



May 09, 2024

Private Acts of 1957 Chapter 256

Dear Reader:

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

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

Sincerely,

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

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COMPILER'S NOTE: The office of county judge was abolished in 1978 and replaced with the office of county executive, which is now known as the county mayor in most counties. Judicial duties were removed from the office in 1978. See Public Acts of 1978, Chapter 934, implementing 1978 amendments to the Tennessee Constitution. Accordingly, some of the provisions of this act have been superseded.

SECTION 1. That the office of County Judge of and for Hawkins County in the State of Tennessee is hereby created.

SECTION 2. That the office of Chairman of the County Court of Hawkins County be and the same is hereby abolished from and after the passage of this Act, and from and after that date the County Judge shall have and exercise all the jurisdiction and powers of said office of Chairman of the County Court of Hawkins County. The County Judge shall preside at its sessions [sic] and is hereby clothed with the same powers and jurisdiction that are now exercised by the Chairman of said County Court and shall perform the same duties required of said Chairman, pursuant to the statutes of the State of Tennessee.

SECTION 3. That the County Court to be held and presided over by the County Judge under the provisions of this Act, shall hold the regular sessions of Court on the first Monday of each month and shall sit from day to day so long as it is necessary to complete the docket.

SECTION 4. That the County Judge shall have and is hereby vested with authority, jurisdiction and power to grant all extraordinary writs of injunction and attachments, the same as Circuit Judges and Chancellors of this State now have, and the County Judge shall exercise this power and authority in the same manner as Circuit Judges and Chancellors of the State of Tennessee; and the County Judge shall have the power and authority to appoint receivers and in doing so he shall be governed by the same rules and regulations provided for Chancellors and Circuit Judges and he shall also have jurisdiction to hear and determine cases upon writs of *Habeas Corpus* in the same manner and under the same rule and regulations as are now conferred by law upon Chancellors and Circuit Judges of this State.

SECTION 5. That the Quarterly County Court, composed of the Justices of the Peace of Hawkins County, shall meet on the second Mondays in January, April, July and October of each year, and said County Judge shall preside over the same and they shall have such jurisdiction as they now have by law, except such as is imposed by this Act on the County Judge herein created.

SECTION 6. That in addition to the judicial duties of said office of County Judge, said County Judge shall be the accounting officer and general financial agent of the County and as such shall have power, and it shall be the duty of the County Judge:

- (a) To have the care and custody of all the County property and to see that such property is preserved.
- (b) To control all books, papers and instruments pertaining to his office and the County.
- (c) To audit each and every claim for money presented against the County and shall not pay such claim or claims unless the County is liable, and in the event there is no money in the treasury to pay the claim or claims, then the County Judge is enjoined from issuing a County warrant to pay said claim or claims unless there is sufficient money in the Treasury to the credit of the fund against which the warrant is drawn.
- (d) To draw and have sealed with the County Court all warrants drawn upon the County Treasury.
- (e) To audit and settle the accounts of the County Trustee and those of any other collector or receiver of the County revenue, taxes or income payable in the County Treasury and those of any intrusted to receive or expend any other money of the County, and to require said officers or persons to render and settle their accounts promptly as is required by law, or the authority under which they now act.
- (f) To enter in a book to be known as a warrant book the order of issuance, the number, date, amount and the name of the drawee of such warrant upon the Treasury of the County, and the purpose of the warrant being issued, and the fund against which it is issued.
- (g) No money shall be drawn out of the County Treasury for any purpose whatever except upon a warrant issued by the County Judge under and in accordance with existing laws and the provisions of this Act.

SECTION 7. That in addition to the duties enumerated above herein, that the County Judge shall, as the Financial Agent of the County, also perform the duties of Purchasing Agent for the County.

SECTION 8. That the Financial Agent or Purchasing Agent shall have the exclusive power and authority to contract for and purchase all materials, supplies and equipment of every kind whatsoever for the use of every official, agent, servant, department, or agency of or supported by, or under the control of the county government; including insurance, and no other official, employee, or agent of the said county or

any of its departments or agencies, shall contract for or purchase any such materials, supplies or equipment. The Financial Agent or Purchasing Agent shall likewise have exclusive power and authority to arrange for rental of machinery or equipment when the rents are to be paid out of funds belonging to Hawkins County, or any department, institution, or agency thereof; and no other official, employee or agent of the county shall have the right to make any contract for rental of machinery or equipment.

SECTION 9. That purchases or contracts for purchases of materials, supplies or equipment for the use of any official, employee, department or agency of the county government with the estimated monetary value being greater than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, which except in emergencies as hereinafter provided shall be executed by the Financial Agent or Purchasing Agent only after he shall have advertised in a newspaper published or circulated in Hawkins County. The sealed bids will be received by the Financial Agent or Purchasing Agent at the time fixed in the advertisement for such materials, supplies or equipment. The sealed bids received shall be published at the time and place fixed in the advertisement which shall be not less than ten days after the publication of the advertisement. However, purchases of materials, supplies, commodities, and equipment may be made from any federal, state or local governmental unit or agency without conforming to the competitive bidding requirements of this Section. No purchase or contract to purchase will be made or executed until the Financial Agent or Purchasing Agent certifies that funds are available to the credit of the department or agency of the county government to pay for such materials, supplies, or equipment when delivered to the county and found to meet the specifications of the department or agency of the county government. The right shall be reserved at all times to reject any and all bids received. The Financial Agent or Purchasing Agent is authorized to purchase and contract to purchase materials, supplies or equipment on an annual basis and distribute to the various departments of the county government; however, before making any such contract, the county department, institution or agency will deliver to the Financial Agent or Purchasing Agent a requisition for the materials, supplies or equipment and certify: (1) the annual need of the materials, supplies or equipment; (2) when the same shall be delivered, and (3) that funds are and will be available to pay for materials, supplies or equipment for the county government.

