



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter I - Administration

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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

## County Attorney

### Private Acts of 1931 Chapter 255

**SECTION 1.** There is an office of County Attorney of Giles County, Tennessee. The County Attorney shall be elected by the Giles County Commission for a period of one (1) year and shall serve until a successor is duly elected under the provisions of this Act. If the County Attorney becomes unable to serve for any reason, be it death, disability, or resignation, for a period of ninety (90) days, then the County Commission may, at its next regularly scheduled meeting, fill the vacancy.

**SECTION 2.** The County Attorney shall be compensated with a reasonable salary in an amount to be determined from time to time by the County Commission. The County Attorney's salary shall not be diminished during the one-year term for which such salary is established. The County Attorney shall be paid monthly upon the presentation to the County's Financial Management Office of an itemized invoice for services rendered by the County Attorney.

#### **SECTION 3.**

SECTION 3. The County Attorney shall:

(a) Render legal aid and advice to any county official, duly appointed deputy, or employee in matters relating to their official work and official duties;

(b) Transact the usual legal business of the county, in court or otherwise;

(c) Meet with the County Commission at its sessions and give legal advice and render legal services to the County Commission, its committees, and its members;

(d) Render such other services on behalf of the county as may reasonably be deemed to be the usual, customary, and ordinary duties of a County Attorney; and

(e) Appear for and on behalf of the county in all litigation affecting the county or its interests wherever and whenever the same may be held or pending, when properly instructed or requested to do so by the County Commission or the officials of the county acting within the scope of their authority.

**SECTION 4.** The County Attorney shall submit an itemization of any expenses, such as travel, printing, postage, and court reporting, that the County Attorney incurred on behalf of the County on a monthly basis to the Giles County Financial Management Office for processing and payment.

**SECTION 5.** For legal matters out of the ordinary that include extra or unusual legal services or require an unusual amount of legal work and time or for work and services that would not be reasonably deemed to be the usual and ordinary work or duties of a County Attorney, the County Mayor may retain counsel for such legal matters pursuant to Tennessee Code Annotated, Section 5-6-112.

**SECTION [ ].** 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 application, and, to that end, the provisions of this act are declared to be severable.

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

**SECTION [ ].** 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 3.

As amended by: Private Acts of 2016, Chapter 36.

Passed: March 21, 1931.

**COMPILER'S NOTE:** Private Acts of 2016, Chapter 36, deleted all of the sections of the original 1931 Act. The last three sections with brackets as set forth above appear in the 2016 amendment as Sections 2, 3, and 4.

# County Mayor

## Private Acts of 1893 Chapter 77

**COMPILER'S NOTE:** Parts of this act may have been superseded by Tennessee Code Annotated, Title 5, Chapter 6.

**SECTION 1.** That there shall be elected by the qualified voters of Giles County, a person learned in the law, to be styled county executive of Giles County, and who shall be the county executive of said county, and who shall be thirty years of age; and who shall hold his office for a term of eight years from the date of his election, and until the election and qualification of his successor. Said person shall be a citizen of Giles County, and a person of good moral character.

**SECTION 2.** That the first election for county executive of Giles County shall be held at the same place and time, and by the same officer that the other county elections are held, on the first Thursday in August, 1894, and under the same rules and regulations that are prescribed by law for other county elections; and subsequent elections (except vacancies, which shall be filled when they occur in the manner prescribed by law) on the first Thursday in August every four (4) years thereafter; and in case of sickness, incompetency, or inability of the county executive, a special executive may be elected under the same provisions, and with the powers of said county executive, in the same manner as prescribed by Section 4695, Milliken & Vertrees' compilation of laws of Tennessee.

As amended by: Private Acts of 1973, Chapter 158

**SECTION 3.** And the office of chairman of the county court of Giles County, and the office of chairman pro tem. of the county court of said county, are abolished from and after the first Monday in January, 1894.

As amended by: Private Acts of 1973, Chapter 158

**SECTION 4.** That the county executive of Giles County shall receive for his services as county executive aforesaid the sum of one thousand dollars per annum, to be paid monthly out of the revenue of the county upon the executive's own warrant, countersigned by the county court clerk, and said one thousand dollars shall be in full for all fees, compensation, and emoluments connected with said office.

As amended by: Private Acts of 1909, Chapter 40

**SECTION 5.** That nothing in this Act shall interfere with the holding of the office of chairman of the county court of said county by the present incumbent until the expiration of his term, on the first Monday in January, 1894.

**SECTION 6.** That it shall be made the duty of the governor to appoint a competent person to hold the office of county executive of said county from the first Monday in January, 1894, to the first Monday in September, 1894, and until his successor is elected and qualified.

**SECTION 7.** That the county executive provided for in this act shall be required to enter into bond, with sufficient security, as the county court, at its quarterly term, may require as the financial agent of the county.

Passed: March 16, 1893.

## Private Acts of 1973 Chapter 158

**COMPILER'S NOTE:** Section one of this act amends Private Acts of 1893 Chapter 77 and those changes are included in full in the preceding pages.

**SECTION 2.** Each and every executive, administrative and other non-judicial duty, function, authority and responsibility vested in the office of County Judge of Giles County, including service as presiding officer of the Quarterly County Court of said county, shall continue to be vested in the said officer and office, and the incumbent in the said office shall continue to bear the title of County Judge of said county, it being the legislative intent that the County Judge of Giles County be and constitute exclusively an executive and administrative office and officer and not a judicial officer and office.

**SECTION 3.** The incumbent County Judge of Giles County shall remain in that office for the remainder of such judge's elected term, and after that time shall be eligible to run and serve for a four (4) year term and as many successive four (4) year terms as such incumbent or succeeding incumbent, as the case may be, shall desire. Any incumbent shall hold the office until his successor is duly elected and qualified.

**SECTION 4.** As compensation for all of the duties of the County Judge of Giles County, such judge shall receive the compensation authorized for County Judges by the general law of the state of Tennessee, the

same to be payable in equal monthly installments by warrant drawn on the general funds of the county.

**SECTION 5.** There is hereby transferred all of the judicial duties formerly vested with the County Judge of Giles County to the General Sessions Court of Giles County created by Chapter 186 of the Private Acts of 1943 and such General Sessions Court shall assume all of the judicial functions formerly exercised by the County Judge of Giles County beginning on the date of final approval of this act, including but not limited to all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 37, Chapter 2, upon the county judge or chairman of the county court as a juvenile court, and all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the county judge or chairman or the county court as a judicial officer in probate.

With respect to the judicial jurisdiction transferred by this section from the County Judge to the Court of General Sessions, the books, records, accounts, papers and documents pertaining to such judicial matters formerly under the jurisdiction of the County Judge shall remain in the custody and shall be the responsibility of the County Court Clerk and such clerk shall continue to have and perform the clerical functions with respect to such judicial matters.

As amended by: Private Acts of 1974, Chapter 309

**SECTION 6.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Giles County voting in an election on the question of whether or not the Act should be approved. Within sixty (60) days after this act becomes a law, the County election commissioners of Giles County shall call an election for Giles County, to be held not less than thirty (30) days, nor more than one-hundred eighty days from the date of the call. The ballots used in the election shall have printed on them the substance of this Act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the questions shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by Giles County.

