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# Chapter I - Administration

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

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# Chapter I - Administration

## Budget System

### Private Acts of 1941 Chapter 377

**SECTION 1.** That it shall be the duty of the County Judge of Jackson County on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Jackson County an itemized statement or budget of the funds which he estimates necessary to be expended from the general County fund during the year commencing on the first day of September following the making of his said report, for the payment of salaries, mothers' pensions, maintenance of insane patients, jail bills, improvements and repairs of court-house and jail, court costs, jail buildings, etc., and all expenses which are properly paid out of the General County Fund.

It shall also be the duty of the County Judge of Jackson County at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various County bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year. The budgets of the County Judge will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall be the duty of all other County agencies and parties, except the County Highway Commission and the County Board of Education, which are specifically exempt from the provisions of this Act, not hereinabove specifically mentioned, having authority to expend or expending County funds, to file with said Clerk each year on or before the first Monday in April an itemized statement or the budget of funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of September following.

That it shall be the duty of the County Trustee on or before the first Monday in April of each year to prepare and file with the County Court Clerk an itemized statement or estimate of all funds, exclusive of the funds to be derived from the County tax on property, which he has reasonable grounds to believe will be paid into his office during the year commencing on the first of the following September, and which will be available for the purpose of defraying the expenses of the County Government during said year; and said statement shall show the source of each fund, and said Trustee shall likewise show in a parallel column the amount received for the same purposes from the same sources during the year ending on the preceding August 31st, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the County tax on property during the year ending on the preceding August 31st. It shall be the duty of the County Court Clerk to record the budgets herein referred to in a well bound book kept for that purpose and in a manner that shall make a permanent record of the same.

**SECTION 2.** That it shall be the duty of the Quarterly County Court of Jackson County, Tennessee, at its April term, 1941, to elect a committee of three persons, one for term of one year, one for term of two years and one for term of three years, at its April term each year subsequent to the year 1941, one member for a term of three years, who shall be and constitute the Budget Commission of Jackson County, Tennessee. All of said persons so elected shall be resident citizens of Jackson County, Tennessee, and shall be at least twenty-one years of age. That the Quarterly County Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper. The County Judge of Jackson County shall be ex-officio a member of said Budget Commission and permanent Chairman thereof.

That immediately upon their selection said Budget Commission shall organize and two of its regularly elected member shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said Commission, shall act as the Secretary of said Commission, but shall have no voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the Commission to prepare the budget herein provided for and to assist in the preparation of such budget, and he shall perform such other duties as shall be prescribed by said Commission. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity, but in no event shall such compensation exceed \$\_\_\_\_\_ per day for every day actually required to perform his duties as Secretary to said Commission; and said Commission shall certify to the Quarterly Court at the time it submits its budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

That each year prior to the meeting of the July term of the Quarterly Court of Jackson County, it shall be

the duty of said Budget Commission to consider and examine the budgets referred to in Section 1 hereof and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of each kind and description to be made by or on behalf of the County for the year beginning on September 1st, following. And in preparing said budget, said Commission is not be bound by the amounts fixed in the several budgets of the various Departments of the County referred to in Section 1 hereof, but shall make such changes therein as in the opinion of said Commission are to the best interest of the County.

That immediately upon its organization said Budget Commission shall cause to be prepared appropriate printed forms on which the budgets of the various Departments of the County referred to in Section 1 hereof are to be submitted and also appropriate forms for the budget herein provided for to be prepared and submitted by said Commission. That said forms shall be of such a nature as to enable said Commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the County in simple, intelligible form, to the end that the Quarterly Court shall have before it in said budget all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various Departments of the County during the year for which the budget is proposed and the amount of revenue that will be available to pay the amounts so allowed. And in determining the nature and kind of said forms, said Budget Commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desire end.

That said Budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several Departments of the County, as hereinabove provided for, in a well-bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the Commission each year to the July term of the Quarterly Court of Jackson County, in open Court; and it shall be the duty of said Court before fixing the tax rate for the current year to fully consider in open Court said budget prepared by said Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said Court at its July term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following, and no warrant drawn against County funds after September 1, 1941, shall be binding on the County unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said Court as herein provided for; and no warrant shall be valid or binding on the County after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any Department of the County government, shall equal the amount allowed said Department in the budget adopted for that year.

That in preparing said budget herein provided for, it shall be the duty of said Budget Commission to take into consideration any unexpended balances that may remain at the end of the year to the credit of any Department from the amount allowed such Department for the previous year.

That as nearly as may be practicable, said Commission shall show in its budget the amount of actual expenditures of each Department of the County government during the preceding year covering each item or head in the budget, said amounts for such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

That from the date and information herein required to be prepared and filed by the County Trustee and such other data as it may be necessary to examine, said Budget Commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the County tax on property, which said Commission has reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said budget for said year, and it shall also show as nearly as may be practicable, the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the County tax on property during such preceding year.

That said Budget Commission shall, along with its budget, submit its recommendation to the Court with respect to the tax rate on property for the current year together with its estimate of the amount that will be actually collected during the year beginning on the first day of the following September from the tax so recommended. That at the same time and int the same report said Budget Commission shall submit to the Quarterly Court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the County, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said Commission shall deem pertinent.

That along with its budget and report said Commission shall submit to said Court such other data, information and recommendations as it may deem advisable and necessary to enable the said Quarterly Court and the public to fully understand the financial condition of the County and the necessity for the amounts fixed in said budget and the tax rate on property recommended by said Commission.

