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Chapter I - Administration

Dear Reader:

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

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

Sincerely,

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Chapter I - Administration

Budget System

Financial Reports

Private Acts of 1935 Chapter 276

SECTION 1. That in counties having a population of not less than 12,035 nor more than 12,045 according to the Federal Census of 1930, or any subsequent Federal Census, all public officials who are entrusted with the duties of receiving and disbursing public funds, shall prepare and publish, once each year, a complete and detailed statement of all funds received and disbursed by him or her, during the preceding year.

SECTION 2. That the reports or statements prepared and published under the provisions of this Act shall be clear and explicit, showing from what source of all money received comes, with proper classification of accounts, and for what purpose all money disbursed was spent, with proper classification of accounts also.

Classification of accounts of funds received to be made so as to show whether money received is for taxes collected, fees collected, or state funds distributed (and from what account). And the classification of accounts of funds disbursed to be made so as to show whether money was paid for salaries, labor, materials, machinery, office supplies and furnishings, fuel and lights, repairs, or transferred to other departments.

SECTION 3. That all public officials coming under the provisions of this act shall, after having prepared and published such reports, same to be published in the leading newspaper of said counties, and at the first of each calendar year covering the previous year of operations, pay for all the cost and expense of such publication.

SECTION 4. That all laws or parts of laws conflicting with this act be, and are hereby, repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1935

County Legislative Body

Private Acts of 1967-68 Chapter 106

COMPILER'S NOTE: The minimum compensation level for members of the County Commission is found at T.C.A. § 5-5-107.

SECTION 1. The per diem of members of the Humphreys County Quarterly Court shall be twenty dollars (\$20.00) for each day in attendance at meetings of the Quarterly Court. In addition, members of the Quarterly Court shall be paid a mileage allowance of ten cents (10¢) a mile for each mile traveled while going to and from a session of the Quarterly Court.

SECTION 2. Chapter 332 of the Private Acts of 1953 is repealed.

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 Humphreys County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the Governor. 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. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 20, 1967.

County Mayor

Redesignating Title to County Executive

Private Acts of 2005 Chapter 4

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in

Humphreys County shall be redesignated as "county executive".

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Humphreys County. Its approval or nonapproval shall be proclaimed by the presiding officer of the 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 as provided in Section 2.

Passed: February 17, 2005.

Port Authority

Private Acts of 1965 Chapter 104

SECTION 1. That in order to facilitate transportation in Humphreys County, Tennessee, and to promote the navigation on the Tennessee River which borders Humphreys County, and to facilitate the movement and transfer to people, goods and merchandise, to, from, at and through the County of Humphreys, and to fully utilize the natural resources of said county, so that the same may be shipped and transported, and to provide for internal improvement in the development of the resources in Humphreys County and the State of Tennessee, and to promote the happiness and prosperity of the citizens, there is hereby established in Humphreys County, Tennessee, a Port Authority, to be known as "The Port Authority of Humphreys County, Tennessee," hereinafter designated as "The Port Authority," for the purpose of acquiring, constructing, operating and maintaining port and harbor facilities, ports, docks, wharves, piers, loading and unloading machinery, equipment and facilities, harbor and river front improvement, storage and transfer facilities, elevators, terminal and terminal facilities, navigation facilities, railroads, truck and track scales, switch yards, concentration yards, roads and bridges, truck and bus lines, airports and aircraft landing facilities, communication facilities related or incidental to such port and other facilities, or one or more or a combination of the same, and to provide that the same shall be under the jurisdiction, control and management of said Port Authority, to be constructed and conducted as hereafter provided. The authority of the Port Authority shall be limited to facilities and property of the Authority and an area within Humphreys County not to exceed more than two (2) miles from the shoreline of the Tennessee River.

As amended by: Private Acts of 1978, Chapter 201

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 five 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, repair, rebuild, extend and improve, within an area in Humphreys County not to extend more than two (2) miles from the shoreline of the Tennessee River, the port 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 of Humphreys County, Tennessee, to all channels of commerce, and to make such facilities available to any person, firm, 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 County of Humphreys, which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. Actions taken by the commissioners in accordance with this provision shall be financed through the reserves derived from the operations of the Port Authority. If the expenditure of any funds of Humphreys County becomes necessary to the operations of the Port Authority, such expenditure or obligation

must be approved by the county court.

