



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Private Acts of 1979 Chapter 157

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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Private Acts of 1979 Chapter 157

SECTION 1. Creation of Authority. A governmental authority to be known as the "Resource Authority in Sumner County, Tennessee" is hereby created and established for and on behalf of Sumner County, Tennessee, and the Cities of Gallatin and Hendersonville, Tennessee, for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating and maintaining solid waste disposal and resource recovery facilities, systems, properties and services as hereinafter provided, selling, donating, conveying, leasing or otherwise disposing of or utilizing energy, energy producing materials, or other materials or commodities resulting therefrom, and undertaking any project or work related thereto or connected therewith. It is hereby determined and declared that the Authority shall be a public and governmental body acting as an instrumentality and agency of said county and said cities and that the powers herein granted are for public and governmental purposes and matters of public necessity.

SECTION 2. Definitions. Wherever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

"Authority" means the Resource Authority in Sumner County, Tennessee created by this act;

"Bonds" means bonds, notes, interim certificates or other obligations of the Authority issued pursuant to this act;

"Governing body" means the chief legislative body of a municipality, as hereinafter defined.

"Municipality" means any county, incorporated city or town, utility district, school district, power district, sanitary district or other municipal, quasi-municipal or governmental body or political subdivision in this state, and any agency, authority, branch, bureau, commission, corporation, department or instrumentality thereof now or hereafter authorized by law to be created;

"Person" means any individual, firm, partnership, association or corporation, or any combination thereof;

"Solid waste" means garbage, rubbish, refuse and other discarded solid materials, including, without limitation, all waste materials of a solid nature resulting from municipal, residential, industrial, commercial and agricultural operations and from community activities;

"Solid waste disposal facility" means land, rights in land, buildings, facilities and equipment suitable or necessary for collecting, receiving, transferring, placing, confining, compacting, treating or covering solid waste or for processing solid waste by, without limitation, incinerating, composting, separating, grinding, shredding, reducing or otherwise modifying the characteristics or properties thereof, including all property, real and personal, appurtenant thereto or connected with such work;

"Resource recovery facility" means land, right in land, building, facilities and equipment suitable or necessary for the recovery or production of energy or energy producing materials in any form resulting from the controlled processing or disposal of solid waste or the systematic separation, extraction and recovery of recyclable material from solid waste, including facilities or systems for the storage, conversion or transportation thereof;

"Project" means any solid waste disposal facility or resource recovery facility, or any combination thereof; and

"Revenues" means all rents, fees and other charges received by the Authority for use of its projects, facilities and services including, without limitation, all amounts received for the collection, transportation, disposal or processing of solid waste, the operation of any project, or the sale, storage, distribution or transportation of energy, energy producing materials, or other materials or commodities by the Authority.

SECTION 3. Board of Directors. The Authority shall have a Board of Directors in which all powers of the Authority shall be vested and which shall consist of seven (7) directors, all of whom shall be duly qualified electors of and taxpayers in Sumner County. The directors shall serve with such per diem compensation as the Board of Directors may determine by resolution, provided, however, that at no time shall the compensation of any director of the Authority exceed the compensation of any member of the governing body of Sumner County. The directors shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. Two (2) directors of the Authority shall be appointed by the governing body of the City of Hendersonville, two (2) directors shall be appointed by the governing body of the City of Gallatin, and three (3) directors shall be appointed by the governing body of Sumner County. The directors shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first Board of Directors, the directors shall be divided into three (3) groups made up as follows: a first group which shall be comprised of one (1) director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin and one (1) director appointed by the governing body of Sumner County; a second group comprised of one (1)