That the Secretary of said Commission shall mail a full and complete copy of the report and budget prepared by said Commission to each member of the Quarterly Court at least ten days before the July term of said Court, and shall also cause said report and budget to be published at least once in a newspaper published in Jackson County, said publication to be at least ten days before the July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit the budget herein provided for to the said Quarterly Court at its July term, then it shall be the duty of said Quarterly Court, at said term of said Court, to establish and adopt an itemized budget covering the amounts to be expended by each Department of the County government for the year beginning on the first day of the following September, said budget to be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor in office for any official of Jackson County from and after September 1, 1941, to draw, sign or issue the warrant of Jackson County against any fund of Jackson County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Jackson unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof.

That the budget as finally adopted by the Quarterly Court at its July term each year shall be spread on the minutes of said Court, and from and after September 1, 1941, no warrants shall be drawn against any funds of Jackson County by any official of said County unless and until a budget has been adopted by said Quarterly Court as herein required; provided, that warrants may be issued prior to September 1, 1941, covering any obligation or indebtedness of said County actually incurred prior to said date.

Provided, that where salaries, fees or other compensation fixed by the Legislature or accounts legally allowed by the Quarterly Court or any other legal obligation of Jackson County becomes due and payable, and the budget has been exhausted, then and in that event, the Chairman of the County Court shall transfer sufficient funds from the ordinary county funds or any other available funds to meet payment of all such claims; and it is made the duty of the Quarterly Court at any meeting of said Court to amend the budget, if necessary, to secure payment of all valid legal obligations of the County as long as funds are available from either the ordinary county funds or from the surplus of any other fund or funds. And provided further, that failure or refusal of any official to perform any duty imposed upon him by this Act, as amended, shall be and constitute a misdemeanor in office and punishable as such.

As amended by: Private Acts of 1949, Chapter 866

**SECTION 4.** That it shall be the duty of each Department of the County government that disburses public funds, except those hereinbefore specifically exempted from the provisions of this Act, to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said Departments and officials shall close the books kept by it or him as of the 31st day of August each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless or whether said warrants have been paid or not; and it shall likewise be the duty of each of said Departments and said officials to open its or his books on the first day of September of each year, bringing forward the balance, if any, arrived at in the manner herein provided for, remaining to the credit of said Department or fund from the previous year, to which shall be added the amount allowed said Department or fund in the budget adopted by the Quarterly Court at its July term next preceding.

That said books shall be kept in such a manner as to at all times show the amount allowed that Department or fund in said budget adopted at the July term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued. That on the first day of each September hereafter the amount allowed each Department or disbursing agency of the County government or County fund in said budget shall also be placed at an appropriate place on the stubs in the several warrant books containing the warrants to be used by said Department or County agency in drawing on County funds, and said amount shall be added to any balance remaining from the previous year; and at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance arrived at as herein provided for, and the balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every official drawing warrants against any fund of Jackson County to reconcile the balance to

the credit of said fund as shown by the books required to be kept by said official; provided, that for the year beginning the 1st day of September, 1941, the books of each Department shall be opened by placing to the credit of each Department the amount allowed it in the budget adopted at the July term, 1941, of the Quarterly Court without regard to the number of warrants theretofore issued by said Department or the head thereof which have not been paid, and said amount so allowed said Department for the year beginning September 1, 1941, shall also be placed at an appropriate place on the stubs of the warrant book used by said Department before any warrants are drawn or issued by said Department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Jackson County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said County, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that Department or fund of the County against which said warrant would otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such Department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any County fund, in excess of the amount allowed said fund in the budget adopted by the Quarterly Court, plus any balance remaining to the credit of such fund from the previous year.

That it shall be the mandatory duty of every official drawing warrants against any County fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against aid funds out of which said warrant is payable equals the amount allowed said fund or Department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said Budget Commission before submitting its annual report to the Quarterly Court to examine the books and records of each Department of the County government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said Departments during the year ending on the preceding August 31st have exceeded the amount allowed said Departments in the budget adopted for that year, and said Commission shall show in its report to be filed with its budget each year the Department, if any, that have issued warrants in excess of the amounts allowed such Department in the budget for said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Criminal Court; and it shall be the duty of the District Attorney General to present the facts to said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 6.** That it shall be a misdemeanor in office for any County officer or agent or employee, including the County Judge and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do or perform any of the duties placed upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act shall be subject to a fine of \$50.00, and be subject to removal from office, in any appropriate legal proceeding brought for that purpose.

**SECTION 7.** That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1941

## County Attorney

### Private Acts of 1945 Chapter 97

**SECTION 1.** That in counties of this State having a population of not less than 15,000, nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, the quarterly county court in session assembled is hereby authorized to contract with some competent attorney to act as county attorney for a period not to exceed two years next following the date of such employment. The contract shall provide that the attorney so employed shall serve as legal advisor to the various county officials, shall represent the county in all litigation in which the county is involved and shall further provide for the compensation of the attorney in question, which shall not be in excess of \$360.00 per annum, payable monthly out of the county treasury on warrant of the chairman of the quarterly county court.

In case the quarterly county court shall enter into contract with an attorney under the provisions hereof, the county judge or chairman shall have no power to employ an attorney or attorneys to represent the

county in case the same shall be involved in litigation but nothing herein shall prevent the quarterly county court from employing additional counsel to assist the county attorney in case of litigation in which the county is involved.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1945.