(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 limitations, 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 within two (2) miles of the Tennessee River within Humphreys County for the purpose of making surveys, soundings, and examinations 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.

As amended by: Private Acts of 1978, Chapter 201

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. The Port Authority, after obtaining the approval of the Humphreys County Court, may condemn on behalf of and in the name of Humphreys County, any land, easements, or rights of way, that, in the opinion of the Board of Commissioners and the county court, are necessary or convenient to carry out the purposes of this act. Title to property so condemned shall be taken in the name of the County of Humphreys, and the property shall thereafter be entrusted to said Authority, as the agent of the County of Humphreys, to accomplish the purpose of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of 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 of the Port Authority, 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 term as the court, in its discretion, may deem proper and just.

As amended by: Private Acts of 1978, Chapter 201

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 County of Humphreys, such property, and the 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.

SECTION 8. That neither the County of Humphreys, The Port Authority nor the Board of Commissioners, shall 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. The initial members of the Board of Commissioners of the Port Authority shall be elected by the Quarterly County Court for staggered terms. One (1) member shall be elected for a term of one (1) year. One (1) member shall be elected for a term of two (2) years. One (1) member shall be elected for a term of three (3) years. One (1) member shall be elected for a term of four (4) years. One (1) member shall be elected for a term of five (5) years. As the term of each initial member expires, the county court shall elect a successor for a full term of five (5) years. Each member shall serve until his successor is elected and qualified. Only one (1) commissioner serving on the board may be a county magistrate.

The Quarterly County Court of Humphreys County, at the expiration of the terms of commissioners, shall nominate and elect successor commissioners. In the event of the death or resignation of a commissioner prior to the expiration of his term, a successor shall be elected by the Quarterly County Court at its next regular meeting to fill the unexpired portion of the term. All commissioners shall be eligible for reelection.

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, and the same shall be filed with the County Court Clerk.

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 this Act becomes effective, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every ninety days, 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 to his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the County Court Clerk and registered in the Register's Office, as required of county officers.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bond 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 Quarterly County Court of Humphreys County, Tennessee. The members of the Board shall be paid such amount for attendance at board meetings as may be fixed by resolution of the Quarterly County Court of Humphreys County, Tennessee.

As amended by: Private Acts of 1978, Chapter 201

SECTION 11. That 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 County of Humphreys shall have power and authority to issue and sell its 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 County of Humphreys 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 (40) 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 Quarterly County Court of Humphreys County, Tennessee. 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 said Quarterly County Court may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said Quarterly County Court, 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 semi-annually. 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 Quarterly County Court 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 counter-signatures, appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures 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 Humphreys County, contained in any other statute, general or special; provided, however, no general obligation bond may be issued by the county for or through the Port Authority unless such bond issue has been approved by the voters of Humphreys County in an election held substantially in compliance with the provisions of Tennessee Code Annotated, Sections 54-803 and 54-807. [This section of the code has been repealed.]

In case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the Quarterly County Court of Humphreys County, Tennessee, to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners. Prior to a vote by the Quarterly County Court of Humphreys County, authorizing the issuance of bonds to be financed wholly or in part through tax levies by the Quarterly County Court, the Port Authority Commissioners shall prepare and submit to the Quarterly County Court a recommendation that bonds in a stated amount be issued hereunder, supported by a report on the need for, and projected use of the facilities for the financing of which such bond 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 the County of Humphreys, payable out of its 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 County, it shall be the duty of the Quarterly County Court of said County of Humphreys to levy a tax each year, over and above the taxes levied for general 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 the Quarterly County Court 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 the 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 the Quarterly County Court, 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.

No general obligation bonds of Humphreys County or bonds obligating the revenues of the county shall be issued without such issuance being approved by the qualified voters of the county. Such election shall be held in substantial compliance with the provisions of Tennessee Code Annotated, Sections 54-803 through 54-807. [This section of the code has been repealed.]

As amended by: Private Acts of 1978, Chapter 201.

