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Chapter I - Administration

Dear Reader:

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

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

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

Sincerely,

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

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Chapter I - Administration

Budget System

Accounting and Budget Director

Private Acts of 1998 Chapter 166

SECTION 1. There is created the position of Accounting and Budget Director for Hardin County.

SECTION 2. The finance committee of the Hardin County Commission, subject to the approval of the full commission, shall appoint an accounting and budget director. The finance committee of the Hardin County Commission, subject to the approval of the full commission, may dismiss an accounting and budget director. The committee shall give thirty (30) days written notice to the full commission before appointing or dismissing an accounting and budget director.

SECTION 3. The accounting and budget director shall be qualified by training and experience in the field of accounting to perform the duties of the position in a proficient manner and in accordance with generally recognized governmental accounting principles.

SECTION 4. The finance committee shall establish the compensation of the accounting and budget director. The finance committee shall include such compensation in its annual budget recommendation to the full commission.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Hardin County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

Passed: April 27, 1998.

County Register

Private Acts of 1986 Chapter 143

SECTION 1. In Hardin County, no conveyance divesting and vesting title to real estate shall be registered in the office of the County Register until such conveyance shall have been first submitted to the County Tax Assessor for his information as provided in this Act.

To facilitate the maintenance of records at the Office of Assessor of Property of the value of properties in Hardin County, such instruments shall be submitted to the Tax Assessor of Hardin County together with an affidavit of the value of the property or interest conveyed, or the consideration therefor, whichever is greater. Such amount shall then be entered upon the records of the Tax Assessor of Hardin County. Any person swearing falsely as to the consideration for said conveyance shall be guilty of perjury.

Upon the conveyance being submitted to the Tax Assessor, that official shall enter upon the permanent records of his office a description sufficient to enable the land to be identified, the consideration paid therefor, and shall note such change of ownership upon the permanent records of his office. The Tax Assessor shall endorse upon said conveyance that the instrument has been submitted to him.

Nothing herein shall be construed as requiring the submission of mortgages of deeds of trust to the County Tax Assessor.

After such conveyance has been submitted to the County Tax Assessor pursuant to the preceding provisions, it shall then be eligible for registration in the Office of the County Register of Hardin County. The County Register shall not accept the conveyances for registration to which this act applies which fail to bear the notation of the County Tax Assessor showing that the instrument has been submitted to him.

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

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon

becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 31, 1986.

Port Authority

Private Acts of 1957 Chapter 4

SECTION 1. That in order to facilitate transportation in Hardin County, Tennessee, and to promote the navigation on the Tennessee River, which traverses Hardin County, and to facilitate the movement and transfer of people, goods and merchandise, to, from, at and through the county of Hardin, and to fully utilize the natural resources of said county, so that the same may be shipped and transported, and to provide for internal improvement in the development of the resources in Hardin County and the State of Tennessee, and to promote the happiness and prosperity of the citizens, there is hereby established in Hardin County, Tennessee, a Port Authority, to be known as "The Port Authority of Hardin County, Tennessee," hereinafter designated as "The Port Authority", for the purpose of acquiring, constructing, operating and maintaining port and harbor facilities, ports, docks, wharves, piers, loading and unloading machinery, equipment and facilities, harbor and river front improvement, storage and transfer facilities, elevators, terminal and terminal facilities, navigation facilities, railroads, truck and track scales, switch yards, concentration yards, roads and bridges, trucks and bus lines, airports and aircraft landing facilities, communication facilities related or incidental to such port and other facilities, or one or more or a combination of the same, and to provide that the same shall be under the jurisdiction, control and management of said Port Authority, to be constructed and conducted 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, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

As amended by:

Private Acts of 1999, Chapter 47

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

- (a) To acquire, construct, purchase, operate, maintain, replace, rebuild, extend and improve, within the limits of the County of Hardin and State of Tennessee, or on the Tennessee River in any other state or partly within any other state, the port and other facilities described in Section I hereof and any and all related facilities, equipment and appurtenances, necessary or convenient to the improvement of the access of Hardin County, Tennessee, to all channels of commerce, and to make such facilities available to any person, firm, 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 and 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 County of Hardin, which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted.
- (e) To make contracts and execute instruments containing such covenants, terms and conditions, as, in the judgment of said Commissioners, may be necessary, proper and advisable for the purpose of obtaining grants, loans or other financial assistance from any federal or state agency, for or in aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitations, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms and conditions of all such contracts or instruments.
- (f) To establish schedules of tolls, fees, rates, charges and rentals for the use of the facilities under its

jurisdiction, and for services which it may render.

