



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter I - Administration

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

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# Chapter I - Administration

## Celina Port Authority

### Private Acts of 1974 Chapter 346

**SECTION 1.** That in order to facilitate transportation in the County of Clay and City of Celina in the State of Tennessee, and to promote navigation on the Cumberland River, which traverses portions of the said county; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said county, to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said county, there is hereby established in Clay County and City of Celina, Tennessee a Port Authority, to be known as "The Celina Port Authority" "The Cumberland River Port Authority" or "The Celina Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating, and maintaining ports and navigation terminals on the Cumberland River and its tributaries, 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 Cumberland River and its tributaries in their operation; and (c) acquiring, constructing, operating and maintaining concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Celina 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 (sic) herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

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

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

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

(b) To issue and sell bonds payable solely out of the revenue and receipts derived from the Port Authority's projects or of any thereof as may be designated in the proceedings of the port authority commissioners under which the bonds shall be authorized to be issued, including debt obligations of the lessee, devisee, or contracting party obtained from or in connection with the financing of a project;

(c) To borrow money from banks and other financial institutions by issuing its notes for the purpose of carrying out any of its powers;

(d) As security for the payment of the principal of and interest on any bonds or notes so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects, or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom, or from any thereof, and/or to assign and pledge all or any part of, its interest in and rights under the leases, sale contracts or loan agreements relating thereto or to any thereof;

(e) To annually require an audit to be performed in accordance with provisions of Sections 9-3-111 to 9-3-113, inclusive, Tennessee Code Annotated, of the Authority's operations and to prepare and submit to the governing bodies of Clay County and the Town of Celina for each year, a financial report which shall include a balance sheet, statement of revenues and expenditures, a summary of

activities and accomplishments for the period, and proposed plans for at least the next year.

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

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

(h) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said county which, in the 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 Cumberland River and the navigable channel provided by the Cordell-Hull Reservoir.

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

(j) 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.

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

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

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

As amended by: Private Acts of 1983, Chapter 150

**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 in the name of the Celina Port Authority, any land, easements, or rights of way in Clay County 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 Celina Port Authority, and the property shall thereafter be entrusted to said Authority, 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 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: (a) The Port Authority shall have power to issue negotiable bonds from time to time in order to accomplish any of the purposes authorized by this act, and it shall also have power to issue refunding bonds for the purposes, and in the amounts and manner provided in Section 7-36-103(17), Tennessee Code Annotated, as amended. All such bonds shall be payable solely from all or any part of

the revenues, income and charges of the Port Authority.

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

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

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

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

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

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

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

As amended by: Private Acts of 1983, Chapter 150

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

The county executive and county clerk of Clay County and the Mayor and Recorder of the Town of Celina are hereby authorized and directed, to the extent which is now or hereafter legally possible, to execute all

documents necessary to guarantee or in any other manner to secure the payment of the bond obligations of such Port Authority; provided, however, that the approval of the governing bodies of Clay County and the Town of Celina to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that if such town and county are called upon to pay any obligations of the Port Authority, such town and county hereby agree that Clay County shall pay one-half (1/2) of such obligation and the Town of Celina shall pay one-half (1/2) of such obligation.

Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or town, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or town if such authorization is given. The approval by the governing bodies (2/3's) vote of the county legislative body of Clay County and the Board of Mayor and Aldermen of the Town of Celina and such legislative bodies shall also by a two-thirds (2/3's) vote approve the amounts of any bonds and/or notes which may be issued or entered into by the Port Authority.

Any bond issued under this act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal, or the Port Authority. The requirements for recordation of mortgages and other security instruments in the county Register's office shall be waived in the case of the Port Authority's execution of such mortgages or security instruments.

Any pledging of the credit of Clay County or the Town of Celina or guarantees of bond issues by Clay County or the Town of Celina shall be in accordance with and not contrary to Titles 5,6, and 7, Tennessee Code Annotated, as amended.

As amended by: Private Acts of 1983, Chapter 150

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

As amended by: Private Acts of 1983, Chapter 150

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

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

As amended by: Private Acts of 1983, Chapter 150

**SECTION 11.** That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the County of Clay, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

**SECTION 12.** That Clay County, the Celina 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 13.** That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the Port Authority with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees, and charges or otherwise.

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

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

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

In the event of failure to elect a successor to any member of said board the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the remaining members of the Board of Commissioners within thirty days of the event.

Any person at least twenty-five years of age who has resided within the boundaries of the county, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Court of Clay County and elected officials of the City of Celina shall not be eligible to serve as members of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county shall automatically become ineligible to serve in said office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of Clay County.

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

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

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

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

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

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as maybe appropriated by the County Court of Clay County and the City of Celina, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be approved by the Board, payable from the funds of the Authority, of such funds as may be appropriated by the County Court of Clay County and/or for the City of Celina.

**SECTION 15.** That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

**SECTION 16.** That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of The Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

**SECTION 17.** That the County Court of Clay County and/or the City of Celina authorized to appropriate to the Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Court and/or City of Celina are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to the Port Authority.