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 Quarterly County Court of Humphreys County, Tennessee, 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 the County of Humphreys 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 authorized.
- (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; to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and 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 purpose 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 of Humphreys, The Quarterly County Court, 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, The Quarterly County Court, 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 or taxes or Authority revenues, and to require the County of Humphreys, the Quarterly County Court, 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 Quarterly County Court of Humphreys County, Tennessee, 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 the 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 therefrom, 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 County of Humphreys, issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the Quarterly County Court of Humphreys County, Tennessee, 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 of Humphreys, and the holders of bonds of such issue.

SECTION 17. That all expenses 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 the County of Humphreys, not otherwise appropriated or from any other fund available, as may be provided by the Quarterly County Court.

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 Quarterly County Court of Humphreys County, Tennessee, is authorized to appropriate to The Authority from the general funds of Humphreys County, Tennessee, 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 Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within the 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 record of all such receipts and their 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 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, shall be applied and used as follows:

- (1) The payment of all operating expenses of The Port Authority.
- (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 the 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 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.

As amended by: Private Acts of 1978, Chapter 201

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:

Repair, parts, accessories, supplemental equipment or services are required for 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 or 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.

As amended by: Private Acts of 1978, Chapter 201

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, any county or municipality in the State of Tennessee, provided such municipality shall consent to such use.

SECTION 23. That the Quarterly County Court of Humphreys County, Tennessee, with the approval of The Port Authority Commissioners, may dispose of all or substantially all of the land and real property acquired under the provisions of this Act, upon a vote for such disposal, of a majority of all the members of the Quarterly County Court. Any such vote shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

The Port Authority Commissioners may dispose of personal property of said Authority, when, in the judgment of said Board of Commissioners, it is advantageous to or necessary, for the efficient operation of said Authority, to dispose of the same, or when said personal property is being replaced by new or more efficient property of like character, or when said personal property is no longer necessary for the operation of the Authority.

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, and 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 purpose of facilitating the removal and transfer of people, products and goods to, from, at and through Humphreys County, and to improve the access of Humphreys County to all channels of commerce, and to encourage the industrial development and growth of Humphreys County, and the use of the natural resources of Humphreys County, including the navigation of the Tennessee River. Such liberal construction, however, shall apply only to the area within Humphreys County lying within two (2) miles of the Tennessee River.

As amended by: Private Acts of 1978, Chapter 201

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Humphreys County, Tennessee. Its approval or nonapproval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

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

Passed: March 3, 1965.

Administration - Historical Notes

County Clerk

The following acts once affected the office of county clerk in Humphreys County. They are included herein for historical purposes.

1. Acts of 1853-54, Chapter 99, ratified and confirmed all the acts heretofore accomplished by any person in the names of the County Court Clerk and County Register of Humphreys County which were done pursuant to the verbal authority of these county officials. The acts were to be as valid and binding as though performed by the officials themselves.
2. Private Acts of 1919, Chapter 7, made women over the age of 21 and residents of the county where they were appointed eligible to serve as a Deputy Clerk in any of the courts of Humphreys County. They would have all the rights and privileges, and be subject to all the obligations of any other Clerk of the respective court.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Humphreys 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 County Judge in every Tennessee county, who would be elected for four years by the people, be learned in the law, and be sworn and commissioned as any other judge. Quorum Courts were abolished and all their duties transferred to the County Judge who would also take over the responsibilities of the Chairman of the County Court. The jurisdiction of the court was specified in the Act. The Judge would also be the general agent and accounting officer of the county. His duties as such, and the authority granted to him, were all enumerated in this Act. The County Judge would receive five dollars per day plus any additional amount granted by the Quarterly Court as his compensation. This Act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1887, Chapter 162, created the office of county judge for Humphreys County. This act was superseded by general law.
3. Private Acts of 1919, Chapter 778, provided that the County Judge of Humphreys County in addition to all the other duties, powers, and jurisdiction conferred upon him in Public Acts of 1887, Chapter 162, would also have the power to grant writs of attachment and injunctions in suits brought in the Chancery Court and the Circuit Court, to confirm land sales in partition suits, and to exercise concurrent jurisdiction with the Chancery Court in all respects. The compensation of the Judge would be \$1200 annually which would be in lieu of all other earnings, the same to be paid monthly out of the regular county funds. This Acts was repealed by Private Acts of 1923, Chapter 356.
4. Private Acts of 1935, Chapter 405, granted the County Judge of Humphreys County the same powers as Chancellors and Circuit Judges to grant writs of habeas corpus and to hear and determine casing arising thereon. The County Judge was given concurrent jurisdiction with the Chancellor in certain specified areas. These judicial powers were removed by Private Acts of 1981, Chapter 137.
5. Private Acts of 1953, Chapter 477, stated that the County Judge of Humphreys County for his services as Financial Agent and Chief Accounting Officer of the county, would be paid \$1,500 a year, payable monthly upon a warrant issued by the Judge upon the Trustee, coming out of the general fund of the County, which amount would be in addition to all other compensation for the Judge

