

RESOLUTION NO. 2006-48**BOARD OF COMMISSIONERS OF WEAKLEY COUNTY
TENNESSEE****RESOLUTION TO URGE THE GENERAL ASSEMBLY TO ENACT A PRIVATE
ACT PLACING THE JURISDICTION OF THE WEAKLEY COUNTY
JUVENILE COURT IN THE WEAKLEY COUNTY GENERAL SESSIONS
COURT UPON VACANCY IN THE OFFICE OF JUVENILE COURT JUDGE**

WHEREAS, the statutes on courts of general sessions are found in title 16, chapter 15 of *Tennessee Code Annotated* and that general law creates a state wide system of General Sessions Courts; and

WHEREAS, Section 16-15-501(c), *Tennessee Code Annotated* expressly provides that counties may create General Sessions Courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require; and

WHEREAS, the base salary of the general session judge is set by Section 16-15-5003, *Tennessee Code Annotated* and this statute provides for designated supplements to the base salary of said judge when additional jurisdictions are added to the general civil and misdemeanor jurisdictions of that court.

Now, therefore, be it resolved that the Weakley County Board of Commissioners hereby requests that the Tennessee General Assembly pass and adopt the following as a Private Act for Weakley County, Tennessee;

SECTION 1. There was created a separate Juvenile Court in Weakley County under the Private Acts of 1982, Chapter 255.

SECTION 2. Section 37-1-203, *Tennessee Code Annotated* provides that the General Sessions Courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

SECTION 3. In the event the office of Juvenile Judge shall become vacant by reason of death, resignation, retirement, or other reasons prior to the expiration of the term of office of the current serving Judge, upon that vacancy, effective immediately, the General Sessions Court of Weakley County shall become the Juvenile Court for Weakley County and shall be granted and shall exercise exclusive juvenile court jurisdiction for Weakley County. The General Sessions Judge of Weakley County from that date forward shall have all of the jurisdiction, powers, duties, and authority of a Juvenile Judge as provided in Title 37 *Tennessee Code Annotated* or any other general law.

SECTION 4. In the event that the General Sessions Judge becomes the Juvenile Court Judge of Weakley County, the base compensation of the General Sessions Judge, as adjusted by any applicable cost-of-living increases and any other supplements to that salary, shall be increased by twenty thousand dollars (\$20,000.00) per annum, which represents the amount specified in Section 16-15-5003, *Tennessee Code Annotated* as the supplement for a Class 3 General Sessions Judge exercising juvenile court jurisdiction, even if that salary increase should compute to a level in excess of the cap described in Section 16-15-5003 (b)(3), *Tennessee Code Annotated* [authority granted to the counties to supercede the same found in Section 16-15-5003 (g) *Tennessee Code Annotated*].

SECTION 5. The General Sessions/Juvenile Judge shall serve on a full-time basis. The Judge shall not be allowed to participate in the private practice of law.

SECTION 6. The court created by this act shall be a Court of Record.

SECTION 7. The Weakley County Clerk shall serve as Clerk of the court created by this Act and any of such Clerk's Deputy Clerks shall also be Deputies for the Court created by this Act, which is allowed and specified in Section 16-15-5009 (b), *Tennessee Code Annotated*.

SECTION 8. The Judge of the Court created by this Act shall be allowed to make and promulgate rules and regulations for the administration and efficient operation of the Court and to fix the times and places at which all persons within the jurisdiction of the Court shall have their causes set for disposition.

SECTION 9. The Judge of the Court created by this Act shall, pursuant to the laws and regulations of Weakley County, appoint such personnel as may be necessary to efficiently carry on the business of the Court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year.

SECTION 10. The Sheriff of Weakley County shall furnish the necessary deputies or bailiffs to attend and dispense with the business of the Court.

SECTION 11. The County Legislative body shall provide the Court with facilities adequate and sufficient to allow the Court to perform its duties.

SECTION 12. If any provision of the Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Weakley County prior to August 31, 2006. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified by him to the Secretary of State.

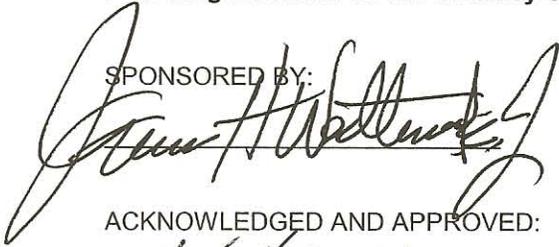
SECTION 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

BE IT RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after its passage, the public welfare requiring it. This Resolution shall be spread upon the minutes of the Board of County Commissioners and a certified copy thereof forwarded by the Clerk to the appropriate officials of the Tennessee General Assembly.

Pursuant To The Rules Of The Commission, Resolution Number Is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

SPONSORED BY:



SPONSORED BY:



ACKNOWLEDGED AND APPROVED:


Chairman, Public Safety

ACKNOWLEDGED AND APPROVED:


Chairman, Finance, Ways & Means

Motion made by Commissioner Stewart that the foregoing resolution be adopted: Motion seconded by Commissioner Hunt.

Upon being put to a roll call vote, Motion carried by a vote of 15 Yeas, 0 Nays, 0 Passed and 3 Absent.

ATTESTED:


Pat Scarbrough, County Clerk

APPROVED:


Richard Phebus, Chairman

APPROVED:


Ron Gifford, County Mayor

VETOED:

Ron Gifford, County Mayor

DATE: 03/30/04

DATE: _____