



May 19, 2024

Chapter I - Administration

Dear Reader:

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

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

Sincerely,

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Chapter I - Administration

Audit

Private Acts of 1927 Chapter 260

SECTION 1. That it shall be the duty of the County Judge or Chairman of the County Courts in counties of this State having a population of not more than 24,561 nor less than 24,361, according to the Federal Census of 1920 or any subsequent Federal Census, to have made, not less than every two years, and oftener, if sufficient cause should arise, an audit, by competent auditors or certified public accountants, of the books and records of all County officials, who handle, in any way, any County revenue, boards or commissions, including the County Judge or Chairman of the County Court, the County Court Clerk, Sheriff, County Trustee, Circuit Court Clerk, Clerk and Master, Superintendent of Public Instruction, County Board of Education, Special School Districts, Drainage Districts, Road Commissioners, Bridge and Levee Supervisor, Justices of the Peace, all other officials, board [sic] or commissions, who handle any County revenue of counties coming within the provisions of this Act. Whenever the term of office of any County official expires, he, she or they shall be checked out and a full settlement be made with the counties herein affected, before the new officials shall take the oath of office and such audit and settlement as shown shall be certified to the County Judge or Chairman.

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

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

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

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

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

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

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

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

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

Passed: March 31, 1927.

COMPILER'S NOTE: General law dealing with audits of county officers and employees is found in Title 8, Chapter 15 of Tennessee Code Annotated. The auditor is required to furnish a bond.

Budget System

Private Acts of 1937 Chapter 58

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

(a)The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Carroll County.

(b)The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Carroll County, Tennessee.

(c)The term "Sheriff" when used in this Act shall mean the Sheriff of Carroll County, Tennessee.

(d) The term "Trustee" when used in this Act shall mean the Trustee of Carroll County, Tennessee.

(e)The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Carroll County, Tennessee.

(f)The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Carroll County, Tennessee.

(g)The term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highways of Carroll County, Tennessee.

(h)The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Carroll County, Tennessee.

(i) The term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any department or institution of Carroll County.

(j) The term "Quarterly County Court" when used in this Act shall mean any Justice of the Peace that is a member of the County Court of Carroll County.

(k)The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Carroll County.

(l) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Carroll County.

(m) The term "School Board" when used in this Act shall mean the County Board of Education of Carroll County.

(n)The term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of Carroll County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.

(o)The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Carroll County.

(p)The term "Budget Committee" when used in this Act shall mean a committee of three members of the Quarterly County Court appointed [sic] by the Quarterly County Court of Carroll County as hereinafter provided.

(q)The term "Expenditure or Expend" when used in this Act shall mean the act of committing Carroll County to expend monies then and there in the County Treasury or to come into the County Treasury of Carroll County.

SECTION 2. That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Carroll County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of September of each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: A statement of the contemplated revenues and disbursements, liabilities, reserves and surplus or deficit of Carroll County as of the date of the preparation of the budget.

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

SECTION 3. That a brief synopsis of the budget shall be published in a newspaper having general circulation in Carroll County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Carroll County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act, provided, however, that it is mandatory upon the Quarterly County Court to levy a tax rate, assuming that not more than 85% of all the total tax aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the budget so adopted by the Quarterly County Court.

SECTION 4. That the Budget Committee of Carroll County, may require the heads or other responsible representative of all departments, divisions, boards, commissions, agencies, or offices of said County to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

SECTION 5. That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such Court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months period ending on the immediately preceding August 31st. A copy of such statement shall be posted at the front door of the Court House and published in one or more newspapers of the County.

SECTION 6. That it shall, likewise, be the duty of the School Board on or before the first Monday in April of each year to prepare and file with the Budget Committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement or budget.

SECTION 7. That the Quarterly County Court shall include in the county budget required by law and as a part thereof a budget for the schools of the County a brief synopsis of which shall be posted as required in Section 4, of this Act.

SECTION 8. That it shall be the duty of the County Judge or Chairman to install and maintain or to cause to be installed and maintained a set of accounts as prescribed by the Quarterly County Court or its representative, classified according to functions and activities, which will at all times reveal the amount appropriated, the amount expended to date chargeable against such appropriation, and the unexpended balance of such appropriation. Furthermore, it shall be the duty of each and every Official of the County before making an expenditure for any purpose whatsoever, whether it be for personal services, contractual services, materials and supplies, equipment, bounties and claims, pensions and relief contributions, or debt service to issue or cause to be issued to the County Judge or Chairman a requisition and to receive from the County Judge or Chairman a purchase order which among other things shall show the unexpended balance of the appropriation against which such purchase order or requisition has been charged.