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Humphreys 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 1809, Chapter 31, which created Humphreys County, also provided that the Court of Pleas and Quarter Sessions would meet at the house of Samuel Parker, Jr. in the said county on the first Monday in February, May, August, and November until otherwise provided for by law. The said term to run up to six judicial days if necessary.
2. Acts of 1809, Chapter 93, scheduled the opening dates for the regular terms of the Courts of Pleas and Quarter Sessions for every county in Tennessee. The Court would meet in Humphreys County on the fourth Monday in January, April, July, and October.
3. Acts of 1817, Chapter 138, Section 3, established the times for the regular terms of the County Court of Humphreys County on the fourth Monday in January, April, July, and October.
4. Public Acts of 1827, Chapter 44, Section 2, provided that the Court of Pleas and Quarter Sessions

of the counties of Perry, Humphreys, Stewart, Hickman, and Henry, a majority of the justices being present and in favor thereof, could select three of their number on the first day of the first term of the year who would hold court for the remainder of the year with all the authority, jurisdiction, and the regulations of the full court.

5. Public Acts of 1835-36, Chapter 6, established a court in every county of the State to be held by the justices of the peace which would meet on the first Monday in every month and hold court until the business of the same were complete. Three Justices would constitute a quorum to hear the probate of wills and related matters of estate administration but no jury trials could be held by this Court. The County Court was given the authority to select one of their number as Chairman for a one year term who would preside over this Court. The Court was empowered to levy a tax for county purposes.
6. Acts of 1837-38, Chapter 228, directed the County Court of Humphreys County to move from Reynoldsburgh to Waverly effective March 1, 1838.
7. Public Acts of 1867-68, Chapter 65, created a three member Board of County Commissioners, initially selected by the governor to staggered terms, who would be elected by the people to three year terms. The member with the most seniority would serve as President. The Board would hold four sessions annually at the times prescribed for holding the regular terms of the Quarterly Court. The Clerk of the County Court would be the Recorder of said Board. All of the powers and duties which were then vested in the Quarterly Court would hereafter be vested in the Board of County Commissioners. The President would receive \$150 and the other two members \$100 as compensation for their services. The Quorum Courts were abolished and the Magistrates were relieved of all their duties and obligations. This Act was repealed as to Humphreys County by Public Acts of 1868-69, Chapter 40, Section 17.
8. Public Acts of 1869-70, Chapter 49, repealed Public Acts of 1867-68, Chapter 65, and all other Acts establishing County Commissioners and revived all laws which may have been repealed thereby.
9. Private Acts of 1911, Chapter 544, provided that each Justice of the Peace in Franklin County and Humphreys County would be paid \$2.50 per day for each day of attendance at the regular and called sessions of the Quarterly County Court, plus whatever mileage was allowed by law. These sums would be paid on the warrant of the County Judge out of regular county funds.
10. Private Acts of 1919, Chapter 474, stated that in Humphreys County each and every Justice of the Peace would be paid \$3.50 per day for their services rendered in attendance at regular meetings and called sessions of the Quarterly County Court, which amount would be in addition to any mileage payments authorized by law. The money would be paid out of the regular county funds on the warrant of the County Judge.
11. Private Acts of 1937, Chapter 604, authorized Humphreys County to pay their Justices of the Peace the same per diem they receive for attendance at the meetings of the Quarterly Court for all services rendered by them on committee appointments by or under the direction of the court, which payments were not to exceed five days for any one magistrate in one year.
12. Private Acts of 1939, Chapter 259, amended Private Acts of 1937, Chapter 604, by raising the limit on the number of extra meetings for which a Justice of the Peace could be paid in Humphreys County from five to ten.
13. Private Acts of 1945, Chapter 108, declared that Justices of the Peace in Humphreys County would be paid \$2.50 per day for their attendance at the regular sessions of the Quarterly Court, plus a mileage allowance of five cents per mile for each mile traveled going from their homes to the meetings and return. This Act was repealed by Private Acts of 1953, Chapter 332.
14. Private Acts of 1953, Chapter 332, set the per diem allowance for the Justices of the Peace in Humphreys County at \$7.50 per day for each day of attendance at the sessions of the Quarterly County Court, and, in addition, they would be paid a mileage allowance of five cents per mile for each mile traveled going to and from their homes and the meeting place. This Act was repealed by Private Acts of 1967-68, Chapter 106.

