



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter I - Administration

Dear Reader:

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

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter I - Administration

County Register

Deeds

Private Acts of 1961 Chapter 292

SECTION 1. That it shall be the duty of the Tax Assessor of McMinn County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper correction on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of McMinn County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof.

SECTION 2. That the County Register of the County of McMinn, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

SECTION 3. That the provisions of this Act shall have no effect unless the same shall be approved by a two-thirds vote of the County Council of McMinn County and its approval or nonapproval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

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

Passed: March 13, 1961.

County Trustee

Private Acts of 1997 Chapter 4

SECTION 1. The Trustee of McMinn County may accept property taxes at any time after July 10 in accordance with the provisions of Tennessee Code Annotated, Section 67-1-701.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

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

Passed: February 24, 1997.

Hiwassee River Tri-County Port Authority

Public Acts of 1963 Chapter 357

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

SECTION 1. That, in order to facilitate transportation in the Counties of Bradley, McMinn, and Polk in the State of Tennessee, and to promote navigation on the Hiwassee River, which traverses portions of the said counties; to facilitate the movement and transfer of people, goods and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Bradley, McMinn, and Polk Counties, Tennessee a Port Authority, to be known as "The Hiwassee River Tri-County Port Authority", "The Port Authority" or "The Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating and maintaining ports and navigation terminals on the Hiwassee River, including docks, wharves, piers, loading and unloading machinery, scales,

transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing or fabricating plants or other industries which require access to the waters of the Hiwassee River in their operations; and (c) acquiring, constructing, operating, and maintaining railroads, switchyards, concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

SECTION 2. That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. That the Port Authority shall consist of the Port Authority Commissioners, who shall be nine in number, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

SECTION 4. That the said Port Authority Commissioners shall have power, and they are hereby authorized:

- (a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Bradley, McMinn, and Polk Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.
- (b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.
- (c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.
- (d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Hiwassee River in their operations.
- (e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.
- (f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.
- (g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.
- (h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of The Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5. That, except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4(e) of this Act.

SECTION 6. That the Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of the Counties of Bradley, McMinn, and Polk in the State of Tennessee, any land, easements, or rights of way in said counties that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken by and in the name of the county containing said property, and the property shall thereafter be entrusted to said Authority, as the agent of the county, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of the Tennessee Code Annotated, or as the same may be hereafter amended, or other eminent domain laws of the State of Tennessee that may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the Port Authority on behalf of the county taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 7. That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the Counties of Bradley, McMinn, and Polk, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend the leasehold or other interest in such property which may be held by any private person or private corporation.

SECTION 8. That Bradley, McMinn, and Polk Counties, The Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this Act.

SECTION 9. That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over The Port Authority with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees, and charges, or otherwise.

SECTION 10. That the Board of Commissioners of the Port Authority shall consist of nine members. Three of the nine initial members of the Board of Commissioners of the Port Authority shall be elected by a majority vote of the members of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County on the first Thursday of March, 1963, or as soon as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court or council shall expire the first Thursday of March 1965; the term of office of the second member selected by each respective county court or council shall expire the first Thursday of March 1967; the term of office of the third member selected by each respective county court or council shall expire the first Thursday of March 1969.

The successors in office, for each of the respective nine initial members of the Board of Commissioners of the Port authority whose full terms of office have expired, shall be elected by the county court or council which originally selected such initial member, as hereinafter provided, for regular terms of office of six years each thereafter, whose respective terms of office shall expire on the first Thursday of March of the respective years applicable.

The County Court or Council of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts or council of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Bradley and Polk counties and the County Manager of McMinn County not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however,

that the county court or council by a two-thirds vote of all of the members of said court or council, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the county court or council originally electing him in the same manner last above provided, except that the names of the three nominees for the office shall be submitted to the clerks of the county courts of Bradley and Polk counties and the County Manager of McMinn County not less than thirty days prior to the election of said successor by said county court or council and such successor Commissioner shall be elected for the unexpired term of the deceased or retiring Commissioner, whose office is vacant.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court or council may elect him, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of the Port Authority, except the members of the County Courts of Bradley and Polk Counties and the members of the County Council of McMinn County shall not be eligible to serve as a member of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said Office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of his respective county, and additional copies of the oaths of the commissioners elected by the McMinn County Council shall be filed with the County Manager of said County.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall not affect their power and authority, so long as a quorum remains. Within thirty days after their election as herein provided, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners, may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and a Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary- Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Courts of Bradley and Polk Counties and the County Council of McMinn County.