**SECTION 7.** 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 6.

Passed: May 3, 1973

**COMPILER'S NOTE:** Our research indicates that although the Private Acts of 1973, Chapter 158 was never certified to the Secretary of State's office, it has been acted upon by local government and is therefore operative.

## County Executive Title Redesignated

### Private Acts of 2005 Chapter 71

**SECTION 1.** Pursuant to Tennessee Code Annotated, Section 5-6-101(d)(2), the title of "county mayor" in Giles County is hereby 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 Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of Giles 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: May 27, 2005.

## County Farm, Courthouse, and Jail Fund

### Private Acts of 1931 Chapter 730

**SECTION 1.** That there hereby be created in Giles County another Fund in addition to those now existing to be known as the County Farm, Court House, and County Jail Fund.

**SECTION 2.** That the above created County Farm, Court House, and County Jail Fund shall take care of all of the expenses of operating, maintaining, and running the County Farm of Giles County, including and any and all salaries paid to anyone in connection with said farm and telephone expenses; and expense in connection with Giles County Court House to include all fuel and heating purposes, all lights used in the

Court House, all water used therein, all expenses in connection with cleaning the Court House and its grounds, including janitor's hire, any and all repair work of whatever kind and character and telephone expenses; and expense in connection with the County Jail to include the County board bill of all county prisoners, all fuel for heating purposes, all lights and water expenses, all repair expense of every kind and character, jail physician's salary and telephone expense.

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

Passed: July 2, 1931.

## County Register

### Private Acts of 1949 Chapter 78

**SECTION 1.** That when any grantee or lessee of real estate in Giles County presents his deed or lease to the County Register for registration and it appears from said instrument or otherwise that the grantee or lessee is chargeable for the payment of the tax thereafter to accrue on said real estate, that said County Register shall be required before accepting said instrument for registration, to ascertain from the grantee or lessee whether he purchased or leased all or a portion of the property of his grantor or lessor; the true consideration given or promised therefor and if the entire tract of the grantor has not been conveyed or leased, what portion has been retained by the grantor or lessor. Said County Register shall also ascertain the nature or character of improvements located on the real estate purchased or leased.

**SECTION 2.** That the County Register be and he is hereby required to record the information to be ascertained in the foregoing section in a well bound book to be furnished by Giles County. Said Record Book shall be kept in duplicate form and shall show the names of the grantors or lessors; the names of the grantees or lessees, the kind of instrument (whether a deed or lease); the number of acres or town lots; the district where located and under the title "Remarks" show such other information as will enable the County Tax Assessor to keep current the records of his office to the end that all real estate shall be assessed for taxation in the name of the true owner or in the name of the person or persons responsible for the payment of the taxes.

**SECTION 3.** That it shall be the duty of the County Register to deliver to the County Tax Assessor the original slip taken from his Record Book showing the information required by this Act and it shall be the duty of the County Tax Assessor to keep said slip so furnished by same and to note the changes in owners as shown thereby on his records to the end that his records will at all times show the names of the true owners of the real estate or the persons responsible for the payment of the Tax Assessable against said real estate.

**SECTION 4.** That a fee of twenty-five cents be charged by the County Register and paid by the grantee or lessee for the services of the County Register rendered in procuring the information required by this Act and for keeping the record thereof and delivering same to the County Tax Assessor.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 28, 1949.

## County Trustee

### Private Acts of 1925 Chapter 267

**SECTION 1.** That the County Trustees in all counties having a population of over 30,940 and under 30,960 according to the Federal Census, shall give one bond to the State of Tennessee for its own use for the same amount of the taxes collected for the State during the year prior to which such bonds shall be executed and one to the State of Tennessee for the use and benefit of such county in the amount of 30% of the taxes collected for the county during the year prior to which such bonds shall be executed, as the same may be shown by the report of the Trustee of such county make to the State Comptroller and to the County Court of such county in September next preceding the execution of such bonds.

**SECTION 2.** That any and all bonds now in effect shall, within thirty days after this Act shall take effect, be readjusted upon the above basis.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring (sic) it.

Passed: March 18, 1925.

## Private Acts of 1933 Chapter 391

**SECTION 1.** That in counties of this State having a population of not less than 28,000 nor more than 28,100 by the Federal Census of 1930 nor any subsequent Federal Census, the bond executed by the County Trustee for county taxes shall be in the penalty of one hundred thousand (\$100,000) Dollars, provided however, that said bond shall be conditioned and approved as now provided by law.

**SECTION 2.** That this Act shall take effect from and after September 1, 1934, the public welfare requiring the same.

Passed: April 6, 1933.

## Southern Water Authority

### Private Acts of 2001 Chapter 60

**SECTION 1.** Purpose and creation of Authority.

(a) A governmental authority to be known as the "Southern Water Authority" is hereby created and established for the purpose of planning, acquiring, constructing, improving, extending, furnishing, equipping, financing, owning, operating, and maintaining a water and wastewater system, including treatment, storage, distribution and collection facilities, properties, and services, as hereinafter provided; the selling, donating, conveying, or otherwise disposing of water and wastewater; and undertaking any project or work related thereto or connected therewith. The Authority shall be a public and governmental body acting as an instrumentality and agency of the county and districts, which are or become participants in the Authority, and the powers granted are for public and governmental purposes and matters of public necessity.

(b) The purpose of the Authority is also to plan and develop the water resources of the geographic region and to provide necessary wastewater collection and treatment attendant thereto. The further purpose of the Authority is to provide environmental services and to secure economic benefits to the geographic region that it encompasses and may serve.

**SECTION 2.** Definitions.

Whenever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

- (1) "Authority" means the Southern Water Authority created by this act;
- (2) "Board" means the Board of Directors of the Authority;
- (3) "Bonds" means bonds, interim certificates or other obligations of the Authority issued pursuant to this act including joint obligations of the Authority and the county, districts or municipalities;
- (4) "County" means Giles County, Tennessee;
- (5) "Districts" refers to the South Giles Utility District, the Minor Hill Utility District, Fairview Utility District, and Tarpley Shop Utility District, provided the governing body of such utility district enters into an agreement with the Authority as provided in Section 18;
- (6) "Governing Body" means the Chief Legislative Body of a municipality, as hereinafter defined;
- (7) "Municipality" means any county, incorporated city or town, utility district, or other municipal, or governmental body or subdivision in this State, thereof now or hereafter authorized by law to be created, subject to appropriate action being taken by such incorporated city or town, utility district, or other municipal or governmental body or subdivision in this State;
- (8) "Notes" means notes or interim certificates of the Authority issued pursuant to this act, including joint obligations of the Authority and the county and/or districts;
- (9) "Person" means any individual, firm, partnership, association, corporation, or any combination thereof;
- (10) "Refunding Bonds" means refunding bonds, issued pursuant to this act, including joint obligations of the Authority and the county issued pursuant to this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1 and 9, to refund bonds of the Authority or bonds issued to refund bonds or notes of the county, the districts or a municipality issued by such county, district or municipality, the proceeds of which were used to construct, acquire, extend, improve or equip all or

a portion of a system acquired by the Authority or to refund bonds, the proceeds of which were used for such purposes;

(11) "State" means the State of Tennessee; and

(12) "System" means a water and wastewater system, which shall include, but not be limited to, all devices and systems used in the storage, treatment, recycling and reclamation of sewage of residential, commercial and industrial wastes of a liquid nature to restore and maintain the chemical, physical and biological integrity of the State's waters; or any devices and systems used in the treatment and distribution of water, including intercepting sewers, outfall sewers, sewage collection systems, water storage facilities, water transmission lines, pumping, power and other equipment, and other appurtenances, extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities, and any works.