County Register

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

1. Acts of 1853-54, Chapter 99, ratified and confirmed all the acts heretofore done by persons in the names of the County Court Clerk and Register of Humphreys County which were performed pursuant to verbal authority from these officials to the same extent as if they had been performed by the officials themselves. This Act would not affect any title to land involved in any lawsuit

pending in the county.

Port Authority

1. A Private Act related to the Humphreys County Port Authority is listed below. 28. Private Acts of 1983, Chapter 133, would have amended Private Acts of 1965, Chapter 104, by increasing the number of Port Authority Commissioners from five to seven but this Act was not approved by the local authorities and never took effect.
2. Private Acts of 1984, Chapter 154, which would have increased the number of Port Authority Commissioners, corrected references to various county officials and make other changes, according to the official records of the Secretary of State was not acted upon by local authorities and is therefore not in effect and not reprinted herein.

Purchasing

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

1. Private Acts of 1976, Chapter 266, would have established the "County Purchasing Law of Humphreys County" but the Act was not approved by the Quarterly Court and consequently never took effect. The Act set up a six member County Purchasing Commission, composed of the Finance Committee of the Quarterly Court, the County Judge, and a special financial advisor to the Commission who would be appointed by the County Judge. The Commission would supervise all purchasing for the County, would appoint an experienced and qualified county employee as the Purchasing Agent for a four year term, and promulgate rules to govern purchasing practices. The Purchasing Agent's salary would be fixed annually by the Quarterly Court, and he would have an office equipped and furnished by the County, and could exercise the specific powers granted in the Act. \$1,000 was the limit which could be purchased without bids, and all purchasers exceeding that amount must be solicited for bids in the manner stipulated in the Act. Emergency purchases were excepted from the several general rules enumerated in this Act.

General References

The following private or local acts constitute part of the administrative and political history of Humphreys County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1811, Chapter 26, provided that an election would be held on the first Monday in March 1812 to elect five Commissioners who would establish the county seat in Humphreys County, having regard for the constitutional limits of the County and the center of the same. The Commissioners would select 50 acres, or more, lay off the same into lots, alleys, and streets, reserving two acres, or more, in the center for the public square on which would be built the Court House, Prison, and stocks. Lots were to be sold to be best bidder for cash and the proceeds used to erect the buildings. All the Commissioners for this town, to be called Reynoldsburg, would be sworn and bonded before entering upon the duties of their offices.
2. Acts of 1815, Chapter 44, established a system for public inspection of tobacco, hemp, flour, lard, butter and other commodities which were intended for exportation which included the erection of warehouses for their storage. In Humphreys County the warehouse and the inspection would be in the town of Reynoldsburgh.
3. Acts of 1815, Chapter 167, appointed Francis Murry, Michael Dickson, James Gordon, Joshua Williams, and Burwell Lasly as Commissioners for the town of Reynoldsburgh. The Commissioners would choose from their own body a Chairman, Treasurer, and a Clerk. The Commissioners could call upon the inhabitants to fix the roads and could also levy taxes and appropriate and expend the financial resources of the town.
4. Private Acts of 1823, Chapter 121, recited in the preamble that several buildings in Reynoldsburg had been placed mistakenly on streets or on the public square area, this Act named William W. Mallory, Alexander McClure, John Thompson, James Rutherford, and James R. McMeans as Commissioners with the power and authority to alter the streets of the City in such a way that the private properties would not be injured which had mistakenly encroached upon the street rights of way. The County Court was required to compensate the Commissioners with a reasonable amount of pay.
5. Private Acts of 1825, Chapter 126, granted to James Rutherford, Robert Jarman, Lewis B. Powers, and David B. Carnes, Commissioners in Humphreys County, full power to demand that the Clerks of the County Court and the Circuit Court pay to them all the money in their offices which was