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

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

SECTION 11. That it shall be a misdemeanor in office for any official of the County, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the County, to violate any provision of this Act, to fail or refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures, aids, or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine not less than \$100.00, nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court, provided further that any County Official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

SECTION 12. That the Quarterly County Court shall at the April 1937 regular session of such Court, and at the expiration of each second calendar year period thereafter, elect a Budget Committee consisting of three members of the Court, such Budget Committee to receive as compensation for their services a per diem fee of \$3.00 for each and every day spent in the preparation of the budget, as hereinbefore specified; provided however, the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of \$48.00.

SECTION 13. That the holding of any section or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not effect [sic] any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, subsection, sentence, clause, and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

SECTION 14. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring

it.

Passed: January 20, 1937.

Purchasing

Private Acts of 1975 Chapter 23

SECTION 1. Short title. - This Act shall be known as the "County Purchasing Law of Carroll County, Tennessee."

SECTION 2. County Purchasing Agent. - The Purchasing Agent shall be the duly elected County Judge of Carroll County, Tennessee, who shall serve during his elected term. Before assuming his duties, he shall execute a corporate surety bond; the amount of which shall be Twenty Five Thousand Dollars (\$25,000.00). Said bond shall be approved by the Quarterly Court and shall be recorded in the office of the Register of Deeds in the same manner as are the bonds of all county officials. The premium for such bond shall be paid from the County General Fund.

The compensation of such clerks and assistants as may be needed, and the other necessary expenses of this office shall be provided for by an annual appropriation made by the Quarterly County Court from the County General Fund.

The Purchasing Agent shall have power, in accordance with such regulation as may be established by the Purchasing Commission to appoint and remove his assistants, to prescribe their duties, and to fix their salaries within the limits of the annual appropriation made therefor.

SECTION 3. Office of Purchasing Agent. - Necessary office space and equipment for the use of the Purchasing Agent shall be provided and maintained at the county seat of such county. Such office shall be open for business during the usual hours observed by other officials of the county government.

SECTION 4. Duties and powers of Purchasing Agent. - The County Purchasing Agent shall have exclusive power and it shall be his duty:

- (a) To contract for and purchase all supplies, material, equipment and contractual services required by each and every official of the County Highway Department and Department of Transportation of Carroll County Schools and all administrative offices under the control of the county government which expends or encumbers any of the county funds. No other official, employee, or agent of the county or of any of its departments or agencies so named shall be authorized to contract for or purchase any such materials, supplies, equipment or contractual services, except that nothing in this act shall prevent or be construed as preventing the Carroll County Highway Department and Department of Transportation of Carroll County Schools from contracting for or purchasing any materials, supplies, equipment or contractual services wherein the amount of the expenditure is not in excess of two hundred fifty (\$250.00) dollars.
- (b) To arrange for the rental of machinery, buildings, or equipment when the rents are to be paid out of funds belonging to the county or any department, institution, or agency thereof as described in sub-section (a) and no other official, employee or agent of the county shall have the right or power to make any contract for such rental, except that nothing in this act shall prevent or be construed as preventing the Carroll County Highway Department and Department of Transportation of Carroll County Schools from arranging for the rental of machinery, buildings, or equipment wherein the amount of such rental expenditure is not in excess of two hundred fifty (\$250.00) dollars.
- (c) To transfer materials, supplies, and equipment to or between county departments and agencies as may be needed for the proper and efficient administration of the county government upon approval of the Purchasing Commission and agencies involved: [sic]
- (d) To have charge of any central storeroom or central mailing room or similar services which may hereafter be established for the efficient and economical handling of the county's business.
- (e) To arrange for an inventory of all county property and equipment in each department, such inventory to be kept current and coded for immediate public inspection. The County Purchasing Agent shall report quarterly to the County Purchasing Commission the inventory of each county department.
- (f) To perform such other duties and powers as the purchasing commission shall from time to time prescribe.

As amended by: Private Acts of 1981, Chapter 15

SECTION 5. County Purchasing Commission. - A County Purchasing Commission is hereby created. The commission shall consist of five (5) members, including the County Court Clerk, the County Trustee, and three (3) elected members of the Quarterly Court to be elected by the County Court.

