



May 19, 2024

Chapter I - Administration

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

Chapter I - Administration	3
Budget System	3
Williamson County Budget Act of 2001	3
Private Acts of 2001 Chapter 56	3
Liability Insurance	6
Private Acts of 1951 Chapter 456	6
Upper Harpeth Regional Water Authority	6
Public Acts of 1987 Chapter 168	6
Administration - Historical Notes	10

Chapter I - Administration

Budget System

Williamson County Budget Act of 2001

Private Acts of 2001 Chapter 56

SECTION 1. This act shall be known as the "Williamson County Budget Act of 2001".

SECTION 2.

(a) As used in this act:

- (1) "Budget committee" refers only to a budget committee created by law, such as being created according to the County Financial Management System of 1981, Tennessee Code Annotated, Title 5, Chapter 21; the County Budgeting Law of 1957, Tennessee Code Annotated, Title 5, Chapter 12; or similar provision, or private act;
- (2) "County executive or budget committee," in counties not having a budget committee created as defined in subdivision (a)(1), means the county executive; and
- (3) "Long-term debt" means debt payable after June 30 of the fiscal year for which the budget is applicable.

(b) The provisions of this act shall be applicable to each department, office or agency funded, in whole or in part, from county appropriations. However, with regard to entities receiving county funds pursuant to the authority of Tennessee Code Annotated, Section 5-9-109, only the requested county appropriation and expenditures of county funds shall be included within the provisions of this act.

(c) Nothing in this act shall be construed as precluding the duties of the State Director of Local Finance pursuant to Tennessee Code Annotated, Section 9-11-116 and any other applicable law.

(d) If a county included in this act has adopted the County Financial Management System of 1981, the County Budgeting Law of 1957, or private act, and such county does not revoke or repeal such acts, in the event of a conflict between the provisions of this act and the provisions of such acts, the provisions of this act shall not supersede those provisions; except that the provisions of Section 7 of this act shall supersede any other such law.

SECTION 3.

(a) The county executive shall furnish to the head of each department, office or agency covered by this act, on or before February 1 of each year, budget forms on which to submit a proposed budget.

(b) Such forms shall contain the minimum requirements prescribed by the Comptroller of the Treasury and shall include space for additional information desired by the county executive and such additional information desired by the budget committee, if the county has a budget committee.

SECTION 4. The county executive shall furnish to the superintendent of education an estimate of the amount of revenue to be generated by one cent (1¢) of the county property tax for each taxing jurisdiction for the ensuing fiscal year and a form tax rate resolution on or before March 15 of each year. The assessor or property shall furnish to the county executive before March 15 of each year the assessor's best estimate of the actual assessed value of all taxable property within the county for the ensuing fiscal year.

SECTION 5.

(a) The head of each department, office, or agency covered by this act shall provide to the county executive a proposed budget document on the budget forms on or before April 1 of each year or, if a Director of Accounts and Budgets, Director of Finance, or similar person is provided by law, such proposed budget shall be filed with the Director of Finance, Director of Accounts and Budgets, or similar person provided by law.

(b) The superintendent of education shall file with the proposed budget on a tax rate resolution form a proposed tax rate on the tax rate resolution form necessary to fund the requested budget of the department. The proposed budget submitted by these officials shall include estimated total revenues and other resources sufficient to fund total proposed appropriations.

(c) The county executive or budget committee shall allow any department, office or agency to alter or amend the submitted budget at any time prior to May 15 or such other time as the proposed

budget is submitted to the county legislative body, whichever occurs first. The county executive or budget committee may allow submission of amendments after the budget is submitted to the county legislative body, but not later than the earlier of June 15 or the adoption of the budget, whichever occurs first. Each alteration or amendment must be submitted in writing.

SECTION 6.

(a) On or before June 1 of each year, the county executive or budget committee shall consolidate and review the various department, office and agency budgets, and other proposed appropriations, if any, making any changes deemed advisable, and shall submit the consolidated budget and accompanying tax rate resolution and appropriation resolution to the county legislative body. The county executive or budget committee may recommend the budget of any department, office or agency as submitted.

(b) The county executive or budget committee may make changes to the consolidated budget, tax rate resolution and appropriation resolution until they are approved by the county legislative body, or until July 15, whichever occurs first.

(c) In the event the county executive or budget committee shall submit a budget different from the school department budget, the county executive or budget committee shall outline the changes to the school budget and shall state in writing the reasons for the changes in a budget message to the county legislative body. The budget message, if required, must be submitted to the county legislative body with the consolidated budget.

SECTION 7.

(a) The county legislative body shall each year adopt a budget, tax rate and appropriation resolution on or before midnight of the earlier of the date provided in any private act, applicable under the County Financial Management System of 1981, applicable under the County Budgeting Law of 1957, or July 31, for the fiscal year beginning on the first day of such July; provided, that if the budget, tax rate and appropriation resolution are not adopted by the county legislative body on or before midnight on June 30 for the ensuing fiscal year, all departments and offices of the county may make expenditures according to the budget of that department or office as adopted for the preceding fiscal year. Such departments and offices shall be limited to expenditures and obligations based on a monthly allotment from the preceding fiscal year's budget.

(b) If such county legislative body fails to adopt a budget, tax rate, and appropriation resolution as provided in subsection (a), the budget, tax rate resolution, and appropriation resolution submitted by the county executive or budget committee shall be the applicable budget and tax rate by operation of law for the ensuing fiscal year.

(c) All budget proposals, including the consolidated budget proposal submitted by the county executive or budget committee and the budget as finally adopted, shall establish the number and salaries of all full-time personnel authorized therein.

(d) The budget as adopted shall be balanced as to all funds.