## County Mayor

## County Administrator

### Private Acts of 1976 Chapter 217

**SECTION 1.** There is created the office of County Administrator for Jackson County. The County Administrator shall be elected by the qualified voters of the county at the August general election in 1976. He shall take office on January 1 following his election and shall serve for a term of three (3) years and eight (8) months and until his successor is elected and qualified. In August, 1980, and thereafter every four (4) years at the August general election, a person shall be elected to fill the office of County Administrator. Terms shall commence on September 1 following the election. Any qualified person shall be eligible to serve as County Administrator for as many terms as he shall be elected.

**SECTION 2.** The County Administrator shall have the same duties, authority, powers and jurisdiction, except for those of a judicial nature, as set out in the general law of this state for county judges and county chairmen, and in addition, he shall have and exercise such other duties of a non-judicial nature as are assigned by private act to the County Chairman of Jackson County. The County Administrator shall be the presiding officer of the Jackson County Quarterly Court.

**SECTION 3.** The County Administrator shall be paid a minimal annual salary equal to that provided by law for a county judge or chairman and payable in equal monthly installments out of the treasury of the county, at the same time and in the same manner as the salaries of other county officers are paid. He shall be furnished and shall maintain an office in the county courthouse. He shall have authority to hire a secretary and such other assistants as necessary to enable him to carry out the duties of his office and to fix their compensation, subject to the approval of the Jackson County Quarterly Court.

**SECTION 4.** The office of County Chairman of Jackson County is abolished, effective January 1, 1977. All judicial powers and duties exercised prior to the effective date of this act by the County Chairman of Jackson County, whether pursuant to general law or private act, are transferred, effective January 1, 1977, to the Judge of the Court of General Sessions of Jackson County. All matters of probate are placed under the jurisdiction of the Chancery Court and the Clerk and Master shall be the clerk for all matters of probate, but all other judicial matters shall be the duty of the Clerk of the General Sessions Court.

As amended by: Private Acts of 1977, Chapter 16

**SECTION 5.** In case of a vacancy in the office of County Administrator, the Quarterly County Court shall appoint a successor to serve until the next general election for county officials. The person elected at such election shall serve the balance of the unexpired term, if any.

**SECTION 6.** 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 7.** This act shall have no effect unless it is approved by a majority of the number of qualified voters of Jackson County voting in an election on the question of whether or not the act should be approved. The ballots used in such election to be held on or before May 25, 1976, shall have printed on them the substance of this act and the 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 question 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.

**SECTION 8.** For the purpose of approving this act as provided in Section 7, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes it shall become operative in accordance with its terms.

Passed: February 25, 1976.

# County Register

## Private Acts of 1974 Chapter 189

**SECTION 1.** Any conveyance of property vesting or divesting title or interest in or to any real property located in Jackson County, shall be recorded in the office of the county tax assessor before any such instrument may be registered and stamped in the office of the county register of deeds. The county tax assessor shall:

(I) receive such instruments for recording;

(II) make a permanent record of the instrument for his office, which shall show (1) the date of the instrument, (2) the consideration for the transfer, (3) the name and address of the grantor and grantee or trustee, (4) the location of the property; and (5) a sufficient description of the property; and

(III) stamp on such instruments a notation of his endorsement signifying compliance with the requirements of this section.

**SECTION 2.** Any such instrument specified in Section 1 of this Act shall bear the name and the address, as of the date of the recording or registration, of the grantor, and grantee or trustee, before such instrument shall be received for registration by the county register of deeds.

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

**SECTION 4.** For the purpose of approving this act as provided in section 1, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect July 1, 1974.

Passed: February 14, 1974.

# Gainesboro Port Authority

## Private Acts of 1974 Chapter 320

**SECTION 1.** That in order to facilitate transportation in the County of Jackson and Town of Gainesboro in the State of Tennessee, and to promote navigation on the Cumberland River, which transverses portions of the said county; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said county; 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 county, there is hereby established in Jackson County and Town of Gainesboro, Tennessee a Port Authority, to be known as "The Gainesboro Port Authority", "The Cumberland River Port Authority" or "The Gainesboro Port Authority Commissioners," for the purposes of (a) acquiring, constructing and maintaining ports and navigation terminals on the Cumberland River and its tributaries, inclu, operating,ding 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 Cumberland River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining 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 Gainesboro 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 there with, are declared to be public and corporate purposes and matters of public necessity.

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

**SECTION 4.** That the said Gainesboro Port Authority Commissioners shall have power, and they are



hereby authorized:

- (a) Upon receiving the advice and the consent of the County Commission, to acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of Jackson County and Town of Gainesboro, Tennessee (except not within the present corporate limits of Gainesboro, 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 issue and sell bonds payable solely out of the revenue and receipts derived from the port authority's projects or of any thereof as may be designated in the proceedings of the port authority commissioners under which the bonds shall be authorized to be issued, including debt obligations of the lessee, devisee, or contracting party obtained from or in connection with the financing of a project;
- (c) To borrow money from banks and other financial institutions by issuing its notes for the purpose of carrying out any of its powers;
- (d) As security for the payment of the principal of and interest on any bonds or notes so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects, or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom, or from any thereof, and/or to assign and pledge all or any part of, its interest in and rights under the leases, sale contracts or loan agreements relating thereto or to any thereof;
- (e) To annually require an audit to be performed in accordance with provisions of Sections 9-3-111 to 9-3-113, inclusive, Tennessee Code Annotated, of the Authority's operations and to prepare and submit to the governing bodies of Jackson County and the Town of Gainesboro, for each year, a financial report which shall include a balance sheet, statement of revenues and expenditures, a summary of activities and accomplishments for the period, and proposed plans for at least the next years;
- (f) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purpose of this Act.
- (g) 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.
- (h) Upon receiving the advice and the consent of the County Commission, 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 county which, in the judgement 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 Cumberland River and the navigable channel provided by the Cordell-Hull Reservoir.
- (i) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgement 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; 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 purpose 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. Provided, however, after the effective date of this act no contract in excess of five thousand dollars (\$5,000) shall be entered into without the advice, consent, and approval of the County Commission of Jackson County.
- (j) To establish schedule of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.
- (k) 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.