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

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

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

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

SECTION 6. That The Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of Hardin County, Tennessee, any land, easements or rights of way, 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 in the name of the County of Hardin, and the property shall thereafter be entrusted to said Authority, as the agent of the County of Hardin, 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 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, 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 County of Hardin, such property, and the 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.

SECTION 8. That neither the County of Hardin, The Port Authority nor the Board of Commissioners, shall be required to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or other like 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. Effective July 1, 1999, the members of the Board of Directors of the Savannah Industrial Development Corporation shall also become members of the Board of Commissioners of the Port Authority of Hardin County, Tennessee; provided, however, that incumbent members of the Board of Commissioners of the Port Authority shall remain as additional members of said Board of Commissioners until the expiration of their term of office or until their office is vacated. Upon the expiration of the terms of all members of the Port Authority's Board of Commissioners or the vacation of office of all such members, the members of the Board of Directors of the Savannah Industrial Development Corporation shall henceforth constitute the Board of Commissioners of the Port Authority of Hardin County, Tennessee

As amended by: Private Acts of 1999, Chapter 47

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, and the same shall be filed with the County Court Clerk.

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 this Act becomes effective, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every ninety days, and at such regular time and place as the

Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

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

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

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary-Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come to his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the County Court Clerk and registered in the Register's Office, as required of county officers.

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

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the Quarterly County Court of Hardin County, Tennessee. The members of the Board shall be paid such amount for attendance at board meetings as may be fixed by resolution of the Quarterly County Court of Hardin County, Tennessee.

SECTION 11. That 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 County of Hardin shall have power and authority to issue and sell its 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 County of Hardin 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 Quarterly County Court of Hardin County, Tennessee. 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 Quarterly County Court may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said Quarterly County Court, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semiannually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the Quarterly County Court 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 counter-signatures, appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and counter-signatures 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 County of Hardin, 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 Quarterly County Court of Hardin County, Tennessee, to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners.

Prior to a vote by the Quarterly County Court of Hardin County, authorizing the issuance of bonds to be financed wholly or in part through tax levies by the Quarterly County Court, The Port Authority Commissioners shall prepare and submit to the Quarterly County Court a recommendation that bonds in a stated amount be issued hereunder, 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 the County of Hardin, payable out of its 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 County, it shall be the duty of the Quarterly County Court of said County of Hardin to levy a tax each year, over and above the taxes levied for general 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 the Quarterly County Court 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 the Quarterly County Court, 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 Quarterly County Court of Hardin County, Tennessee, 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 the County of Hardin 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.
- (c) To provide for the term, 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 rights 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; 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 purpose 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 of Hardin, the Quarterly County Court, 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, the Quarterly County Court, 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 of Hardin, the Quarterly County Court, 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 Quarterly County Court of Hardin County, Tennessee, 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 the 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 County of Hardin, issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the Quarterly County Court of Hardin County, Tennessee, 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 of Hardin, and the holders of bonds of such issue.

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

All such payments from the general or other funds shall be considered as temporary, non-interest 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 Quarterly County Court of Hardin County, Tennessee, is authorized to appropriate to The Port Authority from the general funds of Hardin County, Tennessee, 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 authority by this Act, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within the 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 record of all such receipts and their 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, shall be applied and used as follows:

- (1) The payment of all operating expenses of The Port Authority.
- (2) The payment of the interest on bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into the 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 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 to the general funds of the County of Hardin, 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 \$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 \$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 requires immediate deliver of the supplies or performance of the service; or,
- (2) Repair, parts, accessories, supplemental equipment or services are required for 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 specifications.

Provided, further, That in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement or 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, any county or municipality in the State of Tennessee, provided such municipality shall consent to such use.

SECTION 23. That the Quarterly County Court of Hardin County, Tennessee, with the approval of The Port Authority Commissioners, may dispose of all or substantially all of the land and real property acquired under the provisions of this Act, upon a vote for such disposal, of a majority of all the members of the Quarterly County Court. Any such vote shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

The Port Authority Commissioners may dispose of personal property of said Authority, when, in the judgment of said Board of Commissioners, it is advantageous to or necessary, for the efficient operation of said Authority, to dispose of the same, or when said personal property is being replaced by new or more efficient property of like character, or when said personal property is no longer necessary for the operation of the Authority.

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, 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 held to be invalid, if any.

SECTION 26. That this Act is remedial in nature, and shall be liberally construed, to effect its purpose of facilitating the removal and transfer of people, products and goods, to, from, at and through Hardin County, and to improve the access of Hardin County to all channels of commerce, and to encourage the industrial development and growth of Hardin County, and the use of the natural resources of Hardin County, including the navigation of the Tennessee River.