- derived from the sale of lots in the town of Reynoldsburgh, or other towns. The Commissioners could have a judgment against the said Clerks if they failed to comply with the terms of this Act.
6. Private Acts of 1826, Chapter 23, provided that upon proof of one witness in a court of record of the genuineness of the signature of John Tinnen on the bill of sale to one John Pavat, for a slave named Ludson, and another named Delila, the same were to be recorded by the court and admitted to registration.
 7. Private Acts of 1826, Chapter 144, named Enes Ury, Robert Jarman, John Thompson, Dorsey P. Hudson, Conrad Stephens, John Pavatt, and Greene B. Flowers, as the managers of a lottery who would draft a scheme to raise a sum of money not to exceed \$5,000 to build a road through the Tennessee River bottoms opposite Reynoldsburgh in Humphreys County, and to build a bridge over Cypress Creek in said Tennessee bottom on the road leading to Huntington, Jackson, and Paris from Reynoldsburgh.
 8. Private Acts of 1827, Chapter 19, declared that Samson, a free man of color, and his wife, Nancy, would hereafter be legally named Samson Black and Nancy Black.
 9. Public Acts of 1831, Chapter 43, Section 6, directed the cashier of the Bank of the State of Tennessee to place to the credit of the Counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson, their respective shares of the \$60,000 heretofore set aside for the internal improvement of Middle Tennessee. This money could be loaned out to the Counties on approval of the officials of the Bank.
 10. Public Acts of 1831, Chapter 44, required each county west of the Tennessee River on the first day of the first session of the Quarterly Court in each year to appoint three suitable people in the county to serve for one year as the Board of County Commissioners for Internal Improvement. The Board would select a President and a Secretary, and would be in charge of the application of internal improvement funds available to the county to the improvement of the roads and rivers. Section 8 of this Act made the same apply to the counties of Humphreys, Hardin, and Perry.
 11. Public Acts of 1832, Chapter 17, directed that so much of the Internal Improvement Fund as was allocated to Humphreys County would be under the control of the County Court and appropriated by them either to the common school fund of the county or to the internal improvement programs of the county. The Bank of the State of Tennessee would pay over to the Court the amount of money due Humphreys County.
 12. Private Acts of 1832, Chapter 73, Section 5, provided that the counties of Perry, Hardin and Humphreys would be included within the distribution of \$30,000 heretofore set aside for the internal improvement of several counties west of the Tennessee River. These three counties would receive one-half of the sum already allocated to the other counties.
 13. Private Acts of 1833, Chapter 53, Section 3, was legislative authority of Zachariah Wyatt, of Henry County, to enter and lay down on the general plan of the Twelfth Surveyor's District in one or more tracts, but not over five tracts, any amount of vacant and unappropriated land unfit for cultivation, which would include any bank or banks of iron ore, west of the Tennessee River in Humphreys County and Henry County, all of which could not exceed 5,000 acres. He was then required to put into operation works for the manufacture of iron.
 14. Private Acts of 1833, Chapter 88, allowed Hudson Davidson, of Humphreys County, to remove an entry of three acres of land which was made in the 12th Surveyor's District, Range 8, Section 3, in the name of Meredith Holcome, so that the entry could cover a mill seat on Bird Song Creek, provided Davidson could prove to the Surveyor that the title to the said land rested in him.
 15. Private Acts of 1833, Chapter 138, authorized the managers of a lottery authorized by Private Acts of 1826, Chapter 144, to pay over to the common school commissioners the sum of money raised in said lottery.
 16. Acts of 1847-48, Chapter 192, Section 3, attached the counties of Hickman and Humphreys to the Nashville Bank District and to whose Board of Directors would be appointed one Director from each of the counties. These Directors were to be appointed as the other Directors had been.
 17. Private Acts of 1857-58, Chapter 126, stated that after the passage of this Act the office of Entry Taker in the counties of Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys, and Wilson, were abolished. The County Surveyors in those counties would hereafter do and perform all the duties of Entry Taker and receive all the fees and emoluments of that office which were payable under the law.
 18. Private Acts of 1866-67, Chapter 2, incorporated J. O. Shackelford, J. G. Lucas, John T. Winfrey, and Dr. Gold as both the "Johnsonville Lumber and Shingle Company" and also as the