SECTION 11. That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 12. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors

and other subordinate officers and employees, as may be necessary for the efficient management and operation of the Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

SECTION 13. That the Counties of Bradley, McMinn, and Polk in the State of Tennessee, shall have power and authority to issue and sell their bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The Counties of Bradley, McMinn, and Polk may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds.

The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts or Council, as the case may be, of said counties. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as the said County Courts or Council may determine, but the interest cost to maturity of the bonds, when the interest cost to maturity bonds, when issued for property (at the value determined by said County Courts or Council, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semiannually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Courts or Council may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

In case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligations of the Counties of Bradley, McMinn, and Polk, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the County Courts or Council, as the case may be, of Bradley, McMinn, and Polk Counties to provide, by resolution, for the issuance of such bonds, as requested by the Port Authority Commissioners.

Prior to a vote by the County Courts and Council of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts and Council, the Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Bradley and Polk and to the County Council of McMinn County, a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rata amount to be issued by each county, supported by a report on the need for, and projected use of the facilities for the financing of which such bonds issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of each of the Counties of Bradley, McMinn, and Polk payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court or Council, as the case may be, of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said

County Courts and Council authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

SECTION 14. That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Courts of Bradley and Polk Counties, and the County Council of McMinn County shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act;

(a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest of such bonds.

(b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.

(g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

SECTION 15. That any holder or holders of bonds, including trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court or Council authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

SECTION 16. That the County Court or Council, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees, for such holders, the rights, in the event of an "event of default",

as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising there from, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the County Court or Council, as the case may be, authorizing and issuing said bonds, or the Port Authority Commissioners, to act as if they were the trustees of an express trust.

Any such resolution shall constitute a contract between the County and the holders of bonds of such issue.

SECTION 17. That an equal one-third share of all expenses actually incurred by the Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of each of the counties of Bradley, McMinn, and Polk, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts and Council of the said counties.

All such payments from the general or other funds shall be considered as temporary, noninterest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

SECTION 18. That the County Courts of Bradley and Polk Counties and the County Council of McMinn County are authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Courts or Council are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

SECTION 19. That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

SECTION 20. That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities shall not be used for this purpose.

(2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.

(3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as the Port Authority Commissioners may deem necessary or desirable.

(4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the

purposes of this Act. None of such revenue shall go into the general funds of the said counties, except as may be directed by the Port Authority Commissioners.

SECTION 21. That, except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than Five Hundred Dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than One Thousand Dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

(1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or

(2) Repair, parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among business men.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

SECTION 22. That the Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

SECTION 23. That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the counties of Bradley, McMinn, and Polk, sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, leased or otherwise disposed of only with the approval of the County Court or Council of the County containing such property, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

SECTION 24. That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

SECTION 25. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

SECTION 26. That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Hiwassee River, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Bradley, McMinn and Polk, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said counties.

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County, except that failure to approve this Act by one or more of the said county courts or council within 90 days after enactment of this Act shall not prevent the one or more of said county courts or council remaining

from approving this Act which shall take effect as though written for the one or more counties approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Bradley and Polk Counties, and the County Manager of McMinn County, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

SECTION 28. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963.

Mobile Home and Travel Trailer Parks

Private Acts of 2000 Chapter 114

SECTION 1. The purpose of this act is to provide areas within the unincorporated territory of McMinn County for the location and development of planned mobile home parks and travel trailer parks. Areas for mobile home parks are to be developed and located so as to provide safe and sanitary living conditions for the mobile home occupants and to prevent the unplanned development of mobile home parks in the unincorporated territory of McMinn County. Areas for travel trailer parks are to be developed and located so as to provide safe and sanitary living conditions for travel trailer park occupants in the unincorporated territory of McMinn County.

