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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.

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# Chapter I - Administration

## Amusement License

### Private Acts of 1919 Chapter 717

**SECTION 1.** That in all towns and cities not incorporated in all counties of this State having a population of not less than 13,600 nor more than 13,620 according to the Federal Census of 1910, or any subsequent census, it shall be a misdemeanor and a violation of law for any person, firm or corporation to maintain, operate or keep open any pool hall, billiard hall, tenpin alley, dance hall, dance room or moving picture show, for the purpose of carrying on any games, dances, or other amusements commonly had at such places without first getting from the Clerk of the County Court of such counties a license, in lieu of all other licenses to carry on said business; and the Clerk of said court shall charge and collect a license of one hundred dollars (\$100.00) a year for such privilege; the same to go to the public school fund of said county; Provided, That the Clerk shall not issue any such license, unless in addition to the amount paid the applicant shall have a written request to the Clerk to issue said license signed by at least twentyfive (25) reputable citizens and taxpayers of said city or town asking for said license, and agreeing to indemnify the citizens of said town against all loss and inconveniences resulting from the operation of said pool room, billiard hall, dance hall, ten-pin alley, or moving picture show; and *provided further*, that before the Clerk of the County Court shall issue such license he shall be satisfied that the person to whom such license is issued is a person of good moral character and above the age of twenty-one (21) years.

**SEC. 2.** That the violation of the first Section of this Act is hereby declared a misdemeanor and on conviction the party so convicted shall pay a fine of not less than \$10.00, nor more than \$50.00, in the discretion of the court trying the case; and in the case of a second conviction for the same or similar offense in violation of this Act the license under which such place of amusement is operating shall be declared forfeited and canceled, in addition to the fine which may be imposed.

**SEC. 3.** That it is by this Act made the duty of the Sheriffs in said counties to appoint special deputies, if necessary, to enforce the provisions of this Act by arresting, and bringing to trial all violators of this Act.

**SEC. 4.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1919.

## Building Codes

### Incorporation By Reference

### Private Acts of 1972 Chapter 230

**SECTION 1.** The Governing Body of Loudon County is authorized to adopt, by reference, the provisions of any code or portions of any code as herein defined, to amend the provisions of said codes as it deems necessary, to provide for their administration and enforcement, to establish penalties for the violation of such codes and to define the area within the county where such codes will be applicable.

**SECTION 2.** As used in this Act, the following terms shall have the meanings hereafter indicated.

(a) The Quarterly Court of Loudon County or any other body in which the general legislative powers of the county may hereafter be vested.

(b) Any published compilation of published rules or regulations which have been prepared by technical trade associations, model code organizations, or agencies of the State or Federal Governments which regulate building construction, housing quality, electrical wiring, and plumbing and gas installation.

(c) Any document which is printed, lithographed, multigraphed, or otherwise reproduced.

**SECTION 3.** The governing body may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least three copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such code, portion, or amendment

are filed with the Clerk for a period of thirty (30) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion, or amendment by reference shall be effective until published in a newspaper having a general circulation in the county. Codes, regulations, or amendments to any of the foregoing adopted by the governing body, acting under the authority of this Act shall not take precedence over existing or hereafter enacted state laws or regulations except wherein such codes, regulations, or amendments to any of the foregoing surpass the standards of said state laws or regulations, and county officers charged with enforcement under the authority of this Act are hereby authorized and empowered to enforce all such valid state laws and regulations which are more stringent than said county codes or regulations.

**SECTION 4.** Any amendment which may be made to any code or regulation incorporated by reference by the governing body hereunder, may be likewise adopted by reference provided that the required number of amended or corrected copies (3) are filed with the County Court Clerk of Loudon County for public inspection, use, and examination at least thirty (30) days prior to adoption.

Notice of the adoption of any resolution adopting amendments by reference shall be published in a newspaper of general circulation in the county. No such resolution shall become effective until such notice has been published.

**SECTION 5.** The governing body may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials and bodies administering zoning and planning regulations within the county.

**SECTION 6.** The county attorney or any official vested with the powers of enforcing the provisions of any code incorporated by reference may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provision of such code. Further, that any magistrate or judge who is authorized to issue warrants under general law is authorized to issue to the enforcing officer a warrant authorizing the inspection of specified buildings, structures, or premises when necessary to enforce any codes or regulations adopted hereunder.

**SECTION 7.** The authority of this Act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm, or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions hereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm, or corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than Fifty Dollars.

**SECTION 8.** The provisions of this Act shall apply only to the unincorporated area of Loudon County.

**SECTION 9.** If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

**SECTION 10.** This Act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the governing body of Loudon County. Its approval or nonapproval shall be proclaimed by the county judge of Loudon County and certified by him to the Secretary of State.

**SECTION 11.** 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 10 herein.

PASSED: February 16, 1972

## Private Acts of 1963 Chapter 196

**SECTION 1.** That after April 1, 1972, it shall be unlawful in Loudon County to build, erect, or construct or cause to be built, erected or constructed any new building or to remodel or reconstruct or add to or cause to be remodeled, reconstructed or added to any existing building where the value of such original construction, remodeling or addition exceeds the value of five hundred (\$500.00) dollars without first obtaining from the Assessor of Property of said County a building permit. Said Assessor of Property shall issue such building permit upon due application therefor, and the payment of a fee of one (\$1.00) dollar. The permit required hereby shall be in such form as may be prescribed by the Assessor of Property. Provided that the County building permit required herein shall not be required in any parts of the County, or the Cities therein, wherein a building permit is required under County or City zoning or building laws,

but that all parts of the County, including the Cities of Greenback and Philadelphia, continue to be subject to the one (\$1.00) dollar building permit law so long as and during such time as zoning or building construction permits are not required and enforced in such areas.

