



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

March 29, 2025

Chapter I - Administration

Dear Reader:

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

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter I - Administration

County Attorney

Private Acts of 2009 Chapter 20

SECTION 1. There is created the position of county attorney for Polk County, Tennessee.

SECTION 2. The county attorney shall be elected to such position by two-thirds (2/3) majority vote of the county legislative body.

SECTION 3. The county attorney shall be elected at the regularly scheduled meeting one (1) month after this act's approval by the county legislative body (or when a vacancy occurs) and at the regularly called meeting each October thereafter.

SECTION 4. The county attorney shall serve on the first year elected until the following October and for a term of one (1) year thereafter as indicated in Section 3.

SECTION 5. Any vacancy in the office of county attorney shall be filled in interim at the discretion of the county executive of Polk County until the next regularly scheduled meeting of the county legislative body. The legislative body then will fill such position as prescribed in Sections 2, 3 and 4.

SECTION 6. The county attorney shall be compensated either by retainer or fee for service or both. The county legislative body shall fix the rate of compensation for the county attorney based upon the agreement of the person elected to service as county attorney and such body.

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

SECTION 8. 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 as provided in Section 7.

Passed: May 21, 2009.

County Executive

Private Acts of 2005 Chapter 3

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Polk County shall be redesignated as "county executive."

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Polk County. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. 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 as provided in Section 2.

Passed: February 17, 2005.

Hiwassee River Tri-County Port Authority

Public Acts of 1963 Chapter 357

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. That, in order to facilitate transportation in the Counties of Bradley, McMinn, and Polk in the State of Tennessee, and to promote navigation on the Hiwassee River, which traverses portions of the said counties; to facilitate the movement and transfer of people, goods and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Bradley, McMinn, and Polk Counties, Tennessee a Port Authority, to be known as "The Hiwassee River Tri-County Port Authority", "The Port Authority" or "The Port Authority Commissioners," for

the purposes of (a) acquiring, constructing, operating and maintaining ports and navigation terminals on the Hiwassee River, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing or fabricating plants or other industries which require access to the waters of the Hiwassee River in their operations; and (c) acquiring, constructing, operating, and maintaining railroads, switchyards, concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

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

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

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

- (a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Bradley, McMinn, and Polk Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.
- (b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.
- (c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.
- (d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Hiwassee River in their operations.
- (e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.
- (f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.
- (g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.
- (h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of The Port Authority and the efficient operation of its

facilities.

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

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

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

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

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

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

SECTION 10. That the Board of Commissioners of the Port Authority shall consist of nine members. Three of the nine initial members of the Board of Commissioners of the Port Authority shall be elected by a majority vote of the members of each of the County Courts of Bradley and Polk Counties and the County Council of McMinn County on the first Thursday of March, 1963, or as soon as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court or council shall expire the first Thursday of March 1965; the term of office of the second member selected by each respective county court or council shall expire the first Thursday of March 1967; the term of office of the third member selected by each respective county court or council shall expire the first Thursday of March 1969.

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

The County Court or Council of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts or council of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the

County Courts of Bradley and Polk counties and the County Manager of McMinn County not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the county court or council by a two-thirds vote of all of the members of said court or council, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

Such bonds shall have all the qualities and incidents of negotiability. Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Courts or Council may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

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

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

Prior to a vote by the County Courts and Council of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts and Council, the Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Bradley and Polk and to the County Council of McMinn County, a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rata amount to be issued by each county, supported by a report on the need for, and projected use of the facilities for the financing of which such bonds issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed. Bonds may be issued as direct and general obligations of each of the Counties of Bradley, McMinn, and Polk payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court or Council, as the case may be, of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or

private sale, and in such manner as may be determined by resolution of each of the said County Courts and Council authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

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

- (a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest of such bonds.
- (b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.
- (c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.
- (d) To provide for the replacement of lost, destroyed or mutilated bonds.
- (e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.
- (g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.
- (h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.
- (k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.
- (l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

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

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

SECTION 16. That the County Court or Council, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage

of bonds, including a trustee or trustees, for such holders, the rights, in the event of an "event of default", as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising there from, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct.

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

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

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

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

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

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

(1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities shall not be used for this purpose.

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

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

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

except as may be directed by the Port Authority Commissioners.

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

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

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

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

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

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

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

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

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

SECTION 25. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

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

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

it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Bradley and Polk Counties, and the County Manager of McMinn County, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

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

Passed: March 21, 1963.

Workers' Compensation

Private Acts of 1955 Chapter 39

SECTION 1. That quarterly county courts in counties having a population of not less than 14,000 and not more than 14,900 inhabitants according to the Federal Census of 1950, or any subsequent Federal Census, be and they are hereby authorized to pay out of the ordinary funds of the county all claims for money damages now accumulated, or which may hereafter accumulate, growing out of the injury or death of any employee of any department, division, bureau, commission or agency of said county, received by such employee in the line of duty and in the course of employment, whether such injury shall be accidental or otherwise. Said counties are hereby authorized to pay and compensate dependents of such employee (as defined in the Workmen's Compensation Laws of this State) in cash for death arising out of such injury; provided however, that any award or settlement made under this Act shall in no event exceed the amount which would be allowable under the provisions of the Workmen's Compensation Law of this State.