SECTION 2. The McMinn County Regional Planning Commission is authorized to develop regulations for the location and development of mobile home parks and travel trailer parks in the unincorporated territory of McMinn County. These regulations shall be effective upon approval by the County Legislative Body of McMinn County and on such date as is set by such resolution for the effective date of such regulations. Prior to any action on such proposed regulations, the county clerk shall cause a copy of such proposed regulations to be published in a newspaper of general circulation in the county.

SECTION 3. The McMinn County Regional Planning Commission shall have the authority to establish operational procedures for administering the regulations authorized by this act and may establish reasonable fees for the administration thereof, subject to the approval of the County Legislative Body of McMinn County.

SECTION 4. The County Executive or his or her designee may bring action in the courts of McMinn County seeking an injunction against any violation of the regulations adopted pursuant to this act or to enforce any penalty authorized by this act. Any person who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense

SECTION 5. 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 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of McMinn County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body of McMinn County and certified by such presiding officer to the Secretary of State.

SECTION 7. For the purpose of approving or rejection 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 6.

Passed: May 15, 2000.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for McMinn County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1943, Chapter 45, created the office of Purchasing Agent and Budget Clerk. This act was repealed by Private Acts of 1947, Chapter 346, below.
2. Private Acts of 1947, Chapter 346, set up the budget procedure for McMinn County. The Office of Director of Finance was to be held by an experienced accountant to administer the financial affairs of the county, including the budget.

County Attorney

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

1. The position of McMinn County Attorney was first created by Private Acts of 1919, Chapter 26. This officer was to be elected by the county court for terms of two years and was to receive such compensation as the county court might set. This act was repealed by Private Acts of 1935, Chapter 209.
2. Private Acts of 1943, Chapter 171, recreated the position of County Attorney. This act provided that McMinn County Court would elect a person to that office every two years and pay him an annual retainer of \$1,800. The County Attorney was to advise county officials on legal problems, file nuisance abatement suits and act as delinquent tax collector. This office was abolished when the County Council was created in 1947.

County Clerk

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

1. Acts of 1823, Chapter 68, directed the McMinn County Court Clerk to move his office and the county records from Calhoun to Athens, by the first Monday of December, 1823.
2. Private Acts of 1929, Chapter 530, provided for the appointment of a deputy county court clerk, at an annual salary of \$1,200.
3. Private Acts of 1931, Chapter 226, increased the deputy county court clerk's annual salary to \$1,500. Private Acts of 1933, Chapter 306, decreased the deputy county court clerk's annual salary to \$1,080. Private Acts of 1931, Chapter 226 was repealed by Private Acts of 1935, Chapter 175.
4. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, authorized the appointment of one deputy county court clerk at an annual salary of \$1,500. This salary was to be paid from the fees of the office with any deficit to be paid from the county general funds.
5. Private Acts of 1933, Chapter 859, set the annual salary of the county court clerk at \$3,750 per annum.
6. Private Acts of 1935, Chapter 175, repealed the Private Acts of 1931, Chapter 226.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of McMinn County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1826, Chapter 78, provided that the McMinn County justices of the peace could at their first session of the year elect three of their members to hold the remaining courts for that year.
2. Acts of 1832, Chapter 113, gave the county court the authority to make contracts for the construction of offices in Athens for the county clerks and the register.
3. Private Acts of 1855-56, Chapter 246, authorized the election of a Magistrate in the town of Calhoun, in McMinn County. This act was repealed by Acts of 1868-69, Chapter 21.
4. Acts of 1881, Chapter 15, provided for the appointment of Notaries Public for McMinn County. This act was superseded by T.C.A. § 8-16-101 which allows the respective legislative bodies to elect as many notaries as deemed necessary.
5. Private Acts of 1921, Chapter 344, set the per diem of Justices of the Peace in McMinn County at \$4.00, and limited this to ten days per annum.
6. Private Acts of 1947, Chapter 346, created a 9 member County Council for McMinn County which was vested with all policy-making and administrative powers of county government that were not expressly reserved to another agency. The Council employed a County Manager to serve as the executive head of county government. The manager in turn employed the Director of the Department of Finance and the Director of the Department of Highways and Public Works. This act was amended by Private Acts of 1967-68, Chapter 127, Private Acts of 1976, Chapter 244 and Private Acts of 1978, Chapter 237. This act was impliedly repealed by Public Acts of 1978, Chapter 934, Section 35, which required the General Assembly to submit an alternative form of government to the voters of counties that had a county council-manager form of government.

