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# Regional Disposal Authority

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Dear Reader:

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

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

Sincerely,

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# Regional Disposal Authority

## Private Acts of 1972 Chapter 420

**SECTION 1.** Short title-This may be cited as the "Hamilton County Regional Disposal Authority Act."

**SECTION 2.** HAMILTON COUNTY REGIONAL DISPOSAL AUTHORITY: Hamilton County may create an authority to be known as the Hamilton County Regional Disposal Authority. The authority shall consist of five board members, two to be appointed by the County Judge and approved by the County Council, said appointees shall be appointed for five and three year terms. Two to be appointed by the Mayor of Chattanooga and approved by the City Commission, said appointees to be four and two year terms. The four appointed board members shall appoint one other member for a term of one year. Said board members at the expiration of their term shall be appointed, or their successor, for a five year term. Immediately after such appointments, the members of the authority shall enter upon their duties. In addition to the Chairman, the authority shall elect one of its members as Vice-Chairman and it may also elect a Secretary and Treasurer who need not necessarily be a member of the authority. Three members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority. The members of the authority shall be entitled to compensation for their services at the rate of \$600.00 per year, except the Chairman, who shall receive \$750.00 per year, and all members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The authority shall make rules and regulations for its own government.

**SECTION 3.** POWERS: The authority so created pursuant to this Act shall have the power;

(a) To do all things deemed necessary or convenient for an operation pertaining to the collection and disposal of solid waste.

(b) To acquire by purchase, gift, devise, lease or exercise of the power of eminent domain as now granted to counties or other mode of acquisition, hold and dispose of real and personal property of every kind within or without the county and state, whether or not subject to mortgage or any other liens.

(c) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds or leases with individuals, states, counties, private concerns and municipal corporations whether foreign or domestic.

(d) To incur debts, to borrow money, to issue negotiable bonds and to provide for the rights of holders thereof.

(e) To fix, maintain, collect and revise rates and charges for any service.

(f) To pledge all or any part of its revenues.

(g) To use any right-of-way, easement or other similar property rights held by the state or any political subdivision thereof which may be necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the authority, provided that the governing body of such political subdivision shall consent to such use.

(h) To appoint, select and employ, officers, agents and employees, including, but not limited to engineering, architectural, and construction expenses, fiscal agents and attorneys, and fix their respective compensations.

(i) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the authority or from such proceeds and any grant from the United States of America, State of Tennessee, or any agencies or instrumentalities thereof.

(j) To accept loans and/or grants of money or materials or property of any kind from the United States of America, State of Tennessee, or any agencies or instrumentalities thereof upon such terms and conditions as the United States of America, State of Tennessee, or such agencies or instrumentalities may impose.

(k) Any appeals from the administrative decisions of this board of commissioners shall be by common law writ of certiorari to a court of competent jurisdiction.

**SECTION 4.** If any commissioner or board member resigns or becomes incapacitated, he shall be replaced by the authority who appointed him for the remainder of that term only.

**SECTION 5.** RULES AND REGULATIONS FOR OPERATION OF PROJECTS. It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this Act, including, but not limited to, the basis on which collection and disposal of solid

waste shall be furnished.

**SECTION 6.** LIBERAL CONSTRUCTION OF ACT. - This Act being for the welfare of various political subdivisions of this area and its inhabitants, shall be liberally construed to effect the purposes hereof.

**SECTION 7.** EFFECT OF PARTIAL INVALIDITY OF ACT. - The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Council of Hamilton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Council and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: April 14, 1972.

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