



**Town of Clinton
The Port
Authority**

**Roles and Responsibilities
May 9, 2023**

How was it Established?

- Chapter 28 of the Private Acts of 1961
- November 1966-Charter amendment to establish the Port Authority
- Town of Clinton Charter was approved in 1990, Article VIII, Section 1 provided the power to create a port authority by ordinance

Purpose

- Authorize the construction, acquisition, ownership, maintenance and operation of:
 - Publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreation facilities
- Promote and facilitate commercial and industrial development
- Authorize sale of bonds and borrowing money for carrying out powers granted

Appointment and Qualifications

- Appointed by the governing body
- 10-year terms, terms of office expire on the first Thursday of March
- Must be at least 21 years of age
- Must live within the city limits for at least 1 year preceding the election
- Cannot be a member of the City Council or the City Recorder

Board Requirements

- Shall take an oath of office
- Shall hold regular meeting -1 every 4 months
- Establish own rules of procedures, special called meetings
- Serve without compensation

Board Requirements

- **Elect officers-**
 - **Chairman within 30 days after appointment**
 - **Designate Secretary and Treasurer-not required to be a commissioner**
- **Majority of Commissioners constitutes a quorum**
- **Shall act by vote of a majority present**
- **Vacancies on the board will not affect the authority if a quorum exists**

Authorities

- **Express authorities:**
 1. **To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend and improve, within corporate limits and within a 10-mile radius from any point at any of the present corporate limits, the ports and other facilities in Section 1 hereof, and any and all related facilities, equipment and appurtenances, necessary or convenient to the improvement of the access of the town of Clinton, and Anderson County 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**

Authorities

- 2.** To accept donations to the Authority of cash, lands, or other property to be used in the furtherance of the purposes of the Act.

- 3.** To accept grants, loans or other financial assistance from any federal, state, county or municipal agency, or in the aid of the acquisition or improvement of any of the facilities herein provided

Authorities

- 4. To purchase, rent, lease or otherwise acquire any and all kinds of property, real, personal or mixed,...the authority shall include 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 waters of the Clinch River and their operations.**

Authorities

- 5. To make contracts and execute instruments...for the purpose of obtaining grants or other financial assistance to aid in the acquisition or improvement of facilities, to make all other contracts without limitations, licenses, long or short-term leases, mortgages and deeds of trust...relating to property within jurisdiction and the construction, operation, maintenance, repair and improvement thereof...in the board's best judgment and carry out the terms and conditions**

Authorities

- 6.** 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.
- 7.** 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

Authorities

- 8.** To promulgate and enforce rules and regulation as the said Board of Commissioners may deem proper, for the orderly administration of the Port Authority, and the efficient operation of its facilities.

- 9.** To do all acts and things necessary or deemed necessary or convenient to carry out the powers expressly given in this Act.

City Council Approvals

- Eminent Domain-although the ordinance delegates the authority to the Port Authority, it is acting on behalf of the city and any property taken shall be in the name of the city.
- Issuance of bonds
- Land with a navigation terminal or essential part or facility sold, transferred, leased or otherwise disposed of

Sunshine Requirements

- The Sunshine Law or Tennessee Open Meetings Act (hereinafter "TOMA") establishes "... that the formation of public policy and decisions is public business and shall not be conducted in secret". T.C.A. § 8-44-101.
- Telephone calls, emails, text messages and all other electronic communications exchanged between multiple members of a governing body related to a public business are generally prohibited.

Governing body

- With regard to the first prong of the test, “governing body” is defined in T.C.A. § 8-44-102 as:

(A) The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration ...so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times.

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