



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter I - Administration

Dear Reader:

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

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

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

Sincerely,

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Chapter I - Administration

Budget System

Private Acts of 1935 (Ex. Session) Chapter 140

SECTION 1. That in all counties of the State of Tennessee having a population of not less than 22,850, nor more than 22,880 under the Federal Census of 1930, or any subsequent Federal Census, that it shall be the duty of the Pike Road Superintendent of such counties on or before the first Monday in April of each year, to prepare and file with the County Court Clerk an itemized statement or budget of the funds which said Superintendent estimates to be necessary for the construction, maintenance, upkeep, and operation of the roads, bridges, and county work house in such counties, and expenses incident thereto, for the year commencing on the first day of September following the making of said report; the said budget shall show in detail and in separate items the estimated amounts, necessary salaries and office expenses, new equipment, maintenance or repair of all equipment, bridges, lumber, gravel, maintenance of the County work house, etc., the said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall likewise be the duty of the County Board of Education on or before the first Monday in March of each year to prepare and file with the County Court Clerk of said County an itemized statement or budget of the funds which said Board of Education estimates to be necessary for the maintenance and operation of the schools in said County, and expenses incident thereto, for the year commencing on the first day of July following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for the office expenses and salaries of the County Superintendent and his assistants, salaries for the different county schools, the aggregate of the salaries for each individual school being shown, for the purchase of new equipment, for the maintenance and repair of old equipment, and school buildings, janitor service, bus service, insurance, and all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall likewise be the duty of the County Judge of said County on or before the first Monday in April of each year to prepare and file with the County Court Clerk 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 courthouse 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 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 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 the 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 County Judge of said Counties with the approval and confirmation of the Quarterly County Court at its January Term each year, to appoint a Committee of three persons who shall be and constitute the Budget Commission of such County. All of said persons so appointed shall be freeholders of said County, one shall be a resident of an incorporated City in such County, one shall be a resident outside the limits of an incorporated City, and only one shall be a member of Quarterly County Court of said County. That no member of said Budget Commission, with the exception of the member of the Quarterly Court, shall have any official connection with said County, or be related by affinity or consanguinity to any official or employee of said County within the third degree computed by the civil law. That the Quarterly Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper.

That immediately upon their selection said Budget Commission shall organize by electing a Chairman; and two members of said Commission 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 said budget, and he shall perform such other duties as shall be prescribed by said Commissioner. 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 \$5.00 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 said 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 every 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 to 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 desired 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 said 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, 1936, 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 data 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 beginning on the 1st day of the following September from the tax so recommended. That at the same time and in 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 said County, said publication to be at least ten days before each 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 1st day of the following September, said budget 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 said County from and after September 1, 1936, to draw, sign or issue the warrant of said county against any fund of said 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 said County unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof; and such official and his bondsmen shall be liable personally to the County in the amount of any such prohibited expenditure, to be recovered by suit of any taxpayer or tax payers of said County in a Court of competent jurisdiction.

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, 1936, no warrants shall be drawn against any funds of said 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, 1936, covering any obligation or indebtedness of said County actually incurred to said date.

SECTION 4. That it shall be the duty of each department of the County government that disburses public funds, including the County Board of Education, Pike Road Superintendent, and the County Court Clerk, and County Judge in regard to the fund designated as the "General County Fund", 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 of 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 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 said County to reconcile the balance to the credit of the fund drawn against as shown on the warrant stubs with 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, 1936, 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, 1936, 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, 1936, 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 said 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 said 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 exceed the amount allowed said department in the budget adopted for that year, and said Commission shall show in its report to be filed with its budget each year the departments, 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 Circuit 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; and such County official and his bondsmen shall also be liable personally to the County in the amount of any such prohibited expenditure, to be recovered by suit of any taxpayer or taxpayers of said County in a court of competent jurisdiction.\

SECTION 6. That it shall be a misdemeanor in office for any county officer or agent or employee, including the Pike Road Superintendent, the members of the County Board of Education, the County Superintendent of Education, 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, and shall be personally liable as provided in Section 3 and 5 of this Act.

