

July 8, 2015

City of Minor Hill
Mayor Tracy Wilburn
13200 Minor Hill Highway
Minor Hill, Tennessee 38473

VIA ELECTRONIC MAIL

Dear Mayor Wilburn:

I have been asked about the advisability of spending city funds to improve a road outside of the city limits. At issue is a request for the city to assume roadway maintenance responsibilities for Dillon Lane, a road that lies primarily outside of the corporate limits in Giles County, except for a short stretch of roadway that intersects Highway 11 within the city.

Please be advised that Tennessee Code Annotated § 54-7-109 gives the county highway department general control over the *“location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads under § 13-3-406 and including bridges and ferries, but not including roads and bridges under the supervision of the department of transportation or a municipality.”*

Accordingly, the improvement and maintenance of Dillon Lane outside of the Minor Hill corporate limits is a county responsibility.

Furthermore, please be advised that the public purpose doctrine in Tennessee dictates that cities can only use public funds for public purposes. Courts have reasoned that since taxes can be levied for only corporation or public purposes, expenditures can only be made for those same purposes. A public purpose is generally anything that promotes the public health, safety, welfare, morals, security, prosperity, or contentment of the residents of the municipality. *Shelby Co. v. Exposition Company*, 96 Tenn. 653, 36 S.W. 696(1896). So even without the statutory duty placed on the county highway department in T.C.A. § 54-7-109 to maintain Dillon Lane, the primary purpose of the expenditure of public resources, should it take place, would be for the benefit of non-resident property owners – which is contrary to the public purpose doctrine and would be an inappropriate use of city funds.

Please let me know if you have further questions regarding this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant