above, provided that the bottom wire shall be 12 inches above the ground, the second 12 inches above that one, the third the same, and the fourth the same, all securely fastened to the posts. Fences of barbed wire and woven wire be at least four feet high. This Act made it unlawful for sheep, goats, hogs, swine, geese, and ducks to run at large and applied equally to Houston County.
8. Private Acts of 1915, Chapter 274, stated that an election would be held in Meigs County within five days from the passage of this Act to ascertain the will of the voters on a stock law. The election would be held under the election laws of the state with a "For" or "Against" ballot and the results of the same would be certified to the representative in the General Assembly within three days after being held.
9. Private Acts of 1917, Chapter 12, called for another referendum on the question of a stock law for Meigs County within 15 days from its passage. All can vote who are qualified to vote in the general election and the results will be certified to the General Assembly within five days of the election.
10. Private Acts of 1917, Chapter 654, made it illegal for any owner or keeper of livestock to permit the same to run at large or trespass on the property of another in Meigs County. Any willful or negligent violator shall be subject to fine and the fact that the livestock trespassed against a partition fence is not a defense. The damaged person may take up the stock and have a lien for the cost of keeping them as well as for damages.
11. Private Acts of 1917, Chapter 656, made it unlawful for any person in Meigs and Rhea Counties to shoot any fox or destroy the den of any young fox or foxes, or use any snare, trap, or other device which is capable of catching, maiming or otherwise injuring the said animals. The Act did not prohibit hunting or chasing foxes with dogs whereby the fox is caught and killed by the dogs, nor shall the act apply when the fox is a threat to crops or poultry.
12. Private Acts of 1919, Chapter 612, declared the open season for hunting quail in Meigs County to be from November 15 to February 1.
13. Private Acts of 1921, Chapter 858, exempted Meigs and Rhea Counties from the provisions of Chapter 61, Public Acts of 1919, which was a statewide law regulating the care and keeping of dogs.
14. Private Acts of 1929, Chapter 115, was almost a repetition of Chapter 656, Private Acts of 1917, above, concerning the protection of foxes making those guilty subject to fines from \$25 to \$100 but otherwise containing the same provisions mentioned in that Act. This Act was repealed by the one below.
15. Private Acts of 1949, Chapter 35, repealed expressly and entirely Chapter 115, Private Acts of 1929 which was an act to protect foxes.

CHAPTER III - BOND ISSUES

BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 *et seq.* However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Meigs County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

BRIDGE

1. Private Acts of 1935, Chapter 635, Page 1713, allowed the Quarterly County Court of Meigs County, subject to the outcome of a referendum held for that purpose, to issue \$125,000 in bonds at a maximum rate of interest of 5%, and a maturity period not to exceed 20 years, to build a bridge across the Tennessee River between Decatur and Dayton on or near present state highway #30. The court would set the details and form of the bonds and levy a tax when they were issued to be placed into the sinking fund. The construction of the bridge would be supervised by the State Department of Public Works and authority to use gasoline tax money to liquidate the bonds was also granted.

COURTHOUSE

1. Private Acts of 1903, Chapter 15, Page 39, allowed the County Court to issue \$10,000 in 6%, one to twenty year bonds, to erect a courthouse for the county. The details of the issue, the form of the bonds, and the tax levy for the sinking fund would all be handled by the Court. The Trustee would handle the money and keep the records. Chapter 89, Private Acts of 1903, was a duplicate of this Act.

DEBTS

1. Private Acts of 1931, Chapter 164, Page 387, allowed the Quarterly County Court to issue \$50,000 in 5%, 30 year bonds which shall be used to pay the outstanding debts of the county evidenced by warrants heretofore issued. All essential details are present in the law. Many counties were compelled to borrow money to pay debts after the stock market crash of 1929.
2. Private Acts of 1931, Chapter 280, Page 743, amended Chapter 164, above, by raising the maximum allowable interest rate to 6% instead of 5%.

3. Private Acts of 1933, Chapter 167, Page 430, permitted the issuance by the Meigs Quarterly County Court of \$6,000 in 6%, 30 year, refunding bonds which would be used to repay a like amount of bonds issued by authority of Chapter 618, Private Acts of 1915. The County Court would decide on the form of the bonds, the interest rate and the maturity schedule. The Court would also levy a tax to repay the bonds and the Trustee would keep the funds in a separate account.
4. Private Acts of 1941, Chapter 457, Page 1591, allowed the Quarterly County Court of Meigs County to issue \$200,000 in 4½%, 30 year bonds which would be general obligation bonds, and which would be used to discharge and pay off outstanding floating indebtedness and to refund the present bonded debt of the county. All the required provisions on details and tax levies were present in the law.

HOSPITAL

1. Private Acts of 1955, Chapter 105, Page 293, called for a referendum election to voice approval or disapproval of a proposed bond issue for a county hospital in Meigs County. All voters qualified to vote in the general election were eligible to vote in this election the results of which would be certified to the county court. This bill was not acted on by the Quarterly Court according to a statement in the printed volume of the 1955 Private Acts, and therefore never became effective.

ROADS

1. Private Acts of 1911, Chapter 400, Page 1113, called for a referendum to be held on May 11, 1911, to decide whether or not the Quarterly County Court of Meigs County would issue \$100,000 in bonds to improve and build the public roads of the county. These would be 5% bonds payable \$20,000 every ten years for fifty years. The Trustee, after making suitable bond, would handle the money and keep the accounts. A Road Commission of three people would sell the bonds, employ an engineer to supervise the program, determine what roads would be built or improved, and solicit bids and award contracts, if necessary.
2. Private Acts of 1911, Chapter 624, Page 1903, amended Chapter 400, Private Acts of 1911, so as to change the date of the referendum election from May 11, 1911, to the first Thursday in February, 1912.
3. Private Acts of 1915, Chapter 618, Page 1974, subject to approval by referendum vote, Meigs County could issue through Commissioners Campbell Cartwright, A. F. Armstrong, R. L. McKenzie, John Paul, and E. W. Culvahouse, \$100,000 in 5%, 20 year bonds to layout, build, and construct public roads. The details, tax levy, and the general specifications for the roads were fixed in the Act. The Commissioners must approve first a road running across the county and they would get two dollars daily and their expenses for their services.
4. Private Acts of 1917, Chapter 790, Page 2474, specified that Meigs County, acting through five Road Commissioners, L. A. Fuller, M. L. Hardin, James Henley, T. W. Cofer, and G. L. Baldwin, could issue \$100,000 in additional bonds, at 5%, and no more than 30 years maturity to complete a scheme and plan of public roads, and to lay out,

build, construct, and improve others as needed. All essential details of the issue were established in the Act. The Commission would supervise the program, make reports to the Quarterly Court, hire an engineer to build roads according to the specifications in the Act and the County Trustee would handle the funds and keep the records.

5. Private Acts of 1925, Chapter 421, Page 1565, cited in the preamble that the Meigs County Court on January 21, 1925 passed a resolution to issue \$50,000 in highway bonds for the improvement of the road running from Hamilton County to Roane County through the city of Decatur, which was being built in conjunction with the State Highway Department. The bonds were limited to a 6% interest rate and a maturity schedule of thirty years as prescribed in the Bill. This act validated and legalized all prior proceedings held in connection with it and declared the bonds to be general obligations of the County.

SCHOOLS

1. Private Acts of 1925, Chapter 226, Page 807, authorized the Quarterly County Court of Meigs County to issue \$22,000 in 6%, 20 year bonds to be used for the sole purpose of paying off the outstanding warrants issued for the erection of a Central High School building, and the accrued interest thereon. These bonds were declared exempt from taxation at any government level and the Trustee would keep all the records.
2. Private Acts of 1945, Chapter 88, Page 317, validated and legalized all the prior proceedings by county officials and the county court held in connection with the issuance and sale of \$60,000 in school building and equipment bonds payable at the rate of \$5000 a year from 1950 through 1961. These bonds were made the obligations of the county.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF THE COUNTY

ACTS OF 1835-36

CHAPTER 34

SECTION 1. That a new county be, and the same is hereby established, between the county of McMinn and the Tennessee river, to be known by the name of Meigs county, in honor of Colonel Return Johnathan Meigs, deceased, a patriot and soldier of the revolution of 1776; to be composed of that part of Rhea county lying south of Tennessee river, and bounded as follows: beginning at a point below William Blythe's on the Tennessee river, where the line divides the counties of Rhea and Hamilton; thence running a south east course, with said line, dividing the counties of Rhea and Hamilton to Wilson Novius, where the Rhea county line intersects the McMinn county line; thence a north east course with said McMinn line, to a large ridge above the mouth of Price's creek; thence with said dividing line between the counties of Rhea and McMinn, to the eight mile tree or stake, near Bottom's mills, on Sugar Creek; thence a north west course with the line dividing the counties of Rhea and Roane, at or near the mouth of White's creek, on the Tennessee river; thence down the main channel of said river to the beginning.

