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## Chapter XI - Public Utilities

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

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

Sincerely,

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# Chapter XI - Public Utilities

## Hiwassee Solid Waste Utility District

### Public Acts of 1969 Chapter 289

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

**SECTION 1.** This Act shall be known and may be cited as the "Hiwassee Solid Waste Utility District Act."

**SECTION 2.** In order to protect and promote the public health, safety and welfare, to prevent the spread of disease and creation of nuisances, to conserve the natural resources, and to enhance the beauty and improve the quality of the environment in the area of Bradley and Polk Counties, this Act authorizes the creation of a Bi-County District to be known as the Hiwassee Solid Waste Utility District. This District is authorized to establish, construct, install, acquire, operate, improve, and maintain a solid waste disposal system in any area or areas within the borders of Bradley and Polk Counties, and to exercise all powers necessary or convenient thereto, including powers to contract, to sue and be sued in its own name, and to make regulations not inconsistent herewith.

**SECTION 3.** For the exercise of the powers conferred by this Act, each County shall authorize same and affirm its participation by resolution adopted by a two-thirds majority of the County Court, and the powers conferred herein shall not be exercised unless both Counties so resolve. Such resolution shall provide for the exercise of such powers by a Board established as hereafter provided.

**SECTION 4.** Subject to confirmation by the County Court, the County Judge or Chairman of each of the participating Counties shall appoint three (3) persons to serve on the Hiwassee Solid Waste Utility District Board. At the time of the initial appointments, at least one of the three members from each County shall be a member of the appointing County's governing body. Each County's appointees shall be initially appointed for terms of one (1), two (2), and three (3) years respectively, and their successors shall be appointed for terms of three years, subject to confirmation as aforesaid. A member may be reappointed for as many terms as the appointing body determines. The County Judge or Chairman shall in like manner fill vacancies which may occur for the unexpired terms thereof. Each member shall give bond as may be required by resolution of the County Court which appointed him. Such members shall serve without compensation except for necessary expenses incurred in the performance of their duties.

A majority of the Board shall constitute a quorum. The Board shall elect its own Chairman, and shall be authorized to employ such clerical help as may be necessary. The Board shall hold public meetings at least once every quarter (or more frequently if the Board deems necessary), at such regular time and place as it may determine, and special meetings shall be held upon the call of the Chairman. The Board shall establish its own rules of procedure.

Any member of the Board may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the County Court which appointed him, but only after preferment of formal charges by a resolution of a majority of such County Court following a public hearing before it.

Before the Board shall adopt any proposed budget or salary plan for its employees, it shall submit same to the County Courts of Bradley and Polk Counties for approval or rejection of the pro-rata share which each County will contribute, as hereinafter provided.

**SECTION 5.** The general administration and control of the acquisition, improvement, operation and maintenance of the Solid Waste Disposal District herein provided for shall be under the control of the Board. However, the Board shall employ a superintendent to directly supervise the operations of the Solid Waste Disposal System.

The superintendent shall be a person who shall be qualified by training and experience for supervision over the maintenance and operation of the facilities provided for herein. Such person need not be a resident of the State or either of the participating Counties at the time of his selection. The salary of the superintendent shall be determined by the Board and approved by the County Courts of the participating Counties. All employees shall serve at the pleasure of the appointing authority and shall be subject to removal by that authority at any time. Notwithstanding, the Board, if it chooses, shall be authorized to enter into a binding employment contract with the superintendent.

Within the limits of the funds available therefor, all powers to establish, construct, install, acquire, operate, improve, and maintain the facilities provided for herein, and all powers necessary or convenient thereto, conferred by this Act shall be exercised by the Board of the Hiwassee Solid Waste Utility District.

The Board may delegate the actual conduct of these matters to the superintendent.

**SECTION 6.** The superintendent shall have charge of all actual construction, the immediate management and operation of all facilities provided for herein, and the enforcement of all rules, regulations, programs, plans and decisions of the Board. He shall hire all employees and fix their duties excepting that the appointment of all technical consultants, advisers and legal assistants which shall be subject to the approval of the Board and the governing bodies of the respective Counties. With the approval of the Board, the superintendent may fix compensation of all employees and acquire and dispose of all property, real and personal, necessary to effectuate the purposes of this Act. Title to all such property shall be taken in the name of the Hiwassee Solid Waste Utility District. Subject to the approval of the Board, the superintendent shall let all contracts. However, he may make purchases of personalty up to a cost of Five Hundred Dollars (\$500) without the approval of the Board, but subject to such regulations as it may prescribe. Any contact for construction exceeding Two Thousand Dollars (\$2,000) shall be advertised for bids by the superintendent.

The superintendent shall make and keep full and proper books and records, which shall be audited annually and presented to the Board and the County Courts of the participating Counties.

**SECTION 7.** The Counties of Bradley and Polk shall be empowered to levy and collect ad valorem taxes for the purposes set forth in this Act, which purposes are declared to be for county, public purposes; and said counties are further empowered, through their County Courts, to appropriate moneys for the operation of the Hiwassee Solid Waste Utility District. The annual pro rata share of each County shall be determined by the Board based upon considerations including the population, anticipated users, length of route and number of storage containers located in each County. The Board is authorized but not required, to establish user fees. Any such fees shall be for the use of the Board.

The Board is further authorized to accept donations and gifts of real and personal property on behalf of Hiwassee Solid Waste Utility District.

**SECTION 8.** In connection with the operation of this District, the Board is authorized to enter into contracts with private persons and with other governmental units or agencies, federal, state, or local, including municipalities, towns, and other utility and improvement districts within this Bi-County area, for the furnishing of services and facilities within the purview of this Act. The Board may also enter into cooperative arrangements and agreements for providing such services and facilities upon terms determined advantageous by the Board. In any cooperative undertaking by the Board with any other governmental unit or entity for the furnishing of the facilities or services contemplated herein, the Hiwassee Solid Waste Utility District's share of the cost may be financed from the funds received by it from the participating Counties.

**SECTION 9.** The Board is hereby authorized to require that private collectors operating within the Bi-County area shall be required to use the landfills established by the Board for the disposal of solid waste materials. The Board is further authorized and directed to make and publish reasonable rules and regulations covering the use by any individual, firm or corporation, of the facilities provided under this Act. Such rules and regulations shall comply with the standards recommended by the Solid Waste Section, Division of Sanitary Engineers, Tennessee Department of Public Health.

**SECTION 10.** This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 8, 1969.

## Public Utilities - Historical Notes

The following act no longer pertains to public utilities in Polk County.

1. Public Acts of 1977, Chapter 489, amended Section 6-2614, Tennessee Code Annotated to provide a method whereby the member of a Board of Directors of a water district could be removed. The Act applied only to water districts and involved the filing of a petition with the County Judge and the confirmation of such action by the people in a referendum election. Several counties, including Polk County, exempted themselves from the application of that act.

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