(l) To promulgate and enforce such rules and regulations as the said Board and Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities. Provided, that all proposed rules and regulations of the Board of Commissioners shall be approved by the County Commission before promulgation. Rules and regulations promulgated by the Board of Commissioners without the approval of the County Commission shall be void and unenforceable.

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

As amended by: Private Acts of 1981, Chapter 59  
Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**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 Gainesboro Port Authority may petition the County Commission of Jackson County to condemn any land, easement, or right of way in Jackson County necessary to carry out the purposes of this Act. The County Commission shall only exercise the power of eminent domain on behalf of the Port Authority when the County Commission by a majority vote determines such action is necessary and appropriate, and that the Port Authority can fund payment for acquisition of the land, easement, or right of way. The County Commission shall have the authority to determine whether it will contribute to the acquisition of such property or property right. Condemnation proceedings shall be pursuant to and in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17. Provided, however, where title to any property sought to be condemned is defective, it shall be passed by judgment or decree of court; provided, further, where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application, and upon the posting of a bond in an amount prescribed by the court, 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.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 7.**

(a) The Port Authority shall have power to issue negotiable bonds from time to time in order to accomplish any of the purposes authorized by this Act, and it shall also have power to issue refunding bonds for the purposes, and in the amounts and manner provided in Section 7-36-103(17), Tennessee Code Annotated, as amended. All such bonds shall be payable solely from all or any part of the revenues, income and charges of the Port Authority.

(b) Such bonds shall be authorized by resolution of the Board of Commissioners and shall bear such date, mature at such time or times, bear interest at such rate or rates payable annually or semiannually, be in such form and denominations, be subject to such terms of redemption with or without premium, carrying such registration privileges, be payable in such medium and at such place or places, be executed in such manner, all as may be provided in the resolution authorizing the bonds. Such bonds may be sold at public or private sale in such manner and for such amount as the board may determine.

(c) Such resolution may include any covenants with the bondholders deemed necessary by the board to make such bonds secure and marketable, including, but without limitation, covenants regarding the application of the bond proceeds; the pledging, application and securing of the revenues of the authority; the creation and maintenance of reserves; the investment of funds; the issuance of additional bonds; the maintenance of minimum fees, charges and rental; the operation and maintenance of the port authority; insurance and insurance proceeds; accounts and audits; the sale of port authority properties; remedies of bondholders; the vesting in a trustee or trustees such powers and rights as may be necessary to secure the bonds and the revenues and funds from which they are payable; the terms and conditions upon which bondholders may exercise their rights and remedies; the replacement of lost, destroyed or mutilated bonds; the definition, consequences and remedies of an event of default; the amendment of such resolution; and the appointment of a receiver in the event of a default.

(d) Any such resolution shall constitute a contract between the Port Authority and the holders of such bonds.

(e) Any holder of any such bonds, including any trustee for any bondholders, may enforce his or their rights against the authority, its board or any officer, agent or employee thereof by mandamus, injunction or other action in any court of competent jurisdiction, subject to the covenants included in the bond resolution.

(f) All sums received as accrued interest from the sale of any bonds shall be applied to the payment of interest on such bonds. All sums received as principal or premium from such sale shall be applied to the purpose for which such bonds were issued, and may include, but without limitation, expenses for fiscal, legal, engineering and architectural services, expenses for the authorization, sale and issuance of the bonds, expenses for obtaining an economic feasibility survey in connection with such bonds, and to create a reserve for the payment of not exceeding one (1) year's interest on such bonds.

(g) Bonds issued pursuant to this chapter executed by officers in office on the date of such execution shall be valid obligations of the Port Authority notwithstanding that before the delivery thereof any or all the persons executing the same shall have ceased to be such officers.

(h) All public officers and bodies of the state, municipal corporations, political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other fiduciaries in the state may legally invest funds within their control in bonds issued pursuant to the provisions of this Act which contain a pledge of the full faith and credit of Jackson County and/or the Town of Gainesboro.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 8.** That the principal of and interest on any bonds issued by the Port Authority shall be secured by a pledge of such revenues and receipts out of which the same may be made payable. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the projects or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any projects, facilities or systems or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the Board of Commissioners shall deem advisable and not in conflict with the provisions of this Act. To the extent provided in the proceedings authorizing any bonds of the Port Authority, each pledge and agreement made for the benefit or security of any of the bonds of the Port Authority shall continue effective until the principal of and interest on the bonds 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 Port Authority. In the event of default in such payment or in any agreements of the Port Authority made as a part of the proceedings under which the bonds were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or any one or more of said remedies, all as provided in the proceedings under which the bonds were issued.