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Hardin County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

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

Passed: January 23, 1957.

Administration - Historical Notes

County Attorney

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

1. Private Acts of 1939, Chapter 313, created the office of County Attorney in Hardin County. The attorney would be appointed at first by the Governor to serve until January, 1940, whereupon the Quarterly County Court would fill the office by election or appointment for two-year terms. The attorney was required to be a resident of the County and licensed to practice law. The salary was fixed at \$1,200 per year, payable monthly out of regular County funds. The Attorney's duties were to attend to and transact all the legal business of the County, advise County officials, and represent the County in all suits including the collection of delinquent taxes.
2. Private Acts of 1943, Chapter 58, repealed Private Acts of 1939, Chapter 313, above.

County Clerk

The following act once affected the office of county clerk in Hardin County. It is included herein for historical purposes.

1. Public Acts of 1982, Chapter 858, granted to the County Clerk in Hardin County all the powers, authority, duties, and responsibilities given by general law to clerks and masters of chancery court having probate jurisdiction, and, therefore authorized the County Clerk to grant letters of administration, probate wills, and decide other issues common in probate matters subject to the review of the Chancellor.

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Hardin County. They are included herein for historical purposes only.

1. Acts of 1907, Chapter 425, created the office of County Judge in Hardin County. The Judge was to be elected for four-year terms and was empowered with concurrent jurisdiction with the Circuit and Chancery Courts to issue extraordinary writs of injunction and attachment. The constitutionality of this grant of power was upheld in the case of Churchwell v. Callens, 36 Tenn. App. 119, 252 S.W.2d 131 (1952), and the act was held constitutional.
2. Private Acts of 1921, Chapter 570, provided that the County Judge of Hardin County would receive the sum of \$300 per year, in addition to all the other compensations as a Judge, for his services as the accounting officer, financial agent, and general agent of the County. This sum would be paid out of the regular funds of the County on the Judge's own warrant.
3. Private Acts of 1937, Chapter 329, amended Private Acts of 1907, Chapter 425, above, and set the compensation of the County Judge at a sum to be determined by the County Court.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Hardin County and are included herein for historical purposes.

1. Private Acts of 1824, Chapter 102, provided that the County Court of Hardin County would meet on the third Monday of March, June, September, and December.
2. Private Acts of 1826, Chapter 28, ratified the official acts performed by John Hannah, Sr. as a Justice of the Peace of Hardin County.
3. Private Acts of 1826, Chapter 78, was an act regulating the County Courts of several counties, including the Court in Hardin County.
4. Private Acts of 1827, Chapter 81, legalized and validated the acts performed by Anthony Wayne Pope Ussery as a Justice of the Peace in Hardin County. He had been commissioned by the name of Russell rather than his proper name, Ussery.
5. Public Acts of 1883, Chapter 156, authorized the Thirteenth Civil District in Hardin County to elect an additional Justice of the Peace for the town of Saltillo.
6. Private Acts of 1919, Chapter 348, authorized a per diem of \$3.00 for Hardin County Justices of the Peace plus the mileage allowance as then provided by law.
7. Private Acts of 1953, Chapter 182, provided that no conveyance divesting and vesting title to real estate in Hardin County would be registered by the County Register unless the document was first submitted to the County Trustee and then to the Tax Assessor for their information. The Trustee and Assessor would enter the proper changes on the permanent records of their offices. Any Trustee or Tax Assessor failing to observe these requirements were made subject to ouster proceedings.
8. Private Acts of 1961, Chapter 193, provided for the Justices of the Peace of Hardin County to receive a per diem of \$15 and to receive a mileage allowance of eight cents per mile.
9. Private Acts of 1972, Chapter 390, allowed the Justices of the Peace of Hardin County a per diem of \$50 while in attendance at each session of the County Court. The act was not approved locally and did not become effective.
10. Private Acts of 1972, Chapter 422, provided that the Justices of the Peace of Hardin County would receive compensation of \$1,200 per year. The act was not approved locally and did not become effective.
11. Private Acts of 1975, Chapter 9, repealed Private Acts of 1953, Chapter 182, above, in its entirety.

County Trustee

The following acts once affected the office of county trustee in Hardin County, but are no longer operative.