Any person violating the provisions of this Act is guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00).

As amended by: Private Acts of 1972, Chapter 214

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Loudon County on or before the next regular meeting of said Quarterly County Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1963.

## Port Authority

### 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, wharfs, 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 and water sports 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 any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county, or

municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the 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 purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

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

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

**SECTION 6.** That the Port Authority "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 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 Thursday of April, 1963, 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 Thursday of April 1965; the term of office of the second member selected by each respective county court shall expire the first Thursday of April, 1967; the term of office of the third member selected by each respective county court shall expire the first Thursday of April 1969.

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 Thursday of April 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 of 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 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 any 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 notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

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

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

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

All members of the Board of Commissioners shall serve as such without compensation, 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 of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts 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 officer 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 Court of each of the counties of Loudon and a amount to be issued by every county, supported by a report on the need for, and projected use of the facilities for the financing of which such bond 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 other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said County Courts 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 on such bonds.
- (b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.
- (c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.
- (d) To provide for the replacement of lost, destroyed or mutilated bonds.
- (e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.
- (g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.
- (h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (j) To vest in a trustee or trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees,

and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

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

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court 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 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 of revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the 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, noninterest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

**SECTION 18.** That the County Courts of 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 the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

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

- (1) The payment of all operating expenses of The Port Authority, except that the proceeds derived from the sale, transfer, 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 businessmen.

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

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

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

**SECTION 22.** That The Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or

municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

**SECTION 23.** That The Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any of 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 be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

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

**SECTION 26.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the 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 nonapproval 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 the State of Tennessee. All laws or parts of laws in conflict herewith, and particularly Chapter 218 of the Public Acts of Tennessee of 1963 are hereby repealed, and this Act shall take effect as hereinbefore set out, the public welfare requiring it.

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

Passed: March 2, 1965.

## Administration - Historical Notes

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Loudon County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1921, Chapter 513, set the fees of justices of the peace, sheriffs, deputy sheriffs and constables in Loudon County.
2. Private Acts of 1955, Chapter 283, set the compensation paid to Loudon County Justices of the Peace at \$5.00 per day plus mileage for meetings attended.

### County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Loudon 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 1919, Chapter 163, as amended by Private Acts of 1927, Chapter 690, created a county judge in all counties in the state having a population of not less than 13,608 nor more than 13,620 to be elected for a term of eight years with a compensation of \$900 per annum. The office of chairman and chairman pro tem of the county court of Loudon county was abolished by this act.
2. Private Acts of 1978, Chapter 215, authorized the county judge to change the meeting place for the quarterly county court from the courthouse to the county justice center if inclement weather made it impractical to meet at the courthouse.
3. Private Acts of 1951, Chapter 138, as amended by Private Acts of 1975, Chapter 141, designated

the county judge as the administrative and financial agent for the county. The compensation for both positions was \$3,600 annually, paid in 12 equal monthly installments.

### **County Register**

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

1. Private Acts of 1931, Chapter 275, set the salary of the Loudon County Register of Deeds to \$300 per annum.

### **Port Authority**

1. Public Acts of 1963, Chapter 218, created the Little Tennessee River Port Authority. It was repealed by Private Acts of 1965, Chapter 95.
2. Private Acts of 1967/68, Chapter 68, would have repealed Private Acts of 1965, Chapter 95. Private Acts of 1967/68, Chapter 68 corrected grammatical and spelling mistakes in Private Acts of 1965, Chapter 95.
3. Private Acts of 1967/68, Chapter 68 was passed by Monroe County, but was never passed by the Loudon County Quarterly Court. Therefore, it never went into effect.
- 4.

### **General References**

The following private or local acts constitute part of the administrative and political history of Loudon 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 1883, Chapter 193, authorized the sheriff of Loudon County to conduct an election in August, 1883 to ascertain the will of the voters in reference to the assessment of the railroad liability of the fraction of Loudon County which had previously been part of Blount County.
2. Public Acts of 1887, Chapter 66, was an act passed for the relief of the Blount fraction of Loudon County. Since at the time of the formation of Loudon County, there was a bonded indebtedness on Blount County for which that portion of Loudon County which was taken from Blount remained legally liable. This act provided that there would be an election to determine if the entire populace of Loudon County should assume the debt of the Blount faction and if so, provisions were made for a bond issue to provide the necessary funds.
3. Private Acts of 1919, Chapter 68, authorized the Loudon County Court to hire a county surveyor, with the requirement that the person hired to be a resident of the county.
4. Private Acts of 1919, Chapter 472, authorized the comptroller's office to furnish the Loudon county judge with copies of each volume of the supreme court reports, not otherwise appropriated and on hand in the comptroller's office. Loudon County was to pay any expenses in transporting these volumes.
5. Private Acts of 1919, Chapter 628, gave the power of condemnation to trustees or commissioners of any cemetery, church or graveyard in Loudon County.
6. Private Acts of 1921, Chapter 278, set the salary of the Loudon County Surveyor at \$7.50 per day.
7. Private Acts of 1921, Chapter 513, fixed the fees of justices of the peace, sheriffs, deputy sheriffs and constables for services performed in Loudon County.
8. Private Acts of 1937, Chapter 691, set the salary of the Loudon County Judge at \$300 per year plus an additional \$300 per year for office expenses.
9. Private Acts of 1961, Chapter 373, authorized the appointment of deputies or assistants by the county register in Loudon County at an annual salary of \$1,200 per annum.

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