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# Chapter I - Administration

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Dear Reader:

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

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

Sincerely,

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# Chapter I - Administration

## Advertising Material

### Public Acts of 1983 Chapter 353

**SECTION 1.** It shall be unlawful for any person to place or attach any type of show-card, poster, or advertising material or device, including election campaign literature, on any kind of poles, towers, or fixtures of any public utility company, whether privately or publicly owned or as defined in Tennessee Code Annotated, Section 65-4-101, unless legally authorized to do so.

**SECTION 2.** This Act shall apply to any county having a population of not less than eighty-eight thousand seven hundred (88,700) nor more than eighty-eight thousand eight hundred (88,800), not less than one hundred forty thousand (140,000) and not more than one hundred forty-five thousand (145,000), any county having a population of not less than seventy-four thousand five hundred (74,500) nor more than seventy-four thousand six hundred (74,600) according to the 1980 Federal Census of Population or any subsequent Federal Census, and any county having a metropolitan form of government, which elects to come under its provisions upon approval by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of any county to which it may apply. Its approval shall be proclaimed by the presiding officer of the county legislative body of such county and certified by him to the Secretary of State.

**SECTION 3.** The provisions of this Act shall also apply to any county having a population of not less than 319,625 and not more than 319,725 according to the 1980 Federal Census or any subsequent Federal Census.

**SECTION 4.** The provisions of this Act shall also apply in counties having a population of

**not less than**

28,690

13,600

43,700

**nor more than**

28,750

13,610

43,800

according to the 1980 Federal Census of Population or any subsequent Federal Census.

**SECTION 5.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 5, 1983.

## Building Permits

### Private Acts of 1965 Chapter 82

**SECTION 1.** (a) Any person, partnership or corporation who intends to erect, place, install, construct, reconstruct or to have erected, placed, installed, constructed, altered or reconstructed any structure in Monroe County, and any person, partnership or corporation desiring to alter or have altered any existing structure in Monroe County where the value of such alteration is greater than Five Thousand Dollars (\$5,000.00) shall apply to the Monroe County Codes Enforcement Officer for a building permit for such erection, placement, installation, construction or reconstruction or alteration. The term "structure" shall include mobile homes and manufactured housing.

(b) The application shall be in a form to be prescribed by the County Codes Enforcement Officer and shall contain the following information:

(1) whether the proposed work is to be new construction or the alteration of an existing structure;

(2) the location or address of the proposed construction or alteration;

(3) the identity of the owner or owners of the premises;

(4) the cost of the completed structure, in the case of new construction, or in the case of the alteration of an existing structure, the value of the structure before and after the alterations; and

(5) such other information as the County Codes Enforcement Officer may prescribe.

(c) Upon proper application duly made and filed, the County Codes Enforcement Officer shall issue a building permit, file a copy in his or her office and cause a copy to be filed in the office of the County Assessor of Property, and the office of Monroe County E-911, so that the fact of such

erection, construction, or alteration shall be noted for their records.

As amended by: Private Acts of 1969, Chapter 137

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

Private Acts of 2004, Chapter 103

**SECTION 2.** The Monroe County Board of County Commissioners shall have the power and the authority to determine and establish fees to be charged for permits, which fees may be changed or altered as said County Commissioners deem proper and necessary.

As amended by:

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

**COMPILER'S NOTE:** Private Acts of 2000, Chapter 130, amended Section 2 by deleting the old section in its entirety and substituting a new Section 2. The language in the new section is identical to the old Section 2.

**SECTION 3.** (a) No municipality, county, cooperative or utility district shall furnish utility services to any property on which a building or other structure is being erected, placed, installed, constructed, reconstructed or altered, or to such building or other structure unless notified by the County Codes Enforcement Officer of Monroe County that the provisions of Section 1(a) have been complied with. This notification shall be in the form of a copy of a building permit provided by the person intending to erect, place, install, construct, reconstruct or alter any building, structure or facility for the value of the alterations is greater than Five Thousand Dollars (\$5,000.00) or notification from the County Codes Enforcement Officer that a building permit is not necessary. No municipality, county, cooperative or utility district who furnishes utility services in violation of the statute shall be liable for said violation unless the violation is knowing and intentional.

(b) It shall be unlawful to erect, place, install, construct, reconstruct or alter any building, structure or facility where the value of the alteration is greater than Five Thousand Dollars (\$5,000.00) without securing such permit and paying the fee prescribed by the Board of County Commissioners under the authority of this act. Any person, firm or corporation violating any such regulations or provisions of this act shall be assessed with a civil penalty of any amount not to exceed One Thousand Dollars (\$1,000.00).

(c) This permit requirement shall not apply to the erection, placement, installation, construction, reconstruction, or alteration of any structure in a municipality requiring a similar permit if a copy of the municipal permit is filed with the County Codes Enforcement Officer and if a fee of Ten Dollars (\$10.00) is paid to cover the cost of registering the permit in the office of the County Codes Enforcement Officer, the Assessor of Property, and the E-911 Office.

As amended by: Private Acts of 1969, Chapter 137

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

Private Acts of 2004, Chapter 103

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by 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, or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 4 herein.

Passed: February 25, 1965.

## County Attorney

### Private Acts of 1927 Chapter 777

**SECTION 1.** That the office of County Attorney is hereby created in all counties in this State having a population of not less than 22,050 nor more than 22,075, according to the Federal Census of 1920, or any subsequent Federal Census. The term of said office shall be for a period of one year, and the said County Attorney shall be appointed by the County Judge or County Chairman on the first Monday in January, following the passage of this Act, and every year thereafter, on the said first Monday in January.