director appointed by the governing body of the City of Hendersonville, one (1) director appointed by the governing body of the City of Gallatin, and one (1) director appointed by the governing body of Sumner County; and a third group comprised of one (1) director appointed by the governing body of Sumner County. All appointments shall be made within thirty (30) days following the effective date of this act and the terms of office of all directors shall commence on the thirtieth day following such effective date. The initial term of directors included in the first group shall be two (2) years; the initial term of the directors included in the second group shall be four (4) years; and the initial term of the director included in the third group shall be six (6) years; and thereafter, the terms of all directors shall be six (6) years; provided that if at the expiration of any term of office of any director a successor thereto shall have not been appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so appointed. Any vacancy in the Board of Directors shall be filled for the unexpired term by the same governing body which filled the position becoming vacant. Any member appointed to the Board of Directors may, for reasonable cause, be removed from his or her office in the same manner and by the same governing body as such member was appointed to the office; provided that such removal shall be preceded by a full hearing before the remaining members of the Board of Directors after adequate notice of such hearing, and a report of such hearing shall be forwarded to such appointing authority. "Reasonable cause" shall include, but shall not be limited to, misconduct in office, failure to perform duties prescribed by this act or other applicable law, or failure to diligently pursue the objectives for which the Authority was created. The directors shall meet and organize as a board and shall elect one of its members as chairman, one as vice-chairman, one as treasurer and one as secretary and such officers shall annually be elected thereafter in like manner. The duties of secretary and treasurer may be performed by the same director. Any action taken by the Board of Directors under the provisions of this act may be authorized by resolution at any regular or special meeting, and any such resolution shall take effect immediately and need not be published or posted. Any meeting held by the Board of Directors shall be open to the public. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The concurring vote of a majority of all the directors shall be necessary for the exercise of any of the powers granted in this act. Any member appointed by the governing body of Sumner County shall be a member of the governing body of Sumner County. Should a Sumner County Director resign, retire or should his term of office as a Commissioner of Sumner County expire or otherwise for any reason his term of office or seat becomes vacant, then his seat as a Director for the Resource Authority shall expire and terminate as of the date of termination as a County Commissioner of Sumner County. The Sumner County governing body shall appoint one (1) of its commissioners to serve the remainder of the unexpired term. As amended by: Private Acts of 1995, Chapter 20.

SECTION 4. Powers of Authority. The Authority shall have the following powers in addition to those specified in other sections of this act, together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To have a seal and to alter the same at pleasure;
3. To plan, establish, acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, and to construct, equip, furnish, improve, repair, extend, maintain and operate one or more projects, which projects shall be situated within the boundaries of Sumner County, Tennessee, including all real and personal property, facilities and appurtenances which the Board of Directors of the Authority may deem necessary in connection therewith and regardless of whether or not any such project shall then be in existence;
4. To acquire, whether by purchase, exchange, gift, devise, lease, the exercise of the power of eminent domain or otherwise, any and all types of property, whether real, personal or mixed, tangible or intangible and whether or not subject to mortgages, liens, charges or other encumbrances and to hold, sell, lease, exchange, donate or convey any or all of its properties, facilities or services, whenever the Board of Directors of the Authority shall find such action to be in furtherance of the purposes for which the Authority is hereby created;
5. To remove, receive, transport, collect, purchase, transfer or otherwise obtain solid waste for disposal or processing from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person and to enter into contracts, agreements or other arrangements in connection therewith;
6. To sell, transfer, distribute or otherwise dispose of electricity, steam, or other forms of power or energy or energy producing material or any other material, product or commodity resulting from the operation of any project, facility or service of the Authority to any municipality, the State of Tennessee, the United States of America or any agency thereof, the Tennessee Valley Authority or any person and to enter into contracts, agreements or other arrangements in connection therewith;
7. To make and enter into all contracts, trust instruments, agreements and other instruments with

any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person, including, without limitation, bonds and other forms of indebtedness and contracts for the management and operation of any project, facility or service of the Authority or the treatment, processing, storage, transfer or disposal of solid waste;

8. To incur debts, to borrow money, to issue bonds and to provide for the rights of the holders thereof;

9. To pledge all or any part of the revenues and receipts of the Authority to the payment of any indebtedness of the Authority and to make covenants in connection with the issuance of bonds or other indebtedness or to secure the payment thereof;

10. To have control of its projects, facilities and services with the right and duty to establish and charge fees, rentals, rates and other charges for the use of the facilities and services of the Authority or the sale of materials or commodities by the Authority and to collect revenues and receipts therefrom, not inconsistent with the rights of holders of its bonds;

11. To apply for and accept donations, contributions, loans, guaranties, financial assistance, capital grants or gifts from any municipality, the State of Tennessee, the United States government or any agency thereof, the Tennessee Valley Authority, or any person for or in aid of the purposes of the Authority and to enter into agreements in connection therewith;

12. To enter onto any lands, waters and premises for the purpose of making surveys, soundings and examinations in and for the furtherance of the purposes authorized by this act;

13. To employ and pay compensation to such employees and agents, including attorneys, accountants, engineers, architects and financial advisors, as the Board of Directors shall deem necessary for the business of the Authority;

14. To use in the performance of its functions the officers, agents, employees, services, property, facilities, records, equipment, rights and powers of Sumner County or the Cities of Gallatin and Hendersonville, Tennessee, with the consent of said county or said cities, and subject to such terms and conditions as may be agreed upon; and

15. To exercise all powers expressly given to it and to establish and make rules and regulations not inconsistent with the provisions of this act, deemed expedient for the management of the Authority's affairs.