(e) The setting of the tax rate by approval of the county legislative body, by operation of law, or otherwise according to law, shall constitute a valid tax levy for collection purposes in accordance with the provisions of this act.

(f) The board of education, through its designated representative, shall have the right to address the county legislative body in regard to the board's budget and tax rate proposals.

SECTION 8. The budget shall set out the number of deputies and assistants of the trustee, clerks of courts, register of deeds, county clerk and sheriff authorized by the budget, the salary of each such officer and his deputies and assistants, and the revenue to the county government to be generated by such office. The budget as approved shall be authority for the trustee, clerks of courts, register of deeds and county clerk to hire personnel and make expenditures within the budget without the necessity of obtaining a court order pursuant to Tennessee Code Annotated, Section 8-20-104 et seq., and for the sheriff as provided in Tennessee Code Annotated, Section 8-20-120. Nothing in this act shall preclude the trustee, clerks of courts, register of deeds, or county clerk from any right to petition the appropriate court for necessary deputies and assistants pursuant to Tennessee Code Annotated, Title 8, Chapter 20, nor shall the right of the sheriff as provided in Tennessee Code Annotated, Section 8-20-120 be precluded by this act.

SECTION 9. Once the budget has been adopted, whether by action of the county legislative body or by operation of law, any budget amendment requested by any department to appropriate state or federal revenues received in excess of the estimate used to adopt the budget may be approved by a majority vote of the county legislative body; provided, that any department requesting such approval shall give written notice to the county executive at least seven (7) calendar days prior to consideration of the request by the county legislative body. Other amendments shall be approved as provided in Section 10 of this act.

SECTION 10.

(a) Once the budget has been adopted, whether by action of the county legislative body or by operation of law, amendments to major categories of the budget may be made with the approval of the county executive and passage of the amendment by the county legislative body. If amendments to the major appropriation categories of the budget are not approved by the county executive, or the county executive fails to take action on the amendment within seven (7) calendar days after written submission of the amendment to the county executive, such amendment may be subsequently approved by a majority vote of the county legislative body.

(b)

(1) Amendments to line items within a major category of the budget may be made by the county board of education upon written notice to the county executive. Any line item amendment which in any way affects accounts budgeted for personnel costs shall require approval of the county executive to be effective, or if the county executive disapproves or fails to take action on the amendment within seven (7) calendar days after written submission of the amendment, the county legislative body may approve the amendment by a majority vote.

(2) Amendments to line items within major categories of the budget for departments, other than the school department, may be made with approval of the county executive and a committee of the county legislative body specifically authorized by law or authorized by the county legislative body to approve such amendments. If no committee is created or the committee disapproves, or fails to approve, the requested line item amendment within twenty-one (21) days after written submission of the request to the chairman of the committee, the amendment may be approved by the county legislative body. If amendments to the line items within major appropriation categories of the budget are not approved by the county executive, or the county executive fails to take action on the amendment within seven (7) calendar days after written submission of the amendment to the county executive, such amendment may be subsequently approved by a majority vote of the county legislative body.

(c) All amendments to the budget of the school department shall first be approved by the county board of education.

SECTION 11. Any appropriation for capital expenditures to be financed by longterm debt shall not be expended or obligated until the issuance of the long-term debt has been approved by the county legislative body and the State Director of Local Finance as required by law.

SECTION 12.

(a) If at any time the county executive determines that the revenues or other resources are, with respect to any fund, less than was anticipated in the adopted budget, or in the event unanticipated expenditures arise which will likely create a budget deficit, the county executive, upon certification to each member of the county legislative body, is empowered to impound such appropriation as may be necessary to prevent deficit operation. Such impoundment power may be overridden by a two-thirds (2/3) vote of the county legislative body and by making such amendments to the budget at the same meeting as may be necessary to prevent a deficit operation. Any such amendment requires a majority vote of the county legislative body.

(b) This section shall be inapplicable if the county has impoundment provisions under other provisions of law.

SECTION 13. In the event good cause is shown, such as, but not limited to, a reappraisal of property within the county, the Comptroller of the Treasury may, notwithstanding any provision of law to the contrary, modify the due dates and delinquency dates for property taxes and any other dates required under this act in Williamson County, Tennessee.

SECTION 14. The county legislative body may in its discretion, and with the approval of the county executive or county board of education, whose budget is affected, create a revenue fluctuation major category for any fund or funds.

SECTION 15. Any county official who fails to perform the duties required under this act, who intentionally spends or obligates amounts in excess of appropriations approved by the county legislative body, or who intentionally over- or under-estimates revenues or expenditures, shall be removed from office pursuant to Tennessee Code Annotated, Title 8, Chapter 47. Intentionally failing to perform the duties required under this act, intentionally spending or obligating amounts in excess of approved appropriations, or intentionally over- or underestimating revenues or expenditures by any county employee is grounds for termination of employment. Additionally, any county official or county employee who violates

these provisions is liable for a civil fine of up to one thousand dollars (\$1,000).

SECTION 16. 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 or application, and to that end the provisions of this act are declared to be severable.

Liability Insurance

Private Acts of 1951 Chapter 456

SECTION 1. That Williamson County, its departments and agencies, are authorized to purchase and carry liability insurance for the protection of the public from accidents resulting from the negligent operation of County owned and operated motor vehicles.

SECTION 2. That the Quarterly County Court of said County shall determine whether such insurance shall be carried and the amount of the coverage to be carried, and is authorized to make the necessary appropriations to pay the cost of said liability insurance.

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

Passed: March 8, 1951.

Upper Harpeth Regional Water Authority

Public Acts of 1987 Chapter 168

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

SECTION 1. A water and wastewater treatment authority, to be known and designated as the Upper Harpeth Regional Water Authority, is hereby created and established for and in behalf of the citizens of Williamson County, Tennessee.