The commission shall meet from time to time as it may deem necessary for the discharge of its duties and it shall be the duty of the County Purchasing Commission to approve the overall purchasing policies of the county and to establish and promulgate, in accordance with this Act, the rules, regulations and procedures to be followed in the making of purchases and contracts for purchase for the county, but the actual administration of such activities shall be the responsibility of the Purchasing Agent.

SECTION 6. Rules and regulations - Promulgation - Scope. - The County Purchasing Commission, with the assistance of the County Purchasing Agent in an advisory capacity, shall adopt, promulgate, and may from time to time amend, rules and regulations for the purchase of supplies, materials, equipment and contractual services and specifically for the following purposes:

- (a) Authorizing in writing, any department, official or agency of the county government, governed by this Act to make purchases in the open market for immediate delivery in emergencies, defining such emergencies, describing the manner in which such emergency purchases shall be made and promptly afterward reported to the County Purchasing Agent;
- (b) Prescribing the manner in which supplies, materials and equipment shall be required, purchased, delivered, stored, and distributed; and providing that such shall be conducted in accordance with the provisions of this Act;
- (c) Prescribing the dates for submitting requisitions and estimates, the future period that they are to cover, the form in which they are to be submitted, the manner of their authentication, and their revision by the County Purchasing Agent;
- (d) Prescribing the manner of inspecting all deliveries of supplies, materials and equipment, and of making or procuring chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;
- (e) Requiring periodical and special reports by county departments, agencies and employees of stocks of surplus, unusable or obsolete supplies and equipment on hand and prescribing the form of such reports;
- (f) Providing for the transfer to or between county departments and agencies of supplies and equipment on hand, which are declared surplus with one department or agency, but which may be needed by another or others; and for the disposal by sale, after receipt of competitive bids, of supplies, materials and equipment, which are obsolete or unusable;
- (g) Determining whether a deposit or bond is to be submitted with a bid on a purchase contract or sale, and if required, prescribing the amount and form thereof, and providing that such surety shall be forfeited if the successful bidder refuses to enter into contract ten (10) days after the award;
- (h) Prescribing the manner in which invoices for supplies, materials, equipment and contractual services delivered to any and all departments, agencies, and offices of the county shall be submitted, examined and approved; and [sic]
- (i) Authority to contract with State Auditors or Certified Public Accountant Firm to set up the proper record keeping system for each department and shall make periodic audits to see that all records are being kept according to standard accounting practices.
- (j) Providing for all other such matters as may be necessary to give effect to the foregoing rules and to the provisions of this Act.

SECTION 7. Purchases and sales - Contracts for services - Competitive bids. - All purchases of and contracts for purchases of supplies, materials, equipment and contractual services, and all sales of county-owned property which has become surplus, obsolete, or unusable, shall be based wherever possible on competitive bids; but contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids need not be required for services for which the rate or price is fixed by a public authority by law to fix rates or prices.

The county may purchase materials, supplies, commodities, and equipment from any federal, state or local governmental units or agency, without conforming to the competitive bidding requirements of this Act.

If the amount of the expenditure or sale is estimated to exceed ten thousand dollars (\$10,000), sealed bids shall be solicited. The County Purchasing Agent shall solicit sealed bids by public notice inserted at

least once in a newspaper of countywide circulation five (5) days prior to the final date for submitting bids and by posting notices on a public bulletin board in the county courthouse. The County Purchasing Agent shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or property to be sold and shall state where bid blanks and specifications may be obtained and the time and place of opening bids. The County Purchasing Agent shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers and by posting notices on a public bulletin board in the county courthouse.

All purchases or sales of less than ten thousand dollars (\$10,000) in amount may be made by the County Purchasing Agent in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive bids. Requisitions for items estimated to cost more than ten thousand dollars (\$10,000) shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales by the Purchasing Agent shall be made to the highest responsible bidder.

As amended by: Private Acts of 1996, Chapter 128
Private Acts of 2008, Chapter 68

Bids on purchases shall in all cases be based on such standards as may be adopted and promulgated by the County Purchasing Agent and approved by the County Purchasing Commission; provided, further, that the Purchasing Commission shall have the authority to exclude non-biddable items from the provisions of this Act and the determination of the Purchasing Commission that an item is non-biddable shall be conclusive and final.