**SECTION 2.** That it shall be the duty of said County Attorney to look after all litigation involving the said

county, or to which the said county may be a party, or in which the said county may be a party, [sic] or in which said party may be interested, and all litigation involving county officers or county officials, in their official or public capacity, and to advise all county officers and officials upon any matters pertinent to the public duties of said officers, and to advise the Quarterly County Court in all pertinent matters.

**SECTION 3.** That the compensation of said County Attorney shall be the sum of Six Hundred (\$600.00) Dollars per year, payable quarterly, out of and from county funds, as other county expenses are paid, and in addition to said yearly compensation said county attorney shall be reimbursed for such actual expenses as he may incur in the duties pertaining to his office, or in connection with any litigation in which he may appear as county attorney.

As amended by: Private Acts of 1929, Chapter 159

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 25, 1927.

## County Clerk

### Private Acts of 1939 Chapter 422

**SECTION 1.** That this Act shall apply to each County in the State having a population of not less than 21,370 nor more than 21,380 by the Federal Census of 1930 or any other subsequent Federal Census; and that in each such County the County Court Clerk shall be authorized to employ a Deputy or Clerk to assist him in the performance of his duties at compensation of \$50.00 per month to be paid on warrant of the County Judge drawn on the general County funds to the Trustee of such Counties.

**SECTION 2.** That this Act take effect from September 1, 1938, so as to reimburse such County Court Clerks for money expended for clerical assistance from that date.

**SECTION 3.** That if any clause, sentence, paragraph, section, or any part or parts of this Act shall be declared to be unconstitutional and 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 so held to be invalid, if any.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 7, 1939.

## County Law Library

### Private Acts of 1997 Chapter 72

AN ACT to impose a litigation fee to fund the establishment and maintenance of a County Law Library in Monroe County.

WHEREAS, Tennessee Code Annotated, Section 67-4-601 authorizes counties to levy a local litigation fee; and

WHEREAS, it would be in the best interest of Monroe County to establish a Law Library Commission for the purpose of establishing and maintaining a law library; and

WHEREAS, the Monroe County Legislative Body has requested that the Tennessee General Assembly pass such a private act for Monroe County; now, therefore,

**SECTION 1.** That there is hereby created a Law Library Commission of Monroe County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled to practice in all the courts of Monroe County, Tennessee, and maintaining a full-time law office within the territorial jurisdiction of said courts; the third member shall be the county executive.

The two (2) attorney members of said commission shall be elected by the members of the Monroe County Bar Association at its next regular meeting or special meeting called for that purpose on or after the effective date of this act, to serve until the next regular meeting of the Monroe County Bar Association at which Bar Association officers are elected. Thereafter, attorney members of the commission shall be elected annually by the membership of the Monroe County Bar Association at the same time that Bar Association officers are elected. The Bar Association shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the commission shall elect from among its membership a Chairman and a Secretary. The

members of this commission shall receive no compensation for their services as such.

**SECTION 2.** That on or after the effective date of this act, a litigation fee not to exceed one dollar (\$1.00) shall be collected as part of the costs in all cases, both criminal and civil filed in all courts of Monroe County, Tennessee.

Said fee shall be collected by the Clerk of each court and shall be paid to the Trustee of Monroe County, Tennessee, who will place the same in a separate fund, which is to be designated as the "Monroe County Legal Library Fund". Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the County Executive upon the approval and authorization of the commission.

**SECTION 3.** That the commission shall have the following powers and authorities:

- (a) To expend the funds hereby provided for the purpose of establishing and maintaining a law library for the use of the court, judges, public officials and attorneys.
- (b) To acquire by gift, purchase, loan or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- (c) To acquire in like manner furniture, equipment and supplies for the establishment and operation of the law library.
- (d) To make such rules and regulations governing the operation and use of the law library as the commission in its discretion deems necessary.
- (e) The commission shall be responsible for the protection and safekeeping of the law library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such library any persons who should cause any damage to the equipment, fixtures and contents thereof, or who refuse to conform with the rules and regulations promulgated by the commission.
- (f) To borrow money, buy on credit, and pledge the revenues from the fee hereinabove provided for the payment of the same.
- (g) To set the amount of the litigation fee not to exceed one dollar (\$1.00) which shall be collected hereinabove provided.

**SECTION 4.** That the commission shall hold regular meetings and special meetings upon the call of the chairman. Two (2) persons shall constitute a quorum and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the commission. The Secretary shall keep the records of all meetings to reflect the action of the commission.

**SECTION 5.** That upon the termination of the commission, or any successor or successors to said commission, by an act of the General Assembly or otherwise, the law library, its contents, equipment and supplies, and all other property obtained by Act of the Commission shall become the property of Monroe County for the use and benefit of the residents of said county.

**SECTION 6.** That if any provisions or clause of this Act or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect after the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

**SECTION 7.** That this Act shall have no effect unless the same shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of the County Commission of Monroe County, Tennessee, at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Executive and shall be certified by him to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

PASSED: May 26, 1997.