**SECTION 18.** That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

**SECTION 19.** That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

- (1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.
- (2) The payment of the interest on the bonds issued pursuant to the provisions of this act, and the principal of such bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.
- (3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes as may be required under any bond indenture 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.

As amended by: Private Acts of 1983, Chapter 150.

**SECTION 20.** That except as otherwise herein expressly provided all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than Five Hundred Dollars (\$500.00), or for construction, installation, repair or improvement of the property of 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 case 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 his Act with its own employees.

**SECTION 21.** That the Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, or the Federal government provided such governmental agency shall consent to such use.

**SECTION 22.** That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the county of Clay and/or the City of Celina sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority.

**SECTION 23.** That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

**SECTION 24.** That 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 25.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Cumberland River and its tributaries, the navigable Channel of the Cordell-Hull Reservoir facilitating the movement and transfer of goods and merchandise to, from and through the county of Clay encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said county.

**SECTION 26.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Clay County and by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the City of Celina. Its approval or nonapproval shall be proclaimed and countersigned by the clerk of the Quarterly County Court of Clay County and the Recorder for the City of Celina, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

**SECTION 27.** That for the purpose of approving or rejecting this act as provided in Section 22, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 22.

Passed: March 27, 1974.

## Livestock Inspector

### Private Acts of 1953 Chapter 590

**SECTION 1.** That in counties of this State with a population of not less than 8,700, nor more than 8,725, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding three animal inspectors to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or

contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not be liable for the default or negligence of any such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

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

Passed: April 9, 1953.

## Natural Gas Utility Service

### Private Acts of 1995 Chapter 73

**SECTION 1.** Clay County, by resolution of its county legislative body, is authorized to establish, construct, install, acquire, operate and maintain facilities and do all things necessary to provide natural gas as a utility service to customers within Clay County.

**SECTION 2.** (a) In the event that Clay County establishes a natural gas service, such service shall be provided by a department of the government of Clay County which shall be headed by a superintendent of natural gas service (hereinafter "superintendent"). The superintendent shall be an employee of the county who shall be appointed by the county executive of Clay County subject to the approval of the county legislative body of Clay County. The superintendent shall serve at the pleasure of the county executive. The superintendent shall be a person qualified by training and experience to supervise the maintenance and operation of a natural gas service. The compensation of the superintendent shall be determined by resolution of the county legislative body after the body receives the recommendation of the county executive.

(b) The superintendent shall be responsible for the management and operation of all the facilities herein provided and the enforcement of all rules, regulations, and programs adopted by resolution of the county legislative body.

(c) The superintendent shall hire and supervise all other employees of the natural gas service, and shall determine such employees' compensation subject to the approval of the county executive.

(d) The superintendent shall develop a proposed budget and a plan of service and shall submit such proposed budget and plan of service to the county executive according to a time schedule determined by the county executive. Upon approval of a proposed budget and plan of service by the county executive, the county executive shall submit the proposed budget and plan of service to the county legislative body for its approval. The county legislative body may approve, modify or disapprove the proposed budget and plan of service. The superintendent shall propose updates to the plan as needed. The plan shall include areas to be served, anticipated capital and operational costs, service fees and other necessary financial arrangements.

(e) The superintendent may, with the approval of the county legislative body, acquire and dispose of all property, real and personal, necessary to provide natural gas utility service for Clay County. Title to such property shall in all cases be taken in the name of Clay County.

(f) The superintendent shall at all times operate the natural gas service within the budget approved by the county legislative body. The superintendent, subject to the approval of the county legislative body, may enter into contracts for the construction, repair or maintenance of facilities of the natural gas service, in accordance with applicable general law, and rules adopted by resolution of the county legislative body. The superintendent may make or requisition purchases of personal property according to applicable purchasing laws and rules established by resolution of the county legislative body.

(g) The superintendent, subject to such rules as the county legislative body may establish by resolution, may contract for the purchase of natural gas for the purpose of resale.

(h) The superintendent shall make and keep complete, accurate and proper books and records of all transactions, charges and collection activity of the natural gas service, subject to such rules as may be established by the county legislative body in conformity with the general law.

**SECTION 3.** The county legislative body of Clay County may by resolution establish a procedure for the collection of service charges from customers of the natural gas service. The county legislative body may provide for late payment charges and delinquency penalties. Delinquent accounts of customers of the natural gas service, including late payment charges and delinquency penalties, shall be civil debt owed to the county for which the county may bring suit in the general sessions court of Clay County.

**SECTION 4.** The revenues and receipts of the natural gas service of Clay County shall be deposited in the general fund of Clay County and expenditures for the natural gas service shall be made from the general fund upon warrants signed by the county executive. Revenues and receipts of the natural gas service in excess of the expenditures of the natural gas service may be used for any county purpose.