1. Acts of 1847-48, Chapter 63, required the Trustee of Hardin County to distribute all the school money in his hands on account of the provisions of Acts of 1843-44, Chapter 159, a general law concerning school funds. The trustee was to pay out the money on a pro rata basis among the school districts according to population.
2. Public Acts of 1889, Chapter 131, authorized the Trustee of Hardin County to sell to the highest bidder for one-third cash and the remainder in two, equal, yearly payments, and to convey by general warranty deed, a vacant lot of about one-half acre fronting on Main Street, in Savannah, known as the old "Male Academy lot" and to place the proceeds of the sale of the lot to the credit of the general school fund of the County.
3. Private Acts of 1917, Chapter 562, amended Private Acts of 1913 (1st Ex. Sess.), Chapter 26, by providing that the County Trustee of Hardin County would be entitled to receive as compensation for receiving and disbursing the proceeds from sales of bonds authorized under the act, one-half of one percent of the amount so received and disbursed. The 1913 Public Act related to the issuance of highway bonds.

Purchasing

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

1. Private Acts of 1967-68, Chapter 412, created the office of County Purchasing Agent for Hardin County, the Agent to be elected by the Quarterly County Court for two-year terms with annual compensation set by the Court but not to exceed \$10,000. The Purchasing Agent's duty would be to contract for and purchase all materials, supplies, and equipment for all branches of County government. The act set forth bid requirements and restrictions and other procedures. The act was not approved locally and did not become effective.

General Reference

The following private or local acts constitute part of the administrative and political history of Hardin County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Private Acts of 1821, Chapter 84, authorized the laying out of a town on the south bank of the Tennessee River across from the mouth of Swift Creek on the land of Joseph and James F. McMahon. It would consist of one hundred, half-acre lots with lanes, streets and alleys and the town would be called Mount Etna.
2. Public Acts of 1823, Chapter 50, required the President and Directors of the Bank of Tennessee to appoint an agent and establish an agency of the Bank in McMinn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll, and Henry Counties, and to place in the hands of the agents the amounts of money to which the counties would be entitled to receive from state funds, as other counties in the state, to be lent by the agents to the citizens of the counties.
3. Private Acts of 1824, Chapter 94, constituted as a body politic and corporate the resident citizens of the Town of Hardinville under the Mayor-Aldermen form of government. The Sheriff would hold an election for seven Aldermen who would choose the Mayor from among their own number.
4. Private Acts of 1825, Chapter 320, recited in the preamble that it was believed that a large majority of the citizens in Hardin County are dissatisfied with the location of the county seat and would prefer it to be located on the Tennessee River. The act directs the Sheriff of Hardin County to hold an election at the same places where votes were cast for the General Assembly. If the vote were to be favorable, the county seat was to be moved and known by the name of Hardinsville. Three commissioners from other counties were to select the site and lay out the new town, being empowered to pass good title to the land sold in the town.
5. Private Acts of 1826, Chapter 75, appointed Commissioners for Hardin County who would locate the site of the county seat of justice at a place determined by them to be in the best interest of the people. They were required to make a report to the County Court Clerk of their choice which would then be designated as the county seat.
6. Public Acts of 1827, Chapter 12, created a Treasury Department for the Western District of Tennessee composed of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. The Treasurer of the District would be appointed by joint ballot of both houses of the Legislature and would open an office in Jackson, Tennessee. All taxes due the State would be paid in at that office instead of in Nashville.
7. Private Acts of 1827, Chapter 140, changed the name of Hardinsville in Hardin County to Savannah. The Commissioners of Savannah were to sell all that part of the old city relinquished to them and apply the proceeds to the building of a courthouse and jail in Savannah.
8. Public Acts of 1831, Chapter 43, Section 6, required the Cashier of the Bank of the State of Tennessee to pay over to the Trustees of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson Counties, their proportionate share of the \$60,000 appropriated for the internal improvement of Middle Tennessee. Officers of the Bank could also lend out the funds for the benefit of the County.
9. Public Acts of 1831, Chapter 44, allowed the counties west of Tennessee River, including Humphreys, Hardin and Perry Counties, to select three residents of their respective counties who would become the County Commissioners for Internal Improvement. These Commissioners would manage the share of the Internal Improvement funds allotted to their counties by improving their public works, such as roads, highways, and navigable rivers. Two counties could cooperate in the improvements under a five man Board. The Commissioners would operate under procedural rules which were prescribed in the act and be paid \$1.00 for each day actually spent in the discharge of their duties.
10. Private Acts of 1832, Chapter 73, Sections 4 and 5, provided that the \$30,000, set apart and appropriated for internal improvement west of the Tennessee River, would be equally divided among the counties lying west of the said River regardless of population. Humphreys, Perry, and Hardin Counties would be included but each would receive one-half of the amount received by the other counties.
11. Private Acts of 1832, Chapter 109, Section 5, named Lewis H. Broyles, Robert Watt, David Robertson, John Houston, and James Irwin, as the members of the Board of Internal Improvement for Hardin County, who would receive appropriated funds, invest them, and use the

interest for various county projects.