## Fort Loudon State Historic Area

### Public Acts of 1977 Chapter 258

**SECTION 1.** The Tennessee Department of Conservation shall formulate and adopt a system for the proper development, preservation, and administration of all lands belonging to the State of Tennessee known as the site of Fort Loudoun consisting of approximately 11.05 acres of land located in the Second

Civil District of Monroe County, Tennessee, and being the same property referred to in Chapter 127, Public Acts of 1933, which property was conveyed to the State of Tennessee by the National Society of Colonial Dames by deed recorded in W. D. Book 45, p. 174 and from J. C. Anderson and wife Sadie, by deed recorded in W. D. Book 45, p. 176, and by Mrs. Annie C. Hutchinson, by deed recorded in W. D. Book 45, p. 179, and by Bert H. Anderson and others by deed recorded in W. D. Book 70, page 535, all recorded in the Register's Office for Monroe County, at Madisonville, Tennessee. The Commissioner of Conservation shall have authority and the duty to make rules and regulations pursuant to the Tennessee Administrative Procedures Act and to promulgate the same for the management and control of said property so as to preserve it as a perpetual memorial to the officers and men who constituted the Garrison of said Fort Loudoun.

**SECTION 2.** The Department of Conservation shall have full power and acquire by gift, devise or purchase, areas, properties, lands, or any estate or interest therein, which in the judgement of the department will enhance the public enjoyment of Fort Loudoun and which will further the objective of preserving it as a perpetual memorial. Provided, that such authority of acquisition shall be within the limits of any appropriation which may be made by the General Assembly of the State of Tennessee for the purchase of such properties, and the Department of Conservation shall have no power to purchase or contract for the purchase of any property beyond the amount contained in such appropriation.

**SECTION 3.** The Department of Conservation is authorized to receive by bequest, gift, or otherwise, money or other personal property for the purpose of this Act, to be held and used under the provisions of Section 2 of this Act.

**SECTION 4.** In order to advise and assist the Department of Conservation in the preparation of rules and regulations for the effectuation of the purposes and provisions of this Chapter, there is hereby created and established an advisory board to be known as the Fort Loudoun Board of Trustees. Said Board shall consist of nine (9) members, including the Commissioner of Conservation and the President of the Fort Loudoun Association, an association incorporated under the law of Tennessee as a corporation for the general welfare, who shall be ex-officio members of said board, and seven (7) members, four (4) of whom shall be citizens and residents of the Eastern Grand Division of Tennessee, two (2) of whom shall be citizens and residents of the Middle Grand Division of the State, and one (1) of whom shall be a citizen and resident of the Western Grand Division of the State. The said seven (7) members initially appointed shall be appointed by the Governor from a list of fifteen (15) names submitted by the Board of Directors of the Fort Loudoun Association. Two members shall be appointed for a term of one (1) year, two members shall be appointed for a term of two (2) years, two members shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years and thereafter each member shall serve a term of four (4) years and each shall hold office until his successor is duly appointed. Succeeding board members shall be appointed by the Governor from a list of nominations of twice the number to be appointed, submitted by the Fort Loudoun Association. The Commissioner of Conservation shall serve as Chairman of the Board and the president of the Fort Loudoun Association shall serve as secretary to the Board which shall meet at least once annually at a time and place determined by the Board. A quorum shall consist of five (5) members of the Board. The Board members shall be paid those travel expenses reasonable and necessary to attend meetings of the Board. In no event shall such expenses be reimbursed for amounts greater than those set forth in the comprehensive travel regulations as promulgated by the Commissioner of Finance and Administration and approved by the Attorney General and Reporter.

**SECTION 5.** No admission fee shall be charged for entrance into the park or the site of Fort Loudoun, but fees may be charged for any concessionary services, food services, fishing, boating, or any other activities for which fees are customarily charged in other state parks.

**SECTION 6.** Chapter 127 of the Public Acts of 1933 is repealed.

**SECTION 7.** This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 3, 1977.

## Public Acts of 1979 Chapter 46

WHEREAS, on Friday, July 21, 1978, the people of Monroe County, the 22nd Legislative District, and the State of Tennessee lost a great friend and dedicated public servant in the untimely death in a traffic accident of William C. Watson of Madisonville, then a member of the Tennessee House of Representatives; and

WHEREAS, Representative Watson served five terms as a State Representative, embracing the beginning of the Eighty-sixth General Assembly in 1968 and the concluding of the Ninetieth General Assembly in 1978; and

WHEREAS, Bill Watson rapidly rose to leadership positions in the House of Representatives, serving as Chairman of the Conservation and Environment Committee in his last two terms and having served, over the course of his career, on the General Welfare, State and Local Government, Education, Government Operations, Legislative Council, and Calendar and Rules Committees; and

WHEREAS, he was instrumental in passing legislation strengthening the surface mine laws, creating the Tennessee Wildlife Resources Agency, expanding the Department of Tourism, securing the improvement of local highways, and enacting other measures to improve the economic life and standard of living for all Tennesseans; and

WHEREAS, it is appropriate for this body to recognize the accomplishments of Bill Watson and to provide for a fitting tribute to his memory; now, therefore,

**SECTION 1.** The Visitors/Interpretive Center to be constructed at the Fort Loudon State Historic Area is hereby named the "William C. Watson Visitors/Interpretive Center".

**SECTION 2.** The Department of Conservation shall cause an appropriate sign to be erected at such center.

**SECTION 3.** This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 12, 1979.

## Little Tennessee River Port Authority

### Private Acts of 1967-68 Chapter 68

**COMPILER'S NOTE:** The text of the Act repeals "all laws or parts of laws in conflict herewith," and specifies Public Acts of 1965, Chapter 95. However, Public Acts of 1965, Chapter 95 is an insurance law. Therefore, the intent was to repeal Private Acts of 1965, Chapter 95.