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

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

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

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

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

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

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

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the county judge or chairman, and shall be certified by him to the Secretary of State.

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

Passed: February 3, 1955.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Polk County, but they have been specifically

repealed or superseded by current law.

1. Private Acts of 1939, Chapter 102, established a Budget Commission consisting of 3 members to be elected by the Quarterly Court. The act detailed budget procedures to be followed. While this act was never specially repealed, it is deemed to be superseded by the Private Acts of 1975, Chapter 192.
2. Private Acts of 1975, Chapter 192, established a budget system for Polk County in sections 17 through 29 of the act. The Budget Committee consisted of three members elected by the County Council, two of which were to be council members. Private Acts of 1980, Chapter 334, amended Private Acts of 1975, Chapter 192, specifically pertaining to the budget system by directing that the County Judge shall be an ex officio non-voting member of the committee. Private Acts of 1975, Chapter 192, and its amendments have been superseded by the Public Acts of 1978, Chapter 934, Section 35, which allowed for a transition period extending until January 1, 1982 from the County Council form of government which was created under the 1975 Private Act to the County Legislative Body form of government which was established under the Public Acts of 1978, Chapter 934, which is now codified in Tennessee Code Annotated Section 5-5-101 et. seq.

County Attorney

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

1. Private Acts of 1939, Chapter 100, created the office of Polk County Attorney and provided for the qualification, election, and duties of the office. The Private Acts of 1939, Chapter 100, was repealed by the Private Acts of 1947, Chapter 30.
2. Private Acts of 1941, Chapter 76, amended Private Acts of 1939, Chapter 100, by increasing the salary of the office to \$1,800 per year and enlarging the duties of the office to provide for collection of delinquent taxes.
3. Private Acts of 1951, Chapter 324, created the office of Polk County Attorney; this act was amended by Chapter 113 of the Private Acts of 1971 to raise the salary of this office. Both of these acts were repealed by Private Acts of 1975, Chapter 192.
4. Private Acts of 1975, Chapter 192, Section 15, authorized the County Judge to hire a county attorney. This act has been rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which does away with the County Council type government.

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Polk County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 157, created the office of County Judge in Polk County and abolished the position of chairman of the county court. This was amended by Private Acts of 1931, Chapter 571, to provide that the Polk County Judge would also act as the purchasing agent of the county, with sole power to purchase the supplies and equipment needed by the county, but these powers were removed by Private Acts of 1935, Chapter 129. Private Acts of 1929, Chapter 157, was repealed by the Private Acts of 1949, Chapter 558.
2. Private Acts of 1935, Chapter 130, abolished the office of County Judge, by repealing Private Acts of 1929, Chapter 157.
3. Private Acts of 1939, Chapter 184, apparently revived Private Acts of 1929, Chapter 157, by amending the 1929 act to raise the salary of the County Judge, effective on the first Monday in September, 1950.
4. Private Acts of 1971, Chapter 112, provided for the election of a county judge, who would hold office for a term of six (6) years. The office of chairman of the county court was abolished and all the chairman's duties, powers and prerogatives were transferred to the county judge. The salary was determined by the quarterly court not to exceed \$8,500 per annum.
5. Private Acts of 1975, Chapter 192, created a five member County Council in Polk County. The County Judge was also a voting member of the Council. The act and its 1980 amendment, while never specifically repealed, have been superseded by Public Acts of 1978, Chapter 934, Section 35, and codified in T.C.A. § 5-5-101, which does away with the Council type government.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Polk County and are

included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1921, Chapter 836, set the salary of justices of the peace at \$3.00 per day plus 10¢ per mile for their travel to and from meetings of the quarterly county court. This act was repealed by Private Acts of 1967-68, Chapter 179.
2. Private Acts of 1929, Chapter 203, authorized the employment of a deputy county court clerk at a salary of not more than \$100 per month. This is now covered by T.C.A. §§ 8-2001 and 8-2404.
3. Private Acts of 1935, Chapter 187, created the office of Chairman of the County Court, but his office was abolished by Private Acts of 1971, Chapter 112.
4. Private Acts of 1951, Chapter 577, set the per diem salary of the justices of the peace at \$4.50 plus \$.05 for each mile traveled to and from the place of the county court meeting.
5. Private Acts of 1951, Chapter 664, created the office of clerk to the chairman of the county court to be paid \$200 per month.
6. Private Acts of 1961, Chapter 210, attempted to amend Private Acts of 1951, Chapter 664, by raising the salary of the clerk to the chairman of the county court to \$250 per month, but this act did not receive local approval and never became effective.
7. Private Acts of 1963, Chapter 77, raised the monthly salary of the chairman's clerk to \$250.
8. Private Acts of 1967-68, Chapter 87, attempted to create the office of Polk County Judge. This act was amended by Private Acts of 1967-68, Chapter 165, to provide that the local ratification election would be held on voting machines, but the Polk County voters rejected Chapter 87 of its provisions, and it never became effective law.
9. Private Acts of 1967-68, Chapter 179, set the compensation of Justices of the Peace at \$25 per day and 10¢ per mile for up to eight meetings per year actually attended.
10. Private Acts of 1969, Chapter 17, raised the salary of the clerk of the chairman of the county court to \$3,600 per annum.
11. Private Acts of 1975, Chapter 129, was almost a duplicate of Private Acts of 1975, Chapter 192, except in Section 3 where it was specified that the special elections would be called by the Election Commission instead of being held on the third Tuesday in July, 1975, and voting precinct 9(a) was omitted in the published act. This act was not only rejected by the Quarterly Court but was also repealed by Chapter 192.
12. Private Acts of 1975, Chapter 192, created a County Council in Polk County consisting of the County Judge and 5 elected members. The act also established a budget committee and purchasing agent for the county. This act was amended by Private Acts of 1980, Chapter 334, so as to remove the voting privileges of the County Judge in his official capacity as a member of the Council. The act and its amendment, were rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which abolished the County Council form of government and is codified in T.C.A. §§ 5-5-101.