All open market purchase orders or contracts made by the County Purchasing Agent or in extreme emergencies by any county department or agency shall be awarded to the lowest and best bidder, taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the county government, and the delivery to any or all bids may be rejected for good cause.

All bids taken under the requirements of this Act and all other documents, including purchase orders, pertaining to the award of contracts on such bids, shall be preserved for a period of five (5) years.

If all bids received on a pending contract are for the same unit price or total amount, the County Purchasing Agent shall have the authority to reject all bids and to purchase the required supplies, materials, equipment or contractual services in the open market, provided the price paid in the open market does not exceed the bid price.

All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidders, the amounts of their bids, and the name of the successful bidder indicated thereon, shall after the award or contract or order, be open to public inspection.

All contracts shall be approved as to form by the County Attorney and the original copy of each long-term contract shall be filed with the County Court Clerk.

No purchase shall be made or purchase order or contract of purchase issued but in consequence of a written requisition for the supplies, materials, equipment or contractual services required which requisition shall be signed by the head of the department, office or agency of the county requiring such articles or services.

Original copies of all such requisitions shall be kept on file in the office of the County Purchasing Agent.

The County Purchasing Agent is authorized to purchase and contract to purchase materials, supplies, equipment and contracts [sic] services on a fiscal year basis, but no commitment shall be made which extends beyond the end of the current fiscal year for which appropriations have been made by the County Court, except such commitments as are authorized by resolution of the County Court. In the determination of the county's annual needs of certain commodities and/or services, the County Purchasing Agent may request the various departments, offices and agencies of the county government to anticipate their needs for the remainder of the fiscal year and to issue their requisitions based upon such estimates.

The Highway Commission of Carroll County and Department of Transportation of Carroll County Schools are authorized to purchase and contract to purchase materials, supplies, equipment and contract services and to arrange for the rental of machinery, buildings or equipment wherein the amount of the expenditure for such purchase or rental does not exceed the sum of two hundred fifty (\$250.00) dollars. In all such cases involving expenditures of two hundred fifty dollars (\$250.00) or less, the Highway Commission and Department of Transportation of Carroll County Schools, shall solicit wherever possible at least three (3) competitive bids. The Highway Commission and Department of Transportation of Carroll County Schools shall issue a purchase order for each such expenditure and deliver that purchase order to the office of the

county purchasing agent before the close of the next working day following the date of such purchase or rental.

As amended by: Private Acts of 1981, Chapter 15
Private Acts of 1988, Chapter 128

SECTION 8. Balance sufficient to cover order or contract required - Exception. - Except in emergencies, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any county department or agency governed by this Act shall be awarded unless it shall be first certified by the County Judge, or other county official or employee in charge of the central accounting records of the county that the unencumbered balance in the appropriation chargeable with such purchase in excess of all unpaid obligations, is sufficient to defray the entire cost of such order or contract.

SECTION 9. Emergency purchases. - The County Purchasing Agency [sic] may authorize any department or agency of the county government to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in actual emergencies, arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. Such direct emergency purchases, however, may only be made by department or agency head at times when the office of the County Purchasing Agent is closed. At all other times, only the County Purchasing Agent shall make these purchases. A report of such emergency purchase, when made by a department or agency head, together with a record of the competitive bids secured and upon which it was based, shall be submitted in writing to the County Purchasing Agent before the close of the next working day following the date of such purchase, by the head of the county department or agency concerned, together with a full and complete account of the circumstances of such emergency. Such reports shall be kept on file and shall be open to public inspection.

SECTION 10. Written order evidencing purchases and contracts. - Each purchase order or contract issued or executed pursuant to the provisions of this Act shall be evidenced by a written order signed by the County Purchasing Agent, which shall give all significant details respecting such order or contract; however, in all cases involving purchases or rental expenditure not exceeding two hundred fifty (\$250.00) dollars, wherein the Highway Commission and Department of Transportation of Carroll County Schools are authorized to purchase and contract to purchase materials, supplies, equipment and contract services and to arrange for the rental of machinery, buildings or equipment, each purchase order or contract issued or executed shall be evidenced by a written order signed by a Highway Commissioner of the Carroll County Highway Department and School Superintendent of the Department of Transportation of Carroll County Schools. Copies of such orders or contracts shall be furnished and supplied to various parties in accordance with appropriate policies and regulations established by the County Purchasing Commission.