**SECTION 1.** That in order to facilitate transportation in the Counties of Loudon and Monroe in the State of Tennessee, and to promote navigation on the Little Tennessee River and its tributaries, which traverse 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 Loudon and Monroe Counties, Tennessee, a Port Authority, to be known as "The Little Tennessee River 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 Little Tennessee River and its tributaries, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Little Tennessee River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining railroad, switchyards, concentration yards, recreation facilities, water sports facilities, food and entertainment facilities, roads and bridges, 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 six 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 Loudon and Monroe 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 by 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 to 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 Little Tennessee River and its tributaries 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 purposes of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition of 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 "when authorized so to do by a resolution approved by two-thirds of the members of the Quarterly County Court of the county containing such lands, at a regular or special session of said Quarterly Court", is hereby authorized and empowered to condemn on behalf of and in the name of the Counties of Loudon and Monroe 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 the 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 Loudon and Monroe, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

**SECTION 8.** That Loudon and Monroe 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 six members. Three of the six 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 Loudon and Monroe Counties on the first Monday in July, 1967, or as soon thereafter 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 shall expire the first Monday of July, 1969; the term of office of the second member selected by each respective county court shall expire the first Monday of July, 1971; the term of office of the third member selected by each respective county court shall expire the first Monday of July, 1973.

The successors in office, for each of the respective six initial members of the Board of Commissioners of The Port Authority whose full terms of office have expired, shall be elected by the County Court 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 Monday of July of the respective years applicable.

The County Court 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 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 Loudon and Monroe Counties not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the County Court, by a two-thirds vote of all the members of said Court, 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 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 Loudon and Monroe Counties not less than thirty days prior to the election of said successor by said County Court 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 may elect him, for a period of at least three years 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 Loudon and Monroe Counties and elected officials of said counties shall not be eligible to serve as members of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county 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.

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. Same as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

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

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

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

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as may be authorized by the County Court for the Commissioners from each county, 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 Loudon and Monroe Counties. No more than two Commissioners from each county, serving at the same time, shall be members of the same major political party.

**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 Loudon and Monroe 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 Loudon and Monroe 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 or 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 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 said county courts may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said county courts, 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 semi-annually. 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 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 Loudon and Monroe, 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 of Loudon and Monroe 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 of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts, The Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Loudon and Monroe, 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 Loudon and Monroe, 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 of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and 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 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 Loudon and Monroe Counties 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 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 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 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 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, 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 therefrom, 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, 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 one-half share of all expenses actually incurred by The Port Authority Commissioners in the making of surveys, estimates of cost and 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 bond or 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 Loudon and Monroe, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts of the said counties.

All such payments from the general or other funds shall be considered as temporary, noninteresting 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 Loudon and Monroe Counties 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 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 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, 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 supplies, 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 Loudon and Monroe, 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, or otherwise disposed of only with the approval of the County Court 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 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 of 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 Little Tennessee River and its tributaries, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Loudon and Monroe 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 Loudon and Monroe Counties except that failure to approve this Act by one of the said County Courts within 360 days after enactment of this Act shall not prevent the other said County Court remaining from approving this Act which shall take effect as though written for the county approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Loudon and Monroe Counties, and shall be duly certified by them to the Secretary of State of Tennessee. All laws or parts of laws in conflict herewith, and particularly Chapter 218 of the Public Acts of Tennessee of 1963 and Chapter 95 of the Public Acts [sic] of Tennessee of 1965 are hereby repealed, and this Act shall take effect as hereinbefore set out, the public welfare requiring it.

Passed: April 5, 1967.

## Purchasing

## County Purchasing Agent

## Private Acts of 1945 Chapter 451

**SECTION 1.** That the office of "County Purchasing Agent" is hereby created and established in the various counties of the State having a population of not less than 24,270 nor more than 24,290 by the Federal Census of 1940 or any subsequent Federal Census, the said County Purchasing Agent to be elected by the Quarterly County Courts of such counties at the regular sessions thereof in March, 1945, to serve until September 10, 1945 and thereafter until his successor has been elected and qualified. The successor to such Purchasing Agent shall be elected at the September term of the Quarterly County Courts in such Counties in each odd numbered year to take office on September 10 of such years, and to serve for a term of two years. The compensation of County Purchasing Agents elected hereunder shall be \$150.00 per year payable quarterly and the person elected to the office of County Purchasing Agent may in the discretion of the Quarterly County Court which elected him hold another County office.

**SEC. 2.** That the County Purchasing Agent is charged with the supervision of the purchasing of and contracting for the purchase of all supplies for the Counties to which this Act applies with the sale and contract for sale of all real and personal property not needed by said County and which the Quarterly County Court or other County Governmental Unit directs to be sold as unsuitable or useless for public use, he shall have charge of such stock rooms and storage spaces as may be provided for him by such Quarterly County Courts in Counties where this Act applies wherein he shall store all materials purchased by him for the County and not delivered directly to the departments for which purchased and he is charged with the duty of inspecting all supplies delivered pursuant to his order to ascertain that the

quality and quantity thereof conforms with the specifications in his purchase order, and no warrant for the payment of such supplies or materials shall be honored by the Trustee of the County unless approved by the County Purchasing Agent.

The County Purchasing Agent shall be required from each County Official and County Department Head requesting the purchase of any supplies which are to be paid for by the public funds of the said County a requisition letter setting forth an itemized description of the quantity and kind of supplies to be purchased and from what County funds the purchase price is to be paid and upon the receipt of such requisition letter the County Purchasing Agent shall purchase such requisitioned items as expeditiously as possible consistent with the public interest, if funds are available for the purchase of such supplies.

