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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,

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|--|------------|
| Chapter I - Administration | . 3 |
| County Executive | . 3 |
| Private Acts of 2005 Chapter 2 | . 3 |
| Interment | . 3 |
| Private Acts of 1988 Chapter 142 | . 3 |
| Purchasing | . 3 |
| Private Acts of 2003 Chapter 20 | . 3 |
| Administration - Historical Notes | . 3 |

Chapter I - Administration

County Executive

Private Acts of 2005 Chapter 2

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Sequatchie County shall be redesignated as "county executive".

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

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: February 14, 2005.

Interment

Private Acts of 1988 Chapter 142

SECTION 1. The county legislative body acting by resolution is hereby authorized to establish criteria for interment of residents of Sequatchie County. Such resolution may provide for reasonable fees to be charged for such services and for exemptions from such fees.

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

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 2, 1988.

Purchasing

Private Acts of 2003 Chapter 20

SECTION 1. Chapter 750 of the Private Acts of 1947 and Chapter 10 of the Private Acts of 1987, and any other act amendatory thereto, relative to purchasing laws of Sequatchie County, are repealed.

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

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: March 20, 2003.

Administration - Historical Notes

Budget System

The following act once created a budgeting system for Sequatchie County, but has been specifically repealed or superseded by current law.

1. Private Acts of 1939, Chapter 490, created the offices of county auditing and Back Tax Collecting Commission in Sequatchie County (identified by the 1920 Federal Census figures) and named S. B. Wilson, D. M. Harris, and Fred Wilson as the original members of that commission. On the first Monday in January, 1942, the Quarterly Court would appoint commissioners for two years, three years, and four years and fill vacancies which might occur for the unexpired portions of the said

term. The commissioners would make audits as authorized under general State law being governed by its terms and dictates. The Commission would collect delinquent taxes of all sorts and descriptions and be paid 50% of all the back taxes collected. The commission could secure the services of the State Auditor whenever they deemed it necessary, and could initiate suits to recover any losses or to correct any error. (Sequatchie County did not meet the census figures quoted in 1920 but did come within them in 1930, thereby creating some doubt on the effectiveness of this Act.)

County Mayor

The references below once applied to the office of county judge, or county executive in Sequatchie County. It is included herein for historical purposes only.

1. Public Acts of 1893, Chapter 51, as amended by Private Acts of 1927, Chapter 232, Private Acts of 1943, Chapter 73, and Private Acts of 1953, Chapter 560, created the office of county judge in Sequatchie County.
2. Private Acts of 1929, Chapter 668, stated in the preamble that the office of County Judge was created in Sequatchie County by Chapter 51, Private Acts of 1893, and the same act set the salary for the same at \$250 per year which office has been filled through the years at that salary, but the desire exists to increase the annual salary of the County Judge although some doubt has arisen as to the power to the Quarterly Court to do so. This Act authorized the Quarterly Court of the County to fix the annual salary of the County Judge for his services as financial officer which would be in addition to his salary as County Judge, and the provision would be retroactive through those years in which the County Judge was paid nothing for his services as Financial Officer. This Act was not to be construed as laying down compulsory rules but only as enabling legislation if the Court desired to do so.

County Legislative Body

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

1. Private Acts of 1957, Chapter 315, set the per diem of the Justices of the Peace in Sequatchie County at \$5.00 for each day of regular attendance at the meetings of the Quarterly court. This Act was amended by Private Acts of 1967, Chapter 294, to increase the amount of the per diem payments to the Justices of the Peace from \$5.00 to \$10.00 for each day of attendance at the meetings of the quarterly court. These acts have been superseded by T.C.A. § 5-5-107.

County Trustee

The following act once affected the office of county trustee in Sequatchie County, but is no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 223, stated that in Sequatchie County (identified by the 1930 Federal Census figures) the County Trustee had the duty to assess property, real, personal and mixed, for the purposes of taxation, which assessment would be made and returned to the Board of Equalization at the same time as it now provided by statute for Tax Assessors. The Trustee would be paid an amount by the Quarterly Court for this work which would not exceed \$100 per year in the years when only personal property was assessed. This Act was repealed by Private Acts of 1939, Chapter 73.

Purchasing

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

1. Private Acts of 1947, Chapter 750, as amended by Private Acts of 1987, Chapter 10, created an auditing and purchasing committee composed of two persons, elected at the 1948 August election and quadrennially thereafter. Both acts were repealed by Private Acts of 2003, Chapter 20.

General Reference

The following private or local acts constitute part of the administrative and political history of Sequatchie 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. Private Acts of 1857-58, Chapter 133, stated that after the passage of this Act the county of Sequatchie would be allowed a Director in the Branch of the Bank of Tennessee then located at

Sparta who would have and could exercise all the power and authority heretofore granted to the Directors of the Bank from other counties.

2. Private Acts of 1857-58, Chapter 162, declared that, if the Bill to enjoin the formation of Sequatchie County were dismissed, it would be lawful for the voters of the county to vote on whether the county seat would be at William Rankin's place, or on the east side of the Sequatchie River at a point designated by the people between William Cooper's old place and William Brown's place on the said River. If Rankin's place were chosen the name of the county seat was to be Dunlap.
3. Public Acts of 1897, Chapter 124, fixed the annual salary of the various county officials according to the population class of the county in which the officials served. The officials were deprived of the fees of the office and would be paid the salary instead. If the fees were less than the salary the county would pay the difference. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900).
4. Private Acts of 1935, Chapter 253, provided that in Sequatchie County (identified by the quotation of the 1930 Federal Census figures) the county court would not have the right to make appropriations out of the county funds for cooperative farm demonstrations and work unless and until the said proposition was submitted to the people to be voted on in a referendum held for that purpose. The Election Commission would hold the election with a simple "for" or "against" ballot. The votes were to be counted and certified. If approved by the people, then the procedures prescribed in the act could be initiated. This Act was repealed by the one following.
5. Private Acts of 1937, Chapter 570, expressly and entirely repealed Chapter 253, Private Acts of 1935, Item 6, above.

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