County Register

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

1. Private Acts of 1921, Chapter 441, set the annual salary of the Polk County register of deeds at \$1,500. Private Acts of 1921, Chapter 684 also set the register's salary at \$1,500 per annum, and it was amended by Private Acts of 1923, Chapter 638, and Private Acts of 1927, Chapter 621, to raise this salary. There was a discrepancy in the captions of these amendatory acts since they referred to the salary of the registrar, while the original act referred to the register. The maximum and minimum compensation of a county register is now regulated by Sections 8-24-102 and 8-24-104 of Tennessee Code Annotated, and set by the governing body of the county.

County Trustee

The following acts once affected the office of county trustee in Polk County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 476, set the salary of the county trustee at \$4,000 per annum, but this act was repealed by Private Acts of 1929, Chapter 156.
2. Private Acts of 1929, Chapter 325, authorized the employment of a deputy trustee at a monthly salary of \$150. The authorization for hiring a deputy trustee is now found in T.C.A. §§ 8-20-101 and §§ 8-24-103 provides the method for compensating these deputies.

Purchasing

The following acts once affected the purchasing procedures of Polk County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 571, added Section 8 of the Private Acts of 1929, Chapter 157, so as to make the County Judge the purchasing agent in Polk County. This act was repealed by the Private Acts of 1935, Chapter 129.
2. Private Acts of 1975, Chapter 192, which established the County Council, also provided for a County Purchasing Department and a Purchasing Agent. This act has been rendered ineffective by the Public Acts of 1978, Chapter 934, Section 35, which abolished the County Council form of government.

General Reference

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

1. Acts of 1839-40, Chapter 81, authorized the county court to appoint a county surveyor. This is now covered by T.C.A. §§ 8-1201.
2. Acts of 1842 (Ex. Sess.), Chapter 11, directed the state treasurer to pay William A. Eichbaum \$225 for the 45 copies of Nicholson and Caruther's Digest of the Statute Laws of Tennessee, which were to be supplied to the counties of Polk and Van Buren.
3. Acts of 1843-44, Chapter 80, provided that the militia in the Seventh and Eighth Civil Districts of Polk County were to constitute a battalion and were to be attached to the 152nd Regiment but were not to be compelled to attend battalion muster.
4. Acts of 1843-44, Chapter 202, ordered the commissioners of Polk County to pay over to the county trustee all monies received from the sale of lots in Benton which had not been expended on county improvements.
5. Acts of 1866-67, Chapter 30, incorporated for ninety-nine years the Polk County and Caney Fork Petroleum Oil and Land Company.
6. Private Acts of 1933, Chapter 65, removed the disabilities of infancy and minority from Jessie Clayton.
7. Private Acts of 1935, Chapter 576, authorized Polk County to contract with the Public Works Administration and/or any other federal agencies, for funds or not more than \$300,000 which were to be used for acquiring the necessary lands, constructing and equipping school buildings and facilities. This was repealed by Private Acts of 1937, Chapter 327.
8. Private Acts of 1935, Chapter 577, authorized Polk County to contract with the federal Public Works Administration or any other federal agencies for funds of not more than \$75,000 to be used for remodeling, repairing and building additions to the county courthouse and jail.
9. Private Acts of 1947, Chapter 367, restructured the Polk County government by forming a three member Board of County Commissioners and dividing the county government into the divisions of Highways and Public Works, Purchasing and Finance, and Welfare and Institutions. This act was amended by Private Acts of 1949, Chapter 79, to place additional duties in the County Commission, by Private Acts of 1949, Chapter 561, to extend the term of the County Commissioners to six years and by Private Acts of 1947, Chapter 747, to require the secretary of the Board of County Commissioners to sign all county warrants. All of these acts were repealed by Private Acts of 1951, Chapter 167.
10. Private Acts of 1951, Chapter 663, required the Chairman of the County Court to advertise in newspapers, notifying all holders of Polk County warrants which were dated prior to September 1, 1950, that they must register such warrants within ninety days after the newspaper publication in order to have them honored as valid obligations of the county.

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