The County Purchasing Agent is authorized to purchase and contract to purchase supplies under annual contracts if such supplies are in common use in several County offices or County Governmental Units and material savings can be affected thereby, or, if such items of supplies are in continual use by any one office or Governmental Unit of such Counties and economies can be affected by purchases under an annual contract.

**SEC. 3.** That before making any purchase on behalf of such Counties in excess of five hundred dollars (\$500.00) or sale for the account of such Counties, the County Purchasing Agent shall give opportunity for competition by advertising such intended purchase for sale for two successive weeks in a newspaper published in the Counties to which this Act applies and in his discretion may insert an advertisement, if for the public interest, in a newspaper published outside of the Counties to which this Act applies.

As amended by: Private Acts of 1974, Chapter 180  
Private Acts of 1979, Chapter 19

**SEC. 4.** That in case of emergency the County Purchasing Agent may make purchase without competitive bidding if sufficient funds are available to cover such purchase and the Governmental Unit or County Official requisitioning such purchase certifies under oath that there is an emergent need for the item requisitioned and that the public interest will suffer if the purchase is delayed to permit advertisement. However, in such cases it should be the duty of the County Purchasing Agent by personal contact to endeavor to obtain competitive bids before contracting the purchase of any emergent item.

**SEC. 5.** That the provisions of this Act shall not apply to purchases made on behalf of the school system or the highway department of the counties to which this Act applies when such purchases are made with funds set aside for such purposes.

As amended by: Private Acts of 1979, Chapter 19  
Private Acts of 1981, Chapter 72

**SEC. 6.** That the County Purchasing Agent is required to submit a written report itemizing and clarifying the various purchases made by him to each session of the Quarterly County Courts, which report shall set forth in detail the reason for any purchases not made pursuant to competitive bidding. The County Purchasing Agent shall annually inform the Quarterly County Court in writing the probable amount of County funds which will be required to (1) carry out his official duties and functions, and (2) purchase the supplies and equipment which will be purchased through his office.

**SEC. 7.** That whenever the County Purchasing Agent sells or disposes of any County property, the net purchase price thereof less any incidental expenses of conducting a large sale shall be immediately paid by him to the County Trustee.

**SEC. 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

## Administration - Historical Notes

### County Clerk

The following acts once affected the office of county clerk in Monroe County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 90, authorized John B. Tipton, clerk of the circuit court, and William S. Blair, clerk of the county court, to build a clerk's office at their own expense, upon such part of the public square at Tellico as was designated to them by the county court. Upon death, resignation, or removal from office for any reason, the clerk was entitled to the same privilege of selling or retaining the building as was given to the clerks of Campbell County.
2. Private Acts of 1921, Chapter 275, amended Public Acts of 1919, Chapter 74, a general law regarding license fees of county court clerks, so as to provide a fee to the county court clerk of



Monroe County for recording each and every application made by a person or corporation in the mercantile or other types of business, which required a license to engage in that particular business, according to the laws of the State of Tennessee. The fee of fifty cents was a part of the cost of securing the license.

3. Private Acts of 1927, Chapter 622, gave the county court clerk of Monroe County the sum of \$150 as ex-officio fees of his office which amount was appropriated out of the county treasury on the first Monday in September of each year.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Monroe 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 1897, Chapter 179, created and regulated the office of county judge for Monroe County. This act was repealed by Private Acts of 1901, Chapter 355.
2. Private Acts of 1901, Chapter 355, abolished the office of county judge in Monroe County and provided for the chairman of the county court to hold the county courts as the same was stipulated for those counties which had no county judge. This act was repealed by Private Acts of 1917, Chapter 222.
3. Private Acts of 1917, Chapter 222, specifically repealed Private Acts of 1901, Chapter 355, above, and amended Private Acts of 1897, Chapter 179, although it apparently had been repealed by Chapter 355, above. This act provided for a county judge, learned in the law, 25 years, or more, of age, who was elected to a two year term by the vote of the people. The election occurred at the same time other county officials were elected in the general August election of 1918, and every two years thereafter. The judge herein enjoyed all the powers and privileges of other county judges. The post of county chairman was abolished and the county judge assumed and discharged the chairman's duties. The annual salary of the judge was set at \$800, payable quarterly, and the present chairman of the county court remained in office until his term expired. This act was amended by Private Acts of 1927, Chapter 201, so as to increase the annual salary of the county judge from \$800 to \$1,200 and by making the salary payable in monthly installments of \$100 instead of quarterly as provided under the amended act.
4. Private Acts of 1919, Chapter 417, provided that the Monroe County Judge was to receive \$400 annually as compensation for being the financial agent of the county and the accounting officer.
5. Private Acts of 1933, Chapter 94, expressly repealed Private Acts of 1897, Chapter 179, as amended by Private Acts of 1917, Chapter 222, and restored and reestablished the position of county chairman in Monroe County who had and exercised all the rights, duties, powers and jurisdiction of the county judge and the county chairman. This act became effective on September 1, 1934. The county court clerk was directed under this act to call the quarterly court into session to select a chairman to serve until January 1, 1935, at which time a chairman was chosen who served for one year. The chairman presided over the county court and was paid as the court directed.
6. Private Acts of 1935, Chapter 233, set the compensation of the chairman of the county court of Monroe County at \$100 per calendar month, payable on the first day of each month on warrant drawn in the county treasury.
7. Private Acts of 1935, Chapter 249, as amended by Private Acts of 1953, Chapter 518, provided for the election of the county judge for a term of eight years beginning the first Monday of September, 1936 with compensation of \$3,000 a year. The office of chairman of the county court was abolished.
8. Private Acts of 1939, Chapter 421, authorized and empowered the county judge to hire clerical assistants for his office at a salary of \$50 per month..