12. Public Acts of 1833, Chapter 25, provided that any person who might wish to build a mill on the streams in Hickman, Lawrence, Wayne, Hardin, and McNairy Counties, or any other county west of the Tennessee River, could do so, so long as no nuisance was created. The builders would be entitled to have their mill placed on the general plan of the Surveyor's District. The mills could occupy any number of acres less than 25 and must be erected within two years after being marked on the general plan.
13. Private Acts of 1833, Chapter 39, provided that John J. Williams, of Hardin County, would be allowed to hawk and peddle in the Counties of Hickman, Lawrence, Wayne, Hardin, and McNairy without having to obtain a license, and that he could keep a grocery in the town of Savannah only, without a license, provided he took an oath before a Justice of the Peace in Hardin County that the goods sold would be for his own benefit and no others.
14. Private Acts of 1833, Chapter 73, incorporated Savannah under the Mayor-Aldermen form of government with fifty years succession. The Sheriff of Hardin County would hold an election to select seven Aldermen who would choose one of their number as the Mayor. The powers and duties of most of the elective offices were prescribed in the law.
15. Private Acts of 1833, Chapter 77, provided that John T. Burtwell, of McNairy County, would have preference of entry upon a tract of land of not exceeding 2000 acres in Hardin County in order to build a salt works. Burtwell could request the Surveyor of the Ninth District to lay off and mark this land for him.
16. Private Acts of 1833, Chapter 128, appropriated \$1,000 of the Internal Improvement Fund which was set apart for Hardin County to the building of a courthouse in Savannah and the Internal Improvement Board was directed to pay over that amount to the commissioners of Savannah.
17. Acts of 1841-42, Chapter 156, stated that the clerks, collectors, and other officers of Hardin County, who may be required by law to pay money into the State Treasury, would make returns and settlements with the Comptroller at Jackson, in Madison County, at the same time as officers in the several counties in the Western District were required to make settlements.
18. Acts of 1845-46, Chapter 132, appointed John J. Williams, Jesse B. Gantt, Daniel Smith, Bowen Davy, and James W. Cantrell as Commissioners to meet and employ a surveyor or mathematician to meander the Tennessee River, in Hardin County, on both sides by taking the courses and distances by measurement. They were to create a map of the river on canvas, parchment, or paste board. The work would be reviewed by two other surveyors for certification. The cost of the entire project would not exceed \$500.
19. Acts of 1845-46, Chapter 174, gave the County Court of Hardin County permission to elect at the next April or July term of Court, a competent surveyor for that part of the County lying west of the Tennessee River, who would be under the same rules and regulations, and draw the same fees, as other surveyors in the State.
20. Acts of 1851-52, Chapter 147, ratified and made valid all the acts of the surveyor elected by the County Court of Hardin County under the 1846 act as though that act authorized his reelection.
21. Public Acts of 1895, Chapter 77, ceded jurisdiction over a tract of land lying in Hardin and McNairy Counties to the United States for the purpose of establishing the Shiloh National Military Park pursuant to an Act of Congress in 1894. Formal cession would occur upon acquisition of title by the United States from the owners of the land by payment or decree of court. The State of Tennessee would retain concurrent jurisdiction over the land and roads so that all civil and criminal process issued under the authority of the State could be executed there as if the act had not been passed. The Park would serve as a place where the history of all military organizations engaged in the battle that took place there would be impartially preserved by tablets and monuments and where all the states that had troops there would have equal rights and recognition.
22. Private Acts of 1915, Chapter 92, declared that women, twenty-one years of age or older, were declared eligible for the office of Notary Public in Hardin County.
23. Private Acts of 1925, Chapter 784, allowed the County Court of Hardin County to appropriate out of the general fund a sum not to exceed \$2,500 annually to be used in connection with the State Geological Department in making maps and surveys, and in printing and advertising the natural resources of the County. The Governor would appoint a citizen of the County who, with the County Judge and the State Geologist, would constitute a Committee to supervise the expenditure of funds.
24. Private Acts of 1933, Chapter 669, authorized Hardin County to pay six percent interest on any

unpaid, outstanding warrant, of any nature, whether it be designated as school, road, courthouse, or otherwise, provided that the holder of the said warrant agreed to forbear from bringing suit on it for at least one year. The agreement would be stamped on the back of the warrant and the interest to be paid would not begin until the warrant was stamped and signed. The act also validated a resolution of the County Court to the same effect.

25. Private Acts of 1937, Chapter 330, removed all the disabilities of minority from John Leon Freeman of Savannah, and enabled him to conduct all business in the manner of and with the capacity of an adult.

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