SECTION 5. Power to Condemn Property. The Authority is hereby authorized and empowered to condemn in its own name any land, rights in land, easements or rights of way situated within the territorial limits of Sumner County which, in the judgment of the Board of Directors, are necessary for carrying out the purposes for which the Authority is created and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by persons having the power of eminent domain, or otherwise held or used for public purposes; provided, however, such prior public use will not be interfered with by the use to which such property will be put by the Authority. Such power of condemnation may be exercised in the manner prescribed by Chapter 15 of Title 23, Tennessee Code Annotated, or in the manner prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain. Provided, however, the power to condemn as authorized by this section shall not be exercised unless such condemnation be approved by a two-thirds (2/3) vote of the county legislative body of Sumner County.

As amended by: Private Acts of 1980, Chapter 291.

SECTION 6. Bonds of the Authority. The Authority shall have the power to issue bonds from time to time in order to accomplish its purposes. All bonds issued by the Authority shall be payable solely out of and secured by a pledge of all or any portion of the revenues and receipts derived by the Authority as may be designated in the proceedings of the Board of Directors of the Authority under which the bonds shall be authorized to be issued; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the Authority at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in fully registered form or in bearer form registrable either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the State of Tennessee, may be subject to redemption, either with or without premium, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the Authority and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the Board of Directors whereunder the bonds shall be authorized to be issued. Any bonds of the Authority may be sold at public or private sale for such price and in the manner and from time to time as may be determined by the Board of Directors of the Authority to be the most advantageous, and the Authority may pay all expenses, premiums and commissions which the Board of Directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Authority of one or more series of bonds for one or

more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge made for any prior issue of bonds. Proceeds of bonds issued by the Authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, the payment of engineering, fiscal, architectural, bond insurance and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for the such payment. Any bonds shall, except as herein otherwise expressly provided, be issued for capital expenditures and none of the proceeds shall be used for operational expenditures or routine maintenance needs. Any bonds or notes of the Authority at any time outstanding may at any time and from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Directors may deem necessary, but not exceeding the sum of the following: (a) the principal amount of the obligations being refinanced, (b) applicable redemption premiums thereon, (c) unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds, (d) in the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the Board of Directors, or to the date or dates of maturity, whichever shall be determined by the Board of Directors to be the most advantageous or necessary to the Authority, (e) a reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve, (f) if the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced), and (g) expenses, premiums and commissions of the Authority, including bond discount deemed by the Board of Directors to be necessary for the issuance of the refunding bonds. A determination by the Board of Directors that any refinancing is advantageous or necessary to the Authority or that any of the amounts provided in the preceding sentence shall be included in such refinancing, or that any of the obligations to be refinanced shall be called for redemption on the first or any subsequent available redemption date or permitted to remain outstanding until their respective dates of maturity, shall be conclusive. Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. Unless the obligations to be refunded are to be retired at the time of delivery of the refunding bonds, the Board of Directors shall, prior to the issuance of the refunding bonds, cause notice of its intention to issue such bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time in a newspaper having general circulation in Sumner County and, as soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, shall cause notice of the issuance of the refunding bonds to be given in like manner. If any of the obligations to be refunded are to be called for redemption, the Board of Directors shall cause notice of redemption to be given in a manner required by the proceedings authorizing such outstanding obligations. The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

- (a) To the immediate payment and retirement of the obligations being refunded; or,
- (b) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including, without limitation, provisions for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the State of Tennessee if such certificate shall be secured by a pledge of any of said obligations having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificate so secured. Nothing herein shall be construed as a limitation on the duration of any

deposit in trust for the retirement of obligations being refunded, but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption. All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

SECTION 7. Security for Payment of Bonds. The principal of and interest on any bonds issued by the Authority shall be secured by a pledge of such revenues and receipts out of which the same may be made payable. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the projects or other 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 Directors 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 Authority, each pledge and agreement made for the benefit or security of any of the bonds of the 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 Authority. In the event of default in such payment or in any agreements of the 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 are issued. The county executive and county clerk 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 Resource Authority, including bond anticipation notes or any other similar obligations of the Authority; provided, however, that the approval of the governing bodies of Sumner County, the city of Gallatin and the city of Hendersonville to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that if such cities and county are called upon to pay any obligations of the Resource Authority, such cities and county hereby agree that Sumner County shall pay three-sevenths (3/7) of such obligation and the city of Gallatin and the city of Hendersonville shall each pay two-sevenths (2/7) of such obligation. Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or either city, 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 cities if such authorization is given. The approval by the governing bodies as prescribed above shall be by a two-thirds (2/3's) vote of the county legislative body of Sumner County, the city legislative body of Gallatin and the city legislative body of Hendersonville; 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 authority. Any bond issue under this Act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal of the 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 Authority's execution of such mortgages or security instruments. Any pledging of the credit of Sumner County or guarantees of bond issues by Sumner County shall be for the purpose of incinerating, recycling, separating, selling, reusing, salvaging, reclaiming, disposing, removing, dissolving, composting, landfilling, covering, storing, collecting, compacting, grinding, shredding, transporting, receiving, distributing, transferring, managing, utilizing, handling, processing, and converting, and/or transforming waste and shall be in accordance with and not contrary to Tennessee Code Annotated, Titles 5 and 6.