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Monroe 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 1819, Chapter 160, set the time for holding the Monroe County Court on the second Mondays of March, June, September and December.
2. Private Acts of 1820, Chapter 114, allowed the justices of the peace of Monroe County to adjourn the court of pleas and quarter sessions to any other house in the county from the residence of William Dixon if they desired to do so.

3. Private Acts of 1821, Chapter 144, set the time for holding the quarterly county court of Monroe County on the third Monday in December, March, June and September. The justices had the authority to adjourn court to some other place from its present site and could also remove the office of the clerk, or leave it at the house of William Blair, whichever the justices preferred.
4. Private Acts of 1825, Chapter 88, removed the county court and the circuit court, which were held at the house of David Caldwell in Monroe County, to the Town of Tellico. All process which was returnable to the house of David Caldwell was changed to conform to the terms of this act.
5. Private Acts of 1826, Chapter 4, concerned the court of pleas and quarter sessions which was required to meet at the courthouse in Tellico for the trial of civil cases. All jurors were summoned for that court and the circuit court reported to the courthouse in Tellico.
6. Private Acts of 1826, Chapter 106, provided that all the official acts of Robert Shaw, Lewis Patterson, Samuel M. Johnson, James Montgomery, Erby Boyd, John F. Henderson, James Torbit, Joseph Carter and Joseph Callaway, all of whom had been justices of the peace in Monroe County without having been properly commissioned, be validated, confirmed and made legal in all respects to the same extent as if they had been properly commissioned at the time.
7. Public Acts of 1827, Chapter 34, Section 3, set the time for holding the quarterly court of Monroe County on the fourth Monday in March, June, September and December.
8. Public Acts of 1827, Chapter 81, was the enabling legislation for the courts of Monroe and Carter counties, a majority of the justices being present, to select, on the first day of the first session of each year, by ballot, five of their number who held the court for the rest of the year.
9. Acts of 1843-44, Chapter 140, authorized the county court of Monroe County to make appropriations to pay such members of the original quorum court for the services rendered by them prior to the adoption of the amended constitution, which money was paid out as any other funds were.
10. Public Acts of 1871, Chapter 86, permitted the qualified voters of the Town of Sweetwater in Monroe County to elect one additional justice of the peace over the number allowed by law.
11. Private Acts of 1967-68, Chapter 184, regulated the compensation and expense allowance of justices of the peace in Monroe County. The act provided that the justices of the peace be paid \$25 for each day in attendance and ten cents a mile for each mile traveled in going to and from meetings of the court.

### **County Register**

The following acts once affected the office of county register in Monroe County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 162, stated that all deeds of conveyance and other instruments in writing heretofore registered in the counties of Monroe, Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, McMinn, Morgan, Roane and Sullivan, although the certificate might not recite thereby that they were acknowledged by the grantor, or proved by subscribing witnesses, the same were to be as good and valid as if they have been so witnessed.
2. Private Acts of 1935, Chapter 203, authorized the register of deeds of Monroe County to employ a clerk or deputy register at a salary which did not exceed \$50.00 per month, payable out of the general county funds. This act was repealed by Private Acts of 1937, Chapter 636.
3. Private Acts of 1937, Chapter 637, authorized the register of deeds in Monroe County to make a monthly report of all realty transfers that were made in fee simple to the Monroe County Tax Assessor. This act provided the form of said report; receipt; compensation to register for making reports and designated funds from which said compensation was made. This act was repealed by Private Acts of 1953, Chapter 517.
4. Private Acts of 1939, Chapter 419, applied to each county in the state having a population of not less than 21,370 nor more than 21,380 by the Federal Census of 1930, authorized the register of deeds to employ a deputy or clerk to assist him in the performance of his duties at a compensation of \$50 per month.

### **Little Tennessee River Port Authority**

The acts appearing below preceded Chapter 68, Private Acts of 1967-68.

1. Public Acts of 1963, Chapter 218, created and established in Monroe and Loudon counties a port authority. The port authority authorized the construction, acquisition, ownership, maintenance

and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreation facilities in Monroe and Loudon counties. Many specific grants of power were made to the board of six members, including the authority to issue bonds of both a general obligation and revenue nature. Appropriations were also made to the authority from the general funds of the counties. This act was repealed by Private Acts of 1965, Chapter 95.

2. Private Acts of 1965, Chapter 95, created the Little Tennessee River Port Authority for Loudon and Monroe counties, designed to facilitate the movement of people and goods, with grants of specific powers and authority, all actions of which were declared to be public and governmental functions. There was a six member board of commissioners whose authority was specifically outlined in nine separate paragraphs, who had full control of all port facilities. Several sections of the act were devoted to further stipulations of authority and the conditions under which they could be exercised. The county courts of the two counties elected three of the six commissioners for specified terms and filled vacancies as they might occur in their ranks. The board was allowed to employ engineers, attorneys and other skilled personnel. Bonds, both general obligation and revenue, could be issued if the conditions prescribed in the act were met. The uses, and their priorities, to which the revenue of the port authority could be devoted were enumerated generally in the act. This act was repealed by Private Acts of 1967-68, Chapter 68.

### **Purchasing**

The following act once affected the purchasing procedures of Monroe County, but is no longer operative.

