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Private Acts of 1967-68 Chapter 247

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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SECTION 1. The Quarterly County Court of any county of this State having a population of not less than 23,125 nor more than 23,175 according to the United States Census of Population of 1960, or any subsequent U. S. Census of Population, is authorized to provide essential public services as defined in this Act and in the manner herein provided.

SECTION 2. The term "essential public service" as used in this Act means the making available or supplying by anyone, with or without consideration, any labor or facilities or commodities or combinations thereof to all or to any substantial portion or class of the residents of the community which service fosters the health, well-being, happiness, progress or peace of persons in the community and includes but is not limited to

- (a) ambulance service,
- (b) cemeteries,
- (c) funeral parlors and embalming services,
- (d) nursing homes,
- (e) recreation facilities,
- (f) transportation services,
- (g) family counseling service,
- (h) services for the mentally retarded and the mentally ill,
- (i) fire protection,
- (j) trash and garbage disposal, and
- (k) job placement

SECTION 3. For the purposes of carrying into force the provisions of this Act, the Quarterly County Court of any county to which this Act may apply is authorized to establish a County Public Service Commission composed of five (5) members. The County Judge shall be Chairman of the Commission and the other four (4) members shall be members of the County Court, elected by the Court. 15 Each Commissioner shall hold office for three (3) years from the time of his election. Each Commissioner shall serve without compensation but shall receive such expense allowance as the County Court may from time to time authorize by resolution.

SECTION 4. The commission shall be established by resolution of the Quarterly County Court at such time as the court finds that there is a need for the Commission.

SECTION 5. When established, the Commission shall meet in regular meeting on the dates set by the resolution creating the Commission and at such other times as it may by resolution provide. Called meetings may be held upon three (3) days written notice issued by the Chairman of the Commission or by any three (3) Commissioners for such purposes as are set out in the call. The Commission by by-laws, approved by the County Court, shall establish its own rules of procedure.

SECTION 6. It shall be the duty of the Commission to keep abreast of the availability, non-availability, and adequacy of the public services available to the citizens and residents of the county which it considers necessary for their health and welfare and it shall, upon the request of the Quarterly County court or upon its own motion report to the Quarterly County Court concerning the availability, quality and status of said services in the county and its recommendations regarding the services.

SECTION 7. The County Public Service Commission with the approval of the Quarterly County Court is authorized, either singly or with either one or more municipalities within the County or in conjunction with any governmental authority, public agency or private agency, corporation or person to do the following:

- (a) To operate and maintain any public service project for public purposes or for the benefit and use of its inhabitants, with or without a charge or profit.
- (b) To construct any public service project.
- (c) To accept from any Federal or State Agency grants for or in aid of the construction of any public service project.
- (d) To contract debts for the construction of any public service project, to borrow money, and to issue its bonds to finance such construction, and to provide for the rights of the holders of the bonds and to secure the bonds as hereinafter provided.

(e) To acquire by purchase, gift, lease or other contract, real or personal property, tangible or intangible or any right or interest in any property, and to hold and dispose of any such property or interest in any such property, in connection with any public service project.

(f) To make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the commissioners may be necessary, proper or advisable for the purpose of carrying out any public service project provided by this Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public service project; and to carry out and perform the terms and conditions of all such contracts or instruments.

(g) Subscribe to and comply with any federal aid act and any rules and regulations made by any Federal or State Agency or private foundation with regard to any grants or loans, or both, from any Federal or State Agency, or private foundation.

(h) To perform any acts authorized under this Act through, or by means of its own officers, agents and employees or by contract with private corporations, firms or individuals.

(i) To subsidize or assist, upon terms, conditions and standard requirements set by the Commission, any person, agency, or other legal entity, whether public or private, providing public services or proposing to provide public services. Such assistance or subsidy shall include but not be limited to providing necessary financing, equipment, tools, vehicles, or other real or personal property needed to raise the standards of such services to the level the Commission considers desirable to assure adequate services to the residents of the county.

(j) To exercise, for the purpose of obtaining a grant loan or other financial assistance from any Federal or State Agency pursuant to or by virtue of any Federal Aid Act, any power conferred by this Act independently or in conjunction with any other power or powers conferred by this Act or heretofore or hereafter conferred by any other law.

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

(l) To cooperate with and receive grants from the State or other Agency operating under the authority of the State, having funds available for cooperation in constructing, acquiring, improving, extending, operating and maintaining any public service project or projects.

SECTION 8. Upon the approval by the County Court of any public service project proposed by the Commission, the Quarterly County Court shall have the power for such purposes to levy a property tax, to appropriate from the general fund, or otherwise provide funds for the public service project or projects in lieu of or as a supplement to revenue derived from or to be derived from the public service project or projects, and for the operation and conduct of the Public Service Commission. The Commission shall make such reports to the Quarterly County Court in such detail and at such times as the Court may direct.

SECTION 9. 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 this end the provisions of this Act are declared to be severable.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (b) vote of the Quarterly County Court of any county to which it may apply 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 11. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 18, 1967.

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