SECTION 7. That all purchases or contracts made in excess of any item of the budget shall be void and unenforceable against said County, either by quantum meruit or under the contract, but any such official so exceeding his budget shall be liable individually on his official bond therefor.

SECTION 8. That all laws in conflict with this Act are hereby repealed.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: August 3, 1935.

Employee Death or Injury

Private Acts of 1955 Chapter 126

SECTION 1. That quarterly county courts in counties having a population of not less than 32,320 and not more than 32,345 inhabitants according to the Federal Census of 1950, or any subsequent Federal Census, be and they are hereby authorized to pay out of the ordinary funds of the county all claims for money damages now accumulated, or which may hereafter accumulate, growing out of the injury or death of any employee of any department, division, bureau, commission or agency of said county, received by such employee in the line of duty and in the course of employment, whether such injury shall be accidental or otherwise. Said counties are hereby authorized to pay and compensate dependents of such employee (as defined in the Workmen's Compensation Laws of this State) in cash for death arising out of such injury; provided however, that any award or settlement made under this Act shall in no event exceed the amount which would be allowable under the provisions of the Workmen's Compensation Law of this State.

Said counties may allow less than the amount provided by the Workmen's Compensation Law, or, if the claim is not deemed meritorious, may disallow the same entirely.

SECTION 2. That any settlement or award made by any such county courts shall be made after a careful and thorough investigation of all the facts and circumstances in controversy, and no award or settlement shall be made unless the facts found by said court or its duly authorized committee as hereafter provided, shall establish such a case of liability on the part of the county as would entitle the claimant to a judgment in an action at law, if the county were amenable to such.

No claim provided for under this Act may be considered by the quarterly county court which has not been presented to it by sworn petition duly filed within four years from the date on which the claim first accrued.

SECTION 3. That such quarterly county courts be and the same are hereby authorized to establish and promulgate such rules, not inconsistent with the provisions of this Act, as may be necessary for the ordinary procedure in the filing, investigation hearing and disposition of such claims before them.

Such quarterly county courts shall designate a standing committee of not more than three members, composed of the members of said courts, to hear evidence and make recommendations to the court with respect to the disposition of any such claim, and such court or its said standing committee is authorized to promulgate rules for the taking of evidence at such times and places as may be conducive to economy of expenses and convenience of the witnesses for both the claimant and the county, in so far as possible.

The claimant shall be given written notice of such hearing at least five days prior to the date set therefor. The members of such standing committee shall be chosen and vacancies shall be filled according to the procedure of the county courts for the selection and appointment of the members of its regular standing committees.

SECTION 4. That the decision of such quarterly county court upon any claims filed hereunder shall be final.

SECTION 5. 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 any county to which it may apply on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the county judge or chairman, and shall be certified by him to the Secretary of State.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1955

Port Authority

Hiwassee River Tri-County

Public Acts of 1963 Chapter 357

COMPILER'S NOTE: Although this is a public, rather than a private act; it is one of special effect and is not found in Tennessee Code Annotated.

SECTION 1. That, in order to facilitate transportation in the Counties of Bradley, McMinn, and Polk in the State of Tennessee, and to promote navigation on the Hiwassee River, which traverses portions of the said counties; to facilitate the movement and transfer of people, goods and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Bradley, McMinn, and Polk Counties, Tennessee a Port Authority, to be known as "The Hiwassee River Tri-County Port Authority", "The Port Authority" or "The Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating and maintaining ports and navigation terminals on the Hiwassee River, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing or fabricating plants or other industries which require access to the waters of the Hiwassee River in their operations; and (c) acquiring, constructing, operating, and maintaining railroads, switchyards, concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

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

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

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

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Bradley, McMinn, and Polk Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances for the said counties, which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Hiwassee River in their operations.

(e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and

execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of The Port Authority and the efficient operation of its facilities.