SECTION 2. That for the due administration of justice, the county court and the circuit court in said county shall be held at the house of John Stewart, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same power and jurisdiction as possessed by said courts in other counties in this State.

SECTION 3. That all officers, civil and military in said county of Meigs, shall continue to hold their offices, and exercise all the powers thereof, until others are elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Meigs shall elect for others, civil and military, under the amended constitution, at the same time, and under the same rules and restrictions, and in the same manner that may be provided for the electing of officers in other counties in this State; and the said county of Meigs shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; Provided, nothing in this act contained shall be so construed as to deprive the county of Rhea from having, holding and exercising jurisdiction over the territory composing said county of Meigs, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers, under the amended constitution; Provided, also, nothing in this act contained shall be so construed as to prevent the county of Rhea from entering up judgments, or the sheriff of said county from selling, under such judgments, any lands within the bounds of said county of Meigs, for taxes, costs and charges, for the present or any preceding year, not to prevent the sheriff of said Rhea county, from collecting from the citizens of said county of Meigs, any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the county of Meigs, in all elections for governor, members of congress and for members of the general assembly shall vote as heretofore, with the county of Rhea, until the next apportionment of members of the general assembly, agreeable to the provisions of the fifth section of the tenth article of the amended constitution.

SECTION 5. That James Blevins, James Lillard, William Keer, Andrew Kineamon, John Randals and Elisha Sharp, all with the county of Meigs, be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next proceed to fix on a place, as near the center of said county as an eligible site can be procured, at least within three miles of the center of said county; at which site the said commissioners shall procure, by purchase or otherwise, at least fifty acres of land; for which they shall cause a deed or deeds to be made to themselves and successors in office, by general warranty; and the said commissioners shall report and return all their proceedings relative to and concerning said county, to the county court of said county; and it shall be the duty of the clerk of said county to record the same.

SECTION 6. That it shall be the duty of the county court of said county to appoint five commissioners, to whom the commissioners appointed by this act, shall convey the land acquired for the use of said county, on which it shall be the duty of the commissioners, appointed by the county court, to cause a town to be laid off, with as many streets and of such width as they may deem necessary, reserving at least three acres for a public square and a lot sufficient for building a court house and jail, and said town, where so laid off, shall be known as Decatur, in honor of the late Commodore Stephen Decatur of the United States navy.

SECTION 7. That the commissioner of said county, shall sell the lots in said town on a credit of at least twelve months; first giving due notice thereof, in one or more newspapers printed in this State; and shall take bond with sufficient securities, from the purchasers of said lots, payable to themselves and successors in office; and shall make title, in fee simple, as commissioners, to the respective purchasers.

SECTION 8. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of the said tract of land, on which the said county seat is located; and also, for defraying the expenses of erecting public buildings.

SECTION 9. That the said commissioners shall superintend the building the court house and jail, and other necessary public buildings; and shall let out such buildings as the county court in said county shall order to be built, upon such terms and conditions as the said court shall direct; and shall take bond, with sufficient security, from the person or persons to whom the same is let payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

SECTION 10. That the said commissioners, before they enter upon the duties of their offices assigned them by this act, shall take an oath as affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined upon them, according to the best of their judgment; and moreover, shall enter into bond with approved security, payable to the chairman of the county court of Meigs county, and his successors in office, in the sum of

five thousand dollars conditioned for the due and faithful performance of the duties enjoined upon him by this act; which bond shall be deposited in the clerk's office in said county; and shall not be so construed as to make one of the commissioners security for another.

SECTION 11. That said commissioner shall keep a fair and regular statement of all money by them received and expended; which statement, when required, shall, from time to time, be laid before the county court; but said commissioner shall not be elected no oftener than once a year; and when all the necessary public buildings are completed, the said commissioners shall, by order of the county court pay over all surplus money to the county trustee, for county purposes; and they shall be allowed by the county court a reasonable compensation for their services.

SECTION 12. That the first six commissioners mentioned in this act, shall be entitled to receive, as compensation for their services, the sum of two dollars for each day they may be absent from home and necessarily employed in performing the duties required of them by this act, to be paid by the said county court of Meigs, out of any money in the treasury not otherwise appropriated.

SECTION 13. That should the county court of Meigs not be organized in time to appoint the commissioners to lay off the town and sell the lots that it shall and may be lawful for the county court of Rhea to take the bond and security of said commissioners, payable to the chairman of the county court of Meigs, and his successors in office; and do and perform any other act or acts required by this act, until the organization of said county court of Meigs; and it shall be as good and binding as if done by the county court of said county of Meigs.

Passed: January 20th, 1836.

BOUNDARIES

ACTS OF 1883

CHAPTER 89

SECTION 1. That the line between the counties of Roane and Meigs be so changed as to include the lands of E.M. Ewing's home farm, the heirs of Henderson Deatherage, Wm. D. Browder, A. J. Hagler's home farm, Elizabeth Clower, Jeremiah Gepson, and the Misses Sarah and Chrissie Woolsey, in Meigs county, the line running as follows: Beginning at E.M. Ewing's corner, on the Meigs county line, at the northeast corner of McPherson's heirs, Foshee land, and running with John Johnson's and E. M. Ewing's line to the Deatherage heirs' land, thence with said Johnson and Deatherage's line to W. D. Browder's land, thence with said Browder and Johnson's line to A. J. Hagler's land, thence with Hagler and Johnson's line to Robert Martin's, thence with said Hagler and Martin's line to C.C. Durham's land, thence with said Hagler and Durham's line to W.D Browder's land, thence with said Durham and Browder's line to Wm. Marney's land, thence with said Browder and Marney to Wm. Ellis', thence with Wm. Ellis' line (leaving Ellis in Roane county) to Mrs. Clower and James Edgeman's line, thence with said line to Hurricane Creek, thence down said creek with its meanders to said line of Meigs county.

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

Passed: March 16, 1883.

BOUNDARIES

PRIVATE ACTS OF 1917

CHAPTER 188

SECTION 1. That the line between the Counties of Bradley and Meigs be so changed as to make the line read as follows between said Counties: Beginning at the Southeast Corner of the W. T. Francisco farm where it corners on the Bradley and Meigs County line, running thence west with the line of W. T. Francisco and A. A. Marler line to line of T. A. Marler farm, thence Southwest with the T. A. Marler and A. A. Marler line to the James County line, thence North to A. A. Marler's north line.

SECTION 2. That the line between the Counties of Bradley and James be so changed as to make the line read as follows: Beginning at a point on the Southwest side of the Georgetown road on A. A. Marler's north line on the Meigs County line: running thence southwest with the said north line of the A. A. Marler farm to a corner of A. A. Marler's farm, thence south with the line of said A. A. Marler farm to the top of the White Oak Mountain.

SECTION 3. That all the real estate added to Bradley County by this Act shall be added to and become a part of the Second Civil District of Bradley County for all civil, school and other purposes.

SECTION 4. That all laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 14, 1917.

BOUNDARIES

PRIVATE ACTS OF 1931

CHAPTER 812

SECTION 1. That the line between the Counties of Meigs and Bradley in the State of Tennessee, be so changed as to detach the lands of T.A. Marler, A. A. Marler, John Russ, and a part of the Callie Hunter farm, from the First Civil District of Meigs County and attach the same to the Second Civil District of Bradley County. Said lands are bounded as follows:

Beginning at the present corner of Meigs and Bradley County on the Georgetown-Cleveland Pike Road, and running with the present Bradley and Meigs County line in a northeasterly direction to Lon Wrinkle's land; thence in a westerly direction with the south lines of the Lon Wrinkle, Elder and L. A. Carter lands to the section line of old State Highway No. 58; thence in a southwesterly direction, with said section line to the present corner between Hamilton and Bradley Counties; containing three hundred (300) acres, more or less.

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

Passed: July 2, 1931.

