

QUARTERLY COURT MINUTES

BE IT REMEMBERED that the Quarterly Court of Loudon County met on April 26, 1972, at 7:30 P. M. in Special Session, with the Honorable Harvey L. Sproul, County Judge of said County, presiding, and with Edward Alexander, the County Court Clerk, present; whereupon Sheriff Freeman Russell led the Pledge of Allegiance and opened Court.

Squires present were:

J. J. Blair	Roy Bledsoe
Jack H. Lefler	I. D. Conner
Henry C. Foster	James M. Hartsook
Curtis A. Williams	J. G. Hudson
Reece P. Hamilton	

Absent: None

Judge Sproul explained that he had not realized at the last meeting of the Quarterly Court that the Legislative Act passed in the Legislature authorizing the Loudon County Quarterly Court to adopt a 5% Hotel-Motel Transient Tax, the ratification of the Act being subject to a 2/3 vote of the Quarterly Court, had to be ratified by the Quarterly Court within 60 days from the date of execution by the Governor (which was February 28, 1972), and that the number of days would have passed by the time the Quarterly Court had its next meeting, and that it had been necessary therefore, to call a Special meeting, a copy of the call for the meeting being attached to the minutes of this meeting as Exhibit A.

During the public discussion session, there were various members of the public present and several comments were heard from the floor in opposition to the ratification of the proposed Act. As further information, it was explained by Judge Sproul that it looked as if the cost of the proposed connector roads would exceed the original estimate considerably, and further that the 1/2¢ sales tax since its inception in October, 1971, had brought in a total of \$7280.59 (4 months). It was contemplated that possibly the 1/2¢ sales tax might bring in for use by the County toward building the connecting roads somewhere between \$20,000 and \$25,000 this year and that the normal rate of growth of sales tax was approximately something between 6 to 10% per year on the average; that Loudon County had increased more than that in the preceding year, and it was possible that it might increase at a greater rate in the future, but even at that it would be several years before the 1 cent sales tax itself would meet the payments of the proposed bond issue for construction money.

After the open discussion period, Judge Sproul explained that he, and all the Magistrates, had received notification from the Loudon County Funeral Home Directors of their intention to cease operation

of ambulance service on July 1, 1972. He further reported that there had been no further action on the part of the Ambulance Study Committee, as has been shown by the Quarterly Court minutes, for the last few months, subsequent to the Committee meeting with the Funeral Home Directors in January at which time a proposal had been made by the County to the Funeral Home Directors, but which had not been accepted by them. Judge Sproul further explained that he had obtained a copy of the Legislation which had been passed by the 1972 General Assembly which provided certain standards for the operation of Emergency Ambulances Services in the State of Tennessee, parts of which Act become effective July 1, 1973, but the Act further providing that a County or City could withdraw from the provisions of the Act by appropriate resolution.

NEW STATE REGS. ON
AMBULANCES

After discussion, it was suggested by Squire Hartsook that if the Hotel-Motel Tax is adopted by the County and at the time this tax is able to carry the payment of the principal and interest on the bonds for the construction of the roads, that the Court should consider using the 1/2¢ sales tax at that time to pay the expense of operating an Ambulance Service. Squire Conner suggested that the Ambulance Committee be called in session for the purpose of studying the situation, meeting with the Funeral Home Directors if necessary, and to make a recommendation to the Quarterly Court before July 1.

AMBULANCE STUDY
COMMITTEE REQUESTED
TO MEET

After discussion by members of the Court, it was moved by Squire Hartsook, and seconded by Squire Williams, that Resolution No. 11-72, attached to these minutes as Exhibit B, ratifying the Private Act passed by the Tennessee Legislature, together with a copy of the Private Act itself as adopted by the Legislature, attached as Exhibit C, be adopted by the Quarterly Court, the caption of the resolution being as follows:

ADOPTION OF PRIVATE
ACT 232 (1972)
AUTHORIZING LEVY OF
HOTEL-MOTEL TAX

A RESOLUTION RATIFYING AND
APPROVING CHAPTER NO. 232
OF THE PRIVATE ACTS OF THE
1972 TENNESSEE LEGISLATURE
(87th GENERAL ASSEMBLY)
AUTHORIZING AN OCCUPANCY
PRIVILEGE TAX (TRANSIENTS
IN HOTELS AND MOTELS)

Voting on the motion, two-thirds being necessary to adopt, was as follows:

VOTING AYE:

Blair	Bledsoe
Conner	Hartsook
Williams	Hamilton

VOTING NO:

Lefler	Foster
Hudson	

The chair declared the Resolution adopted.