1. Private Acts of 1980, Chapter 183, would have amended Private Acts of 1945, Chapter 451, which created the office of purchasing agent in Monroe County, so as to make the provisions of the act inapplicable to the highway department, however, this act was rejected by Monroe County and never became law. This act was duplicated in Private Acts of 1980, Chapter 237.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Monroe 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. Public Acts of 1823, Chapter 50, Section 3, directed the president and directors of the bank of Tennessee to appoint an agent and to establish a branch of the bank in the counties of Monroe, McMinn, Madison, Wayne, Hardin, Henderson, Carroll and Henry.
2. Private Acts of 1825, Chapter 278, instructed the entry taker of the Hiwassee District to make an entry in the name of and for the benefit of Lydia Curtis, of Monroe County, to the northwest quarter section of Section 18, third fractional township, third range east of the meridian. If this area were taken, the said Lydia Curtis could enter upon another section at 1 ½ cents per acre.
3. Private Acts of 1827, Chapter 227, provided that Jeremiah Lilliard, of Monroe County, be allowed to file a petition to divorce his wife Sarah.
4. Private Acts of 1827, Chapter 244, was legislation which permitted the county court of Monroe County to authorize the payment, or cause to be paid, out of the money derived from the sale of public lots, or other properties belonging to the town of Tellico, to Charles Kelso, Jones Griffin and Jesse Milton, the sum each one paid to counsel, as the commissioners of the said town, to defend an injunctive suit against them as commissioners, provided each one filed a sworn statement with the details of the transactions involving them in this respect.
5. Private Acts of 1829-30, Chapter 68, directed the register of the Hiwassee District to issue to Samuel Wilson, of Monroe County, a grant to 50 acres of land owned and claimed by him as an assignee of a certificate issued by the treasurer of East Tennessee, the same being a part of the northwest quarter of Section 25 of Township #2, provided, however, that Wilson first produce a receipt showing payment had been made for the said land.
6. Private Acts of 1829-30, Chapter 245, named James M. Greenway, James Vaughn and Christopher H. McGinnis as commissioners to settle with the board of commissioners of the county seat of Monroe County. The commissioners were given the authority to issue subpoenas to have the former commissioners appear before them to make a settlement if the need arose. The former commissioners were required to submit a detailed statement under oath of the receipts and disbursements made during their tenure of office, and, if these were insufficient to complete the building of the courthouse, the county could levy a tax on the property of the county to produce the funds to complete the same. The commissioners named herein were paid as the county court directed.

7. Private Acts of 1829-30, Chapter 297, changed the name of the county seat of Monroe County from Tellico to Madisonville and all writs of process, records and other legal proceedings were made to conform to the above change.
8. Private Acts of 1831, Chapter 36, allowed the privileges of feme sole to Sally Martin of Monroe County.
9. Private Acts of 1831, Chapter 99, provided for the appointment of a county surveyor for Monroe County.
10. Private Acts of 1831, Chapter 107, provided that the bail of Hiram M. Murray be released in the Monroe County Circuit Court.
11. Private Acts of 1831, Chapter 256, was the legal authority for the commissioners appointed under Private Acts of 1829-30, Chapter 245, to file a bill against the board of commissioners of the county seat of Monroe County in the circuit court, and against their predecessors, for them to account for the receipts and disbursements of the funds derived from the sale of public properties therein, and expended for the use and benefit of the town.
12. Private Acts of 1831, Chapter 232, provided that the treasurer of East Tennessee pay Leonard Cardin \$12.00, the amount of costs awarded to him in a suit determined in the Monroe County Circuit Court.
13. Private Acts of 1833, Chapter 7, provided for the divorce of Cynthia Barton, of Monroe County, from her husband Anderson Barton.
14. Private Acts of 1833, Chapter 8, recited in the preamble that the courthouse in Madisonville in Monroe County had been severely damaged by fire in 1833 and many records were destroyed. Further recitation indicated that the citizens of the county who had purchased bounded land from the Hiwassee land sales were embarrassed by a lack of money, and the tax levied to rebuild the courthouse was oppressive to them. This act remitted to the county the state taxes collected, or levied for the years 1833 and 1834 in order to restore the courthouse. The state paid over the tax money to the commissioners appointed to supervise the restoration of the courthouse.
15. Private Acts of 1833, Chapter 168, authorized Jackson Vernon to hawk and peddle goods, wares and merchandise in the counties of Monroe, Rhea and McMinn without having to obtain a license to do so.
16. Private Acts of 1833, Chapter 248, provided for the divorce of Flors M. Todd from Charles W. Todd, of Monroe County.
17. Private Acts of 1833, Chapter 274, instructed the register of the Hiwassee District to issue a grant of land to Joshua Wimpy for the northeast quarter of Section 16, of Township #1, range three in Monroe County at any time the said Wimpy presented to the register the title bond and the receipt for the payment of the land from the estate of Samuel D. Bonham, deceased.
18. Private Acts of 1833, Chapter 279, provided for perpetuating the substance of records and papers destroyed by fire in the office of the Monroe County Clerk.
19. Private Acts of 1833, Chapter 291, provided that the register for the Hiwassee District issue John M'Gee, of Monroe County, a grant for 640 acres of land in McMinn County.
20. Private Acts 1833, Chapter 297, designated John M. Greenway, William M. Stakely, John O. Cannon, William Grant and John F. Henderson, all of Monroe County, as commissioners charged with the responsibility to supervise the construction of a courthouse in Madisonville. The commissioners were sworn and bonded, were empowered to receive gifts and subscriptions, and contracted with the accepted bidders on the work of rebuilding the courthouse.
21. Private Acts of 1835-36, Chapter 86, provided that the treasurer of the Hiwassee District pay John Calloway, of Monroe County, \$81.25 because of an entry mistake for the southwest quarter of section twelve, township second, range first east of the meridian in Monroe County.
22. Public Acts of 1835-36, Chapter 60, provided for the recovery of debts due upon judgements destroyed by fire in the Monroe County Courthouse in 1832.
23. Acts of 1837-38, Chapter 79, was the legal authority for the respective county courts of Monroe, Meigs and McMinn counties to appoint a surveyor under the same rules as were prescribed for the appointment of surveyors north and east of the congressional reservation line and north of the Tennessee River.
24. Acts of 1837-38, Chapter 267, Section 2, declared that the Tellico River in Monroe County was navigable from its mouth to the Tellico Iron Works.
25. Acts of 1849-50, Chapter 157, Section 4, directed the county court of Monroe County, upon the