McMinn county rejected the alternative form of government as set forth in the Private Acts of 1980, Chapter 180, and therefore county administration falls under the provisions set forth in general statutory law.

7. Private Acts of 1951, Chapter 123, amended Private Acts of 1947, Chapter 346, by authorizing the County Council to procure an official seal for papers and documents.
8. Private Acts of 1953, Chapter 314, amended Private Acts of 1947, Chapter 346, above, by rewriting Section 20 in its entirety so that the County Council would have the sole power to sell or issue bonds or other obligations of the county.
9. Private Acts of 1967, Chapter 183, allowed Justices of the Peace twenty-five dollars for any regular or called meeting of the court and a five cent mileage allowance.
10. Private Acts of 1975, Chapter 13, amended Private Acts of 1947, Chapter 346, above, by authorizing a procedure for certain purchases and contracts without competitive bids.

County Register

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

1. Private Acts of 1929, Chapter 529, provided for the appointment of a deputy county register in McMinn County, who was to receive a monthly salary of \$60, to be paid out of the county general fund.
2. Private Acts of 1931, Chapter 250, was identical to the 1929 act described above, except that the salary of the deputy county register was raised to \$70 per month. This act was amended by Private Acts of 1933, Chapter 307, to lower that monthly salary to \$50.
3. Private Acts of 1933, Chapter 861, set the salary of the register of deeds in McMinn County at \$2,750 annually.
4. Private Acts of 1935, Chapter 210, was an act to repeal Private Acts of 1929, Chapter 307, the same being an Act fixing salary or compensation of one Deputy County Register. Private Acts of 1929, Chapter 307, was actually an act authorizing Crockett County to issue road bonds, so the legislative intent of this act is unclear. Apparently, Private Acts of 1935, Chapter 210, was meant to be a repealer of either Private Acts of 1929, Chapter 529, or Private Acts of 1931, Chapter 250.

County Trustee

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

1. Private Acts of 1933, Chapter 860, set the annual salary of the McMinn County Trustee at \$3,750.

Purchasing

The following act once affected the purchasing procedures of McMinn County, but is no longer operative.

1. Private Acts of 1947, Chapter 346, which set up the County Council-Manager form of government required that competitive bids were to be made for purchases over \$500.

General Reference

The following private or local acts constitute part of the administrative and political history of McMinn County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1822, Chapter 179, provided that the county court might make an additional allowance of money to the persons who had run and marked the county boundary lines.
2. Acts of 1837-38, Chapter 79, authorized the appointment of a surveyor by the county court.
3. Private Acts of 1943, Chapter 45, established the office of Purchasing Agent and Budget Clerk for McMinn County, but this position was abolished with the establishment of the County Council by Private Acts of 1947, Chapter 346.
4. Public Acts of 1965, Chapter 79, created the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in that part of the Cherokee National Forest and adjacent areas lying in the southeastern area of the State of Tennessee and for the attraction of tourists to this area of the state.
5. Private Acts of 1980, Chapter 180, created an alternative form of County Manager government in McMinn County which contained several variations from the current government. Provisions for four additional councilmen to be elected at large, appropriate rules for their conduct of meetings and their business, the powers and duties of the County Manager, the various departments of the government, the budget and capital improvement program, and other aspects of the proposed

county government were all contained in this Act. The effectiveness of this legislation depended on the approval of it by a majority of the voters at the May 6, 1980, election. Our information is that the people rejected this statute at the election rendering it null and void. McMinn County therefore comes under the general law as described in Public Acts of 1978, Chapter 934, Sections 1 through 27.

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