**SECTION 5.** Clay County, in providing natural gas service to customers within Clay County, shall be subject to all safety standards applicable to transmission and distribution facilities of a natural gas utility district under the Utility District Law of 1937, as amended.

**SECTION 6.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) majority vote of the county legislative body of Clay County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by said presiding officer to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purpose, it shall become effective upon being approved as provided in Section 7.

Passed: May 22, 1995.

## Administration - Historical Notes

### County Legislative Body

The following act once applied to the quarterly court or the county legislative body of Clay County and is included herein for historical purposes.

1. Private Acts of 1959, Chapter 197, would have fixed the per diem of the Justices of the Peace at \$10 per day for attendance at meetings of the County Court plus mileage of ten cents per mile one way from their homes to the meeting place but this act was not approved by the County Court and therefore did not become a law.

### County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Clay 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 1903, Chapter 145, created the office of county judge for Clay County. The act also abolished the office of chairman and chairman pro tem of the county court and conferred the powers and jurisdiction of that office to the county judge. The compensation was set at \$200 per annum.
2. Private Acts of 1933, Chapter 742, amended Section 14, Chapter 145, Acts of 1903, which created the Office of County Judge for Clay County by setting the compensation of the Judge at \$500 per year, payable at quarterly intervals, which would be in lieu of all other compensation for services as a County Judge, financial agent, or whatever, including his work on the Workhouse Commission.
3. Private Acts of 1937, Chapter 407, amended Chapter 145, Acts of 1903, by making the County Judge or Chairman, the ex-officio Purchasing Agent for the county while denying the right to purchase by any other procedure to all other county officials; he would also arrange for rental of all equipment. He would also be free to contract. All items in excess of \$400 must be bid items. Administrative details are incorporated into the act, including a prescribed way of keeping records. He would be paid \$500 annual salary as Purchasing Agent. This Act was repealed by acts of 1937, Chapter 573.
4. Private Acts of 1937, Chapter 573, repeals Chapter 407 Private Acts of 1937, with reference to the duties of the County Judge as Purchasing Agent for the County.
5. Private Acts of 1937, Chapter 811, is a duplication of Chapter 573, above, in Item 3, and it also repeals Chapter 407, Acts of 1937.

6. Private Acts of 1939, Chapter 404, grants to the County Judge an additional salary of \$200 per annum for services in connection with the additional duties conferred upon him by the Social Security Act, it being the intention of the Legislature that this salary be in addition to all other compensation.
7. Private Acts of 1943, Chapter 53, repeals Chapter 145, Acts of 1903, which created the position of County Judge for Clay County, as the act was amended. This act was declared unconstitutional by the Supreme Court in State, ex rel, Baily v. Mabry, 181 Tenn. 7, 178 S.W.2d 379 (1943).
8. Private Acts of 1947, Chapter 322, provided that the County Judge of Clay County receive additional compensation of \$300 per year for the additional duties placed upon him by the Social Security Act, and for additional duties in connection with the Workhouse Commission, the Legislature intending this compensation to be in addition to all other pay.
9. Private Acts of 1949, Chapter 12, also granted the County Judge \$180 a year in additional salary because of the added duties placed upon him by law and for his performance of greater responsibilities with the Workhouse Commission, again, being the intent of the Legislature to grant this over and above all other compensation.
10. Private Acts of 1955, Chapter 403, would have repealed Chapter 145, Acts of 1903, which created the position of County Judge for Clay County, effective on September 1, 1958. The office would also stand abolished at the death or resignation of the incumbent County Judge if either should occur before September 1, 1958, all of this being contingent upon the outcome of a referendum held for that purpose, but this act was rejected and disapproved by the Quarterly County Court of Clay County and never did become effective under the Home Rule Amendment to the State Constitution.
11. Private Acts of 1978, Chapter 312, gave the county judge jurisdiction concurrent with that granted general sessions judges to supervise and approve emergency commitment of mentally ill individuals.

#### **County Trustee**

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

1. Private Acts of 1947, Chapter 544, states that the Clay County Quarterly Court by Resolution had given the Trustee a 1% commission on \$77,919.75 of bonds sold and an insurance claim collected in the public school system. This Act ratifies and validates all the actions taken by the county court in regard to the above, and orders that the Trustee be paid \$779.19 as his lawful commission for handling the said funds, which commission would be subtracted in pro rata amounts from each of the funds.

#### **General Reference**

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

1. Private Acts of 1937, Chapter 406, was a lengthy piece of legislation providing for a budget system for Clay County which prescribed a deadline date for preparation of the budget, a form of publication for a public hearing and penalties for failing to comply or otherwise violating the mandates of this Act. A Budget Committee was provided with certain terms of office, certain duties and responsibilities and who would be paid for each meeting. The School Board would also file a budget request as any other department, records were to be kept by all participating agencies. Once adopted no official could exceed the amount of the budget in his spending.
2. Private Acts of 1937, Chapter 575, repealed Chapter 406, Private Acts of 1937.

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