SECTION 2. It is hereby declared that the Upper Harpeth Regional Water Authority created pursuant to this act shall be public and a governmental body; and that the planning, acquisition, operating and financing of water or waste-water treatment facilities by said authority is hereby declared to be a public and governmental purpose and a matter of public necessity.

The property and revenues of the authority or any interest therein shall be exempt from all state, county and municipal taxation.

SECTION 3. The following words or terms whenever used or referred to in this chapter shall have the following respective meanings unless different meanings clearly appear from the context:

- (1) "Authority" shall mean the Upper Harpeth Regional Water Authority created pursuant to the provisions of this Act.
- (2) "Creating governmental entity" shall mean the city of Franklin, Tennessee, a municipal corporation.
- (3) "Participating governmental entity" shall mean any rural water utility district, or municipality, or county, which, pursuant to a resolution of its governing body, shall have joined the authority or shall have sold, leased, dedicated, donated or otherwise conveyed its water treatment works, or any portion thereof, to the authority for operation by the authority in order to make such treatment works an operational part of its treatment works.
- (4) "Treatment works" shall mean any devices and systems used in the treatment and distribution of water or wastewater, including transmission lines, storage facilities, pumping, power, and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof.
- (5) "Governing body" shall mean the chief legislative body of any creating or participating governmental entity.
- (6) "Board" shall mean the board of commissioners of the authority.
- (7) "Executive officer" shall mean the mayor, county executive or other chief executive officer of the creating or a participating governmental entity.

- (8) "Bonds" shall include notes, interim certificates, or other obligations of an authority.
- (9) "Jurisdiction" shall include, collectively, all areas of jurisdiction encompassed by the creating governmental entity and each participating governmental entity.

SECTION 4. The governing body of the creating governmental entity shall adopt, and its executive officer shall approve, the resolution calling a public hearing on the question of creating a water and wastewater treatment authority. Notice of the date, hour, place and purpose of such hearing shall be published at least once each week for two (2) consecutive weeks in a newspaper of general circulation in Williamson County, the last such publication to be at least one (1) week prior to the date set for the hearing. The hearing shall be had before the governing body and all interested persons shall have an opportunity to be heard. After the hearing, if the governing body shall determine that the public convenience and necessity require the creation of a water and wastewater treatment authority it shall adopt, and its executive officer shall approve, a resolution or an ordinance so declaring and creating an authority, which resolution or ordinance shall also designate the name and principal office address of the authority. A certified copy of the resolution or ordinance shall be filed with the Secretary of State of the state of Tennessee, along with the resolution approving the appointment of the board of commissioners as provided for in Section 68-13-605 and upon such adoption and filing the authority shall constitute a body politic and corporate, with all the powers hereinafter provided.

The creating governmental entity and any participating governmental entity may enter into an agreement with the authority for the orderly transfer to the authority of any treatment works properties necessary for the functioning of the authority. The agreement may include provisions for the reimbursement of any such governmental entity for its obligations issued for treatment works. Nothing in this act shall be construed to require any transfer of function or service area by the creating entity or any participating entity to the authority.

SECTION 5. The governing body shall be a board of commissioners. Upon the passage of this act the chief executive officer of each participating governmental entity shall appoint one (1) person to be an initial member of the board. Each participating governmental entity, as it joins the authority, shall have one (1) commissioner to be appointed by the legislative body of the participating entity he/she shall represent. The terms of each commissioner shall be for two (2) years from the date of appointment. The commissioners serve at the will of the participating governmental entity and may be removed prior to the expiration of his/her term by a two-thirds (2/3) vote of the governing body of the governmental entity which approved his/her appointment. Any vacancy by reason of nonresidence, incapacity, resignation, death, or otherwise, shall be filled for the unexpired term in a manner identical to the method of selection of the original commissioner. A commissioner's term shall continue until the appointment and qualification of his/her successor.

The board shall elect from among its members a chair and vice chair, each of whom shall continue to be voting members, and shall adopt its own by-laws and rules of procedure. The presence of a majority of the commissioners shall constitute a quorum for the transaction of business. Except as herein expressly otherwise specified, all powers granted to the authority shall be exercised by the board. Each member of the board shall be entitled to an equal vote on all matters.

SECTION 6. The board shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the authority herein created; such operation, management, conduct and control, however, shall not be inconsistent with existing contractual obligations of any participating governmental entity. Said authority and responsibility shall include, but shall not be limited to, the establishment, promulgation and enforcement of the rules, regulations or policy of the authority, the upkeep and maintenance of all property, the administration of the financial affairs of the authority, and the employment, compensation, discharge and supervision of all personnel.

SECTION 7. The board may appoint an executive director, who shall be the chief executive and administrative officer of the authority, and may enter into a contract with him establishing his salary, term of office, and duties. The executive director may appoint, and the board shall confirm, additional officers, employees, or independent contractors as they are needed.

The executive director may prepare annually the operating budget of the authority and submit the same to the board for approval at least sixty (60) days prior to the beginning of the fiscal year. If such budget shall not have been acted upon by the board on the first day of the fiscal year, it shall then automatically go into effect.

The executive director shall also submit such periodic reports to the board as it may direct.

The executive director shall attend all meetings of the board.