BOUNDARIES

PRIVATE ACTS OF 1949

CHAPTER 791

SECTION 1. That the following territory lying in and comprising a part of the east side of Meigs County, and described as follows:

Beginning at a point at the northeast corner of lands owned by Roy Kincannon on the Bradley County section line in the center of Highway No. 60 and running north with the section line, which is the Old Bradley County line approximately three hundred (300) yards to a point which marks a corner of the Kincannon land and land of Muncy; thence southwest with the Gertrude Hunter line approximately two hundred fifty (250) yards to the center of Highway No. 60; thence southeast with the center line of Highway No. 60 to the beginning point, said tract of land contains approximately five (5) acres, and being property owned by John Russ, Frank Wooten and the Georgetown Baptist Church, which said tract of land shall be and the same is hereby attached to and constituted a part of Bradley County.

SECTION 2. That the territorial fraction taken from Meigs County and added to Bradley County by this Act shall continue liable for its pro rate of all debts contracted by Meigs County before the passage of this Act, and the said fraction shall be entitled to its proportion of any stocks or credits belonging to Meigs County.

SECTION 3. That the State and County Taxes of said fraction for the year 1949 shall be collected by the Trustee of Meigs County, and when collected in said fraction, the County tax shall be paid to said County Trustee of Meigs County, and shall constitute a part of the County revenues of Meigs County.

SECTION 4. That this Act shall take effect from and after its [sic] passage, the public welfare requiring it.

Passed: April 13, 1949.

BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Meigs County.

1. Acts of 1837, Chapter 79, Page 109, authorized the county courts of Monroe, M'Minn and Meigs, to elect county surveyors.
2. Acts of 1866-67, Chapter 76, Page 236, Section 3, changed the boundary lines with Bradley County so as to include the farm now known as the W. Beard and S. Beard farm, formerly Alexander Roger's farm located in the 9th Civil District of Bradley County and the 1st Civil District of Meigs County wholly within Bradley County.
3. Acts of 1872, Chapter 19, Page 42, Section 3, moved all the tracts of land belonging to Elijah McPherson and David Webb from Monroe County into Meigs County.
4. Acts of 1885, Chapter 102, Page 199, changed the lines between Meigs and James Counties so as to include all of James Hoyal's farm on the Tennessee River in Meigs County.
5. Acts of 1887, Chapter 202, Page 333, transferred all the lands of ____Carroll (sic) and Nelsey Stanton from McMinn county into the 6th Civil District of Meigs County.
6. Acts of 1891, Chapter 33, Page 69, detached all the properties belonging to Jasper Redmond, Theodoric Grant, and S. B. Keylon, all of which were located in the northeast corner of McMinn County into the confines of Meigs County.
7. Acts of 1891, Chapter 244, Page 467, moved the residence and farm of J. J. Winton from Roane County into Meigs County.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

The following act once affected jurors or boards of jury commissioners in Meigs County, but is no longer operative.

1. Private Acts of 1937, Chapter 532, Page 1711, created a Board of Jury Commissioners for Meigs County. The Judges of the Circuit, Criminal, and Chancery Courts would appoint a Board of three members, discreet citizens of the county, non-attorneys, who had no cases pending in the courts nor any interest of a conflicting nature. They would take the oath prescribed in the statute and organize by selecting one of their number chairman. The Clerk of the Circuit or Criminal Court would also be the Clerk for the Commission who would likewise subscribe to the prescribed oath. The Board would take from the tax rolls or other public sources names equal to one-eighth of the number of voters voting in the last presidential election but no more than 1000 nor less than 250. The Clerk would enter these names in a well-bound book with the initials of the Commissioner who selected it and all of the Commissioners would certify the entire list when it was completed. The names would further be placed on scrolls which would be placed in a box and locked and sealed. From 10 to 15 days before court the seal on the box would be broken and a child less than 10 years old would draw out the names of the required number of jurors in the presence of the Board and the Clerk. these names would then be placed on a certified list and sent to the Sheriff who would summon them for jury duty, and those selected would be put on the grand or petit jury panels. None could be excused except for the reasons stated and only by the Judge. However, these requirements have been liberalized some in recent years.

COURT SYSTEM

CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Meigs County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 9th judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Meigs County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1835-36, Chapter 20, attached Meigs County to the same Chancery District with Roane and Morgan Counties.
2. Acts of 1835-36, Chapter 68, provided that Meigs County would be attached to the same Chancery Division composed of McMinn and Monroe Counties and all the appeals therefrom would be directed to and heard in Knoxville.
3. Acts of 1839-40, Chapter 21, authorized the election by complainants to bring their suits in chancery either in the Chancery Court at Kingston in Roane County or at Cleveland in Bradley County.
4. Acts of 1853-54, Chapter 105, provided that Meigs County would be a separate Chancery District and court would be held in Decatur on the second Monday of March and September. The Chancellor would appoint a Clerk and Master who would perform the normal duties of that office at Decatur after first making a proper bond.
5. Acts of 1855-56, Chapter 112, changed the terms for holding Chancery court in the 5th Chancery Division but named only the cities involved instead of counties. The court at Decatur in Meigs County would be held on the fourth Monday in April and October.
6. Acts of 1855-56, Chapter 164, provided that the citizens of Meigs County who had cases pending in the Chancery Court at Athens, Cleveland, or Harrison may have them transferred to the court at Decatur, and, if so, the Clerk and Master of those courts would forward the transcripts of the causes to the court at Decatur.

7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, 4th, 5th, and 6th Chancery Divisions. Meigs County was in the 5th Division and the terms of the court would begin at Decatur on the fourth Monday of April and October.
8. Acts of 1870, Chapter 32, divided the State into 12 Chancery Districts. The Third District was made up of Polk, McMinn, Rhea, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, the special court at Chattanooga, and Meigs County.
9. Acts of 1870, Chapter 47, scheduled the court terms for all of the Third District assigning Meigs County to the Thursday after the third Mondays of March and September.
10. Acts of 1870-71, Chapter 40, changed court terms in some of the counties of the Third Chancery District including Meigs which was changed to the second Monday in March and September.
11. Acts of 1879, Chapter 106, changed chancery court terms for Rhea and Meigs Counties. Meigs court terms would begin on the Thursday after the second Monday in March and September.
12. Acts of 1883, Chapter 34, changed court dates for all the chancery courts in the 3rd Chancery Division including Meigs county which went to the fourth Monday in March and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the Chancery Judicial structure in Tennessee into eleven Chancery Divisions. The Third Chancery Division was made up of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Bledsoe, Sequatchie, Van Buren, Coffee, Grundy, and Meigs County whose court terms would commence on the fourth Monday in March and September.
14. Acts of 1887, Chapter 13, changed Court terms for all the Third Chancery Division. Meigs County would have three terms of the Chancery Court every year to be held at the same time as the Circuit Court of the County and the Circuit Judge of the 4th Judicial Circuit was authorized to hold this court. Section 11 of this act set those terms to begin on the second Monday in March and July, and the fourth Monday in October of each year. This act was specifically repealed by the one following.
15. Acts of 1889, Chapter 13, changed the system of the Chancery Court from the three terms a year then by the Circuit Judge back to the 3rd Chancery Division with court terms for Meigs County to begin on the fourth Monday in March and September. Chapter 13, Acts of 1887, was repealed specifically.
16. Acts of 1899, Chapter 128, created and regulated the office of county judge for Meigs County. The office of county judge was later abolished by Acts of 1899, Chapter 241 which at the same time provided for the chairman of the county court of Meigs County to hold the county court.

17. Acts of 1899, Chapter 427, reorganized the entire lower judicial system of the State. There were ten Chancery Divisions of which the Third was composed of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Polk, Hamilton, and Meigs counties. The terms of court in Meigs would begin on the first Monday in May and November.
18. Private Acts of 1911, Chapter 435, created a new 12th Chancery Division consisting of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe counties, leaving only Hamilton County in the Third Chancery Division. The Governor would appoint a Chancellor to serve until September 1, 1912. The new chancellor would be elected in August, 1912, for a six year term and then in 1918 for an eight year term, and every eight years thereafter.
19. Private Acts of 1921, Chapter 145, provided that the Chancery Court for Meigs County held in Decatur would begin on Tuesday after the Third Monday in April and October, all process being made returnable to those dates.
20. Private Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last Act published in the private acts sector which concerned the organization of the courts. Those following would be public acts and be a part of the Code. This Act divided the State into fourteen Chancery Divisions. Meigs County was in the 12th Division with Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Polk, Grundy, Coffee, Monroe, and Franklin. Court terms would begin on the Tuesday after the third Monday in April and October.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is determined in accordance with T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

COURT SYSTEM

CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Meigs County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 9th judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the Circuit Court of Meigs County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1835-36, Chapter 5, established the Third Circuit Court which Meigs County became a part of, along with Roane, Rhea, Bledsoe, Marion, Hamilton, M'Minnand Monroe Counties.
2. Private Acts of 1835-36, Chapter 34, provided that the County and Circuit Courts of newly created Meigs County would be held in the home of John Stuart until other arrangements could be made.
3. Private Acts of 1835-36, Chapter 49, provided that the County Court shall designate the house of James Lillard as the site of the County and Circuit Court until a seat of justice is selected and organized and these courts would be conducted under all the rights and privileges conferred upon the courts held at John Stuart's house.
4. Acts of 1835-36, Chapter 68, provided in this act that the Circuit Court be held at the house of John Stewart until the County seat shall be established and a suitable courthouse built. All appeals from this court would be carried to Knoxville.
5. Acts of 1837-38, Chapter 116, placed Meigs County in the 3rd Judicial Circuit with Hamilton, McMinn, and Bradley Counties and scheduled the Court terms to start on the first Monday of January, May, and September, provided there would be no court between the next third Monday in April and the first Monday in September in Meigs County.
6. Acts of 1843-44, Chapter 161, changed court terms for some counties in the Third Circuit including Meigs which went to the fourth Monday in April, August, and December.