The county executive and county clerk of Jackson County and the mayor and recorder of the Town of Gainesboro are hereby authorized and directed, to the extent which is now or hereafter legally possible, to execute all documents necessary to guarantee or in any other manner to secure the payment of the bond obligations of such Port Authority, including bond anticipation notes or any other similar obligations of the Port Authority; provided, however, that the approval of the governing bodies of Jackson County and the Town of Gainesboro to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that as such town and county are called upon to pay any obligations of the Port Authority, such town and county hereby agree that Jackson County shall pay one-half (1/2) of such obligation and the Town of Gainesboro shall pay one-half (1/2) of such obligation.

Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or town, 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 town if such authorization is given. The approval by the governing bodies as prescribed above shall be by a two-thirds (2/3's) vote approve the amounts of any bonds and/or notes which may be issued or entered into by the Port Authority.

Any bond issue under this Act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal, of the Port Authority. The requirements for recordation of mortgages and other security instruments in the County Register's office shall be waived in the case of the Port Authority's execution of such mortgages or security instruments. Any pledging of the credit of Jackson County or the Town of Gainesboro or guarantees of bond issues by Jackson County or the Town of

Gainesboro shall be in accordance with and not contrary to Titles 5, 6 and 7, Tennessee Code Annotated, as amended.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 9.** That neither the State of Tennessee nor any municipality other than the Gainesboro Port Authority shall, except as may otherwise be authorized by the governing body of Jackson County or the Town of Gainesboro, in any event be liable for the payment of the principal of or interest on any bonds or notes of the Port Authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by the Port Authority with the meaning of any constitutional or statutory provision whatsoever.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 10.** That Jackson County and/or the Town of Gainesboro shall have all necessary powers in order to further the purposes of this chapter, including, without limitation, the following, any or all of which powers may be exercised by resolution of its governing body:

- (1) To advance, donate or lend money, raised from any source and by any means, or real or personal property to the Port Authority;
- (2) To provide that any funds on hand or to become available to it for port purposes shall be paid directly to the Port Authority;
- (3) To cause water, sewer, gas, electric or other utility services to be provided to the Port Authority;
- (4) To open and improve streets, roads and alleys to said port;
- (5) To provide police and fire protection services to said port; and,
- (6) To pledge the full faith and credit and unlimited taxing power of the county and municipality as surety to the payment of the Port Authority's bonds.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 11.** 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 County of Jackson, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

**SECTION 12.** That Jackson County 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.

As amended by: Private Acts of 1988, Chapter 192

Private Acts of 1992, Chapter 206

**SECTION 13.** 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 14.** That the Board of Commissioners of The Port Authority shall consist of five members. Two of the initial members of the Board of Commissioners of the Port Authority shall be appointed by the Chairman of the County Court and approved by a majority vote of the members of the County Court of Jackson County. An additional two members of the initial Board of Commissioners shall be appointed by the Mayor of Gainesboro and approved by a majority vote of the Town of Gainesboro, Board of Aldermen. These initial four members shall meet within thirty days of their appointment and shall choose a fifth member of the initial Board of Commissioners by a majority vote. The terms of office shall be as follows:

- (a) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire one year from the date of their appointment.
- (b) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire two years from the date of their appointment.
- (c) The member selected by the initial four appointed members of the Board of Commissioners shall serve a term to expire three years from the date of his appointment.

The successors in office, for each of the respective six initial members of the Board of Commissioners of The Port Authority whose full terms of office have expired shall be appointed in the same manner as described above, but for regular terms of office of three years each thereafter.

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 this term, his successor shall be elected for the unexpired term by the remaining members of the Board of Commissioners within thirty days of the event. Any person at least twenty-five years of age who has resided within the boundaries of the county, 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 Court of Jackson County and elected officials of the Town of Gainesboro shall not be eligible to serve as members of said Board of Commissioners. Any commissioner who ceases to regularly reside within the boundaries of the county 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 Jackson County. A majority of the Commissioners shall constitute a quorum and the Commissioners shall set 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, except such per diem allowance, if any, as may be appropriated by the County Court of Jackson County and the Town of Gainesboro, 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 Court of Jackson County and/or for the Town of Gainesboro.

Provided, however, no member of the Board of Commissioners appointed after the effective date of this Act shall be eligible to serve unless such member is confirmed by the County Commission.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 15.** 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 16.** 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 17.** That the County Court of Jackson County and/or the Town of Gainesboro 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 Court and/or Town of Gainesboro 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 18.** 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 19.** 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, 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 such 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 of 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.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 20.** 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 or 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 21.** 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, or the Federal government, provided such governmental agency shall consent to such use.

**SECTION 22.** 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 county of Jackson and/or the Town of Gainesboro sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority.

**SECTION 23.** 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 24.** That from the effective date of this Act all coal storage within the present boundaries of the Port Authority shall be confined to the present site for coal storage: an area approximately two hundred fifty feet (250') by two hundred fifty feet (250') that is appurtenant to a conveyor belt for loading certain raw materials onto barges.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 25.** That from the effective date of this act no above ground oil storage tanks shall be erected. In addition, no oil storage tank shall be constructed within one hundred seventy-five feet (175') of any boundary of the property seized by the Port Authority or the Industrial Park of Jackson County. Under no circumstances shall any oil storage tank be constructed which permits the escape of toxic odors of the Port Authority.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 26.** That before any development after the effective date of this Act is conducted, the Port Authority shall erect screens around its property of sufficient height and thickness to prevent viewing of its operation from the Industrial Park.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 27.** That no new storage of any chemical, or any material, raw or otherwise, be it coal, zinc, ore, sand, salt, or mineral, in bulk or otherwise, shall occur without the specific advice, consent, and approval of the County Commission of Jackson County. Storage of any chemical or material shall be in a manner so as to prevent the escape of such chemical or material and its particles, dust, odors, fumes, gases or liquids.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 28.** That the Port Authority shall be operated in harmony and consistent with existing and proposed development of the Industrial Park so as to not impair, impede, or hamper existing or future location of industry in the Industrial Park for Jackson County.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 29.** 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.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 30.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Cumberland River and its tributaries, the navigable Channel of the Cordell Hull Reservoir facilitating the movement and transfer of goods and merchandise to, from and through the county of Jackson encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said county.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 31.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Jackson County and by a two-thirds (2/3) vote of the Board of