SECTION 8. The authority shall have all powers necessary to accomplish the purpose of this part

(excluding the power to levy and collect taxes) including, but not limited to, the following:

- (1) To have perpetual succession, to use and to sue, and to adopt a corporate seal;
- (2) To plan for and implement the treatment or distribution of water and the collection and treatment of wastewater in Williamson County and to plan, establish, acquire, construct, improve and operate one (1) or more treatment works within or without the creating and participating governmental entities and within this state and with any adjoining state for the distribution or treatment of water and/or the collection and treatment of wastewater;
- (3) To acquire real or personal property or any interest therein by gift, lease, or purchase, for any of the purposes herein provided; and to sell, lease, or otherwise dispose of any such property;
- (4) To enter into agreements with the creating governmental entity or with participating governmental entities, to acquire by lease, gift, purchase, or otherwise, any treatment works, or property related thereto, of such governmental entity and to operate such treatment works as a part of its treatment works; or to enter into agreements with participating governmental entities providing for the operation by the authority of the treatment works, or any portion thereof, owned by a participating governmental entity for the purposes set forth herein;
- (5) To enter into, by contract with the creating governmental entity or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the authority;
- (6) To make application directly to the proper federal, state, county and municipal officials and agencies, or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of treatment works operated by it and to accept the same;
- (7) To make studies and recommend to the appropriate commissions and legislative body of the creating and participating governmental entities, zoning changes in the area of any treatment works operated by the authority;
- (8) To have control of its treatment works with the right and duty to establish and charge fees, rates and other charges, as set out herein, and to collect revenues therefrom, not inconsistent with the rights of the holders of its bonds;
- (9) To appoint an executive director, and to confirm or reject the executive director's appointments of a secretary, a treasurer, an auditor, legal counsel, chief engineer, or other employees or independent contractors as they may be necessary; to prescribe their duties and qualifications; and to fix their compensation;
- (10) To use in the performance of its functions the officers, agents, employees, services, property, facilities, records, equipment, rights and powers of the creating governmental entity or any participating governmental entity, and subject to such terms and conditions as may be agreed upon;
- (11) To enter such lands, waters and premises as in the judgment of the authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this chapter, the authority to be liable for actual damage done; and
- (12) To designate an independent certified public accountant firm to do an annual audit of all books, accounts and records of the authority and issue a public report thereon.

SECTION 9. Any extension, relocation, improvement or modification of the authority's water or wastewater treatment plants or distribution facilities shall be referred by the authority to the planning commission having jurisdiction over the area within which the extension, relocation, improvement, or modification shall be constructed or extended, but the authority shall not be bound by the vote of any such planning commission, nor by the comments or recommendations of the planning commission.

SECTION 10. The authority shall have power to condemn either the fee or such right, title, interest, or easement in any property as the board may deem necessary for any of the purposes mentioned in this part, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations or persons having the power to eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by this use. Such power of condemnation may be exercised in the mode or method of procedure prescribed by any other applicable statutory provision now in force or thereafter enacted for the exercise of the power of eminent domain.

SECTION 11. (a) The authority shall have power to issue negotiable bonds from time to time in order to accomplish any of the purposes authorized by this part, and it shall also have power to issue bonds in the same manner and under the same provisions as municipalities or metropolitan governments or counties are empowered to issue bonds under the laws of this state, for the purposes authorized by this part. All such bonds shall be payable from all or any part of the revenues, income and charges of the authority and such bonds may also constitute an obligation of one or more of the creating and participating governmental entities.

(b) Such bonds shall be authorized by resolution of the board and shall bear such date, mature at such time or times, bear interest at such rate or rates payable annually or semiannually, be in such form and denominations, be subject to such terms of redemption with or without premium, carry such registration privileges, be payable in such medium and at such place or places, be executed in such manner, all as may be provided in the resolution authorizing the bonds. Such bonds may be sold at public or private sale in such manner and for such amount as the board may determine.

(c) Such resolution may include any covenants which are deemed necessary by the board to make such bonds secure and marketable, including, but not limited to, covenants regarding:

- (1) The application of the bond proceeds;
- (2) The pledging, application and securing of the revenues of the authority;
- (3) The creation and maintenance of reserves;
- (4) The investment of funds;
- (5) The issuance of additional bonds;
- (6) The maintenance of minimum fees, charges and rental;
- (7) The operation and maintenance of its treatment works;
- (8) Insurance and insurance proceeds;
- (9) Accounts and audits;
- (10) The sale of treatment works properties;
- (11) Remedies of bondholders;
- (12) The vesting in a trustee or trustees such powers and rights as may be necessary to secure the bonds and the revenues and funds from which they are payable;
- (13) The terms and conditions upon which bondholders may exercise their rights and remedies;
- (14) The placement of lost, destroyed or mutilated bonds;
- (15) The definition, consequences and remedies of an event of default;
- (16) The amendment of such resolution; and
- (17) The appointment of a receiver in the event of a default.

(d) Any holder of any such bonds, including any trustee for any bondholders, may enforce his or their rights against the authority, its board or any officer, agent or employee thereof by mandamus, injunction or other action in any court of competent jurisdiction, subject to the covenants included in the bond resolution.

(e) Sums received as accrued interest from the sale of any bonds may be applied to the payment of interest on such bonds. All sums received as principal or premium from such sale shall be applied to the purpose for which such bonds were issued, and may include, but without limitation, expenses for fiscal, legal, engineering and architectural services, expenses for the authorization, sale and issuance of the bonds, expenses for obtaining an economic feasibility survey in connection with such bonds, and to create a reserve for the payment of not exceeding one (1) year's interest on such bonds.

(f) Bonds issued pursuant to this part executed by officers in office on the date of such execution shall be valid obligations of the authority notwithstanding that before the delivery thereof any or all of the persons executing the same shall have ceased to be such officers.

(g) Bonds issued pursuant to this part, and the income therefrom, shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes.

(h) All public officers and bodies of the state, municipal corporations, political subdivisions, all insurance companies and associates, all executors, administrators, guardians, trustees, and all other fiduciaries in the state may legally invest funds within their control in bonds of an authority.