7. Acts of 1853-54, Chapter 111, altered the court terms for the Circuit Court in Meigs County to the fourth Monday in January, May, and September.
8. Acts of 1855-56, Chapter 156, changed the schedule of Circuit Court terms in Polk and Meigs Counties in the Third Circuit. Meigs terms would begin on the fourth Mondays in April, August, and December.
9. Acts of 1857-58, Chapter 98, reorganized Tennessee into 16 Judicial Circuits. The Fourth Circuit was made up of Bradley, Polk, Rhea, Hamilton, McMinn, and the Common Law Court at Chattanooga. Court would start in Decatur on the fourth Monday in April, August, and December.
10. Acts of 1865-66, Chapter 8, was a post Civil War Act designating that the Circuit Court at Decatur in Meigs County would be held on the first Monday in April, August, and December but the next Court would be on the fourth Monday in December, and then this schedule would prevail.
11. Acts of 1870, Chapter 31, established 15 Circuits for the State. The Fourth Circuit was composed on McMinn, Polk, Meigs, Bradley, Rhea, Hamilton, Marion, Sequatchie, Bledsoe, and the Special Court at Chattanooga.
12. Acts of 1870, Chapter 46, provided that the Circuit Court terms for Meigs County would start on the fourth Monday of April, August, and December.
13. Acts of 1870, Chapter 106, changed the terms of the Circuit Court in some counties of the Fourth Circuit including Meigs which was scheduled for the first Monday in February, June, and October.
14. Acts of 1883, Chapter 34, changed court terms for all the counties in the Fourth Judicial Circuit. Meigs County would start the terms of the Circuit Court on the fourth Monday of February, June, and October.
15. Acts of 1885 (Ex. Sess.), Chapter 20, set up 14 Judicial Circuits for the State assigning Bradley, Polk, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, James, and Meigs to the Fourth Circuit. Court terms for Meigs would start in Decatur on the third Monday in March, July, and November. See Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
16. Acts of 1887, Chapter 13, changed the Circuit Court terms in Meigs County to the Second Monday in March and July, and the fourth Monday in October. Chancery and Circuit Courts would be held concurrently by the Judge of the 4th Judicial Circuit. This Act was repealed and the former methods restored by the Act following.
17. Acts of 1889, Chapter 13, repealed Chapter 13, Acts of 1887, above, and restored Meigs to the Fourth Circuit, changing court terms for the whole Circuit and placing the Chancery Courts in separate terms. Meigs would begin the Circuit Court terms on the fourth Monday in February, June, and October.

18. Acts of 1889, Chapter 35, created the 17th Judicial Circuit consisting of Bradley, James, McMinn, Monroe, Polk, and Meigs Counties. The court terms at Decatur would start on the third Monday in February, June and October. The Governor would appoint a Judge and an Attorney-General until the next general election when a judge and Attorney-General would be elected by the people.
19. Acts of 1899, Chapter 427, reorganized the lower judicial structure of the State into 14 Judicial Circuits. The Fourth was composed of the Counties of Bradley, Polk, McMinn, James, Loudon, Roane, Blount, Monroe, and Meigs whose court terms would begin on the fourth Monday in January, May, and September.
20. Acts of 1901, Chapter 413, changed the times for Circuit Court in the 17th and the 4th Judicial Circuit consisting of the same counties mentioned in Item 18, above, but changing Meigs Court dates to the first Monday in March, July, and November.
21. Acts of 1903, Chapter 354, amended Chapter 413, Acts of 1901, above, by rearranging the starting dates of all the court terms, assigning Meigs County to the fourth Monday in February, June, and October.
22. Private Acts of 1911, Chapter 401, again changed the starting dates for the Circuit Courts in Loudon, James, and Meigs Counties. Meigs County term would commence on Tuesday after the fourth Monday in February, June, and October.
23. Private Acts of 1915, Chapter 8, amended Chapter 401, Acts of 1911, above, by changing the opening dates of the Circuit Court in Meigs County to the fourth Monday in February, June, and October.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, changed the entire lower court system for the State, dividing it into twenty Judicial Circuits. Meigs was in the 18th Circuit with Franklin, Bledsoe, Sequatchie, Marion, Grundy, and Rhea Counties, and court terms would begin in Decatur on the fourth Monday in March, July, and November.

COURT SYSTEM

CIRCUIT COURT

CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is determined in accordance with T.C.A. § 8-24-102.

The following acts have no current effect, but once applied to the Meigs County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, was a general statewide salary law but affected only Circuit Court Clerks over the State. Counties having a population of 15,000 or under, would pay their Circuit Court Clerks \$500 annually under certain conditions of filing sworn itemized statements of fees collected in the office.
2. Private Acts of 1905, Chapter 104, amended Chapter 255, Acts of 1903, above, by setting the salary of the Circuit Court Clerk in Meigs County at \$300 annually under the same conditions of filing fee reports. This Act was repealed by Chapter 331, Private Acts of 1913.
3. Private Acts of 1905, Chapter 219, amended the State Law so as to provide that in Meigs County the Register should be the ex-officio Clerk of the Circuit and Criminal Courts, perform their duties, and receive their salaries and fees while doing so. The Register would include these fees in his report as though they were the fees of his office when reporting to the Judge or Chairman of the County Court. This Act would take effect on September 1, 1906, unless a vacancy occurred sooner than that date.
4. Private Acts of 1911, Chapter 76, amended Section One, Chapter 219, Private Acts of 1905, by changing the population figures therein to 6,150 and 6,100 from 7,500 and 7,450, and the census year from 1900 to 1910 so as to make that act still applicable to Meigs County.
5. Private Acts of 1913, Chapter 331, specifically and entirely repeals Chapter 104, Private Acts of 1905.
6. Private Acts of 1921, Chapter 230, fixed the salary of the Circuit Court Clerk of Meigs County at \$750 a year, provided he would file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected by his office. If the fees were less than the salary, the county would pay the difference but if they were more than the salary, the Clerk could retain the excess.

COURT SYSTEM

CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Meigs County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 9th judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Meigs County is in the 9th judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

The following acts once affecting Meigs County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the 18th Judicial Circuit.

COURT SYSTEM

GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The salary of the general sessions judge is governed by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.

COURT SYSTEM

JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

COURT SYSTEM

SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

The following act are is longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 248, created the position of Junior Judge in the 18th Circuit. Under Section 8 of this Act the new judge was authorized to hire a stenographer at a salary of \$100 per month. This section of the act has been superseded by the above provisions of the Tennessee Code Annotated.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION-SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 2002

CHAPTER 135

SECTION 1. Chapter 522 of the Private Acts of 1927, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Meigs County shall be divided into five (5) school districts of substantially equal population, which shall be coextensive with the five (5) county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Meigs County Board of Education shall consist of five (5) members, with one (1) member of the board being elected by the qualified voters in each school district on a nonpartisan basis. Board members shall be elected to staggered four (4) year terms so that the terms of approximately one-half ($\frac{1}{2}$) of the members expire every two (2) years. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 4. The current terms of incumbent members of the Meigs County Board of Education who represent present Districts 1 and 4 and who were elected to serve until September 2004 shall not be cut short as a result of changes in the school districts. At the August 2002 election, board members shall be elected to serve new Districts 2, 3 and 5.