Mayor and Aldermen of the Town of Gainesboro. Its approval or non-approval shall be proclaimed and countersigned by the clerk of the Quarterly County Court of Jackson County and the Recorder for the Town of Gainesboro, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 32.** That for the purpose of approving or rejecting this Act as provided in Section 22, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 22.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

Passed: March 20, 1974

## Administration - Historical Notes

### **County Clerk**

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

1. Acts of 1845-46, Chapter 75, enacted after the demise of the original Putnam County, directed the County Clerk to receive the records and papers of the County Court Clerk of Putnam County.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of the County Judge for every County in the State who would be a person learned in the law and elected by the people for a four year term. He shall be commissioned and sworn as are other judges in the State. Quorum Courts were abolished and all their authority and jurisdiction were given to the County Judge. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. He would be paid \$5.00 per day during the sessions of the monthly and quarterly courts, and he was not precluded from practicing law in courts other than this own. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1875, Chapter 134, amended Section 316 of the Tennessee Code so as to provide for the election by the qualified voters of a county judge in Jackson and Cannon Counties who would be a citizen of the county, a person learned in the law, and hold office for an eight year term. He would be elected on the first Thursday in August, 1876, and he would have and exercise all the powers, rights, and jurisdiction as the county judges of Davidson, Knox, Montgomery, Sumner and Williamson Counties. His salary in Jackson County would be \$300 per year. This act was repealed by Acts of 1883, Chapter 127.
3. Acts of 1877, Chapter 146, amended Acts of 1875, Chapter 134, by increasing the salary of the Judge from \$300 to \$500 per year.
4. Acts of 1881, Chapter 153, specifically repealed the second section of Acts of 1877, Chapter 146, making the salary increase effective April 5, 1881, instead of at the next election for County Judge.
5. Acts of 1883, Chapter 127, expressly repealed Acts of 1875, Chapter 134, creating the office of County Judge in Jackson County and providing for his popular election. The County Court would perform all the duties heretofore prescribed by the Code for such Courts

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Jackson 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 1801, Chapter 48, which created Jackson County, provided that the Court of Pleas and Quarter Sessions would be held on the second Monday in December, March, June, and September, at the home of John Bowen on Roaring River.
2. Acts of 1803, Chapter 39, scheduled the terms for the county courts in the Mero District, the court for Jackson County to begin on the first Monday in December, March, June, and September.



3. Acts of 1806, Chapter 48, fixed court dates for the county courts in the Winchester and Robertson Districts. Jackson County's Court would meet on the fourth Monday in November, February, May, and August at the home of Benjamin Blackburn, in Jackson County, until the court decides to adjourn to a different location, or until the court house is completed.
4. Acts of 1807, Chapter 53, changed the terms of the county courts of Franklin, Warren, White, Overton, Smith, and Jackson Counties in the Winchester District. Jackson County would convene the court on the fourth Monday in February, May, August, and November.
5. Acts of 1809, Chapter 93, fixed the opening dates for the terms of every Court of Pleas and Quarter Sessions in the state. Jackson County's Court would continue to meet on the fourth Monday in February, May, August, and November. All process would be made to conform to these dates and each county court shall select 13 jurors to serve at the next succeeding term of court.
6. Acts of 1812 (Ex. Sess.), Chapter 68, Section 4, set the times for holding the county courts in several counties. In Jackson County, court would be held on the third Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, rescheduled the terms of the quarterly county courts in several of the counties in the mid-state area, including Jackson County whose courts would start on the first Monday in February, May, August, and November.
8. Acts of 1817, Chapter 138, set the times for holding the county courts in several middle Tennessee counties. In Jackson County, court would meet on the first Monday of February, May, August and November.
9. Acts of 1819, Chapter 5, authorized and required the county court of Jackson County to adjourn at the end of the November session to any house in Gainesboro which was available for that purpose. The clerk of the court would transfer all records and process and cases would be heard and determined under the same rules and regulations as previously observed.
10. Acts of 1819, Chapter 160, provided that the quarterly county court of Jackson County would be held at the place designated in Gainesboro for holding courts on the first Monday in February, May, August, and November.
11. Acts of 1829 (Ex. Sess.), Chapter 50, Section 6, authorized the county court of Jackson County to have the records of the court, or such part of them as might be apt to be lost, or destroyed, to be transcribed under the same regulations set up for Overton County in the preceding sections of this act. These regulations allowed the employment of a capable person to transcribe and index the county records into a well-bound book. Three other persons were to be appointed by the court as a committee to supervise the work. When the work was completed, the transcript was to be turned over to the county court clerk for safe keeping. The county court was allowed to make the scribe and the committee such compensation as they might consider proper.
12. Acts of 1825, Chapter 171, rescheduled the opening dates for the terms of the quarterly county court in several counties, including Jackson County whose quarterly court would meet on the first Monday in February and August and the second Monday in May and November.
13. Acts of 1827, Chapter 34, changed the meeting dates again for several counties in the mid-state area. Jackson County's Quarterly Court would convene on the second Monday in February, May, August, and November and sit for one week.
14. Acts of 1832, Chapter 20, changed the term of court for a few counties mentioned therein. Jackson County's Quarterly Court would meet on the second Monday in February, May, August, and November.
15. Acts of 1833, Chapter 205, stated that the county court of Jackson County would entertain jurisdiction and, if the court were of the opinion that it was in the best interests of the heirs of William Locke, the court shall order a sale of all the real estate of said Locke excepting one tract of 330 acres on the north side of the Cumberland River, opposite the mouth of the Roaring River, known as the "Home" tract, on such terms as they consider expedient, upon the petition of the Administrator to do so being filed, which cites the reasons for asking for the sale.
16. Acts of 1835-36, Chapter 6, provided that each county would have a county court, composed of the justices of the peace who shall meet on the first Monday in every month, and one-third, or twelve of whom shall constitute a quorum to do business. This act defines the jurisdiction of the court, especially in the matters of probate, executors and administrators, the procedures for three judge courts and their functions. The county court shall also cause to be summoned 25, or 37, jurors who would serve the circuit and chancery courts. The county court was authorized to levy a tax for county purposes.