(i) Any bonds issued for the purpose of financing the cost of the establishment, construction, installation, acquisition, extension or improvement of any treatment works, as defined by Section 3, which are to be the joint obligations of the authority and any creating governmental entity, or participating governmental entity, shall be authorized and issued by such governmental entity in the form and manner prescribed by the applicable provision of Chapter 11 of Title 5 and Chapter 36 of Title 7, and the construction, installation, acquisition, extension or improvement of any treatment works shall be deemed to be a public works project, as such term is defined in Chapter 11 of Title 5 and Chapter 36 of Title 7. To the extent any of the provisions of Chapter 11 of Title 5 and Chapter 36 of Title 7, relating to the terms and conditions of any bonds so issued, conflict with the provisions of this section, the provisions of the former shall prevail.

(j) Any bonds upon which any creating governmental entity, or participating governmental entity as provided in the chapters cited herein.

SECTION 12. (a) Notwithstanding any other provisions of the laws of this state or any of its political subdivisions, any authority which has contracted for and accepted an offer or a grant of federal or state aid or both, for a particular project for which the authority may raise or expend money, may, upon resolution of its board, incur indebtedness in anticipation of the receipt of such aid for the particular project by issuing its general obligation notes payable in not more than one (1) year, which notes may be renewed from time to time by the issue of other notes, provided that no notes shall be issued or renewed

in any amount which at the time of such issuance or renewal exceeds the unpaid amount of the federal or state aid or both in anticipation of which such notes are issued or renewed. To any extent that the federal or state aid in anticipation of which the notes were issued when received exceeds the amount of such aid remaining to be paid under contract or accepted offer, plus the amount of any outstanding notes, issued in anticipation thereof, it shall be kept in a separate account and used solely for the payment of such outstanding notes.

(b) The authority shall have power and is hereby authorized:

- (1) To sell bonds at private sale to any federal agency without any public advertisement;
- (2) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions and provisions as the authority issuing the same may determine, pending the preparation or execution of definite bonds for the purpose of financing of the construction of a public works project; and
- (3) To issue bond anticipation notes in anticipation of the sale of bonds which have been duly authorized, but all such bond anticipation notes, including any renewals thereof, shall finally mature not later than three (3) years from the date of the original notes. All such bond anticipation notes shall have the same security as the bonds in anticipation of which such notes are issued.

SECTION 13. The creating governmental entity and any participating governmental entity shall have all necessary powers in order to further the purposes of this part, including, without limitation, the following, any or all of which powers may be exercised by resolution of its governing body:

- (1) To advance, donate or lend money on real or personal property to the authority;
- (2) To provide that any funds on hand or to become available to it for treatment works purposes shall be paid directly to the authority;
- (3) To sell, lease, dedicate, donate or otherwise convey to the authority any of its interest in any existing treatment works or other related property, or grant easements, licenses or other rights or privileges therein to the authority;
- (4) To enter into agreements with the authority with regard to the transfer of its treatment works employees to the authority with the retention by such employees of any civil service status and accrued rights in pension, disability, hospitalization and death benefits; and
- (5) To permit its rights, duties and powers under its charter or the laws of the state to be performed or exercised by the authority.

SECTION 14. Whenever the governing bodies of the creating governmental entity and the participating governmental entities shall each by resolution determine that the purposes for which the authority was created have been substantially accomplished, that all of the bonds and other obligations of the authority have been fully paid, and that such governmental entities have agreed on the distribution of the funds and other properties of the authority, then the executive officers of such governmental entities shall execute and file for record with the Secretary of State of Tennessee a joint certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon such filing the authority shall be dissolved, and title to all funds and other properties of the authority at the time of such dissolution shall vest in and be delivered to such governmental entities in accordance with the terms of their agreement relating thereto.

SECTION 15. The provision of this part shall be liberally construed to effect the purposes hereof, and insofar as the provisions of this part may be inconsistent with the provision of any other law, the provisions of this part shall be controlling.

SECTION 16. 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 4.

Passed: April 9, 1987.

Administration - Historical Notes

County Attorney

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

1. Private Acts of 1941, Chapter 179, created the office of County Attorney in Williamson County who would be appointed for a one year term by the Quarterly County Court. The salary, fixed by

the Court, could be no less than \$600 nor more than \$1,200 per annum, nor could it be increased or diminished during the term. The County Attorney must transact all the legal business of the county both in and out of court. All actions heretofore taken to appoint Tyler Berry, Jr. as the County Attorney were confirmed and ratified. This Act was repealed by Private Acts of 1943, Chapter 355 and Private Acts of 1967-68, Chapter 362.

2. Private Acts of 1943, Chapter 237, directed the County Trustee of Williamson County to deliver the delinquent tax list of the county to the County Attorney whose duty it now was to prepare and file all suits for their collection in the manner prescribed by law. The salary of the County Attorney would not be increased and all attorney's fees authorized to be collected under the law would be paid into the general fund of the county. This Act was repealed by Private Acts of 1967-68, Chapter 362.

Private Acts of 1943, Chapter 355, created the position of County Attorney in Williamson County who would be appointed for a two year term, and at a salary fixed by the Quarterly Court which could not be changed during the term. The County Attorney was at liberty to continue practicing law devoting only such time as was necessary to this position. All actions previously taken to appoint Tyler Berry, Jr., to the position were ratified. This Act was repealed by Private Acts of 1967-68, Chapter 362.

County Clerk

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

1. Acts of 1825, Chapter 195, released Edward G. Clouston from the payment of \$50 as a merchant's license which sum was paid by him to sell goods for only a few days after the expiration of the license. The County Court Clerk was directed to refund the money to Clouston.
2. Acts of 1881, Chapter 80, released the sureties on the official bond of William Cummins, deceased, the former County Court Clerk of Williamson County, and discharged them from all liabilities to the State. Any lawsuit now pending against them in their capacity as sureties would be dismissed as to the State.
3. Private Acts of 1935, Chapter 661, set the annual salary of the County Court Clerk at \$3,000 and placed Williamson County in Class 3A.
4. Private Acts of 1982, Chapter 278, gave probate authority to the County Clerk. This act was repealed by Private Acts of 1987, Chapter 16.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Williamson County and are included herein for historical purposes.