**SECTION 3.** Board of Directors.

(a) The Authority shall have a Board of Directors in which all powers of the Authority shall be vested. Each Director shall have an equal vote in the affairs of the Authority.

(b) Provided appropriate action is taken by the governing body of the districts in accordance with Section 18, the initial membership of the Board of Directors shall consist of the following Directors designated as follows:

(1) The County Executive of Giles County or the designee of the County Executive who is named in a revocable written instrument executed by the County Executive.

(2) One (1) Director to be selected by each of the governing bodies of the South Giles Utility District, Minor Hill Utility District, Fairview Utility District and Tarpley Shop Utility District. The governing body of each utility district is hereby authorized to appoint one (1) person as Director.

(3) Upon adoption of a resolution by a two-thirds (2/3) vote of the municipal governing body of the City of Pulaski, the governing body of such municipality is authorized to appoint one (1) person to serve as an additional Director on the Board of Directors.

(4) Upon execution of an agreement between any other municipality and the authority as provided for in Section 18 of this act, the governing body of any such municipality is authorized to appoint one (1) person to serve as an additional Director on the Board of Directors.

(c) All vacancies on the Board shall be filled as follows:

(1) For the Director selected pursuant to subdivision (b)(1) above, vacancies shall be filled by the County Executive of Giles County or his designee.

(2) For the Directors selected pursuant to subdivision (b)(2) above, vacancies shall be filled by the governing body of the utility district which was represented by the departing Director.

(3) For the Directors selected pursuant to subdivision (b)(3) or (b)(4) above, vacancies shall be filled by the governing body of the municipality which was represented by the departing Director.

(d) The term of a Director service pursuant to subdivision (b)(1) shall be concurrent with the term of office of the County Executive of Giles County. The term of a Director serving pursuant to subdivision (b)(2), or the term of a Director representing a utility district pursuant to subdivision (b)(3) shall be four (4) years. The term of a Director serving pursuant to subdivision (b)(3) representing a municipality other than a utility district shall be concurrent with the term of office of the chief executive of such municipality.

(e) A majority of the Board constitutes a quorum, and the Board shall act by a vote of a majority present at any meeting attended by a quorum. Vacancies among the Directors shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after selection of the Board, as herein provided, the Board shall hold a meeting to elect a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and such other officers as shall from time to time be deemed advisable by the Board. The Secretary shall keep minutes of all regular and special meetings of the Authority. Such minutes shall be available for inspection by the public at the office of the Authority at all reasonable times.

(f) The Board shall hold meetings at such times and places as the Board may determine and all such meetings shall be open to the public. Special meetings may be called and held upon such notice and in such manner as the Board may, by resolution, determine. Except as otherwise expressly provided herein, the Board shall establish its own rules of procedure. Any action taken by the Board exercising its powers and authority under the provisions of this act may be exercised by vote or resolution at any regular or special meeting.

(g) All Directors shall serve with compensation as the Board may determine by resolution. The Board,



upon a majority vote, may set compensation up to but not exceeding one hundred dollars (\$100) per Director per meeting of the Authority; provided, however, that the Directors shall not be compensated for more than twelve (12) meetings in one calendar year.

**SECTION 4.** Powers of the Authority.

The Authority shall have the following powers in addition to those specified in other sections of this act, together with powers incidental thereto or necessary for the performance of those hereinafter stated.

- (1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (2) To have a seal and to alter the same at pleasure; provided, however, the absence thereof shall have no effect on the validity of any document, instrument or other writing;
- (3) To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain to the extent authorized pursuant to general law, or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain, and operate one (1) or more systems within or without the geographic boundary and service areas of the county or districts as such boundaries now or may hereafter exist, including all real and personal property, facilities, and appurtenances which the Board of the Authority may deem necessary in connection therewith and regardless of whether or not such system shall then be in existence;
- (4) To enter into agreements with the county, the districts and any municipality for the orderly transfer of all or any part of the system of the county, the districts or such municipality, and to the extent permitted by law and contract, to assume, to reimburse or to otherwise agree to pay outstanding obligations or liabilities of the county, the districts or such municipality incurred to acquire, extend or equip the system;
- (5) To enter into agreements with the county, the districts and any other municipality, to acquire by lease, gift, purchase or otherwise any system or property related thereto, of the county, the districts or such municipality and operate such system separately or as a part of its systems; or enter into agreements with the county, the districts or any municipality providing for the operation by the Authority of the system, or any portion thereof, owned by the county, the districts or municipality;
- (6) To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain, or otherwise, any and all types of property, franchises, assets, and liabilities, whether real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate, or convey its properties, facilities, and services, but only for the purpose of continuing operation of any system by the Authority, whenever the Board of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created; provided, however, revenues of any system of the Authority shall be accounted for in such manner as not to impair the obligations of contract with reference to bond issues or other legal obligations of the transferor and shall fully protect and preserve the contract rights vested in the owners of outstanding bonds, obligations, or contractual interests; provided, further, any income from the sale of such properties, facilities, and services shall be dedicated to the continued operation of any system by the Authority;
- (7) To buy, sell, store, treat and distribute water; to collect and provide treatment for wastewater from, with or to any municipality or other governmental unit of the State or any agency thereof or the United States or any agency thereof, or any persons whether public or private, and to enter into contracts, agreements, or other arrangements with the county, districts, any municipality or other persons in connection therewith;
- (8) To make and enter into all contract, trust instruments, agreements, and other instruments with the county, districts, any municipality, the State or agency thereof, the United States or any agency thereof, or any person, including without limitation, bonds, notes, loan agreements with the Tennessee Local Development Authority or the Tennessee Department of Environment and Conservation and other forms of indebtedness as if it were a local government, as such term is defined in applicable statutes governing grants and loans to construct, equip or extend the system, and to enter into contracts for the management and operation of a system or any facilities or service of the Authority for the treatment, processing, collection, distribution, storage, transfer, or disposal of water and wastewater;
- (9) To incur debts, to borrow money, to issue bonds, and to provide for the rights of the holders thereof;
- (10) To apply for, accept and pledge donations, contributions, loans, guarantees, financial

assistance, capital grants, or gifts from the county, districts, any municipality, the State or any agency thereof, the United States or any agency thereof, or any person, whether public or private, for or in aid of the purposes of the Authority, to enter into agreements in connection therewith and to accept the same;

(11) To pledge all or any part of the revenues, receipts, donations, contributions, loans, guarantees, financial assistance, capital grants, or gifts of the Authority, to mortgage and pledge one (1) or more of its systems or any part or parts thereof, whether then owned or thereafter acquired, and to assign and pledge all or any part of its interest in and rights under contracts and other instruments relating thereto as security for the payments of the principal, premium, if any, and interest on bonds, refunding bonds, loan agreements or notes issued by the Authority;