As amended by: Private Acts of 1981, Chapter 15

SECTION 11. Classification and standards of purchases. - It shall be the duty of the County Purchasing Commission to classify the requirements of the county government for supplies, materials and equipment; to adopt as standards the smallest number of quantities, sizes and varieties of such supplies, materials, and equipment, consistent with the successful operation of the county government; and to prepare; [sic] adopt and promulgate written specifications describing such standards.

In the preparation and revision of such standards the County Purchasing Commission shall seek the advice, assistance, and cooperation of the county departments and agencies concerned, to ascertain their precise requirements; and each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of the majority of the county departments and agencies which use the same.

SECTION 12. Liability of county. - 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 Chapter, but shall not be liable for the payment of such purchases made contrary to its provisions.

SECTION 13. Interest, rebates and gifts prohibited - Felony - Neither the County Purchasing Agent, nor members of the County Purchasing Commission, nor other officials of the county, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services used by or furnished to any department or agency of the county government.

Nor shall any such persons accept or receive, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Any violation of this Section shall be deemed a felony and shall be punishable by fine or imprisonment or both.

SECTION 14. Chapter 55 of the Private Acts of 1937 and Section 10 of Chapter 133 of the Private Acts of 1959 are repealed. Such other Sections of Private Acts which are in conflict with the provisions of this Act

are also repealed.

SECTION 15. Approval of County Court. - This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Carroll County on or before September 1, 1975. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 16. Effective Date. - For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming law, the public welfare requiring it. For other purposes this Act shall be fully implemented on or before June 30, 1976.

Adopted: March 24, 1975.

Surety Bonds

Private Acts of 1927 Chapter 258

SECTION 1. That it shall be unlawful for any County Office Holder to sign any bond or bonds, as surety during the time he shall be in office as Office Holder in all counties in this State having a population of not less than 24,361 nor more than 24,861, according to the Federal Census of 1920 or any subsequent Federal Census.

SECTION 2. That any County Office Holder violating the provisions of this Act, shall be, upon conviction, fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each offense.

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

Passed: March 31, 1927.

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Carroll County. These acts are included for historical reference only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 152, created the office of County Attorney in Carroll County, to be elected by qualified voters to a 2-year term. The County Attorney would provide legal advice to the County Judge, the Quarterly County Court and all county officials relative to their offices and other official matters. The act prohibited any county official from employing outside legal counsel in official matters without advance approval of the County Court, and failure to secure approval in advance obligated the official to pay the outside counsel out of his own personal funds. The annual salary of the County Attorney was fixed at \$1,500.
2. Private Acts of 1949, Chapter 100, repealed Private Acts of 1947, Chapter 152.

County Clerk

The following acts once affected the office of county clerk in Carroll 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 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the County Court Clerk was \$2,250 per year.
2. Private Acts of 1927, Chapter 745, authorized the County Court Clerk of Carroll County to appoint a Deputy County Court Clerk, who was to have the same duties as the Clerk of the County Court. The Deputy Court Clerk would receive a salary of \$1,000 per year (\$500 paid from county funds and \$500 paid by the County Court Clerk).
3. Private Acts of 1929, Chapter 351, amended Private Acts of 1927, Chapter 745, to increase the salary of the Deputy County Court Clerk to \$1,200 per year, all of which was to be paid from county funds.
4. Private Acts of 1937, Chapter 227, repealed Private Acts of 1927, Chapter 745 and Private Acts of

1929, Chapter 351.