17. Acts of 1868-69, Chapter 25, created the board of county commissioners for Hickman County, composed of five members who would be elected, or appointed, on the first Saturday in March, 1873, for four year terms. Any vacancy would be filled by the remaining members of the board until the next general election when a successor would be chosen by the people. All commissioners must be sworn and bonded up to \$500. All powers of the county court were vested in the commission and all magistrates were released from their duties and responsibilities. The commission would meet on the first Monday of each month to transact all the business of the county, and the appeals from their judicial decisions would go to the circuit court. The commission would also assess property for taxes. The president would be paid \$125 per month, and the members \$75 per month. Section 15 of this act extended all its terms and provisions to Jackson County except the president would be paid \$150 per year and the members \$100 per month. This act was repealed by Acts of 1869-70, Chapter 6, Section 4, as to Jackson County.
18. Acts of 1869-70, Chapter 6, Section 4, expressly repealed all acts which created a county commission or boards of county commissioners and restored all the quarterly courts, and the laws creating them, which might have been repealed, to active status.
19. Acts of 1869-70, Chapter 49, specifically repeals an 1869 act which created county commissioners for Madison County but also repealed all other acts establishing county commissioners in this state. All laws in effect before the passage of the act creating county commissioners which may have been repealed by it, are hereby restored and revived.
20. Acts of 1869-70, Chapter 70, authorized the county court to have transcribed to the minutes of the court all the official acts of William Morrow, performed as clerk of the said court under appointment of the governor of this state. Full faith and credit shall be given to the proceedings of the court as kept by the said William Morrow, and certified copies of these shall be as valid as any other copies of any other proceedings.
21. Private Acts of 1919, Chapter 324, stated that in Jackson County, each justice of the peace shall be entitled to receive as compensation for his services the sum of \$2.50 per day for each day's attendance at the meetings of the quarterly court plus all mileage and ferriage, and tolls as are now allowed by law.
22. Private Acts of 1951, Chapter 651, provided that justices of the peace in Jackson County shall be paid \$6 per day for their attendance at regular meetings of the quarterly court, but no justices of the peace would be paid for more than two days per session of the court.
23. Private Acts of 1959, Chapter 195, stated that, after the passage of this act, the justices of the peace in Jackson County shall receive \$10 per day for each day's attendance at the meetings of the quarterly court and ten cents a mile travel allowance for one way to the court. This act was not approved by the quarterly court and therefore never became effective.

### **County Register**

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

1. Acts of 1827, Chapter 4, Section 4, stated that, after the passage of this act, all land entered, or hereafter to be entered, in Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties, and the plats and certificates not returned to any other Register's office, shall be returned to the Register's Office of the Mountain District. This act created the Register's Office at Sparta in White county and named it the "Register of the Mountain District".

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

1. Private Acts of 1923, Chapter 32, established a three member Purchasing Commission for Jackson County, provided for advertising and competitive bidding on purchases exceeding \$100. This act was repealed by Private Acts of 1984, Chapter 213.
2. Private Acts of 1945, Chapter 95, amended the Private Acts of 1923, Chapter 32, to increase the terms of members of the Purchasing Commission from one to three years. The act was repealed by the Private Acts of 1984, Chapter 213.
3. Private Acts of 1955, Chapter 167, amended the Private Acts of 1923, Chapter 32, by increasing the maximum compensation of members of the Purchasing Commission for attending meetings from \$3.50 per day to \$6 per day. The act was repealed by the Private Acts of 1984, Chapter 213.
4. Private Acts of 1961, Chapter 82, amended the Private Acts of 1923, Chapter 32, by striking "public road supply" and adding at the end of the first sentence in Section 2 the following, "except supplies, equipment, and materials to be used for the maintenance and construction of county

