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Board of Workhouse Commissioners

Dear Reader:

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

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

Sincerely,

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Board of Workhouse Commissioners

Reference Number: CTAS-1433

When the county has established a separate workhouse, or the jail has been declared a workhouse, the county legislative body shall elect four competent persons, who, in conjunction with the county mayor, shall be known as the board of workhouse commissioners, of which the county mayor shall be, *ex officio*, chair of the board. T.C.A. § 41-2-104(a). Pursuant to the common law, county commissioners may not elect themselves to the board of workhouse commissioners. *State ex rel. v. Thompson*, 395, 246 S.W.2d 59 (Tenn. 1952) (Under the common law it is a violation of public policy for an appointing body to confer office upon one of its own members.). See *also* Op. Tenn. Atty. Gen. No. 04-070 (April 21, 2004) (A local legislative body cannot elect or appoint one of its own members to an office over which it has the power of election or appointment.); Op. Tenn. Atty. Gen. No. 98-004 (January 5, 1998); Op. Tenn. Atty. Gen. No. U92-129 (December 14, 1992); Op. Tenn. Atty. Gen. No. 88-166 (September 9, 1986).

Two of the workhouse commissioners shall serve for the term of one year and two for the term of two years; and annually thereafter, on the first Monday in January, the county legislative body shall elect two workhouse commissioners for the term of two years, and all vacancies shall be filled by like election for the unexpired term of the workhouse commissioner whose place is to be supplied. T.C.A. § 41-2-104(b).

Workhouse commissioners shall take an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the county clerk, and a record of the same made on the minutes of the county legislative body; and they shall appoint one of their number secretary. T.C.A. § 41-2-104(c). The board of workhouse commissioners shall each receive such compensation as may be fixed by the county legislative body to be paid quarterly upon warrant of the executive. T.C.A. § 41-2-104(g).

Duties and Powers

Where a separate workhouse has been established, the workhouse commissioners shall have charge, supervision and control of the workhouse in all of its departments, the convicts, the appointment or selection of a superintendent of the workhouse, all necessary guards and other employees, the discharging thereof at any time, in the discretion of the workhouse commissioners, and generally to regulate and control that department of the county's business. T.C.A. § 41-2-104(d).

Three members of the board shall constitute a quorum for the transaction of business. The board of workhouse commissioners shall:

1. Meet once each month, and more often if necessary, to transact business, at the office of the county mayor;
2. Keep, in a well-bound book to be furnished by the county, full and complete minutes of their proceedings;
3. Examine all accounts submitted to them by the superintendent, approve the accounts if found correct, and enter them on their minutes, showing from whom supplies were furnished and for what purpose and the amount. The chair and secretary shall sign the accounts and deliver them to the county mayor, who shall issue a warrant for their payment and keep a record of the accounts, designating to whom issued and for what purpose and shall preserve the vouchers; and
4. Visit and inspect the workhouse prisoners, where at work, as often as necessary.

T.C.A. § 41-2-104(e) and (f).

Quarterly Audit

The board of workhouse commissioners shall, at the close of each quarter and at least two days before the meeting of the county legislative body, submit the book kept by the superintendent and the minute book of the board to the county mayor, for settlement and comparison with the audited account kept in the county mayor's office. If found correct, the county mayor shall endorse on such books "examined and approved" and sign the books officially. T.C.A. § 41-2-106.

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