(12) To have control of its systems, facilities, and services with the right and duty to establish and charge rates, fees, rental, tolls, deposits and other charges for the use of the facilities and services of the Authority and of the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the right of holders of its bonds, refunding bonds, and notes;

(13) To enter onto any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in and for the furtherance of the purposes authorized by this act;

(14) To use any right-of-way, easement, or other similar property right necessary or convenient in connection with a system, held by the State or any political subdivision thereof, provided the governing body of such political subdivision consents to such use;

(15) To employ and pay compensation to such agents, including attorneys, accountants, engineers, architects, and financial advisors, as the Board shall deem necessary for the business of the Authority;

(16) To employ and pay compensation to such employees, including a general manager, who shall have such authority, duties, and responsibilities as the Board deems necessary;

(17) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any act of any member, officer, or employee of the Authority in the performance of the duties of the office or employment, or any other insurable risk, including the payment of its bonds, refunding bonds or notes, as the Board in its discretion may deem necessary;

(18) To enter into, by contract with the county and/or the districts, or otherwise, a plan for pension, disability, hospitalization and death benefits for the officers and employees of the Authority;

(19) To exercise all powers expressly given to it and necessarily implied therefrom, to make and execute contracts and all other instruments necessary or convenient to do any and all things for the exercise of its powers hereunder, and to establish and make rules and regulations not inconsistent with the provision of this act, deemed expedient for the management of the Authority's affairs;

(20) To adopt by majority vote of the Board the purchasing procedures for utility districts as defined in Tennessee Code Annotated, Title 7, Chapter 82, Part 8; and

(21) To make all necessary investments, in the discretion of the Board, consistent with the powers of local governments to make such investments as provided in Tennessee Code Annotated, Section 9-1-107.

**SECTION 5.** Condemnation and eminent domain.

The Authority may condemn in its own name any land, rights-in-land, easements, or rights-of-way which in the judgment of the Board, are necessary for carrying out the purposes for which the Authority is created, 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 persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority; provided further, the exercise of eminent domain power shall be approved by a majority of those present and voting of the Board of the Authority. Such power of condemnation may be exercised in the manner prescribed by any applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain to the extent such Authority is authorized by general law to exercise such power.

**SECTION 6.** Rates sufficient to pay costs and retire bonds.

The Board shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities, and commodities of any system, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to ensure that any system shall

be and always remain self-supporting. The rates, fees, tolls, or charges prescribed shall be such as will always produce revenue at least sufficient:

- (1) To provide for all expenses of operation and maintenance of the system, including reserves therefor;
- (2) To pay when due all bonds, notes and interest and premiums thereon for the payment of which such revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor; and
- (3) To provide for the extension or improvement of the system; provided, however, that the Authority shall charge equal rates to the county, the districts, and any municipality hereinafter entering into such an agreement with the Authority as provided in Section 18 of this act. This provision shall apply to the rates charged for the provision of services as outlined in Section 4 (7) of this act.

**SECTION 7.** Notes of the Authority.

(a) The Authority may issue, by resolution adopted by the Board, interest-bearing bond anticipation notes for all purposes for which bonds can be legally authorized and issued by the Authority. Such notes shall be secured by the proceeds from the sale of the bonds in anticipation of which the notes are issued and additionally secured by a lien upon the revenues of the system on a parity with the bonds in anticipation of which such notes are issued. In no event shall the amount of outstanding bonds anticipation notes exceed the principal amount of the bonds to be issued by the Authority. The notes shall mature not later than two (2) years from their date of issuance and may be extended or renewed for not more than two (2) additional periods of two (2) years each by resolution of the Board and the issuance of renewal or extension notes.

(b) Notes shall be sold at public or private sale for not less than ninety-seven percent (97%) of the par value thereof and accrued interest as the Board may direct. Notes may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, may be subject to such terms of redemption, without a premium or, for notes sold for not less than the par value thereof and accrued interest, without or with a premium, all as may be provided by resolution of the Board.

(c) Notes shall be executed in the name of the Authority by the proper officials authorized to execute the same, together with the seal of the Authority attached thereto.

(d) The proceeds arising from the sale of such notes shall be disbursed as provided by the resolution authorizing the issuance of the notes. The term "bond anticipation notes" includes interim certificates or other temporary obligations which may be issued by the Authority to the purchaser of such notes upon the terms and conditions herein provided. When the bonds shall be issued and sold a sufficient amount of the proceeds of the bonds shall be applied to the payment of the notes at their maturity or upon their earlier redemption as directed by the Board by resolution.

(e) The Authority herein granted to issue "bond anticipation notes" also includes the issuance of "grant anticipation notes," to be secured by the grant in anticipation of which such notes are issued, with all provisions of this section being applicable to such grant anticipation notes.

**SECTION 8.** Bonds of the Authority.

(a) The Authority shall have the power to issue bonds from time to time to finance the construction, purchase, acquisition, extension, improvements and equipping of one (1) or more systems. All bonds issued shall be payable solely out of the revenues and receipts derived from the system for which such bonds are issued or as may be designated in the proceedings under which such bonds are issued or as may be designated in the proceedings under which the bonds shall be authorized to be issued. Such bonds may be issued in one (1) or more series, may be executed and delivered at any time and from time to time, may be in such form and denomination and of such terms and maturities, may be subject to redemption prior to maturity either with or without premium, may be in fully registered form, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings whereunder the bonds shall be authorized to be issued.

(b) Bonds may be sold at public or private sale for such price and in such manner and from time to time as may be determined by the Board of Directors to be most advantageous, and the Authority may pay any

and all expenses, premiums, and commissions which its Board of Directors may deem necessary or advantageous in connection with the issuance thereof.

(c) All bonds and the interest applicable thereto are hereby made and shall be construed to be negotiable instruments.

(d) Interim certificates or notes or other temporary obligations pending the issuance of revenue bonds shall be payable out of proceeds of bonds or other funds of the Authority available for such purpose.

(e) Proceeds of bonds may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending a system, including the payment of interest on the bonds during construction of any project for which bonds are issued and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance, and legal expenses incurred in connection therewith and the issuance of bonds, and the establishment of a reasonable reserve fund for the payment of principal of, and interest on, such bonds if a deficiency occurs in the revenues and receipts available for such payment.

**SECTION 9.** Refunding bonds of the Authority.

(a) Any bonds at any time outstanding may at any time and from time to time be funded by the issuance of refunding bonds in such amount as the Board may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the bonds being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such bonds to the date of delivery or exchange of the refunding bonds;
- (4) If the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates elected, in its discretion, by the Board, or to the date or dates of maturity, whichever shall be determined by the Board to be the most advantageous or necessary to the Authority;
- (5) A reasonable reserve for the payment of principal of, and interest on, such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and
- (7) Expenses, premiums, and commissions of the Authority, including bond discount deemed by the Board to be necessary for the issuance of the refunding bonds. A determination by the Board that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(b) Any such refunding may be effective may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds refunded thereby, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(c) At the time of delivery of the refunding bonds, if the bonds to be refunded will not be retired or a valid and timely notice of redemption of the outstanding bonds is not given in accordance with the resolution, indenture or other instrument governing the redemption of the outstanding bonds, then, prior to the issuance of the refunding bonds, the Board shall cause to be given adequate notice of its intention to issue the refunding bonds. The notice shall be given either by mail to the owners of all the outstanding bonds to be refunded at their addresses shown on the bond registration records for the outstanding bonds, or given by publication, or by such other means which may be deemed sufficient pursuant to the laws of this State. The notice shall set forth the estimated date of delivery of the bonds, refunding bonds and identify the bonds, or the individual maturities thereof, proposed to be refunded; provided, that if portions of individual maturities are proposed to be refunded the notice shall identify the maturities subject to partial refunding and the aggregate principal amount to be refunded within each maturity. If the issuance of the

refunding bonds does not occur as provided in the notice, the governing body shall cause notice thereof to be given as provided above. Except as otherwise set forth in this section, the notice required pursuant to this section shall be given whether or not any of the bonds to be refunded are to be called for redemption.

