

HOUSE BILL 2403

By Watson

AN ACT to create the position of county attorney in Polk County.

WHEREAS, it is the desire of the legislative body of Polk County to create the position of county attorney; and

WHEREAS, the general assembly has not created the office of county attorney as a general law applicable to all counties, [*State v. Jones*, 726 S.W.2d 515, 520 (Tenn., 1987)] nor has the general assembly required the creation of such position; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is created the position of county attorney for Polk County, Tennessee.

SECTION 2. The county attorney shall be elected to such position by two-thirds (2/3) majority vote of the county legislative body.

SECTION 3. The county attorney shall be elected at the regularly scheduled meeting one (1) month after this act's approval by the county legislative body (or when a vacancy occurs) and at the regularly called meeting each October thereafter.

SECTION 4. The county attorney shall serve on the first year elected until the following October and for a term of one (1) year thereafter as indicated in Section 3.

SECTION 5. Any vacancy in the office of county attorney shall be filled in interim at the discretion of the county executive of Polk County until the next regularly scheduled meeting of the county legislative body. The legislative body then will fill such position as prescribed in Sections 2, 3 and 4.

SECTION 6. The county attorney shall be compensated either by retainer or fee for service or both. The county legislative body shall fix the rate of compensation for the county attorney based upon the agreement of the person elected to serve as county attorney and such body.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Polk County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 8. 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 7.