- "Johnsonville Coopering Company." These incorporators, plus their associates, would also comprise the corporate founders of the "Johnsonville Brass and Iron Foundry and Plow Company."
19. Public Acts of 1875, Chapter 56, recited in the preamble of the destitute conditions and of the poverty stricken people who needed relief in certain counties. This Act was the authority for the counties of Stewart, Montgomery, Houston, Dickson, Cheatham, Humphreys and Benton to issue bonds or borrow money to supply the wants of their respective citizens, but the amount was limited to \$10,000 and the interest rate could not exceed 6%. The County Courts would control the expenditure of the money and were authorized to levy a tax to repay the money borrowed.
 20. Private Acts of 1909, Chapter 305, was the authority for the counties to appoint a committee of three members of the County Court who with the County Judge and County Trustee would constitute the County Finance Committee which would negotiate with the Banks on the interest rate proposed to be paid to the county on deposits of the county funds, those offering to pay the highest rate being the designated repository of the county bank accounts. Humphreys County and Shelby County were exempted from the provisions of this Act.
 21. Public Acts of 1919, Chapter 129, amended Private Acts of 1909, Chapter 305, by removing the exception in favor of Humphreys County thus making that county subject to the provisions of the Act.
 22. Private Acts of 1919, Chapter 414, made it lawful in Humphreys County for the Quarterly Court to allow such compensation to members of the standing committees of the Court, viz: the Finance Committee, the Claims and Auditing Committee, as the court in its judgment would consider reasonable and proper, but no member of any committee would be paid more than \$25 extra compensation in any one year.
 23. Private Acts of 1933, Chapter 328, removed all the disabilities of minority from May Lanchester Stringer, of Humphreys County.
 24. Private Acts of 1933, Chapter 806, removed all the burdens of infancy from Tom C. Morris, of Humphreys County, arising from the fact that he was not 21 years of age so that Morris might become eligible to be commissioned as a Notary Public in Humphreys County, in the same manner as if he were 21 years old.
 25. Private Acts of 1935, Chapter 728, stated that in Humphreys County all burial associations were authorized to furnish ambulance service to their policy holders in all cases where it was necessary for any policy holder to be carried to any hospital, or infirmary, for treatment, if such necessity was certified by the attending physician, and this conveyance was the only ambulance service that could be rendered in such case. This Act was repealed by Private Acts of 1953, Chapter 557.
 26. Private Acts of 1937, Chapter 318, stated in the preamble that the town of Waverly was in the process of constructing a garment factory at an estimated cost of \$45,000, which would eventually employ between 250 and 400 people, which condition would prove to be of great benefit to the citizens of Humphreys County, and that special training for these employee prospects at a cost of \$1,500 would be needed in the county, this Act authorized the Quarterly Court to appropriate \$1500 from the county general fund to be spent to train, or aid in the training of operators to work in the said garment factory, the same to be paid on the voucher of the County Judge.
 27. Private Acts of 1937, Chapter 602, stated that in Humphreys County the compensation of county officers would be such compensation as was provided by the general salary law or local statutes but in such county no court would have the power or authority to supplement the compensation of any officer, the provisions of Section 10743, of the Code of Tennessee notwithstanding.

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