1. Acts of 1799, Chapter 3, created Williamson County and made it a part of the Mero District and scheduled the terms of the Court of Pleas and Quarter Sessions to begin on the first Monday in February, May, August, and November, at Franklin. The Justices were empowered to lay a tax on taxable property.
2. Acts of 1803, Chapter 39, regulated the times for holding the Courts of Pleas and Quarter Sessions in the district of Mero. In Williamson County the court terms were scheduled to begin on the second Monday in January, April, July and October.
3. Acts of 1809, Chapter 93, fixed the opening dates for the terms of the Courts of Pleas and Quarter Sessions for every county in the State. The Court for Williamson County would continue to meet on the second Monday in January, April, July and October.
4. Acts of 1813, Chapter 134, rescheduled the term of the Williamson County court to convene on the first Monday of January, April, July and October.
5. Acts of 1817, Chapter 128, made it lawful for the Justices of the Peace, a majority being present, of the counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stuart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson, and Dickson, on the first day of the first term in the year to lay a tax for additional compensation for jurors not to exceed fifty cents per day.
6. Acts of 1817, Chapter 138, fixed the terms of the Williamson County Court of Pleas and Quarter Sessions to open on the first Monday in January, April, July and October, which terms would continue for two weeks unless the business of the court were completed sooner.
7. Acts of 1829, Chapter 25, authorized the County Courts of all the counties to select three of their

- number to sit as a Quorum Court throughout the year with the same powers and privileges as are prescribed for the Quorum Courts in Rutherford County.
8. Acts of 1829, Chapter 102, added a provision for a three week session, if needed by the County Court.
 9. Acts of 1835-36, Chapter 6, re-organized the County Courts which would meet on the first Monday in every month.
 10. Acts of 1835-36, Chapter 71, provided that the Mayor of Franklin, in Williamson County, Tennessee, would have concurrent jurisdiction with Justices of the Peace in all causes of action of a criminal nature arising within the corporate limits of the city.
 11. Private Acts of 1915, Chapter 58, established a per diem payment of \$2.50 for each day a Justice of the Peace attended a regular or special meeting of the Quarterly County Court and a mileage allowance of five cents per mile traveled in going and returning from residence to the Court House.
 12. Private Acts of 1925, Chapter 345, empowered the County Court to permit by proper decree the encroachment by Guardians upon the corpus of the estates of their Wards for the Ward's support, education, and maintenance when the estate did not exceed \$1,000 in value. The Guardian must file a petition stating the essential facts, whereupon the Court would set a date for a hearing and informally investigate the facts and enter an order in the best interest of the ward. This Act was supplemental to other methods for encroaching upon the corpus of a ward's estate.
 13. Private Acts of 1929, Chapter 612, amended Public Acts of 1925, Chapter 115, so that no member of the County Court would be eligible for election as a member of the Board of Education in Williamson County.
 14. Private Acts of 1949, Chapter 86, changed the time for holding the Quarterly Court of Williamson County to the second Monday in January, April, July, and October.
 15. Private Acts of 1957, Chapter 185, stated that Justices of the Peace in Williamson County attending the meetings of the Quarterly Court would be entitled to ten cents per mile traveled on the way from the home of the Justice to the Court House in Franklin but would be paid for only two days each term. No Justice residing within five miles of the Court House would be paid mileage. The per diem rate was set at \$10. This Act was rejected by the Quarterly court of Williamson County and never became an effective law under the Home Rule Amendment to the State Constitution.
 16. Private Acts of 1963, Chapter 104, fixed a per diem rate of \$10 per day for each day a Justice of the Peace attended a regular or called session of the Quarterly Court plus five cents per mile traveled to and from their residence to the Court House. This Act was also rejected by the Williamson County Quarterly Court.
 17. Private Acts of 1971, Chapter 27, established \$25 per day as the compensation of the Justices of the Peace of Williamson County for attending the regular and called sessions of the Quarterly court plus five cents per mile traveled each way in their journeys to those meetings. The Quarterly Court refused to approve this Act and thus rendered it null and void.

County Mayor

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

1. Acts of 1855-56, Chapter 253, provided for the election by the qualified voters of every county in the State a person learned in the law, to be styled the County Judge, who would hold his office for four years, and who would be sworn and commissioned as other Judges. The Quorum Courts were abolished and their duties assigned to the County Judge. The County Judge would exercise the jurisdiction specified in the Act, preside over the County Court's meetings, be the accounting officer and general agent of the county, and be paid \$5 per day during the sitting of the monthly and quarterly courts. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1857-58, Chapter 38, re-established the position of County Judge in Davidson, Shelby, Knox, Montgomery, and Williamson County. A person, learned in the law, was to be elected by the qualified voters for a term of eight years. He would preside over the county court and have the same power and authority as the chairman of the county court.
3. Acts of 1875, Chapter 134, created the position of County Judge in Jackson and Cannon Counties, conferring upon them the jurisdiction of the County Judges of Davidson, Knox, Montgomery,

Williamson, and Sumner Counties. Section 5 repealed the provision which allowed the Judges payment of \$5 per day during the sitting of the monthly and quarterly courts but placed a limitation of \$500 per year as the compensation of the Judges of the Williamson and Sumner County Courts.