SECTION 5. The Meigs County Board of Education shall have the powers, duties, privileges and qualifications given boards of education in Tennessee Code Annotated, Title 49.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Meigs County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Meigs County 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 as provided in Section 7.

Passed: April 24, 2002.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. County boards of education must be popularly elected to staggered four-year terms from districts of substantially equal population. The county legislative bodies are authorized to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. T.C.A. § 49-2-201.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

The following act once affected the board of education in Meigs County but is no longer operative.

1. Private Acts of 1927, Chapter 522, divided Meigs County into school districts, provided for the number, election and terms of members of the Meigs County Board of Education. This act was repealed by Private Acts of 2002, Chapter 135.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

After the passage of the Education Improvement Act of 1991, the elected office of superintendent of public instruction (county superintendent of education) was phased out. Replacing the superintendent is a director of schools, who is an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools is employed by the board under a written contract of up to four years duration under T.C.A. § 49-2-203(a). The duties of the director of schools are enumerated in T.C.A. § 49-2-301.

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

1. Private Acts of 1937 (3rd Ex. Sess.), Chapter 13, provided that the County Court in all counties of Tennessee having a population of not less than 6,125 nor more than 6,135 according to the Federal Census of 1930 or any subsequent Federal Census shall pay its County superintendent of Public Schools not less \$1,000 per annum to be supplemented by the State.
2. Private Acts of 1939, Chapter 410, repealed Chapter 13 of the Private Acts of 1937.
3. Private Acts of 1978, Chapter 260, provided that the superintendent of education be elected by the qualified voters for a term of four (4) years beginning September 1, 1982.

EDUCATION - SCHOOLS

WARRANTS

PRIVATE ACTS OF 1941

CHAPTER 54

SECTION 1. That in counties of this state having a population of not less than 6,382, nor more than 6,390, by the Federal Census of 1940, or any subsequent Federal Census, whenever any county school warrant, either high school or elementary, shall have been duly registered with the County Trustee and shall have been stamped by him showing the date of such registration, then and from that date such warrants shall bear interest at the legal rate fixed by statute in this State.

SECTION 2. That it shall be the duty of the County Trustee to pay both principal and interest upon said warrants, in the order of their registration, as soon as there shall come to his hands sufficient funds allocable to the fund from which such warrants are payable.

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

Passed: January 20, 1941.

EDUCATION - SCHOOLS

GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following acts constitute part of the administrative and political heritage of the educational structure of Meigs County but are no longer operative since 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 1837-38, Chapter 78, Page 107, Section One, created Decatur Academy, naming Joseph McCorkle, James Lillard, Robert Elder, John McCallom, William Matchlack, James Cowen, Walford Rucher, William Man, Samuel McDaniel, John K. Farmer, and William Kerr as Trustees of the Academy. The act granted specific powers to and imposed certain duties upon them. This school would be the county academy of Meigs County and Joseph McCorkle would serve as the Chairman of the Board of Directors.
2. Acts of 1839-40, Chapter 138, Page 228, authorized the Clerk of the common school district fund in which lies the chief part of arable land of any school section in the Ocoee District in Meigs, Hamilton, and Marion Counties to have the management of the whole section and the clerk shall rent the land for longer periods of time, not to exceed five years, when it was necessary to erect water supply systems or other valuable improvements thereon. The Clerk would also keep all the accounts and distribute the funds.
3. Acts of 1895, Chapter 121, Page 246, created a new school district, to be called Georgetown Academy, out of parts of Bradley, James, and Meigs counties with a metes and bounds description of the area embraced by the district. The Academy would have all the rights, privileges, emoluments and obligations of other school districts. There would be three Directors, one from each county, who would be elected as were other school directors. Each county would pay its per capita part of the expenses according to the scholastic population of that county who were attending school in this district proportioned to the total number of students.
4. Public Acts of 1907, Chapter 236, Page 845, abolished the offices of District Directors of Education and created County Boards of Education, who would be assisted by District Advisory Boards for every county in Tennessee except the few who excluded themselves from the operations of this Act in Section 17, Meigs not being one of them.

The Boards would consist of one member from each of five school districts, composed of whole civil districts, into which each county would be divided. The duties of the Chairman of the Board, the Secretary, and the Superintendent, who would be ex-officio

Secretary, are all spelled out. Three citizens from each Civil District would be on the Advisory Board for a two year term on which a vacancy would be filled by appointment of the Superintendent. This Act did not apply to city schools and was the basis of litigation in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147, (1927).

5. Private Acts of 1939, Chapter 407, Page 1215, provided that in Meigs County the Superintendent of County Schools would be elected by the people at the general August election, 1940, for a four year term beginning September 1, 1940. The Quarterly Court was directed to fill the vacancy in the office then existing. This act would not affect any provision of qualification and all other terms and conditions would remain. All candidates must prove their qualifications before running. The annual salary was \$1,000 payable in equal monthly installments. This Act was repealed by Chapter 260, Private Acts of 1978.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

CIVIL DISTRICTS

PRIVATE ACTS OF 1905

CHAPTER 303

SECTION 1. That there are hereby created and established for and within the County of Meigs, in this State, and in lieu of the eight Civil Districts therein as now laid out, four Civil Districts only.

SECTION 2. That the boundaries of said districts shall be as follows: First District shall be the First District as now existing; Second District shall be composed of old Second and Third Districts; Third District shall be composed of old Fourth, Fifth, and Sixth Districts; Fourth District shall be composed of old Seventh and Eighth Districts.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it; Provided, that this Act shall in no way interfere with the rights and terms of office of the present Justices of the Peace and district officers of said county; and Provided further, that this Act shall in no way affect the School Districts of said county as now laid out, or that may hereafter be established by the County Court of said county.

Passed: April 11, 1905.

ELECTIONS

DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: county clerk, county election commission, state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of administrator of elections and deputies by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified administrators of elections based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified administrator's salary and other budget requirements.

Title 3, Chapter 1 of Tennessee Code Annotated reapportions the state into Senatorial and Representative Districts for the General Assembly. Tennessee Code Annotated § 3-1-102 places Meigs County in the Thirteenth State Senatorial District (along with Bledsoe, McMinn, Marion, Rhea, Sequatchie, Van Buren and White Counties), while T.C.A. § 3-1-103 places it in the Twenty-Second Representative District. Meigs County is part of the Third U.S. Congressional District, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Meigs County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned the State for the General Assembly. Of the 25 Senatorial District, Hamilton, Rhea, Marion, Bledsoe and Meigs Counties made up the 8th District and Rhea and Meigs County would elect one Representative between them with polls to be counted at Harrison in Hamilton County for Senator and at Washington in Rhea County for Representative.
2. Acts of 1842 (Ex. Sess.), Chapter 7, divided Tennessee into eleven U. S. Congressional Districts placing Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton and Marion Counties in the Third District.
3. Acts of 1851-52, Chapter 197, also apportioned the State for the General Assembly according to the 1850 Census. Polk, McMinn, and Meigs Counties would jointly elect one Representative, and Meigs, McMinn, Polk, and Monroe Counties would elect one Senator between them, all polls to be counted at Athens in McMinn County.
4. Acts of 1851-52, Chapter 196, divided the State into ten U.S. Congressional Districts. The Third District was made up of Blount, Monroe, Polk, McMinn, Rhea, Bledsoe, Bradley, Hamilton, Marion, Roane, and Meigs County.
5. Acts of 1865, Chapter 34, reduced the number of U. S. Congressional Districts in Tennessee to eight probably due to the loss of life in the Civil War. The Third District was enlarged to include Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, Dekalb, Fentress, and Meigs counties.