(d) If any of the obligations to be refunded are to be called for redemption, notice of redemption shall be given in a manner required by the proceedings authorizing such outstanding obligations.

(e) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

(1) To the immediate payment and retirement of the bonds being refunded; or

(2) To the extent not required for immediate payment of the bonds being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the bonds being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of, premium, if any, and interest or any issue or series of refunding bonds. Money in any such trust fund may be invested in the discretion of the Board.

(f) Nothing herein shall be construed as a limitation on the duration of any deposit trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

**SECTION 10.** Security for payment of bonds and notes.

(a) The principal of, premium, if any, and interest on any bonds, refunding bonds and notes may be secured by a pledge of revenues and receipts of a system. The proceedings under which the bonds, refunding bonds or notes are authorized to be issued may contain any agreements, provisions and covenants respecting the maintenance of such system or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any system or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, refunding bonds and notes and the rights and remedies available in the event of default, all as the Board shall deem advisable and not in conflict with the provisions of this act. To the extent provided in the proceedings authorizing any bonds, refunding bonds or notes, each pledge and agreement made for the benefit of security of any of the bonds, refunding bonds or notes shall continue in effect until the principal of, and interest on, the bonds, refunding bonds or notes for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Authority. In the event of a default in such payment or in any agreements of the Authority made as part of the proceedings under which the bonds, refunding bonds or notes were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or the proceedings under which the bonds, refunding bonds or notes are issued.

(b) The Board may designate the appropriate officials to execute all documents necessary to guarantee or in any other manner to secure the payment of the bonds or notes of the Authority; provided, however, the approval of the governing body of the county or district to such guarantee or security shall have been obtained before the execution of such documents. Provided, further, prior to any meeting where such authorization will be considered by the governing body of the county or district, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or district of such authorization is given.

(c) Bonds, notes or refunding bonds may constitute a joint obligation of the Authority and the county or district. Any such bond, note or refunding bond upon which the county is jointly obligated with the Authority may be secured by the full faith and credit and unlimited ad valorem taxing power of the county. Bond, notes or refunding bonds issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, where applicable, and in the event of a conflict between this act and Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9, then the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 2, and 9 shall prevail. Notes issued as a joint obligation of the Authority and the county shall be issued in the form and manner of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 5, where applicable and in the event of a conflict between this act and the provisions of Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4 and 5, then the Tennessee Code Annotated provisions shall prevail.

(d) Any bond, note or refunding bond issued under this act may be secured by a mortgage or deed of trust covering any or all parts of the property, real or personal, of the Authority. Any pledge, or lien, on revenues, fees, rents, tolls or other charges received or receivable by any local government to secure the payment of any bonds, notes or refunding bonds issued pursuant to the act and the interest thereon, shall be valid and binding from the time that the pledge or lien is created and granted and shall inure to the

benefit of the holder or holders of any such bonds, notes or refunding bonds until payment in full of the principal and premium and interest thereon. Neither the resolution nor any other instrument granting, creating or giving notice of the pledge or lien, or other such security interest, need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

**SECTION 11.** Exemption from taxation and State regulation.

(a) In accordance with the provisions of general law, the Authority, its properties at any time owned by it and the income and revenues therefrom shall be exempt from State, county and municipal taxation. To the extent authorized by a municipality, a county or the general law, bonds, notes and refunding bonds issued by the Authority and the income therefrom shall be exempt from all State, county, and municipal taxation, except inheritance, transfer and estate taxes, or except as otherwise provided by state law. For purposes of Tennessee Code Annotated, Title 48, Chapter 2, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State.

(b) Neither the Tennessee Regulatory Authority nor any other Board or commission of like character hereafter created shall have jurisdiction over the Authority in the management and control of a system, including the regulation of its rates, fees, tolls, or charges, except to the extent provided by this act; provided, however, the Authority is subject to regulation by the Department of health and the Department of Environment and Conservation as a public water supply and public sewerage system.

**SECTION 12.** Liability and indebtedness of political subdivisions.

(a) Neither the county, the districts, the State, nor any municipality other than the Authority shall, except as may otherwise be authorized by the Board of Directors of the Authority and the governing body of the particular governmental entity, in any event be liable for the payment of the principal of, premium, if any, or interest on any bonds, notes or refunding bonds of the Authority or for the performance of any pledge, obligation, or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the bonds, notes or refunding bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State, or any municipality within the meaning of any constitutional or statutory provision whatsoever.

(b) Bonds, notes or refunding bonds of the Authority shall not constitute a debt or a pledge of the faith and credit of the State or any municipality, except as may otherwise be authorized by the governing body of the county, district or municipality, and the holders or owners of such bonds shall have no right to have taxes levied by any municipality, the State or any other taxing authority within the State for the payment of principal of, premium, if any, and interest on such bonds, but shall be payable solely from revenues and monies pledged for their payment.

(c) Except as may otherwise be authorized by the governing body of the county or district(s) as specified hereinabove, all such bonds shall contain on the face thereof a statement to the effect that the bonds, refunding bonds or notes are not a debt of the State or any municipality or any other taxing authority within the State, but are payable solely from revenues and monies pledged to the payment thereof.

**SECTION 13.** Disposition of Funds.

No part of the net earnings of the Authority remaining after payment of its expenses shall inure to the benefit of any persons except that, at such times as no bonds, note or refunding bonds of the Authority are outstanding and unpaid and adequate provision has been made for the full payment of all liabilities, obligations and contracts of the Authority, and the Authority shall have, by operation of law, been terminated, any assets of the Authority, to the extent not necessarily for such purposes, shall be paid to the county, to the districts, and to any other municipality represented on the Board, in equal proportions. To the extent allowed by this act, nothing herein contained shall prevent the Board from transferring its properties in accordance with the terms of any contract, agreement, or covenant entered into or undertaken by the Authority.

**SECTION 14.** Budget; annual audits; contracting procedures; personnel procedures.

(a) The Board shall annually establish and adopt a budget for the Authority.

(b) The Board shall cause to be prepared each fiscal year an annual audit of the books and records of the Authority. The audits shall comply with generally accepted governmental auditing standards as established by the Comptroller of the Treasury, Department of Audit, pursuant to Tennessee Code Annotated, Section 4-3-304. A copy of such annual audit shall be filed with the office of the County Executive of Giles County, and with the governing bodies of the districts.

The Board shall establish employment procedures, compensation levels and benefits for the employees of the Authority.