roads." This act was rejected by the Quarterly County Court of Jackson County and consequently, never became a law under the provisions of the Home Rule Amendment to the State Constitution. The act was also expressly repealed by Private Acts of 1984, Chapter 213.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Jackson 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. Acts of 1801, Chapter 5, provided for warehouses for the inspection of commodities to be established as directed by the terms of this act. This act was designed to prevent the exportation of unmerchantable commodities and foodstuffs from one county to another and to other states. The warehouses in Jackson County would be located at the mouth of the Obed and Roaring Rivers,, and at Flint Creek. The justices of the peace were to appoint an inspector or inspectors to inspect the designated commodities.
2. Acts of 1806, Chapter 9, authorized James Armstrong to complete the mill he had begun on the Obeds River in Jackson County, and to raise and complete the dam which went with it, but he must furnish a passageway for fish to negotiate the dam. All who wish to build mills or dams must apply to the County Court of the county wherein they would be located, and the project be approved by a two-thirds vote of the court. A \$2,000 performance bond must be executed and a covenant entered into that the navigation of the stream involved would not be impeded and the dam would be completed.
3. Acts of 1827, Chapter 141, granted to one Abigail Nettles, of Jackson County, wife of Joseph Nettles, the privilege of making contracts in her own name and further enabling her to have and enjoy all the benefits of a feme sole.
4. Acts of 1829, Chapter 297, authorized Augustine Shephard to lay off a town on his land in Jackson County and when the town was thus laid off, it would be called by the name of Granville.
5. Acts of 1831, Chapter 43, named James W. Smith and Bailey Butler, Senior, of Jackson County; Alvin Cullom and William Dale, of Overton County, to constitute a Board of Internal Improvement for these two counties. They would have, exercise, and enjoy all the powers given to other Boards of Internal Improvement in this Act. They were required to invest \$1,479 out of the \$3,233 available in the improvement of the navigation of the Obed's River in Overton County and the remainder of that sum in such improvements in Jackson County as their County Court may determine and direct. These funds may be drawn from the office of the President of the Bank of the State of Tennessee.
6. Acts of 1831, Chapter 62, named Isham Perkins and John Cain of Warren County; William Simpson, Isaac Taylor, and Samuel Johnson of White County; and Richard F. Cook, and David Apple of Jackson County to examine the center of Overton County as soon as it was determined, and if it was a suitable place for a town to so notify the Overton County Court. If no, they were to select another location as near the center as practical.
7. Acts of 1832, Chapter 21, appointed Bailey Butler and Henry Sadler as a Board of Internal Improvement in Jackson County. The County Court was given the power to direct the Board of Internal Improvement to pay over to the School Commissioners, for the benefit of the schools in the county, all the funds which were appropriated for purposes of internal improvement. This act amended Acts of 1831, Chapter 43.
8. Acts of 1833, Chapter 177, stated in the preamble that it appeared that John Wilson was appointed Entry Taker for Jackson County, and William Scandland, John Graham, Amos Kirkpatrick, and David Rose became his securities, and that when the Entry Taker received most of the money wherewith he stands charged, there was no agent for the said county to receive the same, and the parties named have been sued on their bond without any fault of their own. This act stated that no court could render judgment against them for interest but they would be liable for the principal and their note to the school officials of the county will be treated as good and valid security for the principal.
9. Acts of 1833, Chapter 234, was the authority for Alfred Pursel of Jackson County, to hawk and peddle in that county without paying any tax therefor, provided he make an affidavit before some Justice of the Peace, stating that the goods, wares, and merchandise he proposes to sell belong to him and the same are being sold solely for his benefit.
10. Acts of 1837-38, Chapter 77, incorporates the citizens of the town of Granville, heretofore laid off by Augustus Shepard, under the same rules and regulations as were passed for Rogersville.

11. Acts of 1837-38, Chapter 81, authorized the County Court, a majority of the Justices being present and voting in the affirmative, to expend the funds of the Internal Improvement Board derived from every source as the court might consider to be right. Anyone having these funds were directed to pay them to the county upon demand.
12. Acts of 1843-44, Chapter 148, required the Sheriff of Jackson County to hold an election on the first Saturday in March, 1844, to ascertain if the majority of the people wanted to move the county seat. If the vote were in the affirmative, the Sheriff would notify Alexander Keith, Thomas Maury, David Myers, Henry Crowder, and Broadis Gaines who would proceed to select a site, and then the people would choose in another election whether to move there or not.
13. Acts of 1845-46, Chapter 75, recited that Putnam County, after being created, had held court at White Plains, according to the requirements of the law, and judgments had been rendered in cases heard, and, the Honorable Bromfield L. Ridley, Chancellor, at Livingston had issued a decree quashing the creation of the said county because it reduced Jackson and Overton counties below the Constitutional limits of 625 square miles, therefore, all court records of the County and Circuit Courts, generated by the above litigation, are to be transferred to the clerks of those courts in Jackson County.
14. Acts of 1897, Chapter 124, was an act which fixed the salaries of most county officials according to the population of the county in which they worked. All fees were declared to be the property of the counties. The officials being compensated under this act were required to furnish certain reports under specified conditions. It was tested and declared unconstitutional in the case of Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900).
15. Private Acts of 1933, Chapter 847, released Mrs. Lena Davidson, of Jackson County, from any and all further liability for a secured fine of \$50 assessed against her and payable to the State of Tennessee at the November, 1932, term. The said fine is hereby canceled and released. The act does not state the reason for the fine being levied.
16. Private Acts of 1975, Chapter 90, was the authority for Jackson County to adopt by reference the provisions of any code, or portions of any code, and to provide for the administration and enforcement of the same. The codes were housing, electrical, building, plumbing, and gas codes. The manner in which such action could be accomplished by Resolution is specified in the act along with some administrative details. This Act did not receive local approval and consequently never became operative law.
17. Private Acts of 1988, Chapter 192, which amended the Private Acts of 1974, Chapter 320, was repealed by the Private Acts of 1992, Chapter 206.

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