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

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

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

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

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

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

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

March 1967; the term of office of the third member selected by each respective county court or council shall expire the first Thursday of March 1969.

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

The County Court or Council of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts or council of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Bradley and Polk counties and the County Manager of McMinn County not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the county court or council by a two-thirds vote of all of the members of said court or council, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

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

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

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

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

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

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

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

of Tennessee.

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

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

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

SECTION 12. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of the Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

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

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

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

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

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

review of alternate solutions, if any, and a justification of the solution proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising 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 bonds issued under this Act, as the court may direct.

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

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

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

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

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

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

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

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from

the sale, transfer, lease or other disposition of any land or other facilities shall not be used for this purpose.

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

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

(4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go into the general funds of the said counties, except as may be directed by the Port Authority Commissioners.

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

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

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

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

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

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

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

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

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

SECTION 25. That if any clause, sentence, paragraph, section or any part of this Act shall be held or

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

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

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County except that failure to approve this Act by one or more of the said county courts or council within 90 days after enactment of this Act shall not prevent the one or more of said county courts or council remaining from approving this Act which shall take effect as though written for the one or more counties approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Bradley and Polk Counties, and the County Manager of McMinn County, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

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

Passed: March 21, 1963

Purchasing

Private Acts of 1951 Chapter 313

SECTION 1. That in Bradley County, Tennessee, the County Executive is hereby designated as "County Purchasing Agent" and it shall be his duty as such County Purchasing Agent to purchase any and all supplies and equipment for use by the said County and the officials, employees and departments of said County. Said County Executive as County Purchasing Agent is hereby expressly authorized to enter into contracts for the purchase of such supplies and equipment upon requisition for the various county officials and departments and is hereby charged with full responsibility to carry out the provisions of this Act.

The said County Executive as County Purchasing Agent is hereby given exclusive power and authority to purchase materials, supplies and equipment of any kind whatsoever, including insurance, for the use of all officials, agents, servants, and departments under the control of the County government or for which the county may be chargeable. He shall likewise have exclusive power and authority to arrange for the purchase or rental of any and all real estate, machinery and other equipment whenever the price thereof is to be paid out of any funds belonging to the County or any department or agency thereof.

Provided however, that nothing in this Act shall apply to the purchasing of any material, supplies, equipment, real estate, insurance or machinery for the public schools of said County or for the Highway Department thereof.

As amended by: Private Acts of 1987, Chapter 38

SECTION 2. That in carrying out the provisions of this Act the County Executive, as County Purchasing Agent, shall make such purchases only after he or she has received competitive bids from two (2) or more suppliers of such items, and in every case the purchase shall be made from the lowest and best bidder. Public advertisement and competitive bids shall not be required for:

(1) General fund, board of education, and road department purchases with a monetary value being less than twenty-five thousand dollars (\$25,000); and

(2) Any purchases that must be made in emergencies.

The County Executive, as County Purchasing Agent, shall in every case reserve the right to reject any bids submitted to him or her either in whole or in part, and whenever two (2) or more low bids are submitted to him or her for an item at the same price for the same character, kind, and quantity of supplies, he or she may in his or her discretion award the contract to either of such bidders or may apportion the requirements between or among the representative bidders.

As amended by: Private Acts of 1987, Chapter 38
Private Acts of 2007, Chapter 29

Private Acts of 2022, Chapter 60

SECTION 3. That the County Executive as County Purchasing Agent, when in his judgment such would

be advantageous and expedient, may advertise for the submission of bids by notices published in one or more newspapers published in said County, or by notices posted on the bulletin board in the Bradley County Court House, in his discretion, and the said County Executive as County Purchasing Agent is hereby expressly authorized to require performance bonds to accompany bids and to fix the amounts thereof; and also to govern the procedure for the delivery and storage of such items as are purchased by him for the County.