As amended by:

Private Acts of 1967-68, Chapter 223

Private Acts of 1977, Chapter 74

Private Acts of 1991, Chapter 36

Private Acts of 2007, Chapter 10

SECTION 10. That when the estimated monetary value of material, supplies or equipment required for essential functions of the county government is equal to or less than the purchasing limit as set forth in the County Purchasing Law of 1983 of the general law, the Financial Agent or Purchasing Agent is authorized to purchase same without the necessity of advertised sealed bids, but in making such purchases, the County Agency or official must certify: (1) that there is an immediate need for the item requested; (2) that the public will suffer if the purchase is delayed to permit advertisement; (3) that funds are available to pay for materials, supplies or equipment to be purchased. In such cases the Financial Agent or Purchasing Agent may, by personal contact, obtain the lowest bid for such item, and will keep a record of the names of the persons, firms or corporations contacted and the name of the person, firms or corporations from whom the purchase is made and the price paid for such materials, supplies or equipment.

Private Acts of 1977, Chapter 74

Private Acts of 1991, Chapter 36

Private Acts of 2007, Chapter 10

SECTION 11. That the Financial Agent or Purchasing Agent shall keep a record of all purchases and will keep all necessary papers and documents pertaining to or otherwise connected with the purchase of supplies, materials or equipment for the county government of Hawkins County. All records shall be open to the inspection of the Quarterly County Court and the general public to examine the books, records and papers of the said office.

SECTION 12. That the Financial Agent or Purchasing Agent shall not be financially interested, directly or indirectly, in the purchase of any supplies, materials or equipment for the County, and shall purchase, insofar as possible in compliance with this Act, from county-owned firms.

SECTION 13. That the Financial Agent or Purchasing Agent may, by regulation or written order; (1) require security to accompany bids, and fix the amount thereof guaranteeing the performance of the contract if awarded; (2) govern the method and procedure whereby the departments, agencies or officials of the county shall inform him of the need or necessity for the purchase of supplies, materials or equipment; (3) prescribe forms for estimates, requisitions, orders and contracts; and (4) establish definite or regular periods for submitting estimates or requisitions.

SECTION 14. That the Financial Agent or Purchasing Agent shall personally countersign all warrants in payment for materials, supplies, or equipment purchased under the provisions of this Act. Hawkins

County shall be liable for the payment of all purchases of all materials, supplies and equipment made under the provisions of this Act, but shall not be liable for payment for materials, supplies or equipment made contrary to its provisions. No warrant in payment for materials, supplies or equipment shall be binding upon or constitute a charge against Hawkins County until said warrant is countersigned by the Financial Agent or Purchasing Agent.

SECTION 15. That the compensation for said County Judge shall be \$4,800.00 per annum, which compensation shall include his services as Financial Agent and Purchasing Agent for said County, and the salary of \$4,800.00 per year shall be paid monthly from the County Treasury upon the Judge's own warrant, countersigned by the County Court Clerk.

SECTION 16. That the County Judge shall be provided secretarial help but he shall not pay more than \$1,800.00 per annum for such help and such compensation shall be paid from the County Treasury as other ordinary expenses of the County are paid, on the County Judge's warrant.

SECTION 17. That the necessary office space and equipment for the use of the County Judge in performing his duties as Purchasing Agent shall be provided and maintained at the County Seat of Hawkins County. Such office shall be open for business during the usual hours observed by other officials of the County government.

SECTION 18. That before the County Judge shall enter upon the duties of his office he shall give bond in the sum of \$15,000.00 payable to Hawkins County, in an approved surety company. The premium on said bond shall be paid from the County Treasury as other ordinary expenses are paid, to be approved by the Circuit Judge or the Chancellor serving for said County, for the faithful performance of the duties of his office, and he shall take and subscribe to an oath to support the Constitution of United States and of the State of Tennessee, and to faithfully and honestly discharge the duties of his office, and such oath shall be entered upon the minutes of the Court.

SECTION 19. That the provisions of this Act are hereby declared to be severable and if any of its sections, provisions or parts thereof be held unconstitutional or void, the remainder of this Act shall continue in full force and effect.

SECTION 20. That after this Act has been approved by the Governor, the Election Commissioners of Hawkins County shall call an election to be held on the first Saturday in May, 1957, for the purpose of determining the will of a majority of the people of Hawkins County. The question on the ballot shall be:

"I favor ratification of the bill creating the office of County Judge for Hawkins County."

"Yes"

"No"

Those in favor of ratifying the bill for the creation of a County Judge for Hawkins County shall vote "Yes" and those opposing shall vote "No". All qualified voters in and of Hawkins County shall be entitled to vote in said election and the election shall be conducted in accordance with the general election laws. The said election is declared to be for a County governmental purpose and the County shall expend from its general funds the monies necessary to conduct the election.

SECTION 21. That in case of the approval of this Bill by popular vote the qualified voters of Hawkins County shall, at the August election 1958, elect some qualified person County Judge who shall hold office for a term of eight years from September 1, 1958, and until his successor is elected and qualified. Subsequent elections shall be held each eight (8) years or after the term of the incumbent shall expire. At the January term 1958, the Quarterly County Court of Hawkins County shall elect a Chairman who shall serve until September 1st, 1958, and until the Judge herein provided shall take office.

SECTION 22. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1957.

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