6. Acts of 1871, Chapter 146, apportioned Tennessee for the General Assembly. Meigs County was in the 6th State Senatorial District with Loudon, Monroe, McMinn, Bradley, and Polk and would elect one Representative jointly with James, Rhea, and Cumberland Counties.
7. Acts of 1872, Chapter 7, raised the U. S. Congressional Districts to nine. Meigs County was still in the Third District along with Blount, Loudon, Roane, Monroe, McMinn, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren, and Warren Counties.
8. Acts of 1873, Chapter 27, separated our State into ten U. S. Congressional Districts. The Third was composed of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Bledsoe, Sequatchie, Van Buren, White Warren, Dekalb, Cannon and Cumberland.
9. Acts of 1881 (Ex. Sess.), Chapter 6, redivided the State for the General Assembly of Tennessee. Rhea, James, Meigs, and Polk County would elect one Representative jointly and Polk, Bradley, James, McMinn, and Meigs would elect one State Senator.
10. Acts of 1882 (Ex. Sess.), Chapter 27, established ten United States Congressional Districts in the State, and named the Counties in each one but Meigs County was not mentioned in any of them.
11. Acts of 1883, Chapter 237, amended Chapter 27, Acts of 1882 (2nd Ex. Sess.), above so that the Third U. S. Congressional District would be made up of Monroe, Polk, Bradley, Hamilton, Meigs, Rhea, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren Counties.
12. Acts of 1891 (Ex. Sess.), Chapter 10, divided Tennessee for the General Assembly according to the 1890 census. Meigs, Hamilton, and James Counties would jointly elect one Representative and the 6th State Senatorial District would be made up of Anderson, Loudon, Blount, Roane, and Meigs Counties.
13. Acts of 1899, Chapter 391, amended Chapter 10, Acts of 1891 (Ex. Sess.), by striking Rhea County from the list of counties entitled to elect one Representative alone, and by removing Meigs County from the 6th Representative District and joining it to Rhea County so that the two would form the 21st Representative District of the state, and further amends the act by detaching Meigs from the 6th Senatorial District and attaching it to the 9th Senatorial District leaving Hamilton and James Counties in the 6th District.
14. Acts of 1901, Chapter 109, also apportioned Tennessee into ten U. S. Congressional Districts assigning Monroe, Polk, McMinn, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, Warren, Franklin, and Meigs Counties to the Third District.
15. Acts of 1901, Chapter 122, established 33 Senatorial Districts for Tennessee's General Assembly. In the 9th were Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, and

Cumberland Counties. Meigs and Rhea Counties made up the 10th Representative Districts.

16. Private Acts of 1949, Chapter 854, has been repealed in the writer's opinion by Chapter 740, Public Acts of 1972 (Adjourned Session). The Act provided for a system of permanent registration in Meigs County and suspended the operations of Section 1996 through 2026, William's Code, in Meigs County. These Sections of Williams were repealed by the Act above which states its purpose as being to establish uniform election and registration laws in Tennessee. The Act was very similar to the state law, containing most of the same provisions.

CHAPTER VIII - HEALTH

HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summary is included herein for reference purposes.

1. Acts of 1885, Chapter 118, named Meigs County as one of the 32 counties allocated to the Eastern District for the Hospital for the Insane.

CHAPTER IX - HIGHWAYS - ROADS

HIGHWAYS - ROADS

ROAD LAW

PRIVATE ACTS OF 1949

CHAPTER 403

COMPILER'S NOTE: The first nine sections of this act did not concern the road law of Meigs County. See the Purchasing and Finance Commission Act in the Administration chapter.

SECTION 10. That the office of Road Supervisor for Meigs County is hereby created and the present Road Supervisor is continued in office until September first 1950.

The term of office thereafter shall be 2 years beginning September 1st in the even years and the Road Supervisor shall be elected by the qualified voters of the county in the August election in 1950 and biennially thereafter.

The compensation of the Road Supervisor shall be set by the commission payable monthly by warrant drawn on the County Trustee and payable out of county road funds, by the commission and countersigned by the County Chairman as for purchases.

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

This committee shall have full authority to act for the county in making recommendations to the State Highway Department as to where and how State and/or Federal Highway funds available to the county shall be spent. The employment of personnel and their salaries shall be upon the recommendation of the Supervisor of Roads and subject to the approval of the commission. Also all machinery, tools and materials for use by the Highway Department shall be requisitioned by the Supervisor of Roads subject to the approval of the commission.

SECTION 12. That should any section or part of a section of this Act be declared unconstitutional, or for any reason invalid, shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section or part of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, or parts of

sections, would have been approved or adopted without regard to the invalidity or unconstitutionality of any part of a section, unless it clearly appears that the remainder of the Act be necessarily dependent upon that part declared invalid or unconstitutional.

SECTION 13. That all laws and parts of laws in conflict with or inconsistent with the provisions of this Act, or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1949.

HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state. The counties with a population in excess of 200,000 (Shelby, Davidson, Knox and Hamilton) are excluded from this law.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. The qualifications of candidates for elected and appointed offices are reviewed by the Tennessee highway officials certification board. Qualified candidates for popular election are certified by this board to the state coordinator of elections who forwards this certification to the county election commission. T.C.A. § 54-7-104(a).

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is set at \$100,000 by T.C.A. § 54-7-108.

Most of the duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission. The chief administrative officer annually submits a county road list which includes a summary of all changes approved the previous year by the county legislative body and the reason for the change, and makes recommendations to the county legislative body respecting proposed changes to the county road list and the classification of roads. T.C.A. § 54-10-103.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

The following is a listing of acts which once had some effect upon the county road system in Meigs County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1851-52, Chapter 288, authorized William L. Adams and T.B. McElwee to open a turnpike commencing at or near McElwee's factory and running along the nearest and most practical route to the Athen's Depot in McMinn County. The road would be twenty feet wide and properly drained. The method for assessing the amount of damages which might be done to the properties along the way was prescribed in the Bill. When five miles of the road was completed, a toll gate could be erected and tolls charged according to the schedule set out in the Act, and when the entire road was completed, another gate could be established. Any person not paying the toll could be fined up to \$5.00 for each violation.
2. Acts of 1859-60, Chapter 114, permitted and directed the County Courts to classify all county roads into three classes according to width, assess the property and polls along the roads and collect the taxes to keep up the roads, all of which would be subject to a referendum vote by the people. The County Court may appoint a Road Commission to help classify the roads. The tax could be paid or worked out in 8 hour days at a \$1.00 a day rate. The Trustee would collect the tax but disburse it only upon the order of the County Court. This Act applied to 13 counties, including Meigs.
3. Acts of 1901, Chapter 136, was a general road law applying to all counties under 70,000 population. A Road Commission composed of one commissioner from each civil district who would have charge of all roads and bridges in the District, appoint overseers who would have immediate supervision over sections of roads, and the commissioners would serve for two years. The Commissioners would select a Chairman and Secretary whose duties are stipulated in the Bill. The County Court would levy a road tax of two cents per \$100.00 property valuation which would be collected and disbursed by the Trustee. All males between 21 and 45 years of age must work a specified amount of time on the roads or commute by paying out at the rate of seventy-five cents a day. The Commission would classify roads, write specifications for new roads, consider petitions to open, close, or change roads, and solicit bids and award contracts for road work which would be advisable to accomplish in that manner. The Commission was also allowed to employ an engineer if they wished. This Act and system was tested in the courts in the case of Carroll v. Griffith 117 Tenn. 500, 97 S.W. 66 (1906).
4. Acts of 1905, Chapter 478, amended Chapter 136, Acts of 1901, above, primarily in the method of filing and acting upon petitions to open, close, or change roads and in the way of handling damages which might be occasioned thereby.
5. Private Acts of 1919, Chapter 748, regulated the working, laying out and maintenance of the public roads, bridges and other structures, thereon, in all counties of Tennessee having a population of not less than 9,320 nor more than 9,340, according to the Federal Census of 1910, or any subsequent Federal Census. This Act also established the office of County and District Supervisor of Roads.

6. Private Acts of 1925, Chapter 542, seems to be the first Road Law for Meigs County. Road Commissioners, over 25 years of age, and competent road men, would be selected at the January term of the County Court, only one from each of four Civil Districts who would oversee the road programs by appointing also overseers for sections of road in their districts. The County Court would levy a tax of 20 cents per \$100.00 valuation of property and designate the roads upon which the money would be spent. All males, 21 to 45 years old, must work five days, ten hours each, on the roads or pay \$1.50 per day commutation fee. Commissioners would examine the roads in his district periodically making plans for their upkeep. The County Court would make rules regarding the use and purchase of tools and materials. The remainder of the Act concerns administrative practices which were patterned largely after the 1901 Act.
7. Private Acts of 1929, Chapter 335, amended Section 3, Chapter 42, Acts of 1925, by providing for the appointment of one Road Commissioner at the January meeting of the Quarterly County Court, for a term of two years and at a compensation to be set by the court. In Section 7 by providing that each male between 21 and 45 years old on January 10 would be required to work five 10 hour days of road work before September 1 of each year, or pay \$3.50 as a commutation fee. The Trustee shall collect the fee if it is not paid by September 1. A fine of \$10.00 would be exacted for violations. This Act repeals Section 11 of the 1925 Act which provided rates of commutation and days of work for teams and wagons.
8. Private Acts of 1939, Chapter 411, repealed Chapter 748 of the Private Acts 1919.
9. Private Acts of 1933, Chapter 513, stated that in Meigs County the County Road Commission shall expend all the money derived from the two cent gasoline tax which is distributed to counties. This Act was specifically repealed by Chapter 409, Private Acts of 1939.
10. Private Acts of 1939, Chapter 408, creates a Road System for Meigs County repealing everything in conflict with it. A five member Road Commission consisting of one member from each of four road districts and the County Court Clerk who would be the Secretary. The Road Districts corresponded to the civil districts with some special provisions for the Fourth. The Act named N. C. Cartwright to serve for the First Road District, J. H. Isom for the Second, W. J. Abel for the Third, J. A. Hagler for the Fourth and W. E. Breeden, the present County Court Clerk. Compensation of the Commissioners would not exceed \$2.50 per day, and their mileage rate was the same as the Justices. The Commission could employ a Road Supervisor at the vote of a majority and set the salary. W. B. McKenzie was named Supervisor in the Act at \$150.00 per month to serve as long as satisfactory. The Road Supervisor would name as many road foremen as needed and be in immediate charge of the road work. There were some administrative directions in the balance of the Act for the Road Supervisor and for his relation with the Road Commission. This Act was repealed by Chapter 12, Private Acts of 1941.