The County Executive of Bradley County as County Purchasing Agent is expressly authorized to establish a system whereby the various county officials, departments and agencies shall requisition the purchase of any supplies, equipment, material or other matter handled through the office of the County Purchasing Agent and may if he deems advisable combine and consolidate requisitions from different county offices in order to procure more advantageous bids for the county, and distribute such items purchased among the various offices requisitioning such items.

The said County Executive as County Purchasing Agent is expressly authorized to purchase or contract to purchase any items on an annual or term basis instead of individually.

As amended by: Private Acts of 1987, Chapter 38

SECTION 4. That in carrying out the provisions of this Act the said County Executive as County Purchasing Agent shall keep complete and permanent records of all transactions, purchases, contracts, bids, advertisements, etc., including original copies of all bids submitted in compliance with this Act, all of which records shall at all times be open to public inspection by any interested party.

As amended by: Private Acts of 1987, Chapter 38

SECTION 5. That for the additional duties imposed upon him in carrying out the provisions of this Act the said County Executive as County Purchasing Agent is hereby authorized to receive additional compensation of One Hundred and Fifty (\$150.00) Dollars per month, which amount shall include any additional compensation heretofore authorized and paid by the Quarterly County Court to the County Executive for services as County Purchasing Agent.

As amended by: Private Acts of 1987, Chapter 38

SECTION 6. That the provisions of this Act shall be deemed severable and if any portion of this Act shall be declared void or invalid, the remaining portions shall not be affected thereby.

SECTION 7. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1951.

Administration - Historical Notes

County Attorney

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

1. Private Acts of 1935 (Ex. Sess.), Chapter 117, created the office of County Attorney at a salary of \$600 annually, who would be appointed by the Quarterly Court at its first session after the passage of this Act who would serve until the January term of court in 1937 when a successor would be elected for a term of two years. The County Attorney could be paid other fees by the Quarterly Court for extraordinary services in or out of court. The County Attorney would give aid and advice to all the county officials and their deputies, transact all the other legal business of the county, meet with the court at regular, or called, sessions, and with the proper committees of the court. He would represent the County in litigation and hearings when requested to do so by the court. The Quarterly Court could appropriate funds for the County Attorney's stenographic, printing, and office expenses when properly documented.
2. Private Acts of 1941, Chapter 179, created the position of County Attorney in Bradley County who would be appointed by the Quarterly Court for a period of one (1) year at a salary of no less than \$600 and no more than \$1,200 which would not be changed during the term. The County Attorney would transact all the legal business of the County either in court, or otherwise, and advise county officials on legal matters. The Act named Tyler Berry, Jr., as the first County Attorney and confirmed all the prior actions of the Quarterly Court in connection with the same.
3. Private Acts of 1967, Chapter 362, repealed Private Acts of 1941, Chapter 179.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Bradley 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 1835-36, Chapter 6, allowed a Quarterly Court in every County of Tennessee composed of Justices of the Peace who would meet on the first Monday of every month and stay in session until the business of the court was completed. Three of the Justices could form a court to hear the probate of wills and related matters of estate administration, etc. No jury trials were to be heard in this court although one of its functions was to select 25 jurors, one from each civil district, or 37 jurors, whichever number best suited the county's needs. The jurors would be paid \$1.00 each for each day's service as a juror for which a tax could be levied if no other resources were available for this purpose.
2. Private Acts of 1957, Chapter 223, set the compensation of the Justices of the Peace of Bradley County at \$10 per day for each day's regular attendance at any scheduled, or called, meeting of the Quarterly Court, without any additional mileage allowance or travel reimbursement. This Act was repealed by Private Acts of 1973, Chapter 63.
3. Private Acts of 1965, Chapter 262, amended Private Acts of 1957, Chapter 223, by increasing the per diem payments to the Justices of the Peace for their attendance at meetings of the Quarterly Court of Bradley County from \$10 to \$25 but did not change anything further. This Act was properly ratified but was also repealed by Private Acts of 1973, Chapter 63.
4. Private Acts of 1973, Chapter 63, set the per diem allowance for the Justices of the Peace of the Bradley County Court at \$25 per day, unless a Resolution was adopted by the majority of the Court to increase that amount but in any event not to exceed \$50.00. No additional allowance was made for mileage, or travel. This act was repealed by the one following.
5. Private Acts of 1986, Chapter 126, repealed the Private Acts of 1973, Chapter 63 and all amendatory acts thereto.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Bradley 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 1856, Chapter 253, created the office of County Judge in every county of the State who would be learned in the law and elected by popular vote to a four year term, the first election hereunder to occur on the first Saturday in May, 1856. The County Judge would be commissioned as any other Judge, and sworn into office in the proper manner. Quorum Courts were abolished and all their functions and responsibilities were transferred to the County Judge who would also preside over the Quarterly and County Court and exercise the other duties of the Chairman of the Court. The jurisdiction of the Court and regulations for court procedures were stipulated. The County Court Clerk would serve as the Clerk of the Court. The County Judge would further serve as the accounting officer and the general agent of the County and as such could exercise all the powers enumerated and spelled out in this section of the law. The County Judge was not precluded from the practice of law except in his own Court. This law was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, and restored the Quorum Courts and the Chairman to their former status existing before the enactment of this law.
3. Private Acts of 1921, Chapter 816, as amended by Private Acts of 1965, Chapter 170, created the office of county judge in counties having a population of not less than 18,650 and not more than 18,655 according to the Federal Census of 1920.
4. Private Acts of 1943, Chapter 14, amended Private Acts of 1921, Chapter 816, by raising the annual salary of the County Judge of Bradley County from \$1,200 to \$3,000. This Act was repealed by the one following.