5. Private Acts of 1937, Chapter 292, fixed the annual salary of the County Court Clerk in Carroll County at \$1,200 to be paid in monthly installments on warrants drawn by the County Judge from the general funds of the county. This salary was in addition to all the fees received by the office. Any amounts received by the Clerk in excess of the maximum compensation allowed under general law was to be paid back to the county.
6. Private Acts of 1947, Chapter 547, repealed Private Acts of 1937, Chapter 292.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Carroll County and are included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1822, Chapter 94, validated all official acts of the first Justices of the Peace and officers of Carroll County, making them binding obligations of the county.
2. Private Acts of 1822, Chapter 156, validated the official acts performed by John Gwin, Edward Gwin, James A. M'Lary and John Brown, four Justices of the Peace whose commissions had been issued with errors in their names.
3. Private Acts of 1824, Chapter 102, provided that the County Court for Carroll County would be held on the first Mondays in March, June, September and December.
4. Private Acts of 1825, Chapter 318, changed the time for holding County Court for Carroll County to the second Mondays in March, June, September and December.
5. Public Acts of 1829-30. Chapter 20, authorized the Carroll County Court to elect three justices to serve on a quorum court. This act provided that the justices would serve for one year with a compensation of a \$1.50 per diem.
6. Acts of 1901, Chapter 304, authorized the election of additional Justices of the Peace in the 1st, 2nd, 3rd, 4th, 9th, 19th and 22nd Civil Districts of Carroll County.
7. Acts of 1903, Chapter 489, repealed Acts of 1901, Chapter 304, abolishing the offices of the Justices of the Peace in the 1st, 2nd, 3rd, 4th, 9th, 19th and 22nd Civil Districts of Carroll County.
8. Private Acts of 1917, Chapter 669, provided that all Justices of the Peace for Carroll County would receive \$3 per day for attending Quarterly County Court, not to exceed eight days per year. The Justices of the Peace were given a mileage allowance of 5¢ per mile if they traveled more than 10 miles to reach a meeting of the Quarterly County Court, for one day only in any term.
9. Private Acts of 1927, Chapter 786, authorized the Quarterly County Court of Carroll County to designate depositories for county revenue and to require bond and interest, to authorize the County Judge or Chairman to sell interest-bearing warrants to purchase materials for the county and warrants to pay the interest on those warrants, and to elect a bridge and levee supervisor, define his duties, and set his term of office and salary. The act authorized the County Judge or Chairman to pay the normal expenses of the courthouse retroactively to September 6, 1926.
10. Private Acts of 1933, Chapter 55, amended Private Acts of 1927, Chapter 786, to repeal the provision which authorized the election of a bridge and levee supervisor.
11. Private Acts of 1961, Chapter 233, provided for payment of \$5 in expense money to the members of the Carroll County Court for attending quarterly sessions, not to exceed four sessions for any one year or \$20 in any calendar year. This sum was to be paid in addition to all other payments provided by law to the members.

County Mayor

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, to be elected by the people to four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other judges. Quorum Courts were abolished and all the duties of those courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the county and would be responsible for discharging the duties enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, and restored the Quorum Courts to their former status.

3. Public Acts of 1871, Chapter 133, created the office of County Judge for Carroll and DeKalb Counties. A person learned in the law would be elected by the voters in each county to a term of eight years. The Quorum Courts were abolished and their jurisdiction was transferred to the County Judge. The County Judge would have the same jurisdiction as the Chairman of the County Court, over which he would preside. The County Judge would be the accounting officer and general agent of the county. The compensation was set at \$5 per day during the sitting of the monthly and Quarterly Courts. The Quarterly Court was authorized to pay additional compensation to the Judge out of the county treasury.
4. Acts of 1872 (Ex. Sess.), Chapter 1, authorized the County Courts of Carroll and DeKalb Counties to elect a qualified person learned in the law to serve as the County Judge until the next regular election. The County Judge was given the same authority to maintain order that the Circuit Judge possessed.
5. Acts of 1907, Chapter 145, amended Public Acts of 1871, Chapter 133, to provide the County Judge of Carroll County with the same duties, power, authority and jurisdiction as that of the Justices of the Peace. The act also gave the County Judge the authority to exercise the same power and authority then conferred upon the Chancellors and Circuit Judges. This act amended Acts of 1872 (Ex. Sess.), Chapter 1, to provide for selection of a special judge when a County Judge was incompetent or absent.
6. Private Acts of 1921, Chapter 228, allowed the County Judge additional compensation of \$400 per year for his services as the accounting officer, financial agent and general agent of Carroll County.
7. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the County Judge or Chairman was \$1,650 per year.
8. Private Acts of 1927, Chapter 478, authorized and required the County Judge to collect delinquent poll taxes, automobile license, road and merchant's privilege taxes and other privilege taxes in Carroll County. The act specifically did not empower the Judge to collect delinquent real estate or drainage taxes. This act was repealed by Private Acts of 1933, Chapter 56.
9. Private Acts of 1927, Chapter 560, provided that the County Judge in Carroll County would receive, in addition to his salary, the annual sum of \$1,000 as compensation for his services as accounting officer, financial agent and general agent of Carroll County. This act was repealed by Private Acts of 1933, Chapter 204.
10. Private Acts of 1929, Chapter 744, authorized the County Judge or Chairman of Carroll County to employ a clerk at a monthly salary of \$100. This act was repealed by Private Acts of 1937, Chapter 24.
11. Private Acts of 1931, Chapter 648, amended Private Acts of 1929, Chapter 744, to provide that in addition to duties as clerk for the County Judge or Chairman, the clerk would serve as secretary of the County Highway Commission for Carroll County. The clerk would receive no additional compensation for the performance of these additional duties.
12. Private Acts of 1933, Chapter 56, repealed Private Acts of 1927, Chapter 478.
13. Private Acts of 1933, Chapter 204, repealed Private Acts of 1927, Chapter 560.
14. Private Acts of 1937, Chapter 24, repealed Private Acts of 1929, Chapter 744.
15. Private Acts of 1947, Chapter 207, repealed Public Acts of 1871, Chapter 133, Acts of 1872 (Ex. Sess.), Chapter 1, and Acts of 1907, Chapter 145, and created the County Court and the Court of General Sessions for Carroll County, which would be held at the courthouse in Huntingdon. All jurisdiction and power in criminal and civil cases once vested in the Justices of the Peace, except the power to perform rites of matrimony, were transferred to the Judge of the County Court and Court of General Sessions. The Judge was to be licensed to practice law in the state and would be paid \$5,000 annually. The County Judge was empowered to appoint a deputy clerk, who would serve as secretary to the Judge and to the County Highway Commission and receive an annual salary of \$1,500. The Clerk of the Circuit Court would perform the duties of Clerk of the Court of General Sessions in addition to the duties of the Clerk of Circuit Court and would receive an annual salary of \$600. This act was repealed by Private Acts of 1949, Chapter 44.
16. Private Acts of 1971, Chapter 67, would have amended Public Acts of 1871, Chapter 133, to decrease the term of office for the County Judge from 8 years to 4 years. This act failed to receive the required approval of the voters in a referendum and never became effective law.