County Registrar

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

1. Private Acts of 1935, Chapter 661, amended Section 10726 of the Code of Tennessee as that Section had application to Williamson County, by creating a population Class of 3A, and placing Williamson County in it. The Act then set up a schedule of annual salaries for county officials of the counties in that class. The register of Williamson County would be paid \$1,800 per year under that salary schedule. This Act was not intended to modify or repeal any private act applying to compensation.
2. Private Acts of 1947, Chapter 393, declared that in Williamson County the Register would be paid the sum of 50 cents for each discharge of soldiers and sailors of World War II recorded in the Register Register's Office. The County Judge was authorized and directed to pay to the Register out of the county treasury the costs of all discharges registered under this Act, provided that the service men themselves have not already paid.
3. Private Acts of 1953, Chapter 57, prohibited the Register of Williamson County from receiving instruments of conveyance of real property for registration unless the same bore a stamp or notation from the Tax Assessor's office reciting that the information the Assessor was to extract under this law from the conveyance had been noted. Mortgages, deeds of trust, or other like instruments were exempted.

County Trustee

The following act once affected the office of county trustee in Williamson County, but is no longer operative.

1. Private Acts of 1935, Chapter 661, amended Section 10726, Code of Tennessee, as the same applied to Williamson County by creating a population Class of 3A, and establishing an annual salary schedule for the county officials in that Class. In Williamson County the Trustee would be paid \$3,000 annually under this law.

General Reference

The following private or local acts constitute part of the administrative and political history of Williamson County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 33, recited in the preamble that Abraham Maury had laid off a town on his own land on the Harpeth River and had asked for the town to be recognized, therefore, this town is hereby distinguished by the name of Franklin. Maury was required to file a plan of the town in the Clerk's office in Williamson County within six months after the passage of this Act. The Act names Abraham Maury, John Walthral, Joseph Porter, William Boyd, and David McEwing, as Commissioners, to regulate the said town.
2. Acts of 1804, Chapter 8, stated that all people bringing forward their claims to Davidson County which were due before the erection of Williamson County have the further time of twelve months from the passage of this Act to bring their claims forward for processing.
3. Acts of 1806, Chapter 20, provided for the Sheriff of Williamson County to hold an election at the Court House in Franklin beginning at noon on the first Monday in November to elect five Commissioners to regulate the city of Franklin who would select one of their number as Chairman and then appoint a Treasurer, and a Clerk. The Commissioners had the authority to call on all able bodied inhabitants to work on the roads, to appoint overseers, and to accomplish similar acts to provide corporate services. The Commissioners were further empowered to levy a tax but the tax could not exceed the schedule stipulated in this statute.
4. Acts of 1806, Chapter 60, appointed Thomas Hardeman, Daniel Perkins, Henry Cook, David M'Ewen, and James Hicks, as Commissioners, to superintend the building of a brick Court House in Franklin. The Commissioners had the authority to let a contract to the lowest bidder after complying with the regulations governing the bid process, and the County Court was given the authority to levy a tax according to the scale of taxation stipulated in the Act to pay for the Court

House. Provision was also made for selling the old court house.

5. Acts of 1809, Chapter 25, remarked in its preamble that divers citizens of Franklin in Williamson County had caused water to be piped into the town at their own expense, and it was clearly apparent that these citizens should be vested with the power to preserve, and to distribute the water. This act incorporated Robert P. Curran, Peasant Russell, Charles B. Neilson, John Sample, Charles Boyles, Ezekiel Graham, Richard Orton, James Hicks, Andrew Confort, Zachariah Drake, Samuel Crockett, Jacob Harder, William Hesse, Peter R. Booker, Andrew Johnson, David Squier, Abram Maury, Daniel Perkins, Thomas Masterson, Thomas McRory, Hinchy Pettway, and Charles McAlister, as the Franklin Water Company.
6. Acts of 1809, Chapter 99, stated that it appeared to the General Assembly that the Big Harpeth River was by no means a navigable river and the pretense of keeping it open had a tendency to discourage the erection mills and other works of utility which deprived the public of the benefits thereof; therefore, henceforth the Big Harpeth River in Williamson County would in no wise be deemed, considered, or kept open, as a public highway or navigable river in the counties of Williamson and Davidson.
7. Acts of 1809, Chapter 124, authorized the Justices of the Peace of the County Court of Williamson County to make such appropriation out of the county funds as to them seemed proper to defray the expense of the Franklin Water Company in conveying water through the streets of Franklin and to secure against injuries the water fountain which had recently been installed on the Public Square for the benefit of the people.
8. Acts of 1809, Chapter 127, averred that, since there were debts which were yet unpaid from the time of constituting Williamson County from Davidson County, the County Courts of the two counties had the authority to appoint Commissioners to ascertain the amount of claims due from the counties to individuals at the time Williamson became a County and to make such arrangements, or to lay such a tax, for the payment of these debts as might to them seem necessary.
9. Acts of 1813, Chapter 94, stated that the Harpeth River from Franklin to the mouth would hereafter be a public highway for the navigation by and for the use of the citizens. When any number of persons join together as a company and raise \$5,000 in capital they would be a corporation for the navigation of the said river. This Act repealed the Act encouraging the erection of mills on the Harpeth River in the counties of Williamson and Davidson, Acts of 1809, Chapter 99.
10. Acts of 1813, Chapter 95, appointed Charles McAlister, James Gordon, Robert P. Curran, Hinchey Pettway, and William Smith, as the managers of a lottery to raise up to \$3,000 for the paving of the main street and public square in Franklin in Williamson County.
11. Acts of 1815, Chapter 44, was the authority to hire inspectors of tobacco, hemp, flour, lard, butter, and other articles for exportation. It would be lawful to build and establish warehouses in the counties of Maury, Hickman, Humphreys, Lincoln, Montgomery, Giles, and Williamson.
12. Acts of 1815, Chapter 111, incorporated the city of Franklin under the Mayor-Alderman form of government, granting some items of specific authority to them, and providing for an annual election of seven Aldermen who would take office on November 1 of each year, and who would further select one of their number to serve as the Mayor.
13. Acts of 1815, Chapter 112, amended Acts of 1815, Chapter 111, so that if there was a vacancy in the office of Recorder, the Sheriff would notify those persons elected as Aldermen. Additional areas were added within the boundaries of the city.
14. Acts of 1817, Chapter 122, was the legislative authority for the Quarterly Court of Williamson County, a majority of the Justices being present, to dispose of surplus funds in the Trustee's hands by appropriating them to public works, by a loan at an interest rate not to exceed 6%, or in any other manner which to them seemed to be in the best interests of the county. The funds to be used in these ways did not include any which might have been paid in as fines.
15. Acts of 1819, Chapter 114, stated that William Eastin, formerly a resident of Davidson County, but now a resident of Williamson County obtained from the County Court Clerk of Davidson County a license to retain goods, wares, and merchandise in Davidson County for one year but had moved to Williamson County where he intended to resume his business. This Act validated this license for Williamson County until its expiration.
16. Acts of 1820, Chapter 41, stated that Samuel F. Bittock, of Williamson County, in consequence of extreme bodily infirmity, was unable to make a living for himself. This Act gave him the right to hawk, peddle, sell and exchange goods, wares, and merchandise in Williamson County without