5. Private Acts of 1945, Chapter 78, repealed Private Acts of 1943, Chapter 14, which increased the annual salary of the County Judge.

County Register

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

1. Acts of 1837-38, Chapter 27, required the General Assembly of Tennessee to appoint a Register for the Ocoee District's vacant and unappropriated lands who was directed to open and keep his office in Cleveland in Bradley County. The Register must be sworn into office and bonded by the County Judge. The Register would issue grants of land based upon the certificate of the Entry Taker.
2. Private Acts of 1933, Chapter 659, made it the duty of the Quarterly Court of Bradley County (identified by the 1930 Federal Census) to appropriate no less than \$480 nor more than \$600 yearly as the salary of a Deputy who would assist the Register of Deeds. The salary would be paid in equal monthly installments out of general funds on the warrant of the County Judge or Chairman. The Register had the authority to appoint the Deputy, and then notify the County Judge, or Chairman, of the appointment, which would be sufficient authorization for the Judge to issue the salary warrants.

General Reference

The following private or local acts constitute part of the administrative and political history of Bradley 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 1837-38, Chapter 2, directed the General Assembly to select Entry Takers to receive entries on the vacant and unappropriated land in the Ocoee District. The Entry Taker would keep his office at Cleveland in Bradley County and have it open for business at reasonable hours.
2. Acts of 1837-38, Chapter 189, established the city of Cleveland as the county seat of Bradley County, appointing Levi Trewwhite, Nicholas Spring, P. J. G. Lea, James Berry, Robert Swan, John C. Kennedy, John Hardwick, Robert S. Bashears, and Burrow Buckner as Commissioners, who must organize themselves, and be incorporated as a body politic, and as such would have and exercise all powers and privileges of municipal corporations. Each must be sworn to office and bonded to do their duty in the amount of \$15,000. They would lay off and sell at public auction all unsold lots in the City and use the proceeds to assist in the building of a courthouse and jail. Any deficiency in funds may be made up by the levy of a tax on the property in the city according to its value. The sum of \$1,000 was to be paid to the Entry Taker of the Ocoee District for some of the land in the city. The mechanics of sale and title transfer were written into the Act. If commissioners of the city and county cannot agree on these matters, the Act named William Champion, Ezekiel Spriggs, George Real, Isacc Brazelton, and John Hammonds as other commissioners to settle these affairs.
3. Acts of 1837-38, Chapter 302, declared that the Ocoee River was navigable in Bradley County from its mouth to the property of Samuel Pharris. This Act was repealed by the Acts of 1841-42, Chapter 104.
4. Acts of 1839-40, Chapter 31, directed the Branch Bank of the Bank of Tennessee located at Athens in McMinn County to refund \$75 to Erby Boyd, of Bradley County, which was the amount overpaid by him to the Entry Taker of the Ocoee District in an entry of the Northwest fractional quarter of Section 13 of Township Two.
5. Acts of 1839-40, Chapter 44, declared the Ocoee River to be navigable in Bradley County from its mouth to a place known as Standing Rock in the said river. Every person erecting a dam across the river hereafter would be compelled to make and to keep in repair a slope, or gate, in the said