**SECTION 15.** Powers of the districts.

(a) The districts may take all actions hereunder by resolution of its governing body. The districts shall have all powers necessary in order to further the purposes of this act, including without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, or grant easements, licenses, or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The districts may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreement for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the districts or loan agreements entered into by the districts to acquire, construct or equip all or any part of a system.

(c) The districts are authorized to advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(d) A utility district shall have the same right to enter into any agreement with the Authority that the Board deems necessary to carry out the purposes of this act, as the utility district has to enter into similar agreements with water and wastewater treatment authorities as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 16.** Powers of the County.

(a) The county may take all actions hereunder by resolution of its governing body. The county shall have all powers necessary to further the purposes of this act, including, without limitation, the power to sell, lease, dedicate, donate, or otherwise convey to the Authority any of its interests in any existing water and wastewater system, franchises, assets, liabilities, or other related property, whether real or personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances or grant easements, licenses or other rights or privileges therein to the Authority and to contract with the Authority.

(b) The county, through its governing body is authorized to issue joint obligations with the Authority and to pledge its full faith and credit and unlimited taxing power to such bonds, notes or refunding bonds and to guarantee the bonds, notes or refunding bonds as set forth in Section 10.

(c) The county may enter into agreements with the Authority for the orderly transfer of all or any part of its system and to enter into agreements with the Authority for the Authority to assume, to pay or to refund bonds, refunding bonds and notes issued by the county or loan agreements entered into by the county to acquire, construct or equip all or any part of a system.

(d) The county may advance, donate or lend money to the Authority and to provide that funds available to it for a system shall be paid to the Authority.

(e) The county has the power to enter into any other agreement with the Authority that the Board deems necessary to carry out the provisions of this act.

**SECTION 17.** Powers not restricted.

Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which a county, city or utility district might otherwise have under any laws of this State, but shall be construed as cumulative of, and supplemental to, any such powers. Nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers, or to impair any power of any official or agency of said State and its governmental subdivisions which may be otherwise provided by law.

**SECTION 18.** Agreements with the Authority.

The Authority is hereby authorized, whenever the same shall be found desirable by its Board, to enter into contracts, agreements or other arrangements with any municipality regarding a system, any facility, or any service of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof.

Upon execution of such agreement, the governing body of each municipality shall appoint one (1) person to serve as an additional Director on the Board of Directors of the Authority, pursuant to the terms set forth in Section 3 of this act.

Any utility district seeking to enter into such agreement with the Authority shall have the same rights and liabilities as it would otherwise have in entering into a similar agreement with a water and wastewater

treatment authority as provided by Tennessee Code Annotated, Title 68, Chapter 221, Part 6, and as provided by the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

Nothing in this act shall be construed to apply to nor affect the City of Pulaski, or any other incorporated city or town, unless and until appropriate action is taken by the legislative body of such incorporated city or town, including making necessary revisions to its charter as required by law.

**SECTION 19.** Liberal construction.

This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of distributing and encouraging the best utilization and conservation of water resources and wastewater service and the powers herein granted may be exercised without regard to requirements, restrictions or procedural provisions contained in any other law or charter except as herein expressly provided. Provided, that nothing in this act shall be deemed to supersede any general law. Provided further, however, that the continued operation of any utility district entering into an agreement with the Authority, including the districts, as provided in Section 18 of this act, shall be in compliance with the Utility District Law, Tennessee Code Annotated, Title 7, Chapter 82.

**SECTION 20.** Severability.

If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision 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 21.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

**SECTION 22.** 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 21.

Passed: June 14, 2001.

## Administration - Historical Notes

### County Clerk

The following act once affected the office of county clerk in Giles County. It is included herein for historical purposes.

1. Private Acts of 1837-38, Chapter 294, provided that the county court clerk of Giles County be paid \$1.00 as a fee for recording the proceedings of a person applying to the county court to build a grist mill on any stream in the county. The court would appoint three commissioners to look at the site of the proposed mill to determine that it would not interfere with the navigation of the stream and, if not, the permit to build would be issued.

### County Mayor

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

1. Private Acts of 1856, Chapter 253, created an office of county executive in every county who would be elected by the people for four year terms and be a person learned in the law; who would hold court on the first Monday of every month. The court was organized and its jurisdictional powers enumerated. This Act was repealed by Acts of 1857-58, Chapter 5, and all the quorum courts restored.
2. Private Acts of 1857-58, Chapter 20, authorized and requested the Governor to appoint a suitable person to act as county executive of Giles County during the December term of the court, who would have all the rights, powers, privileges, and obligations as any other county executive.
3. Private Acts of 1867-68, Chapter 47, created the office of county executive for Lincoln, Hamilton, Franklin, Lawrence, and Giles Counties for a term of eight years and who was not required to be learned in the law. The Executive was also made the accounting officer and financial agent of the county under this Act which abolished the existing powers of the County Court and promulgated new ones. The administrative portions of the act with the exceptions mentioned are similar to preceding legislation in this regard.
4. Private Acts of 1909, Chapter 40, amended Acts of 1883, Chapter 77, Section 4, published herein,



by making the salary of the County Executive payable monthly instead of quarterly as provided in that act.

5. Private Acts of 1909, Chapter 348, set the salary of the County Executive at \$100 per month to be paid out of the revenue of the county upon the executive's own warrant countersigned by the County Court Clerk, to be in full compensation for his services in that office.
6. Private Acts of 1917, Chapter 346, raises the executive's salary to \$1,800 yearly for his services as County Executive to be paid monthly out of the revenue of the county on the executive's own warrant countersigned by the County Court Clerk. This amount would be in full payment for all services rendered in connection with that office.
7. Private Acts of 1925, Chapter 390, elevates the county executive's compensation to \$2,000 annually under the same terms and conditions as those written in the 1917 Act above. This act contains a general repealer.
8. Private Acts of 1939, Chapter 256, permitted the County Executive to employ a secretary to assist him in his work at a salary to be fixed by him but not to exceed \$600 yearly, payable in equal monthly payments out of regular county funds. This position apparently was merged into the 1951 Act since no further legislation appears concerning it.
9. Private Acts of 1947, Chapter 847, repeals Acts of 1925, Chapter 390, and there fixes the salary of the County Executive at \$2,400 annually, to be paid in monthly installments as required in the previous acts.
10. Private Acts of 1951, Chapter 408, authorized and empowered county executives in counties having a population of not less than 29,230 nor more than 29,250 according to the Federal Census of 1940, to employ clerical help to assist him in performing the duties of his office at a salary not to exceed \$300 per month. This act was amended by Private Acts of 1957, Chapter 36, Private Acts of 1961, Chapter 65, and Private Acts of 1965, Chapter 44.
11. Private Acts of 1951, Chapter 409, fixed the compensation of the County Executive for his services as accounting officer and financial agent of Giles County at \$1,800 annually payable as before on his own warrant countersigned by the County Court Clerk. This Act was repealed specifically by Private Acts of 1963, Chapter 89.
12. Private Acts of 1963, Chapter 89, repealed Private Acts of 1951, Chapter 409, which set salary of the County Executive for his services as accounting officer and financial agent at \$1,800 annually.