11. Private Acts of 1939, Chapter 409, expressly and entirely repeals Chapter 513, Private Acts of 1933, which had provisions for the expenditure of the two cent gas tax money, which was in turn repealed by Chapter 64, Private Acts of 1941.
12. Private Acts of 1941, Chapter 12, expressly repealed Chapter 408, Private Acts of 1939 which was the existing Road Law for Meigs County.
13. Private Acts of 1941, Chapter 64, also repealed Chapter 409, Private Acts of 1939.
14. Private Acts of 1941, Chapter 126, created the position of Road Supervisor whose qualifications and duties were enumerated. The Act appointed Willim B. McKenzie, of Decatur, to serve until the County Court elected someone at its next regular meeting. The Supervisor should have a four year term at \$1,800 annual salary. The Supervisor could work for the State so long as his duties were in Meigs County. He must execute a \$5,000 bond, and appoint overseers for the roads who would be in charge of the road hands. He was empowered to avail himself of any help from higher levels and could employ an engineer. E. W. Culvahouse was appointed as Secretary and the County Court would fill any vacancies which might occur. This Act was repealed specifically by Section 9, Chapter 403, Private Acts of 1949.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106. Two or more counties may enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties under T.C.A. §§ 5-7-105, 41-4-141, and 41-2-151. Each county that is a party to an interlocal agreement for a jointly operated jail would no longer be required to maintain a separate jail.

LAW ENFORCEMENT

MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

LAW ENFORCEMENT

OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

LAW ENFORCEMENT

SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. The qualifications for the office of sheriff are more stringent than for most county offices. These qualifications are detailed in T.C.A. § 8-8-102. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined in accordance with T.C.A. § 8-24-102. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement, county jails and workhouses.

The following acts have no current effect but are included here for reference purposes since they once applied to the Meigs County Sheriff's office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1921, Chapter 121, set the salary of the Sheriff of Meigs County at \$750 per year, payable monthly on the warrant of the County Judge, or Chairman to the County Trustee. All the fees due the Sheriff will be turned into the county treasury but this will in no way affect the fees due the Deputies.
2. Private Acts of 1945, Chapter 259, provided that the Sheriff of Meigs County will be paid \$500 annually as ex-officio fees which will be in addition to all the other compensations then being paid to the Sheriff. Although this act has never been repealed state law now sets the allowable compensation for the Sheriff.

CHAPTER XI - TAXATION

TAXATION

ASSESSOR OF PROPERTY

PRIVATE ACTS OF 1969

CHAPTER 149

SECTION 1. That in all counties of this State having a population of not less than 5,000 and not more than 5,200, according to the Federal Census of 1960 or any subsequent Census, that before any deed for the conveyance of land shall be allowed to be registered in the Register's office, it shall first be taken to the office of the Tax Assessor of such Counties and the change of ownership thereof noted upon the Assessor's books, and the Assessor shall place upon said deed by stamp or otherwise a notice to the effect that said deed has been noted in this office and the change of ownership transferred upon his records.

SECTION 2. That the Register of Deeds of such Counties are hereby prohibited from accepting any deed for register without it having been noted thereon that the ownership has been changed by the Tax Assessor in accordance with Section 1 of this Act. Every violation of this Act by the Register of Deeds shall be deemed a misdemeanor and upon conviction thereof the Register of Deeds shall be fined not less than Two (\$2.00) Dollars nor more than Fifty (\$50.00) Dollars for each and every violation of this Act.

SECTION 3. That all laws in conflict with this Act are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

SECTION 4. 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 any County to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: May 5, 1969.

TAXATION

ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Meigs County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 602, provided for a four year term for Tax Assessors and abolished the positions of civil district assessors. Each county would have one Tax Assessor who could not be a member of the County Court although the Court would fill any vacancies in the office by appointment to serve until the next general election. The standards to be observed when assessing property and the manner for hiring assistants were prescribed in the Act.
2. Private Acts of 1911, Chapter 411, amended Chapter 602, Private Acts of 1907, above by means of population figures to set the salary of the Tax Assessor of Meigs County at \$300 annually. Several other counties also amended the act so as to include themselves within the provisions and set the salary of their own Tax Assessors.
3. Private Acts of 1923, Chapter 560, fixed the salary of the Tax Assessor of Meigs County at \$600 per year to be paid out of the regular funds of the county treasury on warrant from the County Chairman on the first Monday in July in the work of assessment were completed at that time, or otherwise the payment would not be made until the work was finished.

TAXATION

HOTEL\MOTEL TAX

PRIVATE ACT OF 2001

CHAPTER 23

SECTION 1. For the purposes of this Act:

(a) "Clerk" means the county clerk of Meigs County, Tennessee.

(b) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(c) "County" means Meigs County, Tennessee.

(d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, campground, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.

(g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental entity other than the United States or any of its agencies, or any other group or combination acting as a unit.

(h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.

SECTION 2. The legislative body of Meigs County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount not to exceed five

percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body subject to the five percent (5%) limitation. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 3. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8.

When a person has maintained occupancy for ninety (90) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 5.

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the clerk not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. If credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the county clerk for collecting the tax, the clerk shall be allowed five percent (5%) of the amount of the tax remitted by the operators.

(c) The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to, and received by, such clerk for the privilege tax authorized by this act.

SECTION 6. The county clerk shall be responsible for the collection of the tax and shall place the proceeds of such tax in accounts as designated in Section 10 for the purposes stated therein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

SECTION 7. Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax, or willful refusal of a transient to pay the tax imposed, is a violation of this act and may result in the imposition of a civil penalty not to exceed five hundred dollars (\$500.00) upon a finding of such willful refusal by a court of competent jurisdiction. Any civil penalty imposed shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the clerk.

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the county of any tax levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the clerk shall have the right to inspect at all reasonable times.

SECTION 9. The clerk in administering and enforcing the provisions of the act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67, Tennessee Code Annotated, or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied pursuant to this act. The provisions of Tennessee Code Annotated, Section 67-1-707 shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under the authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. The proceeds of the tax authorized by this act shall be paid over to the county trustee and placed in the county general fund, with seventy five percent (75%) of the proceeds to be used for parks and recreation and twenty-five percent (25%) to be used for the promotion of tourism in Meigs County.

SECTION 11. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Meigs County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body to the secretary of state.

SECTION 14. 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 take effect on the first day of the month following approval as provided in Section 13, the public welfare requiring it.

Passed: March 29, 2001.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1963

CHAPTER 138

SECTION 1. That a litigation tax of Two Dollars (\$2.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court in Meigs County, Tennessee.

SECTION 2. That the said Clerks of the said Court will collect the said litigation tax and pay same into separate fund, which is to be designated as the "Court House and Jail Maintenance Repair Fund", to be used exclusively for the purpose of maintenance and repair of the Court House and Jail.

SECTION 3. That all expenditures made from the said Fund are to be made by the Purchasing and Finance Commission, upon the authorization of the Quarterly County Court.

SECTION 4. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the County Court of Meigs County, Tennessee, on or before the next regular meeting of such County Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 13, 1963.

TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

The following is an act pertaining to taxation in Meigs County which is no longer effective.