- paying any tax for a license.
17. Acts of 1823, Chapter 104, authorized Patsy Sleeker, wife of George Sleeker, to sue and be sued, to contract in her own name, to hold property in her name, and to sell and dispose of the same, in the same manner and to the same extent as if she had never been married to George, so long as she did not marry with another man during the natural life of George Sleeker.
18. Acts of 1824, Chapter 33, named William G. Dickinson, William Smith, Thomas Hardiman, John S. Russworm, and Benjamin S. Tappin, as Trustees for a lottery to raise up to \$4,000 in funds with which to build a Masonic Hall in Franklin in Williamson County. The Trustees must enter into bond with the Chairman of the County Court in twice that amount. All the proceeds of the lottery were to be paid over to the Masons of Hiram Lodge #7. Details to be observed by the Trustees in the drawing for prizes and of paying over the prize money were incorporated into the Act.
19. Acts of 1826, Chapter 172, was the authority for John P. Dix to hawk and peddle goods, wares, and merchandise in Williamson County without paying for a license.
20. Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson, their respective shares of the \$60,000 heretofore appropriated for the internal improvement of Middle Tennessee.
21. Acts of 1832, Chapter 97, provided for the share of the internal improvement fund belonging to Sumner and Williamson County, as created in Acts of 1831, Chapter 43, Section 6, to be paid by the Cashier of the Bank of Tennessee to the Clerks of the County Courts of the above counties, for which the Clerks were to be held accountable as they would be for other funds.
22. Acts of 1833, Chapter 55, was the authority for the President and Directors of the Union Bank of Tennessee to locate an office of the bank at Franklin in Williamson County under the same rules and regulations which established the Columbia office.
23. Acts of 1833, Chapter 160, allowed Hartwell Miles, of Williamson County, to hawk and peddle goods within the bounds of the Congressional District composed of Williamson and Rutherford Counties without the necessity of having to obtain a license.
24. Acts of 1833, Chapter 164, permitted Eli A. Seay, of Williamson County, to hawk and peddle in Rutherford and Williamson Counties without the necessity of obtaining a license.
25. Acts of 1868-69, Chapter 44, incorporated the Williamson County Agricultural and Mechanical Joint Stock Association for 33 years, granting to it all the incidental powers of corporations of a similar nature. The corporation would hold property in the corporate name. Named in the Act as incorporators were John McGavock, James P. Johnson, M. F. DeGraffenried, J. L. Shy, W. S. Ewing, S. B. Rozell, John Bostick, O. J. Kennedy, S. B. Smith, F. M. Lavender, S. S. Mosely, and W. W. Courtney, plus their associates, successors and assigns. The corporation had the authority to establish a fairgrounds.
26. Acts of 1881, Chapter 69, directed the State Comptroller to pay \$6,484; which was the amount of the judgment obtained against the State by Daniel B. Cliffe, of Williamson County.
27. Acts of 1897, Chapter 124, established fixed annual salaries of county officials in the State according to the population class of the county in which they served, provided certain regulations concerning the filing of reports were observed. This Act also provided for the disposition of fees received by their offices. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900).
28. Acts of 1903, Chapter 79, incorporated Franklin under a district Charter which provided for the government and control of that city under a Mayor-Aldermanic form of government.
29. Private Acts of 1933, Chapter 803, removed the disabilities of minority from Geraldine Givens, who was born September 15, 1914, and who has been a lifelong resident of Williamson County.
30. Private Acts of 1935, Chapter 579, emancipated Catherine Waldren Campbell, of Williamson County, from her minority and its disabilities.
31. Private Acts of 1965, Chapter 117, was the enabling legislation for the governing body of Williamson County to adopt by reference the provisions of any building code, in whole or in part, provided at least three copies of the same were filed in the County Court Clerk's Office, and provided notice had been given as specified in the Act. Procedures for amending the Code, once adopted, were incorporated into the Act. The county governing body could create and fill the position of County Building Commissioner, setting the annual salary therefor. A five member Board of Adjustment, one member's term expiring each year, was organized to hear and grant requests for exemptions, interpret disputed questions of interpretations, and appeals from

enforcement of the Code provisions. No penalty clauses could be adopted by reference. This Act was rejected by the Quarterly Court and consequently never became operative.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-i-administration-21>