It was moved by Squire Blair, seconded by Squire Hudson, and unanimously approved that the meeting adjourn at 9:35 P. M:

Attest:
Harvey L. Sproul
County Judge
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Judges Office
County of Loudon
Loudon, Tennessee

April 20, 1972

COUNTY OF LOUDON

LOUDON, TENNESSEE

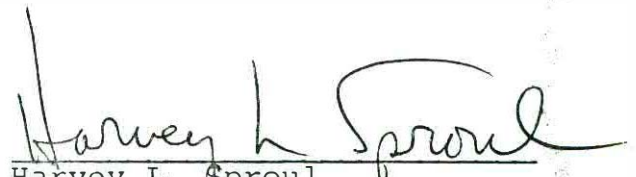
TO ALL MEMBERS OF THE QUARTERLY COUNTY COURT

NOTICE OF A SPECIAL SESSION OF THE LOUDON COUNTY QUARTERLY COURT

You and each of you are hereby summoned into a special session of the Loudon County Quarterly Court to be held at the Court House in Loudon, Tennessee, at 7:30 P. M., Wednesday, April 26, 1972, for the following purposes:

(1) To consider notification by the Loudon County Funeral Home Directors of their intention to cease ambulance service in Loudon County on July 1, 1972, and to discuss possible action to be taken by Quarterly Court.

(2) Consideration of adoption of Chapter 232 of the Private Acts of the 1972 Legislature adopting a transient room occupancy tax in the amount of 5% to be collected by hotels and motels, this tax not to cover any occupants of hotel or motel rooms except for transients as defined in the Act, it being further provided by the Quarterly Court resolution requesting the passage of the Private Act that the proceeds of this tax be to pay for the construction of two connecting roads to two additional interchanges on I-75, in lieu of a property tax.


Harvey L. Sproul
County Judge



Edward Alexander
County Court Clerk

EXHIBIT "A"

April 26, 1972

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LOUDON COUNTY QUARTERLY COURT

RESOLUTION NO. 11/72

A RESOLUTION RATIFYING AND APPROVING
CHAPTER NO. 232 OF THE PRIVATE ACTS OF
THE 1972 TENNESSEE LEGISLATURE (87th
GENERAL ASSEMBLY) AUTHORIZING AN OCCUPANCY
PRIVILEGE TAX (TRANSIENTS IN HOTELS AND
MOTELS)

WHEREAS, House Bill No. 1480 (by Honorable M. F. Stafford)
as of February 28, 1972, has been enacted into law as Private
Chapter No. 232 of the Private Acts of the 87th General Assembly
(1972), and signed into law by Governor Winfield Dunn on February
28, 1972, subject to approval by a two-thirds vote of the Quarterly
Court of Loudon County, Tennessee;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Quarterly
Court in Special Session assembled on this 26th day of April, 1972,
that Chapter No. 232 of the Private Acts of the 87th General Assembly
(1972) is hereby ratified and approved, and does hereby take effect
on this date, the caption of said Act being as follows:

AN ACT to authorize levying a privilege tax in counties
having a population of not less than 24,200 nor more
than 24,300, according to the Federal Census of 1970
or any subsequent Federal Census, on the privilege of
occupancy of any rooms, lodgings, or accommodations
furnished to transients by any hotel, inn, tourist
court, tourist camp, tourist cabin, motel or any place
in which rooms, lodgings or accommodations are furnished
to transients for a consideration, and providing for its
collection and administration and declaring the willful
failure to collect or pay such tax to be a small offense
misdemeanor.

Harvey L Spraul
County Judge

ATTEST:

Edward Alexander
County Court Clerk

Voting For: 6

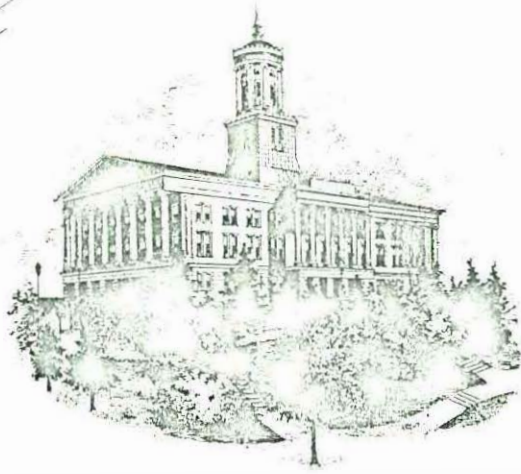
Voting Against: 3

Number of Magistrates: Nine (9)

Declared Adopted by County Judge

EXHIBIT "B"

State of Tennessee



Department of State

To all to whom these Presents shall come, Greeting:

I Joe C. Carr, Secretary of State of the State of Tennessee, do hereby certify that the annexed is a true copy of

HOUSE BILL NO. 1480

CHAPTER NO. 232

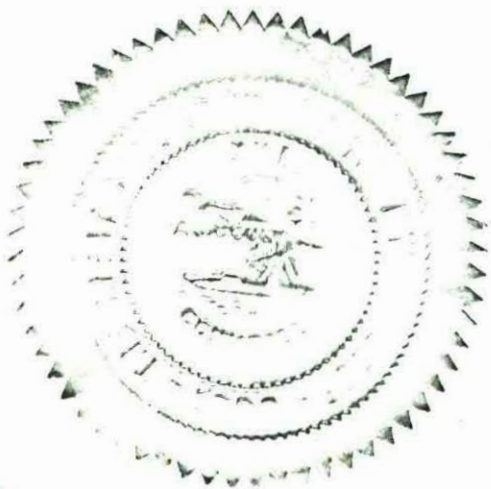
PRIVATE ACTS OF 1972

87TH GENERAL ASSEMBLY

the original of which is now on file and a matter of record in this office.

In Testimony Whereof, I have hereunto subscribed my Official Signature and by order of the Governor, affixed the Great Seal of the State of Tennessee, at the Department, in the City of Nashville, this 2nd day of March

A.D. 1972



Secretary of State

EXHIBIT "C"

PRIVATE CHAPTER NO. 232

HOUSE BILL NO. 1480

By Stafford

Substituted for: Senate Bill No. 1387

By Goddard

AN ACT to authorize levying a privilege tax in counties having a population of not less than 24,200 nor more than 24,300, according to the Federal Census of 1970 or any subsequent Federal Census, on the privilege of occupancy of any rooms, lodgings, or accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration, and providing for its collection and administration and declaring the willful failure to collect or pay such tax to be a small offense misdemeanor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Definitions. For the purposes of this Act:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than 90 continuous days.

(e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the

operator and no consideration is charged to or received from any person.

(f) County. "County" means any county within this state having a population of not less than 24,200 nor more than 24,300, according to the Federal Census of 1970, or any subsequent Federal Census.

(g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. Authority to levy tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five per cent (5%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as thereafter provided.

SECTION 3. Tax Added to Room Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the County.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the County.

SECTION 4. Remittance to Clerk. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the County which has adopted the provisions of this Act to the County Court Clerk or such other officer as may by Resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligation to the County entitled to such tax shall be that of the operator.

SECTION 5. Rules and Regulations. The County Court which has adopted the provisions of this Act is hereby authorized and empowered by Resolution to

provide reasonable rules and regulations for the implementation of the provisions of this Act. Without limitation upon the provisions of such Resolution, it may provide for the making of a monthly tax return by the operator under oath with such number of copies thereof as may be reasonably required by the collection of said tax and including such facts and information as may be reasonably required by the collection of said tax and including such facts and information as may be deemed reasonable for the verification of the tax due and may provide for and require access to the pertinent records of all operators at reasonable time.

SECTION 6. Offer to Absorb Tax Prohibited. No operator of a hotel should advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Court Clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of \$50.00.

SECTION 8. Records. It shall be the duty of every operator liable for the collection and payment to the County of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the County, which records the County Court Clerk shall have the right to inspect at all reasonable times.

SECTION 9. Administration. The County Court Clerk in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provide by law.

For his services in administering and enforcing the provisions of this Act, the County Court Clerk shall be entitled to retain as a commission two and one-half percent (2-1/2%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. 67-3033 it being the intent of this Act that the provisions of law which apply to the recovery of State taxes illegally assessed and collected be conformed to apply to the recovery of taxes illegally assessed and collected under the authority of this Act; Provided further, the County Court Clerk shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, with respect to the adjustment and settlement with taxpayers, all errors of County taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the County Court Clerk and the Resolution authorizing levy of the tax shall designate a County officer against whom suit may be brought for recovery.

SECTION 10. Application and Allocation of Revenue. The County Court Clerk or such other officer as may by Resolution be charged with the duty of collection of the tax hereby imposed shall remit the proceeds thereof to the County Trustee to become a part of the general fund to said county.

SECTION 11. Severability Clause. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this Act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 12. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any County to which it may apply, not more than sixty (60) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 13. This Act shall be effective upon becoming a law, the public welfare requiring it, but the

provisions thereof shall not become operative until
ratified as provided in Section 12.

PASSED: February 21, 1972


SPEAKER OF THE HOUSE OF REPRESENTATIVES


SPEAKER OF THE SENATE

APPROVED:

February 28, 1972


GOVERNOR