- dam at least 40 feet wide so that boats and crafts plying the river could pass up or down. This Act was repealed by Chapter 104, Acts of 1841-42.
6. Acts of 1839-40, Chapter 81, authorized the county courts of Bradley County and Polk County to appoint surveyors for their counties under the same rules and regulations as affected other surveyors.
 7. Acts of 1841-42, Chapter 104, expressly repealed all laws heretofore passed which declared any portion of the Ocoee River navigable in Bradley County, in their entirety. The appropriation heretofore made to improve the navigation of the Ocoee River would hereafter be applied to the improvement of the Hiwassee River.
 8. Acts of 1841-42, Chapter 183, incorporated the citizens of Cleveland with a charter containing a grant of several specific corporate powers and responsibilities. The Bradley County Sheriff was directed to hold an election at the courthouse in the City on the first Monday in April, 1842, to elect a mayor and six aldermen, and a constable for the city, all of whom would serve a one year term. The act required that a Recorder and a Treasurer be appointed in accordance with the instructions of the act.
 9. Acts of 1867-68, Chapter 43, incorporated all the area of the Sixth Civil District, as the same was described by metes and bounds in the Act, as the City of Cleveland in Bradley County, under the Mayor-Alderman form of government. Specific powers were granted to the Mayor and Alderman, one of whom was to be elected from each of the six wards of the city, and of whom a majority could transact business at proper times. A Recorder, a Constable, and a Treasurer would all be elected likewise, for one year terms. This Act was repealed by the one following.
 10. Acts of 1879, Chapter 105, repealed Acts of 1867-68, Chapter 43, which incorporated the City of Cleveland.
 11. Acts of 1893, Chapter 184, was the Charter of the City of Cleveland in Bradley County, which described the area embraced by the corporation providing for three Wards and a Mayor-Alderman type of government. The Mayor's salary was set at \$150 a year among many other explicit provisions of this lengthy and detailed charter of that city.
 12. Acts of 1897, Chapter 124, apparently was the first of many acts to follow which fixed the annual salary of most county officials according to the population of the particular county in which they served. According to this Act, in Bradley County, the Clerk and Master, the Trustee, the Sheriff, and the County Court Clerk would be paid \$1,800 a year each and the Clerks of the Circuit, Criminal and Special courts would be paid \$1,500 annually, and the Register, \$1,000. All the fees collected in the offices were declared to be the property of the county for which each official was accountable. This Act was very detailed about records and duties, and, although it was declared unconstitutional in Weaver v. Davidson County , 104 Tenn. 315, 59 S.W. 1105 (1900), nevertheless, it and many following it, combined to become the salary laws under which the state now operates.
 13. Private Acts of 1951, Chapter 663, required the County Judge, or Chairman, in Bradley County (identified by the 1950 Census), after passage of this Act, to advertise each week for four consecutive weeks in a newspaper in the county notifying all the holders of county warrants issued prior to September 1, 1950, to register the same with the Trustee within 90 days after publication of notice. No warrant filling these terms would be paid after the 90 days unless registered accordingly. The Trustee must register the warrants in a special book provided for that purpose and was barred from accepting, or paying, any warrant issued prior to the above date unless registered.

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