As amended by: Private Acts of 1980, Chapter 291,
Private Acts of 1990, Chapter 165.

SECTION 8. Neither Sumner County, the City of Gallatin, the City of Hendersonville, the State of Tennessee, nor any municipality other than the Authority shall, except as may otherwise be authorized by the governing body of any such county, city, state, or other municipality, in any event be liable for the payment of the principal of or interest on any bonds of the Authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by the Authority and none of the bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of said state, county, cities or any such municipality within the meaning of any constitutional or statutory provision whatsoever.

As amended by: As amended by: Private Acts of 1980, Chapter 291.

SECTION 9. Exemption from Taxation. The Authority is hereby declared to be performing a public function on behalf of Sumner County and the Cities of Gallatin and Hendersonville, Tennessee and to be a public instrumentality of said county and said cities. Accordingly, the Authority and all properties at any time owned by it and the income and revenues therefrom shall be exempt from all taxation in the State of Tennessee. All bonds issued by the Authority and the income therefrom shall be exempt from all state,

county and municipal taxation, except inheritance, transfer and estate taxes. Also, for purposes of the Securities Law of 1955, compiled as §§ 48-1601 -- 48-1648, Tennessee Code Annotated, and any amendments thereto or substitution therefor, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the State of Tennessee.

SECTION 10. Authority Non-Profit--Disposition of Earnings. No part of the net earnings of the Authority remaining after payment of its expenses shall enure to the benefit of any person except that, at such times as no bonds of the Authority are outstanding and unpaid and adequate provisions have been made for the full payment of expenses, appropriate reserve accounts and other obligations and contracts of the Authority, any net earnings of the Authority to the extent not necessary for such purposes shall be paid to Sumner County, the City of Gallatin and the City of Hendersonville in such proportions as may be agreed upon among such parties and the Board of Directors. If no agreement has been reached among the parties within sixty (60) days after the commencement of negotiations therefor, the question of the allocation of any available net earnings shall be settled by arbitration in accordance with the laws of the State of Tennessee pertaining to arbitration in effect at the time of submission to the arbitrators. Nothing herein contained shall prevent the Board of Directors from transferring all or any part of the properties of the Authority in accordance with the terms of any contract, agreement or covenant entered into or undertaken by the Authority.

SECTION 11. Annual Audits. The Board of Directors shall prepare and submit to the governing bodies of Sumner County, the City of Gallatin and the City of Hendersonville each fiscal year a financial statement which shall be audited by a recognized form of independent certified public accountants.

SECTION 12. Powers Not Restricted. Neither this act nor anything herein contained shall be construed as a restriction or a limitation upon any powers which the Authority might otherwise have under any laws of this state, but shall be construed as cumulative of and supplemental to any such powers. No proceeding, notice or approval shall be required with respect to the issuance of any bonds of the Authority or any instrument as security therefore except as provided in this act, any law to the contrary notwithstanding; provided that nothing herein shall be construed to deprive the State of Tennessee and its governmental subdivisions of their respective police powers over properties of the Authority, or to impair any power of any official or agency of said state and its governmental subdivisions which may be otherwise provided by law.

SECTION 13. Agreements with Authority Authorized. The State of Tennessee or any municipality therein is hereby authorized, whenever the same shall be found desirable by its governing body, to enter into contracts, agreements or other arrangements with the Authority regarding any project, facility or service of the Authority, including, without limitation, the collection, transfer, storage, transportation, processing or disposal of solid waste or the purchase, sale, lease or other disposition of energy, energy producing materials and other materials, commodities or properties of the Authority. Any such contract or agreement may extend for any period not exceeding forty (40) years from the date thereof. Any payments to be made to the Authority pursuant to an agreement may be payable from general funds, to the extent permitted by law, or from such limited source as may be agreed upon between the Authority and such entity, and in the case of payments to be made from general funds, the governing body of any municipality having the taxing power may provide for the levy and collection of a direct, annual tax sufficient to make such payments to the Authority when the same become due. Such tax shall be assessed, levied, collected and paid in like manner as other taxes of such municipality and shall be in addition to all other taxes now or hereafter authorized to be levied by such municipality. Such tax shall not be included within any statutory or other limitation as to rate or amount for such municipality, but shall be excluded therefrom and be in addition thereto and in excess thereof. The governing body of any municipality not having the taxing power shall, upon entering into an agreement with the Authority, make adequate provision for the timely payment of all amounts to be paid to the Authority. No payments shall be construed to be an indebtedness of a municipality within the meaning of any constitutional or statutory provision.