1. Private Acts of 1923, Chapter 570, provided that, in Meigs County the taxes due the State and County assessed against each taxpayer shall be due and payable at any date from October 1 of the year for which assessed up to and included May 1 of the succeeding year without any penalty or interest. If not paid by the latter date, the taxes would be subject to all penalties and interest prescribed by law for delinquent taxes. The County Trustee could have 30 days after May 1 to collect before resorting to the delinquency procedures and penalties.

CHAPTER XII - UTILITY DISTRICTS

UTILITY DISTRICTS

BRIDGE DISTRICT

PRIVATE ACTS OF 1935 (EX. SESS.)

CHAPTER 62

SECTION 1. That the territory and the inhabitants thereof within the territorial limits of Rhea and Meigs Counties, Tennessee, are hereby created and incorporated as the "Rhea and Meigs Special Bridge District" for the purpose of constructing, operating and maintaining a bridge across the Tennessee River at or near a point between Dayton and Decatur, Tennessee, and by that name shall sue and be sued, plea and be impleaded, and have continual succession in the manner hereinafter provided for the purposes contained in this Act.

SECTION 2. That the governing body of such District shall consist of a board of six commissioners, one of which shall be elected Chairman and one Secretary and Treasurer of said Board of Commissioners. Said commissioners and their successors in office shall constitute and the same are hereby declared to be the "Board of Commissioners of the Rhea and Meigs Special Bridge District."

The first Board of Commissioners of said Special Bridge District shall consist of the following persons: J. W. Lilliard, J. R. Coffman, W. A. Shadow, James Abel, Glenn Woodlee and Owen Wasson, and they shall serve until the next general county election in said counties at which time a new Board of Commissioners shall be elected in the following manner: Three (3) commissioners shall be elected, from resident citizens who are qualified voters in Rhea County, by the qualified voters of Rhea County, and three (3) of such commissioners shall be elected, from resident citizens who are qualified voters in Meigs County, by the qualified voters of Meigs County; and every four (4) years thereafter a Board of Commissioners shall be elected for said Special Bridge District in the same manner. In the event of the resignation, death, mental or physical disability of any member of said Board, a successor for such member shall be elected by the remainder of the Board of Commissioners to fill such vacancy until after the next election for commissioners as provided for herein.

SECTION 3. That the said Board of Commissioner or a majority thereof shall have the power to make all proper rules and by-laws, and pass resolutions not conflicting with the Constitution and laws of this State which are necessary to carry out the purposes of this Act, but for no other purpose.

SECTION 4. That said Board of Commissioners of said Special Bridge District is hereby authorized to acquire land and to construct thereon a highway bridge at or near a point between Dayton and Decatur, Tennessee, in Rhea and Meigs Counties, and to operate and maintain said bridge, and to fix rates, fees and tolls to be charged all persons availing themselves of the services afforded by such bridge.

SECTION 5. That said Special Bridge District be and is hereby authorized to borrow money and issue bonds therefor for the purpose of providing funds for the acquisition of land and construction of said bridge and for purchasing all lands, approaches and appurtenances necessary and incidental thereto; that said bonds shall bear interest at a rate of not more than six (6%) per cent per annum, payable annually or semi-annually, said interest to be payable at such place or places as the Board of Commissioners of said District shall, by Resolution, determine, be issued in one or more series, shall mature at such time or times not exceeding forty (40) years from their respective dates, and shall be in such form and amount and be sold in such manner and for such prices as the said Board of Commissioners shall, by Resolution, determine, provided, however, that in no event shall such bonds be sold for a price less than par and accrued interest. The proceeds derived from the sale of said bonds shall be paid to the Treasurer of said District to the credit of a fund to be designated "Bridge Construction Fund" and shall be used exclusively for the purposes above recited.

SECTION 6. That said bonds shall not be issued until and unless the same shall be authorized by Resolution of said Board of Commissioners of said District at any regular or call meeting of said Board.

SECTION 7. That any Resolution or Resolutions authorizing the issuance of any bonds under the provisions of this Act may contain reasonable covenants as to (a) the purpose or purposes to which the proceeds of said bonds may be applied and the use and disposition thereof; (b) the use and disposition of the revenues derived from the charges, fees or tolls collected for the services rendered by such bridge, including the creation and maintenance of proper reserves; (c) the issuance of other or additional bonds payable from the revenues derived from the operation of said bridge; (d) the operation and maintenance of said bridge; and (e) the books of account and the inspection and audit thereof.

SECTION 8. That no free service shall be rendered by such bridge, but such Board of Commissioners of said Special Bridge District shall have the power and it shall be its duty under the provisions of this Act to, by Resolution, establish and maintain just and equitable rates, fees, tolls and charges for the use of the services rendered by such bridge, to be paid by the beneficiaries of the service. Such rates, fees, tolls and charges shall be adjusted so as to provide funds which shall at all times be sufficient to provide (a) a fund for the payment of the principal of and interest on the bonds herein authorized to be issued as and when the same shall become due; (b) to provide for the proper operation, repair and maintenance of such bridge; and (c) to create any reasonable reserves which may be covenanted for in the Resolution authorizing the issuance of such bonds. Subject to the rates, fees, tolls and charges being at all times sufficient for the purposes above set out, the Board of Commissioners of said District shall have the authority to change and revise such rates, fees, tolls and charges from time to time as they may in their discretion deem necessary.

SECTION 9. That in addition to all other rights and other remedies given to the holder or holders of any outstanding bond or bonds and/or interest coupons issued under the provisions of this Act, such holder or holders shall have the following additional rights and remedies:

(1) That in case there shall be any default in the payment of the principal of or interest on any of such bonds, any Court having jurisdiction may appoint a receiver to administer and operate such bridge for the benefit of such bond holder or holders, and the Special Bridge

District, such receiver shall have the power to charge and collect rates, fees, tolls and charges sufficient to provide funds for the purposes set out in Section 8 of this Act, and the purposes necessarily incidental to such receivership.

(2) By mandamus or other suit, action or proceeding at law or in equity to enforce his rights against such Special Bridge District and the Board of Commissioners of such District, including the right to require such District and such Board of Commissioners to fix and collect rates, fees, tolls and charges adequate to carry out any agreement as to or pledge of the revenues produced from such rates, fees, tolls and charges and require such District and such Board of Commissioners to carry out any other covenants and agreements with such bond holder or holders to perform its and their duties under the provisions of this Act.

(3) By action or other suit in equity to require such District to act as if it were the Trustee of an express trust for such bond holder or holders.

SECTION 10. That the Board of Commissioners of said District may, in the Resolution authorizing the issuance of any Bonds under the provisions of this Act, provide that the owners or holders of any of such bonds may register the same both as to principal and interest, or as to principal alone under such regulations and such terms as said Board of Commissioners may in such Resolution prescribe.

SECTION 11. That said bonds shall have all the qualities of negotiable instruments under the Uniform Negotiable Instruments Law of this State, and shall not be subject to taxation by the State of Tennessee or any political subdivision thereof.

SECTION 12. That the Board of Commissioners of said Special Bridge District shall have power and authority and it shall be their duty to employ all necessary personnel for the proper operation of said Bridge.

SECTION 13. That the Board of Commissioners herein provided shall serve without compensation, provided, however, that they shall be reimbursed for all expenses incurred by them in performing their duties in connection with the control and management of said Bridge and said Bridge District, but in no event shall any expense item for any one Commissioner be allowed in excess of Twenty-five (\$25.00) Dollars per year.

SECTION 14. That nothing in this Act shall in any manner be construed as giving the holder or holders of any bonds and/or interest coupons issued under the provisions of this Act the right of recourse to the taxing power of said District or the State of Tennessee, or that Rhea and Meigs Counties, but the bonds issued under the provisions of this Act shall be payable solely from the revenues derived from the rates, fees and tolls received for the services afforded by such Bridge.

SECTION 15. That after all of the outstanding bonds and interest coupons issued under the provisions of this Act for the purposes herein set out shall have been paid in full, no rates, fees or tolls shall be charged for the services rendered by such bridge, but such bridge shall thereafter be operated for the use and benefit of the general public as a free bridge.

SECTION 16. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed to the extent of such conflict, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: July 26, 1935.

UTILITY DISTRICTS

BRIDGE DISTRICT

State law on the construction, operation, and maintenance of bridges is indexed in Volume 13, Combined General Index, Tennessee Code Annotated, under "Bridges," but the bulk of the state statutes are contained under Title 54. T.C.A. 54-539 provides that no tolls will be charged on State owned and operated bridges except for the conditions mentioned therein but it is assumed that the bridge provided for in the act published herein would not be a state bridge. In any event, the Act itself provides for a discontinuance of tolls after all the indebtedness is paid.

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