- application of Allen D. Gentry, who had erected a mill dam across the Tellico River, to appoint three competent people to examine the chute placed in the same dam under a contract by Gentry with the commissioners over the Tellico River, and to report on the condition of the same chute and whether or not it obstructed the navigation of the river.
26. Acts of 1853-54, Chapter 95, set aside the sum of \$3,000.00 as a school fund for the use and benefit of the township composed of the seventeenth civil districts in the counties of Monroe and Blount.
  27. Acts of 1855-56, Chapter 218, Section 19, was legislation which enabled the counties of Monroe and McMinn, to purchase stock and to issue bonds to pay for the same, in railroad companies, but their actions were subjected to the same regulations applied to other counties which already had the power to invest in railroad companies.
  28. Public Acts of 1865-66, Chapter 19, Section 16, changed the county seat of Monroe County from Madisonville to a place known as Kimbroughs which was about four miles distant from the present county seat. Section 17 of the same act made the change conditional upon approval by the people in an election held for that purpose. This act was amended by Private Acts of 1865-66, Chapter 129, so as to move the county seat from Kimbrough's, to the mouth of Can Creek, and also changed the election date from June to September, repealing all conflicts in the process.
  29. Private Acts of 1865-66, Chapter 129, provided that Monroe and Cocke counties hold their circuit, chancery and county courts at their present sites until new buildings were built.
  30. Private Acts of 1915, Chapter 243, amended Public Acts of 1913, Chapter 26, a general enabling act which authorized counties to issue bonds for highway purposes, so as to allow the county court of Monroe County to authorize an indebtedness of the county of 15%, provided the same were approved in a referendum vote. The chairman of the county court had the power to call an election for that purpose and the 15% related to the total value of the taxable property in the county.
  31. Private Acts of 1917, Chapter 414, amended Public Acts of 1915, Chapter 101, a general revenue law for counties and municipalities, by striking out the figures "30" in the fifth line of Section 2, and inserting the figures "50" instead, and by inserting the population figures to make the public act applicable to Monroe County. The public law was a revenue act establishing privilege taxes for certain occupations and was codified under Section 5-802, Tennessee Code Annotated.
  32. Private Acts of 1921, Chapter 223, created the position of county auditor in Monroe County who was elected by the quarterly court for a four year term and was paid \$6,000.00 annually in equal monthly installments out of the regular county funds. The auditor was required to be qualified and competent to perform the duties imposed upon him by this act, as well as those normally related thereto, and he had to be sworn to the office before taking up his duties, one of which was to audit the major departments of the government and the offices of the justices of the peace and render quarterly reports to the court calling their attention to any violations or irregularities. The auditor was further obligated to investigate any segment of the government as the court might direct. The auditor could appoint an assistant but had to pay the assistant's salary himself. Private Acts of 1923, Chapter 313, recited in its preamble that Private Acts of 1921, Chapter 223, set the salary of the county auditor at \$6,000.00 per year which was obviously a typographical error and intended to be \$600.00 annually. Since the auditor has only been paid at the rate of \$600.00 per year, this act amended the 1921 act to correct the error. Private Acts of 1921, Chapter 223 and Private Acts of 1923, Chapter 313, were both repealed by Private Acts of 1945, Chapter 203.
  33. Private Acts of 1921, Chapter 665, refunded to Annie Calloway Hutchinson, executrix of the estate of H. G. Hutchinson of Monroe County, \$422.50 excessive inheritance taxes collected by the county court clerk of Monroe County on said estate.
  34. Private Acts of 1923, Chapter 627, amended Public Acts of 1913, Chapter 3, a general state law on county surveyors, by setting the compensation of the surveyor in Monroe County at \$7.50 per day from the time of leaving home and which included the actual time consumed in calculating the area of the land included in such surveys.
  35. Public Acts of 1933, Chapter 127, was an act which conditionally conveyed to the board of trustees of the Fort Loudon Association 5.62 acres of land which was conveyed to the state by J. C. Anderson, Esquire, Mrs. Anne Hutchison and The National Society of Colonial Dames which composed the site of Fort Loudon in Monroe County. This act provided for the restoration of Fort Loudon by the Fort Loudon Association. This act was repealed by Public Acts of 1977, Chapter 258.
  36. Private Acts of 1937, Chapter 47, removed the disability of infancy of Georgia Williams Jones and

- gave her full contract, property and all other rights of a person 21 years of age.
37. Public Acts of 1965, Chapter 79, created and established the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in the Cherokee National Forest and adjacent areas lying in Monroe, McMinn and Polk counties. The act provided the commission with the power and authority to act in liaison with all branches, departments and agencies of the federal, state and local governments in the planning and promotion of the recreational development of said region. This act expired on June 30, 1985 in accordance with Section 8 of Public Acts of 1977, Chapter 452.

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