SECTION 14. Powers of County and Cities. Sumner County, the City of Gallatin and the City of Hendersonville, Tennessee, shall have all necessary powers in order to further the purposes of this act, including without limitation, the power:

- (a) To provide that any funds on hand or to become available to it for solid waste or resource recovery purposes shall be paid directly to the Authority; and
- (b) To sell, lease, dedicate, donate or otherwise convey to the Authority any of its interest in any existing solid waste disposal or resource recovery facility or other related property, or grant easements, licenses or other rights or privileges therein to the Authority. The respective governing bodies of said county and cities are authorized to appropriate funds to the Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of the Authority or the operation of any of the projects, facilities and systems authorized by this act, and said governing bodies are also authorized and

empowered to levy a tax, in addition to all other taxes, upon all taxable property within said county or said cities, sufficient to pay such appropriation to the Authority.

SECTION 14A. (a) The City of Gallatin, the City of Hendersonville and any other incorporated municipality in Sumner County, Tennessee, are each authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within their boundaries, and in furtherance of the energy and environment objectives of this act and those of Tennessee Code Annotated, Sections 68-31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(b) Sumner County is authorized to exercise exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within that portion of the county's boundaries not located within the corporate limits of a municipality, and in furtherance of the energy and environmental objectives of this chapter, and those of Tennessee Code Annotated, Sections 68- 31-101, et seq., to take all necessary and proper actions which displace competition with regulation or monopoly public service.

(c) The jurisdiction and right to control granted by this section may be exercised by ordinance, resolution, contract, or otherwise; provided that manufacturing firms which hold state permits to dispose of or utilize their own solid wastes on plant property on the effective date of this act shall not be subject to the provisions of this section except by mutual agreement between plant management and the municipality or county.

(d) Each municipality and the county is authorized to establish, levy and collect fees, rates, or charges in connection with the collection, delivery, sale, purchase, or disposal, whether at the site of the resource recovery facility, a landfill, or otherwise, of solid waste.

(e) Any person who willfully violates any of the ordinances or resolutions passed by any of the municipalities or of Sumner County or willfully fails, neglects or refuses to comply with such ordinances or resolutions shall be guilty of a misdemeanor and upon conviction, shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than \$2,500.00 for each violation, within the discretion of the court having jurisdiction over such matter, and each day of continued violation shall constitute a separate offense.

(f) In addition to the penalties provided herein, the municipalities and Sumner County may enforce any ordinances, resolutions or contracts issued or entered into to carry out the provisions of this section by instituting legal proceedings to enjoin the violation of the provisions of this section, in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation hereof.

As amended by: Private Acts of 1986, Chapter 193.

SECTION 15. Project Sites, Sumner County, the City of Gallatin or the City of Hendersonville, Tennessee may acquire a project site by gift, purchase, lease or condemnation, and may transfer any project site to the Authority by sale, lease, or gift. Such transfer may be authorized by a resolution of the governing body of said county or said cities without submission of the question to the voters, and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

SECTION 15A. Any tax levied by the Authority shall be authorized by a private act enacted by the Tennessee General Assembly. The term "tax" shall not be construed to include any reasonable tipping fees or similar fees which the Authority may impose for services rendered to the County of Sumner, any city therein, or any other person.

As amended by: Private Acts of 1980, Chapter 291.

SECTION 16. Liberal Construction. This act is remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of solid waste disposal and encouraging the best utilization and conservation of energy and natural resources.

SECTION 17. Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application 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 18. Local Approval. This act shall have no effect unless approved by a two-thirds (2/3) favorable vote of the governing body of Sumner County and by a two-thirds (2/3) favorable vote of each of the respective governing bodies of the City of Gallatin and the City of Hendersonville, Tennessee. Its approval or disapproval shall in each case be proclaimed by the presiding officer of each governing body and certified by such officer to the Secretary of State.

SECTION 19. Effective Date. For the purpose of approving or rejecting the provisions of this act, as provided in Section 18, it shall be effective upon becoming a law, but for all other purposes it shall be effective only upon being approved as provided in Section 18.

Passed: May 17, 1979.

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