### **County Legislative Body**

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

1. Private Acts of 1809, Chapter 93, set the times for holding the court of Pleas and Quarter Sessions in Giles on the third Monday in February, May, August and November. This Act also gave the court authority to appoint 13 jurors for each court.
2. Private Acts of 1813, Chapter 134, among other things changed the times for meeting of the County Court to the first Mondays in March, June, September and December.
3. Private Acts of 1817, Chapter 138, also changed the meeting dates for the court of Pleas and Quarter Sessions in Giles County to the third Monday in February, May, August and November. This court could hold for two weeks, if necessary, to complete its business but other courts would hold for only one week.
4. Private Acts of 1821, Chapter 77, conferred the power of eminent domain, the right to condemn property for a public purpose, upon the Giles County Quarterly Court for obtaining land for cemeteries.
5. Private Acts of 1830, Chapter 102, authorized the County Court of Pleas and Quarter Sessions, if they should so desire, a majority of the justices being present and concurring, to elect three of their number at the January term to hold court for the remainder of the year.
6. Private Acts of 1857-58, Chapter 20, authorized and requested the Governor to appoint a suitable person to act as County Executive of Giles County during the December term of the court, who would have the same rights, powers, privileges, and obligations of any other County Executive.
7. Private Acts of 1923, Chapter 35, changed the times of holding the sessions of the county court of Giles County to the second Monday in January, April, July and October of each year.
8. Private Acts of 1955, Chapter 148, sets the per diem of the Quarterly County Court at \$10 per day without any additional allowance for mileage or travel expense.

9. Private Acts of 1964, Chapter 44, amend Private Acts of 1955, Chapter 148 by increasing the per diem of the Quarterly County Court to \$25 per day.

### **Purchasing**

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

1. Private Acts of 1949, Chapter 89, created the office of purchasing agent for the county and named the County Executive to fill it. The Agent was given sole power and authority to purchase everything except standard office supplies used in each department and except in the school system, and, further, to lease or rent anything. If the amount was over \$500, certain requirements had to be made respecting advertising, specifications, bids, and acceptance of bids; all items less than \$500 could be purchased directly without bids. The salary was \$1,800 annually paid from county funds.
2. Private Acts of 1951, Chapter 127, repeals Private Acts of 1949, Chapter 89, above, which created the position of Purchasing Agent.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Giles 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 1811, Chapter 44, authorized Maury and Giles County to appoint surveyors for the county who would first give bond and then begin plotting all the land in each county. The Quarterly County Court would appoint.
2. Private Acts of 1815, Chapter 26, permitted anyone to build a warehouse on Richland Creek when goods could be stored until inspected either at Pulaski or Elkton. The initiating procedure was a petition to the County Court for that purpose.
3. Private Acts of 1815, Chapter 44, authorized a warehouse for several locations where tobacco, hemp, flour, lard, butter, and other articles would be stored for inspection purposes. The one for Giles County would be located on the Elk River at Elkton.
4. Private Acts of 1815, Chapter 173, appointed Tyre Rodes, Gabriel Bumpass, Nathaniel Moody, Samuel Jones, and Maximillian H. Buchanan as Commissioners to let contracts to build offices for the use of the Circuit Court Clerk and the County Court Clerk which would be located on the public square at Pulaski as they considered best.
5. Private Acts of 1815, Chapter 193, appointed Tyre Rodes, Ralph Graves, and John Hicks, Commissioners, to select a site and let a contract to build a bridge over the shoals of Richland Creek in Pulaski, to improve the navigation of it all the way to the Elk River and to ask for money from the fund derived from the sale of lots in Pulaski by the Commissioners laying out the city.
6. Private Acts of 1817, Chapter 18, added Hardy Hightower to the Commission in Pulaski, who were to finish the court house, beautify it, and the public square, with trees and other decorations by contract with other but all to be under the supervision of the Commission.
7. Private Acts of 1819, Chapter 70, authorized the County Court of Giles County to appoint a Commission of two fit and suitable people to settle accounts with the Commission formerly organized to lay out the town of Pulaski. In the event the old Commission refused to settle accounts, they would be subject to a fine of \$4,000 recoverable by petition filed for that purpose.
8. Private Acts of 1820 (Ex. Sess.), Chapter 63, directed the Sheriff to hold an election in Pulaski to choose seven aldermen and, further, repealed the act which ordered the surplus money from laying out the town to be paid to the County Trustee, and instead made the same payable to the Mayor and Aldermen of that city.
9. Private Acts of 1824 (Ex. Sess.), Chapter 80, was intended to correct an error in the issuance of a certificate of Notary Public to William Woods when it should have been issued to William W. Woods, and to ratify and confirm all acts performed by the said William Woods while the error was in effect.
10. Private Acts of 1831, Chapter 129, authorized the Giles County Court to appoint three discreet and impartial commissioners to examine that part of Richland Creek on which Elijah Anthony proposed to build a mill and, if they should report that the mill can be built without interfering with the navigation of the stream, to issue him a permit to proceed with the construction of it.
11. Private Acts of 1837-38, Chapter 294, permitted any person to build a grist mill in Giles County

- provided they posted a ten day notice of their intention to build at the courthouse so the court could appoint a Committee to view the site. If the location and construction did not hinder the flow of navigation on the stream, the mill could be built with the courts approval.
12. Private Acts of 1837-38, Chapter 157, assigned Giles and Lincoln Counties to the 10th Brigade of the state militia and set their annual drills on the second Friday and Saturday in September.
  13. Private Acts of 1837-38, Chapter 263, authorized the Quarterly County Court of Giles County to appoint an Entry Taker who may reside, if need be, in a place other than the county seat and the Court was likewise given the power and authority to pay for a general plan for the county.
  14. Private Acts of 1843-44, Chapter 194, authorized the officers of the several regiments of the State Militia in Giles County to reorganize the same into 4 Regiments, the fourth one to be called the 162nd Regiment of the Tennessee State Militia. The sheriff was directed to give public notice of the time and place when the popular election of officers for those regiments would take place.
  15. Private Acts of 1843-44, Chapter 89, amended Public Acts of 1842, Chapter 34, which was a public law seeking to perfect title to certain roads in Tennessee for the state which involved action by the Entry-Taker so that it became the duty of the Circuit Court Clerks of Lawrence, Hickman, Wayne, Giles, and Maury counties to examine the books of their respective Entry-Takers on the first Monday in September, each year, to report to the State Comptroller on or before the 15th of the month and the Entry-Takers must account to the Comptroller for their funds by the 20th of September.
  16. Private Acts of 1853-54, Chapter 317, permitted the President and Directors of the Bank of Tennessee to appoint an additional director of the Bank's branch at Columbia, Tennessee, who would be a citizen and resident of Giles County.
  17. Private Acts of 1868-69, Chapter 42, incorporated George T. Allman, Solon E. Rose, Elihu Edmondson, Joseph B. Story, George W. Gordon, A. J. McKinnon, William G. Lewis, and John C. Brown, as the Giles County Blood Horse Association for the development and improvement of blooded horse stock with authority to build and operate tracks and to conduct speed and other tests.
  18. Private Acts of 1868-69, Chapter 25, established a Board of County Commissioners for Hickman and Van Buren counties but its provisions were expressly extended to Giles County in Sections 16 and 17 in the same manner as the act was written for Van Buren county. In Giles, the commission was composed of the County Executive and two associate commissioners who would hold the Quarterly County Court and perform all of its functions; associates would be elected every two years as all Justices were relieved from the duty of holding Quarterly Courts and all those powers were vested in this Board. The commissioners must give bond of \$500 and would be paid a salary of \$100 monthly in Giles County. This Act was repealed by the act below.
  19. Private Acts of 1869-70, Chapter 6, abolished the Board of County Commissioners as it was so constituted in Giles County and Private Acts of 1869-70, Chapter 49, repealed all those Acts which had been repealed or superseded by them, thus again placing the former Acts in full force.
  20. Private Acts of 1875, Chapter 48, empowered the County Court of Giles County at its meeting in April, of 1875, or any term thereafter, to elect a Notary Public for the 15th Civil District of the county with an office to be opened and kept in Lynnville.
  21. Private Acts of 1917, Chapter 56, made women who were over 21 years of age eligible to hold the office of Deputy Clerk and Master of the Chancery Court with all the duties and responsibilities now conferred by law upon said office.
  22. Private Acts of 1919, Chapter 274, permitted women, 21 years old or more, married or single, and residents of the county in which they serve, to be Deputy to the Clerk and Master, the Circuit Court Clerk, the County Court Clerk, the Register, and the Trustee, with all rights, powers, duties and obligations as others similarly situated. Acceptance of the job is a waiver of all defenses and disabilities pleadable by virtue of coverture and she is estopped to deny any job related legal liability.
  23. Private Acts of 1921, Chapter 587, abolished the position of Poor House Commissioner with a general repealer. Private Acts of 1921, Chapter 601, is identical with this act and the reason for the duplication of the statute is unknown.
  24. Private Acts of 1921, Chapter 610, authorized the Quarterly County Court to elect a Superintendent of the County Poor House and Farm for a period of two years and to set his salary therefor. The appointee must make a bond of \$300 and pay over to and account to the Trustee for all the funds coming into his hands.