County Register

The following acts once affected the office of county register in Carroll County, but are no longer operative.

1. Private Acts of 1831, Chapter 40, authorized the Register of Carroll County to keep his office at home, provided his residence was not located more than ½ mile from the courthouse at Huntingdon in Carroll County.
2. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the Register was \$1,800 per year.

County Trustee

The following acts once affected the office of county trustee in Carroll County, but are no longer operative.

1. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. The Trustee was required to report to the County Judge or Chairman twice each year. Each of the offices would be audited every two years. The salary of the Trustee was \$3,000 per year.
2. Private Acts of 1951, Chapter 693, authorized the Trustee in Carroll County to establish a Special Bond Retirement Fund to pay the interest and principal on any funding bonds issued by the Quarterly County Court in 1951. The County Trustee was to set aside \$500 each month out of the funds received from the state for road purposes.

Purchasing

The following acts once affected the purchasing procedures of Carroll 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, Chapter 55, appointed the County Judge or County Chairman, the County Court Clerk and the County Trustee of Carroll County to act as a "Purchasing Agency" for Carroll County. The Purchasing Agency was authorized to contract for and purchase services, materials, supplies and equipment, where authority had not been delegated to other officers, for the purpose of operating the county government, and to pay for those purchases from county funds, subject to restrictions set out in the act. No member could act without the consent of the other members of the Purchasing Agency. The act set out the duties and responsibilities of the members and penalties for violations of the act. This act was repealed by Private Acts of 1975, Chapter 23 (reproduced hereinabove).
2. Private Acts of 1959, Chapter 133, Section 10, authorized the County Highway Board to make necessary purchases of materials or enter into contracts for the repair or other work on roads up to \$1,000 without taking bids, and authorized the Board to allow the Superintendent to make purchases of \$250 or less without consent of the Board. Purchases over \$1,000 required sealed bids. Section 10 was repealed by Private Acts of 1975, Chapter 23 (reproduced hereinabove).
3. Private Acts of 1977, Chapter 68, would have repealed Private Acts of 1975, Chapter 23 (reproduced hereinabove), to establish a new purchasing law for Carroll County. The act provided for the election of a County Purchasing Agent by the Quarterly County Court. The County Purchasing Agent would be paid at a rate set by the Quarterly Court. The act provided for the creation of a Purchasing Commission to be composed of the County Judge, the County Court Clerk, the Circuit Court Clerk, the County Trustee and the Purchasing Agent. This act failed to receive local approval and never became effective law.