25. Private Acts of 1927, Chapter 22, amended the constitution and By-Laws of the Farmer's Mutual Insurance Company of Giles County in three areas but primarily in the manner of setting the salaries of the company's directors at the annual meeting of the stockholder.
26. Private Acts of 1929, Chapter 919, again amends the Constitution and By-Laws of the Farmer's Mutual Insurance Company in that each member will have one vote, (2) regulates the placing of stove pipes in walls and (3) dwellings cannot be vacant over ten days and not over thirty with a certificate from the Director. Hail and windstorm provisions would not apply to old roofs.
27. Private Acts of 1933, Chapter 264, removed the disabilities of infancy from Allen Aymett, Jr. who was about to begin his 21st year and is a graduate of Lebanon Law School.
28. Private Acts of 1933, Chapter 350, removed the minority of Jesse Bryant Pigg of Giles County who could henceforth act as an adult in all respects.
29. Private Acts of 1935, Chapter 342, and Private Acts of 1935, Chapter 341, removed the disabilities of infancy from Gilmer Townsend and Thomas McCown, respectively, both of Giles County. Private Acts of 1935, Chapter 638, also removed the minority of one Oliver R. Powell, of Giles County.

### **Auditor**

1. Private Acts of 1917, Chapter 807, gave the County Court the authority to make appropriations out of the general funds of the county to pay for any auditing services rendered to the county.
2. Private Acts of 1951, Chapter 128, creates the position of County Auditor and appoints Thomas B. Carter to the post until the next general election when his successor would be elected for a four year term at a \$300 annual salary. The Act fixes the qualifications of the job, names some of the offices which would be audited and who would see that the balances reported by the County Executive and County Superintendent of Schools was correct and, as reported by them, according to the Trustee's books.
3. Private Acts of 1953, Chapter 124, amends Acts of 1951, Chapter 128, Section 3, requiring the County Auditor and assistants to keep books and accounts of the Highway Commissioners, said books to be kept at the Auditor's office in the courthouse in Pulaski. He shall be furnished with a special assistant to be named and employed by the Auditor at a salary not to exceed \$150 monthly from the highway funds to assist him, or by Section 5, to appoint a regular assistant in his office to the post at the same salary and with the same duties mentioned.
4. Private Acts of 1953, Chapter 125, amends Private Acts of 1937, Chapter 90, Section 4, which is the Road Law for Giles County by providing that the books of the County Highway Department shall be kept by the County Auditor, and the Highway Department shall provide a special assistant to do so whose salary shall not exceed \$150 monthly payable from highway funds. The books also would be housed in the office of the County Auditor at courthouse in Pulaski.
5. Private Acts of 1957, Chapter 87, amends Acts of 1953, Chapter 125, Section 1, above, by repealing it and amends Section 2, same Act, by increasing the maximum salary of the Assistant Auditor from \$150 to \$175 monthly.
6. Private Acts of 1963, Chapter 71, repeals entirely and specifically Private Acts of 1951, Chapter 128, which created the position of County Auditor for Giles County, and the amendments would also be carried along with it.

### **Internal Improvement Board**

1. Private Acts of 1831, Chapter 45, appointed Alexander Black, Thomas Martin, Lewis G. Upshaw, Gillion Harwell, Spencer Clark, James Patterson, Robert McLaurine, Earley Benson, Pinckney Wilson, Joab Campbell, and Ralph Graves, Jr., as a Board of Internal Improvement for Giles County. They would elect a President, a Secretary, and a Vice-President from among their number and were authorized to receive subscription for clearing Richland Creek of obstructions to navigation below Pulaski and to clear Elk River also as it flows through the county. As a Board, they can apply for and get Giles County's pro rata share of the funds allotted to Middle Tennessee Counties for internal improvement projects.
2. Private Acts of 1832 (Ex. Sess.), Chapter 10, made it possible for all persons who wanted to build mills on Richland creek to do so provided the work did not interfere with navigation on the stream and provided also, a permit was obtained from the Internal Improvement Board.
3. Private Acts of 1835-36, Chapter 136, actually amended the Giles County Internal Improvement Board Act but applied the changes only to Lincoln County.
4. Private Acts of 1845-46, Chapter 150, Section 18, empowered the Giles County Internal Improvement Board, two-thirds of the members concurring to invest the improvement fund in a

bridge company which was building a bridge across the Elk River at that time.

5. Private Acts of 1847-48, Chapter 213, Section 8, authorized the Board to invest the internal improvement fund in the Elkton Bridge Company which was engaged in building a bridge across the Elk River where the Columbia, Pulaski, Elkton, and Alabama Turnpike crossed.
6. Private Acts of 1859-60, Chapter 145, Section 2, cited the fact that the Internal Improvement Board had power to fill vacancies on the Board but had failed to do so. While the remaining members do not constitute a majority, the power to fill vacancies is conferred upon them regardless.

#### **Livestock Inspector**

1. Private Acts of 1921, Chapter 76, repeals the law creating the position of livestock inspector in Giles County as the same was applied to it. This was evidently a public law concerning several counties and not just Giles County alone.

#### **Zoning**

1. Private Acts of 1992, Chapter 195, direct that all changes to county zoning and regulations must be put to referendum before any changes to zoning would become operative. This act, however, was not approved by local government as confirmed by the Secretary of State and the County Clerk of Giles County.

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