General Reference

The following private or local acts constitute part of the administrative and political history of Carroll County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Private Acts of 1822, Chapter 210, authorized the Quarterly County Court of Carroll County to make an appropriation for the Commissioners who were selecting a site for the county seat.
2. Public Acts of 1831, Chapter 44, authorized the appointment of Boards of Internal Improvement in counties west of the Tennessee River, and established rules and regulations for their operation.
3. Public Acts of 1832, Chapter 14, amended Public Acts of 1831, Chapter 44, to authorize Carroll,

Henry, Gibson, Weakley, Obion and Dyer Counties, and to require Perry County, to appoint a Board of Commissioners of Internal Improvements in their respective counties to operate under the same rules and regulations prescribed in the 1831 act.

4. Public Acts of 1835-36, Chapter 48, directed the county courts in each county to appoint a surveyor and an entry taker for its county, and directed the present surveyor for the 12th district to deliver all existing records to the entry taker in Carroll County.
5. Acts of 1849-50, Chapter 210, authorized the County Courts of Carroll, Benton and Henry Counties to withdraw from the Bank of Tennessee at Trenton the unexpended funds of an appropriation to improve the navigation of the Big Sandy River. The funds were to be divided into three equal parts and paid over to the Trustees of the respective counties. The Trustees were to hold the funds until the respective County Courts authorized the funds to be spent on improving roads, bridges and causeways. Carroll and Benton Counties were authorized to invest their share of the funds in the stock of the Huntingdon and Tennessee River Turnpike Company.
6. Private Acts of 1923, Chapter 196, set the salaries for the offices of County Trustee, County Court Clerks, Register of Deeds, Circuit Court Clerks, Clerks and Masters of Chancery Courts and for the Judges or Chairman of the County Courts in Carroll Counties. Each official was required to keep an account of every fee collected in their respective offices and turn over to the County Trustee twice a year all fees, commissions, and charges received in excess of the prescribed salary. The Trustee had the duty of making a complete report to the County Judge or Chairman twice each year. The act provided for an audit of the respective offices every two years.
7. Private Acts of 1925, Chapter 534, provided that any firm, partnership or corporation doing the business of a telephone company in Weakley, Henry and Carroll Counties would have control, power and authority over their lines in those counties and could enforce their own rules and regulations concerning the collection of tolls, rents and fines, including disconnecting any subscriber or renter and imposing reconnection charges. Any subscriber connecting or attempting to reconnect a disconnected telephone line was subject to a fine between \$25 and \$50. Telephone companies and cooperatives are now governed by general law.
8. Private Acts of 1927, Chapter 185, validated the action of the Quarterly Court in Carroll County ordering the County Judge to issue interest bearing county warrants.
9. Private Acts of 1927, Chapter 661, validated all sales, leases, rental or other dispositions of municipally-owned water, electric or other utilities which had been made in Dyer, Gibson, Weakley, Henry and Carroll Counties.
10. Private Acts of 1933, Chapter 171, removed the disabilities of minority and infancy of Irene Chambers Joyner of Carroll County.
11. Private Acts of 1935, Chapter 124, removed the disabilities of minority and infancy of Bonnie Pauline Sumler Smith of Carroll County.
12. Private Acts of 1935, Chapter 449, removed the disabilities of minority and infancy from Verlie Shackelford.
13. Private Acts of 1935, Chapter 771, permitted Fred Tate, a resident of Huntingdon in Carroll County, to pursue the business of writing deeds and other contracts relating to realty and the making of abstracts of title. The act did not release him from paying the tax or license fee required by law.
14. Private Acts of 1937, Chapter 78, removed the disabilities of minority and infancy from Harold Hickman of Carroll County.
15. Private Acts of 1937, Chapter 421, removed the disabilities of minority and infancy from Elizabeth Tucker Dill of Carroll County.
16. Private Acts of 1937, Chapter 828, authorized Carroll County to acquire the land which had been designated as the "Carroll County Lake Project #1" by purchase, gift or condemnation. The act further provided that any compensation or damages incurred as a result of the acquisition of this property was to be paid from the general county fund.
17. Private Acts of 1997, Chapter 67 (erroneously designated as private chapter), amends Title 64, Chapter 1, Part 8, to make the jurisdiction of the Carroll County Watershed Authority contiguous with Carroll County, except as it may conflict with the power of the West Tennessee River Basin Authority. This act was adopted locally on August 11, 1997.

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